

**SPRING ANNUAL TOWN MEETING  
HELD AT FALMOUTH, MASSACHUSETTS  
APRIL 7, 2003**

**ARTICLE 1:** To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town elected the following persons to serve as members of the Finance Committee for three year terms: Steven P. Augusta, Frances S. Connolly, Weatherly B. Dorris, Barbara Peri, and Susan Smith and William D. Murphy, Jr. to fill an unexpired two year term.

**ARTICLE 2:** To hear reports of Committees and Town Officers and act thereon.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to accept the reports of Committees and Town Officers for the purposes of Article 2 as requested.

**ARTICLE 3:** To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town. Or do or take any other action in the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to authorize the Selectmen to settle claims and suits against the Town for the purposes of Article 3 as requested.

**ARTICLE 4:** To see if the Town will authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to authorize the Selectmen to accept grants that they deem beneficial to the Town for the purposes of Article 4 as requested.

**ARTICLE 5:** To see if the Town will vote to assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5, Acts of 1955 for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbor, tidewaters, foreshores and shores along a public beach, including Merrimack and Connecticut Rivers, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Board of Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws as amended for the purposes of Article 5 as printed.

**ARTICLE 6:** To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator.....	\$1,500
Town Clerk.....	\$51,460

Selectmen (4)..... \$3,000  
Chairman of Selectmen.....\$3,500

Or do or take any other action in the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003, the Town voted to approve Article 6 as printed.

**ARTICLE 7:** To see if the Town will vote to authorize continued use of the revolving fund for the expenditures of updating the Code of Falmouth under General Laws Chapter 44, Section 53E1/2 as established by Article 3 of the April 1998 Annual Town Meeting and raise and appropriate the sum of Seven Thousand Dollars (\$7,000) for the purpose of the article. Or do or take any other action in this matter. On request of the Town Clerk.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to authorize the continued use of the revolving fund for the purposes of Article 7 as requested by the Town Clerk.

**ARTICLE 8:** To see if the Town will vote to authorize continued use of the revolving fund known as the "Falmouth Recreation Department Revolving Account" under General Laws Chapter 44, Section 53E1/2 as established by Article 4 of the April 1998 Annual Town Meeting. Or do or take any other action in this matter. On request of the Recreation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to authorize continued use of the revolving fund for the purposes of Article 8 as requested by the Recreation Department.

**ARTICLE 9:** To see if the Town will vote that any funds received by the Town of Falmouth as part of the Medicaid Medical Services Program (defined in M.G.L. c.44,S72) are allotted to the School Committee for use under its jurisdiction for the benefit of educational programs, or do or take any other action related to this matter. On request of the Falmouth School Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to approve Article 9 as requested.

**ARTICLE 10:** To see if the Town will vote to appropriate the sum of Fifteen Thousand Dollars (\$15,000) for the purpose of funding hospital, medical and related expenses incurred by employees of the Fire and Police Departments in the performance of their duties. Or do or take any other action in the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to appropriate \$15,000 for the purposes of Article 10 to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 11:** To see if the Town will vote to amend the Town's Position Classification Plan in the following manner:

Budget 01541 – Council on Aging	Delete one Part-time Custodian	Gr. 04
Budget 01611 – Library	Delete three Part-time Custodians	Gr. 04
Budget 01198 – Facilities Maintenance Department		
	Add one FT Custodian	Gr. 04
	Add one FT Facilities Maintenance Worker	Gr. 07

Or do or take any other action in this matter. On request of the Town Administrator.

**VOTED:** By a majority vote, a quorum being present on Monday, April 7, 2003, the Town voted to pass Article 11 as printed.

**ARTICLE 12:** To see if the Town will vote to appropriate the sum of \$12,355 for the purpose of funding the following changes in the Town's position Classification Plan as follows:

<b>Position Title</b>	<b>Current Classification (Grade)</b>	<b>Proposed Classification</b>
Chief Harbor Master	14	M-09
Director of Assessing	16	M-09
Director of Natural Resources	14	M-09
Health Agent	14	M-09
Shellfish Constable/ Asst. Director of Natural Resources	10	M-07
Facilities Maintenance Coordinator	11	M-06
Zoning Administrator	11	M-06
Director of Veterans Services	10	M-05

Or do or take any other action in this matter. On request of the Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to raise and appropriate \$12,355 for the purposes of Article 12 to be suitably distributed by the Town Accountant to the accounts affected.

