

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Memorial Auditorium  
Lawrence School  
113 Lakeview Avenue  
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Monday, November 13, 2023

7:00 p.m.

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P R O C E E D I N G S

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2 [7:00 p.m.]

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THE MODERATOR: Okay, all Town Meeting members present please come forward, take your seats.

Members of the public and non-Town Meeting Members should be up in the balcony. We do have a microphone in the balcony for those that wish to speak.

Make sure, all Town Meeting Members, that you've checked in and that you have your electronic voting device.

I want to remind all Town Meeting members this evening each time you speak to identify yourself by name and precinct for the record. Want to thank our stenographer, Carol Tinkham. We're being broadcast live on FCTV. That also helps identify you for the members of the public watching on television.

All non-Town Meeting members again should be up in the balcony and we do have microphones up there for you to speak.

1                   We will have a break right around nine  
2                   o'clock this evening. There is coffee and  
3                   cookies down in the cafeteria. We are back to  
4                   some of our old traditions. I want to thank the  
5                   School Department for being able to make those  
6                   accommodations for us. Our Superintendent  
7                   Laurie Duerr, thank you.

8                   [Applause.]

9                   THE MODERATOR: We also are going to  
10                  have members of the Brian Baru Pipe Band back  
11                  tonight, the first time since we went into our  
12                  COVID mode. So, they'll be leading our Sea  
13                  Scouts in tonight for the invocation.

14                  [Pause.]

15                  THE MODERATOR: Our microphone carriers  
16                  this evening will be Adele Francis and Jake Riley.

17                  [Pause.]

18                  THE MODERATOR: So this evening we will  
19                  not be using a blanket vote. It's a 20 article  
20                  warrant and we've got quite a few committee  
21                  reports at the start. So, once we convene the  
22                  meeting, we're actually going to start right with  
23                  Article one and go Article by Article. I think

1           that will save us some unnecessary time on a  
2           blanket with the short warrant.

3                         There's a very good chance that, by  
4           11:00 or maybe a little after 11:00, that we  
5           could potentially get through all 20 of these  
6           articles?

7                         [Laughter.] [Applause.]

8                         THE MODERATOR:     And I'm going to say  
9           that up front so that when you're getting ready  
10          to get up and speak, you can figure out how long  
11          you want to speak, how many times you want to  
12          speak, if you've already heard somebody say what  
13          you want to say three or four times.     But this  
14          is a very doable Town Meeting in one night with  
15          20 articles and some - some big issues on this  
16          warrant, no doubt, no doubt, but there's some  
17          small issues, as well, that we can just put the  
18          motion on the floor and move forward.

19                         So.

20                         It's coming to the hour.     It's seven  
21          o'clock.     I'll ask that we open up a quorum  
22          call.

1 All Town Meeting members present please  
2 press one A on your electronic voting device to  
3 establish the quorum.

4 Remember, we redid the slides at the  
5 last Town Meeting; you are now in alphabetical  
6 order. It's not broken up by precinct.

7 [Cheers.]

8 THE MODERATOR: It should be a little  
9 bit easier to find your name and identify whether  
10 or not you have voted.

11 All Town Meeting members present please  
12 press one A for the establishment of a quorum.

13 [Pause while electronic voting scrolls.]

14 THE MODERATOR: All Town Meeting  
15 members present press one A for the establishment  
16 of the quorum.

17 [Pause while electronic voting scrolls.]

18 THE MODERATOR: By a counted vote of  
19 186 members, we have a quorum and I call this  
20 Annual Town Meeting into session.

21 All present please rise for the  
22 presentation of the colors by the Brian Baru Pipe  
23 Band and Sea Scout Ship 40.

1 [Pause.]

2 THE MODERATOR: At this time, please  
3 follow me in the Pledge of Allegiance.

4 [Pledge of Allegiance taken.]

5 THE MODERATOR: At this time, I'll  
6 recognize Emily Newell from Sea Scout Ship 40 for  
7 our invocation. And Emily, just this weekend,  
8 received the highest honor in Sea Scouts called  
9 the rank of Quartermaster, which is equivalent to  
10 the Eagle Scout in the Boy Scouts of America or  
11 the Gold Star in the Girl Scouts.

12 So, Emily, congratulations.

13 [Applause.]

14 THE MODERATOR: On being Falmouth's  
15 newest Quartermaster.

16 [Applause.]

17 MS. NEWELL: Oh, God, Creator of us  
18 all, we ask your blessing on this Town Meeting.  
19 Let each one of us here this evening recognize  
20 our differences and our similarities. Let us  
21 listen to each other thoughtfully and guide us to  
22 vote on the issues before us with an open mind.

23 We ask you to watch over our words and



1           our debates so that the result of our meeting  
2           will be beneficial to all.    Amen.

3                    THE MODERATOR:    At this time we'll have  
4           the Brian Baru Pipe Band play Amazing Grace, in  
5           honor of those that have passed since our last  
6           meeting.

7   [Amazing Grace played.  Moment of Silence observed.]

8                    THE MODERATOR:    Colors post.

9   [Pause.]

10                   THE MODERATOR:    Ladies and gentlemen,  
11           the sea scouts from Sea Scout Ship 40 and the  
12           Brian Baru Pipe Band.

13   [Applause.]

14                   THE MODERATOR:    Okay.  The first order  
15           of business will be swearing in of our new Town  
16           Meeting members that got elected in the May  
17           election.

18                   Mr. Clerk for the swearing in of the  
19           members.

20                   CLERK PALMER:     Will the following  
21           people please stand: Lysbeth Abrams, Andrew  
22           Ashton, Stephen Baker, Raelene Bandini, Robert  
23           Boettger, Jeffrey Brodeur, Laura Brothers, Ken

1 Buesseler, Linda Collins, Peter Cook, Syrel  
2 Dawson, Winifred Dick, Henry Dick, Henry  
3 Digiorgio, Thomas Dignes, Robert Donahue, J.  
4 Malcolm Donald, Paul Dreyer, Todd Duffany,  
5 Harriet Dugan, Ann Estes, Margaret Finnell,  
6 Kenneth Foreman, Lillia Frantin, Melissa Freitag,  
7 Thomas Geraghty, James Grady, Meghan Ganawalt,  
8 Ralph Herbst, Karen Heylin, Edward Pride, Stephen  
9 Rafferty, Ray Rowitz, C. Diane Salter, David  
10 Salter, Deborah Scanlon, Gary Schneider, Keith  
11 Schwegel, Onjale Scott Price, Susan Shephard,  
12 Deborah Siegal, Grace Simpkins, Margaret Souza,  
13 Michael Stone, Charles Swain, Gail Sylvia,  
14 Margaret Szuplat, Todd Taylor, Tracy Waggett,  
15 David Walsh, Dula Walsh, John Waterbury, Kelly  
16 Welch, Sheri White, Linda Whitehead, Robert  
17 Wilber, Pamela Wolfe-Schumacher, Frances  
18 Wiecheck, Stefanie Hoffer, Diane Huban, Rachel  
19 Jakuba, Aileen Jensen, Catherine Jewett, Kira  
20 Jones, Lorraine Jordan, Paul Kanellopoulos, Paul  
21 Kapp, George Lawrence, Lawrence Lebeau, Mary  
22 Little, Sean Lucey, Christopher Lumping, Herbert  
23 Luther, Thomas Moakley, Carol Murphy, Ahmed



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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The ayes have it  
7 unanimous.

8 Mr. Clerk, I ask that the warrant become  
9 an official part of the record for the meeting.

10 At this time, I'll read the Officer's  
11 Return of the Warrant.

12 By virtue of this warrant, I have this  
13 day notified and summoned the inhabitants of the  
14 Town of Falmouth qualified to vote on Town  
15 affairs, as said warrant directs, by posting an  
16 attested copy thereof in Town Hall and in every  
17 precinct in the Town. Signed by Constable  
18 Ronald Braga.

19 At this time, the Chair would entertain  
20 a motion for Town employees who are not residents  
21 of the town the right to speak on any issue  
22 before the meeting.

23 FROM THE FLOOR: Moved.

1 THE MODERATOR: So moved. All those  
2 in favor, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.  
5 [None opposed.]

6 THE MODERATOR: The ayes have it  
7 unanimous.

8 At this time, I'd recognize the Planning  
9 Board for notification of public hearing.

10 MR. DREYER: Mr. Moderator, Town  
11 Meeting members, my name is Paul Dreyer. I'm a  
12 meeting member of Precinct 2 and clerk of the  
13 Planning Board. I'd like to read a statement  
14 on behalf of the Planning Board.

15 In accordance with Chapter 40A, section  
16 5, Massachusetts General Law, and Section 240.1D  
17 of the Falmouth Zoning bylaw, public hearings  
18 were held on September 12, 2023 and September 26,  
19 2023, for Articles 9 and 10. In addition, on  
20 October 10<sup>th</sup>, 2023 and October 24<sup>th</sup>, 2023, for  
21 Article 15 for the November 2023 Annual Town  
22 Meeting and all those who wished to speak were  
23 heard.

1                   As required, a report is hereby  
2                   submitted with the Planning Board's final  
3                   language and recommendations.

4                   THE MODERATOR:     I want to recognize a  
5                   couple of new Town officials that we have up on  
6                   the stage tonight.    We have our new Town  
7                   Manager, Mike Renshaw.

8                   Mike.

9                   [Applause.]

10                  THE MODERATOR:    Our new member of the  
11                  Select Board, Robert Muscali.

12                  [Applause.]

13                  THE MODERATOR: And down here in the  
14                  front row we have our new Police Chief Jeff  
15                  Laurie.

16                  [Applause.]

17                  THE MODERATOR:    Okay, **Article 1**, to  
18                  choose necessary officers.

19                  Mr. Chairman.

20                  CHAIRMAN SCHWEGEL:    Mr. Moderator, I  
21                  move Article 1 as recommended.

22                  THE MODERATOR:    As recommended.    This  
23                  is to choose members of the Finance Committee.

1 We're in the fall, so we don't have the regular  
2 full slate, but we do have two open positions.  
3 Before I put the nominations out, I'd like to  
4 thank Nick Lowell and Deb McGuire for their many  
5 years of service on our town Finance Committee.

6 [Applause.]

7 THE MODERATOR: And, based on  
8 recommendations from the nominating committee, I  
9 have an unexpired term ending in 2025 and  
10 nomination Russell Murphy, and an unexpired term  
11 for 2026, our former chair of the Finance  
12 Committee Wendy Vogel.

13 Are there any further nominations from  
14 the floor? Hearing none, the question will come  
15 on closing nominations. All those in favor,  
16 signify by saying aye.

17 [AYE.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The Ayes have it  
21 unanimous.

22 All those in favor of the slate as  
23 presented, Russell Murphy for a term until 2025

1 and Wendy Vogel for a term until 2026, signify by  
2 saying aye.

3 [AYE.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The Ayes have it  
7 unanimous.

8 **Article 2.** Mr. Chairman.

9 CHAIRMAN SCHWEGEL: Mr. Moderator, I  
10 move Article 2 as recommended.

11 THE MODERATOR: Article 2 as  
12 recommended. This is to hear reports from Town  
13 committees and officers.

14 We're going to start with the Water  
15 Quality Management Committee.

16 MR. RAFFERTY: Thank you, Mr.  
17 Moderator. I would request that I be allowed up  
18 to eight minutes; I'm sure I will finish a little  
19 bit before that, but I must go a little over the  
20 five.

21 THE MODERATOR: Okay, we have a  
22 request for eight minutes for the Water Quality  
23 Management Committee rather than the five. All



1 those in favor, signify by saying aye.

2 [AYE.]

3 THE MODERATOR: All those opposed no.

4 [NO.]

5 THE MODERATOR: The Ayes have it by  
6 the two-thirds, and I so declare.

7 MR. RAFFERTY: Thank you to all of the  
8 Town Meeting members for this opportunity to  
9 speak before you as to what the Water Quality  
10 Management Committee as been doing and what they  
11 intend to do going forward.

12 We are an advisory board to the  
13 Selectmen.

14 I went a little too fast. Okay.

15 So, the Committee's been in place for  
16 over 20 years, and during that time we've  
17 evaluated many projects and many alternatives by  
18 the Water Quality Committee. They're all  
19 intended to reduce the amount of nitrogen flowing  
20 into our estuaries. All of the work over the  
21 last 20 years has been done on a voluntary basis  
22 by the Town, by the Committee members and by this  
23 august body supporting different articles that



1 we are carefully watching what some of our  
2 downstream Cape neighbors are doing in terms of  
3 home rule petitions around the issue of  
4 controlling fertilizer.

5 And lastly, we spent some time and  
6 effort looking at composting toilets and that  
7 didn't go as far as many people wanted, but we  
8 did give a good look at it.

9 So, the rules of the game have changed.  
10 In 2023, as many of you know, the DEP issued  
11 regulations that now mandate the creation and  
12 implementation of watershed plans. No longer  
13 will it just be entirely up to Falmouth what we  
14 do and how we do it and when we do it. We have  
15 to come up with a plan for each of the 14  
16 estuaries and that will occur over the next  
17 couple of years. But once that plan is prepared  
18 and submitted for each estuary and approved by  
19 the DEP, we are bound to that plan or we will  
20 face enforcement.

21 So, the Water Quality Management  
22 Committee's current initiatives are focused on  
23 achieving compliance with the DEP's mandates.

1 The Committee works together with the Board of  
2 Health and the Department of Public Works  
3 Wastewater Superintendent to be creating these  
4 plans, and also at the same time to develop a ten  
5 year concept plan.

6 Most of you if not all of you walking in  
7 received an abbreviated version of that ten year  
8 plan showing how the different projects are  
9 related. The key elements of the conceptual  
10 plan that we're working with are doing the Great  
11 Pond Phase One area sewer expansion; that is the  
12 Article 6 that will be before you tonight.

13 We are working on outfall planning and  
14 permitting and construction; that will be a  
15 portion of funding coming out of Article 3.

16 We are working on the development of 14  
17 watershed plans in terms of scope and elements.

18 And we're also working diligently on  
19 obtaining DEP approval for IA - for urine  
20 diversion as an IA element.

21 I'm going to take a minute or two just  
22 to talk about outfall permitting. There's been  
23 a lot of talk about it. First off, we do not

1           have an outfall; we do not have a permit.     But  
2           we are working on it.

3                     Massachusetts prohibited outfalls for a  
4           number of years.     The rule prohibiting it was  
5           amended.     Our effluent is clean enough to get an  
6           outfall, but nobody has done it.     So we are  
7           breaking new ground.

8                     So, we began gathering the needed  
9           scientific data for this back in 2020.     That  
10          data collection will last through to 2026.     A  
11          big element here is to take marine borings of the  
12          selected outfall location; that is currently  
13          scheduled for the Fall of 2024.

14                    We hope to be able to have everything  
15          together and submit an application for the  
16          outfall in accordance with the national pollution  
17          discharge permit requirements by 2026.     It ties  
18          together with getting all the scientific data in  
19          place.     And, based upon what we've seen in other  
20          locations, other permits we've chased down for  
21          things like the Bourne Pond inlet widening and  
22          whatnot, we're allowing two years to get through  
23          the regulatory approval process.

1                   By 2028 we expect to have approval to  
2                   put an outfall in, at which point we will come to  
3                   you for money to design and construct it. We  
4                   are allowing three years for that process. I  
5                   note that the distance from the wastewater  
6                   treatment plant to the outfall location will take  
7                   three years to construct. And that's based upon  
8                   my experience putting a 16 inch water main in  
9                   down through the main part of town and how long  
10                  it took to do that.

11                  So, what have we done since 2020?  
12                  Well, we contracted with the folks at WHOI,  
13                  utilizing their detailed hydrodynamic modeling,  
14                  and we looked at multiple locations, both in  
15                  Buzzards Bay and Vineyard Sound, varying  
16                  distances off of the shore to see where we got  
17                  the best dispersion at a number of these  
18                  locations.

19                  Anybody wants to get into the details of  
20                  it, that report is on our web page. It's very  
21                  lengthy, very detailed, and if you have a good  
22                  scientific interest, it's actually pretty good  
23                  reading.

1                   We came to the fact that the preferred  
2                   location for the outfall will be off of Kite  
3                   Park.    Primarily it's because it's the closest  
4                   distance to shore that we could get the outfall  
5                   in place.    There's a typo up here, it's 2300  
6                   feet, not 2600 feet; I apologize for that.

7                   We conducted an eel grass survey in  
8                   2022; we'll have to replicate that at least once  
9                   if not twice again.    But that helped to define,  
10                  you can see that green line where the eel grass  
11                  is and the outfall doesn't need to get out to  
12                  2300 feet for the dispersion from the modeling,  
13                  but we have to get out that far to get past the  
14                  eel grass.    So that's how we chose that thing.

15                  We had a water quality buoy out there  
16                  for awhile.    I have not seen any data from it  
17                  yet, but we're going to be getting data on other  
18                  things.    And the other thing is the macro-  
19                  geological data as to how the Cape is formed and  
20                  the moraine exists.    I like to say to people,  
21                  "If you go up Gifford Street it's all sand pits.  
22                  If you go up Route 28A its rock and boulders."  
23                  So we believe this is a prime location, but the

1 marine buoys will confirm that.

2 So, where are we at? We are in the  
3 midst of contracting with the USGS to evaluate  
4 the impact of the outfall on water supply, with  
5 results expected in late 2024 and a detailed  
6 report in early 2025. This is the next big key  
7 hurdle to get through, to ensure that we are not  
8 impacting our water supply by putting an outfall  
9 in.

10 With that data in hand, we will then  
11 release the marine borings along the outfall  
12 alignment in the Fall of 2024, past the time when  
13 eel grass goes dormant.

14 We need to develop a minimum two year  
15 data set for a number of things as well as do  
16 some other studies on like where sediments  
17 transport. But the big ones are the eel grass  
18 coverage, years of water quality baseline data,  
19 benthic conditions and fin fish resources.

20 And in order to achieve an application  
21 that we have a high degree of assurance will get  
22 approved, we're going to spend much of the next  
23 two years tracking down and meeting and



1 conferring with the permitting agencies to ensure  
2 that the work we're gathering and the data we're  
3 getting meets what they will need to see in order  
4 to permit this.

5 We had a call - and I'm going to defer  
6 to Amy momentarily -

7 Was it three or four months ago, Amy?

8 - and we had 20 people from various  
9 agencies on the line to bring to the attention  
10 that we were pursuing this and give them an early  
11 heads up and we're going to circle back to them.

12 And lastly if I can, the Water Quality  
13 Management Committee has been seriously engaged  
14 in the concept of urine diversion since well past  
15 early May of this year when we met with the SMAST  
16 center to get a proposal from them. The  
17 objective from the Water Quality Management  
18 Committee standpoint is to obtain DEP general use  
19 approval for urine diversion as an approved IA  
20 system with measurable nitrogen credits. This  
21 would create an additional alternative to  
22 homeowners not in a sewer area but within a zone  
23 that must upgrade to IA systems through the

1 watershed plans to achieve the watershed plan.

2 To get general use approval you need a  
3 minimum, a minimum of 50 pilot locations and you  
4 have to have three years of continuous data from  
5 each of those pilot locations. So we have  
6 entertained and are evaluating a proposal for 75  
7 homes over four years because we know not  
8 everyone will stay into the program once it gets  
9 going.

10 The Water Quality Management Committee  
11 supports a well-designed and objectively-  
12 evaluated pilot project for urine diversion.  
13 The Water Quality Management Committee will do  
14 their duty, will review proposals and will make  
15 recommendations on funding to the Select Board  
16 before the Spring, 2024 Town Meeting.

17 With that, I thank you for the time that  
18 you've given me to talk to you tonight. I am  
19 Stephen Rafferty. The other members of the  
20 Committee are Steve Leighton, Tom Duncan, John  
21 Waterbury, Kenneth Foreman, Ed Jalowiec and  
22 Jordan Mora, a range of scientific and financial  
23 and technical expertise.

1 I thank you for your time.

2 [Applause.]

3 THE MODERATOR: Thank you, Mr.

4 Chairman.

5 Next up, I have the Municipal Light

6 Board.

7 MR. NEWMAN: Good evening. Jim

8 Newman, Precinct 1 and I am a member of the Board

9 of the Falmouth Municipal Light Board. That's

10 the municipal light plant that the Town Meeting

11 approved last year. Our goal is to create --

12 Do we have - let's see. Good.

13 Our goal is to create high quality fiber

14 broadband available to everyone in Falmouth at a

15 cost that's affordable for everyone.

16 We are building on the work of

17 FalmouthNet, which is a name you're all probably

18 familiar with. That was the nonprofit that

19 started this push for a town wide fiber network.

20 The big difference is that we are a Municipal

21 Light plant board created by Town Meeting.

22 We are working with several likely

23 industry partners who could build and operate a

1           municipal network.    We're in the process of  
2           hiring a manager to complete our business model.  
3           And today we heard we got a digital equity grant  
4           that will help us evaluate Falmouth's needs,  
5           particularly with respect to lower income  
6           residents.

7                         And I'm not going to go through this.  
8           This is our last slide.    This is a high level  
9           summary for models for financing and ownership of  
10          a fiber network in Falmouth.    We did pass out  
11          these slides to everyone; hopefully you got it  
12          and you can go through this in detail if you're  
13          interested.

14                        There are promising possibilities for a  
15          regional collaborative, as in addition to what's  
16          on here; Bourne, Sandwich and Mashpee have all  
17          expressed interest in working with us on a  
18          regional approach, which could be very exciting.

19                        And our current priority is to generate  
20          a business plan that can get Town Meeting support  
21          and lead us to a first-rate municipal network.  
22          Please stay tuned.    We'll be back.

23                        Thank you.

1 [Applause.]

2 THE MODERATOR: Thank you.

3 Next up, our Library Board of Trustees.

4 MS. FENWICK: I don't have a  
5 PowerPoint presentation. I'm Judy Fenwick,  
6 currently Chair of the Board of Library Trustees  
7 and a member of Precinct 1.

8 The goal of my report is to set the  
9 stage for a request that will come to Town  
10 Meeting in April, 2024, from the Board of Library  
11 Trustees.

12 The Board has started the process of  
13 applying for a grant from the Massachusetts  
14 Library Construction Program to renovate the East  
15 Falmouth branch library. So far, the Board has  
16 submitted a letter of intent in April of this  
17 year to the construction program. That letter  
18 was signed by me as Chair, by Nancy Taylor as  
19 Select Board Chair and by then Library Director  
20 Linda Collins.

