COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPECIAL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:  David T. Vieira

Wednesday, April 6, 2011
7:00 p.m.

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Carol P. Tinkham
(508) 759-9162
THE MODERATOR: Okay, if you want to come in, sit down and take your seats. Please don’t forget to check in tonight, the attendance will be published in the Falmouth Enterprise. I want to thank FCTV-13 for their gavel to gavel coverage. I remind all Town Meeting Members to introduce yourself by name and precinct for each time you speak.

Our tellers this evening in the first division will be Mrs. Tashiro; in the second division will be Mr. Dufresne and in the third division will be Mr. Hampson.

All Town Meeting Members present please come forward so we can establish a quorum.

Okay, let’s establish a quorum. All Town Meeting Members present please rise for the establishment of a quorum.

[Pause.]

THE MODERATOR: In the first division, Mrs. Tashiro.

MRS. TASHIRO: 54.

THE MODERATOR: 54.

In the second division, Mr. Dufresne.
MR. DUFRESNE: 78.

THE MODERATOR: 78.

Third division, Mr. Hampson.

MR. HAMPSON: 56.

THE MODERATOR: 56. By a counted vote of 188, we have a quorum and I call the Town Meeting back into session.

Please rise for the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I recognize John Magnani for our invocation.

MR. MAGNANI: As we gather this evening as Town Meeting Members representing the Town of Falmouth, we ask for the guidance of our Creator in considering the articles to be presented to us tonight. Help each of us to realize that the good, the safety, and the people depend on what we vote tonight. Amen.

THE MODERATOR: As many of you know, for many years in Falmouth, John Magnani has been our Senior Center Director and he has recently retired his service to the Town, so John, thank you very much for your years of...
service to Falmouth.

[Applause.]

THE MODERATOR: John, I hear we’re looking for some more board members on the Friends of the Senior Center, so if you’ve got some free time.

Okay, Article 17 is where we left off. Article 17 is to appropriate a sum of money for the Wastewater Management. Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 17 as recommended with the following change. The third line from the bottom that starts with “this appropriation from the provisions of Proposition 2 ½, under the provision of M.G.L. Chapter 59, sec. 21C (j)”, the “j” should be changed to “k”, and the rest reads as it is.

THE MODERATOR: Okay, the main motion is as recommended and changing that one little subsection to k.

We’ll have a presentation, Ms. Valiela.

MS. VALIELA: Thank you, Mr. Moderator, Ladies and Gentlemen, Town Meeting
Members and the voters watching us at home.

Virginia Valiela, precinct 5, and representing
the nine members of the Review Committee that
worked on the Comprehensive Wastewater
Management Plan during the last year.

I am commenting on Article 17 in two
parts. The first part is the recommendation
from the Finance Committee with the yellow sheet
that came in your warrant booklet. And the
second part is the green sheet that was passed
out on Monday night, and I hope everyone has
one, which amends Article 17.

I’m going to be commenting on process
and I’m going to make a clear distinction
between motions and explanations. The motion is
the legal record of the town and the
explanations give guidelines, amplify an idea,
give a sense of where the information would –
where the projects would explore, but they are
not binding.

FROM THE FLOOR: Please speak into the
microphone.

MS. VALIELA: I’m sorry. Okay. Are
we good? Thank you.
All right, so the first part, Article 17 with the yellow sheet. Article 17 is a funding article, and it moves Falmouth forward on the wastewater issue. The primary focus is to remove nitrogen, excess nitrogen, in the southern coastal ponds and I have one slide. And there is the slide to remind you of what you saw last fall. The recommendation is the areas – the peninsulas south of Route 28 that are in color. They stretch from Falmouth Heights over to Seapit. The watersheds go inland and cover nearly half of the town.

We have looked at this comprehensively and I will continue to use that word because we are using the West Falmouth Treatment Plant. We are concerned about discharge. This whole plan is comprehensive in the sense that the entire town is involved in one way or another.

We as a review committee are looking for the most effective way to remove this nitrogen and deal with the health of our coastal ponds. The review committee is proposing that the Town proceed on parallel tracks: preliminary engineering design that looks at the sewer
system in a comprehensive manner, from
collection to treatment and discharge. And, at
the same time, a half dozen projects that are
listed on the yellow sheet and two studies. And
I'm just going to very briefly go through these
so that they are in the record: shellfish
cultivation; widening of one or two ponds;
permeable reactive barrier, which is a
technology that would be tested; correction of
road runoff into Little Pond, which has four
discharges; and composting toilets at town
locations.

The two studies will be to complete the
total maximum daily limit -- setting the total
maximum daily limit on the ponds that have not
been studied, and there are three in the town,
and it will develop a comprehensive plan for
Oyster Pond, which does have this TMDL, but does
not have a plan that addresses what that - how
that limit would be met.

The funding for Article 17 is a lump
sum, and you see that number at the bottom of
your yellow sheet: 2 point 2772250. It is a
debt exclusion and it is a debt exclusion that
replaces new debt from expiring debt. We have bonds that we are paying off and so we are re-issuing debt in that same amount. The result is that it does not change the tax rate. And we want to stress this to the voters and to the Town Meeting Members. We are doing very important work here in moving this key issue forward but we are not raising the tax rate.

The individual projects that are listed on this yellow sheet will be developed in conjunction with the new Wastewater Management Committee that was voted last night in Article 31, in conjunction with the Wastewater Department and the DPW, and the contracts are awarded by the Selectmen. And I list those things because I want to make it clear that this is going to be a very public process, and that there will be multiple opportunities for community input. We are basically setting out the scope of what needs to be done and the particular avenues that need to be checked, and then each of those will proceed forward on their merits.

The dollar amounts that are listed in
your yellow sheets - and here I’m emphasizing explanation - these dollar amounts are estimates. They are not finite numbers. They are estimated for what we at the time that we developed the recommendations believed were sufficient for those projects. But they are flexible. This article is a lump sum and the funding within it is flexible. So that means if we widen Bourne’s Pond, we don’t widen Little Pond. The funding that has been allocated is sufficient - is the excess funding can be used on any other project.

These recommendations were developed last fall and reported to the Selectmen. We know a lot more now about alternative toilet technologies than we did last fall. And so I’m now moving to the second part of my comments. The green sheet, the amendment, represents the information that has come to all of us since last fall. A number of the committee attended the eco toilet summit and we have also received a lot of both written information and email information, and so we are supporting this amendment.
The amendment makes two key changes. It reduces the engineering amount from one million to 500,000 and it allocates that 500,000 to a very robust and detailed pilot project for a variety of alternative toilet systems. The amount of engineering in the motion that you will hear is set at a maximum of 500,000. We have on our committee an engineer; we have made some inquiries and we believe that that 500,000 will do what needs to be done. We believe that it is workable in generating the plan that this town needs.

Mr. Moderator, I’d be glad to answer questions, or members of the committee, on our portion of Article 17.

THE MODERATOR: Okay, what I’d like to do is have any questions for the Committee first, and then I’ll entertain the motion to put the amendment on the floor and then we’ll have the full debate. So are there any questions for the plan committee? Mr. Rowitz.

MR. ROWITZ: Ray Rowitz, precinct 5. I was wondering on the engineering portion, the 30 percent of the design for a million dollars,
what is that 30 percent of?

MS. VALIELA: The 30 percent was written in as an example of roughly what we thought we would be getting for the one million dollars. It depends on the level of detail that we actually do receive for 500,000. So, I would say at this point we would not estimate whether we’re getting 30 percent design. We will definitely be getting sufficient design to look at the whole system.

Is there anything else that might – Peter?

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator, Peter Boyer, precinct 5. There are really two key issues that the preliminary design needs to focus on. One is how much would the whole system cost if it were to be built. And that’s a much more precise number than what we have now. We have very gross estimates and those numbers need to be refined.

And secondly we need to insure how the entire system, if it were to be built, would fit into the existing system. Remember we have the
existing sewer collection system, and it has a capacity for an additional flow. In my head is the number 200,000 gallons a day; I don’t really know that. But this particular preliminary design would help us insure what locations could be included with an expansion of the existing system. That’s why the preliminary design work is a key component.

THE MODERATOR: Okay, further questions for the Committee? In the back left, there.

MR. MOORE: Yes, Steven Moore, Pleasant Lane. I’d like to know if this preliminary design will give us what the current need in gallons per day is for the entire town, and for what the proposed sewage area is.

MS. VALIELA: I didn’t hear the first part. The total number of gallons, I’m sorry?

MR. MOORE: What is the current need in gallons per day for the proposed system?

MS. VALIELA: What is the current need?

MR. MOORE: Correct. What do we need today?
MS. VALIELA: What do we - we don’t have that number.

MR. BOYER: If I could take a leap of faith and maybe answer the question you might be asking. The entire gallonage per day supposition for the project area would be a total of three million gallons. Something in that order. The first phase of that would be around Little Pond, and that number is unknown, whether it’s 200,000 or some other number.

I can’t give you a definite answer about whether the preliminary design work would answer the question of precisely how many gallons would be within the Little Pond watershed, but it’s probably achievable. Did that get to your question?

MR. MOORE: No, because the number of houses that we’ve talked about serving in the first phase of this project is approximately 7500. So the gallons - the average gallons per day usage per house times the number of gallons that you’re talking about, plus any kind of a projected growth rate that we see going forward over the next 20 or 30 years for a project of
this magnitude doesn’t equal two or three
million gallons a day. Doesn’t even come close.

You had Sterns and Wheeler as your
advisor for what was going on. I mean, those
are very basic questions in sewage treatment
plant design and I can’t believe we don’t have a
design number or a preliminary number that we’re
shooting for.

MR. BOYER: Yes, yes, yes, there are
those design numbers and –

MR. MOORE: So, what are they?

MR. BOYER: – they’re contained within
the report. As I remember, it’s three million
gallons per day within the project area, which
gives the maximum and allows for growth.

MR. MOORE: Well, how much growth?

MR. BOYER: I do not have that number.

MR. MOORE: Okay, so can – can you
tell me –

THE MODERATOR: It’s based on build-
out.

MS. VALIELA: Yes –

MR. MOORE: So, we’re –

MS. VALIELA: Sir, one of us at a
time. The gallons that were in the Sterns and Wheeler report presumed build out, which means that every lot that could have a house or parcel that could be subdivided was in fact subdivided and built on. So it’s a maximum number. So we have a maximum number based on the engineering estimates. But you don’t have a detailed design for the area that will initially be sewered and we need to get to that point.

THE MODERATOR: Mr. Moore, you had a second question?

MR. MOORE: Ah, yeah, yes, please. Can the Committee tell me what the historic growth rate they’ve used or would imply using or direct their engineer to use going forward for the Town?

MS. VALIELA: Again, it’s build out. So, the growth rate is not a pertinent question.

MR. MOORE: Excuse me, growth happens. This is a 30 or a 50 year project depending on who we’re talking to, and growth does happen over 30 to 50 years and we need to plan for it.

THE MODERATOR: The estimate that was used is 100 percent build out, so the maximum –
MR. MOORE: But growth happens beyond build out.

THE MODERATOR: You can’t build in Falmouth anymore.

MR. MOORE: Excuse me, commercial businesses grow. People enlarge their houses. Different things happen. Growth happens. I’m sorry, if you look at Mr. Jack’s numbers from last night regarding our water usage, our water usage is projected to grow past 2030 and continuing into the future. Our sewage use will do the same.

THE MODERATOR: Okay. Any further questions?

MR. MOORE: Not at this time, thank you.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Bob Donahue, precinct 3. I have at some of your meetings brought up the subject of Falmouth Heights. Falmouth Heights is not in precinct 3, so why do I care? I care because I’ve taken a ride up through there and looked at the lots, the postage size lots that those folks have and the potential in the next
ten years that they will need to be sewer.

Now, I can understand because of your calculations if you add those homes in, it blows the calculations up and we – and it throws everything out the window, but I do think that the calculation of putting the pipe in the ground and having it as an option for those residents to be able to develop into the sewer system at a needed time, rather than going to the expense of having to go to a Title V or – I’m having a – I forget what the sewage, the septic system that’s over Title V, but – but it just – you’re not planning for growth, and in an area that really needs the growth. Thank you.

