

NOVEMBER 8 and 9 2004 ANNUAL TOWN MEETING INDEX

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Article 1: To see if the Town will hear reports from committees.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the Town heard reports from all committees wanting to be heard.

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 fiscal year, 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.

Conservation Commission	Office Team	\$1,080.00
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VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the Town voted to transfer \$1,080 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 2.

Article 3: To see if the town will vote to amend Chapter 240 - Zoning - of the Code of Falmouth by adding the following:

ARTICLE XXXXVI
BUSINESS REDEVELOPMENT

§240- 240 Business Redevelopment District

A. Purpose

The purpose of this Article is to promote the revitalization of commercial centers using mixed-use redevelopment integrating retail, office, restaurant and community service uses with housing, such as 2nd floor apartments, condominiums and town-homes. This redevelopment fosters pedestrian-friendly streetscapes by requiring rear and side-yard parking, allowing shared parking between businesses and uses, reducing and consolidating curb cuts, and allowing parking reductions in exchange for on-site green space. The district also relaxes front, side and rear yard setbacks to encourage sidewalk development and pedestrian-friendly storefronts to offer street-side gathering places in front of redeveloped properties, rather than front yard parking fields.

B. Permitted Mixed Uses (Residential/Commercial Uses)

1. § 240-18.1 notwithstanding, any combination of permitted community service, business and commercial uses together with residential uses under six (6) units per acre with the following criteria:

- a. Commercial or community service uses must be present within at least the 1st story space within any mixed-use structure sited within 100 feet of East Main Street.
- b. Any new mixed use construction with a proposed gross floor area of 10,000 sq. ft. or more requires a Special Permit from the Planning Board. Therefore § G. (8) will not apply to new commercial construction incorporating residential uses.

C. Permitted Residential Uses

1. One, two and three-family dwellings

D. Permitted community service uses

1. Churches, schools, libraries, museums, educational, research and philanthropic institutions, cemeteries.

2. All municipal purposes, including the administration of government, parks, playgrounds, recreation buildings, town forests, water towers, fire and police stations

E. Permitted business and commercial uses

1. Retail sales not more specifically listed only if each establishment occupies no more than 4,000 square feet gross floor area.

2. Business or professional offices, bank, medical clinic, computer center.

3. Personal and household services only if each establishment occupies no more than 4,000 square feet gross floor area.

4. Class I or Class II restaurants

F. Permitted accessory uses

Such accessory uses as are customarily incidental to any of the above uses except that the outdoor display and/or storage of goods and merchandise for sale is permitted beyond the front yard setback only when such display and/or storage is wholly incidental and secondary to a primary use conducted within the permanent structure on

the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks and front yards.

G. Special permit uses:

Uses allowed on special permit from the Board of Appeals:

1. Commercial accommodations. (See Article XXVII.)
2. Multifamily dwelling greater than 6 units/acre, up to 8 units/acre if the Board of Appeals finds: that the public good will be served; that the business zoned area would not be adversely affected; and that the uses permitted in the zone would not be noxious to a multifamily use.
3. The outdoor display and/or storage of goods and merchandise for sale other than as permitted under § F. The issues raised in § F shall be issues to be considered in addition to those specified in § 240-216.
4. Any change, alteration, modification, or addition to an existing business or commercial shopping center that would result in a building with a gross floor area of 10,000 square feet or more.
5. Motor vehicle service stations
6. Nursing homes
7. Class III restaurant

Uses allowed on special permit from the Planning Board:

8. Any new construction of a business or commercial shopping center with a proposed gross floor area of 7,000 square feet or more.
9. Any new mixed use construction with a proposed gross floor area of 10,000 sq. ft. or more

H. Dimensional Requirements

Minimum Lot Size	20,000 square feet	
Minimum Lot Width	125 feet	
Maximum Lot Coverage by Structures, Paving & Parking	60%	
Maximum Lot Coverage by Structures	20%	
Maximum Building Height	35 feet	
Minimum Setbacks	20 feet FY	10 feet SY/RV

I. Site Plan Requirements

One curb cut shall be allowed by right per lot with Main Street frontage. One curb cut shared between abutters is preferable. The Planning Board under Site Plan Review may grant exceptions if two curb cuts are absolutely necessary to access parking facilities or to reduce traffic impacts on a given site.