21 So I'm going to do a little aside, here.  
22 Linda retired in September after 11 years at the  
23 library. Five years as assistant director and

1 the past six years as the director. She's here  
2 tonight in one of her other community roles as a  
3 Town Meeting member from Precinct 7. Her  
4 Precinct recently re-elected her to serve another  
5 term until 2026.

6 Thank you, Linda, for a strong finish of  
7 11 years of service, and I am glad that you will  
8 be sticking around to continue to support the  
9 library at Town Meeting.

10 [Applause.]

11 MS. FENWICK: Back to some dates I  
12 would like you to remember. As they say, dates  
13 on the calendar are closer than they appear.

14 To remind you, our letter of intent was  
15 submitted in April of this year, with the full  
16 application due next May 31<sup>st</sup>, 2024. In the  
17 meantime, the Board has engaged a building  
18 sciences and engineering firm to perform a  
19 condition assessment for the library branch and  
20 we will have a final report from the firm in  
21 January of 2024.

22 At next April's Town Meeting the Board  
23 will come with a request for what I will call a

1 promissory note. If the application that we  
2 submit in May is awarded in the Fall of 2024, the  
3 first part of that award will be for a planning  
4 and design study. The state construction  
5 program will chip in \$150,000 toward that study  
6 and is looking for the Town to contribute that  
7 amount as well.

8 So that's the promissory note from next  
9 April's Town Meeting that will be submitted by  
10 way of minutes of the meeting vote with our  
11 application in May and the building condition  
12 assessment as well. This will show the Town's  
13 support for the East Falmouth branch project.

14 Thank you.

15 [Applause.]

16 THE MODERATOR: Thank you.

17 Next I have the Solid Waste Advisory  
18 Committee.

19 MR. ROBINSON: Okay, one of these is  
20 the - oh, there we go.

21 Hi, I'm Alan Robinson and Chair of the  
22 Solid Waste Advisory Committee. I'm very happy  
23 to be here this evening.

1 I'll be happier when I get this slide.  
2 Note by way of the yellow highlight,  
3 there.

4 IT: Do you want me to do that for you?

5 MR. ROBINSON: Yes. Thanks, Peter.

6 THE MODERATOR: Thank you, Peter.

7 MR. ROBINSON: Go ahead. Yes, oh,  
8 it's not me. Okay, thanks.

9 It's been, actually I think a great year  
10 for solid waste management in Falmouth. A  
11 number of things have been accomplished. And  
12 these aren't accomplishments per se of the Solid  
13 Waste Advisory Committee, these are  
14 accomplishments of the Town of Falmouth.

15 And the one I'd like to call out and  
16 talk about briefly is I think the most exciting  
17 one, and that's the schools, the Falmouth  
18 schools, initiating cafeteria food waste  
19 separation and composting. They started at  
20 Mullen Hall in September and the intention is to  
21 move out to the rest of the schools during this  
22 school year. It's really the beginning of  
23 something in Falmouth.



1                   We've got hundreds of children who are  
2                   doing this in school and I guess hopefully  
3                   they're talking to their parents and their  
4                   parents are asking questions.    And there's an  
5                   opportunity to bring food waste separation and  
6                   composting beyond those schools and beyond those  
7                   individuals who are already doing it and grow  
8                   this in Falmouth and really starting it with the  
9                   schools.

10                   So we really want to express our  
11                   appreciation to Lori Duerr, the Superintendent,  
12                   and the staff that's involved at Mullen Hall and  
13                   the staff that will be involved in the other  
14                   schools.

15                   Peter.

16                   [Applause.]

17                   MR. ROBINSON:    So I will warm you up a  
18                   little bit for this evening because you've been  
19                   casting a lot of votes.    So I've got a  
20                   questionnaire to get you started.    We'll just do  
21                   this with hands, but we've got some questions and  
22                   we'd like to learn from you as to help us move  
23                   forward with our work.

1                    Recycling cart program, question for  
2                    you: is the Town of Falmouth better off by having  
3                    implemented the Town-issued 96 gallon recycling  
4                    cart program that you all approved two years ago  
5                    tonight? Can I have a show of hands of yes,  
6                    we're better off by having implemented this  
7                    program. A lot of hands.

8                    Are there any nos? Excellent, and  
9                    congratulations to the Department of Public Works  
10                    for this program.

11                    [Applause.]

12                    MR. ROBINSON: The next question:  
13                    should the Town give serious consideration to  
14                    implementing a similar program for trash carts?  
15                    A show of hands yes, please put your hands up. A  
16                    great many.

17                    Any nos?

18                    FROM THE FLOOR: [Inaudible.]

19                    MR. ROBINSON: Oh - a third. If you  
20                    don't care one way or another?

21                    FROM THE FLOOR: [Inaudible.]

22                    MR. ROBINSON: Oh, I'm sorry.

23                    FROM THE FLOOR: [Inaudible.]

1                   MR. ROBINSON:    Oh, this is - we're  
2                   doing this very simply and quickly.    Just yes or  
3                   no.

4                   I think we can move on to the next  
5                   question, because we got a lot of positive votes.  
6                   And we got some negatives, too.

7                   Three: is your understanding of what is  
8                   and is not recyclable curbside greater today than  
9                   it was a year ago?    So, if you show yes.  
10                  Great.   Any nos?    Okay.

11                  Any just the same as it was, you know,  
12                  the same as it was before?    Okay, great, thanks.

13                  Four: have you visited the Pick of the  
14                  Litter swap shop at the Department of Public  
15                  Works's Thomas Landers Road waste management  
16                  facility in the past 12 months or so?    Put your  
17                  hands up yes.    Okay.    No's?    Okay, I'd say -

18                  That's okay.    We want everybody to be  
19                  honest.

20                  If everyone was there, there'd be no  
21                  parking spaces available for all you people.

22                  'Cause it's really successful.    They've  
23                  increased -- year over year to date it's a 50



1 government, the other Upper Cape communities, and  
2 perhaps the private sector to identify a location  
3 for and to begin the process leading to  
4 development of a viable regional food waste  
5 composting facility.

6 And third, to reach and engage the  
7 entire community with our messaging.

8 We have a request, and this is a request  
9 we've made at Town Meeting before, we've made at  
10 Select Board meetings and we will continue to  
11 make through to the April 2024 Town Meeting.  
12 And that is that the Town include and approve a  
13 physical year 2025 Town Operating Budget line  
14 item to make the recycling and solid waste  
15 management coordinator position full time from  
16 its currently just 19 hours per week. Which is  
17 not nearly enough time to deal with the things  
18 that need to be dealt with. At a grade salary  
19 level commensurate with the actual  
20 responsibilities of the position.

21 And third - and second, to authorize  
22 Department of Public Works to develop an  
23 integrated solid waste management plan, which to

1 do that requires a full time recycling and solid  
2 waste coordinator.

3 I very much thank you for your time and  
4 wish you a very good Town Meeting.

5 Thank you.

6 [Applause.]

7 THE MODERATOR: Thank you.

8 Next up, I have the Plastic Reduction  
9 Advisory Committee.

10 MS. ROTH: There we go.

11 Hi, everyone. I'm Amy Roth, I'm the  
12 Chair of the Falmouth Plastics Reduction Advisory  
13 Committee.

14 And, just a quick review. You all  
15 heard an article, a petitioner's article at  
16 Spring meeting centered around banning the use of  
17 single use plastics at food establishments in  
18 Falmouth. That article was amended; you  
19 directed the Select Board to appoint a committee  
20 on this topic; and we are that committee working  
21 to develop some regulations.

22 So I just thought I'd give you a quick,  
23 quick update. Our committee members are listed

1           there.    We have the original petitioner, Phil  
2           Gessen, members of Board of Health, Solid Waste  
3           Advisory Committee, a couple folks representing  
4           environmental voices in town, and then a couple  
5           of folks representing those who would be  
6           regulated, food establishments.

7                        We've also been lucky enough to have  
8           Scott McGann, our Health Agent, join us for most  
9           of our meetings; he'll ultimately be responsible  
10          for enforcing any regulations that we pass.

11                       I'm not going to read this.    This is  
12          the charge that we were given as a committee.  
13          The guts of it are kind of highlighted in red,  
14          there: reduce, eliminate disposable plastic  
15          containers at food establishments.

16                       It's trickier than you might think.  
17          Most of us, immediately our thoughts go to  
18          takeout containers at restaurants.    But food  
19          establishments is extremely broad.    It's anyone  
20          that's dealing with prepared foods in town.    So,  
21          it includes not just restaurants but your deli  
22          meat, salads that you might pick up and take to  
23          go, rotisserie chicken, bakeries, cheese that

1 gets sliced for you. It's very, very broad.  
2 So, it makes it a little tricky to think about a  
3 one size fits all solution.

4 Two ways to tackle disposable plastic.  
5 The first is to focus on disposable. This is  
6 the first and best way to move from disposable to  
7 reusable, a full circular economy approach.  
8 That's pretty straightforward when you're looking  
9 at dine-in eating. It gets really tricky when  
10 the food is leaving the establishment. Unless  
11 you have a vendor in town that can provide a  
12 service, it makes it very hard to mandate that  
13 restaurants go to a reusable to-go container.

14 Second way to tackle it is to move from  
15 plastic to non-plastic. This is where our focus  
16 is. There, obviously a real front line decision  
17 or choice when moving away from plastic is to go  
18 to compostable materials. That's what we're  
19 looking to do.

20 There are some challenges with compost-  
21 able materials, especially for us right now where  
22 we are in Falmouth. The number one being we  
23 don't have municipal composting and we don't have



1 a Cape-based composting facility.

2 So, unfortunately a lot of - if we make  
3 this transition or when we make it, things that  
4 are plastic and going into recycling right now  
5 will go to non-plastic alternatives that go into  
6 the trash. Ideally, they would go into a  
7 composting bin so we could capture those  
8 resources. But for now, without municipal  
9 composting, they would go into trash.

10 Some of the other challenges in making  
11 this transition is recognizing that there's not a  
12 viable alternative for all applications. Things  
13 that only need to go into a container for a  
14 couple hours, pretty straightforward. But if it  
15 needs to sit on a shelf for up to seven days, it  
16 gets a lot harder to choose a compostable option.

17 We've also found, because we've been  
18 lucky enough to have two members of the  
19 restaurant community in our committee -- they've  
20 spent a lot of time contacting their vendors,  
21 asking for compostable alternatives or non-  
22 plastic alternatives; they're constantly given  
23 what are called plant based plastics or PLAs,

1           number 7 plastics.   Those, although they are  
2           compostable, they are only compostable in an  
3           industrial facility.   If they don't go to an  
4           industrial facility, they're not that much  
5           different on the back end from traditional  
6           plastics, in that they don't break down in a  
7           landfill very rapidly and they'll create  
8           microplastics in the environment.

9                         So, they're better on the front end --  
10           you're not using petrochemicals -- but they're a  
11           little tricky on the back end.   And they're also  
12           - they look exactly like normal plastics,  
13           traditional plastics, but they're not recyclable.  
14           So, we're going to have a challenge with folks,  
15           if we're not providing education, we're going to  
16           have a challenge with people throwing those  
17           containers into their recycling bins, where  
18           they're a contaminant.

19                         Oh, there we go.

20                         So, we are working through this, working  
21           on a draft regulation, focused on reusables when  
22           feasible, disposables when needed, compostable,  
23           the basic wood-paper fiber for most applications.

1                   We are having to recognize that certain  
2 plastics are still going to be required. There  
3 are applications where they're needed. We're  
4 focused on numbers 1, 2 and 5, recyclable and in  
5 some cases durable reusable plastics.  
6 Eliminating black plastic is a option and we're  
7 going to stay away from PLA or plant based  
8 plastics until we have an industrial composting  
9 option.

10                   So, we're also doing a couple other  
11 things like mandating that accessories are upon  
12 request or self service only, so the silverware's  
13 not just automatically going in the bag every  
14 time you get takeout. And we're adopting a  
15 waiver process for specific products and/or  
16 applications that just won't fit the mold.

17                   So, our Health Department will regulate  
18 it. We've made a couple requests to the Select  
19 Board to support composting, so we're already  
20 looking forward to how this regulation can change  
21 and improve with time, but looking to get  
22 something in place. We've been working on it  
23 since August and want to get something in place

1           sooner rather than later.

2                       Thanks very much.

3                       [Applause.]

4                       THE MODERATOR:    Next I have the  
5           Affordable Housing Fund presentation.

6                       MR. JOHNSON-STAUB:    Good evening.

7           Peter Johnson-Staub, Assistant Town Manager.

8           I'll be presenting a report on the activities of  
9           the Falmouth Affordable Housing Fund.

10                      So, the Town is fortunate to have  
11           several entities doing housing work on behalf of  
12           Falmouth.    The one I'm reporting on this evening  
13           is managed by Town staff with the Select Board  
14           serving as the trustees.    It was created in 2011  
15           to promote, expand and retain the affordable  
16           housing inventory.

17                      Can you go back a slide for me?

18                      A quick review of the funding sources  
19           for the Falmouth Affordable Housing Fund.  
20           Initially it was primarily funded by the  
21           Community Preservation.    More recently, this  
22           body approved an increase in the Rooms Excise Tax  
23           from five percent to six percent.    So, going

1 forward, one-sixth of the Rooms Excise Tax  
2 revenue is allocated toward creation of new deed-  
3 restricted affordable housing.

4 In that same Town Meeting, November of  
5 2021, this body appropriated \$4 million from Free  
6 Cash into the Falmouth Affordable Housing Fund  
7 and we have some smaller one time payments and  
8 donations.

9 So, what's been accomplished with the  
10 fund that you have approved to go into this fund?

11 We have - can you go back? There it  
12 is, okay.

13 Generated 94 rental units since 2016; in  
14 that same period of time, seven home ownership  
15 units have been created, constructed and  
16 occupied.

17 I want to focus for a minute now on  
18 Article 14 of November '21. When that was  
19 approved, the recommendation called for an annual  
20 report on the use of those funds. So that's one  
21 of my purposes here tonight. We have approved  
22 three projects. I say "we", the Select Board  
23 has approved at the recommendation of staff from

1           that funding source; the Main Street and Scranton  
2           Avenue project is one of them. That's 48 senior  
3           rental housing units. \$1.45 million has been  
4           allocated for that project from this funding  
5           source. In total, the Falmouth Affordable  
6           Housing Fund has awarded a subsidy of just under  
7           \$3.8 million.

8                         Additionally, 125,000 was allocated for  
9           a home ownership unit on Club Valley Drive, and  
10          70,000 to update the Housing Production Plan.

11                        Next slide, please.

12                        So, of the \$4 million in Free Cash  
13          appropriated, we have a remaining, unallocated  
14          balance of \$2.3 million to date.

15                        Next slide.

16                        Some other projects approved from other  
17          funding sources within the Falmouth Affordable  
18          Housing Fund. 100,000 has been allocated to the  
19          Falmouth Housing Authority for a building needs  
20          assessment. The balance of that 3.8 million I  
21          mentioned coming from other funds. And four  
22          home ownership units have received an allocation  
23          of \$500,000, and those are on Sam Turner Road.

1                   So, in total, the Falmouth Affordable  
2                   Housing Fund balance, we started the year with an  
3                   unencumbered balance of \$10.4 million, of which  
4                   7.1 million remains unencumbered.

5                   And it's a great thing that we have that  
6                   healthy balance in the fund, because we are aware  
7                   of a number of projects that are in various  
8                   planning stages. We're unable to list the  
9                   addresses here tonight. Some of them are not  
10                  under ownership control of the developer. They  
11                  are in various, as I said, development and  
12                  planning stages. But these all represent  
13                  specific projects that staff have had  
14                  conversations with the developers, and if even  
15                  some of them come to pass, we could be allocating  
16                  another \$5 million, leaving a balance of close to  
17                  \$2 million in the near future.

18                  Next slide.

19                  So, in conclusion, I would be remiss if  
20                  I did not mention that the Select Board has made  
21                  it one of their top priorities in the strategic  
22                  plan to create housing attainable for individuals  
23                  below and above median income.

1 I thank you for your time and your  
2 ongoing support.

3 [Applause.]

4 THE MODERATOR: Thank you.

5 Okay, that was all that I had on my  
6 list. Any other Committee reports?

7 Hearing none, the question will come on  
8 the main motion to accept the reports.

9 All those in favor, signify by saying  
10 aye.

11 [AYE.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: The Ayes have it  
15 unanimous.

16 **Article 3.** Mr. Chairman.

17 CHAIRMAN SCHWEGEL: Mr. Moderator, I  
18 move Article 3 as recommended.

19 THE MODERATOR: As recommended. This  
20 is the Capital Improvements. We're going to  
21 have a presentation by our Town Manager and then  
22 we will go through the chart, there, in the main  
23 motion, section by section.



1                   So, there's no need to hold anything.  
2                   We'll go through each section and if you want to  
3                   discuss a line item there, we can do that, and  
4                   this is omnibus so it's not subject to the two  
5                   amendment limit.

6                   Mr. Renshaw.

7                   MR. RENSRAW:    Thank you, Mr. Moderator.

8                   Good evening, Town Meeting.    This is  
9                   awe-inspiring.    For someone new to the  
10                  community, I'm really just amazed by the process.  
11                  I'm excited to be with you here, tonight.

12                  I want to start by going over what I  
13                  like to call the five foundational or guiding  
14                  principals with regard to our we set priorities  
15                  when we capital budget.    The first of these is  
16                  considering imminent threats to the health and  
17                  safety of citizens, our employees or Town  
18                  property.    Looking next at preserving existing  
19                  operations, keeping those services as they exist  
20                  today in operation.

21                  Next, addressing all legal requirements  
22                  to federal or state agencies.    Improvement of  
23                  infrastructure.    And lastly, and a real passion

1 of mine and the staff, is looking to make  
2 improvements in the efficiency and the  
3 effectiveness of service delivery.

4 Next I'd like to spend a moment -  
5 because I only have ten minutes - I'd like to  
6 spend a moment with you all to talk about and  
7 review some of the major enhancements that we've  
8 made in this year's capital budget. I'm sure  
9 you've seen a couple of differences, some nuances  
10 in the Capital Plan that's before you tonight.

11 When compared to prior years, we feel  
12 that this results in a much more comprehensive  
13 Capital Improvement Plan. And I want to point  
14 out a couple of the major differences.

15 As you probably have noticed, it  
16 includes some major large projects funded from  
17 borrowing in the Capital Plan: school roofs,  
18 major water replacements, large coastal  
19 infrastructure projects of various sources, and  
20 aquiculture.

21 I think the next bullet-point is very  
22 important in terms of both increasing  
23 accountability and in insuring capacity of the

1 staff to complete these projects in a timely  
2 manner. And that is identifying a project  
3 manager for each of the projects as part of the  
4 Capital Plan this year.

5 And lastly, we felt it was important to  
6 establish a nexus or a connection between the  
7 Select Board's Strategic Plan FY'24 to FY'27  
8 Strategic Plan, and the various requests, capital  
9 requests, as part of this Capital Plan before you  
10 tonight.

11 I want to talk about what I consider a  
12 significant amount of invested time and effort  
13 this year to really diversify our funding  
14 sources. As you all probably know, in previous  
15 capital budgets there's been a reliance - not  
16 exclusively but a heavy reliance upon Free Cash.  
17 The goal going into this capital budget for FY'24  
18 was to try to limit that spending and really  
19 boost reserves.

20 We are looking to accomplish this by,  
21 again, identifying other revenue streams, maybe  
22 non-traditional that we haven't utilized in the  
23 past. Re-appropriation of unused balances from

1 prior capital appropriations wherever possible.  
2 The use of embarkation funds, used for in this  
3 example in FY'24, being used for speed indicator  
4 signs and replacement of parking meters in the  
5 Woods Hole area. And lastly maximizing grants,  
6 special revenues and other funding sources, and  
7 again really looking to maximize the use of non-  
8 Free Cash funding to address those priorities and  
9 maximize our reserves going forward.

10 The next slide, and I'll go through this  
11 relatively quickly, is you can see this offers  
12 kind of a snapshot view of our proposed ten year  
13 Capital Improvement Plan. Total projected  
14 capital spending for FY'24 through FY 2033 is  
15 477.7, roughly, million dollars. And folks,  
16 that is not inflation adjusted. It's a large  
17 number, over a ten year period.

18 Importantly, this total of 477.7 million  
19 does not include significant projects that we are  
20 aware of - and you are, as well; we've been  
21 reading about them - for which we don't yet have  
22 estimates. This includes a new police station,  
23 comprehensive review of building improvements

1 that are needed, and comprehensive coastal  
2 resiliency improvements.

3 And Folks, as you can imagine, we cannot  
4 fund this amount without looking at alternative  
5 sources of funding, including perhaps tax  
6 increases. Or making other very difficult  
7 decisions going forward over the next ten years.

8 Clearly, we need to explore all of our  
9 options to direct more funds to larger capital  
10 projects. Again, as I've been mentioning,  
11 exploring new revenue sources, and quite honestly  
12 considering deferring or re-prioritizing,  
13 eliminating, in some cases - but that's going to  
14 always be the last resort - and consider tax  
15 increases.

16 This slide is - the major takeaway I'd  
17 like you to leave with this evening from looking  
18 at this slide is that, again, we looked - spent a  
19 considerable amount of time looking for  
20 underutilized, historically underutilized revenue  
21 sources and alternative funding sources  
22 throughout this FY'24 plan and literally  
23 throughout the ten year plan. Free Cash

1 proposed as part of this FY'24 Capital Plan  
2 budget is \$11,355,600. In terms of borrowing or  
3 looking at borrowing, 3.8 million. Use of, as  
4 you will see in an upcoming Article 4, the use of  
5 Capital Stabilization Funds in the amount of  
6 \$960,000; 550,000 of which is for Lawrence School  
7 Cafeteria roof replacement and \$410,000 of which  
8 is for water main replacements.

9 I wanted to mention also that by  
10 utilizing, if approved, this \$960,000 in Capital  
11 Stabilization Funds, it's going to leave us a  
12 balance of about \$4.9 million, roughly. Or  
13 about 3.18 percent of our operating budget.  
14 And, as you all know, we have a fiscal policy  
15 that requires that that remain within the range  
16 of two to five percent, so we'd be well within  
17 that parameter.

18 Golf receipts for appropriation, we're  
19 proposing the use of \$160,000. Parking Meter  
20 Fund, we're proposing \$100,000 draw-down. Water  
21 user rates, \$500,000. Title V, former septic  
22 loan program, \$150,000. And Waterways Fund,  
23 \$258,330.

1                   I want to note that department requests  
2                   for this FY'24 Capital budget totaled  
3                   approximately \$23.7 million, of which we're  
4                   recommending funding \$19,675,107.

