



THE ANNUAL NOVEMBER TOWN MEETING
November 7 and 8, 2011 AT 7:00 PM

1	Hear Report of Committees and Town Officers
2	Unpaid Bills
3	Amend Zoning Bylaw - Chapter 240 (Zoning)
4	Amend Zoning Bylaw - Article III (Definitions)
5	Petition - Rezone 740 Thomas B. Landers (J.Haddad & D.Haddad)
6	Petition - Rezone 22 Nathan Ellis Highway (A.Minasian)
7	Petition - Amend Zoning Bylaw Ch.240 Residential Homes for Recovering Alcoholics and Drug Addicts (D.Salter & S.Kelley)
8	Petition - Amend Falmouth Code Article III §C3-8 Prohibitions (A.Putnam)
9	Petition - Suspend Wind I and II Operations (B. Funfar)
10	Conservation Restriction - Teaticket Park (Vieira Property)
11	Land Transfer - Research Road and Thomas B. Landers
12	Rescind Previous Authorizations (April 2004 STM Article 3 & April 2006 ATM Article 21)
13	Chapter 90 - Roads
14	Fund - Town/School Financial Systems Upgrade
15	Fund - OpenCape Broadband Network Connection to Municipal Buildings
16	Fund - Vernon Avenue Retaining Wall Repairs
17	Fund - Superior Officers' Association Contract
18	Fund - Police Federation Contract
19	Fund - International Association of Firefighters Local 1397 Contract
20	Fund - American Federation of State, County and Municipal Employee Local 1636 (AFSCME) Contract
21	Fund - Laborer's International Union of North America, AFL-CIO Local 1249 Contract
22	Fund - Public Library Association, Massachusetts Laborers' District Council Contract
23	Fund - Technical/Administrative/Management Employee (TAM)
24	Classification Plan - Police Department
25	Fund - Replacement of Police Cruisers
26	Fund - Repairs/Maintenance of Town Buildings
27	Fund - Repair Menauhant Road Revetment/Sidewalk
28	Fund - Repair Chapoquoit Road Seawall
29	Fund - Remove Sediment from Salt Pond and Fresh River Outlets
30	Fund - FY12 Wind I and II Operational Expenses
31	Fund - Wind Energy Facilities Mitigation Analysis and Sound Study Consulting Services
32	Fund - Old Silver Beach Septic Repairs
33	Fund - Town's Stabilization Fund
34	Falmouth Contributory Retirement Special Military Fund
35	Community Preservation Fund - Historic Resources (John Wesley United Methodist Church)
36	Community Preservation Fund - Historic Resources (Public Library Documents Digitized)
37	Community Preservation Fund - Historic Resources (St. Barnabas Episcopal Church)
38	Community Preservation Fund - Historic Resources (Woods Hole Public Library)
39	Community Preservation Fund - Historic Resources (55 Glenwood Drive)

40	Community Preservation Fund - Amend FY12 Operating Budget Funding Sources
41	Community Preservation Fund - Historic Resources (Waquoit Congregational Church)
42	Authorize Solid Waste Disposal Contract
43	Amend Falmouth Code - Chapter 29, Article III, Section 29-8 Membership; terms
44	Amend Falmouth Code - Chapter 65, Article III, Section 65-3 Adopt Bylaw
45	Amend Falmouth Code - Chapter 136 Secondhand Dealers and Secondhand Collectors
46	Adopt Massachusetts Building Code 780 CMR 120.AA - Stretch Energy Code
47	Accept M.G.L. Chapter 33, Sec.59 Effect of Military Service on Salary or Vacation Allowance of Public Employees
48	Accept Layout of Roads for taking as Public Way
49	Funding Article

ARTICLE 1: To hear reports of Committees and Town Officers and act thereon

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to accept the reports of the Board of Selectmen, Charter Review Committee, High School Building Committee, Planning Board and Finance Committee.

ARTICLE 2: To see if the Town will vote to appropriate a sum of money for the purpose of paying unpaid bills from a prior year, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted **to** appropriate the sum of \$17,121.49 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purposes of paying unpaid bills from a prior fiscal year as follows:

DPW Highway Department	Bouse House Enterprises, Inc.	2,400.00
Natural Resources	Massachusetts Maritime Academy	395.00
Personnel Department	Health Resources	1,670.67
Town Insurance	MIIA	10,742.00
Town Manager/BOS	Fedex	36.12
Town Manager/BOS	M.Sylvester Towing	165.00
Town Manager/BOS	ASCAP	919.00
Town Manger/BOS	BMI General Licensing	579.50
Treasurer Department	Cape Cod Five Cents Savings Bank	214.20

ARTICLE 3: To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth in the following manner:

- 1) Amend Article IV – General District Use Regulations - by deleting from §240-14 the words “Buffer Space District” and insert in its place the words “Light Industrial C District”
- 2) Delete in its entirety Article XIII - Buffer Space District - and insert in its place the following:

“Article XIII Light Industrial C Districts.

§240-64.1 Permitted Residential Uses: None

§240-64.2 Permitted Community Service Uses: None

§240-64.3 Permitted Business, Commercial and Industrial Uses:

- a. Contractors yards as defined
- b. Wholesale (to the trades) supply
- c. Warehousing and storage buildings
- d. Ground-Mounted Solar Photovoltaic Array.

