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

2 THE MODERATOR: Okay, if you want to
3 come in, sit down and take your seats. Please
4 don't forget to check in tonight, the attendance
5 will be published in the Falmouth Enterprise. I
6 want to thank FCTV-13 for their gavel to gavel
7 coverage. I remind all Town Meeting Members to
8 introduce yourself by name and precinct for each
9 time you speak.

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

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

16 Okay, let's establish a quorum. All
17 Town Meeting Members present please rise for the
18 establishment of a quorum.

19 [Pause.]

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

22 MRS. TASHIRO: 54.

23 THE MODERATOR: 54.

24 In the second division, Mr. Dufresne.

1 MR. DUFRESNE: 78.

2 THE MODERATOR: 78.

3 Third division, Mr. Hampson.

4 MR. HAMPSON: 56.

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

8 Please rise for the Pledge of
9 Allegiance.

10 [Pledge of Allegiance taken.]

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

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

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

1 service to Falmouth.

2 [Applause.]

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

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

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

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

22 We'll have a presentation, Ms. Valiela.

23 MS. VALIELA: Thank you, Mr.
24 Moderator, Ladies and Gentlemen, Town Meeting

1 Members and the voters watching us at home.
2 Virginia Valiela, precinct 5, and representing
3 the nine members of the Review Committee that
4 worked on the Comprehensive Wastewater
5 Management Plan during the last year.

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

13 I'm going to be commenting on process
14 and I'm going to make a clear distinction
15 between motions and explanations. The motion is
16 the legal record of the town and the
17 explanations give guidelines, amplify an idea,
18 give a sense of where the information would -
19 where the projects would explore, but they are
20 not binding.

21 FROM THE FLOOR: Please speak into the
22 microphone.

23 MS. VALIELA: I'm sorry. Okay. Are
24 we good? Thank you.

1 All right, so the first part, Article
2 17 with the yellow sheet. Article 17 is a
3 funding article, and it moves Falmouth forward
4 on the wastewater issue. The primary focus is
5 to remove nitrogen, excess nitrogen, in the
6 southern coastal ponds and I have one slide.
7 And there is the slide to remind you of what you
8 saw last fall. The recommendation is the areas
9 - the peninsulas south of Route 28 that are in
10 color. They stretch from Falmouth Heights over
11 to Seapit. The watersheds go inland and cover
12 nearly half of the town.

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

19 We as a review committee are looking
20 for the most effective way to remove this
21 nitrogen and deal with the health of our coastal
22 ponds. The review committee is proposing that
23 the Town proceed on parallel tracks: preliminary
24 engineering design that looks at the sewer

1 system in a comprehensive manner, from
2 collection to treatment and discharge. And, at
3 the same time, a half dozen projects that are
4 listed on the yellow sheet and two studies. And
5 I'm just going to very briefly go through these
6 so that they are in the record: shellfish
7 cultivation; widening of one or two ponds;
8 permeable reactive barrier, which is a
9 technology that would be tested; correction of
10 road runoff into Little Pond, which has four
11 discharges; and composting toilets at town
12 locations.

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

21 The funding for Article 17 is a lump
22 sum, and you see that number at the bottom of
23 your yellow sheet: 2 point 2772250. It is a
24 debt exclusion and it is a debt exclusion that

1 replaces new debt from expiring debt. We have
2 bonds that we are paying off and so we are re-
3 issuing debt in that same amount. The result is
4 that it does not change the tax rate. And we
5 want to stress this to the voters and to the
6 Town Meeting Members. We are doing very
7 important work here in moving this key issue
8 forward but we are not raising the tax rate.

9 The individual projects that are listed
10 on this yellow sheet will be developed in
11 conjunction with the new Wastewater Management
12 Committee that was voted last night in Article
13 31, in conjunction with the Wastewater
14 Department and the DPW, and the contracts are
15 awarded by the Selectmen. And I list those
16 things because I want to make it clear that this
17 is going to be a very public process, and that
18 there will be multiple opportunities for
19 community input. We are basically setting out
20 the scope of what needs to be done and the
21 particular avenues that need to be checked, and
22 then each of those will proceed forward on their
23 merits.

24 The dollar amounts that are listed in

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

13 These recommendations were developed
14 last fall and reported to the Selectmen. We
15 know a lot more now about alternative toilet
16 technologies than we did last fall. And so I'm
17 now moving to the second part of my comments.
18 The green sheet, the amendment, represents the
19 information that has come to all of us since
20 last fall. A number of the committee attended
21 the eco toilet summit and we have also received
22 a lot of both written information and email
23 information, and so we are supporting this
24 amendment.

1 The amendment makes two key changes.
2 It reduces the engineering amount from one
3 million to 500,000 and it allocates that 500,000
4 to a very robust and detailed pilot project for
5 a variety of alternative toilet systems. The
6 amount of engineering in the motion that you
7 will hear is set at a maximum of 500,000. We
8 have on our committee an engineer; we have made
9 some inquiries and we believe that that 500,000
10 will do what needs to be done. We believe that
11 it is workable in generating the plan that this
12 town needs.

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

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

22 MR. ROWITZ: Ray Rowitz, precinct 5.
23 I was wondering on the engineering portion, the
24 30 percent of the design for a million dollars,

1 what is that 30 percent of?

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

11 Is there anything else that might -
12 Peter?

13 THE MODERATOR: Mr. Boyer.

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

22 And secondly we need to insure how the
23 entire system, if it were to be built, would fit
24 into the existing system. Remember we have the

1 existing sewer collection system, and it has a
2 capacity for an additional flow. In my head is
3 the number 200,000 gallons a day; I don't really
4 know that. But this particular preliminary
5 design would help us insure what locations could
6 be included with an expansion of the existing
7 system. That's why the preliminary design work
8 is a key component.

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

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

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

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

21 MS. VALIELA: What is the current
22 need?

23 MR. MOORE: Correct. What do we need
24 today?

1 MS. VALIELA: What do we - we don't
2 have that number.

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

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

17 MR. MOORE: No, because the number of
18 houses that we've talked about serving in the
19 first phase of this project is approximately
20 7500. So the gallons - the average gallons per
21 day usage per house times the number of gallons
22 that you're talking about, plus any kind of a
23 projected growth rate that we see going forward
24 over the next 20 or 30 years for a project of

1 this magnitude doesn't equal two or three
2 million gallons a day. Doesn't even come close.

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

9 MR. BOYER: Yes, yes, yes, there are
10 those design numbers and -

11 MR. MOORE: So, what are they?

12 MR. BOYER: - they're contained within
13 the report. As I remember, it's three million
14 gallons per day within the project area, which
15 gives the maximum and allows for growth.

16 MR. MOORE: Well, how much growth?

17 MR. BOYER: I do not have that number.

18 MR. MOORE: Okay, so can - can you
19 tell me -

20 THE MODERATOR: It's based on build-
21 out.

22 MS. VALIELA: Yes -

23 MR. MOORE: So, we're -

24 MS. VALIELA: Sir, one of us at a

1 time. The gallons that were in the Sterns and
2 Wheeler report presumed build out, which means
3 that every lot that could have a house or parcel
4 that could be subdivided was in fact subdivided
5 and built on. So it's a maximum number. So we
6 have a maximum number based on the engineering
7 estimates. But you don't have a detailed design
8 for the area that will initially be sewerred and
9 we need to get to that point.

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

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

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

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

23 THE MODERATOR: The estimate that was
24 used is 100 percent build out, so the maximum -

1 MR. MOORE: But growth happens beyond
2 build out.

3 THE MODERATOR: You can't build in
4 Falmouth anymore.

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

13 THE MODERATOR: Okay. Any further
14 questions?

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

17 THE MODERATOR: Mr. Donahue.

18 MR. DONAHUE: Bob Donahue, precinct 3.
19 I have at some of your meetings brought up the
20 subject of Falmouth Heights. Falmouth Heights
21 is not in precinct 3, so why do I care? I care
22 because I've taken a ride up through there and
23 looked at the lots, the postage size lots that
24 those folks have and the potential in the next

1 ten years that they will need to be sewerred.