5                   Again, just a highlight slide talking  
6                   about half a dozen or so of what we consider some  
7                   of the key projects, what we're trying to  
8                   accomplish with this FY'24 capital budget.   New  
9                   police station feasibility.   We're really  
10                  looking to accomplish a space needs study, a  
11                  really comprehensive evaluation of the current  
12                  facility.   And an evaluation, ultimately, of  
13                  alternative sites for a future police station.

14                  Police station building exterior in the  
15                  amount of \$500,000.   We're looking to ensure,  
16                  quite honestly, the habitability, the usability  
17                  of that space so our officers and staff are safe  
18                  and that space is habitable.

19                  Public safety radio system  
20                  replacement/upgrades in the amount of \$2 million.  
21                  As you have seen, reading through the warrants,  
22                  we currently have a non-redundant single  
23                  transmitter and receiver system in place here in

1 Falmouth. And, as you have probably heard in  
2 the past, we have major gaps in terms of street  
3 coverage and certainly gaps with regards to in-  
4 building coverage. So, with this \$2 million  
5 request proposal, we're looking to address those  
6 radio needs and gaps that we have.

7 Financial management system in the  
8 amount of \$1,137,000. We're looking at dragging  
9 ourselves into the 21<sup>st</sup> century, quite honestly,  
10 through the use of an integrated financial  
11 platform. As you have probably heard, we  
12 currently have eight separate systems that don't  
13 talk really well to one another, so it's a little  
14 bit of a disjointed financial management system.  
15 And, with this request we're hoping to address  
16 that going forward.

17 Water outfall, the phase one permitting  
18 of that project, at \$1.4 million. Water main  
19 replacements in the amount of about \$2.3 million.  
20 And lastly, School Department facility  
21 improvements in the amount of \$1,342,600.

22 Next I want to really briefly discuss  
23 trends associated with the Town's Free Cash



1 certification, and the use of those funds. This  
2 year -- and I'm really proud of the finance team,  
3 the staff in the Finance Office, for their  
4 accomplishments -- there's a been a focused  
5 effort, a really enhanced and ramped-up effort to  
6 collect delinquent tax bills.

7 As you have probably heard and can  
8 sense, our revenue growth continues to be strong,  
9 pretty much across the board. Departments, and  
10 this has been historically the case and I've  
11 learned this as I've been here for five months,  
12 now, departments historically - and this year has  
13 been no exception - continue to be very frugal,  
14 with the use with their spending.

15 Moving forward, we're going to be - I  
16 think this is important that, moving forward,  
17 we're going to be really exploring and applying  
18 for additional grant funds. I don't think  
19 Falmouth has really leveraged and taken advantage  
20 and researched enough of the grant opportunities  
21 that are available. So that's going to be a  
22 major emphasis going forward.

23 Before, we used, and looked to use,

1 taxpayer funds.

2 And lastly, Capital Plan continues to be  
3 very conservative, with a keen eye, a really keen  
4 eye on future spending needs. And, again,  
5 looking to maximize the use of our reserves to  
6 keep interest costs as low as possible.

7 So, some of the results. Yes, a  
8 record-setting year. \$23.8 million in Free Cash  
9 as of June 30<sup>th</sup>, 2023. And, as you all probably  
10 know, the prior high had been a little less than  
11 sixteen and a half million dollars as of June  
12 30<sup>th</sup>, 2021.

13 Folks, I think it's going to be really  
14 important, moving forward, that we show  
15 restraints in allocating Free Cash in order to  
16 ensure that we're able to utilize more Free Cash  
17 for these larger future capital projects, some of  
18 which the funding amount is TBD, to be  
19 determined. We don't quite know yet how much is  
20 going to be required. Currently unknown. But  
21 we know they're going to be large.

22 And I mentioned one earlier: the police  
23 station, that facility. We have looked around

1 at similar jurisdictions that have recently,  
2 within the past two to three years, replaced  
3 their police station. So, it's going to be  
4 really important that we, again, look to maximize  
5 our use of reserves and have really strong  
6 reserves in place.

7           There's going to be an opportunity to  
8 allocate, we feel, requests during the April,  
9 2024 Town Meeting, to allocate \$7 million from  
10 Free Cash to Capital and Debt Stabilization.  
11 And by doing so, I feel that we're going to be in  
12 a much stronger, better position, again, to  
13 reduce our reliance on debt funding for large  
14 projects by allocating Free Cash for these  
15 priorities.

16           Getting to the end. So, some people  
17 may ask the question, "Well, why not, we have a  
18 record year in Free Cash, over \$23 million. Why  
19 not use it all on these projects?" As you all  
20 know, it's obvious, I'm stating the obvious, our  
21 triple A bond rating is something that the Town  
22 of Falmouth is very proud of, and we should be.  
23 It's very important, having that rating, that

1 strong rating and that strong financial position  
2 really allows the Town to more cost-effectively  
3 fund our projects instead of more of those  
4 dollars, more of our taxpayer dollars going to  
5 bond holders.

6 As you probably all recall - it hasn't  
7 been but a few - or five months or so - back in  
8 April Town Meeting you were shown a slide - and  
9 you're going to see it in the next slide. The  
10 Town of Falmouth was 13<sup>th</sup> - out of 15 Cape  
11 communities, we're number 13 on that list in  
12 regards to the amount of Free Cash as a  
13 percentage of the operating budget. This is  
14 significant; it's important; we need to do  
15 better. We need to raise our position in that  
16 standing.

17 And I'm going to show you in the  
18 following slide what that looks like.

19 With this year's results, we may have an  
20 opportunity - and I say "may" because three or  
21 four of those communities have not yet certified  
22 their Free Cash. But we may have an opportunity  
23 to move to eighth place. And, as you all know,

1 many other communities on the Cape have  
2 operations such as water, wastewater funds that  
3 are self sufficient enterprise or proprietary  
4 funds and have their own reserve balances. We  
5 here in the Town of Falmouth do not yet.

6 So, the table I promised you all. It  
7 looks probably very similar. However, with that  
8 record-setting \$23.8 million in Free Cash  
9 certified, we now move to about eighth position  
10 out of 15. And, again, I think that's going to  
11 be key for us going forward.

12 And you can see the towns of Wellfleet,  
13 Provincetown, Chatham and Harwich have not yet  
14 certified. So, that positioning could change.

15 So, in closing, as you all know, capital  
16 budgeting is both an art and a bit of science.  
17 It really seeks to balance our need to maintain  
18 equipment and our infrastructure with limitations  
19 of available funding and, quite honestly, our  
20 internal capacity to manage and bring those  
21 projects online on time and on budget.

22 These FY'24 proposals represent what we  
23 feel is the very upper limit of what we can spend

1 while maintaining and building those important  
2 reserves. And I feel like we must always be  
3 mindful that the proposed capital projects  
4 represent a tremendous amount of work for staff.  
5 Again, that bandwidth and the capacity. And,  
6 moving forward, we're going to do a much better  
7 job of monitoring the status of our projects and  
8 in communicating and reporting on the status of  
9 those projects. I think that's important, as  
10 well, so that we can all stay on track, again,  
11 bringing projects on time and on budget.

12 And, with that, I thank you very much  
13 for your time.

14 [Applause.]

15 THE MODERATOR: Okay.

16 So, we're going to go through the chart  
17 as the main motion for the capital budget by  
18 section. So, the first section is Select Board/  
19 Town Manager.

20 Finance. Information Technology.  
21 Police. Yeah, I see a hand to my right, here.  
22 Whoa, microphone. One sec, please. Stand up.  
23 No, you're all set? Okay.

1 FROM THE FLOOR: Information  
2 Technology.

3 THE MODERATOR: Yeah.

4 FROM THE FLOOR: [Inaudible.]

5 THE MODERATOR: Whoa, whoa, I don't  
6 know who's talking. You need to get a  
7 microphone.

8 FROM THE FLOOR: Hi. Steve from  
9 Green Meadow Lane. Have they explored anything  
10 other than fiberoptics? Are they looking at any  
11 type of wireless technology? The technology's  
12 improved tremendously over the last few years and  
13 that could certainly eliminate costs and improve  
14 the bandwidth.

15 THE MODERATOR: Would that be end user  
16 technology replacement or is that the digital  
17 forensic computer?

18 FROM THE FLOOR: I'm sorry, that is the  
19 for the fiber project throughout the town. I  
20 thought - I'm sorry.

21 THE MODERATOR: Are you referring to  
22 one of the two lines items in this budget?

23 FROM THE FLOOR: Yes, I'm sorry.

1 THE MODERATOR: Which line item?

2 FROM THE FLOOR: The second line item  
3 in the fiber to the home and expanding the  
4 Internet services.

5 THE MODERATOR: Do you have a warrant  
6 in front of you?

7 FROM THE FLOOR: I'm sorry, I missed  
8 the first part of the question, my apologies.

9 THE MODERATOR: Are you a Town Meeting  
10 member?

11 FROM THE FLOOR: No, I'm not. I --

12 THE MODERATOR: Okay, so first of all,  
13 you're supposed to be in the balcony. Second of  
14 all, we're on the capital budget, we're going  
15 through it section by section.

16 So, under Information Technology in the  
17 capital budget do you have a question about this  
18 budget?

19 FROM THE FLOOR: No, I'm sorry, my  
20 apologies.

21 THE MODERATOR: Okay.

22 Police Department. Ms. Lichtenstein.  
23 And then Ms. Murphy.



1 MS. LICHTENSTEIN: Thank you. Leslie  
2 Lichtenstein, Precinct 8.

3 Alan already started by asking your  
4 participation. I'd like to know how many of our  
5 Town Meeting members went to the open house at  
6 the police station.

7 [Pause.]

8 MS. LICHTENSTEIN: Thank you. I wish  
9 more of you had.

10 we need a police station, Folks. How  
11 many of you would live in a house when it rained  
12 you had an inch of water on the floor and you had  
13 to live with that? How many of you would like  
14 to work in a place where you had an inch of water  
15 on the floor and you had to work in that?

16 We're giving them \$500,000 tonight,  
17 which is a lot of money. However, we're  
18 painting the Titanic, Folks. That police  
19 station is sinking.

20 I really hope that this feasibility  
21 study doesn't drag its heels. We need to get  
22 that police station not repaired, but replaced.  
23 Okay?

1 Thank you.

2 And if you haven't been, go and look,  
3 it's really a shame we let it get this far. We  
4 voted money a while back to do some repairs that  
5 never got done. And I'd like to apologize to  
6 the police that have to work there because of  
7 what the Town has let that police station become.

8 Thank you.

9 THE MODERATOR: Okay, Ms. Murphy.

10 MS. MURPHY: Thank you, Mr.  
11 Moderator. Carol Murphy, Precinct 9.

12 I second what Ms. Lichtenstein just said  
13 about the new Police Department and I would also  
14 like to ask if there is any money in the budget  
15 or there's any incentive for body worn cameras  
16 for the police officers. The towns of Bourne,  
17 Yarmouth and Barnstable currently have police  
18 worn cameras, body cameras.

19 THE MODERATOR: We don't have any in  
20 this budget.

21 MR. JOHNSON-STAUB: Mr. Moderator.

22 THE MODERATOR: yes.

23 MR. JOHNSON-STAUB: So, we did approve

1 in last year's budget - or, actually, sorry, the  
2 current fiscal year operating budget, there are  
3 funds for body worn cameras. The chief is  
4 evaluating whether those funds are sufficient to  
5 meet the needs of the entire department.

6 MS. MURPHY: Would there be a cost of  
7 each body worn camera? I've seen figures of  
8 \$1800 each.

9 MR. JOHNSON-STAUB: Yes, the  
10 allocation in the budget is \$80,000 for the  
11 Department. And that was intended with a  
12 particular setup in mind for all of the officers  
13 in the Department, but again that is being  
14 reevaluated by the new chief.

15 MS. MURPHY: And just one more  
16 question: when will we have an answer for that  
17 evaluation, please?

18 MR. JOHNSON-STAUB: I don't have a  
19 specific time line, but it sounds like - looks  
20 like the chief is going to get up and respond.

21 THE MODERATOR: Chief.

22 CHIEF LOURY: I'll be brief. As your  
23 new chief, I'm evaluating everything, in

1 evaluation mode, and there are a few things that  
2 came up that took priority. I'm hoping to  
3 implement a body worn camera program in the next  
4 12 to 18 months. I did it before; I know what  
5 it takes to get the job done, but right now  
6 there's some other issues that are taking  
7 precedence. But we will have them.

8 MS. MURPHY: Between 12 and 18 months?

9 CHIEF LOURIE: I'm sorry?

10 MS. MURPHY: Between 12 and 18 months  
11 from now?

12 CHIEF LOURIE: Yes.

13 MS. MURPHY: Thank you.

14 CHIEF LOURIE: Yes.

15 THE MODERATOR: Okay. Further  
16 discussion on the Police Department?

17 Fire Department. Consolidated  
18 communications? Oh. Mr. Netto.

19 MR. NETTO: Joe Netto, Precinct 9.

20 At our precinct meeting, I brought to  
21 the attention that the description of \$170,000  
22 for a boat needs to be a little bit more  
23 detailed.



1 allocated it to or placed it in a  
2 propertyroom.com auction site so that we can sell  
3 this equipment, and those funds will come back to  
4 the general treasury.

5 THE MODERATOR: Okay, anything else  
6 with the Fire Department?

7 CHIEF SMITH: Thank you.

8 THE MODERATOR: Consolidated  
9 Communications.

10 Mr. Donahue.

11 MR. DONAHUE: Robert Donahue, Precinct  
12 3.

13 Two million dollars is an awful lot of  
14 money. Why wasn't this put off to the spring  
15 budget where it would go into as a budget line  
16 item in the Police Department? I don't like  
17 having anything that is a standard piece of  
18 equipment put in the capital budget; it should be  
19 in the main budget of the Police Department so we  
20 know what their total operating expense is.

21 Thank you very much.

22 CHIEF LOURIE: So just real briefly --

23 THE MODERATOR: Chief.

1                   CHIEF LOURIE:    We can't wait.    The  
2                   radios don't work.    So this is to basically  
3                   build a radio infrastructure system so when I say  
4                   hello to dispatch, they don't say hi back.    So,  
5                   this is an officer safety issue.    This is a  
6                   public safety issue.    And I say to everyone in  
7                   this room: do we have to have a tragedy to  
8                   implement change?

9                   So, we can't wait.    We just can't wait.  
10                  They haven't worked for years; we need to fix  
11                  them.    I really need this to pass badly for my  
12                  staff.

13                  And any specific questions you have, we  
14                  have the experts, the folks, here, that can  
15                  answer them.    Hopefully we don't need to go that  
16                  route.    And, like I said, we took this project  
17                  over, the Police Department, but this is an  
18                  officer safety issue and I - I implore you to  
19                  pass this article.

20                  THE MODERATOR:    Okay, anything else on  
21                  Consolidated Communication?

22                  Marine and Environment.    Facilities.  
23                  DPW Admin and Engineering.    Highway.    Fleet

1 Services.

2 Yeah, microphone to my right. Mr.  
3 Patrick.

4 MR. PATRICK: Matt Patrick, Precinct 7.  
5 I figured I'd come down here instead of having  
6 you crane your necks to hear me in the back.

7 The three zero-turn lawn mowers caught  
8 my eye because we recently purchased one for  
9 \$6,000. So when I saw three for \$55,000, it  
10 sort of - I wondered why.

11 Now, ours is electric. And it's a  
12 zero-turn lawnmower and works great. You can  
13 have several sets of batteries so you don't run  
14 out of power. And I'm just wondering if that's  
15 a priority for us, now, checking out the  
16 availability of electric lawn mowers, vehicles,  
17 if they're available. Remembering that the Town  
18 Meeting voted to recognize global warming as a  
19 real and serious threat to our community.

20 We made that declaration, but actually  
21 doing something about it is another thing  
22 altogether. We have to start actually  
23 implementing that, and let's start by looking at



1           our new vehicles.

2                       I figured we could buy, let's see, nine  
3           of the electric zero-turn vehicles - lawn mowers,  
4           with the amount of money that we're spending for  
5           three of the gas powered --

6                       THE MODERATOR:    There's also a utility  
7           trailer, here.     Just --

8                       MR. PATRICK:     I'm sorry?

9                       THE MODERATOR:    There's also the  
10          utility trailer in this.

11                      MR. PATRICK:     It doesn't say --

12                      THE MODERATOR:    If you go to page 75,  
13          it lists what you're purchasing.

14                      MR. PATRICK:     There's no --

15                      THE MODERATOR:    It's in the back of  
16          your warrant booklet.   It says utility trailer  
17          and three standard mowers.

18                      [Pause.]

19                      THE MODERATOR:    Page 74.     But, do we  
20          have a response about going electric?

21                      Mr. McConarty.

22                      MR. MCCONARTY:     Good evening.   Peter  
23          McConarty, Director of Public Works.   At this

1 point, for Public Works, we did not look into  
2 electric for the zero-turn mowers. We have  
3 looked at electric as far as backpack blowers and  
4 some of the smaller machinery, and we have found  
5 out that, at this point, the type of work that we  
6 do with Public Works, this type of work with the  
7 Parks Department and with the Schools and the  
8 parks, it's a daily, heavy, hard work with - you  
9 see commercials and you see them blowing light  
10 leaves off of sidewalks or light grass off a  
11 sidewalk, this is heavy, hard, wet leaves coming  
12 off of fences or coming off of fields.

13 So, we tried it with the smaller  
14 equipment. We have not tried it with the zero-  
15 turn mowers. But the zero turn mowers that we  
16 do have, the three of them that we do have,  
17 they're from 2012; they're pretty beat up. They  
18 are high commercial grade. And, like I say,  
19 they're used on a daily basis throughout the  
20 year. It's not a residential type of piece of  
21 equipment. It's commercial, and it's used that  
22 way.

23 MR. PATRICK: You know, I thought about

1           that, too, and they do sell commercial grade  
2           electric zero turn lawnmowers. There are plenty  
3           online. So, I just - I'm making a point. I'll  
4           do it every Town Meeting we have. We've got to  
5           start thinking about this stuff and actually  
6           putting our mouths where we said we'd go, okay?  
7           Putting our money where we said we'd go.

8                         So, anyway, that's my pitch, thanks.

9                         [Applause.]

10                        THE MODERATOR: Anything else under  
11           Fleet Services?

12                        Yes, back right.

13                        MR. DUBY: Richard Duby, Precinct 6.

14                        I have a comment and a question. The  
15           Department of Revenue Services in Massachusetts  
16           defines Free Cash as free cash generated when  
17           actual revenue collections are more than budget  
18           estimates and when expenditures and encumbrances,  
19           unpaid bills and orders are less than  
20           appropriations, or both.

21                        What I find we're doing in Falmouth,  
22           with all of us here, is we take lines items and  
23           we add ungodly amounts to them, as opposed to the

1 realistic price of them, and then we take that  
2 money and it becomes Free Cash. And, speaking  
3 to what Mr. Renshaw was just addressing, creating  
4 this false sense of Free Cash by simply taking a  
5 \$50,000 widget and putting in a request here for  
6 \$80,000, we generate \$30,000 worth of Free Cash.  
7 Just doing cursory glances at some of the items  
8 here, I found overestimates of a \$68,000 item;  
9 we're asking \$96,000 in appropriations for it.

10 I understand that will be turned into  
11 Free Cash. I can't believe, though, that this  
12 is really the spirit of what the Department of  
13 Revenue Services had in mind when they defined  
14 Free Cash.

15 THE MODERATOR: Mr. Duby, the Free Cash  
16 is in the revenue side. That's before. So,  
17 what you're doing here is you're spending Free  
18 Cash and then there may be some left over if you  
19 don't spend it all. But it doesn't create the  
20 Free Cash. The Free Cash is created through the  
21 certification process with DOS, and now you're  
22 actually spending or allocating the spending of  
23 Free Cash.

1                   MR. DUBY:     Then why are we continually  
2                   way overestimating on anything that we submit  
3                   here for capital improvements?     Why do we do it?

4                   THE MODERATOR:    Mr. Senteio.

5                   MR. SENTEIO:     Ed Senteio, Finance  
6                   Director.     The vast majority of the money that  
7                   comes from Free Cash is from revenues and turn  
8                   backs from the departments.     We did make a  
9                   concerted --

10                  MR. DUBY:     Excuse me, can you define  
11                  turn backs for me, please, just?

12                  MR. SENTEIO:     Turn backs are the  
13                  operating budget, where people are being frugal  
14                  as the Town Manager indicated, not spending the  
15                  entire amount of their budget if they don't need  
16                  to.

17                  So, the components of Free Cash come  
18                  from revenues and they come from - that seed our  
19                  budget, and they come from turn backs from the  
20                  budget.

21                  Now, last year, one of the contributors  
22                  to the large balance of Free Cash was the closing  
23                  out of some of these articles that served their

1           purpose and had money left over, and that  
2           contributed a few million dollars, and that was  
3           over the course of maybe eight years' worth of  
4           these types of articles.

5                        So, that's not the big driver in  
6           generating Free Cash.

7                        MR. DUBY:    I understand, but once again  
8           answer my question: why do we continually submit  
9           items here for our approval - why put any dollar  
10          value on it?   Why do we look at any dollar  
11          value?   Why don't we just approve the item,  
12          because we don't really care about the dollar  
13          value attached to it?

14                      MR. SENTEIO:   Well, let me give you  
15          some illustrations from this Town Meeting.   We  
16          had to go back to receive additional funds  
17          because we didn't have enough money for a boat.  
18          So, it's both ways.   You want to have enough  
19          money to make sure you don't have to come back to  
20          Town Meeting and ask again if you can avoid it.

21                      But, if something has more money, yes,  
22          we'll convert that back to Free Cash.   But it's  
23          not a major amount of the generator of Free Cash.

1                   MR. DUBY:     So nobody on the Finance  
2                   Committee - and I won't take up any more time -  
3                   nobody on the Finance Committee or the Town  
4                   Manager Mr. Renshaw feels that the submissions  
5                   that we're looking at tonight -- and I won't take  
6                   up time, but I can go over them item by item and  
7                   show what the actual cost would be just by doing  
8                   some basic research -- and what we're asking our  
9                   members here to approve tonight, that doesn't  
10                  bother anybody up there?

11                  THE MODERATOR:    Mr. Chairman.

12                  CHAIRMAN SCHWEGEL:    Okay.  Thank you,  
13                  Mr. Moderator.

14                  Part of what we do when you do see extra  
15                  money in here, the departments do try to do an  
16                  estimate, market research, before they submit a  
17                  request through the capital budget.  It's always  
18                  a little bit higher.  If you appropriate the  
19                  money and it comes up short by even a dollar,  
20                  they can't go through with the project.  They  
21                  have to re-appropriate additional money.  So you  
22                  wait another six months or a year until the next  
23                  Town Meeting.