THE MODERATOR: Mr. Boyer.

MR. BOYER: Mr. Moderator. What the gentleman is suggesting is that the portion of Falmouth Heights outside the Little Pond watershed should also be sewer, at least with dry lines for a future connection. Even though it’s not within the Little Pond watershed and thereby affecting the water quality of Little Pond, his suggestion is that we should also invest in dry sewer lines or active sewer lines.
for the portions that are west of the Little Pond watershed. They should be included in a construction project in the future.

I won’t debate that here. It’s a legitimate question, but it is not part of the project area which had been limited to solving the question within the estuaries and in this case Little Pond estuary.

THE MODERATOR: Mr. Stetcher.

MR. STETCHER: Bernard Stetcher, precinct 3. I just have a quick question. On item number 3 under the yellow sheet, you’re talking about a permeable reactive barrier demonstration project. Didn’t Joe Apicella have it put in already? And are there any results from that? So why are we going to do it again?

MS. VALIELA: Mr. Apicella can certainly speak to his particular experience, and there was a second one put in at the Waquoit Estuarine Reserve that was somewhat larger, I believe. I know that the one at the Waquoit Reserve did have success in intercepting the nitrogen, and that is one of the reasons why the Committee felt that this should have a serious
look. But the one at the reserve is just 50 feet long and it had some issues when the tide was too high, the groundwater actually flowed over the barrier and so it’s – this – you can’t just say they’ll work and start putting them in the roads. We need to look at an area where it can be installed, is sufficiently deep to intercept the ground water that is coming through that area, and that – that depth may be 25 feet, even 30 feet.

So, again, this is sort of like a topic sentence. This is an avenue that needs to be investigated, needs to have some focus. We need to find an area of the Town where it could be installed, and we don’t have the answers to that. The Committee identified promising alternatives that needed further study.

THE MODERATOR: Mr. Sellers.

MR. SELLERS: Hi, Paul Sellers, precinct 6. My question was in regard to the projects that you have outlined here, the five projects. And you mentioned that you would have the ability to be flexible with the line items and the spending. So my expectation would be
that all five of these projects would be completed. Are we really confident in the line items that you have for these projects?

MR. BOYER: My answer to that is yes and no. Ha-ha. I think on any front we would proceed until a fatal flaw. Now, whether that happens soon or late or never would probably dictate whether we in fact complete.

So, I think our expectation is that we could if these numbers - if these budget estimates are right, we could accomplish all of these. And so, we want to. We want to give a good faith effort to these alternatives. And it may be that we could accomplish one for 75 percent of what the budget number is and need more money in another. Just exactly as we have done with our own capital budget over the years, it’s an aggregate sum and if we need a little money in one purchase that we could take from another, we’d do it. But certainly our good faith effort to start with is to accomplish all of these.

THE MODERATOR: Okay. Further questions? Mr. Hampson.
MR. HAMPSON: George Hampson, precinct 5. Over the past year, at least the past year, there has been some problems with the West Falmouth plant, in discharging high values of nitrogen. And my question is, number one, will that problem be able to be fixed so that we get three milligrams per liter, like the minimal we’re supposed to have? And then, when you add more treatment to that plant, will it be able to handle it? Now, I know this is a tough one, but it’s a realistic question, particularly from the people from West Falmouth that expect that we’re going to see that improve over time.
Thank you.

MS. VALIELA: Steve Rafferty.

MR. RAFFERTY: I’m Steve Rafferty. I’m from Precinct 2 and I’ve served on the Committee. That’s an excellent question. I think there’s a little bit of I don’t want to say misinformation, but I’d like to start from the fact that the plant is permitted for a certain number of pounds of nitrogen discharged, and the pounds of nitrogen that discharges is a function of what can be tolerated in the West
Falmouth Harbor system.

From looking at the records over the last several years, it is my clear understanding that we have never discharged more pounds of nitrogen than West Falmouth Harbor can handle. The plant has gone through some exercises of learning how to run what’s called an SBR type plant, and particularly during the winter periods when the flow levels are down and the temperatures are cold, they have had hard times making what are -- although they’re in the permits and one can say they’re not meeting their permit, that three milligram per liter number you put out there, in the wintertime it’s a hard number to make unless you have enough flow coming in to keep the process warm enough.

As more flow comes into the basins in the size of the basins they have, making the three number all the time will be easier to achieve, but at no time have they exceeded the pound number, and we’re reasonably confident because this is not one unique plant. There are another 12 or 15 plants like this in Massachusetts. Probably 50 plants like this in
Southern New England that all operate well.

All wastewater treatment plants by
nature of the biological process being run
struggle when the temperature gets really cold
outside to make absolute daily values and
numbers. But at no time have they ever had a
problem with total poundage.

Did I answer your question? Thank you.

THE MODERATOR: Ms. Siegel.

MS. SIEGEL: Debra Siegel, precinct 6.

Mr. Moderator, would you clarify are we just
asking questions of the Committee now or are we
debating –

THE MODERATOR: We’re just asking
questions.

MS. SIEGEL: – the article or the
amendment –

THE MODERATOR: Just questions to
start, and then I’m going to allow the amendment
to be placed on the floor and then we’ll open
debate.

MS. SIEGEL: Right, thank you.

THE MODERATOR: Okay, Mr. Duffany.

MR. DUFFANY: Michael Duffany,
precinct 6. My question is to the build out question, if you will. Is there already in place a cap or a limit of number of bedrooms that we can have, or is there proposed to be that in this area? I think that would help to deal with the growth issue up front. Is it a five - you know, are you allowed five bedrooms or are you allowed three bedrooms?

MS. VALIELA: At this point that nutrient management bylaw is still being worked at the Planning Board level and the staff level. You did see it in an earlier Town Meeting and then it was felt that there were additional zoning issues that needed to be addressed, so that is still being developed.

So, the simple answer is has a limit been set of three bedrooms or five bedrooms or any limit, the answer to that is not yet. And that is something that is another piece of work of this very large issue that is moving along and obviously will have to be in place before we actually start construction and make finite decisions on sewers.

THE MODERATOR: Mr. McGrath.
MR. MCGRATH: Mine’s not a question is to make two suggestions. I would either ask the Committee to let me make them or I’ll wait.

THE MODERATOR: Why don’t we come back, when we get into the debate.

Any more questions? Mr. Fleer, was it a question for the Committee?

MR. FLEER: Alan Fleer, Precinct 6. I’m just wondering what the status is of the alternate discharge site for the Wastewater Treatment plan, you know, and the Peterson property that the Town swapped land for that would not affect a coastal pond. You know, if we’re going to put three million gallons through that plant and enlarge it, it’s got to go somewhere and it can’t go at that site. So, what is the status of that and is considering that part of the engineering part, here?


MS. HARPER: Those negotiations would have to pick up again. There’s no settlement.

MR. FLEER: [No mic:] Well, I – go ahead.

MS. VALIELA: I would just add one
other piece. The Committee identified a number
of areas for discharge. We do think that the
sites closer make more sense because they’re
closer. But, again, if you look on the map up
there, the sites that are in yellow, those are
all potential discharge sites.

THE MODERATOR: Okay, Mr. Kasparian.

MR. KASPARIAN: Thank you. Michael
Kasparian, precinct 5. I just want to go back
to Mr. Rowitz’s question about the 30 percent on
the design plan. Just looking at the dates,
regardless of whether it’s a million dollars we
spend now or a half a million dollars, my
understanding is it’s going to be for a small
portion of that total design.

The dates I see is that Sterns and
Wheeler estimates ten million dollars, but this
is not going to be approved or has to be
approved at least by 2014. Have they expressed
the possibility of that estimate perhaps going
up ten percent, twenty percent, five percent?
How close is that estimate? We’re talking about
a couple of years, now, to complete a ten
million dollar estimate and which tonight we’re
either going to vote yes or no for a half a million dollars or a million dollars, and my concern is: how close are those numbers?

THE MODERATOR: Mr. Boyer.

MR. BOYER: We need to go through - we. The Town needs to go through a process before we even get to that question. And you should make a distinction between two engineering estimates. The first one is for the preliminary design of the entire system over all of the peninsulas. The second one, which is scheduled, as those of you who may know or there’s a chart that shows periodically what activities would happen when, and in the Committee’s plan is included another $9 million for engineering design that would start in 2014, I think is the time you’re thinking of. That is not for design of the entire system, but rather a construction design for the first portion of the system.

And, for lack of a better way of defining it, I would say 100 million dollar’s worth. And that that would be a ten percent - and in our case we allocated nine percent of
that construction design as a fee. Now, that is
to be negotiated with whomever the Town selects
as its design engineer for first the preliminary
design of the entire system and then secondly
the construction design, which has to come
before Town Meeting probably in 2013 for that
small portion of the total that would be for the
actual construction work.

Does that get to your question?

MR. KASPARIAN: Yes, thank you.

THE MODERATOR: Okay, any further
questions before we take the amendment?

Okay, Mr. Patrick.

MR. PATRICK: Thank you, Mr. Moderator. Matthew Patrick, precinct 7. I move
that the Town appropriate the sum of $2,772,250
for the purposes of Article 7, including costs
incidental and related thereto as follows: to
fund wastewater management studies, planning,
design, construction and demonstration, with up
to 500,000 for sewer design and engineering to
implement the Comprehensive Wastewater
Management Plan.

I don’t think I have to read the second
paragraph. It’s the same as the original article. And I just want to get into a presentation.

THE MODERATOR: And also, on the green sheet, make that same change from the letter in the third from the bottom, it should be “k”, section k in the Massachusetts General Law Chapter 59, Section 21C (k).

MR. PATRICK: Right.

THE MODERATOR: Mr. Patrick.

MR. PATRICK: Thank you, Mr. Moderator. Good evening fellow Town Meeting Members. You have always impressed me with your careful deliberations. Be proud of your role as legislators of Falmouth. If only our state legislature could be so democratic. You have a very important decision to make tonight that will shape the future of our town now and into the future, so please keep an open mind.

About the motion. This motion is not the same one that appeared in the Enterprise last Friday. It’s a new, reasonable compromise that moves us in the right direction. It frees up $500,000 for the eco toilet demonstration
project that will give us the answers we need to move forward. It takes the word “repairs” out, so repairs can no longer be funded with the money in the article, and limits spending on sewer design to 500,000, up to 500,00.

I have also asked that the last line in Project Section 6 is stricken out. And if you look at the back of your green sheet, six, the composting packaging in urine diverting toilet, the description of our project, of the demonstration project, the last line says, “This study shall be completed before investing in further design work for expansion of the Town’s central sewer system”, I’ve asked for that to be lined out so that’s no longer a part of this, even though it’s only a recommendation for the Selectmen. The Selectmen do make the final choice on how to fund these projects and which projects are funded.

Like many of you, I’ve always liked Falmouth because it wasn’t exclusive. We have a very economically diverse community, and I believe it is good for all of us to be reminded that not one -- not everyone has the same luck
in life. It's good to raise children in a world where everyone isn't like them. But all that could change with this decision tonight. If we decide to sewer, we could turn this Town into a gated community. Like Chatham or Nantucket, it's very difficult for moderate income people to live there.

The EPA, Mass. DEP and the Cape Cod Commission are coming to that same realization. They have begun to encourage alternatives to big pipe sewers because they now recognize that their costs are unfunded mandates that will economically devastate communities. The combination of betterments and taxes will force middle income families and retirees on fixed incomes to move out, or at least the potential is there.

Falmouth has spent roughly $800,000 to develop a comprehensive wastewater management plan. The vast majority of that money has been focused on sewers. Only a very small amount of it was spent on alternative toilets. The consultant came to the conclusion that eco toilets would not be acceptable to the average
citizen and therefore were not worth further consideration.

If you remember one thing from my talk tonight, remember this: we just don’t know if people will accept these less expensive alternatives. Can people learn how to live with them? We don’t know. A demonstration project will tell us that, along with how much an average installation costs, how much nitrogen and phosphorus are captured, and it will also tell us how we can process and recycle the waste.