**ARTICLE 13:** To see if the Town will vote to appropriate the sum of \$2,226 for the purpose of amending the Town's Position Classification Plan as follows:

<b>Position Title</b>	<b>Current Classification (Grade)</b>	<b>Proposed Classification</b>
Assistant Superintendent of Parks, Forestry and School Grounds	11	12
Drawbridge Tender	03	05
Mechanic Welder of Parks, Forestry and School Grounds	08	09

Or do or take any other action in this matter. On request of the Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to raise and appropriate \$2,226 for the purposes of Article 13 to be suitably distributed by the Town Accountant to the accounts affected.

**ARTICLE 14:** To see if the Town will vote to create the following new position in the Town's Position Classification Plan:

**Add** G.I.S./Conservation Technician                      Grade M-03

Or do or take any other action in this matter. On request of the Town Administrator.

**VOTED:** By a majority vote, a quorum being present on Monday, April 7, 2003 the Town voted to pass Article 14 as printed.

**ARTICLE 15:** To see if the Town will vote to amend the Town's Position Classification Plan as follows:

DELETE:

3 Public Works Laborers – Grade 4 – Highway Department  
2 Public Works Laborers – Grade 4 – Parks Department

Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** Not having achieved a majority vote on Monday, April 7, 2003 Article 15 does not pass.

**ARTICLE 16:** To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for the ensuing year, to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to appropriate the sum of \$80,985,701 to defray the Town's expenses for the ensuing year as requested by the Board of Selectmen.

**ARTICLE 17:** To see if the Town will vote to amend Section 240-23.I.(1) and Section 240-38.I.(1) of the Zoning Bylaw by adding the words "*or owned by a non-profit organization or government authority whose purpose is to provide affordable housing.*" so as to read:

"The principal or accessory unit must be owner-occupied for a period of seven months in every calendar year or *owned by a non-profit organization or government authority whose purpose is to provide affordable housing.*"

Or do or take any other action in this matter. On request of the Planning Board.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to amend Article 17 by adding the words "or owned by a non-profit organization or government authority whose purpose is to provide affordable housing" so as to read: "The principal or accessory unit must be owned by a non-profit organization or government authority whose purpose is to provide affordable housing."

**ARTICLE 18:** To see if the Town with Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, for the purpose of OPEN SPACE, WATER RESOURCE PROTECTION and/or PUBLIC RECREATION, as provided in either Chapter 40, Section 8C of the General Laws or any other appropriate authority, said land to be under the jurisdiction and control of either the Conservation Commission or the Board of Selectmen as specified and being described as follows:

Land owned now or formerly by Boulevard Bank, NA Trustee. Consisting of a parcel of 71.33 acres, more or less, located off Carriage Shop Road, as shown on Assessors Map 21, Section 09, Parcel 002, Lot 001 and described on Land Court Plan 3954A; further described in Certificate of Title 112487 registered in Barnstable County Land Court.

And, further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Land Bank Fund or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action this matter. On request of the Board of Selectmen.

See Map 1

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to Indefinitely Postpone Article 18.

**ARTICLE 19:** To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, for the purpose of OPEN SPACE, WATER RESOURCE PROTECTION and/or PUBLIC RECREATION, as provided in either Chapter 40, Section 8C of the General Laws or any other appropriate authority, said land to be under the jurisdiction and control of either the Conservation Commission or the Board of Selectmen as specified and being described as follows:

- PARCEL 1: Land now or formerly of Gaudino Gonsalves, approximately 2.1 acres, more or less, and being shown on Assessors Map #34, Section 02, Parcel 007, Lot 000, and described in a deed recorded in the Barnstable County Registry of Deeds in Book 00406, Page 0041. Said land to be under the jurisdiction of the Conservation Commission.
- PARCEL 2: Land now or formerly of Carl A. Allen, approximately 5.5 acres, more or less, being an easterly portion of land shown on Assessors Map #34, Section 02, Parcel 003, Lot 000 as a 7.88-acre parcel, and described in a deed recorded in the Barnstable County Registry of Deeds in Book 01736, Page 0195. Said land to be under the jurisdiction of the Conservation Commission.
- PARCEL 3: Land now or formerly of Marilyn P. Costa, approximately 1.7 acres, more or less, and being shown on Assessors Map #39, Section 11, Parcel 001A, Lot 000 and described in a deed recorded in the Barnstable County Registry of Deeds in Book 00731, Page 0267. Said land to be under the jurisdiction of the Conservation Commission.