1                   So there is extra money put in there,  
2                   and it does roll over eventually to Free Cash.  
3                   And that is something that the Department of  
4                   Revenue does recommend in your Operating Budget,  
5                   is to put extra cash out there in these different  
6                   line items to generate Free Cash so that you can  
7                   afford, when your capital budget comes up, to use  
8                   more Free Cash rather than borrowing.

9                   So, it is a very sound budget practice.

10                  Is it excessive in some cases?

11                  Possibly.    Could they do better?    Possibly.

12                  They could do better work estimating how much is  
13                  in each of these line items, and we're pushing on  
14                  that from a Finance Committee, and I think the  
15                  Town has heard that.

16                  But it's just an acceptable budget  
17                  practice.    It's not anything that's nefarious.

18                  It does help the Town budget better.

19                  So, we always work it that, admittedly.

20                  THE MODERATOR:    Okay.    Fleet Services,  
21                  to my left.    Ms. Faiman-Silva.    With the mic,  
22                  please.

23                  MS. FAIMAN-SILVA:    Thanks.    Sandra



1 Faiman-Siolva, Precinct 2. I'm just looking at  
2 the final Water budget total, on page 27.

3 So the requested amount was 4.155  
4 million requested, and the actual whatever they  
5 call it, proposed for FY'24 is 2.441 million.  
6 So it's half, slightly more than half of what was  
7 requested. I know we're putting water main  
8 repairs on some sort of a timeline replacement, I  
9 should say, water main replacement on a timeline,  
10 but why would there be such a discrepancy? That  
11 sort of makes me nervous.

12 THE MODERATOR: Go ahead.

13 MR. SENTEIO: Ed Senteio, Finance  
14 Director again.

15 One of the things we looked at was doing  
16 a rate increase for the water systems so that we  
17 could actually replace the water mains. The  
18 timing of that was such that we felt we would  
19 only get \$500,000 of the \$3 million that we  
20 believe we need for the water mains. So, next  
21 year we'll be able to catch up with the full  
22 amount going to the water mains.

23 THE MODERATOR: And that line item is

1 in Article 4. We're on Article 3. So, is  
2 there anything else with Fleet Services in this  
3 article?

4 Parks. Wastewater. Water. Yeah, in  
5 the center. I can't see who it is, here. Oh,  
6 Mr. Donahue.

7 MR. DONAHUE: Bob Donahue, Precinct 3  
8 again. Are we at outfall? I'm a little  
9 confused, so.

10 THE MODERATOR: Yeah, we can be. We  
11 went past it, but go ahead. Wastewater.

12 MR. DONAHUE: Okay. I want to say  
13 that outfall, I did a little research on outfall  
14 and I'm not saying my research is scientifically  
15 provable, but in the area of Boston, from  
16 Watertown and the Charles River, there are ten  
17 outfall pipes. They are from colleges, cities  
18 and towns, businesses and there are 18 in total  
19 in the area of Boston going up the Chelsea creek  
20 and the Mystic River. Eighteen total. All 18  
21 of these outfall pipes, Folks, have failed. And  
22 when they fail, the town has to tell the state  
23 and the federal government that they failed.

1 But, you know what? They don't have to tell you  
2 and me. That's a secret and the legislature has  
3 a bill that they've had, I guess for a while, and  
4 they will not pass it. Because if they pass it,  
5 it'll put extra pressure on people in town  
6 government to "why is it failing".

7 We want to put outfall pipes, they're  
8 saying now, 2500 feet, or 2300 feet off our  
9 beaches. If they fail at any time - and  
10 equipment fails, every piece of equipment,  
11 valves, gauges, you name it, it all fails - and  
12 if the raw sewerage gets out into that area, what  
13 happens then?

14 Can we vote on this line item, as, Mr.  
15 Chairman?

16 THE MODERATOR: We're on it; what do  
17 you want to do?

18 MR. DONAHUE: I'd like to make a  
19 motion that we eliminate \$850,000 from the  
20 outfall pipe.

21 THE MODERATOR: Okay, Mr. Donahue's  
22 amendment is to remove the outfall data  
23 collection and permitting Phase one for \$850,000.

1 Discussion on the amendment.

2 Mr. Rafferty. And then Mr. Brown.

3 MR. RAFFERTY: Steve Rafferty,  
4 Precinct 2.

5 I think Mr. Donahue has confused a  
6 couple of items, here. In Watertown and 42  
7 other communities around greater metropolitan  
8 Boston, all the wastewater goes to Deer Island  
9 and gets treated. There are combined sewer  
10 overflows in all those communities and the number  
11 that he quoted for Watertown is essentially  
12 correct, but that is not wastewater. That is  
13 combined sewer overflow with the drains and the  
14 sewers years ago were built together; they've  
15 been getting separated.

16 We do not have that in Falmouth and we  
17 will not have that in Falmouth.

18 Regarding whether or not something could  
19 fail on a system, this august body appropriated  
20 money; we have bid and we are engaged in the  
21 start of construction for upgrading the  
22 wastewater plant to increase the level of  
23 redundancy. Instead of having two SBRs, we're

1 going to have three. If one SBR breaks for any  
2 reason or a component breaks, we will still have  
3 sufficient capacity to treat.

4 So we have been carefully making sure  
5 that as we go forward we're not going to have a  
6 system that doesn't have a high degree of  
7 reliability and redundancy.

8 And when I mentioned the dispersion  
9 modeling, we modeled several different scenarios,  
10 both normal operation at less than three  
11 milligrams per liter, and also upset conditions,  
12 to look at what happens with where things go or  
13 don't go and whether or not anything ever gets to  
14 the beach. I assure you this is a safe, sound  
15 and necessary project.

16 THE MODERATOR: Okay, Mr. Brown.

17 [Applause.]

18 THE MODERATOR: Let's go. Let's go,  
19 folks.

20 Mr. Brown.

21 SELECTMAN BROWN: Just to clarify.

22 So, our storm drains don't tie into the sewer.

23 So we're not going to have that same problem that

1           they have.

2                   THE MODERATOR:    Mr. Donahue.

3                   MR. DONAHUE:       The information that I  
4                   got was an article in the Boston Globe that said  
5                   there were 18 outfall pipes, ten of which in the  
6                   Charles River.    Many of them, they said were a  
7                   combination of rainwater, road water and  
8                   sewerage, which caused the problem.    But there  
9                   were others that had nothing to do with the rain  
10                  water in streets, and they did fail.

11                  I'm just saying why can't this go off  
12                  down someplace else?    Down off of Woods Hole and  
13                  five miles out there.

14                  THE MODERATOR:       That's where the  
15                  original outfall pipe was, way back [laughs].

16                  MR. DONAHUE:       Well, let me say this,  
17                  and I'll be quiet.    If the beaches are closed  
18                  because of sewerage, who's going to take the  
19                  responsibility that it was my fault?

20                  Thank you.

21                  THE MODERATOR:       Okay, yeah, Peter.  
22                  Mr. Waasdorp.

23                  MR. WAASDORP:       Waasdorp, Precinct 1.

1 Call the question.

2 THE MODERATOR: Okay, we don't need to  
3 do that; we're just going to take a call here on  
4 the amendment to remove the \$850,000. All those  
5 in favor of the removal, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: The Nos have it by a  
10 majority.

11 Water. School. Recreation.

12 FROM THE FLOOR: Hold.

13 THE MODERATOR: You don't need to hold.  
14 Just stand up. Yes, Ms. Cuny.

15 MS. CUNY: Good evening. I'm Sandra  
16 Cuny, Precinct 2. And I've been a member of the  
17 Recreation Committee for over 30 years.

18 I'd like to make an amendment to the  
19 line item Lawrence and Swift Park Tennis Court  
20 Repainting from 88,000 to 25,000. And I'd like  
21 to speak on the amendment.

22 THE MODERATOR: Okay, to reduce the  
23 line item to 25,000.

1 Ms. Cuny.

2 MS. CUNY: So, first of all, I spoke  
3 with Eric Loftus from the Cape and Island Tennis  
4 and Track to get a price for what it would cost  
5 to repaint over the tennis courts at Lawrence  
6 School. And this is to pressure wash and  
7 repaint over the tennis courts, only. The price  
8 was about 19,000.

9 So I made it 25,000 because I want to  
10 make sure that we have enough money to - for  
11 contingency and to include bigger and better  
12 signs on both Lawrence School and Swift Park.

13 As far as the - as you know, the new  
14 courts at Lawrence School have been locked.  
15 We're in litigation because of the pickleball.  
16 So there are five courts there. So if we paint  
17 over the two tennis courts, that single  
18 pickleball court designated has their own  
19 entrance; you just put a lock on it. Put a lock  
20 on that and you give it to the school. If the  
21 kids want to use it, they have every right to use  
22 it. And eliminate pickleball play to the public  
23 by painting over the tennis courts.



1                   And when I say a bigger sign, I asked  
2                   Joe to get me some prices.       Not for an eight by  
3                   ten, but for a 36 by 36, one that says, "No  
4                   pickleball allowed.    School use only.    And open  
5                   to tennis and basketball from 8:00 a.m. to dusk".  
6                   That's my proposal for Lawrence School.

7                   For Swift park, I would hate to paint  
8                   over those pickleball courts until the new courts  
9                   are built.    First of all, Nye Park would never  
10                  handle all the parking, if everybody was to go to  
11                  Nye Park's been a great addition.    But we need  
12                  Swift Park to stay open until the new courts are  
13                  built at Trotting Park.       The new proposed  
14                  courts, I should say.

15                  But I would like to see better signage  
16                  at Swift Park, because pickleball players have to  
17                  abide by the rules.    So if we have pickleball  
18                  only from 8:00 a.m. to dusk, on Sunday, Tuesday,  
19                  Thursday and Friday, put that in big letters,  
20                  then there's tennis only on Monday, Wednesday and  
21                  Saturday.

22                  Well, pickleball cannot go and play  
23                  tennis on a tennis day even if no one's playing

1 tennis. And that's been part of the problem.  
2 So, if we can just have everyone stick to the  
3 rules, we keep Swift Park open until the new  
4 courts are built, and then I'd like to revisit  
5 looking at Swift Park at that time.

6 So that's my proposal.

7 THE MODERATOR: Okay, so the amendment  
8 is to reduce the \$88,000 line item to \$25,000.

9 Discussion on the amendment.

10 Mr. Brown.

11 SELECTMAN BROWN: Ms. Cuny, would that  
12 include the prevailing wage?

13 MS. CUNY: I believe so.

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

16 Ms. Schneider.

17 MS. SCHNEIDER: Barbara Schneider, I'm  
18 part of the five person pickleball working group  
19 that's been working with Town Hall on coming up  
20 with a solution.

21 I hope you will support this amendment.  
22 Sandy and I have worked really hard to come up  
23 with not only keeping our heads about what those

1 Lawrence courts are supposed to be, but let's get  
2 tennis back going at Lawrence. We don't need to  
3 keep tennis away from everybody there. We can  
4 do this with a simple lock.

5 I also hope you will support us in the  
6 idea of letting Swift go on. We are working  
7 really hard, and you will see that when we talk  
8 about Article 11, about getting the pickleball  
9 courts going, and hopefully one more season of  
10 Swift and then we can be done with Swift and go  
11 to Nye and Trotting Park as our pickleball areas.

12 So, I hope you'll bear with us, stay the  
13 course with this plan and support it.

14 Thank you.

15 THE MODERATOR: Ms. Seigal.

16 MS. SEIGAL: Debra Seigal, Precinct 6.

17 As far as bearing with you, I notice  
18 nobody ever asks the people who live in the  
19 neighborhoods to bear with what they're having to  
20 listen to.

21 Thank you.

22 THE MODERATOR: Okay --

23 MS. SEIGAL: I'd like to see this money

1 stay in there.

2 THE MODERATOR: Okay, to my left.

3 MS. SIMPKINS: Hi, Grace Simpkins,  
4 Precinct 8.

5 I was just wondering if that price  
6 includes the repainting with the four square and  
7 the pickleball netting removal at Lawrence?

8 THE MODERATOR: Ms. Cuny.

9 MS. CUNY: No. My proposal is to  
10 take the single pickleball area, there's a  
11 separate gate, and you just lock the gate and  
12 give the key to the schools. The schools can  
13 use it by right.

14 They may, down the road, want to do  
15 something else with that area; then they can.  
16 But the only thing that would be open to the  
17 public would be the painted-over tennis courts  
18 and the basketball court. And that would be  
19 8:00 to dusk when school's not in use.

20 THE MODERATOR: Okay, the question will  
21 come on the amendment to reduce the line item to  
22 25,000.

23 All those in favor of the reduction,

1           signify by saying aye.

2                       [AYE.]

3           THE MODERATOR:    All those opposed no.

4                       [No.]

5           THE MODERATOR:    It's the opinion of  
6           the Chair that the Ayes have it by a majority and  
7           the line item is now 25,000.

8                       Anything else under Recreation.

9           MS. CUNY:     Mr. Moderator.

10          THE MODERATOR:    Ms. Cuny.

11          MS. CUNY:     Sandra Cuny, Precinct 2.

12                       I'd like to amend Lawrence School tennis  
13          courts electronic access gate.    I'd like to take  
14          the 30,000 and I'd like to amend it to zero.  
15          And I'd like to speak on that.

16          THE MODERATOR:    Okay, so this is to  
17          zero out the line item for the tennis court  
18          electronic access clock.

19                       Ms. Cuny.

20          MS. CUNY:     If we take pickleball away  
21          at Lawrence School, tennis and basketball have  
22          never been a problem.    So I can't see any reason  
23          why we would spend money to put an electronic

1 gate at Lawrence school when for decades that  
2 area was dawn to dusk. Almost every  
3 recreational facility that we have is dawn to  
4 dusk. There was the exception of Central Park  
5 in Falmouth Heights because of the close  
6 proximity of people that, out of courtesy we say  
7 8:00 a.m.. So, we can say 8:00 a.m. if we want  
8 to have courtesy to the neighbors on Lakeview as  
9 we do to the ones in the Heights.

10 But I don't see - they want an  
11 electronic gate from 9:00 to 7:00. Why would  
12 you do that if we're not playing pickleball?  
13 Why penalize the people that want to play  
14 basketball and tennis? Because that's never  
15 been an issue.

16 So I don't see the need for an  
17 electronic gate there. Just a bigger sign: No  
18 pickleball allowed.

19 THE MODERATOR: Okay, the amendment is  
20 to zero out the \$30,000 for the electronic  
21 access. Any further discussion on the  
22 amendment?

23 Hearing none, the question will come on

1 the amendment.

2 All those in favor of removing the line  
3 item, signify by saying aye.

4 [AYE.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: The Ayes have it by a  
8 majority and the line item is zeroed.

9 The last one we have is Beaches. Yeah.  
10 In the back, there.

11 MR. KAPP: Paul Kapp, Precinct 3.

12 This is on Recreation --

13 THE MODERATOR: Oh, okay, yeah.

14 MR. KAPP: On the replacement of the  
15 gym floor. Is there any way we can utilize our  
16 Community Preservation Funds for that?

17 THE MODERATOR: Peter.

18 MR. JOHNSON-STaub: Assistant Town  
19 Manager Peter Johnson-Staub.

20 No, I believe that would be considered  
21 maintenance not eligible for Community  
22 Preservation.

23 THE MODERATOR: Good question.

1                   Okay, anything with the beaches?

2                   Yes, Ms. Freitag?

3                   MS. FREITAG:     I'm Melissa Freitag,  
4                   Precinct 6.

5                   To piggyback on the previous question,  
6                   the replacement of the gym floor, somebody just  
7                   answered that that's considered maintenance.  
8                   But maintenance isn't support to be in the  
9                   capital improvement plan, or the capital plan.  
10                  It's support to be one-off things.

11                  So why is it here?

12                  MR. JOHNSON-STAUB:     Yeah, so -  
13                  Assistant Town Manager Peter Johnson-Staub.     So  
14                  Capital or one-time projects, replacement of the  
15                  gym floor is not something we're going to do  
16                  every year.     I think it clearly fits with the  
17                  definition of capital.

18                  The Community Preservation statute has  
19                  some, you know, very specific language that  
20                  doesn't necessarily line up with Town definition  
21                  of capital, and actually in the ten seconds since  
22                  my first answer, I remembered there actually is a  
23                  specific prohibition on using Community



1           Preservation Funds for a gymnasium.

2                   THE MODERATOR:    Okay.

3                   Okay anything with the Beaches?

4                   Okay, the question will come on  
5           approving the main motion as recommended.

6                   All those in favor, signify by saying  
7           aye.

8                   [AYE.]

9                   THE MODERATOR:    All those opposed no.

10                   [None opposed.]

11                   THE MODERATOR:    The Ayes have it  
12           unanimous.

13                   **Article 4.** Mr. Chairman for the main  
14           motion.

15                   CHAIRMAN SCHWEGEL:    Mr. Moderator, I  
16           move Article 4 as recommended.

17                   THE MODERATOR:    Article 4, this is  
18           water mains and Lawrence cafeteria roof.

19                   Discussion on the main motion for  
20           Article 4.

21                   Hearing none, this requires a two-thirds  
22           vote because of transfer from Stabilization  
23           Funds. All those in favor of Article 4 as

1 recommended, signify by saying aye.

2 [AYE.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: The Ayes have it by  
6 the two-thirds and I so declare.

7 **Article 5.** Mr. Chairman.

8 CHAIRMAN SCHWEGEL: Mr. Moderator, I  
9 move Article 5 as recommended.

10 THE MODERATOR: As recommended. This  
11 is to transfer the sum of \$251,000 from Free Cash  
12 for the purposes of the non-capital projects.

13 Any discussion on the chart? We have  
14 Information Technology, Planning Board - yeah, to  
15 my left, there.

16 MS. BARRY: Thank you, Mr. Moderator,  
17 Mary Barry, Precinct 2.

18 I have two questions about the zoning  
19 bylaw recodification phase two. And here we're  
20 being asked for the \$30,000 and it's on page 41.  
21 If you go there, it says it's a long-term  
22 initiative, taking about three to four years.  
23 Under the estimated cash flow on page 41, it

1 doesn't show that.

2 So, the first question I have: is this  
3 the end to this particular project? I went back  
4 to Town Meeting article from April, 2021, and  
5 there we were asked for \$22,500 to complete this  
6 project. And that the consultant had been  
7 working on that text for four years.

8 The article said that the funding was  
9 first approved in April, 2013, under Article 9.  
10 That would be ten years ago.

11 So, if we take the other date, that  
12 would be seven years.

13 The second question I have is how much  
14 have we expended to date for the last seven  
15 years, as well, for these consultant services?  
16 And I think it would be nice to know that before  
17 we approve the 30,0000, because is this ending  
18 now as is indicated? Or will it be going  
19 through to FY'2026?

20 THE MODERATOR: Okay, get some answers  
21 for you, here.

22 MR. CORNOCK: Jed Cornock, Town  
23 Planner.

1           To address your first question, and  
2           actually your second question, yes, it will  
3           continue into Fiscal Year '26; that's what we  
4           expect. That is for Phase 2.

5           Phase 1 was to reorganize and reformat  
6           the zoning bylaw. That money allocated was  
7           \$55,500; that has all been spent. Phase 2 is an  
8           effort with the Planning Board to amend a large  
9           number of sections within the zoning bylaw, a  
10          total of 17 sections, which we will be bringing  
11          forward over the next three years. That current  
12          funding amount, which was allocated at \$60,000,  
13          we currently have a balance available to the  
14          consultants of roughly 50,000. So we spent just  
15          about 17 percent of that money, and we're asking  
16          for an addition 30,000 in this fiscal year to  
17          continue that effort all the way into Fiscal '26.

18          Hopefully I've answered all of your  
19          questions.

20                 THE MODERATOR: Ms. Barry.

21                 MS. BARRY: Yeah, well, in the prior  
22                 year, it had said that it was going through to  
23                 2026, with additional \$30,000 in each of those

1           years.    And if you do that, I came up with  
2           \$211,500 in total.

3                    I mean, I think we should know how much  
4           we have spent to date on this and why it's coming  
5           in just dribs and drabs without us knowing how  
6           much it's expended and how much we have moving  
7           forward.

8                    And I think it also begs the question  
9           of: if we go forward and we need more years of  
10          it, even the question about the Free Cash was  
11          answered incorrectly.

12                   MR. CORNOCK:    So, to answer your  
13          question, the reason we're doing it incrementally  
14          is because zoning bylaw changes take a lot of  
15          time.    We anticipated being further along than  
16          we are currently, but we were set back as this  
17          body remembers with our second attempt at the  
18          recodification.

19                    So, there are delays in the process and  
20          there's complication with the zoning bylaw, and,  
21          to ensure that this body understands exactly what  
22          we're doing, we're trying to take our time and  
23          make sure that not only the working group that

1 was established to review the zoning bylaw  
2 changes but also the Planning Board has ample  
3 opportunity to review these changes before they  
4 come to Town Meeting.

5 So, as I mentioned, 55,500 has already  
6 been spent. An additional approximate 15,000  
7 has been spent on Phase 2.

8 So, altogether, we're just at the very  
9 beginning of bringing forward zoning amendments  
10 to this body, and two of those articles are  
11 before you this evening.

12 THE MODERATOR: Ms. Barry.

13 MS. BARRY: Well, I just don't see  
14 where you're coming up with your figure. In one  
15 year, we had and we approved 22,500. We also  
16 had two times during last year that we were asked  
17 for additional monies, both of those were 30,000.  
18 And now we're being asked again for another  
19 30,000.

20 So when you say 50, I don't see where  
21 you're coming up with that money. It's much  
22 bigger.

23 MR. CORNOCK: You're absolutely right.

1           So, altogether, currently we've asked for  
2           \$115,500. That's for the entire recodification  
3           process. Phase one of that was \$55,500, which  
4           has already been spent. That was to reformat,  
5           reorganize.

6                         We now have \$60,000 available to our  
7           consultants. I should clarify that. We now  
8           have \$49,862 available to our consultants of the  
9           60,000 that we've asked for for Phase 2. We're  
10          asking for an additional \$30,000 to carry us  
11          through Fiscal '24. In Fiscal '24, we  
12          anticipate, although it depends on how many  
13          groans I hear this evening, we anticipate  
14          bringing forwards approximately four to five  
15          zoning amendments in Fiscal '24, perhaps more,  
16          but we're trying to, again, being very careful of  
17          how many we bring forward because we want to be  
18          thoughtful of the process.

