COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

SPECIAL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Wednesday, April 9, 2014
7:00 p.m.

Tinkham Reporting Service
321 Head of the Bay Road
Buzzards Bay, MA 02532
(508) 759-9162
caroltinkham@gmail.com
### ANNUAL TOWN MEETING INDEX

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Choose Town Officers ...................................2-63</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Hear Reports of Committees and Town Officers .........1-24</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Authorize Selectmen to settle claim, suits ............1-36</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Authorize Selectmen to apply, accept grants .........1-22</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Fix Salaries of Elected Officials ......................1-22</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Approve Revolving Funds ................................1-22</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Amend Zoning Bylaw Ch. 240 ..............................1-37</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Petition Amend Zoning Bylaw Ch. 240-3 .................1-54</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Petition Amend Zoning Bylaw Ch. 240-57 ...............1-22</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Petition Amend Zoning Map .............................1-22</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Amend Classification Plan ...............................1-22</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Fund - tuition reimbursement ...........................1-79</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Estab Out of District SpEd Tuition Stabilization ..1-80</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Fund Out of District SpEd Tuition Stabilization ...1-83</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Establish Water Stabilization Fund ....................1-22</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Fund Water Stabilization Fund ........................1-22</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Fund General Stabilization Fund ......................1-22</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Fund Capital Stabilization Fund ......................1-22</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Fund Other Post Employment Benefits Trust Fund ....1-98</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Fund Workers Compensation Trust Fund ................1-22</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Fiscal Year 2015 Operating Budget ....................1-104</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Petition fund review of the High School Project ...1-146</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Fund Senior Center Feasibility Study ................1-22</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Petition Fund All Purpose Community Athletic Field.2-65</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Fund Energy Receipts Reserved Appropriation ........2-106</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Fund Water Filtration Plant ..........................2-137</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Adopt Betterment Little Pond Sewer Area..2-164,3-5,3-89</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Fund Comprehensive Wastewater Management Plan ......3-7</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Road Taking - Elizabeth Jean Drive ..................1-22</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Community Preservation Fund Administrative Expense.1-22</td>
<td></td>
</tr>
<tr>
<td>ARTICLE</td>
<td>DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Amend Chapter 107 Town of Falmouth Code ...........2-10</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>FY 2014 Budget Transfers ................................2-19</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>FY 2014 Budget Supplementations ......................2-30</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Unpaid Bills .............................................2-32</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Fund Fire Dept. Salary and Wage Budget ..............2-35</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Fund Triennial Revaluation .............................2-36</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Fund Open Cape Network ..................................2-36</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Firefighters Contract .................................2-39</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Police Federation Contract ............................2-39</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Superior Officers Association Contract ..............2-40</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Police Lieutenants Contract ...........................2-41</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Fund Out of District Special Needs ....................2-42</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Fund Design Lawrence School Windows ................2-43</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Petition Override appropriation ........................2-43</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Fund Wild Harbor Bulkhead .............................2-44</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>CPF - Conservation Restriction ........................2-45</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>CPF - 10% reserve transfers ............................2-59</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Transfer of Land Management ...........................2-61,3-93</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Transfer of Land Management ...........................3-94</td>
<td></td>
</tr>
</tbody>
</table>
THE MODERATOR: Last night we were on Article 27. Article 27 of the Annual Town Meeting. We’re going to go back, finish that up, and then reconvene the Special.

[Pause.]

THE MODERATOR: Okay, all Town Meeting Members please come forward, take your seats. Don’t forget to check in. Attendance is going to be published in the Enterprise. I remind all speakers to identify yourself by name and precinct. We have FCTV channel 15 broadcasting us live.

[Pause.]

THE MODERATOR: Our tellers this evening: in the first division will be Mr. Netto; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

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

[Pause.]

THE MODERATOR: In the first division, Mr. Netto.
MR. NETTO: 41.

THE MODERATOR: 41.

In the third division, Mr. Hampson.

MR. HAMPSON: 59.

THE MODERATOR: 59.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 88.

THE MODERATOR: 88.

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

Okay, Folks. All present please rise for the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll recognize Judy Magnani for our invocation.

MS. MAGNANI: Lord, let us speak tonight with open minds and hearts. Let us not only listen but hear each other as we debate matters of importance in our beloved Town. Amen.

THE MODERATOR: Please remain standing for a moment of silence.

[Moment of silence.]

THE MODERATOR: Okay, Article 27.
Ms. O’Connell. Microphone, please.

MS. O’CONNELL: Mr. Moderator, there was a suggestion last night, but -- and I know that it was a little discussion, but I’d like to make a motion that we table this article until after we take a vote on the following article.

It doesn’t make sense to discuss how we’re going to pay for something or tax the people, or what bit of, than – before we’ve agreed that we’re going to go ahead and do it.

So I’m making a motion to table.

THE MODERATOR: Okay, so we have a motion to lay Article 27 on the table and go to Article 28 and then come back. Well, we’d have to get a motion to take it off the table at that point, but.

So this requires a two-thirds vote to lay the motion on the table. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that the ayes have it by a two-thirds and...
we’ll entertain a main motion on Article 28.

Madame Chairman of the Finance Committee for a main motion on Article 28.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 28 as recommended.

THE MODERATOR: As recommended. This is the sum of $49,820,000 to pay the costs of engineering, design, construction, other related costs, to implement the Comprehensive Wastewater Management Plan.

Yes, Mr. Jones.

And we’re going to, in the main motion, we’re going to add the “under the jurisdiction of the Board of Selectmen”. We did that last night on one of the other ones. And that inserts right after –

MR. JONES: [No mic: inaudible].

THE MODERATOR: Okay, so after the portion that says “Massachusetts Water Pollution Abatement Trust” we add “under the jurisdiction of the Board of Selectmen”.

Yes. Ms. Valiela.

MS. VALIELA: Mr. Moderator, shouldn’t it say “said sum to be expended under the
jurisdiction of the Board of Selectmen”?

THE MODERATOR: Yes.

MS. VALIELA: Said sum to be expended.

THE MODERATOR: Okay, said sum to be expended under the jurisdiction of the Board of Selectmen is the main motion.

Okay, we have the main motion on the floor.

What, do we have a presentation?

Mr. Turkington.

MR. TURKINGTON: Hi, Eric Turkington, Precinct 1. Chairman of the Town Water Quality Management Committee. And, sitting nearby to answer the tough questions if, when they come up, will be Virginia Valiela, who is vice chairman of the Committee.

Article 28 is up on the screen, here. It encompasses four projects, the first one being Little Pond Sewering Project, the Bourne’s Pond inlet widening, the treatment plant upgrades and the Woods Hole Infiltration/Inflow project.

Total cost of those four capital projects is $49,820,000.

What will these projects do? Well, by now we all know that excessive nitrogen is the largest
single contributor to the decline of our coastal ponds. The Little Pond Sewering Project will eliminate most of the nitrogen, 88 percent to be exact, from wastewater currently going into Little Pond.

Little Pond is the Town’s most degraded estuary. It’s an interesting part of town, because it’s very, very densely populated. There’s 1480 parcels. Only 27 percent of them are actually owned and lived in year-round by Falmouth residents. 53 percent of them are vacation homes and rentals. And the last 20 percent is commercial, multifamily housing, senior citizen housing, that sort of thing.

You can see on the map, it runs basically the length of Maravista, up to Maravista Avenue and includes the Teaticket School. It then runs down Route 28 and picks up all the commercial area between McDonald’s and the Admiralty. And then it goes down in a wiggly sort of way to encompass most of the eastern part of Falmouth Heights.

This was designed around Little Pond and the Little Pond watershed. Every place in there,
the wastewater from their septic system goes into Little Pond. If you’re not in there, you don’t go to Little Pond. And the point of this was to take the most polluted water body in town and bring it back.

Next slide.

The Bourne’s Pond Inlet widening will increase the width of the existing channel from 50 to 90 feet, increasing the tidal exchange and removing quantities of nitrogen from Bourne’s Pond equivalent to sewering approximately 400 houses. It will also include a new bridge. You can see it there. A longer bridge, but no higher, with a fishing platform on the pond side with handicap access and sidewalks.

The point of this, as is the case with Little Pond, is to reduce the amount of nitrogen in Bourne’s Pond. In this case, it can be done more effectively and more economically by widening the channel. So that’s what we’re proposing here.

This next piece is something that is required by the Town’s settlement agreement with DEP and the Buzzard’s Bay Coalition. It allows for improvements in the quality of the treated
discharge at the plant. I can’t actually
describe to you what those different processes
are and I don’t think I want to.

Next. Okay, the Woods Hole Infiltration and
Inflow Project, which is also required by the
settlement agreement, will significantly reduce
saltwater and ground water intrusion into the
current sewer system in Woods Hole. The pipes
in Woods Hole are about my age, and as may occur
to others of this vintage, they leak.

[Laughter.]

MR. TURKINGTON: So they are going to be
lined with a rosin liner. There won’t be any
digging, but they will be lined and they will not
leak.

Okay. This is the money piece, and I want
to spend a little time on it because that’s
really the big issue about all this.

The Little Pond Sewering Project, the total
project cost is $44 million. At last year’s Town
Meeting you already voted four and a half million
dollars for design and permitting, which means
that tonight in Article 28 you’re being asked to
authorize $39,500,000.
The Bourne’s Pond Inlet Project, the total cost of that is $5,520,000. Last year you voted $300,000 for design and permitting, so tonight’s article includes $5,220,000 for that project. The treatment plan upgrades are $5,200,000. You voted 800,000 last year and we’re up to 4,400,000 remaining.

The Woods Hole Infiltration Project, it’s a $700,000 project. We didn’t design or permit it before because it doesn’t take much of a permit to put a liner in a pipe. So the price is $700,000.

So that’s how we get to the $49,820,000.