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

15 THE MODERATOR: Mr. Boyer.

16 MR. BOYER: Mr. Moderator. What the
17 gentleman is suggesting is that the portion of
18 Falmouth Heights outside the Little Pond
19 watershed should also be sewerred, at least with
20 dry lines for a future connection. Even though
21 it's not within the Little Pond watershed and
22 thereby affecting the water quality of Little
23 Pond, his suggestion is that we should also
24 invest in dry sewer lines or active sewer lines

1 for the portions that are west of the Little
2 Pond watershed. They should be included in a
3 construction project in the future.

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

9 THE MODERATOR: Mr. Stetcher.

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

17 MS. VALIELA: Mr. Apicella can
18 certainly speak to his particular experience,
19 and there was a second one put in at the Waquoit
20 Estuarine Reserve that was somewhat larger, I
21 believe. I know that the one at the Waquoit
22 Reserve did have success in intercepting the
23 nitrogen, and that is one of the reasons why the
24 Committee felt that this should have a serious

1 look. But the one at the reserve is just 50
2 feet long and it had some issues when the tide
3 was too high, the groundwater actually flowed
4 over the barrier and so it's - this - you can't
5 just say they'll work and start putting them in
6 the roads. We need to look at an area where it
7 can be installed, is sufficiently deep to
8 intercept the ground water that is coming
9 through that area, and that - that depth may be
10 25 feet, even 30 feet.

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

18 THE MODERATOR: Mr. Sellers.

19 MR. SELLERS: Hi, Paul Sellers,
20 precinct 6. My question was in regard to the
21 projects that you have outlined here, the five
22 projects. And you mentioned that you would have
23 the ability to be flexible with the line items
24 and the spending. So my expectation would be

1 that all five of these projects would be
2 completed. Are we really confident in the line
3 items that you have for these projects?

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

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

23 THE MODERATOR: Okay. Further
24 questions? Mr. Hampson.

1 MR. HAMPSON: George Hampson, precinct
2 5. Over the past year, at least the past year,
3 there has been some problems with the West
4 Falmouth plant, in discharging high values of
5 nitrogen. And my question is, number one, will
6 that problem be able to be fixed so that we get
7 three milligrams per liter, like the minimal
8 we're supposed to have? And then, when you add
9 more treatment to that plant, will it be able to
10 handle it? Now, I know this is a tough one,
11 but it's a realistic question, particularly from
12 the people from West Falmouth that expect that
13 we're going to see that improve over time.
14 Thank you.

15 MS. VALIELA: Steve Rafferty.

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

1 Falmouth Harbor system.

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

17 As more flow comes into the basins in
18 the size of the basins they have, making the
19 three number all the time will be easier to
20 achieve, but at no time have they exceeded the
21 pound number, and we're reasonably confident
22 because this is not one unique plant. There are
23 another 12 or 15 plants like this in
24 Massachusetts. Probably 50 plants like this in

1 Southern New England that all operate well.

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

8 Did I answer your question? Thank you.

9 THE MODERATOR: Ms. Siegel.

10 MS. SIEGEL: Debra Siegel, precinct 6.
11 Mr. Moderator, would you clarify are we just
12 asking questions of the Committee now or are we
13 debating -

14 THE MODERATOR: We're just asking
15 questions.

16 MS. SIEGEL: - the article or the
17 amendment -

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

22 MS. SIEGEL: Right, thank you.

23 THE MODERATOR: Okay, Mr. Duffany.

24 MR. DUFFANY: Michael Duffany,

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

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

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

24 THE MODERATOR: Mr. McGrath.

1 MR. MCGRATH: Mine's not a question is
2 to make two suggestions. I would either ask the
3 Committee to let me make them or I'll wait.

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

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

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

19 THE MODERATOR: Ms. Harper.

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

22 MR. FLEER: [No mic:] Well, I - go
23 ahead.

24 MS. VALIELA: I would just add one

1 other piece. The Committee identified a number
2 of areas for discharge. We do think that the
3 sites closer make more sense because they're
4 closer. But, again, if you look on the map up
5 there, the sites that are in yellow, those are
6 all potential discharge sites.

7 THE MODERATOR: Okay, Mr. Kasparian.

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

16 The dates I see is that Sterns and
17 Wheeler estimates ten million dollars, but this
18 is not going to be approved or has to be
19 approved at least by 2014. Have they expressed
20 the possibility of that estimate perhaps going
21 up ten percent, twenty percent, five percent?
22 How close is that estimate? We're talking about
23 a couple of years, now, to complete a ten
24 million dollar estimate and which tonight we're

1 either going to vote yes or no for a half a
2 million dollars or a million dollars, and my
3 concern is: how close are those numbers?

4 THE MODERATOR: Mr. Boyer.

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

21 And, for lack of a better way of
22 defining it, I would say 100 million dollar's
23 worth. And that that would be a ten percent -
24 and in our case we allocated nine percent of

1 that construction design as a fee. Now, that is
2 to be negotiated with whomever the Town selects
3 as its design engineer for first the preliminary
4 design of the entire system and then secondly
5 the construction design, which has to come
6 before Town Meeting probably in 2013 for that
7 small portion of the total that would be for the
8 actual construction work.

9 Does that get to your question?

10 MR. KASPARIAN: Yes, thank you.

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

13 Okay, Mr. Patrick.

14 MR. PATRICK: Thank you, Mr.

15 Moderator. Matthew Patrick, precinct 7. I move
16 that the Town appropriate the sum of \$2,772,250
17 for the purposes of Article 7, including costs
18 incidental and related thereto as follows: to
19 fund wastewater management studies, planning,
20 design, construction and demonstration, with up
21 to 500,000 for sewer design and engineering to
22 implement the Comprehensive Wastewater
23 Management Plan.

24 I don't think I have to read the second

1 paragraph. It's the same as the original
2 article. And I just want to get into a
3 presentation.

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

9 MR. PATRICK: Right.

10 THE MODERATOR: Mr. Patrick.

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

20 About the motion. This motion is not
21 the same one that appeared in the Enterprise
22 last Friday. It's a new, reasonable compromise
23 that moves us in the right direction. It frees
24 up \$500,000 for the eco toilet demonstration

1 project that will give us the answers we need to
2 move forward. It takes the word "repairs" out,
3 so repairs can no longer be funded with the
4 money in the article, and limits spending on
5 sewer design to 500,000, up to 500,00.

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

20 Like many of you, I've always liked
21 Falmouth because it wasn't exclusive. We have a
22 very economically diverse community, and I
23 believe it is good for all of us to be reminded
24 that not one -- not everyone has the same luck

1 in life. It's good to raise children in a world
2 where everyone isn't like them. But all that
3 could change with this decision tonight. If we
4 decide to sewer, we could turn this Town into a
5 gated community. Like Chatham or Nantucket,
6 it's very difficult for moderate income people
7 to live there.

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

18 Falmouth has spent roughly \$800,000 to
19 develop a comprehensive wastewater management
20 plan. The vast majority of that money has been
21 focused on sewers. Only a very small amount of
22 it was spent on alternative toilets. The
23 consultant came to the conclusion that eco
24 toilets would not be acceptable to the average

1 citizen and therefore were not worth further
2 consideration.

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

13 How do we know these things about eco
14 toilets? Or why do we need to know these
15 things about eco toilets? Number one,
16 installing and operating eco toilets are
17 measured in tens of millions of dollars for
18 8,000 homes versus hundreds of millions of
19 dollars for sewers.

20 Number two, if you value the health of
21 our bays, you should support this because eco
22 toilets can be installed by local plumbers in
23 less than half the time it would take to install
24 sewers.

1 Number three, more than 80 percent of
2 the household's nitrogen can be removed, can be
3 intercepted and turned into commercially viable
4 fertilizer.

5 Number four, we won't have to rip up
6 our roads.

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

13 Many local and permanent jobs will be
14 created. That's number six.

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

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

22 The simple truth is it is economically
23 and environmentally smart to make these
24 considerations to determine if they are

1 applicable and whether or not we will accept
2 them before we forge ahead with this huge
3 decision that will cost the town more money than
4 we've ever committed to before in our history.