19                        So, again, we're just asking for an  
20          additional 30,000 to get us through Fiscal '24.

21                        THE MODERATOR: Okay, anything else  
22          under Planning Board?

23                        We've got Marine Environment.

1 Facilities. Fleet Services. Parks. Beach.

2 The question will come on the main  
3 motion as recommended.

4 All those in favor, signify by saying  
5 aye.

6 [AYE.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The Ayes have it  
10 unanimous.

11 Okay, by a call of the Chair, I'm going  
12 to skip Article 6 because we know that's going to  
13 take a lot of debate; we're going to try to do  
14 some of these small ones to get us to our break  
15 at nine o'clock.

16 So I'm going to go to Article 7. Mr.  
17 Chairman, **Article 7.**

18 CHAIRMAN SCHWEGEL: Mr. Moderator, I  
19 move Article 7 as recommended.

20 THE MODERATOR: As recommended.

21 This is to appropriate a sum to  
22 supplement the Fiscal 2004 budget. Discussion  
23 on Article 7.



1                   Hearing none, the question will come on  
2                   the main motion as recommended. All those in  
3                   favor, signify by saying aye.

4                   [AYE.]

5                   THE MODERATOR: All those opposed no.

6                   [None opposed.]

7                   THE MODERATOR: The Ayes have it  
8                   unanimous.

9                   **Article 8.** Mr. Chairman.

10                  CHAIRMAN SCHWEGEL: Mr. Moderator, I  
11                  move Article 8 as recommended.

12                  THE MODERATOR: As recommended. This  
13                  is to transfer the amount of \$150,000 from the  
14                  PEG access receipts reserved for appropriation  
15                  account for the purposes of funding costs related  
16                  to government access programming. So folks at  
17                  home can watch us.

18                  Ms. Murphy.

19                  MS. MURPHY: Thank you, Mr. Moderator.  
20                  Once again I ask for an explanation of the  
21                  initials PEG. They are --

22                  THE MODERATOR: Public Education and  
23                  Government.

1                   MS. MURPHY:     Okay, but would it be too  
2                   much to ask for PEG and parentheses Public  
3                   Educational Government for the reader to  
4                   understand what that means?

5                   THE MODERATOR:    Sounds good.

6                   We'll do it in the future.    We've done  
7                   PEG for about 25 years.    Actually 30; they just  
8                   had their 30<sup>th</sup> anniversary.

9                   MS. MURPHY:     I'm sorry, some of us  
10                  haven't been here for 25 years to know what PEG  
11                  means, and again, just to put it in parentheses -  
12                  -

13                  THE MODERATOR:    Okay, we can do that.  
14                  Do you have anything else you want to do on this  
15                  now?

16                  MS. MURPHY:     No.

17                  THE MODERATOR:    I just said we'll do  
18                  that in the future.

19                  MS. MURPHY:     Thank you.

20                  THE MODERATOR:    Okay.  So let's write  
21                  out the acronyms in the future.

22                  Yeah, Mr. Cullinane.

23                  MR. CULLINANE:    Jason Cullinane,

1 Precinct 6. It's actually listed in the  
2 explanation. It's spelled out.

3 THE MODERATOR: Okay. Anything else?

4 The question will come on the - Ms.  
5 Seigal? The question will come on the main  
6 motion.

7 All those in favor, signify by saying  
8 aye.

9 [AYE.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: The Ayes have it  
13 unanimous.

14 Article 9. This is the Planning Board.

15 MS. SIEGAL: Mr. Moderator.

16 THE MODERATOR: Yeah? Yeah. I can't  
17 hear you without a microphone.

18 MS. SIEGAL: Right. Thank you.

19 Deborah Siegal, Precinct 6. I'd like to ask for  
20 reconsideration of a line item in Article 3,  
21 please.

22 THE MODERATOR: So, you can't do it by  
23 a line item. You've got to ask for

1 reconsideration of the whole article, and what  
2 substantially new information do you have that we  
3 didn't have at the time of the original debate?

4 MS. SIEGAL: The new information - I  
5 did not speak well enough, and this involves the  
6 repainting of the Swift Park courts for to change  
7 to tennis from pickleball.

8 THE MODERATOR: So, substantially new  
9 information means the situation changed. You  
10 didn't verbalize what you wanted to say is not  
11 changing the situation. It's not substantially  
12 new information that we didn't have at the time  
13 of the original vote.

14 MS. SIEGAL: The new information I'd  
15 like to present is the fact that this has such a  
16 negative impact on the neighborhood --

17 THE MODERATOR: Okay, so those are  
18 editorial comments.

19 MS. SIEGAL: - that - Okay, that  
20 doesn't --

21 THE MODERATOR: There's no substantial  
22 new information that was not available to the  
23 meeting --

1 MS. SIEGAL: Okay.

2 THE MODERATOR: - at the time of the  
3 original vote.

4 MS. SIEGAL: Okay, thank you.

5 THE MODERATOR: So I will not take a  
6 motion to reconsider.

7 **Article 9**, Planning Board.

8 MS. HARRIS: Charlotte Harris for the  
9 Planning Board.

10 To see if the town will vote to amend  
11 Chapter 240, zoning of the code in the following  
12 manner for the purposes of correcting previously  
13 made technical errors and omissions.

14 And we have a very lengthy set of  
15 PowerPoints if you want to, but it's easier to  
16 look at page 101 if you wish to see what those  
17 are. And our recommendation is this article  
18 corrects technical errors and we recommend that  
19 you vote the Article 9 as printed in the warrant.

20 THE MODERATOR: Okay, the main motion  
21 is as printed for cleaning up the technical  
22 errors.

23 Any discussion on Article 9?

1                   This is a zoning, so it requires a two-  
2 thirds.

3                   All those in favor of the main motion as  
4 printed, signify by saying aye.

5                   [AYE.]

6                   THE MODERATOR:   All those opposed no.

7                   [No.]

8                   THE MODERATOR:   The Ayes have it by  
9 the two thirds and I so declare.

10                   **Article 10.**

11                   MS. HARRIS:   Thank you, Mr. Moderator,  
12 Article 10.   To see if the town will vote to  
13 amend Chapter 240 zoning of the code by deleting  
14 the standards language from the accessory  
15 apartments use found in the Agricultural  
16 Districts use of the table, and so forth.

17                   And again it's explained at the back of  
18 the book in detail.   What this is is a  
19 reformatting; it is not a change.

20                   And we are recommending to vote it as  
21 written.

22                   THE MODERATOR:   Okay, the main motion  
23 as printed for Article 10.

1 Any discussion on Article 10?  
2 This also requires a two-thirds.  
3 All those in favor, signify by saying  
4 aye.

5 [AYE.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: The Ayes have it by  
9 the two-thirds and I so declare.

10 MS. HARRIS: thank you.

11 THE MODERATOR: **Article 11.** The  
12 recommendation of the Finance Committee?

13 CHAIRMAN SCHWEGEL: Mr. Moderator, the  
14 Finance Committee recommended Indefinite  
15 Postponement.

16 THE MODERATOR: Okay, the Finance  
17 Committee is Indefinite Postponement  
18 recommendation.

19 Do we have a positive motion?

20 Ms. Schneider.

21 MS. SCHNEIDER: Barbara Schneider,  
22 Precinct 4.

23 I recommend - I move this as printed.

1 THE MODERATOR: Okay, main motion is  
2 as printed.

3 Mr. Zine.

4 MR. ZINE: Hi, and good evening. My  
5 name's Tommy Zine. I live in Precinct 9. I am  
6 an appointed member of the Recreation Committee.

7 I am also part of a ten person  
8 subcommittee for pickleball and part of a five  
9 member town-appointed working group. Both  
10 groups have been heavily involved working almost  
11 every day on the design and funding of the  
12 proposed pickleball courts at Trotting Park  
13 fields.

14 The appointed working group of five  
15 members have been meeting regularly with our  
16 Town's administration working on a solution. I  
17 am here with Barbara Schneider, which is also an  
18 appointed member of the five person working  
19 group.

20 Here is Barb to explain what we hope  
21 will be our next steps.

22 Thank you.

23 MS. SCHNEIDER: Last spring, Town



1           Manager appointed Tod Bidwell, Troy Clarkson,  
2           Scott Ghelfi and I to work with Tom as a  
3           pickleball working group to suggest the best  
4           solution for providing Town facilities for this  
5           fastest growing sport.

6                       Over the past month, we have lowered the  
7           needed amount to do this from \$2.6 million to  
8           under 1.93 million.    And we are currently  
9           working to raise private funds and grants to  
10          cover the additional amenities for this project.  
11          The Recreation Department has requested this  
12          adjusted amount of money from the Community  
13          Preservation Fund, and that committee will act on  
14          this request during its deliberations in the next  
15          month.

16                      In the meantime, our working group has  
17          helped the Town secure a sound study for the area  
18          at Trotting Park for this project which should be  
19          completed in the next few weeks.    We also have  
20          already secured one of the amenities, a bench,  
21          through private funding.

22                      We ask you to vote No at this time on  
23          this article.

1                   However, we do hope that we will get  
2                   your support for a Community Preservation  
3                   Committee article and possibly a Town article in  
4                   the spring to fund the \$1.93 million to build the  
5                   courts at Trotting Park.   Once they are built,  
6                   we will suggest closing all other courts other  
7                   than those at Nye Park, and that those that are  
8                   at the school for school use only.

9                   Again, we ask for a No vote tonight to  
10                  allow us time to secure possible funds from the  
11                  Community Preservation Fund and to raise private  
12                  funds for parts of this project.

13                  Thank you.

14                  THE MODERATOR:   Okay, so we needed a  
15                  positive motion in order for them to make the  
16                  presentation, and they've made the presentation  
17                  and they're recommending that you vote No.

18                  All those in favor of the main motion  
19                  signify by saying Aye.

20                  [AYE.]

21                  THE MODERATOR:   All those opposed no.

22                  [No.]

23                  THE MODERATOR:   The Nos have it by a

1 majority.

2 And we'll stand in recess for 20 minutes  
3 and we'll come back onto Article 6.

4 [Whereupon, recess taken.]

5 [Whereupon, Town Meeting resumed.]

6 THE MODERATOR: Okay, all Town Meeting  
7 members please come forward and take your seats.  
8 Could we cue up a four minute quorum slide?

9 [Pause.]

10 THE MODERATOR: IT, could we do a four  
11 minute slide? Thank you.

12 [Pause while electronic voting scrolls.]

13 THE MODERATOR: A rolling roll call.  
14 I'm just going to leave it open for a little bit,  
15 here.

16 So, all Town Meeting members present  
17 please come forward, take your seats and please  
18 press one A for the reestablishment of the quorum  
19 and we're going to start on Article 6, the one  
20 that we passed over so that we could do some of  
21 the smaller articles before the break.

22 [Pause while electronic voting scrolls.]

23 THE MODERATOR: By a counted vote of

1           189 members, we have a quorum and I call the  
2           Annual Town Meeting back into session.

3                   **Article 6**, Mr. Chairman for the main  
4           motion.

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

7                   THE MODERATOR:     Article 6 as  
8           recommended.     This is \$3.8 million for  
9           engineering design, permitting of a wastewater  
10          collection system and to issue bonds or notes.

11                   Ms. Lowell.

12                   MS. LOWELL:     Hello, I'm Amy Lowell.  
13          I'm the Town's Wastewater Superintendent.

14                   [Applause.]

15                   MS. LOWELL:     Thank you, thank you,  
16          that's a nice start.

17                   [Laughter.]

18                   MS. LOWELL:     Just keep that going.

19                   Article 6 is to fund the design and  
20          permitting of Phase one of the Town's plan to  
21          improve water quality in Great Pond.     I want to  
22          start with a reminder of the reason we need to  
23          proceed with this project now.

1                   Several reminders, actually.

2                   The first is that Great Pond is severely  
3 degraded. This is pretty obvious, but I think  
4 it needs saying again.

5                   These pictures were taken in the upper  
6 reaches of Great Pond last year. The  
7 degradation in Great Pond is from excess nitrogen  
8 from septic systems.

9                   Number two, this is the Town's state  
10 approved plan. After many years of data  
11 collection, evaluation and public meetings, the  
12 Town submitted a targeted watershed management  
13 plan for Great Pond to the state in November of  
14 2022. The state approved that plan in January  
15 of 2023, earlier this year. Article 6 is the  
16 first step in implementing that plan.

17                   This figure shows the sewer service area  
18 under Article 6, it's the area circled in red. I  
19 didn't ask about the pointer. Let's see if that  
20 does it. Yeah, it does.

21                   Okay, so this is the sewer service area  
22 around the upper reaches of Great Pond. A  
23 booster lift station would convey that wastewater

1 via a force main up to the existing treatment  
2 plant and the discharge would be through expanded  
3 beds, open sand beds 14 and 15.

4 I forgot to say at the beginning that  
5 I'm going to need more time.

6 [Laughter.]

7 THE MODERATOR: Hit the time limit and  
8 then we'll take the vote.

9 MS. LOWELL: I'm gonna - yeah, okay.

10 I'm going to need more time.

11 [Laughter.]

12 MS. LOWELL: This sewer area is  
13 densely developed and is adjacent to the existing  
14 sewer area. The blue area that's shown here is  
15 the existing Little Pond sewer area, the most  
16 recently implemented sewer area. The next phase  
17 that we're talking about building is here in  
18 yellow, adjacent to it.

19 Number four, sewerage is the only way to  
20 remove 100 percent of the septic nitrogen load  
21 from the lower watershed, and that's what's  
22 required to do in order to meet the total maximum  
23 daily load nitrogen limit that is set for Great

1 Pond by the state.

2 Number five. Urine diversion and  
3 denitrifying septic systems cannot replace  
4 sewers. They do not achieve 100 percent nitrogen  
5 removal that's needed in the lower watersheds.  
6 They do not have a proven record of  
7 implementation at this scale, at a large scale.  
8 It is not currently possible to treat urine from  
9 811 properties and use it for fertilizer in the  
10 state of Massachusetts. That is something that  
11 is worth evaluating, something that is worth  
12 piloting, but it is not possible to do that  
13 today.

14 These alternative strategies should be  
15 used and in some portions of non-sewer areas.

16 Next, I want to address concerns that  
17 have been raised about the potential impacts of  
18 treated wastewater - excuse me, treated  
19 wastewater discharge.

20 First, the town's wastewater treatment  
21 facility removes more than 92 percent of the  
22 nitrogen in the wastewater. It's a tertiary  
23 treatment process. The average effluent

1 nitrogen concentration from the wastewater plant  
2 over the past four years has been 3.0 milligrams  
3 per liter.

4 Number two. Discharge from beds 14 and  
5 15 will not flow to West Falmouth Harbor. It's  
6 been said and intimated in many letters that it  
7 will, but the Town's modeling shows that water  
8 discharged to beds 14 and 15 will more in  
9 groundwater to Crocker Pond, yes, and I'll talk  
10 about that, to Buzzards Bay, yes, and to Herring  
11 Brook Marsh, yes. And I'll talk about that.  
12 But not to West Falmouth Harbor.

13 The School of Marine Science and  
14 Technology at U Mass Dartmouth performed an  
15 evaluation and they concluded that Herring Brook  
16 will not be harmed by increased discharge to beds  
17 14 and 15. SMAST has assessed the health of  
18 more than 70 coastal ponds in Massachusetts and  
19 more than 20 marshes, including marshes in  
20 Sandwich, Orleans and Chatham. The state's  
21 nitrogen limits for coastal ponds were based on  
22 SMAST's recommendations.

23 The SMAST evaluation found that Herring



1 Brook is a healthy salt marsh. The current  
2 nitrogen concentration in mid-marsh is  
3 approximately .5 milligrams per liter. SMAST  
4 concluded that if the nitrogen concentration  
5 remains below one milligram per liter, the marsh  
6 will remain healthy.

7 Salt marshes, SMAST said, can accept  
8 high nitrogen inputs and remain healthy, unlike  
9 coastal ponds such as Great Pond.

10 SMAST concluded that an increased  
11 discharge will not harm Herring Brook. They  
12 modeled 500 gallons per day of discharge at open  
13 sand beds 14 and 15, in addition to the existing  
14 discharge. They found that the total nitrogen  
15 concentration in Herring Brook would increase  
16 from .5 milligrams to .52 milligrams per liter,  
17 well below the one milligram per liter in total  
18 nitrogen threshold.

19 I should note, it's important to note  
20 that the planned discharge from Phase 1, which is  
21 what's proposed under Article 6, is 200,000  
22 gallons per day of permitted discharge capacity,  
23 less than half of what SMAST modeled here.

1                    Buzzards Bay Coalition has talked a lot  
2                    about and written a lot about a Buzzards Bay salt  
3                    marsh study that they performed.    The coalition  
4                    selected sections of 12 Buzzards Bay marshes for  
5                    study.    The coalition concluded that Herring  
6                    Brook lost more vegetated area than any other  
7                    marsh in Buzzards Bay and therefore was greatly  
8                    impaired and could not accommodate any additional  
9                    nitrogen.    However this is the area that the  
10                   Buzzards Bay Coalition selected for its study.

11                   This is the portion of Herring Brook  
12                   marsh that they selected for their study.    This  
13                   - I hope you can see - is Herring Brook marsh.  
14                   It stretches from one part of the screen to  
15                   another.    It's a small marsh, but this is a very  
16                   small part of that marsh. And this is the lowest  
17                   elevation part of the marsh and it is adjacent to  
18                   the large overflow sand parking lot for the  
19                   beaches, there.    And there is a great deal of  
20                   foot traffic adjacent to that parking lot.

21                   This study area is not representative of  
22                   the Herring Brook marsh and is not a good basis  
23                   for their conclusions.

1                   The Buzzards Bay Coalition has also  
2                   referred a great deal to a letter that they  
3                   commissioned from a scientist in Connecticut.  
4                   That scientist did not visit Herring Brook marsh  
5                   and did no study of Herring Brook marsh but did  
6                   agree with the Buzzards Bay Coalition's  
7                   conclusions.

8                   SMAST reviewed the scientist's letter  
9                   and the Buzzards Bay Coalition's study and said -  
10                  not only pointed out the small study area, but  
11                  also pointed out that the marsh is actually  
12                  expanding into the back of the sand parking area  
13                  that I referred to, indicating that yes, sea  
14                  level rise may be affecting Herring Brook marsh  
15                  like many other - like all other low-lying areas  
16                  in the world will ultimately be affected by sea  
17                  level rise.    But that this is a healthy marsh  
18                  that is expanding where it is possible to expand.

19                  Moving on to Crocker Pond.    In 2013,  
20                  Ecologic, a consulting firm, evaluated the  
21                  potential impact to Crocker Pond of treated  
22                  wastewater discharge at beds 14 and 15.    That  
23                  study included a review of historic pond water

1 quality data, bathymetric survey, which means  
2 depths - this is a depth figure showing that  
3 Crocker Pond is a kettle pond deepest in the  
4 center - soil borings and soil sample analysis.

5 The study concluded that, number one,  
6 the pond is phosphorus limited, meaning algae  
7 growth within the pond is controlled by  
8 phosphorus input. And number two, that the  
9 aquifer soils between the discharge and Crocker  
10 Pond have a large capacity to sequester  
11 phosphorus.

12 In 2021, the Town, in anticipation of  
13 increasing the discharge to beds 14 and 15, had  
14 Ecologic update that 2013 study. Ecologic  
15 examined the well and pond data collected since  
16 the previous study, evaluated the potential  
17 impact on the pond of increased discharge to beds  
18 14 and 15 --

19 THE MODERATOR: Ms. Lowell, we're just  
20 going to have to take that procedural vote. How  
21 much additional time do you need?

22 MS. LOWELL: Four minutes, please.

23 THE MODERATOR: Four minutes. All

1 those in favor of the additional four, signify by  
2 saying aye.

3 [AYE.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The Ayes have it  
7 unanimous.

8 MS. LOWELL: Thank you.

9 Based on that evaluation, Ecologic  
10 conservatively estimated that it would take more  
11 than a hundred years for the phosphorus discharge  
12 to beds 14 and 15 to reach Crocker Pond.

13 Number five. The Town monitors  
14 groundwater wells and surface downgrading of the  
15 discharge. The Town monitors a total of 17  
16 wells. That's what those yellow dots are on the  
17 figure. And we also monitor water quality in  
18 Crocker Pond and in West Falmouth Harbor.

19 Six and finally, increased discharge to  
20 beds 14 and 15 would be short term. This is a  
21 conceptual plan of the path forward if the Town  
22 votes Article 6 as printed. The Teaticket  
23 sewer, which is the Great Pond phase one sewer

1 that I've been discussing, if Article 6 passes  
2 would take one year to permit and design. And  
3 two years to bid, award and construct. That  
4 means that by 2027 the sewer would be available  
5 for connections and so properties would begin  
6 connecting to the sewer in 2027 and that means  
7 the water - the nitrogen load to Great Pond would  
8 start to decrease starting in 2027.

9 Now, what would be happening with beds  
10 14 and 15 during that time? The actual average  
11 flow to beds 14 and 15 right now is about 180,000  
12 gallons per day. Nothing would change for the  
13 next three years while we design and then  
14 construct the system. Then, in 2027, the flow  
15 would gradually increase as properties connect to  
16 the sewer, ultimately stabilizing at less than  
17 320,000 gallons per day and staying that way  
18 until approximately 2032, when the Town is  
19 intending to have an outfall available.

20 So let's go down and talk about the  
21 outfall. The outfall, we have to collect a  
22 couple of years of data that Steve was talking  
23 about. Then we have to permit that and so

1           that's not just applying for the permit, it's the  
2           agency time to review and agency time to review  
3           and approve them.    And then we need to design  
4           it.    So we're allocating five years, which is  
5           quite reasonable for that time frame, or for  
6           those requirements, and then another three years  
7           for construction of that outfall and the force  
8           main to it.

9                        So what this means is that if you vote  
10           Article 6 as printed, we start reducing nitrogen  
11           load to Great Pond in 2027, and in the meantime,  
12           and during that time there is a moderate increase  
13           in flow to beds 14 and 15 for about five to six  
14           years until the outfall becomes available.

15                      When the outfall is available, then the  
16           Town ceases all discharge to land sites,  
17           including beds 14 and 15, and all discharge goes  
18           to that outfall.

19                      Please vote Article 6 as printed so that  
20           the Town can continue to make progress towards  
21           improving water quality in Great Pond while  
22           pursuing an outfall for all future treated  
23           wastewater discharge.