And, further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Land Bank Fund or by borrowing said sum or any part thereof pursuant to the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to authorize the Board of Selectmen to purchase or take by eminent domain land now or formerly of Marilyn P. Costa, approximately 1.7 acres, more or less and being shown on Assessor's Map #39, Section 11, Parcel 001A, Lot 000 and described in a deed recorded in the Barnstable County Registry of Deeds in Book 00731, Page 0267, and further, the sum of \$15,900.00 is appropriated to pay for the acquisition for the aforementioned property, including costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to expend money from the Land Bank Fund and, the Board of Selectmen is hereby authorized and directed to accept any gifts of property, real, personal or otherwise, in connection with the acquisition of the aforesaid property and to enter into any agreements and execute any and all documents incidental and related thereto.

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, for the purpose of open space, public recreation or other municipal purposes, said land to be under the jurisdiction and control of the Board of Selectmen as specified and being described as follows:

Land now or formerly of Augusta Realty Company of Falmouth Inc., approximately 23.7 acres, more or less, and being shown on Assessors Map #34, Section 04, Parcel 036, Lot 000C, and described in a deed recorded in the Barnstable County Registry of Deeds in Book 01286, Page 0900. Said land to be under the jurisdiction of the Board of Selectmen.

And, further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Land Bank Fund or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action this matter. On request of the Board of Selectmen.

**VOTED:** With a two-thirds majority in favor, a quorum being present on Tuesday, April 8, 2003 the Town voted to authorize the Board of Selectmen to purchase or take by eminent domain land in Falmouth, Barnstable County, Massachusetts pursuant to Section 2 of Chapter 293 of the Acts of 1998, the Cape Cod Open Space Land Acquisition Program, for purposes of OPEN SPACE, WATER RESOURCE PROTECTION and/or PUBLIC RECREATION, as provided in any appropriate authority and for MUNICIPAL PURPOSES, said land to be under the jurisdiction of the Board of Selectmen and being described as follows:

Parcel C containing 23.71 acres as shown on a plan of land entitled "Plan of Land located in Falmouth, Mass. Prepared for Falmouth Lumber, Inc., scale 1" 80 Ft., Date " August 27, 1991, Cape & Island Surveying, Inc. 131 Spring Bars Road, Falmouth, Mass.

The Board of Selectmen shall be responsible for designating that portion of land to be under the jurisdiction of the Board of Selectmen for MUNICIPAL PURPOSES and that portion of land for OPEN SPACE, WATER RESOURCE PROTECTION and/or PUBLIC RECREATION, the designation to be made upon approval and permitting of wastewater treatment and/or disposal facilities at this site.

And further, to appropriate the sum of Three Million Fifteen Thousand (\$3,015,000.00) Dollars to pay for the foregoing land, including costs incidental and related thereto, and to meet this appropriation the Board of Selectmen is authorized to expend \$1,515,000.00 from available funds received from Air Force Center for Environmental Excellence and further the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$1,500,000.00 under and pursuant to General Laws Chapter 44 Section 7(3) or any other enabling authority and to issue bonds and notes of the town therefor, and to expend an equivalent amount of money plus interest from the Land Bank Fund in payment of the notes and bonds, and that the Board of Selectmen is hereby authorized to accept gifts of property, real, personal or otherwise, in connection with the acquisition of the aforesaid property, and to enter into any agreements and execute any and all documents incidental and related thereto.

The Town shall not convey any portion, or any interest in, this property to any party for a period of two years and one day from the date of acquisition.

Said sums are to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, for the purpose of open space, water resource protection, public recreation or other municipal purposes, as provided in either Chapter 40, Section 8C of the General Laws or any other appropriate authority, said land to be under the jurisdiction and control of the Board of Selectmen as specified and being described as follows:

Land now or formerly of Elizabeth J. Haddad, approximately 82,912 square feet, more or less, and being shown on Assessors Map #45, Section 21, Parcel 001, Lots 001, 002, 003 and 004 and described in a deed recorded in the Barnstable County Registry of Deeds in Book 00960, Page 0074. Said land to be under the jurisdiction of the Board of Selectmen.