§240-64.4 Permitted Accessory Uses:

- a. Television, radio or similar towers, not exceeding 50' in height
- b. Support office facilities, accessory to a permitted use
- c. Fabrication of sub assemblies associated with contractor trades

§240-64.5 Special Permit Uses:

- a. Television, radio or similar towers exceeding 50' in height.
- b. Restaurant or other place for serving food, except that the Board of Appeals shall permit operation for breakfast and lunch hours only. “

- 3) Amend Article III – Definitions- by adding the following: “Ground Mounted Solar Photovoltaic Array – a system of solar panels structurally mounted on the ground generating electricity to be sold to the wholesale electricity market.“
- 4) Amend Article XIV – Dimensional Regulations - by :
 - a) adding to §240-67A. the words : “Light Industrial C Minimum Lot Area 40,000 (square feet); Minimum Lot Width 100 (feet); Minimum Frontage 100 (linear feet)”
 - b) adding at the end of §240-68C. the words “ In Light Industrial C Districts the minimum front yard setback shall be 35 feet; side and rear yard minimum setbacks shall be 10 feet.”
 - c) adding the words : “§240-69F. In Light Industrial C Districts total disturbance shall not exceed 70 percent of the lot area.”
 - d) adding the words “and C” to §240-70C. so as to read in its pertinent part:” In Light Industrial B and C Districts the maximum building height shall be 40 feet...”
- 5) Amend Article XXII – Parking Requirements- by adding the words “and C” to §240-109F.1 so as to read in its pertinent part: “...except that in Light Industrial A and C only, a parking area may be within 15 feet of any other lot line...”

Or do or take any other action on this matter. On behalf of the Planning Board.

VOTED: By a declared two-thirds majority vote, a quorum being present on Monday, November 7, 2011 the town voted to amend Chapter 240 – Zoning – of the Code of Falmouth in the following manner:

- (1) Amend Article IV – General District Use Regulations - by deleting from §240-14 the words “Buffer Space District” and insert in its place the words “Light Industrial C District”
- (2) Delete in its entirety Article XIII - Buffer Space District - and insert in its place the following:

“Article XIII Light Industrial C Districts.

§240-64.1 Permitted Residential Uses: None

§240-64.2 Permitted Community Service Uses: None

§240-64.3 Permitted Business, Commercial and Industrial Uses:

- a. Contractors yards as defined
- b. Wholesale (to the trades) supply
- c. Warehousing and storage buildings
- d. Ground-Mounted Solar Photovoltaic Array.

§240-64.4 Permitted Accessory Uses:

- a. Television, radio or similar towers, not exceeding 50' in height
- b. Support office facilities, accessory to a permitted use
- c. Fabrication of sub assemblies associated with contractor trades

§240-64.5 Special Permit Uses:

- a. Television, radio or similar towers exceeding 50' in height.
- b. Restaurant or other place for serving food, except that the Board of Appeals shall permit operation for breakfast and lunch hours only. “

- (3) Amend Article III – Definitions- by adding the following: Ground Mounted Solar Photovoltaic Array – a system of solar panels structurally mounted on the ground generating electricity to be used on-site or sold to the wholesale electricity market.
- (4) Amend Article XIV – Dimensional Regulations - by :
- a) adding to §240-67A. the words : “Light Industrial C Minimum Lot Area 40,000 (square feet); Minimum Lot Width 100 (feet); Minimum Frontage 100 (linear feet)”
 - b) adding at the end of §240-68C. the words “ In Light Industrial C Districts the minimum front yard setback shall be 35 feet; side and rear yard minimum setbacks shall be 10 feet.”
 - c) adding the words : “§240-69F. In Light Industrial C Districts total disturbance shall not exceed 70 percent of the lot area.”
 - d) adding the words “and C” to §240-70C. so as to read in its pertinent part:” In Light Industrial B and C Districts the maximum building height shall be 40 feet...”
- (5) Amend Article XXII – Parking Requirements- by adding the words “and C” to §240-109F.1 so as to read in its pertinent part: “...except that in Light Industrial A and C only, a parking area may be within 15 feet of any other lot line...”

ARTICLE 4: To see if the Town will vote to amend Article III – Definitions – of the Zoning Bylaw by deleting the last paragraph in the definition of YARD, FRONT and inserting in its place the following:

“Note: A lot may have more than one front yard. Therefore, primary front yards may be designated by the Building Commissioner for the purpose of maintaining a front yard setback. A front yard not designated as a primary front yard may maintain a side or rear yard setback.”

So as to read:

YARD, FRONT

- A. That area of a lot between the front walls (including offsets) of the principal building and the lot frontage adjacent to the street the lot adjoins,
- B. Plus the areas between the lot frontage adjacent to the street and lines drawn from the two front corners of the building parallel to the lot frontage until they intersect a side lot line.

“Note: A lot may have more than one front yard. Therefore, primary front yards may be designated by the Building Commissioner for the purpose of maintaining a front yard setback. A front yard not designated as a primary front yard may maintain a side or rear yard setback.”

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Article 4 as printed in the warrant.

ARTICLE 5: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to change the existing Agricultural AA Zone by rezoning from Agricultural AA to **Light Industrial C** the land at 740 Thomas B. Landers Road shown on the Falmouth Assessors Map 15 Section 04 Parcel 14 Lot 00, located south of Thomas B. Landers Road and shown on a plan entitled “Plan of Re-zoning 740 Thomas B Landers Road West Falmouth, Massachusetts prepared for the Tradesman Realty Trust”, Scale: 1”=40’, Date: August 30, 2011, prepared by BSS Design, Incorporated, Engineering & Surveying, 164 Katherine Lee Bates Road, Falmouth, Massachusetts 02540.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement of Article 5.