1 Thank you.

2 [Applause.]

3 THE MODERATOR: Okay. Discussion on  
4 Article 6.

5 Yes.

6 MR. WATERBURY: John Waterbury,  
7 Precinct one and a member of the Water Quality  
8 Management Committee.

9 I have been a member of the Buzzards Bay  
10 Coalition for more than 20 years. I've served  
11 on their board of directors and am currently a  
12 member of their science advisory committee.

13 I believe that there is no compelling  
14 science which indicates that if the Town  
15 discharges tertiary treated wastewater as part of  
16 the Teaticket and Maravista sewer project to beds  
17 14 and 15 that it will negatively impact the  
18 marsh at Herring Brook. In fact, as Amy has  
19 just said, that discharge will be temporary,  
20 occurring for several years while we permit and  
21 build our outfall, at which point all the present  
22 and future flows of wastewater will be discharged  
23 to the outfall.



1 I encourage you to cut through the noise  
2 and pass Article 6 as it is printed in your  
3 warrant.

4 Thank you.

5 [Applause.]

6 THE MODERATOR: Okay, Mr. McConarty.

7 MR. MCCONARTY: Thank you, Mr.  
8 Moderator, Peter McConarty, Director of Public  
9 Works.

10 Folks, there's been a lot of information  
11 that's been sent. It's been sent around. A  
12 lot of presentations. A lot of information from  
13 the Town of Falmouth, a lot of information from  
14 the Buzzards Bay Coalition, from Mass. Tech and  
15 the different technologies that are out there.

16 You heard from Stephen Rafferty with the  
17 Water Quality Management Committee. You heard  
18 from Amy.

19 On more terms that I would like to speak  
20 to for the residents, for Town Meeting members,  
21 I've just got some items I would like to point  
22 out, see if we can cut through some of the  
23 information and conflicting information that's

1           been out there.

2                       So, for [inaudible] one, as Amy had  
3           showed the first phase the Town's been working  
4           at, there's three elements to degradation of the  
5           Perch Pond and Great Pond.    The nitrogen runoff  
6           from the abutting properties, number one.    In  
7           2012, the Town passed a nitrogen control bylaw.  
8           That should have been taken care of that, which  
9           controls the nitrogen that can be put on  
10          properties at certain times of the year.

11                      The storm water from Teaticket Path  
12          leading down to Perch Pond.    The Town designed -  
13          is the second contribution for the degradation of  
14          the ponds.    The Town designed, permitted and  
15          constructed a new storm water system leading from  
16          Route 28 and down Teaticket Path in 2018.    That  
17          was completed.    That stops most of the portion  
18          of storm water leading into Perch Pond by a  
19          series of underground containment systems and  
20          swales.

21                      Article 6 is the last step needed to  
22          finish the decade-long plus plan to improve the  
23          water quality in these ponds.

1                   Second item.    Water Quality Management  
2                   Committee, they were formed in 2011, that's 12  
3                   years ago.    They were tasked with developing a  
4                   plan to help remove the nitrogen by alternate  
5                   means and solutions, increased estuary tidal  
6                   flooding, increase shellfish in the ponds, and  
7                   reduction with the storm water discharges.    The  
8                   plan has been implemented and the Town along with  
9                   the Committee has been working towards improving  
10                  the water quality and complying with the Mass.  
11                  DEP regulations.    Article 6 is the next step in  
12                  the plan.

13                   It has been mentioned at precinct  
14                  meetings and it has been mentioned many times  
15                  that if Article 6 does not pass, the Town will  
16                  have to reevaluate the current wastewater plan.

17                   Let me just give a little indication of  
18                  what that reevaluation could mean.    The  
19                  reevaluation could mean that one of the few  
20                  options available has been taken off the table.  
21                  The Town needs to look at the feasibility of  
22                  constructing a system with - our request for the  
23                  motion is with a discharge area other than beds

1 14 and 15, and that could cost an increase to  
2 exceed \$27 million.

3 In simple terms, would a Town resident  
4 or anyone in this room, would they contract with  
5 an engineer to design a septic system for their  
6 property without a leach field and expect to go  
7 to the Board of Health and receive a permit and  
8 they say we'll design a leach field at a future  
9 date? It doesn't make sense.

10 If Article 6 does not pass, it'll raise  
11 attention to Mass. DEP and it will limit our  
12 options to conform to the new regulations that  
13 are on the horizon.

14 So, as I mentioned about all the  
15 information, I need to rely on our professional  
16 staff. I need to rely on our committees. I  
17 need to rely on the hired consultants to provide  
18 the magnitude of data in which decisions can be  
19 made. The Town of Falmouth Public Works and the  
20 Water Quality Management Committee had in-depth  
21 studies conducted that outlined that a proposed  
22 Tassa [sp?] Wastewater design that includes a  
23 discharge to beds 14 and 15 at the wastewater

1 treatment plant will create limited effects to  
2 West Falmouth, Herring Brook, and the salt  
3 marshes.

4 In my opinion, it would be irresponsible  
5 to vote no on six. The degradation of Perch  
6 Pond and Great Pond would continue for an  
7 additional six to eight years until a possible  
8 outfall solution is achieved. To me, that  
9 doesn't make sense.

10 And the last point. At the end of the  
11 day, the Town of Falmouth officials that are on  
12 the stage tonight, along with the wastewater  
13 superintendent and myself, will be the  
14 responsible parties on the permit, not the  
15 Buzzards Bay Coalition, not the Massachusetts  
16 Alternative Septic system test center, and not  
17 any Town association.

18 So please, vote Article 6 as printed.

19 THE MODERATOR: Okay, up in the  
20 balcony.

21 [Applause.]

22 THE MODERATOR: Yeah, right there,  
23 behind the mic. There's a switch on the side,

1           you just need to pop it up.

2                       MR. HANLEY:   Matthew Hanley, 710 Thomas  
3           Landers Road.   I'm a direct abutter to this  
4           parcel.   I actually spoke against this discharge  
5           site back in 2012 and my family actually fought  
6           the Town of Falmouth, went to pre-hearing  
7           mediation and at that time we were - had a couple  
8           things that we were interested in protecting.  
9           One was our property boundary because the site  
10          was going to go up within 25 feet of our property  
11          line and degrade our property value.

12                      Additionally, we were fighting for our  
13          water rights for an agricultural well, which we  
14          lost because of this site.

15                      I hired an attorney and we were fighting  
16          to push those beds as designed, expanding closer  
17          to our property and in the Tass [sp?] report  
18          showed the beds expanding onto our property.

19                      Since then, I've been doing my research,  
20          speaking with Mass. DEP, attending conferences  
21          and there's a lot of things that are being  
22          overlooked, here.

23                      In the time frame Amy Lowell's

1           presenting, she's saying that it will take one  
2           year for the permitting to be done.    That is  
3           false.    Marc Drainville from GHD mentioned in a  
4           hearing - in a meeting with Mashpee Selectmen and  
5           the Mashpee Sewer Commission that Mass. DEP is  
6           backlogged one year.    So even if we submitted  
7           our permit without it contested, it would take a  
8           year before we even heard.

9                        In addition to that, Falmouth has not  
10           prepared the migration corridor survey, the  
11           wildlife survey, and they haven't contacted the  
12           Wampanoag Indians to do their archeological  
13           survey.

14                      From my understanding from my talks with  
15           Mass. DEP, those - to have those surveys done is  
16           an additional two years.    So, because we're not  
17           ready to move forward with the proper surveys and  
18           be done - and the additional backlog because of  
19           COVID, we're three years out before we even get  
20           heard.

21                      So, we just wanted a correction there so  
22           everyone knows if this votes through, it's going  
23           to be three years before we go to - for the

1 permit hearing if it's not contested by Buzzards  
2 Bay Coalition. And last time it was contested  
3 by Buzzards Bay Coalition, it took three years  
4 and two months for that to be resolved. Just a  
5 piece of information.

6 Thank you.

7 THE MODERATOR: Ms. Faiman-Silva, do  
8 you have an amendment?

9 MS. FAIMAN-SILVA: Yes.

10 THE MODERATOR: Yes.

11 MS. FAIMAN-SILVA: Hi. Sandra  
12 Faiman-Silva, Precinct 2.

13 I would like to address the financial  
14 issues of this particular motion. And I would  
15 like to amend it as follows, based on research  
16 that was conducted by a University of Michigan  
17 Civil and Environmental Engineering Professor  
18 Nancy G. Love. And addressing - this is a  
19 proposal that will cost \$40 million. And, in  
20 her research, she argued that this is a price of  
21 only twice what the utility engineer that she  
22 consulted spends in similar communities  
23 throughout the coastal region of the Chesapeake



1 Bay area.

2 So, the article suggests that we amend  
3 Article 6 as follows. That the cost estimate  
4 for this sewer be evaluated independently through  
5 a value engineering analysis or other suitable  
6 cost analysis. And two, that the Town of  
7 Falmouth consult with other coastal communities  
8 that have installed what are called grinders or  
9 with other technology experts before agreeing to  
10 use them as part of any sewer plan.

11 And again, based on Dr. Love's research,  
12 the grinders she found were cheap and easy to  
13 install, but maintenance had very high  
14 maintenance costs, and called them - some called  
15 these a maintenance nightmare. So I'm  
16 suggesting this amendment.

17 THE MODERATOR: Okay, so Ms. Silva,  
18 this is in addition to - this is adding this  
19 language to the main motion, correct?

20 MS. FAIMAN-SILVA: Yes.

21 THE MODERATOR: Okay.

22 MS. FAIMAN-SILVA: Yes.

23 THE MODERATOR: So the addition to the

1 language.

2 Now, the funding would all be there the  
3 way it's written out, and the addition would be  
4 one, that cost estimate for this sewer be  
5 evaluated independently through a value  
6 engineering analysis or other suitable cost  
7 analysis, and two, that the Town of Falmouth  
8 consult with other coastal communities that have  
9 installed grinders or with other technology  
10 experts before agreeing to using them as part of  
11 any sewer plan.

12 So that would be in addition to the  
13 language that's in the main motion as  
14 recommended.

15 So, discussion is now on the amendment.

16 Mr. Potamis.

17 MR. POTAMIS: Gerry Potamis, Precinct

18 2.

19 I'd like to remind many of you that we  
20 already have grinder pumps in this town, and  
21 they've been hugely successful. I have a  
22 grinder pump; I've never had an issue with it.  
23 There was some initial issues with it freezing,

1 but that was quickly resolved.

2 So when a professor from out of the  
3 state tells us that grinder pumps are not  
4 efficient or a nightmare, that letter should have  
5 included qualifications of where that information  
6 came from because we have done grinder pumps in  
7 this town and they have been very successful.

8 They are a lot less expensive than  
9 sewers and a lot easier to handle than vacuum  
10 pumps.

11 Thank you.

12 THE MODERATOR: Okay, further  
13 discussion on the amendment.

14 MR. DIGNES: Hi, my name's Tom Dignes  
15 from Precinct 3 and I'd like to elaborate a  
16 little bit on what our last speaker just said.

17 That letter, informing us all about the  
18 professor from Michigan I think was dated  
19 November 11<sup>th</sup>. It appeared in my email box as I  
20 was having dinner tonight before I came here.  
21 And I'd like to fully agree with the comments  
22 about grinders being in widespread use. Her  
23 expertise is with coastal communities in the

1 Chesapeake Bay area.

2 And finally, my encouragement is that we  
3 all trust our own people to do these  
4 investigations properly.

5 [Applause.]

6 MR. DIGNES: I'm sorry --

7 THE MODERATOR: Okay, Folks, let's go.

8 MR. DIGNES: I love Michigan; great  
9 football teams. But we don't need them telling  
10 our people how to do our water quality issues.

11 Thanks very much.

12 THE MODERATOR: Okay, discussion on the  
13 amendment.

14 Ms. Faiman-Silva.

15 MS. FAIMAN-SILVA: Well, thank you.

16 I would simply respond by arguing that  
17 any additional research I think is productive.  
18 This is a very expensive project and yes, this  
19 may indeed be found, if the grinder pumps, if  
20 research is conducted on these pumps, which  
21 obviously it has, and this will give us  
22 additional information to help us feel that our  
23 money is being well spent.

1           So I am going to continue to request  
2           that we add these items to the motion as amended

3           THE MODERATOR:   Okay.   The balcony, is  
4           there - on the amendment?   Yeah.

5           MR.   GREY:   My name is Dan Grey, I'm a  
6           resident of Falmouthport.   I live in a  
7           condominium community.

8           We've been closely following this  
9           project, now, within Falmouthport for well over  
10          five and a half, six years.   I've attended  
11          multiple Water Quality Management Meetings as  
12          well as discussions with the Department of Public  
13          Works and various officials.

14          It is important, I think, for people to  
15          understand that a large or the majority of people  
16          in Falmouthport have single family housing and  
17          they have their own issues as far as the kind of  
18          wastewater systems that are available to them.

19          Within a condominium community, of  
20          course, there is a responsibility of the trust,  
21          the trust documents, the deeds and the  
22          obligations of the trustees to provide utility  
23          services within the financial bounds of what is

1 approved as far as monthly income.

2 So, from one perspective, the board of  
3 trustees within Falmouthport have to treat the  
4 common areas and the delivery of utilities  
5 similar to the Town of Falmouth in that they have  
6 to provide it on a near 100 percent availability  
7 basis.

8 It's been mentioned about grinder pumps.  
9 They are very interesting and in an appropriate  
10 situation a logical solution. But it does have  
11 maintenance issues, maintenance tales, an  
12 obligation on the board of the condominium  
13 association to find backup systems such that your  
14 wastewater is properly treated and disposed of.  
15 I would just say from my perspective and having  
16 followed this project that we need to approve  
17 Article 6 as written.

18 THE MODERATOR: Okay, to the back  
19 right, here. Yeah. This is on the amendment.

20 MS. VALLEY: Hi, Tara Valley, Precinct  
21 7.

22 These studies and this research can be  
23 done while you're getting a permit for it. We



1 not.

2 MR. NETTO: We have a plethora of sewer  
3 engineers, recently, in the Town of Falmouth.

4 [Laughter.]

5 MR. NETTO: And I want to put my money  
6 on Mrs. Lowell, who has a job with a degree and a  
7 background, and she knows what she's talking  
8 about. And I'm also going to put my money on  
9 Mr. McConarty, Peter McConarty, who's a director  
10 of Public Works in this town, who has an  
11 Engineering degree and who knows what he's  
12 talking about.

13 And Mr. Rafferty, who's the head of the  
14 Water Quality Management Committee, who was our  
15 past Water Superintendent, and has dealt with  
16 water issues and sewerage around the world.  
17 And, as a matter of fact, he helped and worked on  
18 that single Boston MWRE outfall pipe that puts  
19 nine and a half million gallons of treated  
20 sewerage in Cape Cod Bay every day.

21 So I trust these professionals to guide  
22 this project.

23 And remember what Mr. McConarty told



1           you: it's those officials on the stage and  
2           himself whose name is on that permit. And as  
3           Mrs. Lowell pointed out in her presentation, we  
4           have more than adequate protection off of those  
5           sewer beds 14 and 15.

6                        I would hope that we would get this  
7           project moving forward tonight. There are, from  
8           Falmouth Harbor to Waquoit Bay south of Route 26  
9           - I went to the town's GIS facility and worked  
10          with the director. Why are we sewerage these  
11          southern estuaries? Why? Because from  
12          Falmouth Harbor to Waquoit Bay, south of Route  
13          28, lies 36 percent of all the homes in Falmouth.

14                       I used to shellfish in Perch Pond. I  
15          hope to be in Great Bay next week, quahogging.  
16          The degradation of these ponds is caused by  
17          everyone sitting in this room, your house, my  
18          house. And voting yes on Article 6 is another  
19          step to help to clean up our estuaries.

20                       Please vote yes on 6 as written, thank  
21          you.

22                       [Applause.]

23                       THE MODERATOR: Okay, Mr. Rafferty.

1           I just want to be clear: the main motion  
2           in your booklet is as recommended. I know we're  
3           interchanging the words "as printed" and "as  
4           recommended". But as printed is the article  
5           part at the top. The main motion is as  
6           recommended in your warrant book, okay?

7           Mr. Rafferty.

8           MR. RAFFERTY: I rise to request that  
9           we vote on the amendment.

10          [Applause.]

11          THE MODERATOR: You want to close  
12          discussion on the amendment? Okay, close  
13          discussion on the amendment.

14          All in favor say aye.

15          [Aye.]

16          THE MODERATOR: All those opposed no.

17          [No.]

18          THE MODERATOR: The Ayes have it by  
19          the two-thirds. Discussion's closed.

20          The question will now come on the  
21          amendment. The question will now come on Ms.  
22          Faiman-Silva's amendment to add those two  
23          sentences.

1 All those in favor of the amendment,  
2 signify by saying aye.

3 [AYE.]

4 THE MODERATOR: All those opposed no.  
5 [No.]

6 THE MODERATOR: It's the opinion of  
7 the Chair is that the Nos have it by a majority  
8 and the amendment is not adopted.

9 Mr. Antonucci.

10 MR. ANTONUCCI: Yeah, Bob Antonucci,  
11 Precinct 6.

12 I love the debate on Town Meeting floor.  
13 But I come from Precinct 6 and if you drive  
14 through Precinct 6, all you see is vote no on  
15 Article 6. So, in fairness to a number of the  
16 people in that Precinct who have notified me, I  
17 am going to propose an amendment and let Town  
18 Meeting discuss it.

19 I bring it because of the  
20 representatives in that Precinct and if you went  
21 to the Precinct meeting, you heard the same  
22 thing.

23 So, I don't need any boos. I just want

1           you to listen; I think we have to give this a  
2           fair shot.

3                       Everyone in that precinct is supporting  
4           the expansion of sewerage for Teaticket. Not a  
5           question. The scientists have brought forth to  
6           people in that precinct the issue of discharge.  
7           I'm not a scientist. I'm here to present it.  
8           They'll present their side of it. But I think  
9           it needs to be explored. As we did the last  
10          amendment, we voted it down.

11                      So the amendment I'm proposing this  
12          evening on the behalf of a number of people is to  
13          amend Article 6 by deleting the words "and  
14          permitting" in line two and the words "the  
15          expansion of the Town's existing northernmost  
16          open sand beds for discharge of treated  
17          wastewater", and in lines four and five. I  
18          presented this motion on their behalf to the Town  
19          Moderator and I'd like to all on Chris Neal to  
20          talk about the amendment.

21                      Chris, where are you?

22                      THE MODERATOR: Okay, so if you look at  
23          your main motion --

1                   MR. ANTONUCCI:    Oh, there he is up  
2                   there.    Sorry, Chris.

3                   THE MODERATOR:    The main motion as  
4                   recommended, we're taking out the words "and  
5                   permitting" and then the sentence, or the clause  
6                   after "wastewater treatment facility", strike  
7                   "and the expansion of the town's existing  
8                   northernmost open sand beds for discharge of  
9                   treated wastewater".

10                  MR. ANTONUCCI:    Right.

11                  THE MODERATOR:    I just wanted to make  
12                  sure everybody can find it in the book, since we  
13                  don't have a slide, here, for that.

14                  Okay.

15                  MR. ANTONUCCI:    Chris.

16                  THE MODERATOR:    Presentation, Mr.  
17                  Neal.

18                  MR. NEAL:     I'm Chris Neal, Precinct 1.  
19                  And many of you know me, I've been writing  
20                  articles about the environment in the Enterprise  
21                  for 30 years, now.

22                  I'm also on the Buzzards Bay Science  
23                  Advisory Committee and I think that the notion



1           that's going to flow into Great Pond, right?    A  
2           300 house development.    The Town is going to  
3           argue that that development should offset all the  
4           new nitrogen that it's putting in, and I would  
5           argue that the Town's position should be, you  
6           know, we're going to do as we do, not - you can  
7           argue to this new developer to, you know, do as I  
8           say, not as I do.    I think that's the wrong sort  
9           of moral position for the Town to take.

10                    So, I think it could - the plan could be  
11           improved.    Thank you.

12                    THE MODERATOR:    Okay, discussion on the  
13           amendment.    No?    Okay.    We're just going to  
14           do the amendment right now.

15                    Discussion on the amendment.

16                    Yeah, someone in the shadow over there.

17                    When I get about halfway through this  
18           auditorium I can't see who I'm looking at, here.

19                    Yeah.

20                    MS. Jakuba:    Rachel Jakuba, Precinct 5  
21           and I'm also the vice president for Bay Science  
22           at the Buzzards Bay Coalition.    And I wanted to  
23           speak to a couple of points that have been

1 raised.

2 One thing that I want to just clarify a  
3 couple of things from Ms. Lowell's presentation.  
4 So, the Buzzards Bay Coalition did a study of  
5 salt marshes, 12 of them around Buzzards Bay.  
6 Herring Brook was actually the second worst, the  
7 second highest percentage of marsh loss that we  
8 saw. Mattapoisett was number one. So we're  
9 not quite number one, which is good. But we're  
10 still not doing well.

11 The other point I wanted to note is that  
12 she circled the area of which the marsh loss was  
13 seen, and that was accurate, what she circled.  
14 However, what is also true is for the whole  
15 marsh, if you use USGS data, they have looked at  
16 the amount of that area that is unvegetated  
17 versus vegetated, and that data shows that the  
18 whole marsh system is - the amount of unvegetated  
19 area is twice what a healthy marsh would be.

20 SMAST looked at the water and at the  
21 sediments. They did not look at the marsh  
22 vegetation. And that's what our study looked  
23 at. They are two different things.



1                   In addition, as we think about what  
2                   we're looking at, here - so, we have sewerage  
3                   that would happen in Great Pond. And I think,  
4                   you know, as has been said by a couple people,  
5                   now, a lot of us agree that the sewerage is  
6                   needed there. There's degradation happening in  
7                   that water that needs to be cleaned up.

8                   The sewerage plant does a good job of  
9                   cleaning up most of the nitrogen. So, as Amy  
10                  said, it's going to take out 92 percent of the  
11                  nitrogen. There's eight percent that is still  
12                  going to get discharged into Herring Brook and  
13                  Crocker Pond. That is new nitrogen to those  
14                  waters. That is new pollution that we're  
15                  putting into those waters.