J. Parking Requirements

Parking shall be provided as per Article XXII – Parking Requirements – of the Zoning Bylaw. All parking shall be located in side or rear yards behind the front façade line of the building, the exact location to be determined by the Planning Board under Site Plan Review. However, the number of the required parking spaces may be altered by the Planning Board under Site Plan Review for uses allowed as a matter of right, or by the Special Permit Granting Authority for uses allowed by special permit in the following manner:

Number of spaces: May be reduced for mixed use developments at the discretion of the Planning Board based on the number of uses that are complementary in days and hours of operation. Parking may also be reduced if pedestrian amenities both on-site and between properties and the street line are incorporated into the site planning. In no case shall parking be reduced below 50% that is required pursuant to Article XXII unless by special permit, the Board Appeals allows for such pursuant to §240-107.B.

Location of Spaces: Parking maybe located off premises if shared parking between businesses or uses can be demonstrated via long-term agreements, leases, and licenses of five years or more and to the satisfaction of the Planning Board or Board of Appeals as the case may be. Shared parking shall not be allowed that is more than 300 feet from the property line.

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Definitions

Front façade line - A line even with the front façade of a building extending out to the side property lines delineating the front and side yards on a site for site design purposes.

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

MOTION: That the town vote Article 3 as printed, except for the following two changes:

1. Under Section I: Site Plan Requirements-first paragraph

Delete: One curb cut onto Main Street shall be allowed by right per lot with Main Street frontage.

Add: One curb cut onto Main Street shall be allowed by right.

2. Under Section J: Parking Requirements-second paragraph

Add: the words and green space

So as to read:

I. Site Plan Requirements

One curb cut onto Main Street shall be allowed by right. One curb cut shared between abutters is preferable. The Planning Board under Site Plan Review may grant exceptions if two curb cuts are absolutely necessary to access parking facilities or to reduce traffic impacts on a given site.

J. Parking Requirements

Parking shall be provided as per Article XXII – Parking Requirements – of the Zoning Bylaw. All parking shall be located in side or rear yards behind the front façade line of the building, the exact location to be determined by the Planning Board under Site Plan Review. However, the number of the required parking spaces may be altered by the Planning Board under Site Plan Review for uses allowed as a matter of right, or by the Special Permit Granting Authority for uses allowed by special permit in the following manner:

Number of spaces: May be reduced for mixed use developments at the discretion of the Planning Board based on the number of uses that are complementary in days and hours of operation. Parking may also be reduced if pedestrian and green space amenities both on-site and between properties and the street line are incorporated into the site planning. In no case shall parking be reduced below 50% that is required pursuant to Article XXII unless by special permit, the Board Appeals allows for such pursuant to §240-107.B.

VOTED: By a two thirds majority, a quorum being present on Monday, November 8, 2004 the Town vote to amend Chapter 240 - Zoning - of the Code of Falmouth by adding the following:

ARTICLE XXXXVI
BUSINESS REDEVELOPMENT

§240- 240 Business Redevelopment District

A. Purpose

The purpose of this Article is to promote the revitalization of commercial centers using mixed-use redevelopment integrating retail, office, restaurant and community service uses with housing, such as 2nd floor apartments, condominiums and town-homes. This redevelopment fosters pedestrian-friendly streetscapes by requiring rear and side-yard parking, allowing shared parking between businesses and uses, reducing and consolidating curb cuts, and allowing parking reductions in exchange for on-site green space. The district also relaxes front, side and rear yard setbacks to encourage sidewalk development and pedestrian-friendly storefronts to offer street-side gathering places in front of redeveloped properties, rather than front yard parking fields.

B. Permitted Mixed Uses (Residential/Commercial Uses)

1. § 240-18.1 notwithstanding, any combination of permitted community service, business and commercial uses together with residential uses under six (6) units per acre with the following criteria:

- c. Commercial or community service uses must be present within at least the 1st story space within any mixed-use structure sited within 100 feet of East Main Street.
- d. Any new mixed use construction with a proposed gross floor area of 10,000 sq. ft. or more requires a Special Permit from the Planning Board. Therefore § G. (8) will not apply to new commercial construction incorporating residential uses.