ARTICLE 6: To see if the Town of Falmouth will vote to re-zone 22 Nathan Ellis Highway map 05, section 09, parcel 007, lot 001; Business Redevelopment ground level parking only, and 28 Nathan Ellis Highway, map 05, section 09, parcel 007A, lot 001; Business redevelopment Medical and Professional use only. And 00 Nathan Ellis Highway, map 05, section 09, parcel 007A, lot 002; General residential.

On petition of Antranig Minasian and others.

VOTED: By a declared failed majority vote, a quorum being present on Monday, November 7, 2011 the town voted not to pass Article 6.

ARTICLE 7: To see if the Town will vote to amend Chapter 240 Zoning of the Code of Falmouth by adding the following sections regarding residential homes for recovering alcoholics and drug addicts:

Amend Section 240-13 by adding the following definition

RESIDENTIAL HOMES FOR RECOVERING ALCOHOLICS AND DRUG ADDICTS (Sober Houses) – Structures used to provide housing exclusively for individuals actively enrolled and successfully participating in recovery programs that at a minimum: are professionally operated or managed by people with a documented history of being abstinent for at least one year; provide residents access to staff 24 hours a day, seven days a week; prohibit anyone with an outstanding criminal warrant to participate. The owner of the Residential Home for Recovering Alcoholics and Drug Addicts shall provide furnished living space for all residents; not permit smoking anywhere in the house; allow no more than two people to share a bedroom; provide one full working bathroom for every six people, including residents and staff; and have a working kitchen with a sink, refrigerator, oven, and range. Additionally each facility owner shall establish and prominently post rules that at minimum require: 1. absolutely no alcohol or drug use on or off the premises; 2. immediate eviction for drug or alcohol use; 3. immediate eviction for failing to submit a urine sample when asked by house staff or a representative of the overseeing treatment program; 4. immediate eviction for committing or threatening violence; 5. immediate eviction for conviction of a crime while a resident; 6. mandatory participation in a treatment program; and 7. a house curfew.

Add the following section to the Zoning By-law (codification is a recommendation only)

Section 240-164A Residential Homes for Alcoholics and Drug Addicts

Residential Homes for Alcoholics and Drug Addicts shall be allowed in any Zoning District that allows by right one-family detached houses. For districts that permit multifamily dwellings by special permit, but prohibit one-family detached houses, a special permit shall be required for a Residential Home for Alcoholics and Drug Addicts. Such special permit shall be granted only if the Board of Appeals shall make the same findings required for a multifamily dwelling.

Section 240-164A.1 Number of Residents

The number of residents shall not exceed the number of bedrooms in the structure times two. Bedrooms shall be defined in accordance with the lesser number of bedrooms determined by the State building Code or Title 5 Massachusetts State Environmental Code (if applicable). Rooms with less than 70 square feet or one dimension less than 8 feet may not be used for the purpose of a bedroom. Rooms without a window capable of permitting egress shall not be counted as a bedroom.

Section 240-164A.2 Public Safety

All Residential Homes for Alcoholics must comply with present and future fire, safety and sanitary codes. In addition to standard smoke detector placement, each bedroom used for habitation shall have an individual operating smoke detector. The fire chief may require the installation of additional smoke detectors, carbon monoxide detectors, or sprinklers in accordance with M.G.L. ch. 148 § 261 as safety of the residents dictate.

Section 240-164A.3 Parking

The owner of any Residential Home for Alcoholics and Drug Addicts shall provide on-site handicap parking spaces for any resident requiring such accommodation. Such parking spaces shall meet the number, size, dimension, signage, marking and location as described by the Massachusetts Office of Disability in its Handicap Parking Regulations. Any facility that fails to meet this requirement or discriminates against any person requiring such parking accommodation shall not be considered a legal Residential Home for Alcoholics and Drug Addicts. In no case shall the parking of resident or staff vehicles create a nuisance.

Section 240-164A.4 Mixed Use

If any resident is not a staff person or actively enrolled and successfully participating in a recovery program, or the facility does not meet all of the requirements contained in the definition section, the facility shall be considered a boardinghouse for zoning purposes.

Section 240-164A.5 Building Commissioner

If requested, the Building Commissioner shall provide a written opinion on the number of bedrooms, parking use, occupancy of the structure, the adequacy of treatment programs, adequacy of written facility rules and zoning compliance. Such opinion shall be issued within 14 days of a written request. Anyone aggrieved by such an opinion or if the Building Commissioner fails to issue such opinion, may appeal in accordance with § 240-202.

Or do or take any other action on this matter. On petition of Diane Salter and Susan Kelley and others

VOTED: By a declared failed majority vote, a quorum being present on Monday, November 7, 2011 the town voted not to pass Article 7.

ARTICLE 8: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch.43B, §§10 and 11, and any other appropriate authority.

Amend § C3-8. Prohibitions, by adding subsection C, to read:

C. Members of the Board of Selectmen shall be ineligible to serve as any other town elected official including but not limited to Town Meeting Member.

Or do or take any other action on the matter. On petition of Andrew Putnam, Town Meeting Member, Precinct 9 and others

VOTED: By a declared failed majority vote, a quorum being present on Monday, November 7, 2011 the town voted not to pass Article 8.

ARTICLE 9: To see if the Town will vote to suspend operations of Wind I and Wind II until pending research and studies prove no harm is being done to nearby residents to the satisfaction of the Board of Selectmen and the Board of Health and until all future options of both turbines are fully explored and Town Meeting members are given the opportunity to make a decision regarding the two turbines with a prepared presentation after the research has been completed.