16                  Now, it is true that there have been a  
17                  number of studies to look at what is happening.  
18                  What is certain right now is the degradation  
19                  we're seeing in Great Pond. We're seeing that  
20                  now and it's understandable -- I mean, we need to  
21                  clean it up. I'm not arguing that we don't need  
22                  to clean it up; we do. But what is uncertain  
23                  is how much that eight percent is going to impact

1           Herring Brook and Crocker Pond.    It's uncertain  
2           and it's in the future, so it's easy to discount  
3           it.    But I would really urge people to think  
4           about whether we want to make that choice,  
5           because I think we can wait for the outfall.  
6           And I say that, given that what - numbers that  
7           were presented at the precinct meetings by Mrs.  
8           Lowell were that there is excess capacity in the  
9           existing discharge beds.    So there's an amount  
10          of sewerage that could happen before we need to  
11          go to expanding those beds.    And I think we  
12          should explore the possibility of using the beds  
13          as much as we can until we have the outfall in  
14          line.

15                    I would say that, from the discussions  
16                    we've had with the permitting agencies, the  
17                    permitting agencies know that the Town of  
18                    Falmouth is in a bind.    Any land based discharge  
19                    site is going to have an impact somewhere.    The  
20                    ultimate solution is the ocean outfall and that's  
21                    what we need to permit and what the permitting  
22                    agencies understand we need to permit and are  
23                    looking to, you know, for us to move forward and

1 get that done, and I think we'll facilitate  
2 making it happen as fast as possible.

3 So I think we have the time to wait for  
4 this and I just would urge you to really think  
5 about whether we need to do this. What the  
6 amendment on the floor would do is it would move  
7 forward the sewerage of East Falmouth but it  
8 would pause putting the discharge into Herring  
9 Brook and Crocker Pond.

10 Mr. McConarty mentioned that the fact  
11 that there's -- it's difficult, or - that you  
12 need the discharge to have a plan. The Town of  
13 Yarmouth right now has a plan with DEP, DEP is  
14 working with them to expand and create a  
15 wastewater discharge that does not yet - or a  
16 wastewater collection system, a sewer collection  
17 system that does not yet have a discharge. It  
18 is possible to do this.

19 Thank you.

20 THE MODERATOR: Mr. Brown.

21 SELECTMAN BROWN: Hi, Doug Brown.

22 So, this is just too important to just  
23 use speculative conjecture about what you might

1 see on a USGS map. Ivan Valiela peer reviewed  
2 your study and also the work by Mr. Tobias, and  
3 Mr. Valiela has been studying salt marshes in  
4 this area for 50 years. His idea is that the  
5 salt marsh is being degraded by sea level rise;  
6 that's the primary problem, that's happening with  
7 that salt marsh.

8 I just don't want to see us going down  
9 the wrong path just because you guys throw out an  
10 idea and try to make it stick with signs all over  
11 town. I don't think you're on the right path,  
12 and I don't think you're using science, you're  
13 just using an argument and signs, and that's not  
14 right.

15 We've got too much work to do to just  
16 waste another six years.

17 And if we don't have the discharge, we  
18 can't apply for the permit. I think Ms. Lowell  
19 explained that very clearly.

20 [Applause.]

21 THE MODERATOR: Mr. McConarty.

22 Okay, Folks, let's go.

23 Mr. McConarty.

1                   MR. MCCONARTY:     Peter McConarty,  
2                   Director of Public Works and I was just informed  
3                   by our previous - by our Finance Director, who  
4                   was the previous finance director for Yarmouth,  
5                   who just stated to me that Yarmouth does have a  
6                   discharge site, so not - I just want to make sure  
7                   we're not getting conflicting information on  
8                   that.

9                   Once again, I bring it up to you.  
10                  We're requesting Town Meeting to appropriate \$3.8  
11                  million to design a system.     That's design,  
12                  permit and discharge.     Does Town Meeting really  
13                  want to spend \$3.8 million for a design and  
14                  permitting, to go for a permit, without the  
15                  discharge?     You're not going to get it permitted  
16                  without a discharge.     It's not going to happen.

17                  And the Town would have to reevaluate -  
18                  here comes that word, again - which means we'd  
19                  have to look at one of our other land based  
20                  sites.     That's not just going down the street  
21                  and putting in a septic system, it's a full  
22                  underground pipe and utility system that would  
23                  have to be designed to evaluate one of the other

1 remaining sites.

2 For how long? Are we going to do it  
3 for four years? Four years? Five years?  
4 Until the possible outfall comes into fruition?  
5 It does not make sense to me as an engineer that  
6 we spend that kind of money and remove the  
7 discharge portion of it.

8 Thank you.

9 THE MODERATOR: Okay, Mr. Netto.

10 MR. NETTO: Joe Netto, Precinct 9.

11 I would like to address a statement that  
12 was just made by the person from the Buzzards  
13 Bay Coalition.

14 I met with the Buzzards Bay Coalition at  
15 a friend of mine's house in West Falmouth after  
16 the precinct 8 and 9 meeting. And we - I  
17 listened to a presentation. And I heard that  
18 person say the same thing that was said here  
19 tonight about the Town of Yarmouth, that they  
20 didn't have to have a discharge permit. And I  
21 said, "You sure about that?" And my answer was  
22 yes.

23 So the next day, I called the Town

1 administrator in the Town of Yarmouth, and when I  
2 told him what was said, he said, "Are you kidding  
3 me?" He says, "You're not going to get a permit  
4 without - to design, without having a discharge  
5 permit." As a matter of fact, DEP has told them  
6 to go back to the drawing board on their  
7 discharge, because the DEP is saying "Your  
8 discharge is inadequate." And I sat here  
9 tonight and heard the same group say the same  
10 thing.

11 And I talked to the Town administrator  
12 in Yarmouth and he says, "Don't believe it."  
13 And I'm telling you that was a conversation that  
14 I had with Mr. Whritenour, who's the Town  
15 administrator in Yarmouth, the very next day.

16 Everyone's an engineer, I said that  
17 earlier.

18 let's vote this again as printed and  
19 let's move this forward.

20 Thank you.

21 [Applause.]

22 THE MODERATOR: Is this on the  
23 amendment? On the amendment?

1 FROM THE FLOOR: No, on the --

2 THE MODERATOR: Well, then, stop  
3 waiving at me.

4 Anything else on the amendment?

5 Yeah. Mr. Cullinane.

6 MR. CULLINANE: Jason Cullinane,  
7 Precinct 6.

8 I recommended we vote on the amendment.  
9 Call the amendment.

10 THE MODERATOR: You move the previous  
11 question? Okay.

12 All those in favor of closing discussion  
13 on this amendment, signify by saying aye.

14 [AYE.]

15 THE MODERATOR: All those opposed no.

16 [None opposed.]

17 THE MODERATOR: The Ayes have it  
18 unanimously.

19 So the question will now come on the  
20 amendment to remove the word "and permitting" and  
21 the sentence or clause of the sentence "and the  
22 expansion of the Town's existing northernmost  
23 open sand beds for discharge of treated



1 wastewater".

2 All those in favor of the amendment to  
3 remove that language, signify by saying aye.

4 [AYE.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: It's the opinion of the  
8 chair that the Nos have it by a majority.

9 All right. The gentleman want to talk  
10 on the underlying motion?

11 MR. MCGRATH: Yes. My name is Michael  
12 McGrath and I'm an engineer [laughs].

13 [Laughter.]

14 MR. MCGRATH: I want to tell you that I  
15 built the first denitrifying septic system in  
16 Massachusetts. I also was a cofounder, along  
17 with two others, of a company called  
18 Environmental Operating Solutions.

19 When you denitrify wastewater, you have  
20 to add a carbon. The carbon source of choice  
21 was methanol. Let me think, it's a poison, it's  
22 carcinogenic, it's explosive. It burns without  
23 a visible flame. You can't touch it. You

1           can't breathe it.    So you have to build a  
2           special room to store it and use it.

3                        So, that explains my background.    I'm  
4           against the outfall.

5                        If you go on Research Gate and you look  
6           under Michael B. McGrath, there's an article on  
7           contaminants of emergent concern.    When we treat  
8           wastewater there are certain chemicals,  
9           pharmaceuticals, personal care products, and some  
10          disease organisms that pass through tertiary  
11          treated wastewater.    So, what I actually did was  
12          I built a test filter at a - and I used tertiary  
13          treated wastewater and I did reduce the - a  
14          majority of the chemicals and most of the viruses  
15          and bacteria.

16                       And so I'm in favor of discharging into  
17          the ground and I'm not in favor of the outfall,  
18          because the outfall will cause the treated  
19          wastewater will pop up to the surface and then  
20          the wind will disperse some of these cancer  
21          causing chemicals.

22                       And so I look at it as a much greater  
23          risk than most people do.

1           The other thing, there are PFOs and PFAs  
2           that pass through wastewater treatment systems.  
3           I built stratified sand filters and I know that  
4           if we dispose of the effluent into the ground,  
5           then the long distance that it will travel will  
6           reduce the contaminants of emergent concern and  
7           also reduce the PFAs.

8           What we ought to pat the Department of  
9           Public Works on the back is that our wastewater  
10          treatment plant is discharging less than two  
11          parts per mission of total nitrogen. That's a  
12          very good performance. And my point is, is that  
13          they should go back to DEP and use what's called  
14          the Redfield Ratio and either do a test - because  
15          I don't think they need to follow the DEP  
16          mandated formulas for how much you can discharge  
17          per square foot.

18          I have used this and in the small scale  
19          system in North Falmouth and I discharge two and  
20          a half and I can't find a plume, but at the same  
21          time it's very low flow.

22          So, I would urge you not to vote the  
23          outfall.



1           estuaries that we need to do, so if you want to  
2           do the math, it's pretty scary.   Somewhere in  
3           the neighborhood of six hundred to seven hundred  
4           million dollars.   I don't think we can handle  
5           this, Folks."   So that got my attention.

6                   And I've been peeing outside for a  
7           couple years, much to my wife's chagrin.   But  
8           I've been saving a lot of water and I've gotten  
9           involved in this - the urine diversion, and it  
10          makes a lot of sense and so I'm going to - here,  
11          tonight, I'm going to give you a little  
12          presentation on an alternative.

13                   So how do I do this?

14                   THE MODERATOR:   So, Mr. Donald, Mr.  
15          Donald.

16                   MR. DONALD:   Yes.

17                   THE MODERATOR:   Let's keep the  
18          discussion on the main motion.

19                   MR. DONALD:   It is on the main motion.

20                   FROM THE FLOOR:   No, no.

21                   MR. DONALD:   Yes.

22                   THE MODERATOR:   So --

23                   MR. DONALD:   This is an alternative.

1 FROM THE FLOOR: [Inaudible voices.]

2 THE MODERATOR: Are you making an  
3 amendment?

4 FROM THE FLOOR: No.

5 MR. DONALD: No, I'm not making an  
6 amendment. I'm making an alternative.

7 FROM THE FLOOR: No, no, no. Let's  
8 go.

9 MR. DONALD: All right - the --

10 THE MODERATOR: Yeah, I think we've got  
11 - we've got another article where we're going to  
12 invest - the Select Board is already investing in  
13 that program.

14 MR. DONALD: Oh, yeah.

15 THE MODERATOR: So, so why don't you  
16 make your comments either for or against this  
17 main motion.

18 MR. DONALD: Yeah, right, right. I'm  
19 addressing this main motion.

20 THE MODERATOR: You're going to make  
21 the same presentation we all saw at the last Town  
22 Meeting, aren't ya?

23 MR. DONALD: No.

1 THE MODERATOR: No?

2 FROM THE FLOOR: [Inaudible voices.]

3 MR. DONALD: I didn't make a  
4 presentation --

5 THE MODERATOR: I know you didn't make  
6 it.

7 I'm going to say it's beyond the scope.  
8 If you want to talk about this motion, let's do  
9 it.

10 MR. DONALD: Yeah, I want to talk about  
11 --

12 THE MODERATOR: Because we can talk  
13 about a hundred different alternatives, and we're  
14 not going that tonight.

15 MR. DONALD: All right. Okay, I'd  
16 like to talk about the main motion. What does  
17 the main motion say? It says install a - let me  
18 get my book, here. I'll tell you what the main  
19 motion says.

20 FROM THE FLOOR: No. No.

21 THE MODERATOR: Who's our next speaker?  
22 Anybody else want to speak on this?

23 Go ahead. Ms. Bumpus.





1 [Pause while electronic voting scrolls.]

2 THE MODERATOR: Again, all those in  
3 favor of the main motion signify by pressing one  
4 A. All those opposed, two B.

5 [Pause while electronic voting scrolls.]

6 [Cheers and clapping.]

7 THE MODERATOR: By a counted vote of  
8 173 in favor and 23 opposed, I declared the two-  
9 thirds is passed.

10 **Article 12.** The Select Board for the  
11 recommendation.

12 CHAIRMAN TAYLOR: Mr. Moderator, I  
13 recommend Indefinite Postponement on Article 12.

14 THE MODERATOR: Okay, Article 12's  
15 recommendation is Indefinite Postponement, and  
16 I'll have a positive motion on the floor.

17 MR. DYNAN: Thank you. My name's Bill  
18 Dynan from Precinct 5. I'm here to discuss  
19 Article 12 and put a positive motion in play,  
20 here.

21 I have a positive motion for the  
22 moderator; if you'd like one?

23 THE MODERATOR: Okay, is it just as

1 printed or did you change it at all?

2 MR. DYNAN: I changed.

3 THE MODERATOR: Okay, yeah, then we're  
4 definitely going to need it.

5 Okay, so this is an appropriations  
6 motion, which will be beyond the scope of the  
7 article.

8 MR. DYNAN: We've got to fund it?

9 THE MODERATOR: Not in this article.  
10 This article wasn't posted as an appropriations  
11 article.

12 MR. DYNAN: Okay.

13 THE MODERATOR: Is there other language  
14 in here that?

15 MR. DYNAN: It's to appropriate the  
16 amount of money needed to correct the situation  
17 with the article.

18 THE MODERATOR: Okay, so there's no  
19 appropriation language in the posted article, so  
20 therefore we can't appropriate under this  
21 article.

22 MR. DYNAN: Okay. We can take that  
23 amendment off the floor, I guess, once we talk

1 about it.

2 THE MODERATOR: Not to appropriate,  
3 because it's beyond the scope of what was posted  
4 in the warrant.

5 MR. DYNAN: Okay, then we'll discuss  
6 the article.

7 THE MODERATOR: Yeah, so, do you want  
8 to do as printed?

9 MR. DYNAN: As printed.

10 THE MODERATOR: Okay, as printed is the  
11 main motion, Mr. Dynan.

12 MR. DYNAN: Again, this is about  
13 something that happened over 28 years ago, and my  
14 involvement, and this came about three years ago.  
15 The owner of this property is Mr. O'Brien, who's  
16 got a slide presentation he's going to bring down  
17 and show.

18 He and I served together in the Marine  
19 Corps years ago, many years ago.

20 He lives at 241 Scranton Ave across from  
21 the Flying Bridge. He's been denied access to  
22 that property to get to the street with no curb  
23 cuts and recently the Town took care of the

1           encroachment with a sidewalk that was on his  
2           property for the last 25 years; that happened in  
3           October.

4                     He still is unable to use the driveway  
5           to get into his garage.    It's a safety issue  
6           both for people on Scranton Ave and him backing  
7           out of the driveway.

8                     He's been kicking the can down the  
9           street for the last 28 years.    He went active  
10          duty in the Marine Corps and wasn't able to reply  
11          from Afghanistan and Iraq to get this corrected.  
12          He came back disabled.

13                    When he left, his kids were pre-  
14          teenagers.    All three kids, children he has now,  
15          a daughter and a son, are officers in the Navy  
16          and he has a son that's a helicopter pilot in the  
17          Marine Corps.    And, again, that's 28 years ago.

18                    I take this personal, that we're not  
19          taking care of people that have a right to have  
20          access to a street so they can use their house.

21                    Mr. O'Brien's been through a lot.    I've  
22          asked him to pull every piece of information and  
23          all boards that he's discussed this property

1 issue with. That includes three town counsels,  
2 three Town Managers and 25 Selectmen. Twenty-  
3 eight years. How long does it take to correct  
4 something? I've heard stuff about five years  
5 tonight. But we can't take care of this  
6 veteran, we can't take care of this person and  
7 resolve this.

8 I'd like Mr. O'Brien to come up and show  
9 his presentation he put together.

10 "Mr. O'Brien", I said, "I'm not as  
11 patient as you. I would have --

12 THE MODERATOR: Could you folks make  
13 sure your cell phones are on a silent mode,  
14 please?

15 MR. DYNAN: I wouldn't want the court,  
16 to wait 28 years, because when his children come  
17 back from the service from overseas, it could be  
18 another ten years; and that's too late.

19 I'm sorry, I'm upset about it.

20 Mr. O'Brien.

21 THE MODERATOR: Mr. O'Brien.

22 MR. O'BRIEN: Thank you, Mr. Moderator,  
23 Town Selectmen, Town Managers, Town Counsel, for

1 allowing me to do this presentation.

2 All right, I just click it and it'll  
3 move? Who's the IT?

4 [Discussion off the record.]

5 MR. O'BRIEN: This is the property.  
6 It's at 241 Scranton avenue. This is a plan of  
7 the property, on the land. You can see --

8 THE MODERATOR: Could you just speak  
9 into the mic so the folks at home can hear?

10 MR. O'BRIEN: Oh, I'm sorry.

11 As you can see, it's a planned view that  
12 shows where the curb cuts would be and where the  
13 driveway would be. Now, I've gone over this  
14 with the DPW, he's familiar with the plan, he  
15 understands it. We talked about the neighbors  
16 and how it was going to play in, and we have a  
17 good handle on it.

18 This is a cursory time line. You can  
19 see a lot of items on it. The big items I want  
20 to bring out is that 1995 is when this started.  
21 It went through many iterations, and then  
22 finally, in 2021, Town Counsel at the time put in  
23 for a taking of the land.

1                   Now, the land has had a mistakenly  
2                   placed sidewalk on it.    And after all this  
3                   discussion, the answer was going to be, "Well,  
4                   just take it".    Well, I appealed to this very  
5                   body, to the people who also are here right now,  
6                   to the Town Meeting body, and they said "No",  
7                   thank goodness.

8                   Mr. Moderator at the time said let's fix  
9                   it.    Now it's been two and a half years since  
10                  then.

11                  The new Town Manager has taken the first  
12                  positive step on this, very recently.    As you  
13                  can see, the Town's Department of Public Works  
14                  came and modified the sidewalk.    On the right  
15                  hand side, that long line is some of the sidewalk  
16                  being removed and this is down at the end where  
17                  there was a big radius.    It's asphalt; that  
18                  still has to be modified.

19                  The point being it is now off my  
20                  property.    But I've still got to get curb cuts  
21                  in and out of there.

22                  Now, some of the issues of the curb cuts  
23                  are economical.    Had I done this 28 years ago,

1 I'd have to - maybe a thousand dollars? You  
2 want to do it now, we're talking 25, 30,000  
3 dollars. That's an awful lot for the Town to  
4 ask me to have to carry, in addition to the fact  
5 that I didn't have the pleasure of using it.

6 Now, in the most recent - when this  
7 article went in, most recently, we stood in front  
8 of the Selectmen and the recommendation that came  
9 out said that to pay for or perform work to the  
10 benefit of a private party, when there is no  
11 public benefit to the Town in exchange for some  
12 work, is improper. And we have Town Counsel  
13 here who I'm sure backed that up.

14 Now, I want to rebut some of that. The  
15 no public benefit. There are public benefits.  
16 Specifically, it protects having properly made  
17 curb cuts are also handicap ramps and are also an  
18 avenue on and off a property across a sidewalk  
19 where pedestrians walk and onto a road way where  
20 motorists drive.

21 Now, this roadway in particular,  
22 Scranton Avenue, is directly across the street  
23 from the Flying Bridge, which also has two curb



1 cuts, and has quite a bit of traffic. It's not  
2 one or two people pulling into a garage. On a  
3 weekend night during the summer, it could be 40  
4 or 50 cars coming in and out of there. So it  
5 becomes even more critical for the public safety  
6 to have these curb cuts and to have them put in  
7 and done correctly.

8 They're necessary for the safe benefit  
9 of everybody who is in the town, anybody who uses  
10 it, pedestrian and motorists.

11 Now, also when a town does these, the  
12 town owns the sidewalk. The town really does  
13 own this sidewalk, now, because now it's been  
14 modified. It's not the full sidewalk that was  
15 there before.

16 So, for anybody to go and do curb cuts  
17 on it, they might have to be redone because of  
18 the modifications that have been done by the  
19 Town. It's on town property and it serves the  
20 Town.

21 So, more reason to have it done.

22 And kind of the bottom line with all  
23 this, I have it there and highlighted, you know,

1           it's the right thing to do.

2                         Now, I know the Select Board's  
3           recommendation was Indefinite Postponement.  
4           Now, I'm going to take a guess at what that is,  
5           but it sounds like a bureaucratic black hole.  
6           And after 28 years, how much more do we have to  
7           postpone it?

8                         I heard people here tonight say they  
9           haven't even lived in the town for 28 years.    I  
10          don't know if I have another 28 years to wait for  
11          this Indefinite Postponement.

12                        So, my first appeal to the board is to  
13          vote on this tonight.

14                        My second appeal to this board is - to  
15          this body, is for empathy.    If anybody here owns  
16          a house and has curb cuts or doesn't have curb  
17          cuts isn't allowed access in and off their own  
18          property, what would you do?   How much patience,  
19          how much time, how much work with the Town would  
20          you do to keep this going?

21                        Now, also for benefits, it says without  
22          a benefit to the town was one of the reasons this  
23          was being Indefinite Postponed.   Let's consider

1 the fact that for the last 28 years, the Town has  
2 had the benefit of that sidewalk on my property.  
3 They've been paid ahead, they've been paid  
4 forward.

5 It's important. Again, the costs have  
6 risen to keep traffic and pedestrians safe.

7 Also, work on private property. Did my  
8 homework. Up there are four different cases,  
9 which in essence state that Town monies can be  
10 used to work on private property if it serves a  
11 public purpose. A public purpose here is  
12 safety. Safety for pedestrians. Safety for  
13 motorists on something that's been paid for, the  
14 Town has gotten the benefit from, for over 28  
15 years.

16 So I appeal to everybody at the board to  
17 vote positive on this, to not take the  
18 recommendation of an indefinite black hole,  
19 bureaucratic black hole postponement.

20 I appreciate your support. Any  
21 questions?

22 MR. DYNAN: [No mic:] Right here. Does  
23 this affect any other household on Scranton Ave,

1           that the Town surveyed it wrongfully?

2                       THE MODERATOR:    Let's, if you're going  
3           to speak, you need to speak from a microphone.  
4           And questions go through me.

5                       MR. DYNAN:     Does this survey that was  
6           done wrong by the Town of Falmouth affect any  
7           other household on Scranton Ave?