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

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

17 Concerning state revolving loan fund, I
18 was in the room when we arbitrarily decided on
19 that deadline. It was the Cape Cod delegation
20 of your legislature that decided on that
21 deadline. So far, a lot of towns are having
22 trouble meeting that deadline. In fact, to my
23 knowledge, no town has. That can be moved
24 legislatively very easily.

1 To those that bring up the threat of a
2 lawsuit, Falmouth is making a great deal of
3 headway by anyone's measure. We are taking the
4 hard questions and we are examining them. And
5 this is going to be a further step in that
6 process. We may even be setting a new standard
7 that other towns can follow.

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

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

22 My concern is for the people of
23 Falmouth, the folks sitting at home watching
24 this on T.V., the folks who are oblivious to

1 this conversation that we are having, the
2 unemployed carpenter and his wife that have
3 maxed out three credit cards. The teacher who
4 cuts grass in the summer to raise his family but
5 is concerned about being laid off. The elderly
6 couples that are hoping Social Security keeps up
7 with Medicare increases. The single mother who
8 hasn't paid the last oil bill and has shut off
9 the oil heat early so she has enough hot water
10 and only turns it on for hot water for her kids,
11 to bathe them. And finally the newlyweds who
12 want to stay in town but aren't sure they can do
13 it on their combined salaries. These are the
14 people that I care about.

15 These are the people that I've come to
16 know as a former state rep with all the myriad
17 problems. These are the people that I want to
18 say, "Hey, we're looking out for you folks."

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

22 THE MODERATOR: Okay, discussion on
23 the amendment? Mr. McGrath, do you want to
24 start since we're in the debate mode? And then

1 Ms. Lichtenstein.

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

21 Can you show me the next slide, please?
22 I was the design engineer on the Little Pond
23 Landing. And there are two pieces of material
24 that are three pieces of real facts that drive

1 me to make a recommendation that we actually go
2 ahead and design sewers right now and we start
3 building sewers. If we don't have enough
4 capacity, build the sewers in the commercial
5 street. I'm going to tell you why.

6 During the Little Pond Landing process,
7 we measured the total actual nitrogen in
8 Falmouth Trade Center. Falmouth Trade Center's
9 the bowling alley, it's got Winston's, it's
10 across the street from Spring Bars Hill Road -
11 Spring Bars Road from the Falmouth Mall. It's
12 right in front of Little Pond Landing. Under
13 the MEP model, it has 98 kilograms per year of
14 total nitrogen. The actual nitrogen measured is
15 194 kilograms of nitrogen per year.

16 We need to start fixing this pond.

17 There's another piece of data that's
18 very important is that Ivan Valiela's students -
19 can I borrow a red? During the process of
20 Little Pond Landing, Ivan Valiela, a professor
21 at MBL, had his students install monitoring
22 wells; I think they're every 200 feet, all the
23 way around, on both sides. I attended a
24 presentation and they stated that they found

1 significant amounts of dissolved ammonia in the
2 lower third on both sides of Little Pond.
3 Ammonia is much more available biologically than
4 nitrate.

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

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

17 MR. MCGRATH: What I think, I want to
18 make sure that Town Meeting hears that we should
19 start sewerage and start sewerage now and I
20 believe that we should design this now and I
21 think we should start modifying the groundwater
22 discharge permit and that now's the time to do
23 it.

24 So, that's my recommendations to the

1 Town Meeting.

2 THE MODERATOR: Okay, Ms.

3 Lichtenstein.

4 MS. LICHTENSTEIN: Leslie

5 Lichtenstein, Precinct 9 - I'm sorry, Precinct

6 8. Numbers, there's too many numbers here

7 tonight.

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

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

24 THE MODERATOR: Further discussion?

1 Ms. Hayward. To my right, Ms. Hayward.

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

9 THE MODERATOR: Well, the Committee's
10 comfortable with it.

11 MS. HAYWARD: May -

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

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

18 THE MODERATOR: Okay, Mr. Rafferty.

19 MR. RAFFERTY: Steve Rafferty from
20 Precinct 2, again. When Bob was up here before
21 and touched upon the engineering numbers, what
22 he was trying to convey is that in this next
23 phase of the project, we want to move from a
24 very general idea that areas need to be sewerred,

1 and move more specifically into how deep would
2 the pipes be, how big would the pipes be, how
3 many pump stations do you have to have.

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

15 I think we're reasonably comfortable
16 that for a half million dollars we can look at
17 the key peninsulas, the ones that Mike is
18 mentioning around Little Pond and whatnot, get a
19 handle on how far, how deep, and what a relative
20 cost would be to build a system so that, when we
21 come back before you in the future for more
22 definitive detailed design engineering or
23 detailed delineations of the systems, that we
24 will be able to put more authoritative numbers

1 in front of you rather than gross estimates;
2 we'll be down to more specific estimates. So
3 I'm comfortable with a half million.

4 THE MODERATOR: Ms. Murphy.

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

11 MR. PATRICK: For the eco-toilet
12 demonstration?

13 MS. MURPHY: No, the sewerage
14 project. Does -

15 MR. PATRICK: The sewerage project,
16 yeah, it would go from the Little Pond area -
17 and the Committee has had the map up - all the
18 way to East Waquoit area - I'm sorry, West
19 Waquoit area.

20 THE MODERATOR: The Seapit area.

21 MR. PATRICK: The Seapit area.

22 MS. MURPHY: And has there been any
23 kind of data collected as far as having the
24 people installing an alternative wastewater

1 system to the sewerage system, what the cost
2 would be per household?

3 THE MODERATOR: Mr. Patrick.

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

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

18 MR. PATRICK: Those are the most
19 expensive composting toilet that they make,
20 those are Clivus Multrums, and they are for the
21 beach - is it Menauhant Beach, I think? So
22 those are sort of stand-alone units out in the
23 open. They will - they are very expensive, yes.
24 But that's not the only kind of composting

1 toilet that exists. There are very good models
2 that start at about \$5,000, and if I can call on
3 some of my colleagues to respond directly to
4 that, that question. Though you, Mr. Moderator,
5 if Mr. Zweig could speak to this?

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

8 MR. PATRICK: Or Hilda.

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

1 15,000 per house.

2 So, the ones that I found in the
3 newspaper mentioned by Mr. Hoffer, \$50,000, is
4 not for a domestic one. That is for if you have
5 a whole public facility with a little, you know,
6 cabin around it and all that stuff. But in the
7 house itself, if you count on \$15,000, most
8 likely it will be less for a lot of houses.
9 There might be some really fancy houses that
10 have tile work to do, you might have a little
11 bit more. But you get the range that if you,
12 you know, you get the range of between ten and
13 \$15,000 per house.

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

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

20 MS. MURPHY: Thank you. Well, that's
21 \$15,000 per household for the composting toilet
22 and does anybody have a figure as far as what
23 it's going to be - I think it's a 20 to 50 year
24 period of putting this sewerage in, as far as

1 the tax share will be per household? Thank you.

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

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

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

20 As an average, what we have now done a
21 simple division of 290 by 7500 households gets
22 us to about \$30,000, \$35,000. But that's how
23 you spend it, or rather how you raise it is
24 still a very much an open question between

1 betterments or property taxes.

2 THE MODERATOR: Okay, Mr. Smolowitz.

3 MR. SMOLOWITZ: Thank you, Mr.

4 Moderator. Ron Smolowitz, Precinct 8. I'd like
5 to say that I've spent a lot of time talking to
6 a lot of officials in the EPA, the DEP,
7 Conservation Law Foundation. I've spent a whole
8 week at a scientific conference a week ago on
9 shellfish options. There are a lot of
10 alternatives out there. We're not the only
11 people dealing with the wastewater issues. The
12 Clean Water Act, which we're - basically is
13 driving this process, has been around and it was
14 the National Pollution Act in 1948. The threats
15 are different; they're always changing; it needs
16 to be adaptive.