On petition of Barry Funfar and Others.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted Indefinite Postponement of Article 9.

ARTICLE 10: To see if the Town will vote to authorize the Board of Selectmen, acting as Park Commissioners, to PURCHASE OR TAKE BY EMINENT DOMAIN a perpetual conservation restriction in accordance with MGL c. 184, § 31-33 on all or a portion of land in Falmouth, Barnstable County, Massachusetts, to be managed and controlled as a public park, in accordance with Chapter 45 Section 3, for recreation purposes, being described as follows:

Land now or formerly of William T. Vieira, approximately 10.78 acres, more or less, and being shown on Assessors Map 39, Section 14, Parcel 2, Lot 1, shown as a 10.78 acre parcel of land on a plan entitled, "Plan of Land Prepared for William T. Vieira in Falmouth", recorded in Plan Book 420, Page 44.

And, further, to appropriate a sum of money for the acquisition of a perpetual conservation restriction on the foregoing land, including costs incidental and related thereto, and to authorize the Board of Selectmen or its designee to accept any 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 Community Preservation Fund, under the Community Preservation Act, 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, further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to submit, on behalf of the Town, any and all applications deemed necessary under the PARC (formerly Urban Self-Help) Act, as amended, Chapter 933 Acts of 1977, and/or any other sources, including those in aid of recreation land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition within the scope of this Article, or take any other actions relative thereto.

Or do or take any other action on this matter. On request of the Board of Selectmen and the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted **to** authorize the Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction in perpetuity, in accordance with MGL c. 184, § 31-33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, to be managed and controlled by the Board of Selectmen, acting as Park Commissioners, as a public park, in accordance with Chapter 45 Section 3, for recreation purposes, being described as follows:

Land now or formerly owned by William T. Vieira, approximately 10.78 acres, more or less, and being shown on Assessors Map 39, Section 14, Parcel 2, Lot 1, shown as a 10.78 acre parcel of land on a plan entitled, "Plan of Land Prepared for William T. Vieira in Falmouth", recorded in Plan Book 420, Page 44, and described in four (4) deeds recorded in the Barnstable County Registry of Deeds in Book 784, Page 544, Book 878, Page 170, Book 890, Page 331, and Book 1031, Page 441.

And, further, to authorize the Board of Selectmen or its designee to accept any 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 Community Preservation Fund, under the Community Preservation Act, or by borrowing said sum or any part there

And, further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to submit, on behalf of the town, any and all applications deemed necessary under the PARC (formerly Urban Self-Help) Act, as amended, Chapter 933 Acts of 1977, and/or any other sources, including those in aid of recreation land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition within the scope of the Article, or take any other actions relative thereto. All sums received from the PARC Fund shall be directly deposited into the Community Preservation Fund Undesignated Fund Balance.

To authorize acceptance of a gift of \$300,000 from The 300 Committee, Inc., for the purpose of Article 10.

To authorize appropriation of the sum of \$700,000 from the Community Preservation Fund undesignated fund balance for the purposes of Article 10. Expenditure of such funds to be contingent upon approval of a grant from the Massachusetts Parklands Acquisitions and Renovations for Communities (PARC—formerly Urban Self-Help) grant program to reimburse the Community Preservation Fund Undesignated Fund Balance in an amount no less than \$500,000 and receipt of a gift in the amount of \$300,000 from The Three Hundred Committee.

And further to authorize payment of the sum of \$1,000,000 for the acquisition of the foregoing conservation restriction.

All said appropriated sums shall be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 10.

ARTICLE 11: To see if the Town will vote to declare a vacant parcel of land hereafter described as Parcel 1 surplus to the needs of the Town of Falmouth and to authorize the Board of Selectmen to convey said Parcel 1 to a third party in exchange for a second vacant parcel of land hereafter described as Parcel 2, upon such terms and conditions as the Board of Selectmen deem appropriate. Said Parcel 2 to be under the care and control of the Board of Selectmen

Parcel 1 is described as follows:

Land owned by the Town of Falmouth containing approximately 12.72 acres. Said parcel of land is located on the east side of Research Road, Falmouth, MA and is shown on Falmouth Assessor's map as 15-04-027B-018.

Parcel 2 is described as follows:

Land now or formerly of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority containing approximately 8.86 acres. Said parcel of land is located off of Thomas B. Landers Road in Falmouth and is shown on Falmouth Assessor's map as 15-04-016-004.

And further to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing exchange of parcels and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town.

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

VOTED: By a declared two-thirds majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted to declare a vacant parcel of land hereafter described as Parcel 1 surplus to the needs of the Town of Falmouth and to authorize the Board of Selectmen to convey said Parcel 1 to a third party in exchange for a second vacant parcel of land hereafter described as Parcel 2, upon such terms and conditions as the Board of Selectmen deem appropriate. Said Parcel 2 to be under the care and control of the Board of Selectmen

Parcel 1 is described as follows:

Land owned by the Town of Falmouth containing approximately 12.72 acres. Said parcel of land is located on the east side of Research Road, Falmouth, MA and is shown on Falmouth Assessor’s map as 15-04-027B-018.

Parcel 2 is described as follows:

Land now or formerly of the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority containing approximately 8.86 acres. Said parcel of land is located off of Thomas B. Landers Road in Falmouth and is shown on Falmouth Assessor’s map as 15-04-016-004.