How do we know these things about eco toilets? Or why do we need to know these things about eco toilets? Number one, installing and operating eco toilets are measured in tens of millions of dollars for 8,000 homes versus hundreds of millions of dollars for sewers.

Number two, if you value the health of our bays, you should support this because eco toilets can be installed by local plumbers in less than half the time it would take to install sewers.
Number three, more than 80 percent of the household’s nitrogen can be removed, can be intercepted and turned into commercially viable fertilizer.

Number four, we won’t have to rip up our roads.

Number five, water usage will be significantly reduced. A few ounces of urine pollutes 1.6 gallons of water every time you flush the toilet. Mr. Hampson’s irrigating water on rainy days comes to mind as another example of waste.

Many local and permanent jobs will be created. That’s number six.

Number seven, pharmaceuticals will be intercepted before they pollute millions of gallons of water.

Number eight, in combination with inlet widening or shellfish propagation, or both, we may meet TMDL and Sentinel requirements in our bays with these eco toilets.

The simple truth is it is economically and environmentally smart to make these considerations to determine if they are
applicable and whether or not we will accept them before we forge ahead with this huge decision that will cost the town more money than we’ve ever committed to before in our history.

Is it worth waiting a few years to have all the data before we make this final decision? Consider these facts. It’s been about 30 years since we found out that the impact of septic systems on our bays, and it will not get noticeably worse in the time it takes for us to get this right in the next two or three years.

To those that would argue that we need to start sewering now before the health of our bays further deteriorates, it’s only more of an argument for an eco toilet system which can be installed much more quickly, in very few years.

Concerning state revolving loan fund, I was in the room when we arbitrarily decided on that deadline. It was the Cape Cod delegation of your legislature that decided on that deadline. So far, a lot of towns are having trouble meeting that deadline. In fact, to my knowledge, no town has. That can be moved legislatively very easily.
To those that bring up the threat of a lawsuit, Falmouth is making a great deal of headway by anyone’s measure. We are taking the hard questions and we are examining them. And this is going to be a further step in that process. We may even be setting a new standard that other towns can follow.

Finally, and regrettably, I have to say my integrity has again been questioned by people who insist that I am doing this to promote my own business interests. Anyone who knows me, knows that I am not – I will not compromise when it comes to honesty and transparency in all of my actions. My sixteen years of public service speaks for itself.

While it is true that if the Town decides to do this it will create many, many jobs, I do not have any intentions of being a part of it. I don’t even have a plumbers license. I’m doing this for another reason. Actually, many other reasons.

My concern is for the people of Falmouth, the folks sitting at home watching this on T.V., the folks who are oblivious to
this conversation that we are having, the
unemployed carpenter and his wife that have
maxed out three credit cards. The teacher who
cuts grass in the summer to raise his family but
is concerned about being laid off. The elderly
couples that are hoping Social Security keeps up
with Medicare increases. The single mother who
hasn’t paid the last oil bill and has shut off
the oil heat early so she has enough hot water
and only turns it on for hot water for her kids,
to bathe them. And finally the newlyweds who
want to stay in town but aren’t sure they can do
it on their combined salaries. These are the
people that I care about.

These are the people that I’ve come to
know as a former state rep with all the myriad
problems. These are the people that I want to
say, “Hey, we’re looking out for you folks.”

I know Falmouth is a caring community.
Please join me tonight in keeping it that way.
Thank you.

THE MODERATOR: Okay, discussion on
the amendment? Mr. McGrath, do you want to
start since we’re in the debate mode? And then
Ms. Lichtenstein.

MR. MCGRATH: My name’s Michael McGrath, I’m a registered engineer. I have told the Town in writing that the innovative and alternative technology I promote is not suitable for municipal purposes. I live in West Falmouth, and one of the things that we should be doing and direct the engineering firm to do is to move the soil absorption systems outside the West Falmouth Harbor recharge area. We have a certain threshold number of gallons capacity in that treatment plant that we can discharge, and right now there’s no question that the plume from the treatment plant is affecting West Falmouth Harbor. And I think that we should move it so that we either buy more land, we do swaps with people, we somehow move the soil absorption system and the place we discharge into an area that doesn’t drain into West Falmouth Harbor.

Can you show me the next slide, please?

I was the design engineer on the Little Pond Landing. And there are two pieces of material that are three pieces of real facts that drive
me to make a recommendation that we actually go ahead and design sewers right now and we start building sewers. If we don’t have enough capacity, build the sewers in the commercial street. I’m going to tell you why.

During the Little Pond Landing process, we measured the total actual nitrogen in Falmouth Trade Center. Falmouth Trade Center’s the bowling alley, it’s got Winston’s, it’s across the street from Spring Bars Hill Road – Spring Bars Road from the Falmouth Mall. It’s right in front of Little Pond Landing. Under the MEP model, it has 98 kilograms per year of total nitrogen. The actual nitrogen measured is 194 kilograms of nitrogen per year.

We need to start fixing this pond.

There’s another piece of data that’s very important is that Ivan Valiela’s students – can I borrow a red? During the process of Little Pond Landing, Ivan Valiela, a professor at MBL, had his students install monitoring wells; I think they’re every 200 feet, all the way around, on both sides. I attended a presentation and they stated that they found
significant amounts of dissolved ammonia in the lower third on both sides of Little Pond. Ammonia is much more available biologically than nitrate.

That also indicates that most of the septic systems in the lower portions of the two peninsulas on either side are cesspools installed into the groundwater.

THE MODERATOR: Mr. McGrath, I think we’re going a little off of the article, here. We’re not going to take all new recommendations for the comprehensive wastewater plan. We need to make a decision whether or not we want to fund this plan for the amount said and if we want to switch that 500,000 over to Alternative Systems from Design.

MR. MCGRATH: What I think, I want to make sure that Town Meeting hears that we should start sewering and start sewering now and I believe that we should design this now and I think we should start modifying the groundwater discharge permit and that now’s the time to do it.

So, that’s my recommendations to the
Town Meeting.

THE MODERATOR: Okay, Ms. Lichtenstein.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 9 - I'm sorry, Precinct 8. Numbers, there's too many numbers here tonight.

A number of years ago we built a wastewater treatment plant here in Falmouth and we were the first ones in the state to not only use sand filtration beds for the effluent to go out, but we used some of the University of Pennsylvania's spray technology to spray those - the treated water onto part of the Town Forest.

We were the first in the state to do that, then; I think we should support this amendment and be in the first in the state to try to use alternatives. Undoubtedly there are places we're going to have to sewer. But if there are places we don't have to, I think that we should be - Falmouth should try to lead the state in using alternatives the way we did before. Thank you.

THE MODERATOR: Further discussion?
Ms. Hayward. To my right, Ms. Hayward.

MS. HAYWARD: Nancy Hayward, Precinct 5. I have concern about reducing the engineering part down to only $500,000. I’m not capable of discussing whether that’s enough, but it bothers me if – Mr. Moderator, if there’s anyone else that thinks that they can give me some insight into that. I guess –

THE MODERATOR: Well, the Committee’s comfortable with it.

MS. HAYWARD: May –

THE MODERATOR: Ms. Valiela from the Committee said that the Committee was comfortable with the amendment.

MS. HAYWARD: Thank you, I’d be very pleased to hear Mr. Rafferty’s comment on that, thank you.

THE MODERATOR: Okay, Mr. Rafferty.

MR. RAFFERTY: Steve Rafferty from Precinct 2, again. When Bob was up here before and touched upon the engineering numbers, what he was trying to convey is that in this next phase of the project, we want to move from a very general idea that areas need to be sewered,
and move more specifically into how deep would
the pipes be, how big would the pipes be, how
many pump stations do you have to have.

That can be taken to a certain point,
and it can be taken to a point past that. Our
committee did initially come in with a million
dollar number because we felt it was important
to get a very good handle on a number of issues,
particularly where you would discharge to the
ground or how you would distribute back to some
sites. But we also recognize that where we can
discharge to is still in flux, and maybe it’s in
the future before we have to come and look at
that element of the project in more detail.

I think we’re reasonably comfortable
that for a half million dollars we can look at
the key peninsulas, the ones that Mike is
mentioning around Little Pond and whatnot, get a
handle on how far, how deep, and what a relative
cost would be to build a system so that, when we
come back before you in the future for more
definitive detailed design engineering or
detailed delineations of the systems, that we
will be able to put more authoritative numbers
in front of you rather than gross estimates; we’ll be down to more specific estimates. So I’m comfortable with a half million.

THE MODERATOR: Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator, Carol Murphy, Precinct 9. Through you to Mr. Patrick. Are the affected areas for this sewering project, do they go from approximately Falmouth Heights all the way to Waquoit Bay for the proposed project?

MR. PATRICK: For the eco-toilet demonstration?

MS. MURPHY: No, the sewering project. Does –

MR. PATRICK: The sewering project, yeah, it would go from the Little Pond area – and the Committee has had the map up – all the way to East Waquoit area – I’m sorry, West Waquoit area.

THE MODERATOR: The Seapit area.

MR. PATRICK: The Seapit area.

MS. MURPHY: And has there been any kind of data collected as far as having the people installing an alternative wastewater
system to the sewering system, what the cost
would be per household?

THE MODERATOR: Mr. Patrick.

MR. PATRICK: For the eco-toilet
alternatives? We only have a very cursory
estimate now because we know how much the
toilets cost, how much composting toilets cost.
What is more of a consideration or more of a
concern is the cost of installation, and every
house will be different. Every house has
different toilets. That’s something we would
learn from the demonstration project.

MS. MURPHY: But from the figures here
on number 5, it looks like the composting
toilets will be $25,000 each and that’s not
including the septic - the hookup with the
plumbing, is that right?

MR. PATRICK: Those are the most
expensive composting toilet that they make,
those are Clivus Multrums, and they are for the
beach - is it Menauhant Beach, I think? So
those are sort of stand-alone units out in the
open. They will - they are very expensive, yes.
But that’s not the only kind of composting
toilet that exists. There are very good models
that start at about $5,000, and if I can call on
some of my colleagues to respond directly to
that, that question. Though you, Mr. Moderator,
if Mr. Zweig could speak to this?

THE MODERATOR: Yeah, if somebody
knows a cost estimate.

MR. PATRICK: Or Hilda.

HILDA: It is one of the reasons why
we need more studies, but a lot of these have
been installed, a million of them in Sweden.
Our whole neighborhood has them. There’s a
whole neighborhood in the Vineyard that has
them, so there’s a lot of information data that
we could collect to get an average. But when I
talked to the installers, the cost of a really
high quality one is between five and six
thousand dollars. And then, on top of that, you
have to include some shipping, which depends on
where you live, which he said might be as much
as a thousand dollars. So that gets you to
five, six, seven thousand dollars. And then the
rest is installation, and they have never
installed anything that got to become more than

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15,000 per house.

So, the ones that I found in the newspaper mentioned by Mr. Hoffer, $50,000, is not for a domestic one. That is for if you have a whole public facility with a little, you know, cabin around it and all that stuff. But in the house itself, if you count on $15,000, most likely it will be less for a lot of houses. There might be some really fancy houses that have tile work to do, you might have a little bit more. But you get the range that if you, you know, you get the range of between ten and $15,000 per house.

And then you have no water bill, because you save 30 percent of water, and electricity runs between 12 and 24 dollars a year. I live with one.

THE MODERATOR: Okay. Ms. Murphy. And then we’ll come down to Mr. Smolowitz.

MS. MURPHY: Thank you. Well, that’s $15,000 per household for the composting toilet and does anybody have a figure as far as what it’s going to be – I think it’s a 20 to 50 year period of putting this sewering in, as far as
the tax share will be per household? Thank you.

MR. PATRICK: I’d just like to add that we’re not limited to composting toilets. There are other toilets that are much less expensive. Urine diverting toilets, which are much less expensive to purchase and to install.

THE MODERATOR: Mr. Boyer, did you want to address that number?

MR. BOYER: Mr. Moderator, Peter Boyer, precinct 5. A great deal of focus was given to the cost of the central sewer system to the Town over the course of the proposed construction term, which is about 30 years. And that cost is in the $290 million range. The cost could be spread among all of the taxpayers or a portion of it could be absorbed by betterments. That’s been the whole area of debate of the question over the course of the committee’s study.

