

Vol. THREE
101 pages

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

A N N U A L T O W N M E E T I N G
I N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Choose Town Officers	2-63
2	Hear Reports of Committees and Town Officers	1-24
3	Authorize Selectmen to settle claim, suits	1-36
4	Authorize Selectmen to apply, accept grants	1-22
5	Fix Salaries of Elected Officials	1-22
6	Approve Revolving Funds	1-22
7	Amend Zoning Bylaw Ch. 240	1-37
8	Petition Amend Zoning Bylaw Ch. 240-3	1-54
9	Petition Amend Zoning Bylaw Ch. 240-57	1-22
10	Petition Amend Zoning Map	1-22
11	Amend Classification Plan	1-22
12	Fund - tuition reimbursement	1-79
13	Estab Out of District SpEd Tuition Stabilization ..	1-80
14	Fund Out of District SpEd Tuition Stabilization ...	1-83
15	Establish Water Stabilization Fund	1-22
16	Fund Water Stabilization Fund	1-22
17	Fund General Stabilization Fund	1-22
18	Fund Capital Stabilization Fund	1-22
19	Fund Other Post Employment Benefits Trust Fund	1-98
20	Fund Workers Compensation Trust Fund	1-22
21	Fiscal Year 2015 Operating Budget	1-104
22	Petition fund review of the High School Project ...	1-146
23	Fund Senior Center Feasibility Study	1-22
24	Petition Fund All Purpose Community Athletic Field.	2-65
25	Fund Energy Receipts Reserved Appropriation	2-106
26	Fund Water Filtration Plant	2-137
27	Adopt Betterment Little Pond Sewer Area..	2-164, 3-5, 3-89
28	Fund Comprehensive Wastewater Management Plan	3-7
29	Road Taking - Elizabeth Jean Drive	1-22
30	Community Preservation Fund Administrative Expense.	1-22

S P E C I A L T O W N M E E T I N GI N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Amend Chapter 107 Town of Falmouth Code	2-10
2	FY 2014 Budget Transfers	2-19
3	FY 2014 Budget Supplementations	2-30
4	Unpaid Bills	2-32
5	Fund Fire Dept. Salary and Wage Budget	2-35
6	Fund Triennial Revaluation	2-36
7	Fund Open Cape Network	2-36
8	Firefighters Contract	2-39
9	Police Federation Contract	2-39
10	Superior Officers Association Contract	2-40
11	Police Lieutenants Contract	2-41
12	Fund Out of District Special Needs	2-42
13	Fund Design Lawrence School Windows	2-43
14	Petition Override appropriation	2-43
15	Fund Wild Harbor Bulkhead	2-44
16	CPF - Conservation Restriction	2-45
17	CPF - 10% reserve transfers	2-59
18	Transfer of Land Management	2-61,3-93
19	Transfer of Land Management	3-94

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

2 THE MODERATOR: Last night we were on
3 Article 27. Article 27 of the Annual Town
4 Meeting. We're going to go back, finish that up,
5 and then reconvene the Special.

6 [Pause.]

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

14 [Pause.]

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

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

22 [Pause.]

23 THE MODERATOR: In the first division, Mr.
24 Netto.

1 MR. NETTO: 41.

2 THE MODERATOR: 41.

3 In the third division, Mr. Hampson.

4 MR. HAMPSON: 59.

5 THE MODERATOR: 59.

6 In the second division, Mr. Dufresne.

7 MR. DUFRESNE: 88.

8 THE MODERATOR: 88.

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

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

14 [Pledge of Allegiance taken.]

15 THE MODERATOR: At this time I'll recognize
16 Judy Magnani for our invocation.

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

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

23 [Moment of silence.]

24 THE MODERATOR: Okay, Article 27.

1 Ms. O'Connell. Microphone, please.

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

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

11 So I'm making a motion to table.

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

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It is the opinion of the
24 chair that the ayes have it by a two-thirds and

1 we'll entertain a main motion on Article 28.

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

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

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

11 Yes, Mr. Jones.

12 And we're going to, in the main motion, we're
13 going to add the "under the jurisdiction of the
14 Board of Selectmen". We did that last night on
15 one of the other ones. And that inserts right
16 after -

17 MR. JONES: [No mic: inaudible].

18 THE MODERATOR: Okay, so after the portion
19 that says "Massachusetts Water Pollution
20 Abatement Trust" we add "under the jurisdiction
21 of the Board of Selectmen".

22 Yes. Ms. Valiela.

23 MS. VALIELA: Mr. Moderator, shouldn't it
24 say "said sum to be expended under the

1 jurisdiction of the Board of Selectmen”?

2 THE MODERATOR: Yes.

3 MS. VALIELA: Said sum to be expended.

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

7 Okay, we have the main motion on the floor.
8 What, do we have a presentation?

9 Mr. Turkington.

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

16 Article 28 is up on the screen, here. It
17 encompasses four projects, the first one being
18 Little Pond Sewering Project, the Bourne’s Pond
19 inlet widening, the treatment plant upgrades and
20 the Woods Hole Infiltration/Inflow project.
21 Total cost of those four capital projects is
22 \$49,820,000.

23 What will these projects do? Well, by now we
24 all know that excessive nitrogen is the largest

1 single contributor to the decline of our coastal
2 ponds. The Little Pond Sewering Project will
3 eliminate most of the nitrogen, 88 percent to be
4 exact, from wastewater currently going into
5 Little Pond.

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

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

23 This was designed around Little Pond and the
24 Little Pond watershed. Every place in there,

1 the wastewater from their septic system goes into
2 Little Pond. If you're not in there, you don't
3 go to Little Pond. And the point of this was to
4 take the most polluted water body in town and
5 bring it back.