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

22 What I want to do here in the next five
23 minutes is a lot of people raised questions
24 about time frame. What are we forced to do?

1 Are we going to be sued? Issues like that. So,
2 what I did is I just Googled comprehensive
3 wastewater management. Or actually I said,
4 "What the hell is Comprehensive Wastewater
5 Management?" And it's interesting. I have to
6 put on glasses because it took me to a DEP site.
7 And the Massachusetts DEP has a nice question
8 and answers page. Unfortunately, due to
9 cutbacks, they're about a six font and I can't
10 read six font.

11 [Laughter.]

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

18 First question: what is a CWMP?
19 Comprehensive Wastewater Management Plan.
20 Comprehensive Wastewater Management Planning is
21 locally managed, community-wide process that
22 evaluates current and future wastewater needs,
23 compares alternate solutions, and chooses a
24 final plan based on cost effectiveness and

1 environmental impact. The resulting document is
2 called the Comprehensive Wastewater Management
3 Plan.

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

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

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

23 What is DEP's role in TMDL
24 implementation? Communities will have the lead

1 in the implementation process. However, DEP has
2 an obligation to ensure that Massachusetts
3 waters are protected so that all citizens can
4 enjoy a clean and healthy environment. DEP's
5 role will include support for community efforts,
6 financing, regulatory review and policy
7 guidance.

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

20 DEP and EPA recognize that restoring
21 polluted waters is a long-term process,
22 particularly when groundwater is polluted by
23 non-point sources. For this reason, DEP
24 supports an adaptive management approach to

1 implementing a TMDL, taking the most cost-
2 effective measures first, measuring their
3 impact, and making adjustments where necessary.
4 Giving priority to projects with more immediate
5 impacts on water quality will help communities
6 adjust implementation steps if needed.

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

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

1 So I think we're on the right track.
2 Let's vote and let's move forward together on
3 this. Thank you.

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

6 [Applause.]

7 MR. PINTO: Greg Pinto, Precinct 3.
8 First thing I'd like to say is this - I am one
9 of those people who thinks that we need to do
10 this and get moving. So I will be voting for
11 this article this evening.

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

23 This is a much larger project. These
24 costs will also escalate. Nothing is getting

1 cheaper. Any pipes that we have that are made
2 from - as an oil byproduct, they're not getting
3 cheaper. I work in golf course irrigation. I
4 can tell you: the price of pipe is going up.

5 Now, we're not talking necessarily
6 about PVC pipes out here, we're talking about
7 ductile pipes. That's iron. The price of
8 iron's probably going to go up, too. So, if as
9 last fall we decide, "Well, let's move this to
10 next town meeting." That's another six months
11 of prices going up.

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

23 So, like I said, I don't know if
24 anybody can actually answer that question or if

1 anybody's thought about it.

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

8 MR. PINTO: Well, that's something
9 that I -

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

1 MR. PINTO: All right, well that's -
2 thank you for that answer and I think that on
3 the Town level we need to think about that. I
4 mean, if we do this demonstration and if it's
5 shown that composting toilets or denitrification
6 systems, whether it be a Fast system, a Ruck
7 system, whatever, happens to work, then you know
8 if you go forward and there is no exemption,
9 then there's really no incentive for anybody to
10 bother doing those things unless it's part of
11 the demonstration project and it's being paid
12 for for them. Because, at that point, you know,
13 why am I going to spend money on a composting
14 toilet when I'm just going to get an order?

15 I personally happen to live inside that
16 100 percent zone. So I know that there's a
17 sewer coming down my street at some point in
18 time. So it would just make some sense to, you
19 know, put some thought into that as to whether
20 or not people would be allowed to not have to
21 connect to the sewer if they have something else
22 that is proven to work.

23 THE MODERATOR: Okay. Yes?

24 MR. PINTO: Well, the last thing I

1 would like to ask is about the monitoring of
2 these things. What level of milligrams per
3 liter, parts per million, whatever, are we
4 aiming for on an individual home basis if we're
5 doing composting toilets or something like that?

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

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

22 MR. PINTO: Thank you.

23 THE MODERATOR: Okay. Mr. Johnson. I
24 have a long list, here, so if we can get right

1 to our point or ask our question.

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

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

21 MS. SIEGEL: Debra Siegel, Precinct 6.
22 I'm strongly in favor of the article and now
23 that the last sentence of project six has been
24 removed from the amendment, I can support this

1 also. But I do have a question through you -

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

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

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

16 MS. SIEGEL: But do we - are there
17 figures that say it has to be 100 percent for it
18 to work, or will it work if it's only 60
19 percent? Because if we still have to build the
20 sewer if it's only 40 percent, then we're double
21 -

22 MR. PATRICK: What - the way I
23 anticipate this as working if we find from the
24 study that people can adapt to them, then we

1 will decide that, instead of sewers, everybody
2 gets an eco toilet or their home converted to
3 eco toilets and there would not be a question of
4 who participates.

5 THE MODERATOR: Yes, Mr. Young.

6 MR. YOUNG: Bob Young, Precinct 5.
7 I'll be brief, Mr. Moderator. I'd like to thank
8 Virginia and her wastewater group and all the
9 work they've done on this project, all the
10 research and recommendations and especially the
11 compromise they've forged tonight with Mr.
12 Patrick and his idea of the eco and composting
13 toilets and I will support this article. That's
14 the comment.

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

22 MR. PATRICK: I could speak to that.
23 It has been considered -

24 THE MODERATOR: Ms. Valiela or Mr.

1 Rafferty?

2 MR. PATRICK: - and Mr. Rafferty will
3 probably address it.

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

22 So, because it would take an act of the
23 state legislature, basically, and there's an
24 awful lot of reasons why I think it would be

1 hard to get permission to put an outfall pipe
2 in.

3 THE MODERATOR: Mr. Putnam.

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

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

20 THE MODERATOR: Okay, I've got a long
21 list. Does anyone want to speak against this
22 article? Okay. In the center. Yes. Because I
23 hate to go an hour and a half if we all agree on
24 this.

1 [Laughter.]

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

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

22 Well, you know, I know Mr. Patrick
23 talked about the pharmaceuticals and I'm not
24 convinced that these systems can do that,

1 particularly when we're going to be putting
2 stuff down our sinks and other places other than
3 our toilets. But I know that there are
4 technologies out there for a central system that
5 will take care of all kinds of chemicals, even
6 if it gets through reverse osmosis. Now that's
7 going to be very, very expensive to have a
8 system like that. But I'd hate to think 20
9 years down the road they'd look back at us and
10 say, "What were they thinking about nitrogen
11 when X, Y, Z component is so much more
12 important?" Not only is it killing what marine
13 life might be out there, plant life, what we may
14 be drinking ourselves. The whole thing about
15 antibiotics and so forth, we're drinking that
16 right now and our immune system is being
17 affected by that and I think it's going to have
18 an affect on the marine life, as well.

19 I think the central system is the way
20 to go. I think if I thought nitrogen was the
21 only thing, I'd be saying let's not even put the
22 \$500,000 into the central system, but I don't
23 think that's the real problem.

24 THE MODERATOR: Mr. Patrick.

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

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

20 FROM THE FLOOR: Call the question.

21 THE MODERATOR: Okay. I've got a
22 list. Is it something new, or a question, Mr.
23 Wilber? Ms. Szuplat, you're on this list.
24 Let's go through this list real quick because

1 I've got a sense we're ready to vote on this.
2 Mr. Wilber, something new?

3 MR. WILBER: Yes. Just a few items.
4 Please give me a four minute warning and then
5 I'll wrap it up in one minute.

6 I agree with Mr. Pinto, I have a
7 concern about the costs. Standard engineering
8 costs will be going up, there's no doubt about
9 that. On the other hand, the alternatives to
10 wastewater management are in the second or third
11 generation and they are only going to get better
12 and the prices are only going to go down. We've
13 seen this with things over and over again,
14 including computers. Computers used to cost
15 \$5,000, now they cost \$500.