And further to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing exchange of parcels and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town.

And further that the transfer of Parcel 1 from the Town to the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority shall be subject to a preservation restriction in perpetuity, in accordance with M.G.L. c. 184, §§ 31-33, held by the Town of Falmouth, acting through the Historical Commission, or by another governmental agency or non-profit organization, preserving the “great rock” located on Parcel 1 and identified in the Technical Memorandum and Archaeological Sensitivity Assessment, Research Road, Falmouth, Massachusetts, prepared by Public Archaeology Laboratory, dated October 31, 2011.

And further authorize the Board of Selectmen to grant or otherwise create said preservation restriction or do or take any other action to preserve in perpetuity the aforesaid “great rock.”

ARTICLE 12: To see if the Town will vote to rescind previous authorizations to borrow, as the projects have been completed, including but not limited to the following:

April 2004 Special Town Meeting Article #3 – LB Golf/Carriage Shop Road	\$1,250,000.00
April 2006 Annual Town Meeting Article #21 – Library Renovation	\$ 134.00

Or do or take any other action on this matter. On request of the Acting Town Treasurer.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to rescind the following authorizations to borrow, as the projects have been completed:

Date of TM Vote	Article No.	Purpose	Loan Amount Authorized	Loans Issued	Amount to Rescind	Basis for Request to Rescind
04/04 STM	3	Land Bank-Golf Land Purchase	\$3,000,000	\$1,750,000	\$1,250,000	Cash Payment
04/06 ATM	21	Library Renovation	\$9,189,134	\$9,189,000	\$ 134	Unissued

ARTICLE 13: To see if the Town will vote to appropriate a sum of \$1,269,542.00, the same being the town share of the State Highway fund for fiscal year 2012, for the purpose of maintaining, repairing, improving and constructing town and county ways and bridges under G.L. ch.90, sec. 34(2)(a), and further to authorize the Board of Selectmen to enter into such contracts with the state as may be necessary for said purpose, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Article 13 as printed to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money for the purpose of funding a Town/School Financial Systems Upgrade and Installation, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate \$297,000.00 from Certified Free Cash for the purposes of Article 14 to be expended under the jurisdiction of the Information Technology Director

ARTICLE 15: To see if the Town will vote to appropriate a sum of money for the purpose of funding the connection of municipal buildings to the OpenCape Broadband Network, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$122,000.00 from Certified Free Cash for the purposes of Article 15 to be expended under the jurisdiction of the Information Technology Director

ARTICLE 16: To see if the Town will vote to appropriate a sum of money to repair the retaining wall which runs parallel to Vernon Avenue near the intersection with Grand Avenue in Falmouth Heights and supports Vernon Avenue, a public way, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$30,000.00 from Certified Free Cash for the purposes of Article 16 to be expended under the jurisdiction of the DPW Director.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Falmouth Superior Officers' Association, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement

ARTICLE 18: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Police Federation, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate \$98,000.00 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Police Federation.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the International Association of Firefighters, Local 1397, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement

ARTICLE 20: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee, Local 1636,

and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Laborers' International Union of North America, AFL-CIO, Local 1249, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement

ARTICLE 22: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Falmouth Public Library Association, Massachusetts Laborers' District Council, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement

ARTICLE 23: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding an increase for the Technical, Administrative, Management and permanent employees for the period commencing July 1, 2010, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement

ARTICLE 24: To see if the Town will vote to amend the Town's Classification Plan for Police Department as follows:

- Delete: (4) Police Sergeants (\$31.38 – 32.16/hr.)
- Add: (4) Police Lieutenants (\$34.22 – 35.38/hr.)

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted Article 24 as printed

ARTICLE 25: To see if the Town will vote to appropriate a sum of money to fund the replacement of Police Cruisers, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate \$200,000.00 from Certified Free Cash for the purposes of Article 25 to be expended under the jurisdiction of the Police Chief

ARTICLE 26: To see if the Town will vote to appropriate a sum of money to fund the repair/maintenance of Town Buildings, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$110,000.00 from Certified Free Cash to be expended under the jurisdiction of the DPW Director for the purpose of funding the repairs/maintenance of Town Buildings as follows:

1.	Fire Rescue Headquarters HVAC	11,000.00
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	Replacement of a deteriorated condenser coil with an environmentally coated coil.	
2.	Fire Rescue North Falmouth Station Roof This is a 30 year old roof that is leaking.	14,000.00
3.	Fire Rescue West Falmouth Septic System The Finance Committee will reconsider the request for \$15,000 to replace the West Falmouth Septic System after the Board of Health has weighed in on its condition.	0.00
4.	Gus Cauty Recreation Building Roof The shingled portion of the roof is the original from 1989 and is in need of replacement due to damaged shingles and leaks.	85,000.00
TOTAL		\$110,000.00

ARTICLE 27: To see if the Town will vote to appropriate a sum of money to repair the coastal armored revetment/sidewalk along Menauhant Road adjacent to the Great Pond Bridge, a public way, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$272,000.00 from Certified Free Cash for the purposes of funding the engineering design, permitting and construction required to rebuild the seawall revetment along Menahaut Road adjacent to the Great Pond Bridge, to be expended under the jurisdiction of the DPW Director.

ARTICLE 28: To see if the Town will vote to appropriate a sum of money to repair the seawall along the Chapoquoit Road causeway, a public way, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Department of Public Works.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate \$250,000.00 from Certified Free Cash for the purposes of funding the engineering design, permitting and construction of a permanent section of the seawall and reconstruction of the roadway along Chapoquoit Road causeway, to be expended under the jurisdiction of the DPW Director.