6 Next slide.

7 The Bourne's Pond Inlet widening will
8 increase the width of the existing channel from
9 50 to 90 feet, increasing the tidal exchange and
10 removing quantities of nitrogen from Bourne's
11 Pond equivalent to sewerage approximately 400
12 houses. It will also include a new bridge. You
13 can see it there. A longer bridge, but no
14 higher, with a fishing platform on the pond side
15 with handicap access and sidewalks.

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

21 This next piece is something that is required
22 by the Town's settlement agreement with DEP and
23 the Buzzard's Bay Coalition. It allows for
24 improvements in the quality of the treated

1 discharge at the plant. I can't actually
2 describe to you what those different processes
3 are and I don't think I want to.

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

11 [Laughter.]

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

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

19 The Little Pond Sewering Project, the total
20 project cost is \$44 million. At last year's Town
21 Meeting you already voted four and a half million
22 dollars for design and permitting, which means
23 that tonight in Article 28 you're being asked to
24 authorize \$39,500,000.

1 The Bourne's Pond Inlet Project, the total
2 cost of that is \$5,520,000. Last year you voted
3 \$300,000 for design and permitting, so tonight's
4 article includes \$5,220,000 for that project.

5 The treatment plan upgrades are \$5,200,000.
6 You voted 800,000 last year and we're up to
7 4,400,000 remaining.

8 The Woods Hole Infiltration Project, it's a
9 \$700,000 project. We didn't design or permit it
10 before because it doesn't take much of a permit
11 to put a liner in a pipe. So the price is
12 \$700,000.

13 So that's how we get to the \$49,820,000.

14 If you'll notice down on the bottom, here -
15 and this is for Joe Netto in particular - the
16 current tax rate in the Town of Falmouth is \$8.15
17 a thousand. If we work on the assumptions that
18 we have all been working on, that we're going to
19 have a zero percent loan, that there's going to
20 be a betterment at 70/30, that it's going to be a
21 20 year loan with no interest, if we work on that
22 assumption, the tax impact of these projects will
23 be 12 cents per thousand on the tax rate. Right
24 now your tax rate is \$8.15 per thousand. Twelve

1 cents.

2 So, on a \$400,000 house, that will amount to
3 \$48 a year. That's not much of a vacation for
4 Mr. Shearer, who was hoping to have a larger
5 bonus come back his way, but it gives you a sense
6 of what we're talking about here.

7 I will reiterate what we've always said from
8 the beginning: because of this window of
9 opportunity that we have been anticipating and
10 planning for at the Selectmen level, these
11 projects will not increase the tax rate. That
12 \$48 a year is money you were already paying. Now
13 your taxes will not go up as a result of
14 approving these projects.

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

23 Why are we doing this? We've heard this
24 quite a lot for the last few years. We have all

1 seen these warning signs in our estuaries in
2 recent years. We've seen the fish kills, the
3 disappearance of the herring, the decline of the
4 shell fisheries, oxygen depletion, algae blooms.
5 The MEP studies by UMass Dartmouth evaluated all
6 15 of our coastal estuaries from Waquoit Bay to
7 Rand's Canal. We have more coastal estuaries
8 in this town than any other Town in Massachusetts
9 - and they found that every one of them was
10 impaired with nitrogen overload.

11 The first proposed solution to address this
12 problem was the Department of Environmental
13 Protection's predictable, one size fits all, off
14 the shelf answer to every question about nitrogen
15 reduction: sewer everything. They advocated a
16 \$600 million proposal that would sewer all the
17 southern peninsulas from Falmouth Heights all the
18 way to Seacoast Shores and then sewer north of
19 Route 28, through East Falmouth as well. This
20 was in 2009. The Town's rejection of that plan
21 led to the formation of a review committee and
22 now the Water Quality Management Committee.

23 This committee has followed the direction of
24 Town Meeting to pursue parallel paths, proceeding

1 with sewerage as little as possible and only
2 where absolutely necessary, and implementing
3 demonstration projects of the most promising
4 alternatives to sewerage.

5 You gave us that direction. You appropriated
6 \$2.7 million to carry it out and the voters, by a
7 two to one margin, supported your decision. The
8 project that Falmouth is actually going to be
9 proposing is a very small subset of that first,
10 giant \$600 million project. It's only this
11 little pond area, right there, and the price is
12 this \$41 million we're talking about.

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

24 The plan that the Town adopted, that you

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

8 Some of you will remember this area was
9 supposed to be sewerage 30 years ago, when it
10 would have cost three and a half million dollars.
11 But the town back then listened to those who
12 said, "Let's wait". This time, let's not wait.

13 The other half of the plan is sewerage the -
14 is pursuing the non-sewer alternative: inlet
15 widening at Bourne's Pond, planting and
16 monitoring next year two million oysters in
17 Little Pond, picking a site for a permeable
18 reactive barrier, enforcing the Town's nitrogen
19 reduction bylaw which is the toughest nitrogen
20 reduction bylaw anywhere in Massachusetts, and
21 pursuing the most significant eco toilet
22 demonstration project anywhere in the country.

23 This plan, the sensibly-balanced, financially
24 prudent, scientifically-based plan that received

1 the unanimous support of our Committee, the Board
2 of Selectmen, the Planning Board, the Finance
3 Committee, and this Town Meeting last year, this
4 plan went to Boston for approval in November, and
5 there it almost died. The bureaucratic forces
6 that were pushing for more sewerage fought
7 bitterly against seeing this plan approved.
8 Three weeks before the deadline for approval, the
9 Town was being urged at the highest levels of DEP
10 to withdraw the plan, to enter into some kind of
11 a special review process and to go back to the
12 drawing boards.

13 And Falmouth said no. Your town leaders
14 took on the agency officials who opposed the
15 Falmouth plan and they rallied support from our
16 legislators, from the Cape Cod Commission, from
17 the Buzzards Bay Coalition, from the EPA and
18 other environmental organizations. In the end
19 the state was convinced by what Falmouth was
20 telling them, and on January 10th of this year the
21 Secretary of Energy and Environmental Affairs
22 enthusiastically approved Falmouth's
23 Comprehensive Wastewater Management Plan.