If you’ll notice down on the bottom, here – and this is for Joe Netto in particular – the current tax rate in the Town of Falmouth is $8.15 a thousand. If we work on the assumptions that we have all been working on, that we’re going to have a zero percent loan, that there’s going to be a betterment at 70/30, that it’s going to be a 20 year loan with no interest, if we work on that assumption, the tax impact of these projects will be 12 cents per thousand on the tax rate. Right now your tax rate is $8.15 per thousand. Twelve
cents.

So, on a $400,000 house, that will amount to
$48 a year. That’s not much of a vacation for
Mr. Shearer, who was hoping to have a larger
bonus come back his way, but it gives you a sense
of what we’re talking about here.

I will reiterate what we’ve always said from
the beginning: because of this window of
opportunity that we have been anticipating and
planning for at the Selectmen level, these
projects will not increase the tax rate. That
$48 a year is money you were already paying. Now
your taxes will not go up as a result of
approving these projects.

These projects are different from most things
the Town spends its money on. It’s not for
salaries or utilities or studies or snowplowing
or vehicles or roofs or pensions or pavement.
This is to build and maintain permanent
infrastructure. A century from now and more,
the projects you vote for tonight will still be
serving the Town’s needs.

Why are we doing this? We’ve heard this
quite a lot for the last few years. We have all
seen these warning signs in our estuaries in recent years. We’ve seen the fish kills, the disappearance of the herring, the decline of the shell fisheries, oxygen depletion, algae blooms. The MEP studies by UMass Dartmouth evaluated all 15 of our coastal estuaries from Waquoit Bay to Rand’s Canal. We have more coastal estuaries in this town than any other Town in Massachusetts – and they found that every one of them was impaired with nitrogen overload.

The first proposed solution to address this problem was the Department of Environmental Protection’s predictable, one size fits all, off the shelf answer to every question about nitrogen reduction: sewer everything. They advocated a $600 million proposal that would sewer all the southern peninsulas from Falmouth Heights all the way to Seacoast Shores and then sewer north of Route 28, through East Falmouth as well. This was in 2009. The Town’s rejection of that plan led to the formation of a review committee and now the Water Quality Management Committee.

This committee has followed the direction of Town Meeting to pursue parallel paths, proceeding
with sewering as little as possible and only
where absolutely necessary, and implementing
demonstration projects of the most promising
alternatives to sewering.

You gave us that direction. You appropriated
$2.7 million to carry it out and the voters, by a
two to one margin, supported your decision. The
project that Falmouth is actually going to be
proposing is a very small subset of that first,
giant $600 million project. It’s only this
little pond area, right there, and the price is
this $41 million we’re talking about.

As your Committee moved ahead at your
direction, we got push-back from two directions.
The regulators at DEP never gave up on the $600
million plan, and they kept insisting Falmouth
had to commit to a plan, a schedule and a funding
commitment to sewer every southern estuary. On
the other side of the issue were people who
believed passionately in their favorite wished-
for solution: eco toilets or shellfish or
whatever and opposed any sewering anywhere, any
time, ever.

The plan that the Town adopted, that you
adopted at Town Meeting last year by unanimous vote includes the best elements of both. It calls for sewering just around Little Pond, that one estuary, in the most densely part of town where the most houses are still on cesspools. Most of them are on 5,000 square foot lots or less.

Some of you will remember this area was supposed to be sewered 30 years ago, when it would have cost three and a half million dollars. But the town back then listened to those who said, “Let’s wait”. This time, let’s not wait.

The other half of the plan is sewering the – is pursuing the non-sewer alternative: inlet widening at Bourne’s Pond, planting and monitoring next year two million oysters in Little Pond, picking a site for a permeable reactive barrier, enforcing the Town’s nitrogen reduction bylaw which is the toughest nitrogen reduction bylaw anywhere in Massachusetts, and pursuing the most significant eco toilet demonstration project anywhere in the country.

This plan, the sensibly-balanced, financially prudent, scientifically-based plan that received
the unanimous support of our Committee, the Board
of Selectmen, the Planning Board, the Finance
Committee, and this Town Meeting last year, this
plan went to Boston for approval in November, and
there it almost died. The bureaucratic forces
that were pushing for more sewering fought
bitterly against seeing this plan approved.
Three weeks before the deadline for approval, the
Town was being urged at the highest levels of DEP
to withdraw the plan, to enter into some kind of
a special review process and to go back to the
drawing boards.

And Falmouth said no. Your town leaders
took on the agency officials who opposed the
Falmouth plan and they rallied support from our
legislators, from the Cape Cod Commission, from
the Buzzards Bay Coalition, from the EPA and
other environmental organizations. In the end
the state was convinced by what Falmouth was
telling them, and on January 10\textsuperscript{th} of this year the
Secretary of Energy and Environmental Affairs
enthusiastically approved Falmouth’s
Comprehensive Wastewater Management Plan.

You can see what they said about it.
[Pause.]

MR. TURKINGTON: Next slide, please.

Now our town’s plan is being hailed as a groundbreaking model, a template for all of Cape Cod and every other coastal community in Massachusetts. The Cape Cod Commission sees it as a model to follow for the 208 Regional Plan it’s now preparing. The work this town has begun on these alternative demonstration projects is recognized by the EPA as cutting edge science that will show the whole nation how to deal with nutrients in estuaries.

This is our town’s plan, it’s your plan. But now is the point where we need to put our money where our mouth is and vote to implement our plan. We know it is a lot of money. Building permitted infrastructure is expensive. But there is no cheaper plan that will somehow miraculously show up in the next three years and eliminate the need for any sewering.

We all hope that the oysters and the eco toilets and the PRBs and the inlet widening and the other alternatives will prove their worth. And we all hope they can be part of the solution
for many of our estuaries. In fact, we are
confident they can. But anyone who says these
alternatives will be the whole solution and no
sewering will be needed anywhere, anyone who says
that is deluding themselves and misleading you.

There is no better deal out there for the
residents and businesses being served by the
sewer. Thanks to this town meeting and our
legislative delegation, the governor last month
signed into law special legislation allowing
Falmouth to charge zero percent interest on
betterments, to allow for equal payments of
betterments like a mortgage, and to spread the
payments out over 30 years.

Presuming that the Board of Selectmen will
utilize these provisions and the betterment rate
of 70 percent, it’ll cost the homeowners roughly
$600 a year in betterment charges. Less than
what they would pay for a cell phone contract or
cable TV service or home delivery of the Boston
Globe. And in return, they will never again
have to pay for a pump-out, never have to replace
their septic systems. They can add bedrooms or a
garage where they couldn’t have before,
substantially increasing the value of their homes.

And we’ve also found many ways to ease the burden on senior citizens who live in this area and who might find it a hardship, from a deferral of the whole payment, to tax credits, to circuit breakers, to low interest loans. They’re all out there; no one should feel that they can’t afford to do this. There are ways to do it.

THE MODERATOR: Mr. Turkington, we’ve hit the 15 minute limit. Would you like to request a

-  

MR. TURKINGTON: I would request five minutes more.

THE MODERATOR: Five minutes additional for the presentation. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds, I so declare, Mr. Turkington.

MR. TURKINGTON: Thank you.

Finally, there is no better time than this
year, when prudent financial planning has brought us to this window of opportunity where the Town can undertake these two huge infrastructure projects for clean drinking water and cleaner estuaries and pay for them both without raising the tax rate.

Also helping to make this plan affordable is a zero percent state revolving fund loan we anticipate receiving, thanks again to you for the flow neutral bylaw you passed last November. The difference between a zero percent loan and a two percent loan on a project of this size starts at a million dollars a year savings to the Town.

Some people have asked, “What happens if we don’t do it now?” Here’s what happens. First, the window of opportunity to borrow and build these projects without raising the tax rate will close. I know how to win elections and I know how to lose elections, and one good way to lose an election is to ask people to vote for a $49 million infrastructure project and tell them they will have to raise their taxes to pay for it. We can’t go there.

Second, the second thing we know is going to
happen, construction costs will go up, state aid
will go down, and regulatory requirements will
become more onerous and more expensive. We’ve
seen it all over and over again. Time is not
our friend when we delay these major
infrastructure projects.

Finally, somebody asked me the other day, and
Virginia, “Do you have a Plan B if this package
goes down?” We don’t have a Plan B, but the
Department of Environmental Protection does, and
we know what it is, because they’ve told us. It
is to require what the Town said No to in 2009,
an enforceable commitment from the Town to sewer
every home and business from Falmouth Heights to
Seacoast Shores and to tell them how soon we’re
going to do it. They clearly do not care about
alternatives and they certainly don’t care what
it costs the taxpayers. They have the legal
authority to make this demand. They have
reluctantly backed off because Falmouth persuaded
them we had a practical plan that would work.
But if Falmouth’s plan goes down, their plan will
be back on the table.

For all these reasons, Mr. Moderator, I urge
Town Meeting support of Article 28 as recommended.

THE MODERATOR: Okay, discussion on Article 28. Yes, Madame Chairman.

CHAIRMAN MAGNANI: I would like to reiterate what we put in our explanation. The projects proposed in this article are the result of over a decade of study of how to address the deteriorating water quality in Falmouth’s coastal ponds. These 15 estuaries extending from Waquoit Bay to Megansett Harbor define our community and they need our help.

The Estuaries Restoration Plan that the Town has adopted calls for sewering only where absolutely necessary and concurrently pursuing innovative alternatives. Two ballot questions in the amount of $8.7 million and several Town Meeting articles regarding wastewater issues have already been approved.

The Finance Committee approved Article 28 unanimously and I urge Town Meeting Members to approve this article and let’s move this project forward. Thank you.

MS. MAINGAY: Thank you for allowing me to speak. My name is Hilde Maingay, Precinct 8, and for the last 50 years I’ve lived in a home heated and powered mostly by the sun and with three composting eco-toilets. I’m part of a group of citizens that was instrumental in requesting the Town to incorporate alternative technologies to solve our water pollution problem. This resulted in what is now known as the Demonstration Projects.

I’ve been in nearly all the meetings of the Water Quality Management Committee for more than three years, and numerous other meetings related to our water/wastewater issues. Since September 1, I have also been a member of the Cape Cod Commission 208 Watershed Water Quality Planning Process, and participated in all the working group and technical advisory meetings that resulted in a wastewater technology matrix and model.