And, further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Land Bank Fund or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003 the Town voted to authorize the Board of Selectmen to purchase land now or formerly of Elizabeth J. Haddad, approximately 82,912 square feet more or less, and being shown on Assessors Map #45, Section 21, Parcel 001 Lots 001, 002, 003 and 004 and described in a deed recorded in the Barnstable County Registry of Deeds in Book 00960, Page 0074. And further to appropriate the sum of \$502,500.00 to pay

for the acquisition of the foregoing land, including costs incidental and related thereto, and to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$502,500.00 under and pursuant to G.L. Ch 44 Section 7(3), or any other appropriate authority, and to issue bonds or notes of the town therefore, and to expend an equivalent amount of money plus interest from the Land Bank Fund in payment of the notes and bonds and that the Board of Selectmen is hereby authorized to accept gifts of property real, personal or otherwise, in connection with the acquisition of the aforesaid property, and to enter into any agreements and execute any and all documents incidental and related thereto. Said sums are to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 22:** To see if the Town will vote to appropriate a sum of money for the purpose of purchasing furniture and equipment for the Mullen School Construction project and to determine whether to raise this appropriation by borrowing or otherwise and by whom expended; provided, however, that no sums shall be borrowed hereunder unless the Town shall have voted at a town election to exempt the amounts required to pay for the bonds and notes issued for the project from the provisions of Proposition 2 ½, so called. Or do or take any other action in this matter. On request of the School Committee.

**VOTED:** By the necessary two-thirds vote, as declared by the Town Moderator, no objections being heard, a quorum being present on Tuesday, April 8, 2003, that the sum of \$552,750 is hereby appropriated for the purpose of purchasing furniture and equipment for the Mullen School Construction Project and that to raise this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum of money under the provisions of G.L. Ch. 44 Section 7(3A) or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that no sums shall be required to pay for the bonds and notes issued for the project from the provisions of Proposition 2 ½, so called. Or that the Department of Revenue determines that said sum may be borrowed in accordance with the previous vote of the town a question on the ballot of the May 1999 annual town election which passed by a majority.

**ARTICLE 23:** To see if the Town will vote to appropriate a sum of money for construction of the renovation and addition of the Department of Public Works Maintenance Facility on Gifford Street, including costs incidental and related thereto, and to determine whether to raise this appropriation by borrowing, or otherwise; provided that no sums shall be borrowed unless the Town shall have voted at a Town Election to exempt the amounts required to pay for the bonds or notes issued for the project from the provisions of Proposition 2 ½, so called, or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By the necessary two-thirds vote declared by the Town Moderator, there being no objection, a quorum being present on Tuesday, April 8, 2003, that the sum of \$5,778,750.00 for construction of the renovations and addition to the Department of Public Works Maintenance Facility on Gifford Street, including costs incidental and related thereto, and the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of G.L. Chapter 44 Section 7(3) or any other enabling authority and to issue bonds and notes of the town therefore; provided, however, that no sum shall be expended under this appropriation unless the town shall have voted to exempt amounts required to pay the notes and bonds issued for the project from the provisions of Proposition 2 1/2, so called, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 24:** To see if the Town will vote to appropriate a sum of money for the purpose of restoring the municipal water plant known as the Long Pond Pumping Station and to determine whether to raise this appropriation by borrowing or otherwise, and by whom expended. Or do or take any other action in this matter. On request of the Utilities Manager.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003, the town does appropriate the sum of \$1,206,000.00 for the purpose of restoring the municipal water plant known as the Long Pond Pumping Station and that the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of G.L. Chapter 44 Section 7(3A) other appropriate

authority and to issue bonds and notes of the town therefor, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 25:** To see if the Town will vote to appropriate a sum of money for the purpose of constructing 6,300' of 12" water main along Red Brook/Ostrom Roads, to determine whether to raise this appropriation by borrowing or otherwise, and by whom expended. Or do or take any other action in this matter. On request of the Utilities Manager.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to appropriate the sum of \$653,250.00 for the purpose of constructing 6300 feet of 12" water main on Red Brook Road and Ostrom Road and the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under provision of G.L. Chapter 44 Section 8(5) and to issue bonds and notes of the town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 26:** To see if the Town will vote to appropriate Fifteen Thousand Dollars (\$15,000) from Land Bank receipts for the purpose of paying administrative fees for costs related to Land Bank purchases and to determine by whom these funds will be expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to approve Article 26 as printed. The \$15,000 from Land Bank receipts to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 27:** To see if the Town will vote to accept the following section of M.G.L. 31s

**Section 58A. Municipal police officers and firefighters; maximum age restrictions**

Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

Or do or take any other action in this matter. On request of the Police Chief and the Fire Chief.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003 the Town voted to approve Article 27 as printed.