24 You can see what they said about it.

1 [Pause.]

2 MR. TURKINGTON: Next slide, please.

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

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

21 We all hope that the oysters and the eco
22 toilets and the PRBs and the inlet widening and
23 the other alternatives will prove their worth.
24 And we all hope they can be part of the solution

1 for many of our estuaries. In fact, we are
2 confident they can. But anyone who says these
3 alternatives will be the whole solution and no
4 sewerage will be needed anywhere, anyone who says
5 that is deluding themselves and misleading you.

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

15 Presuming that the Board of Selectmen will
16 utilize these provisions and the betterment rate
17 of 70 percent, it'll cost the homeowners roughly
18 \$600 a year in betterment charges. Less than
19 what they would pay for a cell phone contract or
20 cable TV service or home delivery of the Boston
21 Globe. And in return, they will never again
22 have to pay for a pump-out, never have to replace
23 their septic systems. They can add bedrooms or a
24 garage where they couldn't have before,

1 substantially increasing the value of their
2 homes.

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

10 THE MODERATOR: Mr. Turkington, we've hit
11 the 15 minute limit. Would you like to request a
12 -

13 MR. TURKINGTON: I would request five
14 minutes more.

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

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

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

23 MR. TURKINGTON: Thank you.

24 Finally, there is no better time than this

1 year, when prudent financial planning has brought
2 us to this window of opportunity where the Town
3 can undertake these two huge infrastructure
4 projects for clean drinking water and cleaner
5 estuaries and pay for them both without raising
6 the tax rate.

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

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

24 Second, the second thing we know is going to

1 happen, construction costs will go up, state aid
2 will go down, and regulatory requirements will
3 become more onerous and more expensive. We've
4 seen it all over and over again. Time is not
5 our friend when we delay these major
6 infrastructure projects.

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

24 For all these reasons, Mr. Moderator, I urge

1 Town Meeting support of Article 28 as
2 recommended.

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

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

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

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

24 THE MODERATOR: Okay. Ms. Maingay.

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

11 I've been in nearly all the meetings of the
12 Water Quality Management Committee for more than
13 three years, and numerous other meetings related
14 to our water/wastewater issues. Since September
15 1, I have also been a member of the Cape Cod
16 Commission 208 Watershed Water Quality Planning
17 Process, and participated in all the working
18 group and technical advisory meetings that
19 resulted in a wastewater technology matrix and
20 model.

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

24 Why should we sewer? Next one.

1 What is the CWMP? And this is the
2 definition of a CWMP. A Comprehensive
3 Wastewater Management Plan evaluated current and
4 future wastewater needs, comparing alternative
5 solutions and choosing cost effective,
6 environmental impacts and compare them. And on
7 the bottom it says, "We have to choose financial
8 and environmental trade-offs among all the
9 possible nitrogen reduction methods." I don't
10 believe we have done that yet.

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

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

23 So how much water - how much waste does a
24 person per year actually make? What is the

1 problem? Well, this is the problem. A person
2 makes four of those a year. That is the problem.

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

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

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

22 So it's taken out of one watershed and put in
23 another one. And that is my environmental issue
24 with this whole thing. It is not cleaning the

1 items, it's putting it somewhere else, out of our
2 sight into someone else's back yard.

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

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

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

23 Next, please. This is an example of the
24 nitrogen cycle. We use a lot of fossil fuels, it

1 goes - makes fertilizer, goes to the farms, goes
2 to food. We eat the food, we excrete the food
3 because actually the food that you eat, all the
4 nutrients except for two percent, come out from
5 the other end except for the carbon that you burn
6 while you're moving around. And then it ends up
7 in an incinerator in the air, water and soil.

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

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

22 Next. So this is what nature actually
23 intended, is that we cycle things back to where
24 it belongs if we eat and we excrete, then the

1 food that we ate becomes nutrients for the next
2 cycle.

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

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

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

23 Next, please. State regulators require
24 least expensive, quickest solutions to improve

1 and restore our aquatic ecosystem. That is not
2 Article 28.

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

13 So now the model becomes available to the
14 public. You can push and take, "I want - in this
15 estuary I want three acres of oysters. Where do
16 I get?" And "Oh, I didn't get to my TMDL. Let
17 me add something else that might work for this
18 particular estuary." You plug in whatever you
19 want until you hit a TMDL that the state is
20 looking for that we have to achieve in that
21 estuary. It's a great model. It's a work in
22 process. The Town should use it; we have not.

23 Go ahead, please. So here's an ecological
24 restoration study that should be applied and

1 tried first. That, again, is not 28.

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

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

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

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

22 Next one. So here is the model that I worked
23 on and also used for this particular example so
24 that you as a body that has to make decisions

1 understand how this works. So I tried a few and
2 just put it on a piece of papers and I'll show it
3 to you here. It was a lot of fun, actually, to
4 work with this.

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

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

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

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

22 MS. MAINGAY: So on March 1, this became
23 available. It's made to fit in a stud wall. And
24 it can capture all the male urine, which is about

1 40 percent of all the nitrogen from a household.
2 That's significant. Now, you can imagine, this
3 is not a very expensive item. It would not be
4 very offensive to have, because all you see is
5 that. And that would be an amazing, amazing item
6 to introduce.

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

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

14 Next one. And here's the last scenario
15 that I tried. I said, "What if we didn't do
16 anything on the streets, no hard infrastructure,
17 nothing in the house, and we focused solely on
18 the pond?" And they have wetlands, they have
19 phyto-buffers, they have certain wells, and
20 they're all part of this model and each one has a
21 long feed like this with all the background data.
22 I put them all in. Well, for one million
23 dollars, we could actually reach the TMDL 100
24 percent.