My presentation is a reflection of what I learned in those years, and why I cannot support Article 28 as it stands right now.

Why should we sewer? Next one.
What is the CWMP? And this is the definition of a CWMP. A Comprehensive Wastewater Management Plan evaluated current and future wastewater needs, comparing alternative solutions and choosing cost effective, environmental impacts and compare them. And on the bottom it says, “We have to choose financial and environmental trade-offs among all the possible nitrogen reduction methods.” I don’t believe we have done that yet.

Next. Is Falmouth required to have a CWMP? No, it doesn’t actually have to have one. Why do we have one? That’s because this way we can get a loan from the state.

Next. And how did our water get polluted? We have heard a lot that it’s human waste that is the biggest part of the problem. And I’ve asked every regulator on every level of the state, of the county, of our town, if they knew how big that problem was. How much – I mean, if you have a problem, you want to know where the problem is and how big the problem is.

So how much water – how much waste does a person per year actually make? What is the
problem? Well, this is the problem. A person makes four of those a year. That is the problem.

Next, please. But the real problem that we have created is that we put that in water, and this is how much water we put that waste in. Four of these buckets a year goes into that amount of water. And now we have to clean all that water.

Plus, what we also add at the same time is all the other pollutants, all the stuff we put in a household, bleach, and whatever junk we put in there.

Next, please. Then it goes now to a proposed sewer plant. Well, what I found out when I talked to people, people think a sewer plant treats things and becomes kind of pristine, everything kind of goes away. Well, actually, the only thing that goes away is part of the nitrogen. Everything else stays, all the phosphorus, all the pollutants, everything stays and gets moved around.

So it’s taken out of one watershed and put in another one. And that is my environmental issue with this whole thing. It is not cleaning the
items, it’s putting it somewhere else, out of our
sight into someone else’s back yard.

So it goes from here, in this case from a
sewer plant, and most of it goes back in the
ground. And whatever can be captured in the
sludge goes off the Cape, then it gets
incinerated. So, all the way we use a lot of
fossil fuels, CO2 and the whole bit. And then
actually it all ends up on a toxic waste dump.
And I can guarantee you those are not in the rich
neighborhoods.

So, and that place there gets polluted in the
groundwater. So, in another watershed, another
watershed they all get polluted while we clean
ours. And I just can’t accept it.

So this is a broken system. I call that the
stream of pollutants that go from one end and
nutrients to the other end and it dumps it
wherever it’s very practical to dump, usually the
cheapest way. That is what we are doing. And
that’s what we have been doing over the globe and
we see the problems everywhere.

Next, please. This is an example of the
nitrogen cycle. We use a lot of fossil fuels, it
goes – makes fertilizer, goes to the farms, goes to food. We eat the food, we excrete the food because actually the food that you eat, all the nutrients except for two percent, come out from the other end except for the carbon that you burn while you’re moving around. And then it ends up in an incinerator in the air, water and soil.

Next, please. So the nitrogen, of course the prices go up, but it gets up and up and up, and we just make it and we excrete it and we make it, excrete it, and it’s unsustainable. And the phosphorus, which most people don’t realize, we will run out of phosphorus long before we run out of fossil fuel. Long before. And without phosphorus, we cannot have food production. And this is a major concern on highest level in our government, which is kept very quiet.

But the phosphorus is running out all over the world and we already import it and we have about 80 years left. So we have to hold onto it, and we can do that by capturing our waste.

Next. So this is what nature actually intended, is that we cycle things back to where it belongs if we eat and we excrete, then the
food that we ate becomes nutrients for the next cycle.

Next, please. So people are starting to realize that the way we have been doing things has been problematic, and each time they think a little bit more there’s another problem rising up, and pharmaceutical is the newest one, phosphorus is finally coming on the horizon, and of course new regulations because we have been basing all our regulations on sewers, because the regulations were made actually by the sewer industry.

So now we have to switch gears, we have to get out of that box into a new one. And that is going to take a little time, but people make regulations and people can change regulations.

So now we’re looking to see what those regulatory agencies are saying, and here you can read a few things, but I’ll take the top only. Federal regulations support innovative, resilience, and affordable solutions. That’s not Article 28.

Next, please. State regulators require least expensive, quickest solutions to improve
and restore our aquatic ecosystem. That is not Article 28.

Next, please. So the Cape Cod Commission also got concerned about the costs and the effect that all these nutrient loads have, and they have come up with a great model of all the technologies they could think of, and examined every one of them and it’s a work in process. Figured out what they cost, how much they can do on cleaning up, and, to give you an example, this is just one technology and all the background on that technology that goes in a model.

So now the model becomes available to the public. You can push and take, “I want – in this estuary I want three acres of oysters. Where do I get?” And “Oh, I didn’t get to my TMDL. Let me add something else that might work for this particular estuary.” You plug in whatever you want until you hit a TMDL that the state is looking for that we have to achieve in that estuary. It’s a great model. It’s a work in process. The Town should use it; we have not.

Go ahead, please. So here’s an ecological restoration study that should be applied and
tried first. That, again, is not 28.

Next. Luckily, our Town has started work on innovative projects and we’re getting some data over the next few years and we think we should go on with that and use those data to make our next move. If the next move after many years becomes sewers, so be it, but at least we tried.

But, whatever we do, they never will hurt anybody. They will be very less costly and they will always do a good job. If they will reach that final target, we do not know.

But we also know that there are many, many more technologies. We only use a few here in town. There are many more.

So here’s the Falmouth CWMP Adaptive Management Plan, and this is what it says in our CWMP: A standard set of evaluation criteria will be used to compare all wastewater and nitrogen management methods, traditional and non-traditional, on a level playing field. That is not Article 28. Thank you.

Next one. So here is the model that I worked on and also used for this particular example so that you as a body that has to make decisions
understand how this works. So I tried a few and
just put it on a piece of papers and I’ll show it
to you here. It was a lot of fun, actually, to
work with this.

Next one. So the Little Pond scenario we
know. So these are the costs that we will incur, or have incurred for Little Pond. So we know that between all the construction and the various designs and infiltrations and hook-ups it will be about forty-nine and a half million dollars.

Next one. Here’s a scenario. I could have done many. I just thought: let me start with the one that recovers a lot of nutrients because, as I said before, nutrients becoming extremely important in the future of our lives, really.

So I put in some oysters and two concealed urinals. And this is another great example of how these technologies are evolving, because this is a world, a global problem. So this came on the –

FROM THE FLOOR: [No mic: inaudible].

MS. MAINGAY: So on March 1, this became available. It’s made to fit in a stud wall. And it can capture all the male urine, which is about
40 percent of all the nitrogen from a household. That’s significant. Now, you can imagine, this is not a very expensive item. It would not be very offensive to have, because all you see is that. And that would be an amazing, amazing item to introduce.

So, if I used that strategy, the houses around Little Pond would get that. And installation, I counted it all in, that would cost three and a half million dollars. Not too bad.

Next one. This is the urinal we just showed you.

Next one. And here’s the last scenario that I tried. I said, “What if we didn’t do anything on the streets, no hard infrastructure, nothing in the house, and we focused solely on the pond?” And they have wetlands, they have phyto-buffers, they have certain wells, and they’re all part of this model and each one has a long feed like this with all the background data. I put them all in. Well, for one million dollars, we could actually reach the TMDL 100 percent.
Well, I think that would be worthwhile trying. And we wouldn’t lose very much. We will always gain. It will always improve. And if that wasn’t enough, we could do the next step, and the next step.

So here are the oysters and they take out a lot of nitrogen with their bodies, but we also found out that with their being there, they also increase biodiversity and ultimately we are into getting the estuaries to be healthy. We don’t care about the TMDL, we want healthy, productive eco systems, that’s what we’re after. And we found out that oysters are extremely good in making that happen, and that they also, the co-benefits of them are de-nitrification, which might even be five to ten times more than the oysters themselves.

Next, please. So vote for ecological restoration strategies. That’s why I’m talking here. I want to see that we look at the bigger picture, not at just this little one. The bigger, broader picture over the whole globe of the whole system that supports our lives. And we cannot put the junk from one place into another
place and hope that we are doing a good job.

On top of that, most of what I propose here does not take any fossil fuels. And with the climate change as it happens, and with all the concern we have with what we are doing with burning fossil fuels, I yet have to hear what the drinking water filtration plant is going be for our CO2 addition, which is huge. I’ve heard it’s like $800,000 a year on fossil fuels. That is huge.

And this whole town has a Falmouth Climate Plan and it’s not even being considered. We don’t even talk about it.

THE MODERATOR: Ms. Maingay, we’ve hit the 15 minute presentation mark.

MS. MAINGAY: I’m done with one [inaudible].

THE MODERATOR: So you’re going to request how much time?

MS. MAINGAY: A half a minute.

THE MODERATOR: 30 seconds. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it. You have
30 seconds.

[Laughter.]

MS. MAINGAY: Next one.

THE MODERATOR: Unfortunately I don’t have a
second hand on this clock.

[Laughter.]

MS. MAINGAY: And this is why we are doing
it, because we don’t do it if we can afford it
because the taxes were all figured out so that it
doesn’t feel like anything. We’re doing it for
the kids so they can have a good life, too, and
be in a sustainable world and not the world where
we spread our pollutants around.

Thank you very much.

THE MODERATOR: Okay, Mr. Putnam.

[Applause.]

MR. PUTNAM: Good evening, ladies and
gentlemen, Brent Putnam, Chairman of the Board of
Selectmen. At our meeting at 6:30 this evening
prior to convening Town Meeting, the Board asked
me to remind this body that we did in fact
appoint the Comprehensive – or, excuse me, the
Water Quality Management Committee, thank you,
and we do support their efforts and obviously the reason why this article is on the warrant is because the Board asked and voted to have it here initially.

THE MODERATOR: Okay, Mr. Brown.