16 This is the way - this is the one thing
17 we have to very much consider about this, is
18 total costs and how they're projected.

19 The - another important thing is we are
20 in the point of lacking a lot of pertinent
21 scientific information with regard to going
22 forward with this. This is a cart before the
23 horse thing. We're throwing engineering at
24 something that we don't know what we're trying

1 to fix. And I would just ask anybody has
2 anybody ever scuba dived or snorkeled in Perch
3 Pond? Well, I have. And I wouldn't recommend
4 it. But Perch Pond was the originally smelly,
5 nasty pond in this town ten years ago. And I
6 was at the point at the time doing a study for
7 the Town of Falmouth on Great Pond, a very
8 comprehensive study on Great Pond, and as part
9 of that I jumped into Perch Pond, just to see
10 what was down there, and it's kind of a Stephen
11 King sort of thing that's going on down there.
12 But one thing I did find out about it is that
13 there wasn't a lot of planktonic bloom going on
14 in there. What instead what going on down there
15 was a pretty scary accumulation of Sea Lettuce,
16 Ulva, and this is something that we have totally
17 overlooked. We don't know what the biomass of
18 these macro algae are in terms of taking up
19 nitrogen. In some places, they're the dominant
20 - dominant thing.

21 There's a hodgepodge of anecdotal grey
22 literature, published literature, stories, myths
23 about these ponds and how they work. We need to
24 pull all the information together, collate it

1 and vet it before we really jump into this. We
2 are, I agree with the people that have said that
3 Falmouth is way ahead of the curve, here. But
4 one thing we cannot do is we cannot parse up a
5 whole coastal system into landside stuff, shore
6 side stuff, and the ponds in the middle. The
7 landside stuff is the primary workers, the shore
8 side stuff is a primary worker, and the ponds
9 are screwed up because the landside workings and
10 the shore side workings aren't working very
11 well. And this can be proved and this has been
12 proved in a number of other areas.

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

19 One of the things that most people
20 won't know about this is that nitrogen is not
21 really the problem anymore. The problem now is
22 the organically loaded sediments in these ponds,
23 that is the mud. Nothing can live in there
24 except quahogs because they burrow down in there

1 and they have a siphon that they stick up into
2 the water. Nothing else can live there. Okay?
3 So you can clean up every piece of nitrogen
4 that's coming off the land side and you're still
5 going to have dead pond for decades. Because the
6 organic material that is embedded in those
7 sediments is going to be a source of leaching
8 out of nutrients for decades to come.

9 Now, there are ways, there are natural
10 ways. You have to remember, these ponds have
11 died in 60 years, okay? What happened in those
12 60 years? What happened on the land side, what
13 happened on the shore side to make the thing in
14 the middle break? Okay. And I don't think
15 that we have all those answers. Okay. So I -
16 throwing engineering money at something that you
17 don't really understand what you're trying to
18 fix, is well, you figure it out for yourself.

19 THE MODERATOR: Okay.

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

22 THE MODERATOR: Here we go.

23 MR. WILBER: One more thing I do agree
24 is that Falmouth is in a tremendous position to

1 - as a leader in this. Not only a state leader,
2 but a national leader in how to fix up a totally
3 screwed up coastline, okay? And it takes time,
4 it really takes time for people to change their
5 mind on these things.

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

11 [Aye.]

12 THE MODERATOR: All those opposed, no.

13 [No.]

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

16 [Applause.]

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

21 [Aye.]

22 THE MODERATOR: All those opposed, no.

23 [None opposed.]

24 THE MODERATOR: The ayes have it

1 unanimous and I declare the two-thirds majority.
2 [Applause.]

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

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

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

12 [Aye.]

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

15 THE MODERATOR: The ayes have it
16 unanimous.

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

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

1 Okay.

2 While that's coming up, I'll read this
3 Section 180-51, Septic System Inspections.
4 Every septic system inspected in the Town under
5 the provisions of Title 5 shall include a test
6 of total Nitrogen of the raw wastewater in the
7 outlet end of a septic tank or cesspool. Septic
8 system inspections shall be required by Title 5.
9 The results will be sent to the Board of Health
10 and the engineering division of the Department
11 of Public Works.

12 Mr. Moderator, with your permission,
13 Mr. McGrath has a -

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

17 FROM THE FLOOR: Yes.

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

23 MR. MCGRATH: My name's Mike McGrath,
24 I introduced myself before. I filed this

1 article because I have reservations with certain
2 aspects of solving the problem that we faced.
3 And so why don't I tell you why? Why don't we -
4 what this basically requires that every time
5 someone inspects a septic system, there has to
6 be a test of total nitrogen. The reason I had
7 proposed this is that I sell an innovative
8 system and over time I've evolved a model, so
9 right now I take the raw wastewater from the
10 entire house and I treat it. And I have total
11 nitrogen of 80 milligrams per liter.

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

24 That's based on some studies in the

1 1980's. Since the 1980's, we've changed the
2 plumbing code and I have in our residential
3 systems, I have to treat wastewater that's much
4 stronger than what is in the regulatory model.
5 So what actually could be happening, and I have
6 some other data that I'll show you, is that if
7 we have to remove a certain mass of nitrogen, it
8 might well be that we're only going to have to
9 address a much smaller portion of the estuary.
10 The only way to find that out is to gather the
11 data.

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

19 Onsite waste water - this is an
20 important sentence - onsite wastewater nitrogen
21 is always higher because septic systems are
22 watertight. Sewer systems have allowed
23 infiltration and exfiltration. If the Town had
24 good data on the total nitrogen and the raw

1 wastewater you'd find it less than 50. I do it
2 much higher strength wastewater.

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

12 Can I have the next slide. This is
13 actual total nitrogen from Falmouth Trade
14 Center. Falmouth Trade Center has a total - I
15 haven't done PowerPoint before, but I'm sorry
16 you can't read it, because I can't read it.

17 [Laughter.]

18 MR. MCGRATH: There are a total of I
19 think five septic systems at Falmouth Trade
20 Center. This is the entrance to the Falmouth
21 Mall. This is Springs Bar Road. And this is
22 the Falmouth Trade Center. Winston's Restaurant
23 used to be there. There's a bowling alley
24 underneath. The upper level is 16 apartments.

1 And I will tell you that the most important
2 thing is look at the kilograms per year, these
3 are actual - multiplying the actual water use
4 times the nitrogen that we found. These are not
5 single tests, these are three tests and we found
6 it was discharging 194 kilograms per year. You
7 should get credit if you sewer this that you're
8 going to take out 194 kilograms per year.
9 That's almost double.

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

15 Could I have the next slide, please.
16 The other thing that I would tell the Town to
17 keep track of is the distance from groundwater.
18 This is a picture of a house with a cesspool and
19 it says it was supposed to be constructed prior
20 to 1962; we just inspected a house in Falmouth -
21 I'm not going to tell you where - I think it was
22 built between 1970 and 1975 and it's got a
23 leaching pit and it's in the groundwater.
24 There's utterly no attenuation of the nitrogen.

1 When you have a Title V system, there's
2 an attenuation of 25 percent is what the
3 regulators say. I will tell you that my
4 innovative system mimics the soils here and when
5 I put high strength wastewater in, I don't get
6 25 percent, I get less. I have a cluster
7 system; the total nitrogen there is 75, and when
8 I apply it to - the effect of this, I only get
9 22 percent remediation.

10 So, could I have the next one. Well,
11 my - let's - can we go back to the little
12 graphic that showed the estuary as a whole? All
13 right. I've applied for a patent because at a
14 wastewater treatment facility I partially
15 denitrified the groundwater. Wastewater
16 treatment plants have nitrogen plumes that run
17 forever.

18 Ivan Valiela published - and his
19 students published some studies, and one of the
20 studies that they did in the '90's identified
21 attenuation of a Title V system. What that
22 means is that if this is a septic system, that's
23 not me blinking it. Oh, that's me shivering.
24 God, I'm getting old.