1 Well, I think that would be worthwhile
2 trying. And we wouldn't lose very much. We will
3 always gain. It will always improve. And if
4 that wasn't enough, we could do the next step,
5 and the next step.

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

18 Next, please. So vote for ecological
19 restoration strategies. That's why I'm talking
20 here. I want to see that we look at the bigger
21 picture, not at just this little one. The
22 bigger, broader picture over the whole globe of
23 the whole system that supports our lives. And we
24 cannot put the junk from one place into another

1 place and hope that we are doing a good job.

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

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

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

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

17 THE MODERATOR: So you're going to request
18 how much time?

19 MS. MAINGAY: A half a minute.

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The eyes have it. You have
2 30 seconds.

3 [Laughter.]

4 MS. MAINGAY: Next one.

5 THE MODERATOR: Unfortunately I don't have a
6 second hand on this clock.

7 [Laughter.]

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

15 Thank you very much.

16 THE MODERATOR: Okay, Mr. Putnam.

17 [Applause.]

18 MR. PUTNAM: Good evening, ladies and
19 gentlemen, Brent Putnam, Chairman of the Board of
20 Selectmen. At our meeting at 6:30 this evening
21 prior to convening Town Meeting, the Board asked
22 me to remind this body that we did in fact
23 appoint the Comprehensive - or, excuse me, the
24 Water Quality Management Committee, thank you,

1 and we do support their efforts and obviously the
2 reason why this article is on the warrant is
3 because the Board asked and voted to have it here
4 initially.

5 THE MODERATOR: Okay, Mr. Brown.

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

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

22 So it's not only the people that aren't
23 really interested in it; it's difficult to
24 implement. And to think that we could do a

1 betterment and force people to retrofit these
2 things into their houses doesn't seem practical
3 to me. So I don't think that's really a
4 possibility.

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

12 So, I want you to know that we've talked
13 about this for almost a hundred years at this
14 Town Meeting. Not me, personally, but since
15 1935, Town Meeting voted down spending \$5,000 on
16 sewer planning, because it was just too much
17 money for this town at that time.

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

21 We've looked into all the possibilities.
22 We've got to have something moving forward.
23 We've got a good plan that allows for all the
24 possibilities. I'd hate to see it get derailed

1 now just because we want to keep on waiting for
2 something cheaper that's going to come along.

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

18 So I hope people start to think about that.
19 I think Hilde's got a lot of good points. In a
20 perfect world, we would use all these
21 technologies. But right now we've got a gun to
22 our head and if we don't come up with some
23 action, we're going to have a different plan that
24 we don't like.

1 So, what other points do I want to make?

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

8 THE MODERATOR: Mr. Heath.

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

20 This is more of an engineering and technical
21 question but I don't know if it's been considered
22 and I'd be interested in the answer because,
23 being an old Yankee, I don't like to spend
24 something that's supposed to last 100 years and

1 the next hurricane that comes up, it's gone.

2 Does anyone know the answer to that?

3 THE MODERATOR: Mr. Turkington.

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

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

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

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

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

24 THE MODERATOR: Mr. Hargraves.

1 Do you have a follow-up question? We're
2 going to have to get you a mic, if you - Mr.
3 Heath, did you have a follow-up question? We're
4 going to need a mic if you do that.

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

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

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

18 MR. TURKINGTON: To the extent anybody can
19 predict this, it is part of the planning process
20 to account for it, and the state requires that,
21 the feds require that and, as you say, if the
22 water gets to the point where the houses and the
23 streets are no longer there, we have bigger
24 problems than what's happening to the sewer.

1 THE MODERATOR: Okay, Mr Hargraves.

2 MR. HARGRAVES: Mr. Moderator, you - Peter
3 Hargraves, Precinct 9.

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

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

15 If we have a sincere interest in taking the
16 best ecological approach and applying it to homes
17 in Falmouth so the future is better, then I think
18 this is probably best addressed through the
19 building code and planning and outlining the
20 methods that are approved by the Health
21 Department and a plumbing code and requiring that
22 future construction be made in such a way that
23 it's in compliance with the best ecological
24 practices.

1 But I think we're talking here about I'll say
2 continuing on the journey of what we've inherited
3 and developed over the last 100 years, and
4 improving it, and frankly, you know, I voted for
5 the water treatment yesterday. I think the
6 health and safety of our community and our
7 citizens and the quality of our water, it's part
8 of the sustainability and attractiveness of our
9 community and it's essential.

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

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

24 But, quite the contrary, let me say I had - I

1 was fortunate enough to have the privilege of
2 attending and participating in all the Section
3 208 reviews, the same ones that Ms. Maingay
4 alluded to, and I thought, "What a wonderful
5 thing that all of this information is here being
6 built into a model, and we've looked at each
7 watershed separately and adaptive management
8 allows us to take the lowest cost approach and
9 then continually invest until we meet the target
10 lows for each estuary so it's not a one-size fits
11 all."

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

23 And so the watch out is: to think that we're
24 ignoring innovative alternatives that will

1 deliver a solution cheaply, when what we're
2 really doing is spending the lowest amount of
3 money that we, with what we know today will solve
4 the problems, that will preserve the equity we
5 have in our coastline, in our estuaries.

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

16 I didn't grow up on Cape Cod, but I came here
17 for 40 years before moving here and now I find
18 the plumes from the base and now estuaries that
19 are polluted, so I will line up behind these
20 solutions that look like they make a lot of sense
21 and they're proven and I think responsible in the
22 way of stewardship of our resources, our natural
23 resources and our financial resources, to put a
24 solution in place that will preserve our seashore

1 and restore it and improve it.

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

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

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

18 MR. HARGRAVES: And that's it for that.

19 So, I'm in support of this, if you haven't
20 figured that out. But my question is: for the
21 detractors -

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

24 MR. HARGRAVES: For the detractors who've

1 referred to the \$600 million sewerage, you know,
2 the fear is that we're just signing up for step
3 one, or the first payment in a huge bill.