MR. BROWN: Hello. Douglas Brown, Precinct 9. I’m a Planning Board member and I’m speaking tonight as a member of FACES; that’s Falmouth Associations Concerned with Estuaries and Salt Ponds. We’re changing our name to Falmouth Water Stewards; it’s a little easier to say and reflects our new mission to pay attention to all water bodies in Falmouth.

So, I was also a former member of the Comprehensive Wastewater Plan Review Committee and I’ve been very involved with this subject and I’ve been studying it and I’ve done site visits with the eco toilet vendors and have done a lot of looking into how much trouble it is to retrofit these things into these houses, and it’s very difficult.

So it’s not only the people that aren’t really interested in it; it’s difficult to implement. And to think that we could do a
betterment and force people to retrofit these
tings into their houses doesn’t seem practical
to me. So I don’t think that’s really a
possibility.

I’m also a member of the S Mass Pond
Watcher’s Group, and I go out there at 6:00 in
the morning in the summertime and test the water
quality. And people who say that we don’t have
to hurry and we can wait haven’t probably seen a
fish kill at 6:00 a.m.. It’s very frustrating
and very upsetting.

So, I want you to know that we’ve talked
about this for almost a hundred years at this
Town Meeting. Not me, personally, but since
1935, Town Meeting voted down spending $5,000 on
sewer planning, because it was just too much
money for this town at that time.

So we’ve been talking about it a long time,
and to keep on waiting I don’t think is going to
work.

We’ve looked into all the possibilities.
We’ve got to have something moving forward.
We’ve got a good plan that allows for all the
possibilities. I’d hate to see it get derailed
now just because we want to keep on waiting for something cheaper that’s going to come along.

It’s good that we’re discussing all these alternative technologies because the state is going to want to know a plan for the whole area that contributes to all these ponds and that contributes all the way to Hatchville and a lot of other areas that are far from the bay. So it’s good that we’re working on it and it’s not going to go to waste, and there’s going to be a lot of these things getting installed somewhere, or we’re going to do a lot more sewering. We’re hoping to keep it to a minimum and just this one section and maybe get smart and do better things. But unless people start getting involved and volunteering to use their houses as sites, we’re going to have a lot more money to spend.

So I hope people start to think about that. I think Hilde’s got a lot of good points. In a perfect world, we would use all these technologies. But right now we’ve got a gun to our head and if we don’t come up with some action, we’re going to have a different plan that we don’t like.
So, what other points do I want to make?

Well, that’s the gist of it. I just hope we can keep moving forward and not get derailed by hoping and waiting and praying that something cheaper’s going to come along. Maybe it will, but right now we have the best plan possible. So I hope you’ll support Article 28. Thank you.

THE MODERATOR: Mr. Heath.

MR. HEATH: My question is a lot simpler than deciding what kind of technology you want to use. If we put in the sewers, they have a life of 100 years. This area is in the high velocity zone. It’s a very low area. And has consideration been given to if we get another hurricane of 1938, which I remember the aftermath in 1939, or even the Hurricane Bob, what affect will this have on where is the lifter pump station going and will this last the water that comes in under that kind of weather condition?

This is more of an engineering and technical question but I don’t know if it’s been considered and I’d be interested in the answer because, being an old Yankee, I don’t like to spend something that’s supposed to last 100 years and
the next hurricane that comes up, it’s gone.

Does anyone know the answer to that?

THE MODERATOR: Mr. Turkington.

MR. HEATH: Global warming is supposed to add another three feet in the next 100 years.

MR. TURKINGTON: The Committee’s been acutely aware of that and so and the consultants have, as well.

The pumps, the two lift stations they’re talking about, are going to be outside of any flood zone. They’re going to be on Alphonse Street, which is up by the Teaticket School, and the other one’s on Falmouth Mall area. So both of them are a long way away from where any hurricane flood waters are going to reach.

The pipes in the ground are not going to be made of the same material that the ones in Woods Hole are made of. They’re going to be made of a more long-lasting, solid material. And no matter what happens as far as floods or whatever, they’ll be in the ground. They’re not going anywhere.

MR. HEATH: [No mic: inaudible.]

THE MODERATOR: Mr. Hargraves.
Do you have a follow-up question? We’re going to have to get you a mic, if you – Mr. Heath, did you have a follow-up question? We’re going to need a mic if you do that.

MR. HEATH: That area is out of the moraine, is mostly sand, so the groundwater level has got to be at about the high tide level, so that you’re talking about a water level.

And if we have more erosion, how far back do we go? I mean, that’s the concern. We – our coastline has been eroding for thousands of years, tens of thousands of years, and it’s probably not going to stop.

So the level is, is what – how long is this thing going to work and have we taken into account the rise in the water level? You may not have the answer to that.

MR. TURKINGTON: To the extent anybody can predict this, it is part of the planning process to account for it, and the state requires that, the feds require that and, as you say, if the water gets to the point where the houses and the streets are no longer there, we have bigger problems than what’s happening to the sewer.
THE MODERATOR: Okay, Mr Hargraves.

MR. HARGRAVES: Mr. Moderator, you – Peter Hargraves, Precinct 9.

I have a comment and I have a question, also, to the Water Quality Management Committee. But, so there’s no ambiguity, I am an ardent supporter of this article. I will vote for it here and I will vote for it in the polls.

I think that, listening to Ms. Maingay’s presentation, there’s nothing that I saw that was factually incorrect, but I agree with what Doug Brown said, that retrofitting a current house, for my home, you would have to tear it down and rebuild it.

If we have a sincere interest in taking the best ecological approach and applying it to homes in Falmouth so the future is better, then I think this is probably best addressed through the building code and planning and outlining the methods that are approved by the Health Department and a plumbing code and requiring that future construction be made in such a way that it’s in compliance with the best ecological practices.
But I think we’re talking here about I’ll say continuing on the journey of what we’ve inherited and developed over the last 100 years, and improving it, and frankly, you know, I voted for the water treatment yesterday. I think the health and safety of our community and our citizens and the quality of our water, it’s part of the sustainability and attractiveness of our community and it’s essential.

And now we’re talking about our equity as a seaside community that brings people to visit, and they want to go to clear, clean water and that doesn’t stink and enjoy it. And frankly, I’d like to go clamming and feel pretty comfortable when I cook those things on my barbeque grill.

And so I guess I’m kind of concerned about the feeling that I got from Ms. Maingay’s presentation and just coming back to my comment, before my question, that it sounds like the Water Quality Management Committee has not really considered or adopted the best thinking in the innovative alternatives.

But, quite the contrary, let me say I had – I
was fortunate enough to have the privilege of
attending and participating in all the Section
208 reviews, the same ones that Ms. Maingay
alluded to, and I thought, “What a wonderful
thing that all of this information is here being
built into a model, and we’ve looked at each
watershed separately and adaptive management
allows us to take the lowest cost approach and
then continually invest until we meet the target
lows for each estuary so it’s not a one-size fits
all.”

And so my reaction to hearing that was, “We
need this in Falmouth.” And low and behold when
I came and started to talk to some of the people
I know who are involved in water quality
management in Falmouth, this whole approach, this
adaptive management approach, is a collaboration
and cooperation between the Cape Cod Commission
groups and Falmouth. In fact, Falmouth is ahead
of Cape Cod, ahead of the United States, in terms
of applying the best thinking on what we know
will work.

And so the watch out is: to think that we’re
ignoring innovative alternatives that will
deliver a solution cheaply, when what we’re really doing is spending the lowest amount of money that we, with what we know today will solve the problems, that will preserve the equity we have in our coastline, in our estuaries.

I think it’s important to know what I learned that scared me at the review as part of the background, is that water on Cape Cod, the groundwater takes anywhere from a hundred years to a few years to reach the estuaries. And there’s already ten years’ worth of pollution headed towards the estuary and we’re going to take four years or so to install these solutions, so we’re sitting on what I think of as a powder keg.

I didn’t grow up on Cape Cod, but I came here for 40 years before moving here and now I find the plumes from the base and now estuaries that are polluted, so I will line up behind these solutions that look like they make a lot of sense and they’re proven and I think responsible in the way of stewardship of our resources, our natural resources and our financial resources, to put a solution in place that will preserve our seashore
and restore it and improve it.

And adaptive management means just that: if it doesn’t work, then we can add more sewers, or add different solutions. And we’ll have more data. And so that’s why I’m so impressed with the quality of the people, the thinking.

As an engineering manager, listening to all these people with large amounts of knowledge collaborating as they have, because in that environment there’s often a lot of competition of ideas which leads to clashes and lack of cooperation. All I’ve seen is great cooperation, great collaboration. And this end result, to me, is a remarkable example of all of that brought to life.

THE MODERATOR: Mr. Hargraves, you had a question, as well, you said?

MR. HARGRAVES: And that’s it for that.

So, I’m in support of this, if you haven’t figured that out. But my question is: for the detractors –

THE MODERATOR: Can you speak a little closer to the mic.

MR. HARGRAVES: For the detractors who’ve
referred to the $600 million sewering, you know, the fear is that we’re just signing up for step one, or the first payment in a huge bill.

But what I haven’t heard since this adaptive management has described for the elliptical area that you showed that we’re addressing, have you projected out that kind of thinking to the rest of Falmouth? And what would the financial impact be?

Because as you said in your presentation, all of our estuaries are impaired and we’re just doing – maybe this is a demonstration project, is that way I look at it. But, what would the total cost be if we applied adaptive Management to all of Falmouth?

THE MODERATOR: Mr. Turkington. Or Ms. Valiela.

MR. TURKINGTON: As I said, I’m going to refer the hard questions to Virginia. So.

MS. VALIELA: I’m going to answer Mr. Hargraves to the degree that we can. And also comment on Mrs. Maingay’s statement that we didn’t consider the alternatives for Little Pond.

That would have been a true statement in
2009, with the plan that came to the Board of Selectmen. The engineers had gone through a checklist and they had eliminated alternatives, and they didn’t even have a complete list that we deal with now.