1 Ivan identified that there was - that
2 slowly over time in some septic systems there
3 was attenuation. I looked at a wastewater
4 treatment plant and what was the difference in
5 their discharge versus a Title V system. Bottom
6 line is that when we treat wastewater, the
7 easiest thing to get rid of is carbon. So I
8 developed a hypothesis that if you want to have
9 attenuation of wastewater in the groundwater,
10 you must have a proper carbon over nitrogen
11 ratio.

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

21 I believe that then - that this is
22 attenuated. And the only way to find out is to
23 test the nitrogen. If the nitrogen around here
24 is more than what is in the MEP study and we

1 remove it, we don't have to sewer up there. We
2 don't have to restrict up there. So, the only
3 way to find out is real data. I might be wrong
4 - though I doubt it.

5 [Laughter.]

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

10 THE MODERATOR: Okay. Ready for
11 discussion?

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

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

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

20 THE MODERATOR: Yeah, if you've got an
21 amendment - is it long, shall I have it in
22 writing or?

23 MR. BRODEUR: No, having talked with
24 Michael, it's short. And I have Barry Norris

1 who's a Falmouth resident who'll speak on it.

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

4 -

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

9 Do we have a slide of the -

10 MR. BRODEUR: Correct. Correct.

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

13 MR. BRODEUR: Okay, well -

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

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

21 THE MODERATOR: Okay, so we don't have
22 it. So, Mr. Brodeur, do you have a copy that
23 was handed out of the motion that was placed on
24 the floor?

1 MR. BRODEUR: I have it now.

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

4 THE MODERATOR: Well, that's not what
5 they handed me, so.

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

9 [Pause.]

10 THE MODERATOR: What I had was one
11 paragraph. That's three paragraphs.

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

15 THE MODERATOR: This is one paragraph
16 and that's -

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

19 FROM THE FLOOR: [Inaudible.]

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

23 MR. MCGRATH: Correct.

24 THE MODERATOR: You moved the

1 sentences around, so you've got two paragraphs
2 up there and it's one in the handout. That's
3 why they looked the same to me. All right, so
4 your amendment?

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

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

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

16 MR. BRODEUR: Yes, sir, I'll run it
17 right up to you.

18 THE MODERATOR: Can I get a copy up
19 here? Here it is. Okay, again, so it's:
20 "Septic systems, which are required by law to be
21 inspected on a periodic basis will not be
22 required to include th total nitrogen test more
23 than once." Go ahead.

24 MR. NORRIS: My name is Barry Norris,

1 precinct 1. I'm Chairman of the Treetops
2 Condominium Trust and I'm speaking in my
3 capacity as Chairman for our 62 owners. To keep
4 you from having to listen to this - to two
5 people on this, I'm also speaking for the 210
6 homeowners of Falmouth Port in precinct 3. Rudy
7 Hunter, their chairman, is with me also.

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

19 It's hard to imagine that in this large
20 country no one has ever made these studies. We
21 already know we have a problem in Oyster Pond
22 where we're located from the 25 years of pond
23 watching which Brian Howes has accomplished.
24 I'm sure this is true of other ponds. The state

1 has already decided that 90 percent of the
2 nitrogen going into our Oyster Pond is from
3 septic. It's already been calculated that if
4 all of Treetops' nitrogen is removed from the
5 flow and 50 percent of the homeowners plus a
6 little more, it will possibly get to the TMDL -
7 it will be possible.

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

15 On these bases we call for rejection of
16 this article.

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

1 alluded to yesterday.

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

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

16 Homeowners do not have these three year
17 inspection requirements. They might not have to
18 make an inspection until they sell their home.
19 A member yesterday said, "People might live in
20 their homes 15 or 20 years, which means it's
21 going to take at least that long to get results
22 from these tests, by which time the abatement
23 plan should be finished anyway." So why should
24 condos have to bear such a large portion of the

1 cost of determining the nitrogen contribution to
2 the water table? We already maintain and plow
3 our roads and pay the same tax rate as everyone
4 else. The idea of determining nitrogen
5 contribution could possibly be good, but sharing
6 the cost as written is unfair. Unexpected
7 consequences.

8 The article has not been thought out
9 carefully. Please do not approve this article,
10 especially as it's written.

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

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

21 MR. WATERBURY: John Waterbury,
22 Precinct 1. A member of the Board of Health.
23 We've worked fairly extensively with Mike on
24 this bylaw and this article and we feel that

1 this has been - we've whittled it down. We also
2 are quite comfortable, I think, with the
3 amendment; it makes a great deal of sense. I
4 would encourage and the Board would encourage
5 the Town to pass this article. I think it's
6 information that will be extremely useful to the
7 committee that's going to be looking at
8 wastewater issues as we go forward, knowing what
9 the actual strength of what we're discharging
10 from our title V systems.

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

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

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

23 MR. MCGRATH: I would think that if we
24 had five years worth of data, that would be

1 sufficient.

2 THE MODERATOR: Anybody making an
3 amendment to put a sunset clause on, or no?
4 Ms. Lowell?

5 MS. LOWELL: Well, I hadn't thought of
6 this until the discussion so I don't have
7 wording, but I would say that it would be
8 expiring - what's it, now it's 2011. Like
9 December of 2016.

10 THE MODERATOR: Okay, there's an
11 amendment to add the language that this bylaw
12 will expire in December of 2016. Discussion on
13 the sunset clause? Hearing none - Mr. Smolowitz
14 on the sunset clause? Okay, go ahead.

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

21 MR. MCGRATH: I suggest the Town use
22 two attenuation rates: zero for cesspools and 25
23 percent for other - for any system that has
24 vertical separation from groundwater.

1 MR. SMOLOWITZ: But that 25 percent
2 you were saying is a function of the
3 carbon/nitrogen ratios?

4 MR. MCGRATH: That's true, but 25
5 percent most likely is the average or the mean.
6 I got much higher when - I got a much higher
7 attenuation when the wastewater was less. So -

8 MR. SMOLOWITZ: Yeah -

9 MR. MCGRATH: - what we're saying is
10 that is a very good attenuation rate.

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

20 I think that it's very important that
21 we get a handle on this, but we need to get a
22 handle on it via a research project where we
23 address the issue of attenuation more than just
24 what the nitrogen is at the discharge of a

1 septic system. I think this is a part of the
2 2.7 million that we voted for monitoring and we
3 set up a scientific project. I think we have to
4 vote this down. Thank you.

5 THE MODERATOR: Okay, the question
6 will come on adding the sunset clause -

7 MR. PINTO: [No mic. Inaudible.]

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

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

18 THE MODERATOR: Mr. Duffy, do we need
19 a specific day in December or is there a legal
20 standard? The 31st, should we write it in, or
21 is that a legal standard? Mr. Duffy said we
22 should write in the 31st, so it will be December
23 31st, 2016.

24 MS. O'CONNELL: [No mic. Inaudible.]

1 THE MODERATOR: Between the word
2 "December" and "2016".

3 [Laughter.]

4 THE MODERATOR: Any further discussion
5 on the sunset clause? Ms. O'Connell.

6 MS. O'CONNELL: Yes, Mr. Moderator, a
7 little more clarification, please. I just want
8 to know where this ad hoc sunset clause is to be
9 placed -

10 THE MODERATOR: At the end of the
11 motion it will say that this bylaw will expire
12 on December 31st -

13 MS. O'CONNELL: Okay, thank you very
14 much.

15 THE MOD: - 2016.

16 Ms. - who's back there - Putnam.

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

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

22 MS. PUTNAM: Okay.

23 THE MODERATOR: And then it will be
24 approved by the Attorney General, so we don't

1 know exactly how long that process will take,
2 but the legal effect happens at the adjournment
3 of the meeting subject to the approval of the
4 Attorney General's Office to make sure it
5 doesn't violate a state law.

6 MS. PUTNAM: Thank you.

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

11 [Aye.]

12 THE MODERATOR: All those opposed, No.

13 [No.]

14 THE MODERATOR: The ayes have it by a
15 majority.

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

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

1 to have this inspection done.