**ARTICLE 28:** To see if the Town will accept the provisions contained within MGLA Ch. 32 §90A, which allows members of the Falmouth Retirement System who were retired under Accidental Disability to have their pensions increased up to an amount, not to exceed half, of what the position they were retired from is currently being paid. And to appropriate a sum to cover these increases, how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Retirement Board.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003 the Town voted to accept the provisions contained within MGLA Ch 32 Section 90A as recommended by the Finance Committee.

**ARTICLE 29:** To see if the Town will accept the provisions contained within MGLA Ch. 32, § 90C, which allows members of the Falmouth Retirement System who were retired under Superannuation Retirement, including Non-Contributory Retirees, with at least 25 years of service to the Town of Falmouth to have their pensions increased up to an amount, not to exceed half, of what the position they were retired from is currently being paid. And to appropriate a sum to cover these increases, how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Retirement Board.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003 the Town voted to accept



the provisions contained within MGLA Ch 32, Section 90C as recommended by the Finance Committee.

**ARTICLE 30:** To see if the Town will accept the provisions contained within MGLA Ch. 32§ 90D, which allows members of the Falmouth Retirement System who were retired under Ordinary Disability with at least 25 years of service to the Town of Falmouth, to have their pensions increased up to an amount, not to exceed half, of what the position they were retired from is currently being paid. And to appropriate a sum to cover these increases, how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Retirement Board.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003 the Town voted to accept the provisions contained within MGLA Ch. 32 Section 90D as recommended and requested by the Retirement Board.

**ARTICLE 31:** To see if the Town will vote to amend Chapter 184 of the Town Sign Code Bylaw as follows:

184-30 –Movable, portable or mobile signs

C. 1. Special events or promotions. A business or community service may have one (1) movable, portable or mobile banner or sign on its premises, not to exceed sixteen (16) square feet, not more than two (2) times nor more than a total of thirty (30) days per calendar year, in addition to other permitted signs. Such signs shall be required to have permits, but permit fees shall be waived.

2. *Special events or promotions. A business or community service may have one (1) movable, portable or mobile banner or sign on its premises, not to exceed thirty-two (32) square feet for a period not to exceed 72 hours, not more than two (2) times per calendar year, in addition to other permitted signs. Bunting, pennants and flags will be permitted during this time period. Balloons and other air filled devices shall not exceed 12" in diameter. A total of three (3) off-premises signs not exceeding two (2) square feet each are permitted. Such signage shall be required to have permits, but permit fees shall be waived.*

184-37 – Wall and roof signs

D. Such signs shall have a total area not exceeding one and five-tenths (1.5) square feet for each horizontal foot of building face parallel to a street line, or ten percent (10%) of the wall area to which it is attached, whichever is less. *If the subject wall is between 51 feet and 65 feet in length, the allowable percentage for a wall sign shall be seven percent (7%) of the wall area to which it is attached. If the subject wall exceeds sixty-five (65) feet in length, the allowable percentage for a wall sign shall be five percent (5%) of the wall area to which it is attached. For a roof sign above such walls as described above, the allowable percentage of a roof sign shall be the same as allowed for a wall sign below the roof to which its is attached.* The area of window signs shall be deducted per Section 184-38B.

Or do or take any other action in this matter on request o the Design Review Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003, the Town voted to Indefinitely Postpone Article 31.

**ARTICLE 32:** To see if the Town will vote to accept the doings of the Selectmen in the laying out of the following listed roads according to a plan on file with the Town Clerk for taking as a public way:

<u>STREET</u>	<u>LENGTH</u>
Edgewater Drive East	2255'
Andy' Lane	430'
Kettle Hole Road	1020'
Trickett Street	515'
Teneycke Hill Road	1000'

Under the provisions of Chapter 80 of the Massachusetts General Laws, the cost will be recovered by 100% betterment assessments to the land that receives the benefit. Or do or take any other action in this matter. On request of the Board of Selectmen.

See Maps 7, 8, 9 and 10.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003, the Town voted to pass Article 32 as printed.

**ARTICLE 33:** To see if the Town will vote to accept the doings of the Selectmen in the laying out of the following listed roads according to a plan on file with the Town Clerk for taking as a public way:

<u>STREET</u>	<u>LENGTH</u>
Esker Place	1,241'
Pacheco Path	550'

Or do or take any other action in this matter. On request of the Board of Selectmen.