So it was the Review Committee, and I was the chairman of the Review Committee, that put for the first time into discussion, before the Selectmen and before the public in a series of public meetings, that there were other ways to approach this issue of too much nitrogen in all our estuaries.

So, from 2009 until tonight, there has been an evaluation of all of these alternatives, and that is why you find a large section of the Comprehensive Wastewater Management Plan totally re-written robustly with information on alternatives. You find data being collected now, and moving forward, on alternatives, and you find Little Pond with alternatives.

The - if you remember the presentation from Mr. Turkington, the sewering does 88 percent of the job, but it doesn’t get 100 percent. If we were using sewering to solve the entire Little
Pond nitrogen problem and meet the TMDLs, we
would have had to sewer all the way up Gifford
Street as far as Lawrence Lynch, along Jones
Road, Minot Street, Nursery Road, all that, all
that residential area because that’s how far that
particular watershed goes.

Instead, we said we will take the most dense
area that is immediately around the pond, it’s
called the Lower Watershed, and then we will use
alternatives to get the other 12 percent to get
us to the 100 – hundred percent and to meet the
TMDLs.

The shellfish project which is called a
demonstration project, but it is our intent to
have it be part of the solution to get credit for
that. The nitrogen fertilizer bylaw that was
passed is another piece of getting to a hundred
percent. And the last piece is control of storm
water. There are a number, four or five, huge
drains that just go straight into Little Pond, so
that’s another piece that will be part of the
solution for Little Pond.

All of that together is the alternative
adaptive management concept that we have tried to
put forward. And adaptive management first appeared in our plan and has been picked up in other areas and now is part of the 208 planning that the Cape Cod Commission is doing. So, in part, it depends on when each of you join the conversation.

Back in 2009, it was all sewers. There wasn’t adaptive management, there weren’t alternatives on the table let alone really involved, and now they are. So we’ve made a lot of progress.

We have 15 estuaries. This is only one. It is our fond hope that we will solve the other estuaries without having to do massive sewering. But we know for Little Pond the pond is too small, the population around it is too dense and we have to sewer.

We’ve given you the best plan with the most economical costs that we possibly can for this first estuary.

We will continue to look at all options for the remaining estuaries and one by one we’ll work them and we’ll take care of them.

THE MODERATOR: Mr. Barnhart.
So the answer is they don’t have a number, Peter. Okay. It’s obvious.

MS. VALIELA: [No mic:] Yeah, right, it’s not ready yet.

MR. BARNHART: Thank you, Mr. Moderator. My name is Earle Barnhart; I’m in Precinct 8.

I read in the newspaper today that if the climate warms by two degrees Centigrade due to greenhouse gases, food production in India will go down 25 percent, food production in China will go down 38 percent.

If the climate rises by three degrees Fahrenheit by 2050 due to greenhouse gases, food supplies will be down drastically in most of Africa, South America, and much of the U.S.

The good news is: Falmouth has a climate action plan. The bad news is: no one pays any attention to it. It calls for gradual reduction of greenhouse gases produced in Falmouth. And the Water Filtration Plant will have a high permanent energy cost. The sewer plant will have a high permanent energy cost.

Our sewer engineers tell us that new sewers built today will still be going strong in 2050.
Mr. Turkington tells us it’ll be going strong for a hundred years. We repeatedly asked in the last couple years how much greenhouse gas will these things produce. We have been told they don’t have those numbers yet.

If I were you, I wouldn’t vote for this article until they provide those numbers. I know that your duty is to represent the best interests of the Town. I would ask that you also - I would suggest that you also have a duty to represent the best interests of the other people on the earth.

Thank you for your fleeting attention.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: I have a short, six slide presentation.

Thank you, Mr. Moderator, Ron Smolowitz, Precinct 8.

And there’s no – you know, everybody’s aware that I’m not for sewering. I said it back in 2009 when we finally got on this path.

I think the Comprehensive Wastewater Committee has done a fantastic job. A lot of hard work has gone into these plans.
I think there’s a lot of alternatives we haven’t examined. And I was thinking about this last Thursday in my greenhouse. I maintain my water quality in a greenhouse with a system called Bio-Cord. It was developed in Japan as a mussel collecting surface and the fishermen there had told the Japanese authorities it was cleaning the water and they said, “No, the mussels are cleaning the water.” But they said, “No, before we even had mussels, the water is clean.”

It turns out that this stuff does a good job cleaning the water. It’s maintained my greenhouse hydroponics systems for 15 years. PH, ammonia, nitrates.

Just quickly, first slide. This is a system – next slide, please – that’s basically it’s sort of astro turf for the ocean. Instead of a vegetative barrier, it’s a synthetic polymer.

Next slide, please. This is what it looks like up close, a lot of surface area for microbes to grow on. There’s a synergy between anaerobic and aerobic microbes on this material.

Next slide, please. I asked them what would it cost – I sent them the Little Pond, the
scientific studies from Brian Howes and the reports on all the nitrogen loading on Little Pond. I said if I just wanted to knock the nitrogen down below TMDL, what would I need? And they basically said – got back to me: 55 units, a cost of $110,000.

This system is in use all over China and Japan for cleaning ponds and rivers. We haven’t really applied it yet in this country.

They also have systems that go into sewer plants, where infiltration beds, for example, have failed and they – they put in these Bio-Cord filters. It’s something that we might want to consider for our sewer plant so that we don’t have to end up, you know, sewering West Falmouth, for example, and polluting additional water bodies in the western part of town.

Next slide, please. So. this is the example of a system being used in a sewer plant.

Next slide, please. The bottom line: there are cheaper technologies. We’re not even looking at ‘em yet. We haven’t even brought ‘em to the table for discussion in this town.

The real issue is the issue of time, and I
want to talk a little bit more about that.

To me, sewers, though, that’s a technology the Romans had. We take fresh drinking water; now we’re going to be – it’s like with our new filtration plant, we’ll be – might as well buy bottles of Poland Spring water to flush your toilet, that’s what we’re going to be doing. It’s outdated technology.

Our forefathers here at Town Meeting who voted not to do sewers were pretty wise, because since 2005 Town Meeting has voted $22.5 million to upgrade and repair sewer systems. So luckily we didn’t have the sewer systems that would have been put into place back when they intelligently voted no.

Next slide, please. Good. Oh. That’s it, okay. So, the real issue to me is time. And I had gone and talked to the – our financial officer, and this window of opportunity, I mean, I’m not an accountant but I think we have a window of opportunity that goes out into many years. We don’t have to vote this now, we could do it right.

And there’s – the threat, I mean, I’ve heard
a lot of threats, how DEP is going to shove something down our throats. You know, I went up and talked to Secretary Sullivan.

We got the certificate on January 10th of the Secretary of Energy and Environmental Affairs on our final Environmental Impact Report. It basically said adaptive management acknowledges the uncertainties in design and implementation of projects, carefully monitors outcomes, assesses progress in transparent fashion, and requires re-calibration of plans as projects are necessary, as you learn new things.

It further says in that certificate that the FEIR, the Mass. DEP and CCC identify the importance of regional wastewater planning to tackle these issues. They note the ongoing effort of the Section 208 Wastewater Management Plan, this potential to improve water quality on Cape Cod more efficiently with lower costs and less physical infrastructure than the typical CWMP process implemented by an individual municipality. The updated 208 plan should be completed within two years and will provide information that can be employed by the Town of

Tinkham Reporting
Falmouth and other municipalities.

That doesn’t sound to me that they’re threatening to take over if we don’t vote this money at this Town Meeting. I’m sorry, I just cannot agree with that.

Further, on page 7 of that certificate, it says a two acre oyster farm is proposed for Little Pond to increase nitrogen uptake. The FEIR indicates that a four to five acre farm could mitigate the seasonal nitrogen load in Little Pond. In addition, depending on results of the Bourne Pond pilot project, the Town may consider inlet widening at Little Pond.

So, I keep on saying, like, with the betterment thing yesterday, why did they put in sewer when we could have gone wastewater? Take the extra time to – if this is going to be our last sewer, then we should have a betterment strategy that allows us to pay for other alternatives if that’s what’s going to be used in the other ponds. I just don’t understand the rush.

Then, at a precinct meeting, I said, “Why are these four items grouped into one – one article?”
Okay. I was told, “Oh, they have to be, they have to be.” Well, that didn’t ring well to me, so I asked Steven McCurdy, he’s the director of the DEP’s Municipal Division that is in charge of the revolving funds; they don’t have to together. Town could decide to vote Little Pond – it has to be shovel ready, but if we don’t have it ready for this – you know, we have to have it October 15th, 2014 or 2015 or 2016 or 2017. Okay?

That’s – and that if we decide not to put something forward in 2014, we don’t necessarily lose any credibility with them.

I don’t even want to go into, you know, reading everything he said, but we could – we could drop something without any adverse effect.

So then it just – I just don’t understand the rush, I’m sorry. We need to spend more time looking at alternatives. Yeah, there’s a parallel track: $49 million for sewers and a few million dollars to look at alternatives. That’s not – it’s parallel, but it’s certainly not fair and balanced, like FOX news.

[Laughter.]

MR. SMOLOWITZ: So, that’s the point I’m
trying to make, is that we don’t have to rush
this through now. We have the time to look at
this and examine in more detail how we could
avoid spending $50 million.

And in the 2009 meeting, we made an
intelligent choice. We said, “Hey, slow down,
let’s look at alternatives.” What if we didn’t
do that in that meeting? We wouldn’t be looking
at these alternatives.

And as far as the time frame, we could clean
that pond in probably 24 months if the goal is to
bring down the nitrogen and provide a more
balanced eco system to bring back shellfish,
winter flounder, eels, elvers. We have a number
of systems to approach it from the pond
perspective, the ecological perspective, not the
big pipe perspective. And that was the
consultant we paid for. Our consultant was a big
pipe specialist.

If we approached this from a John Todd
ecological approach, we would have had a
different solution on how to reach the nitrogen
levels in that pond.

And if we’re saying this is the last sewer,
we’re going to have other systems for the other ponds, then why not have those other systems for Little Pond? We could bring that nitrogen load down, and that’s just my opinion. Thank you very much.