As an average, what we have now done a simple division of 290 by 7500 households gets us to about $30,000, $35,000. But that’s how you spend it, or rather how you raise it is still a very much an open question between
THE MODERATOR: Okay, Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Moderator. Ron Smolowitz, Precinct 8. I’d like to say that I’ve spent a lot of time talking to a lot of officials in the EPA, the DEP, Conservation Law Foundation. I’ve spent a whole week at a scientific conference a week ago on shellfish options. There are a lot of alternatives out there. We’re not the only people dealing with the wastewater issues. The Clean Water Act, which we’re – basically is driving this process, has been around and it was the National Pollution Act in 1948. The threats are different; they’re always changing; it needs to be adaptive.

Falmouth is a leader. We’re way ahead of everybody else. It’s just phenomenal. And we have the capabilities to take a lead not only in Massachusetts but nationally and internationally.

What I want to do here in the next five minutes is a lot of people raised questions about time frame. What are we forced to do?
Are we going to be sued? Issues like that. So, what I did is I just Googled comprehensive wastewater management. Or actually I said, “What the hell is Comprehensive Wastewater Management?” And it’s interesting. I have to put on glasses because it took me to a DEP site. And the Massachusetts DEP has a nice question and answers page. Unfortunately, due to cutbacks, they’re about a six font and I can’t read six font.

[Laughter.]

MR. SMOLOWITZ: So I swiped my wife’s travel glasses and I’m just going to read. Because this is really important for tonight, I think, for people to understand where we are in the process, what is expected of us, and what are the risks.

First question: what is a CWMP? Comprehensive Wastewater Management Plan. Comprehensive Wastewater Management Planning is locally managed, community-wide process that evaluates current and future wastewater needs, compares alternate solutions, and chooses a final plan based on cost effectiveness and
environmental impact. The resulting document is called the Comprehensive Wastewater Management Plan.

A CWMP is a key step towards implementational of total maximum daily loads. TMDLs. For nitrogen in Southeastern Massachusetts estuaries. Meeting the TMDL’s will reduce the nitrogen pollution that is causing poor water quality.

Next question: is a CWMP required to implement a TMDL? Does a CWMP have to indicate that the nitrogen TMDL will be met? Answer: a CWMP is not a formal requirement for implementation of a TMDL. However, DEP strongly encourages communities to develop sound plans that include public participation in order to implement a TMDL and a CWMP and that the CWMP is an excellent community-wide process for this purpose.

Next question, and this goes to the issue of whether we’d likely to be sued by a government agency.

What is DEP’s role in TMDL implementation? Communities will have the lead
in the implementation process. However, DEP has an obligation to ensure that Massachusetts waters are protected so that all citizens can enjoy a clean and healthy environment. DEP’s role will include support for community efforts, financing, regulatory review and policy guidance.

How many years do communities have to implement a TMDL? How long will implementation take? The answer: there are no specific time lines for completing the implementation process. But DEP does expect the CWMP to include specific steps and estimated dates for their completion. Ten to fifteen years is a reasonable time frame for full implementation of all proposed measures, but this will vary widely depending on the amount and source of nitrogen, the complexity and cost of implementation steps and the mix of solutions proposed.

DEP and EPA recognize that restoring polluted waters is a long-term process, particularly when groundwater is polluted by non-point sources. For this reason, DEP supports an adaptive management approach to
implementing a TMDL, taking the most cost-effective measures first, measuring their impact, and making adjustments where necessary. Giving priority to projects with more immediate impacts on water quality will help communities adjust implementation steps if needed.

Smaller community-based or cluster wastewater treatment systems generally take less time to implement than town-wide sewering and treatment plant construction. Smaller projects may require only several years to design and install. Large projects can take longer. Several projects often can be underway at once, especially if they are independent of one another.

It goes on. The fact of the matter is, is we’re ahead of our time. We’re doing a real great job, here. I look forward to this process and the participation of a lot more people in town looking at the alternatives and I think we could restore estuaries, bring back the winter flounder, bring back the American Eels, the submerged aquatic vegetation and that’ll bring back the Bay Scallops.
So I think we're on the right track.

Let's vote and let's move forward together on this. Thank you.

THE MODERATOR: Okay, Mr. Pinto and Ms. Siegel.

[Applause.]

MR. PINTO: Greg Pinto, Precinct 3.

First thing I'd like to say is this - I am one of those people who thinks that we need to do this and get moving. So I will be voting for this article this evening.

Everyone that I have spoken to, whether they live in my precinct or outside of it, their main concern is cost. There have been numbers thrown around and, you know, numbers fluctuate over time. But we all have seen how costs can escalate and all we have to do is look back at what happened with New Silver Beach. It was, what, ten or so years between the original order - I'm sorry - and the time that the sewer actually got going. And in that time, the costs escalated enormously.

This is a much larger project. These costs will also escalate. Nothing is getting
cheaper. Any pipes that we have that are made
from - as an oil byproduct, they’re not getting
cheaper. I work in golf course irrigation. I
can tell you: the price of pipe is going up.

Now, we’re not talking necessarily
about PVC pipes out here, we’re talking about
ductile pipes. That’s iron. The price of
iron’s probably going to go up, too. So, if as
last fall we decide, “Well, let’s move this to
next town meeting.” That’s another six months
of prices going up.

Enough about prices. I have a couple
of questions which may not be able to be
answered tonight but that I would like to at
least get out on the floor and have some people
thinking about. In regards to whether it be
composting toilets or denitrification systems,
you know, what have you, my first question is if
someone were to install one of these alternative
treatments, would there be, for those individual
homeowners, an exemption from the sewer
connection order?

So, like I said, I don’t know if
anybody can actually answer that question or if
anybody’s thought about it.

MR. PATRICK: I can address that now, Mr. Pinto. Right now there is no exemption on the books for someone who has installed one of those toilets or denite systems from having to comply with a town’s betterment order if the sewer is put out on their street.

MR. PINTO: Well, that’s something that I –

MR. PATRICK: If we do this demonstration project and people put these in, there’s two things that could happen after the demonstration project. We could decide that it does makes sense to pursue eco toilets. In that case, everybody will keep their toilet. It could be that we decide that eco toilets don’t make sense, and in that case, if you read that Section 6, that recommendation six carefully, we want to include money for putting the old toilets back into the house if the homeowner wants them. But I think the whole betterment issue would still be a question up to the Town if somebody wanted to keep those toilets, going forward.
MR. PINTO: All right, well that's -

thank you for that answer and I think that on
the Town level we need to think about that. I
mean, if we do this demonstration and if it's
shown that composting toilets or denitrification
systems, whether it be a Fast system, a Ruck
system, whatever, happens to work, then you know
if you go forward and there is no exemption,
then there's really no incentive for anybody to
bother doing those things unless it's part of
the demonstration project and it's being paid
for for them. Because, at that point, you know,
why am I going to spend money on a composting
toilet when I'm just going to get an order?

I personally happen to live inside that
100 percent zone. So I know that there's a
sewer coming down my street at some point in
time. So it would just make some sense to, you
know, put some thought into that as to whether
or not people would be allowed to not have to
connect to the sewer if they have something else
that is proven to work.

THE MODERATOR: Okay. Yes?

MR. PINTO: Well, the last thing I
would like to ask is about the monitoring of these things. What level of milligrams per liter, parts per million, whatever, are we aiming for on an individual home basis if we’re doing composting toilets or something like that?

MR. PATRICK: Composting toilets typically remove up to 88 percent of the household’s nitrogen. Urine diverting toilets will remove about 80 percent of a household’s nitrogen. The rest, the grey water, the shower water, the bath water, the kitchen sink, that water will still go to the septic tank and have some minimal amount of nitrogen in it.

The thinking is that we may be able to accommodate – we still may be able to reach our TMDL requirements and/or the sentinel points out in the salt ponds with a combination of eco toilets and inlet-widening or shellfish propagation. Those are the things we want to look at in tandem with this demonstration project.

MR. PINTO: Thank you.

THE MODERATOR: Okay. Mr. Johnson. I have a long list, here, so if we can get right
to our point or ask our question.

MR. JOHNSON: Leonard Johnson, precinct 5. This is a request of the committee or whoever’s going to be evaluating these alternative systems. As someone in their peripatetic academic career who has taken a lot of questions in statistics, you need to be very clear when you go into these projects exactly how you’re going to measure their efficacy. Do they work or don’t they work? I’d hate to have us come back three years from now and have an acrimonious debate on the floor of this town meeting as to whether the system worked in the eyes of one person or didn’t work in the eyes of another person. So this is a request that when we get into this we’re very clear on the matrix we’re going to use to evaluate these systems.

Thank you.

THE MODERATOR: Ms. Siegel, then Mr. Young.

MS. SIEGEL: Debra Siegel, Precinct 6. I’m strongly in favor of the article and now that the last sentence of project six has been removed from the amendment, I can support this
also. But I do have a question through you –

THE MODERATOR: Okay, I just want to
be really clear that the explanation is merely
an explanation.

MS. SIEGEL: I understand. I
understand. Mr. Moderator, through you to Mr.
Patrick: Matt, are there any figures on what
percentage acceptance by residents of affected
areas would be needed to eliminate the need for
a sewer system? Is that clear?

MR. PATRICK: Well, that’s what we’re
trying to find out. We want to find out if
people will accept them and will learn to live
with them. That’s really the big research
project.

MS. SIEGEL: But do we – are there
figures that say it has to be 100 percent for it
to work, or will it work if it’s only 60
percent? Because if we still have to build the
sewer if it’s only 40 percent, then we’re double
–

MR. PATRICK: What – the way I
anticipate this as working if we find from the
study that people can adapt to them, then we
will decide that, instead of sewers, everybody
gets an eco toilet or their home converted to
eco toilets and there would not be a question of
who participates.

THE MODERATOR: Yes, Mr. Young.

MR. YOUNG: Bob Young, Precinct 5.

I’ll be brief, Mr. Moderator. I’d like to thank
Virginia and her wastewater group and all the
work they’ve done on this project, all the
research and recommendations and especially the
compromise they’ve forged tonight with Mr.
Patrick and his idea of the eco and composting
toilets and I will support this article. That’s
the comment.

My question is rather than bringing all
the treatment material across town to the
current plant, which has put a terrible burden
on West Falmouth Harbor, as we know, has an
outfall pipe been considered instead? Is it
possible for the treated effluent to be
deposited in the ocean rather than on the land?

MR. PATRICK: I could speak to that.

It has been considered -

THE MODERATOR: Ms. Valiela or Mr.
Rafferty?

MR. PATRICK: – and Mr. Rafferty will probably address it.

MR. RAFFERTY: Steven Rafferty, Precinct 2. A number of years ago the state of -- Commonwealth of Massachusetts enacted a regulation prohibiting ocean outfalls, and they leave a very, very, very small variance window in that regulation. A 10,000 foot review was done of what it would take to get an outfall pipe from the West Falmouth treatment plant down to the one site that any work was done on back when the original plant was done, which was off of Nobska Point. The cost numbers that came back on that were not conducive to pursuing that aggressively compared to the cost of going back to groundwater injection. But again, we were trying to move forward into the next phase. I’m not holding out that there’s an outfall pipe. I would say it’s not dead but it’s probably 96 percent dead.

So, because it would take an act of the state legislature, basically, and there’s an awful lot of reasons why I think it would be
hard to get permission to put an outfall pipe in.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator. I think you raised an interesting point about New Silver Beach. And we have to remember the reason why New Silver Beach escalated in cost the way it did was because of the opposition. And so for that reason I would like to thank Mrs. Valiela and Mr. Patrick for coming together, for making this amendment happen. As you all know it seemed a week ago that these two groups were miles apart and tonight obviously they’re in agreement.

The easiest way to get things done is to get people together and to get them to agree. And so, again, thank you both for making this happen. I hope that you all will support the amendment and the article as amended.

THE MODERATOR: Okay, I’ve got a long list. Does anyone want to speak against this article? Okay. In the center. Yes. Because I hate to go an hour and a half if we all agree on this.
[Laughter.]