ARTICLE 29: To see if the Town will vote to appropriate a sum of money to remove sediment from Salt Pond and Fresh River outlets caused by the storm surge of Hurricane Irene, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$200,000.00 from Certified Free Cash for the purposes of funding the removal of sediment from the inlets as well as the engineering design, permitting and reconstruction of the inlet groins to Salt Pond that are failing and collapsing due to the age of the structures and continuing wave action and storm surges, to be expended under the jurisdiction of the DPW Director.

ARTICLE 30: To see if the Town will vote to appropriate a sum of money to fund the Fiscal Year 2012 Wind I and Wind II operational expenses, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Department of Public Works

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate \$178,104.00 from Certified Free Cash for the purposes of Article 30, to be expended under the jurisdiction of the DPW Director

ARTICLE 31: To see if the Town will vote to appropriate a sum of money to fund consulting services related to mitigation analysis and a Sound Study to ameliorate the impacts of Wind Energy Facilities, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate \$30,000.00 from Certified Free Cash for the purposes of Article 31, to be expended under the jurisdiction of the Town Manager

ARTICLE 32: To see if the Town will vote to appropriate a sum of money to repair the failed septic system on the resident's side of Old Silver Beach, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Beach Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$19,780.00 from Certified Free Cash for the purposes of performing minor repairs to the existing system and replacing the existing bathroom fixtures with low water consumption units to obtain accurate water flows during the 2012 beach season, to be expended under the jurisdiction of the DPW Director.

ARTICLE 33: To see if the Town will vote to appropriate a sum of money to the Town's Stabilization Fund, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Finance Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$500,000.00 from Certified Free Cash to the Town's Stabilization Fund for the purposes of Article 33

ARTICLE 34: To see if the Town will vote to appropriate a sum of money to the Falmouth Contributory Retirement Special Military Fund for the purpose of paying contributions for employees who have been called to active military duty per M.G.L. Ch.32, §22(4)(a), and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Falmouth Contributory Retirement Board

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate \$10,000.00 from Certified Free Cash for the purposes of Article 34 to be expended under the jurisdiction of the Falmouth Contributory Retirement Board.

ARTICLE 35: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts to be made available to the purpose of historic preservation of marble gravestones by the John Wesley United Methodist Church at the East Falmouth Burying Ground located on Main Street, East Falmouth (Assessors ID # 33 18 018B 000), to determine how the same shall be raised and by whom expended, or do or take any other action in the matter. On request of the Community Preservation Committee

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate the sum of \$4,620 from Community Preservation Fund estimated receipts for the historic preservation of marble grave stones; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 35.

ARTICLE 36: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic preservation of documents in the possession of the Falmouth Public Library by digitizing them and creating searchable databases for public access, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate the sum of \$203,894 from Community Preservation Fund estimated receipts for the purpose of historic preservation by digitization and searchable database of County atlases dated 1880, 1910, 1907; Falmouth Enterprise 1896-1962; ships logs and library and town records 1668-1960; and various library records from 1794; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 36.

ARTICLE 37: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic restoration of the 5 exterior wood doors at St. Barnabas Episcopal Church, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted to appropriate the sum of \$12,500 from Community Preservation estimated receipts for the historic restoration of 5 exterior wood doors at the St. Barnabas Episcopal Church; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 37.

ARTICLE 38: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic restoration of the slate roof at the Woods Hole Public Library, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate a sum of \$28,500 from Community Preservation Fund estimated receipts to restore in an historically appropriate manner the slate roof; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 38.

ARTICLE 39: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of partial funding of the construction of two (2) affordable home ownership units at 55 Glenwood Drive by Habitat for Humanity, to determine how the same shall be raised and by whom expended, or do take any other action on the matter. On request of the Community Preservation Committee

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to appropriate the sum of \$80,000 from Community Preservation Fund estimated receipts for the partial funding of construction of two (2) affordable home ownership units upon the condition that Habitat for Humanity execute appropriate documentation reserving the units for affordable home ownership in perpetuity; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 39.

ARTICLE 40: To see if the Town will vote to amend the source of funding appropriations for the Community Preservation Fiscal Year 2012 Operating Budget, voted at the April, 2011 Annual Town Meeting. Or take any other action in this matter. On the request of the Community Preservation Committee

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted to amend the source of funding appropriations for the Community Preservation Fiscal Year 2012 Operating Budget to reflect \$1,884,954.00 from estimated receipts and \$500,000.00 from the undesignated fund balance.

ARTICLE 41: To see if the Town will vote to fund an appropriate sum of money from the Community Preservation Fund estimated receipts to be made available for the purpose of historic preservation consulting services for the purpose of preparing a proposal for the restoration of the Waquoit Congregational Church, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted Indefinite Postponement.

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to enter into a long term contract for the disposal of solid waste, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted Article 42 as printed

ARTICLE 43: To see if the Town will vote to amend Chapter 29, Article III, section 29-8 of the Code of Falmouth, SUBSTANCE ABUSE COMMISSION, to read as follows:

29-8. Membership; terms.

The membership of the Substance Abuse Commission shall consist of nine (9) members appointed by the Board of Selectmen for three (3) year terms and the terms shall be arranged so that the terms of no more than three (3) members expire in any one year and further provide that any member currently serving on the commission shall continue to serve until the expiration of the member's current term, or do or take any other action on the matter. On request of the Substance Abuse Commission.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Article 43 as printed.