[Applause.]

THE MODERATOR: Okay, Mr. Donahue.

Let’s go, folks. I’ve got a really long list. Let’s go.

Mr. Donahue.

Microphone for Mr. Donahue, please.

The folks standing in the aisle, you’re on my list. The gentleman that’s not standing up in the back that has his hand up, you’re on the list, as well. I’ll put you on the list.

MR. DONAHUE: Robert Donahue, Precinct 3.

Mr. Moderator, through you, I would like to make an amendment to Article 28. After the word “including” I would like to add the following streets: Teaticket Highway, Maravista Avenue Extension, Perch Pond Circle, Jeffrey Lane, Dorchester Street, Mattapan Street, Milton Street, Morris Street, English Street, Nickerson Street and Pearl Lane.
Why am I doing this, you’re saying. If you look at this map, and I hope everyone in the room has one, please, please take a look at it if you have it. Up here in the little corner, this little blue is Perch Pond. Now you saw a picture just a few minutes ago – about 30 minutes ago, I guess, of some dead perch. It was in Perch Pond. That neighborhood or those streets stinks in the summertime. It has done it for years. Has this Committee, has this project thought of that? No.

But we did think about the Senior Center, and we thought about some merchants.

Now, I’m not trying to put Perch Pond and the families in the Perch Pond area against the Senior Center, since I might wind up there. But I think that this is an example of this project being engineered not to take care of the problems of this town, but to take care of what we could do, what the capacity of the plant is, what the capacity of the outflow is, all the little technical things so we have a sewer. We gotta have a sewer.

We’ve heard a couple people tonight say there are other ways of doing this. There was an
article in I believe the Enterprise two or three weeks ago that said they put a million oysters in Little Pond and it significantly - not significantly, but it did drop the - the count, whatever that count. I’m not a scientist, so I don’t know the technicalities of this thing, but it dropped the count.

Let’s put in three million, five million, maybe we can put ten million in and it’d be done with it. And also the oyster farmer would - takes them to someplace else, they clean themselves out, and then he sells them on the market and we enjoy them. And we can - that can be a renewable thing. There’s other ways of doing this and there are other needs that need to be really looked at.

And if you say, well, this pond, Perch Pond that I’m talking about, is in the Great Pond and it will be taken care of. No, it won’t folks. There’s about enough room here for water to flow for maybe a medium size rowboat to get through. You couldn’t go up one of these aisles; that’s about the space of the water flow. So it takes - it’s going to really take some work. It isn’t
in the plan for Great Pond, or at least I don’t see it.

So, let’s try and take care of these people. Let’s add these streets to this project. Thank you very much.

THE MODERATOR: Okay, discussion just on the amendment to add the laundry list of streets that Mr. Donahue just mentioned. Discussion on the amendment.

FROM THE FLOOR [No mic:] Point of order.

THE MODERATOR: Yeah.

FROM THE FLOOR: [No mic:] I’d say it’s beyond the scope [inaudible].

THE MODERATOR: With a microphone, please.

FROM THE FLOOR: I would believe this would be beyond the scope of this particular article, since we’re not talking about this area of town for sewering. We’ve had a lot of interesting discussion about sewering; this is another area of town that we’ve added in, it seems to me. I’d like at least to discuss –

THE MODERATOR: Mr. Donahue, you don’t decide scope; you can sit down.

FROM THE FLOOR: That’s the question,
whether it is –

THE MODERATOR: The question was about scope. So the scope, we’ve had this debate before. Mr. Donahue has brought this area of town into this debate before. So, since the precedent has been set that we’ve talked about the plan and where that map or where that zone should be, I’m going to allow the motion on the floor.

We’ve done it – you’re obviously shaking your head, so you obviously haven’t been here at any of the Town Meetings, because he makes the same amendment every time.

And now we’re going to vote on his amendment to add that area.

Yeah, Mr. Latimer, on that amendment.

MR. LATIMER: [No mic:] This is on the amendment.

THE MODERATOR: Yeah, we’re moving the question.

MR. LATIMER: [No mic:] On the amendment.

THE MODERATOR: Okay, to close the discussion on the amendment. All those in favor signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it, the question’s closed on the amendment.

The question will come on the amendment to add those streets to the main motion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The no’s have it by a majority.

We’re back to my list, which is over a dozen long, so let’s focus our comments.

Okay, Mr. Latimer, actually you’re next on the main list.

MR. LATIMER: Seems like everybody else has been coming up to the podium, going on at great length. I’m not going to go on at very great length, but I want to start with a little anecdote which is pertinent and true, not opinion but fact.

About oh, 1961, a friend of mine just got his
driver’s license. It was in the winter and we decided, “Let’s go over to Hyannis”, and it was a weekday night. We got past Kenyon’s Market and we didn’t see another car until we got to the Centerville Package Store. Imagine that. That was around 1961.

At the same time, on any given day, both of us liked to hunt and shoot, we could go out anywhere in this town with a shotgun and we could shoot. Be more than 500 feet away from a building. Can’t do that now. Why? Because of development. The kind of development we’re seeing around – we’ve seen around Little Pond.

We’re long past the day when the wisdom of the elders could say we don’t need a sewer. That may have been true then. It was short-sighted, but yeah, we didn’t need a sewer then.

What has become quite apparent, now, is that Little Pond – I’ve got great respect for the Cape Cod Commission, by the way, but Little Pond is at Level 7. That’s the reason why we’re sewering it. Not because we’re disregarding the Cape Cod Commission’s, you know, plans or programs, but because we’re at Level 7 with Little Pond.
We don’t have the time to, well, let’s try this and let’s try that. We’ve got a window of opportunity like Eric says, and we should take it. Not just put the thing aside again to see if this is going to work or if that’s going to work.

We are going to be proceeding with other technologies. I fully support that in these other areas of town to see if they will work, and we have little wiggle room on there and I fully support that. That’s good.

But we have a committee that has done a lot of work on this and they don’t deserve to be second-guessed the way these people coming up with their pie in the sky theories about what else is going to work, and this can work. That’s ideology, folks, and we’re here to deal in practicalities.

So I say let’s vote for this article as recommended. Thank you.

[Applause.]

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6. I was – I participated in both of the wastewater Management committees.
Originally this plan, as has been stated many times, was meant to spend $600 million sewering the town. With the help of about five or six people, they opened people’s eyes. There are alternatives that we can use. We haven’t evaluated them properly yet.

During the especially the first wastewater committee, we were told that there were six lawsuits pending and they would be forced to sewer. Well, five of those six lawsuits have been thrown out of court. The window of opportunity for us to sewer has grown greatly. This doesn’t really need to be done now.

It could be – the amount of sewering could be lessened if we just evaluate how the alternatives actually work.

This thing has also been sold as it won’t increase your taxes. Well, I own a house on Maravista, on Oak Street. Most of the people who live there year round are little old retired ladies. If they have a two bedroom house, they’re probably paying about 1200 in taxes. The six hundred dollars they’re going to pay for a betterment increases their taxes by 50 percent,
if you want to look at it in real, whole numbers.

We’re getting a zero percent loan from the state for this project and the Town is going to charge the homeowners two percent. It seems like a tax on a tax to me by increasing that.

But the outlets that the people have who are old and retired that can’t afford it and they can put it off, they’re going to be charged eight percent. So, if you can imagine if you have a grandmother or someone who lives there and lives another 15 years, that’s a serious amount of money you’re going to owe.

As far as some of the low hanging fruit, as discussed in the 208 Plan, that stuff all started in Falmouth and we’re not even following our own advice. The seven items that they listed in the county’s 208 Plan, sewering was the seventh.

Now, everyone knows from recent Selectmen’s Meetings, we’ve had problems with road water runoff and erosion on the Great Bay side of Maravista. We have done nothing to try to capture that runoff, which goes into the pond and contributes to the problem. It can be done relatively cheaply. Meanwhile, we just block the
streets off and let that place erode away.

As far as Little Pond, many times in the wastewater meetings there’s runoff remediation that could be done in the Spring Bars Road, it could be done in the back of the golf course. These are all things that would cost very little. And after we evaluated them for a year or two, we may be able to reduce this sewering by possibly 25 percent. Twenty-five percent of $41 million is an appreciable sum of money.

I think, and I’m going to propose, that this article be divided, so we can vote individually on the bridge, the inlet widening, the repair to the Woods Hole Sewer System, and finally the sewer project itself. There’s really no reason, as Mr. Smolowitz said, for these things to be all together, and I’d like to remind people that last year in the ballot we voted on somewhere in the neighborhood of 18 or 20 amendments to the Charter on an individual basis, plus the other ballot questions that we had with the windmills and whatnot.

I see no reason why we can’t separate this and let the people decide. I’m not saying for a
moment that we won’t have to do some sewer ing on
Maravista, but I’m saying that, assuredly so, we
could reduce that number greatly. And I also
believe that the amount we could reduce that by
would be greater than the amount of the increase
in the construction costs that we have been told,
and naturally we can all predict.

So I would like to propose that we divide
this question, if possible, and give the public
the opportunity to vote on each individual piece.

THE MODERATOR: Because the motion doesn’t
detail what each of the separate portions would
be, if you’re going to make a motion, I’m going
to need a detailed motion of what each of the
separate financial impacts are for each of those.
Because, to divide a question would be – we used
to do this with the Land Bank articles years ago
when we had more than one parcel and we had the
amount of each parcel in there. So –

MR. FINNERAN: It’s – I’m sorry, I don’t
have it here, but it’s listed. There’s a price
of somewhere in the neighborhood of $5 million
for the bridge. There’s a price of $700,000 for
the Woods Hole –

Tinkham Reporting
THE MODERATOR: With all due respect, I would need something up here in writing if we’re going to do this.

MR. FINNERAN: Ron or Earle, do you have those numbers? Eric has them, I know. It was on the slide that we saw earlier. Here we go.

FROM THE FLOOR: [No mic:] We’ve talked about this subject for over an hour. It’s time for a vote.