MR. NICKERSON: Yeah. Brian Nickerson, precinct 2. And actually I’m in favor of Article 17 as it was originally written, but I’ll probably vote against the amendment, and I’ll tell you why. I’ve heard nitrogen being mentioned considerably, all three nights. And we equate nitrogen with being clear and healthy water and I think if we really think about it that’s not exactly the case.

Nitrogen is the factor that we really need to address, and I’m definitely for that, because nitrogen is what we see. That’s what clogs up our ponds, the algae, the bottoms that are cluttered with all kinds of material that’s created by the nitrogen. But if we improve that, that’s good for our economy, that’s good for our tourism. But I don’t think the water’s going to be clean and healthy, and I’ll point back to what Ray Jack said yesterday about the three-legged frog.

Well, you know, I know Mr. Patrick talked about the pharmaceuticals and I’m not convinced that these systems can do that,
particularly when we’re going to be putting stuff down our sinks and other places other than our toilets. But I know that there are technologies out there for a central system that will take care of all kinds of chemicals, even if it gets through reverse osmosis. Now that’s going to be very, very expensive to have a system like that. But I’d hate to think 20 years down the road they’d look back at us and say, “What were they thinking about nitrogen when X, Y, Z component is so much more important?” Not only is it killing what marine life might be out there, plant life, what we may be drinking ourselves. The whole thing about antibiotics and so forth, we’re drinking that right now and our immune system is being affected by that and I think it’s going to have an affect on the marine life, as well.

I think the central system is the way to go. I think if I thought nitrogen was the only thing, I’d be saying let’s not even put the $500,000 into the central system, but I don’t think that’s the real problem.

THE MODERATOR: Mr. Patrick.
MR. PATRICK: Well, Mr. Nickerson, I think you will be with us because most of the pharmaceuticals that the body excretes is executed in the urine, the vast majority of it. It’s much easier to extract it from the urine and treat it with biological processes than it is to put it into, what was it, 300,000 million gallons of wastewater and then try to take it out of that with reverse osmosis. It’s just a very, very expensive process. We don’t have it currently. Jerry, do we have that? We don’t have that capability now. It would be very expensive to put it in. It’s much less expensive to catch it at the source.

Now, it’s true that the grey water, the soaps and personal products will still be going into a septic system under the eco toilet model, but they’re not as much of a concern as pharmaceuticals are, in my estimation, I’m sure.

FROM THE FLOOR: Call the question.

THE MODERATOR: Okay. I’ve got a list. Is it something new, or a question, Mr. Wilber? Ms. Szuplat, you’re on this list. Let’s go through this list real quick because
I’ve got a sense we’re ready to vote on this.

Mr. Wilber, something new?

MR. WILBER: Yes. Just a few items.

Please give me a four minute warning and then I’ll wrap it up in one minute.

I agree with Mr. Pinto, I have a concern about the costs. Standard engineering costs will be going up, there’s no doubt about that. On the other hand, the alternatives to wastewater management are in the second or third generation and they are only going to get better and the prices are only going to go down. We’ve seen this with things over and over again, including computers. Computers used to cost $5,000, now they cost $500.

This is the way – this is the one thing we have to very much consider about this, is total costs and how they’re projected.

The – another important thing is we are in the point of lacking a lot of pertinent scientific information with regard to going forward with this. This is a cart before the horse thing. We’re throwing engineering at something that we don’t know what we’re trying
to fix. And I would just ask anybody has
anybody ever scuba dived or snorkeled in Perch
Pond? Well, I have. And I wouldn’t recommend
it. But Perch Pond was the originally smelly,
nasty pond in this town ten years ago. And I
was at the point at the time doing a study for
the Town of Falmouth on Great Pond, a very
comprehensive study on Great Pond, and as part
of that I jumped into Perch Pond, just to see
what was down there, and it’s kind of a Stephen
King sort of thing that’s going on down there.
But one thing I did find out about it is that
there wasn’t a lot of planktonic bloom going on
in there. What instead what going on down there
was a pretty scary accumulation of Sea Lettuce,
Ulva, and this is something that we have totally
overlooked. We don’t know what the biomass of
these macro algaes are in terms of taking up
nitrogen. In some places, they’re the dominant
– dominant thing.

There’s a hodgepodge of anecdotal grey
literature, published literature, stories, myths
about these ponds and how they work. We need to
pull all the information together, collate it
and vet it before we really jump into this. We are, I agree with the people that have said that Falmouth is way ahead of the curve, here. But one thing we cannot do is we cannot parse up a whole coastal system into landside stuff, shore side stuff, and the ponds in the middle. The landside stuff is the primary workers, the shore side stuff is a primary worker, and the ponds are screwed up because the landside workings and the shore side workings aren’t working very well. And this can be proved and this has been proved in a number of other areas.

So, as we proceed along, I strongly urge that the scientific information be brought together. Mike McGrath just mentioned an Ivan Valiela study; who knew about that? I knew about it; I read the whole thing. Okay? But these are important things that we need to know.

One of the things that most people won’t know about this is that nitrogen is not really the problem anymore. The problem now is the organically loaded sediments in these ponds, that is the mud. Nothing can live in there except quahogs because they burrow down in there
and they have a siphon that they stick up into the water. Nothing else can live there. Okay?

So you can clean up every piece of nitrogen that's coming off the land side and you're still going to have dead pond for decades. Because the organic material that is embedded in those sediments is going to be a source of leaching out of nutrients for decades to come.

Now, there are ways, there are natural ways. You have to remember, these ponds have died in 60 years, okay? What happened in those 60 years? What happened on the land side, what happened on the shore side to make the thing in the middle break? Okay. And I don’t think that we have all those answers. Okay. So I -

throwing engineering money at something that you don’t really understand what you’re trying to fix, is well, you figure it out for yourself.

THE MODERATOR: Okay.

MR. WILBER: I do agree - one more thing. I do agree -

THE MODERATOR: Here we go.

MR. WILBER: One more thing I do agree is that Falmouth is in a tremendous position to
- as a leader in this. Not only a state leader, but a national leader in how to fix up a totally screwed up coastline, okay? And it takes time, it really takes time for people to change their mind on these things.

THE MODERATOR: The question is going to come on Mr. Patrick's amendment. I'm going to take the question on the amendment. All those in favor of the amendment signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

[Applause.]

THE MODERATOR: The question will now come on the main motion for Article 17 as amended. All those in favor of the main motion as amended signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

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

[Applause.]

THE MODERATOR:  **Article 20,** Mr. Chairman.

CHAIRMAN ANDERSON:    Mr. Moderator, I move Article 20 as recommended.

THE MODERATOR:   Okay, the recommendation is indefinite postponement because of the action we took at the Special Meeting on Article 6. All those in favor of indefinite postponement, signify by saying Aye.

[Aye.]

THE MODERATOR:   All those opposed, no.

[None opposed.]

THE MODERATOR:   The ayes have it unanimous.

**Article 22,** Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN PUTNAM:   Mr. Moderator, I move that the Town vote to amend Article 22 to read – and I do have a slide for this. This is an amendment based on an agreement that the Board of Health recommended. It changes what is in the warrant book. Do we have something?
Okay.

While that’s coming up, I’ll read this Section 180-51, Septic System Inspections.

Every septic system inspected in the Town under the provisions of Title 5 shall include a test of total Nitrogen of the raw wastewater in the outlet end of a septic tank or cesspool. Septic system inspections shall be required by Title 5. The results will be sent to the Board of Health and the engineering division of the Department of Public Works.

Mr. Moderator, with your permission, Mr. McGrath has a –

THE MODERATOR: Do we have this in the overhead or was it handed out to Town Meeting Members or? It was handed out?

FROM THE FLOOR: Yes.

THE MODERATOR: Okay. Just want to make sure everybody’s got it. Still looking for my copy, but. Okay, go ahead. Mr. Chairman, do you want to explain? Did you want to explain, or? Mr. McGrath, okay.

MR. MCGRATH: My name’s Mike McGrath, I introduced myself before. I filed this
article because I have reservations with certain aspects of solving the problem that we faced. And so why don’t I tell you why? Why don’t we — what this basically requires that every time someone inspects a septic system, there has to be a test of total nitrogen. The reason I had proposed this is that I sell an innovative system and over time I’ve evolved a model, so right now I take the raw wastewater from the entire house and I treat it. And I have total nitrogen of 80 milligrams per liter.

Why don’t we switch to the next slide. And switch this, we don’t need to look at words. And the regulatory model for the amount of nitrogen that’s being discharged is 35 milligrams per liter at the groundwater. The way that they assess the total nitrogen in a typical estuary is they’ve counted up the number of houses, they multiply it times the average water meter reading, and then they multiply it times 35 milligrams per liter, which is what they think is the amount of nitrogen that hits the groundwater.

That’s based on some studies in the
1980's. Since the 1980's, we've changed the plumbing code and I have in our residential systems, I have to treat wastewater that's much stronger than what is in the regulatory model. So what actually could be happening, and I have some other data that I'll show you, is that if we have to remove a certain mass of nitrogen, it might well be that we're only going to have to address a much smaller portion of the estuary. The only way to find that out is to gather the data.

Could you switch? What the total nitrogen test is just a simple test. It should be taken wherever - whenever a mandatory Title V inspection occurs. The lab costs about $35. We assume that the total cost, including all the labor, is $150. The Town can keep track of the nitrogen removed if they pay attention to this.

Onsite waste water - this is an important sentence - onsite wastewater nitrogen is always higher because septic systems are watertight. Sewer systems have allowed infiltration and exfiltration. If the Town had good data on the total nitrogen and the raw
wastewater you'd find it less than 50. I do it much higher strength wastewater.

Can I have the next slide, please. So, this is a simple graphic that says the model I’ve written – I’m sorry you can’t read that – that says 42 and they assume 35 at the groundwater. I have 80. I’m supposed to get down to 90. I’m sorry, I’m supposed to get down to 19. I can consistently beat that. My removal rate is over 80 percent on a consistent basis. I think the average is 85.

Can I have the next slide. This is actual total nitrogen from Falmouth Trade Center. Falmouth Trade Center has a total – I haven’t done PowerPoint before, but I’m sorry you can’t read it, because I can’t read it.

[Laughter.] MR. MCGRATH: There are a total of I think five septic systems at Falmouth Trade Center. This is the entrance to the Falmouth Mall. This is Springs Bar Road. And this is the Falmouth Trade Center. Winston’s Restaurant used to be there. There’s a bowling alley underneath. The upper level is 16 apartments.
And I will tell you that the most important thing is look at the kilograms per year, these are actual – multiplying the actual water use times the nitrogen that we found. These are not single tests, these are three tests and we found it was discharging 194 kilograms per year. You should get credit if you sewer this that you’re going to take out 194 kilograms per year.
That’s almost double.

There’s a nearby commercial system and I’m prohibited, from a contract, from telling you. This average total nitrogen here was 75; that other one was over 150 milligrams per liter of total nitrogen.

Could I have the next slide, please.
The other thing that I would tell the Town to keep track of is the distance from groundwater. This is a picture of a house with a cesspool and it says it was supposed to be constructed prior to 1962; we just inspected a house in Falmouth – I’m not going to tell you where – I think it was built between 1970 and 1975 and it’s got a leaching pit and it’s in the groundwater. There’s utterly no attenuation of the nitrogen.
When you have a Title V system, there’s an attenuation of 25 percent is what the regulators say. I will tell you that my innovative system mimics the soils here and when I put high strength wastewater in, I don’t get 25 percent, I get less. I have a cluster system; the total nitrogen there is 75, and when I apply it to – the effect of this, I only get 22 percent remediation.

So, could I have the next one. Well, my – let’s – can we go back to the little graphic that showed the estuary as a whole? All right. I’ve applied for a patent because at a wastewater treatment facility I partially denitrified the groundwater. Wastewater treatment plants have nitrogen plumes that run forever.

Ivan Valiela published – and his students published some studies, and one of the studies that they did in the ’90’s identified attenuation of a Title V system. What that means is that if this is a septic system, that’s not me blinking it. Oh, that’s me shivering. God, I’m getting old.
Ivan identified that there was — that slowly over time in some septic systems there was attenuation. I looked at a wastewater treatment plant and what was the difference in their discharge versus a Title V system. Bottom line is that when we treat wastewater, the easiest thing to get rid of is carbon. So I developed a hypothesis that if you want to have attenuation of wastewater in the groundwater, you must have a proper carbon over nitrogen ratio.