ARTICLE 44: To see To see if the Town will vote to adopt the following by-law to be added to Chapter 65 of the Code of Falmouth, BOARD OF SELECTMEN, as Article III, section 65-3:

Whenever a decision of the Planning Board, Zoning Board of Appeals or Conservation Commission provides for the conveyance of land or any interest therein including easements to the Town, or whenever the Department of Public Works requires the conveyance of land or any interest therein including easements to the Town in connection with the installation or repair of water and sewer mains or the repair or improvements to public ways and sidewalks, and by agreement of all parties the interest is to be conveyed to the Town for nominal, nonmonetary consideration, the Board of Selectmen is authorized to accept said conveyance on behalf of the Town and the Board of Selectmen's acceptance of any such conveyance of land or any

interest therein on behalf of the Town any time prior to the effective date of this by-law are hereby ratified and confirmed. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Article 44 as printed.

ARTICLE 45: To see if the Town will vote to amend Chapter 136 of the Code of Falmouth, Junk Dealers and Collectors, §§136-1 through 10, inclusive, by deleting the current by-law and adopting the following by-law to replace it in its entirety:

Chapter 136: SECONDHAND DEALERS AND SECONDHAND COLLECTORS

§ 136-1. Definitions.

ACCEPTABLE IDENTIFICATION means either:

- A. A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or
- B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF means the Chief of Police of the Town of Falmouth or her or his designee.

REGULATED PROPERTY means the following used property:

- A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.
- B. Precious gems, including but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semi-precious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.
- C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches.
- D. Sterling silver flatware, including but not limited to, knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.
- E. Any electronic audio, video or photographic and optical equipment along with computer or computer equipment or recordings in any form.
- F. Any power tools or equipment.
- G. Musical instruments.
- H. Sporting equipment.
- I. Automobiles, boats, planes, motorcycles in whole or taken in parts, or any other type machinery.
- J. Collectibles; including objects of art, coins, currency and antique objects, but not including those items identified in section 136-9, section H.

SECONDHAND COLLECTOR shall have the same meaning as the term "junk collector" G.L c. 140 § 56.

SECONDHAND DEALER shall have the same meaning as the term "junk dealer" and keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles in G.L c. 140 § 54."

§ 136-2. Licensing Authority

A. The Licensing Authority in the Town of Falmouth is the Board of Selectmen which is authorized to license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles, according to the provisions of G.L. Chapter 140, § 54 and any other applicable authority. The Licensing Authority may promulgate rules and regulations relative to licensed persons or businesses. Licenses issued shall be subject to G.L. Chapter 140, §§ 202-205, inclusive.

B. Every dealer in and keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in this town shall be licensed and every collector of junk, old metals and secondhand articles in this Town shall be licensed.

§ 136-3. Issuance, Renewal and Revocation of Licenses Required.

A. Secondhand collectors and secondhand dealers must obtain a license to conduct said activities.

B. The Licensing Authority of the Town of Falmouth may after notice and a public hearing deny an original or renewal application for a Secondhand Dealer or Secondhand Collector License or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:

(1) The applicant, or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has owned or operated a Secondhand Dealer or Secondhand Collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date; or

(2) Has had a Secondhand Dealer or Secondhand Collector License revoked for a reason that would be grounds for a denial or revocation pursuant this ordinance; or

(3) The Secondhand Dealer or Secondhand Collector business has been found to constitute a public nuisance.

(4) The licensee applicant, or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has been convicted of a felony or any crime involving a false statement or within 15 years prior to the application date.

(5) The applicant has:

a. Knowingly made a false statement in the application.

b. Knowingly omitted information requested to be disclosed in the application; or

c. Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

(6) A lawful inspection of the Secondhand Dealer or Secondhand Collector business premises by the Police Chief or the designee has been unjustifiably refused by a person who in part or whole, manages or operates the business.

(7) The Secondhand Dealer or Secondhand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has more than five violations of this by-law, any State or Federal law, similar thereto, or any combination thereof within a two-year period, including the two years prior to the application date.

(8) The Secondhand Dealer or Secondhand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted such as, but not limited to: Receiving stolen property, any form of breaking and entering, larceny's from a person, or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or the designee.

(9) Such other grounds as the Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the commonwealth or the Town of Falmouth.

§ 136-4. Inspection of Property and Records.

A. Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Police Chief or the designee has reasonable grounds to believe more likely than not that a specific item of regulated property held by a

Secondhand Dealer or Secondhand Collector is associated with criminal conduct, the Police Chief or the designee may enter the premises of the Secondhand Dealer or Secondhand Collector at any reasonable time, provided that the premises are occupied at the time of entry and the Police Chief or the designee presents proper official identification at or near the time of entry. If entry is refused, the Police Chief or the designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

B. Authority to inspect Secondhand Dealer or Secondhand Collector premises under this regulation is in addition to and not in limitation of the authority the town or the Police Chief or any police officer would otherwise have to enter the business premises.

C. Once allowed to enter the premises of the Secondhand Dealer or Secondhand Collector, the Police Chief or the designee may inspect property kept there. The Police Chief or the designee may also inspect the business records associated with regulated property and perform any duty imposed upon the town or the Police Chief by this regulation.

§ 136-5. Record Keeping.

A. The Police Chief or the designee shall design a purchase report form and make copies available to all Secondhand Dealers or Secondhand Collectors. Secondhand Dealers or Secondhand Collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of regulated property.