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

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

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

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

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

24 That would have been a true statement in

1 2009, with the plan that came to the Board of
2 Selectmen. The engineers had gone through a
3 checklist and they had eliminated alternatives,
4 and they didn't even have a complete list that we
5 deal with now.

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

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

21 The - if you remember the presentation from
22 Mr. Turkington, the sewerage does 88 percent of
23 the job, but it doesn't get 100 percent. If we
24 were using sewerage to solve the entire Little

1 Pond nitrogen problem and meet the TMDLs, we
2 would have had to sewer all the way up Gifford
3 Street as far as Lawrence Lynch, along Jones
4 Road, Minot Street, Nursery Road, all that, all
5 that residential area because that's how far that
6 particular watershed goes.

7 Instead, we said we will take the most dense
8 area that is immediately around the pond, it's
9 called the Lower Watershed, and then we will use
10 alternatives to get the other 12 percent to get
11 us to the 100 - hundred percent and to meet the
12 TMDLs.

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

23 All of that together is the alternative
24 adaptive management concept that we have tried to

1 put forward. And adaptive management first
2 appeared in our plan and has been picked up in
3 other areas and now is part of the 208 planning
4 that the Cape Cod Commission is doing. So, in
5 part, it depends on when each of you join the
6 conversation.

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

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

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

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

24 THE MODERATOR: Mr. Barnhart.

1 So the answer is they don't have a number,
2 Peter. Okay. It's obvious.

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

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

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

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

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

23 Our sewer engineers tell us that new sewers
24 built today will still be going strong in 2050.

1 Mr. Turkington tells us it'll be going strong for
2 a hundred years. We repeatedly asked in the
3 last couple years how much greenhouse gas will
4 these things produce. We have been told they
5 don't have those numbers yet.

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

13 Thank you for your fleeting attention.

14 THE MODERATOR: Mr. Smolowitz.

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

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

19 And there's no - you know, everybody's aware
20 that I'm not for sewerage. I said it back in
21 2009 when we finally got on this path.

22 I think the Comprehensive Wastewater
23 Committee has done a fantastic job. A lot of
24 hard work has gone into these plans.

1 I think there's a lot of alternatives we
2 haven't examined. And I was thinking about this
3 last Thursday in my greenhouse. I maintain my
4 water quality in a greenhouse with a system
5 called Bio-Cord. It was developed in Japan as a
6 mussel collecting surface and the fishermen there
7 had told the Japanese authorities it was cleaning
8 the water and they said, "No, the mussels are
9 cleaning the water." But they said, "No, before
10 we even had mussels, the water is clean."

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

15 Just quickly, first slide. This is a system
16 - next slide, please - that's basically it's sort
17 of astro turf for the ocean. Instead of a
18 vegetative barrier, it's a synthetic polymer.

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

23 Next slide, please. I asked them what would
24 it cost - I sent them the Little Pond, the

1 scientific studies from Brian Howes and the
2 reports on all the nitrogen loading on Little
3 Pond. I said if I just wanted to knock the
4 nitrogen down below TMDL, what would I need? And
5 they basically said - got back to me: 55 units, a
6 cost of \$110,000.

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

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

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

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

24 The real issue is the issue of time, and I

1 want to talk a little bit more about that.

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

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

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

24 And there's - the threat, I mean, I've heard

1 a lot of threats, how DEP is going to shove
2 something down our throats. You know, I went up
3 and talked to Secretary Sullivan.

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

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

1 Falmouth and other municipalities.

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

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

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

23 Then, at a precinct meeting, I said, "Why are
24 these four items grouped into one - one article?"

1 Okay. I was told, "Oh, they have to be, they
2 have to be." Well, that didn't ring well to me,
3 so I asked Steven McCurdy, he's the director of
4 the DEP's Municipal Division that is in charge of
5 the revolving funds; they don't have to together.
6 Town could decide to vote Little Pond - it has to
7 be shovel ready, but if we don't have it ready
8 for this - you know, we have to have it October
9 15th, 2014 or 2015 or 2016 or 2017. Okay?
10 That's - and that if we decide not to put
11 something forward in 2014, we don't necessarily
12 lose any credibility with them.

13 I don't even want to go into, you know,
14 reading everything he said, but we could - we
15 could drop something without any adverse effect.

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

23 [Laughter.]

24 MR. SMOLOWITZ: So, that's the point I'm

1 trying to make, is that we don't have to rush
2 this through now. We have the time to look at
3 this and examine in more detail how we could
4 avoid spending \$50 million.

5 And in the 2009 meeting, we made an
6 intelligent choice. We said, "Hey, slow down,
7 let's look at alternatives." What if we didn't
8 do that in that meeting? We wouldn't be looking
9 at these alternatives.

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

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

24 And if we're saying this is the last sewer,

1 we're going to have other systems for the other
2 ponds, then why not have those other systems for
3 Little Pond? We could bring that nitrogen load
4 down, and that's just my opinion. Thank you
5 very much.

6 [Applause.]

7 THE MODERATOR: Okay, Mr. Donahue.

8 Let's go, folks. I've got a really long
9 list. Let's go.

10 Mr. Donahue.

11 Microphone for Mr. Donahue, please.

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

16 MR. DONAHUE: Robert Donahue, Precinct 3.

17 Mr. Moderator, through you, I would like to
18 make an amendment to Article 28. After the word
19 "including" I would like to add the following
20 streets: Teaticket Highway, Maravista Avenue
21 Extension, Perch Pond Circle, Jeffrey Lane,
22 Dorchester Street, Mattapan Street, Milton
23 Street, Morris Street, English Street, Nickerson
24 Street and Pearl Lane.