So I looked at the carbon over nitrogen ratio in West Falmouth and it was about one. And I looked at Otis’s treatment plant and it was less than one. So the nitrogen from those moved miles. Then I looked at Ivan’s report and he identified an attenuation length that was not really established, but the bottom line is that he found attenuation and the carbon to nitrogen ratio was three to five.

I believe that then — that this is attenuated. And the only way to find out is to test the nitrogen. If the nitrogen around here is more than what is in the MEP study and we
remove it, we don’t have to sewer up there. We don’t have to restrict up there. So, the only way to find out is real data. I might be wrong—though I doubt it.

[Laughter.]

MR. MCGRATH: I have coffee with a bunch of friends that are much more conservative, so I tell them that I’m usually right. Sometimes say far right.

THE MODERATOR: Okay. Ready for discussion?

MR. MCGRATH: In any case, that’s the purpose of the bylaw is to give you real data.

THE MODERATOR: Okay, discussion on this amendment. Mr. Brodeur?

MR. BRODEUR: Paul Brodeur, Precinct 4. I have an amendment to this article that’s presented now. Do you want to handle it now, all inclusive, or wait?

THE MODERATOR: Yeah, if you’ve got an amendment— is it long, shall I have it in writing or?

MR. BRODEUR: No, having talked with Michael, it’s short. And I have Barry Norris
who's a Falmouth resident who'll speak on it.

What it is is if you go back to the first slide and separate the two paragraphs and –

THE MODERATOR: Well, that's not the main motion. The first slide here was what was printed in your warrant book. The main motion, now, is what was handed out.

Do we have a slide of the –

MR. BRODEUR: Correct. Correct.

THE MODERATOR: We do not have a slide of the current motion.

MR. BRODEUR: Okay, well –

THE MODERATOR: You keep telling me I do, they keep telling us we don't, so do we have a slide or don't we have a slide of the current motion? Because what was put up on the board, that is not the motion before Town Meeting.

FROM THE FLOOR: No, we do not have one.

THE MODERATOR: Okay, so we don't have it. So, Mr. Brodeur, do you have a copy that was handed out of the motion that was placed on the floor?
MR. BRODEUR: I have it now.

DR. CLARK: I believe it is the motion, because I have it.

THE MODERATOR: Well, that’s not what they handed me, so.

Mr. McGrath? Mr. McGrath, put that slide back up. Is your motion this one paragraph or is it what’s up there?

[Pause.]

THE MODERATOR: What I had was one paragraph. That’s three paragraphs.

MR. MCGRATH: The motion does not include the bottom sentence. Everything else is identical.

THE MODERATOR: This is one paragraph and that’s –

MR. BRODEUR: Okay, I think I can simplify this amendment.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Okay, they split it into two paragraphs or they formatted it differently. Okay.

MR. MCGRATH: Correct.

THE MODERATOR: You moved the
sentences around, so you’ve got two paragraphs up there and it’s one in the handout. That’s why they looked the same to me. All right, so your amendment?

MR. BRODEUR: The amendment will be between - fit it in right after cesspool before the second formatted paragraph there, if you will. And it’s septic systems which are required by law to be inspected on a periodic basis will not be required to include the total nitrogen test more than once.

And Barry Norris is a Falmouth resident and he will speak on that if it is --

THE MODERATOR: And can I get a copy of that?

MR. BRODEUR: Yes, sir, I’ll run it right up to you.

THE MODERATOR: Can I get a copy up here? Here it is. Okay, again, so it’s: “Septic systems, which are required by law to be inspected on a periodic basis will not be required to include the total nitrogen test more than once.” Go ahead.

MR. NORRIS: My name is Barry Norris,
precinct 1. I’m Chairman of the Treetops Condominium Trust and I’m speaking in my capacity as Chairman for our 62 owners. To keep you from having to listen to this — to two people on this, I’m also speaking for the 210 homeowners of Falmouth Port in precinct 3. Rudy Hunter, their chairman, is with me also.

I rise to speak against Article 22 as in its revised form as is proposed by Michael McGrath. First, has anyone of expertise except Mr. McGrath said this is necessary? Where are the water scientists like Brian Howes, Ivan Valiela, John Ramsay asking for this expense? Maybe we’re considering an unnecessary cost burden for home owners, considering that so many studies on nitrogen contributions have already been done by state environmental agencies and by other scientific organizations.

It’s hard to imagine that in this large country no one has ever made these studies. We already know we have a problem in Oyster Pond where we’re located from the 25 years of pond watching which Brian Howes has accomplished. I’m sure this is true of other ponds. The state
has already decided that 90 percent of the
nitrogen going into our Oyster Pond is from
septic. It’s already been calculated that if
all of Treetops’ nitrogen is removed from the
flow and 50 percent of the homeowners plus a
little more, it will possibly get to the TMDL –
it will be possible.

You just voted to spend $300,000 for a
design and permit plan for Oyster Pond. Why do
we now need to study if we need an abatement
plan? Why do we need to be burdened with this
additional tax which would be added to every
home with a septic system in the town, whether
or not the home is in the watershed of a pon?

On these bases we call for rejection of
this article.

We can’t take the chance that you might
approve the article as it is now written, even
with the objections we have outlined. Our first
preference is to reject the article. If,
however, you believe it is necessary to approve
the article, then we would like to explain why
we think it should be amended. Here come the
unexpected consequences which Mr. Anderson
alluded to yesterday.

By law, condos must inspect septic systems every three years, and Article 22 says a test of total nitrogen must be made at every inspection. We do 9 of our 27 septics every year. Falmouth Port does 18 of their 55. Article 22 will increase our already heavy costs for maintaining and replacing these systems.

I talked to our septic inspector and he said he doesn’t know exactly the cost yet, but he guessed it could be as much as $3,000 annually for our costs at TreeTops. Mr. McGrath’s estimate is closer to $1,000. Still a lot of money. FalmouthPort of course would be twice as much.

Homeowners do not have these three year inspection requirements. They might not have to make an inspection until they sell their home. A member yesterday said, “People might live in their homes 15 or 20 years, which means it’s going to take at least that long to get results from these tests, by which time the abatement plan should be finished anyway.” So why should condos have to bear such a large portion of the
cost of determining the nitrogen contribution to
the water table? We already maintain and plow
our roads and pay the same tax rate as everyone
else. The idea of determining nitrogen
contribution could possibly be good, but sharing
the cost as written is unfair. Unexpected
consequences.

The article has not been thought out
carefully. Please do not approve this article,
especially as it’s written.

If this testing is necessary and you
want to proceed with Article 22, we have the
proposal then to make an amendment. This
amendment would put condos for example in line
with all the other homeowners who only have to
do it once. We ask that you approve our
amendment and then reject the article. Thank
you for listening.

THE MODERATOR: Okay, just on the
amendment? Yes, Mr. Rayfelder.

MR. WATERBURY: John Waterbury,
Precinct 1. A member of the Board of Health.
We’ve worked fairly extensively with Mike on
this bylaw and this article and we feel that
this has been – we’ve whittled it down. We also are quite comfortable, I think, with the amendment; it makes a great deal of sense. I would encourage and the Board would encourage the Town to pass this article. I think it’s information that will be extremely useful to the committee that’s going to be looking at wastewater issues as we go forward, knowing what the actual strength of what we’re discharging from our title V systems.

THE MODERATOR: Ms. Lowell and then Mr. Moore.

MS. LOWELL: Vicky Lowell, precinct 1. I was just wondering if they would consider putting a sunset clause in here, for like for ten years or five years or something like that. Because if we get the information, then we don’t keep – we won’t need to keep doing this test.

THE MODERATOR: Are we directing that question to a particular party? The proponent or the Board of Health? Either the proponent or the Board of Health?

MR. MCGRATH: I would think that if we had five years worth of data, that would be
THE MODERATOR: Anybody making an amendment to put a sunset clause on, or no?

Ms. Lowell?

MS. LOWELL: Well, I hadn’t thought of this until the discussion so I don’t have wording, but I would say that it would be expiring – what’s it, now it’s 2011. Like December of 2016.

THE MODERATOR: Okay, there’s an amendment to add the language that this bylaw will expire in December of 2016. Discussion on the sunset clause? Hearing none – Mr. Smolowitz on the sunset clause? Okay, go ahead.

MR. SMOLOWITZ: Ron Smolowitz, Precinct 8. Just trying to understand the quote, unquote, the research, the statistics. We’re talking about a sample from the septic system. How does that get to the attenuation question?

MR. MCGRATH: I suggest the Town use two attenuation rates: zero for cesspools and 25 percent for other – for any system that has vertical separation from groundwater.
MR. SMOLOWITZ: But that 25 percent you were saying is a function of the carbon/nitrogen ratios?

MR. MCGRATH: That’s true, but 25 percent most likely is the average or the mean. I got much higher when – I got a much higher attenuation when the wastewater was less. So –

MR. SMOLOWITZ: Yeah –

MR. MCGRATH: – what we’re saying is that is a very good attenuation rate.

MR. SMOLOWITZ: I thought this was a good idea when we – and the sunset provision thing just brought to my mind what we’re doing here is a research experiment via regulation, and there’s a lot of areas – I mean, up where I am, I mean, the attenuation’s going to be very different than down right by the ponds where the water level is probably up in the septic systems.

I think that it’s very important that we get a handle on this, but we need to get a handle on it via a research project where we address the issue of attenuation more than just what the nitrogen is at the discharge of a
septic system. I think this is a part of the
2.7 million that we voted for monitoring and we
set up a scientific project. I think we have to
vote this down. Thank you.

THE MODERATOR: Okay, the question
will come on adding the sunset clause –

MR. PINTO: [No mic. Inaudible.]

THE MODERATOR: Yeah, I’ve got three
motions that have got to go, so let’s just
discuss the sunset clause.

MR. PINTO: No, I just want a
clarification on the sunset clause. If we pass
the sunset clause as is, just saying it’s going
to expire December, 2016 without an actual day
in there, is that going to pass muster when this
bylaw hits the Attorney General? I mean,
December what, 2016?

THE MODERATOR: Mr. Duffy, do we need
a specific day in December or is there a legal
standard? The 31st, should we write it in, or
is that a legal standard? Mr. Duffy said we
should write in the 31st, so it will be December
31st, 2016.

MS. O’CONNELL: [No mic. Inaudible.]
THE MODERATOR: Between the word “December” and “2016”.

[Laughter.]


MS. O’CONNELL: Yes, Mr. Moderator, a little more clarification, please. I just want to know where this ad hoc sunset clause is to be placed –

THE MODERATOR: At the end of the motion it will say that this bylaw will expire on December 31st –

MS. O’CONNELL: Okay, thank you very much.


Ms. – who’s back there – Putnam.

MS. PUTNAM: I’m sorry, one more clarification on the sunset clause: what date will this begin?

THE MODERATOR: It will begin as soon as we adjourn this Town Meeting.

MS. PUTNAM: Okay.

THE MODERATOR: And then it will be approved by the Attorney General, so we don’t
know exactly how long that process will take, but the legal effect happens at the adjournment of the meeting subject to the approval of the Attorney General’s Office to make sure it doesn’t violate a state law.

MS. PUTNAM: Thank you.

THE MODERATOR: Okay, the question will come on the amendment to add the sunset clause. All those in favor of the sunset clause, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[No.]

THE MODERATOR: The ayes have it by a majority.

We’re back to Mr. Brodeur’s amendment. Any discussion on that? Ms. Williams.

MS. WILLIAMS: Thank you, Cheryl Williams, Precinct 3. As I took a look at Mr. McGrath’s amendment to Article 22, it just raises even more questions to me. Number one, we are regulating, to everybody in this town that is going to be having any type of Title V inspection done, we’re mandating that they have
to have this inspection done.

My number one question would be what’s the scope of the increase of work to the employees of this town? And the reason I question it on the amendment, as compared to the original article, you had mentioned the Engineering Department, the GIS Department and the Board of Health.