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

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

16 THE MODERATOR: Okay, Mr. McGrath.

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

24 As far as the data, the analysis of the

1 data, I believe that it should be pretty simple
2 because you have a GIS data that has connections
3 to all the different criteria that's needed.
4 So, to me, you could write a computer program
5 that this could be done in, oh, three or four
6 hours a quarter. So, 16 hours a year is what I
7 would guess.

8 And it would probably save you millions
9 of dollars.

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

12 MR. PUTNAM: Could we put back on the
13 screen the slide showing the Trade Center? The
14 question regarding what do we do with this data,
15 I think this is perhaps the most telling of this
16 whole presentation, that we really need to
17 consider, here. The MEP model has been
18 criticized, including - by a number of folks,
19 including myself, because it's theoretical, it's
20 closed, the state says, "We've check it", but
21 we're asking - we're being asked to trust the
22 state, which is not only telling us to clean up
23 the ponds, they're telling us exactly how much
24 we have to clean up without giving us the

1 opportunity to look at the model that says how
2 much we have to clean up.

3 That model says, according to Mr.
4 McGrath, that the Trade Center contributes 98
5 kilograms per year. Actual measurements from
6 the Trade Center, according to Mr. McGrath, were
7 194 kilograms per year. Twice as much. The
8 TMDL's that come out of the MEP model say that
9 we have to reduce so much nitrogen going into
10 the salt ponds. So what this actual data would
11 do for us, if you took this as representative of
12 the kind of samples that we might get, it means
13 that we would have to sewer half as much of the
14 town, if we were to put sewers in.

15 So when you talk about the cost, and
16 Mr. McGrath put up there the estimated cost of
17 these tests might be \$150, those tests would be
18 done just as every other Title V test is done,
19 when you sell your house. There's already a
20 test done, we're simply tagging this onto it.
21 That \$150 is pretty inexpensive when you
22 consider that it could save us \$20,000 or more
23 per household that would need to be sewerred.
24 And that's what this data will tell us, is

1 whether or not the model matches what's really
2 happening in reality.

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

5 THE MODERATOR: yes.

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

8 MR. MCGRATH: Any engineer could do
9 it.

10 MS. WILLIAMS: I believe that's a
11 question for Mr. Vieira to Mr. Putnam.

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

21 MR. MCGRATH: By the way, DEP did
22 accept this loading. DEP recognized that actual
23 nitrogen loading will be considered when they
24 approve projects inside the estuaries areas.

1 So, I believe that the data you will get will
2 save you millions. I wouldn't have filed this
3 unless I thought it would save you real money
4 because it's not my nature -

5 THE MODERATOR: Okay, Mr. Apicella.

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

8 THE MODERATOR: Okay, Mr. Apicella.

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

17 THE MODERATOR: Mr. McGrath.

18 MR. MCGRATH: The bottom line is the
19 ponds are generally surrounded or have portions
20 of the environment around the ponds that
21 protects them from nitrogen. And so, while one
22 of the most important things that's been
23 developed in the model is to try and quantify
24 that, and so but the bottom line is that they

1 are using data from 1980, or developed in the
2 '80's, and not only has the plumbing code
3 changed, but I know that at least some of the
4 household chemicals have increased in nitrogen.

5 I got to tell you something: I wouldn't
6 have filed this unless I thought it would save
7 you money; I think it will save you money.

8 THE MODERATOR: Okay, Ms. O'Connell.
9 You're all set. Mr. Donahue.

10 MR. DONAHUE: Mr. Chairman, Bob
11 Donahue, Precinct 3. I question this in that
12 are we talking about only doing homes south of
13 28?

14 FROM THE FLOOR: No.

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

17 MR. DONAHUE: We're talking about the
18 whole town?

19 THE MODERATOR: Yes, Mr. Putnam.

20 MR. PUTNAM: This would be any house
21 sold in the town of Falmouth when a Title V
22 inspection is done it would also do a nitrogen
23 test. You have to remember, these MEP models
24 are based on assumptions of how much nitrogen is

1 leaving those septic systems all around town.
2 So, whether it's next to the salt ponds or
3 whether it's all the way up in Hatchville, those
4 models use assumptions for every house in town.

5 THE MODERATOR: Okay, Mr. --

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

10 THE MODERATOR: That's - yeah.

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

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

23 MR. DONAHUE: And who -

24 THE MODERATOR: You either want to

1 rely on the model or you want to do these tests.
2 This is your -

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

5 THE MODERATOR: Mr. Putnam.

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

11 THE MODERATOR: Mr. Stetcher.

12 MR. STETCHER: Randy Stetcher,
13 precinct 3. Ron Smolowitz is right. He wants a
14 scientific study done and you guys are trying to
15 do it by having the homeowners pay for this
16 thing. The other thing is, you test these
17 systems in the wintertime when perhaps nobody is
18 even using the place, then you test another
19 system in the summertime when you might have
20 five people in the house; where's the
21 validation? I just don't understand that.
22 These figures you're going to get are not going
23 to be really true valid figures in the long run.

24 The other thing is that, you really

1 think about it, how many houses get sold?
2 Because that's the time you have to inspect.
3 And what if 20 houses get sold in East Falmouth
4 and 50 houses get sold in West Falmouth? It's
5 going to skew all the figures, so I don't get
6 this at all, to be honest with you.

7 THE MODERATOR: Ms. Murphy.

8 MR. MURPHY: Thank you, Mr. Moderator.
9 Carol Murphy, precinct 9. I just want to know
10 where the current bylaw is. We haven't seen
11 what the current bylaw is on this as opposed to
12 what the new bylaw is going to be.

13 THE MODERATOR: There is no bylaw.

14 MS. MURPHY: There's no bylaw in this
15 standing -

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

18 MS. MURPHY: Okay, so this is a brand
19 new bylaw that -

20 THE MODERATOR: This is - yes. This
21 is to add a new bylaw.

22 MS. MURPHY: A new bylaw to -

23 THE MODERATOR: Section 180-51.

24 MS. MURPHY: - to the Town Code and my

1 understanding is that the only time that we are
2 going to pay the \$150 is when we sell our homes.
3 We would sell our house, is that right?

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

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

9 THE MODERATOR: Yes. Board of Health,
10 or?

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

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

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

22 MS. MURPHY: Okay, thank you.

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

1 MR. BAKER: Steve Baker, precinct 6.
2 I just rise with a question, please. Which are
3 we voting on, what's on the screen or what's
4 printed in our booklet?

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

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

16 THE MODERATOR: That's the amendment.

17 MR. BAKER: Okay. So we're going to
18 vote that amendment first?

19 THE MODERATOR: yes.

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

22 THE MODERATOR: Well, depending on
23 what we vote on the amendment, then we'll either
24 vote on the article as amended or we'll vote on

1 the original -

2 MR. BAKER: Okay, the amendment up
3 there -

4 THE MODERATOR: [Inaudible] We've
5 already adopted the sunset clause, so that's -

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

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

13 Mr. Wilber.

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

22 He's demonstrated that by his - the
23 parcel down there on Small Pond.

24 This is sort of a really need. He's

1 made a reasonable request for five year's worth
2 of this data. This pinpoints hot spots. Hot
3 spots need to be pinpointed. It's a low cost
4 thing. It's the sort of additional data if you
5 want to stop nitrogen you gotta know where it's
6 coming from. Thank you.

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

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

23 THE MODERATOR: Mr. Putnam. Or, go
24 ahead, Mr. Waterbury.

1 MR. WATERBURY: The proposed bylaw has
2 been vetted by the Board of Health. We've met
3 with Mike about three times to discuss this. So
4 it has been fairly thoroughly vetted.

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

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

18 THE MODERATOR: Yeah, this is - what
19 it would do is for those systems that are
20 required to be inspected on a periodic basis,
21 they would only have to do this nitrogen test
22 once. So, under Board of Health regulations and
23 law there are certain conditions that you would
24 have to periodically continue to test your

1 system; you'd only have to do the nitrogen test
2 on that system once.

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

9 [Aye.]

10 THE MODERATOR: All those opposed, No.

11 [No.]

12 THE MODERATOR: The ayes have it by a
13 majority.

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

19 2016, okay. All those in favor,
20 signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed, no.