THE MODERATOR: Okay.

So this – the question will come on whether or not to divide the question so that there’d be separate consideration of the various proposals. The listing here has the repair of the Woods Hole leaking pipe at point seven million. Various repairs and upgrades at the wastewater plant, four point four million. Estuary cleaning –

FROM THE FLOOR: [No mic: inaudible].

THE MODERATOR: Oh, it’s up there. I’m sorry. I’m assuming it’s the same here, so.

All right, so the first motion is just on whether or not to divide this. If so, we’ll then go in and debate each one of these separately and take separate votes.
All those in favor of division –

MS. O’CONNELL: [No mic:] Point of clarification.

THE MODERATOR: Yeah.

MS. O’CONNELL: [No mic:] This –

THE MODERATOR: With a microphone, please.

MS. O’CONNELL: Yes, Mr. Moderator, Maureen O’Connell, Precinct 4. Is this an amendment to this article?

THE MODERATOR: No, this is a motion to divide this question into –

MS. O’CONNELL: But that wouldn’t be amending it, that would just be –

THE MODERATOR: No, it’s a separate motion, so this –

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

THE MODERATOR: Motion would be to divide.

So then one more amendment would still be in order on this article because we’ve already had one amendment.

MS. O’CONNELL: Thank you.

THE MODERATOR: So, the motion to break this off into the parts you see on the overhead. All those in favor, signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair is that the no’s have it and we will not divide the question.

So we’ll go on to my next speaker, was Ms. Putnam.

Ms. Lichtenstein, you’re on the list. Oh, you have a point of order?

MS. LICHTENSTEIN: [No mic:] Yes.

THE MODERATOR: Okay, another microphone.

MS. LICHTENSTEIN: [No mic:] -- standing vote.

THE MODERATOR: All those in favor of dividing the question signify by standing and the tellers will return the count. This is to divide the question.

[Pause.]

THE MODERATOR: The first division, Mr. Netto.

MR. NETTO: 13.


In the third division, Mr. Hampson.
In the second division, Mr. Dufresne.

MR. DUFRESNE:   20.

THE MODERATOR:   20.

All those opposed to dividing the question signify by standing and the tellers will return a count.

[Pause.]  

THE MODERATOR:   In the first division.

MR. NETTO:   28.

THE MODERATOR:   28.

In the third division, Mr. Hampson.

MR. HAMPSON:   45.

THE MODERATOR:   45.

In the second division, Mr. Dufresne.

MR. DUFRESNE:   67.

THE MODERATOR:   67.

By a counted vote of 51 in favor and 140 opposed, the decision of the chair stands.

Okay, here we go.

Ms. Putnam in the back.

MS. PUTNAM:   Rebecca Putnam, Precinct 9.

On Monday, what I did in the morning was,
knowing that this is going to be coming before us – and I think that everybody here understands there is a serious issue with Little Pond.

There is no debating that and that we do need to do something to fix the problem.

I went down and I spoke with both Patricia Fuzuli with the Assessor’s Office and I spoke with the Finance Director. And I had some pretty pointed questions as to one, we have a lot of seniors in this area. If they defer it, what’s the criteria for them to defer their betterment for that area? And the answer was, yes they can defer it but if they own the home with a family member, both family members have to produce the costs that they – or the income that they generate, and combined, the income cannot be greater than 40,000 a year.

So, if you own your home with your daughter or your son, and your son makes 25,000 or 40,000 a year and you make another 10,000 a year, either Social Security or $15,000 a year, you don’t qualify. So, you cannot defer.

The second thing is, if you have a mortgage or a reverse mortgage on your property, you
cannot apply for a deferment. Because the banks will not subordinate to the town on the liens.

So there’s two major issues right there.

The other issue, too, that there was some information going around and, as a realtor, a lot of times we’ve taken betterments and when you negotiate the sale of a house, especially when it comes to water betterments, you can negotiate with a buyer and have them assume it. There has been some information going around that you cannot with the sewer system. That’s not necessarily true.

With the sewering, there are some local banks here in Falmouth that will allow you to when you sell your house allow the buyer to assume the betterment, and that took place because of a bylaw that was adopted by this body after New Silver Beach was sewered. Because people had issues with selling their properties, there were a few banks that decided that they would actually allow you to – they would subordinate their standing on the lien and allow you to negotiate that with a buyer to have it assumed.

But my real concern is: we’re looking at how
many people are summer residents. And, I understand, they’re not here, they’re not using the properties all the time. But when those pumps aren’t being used all the time on those houses, how often are they going to have to replace those pumps on the connections? Because those pumps have to be — have a constant flow and a constant use, from what I understand. So that’s another issue that we’re not looking at.

And then also, the hookups. Some of those homes don’t have basements, or they’re on 5,000 square foot lots and their septic systems are in the back yard, which means if you don’t have a basement and you have a crawl space, and your septic’s in the back yard, it’s going to cost you possibly three times more to hook in.

So there’s a lot of issues here with costs that are not being put out to the public.

I spoke with people in neighborhoods about this. A lot of them haven’t even realized that this is going to be going on. The first thing they see is somebody putting stakes out in front of their house. They ask the engineers, “Why are there stakes in front of my house? What are
you doing?” “Oh, you’re getting a sewer.” Not “possibly”. “You’re getting a sewer.” So there is a lot of misinformation. We haven’t done a good job of informing the neighbors that are going to have this happen.

And we all understand there’s a problem. But instead of widening Bourne’s Pond, why aren’t we widening Little River? I’ve lived here my entire life. There’s a sand bar you can walk across and the geese and the ducks and the swans are using it as if it’s their toilet. You can sewer it all you want, but until you get a proper flushing from the ocean, like it should be, you’re not going to correct that issue, either.

So I think we really need to take a look, a good hard look, at how we’re going to afford this, how the people are going to be treated in these areas, and let’s – let’s take a good look before we decide to put this out there at $49 million. Thank you.

THE MODERATOR: Okay, Mr. Boyer.

[Applause.]

THE MODERATOR: No. Okay.

Mr. Netto.
MR. NETTO: Joe Netto, Precinct 11 – excuse me, 9 [laughs].

THE MODERATOR: Eleven.

[Laughter.]

MR. NETTO: I thought it was eleven o’clock, and time to go home –

THE MODERATOR: Is that in my district or Tim Madden’s district?

[Laughter.]

MR. NETTO: Whew.

I appreciate all the information on this article. I think the discussion has been going on for years. I go back to the outfall pipe in the ’70’s. But it’s time to move on, and I would just – I think we have to pay attention to what’s written in front of us, folks, and it’s the same speech I always give when this article comes up. And that is the town needs our affirmative vote as Town Meeting Members to put this on the ballot and let the taxpayers decide.

We all have our own personal agendas on every article that’s written in the warrant, but when it comes to those, my opinion, those that ask the town to vote, let’s give them the opportunity and
let them – they’ve listened. They’re listening tonight to the discussion, and let them decide.

So, with that said, Mr. Moderator, I would also like, after an hour and a half of discussion, to move the question. Thank you.

[Applause.]

THE MODERATOR: Okay, okay, folks. You know my rule is that we can’t move the question if you’ve made a speech. So you have to rise for the purpose of moving the question.

Ms. Driscoll’s next on the list.


First, thanks everybody for coming in this evening and having this discussion. Had we tried to do this last night, we would never have had all of this great information that we’ve been presented.

Again, to the committee for all the work that they’ve done, the volunteer hours, the time that they have put into this. I thank them wholeheartedly. They have come up with some very interesting, very unique solutions to the problems that we have in the estuaries. This is
a long term, forward look that we have to take.

Look back at the article. We’re talking about several different projects, here. Not just sewering Little Pond. The sewering of Little Pond is the biggest chunk of money.

I want to thank Mr. Finneran for bringing up the fact that there are these different projects all lumped together. Two of them are mandated to be fixed: Woods Hole and the repairs to the wastewater treatment facility. We have to do those. But that number is in the realm of four million or somewhere around there. That’s a great difference from 49 million.

We should have been taking these as two separate articles, talking about those that are mandated and those that are not.

We do have the time when it comes to Bourne’s Pond inlet. The state revolving fund is going to be there in a year. The Little Pond, we’ve heard about the alternatives that are here, that can work. You know, these new technologies. The information, we have to get this out to the neighborhood.

We have to get this out to the community.
It’s not just Little Pond that we’re talking about. It’s Bourne’s Pond, it’s Eel River, it’s Falmouth Harbor, it’s Megansett, it’s West Falmouth; all of them are going to benefit from these projects, from these alternative technologies. We need to be able to take the time, see what they do and put them in place.

They are significantly less costly to this community overall. We’re not giving ourselves that opportunity by putting all these projects together into one. We should be voting for a four million or a four million plus mandated projects, not a $49.5 million project.

Please vote no on this article and let’s take it to the voters in the appropriate manner.

Thank you.

THE MODERATOR: Ms. Asendorf.

MS. ASENDORF: Martha Asendorf, Precinct 6.

Oh. I have a gut reaction to call the question, but I’m actually going to make a comment because I want to put a different face on the alternatives.

I have a frustration with the sewering project, and I am going to vote for it. But my
frustration is that Town Meeting is approaching these as an emergency.

Woods Hole’s an emergency. We continue to put waste in clean drinking water.

Silver Beach is an emergency. We continue to put waste in drinking water.

Little Pond is an emergency.

I want to see an article that comes with something that will be different. I would have loved it if this article came for 54 million, and four million was for different projects around town. It’s going to be a long time, I’ll be long gone before my part of town, my estuary or my pond watcher goes out – not my pond watcher – in the summertime to look at the water.

I just want to see projects come to this town, I want to charge the committee with bringing projects, bringing grants to do something in other parts of town.

I’ve been to Hilde and Earle’s house; it’s lovely. The bathrooms are lovely. We cannot continue to put waste in drinking water, we have to change our habits. And I want to see articles brought up. Thank you.
THE MODERATOR: Okay, Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8.

I’d like to make a comment because I think that the body needs to hear the comment, and then I would like to call the question.