See Maps 11 and 12.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to accept the following street:

<b>Street</b>	<b>Length</b>
Pacheco Path	550'

**ARTICLE 34:** To see if the Town will vote to appropriate Forty Thousand Dollars (\$40,000) from Land Bank receipts for the purpose of a restoration project on the Cape & Islands Seafoods parcel, so-called, which purchase was authorized by Article 13, paragraph D of the November 2000 Annual Town Meeting. And to determine by whom these funds will be expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003 the Town voted to approve Article 34 as printed to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 35:** To see if the town will vote to transfer excess funds of Eighteen Thousand Four Hundred Seventy-six Dollars (\$18,476) from Line 01295-58012 – Article 37 of the November 2001 Town Meeting – Harrington Street Ramp – back into the Reserve/Waterways Appropriation Fund, or do or take any other action on this matter. On request of the Waterways Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2003, the Town voted to approve Article 35 as printed to be expended under the jurisdiction of the Waterways Committee.

**ARTICLE 36:** To see if the Town will vote to amend Section 4 of Chapter 87 – Dogs – of the Code of Falmouth by adding between “May 1<sup>st</sup> and October 1<sup>st</sup>” so as to read “No dogs or other animals shall be brought upon any of said public beaches nor permitted thereon between May 1<sup>st</sup> and October 1<sup>st</sup>.” Or do or take any other action in this matter. On request of the Beach Committee.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to amend Section 4 of Chapter 87 – Dogs – of the Code of Falmouth by adding between “May 1<sup>st</sup> and October 1<sup>st</sup>” so as to read “No dogs or other animals shall be brought upon any of said public beaches nor permitted thereon between May 1<sup>st</sup> and October 1<sup>st</sup>.”

**ARTICLE 37:** To see if the Town will vote to adopt the following Resolution:

*Whereas* Cape Cod and the Town of Falmouth are situated in an area relative to a nuclear power plant as described in House of Representative Bill Number 4913 and may be affected in the event of a release of radiation, accidental or otherwise, and

Whereas there are limited escape routes for the people in this area, and

Whereas the aforementioned bill provides for obtaining a supply of potassium iodide for protection from thyroid cancer at no cost to the Town.

*The Town of Falmouth therefore votes to accept potassium iodide from the nuclear Regulatory Commission's Potassium Iodide Stockpiling Program or the operators of the Plymouth Nuclear Power Station. The Town further votes to commission the Board of Health to develop and distribute educational materials to apprise the general public of the issues regarding the use of potassium iodide. Further, the Board of Health will formulate a storage and distribution plan that is consistent with forthcoming regulations of the Massachusetts Department of Public Health and coordinates with Town of Falmouth Fire and Police Departments, Emergency Management personnel and other entities and town departments as the Board of Health deems necessary to ensure the timely distribution of potassium iodide should it become necessary.*

Or do or take any other action in this matter. On request of the Board of Health.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to amend Article 37 to insert the words "immediate" to replace the word "timely" so as to read, "the immediate distribution of potassium iodide."

**ARTICLE 38:** To see if the Town will vote to amend the Code of Falmouth to include the following:

- 1) Every motorboat operated on the waters of Falmouth shall be equipped at all times with a muffler on the exhaust of its engine or an underwater exhaust as required by Chapter 90B, Section 6 of the General Laws.
- 2) No person shall operate a motorboat on the waters of Falmouth in a manner to permit the production of sound from its engine that equals or exceeds
  - A) eighty eight (88) decibels (88dB) on the "A" scale (dBA) when subjected to a stationary sound level measurement at a distance greater than three (3) feet from the stern with its engine at idle speed, or
  - B) seventy-five (75) decibels (75dB) on the "A" scale (dBA) when subjected to the stationary sound level measurement from the shoreline or edges of the harbor.
- 3) The Harbormaster, an Assistant Harbormaster or police officer who has reason to believe that a motorboat is not in compliance with noise levels established in this section may direct the operator of the motorboat to submit it to an on-site test to measure the level of the sound emitted by the motorboat's engine. The operator shall comply with that direction. The Harbormaster, an Assistant Harbormaster, or police officer may remain aboard the motorboat during the test at his discretion. If the level of sound emitted by the motorboat's engines exceeds the sound levels established in this section, the Harbormaster, an Assistant Harbormaster, or police officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the motorboat to a mooring or dock, stopping the motor and keeping the boat there until the violation is corrected or ceases.
- 4) This section shall not apply to the operations of dredges, commercial vessels engaged in construction or demolition work, tugboats, or to auxiliary engines on commercial vessels that do not propel the vessel through water.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003 the Town voted to pass Article 38.

**ARTICLE 39:** To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action in this matter. On request of the Finance Committee and the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted that all articles considered in this Town Meeting be funded for a total of \$86,531,658.00.