B. Whenever Secondhand Dealers or Secondhand Collectors purchase regulated property for business purposes, the Secondhand Dealers or Secondhand Collectors shall obtain acceptable identification from the seller along with the seller's current residence address. The Secondhand Dealers or Secondhand Collectors shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in legible English. The seller shall sign his or her name on the filled-out form.

C. A digital photograph will be taken of each item purchased as defined under regulated property section 1-E. The photograph may be stored electronically, but is subject to the same record keeping requirements as listed in section 9-A. Copies of the photographs will be made available to the Chief of Police in a timely manner, and are subject to the same rights of inspection as listed in section 4.

D. The licensee shall cause to be delivered to the Falmouth Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided.

If, during the preceding week such Secondhand Dealer(s) or Secondhand Collector(s) has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.

§ 136-6. Posting of Licenses and Notices.

A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.

B. A secondhand dealer shall post the following notice no smaller than eight and one-half inches by 11 inches with lettering no smaller than one-fourth of an inch in height outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business.

NOTICE:

The sale or attempted sale of property to a secondhand dealer without consent of the property's owner is punishable by a civil penalty not to exceed \$300 per item.

Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

If a significant number of the patrons of the regular second-hand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

§ 136-7 Purchases by a Secondhand Dealer or Secondhand Collector.

A. A secondhand dealer or secondhand collector shall not make any cash purchase in an amount that exceeds \$50.00 [fifty dollars and zero cents].

B. A secondhand Dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealership license.

C. A secondhand Dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.

D. A secondhand dealer or secondhand collector may not purchase any item from any person under the age of 18 (eighteen).

§ 136-8. Unauthorized Sale of Property.

A. No secondhand dealer or secondhand collector may purchase or sell any property of any type without the consent of the owner.

B. No purchase will be made from anyone under the age of 18.

§ 136-9. Holding Periods.

A. A copy of every purchase report form filled out as required by this ordinance shall be kept on the premises of the Secondhand Dealer or Secondhand Collector business during normal business hours for at least three (3) year from the date of purchase. The report form shall be subject to inspection by the Police Chief or the designee.

B. All regulated property in the categories of precious metals or precious gems, defined in Sec 1 A-D, purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand Collector for at least 21 days from the date of purchase.

C. All other regulated property purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand Collector for at least 15 days from the date of purchase.

D. The Secondhand Dealer or Secondhand Collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief, or the designee.

E. The Police Chief or the designee may give written notice to a Secondhand Dealer or Secondhand Collector holding regulated property that the Police Chief or the designee has reasonable grounds to believe more likely than not a specific item of regulated property is associated with criminal conduct. The Secondhand Dealer or Secondhand Collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under subsection (B) of this section until released by the Police Chief.

F. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.

G. A Secondhand Dealer or Secondhand Collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief or the designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or the designee shall provide the Secondhand Dealer or Secondhand Collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the Secondhand Dealer.

H. Secondhand Dealers, retailing or wholesaling used property limited to the following, are exempt from section B above:

- (1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or

(2) Used clothing, furniture, costume jewelry, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a "registered charity" or by donations; or

(3) Used books, papers, or magazines.

§ 136-10. Testing of weighing and measuring devices.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Falmouth Weights and Measures Division prior to being placed in service.

§ 136-11. Violations and Penalties.

A. Violation of any provision of this chapter may be prosecuted, as a criminal matter or as an administrative procedure or by the method provided in § 21D of Chapter 40 of the General Laws. Each violation shall be considered separately.

B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The Licensing Authority may suspend, revoke or modify any license issued by them whenever they have reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in § 21D of Chapter 40 of the General Laws shall be subject to a fine of \$250.

§ 136-12. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

Or do or take any other action on the matter. On request of the Chief of Police.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted Indefinite Postponement of Article 45.

ARTICLE 46: To see if the Town will vote to adopt 780 CMR 120.AA, of the Massachusetts Building Code, the "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, including any amendments or modifications thereto, a copy of which is on file with the Town Clerk, as a by-law of the Town to be incorporated into Chapter 95, Building Construction, of the Code of Falmouth, or do or take any other action on the matter. On request of the Falmouth Energy Committee.

VOTED: By a failed majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted not to pass Article 46.

ARTICLE 47: To see if the Town will vote to accept the following Massachusetts General Law:

M.G.L. Chapter 33, Sec.59. Effect of military service on salary or vacation allowance of public employees

Any person in the service of the commonwealth, or of a county, city or town which, by vote of its county commissioners or city council or of its inhabitants at a town meeting, accepts this section, or has accepted similar provisions of earlier laws, shall be entitled, during the time of his service in the armed forces of the commonwealth, under section thirty-eight, forty, forty-one, forty-two or sixty, or during his annual tour of duty of not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year as a member of a reserve component of the armed forces of the United States, to receive pay therefor, without loss of his ordinary remuneration as an employee or official of the commonwealth, or of such county, city or town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees or officials.

Or do or take any other action on this matter. On request of the Veterans Council.

VOTED: By a unanimous vote, a quorum being present on Monday, November 7, 2011 the town voted Indefinite Postponement.

ARTICLE 48: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out 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>
Austin Stoke Drive	629'
Redlands Road	3355'
Regis Road	2816'
Shepard Place	792'

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

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 8, 2011 the town voted Article 48 as printed.

ARTICLE 49: To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 8, 2011 the town voted that all articles approved at this Town Meeting be funded as voted for a total of \$4,633,061.49