1 Why am I doing this, you're saying. If you
2 look at this map, and I hope everyone in the room
3 has one, please, please take a look at it if you
4 have it. Up here in the little corner, this
5 little blue is Perch Pond. Now you saw a picture
6 just a few minutes ago - about 30 minutes ago, I
7 guess, of some dead perch. It was in Perch Pond.
8 That neighborhood or those streets stinks in the
9 summertime. It has done it for years. Has this
10 Committee, has this project thought of that? No.

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

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

23 We've heard a couple people tonight say there
24 are other ways of doing this. There was an

1 article in I believe the Enterprise two or three
2 weeks ago that said they put a million oysters in
3 Little Pond and it significantly - not
4 significantly, but it did drop the - the count,
5 whatever that count. I'm not a scientist, so I
6 don't know the technicalities of this thing, but
7 it dropped the count.

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

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

1 in the plan for Great Pond, or at least I don't
2 see it.

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

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

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

11 THE MODERATOR: Yeah.

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

14 THE MODERATOR: With a microphone, please.

15 FROM THE FLOOR: I would believe this would
16 be beyond the scope of this particular article,
17 since we're not talking about this area of town
18 for sewerage. We've had a lot of interesting
19 discussion about sewerage; this is another area
20 of town that we've added in, it seems to me. I'd
21 like at least to discuss -

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

24 FROM THE FLOOR: That's the question,

1 whether it is -

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

10 We've done it - you're obviously shaking your
11 head, so you obviously haven't been here at any
12 of the Town Meetings, because he makes the same
13 amendment every time.

14 And now we're going to vote on his amendment
15 to add that area.

16 Yeah, Mr. Latimer, on that amendment.

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

19 THE MODERATOR: Yeah, we're moving the
20 question.

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

22 THE MODERATOR: Okay, to close the
23 discussion on the amendment. All those in favor
24 signify by saying aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

4 THE MODERATOR: The ayes have it, the
5 question's closed on the amendment.

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

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: The no's have it by a
13 majority.

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

16 Okay, Mr. Latimer, actually you're next on
17 the main list.

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

24 About oh, 1961, a friend of mine just got his

1 driver's license. It was in the winter and we
2 decided, "Let's go over to Hyannis", and it was a
3 weekday night. We got past Kenyon's Market and
4 we didn't see another car until we got to the
5 Centerville Package Store. Imagine that. That
6 was around 1961.

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

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

18 What has become quite apparent, now, is that
19 Little Pond - I've got great respect for the Cape
20 Cod Commission, by the way, but Little Pond is at
21 Level 7. That's the reason why we're sewerage
22 it. Not because we're disregarding the Cape Cod
23 Commission's, you know, plans or programs, but
24 because we're at Level 7 with Little Pond.

1 We don't have the time to, well, let's try
2 this and let's try that. We've got a window of
3 opportunity like Eric says, and we should take
4 it. Not just put the thing aside again to see if
5 this is going to work or if that's going to work.

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

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

18 So I say let's vote for this article as
19 recommended. Thank you.

20 [Applause.]

21 THE MODERATOR: Okay, Mr. Finneran.

22 MR. FINNERAN: Marc Finneran, Precinct 6.

23 I was - I participated in both of the
24 wastewater Management committees.

1 Originally this plan, as has been stated many
2 times, was meant to spend \$600 million sewer
3 the town. With the help of about five or six
4 people, they opened people's eyes. There are
5 alternatives that we can use. We haven't
6 evaluated them properly yet.

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

14 It could be - the amount of sewerage could be
15 lessened if we just evaluate how the alternatives
16 actually work.

17 This thing has also been sold as it won't
18 increase your taxes. Well, I own a house on
19 Maravista, on Oak Street. Most of the people
20 who live there year round are little old retired
21 ladies. If they have a two bedroom house,
22 they're probably paying about 1200 in taxes. The
23 six hundred dollars they're going to pay for a
24 betterment increases their taxes by 50 percent,

1 if you want to look at it in real, whole numbers.

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

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

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

18 Now, everyone knows from recent Selectmen's
19 Meetings, we've had problems with road water
20 runoff and erosion on the Great Bay side of
21 Maravista. We have done nothing to try to
22 capture that runoff, which goes into the pond and
23 contributes to the problem. It can be done
24 relatively cheaply. Meanwhile, we just block the

1 streets off and let that place erode away.

2 As far as Little Pond, many times in the
3 wastewater meetings there's runoff remediation
4 that could be done in the Spring Bars Road, it
5 could be done in the back of the golf course.
6 These are all things that would cost very little.
7 And after we evaluated them for a year or two, we
8 may be able to reduce this sewerage by possibly
9 25 percent. Twenty-five percent of \$41 million
10 is an appreciable sum of money.

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

23 I see no reason why we can't separate this
24 and let the people decide. I'm not saying for a

1 moment that we won't have to do some sewerage on
2 Maravista, but I'm saying that, assuredly so, we
3 could reduce that number greatly. And I also
4 believe that the amount we could reduce that by
5 would be greater than the amount of the increase
6 in the construction costs that we have been told,
7 and naturally we can all predict.

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

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

20 MR. FINNERAN: It's - I'm sorry, I don't
21 have it here, but it's listed. There's a price
22 of somewhere in the neighborhood of \$5 million
23 for the bridge. There's a price of \$700,000 for
24 the Woods Hole -

1 THE MODERATOR: With all due respect, I
2 would need something up here in writing if we're
3 going to do this.

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

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

10 THE MODERATOR: Okay.

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

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

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

21 All right, so the first motion is just on
22 whether or not to divide this. If so, we'll then
23 go in and debate each one of these separately and
24 take separate votes.

1 All those in favor of division -

2 MS. O'CONNELL: [No mic:] Point of
3 clarification.

4 THE MODERATOR: Yeah.

5 MS. O'CONNELL: [No mic:] This -

6 THE MODERATOR: With a microphone, please.

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

10 THE MODERATOR: No, this is a motion to
11 divide this question into -

12 MS. O'CONNELL: But that wouldn't be
13 amending it, that would just be -

14 THE MODERATOR: No, it's a separate motion,
15 so this -

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

17 THE MODERATOR: - motion would be to divide.
18 So then one more amendment would still be in
19 order on this article because we've already had
20 one amendment.