8                       THE MODERATOR:    Mr. McConarty.

9                       MR. MCCONARTY:    Good evening.    Peter  
10          McConarty.

11                      I do have a presentation to go along  
12          with this Article 12, but I think it's  
13          appropriate at this time - you know, we just had  
14          the observance of Veterans Day, and I would like  
15          to say thank you to Mr. O'Brien, being in the  
16          Marine Corps and also our petitioner Mr. Dynan,  
17          for being in the Marine Corps, and I truly thank  
18          you for your service in the Marine Corps.  
19          Especially during these times.

20                      [Applause.]

21                      MR. MCCONARTY:    [Inaudible.]

22                      I do think it's only appropriate to  
23          recognize them.    And anyone else that are

1 veterans in this audience.

2 So the - in short terms, the sidewalk  
3 was surveyed and the design plan was done in 1989  
4 and installed. Are there other properties,  
5 properties on Scranton Ave? We could go back  
6 and review that. But at this time, we know we  
7 have an encroachment of 155 square feet on 241.

8 THE MODERATOR: Okay, Mr. Young.

9 MR. YOUNG: Bob Young, Precinct 5.

10 Thank you, Peter, I was going to say the  
11 same thing, since we just went through Veterans  
12 Day. This fellow's been a Marine for 28 years  
13 away from home.

14 It wouldn't take much to go down and put  
15 a couple of curb cuts in that sidewalk. I think  
16 the Town did use his property improperly for a  
17 number of years, and to make up for that we  
18 should make this correct and give him his curb  
19 cuts. Drive down Scranton Avenue and see what  
20 he's facing. It's just common sense, Folks.

21 [Applause.]

22 THE MODERATOR: Okay, Ms. Lichtenstein.

23 MS. LICHTENSTEIN: Could we have a

1 price from Mr. McConarty for the Town to pay for  
2 this? Because, a benefit for the town, how many  
3 hours have our town Counsel been billed for  
4 working on this? How many hours have our Town  
5 Managers been working on this? How many hours  
6 has Peter and the Department of Public Works that  
7 does such a wonderful job for us been working on  
8 this?

9 I think we've probably already spent way  
10 over what it's going to cost to do this. And I  
11 think we'll save money if we just give him his  
12 curb cuts.

13 Thank you.

14 [Applause.]

15 THE MODERATOR: Mr. McConarty.

16 MR. MCCONARTY: Thank you, Mr.  
17 Moderator.

18 If you don't mind, if Town Meeting  
19 doesn't mind, I do have a presentation to put  
20 along with this. Ready to go. If approved.

21 So, like I said, the sidewalk was  
22 surveyed and designed in 1989, and we went  
23 through and put in a concrete sidewalk and

1 granite curb down Scranton Ave in 1989-1990.

2 This house was built in 1995. So, at the time  
3 when we went through this, it was a vacant lot.

4 And it has been said that Mr. O'Brien  
5 has been denied access to his property. At no -  
6 I started with the town in 2007 and this project  
7 was actually handed off to me from our previous  
8 assistant Town Engineer and Town Surveyor, Ray  
9 Young. So I worked with Ray Young on this  
10 project, also.

11 But at no point in time did the Town  
12 ever deny Mr. O'Brien access to his property.  
13 Just like any other developer or resident that's  
14 building a house in the Town of Falmouth, they go  
15 to the Engineering Department and Public works  
16 and they pull out a driveway permit and it can be  
17 pulled and it can be done at any point in time.

18 So, the Town of Falmouth did not hinder  
19 that process or did not step in the way of that.

20 So, just for everyone to know, so if  
21 you're looking at this, you're looking at  
22 Scranton Ave. On the right, you're looking at  
23 the building with the blue roof; that's the

1 Flying Bridge; his house is directly across the  
2 street. He is correct, it does have two curb  
3 cuts. As you can see, his house across the  
4 street does not have curb cuts to his driveway.

5 So, the history of this is my self, I  
6 think I am the only Town employee currently,  
7 right now, that's still employed with the Town  
8 that's worked on this project for so many years  
9 with Mr. O'Brien. It has been going on since  
10 '95. I've been working on it since 2007 and, as  
11 Mr. Dynan said, there's been multiple Town  
12 Managers, multiple Town Counsels, multiple  
13 Directors of Public Works and Town Engineers.

14 So, the history of this is the Town  
15 Counsel and Public Works, we've been working with  
16 the property owner for approximately 25 years, as  
17 has been said. There's been numerous attempts  
18 during that time frame to resolve the  
19 encroachment issue. I was looking through a  
20 folder today and I came across a memo to the  
21 previous Director of Public Works Raymond Jack of  
22 May of 2009 that said this exact, to remove the  
23 panels and put in a double driveway cut, curb



1 cut, was about \$4,500 at that time. That was  
2 2009.

3 We also revisited this in 2014, I  
4 believe, 2016. Everyone knows that we went back  
5 to Town Meeting in 2021. After 2021, I worked  
6 with the property owner and Town Counsel and then  
7 we brought it to our current Town Manager in  
8 2023. So, there's at least five times that  
9 proposals have been sent to the Town and we  
10 worked with the property owner.

11 The problem is is that the property  
12 owner was fine with Public Works. They were  
13 fine with Public Works doing the curb cut. The  
14 curb cut was never the problem. It's that the  
15 curb cut wasn't enough. The property owner  
16 wanted something more other than the curb cuts.  
17 And it was something that, as Director of Public  
18 Works, I did not have authorization to do.

19 Only recently, under this current  
20 article you see that there's a request to do some  
21 work on private property. Again, as Public  
22 Works Director, as a public, you know, official,  
23 I am not allowed and I am not authorized to do

1 any work on private property.

2 So all proposals were explored. We  
3 went through licenses. Licenses were not good  
4 for the Town. They can be revoked after work is  
5 done. Easements didn't work out well for the  
6 Town. We went down that route, but didn't want  
7 to have an easement, either. And in 2021, we  
8 looked at doing a taking from it, and that did  
9 not pass.

10 So the latest action, in 2023, per the  
11 order of our Town Manager Mr. Renshaw, was to  
12 remove the sidewalk from the encroachment. So  
13 when we did this - it's already been done, and I  
14 do have some photos on this - but when we did  
15 this, our highway superintendent took our  
16 Commission on Disabilities Director Kathleen  
17 Haynes out to the site, explained exactly what  
18 was going on, what was going to happen and how  
19 the sidewalk was going to be left until further  
20 notice. She was perfectly fine with that. We  
21 went through the explanation of how the sidewalk  
22 would be cut back and she was in agreement with  
23 the work.

1                   So, this is - it's a lot of information,  
2                   but basically what it says is we were going to,  
3                   through the years -- several times, I believe  
4                   five to six times - we offered the property owner  
5                   a double curb cut.    And what this basically,  
6                   there's a lot of information on it, but what it  
7                   basically says is that in front of his double,  
8                   two car garage, we were going to give him a 25  
9                   foot wide opening.    Typical for a two car  
10                  garage.    And then he wanted a wrap-around so he  
11                  could turn around in his lot.

12                  So, the second curb cut was going to be  
13                  22 feet wide.    So that was always on the table  
14                  that we were going to do.

15                  Basically, when you do this, you're only  
16                  talking about 150 to 160 feet.    So the majority  
17                  of that sidewalk would have been removed and  
18                  replaced by the time - by the time you get done  
19                  with the transitions down and back up.

20                  This was a plan that was done that we  
21                  wanted to do the taking in 2021 since we did the  
22                  removal of the sidewalk, we just took it and  
23                  removed it that said, instead of saying a taking

1 plan, we changed it to be a sidewalk removal plan  
2 and it's 155 square feet.

3 These are photos of the after, after we  
4 cut it. So you can see the back of the sidewalk  
5 is cut. Public Works went out there and spent a  
6 lot of time making sure that the sidewalk when we  
7 cut it was accurate and it wasn't going to wave,  
8 it was a nice, straight-line cut.

9 We put fill behind it. On the left-  
10 hand side you can see we put fill behind it to  
11 match existing grade. And in on the right hand  
12 side you can see the asphalt on the curb cut,  
13 bringing it down to Salt Sea Lane.

14 It's asphalt, it's a patch. The reason  
15 why Public Works left it as a patch until this  
16 time is because we wanted to see what Town  
17 Meeting was going to do for a final result after  
18 this article.

19 FROM THE FLOOR: Question?

20 THE MODERATOR: Oh, no, he's making his  
21 presentation. Go ahead.

22 MR. MCCONARTY: So that will be  
23 corrected per the result of this Town Meeting.

1           Whatever the end result is, we will go out and  
2           correct this terminus point as it goes into South  
3           Sea.    There will be a tactile strip for ADA  
4           accessibility.

5                        So, in conclusion, just for Article 12  
6           as the Town recommended, we just recommend  
7           Indefinite Postponement.

8                        THE MODERATOR:    Okay, Mr. Duffany.

9                        MR. DUFFANY:    Thank you, Mr. Moderator,  
10          Michael Duffany, Precinct 6.

11                       Like many and most of you, I've sat  
12          through this same discussion many, many times.  
13          I thought three years ago when it came up that we  
14          were going to resolve this.

15                       I think I'm getting a mixed message,  
16          here, tonight, because I want to vote in favor of  
17          us doing this.    And one of the things that this  
18          legislative body is really good about is we're an  
19          elected representative body, okay?    And when  
20          people have a problem like this -- and I have  
21          been in this gentleman's situation before, 20-  
22          plus year ago -- you come to Town Meeting for the  
23          result when you don't get it from up line.

1                   And that is one of the things that we  
2                   can do, we can make this decision tonight to  
3                   accommodate this gentleman, and please put this  
4                   to bed once and for all. I think we've talked  
5                   about it too many times and - I'm somewhat  
6                   embarrassed, to be honest with you.

7                   Thank you.

8                   THE MODERATOR:    Okay, Mr. O'Brien.

9                   MR. DUFFANY:        Can I call the question,  
10                  Mr. Moderator?

11                  THE MODERATOR:    No, because you already  
12                  spoke.

13                  Mr. O'Brien.

14                  MR. O'BRIEN:     If I may, I just wanted  
15                  to follow up on some of the stuff that the  
16                  Department of Public Works Director mentioned.

17                  When we said we were never denied, we in  
18                  fact couldn't put curb cuts in because we were  
19                  told by the Department of Public Works directors  
20                  prior to him that the sidewalk would no longer  
21                  conform. Finally, now, we've taken it out.

22                  And if you looked at Mr. McConarty's  
23                  slides, you would have saw all that dirt; that's

1           how much they had to take out.    It was quite a  
2           bit.    Now -

3                    Are my slides still up here?

4                    [Inaudible.]

5                    MR. O'BRIEN:    They're up there.    Okay.  
6           Let's go down to - some of the backup slides.

7                    Here's the first one.    This is when  
8           things got stopped.    Because normally when you  
9           go to build a house, you have to have curb cuts  
10          as part of your building permit.    We went to do  
11          that and - okay, just right there.    Look at the  
12          date on it: November, 1995.    Things stopped.  
13          We weren't allowed to do it anymore.    This was  
14          the typical drawings back then.

15                    So, denied insofar as we can walk on the  
16          land back and forth, but we're denied as far as  
17          having to drive over a curb if we want to get in.  
18          And what we've done instead is swung around the  
19          private driveway of the Falmouth Housing  
20          Authority, who we tried to get into the  
21          discussion to see if we could work something out  
22          in a three way deal, but that just didn't happen,  
23          either.

1                   But when I say "denial", nobody was  
2                   there forcing us not to jump the curb, or not to  
3                   come in by way of the FHA. We did. But now we  
4                   want to come in legitimately, if we would.

5                   FROM THE FLOOR:    [Inaudible.]

6                   THE MODERATOR:    Okay. Ms. Harris.

7                   MR. O'BRIEN:       Which one are you looking  
8                   for?

9                   FROM THE FLOOR:    [Inaudible.]

10                  THE MODERATOR:    Ms. Harris.

11                  FROM THE FLOOR:    [Inaudible.]

12                  MR. O'BRIEN:    I don't think I have that  
13                  one on here. Unless it's way, way --

14                  THE MODERATOR:    Ms. Harris.

15                  Let's go.

16                  MR. O'BRIEN:    We've also - he - the  
17                  director mentioned letters and we've got them  
18                  from 2019, we've got them from 2007 to Ray Jack.  
19                  We have them for the previous Town Counsel Pat  
20                  Harris, and Frank Duffy. And it was a lot of  
21                  what I call the W.C. Fields policy: "Go away,  
22                  kid, you bother me." Don't bother them. They  
23                  were holding out. They stonewalled.



1                   It wasn't until Peter McConarty got  
2                   involved - and he was even held up a little bit  
3                   by the previous director Ray Jack.    And it  
4                   wasn't until we got the present Town Manager and  
5                   present Town Counsel that we've actually gotten  
6                   movement.    And the movement was just last month,  
7                   October.    And we were looking at November of '95  
8                   until October of '23.    That's a long time.

9                   THE MODERATOR:    Okay, Ms. Harris.

10                  MS. HARRIS:    Mary Harris, Precinct 5.

11                  I have a question on this.    If it's a  
12                  positive motion on Article 12, it's asking the  
13                  Town to place two curb cuts and that seems to be  
14                  what we're discussing.    But it's also asking the  
15                  Town to grade and sub-base the driveway as shown  
16                  on the plan.    And the Town to do a proper  
17                  survey.

18                  I'm surprised that we would be including  
19                  all those things when what we've all talked about  
20                  is just curb cuts.

21                  THE MODERATOR:    Okay, Mr. O'Brien.

22                  MR. O'BRIEN:    Okay, excellent question.  
23                  The first part - let's get rid of what we can.

1 The survey. The Town's gone out and surveyed  
2 it. BSS from Gifford Street has surveyed it,  
3 checked it out. We all seem to be in agreement.  
4 So that part's done.

5 Yes, the grading and the sub-base is  
6 what we're looking for as part of the curb cuts,  
7 because it's all a system that you drive in and  
8 out of the property with. If you just have curb  
9 cuts and you're sliding off your property into,  
10 again, safety reasons. Pedestrians.  
11 Motorists. We're looking to have it done and  
12 leveled out.

13 And after 28 years, and as the Town  
14 Meeting member said up there, look at how much  
15 time we have invested. Not only the people up  
16 here, but I personally. I am also very vested  
17 in this and would like to see it taken care of.  
18 Not only because it's the right thing to do, not  
19 only because the Town has had the benefit of all  
20 this time, but it just has to be done.

21 Please.

22 THE MODERATOR: Okay, the question will  
23 come on the main motion as printed.

1 All those in favor, signify by saying  
2 aye.

3 [AYE.]

4 THE MODERATOR: All those opposed no.  
5 [No.]

6 THE MODERATOR: It's the opinion of the  
7 Chair that the the Ayes have it by the majority.

8 **Article 13.** Select Board for the main  
9 motion.

10 [Applause.]

11 CHAIRMAN TAYLOR: Mr. Moderator, I  
12 recommend the Town vote Article 13 as printed.

13 THE MODERATOR: As printed.

14 This is to advise the Select Board to  
15 authorize urine diversion pilot project, which  
16 they have and they put \$80,000 into it. So can  
17 we just take a vote on this?

18 FROM THE FLOOR: Yes.

19 THE MODERATOR: Okay. All those in  
20 favor of the main motion, signify by saying aye.

21 [AYE.]

22 THE MODERATOR: All those opposed no.  
23 [No.]

1 THE MODERATOR: The Ayes have it by a  
2 majority.

3 **Article 14.** Finance Committee for the  
4 main motion.

5 CHAIRMAN SCHWEGEL: Mr. Moderator, I  
6 move Article 14 as recommended.

7 THE MODERATOR: This is - the  
8 recommendation is Indefinite Postponement. This  
9 is for LED speed lights, \$50,000, down in Woods  
10 Hole.

11 Any positive motion on Article 14?

12 Hearing none, the Chair will enter  
13 Indefinite Postponement as the main motion.

14 All those in favor, signify by saying  
15 aye.

16 [AYE.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: The Ayes have it by a  
20 majority.

21 **Article 15.** The Recommendation is  
22 Indefinite Postponement by the Planning Board.

23 Mr. Duffany, do you have a positive

1 motion?

2 MR. DUFFANY: Yes, I'd like to put a  
3 positive motion on the floor, Mr. Moderator.

4 THE MODERATOR: As printed, Mr.  
5 Duffany.

6 MR. DUFFANY: I just want to say that I  
7 will vote Indefinite Postponement on this, but I  
8 want everyone to know this is to - the idea was  
9 to help the YMCA overcome a hurdle that really,  
10 just, it's an unnecessary hurdle for them and  
11 it's really going to stall their project and cost  
12 them an awful lot of money.

13 We're going to Indefinite Postponement  
14 it because there was not enough time to vet it  
15 properly with the right departments of the Town.  
16 And so I respectfully will, you know, vote the  
17 Indefinite Postponement.

18 THE MODERATOR: Okay, so Mr. Duffany  
19 wants you to vote No.

20 All those in favor of the main motion,  
21 signify by saying aye.

22 [AYE.]

23 THE MODERATOR: All those opposed no.

1 [NO.]

2 THE MODERATOR: The Ayes - the Nos  
3 have it by a majority.

4 **Article 16.** Chair of the Board of  
5 Selectmen for the main motion.

6 CHAIRMAN TAYLOR: Mr. Moderator, I  
7 recommend the Town vote to amend the Town's  
8 Position Classification Plan as outlined in the  
9 warrant booklet.

10 THE MODERATOR: If you all didn't hear  
11 what I declared on the last vote, the No's won  
12 because he asked you to vote no. So I just made  
13 sure everyone up here has the same information so  
14 we can get this thing done.

15 Go ahead.

16 CHAIRMAN TAYLOR: Okay, Mr. Moderator,  
17 I recommend the Town vote to amend the Town's  
18 Position Classification Plan as outlined in the  
19 warrant booklet.

20 THE MODERATOR: Okay, as outlined in  
21 the chart and the recommendation of Article 16.

22 Discussion on Article 16.

23 Hearing none, the question will come on

1 the main motion as recommended.

2 All those in favor, signify by saying  
3 aye.

4 [AYE.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: The Ayes have it by a  
8 majority.

9 At this time, the Chair would entertain  
10 a motion to go past eleven o'clock to complete  
11 this Town Meeting.

12 FROM THE FLOOR: So moved.

13 THE MODERATOR: So moved.

14 All those in favor, signify by saying  
15 aye.

16 [AYE.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: The opinion of the  
20 Chair is that the Ayes have it by a two-thirds  
21 and I declare the time limit is suspended.

22 **Article 17.** Article 17, Select Board  
23 for the main motion.

1                   CHAIRMAN TAYLOR:    Mr. Moderator, I  
2                   recommend the Town vote Article 17 as printed.

3                   THE MODERATOR:    As printed.    This is a  
4                   vote to authorize an increase of the Senior  
5                   Citizen Real Property Tax Exemption from 500 to  
6                   \$1,000.

7                   Any discussion on Article 17?

8                   Hearing none, the question will come on  
9                   the main motion as printed.

10                  All those in favor, signify by saying  
11                  aye.

12                  [AYE.]

13                  THE MODERATOR:    All those opposed no.

14                  [None opposed.]

15                  THE MODERATOR:    The Ayes have it  
16                  unanimous.

17                  **Article 18.**    Madame Chair for the main  
18                  motion.

19                  CHAIRMAN TAYLOR:    Mr. Moderator, I  
20                  recommend the Town vote Article 18 as printed.

21                  THE MODERATOR:    Article 18 as printed.  
22                  This is a vote to authorize the lowering of the  
23                  qualifying age from 70 to 65 for the Senior



1 Citizen Real Property Tax Exemption.

2 Any discussion on Article 18?

3 Hearing none, the question will come on  
4 the main motion as printed.

5 All those in favor, signify by saying  
6 aye.

7 [AYE.]

8 THE MODERATOR: All those opposed no.  
9 [None opposed.]

10 THE MODERATOR: The Ayes have it  
11 unanimous.

12 **Article 19.** Madame Chair for the main  
13 motion.

14 CHAIRMAN TAYLOR: Mr. Moderator, I  
15 recommend that the Town vote Article 19 as  
16 printed.

17 THE MODERATOR: As printed. This is  
18 to adopt the provisions of the Massachusetts  
19 General Law Chapter 59, Section 5, Clause the 41<sup>st</sup>  
20 D, increasing annually the amounts of gross  
21 receipts and whole real estate and personal, as  
22 set in clauses 41<sup>st</sup>, 41<sup>st</sup> B, and 41<sup>st</sup> C of said  
23 Section 5.

1 Any discussion on Article 19?

2 Hearing none, the question will come on  
3 the main motion.

4 All those in favor, signify by saying  
5 aye.

6 [AYE.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The Ayes have it  
10 unanimous.

11 **Article 20.** Madame Chair for the main  
12 motion.

13 CHAIRMAN TAYLOR: Mr. Moderator, I  
14 recommend the Town vote Article 20 as printed.

15 THE MODERATOR: As printed. This is a  
16 vote to adopt the provisions of Massachusetts  
17 General Law Chapter 59, Section 5, Clause 37A,  
18 which provides a \$500 real property tax exemption  
19 to qualified blind persons.

20 Any discussion on Article 20?

21 Hearing none, the question will come on  
22 the main motion.

23 All those in favor, signify by saying

1 aye.

2 [AYE.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The Ayes have it  
6 unanimous.

7 At this time I'd recognize the Finance  
8 Chair for notifying us how much money we spent at  
9 this Town Meeting.

10 CHAIRMAN SCHWEGEL: Thank you, Mr.  
11 Moderator.

12 This Town Meeting appropriated a total  
13 of \$21,447,657.

14 THE MODERATOR: Okay. At this time  
15 I'd recognize the Chair of the Select Board for  
16 notification of our next annual Town Meeting.

17 CHAIRMAN TAYLOR: Annual Town Meeting  
18 will be April 8, 2024, here at the Lawrence  
19 School.

20 THE MODERATOR: Okay, April 8, 2024,  
21 seven o'clock p.m. is our next Annual Town  
22 Meeting.

23 At this point, by call of the chair,

1           we'll adjourn.

2                    Good job, Folks.

3                    [Applause.]

4                    [11:00 p.m., whereupon this meeting  
5           ended.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE,

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 the Falmouth Spring Town Meeting, taken by me on Monday, November 13, 2023. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 20th Day of December, 2023.

\_\_\_\_\_  
Carol P. Tinkham, Notary Public  
My Commission Expires:  
April 5, 2024

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