So, I guess through you, Mr. Moderator, to Mr. McGrath, who would be performing the functions of analyzing the data, and the second part of the question would be probably through you, Mr. Moderator, to Mr. Putman [sic] as Chairman of the Board of Selectmen, what specifically are we going to do with the data?

THE MODERATOR: Okay, Mr. McGrath.

MR. MCGRATH: I don’t know exactly how many inspections there are a year, but the Board of Health already has to file and keep track of those reports. So I don’t believe that there’s going to be any increased workload on the Board of Health specifically. Perhaps they’re going to have to make sure that the tests are done.

As far as the data, the analysis of the
data, I believe that it should be pretty simple
because you have a GIS data that has connections
to all the different criteria that’s needed.
So, to me, you could write a computer program
that this could be done in, oh, three or four
hours a quarter. So, 16 hours a year is what I
would guess.

And it would probably save you millions
of dollars.

THE MODERATOR: Mr. Putnam, do you
want to answer the second half of that?

MR. PUTNAM: Could we put back on the
screen the slide showing the Trade Center? The
question regarding what do we do with this data,
I think this is perhaps the most telling of this
whole presentation, that we really need to
consider, here. The MEP model has been
criticized, including - by a number of folks,
including myself, because it’s theoretical, it’s
closed, the state says, “We’ve check it”, but
we’re asking - we’re being asked to trust the
state, which is not only telling us to clean up
the ponds, they’re telling us exactly how much
we have to clean up without giving us the
opportunity to look at the model that says how much we have to clean up.

That model says, according to Mr. McGrath, that the Trade Center contributes 98 kilograms per year. Actual measurements from the Trade Center, according to Mr. McGrath, were 194 kilograms per year. Twice as much. The TMDL’s that come out of the MEP model say that we have to reduce so much nitrogen going into the salt ponds. So what this actual data would do for us, if you took this as representative of the kind of samples that we might get, it means that we would have to sewer half as much of the town, if we were to put sewers in.

So when you talk about the cost, and Mr. McGrath put up there the estimated cost of these tests might be $150, those tests would be done just as every other Title V test is done, when you sell your house. There’s already a test done, we’re simply tagging this onto it. That $150 is pretty inexpensive when you consider that it could save us $20,000 or more per household that would need to be sewered. And that’s what this data will tell us, is
whether or not the model matches what’s really happening in reality.

MS. WILLIAMS: May I follow up, Mr. Moderator?

THE MODERATOR: yes.

MS. WILLIAMS: Once again, who will be analyzing this data for the Town of Falmouth?

MR. MCGRATH: Any engineer could do it.

MS. WILLIAMS: I believe that’s a question for Mr. Vieira to Mr. Putnam.

MR. PUTNAM: At this point, I don’t know. But, as Mr. Smolowitz pointed out, we have money, we’ll just pass that money - hopefully the residents of Falmouth will agree with this body that there is going to be money available to do studies. We collect the data, we can set up a study to find out exactly whether or not it does meet what’s being proposed here.

MR. MCGRATH: By the way, DEP did accept this loading. DEP recognized that actual nitrogen loading will be considered when they approve projects inside the estuaries areas.
So, I believe that the data you will get will save you millions. I wouldn’t have filed this unless I thought it would save you real money because it’s not my nature —

THE MODERATOR: Okay, Mr. Apicella.

MR. MCGRATH: – I think those who know me, to file for new regulations or bylaws.

THE MODERATOR: Okay, Mr. Apicella.

MR. APICELLA: Thank you, Mr. Moderator. Joe Apicella, precinct 7. Seems to me we measured the nitrogen in the ponds; isn’t this where we got the TMDL’s and the data from and now you’re suggesting we have to go measure the nitrogen coming from every house and then factor in attenuation and how far they are and I don’t see the purpose of this whole thing.

THE MODERATOR: Mr. McGrath.

MR. MCGRATH: The bottom line is the ponds are generally surrounded or have portions of the environment around the ponds that protects them from nitrogen. And so, while one of the most important things that’s been developed in the model is to try and quantify that, and so but the bottom line is that they
are using data from 1980, or developed in the ‘80s, and not only has the plumbing code changed, but I know that at least some of the household chemicals have increased in nitrogen. I got to tell you something: I wouldn’t have filed this unless I thought it would save you money; I think it will save you money.

THE MODERATOR: Okay, Ms. O’Connell. You’re all set. Mr. Donahue.

MR. DONAHUE: Mr. Chairman, Bob Donahue, Precinct 3. I question this in that are we talking about only doing homes south of 28?

FROM THE FLOOR: No.

THE MODERATOR: No, this would be all inspections, the way it’s written.

MR. DONAHUE: We’re talking about the whole town?

THE MODERATOR: Yes, Mr. Putnam.

MR. PUTNAM: This would be any house sold in the town of Falmouth when a Title V inspection is done it would also do a nitrogen test. You have to remember, these MEP models are based on assumptions of how much nitrogen is
leaving those septic systems all around town.
So, whether it’s next to the salt ponds or
whether it’s all the way up in Hatchville, those
models use assumptions for every house in town.

THE MODERATOR: Okay, Mr. --

MR. DONAHUE: Excuse me. If this is
the case, then you’re saying that all of
Falmouth is contributing to the problems that we
have in the estuaries?

THE MODERATOR: That’s – yeah.

MR. DONAHUE: Okay. But we’re not
going to sewer all the town, right? I mean, do
you see what my quandary here is, is that you’re
asking – you’re taking data from North Falmouth,
from West Falmouth, you’re putting it in and
you’re going to try and make sense out of what’s
going into the estuaries with this. I don’t see
the purpose of it where we already have numerous
groups telling us what – how much nitrogen and
everything else is in these estuaries.

THE MODERATOR: Okay, so this is a
philosophical question?

MR. DONAHUE: And who –

THE MODERATOR: You either want to
rely on the model or you want to do these tests.

This is your –

MR. DONAHUE: And will the state or
the federal take our numbers as good numbers?

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Mr. McGrath just said it, the state will allow us to use actual data in
place of the model, but we have to have the
actual data first, and that’s exactly the
purpose of this bylaw.

THE MODERATOR: Mr. Stetcher.

MR. STETCHER: Randy Stetcher, precinct 3. Ron Smolowitz is right. He wants a
scientific study done and you guys are trying to
do it by having the homeowners pay for this
thing. The other thing is, you test these
systems in the wintertime when perhaps nobody is
even using the place, then you test another
system in the summertime when you might have
five people in the house; where’s the
validation? I just don’t understand that.

These figures you’re going to get are not going
to be really true valid figures in the long run.

The other thing is that, you really
think about it, how many houses get sold?
Because that’s the time you have to inspect.
And what if 20 houses get sold in East Falmouth
and 50 houses get sold in West Falmouth? It’s
going to skew all the figures, so I don’t get
this at all, to be honest with you.

THE MODERATOR: Ms. Murphy.

MR. MURPHY: Thank you, Mr. Moderator.

Carol Murphy, precinct 9. I just want to know
where the current bylaw is. We haven’t seen
what the current bylaw is on this as opposed to
what the new bylaw is going to be.

THE MODERATOR: There is no bylaw.

MS. MURPHY: There’s no bylaw in this
standing –

THE MODERATOR: We don’t test for
nitrogen when we do the septic checks.

MS. MURPHY: Okay, so this is a brand
new bylaw that –

THE MODERATOR: This is – yes. This
is to add a new bylaw.

MS. MURPHY: A new bylaw to –

THE MODERATOR: Section 180-51.

MS. MURPHY: – to the Town Code and my
understanding is that the only time that we are going to pay the $150 is when we sell our homes. We would sell our house, is that right?

THE MODERATOR: Yes, when an inspection is done. Which would be at the sale.

MS. MURPHY: Okay, but is that the only time an inspection would be done on a normal basis?

THE MODERATOR: Yes. Board of Health, or?

MR. MCGRATH: An inspection is done if you increase the - if you get a building permit and you increase the flow.

MS. MURPHY: Okay, and how is this going to change - this is going to change a Title V? I mean, if the Title V is inspected and it passes to whatever these standards are that are going to be set?

MR. MCGRATH: No, it does not change - it does not introduce any new failure criteria of an inspection.

MS. MURPHY: Okay, thank you.

THE MODERATOR: Gentleman on my left, over here. Yes. And then Mr. Wilber.

I just rise with a question, please. Which are we voting on, what’s on the screen or what’s printed in our booklet?

THE MODERATOR: You’re going to be voting on what’s on the screen and we’re actually on the amendment, so the language that Mr. Brodeur introduced, that additional sentence that basically says we’ll do it once. Septic systems which are required by law to be inspected on a periodic basis will not be required to include the total nitrogen test more than once.

MR. BAKER: Could you read further, please? Is that the whole thing?

THE MODERATOR: That’s the amendment.

MR. BAKER: Okay. So we’re going to vote that amendment first?

THE MODERATOR: Yes.

MR. BAKER: And then come back to the original article, here?

THE MODERATOR: Well, depending on what we vote on the amendment, then we’ll either vote on the article as amended or we’ll vote on
the original –

MR. BAKER:  Okay, the amendment up

there –

THE MODERATOR:  [Inaudible] We’ve

already adopted the sunset clause, so that’s –

MR. BAKER:  Okay, there is a
difference. The amendment up there shows the
point of testing at the outlet end of the septic
tank. In the printed version in our warrant
book, it says the inlet end of the septic tank.

THE MODERATOR:  Okay, that’s not in
the motion, so it doesn’t pertain.

Mr. Wilber.

MR. WILBER:  Jude Wilber, proudly
representing Hatchville, Massachusetts. I agree
with this article. I agree, I think Mike has
thought this out fairly well. I think it’s a
low cost effort; I think it makes sense. One of
the reasons that the MEP has been questioned so
often is that it’s a one size fits all program
and it doesn’t fit all, thanks.

He’s demonstrated that by his – the
parcel down there on Small Pond.

This is sort of a really need. He’s
made a reasonable request for five year’s worth of this data. This pinpoints hot spots. Hot spots need to be pinpointed. It’s a low cost thing. It’s the sort of additional data if you want to stop nitrogen you gotta know where it’s coming from. Thank you.

THE MODERATOR: Ms. Kosins-Long, anything new? And then we’re going to take the vote on the amendment.

MS. KOSINS-LONG: I think the - Cheryl Kosins-Long, Precinct 8. I think the concept and the data that is created by this bylaw is wonderful. I have a problem that it is a petitioner’s article so it hasn’t had public hearing, it hasn’t been vetted, and with all the amendments that we’ve already talked about tonight and the amendment that’s on the floor right now, it might not be ready for prime time. I think that Town Meeting tonight, amendment or no amendments, should consider bringing this back as a Town bylaw and take a look at it in the fall.

THE MODERATOR: Mr. Putnam. Or, go ahead, Mr. Waterbury.
MR. WATERBURY: The proposed bylaw has been vetted by the Board of Health. We’ve met with Mike about three times to discuss this. So it has been fairly thoroughly vetted.

THE MODERATOR: Okay, are we ready for the vote on the amendment, here? Mr. Rhodes, anything new? And then we’re going to vote on the amendment.

MR. RHODES: Yeah, I enjoy people listening to what everyone had to say. Scoba Rhodes, precinct 8. I would like to speak against the amendment. To say the cesspool system should be checked once doesn’t make a lot of sense because the septic systems are checked primarily when a house is sold. Well, I don’t see houses being sold quite often, but it could happen, so there’s no need for the amendment.

THE MODERATOR: Yeah, this is - what it would do is for those systems that are required to be inspected on a periodic basis, they would only have to do this nitrogen test once. So, under Board of Health regulations and law there are certain conditions that you would have to periodically continue to test your...
system; you’d only have to do the nitrogen test on that system once.

Okay. So, let’s vote on the amendment. The amendment, which is introduced by Mr. Brodeur for those periodic systems that have to be tested, but they only have to do the nitrogen test once. That amendment to add that language, all those in favor, signify by saying Aye.

[AYE.]

THE MODERATOR: All those opposed, No.

[NO.]

THE MODERATOR: The ayes have it by a majority.