21 MS. O'CONNELL: Thank you.

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

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

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

7 So we'll go on to my next speaker, was Ms.
8 Putnam.

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

11 MS. LICHTENSTEIN: [No mic:] Yes.

12 THE MODERATOR: Okay, another microphone.

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

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

19 [Pause.]

20 THE MODERATOR: The first division, Mr.
21 Netto.

22 MR. NETTO: 13.

23 THE MODERATOR: 13.

24 In the third division, Mr. Hampson.

1 MR. HAMPSON: 18.

2 THE MODERATOR: 18.

3 In the second division, Mr. Dufresne.

4 MR. DUFRESNE: 20.

5 THE MODERATOR: 20.

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

9 [Pause.]

10 THE MODERATOR: In the first division.

11 MR. NETTO: 28.

12 THE MODERATOR: 28.

13 In the third division, Mr. Hampson.

14 MR. HAMPSON: 45.

15 THE MODERATOR: 45.

16 In the second division, Mr. Dufresne.

17 MR. DUFRESNE: 67.

18 THE MODERATOR: 67.

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

21 Okay, here we go.

22 Ms. Putnam in the back.

23 MS. PUTNAM: Rebecca Putnam, Precinct 9.

24 On Monday, what I did in the morning was,

1 knowing that this is going to be coming before us
2 - and I think that everybody here understands
3 there is a serious issue with Little Pond.
4 There is no debating that and that we do need to
5 do something to fix the problem.

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

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

23 The second thing is, if you have a mortgage
24 or a reverse mortgage on your property, you

1 cannot apply for a deferment. Because the banks
2 will not subordinate to the town on the liens.

3 So there's two major issues right there.

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

13 With the sewerage, there are some local banks
14 here in Falmouth that will allow you to when you
15 sell your house allow the buyer to assume the
16 betterment, and that took place because of a
17 bylaw that was adopted by this body after New
18 Silver Beach was sewerage. Because people had
19 issues with selling their properties, there were
20 a few banks that decided that they would actually
21 allow you to - they would subordinate their
22 standing on the lien and allow you to negotiate
23 that with a buyer to have it assumed.

24 But my real concern is: we're looking at how

1 many people are summer residents. And, I
2 understand, they're not here, they're not using
3 the properties all the time. But when those
4 pumps aren't being used all the time on those
5 houses, how often are they going to have to
6 replace those pumps on the connections? Because
7 those pumps have to be - have a constant flow and
8 a constant use, from what I understand. So
9 that's another issue that we're not looking at.

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

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

19 I spoke with people in neighborhoods about
20 this. A lot of them haven't even realized that
21 this is going to be going on. The first thing
22 they see is somebody putting stakes out in front
23 of their house. They ask the engineers, "Why
24 are there stakes in front of my house? What are

1 you doing?" "3- "Oh, you're getting a sewer." Not
2 "possibly". "You're getting a sewer." So there
3 is a lot of misinformation. We haven't done a
4 good job of informing the neighbors that are
5 going to have this happen.

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

15 So I think we really need to take a look, a
16 good hard look, at how we're going to afford
17 this, how the people are going to be treated in
18 these areas, and let's - let's take a good look
19 before we decide to put this out there at \$49
20 million. Thank you.

21 THE MODERATOR: Okay, Mr. Boyer.

22 [Applause.]

23 THE MODERATOR: No. Okay.

24 Mr. Netto.

1 MR. NETTO: Joe Netto, Precinct 11 - excuse
2 me, 9 [laughs].

3 THE MODERATOR: Eleven.

4 [Laughter.]

5 MR. NETTO: I thought it was eleven o'clock,
6 and time to go home -

7 THE MODERATOR: Is that in my district or
8 Tim Madden's district?

9 [Laughter.]

10 MR. NETTO: Whew.

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

21 We all have our own personal agendas on every
22 article that's written in the warrant, but when
23 it comes to those, my opinion, those that ask the
24 town to vote, let's give them the opportunity and

1 let them - they've listened. They're listening
2 tonight to the discussion, and let them decide.

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

6 [Applause.]

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

11 Ms. Driscoll's next on the list.

12 MS. DRISCOLL: Good evening. Kathy
13 Driscoll, Precinct 7.

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

19 Again, to the committee for all the work that
20 they've done, the volunteer hours, the time that
21 they have put into this. I thank them
22 wholeheartedly. They have come up with some very
23 interesting, very unique solutions to the
24 problems that we have in the estuaries. This is

1 a long term, forward look that we have to take.

2 Look back at the article. We're talking
3 about several different projects, here. Not just
4 sewerage Little Pond. The sewerage of Little
5 Pond is the biggest chunk of money.

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

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

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

24 We have to get this out to the community.

1 It's not just Little Pond that we're talking
2 about. It's Bourne's Pond, it's Eel River, it's
3 Falmouth Harbor, it's Megansett, it's West
4 Falmouth; all of them are going to benefit from
5 these projects, from these alternative
6 technologies. We need to be able to take the
7 time, see what they do and put them in place.

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

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

16 Thank you.

17 THE MODERATOR: Ms. Asendorf.

18 MS. ASENDORF: Martha Asendorf, Precinct 6.

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

23 I have a frustration with the sewerage
24 project, and I am going to vote for it. But my

1 frustration is that Town Meeting is approaching
2 these as an emergency.

3 Woods Hole's an emergency. We continue to
4 put waste in clean drinking water.

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

7 Little Pond is an emergency.

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

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

20 I've been to Hilde and Earle's house; it's
21 lovely. The bathrooms are lovely. We cannot
22 continue to put waste in drinking water, we have
23 to change our habits. And I want to see
24 articles brought up. Thank you.