[Laughter.]

MR. RHODES: Now, to do that –

THE MODERATOR: You know the rule.

MR. RHODES: – my request is –

THE MODERATOR: So, if you want to call the question, you’d better do it right now.

MR. RHODES: Well, I will call – what I wanted to do was the maker of the motion has had a number of people comment around his motion, but he hasn’t had the opportunity to respond. And I would like to give him the opportunity –

THE MODERATOR: He hasn’t requested.

Mr. Turkington, did I ignore you at all?

MR. TURKINGTON: [No mic:] I’m sorry?

THE MODERATOR: Have I been ignoring you on the list? Did you want to go back on the list? I keep looking over there.

MR. TURKINGTON: I’d rather call the question.
[Laughter.]

THE MODERATOR: Okay. Yeah, I mean, I keep looking over there to see if there’s any desire to be on the list and he hasn’t –

MR. RHODES: I’d like to call the question.

THE MODERATOR: All right, so we’ll take a vote to move the previous question.

All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds majority and the question is closed. The question will now come on the main motion.

The main motion is as recommended and we added the “under the jurisdiction of the Board of Selectmen” language.

All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds. Is
there a challenge on the chair?

There’s a challenge to the chair.

All those in favor, signify by standing and

the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division, Mr. Hampson.

MR. HAMPSON: 53.

THE MODERATOR: 53.

In the first division, Mr. Netto.

MR. NETTO: 32.

THE MODERATOR: 32.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 67.

THE MODERATOR: 67.

All those opposed, signify by standing and

the tellers will return a count.

[Pause.]

THE MODERATOR: Third division, Mr. Hampson.

MR. HAMPSON: 10.

THE MODERATOR: 10.

THE MODERATOR: Second division, Mr. Dufresne.

MR. DUFRESNE: 19.
THE MODERATOR: 19.

First division, Mr. Netto.

MR. NETTO: 13.


By a counted vote of 152 in favor and 42 opposed, the necessary two-thirds passes and the decision of the chair stands.

[Applause.]

THE MODERATOR: We’ll now go back to Article 27. Article 27 was laid on the table. The chair would -

MR. TURKINGTON: Mr. Moderator.

THE MODERATOR: Mr. Turkington.

MR. TURKINGTON: I just want to take this opportunity to thank the Board of Selectmen and the Finance Committee and the Planning Department and the Planning Board, and most of all the Members of Town Meeting for your confidence in this Committee.

We are going to go ahead. We are going to be the innovation capital for wastewater in Massachusetts and in the United States. And you’re making it happen and we appreciate your support so much. Thank you.
[Applause.]

FROM THE FLOOR: Thank you.

[Pause.]

THE MODERATOR: Yes, Mr. Patrick just wanted to make sure that we wanted to highlight that the eco toilet exemption has been passed in the legislature. I know it was mentioned during one of the presentations. Just, we're waiting for the Governor to sign it, unless he did that today. I don’t know if he signed it yet, but we did enact that legislation.

So, the motion on 27 was placed on the table.

The chair would entertain a motion to take 27 from the table.

So moved.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it; 27 is on the floor.

This is the betterment and my list from last night was Mr. Latimer was the next on the list.

MR. LATIMER: [No mic: inaudible].
THE MODERATOR: With a microphone, please.

With a microphone, please. With a microphone, please.

MR. LATIMER: I’ve already said everything I had to say and I think everyone else has. I move the question.

[Laughter.]

THE MODERATOR: Okay, this is to move the previous question on Article 27, the main motion as recommended.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

The question will come on the main motion as recommended.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.
Okay, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, Town Meeting Members, I would like to inform you that you have spent $216,107,654 tonight. And I move the April, 2014 Annual Town Meeting be closed.

THE MODERATOR: Okay, before we take a motion on that, I’m going to recognize the Chairman of the Board of Selectmen for notification of our next Annual Town Meeting.

And don’t forget: don’t go anywhere, because we have to go back and finish the Special.

Mr. Chairman.

CHAIRMAN PUTNAM: Mr. Moderator, at the Board’s meeting on Monday, April 7, we voted to establish the Fall Town Meeting date as Monday, November 17, 2014.

THE MODERATOR: Okay, November 17th is the next town meeting.

You’ve all heard the main motion to dissolve this meeting. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it; the meeting is dissolved.

All present please rise for the establishment of the quorum and the tellers will return a count.

We’ve got two more articles, 18 and 19 of the Special.

[Pause.]

THE MODERATOR: In the third division, Mr. Hampson.

MR. HAMPSON: 64.

THE MODERATOR: 64.

In the first division, Mr. Netto.

MR. NETTO: 44.

THE MODERATOR: 44.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 84.

THE MODERATOR: 84.

By a counted vote of 192, we have a quorum and the Special Town Meeting is back in session.

Article 18. Article 18, the main motion was placed on the floor as recommended by the Board of Selectmen and then Ms. Botelho had made the motion for us to table and adjourn so that we
could deal with the larger wastewater article.

And so, as I open discussion on Article 18, one last time I want to thank Mrs. Botelho for her half a century of service in this legislative body. Thank you again, Mrs. Botelho.

[Applause.]

THE MODERATOR: And Mrs. Botelho was so quick with that motion that I don’t have a list on this one, so we’re starting from scratch on the list.

All those — anyone who wants to speak on Article 18?

Hearing none, then the question will come on the main motion as recommended.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 19, Madame Chair – Mr. Chairman of the Board of Selectmen.

VICE-CHAIRMAN JONES: Mr. Moderator, I have a little different motion. It’s the same intent, but the wording’s a little different, which I’ll
hand to you after I read it.

I move that the Town vote to authorize the Board of Selectmen to petition the General Court for a special act authorizing the Town to design, construct and operate a municipal water filtration plant on a 40 plus/minus acres parcel acquired from the Estate the heirs of Thomas Lawrence by a 1932 deed recorded in the Barnstable County Registry of Deeds in Book 489, page 144, and shown on a Plan recorded in said Registry in Plan Book 46, Page 33, which plan contains a reference, quote, Approved By State Board of Health, April 12, 1932, unquote, notwithstanding any limiting conditions, servitude or public trust imposed by the Commonwealth or any department thereof at time of purchase.

Provided, however, that the design, construction, operation of the water filtration plant is licensed and permitted by the Department of Environmental Protection.

THE MODERATOR: Okay, Mr. Duffy’s going to explain this motion.

I don’t remember there being this many
petitions to the General Court before I became a
state rep [laughs].

[Laughter.]

MR. DUFFY: This relates to the site that
has been selected for the water filtration plant
off Gifford Street. In doing the title to this
property, we’re looking at two issues. One, who
has jurisdiction over it. This article
addresses a possible transfer of jurisdiction;
we’ve determined that is not necessary.

However, there are a couple of what I would
call ancient, indefinite references in the title
that we’d like to clear. One is that when the
property was purchased from the Lawrence estate
by the Town in 1932, the plan of land refers to
“watershed”, and there was a, at the time, Long
Pond Watershed Committee.

We cannot find any reference to this
committee. Mr. Palmer has gone through his
records; we can’t find any records of what this
Committee did or any conditions that might have
been imposed. I myself looked through the
transcript of the 1931 Town Meeting and couldn’t
find any. But, nevertheless, we still have this
reference on the plan.

The second reference on the plan is kind of a strange one. It says, “Approved by the State Department of Health” in April of 1932. We don’t know what this means. We’re continuing to look. We hope to be able to find out. We’re just trying to clear the deck so that we can use the property for the intended purpose.

This article, or the motion that Mr. Jones just read, will give the Board of Selectmen the option – they’re not necessarily going to do this if they don’t have to – but it will give them the option of applying to the legislature for a special act to clear any possible restrictions so we can go ahead and build the water filtration plant as long as we get the necessary approvals from the DEP.

THE MODERATOR: Any discussion on the main motion as presented on the overhead?

Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5.

We’ve had very little discussion if any at all as about exactly where this plant is going to go. This is a significant forest, an important
forest in town, and I hope that the Selectmen will follow a process of transparency so that everybody knows where this plant is eventually going to go and that we have an analysis of the impact that where you decide to put it will have on that forest. Thank you very much.

THE MODERATOR: Okay, further discussion.

Mr. Nidositko.

MR. NIDOSITKO: Excuse me, Mr. Moderator, through you, I would like to ask Mr. Ray Jack: what’s the status of that stump dump that abuts Goodwill Park and does it have any effect on the water filtration plant or any of these plans that we’ve talked about tonight relative to the Town?

THE MODERATOR: Mr. Jack.

MR. NIDOSITKO: I recall the days when we had a regular Town dump opposite our drinking water supply and I’m concerned about that stump dump.


I’m not quite sure how to answer the question. I would say it this way, though: it is what the name implies. It is an old gravel pit,
but there’s a reason why it’s no longer a gravel pit, and that is because they hit groundwater.

So it’s groundwater level as the level of Long Pond. Long Pond is really a visual representation of the ground water aquifer and that sand, it right now is that same visual representation.

Thus, it’s not being considered favorably for a site to construct a plant. It does not impact plant construction in any way. The site is going to be evaluated over the course of the next year to determine how best to remediate it because there was an old stump dump. There are asphalt piles that were placed there years ago. You also have the old firing range.

So all of that is going to be evaluated and an action plan submitted in order to remediate that as part of the overall strategy for Long Pond.

THE MODERATOR: Okay. Further discussion on Article 19?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it by a majority.

Madame Chairman.

CHAIRMAN MAGNANI: Mr. Chairman - Mr. Moderator, excuse me, ladies and gentlemen, I wish to inform you that we have spent in Special Town Meeting $1,694,294.50.

I move the April, 2014 Special Town Meeting be closed.

THE MODERATOR: Okay, you’ve all heard the main motion to dissolve the Special Town Meeting. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

[9:00 p.m., whereupon this meeting adjourned.]
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 Spring Town Meeting, taken by me on April 9, 2014. 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 22nd day of May, 2014.

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

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.