23 [No.]

24 THE MODERATOR: All those in favor,

1 signify by standing and the tellers will return
2 a count.

3 [Pause.]

4 THE MODERATOR: In the first
5 division, Mrs. Tashiro. I can't hear Mrs.
6 Tashiro, folks. First division?

7 MRS. TASHIRO: 36.

8 THE MODERATOR: 36.

9 Second division, Mr. Dufresne?

10 MR. DUFRESNE: 41.

11 THE MODERATOR: 41.

12 Third division, Mr. Hampson.

13 MR. HAMPSON: 17.

14 THE MODERATOR: 17.

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

17 [Pause.]

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

20 MRS. TASHIRO: 20.

21 THE MODERATOR: Second division?

22 MR. DUFRESNE: 38.

23 THE MODERATOR: 38? Three- eight?

24 Yes.

1 Third division?

2 MR. HAMPSON: 39.

3 THE MODERATOR: 39.

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

7 MR. MCGRATH: Thank you.

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

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

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

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

17 MS. JOHNSON: [Inaudible.]

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

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

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

24 MS. JOHNSON: Yeah, I would just like

1 to - I held this article so I could explain what
2 has happened since I filed this petition.

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

12 Second, the DPW cannot do a full
13 resurfacing job with the money in their approved
14 annual budget. This project will need a
15 Proposition 2 ½ override. I felt it was unwise
16 at this time to ask the voters for a capital
17 exclusion for the repaving of the older section
18 of the bike path. The estimate to do this
19 overlay, a ten foot wide asphalt overlay, that's
20 asphalt at \$90 a ton for the 4,450 feet - linear
21 feet from Woods Hole Road to Elm Road, was
22 \$100,000. And to do the same for the remaining
23 6800 feet to the Steamship Authority parking lot
24 was another \$210,000.

1 This was held by Mr. Waasdorp. Put a positive
2 motion on the floor?

3 MR. WAASDORP: Good evening, Peter
4 Waasdorp, precinct 1. Mr. Moderator, fellow
5 Town Meeting Members, I have a brief, five
6 sentence statement.

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

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

20 Finally, if Falmouth is to continue its
21 wonderful tradition of citizen involvement, Town
22 Hall will need to take a long, heartfelt look at
23 the way it treats not just me, but all their
24 volunteer committee members. Thank you so much.

1 THE MODERATOR: Mr. Chairman of the
2 Board of Selectmen, would you like to make a
3 main motion?

4 [Applause.]

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

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

11 [Aye.]

12 THE MODERATOR: All those opposed, no.

13 [None opposed.]

14 THE MODERATOR: The Ayes have it
15 unanimous.

16 **Article 25.** Dr. Schneider.

17 DR. SCHNEIDER: Mr. Moderator, the
18 Community Preservation Committee recommends that
19 the Town vote to appropriate the sum of \$140,000
20 from the Community Preservation FY '12 estimated
21 receipts for the purposes of Article 25. \$13,428
22 of this appropriation shall be transferred to
23 the General Fund and applied to the Health
24 Insurance Budget Line Item 01914 to fund the

1 health benefits for the Community Preservation
2 Planner.

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

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

10 {Aye.}

11 THE MODERATOR: All those opposed, no.

12 [None opposed.]

13 THE MODERATOR: The ayes have it
14 unanimous.

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

17 CHAIRMAN PUTNAM: Mr. Moderator, the
18 Board of Selectmen originally recommended this
19 article as printed. However, as discussions
20 proceeded through the precinct meetings there
21 were concerns raised and so after some
22 discussions with the Chief of Police, the Board
23 of Selectmen is recommending at this time
24 indefinite postponement and that is our motion.

1 Chief Riello is available; he has a
2 brief statement to make, and we anticipate
3 bringing this article or something similar back
4 in the fall, after there's been more discussion
5 with the affected individuals and the public at
6 large.

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

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

19 The reason for this and this updated
20 bylaw recommendation was because we had a rash
21 of breaks recently and when I asked how we're
22 making out with the pawn slips, my investigator
23 said, "Well, we don't do 'em." I said, "What do
24 you mean?" I just assumed this is how you

1 tracked stolen property and you can match it and
2 get it back to its owners.

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

5 But just to give you a little
6 background: in 2010 through this point in 2011,
7 15 months, in the Town of Falmouth, flat screen
8 T.V.'s and electronics, we've had \$160,000 worth
9 of those goods stolen. Stolen in housebreaks
10 and those types of things. Now, that's not
11 retail. That is the actual - the value, so
12 they're much lower. So that's a lot of T.V.'s,
13 it's a lot of electronics.

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

18 What we're looking to do, what we need
19 in a bylaw is for us to be able to receive pawn
20 slips. When this stuff is sold through second
21 hand dealers and this is targeted - there's
22 probably about a dozen or so in the Town of
23 Falmouth. There's several across the Cape that
24 regularly -

1 MR. WILBER: [No mic:] Mr. Moderator.

2 THE MODERATOR: Mr. Wilber.

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

5 CHIEF RIELLO: Article 27, sir.

6 MR. WILBER: Thank you.

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

9 THE MODERATOR: I'm sorry?

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

12 THE MODERATOR: 26 was on the blanket.

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

15 [Laughter.]

16 MR. WILBER: Sorry, start again.

17 CHIEF RIELLO: I will if you want to.
18 Number Article 26. But anyways, what we need to
19 help us track and find some of this stuff so we
20 can get it back to the owners is a system where
21 people that do sell - and not everybody who
22 sells stuff to second hand dealers or to folks
23 are crooks, I'm not saying that. But a lot of
24 this stuff is passed along that way.

1 So what we need, we need a system where
2 if someone is going to sell gold or precious
3 metals or electronics and that type of thing,
4 that'll be spelled out in the bylaw, that we
5 need a photo I.D., we need some record of who is
6 selling. And then we need a hold period,
7 especially on those items, for - and again,
8 currently we hold them 14 days. I'm asking for
9 21. That's certainly negotiable.

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

16 The other thing that we do with pawn
17 slips, because we receive them regularly from
18 Bourne, from Wareham, from other towns that
19 border us because what we've found is a lot of
20 times the crooks that steal stuff in Falmouth
21 will go to Bourne and sell it, or to Wareham.
22 So they send us the pawn slips. And it's great
23 because it helps us in our investigation. What
24 we can't do is reciprocate. We can't send them

1 and say, "This is what's been sold in the Town
2 of Falmouth."

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

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

16 [Laughter.]

17 CHIEF RIELLO: And these people
18 generally will say, they'll call us, they go,
19 "Chief, we've got a little problem here, we
20 think." And they're right.

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

23 So, we need the pawn slips and that's
24 for our data base.

1 Some of the things that have circulated
2 since this was proposed, and there's been a ton
3 of misinformation. That, you know, E-BAY, tag
4 sales, Craigslist, church sales, all of these
5 things are going to be affected. And these are
6 things that are not going to be targeted, but we
7 need to talk about a lot of these issues and
8 they've been good questions that have been
9 asked.

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

14 THE MODERATOR: Okay.

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

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

23 So, that's where we're at. And I say,
24 going forward, that Carol Murphy has been

1 extremely helpful in this. She visited me
2 before Town Meeting. That's when we had
3 decided, with the Selectmen, to indefinitely
4 postpone this so we could work on it. She's
5 also offered to reach out to the dealers and we
6 hope to have some meetings in the very near
7 future to discuss what will help them and you
8 and also will help us do good investigations so
9 we can get some of your stuff back.

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

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

16 CHIEF RIELLO: Thank you.

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

19 [Aye.]

20 THE MODERATOR: All those opposed, No.

21 [None opposed.]

22 THE MODERATOR: The ayes have it
23 unanimous.

24 Mr. Chairman.

1 be our next town meeting.

2 Mr. Chairman.

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

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

9 [Aye.]

10 THE MODERATOR: All those opposed, no.

11 [None opposed.]

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

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

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on 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 2st Day of June, 2011.

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

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