1 THE MODERATOR: Okay, Mr. Rhodes.

2 MR. RHODES: Scoba Rhodes, Precinct 8.

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

6 [Laughter.]

7 MR. RHODES: Now, to do that -

8 THE MODERATOR: You know the rule.

9 MR. RHODES: - my request is -

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

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

17 THE MODERATOR: He hasn't requested.

18 Mr. Turkington, did I ignore you at all?

19 MR. TURKINGTON: [No mic:] I'm sorry?

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

23 MR. TURKINGTON: I'd rather call the
24 question.

1 [Laughter.]

2 THE MODERATOR: Okay. Yeah, I mean, I keep
3 looking over there to see if there's any desire
4 to be on the list and he hasn't -

5 MR. RHODES: I'd like to call the question.

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

8 All those in favor signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: The ayes have it by the two-
13 thirds majority and the question is closed.

14 The question will now come on the main
15 motion.

16 The main motion is as recommended and we
17 added the "under the jurisdiction of the Board of
18 Selectmen" language.

19 All those in favor signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It's the opinion of the
24 chair that the ayes have it by a two-thirds. Is

1 there a challenge on the chair?

2 There's a challenge to the chair.

3 All those in favor, signify by standing and
4 the tellers will return a count.

5 [Pause.]

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

8 MR. HAMPSON: 53.

9 THE MODERATOR: 53.

10 In the first division, Mr. Netto.

11 MR. NETTO: 32.

12 THE MODERATOR: 32.

13 In the second division, Mr. Dufresne.

14 MR. DUFRESNE: 67.

15 THE MODERATOR: 67.

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

18 [Pause.]

19 THE MODERATOR: Third division, Mr. Hampson.

20 MR. HAMPSON: 10.

21 THE MODERATOR: 10.

22 THE MODERATOR: Second division, Mr.
23 Dufresne.

24 MR. DUFRESNE: 19.

1 THE MODERATOR: 19.

2 First division, Mr. Netto.

3 MR. NETTO: 13.

4 THE MODERATOR: 13.

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

8 [Applause.]

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

12 MR. TURKINGTON: Mr. Moderator.

13 THE MODERATOR: Mr. Turkington.

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

20 We are going to go ahead. We are going to be
21 the innovation capital for wastewater in
22 Massachusetts and in the United States. And
23 you're making it happen and we appreciate your
24 support so much. Thank you.

1 [Applause.]

2 FROM THE FLOOR: Thank you.

3 [Pause.]

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

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

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

15 So moved.

16 All those in favor, signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

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

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

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

1 THE MODERATOR: With a microphone, please.
2 With a microphone, please. With a microphone,
3 please.

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

7 [Laughter.]

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

11 All those in favor, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

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

17 The question will come on the main motion as
18 recommended.

19 All those in favor, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

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

1 THE MODERATOR: The ayes have it; the
2 meeting is dissolved.

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

6 We've got two more articles, 18 and 19 of the
7 Special.

8 [Pause.]

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

11 MR. HAMPSON: 64.

12 THE MODERATOR: 64.

13 In the first division, Mr. Netto.

14 MR. NETTO: 44.

15 THE MODERATOR: 44.

16 In the second division, Mr. Dufresne.

17 MR. DUFRESNE: 84.

18 THE MODERATOR: 84.

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

21 Article 18. Article 18, the main motion was
22 placed on the floor as recommended by the Board
23 of Selectmen and then Ms. Botelho had made the
24 motion for us to table and adjourn so that we

1 could deal with the larger wastewater article.

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

6 [Applause.]

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

11 All those – anyone who wants to speak on
12 Article 18?

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

15 All those in favor, signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it unanimous.

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

22 VICE-CHAIRMAN JONES: Mr. Moderator, I have
23 a little different motion. It's the same intent,
24 but the wording's a little different, which I'll

1 hand to you after I read it.

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

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

22 THE MODERATOR: Okay, Mr. Duffy's going to
23 explain this motion.

24 I don't remember there being this many

1 petitions to the General Court before I became a
2 state rep [laughs].

3 [Laughter.]

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

11 However, there are a couple of what I would
12 call ancient, indefinite references in the title
13 that we'd like to clear. One is that when the
14 property was purchased from the Lawrence estate
15 by the Town in 1932, the plan of land refers to
16 "watershed", and there was a, at the time, Long
17 Pond Watershed Committee.

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

1 reference on the plan.

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

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

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

20 Mr. Johnson.

21 MR. JOHNSON: Leonard Johnson, Precinct 5.

22 We've had very little discussion if any at
23 all as about exactly where this plant is going to
24 go. This is a significant forest, an important

1 forest in town, and I hope that the Selectmen
2 will follow a process of transparency so that
3 everybody knows where this plant is eventually
4 going to go and that we have an analysis of the
5 impact that where you decide to put it will have
6 on that forest. Thank you very much.

7 THE MODERATOR: Okay, further discussion.
8 Mr. Nidositko.

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

15 THE MODERATOR: Mr. Jack.

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

20 MR. JACK: Thank you. Raymond Jack,
21 Director of Public Works, Precinct 9.

22 I'm not quite sure how to answer the
23 question. I would say it this way, though: it is
24 what the name implies. It is an old gravel pit,

1 but there's a reason why it's no longer a gravel
2 pit, and that is because they hit groundwater.

3 So it's groundwater level as the level of
4 Long Pond. Long Pond is really a visual
5 representation of the ground water aquifer and
6 that sand, it right now is that same visual
7 representation.

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

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

20 THE MODERATOR: Okay. Further discussion
21 on Article 19?

22 Hearing none, then the question will come on
23 the main motion as presented in the overhead
24 slide.

1 All those in favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

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

7 Madame Chairman.

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

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

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

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it unanimous.

21 [9:00 p.m, whereupon this meeting adjourned.]

22

23

24

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth 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.