The question will now come on the main motion as amended, which we’ve added the sunset clause of December 31st, 2006 and the testing – nitrogen testing of only once. 2016. I didn’t say that? Okay.

2016, okay. All those in favor, signify by saying aye.

[AYE.]

THE MODERATOR: All those opposed, no.

[NO.]

THE MODERATOR: All those in favor,
signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division, Mrs. Tashiro. I can’t hear Mrs. Tashiro, folks. First division?

MRS. TASHIRO: 36.

THE MODERATOR: 36.

Second division, Mr. Dufresne?

MR. DUFRESNE: 41.

THE MODERATOR: 41.

Third division, Mr. Hampson.

MR. HAMPSON: 17.

THE MODERATOR: 17.

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

[Pause.]

THE MODERATOR: In the first division, Mrs. Hampson? Mrs. Hampson - Mrs. Tashiro.

MRS. TASHIRO: 20.

THE MODERATOR: Second division?

MR. DUFRESNE: 38.

THE MODERATOR: 38? Three-eight?

Yes.
Third division?

MR. HAMPSON: 39.

THE MODERATOR: 39.

By a counted vote of 97 in favor and 94 - no excuse me. No. 94 in favor and 97 opposed, the article does not pass.

MR. MCGRATH: Thank you.

THE MODERATOR: That was close. That was almost the second time we had a tie.

All right, Article 23 is an indefinite postponement recommendation by the Finance Committee. This was held by Ms. Johnson; would you like to put a positive motion on the floor?

MS. JOHNSON: [No mic.] I held it.

THE MODERATOR: Yes, do you want to put a positive motion on the floor?

MS. JOHNSON: [Inaudible.]

THE MODERATOR: Okay, then let’s have a motion from the Finance Committee.

MR. ANDERSON: Mr. Moderator, I move Article 23 as recommended.

THE MODERATOR: Okay, Article 23 the motion is indefinite postponement. Ms. Johnson.

MS. JOHNSON: Yeah, I would just like
to – I held this article so I could explain what has happened since I filed this petition.

First, I do not, as I just said, intend to place a positive motion on the floor. In recent discussions with the Town Engineer, Peter McConarty, and others at the DPW, they have promised to do part of this job. They can and will repair the major cracks on the bike path between Woods Hole Road and the Steamship Authority Parking Lot. They hope to do this work prior to the beginning of the summer.

Second, the DPW cannot do a full resurfacing job with the money in their approved annual budget. This project will need a Proposition 2 ½ override. I felt it was unwise at this time to ask the voters for a capital exclusion for the repaving of the older section of the bike path. The estimate to do this overlay, a ten foot wide asphalt overlay, that’s asphalt at $90 a ton for the 4,450 feet – linear feet from Woods Hole Road to Elm Road, was $100,000. And to do the same for the remaining 6800 feet to the Steamship Authority parking lot was another $210,000.
Finally, I appreciate that the DPW is stepping forward to provide the appropriate maintenance on the bike path. It is a very important and very popular asset for the Town that everyone can enjoy 365 days a year. I appreciate the dependable support of Town officials, the positive votes of Town Meeting and towne elections and especially the earmark that paid for the construction of the extension to North Falmouth.

I know that Falmouth is very fortunate to have the bike path and I thank everybody again for your support.

THE MODERATOR: Okay, the question will come on the main motion: indefinite postponement. All those in favor signify by saying aye.

[Aye.]

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

THE MODERATOR: The ayes have it unanimous.

**Article 24**, the recommendation of the Board of Selectmen is indefinite postponement.
This was held by Mr. Waasdorp. Put a positive
motion on the floor?

MR. WAA SDORP: Good evening, Peter
Waasdorp, precinct 1. Mr. Moderator, fellow
Town Meeting Members, I have a brief, five
sentence statement.

THE MODERATOR: Do you want to put a
motion on the floor?

MR. WAA SDORP: I am pleased to
announce that as a result of some very
encouraging developments this past week, I will
not be making a positive motion on Article 24.
I expect a press release on these developments
in the near future. In the meantime, I would
like to thank all of you who have supported me
these past three years with your kind words,
your letters, your T-shirt sales, your
contributions. You have given me the resolve to
get to this point.

Finally, if Falmouth is to continue its
wonderful tradition of citizen involvement, Town
Hall will need to take a long, heartfelt look at
the way it treats not just me, but all their
volunteer committee members. Thank you so much.
THE MODERATOR: Mr. Chairman of the Board of Selectmen, would you like to make a main motion?

[Applause.]

MR. PUTNAM: Mr. Moderator, the Board of Selectmen recommend indefinite postponement for this article.

THE MODERATOR: You’ve all heard the main motion, indefinite postponement. All those in favor, signify by saying ye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

**Article 25.** Dr. Schneider.

DR. SCHNEIDER: Mr. Moderator, the Community Preservation Committee recommends that the Town vote to appropriate the sum of $140,000 from the Community Preservation FY ’12 estimated receipts for the purposes of Article 25. $13,428 of this appropriation shall be transferred to the General Fund and applied to the Health Insurance Budget Line Item 01914 to fund the
health benefits for the Community Preservation Planner.

THE MODERATOR: Okay, so it’s what’s in your recommendation except for the second number has changed to $13,428. Any discussion on Article 25?

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

{Aye.}

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

**Article 27.** This was held by the Board of Selectmen; Mr. Chairman.

CHAIRMAN PUTNAM: Mr. Moderator, the Board of Selectmen originally recommended this article as printed. However, as discussions proceeded through the precinct meetings there were concerns raised and so after some discussions with the Chief of Police, the Board of Selectmen is recommending at this time indefinite postponement and that is our motion.
Chief Riello is available; he has a brief statement to make, and we anticipate bringing this article or something similar back in the fall, after there’s been more discussion with the affected individuals and the public at large.

THE MODERATOR: Okay, is there anyone in the crowd that wants to make a positive motion? Hearing none, the Chair will entertain indefinite postponement as the main motion.

Chief Riello.

MR. RIELLO: Thank you, Mr. Moderator. And yes, folks, when I proposed this – let me just give you, again, just a brief history of why, and then I’ll address some of the concerns and tell you what we’re going to do going forward. And I’m very – I feel very positive going forward.

The reason for this and this updated bylaw recommendation was because we had a rash of breaks recently and when I asked how we’re making out with the pawn slips, my investigator said, “Well, we don’t do ‘em.” I said, “What do you mean?” I just assumed this is how you
tracked stolen property and you can match it and
get it back to its owners.

So, anyways, that started me thinking
that we needed to make some changes.

But just to give you a little
background: in 2010 through this point in 2011,
15 months, in the Town of Falmouth, flat screen
T.V.’s and electronics, we’ve had $160,000 worth
of those goods stolen. Stolen in housebreaks
and those types of things. Now, that’s not
retail. That is the actual – the value, so
they’re much lower. So that’s a lot of T.V.’s,
it’s a lot of electronics.

Jewelry and precious metals, same
period, 15 months: $1,041,000 worth of jewelry
and precious metals. There may be some victims
sitting right out there in the audience tonight.

What we’re looking to do, what we need
in a bylaw is for us to be able to receive pawn
slips. When this stuff is sold through second
hand dealers and this is targeted – there’s
probably about a dozen or so in the Town of
Falmouth. There’s several across the Cape that
regularly –
MR. WILBER: [No mic:] Mr. Moderator.

THE MODERATOR: Mr. Wilber.

MR. WILBER: [No mic:] What’s he speaking to, Article 26 or Article 27?

CHIEF RIELLO: Article 27, sir.

MR. WILBER: Thank you.

CHIEF RIELLO: The second-hand dealers and second-hand collectors.

THE MODERATOR: I’m sorry?

MR. WILBER: [No mic:] We dispensed with 26?

THE MODERATOR: 26 was on the blanket.

MR. WILBER: [No mic:] Oh, okay, sorry.

[Laughter.]

MR. WILBER: Sorry, start again.

CHIEF RIELLO: I will if you want to.

Number Article 26. But anyways, what we need to help us track and find some of this stuff so we can get it back to the owners is a system where people that do sell - and not everybody who sells stuff to second hand dealers or to folks are crooks, I’m not saying that. But a lot of this stuff is passed along that way.
So what we need, we need a system where if someone is going to sell gold or precious metals or electronics and that type of thing, that’ll be spelled out in the bylaw, that we need a photo I.D., we need some record of who is selling. And then we need a hold period, especially on those items, for – and again, currently we hold them 14 days. I’m asking for 21. That’s certainly negotiable.

The reason we need that is so that we can get these pawn slips from the dealers and we can check through out database, match up if there are any matches, and get out to the dealers and then, you know, get the property back.

The other thing that we do with pawn slips, because we receive them regularly from Bourne, from Wareham, from other towns that border us because what we’ve found is a lot of times the crooks that steal stuff in Falmouth will go to Bourne and sell it, or to Wareham. So they send us the pawn slips. And it’s great because it helps us in our investigation. What we can’t do is reciprocate. We can’t send them
and say, “This is what’s been sold in the Town
of Falmouth.”

Currently records are kept by all the
dealers, there’s no question. But we do not
have the resources to go out to those shops on a
regular basis. And that’s not what we want to
do. If we have a system in place, we won’t have
to do that.

The other thing I want to mention to
you folks, though: a lot of our dealers,
especially in Falmouth, use good common sense.
You know, if some kid shows up with a bag full
of gold jewelry and a satchel that says, “If
found, return to Andy Dufresne,” then in our
business, it’s known as a clue.

[Laughter.]

CHIEF RIELLO: And these people
generally will say, they’ll call us, they go,
“Chief, we’ve got a little problem here, we
think.” And they’re right.

So, I say that because that is the
responsible folks are doing that.

So, we need the pawn slips and that’s
for our data base.
Some of the things that have circulated since this was proposed, and there’s been a ton of misinformation. That, you know, E-BAY, tag sales, Craigslist, church sales, all of these things are going to be affected. And these are things that are not going to be targeted, but we need to talk about a lot of these issues and they’ve been good questions that have been asked.

Some folks are saying this is going to put all the dealers out of business. Simply not so. This bylaw is a replica of what’s in use in the Town of Barnstable.

THE MODERATOR: Okay.

CHIEF RIELLO: And Bourne and Wareham, because they borrowed it from Barnstable, as well. It’s been in Barnstable for over four years, been updated two years ago.

So, it’s something that works. Dealers are not being put out of business by this. It helps and protects them and it helps us do good investigations.

So, that’s where we’re at. And I say, going forward, that Carol Murphy has been
extremely helpful in this. She visited me before Town Meeting. That’s when we had decided, with the Selectmen, to indefinitely postpone this so we could work on it. She’s also offered to reach out to the dealers and we hope to have some meetings in the very near future to discuss what will help them and you and also will help us do good investigations so we can get some of your stuff back.

So, I’m pretty positive going forward and I think hopefully in November we’ll come back to you and we’ll have something that we hope to pass.

THE MODERATOR: Okay, the main motion is indefinite postponement.

CHIEF RIELLO: Thank you.

THE MODERATOR: All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Mr. Chairman.
CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted, for a total of $113,697,934, and that the Board of Selectmen be requested to place questions on the May, 2011 election ballot as voted in Articles 15, 17, and 18.

THE MODERATOR: Okay, you’ve all heard the main motion to fund this warrant for $113,697,934 and ask the Selectmen to place questions on the ballot. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

At this time, the Chair would recognize the Chairman of the Board of Selectmen for notification of our next Town Meeting.

CHAIRMAN PUTNAM: Mr. Moderator, the Board of Selectmen has set the Fall Town Meeting for November 7, 2011.

THE MODERATOR: Okay, November 7th will
be our next town meeting.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, ladies and gentlemen, I move the April, 2011 Town Meeting be closed.

THE MODERATOR: You've all heard the main motion, to close this meeting. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it and this meeting is dissolved.

[Whereupon, this meeting ended at 9:28 p.m.]
CERTIFICATE

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 April 6, 2011. 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 2nd Day of June, 2011.

_____________________________
Carol P. Tinkham, Notary Public
My Commission Expires:
April 21, 2017

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