C. Permitted Residential Uses

1. One, two and three-family dwellings

D. Permitted community service uses

1. Churches, schools, libraries, museums, educational, research and philanthropic institutions, cemeteries.

2. All municipal purposes, including the administration of government, parks, playgrounds, recreation buildings, town forests, water towers, fire and police stations

E. Permitted business and commercial uses

1. Retail sales not more specifically listed only if each establishment occupies no more than 4,000 square feet gross floor area.

2. Business or professional offices, bank, medical clinic, computer center.

3. Personal and household services only if each establishment occupies no more than 4,000 square feet gross floor area.

4. Class I or Class II restaurants

F. Permitted accessory uses

Such accessory uses as are customarily incidental to any of the above uses except that the outdoor display and/or storage of goods and merchandise for sale is permitted beyond the front yard setback only when such display and/or storage is wholly incidental and secondary to a primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks and front yards.

G. Special permit uses:

Uses allowed on special permit from the Board of Appeals:

1. Commercial accommodations. (See Article XXVII.)

2. Multifamily dwelling greater than 6 units/acre, up to 8 units/acre if the Board of Appeals finds: that the public good will be served; that the business zoned area would not be adversely affected; and that the uses permitted in the zone would not be noxious to a multifamily use.

3. The outdoor display and/or storage of goods and merchandise for sale other than as permitted under § F. The issues raised in § F shall be issues to be considered in addition to those specified in § 240-216.

4. Any change, alteration, modification, or addition to an existing business or commercial shopping center that would result in a building with a gross floor area of 10,000 square feet or more.

5. Motor vehicle service stations

6. Nursing homes

1. Class III restaurant

Uses allowed on special permit from the Planning Board:

2. Any new construction of a business or commercial shopping center with a proposed gross floor area of 7,000 square feet or more.

3. Any new mixed use construction with a proposed gross floor area of 10,000 sq. ft. or more

H. Dimensional Requirements

Minimum Lot Size 20,000 square feet

Minimum Lot Width 125 feet

Maximum Lot Coverage 60%
by Structures, Paving & Parking

Maximum Lot Coverage 20%
by Structures

Maximum Building Height 35 feet

Minimum Setbacks 20 feet FY 10 feet SY/RV

I. Site Plan Requirements

One curb cut onto Main Street shall be allowed by right. One curb cut shared between abutters is preferable. The Planning Board under Site Plan Review may grant exceptions if two curb cuts are absolutely necessary to access parking facilities or to reduce traffic impacts on a given site.

J. Parking Requirements

Parking shall be provided as per Article XXII – Parking Requirements – of the Zoning Bylaw. All parking shall be located in side or rear yards behind the front façade line of the building, the exact location to be determined by the Planning Board under Site Plan Review. However, the number of the required parking spaces may be altered by the Planning Board under Site Plan Review for uses allowed as a matter of right, or by the Special Permit Granting Authority for uses allowed by special permit in the following manner:

Number of spaces: May be reduced for mixed use developments at the discretion of the Planning Board based on the number of uses that are complementary in days and hours of operation. Parking may also be reduced if pedestrian and green space amenities both on-site and between properties and the street line are incorporated into the site planning. In no case shall parking be reduced below 50% that is required pursuant to Article XXII unless by special permit, the Board Appeals allows for such pursuant to §240-107.B.

Location of Spaces: Parking maybe located off premises if shared parking between businesses or uses can be demonstrated via long-term agreements, leases, and licenses of five years or more and to the satisfaction of the Planning Board or Board of Appeals as the case may be. Shared parking shall not be allowed that is more than 300 feet from the property line.

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Definitions

Front façade line - A line even with the front façade of a building extending out to the side property lines delineating the front and side yards on a site for site design purposes.

Article 4: To see if the town will vote to amend the Official Zoning Map by rezoning the land currently zoned Business 2 with frontage on the southerly sideline Main Street from King Street to Falmouth Heights Road and on the Northerly sideline of Main Street from Gifford Street up to and including the property located at 704 Main Street, to Business Redevelopment District, said land is also shown on Falmouth Assessor's Map 39, Section 20, Map 47B Sections 2,3,4,5 & 9 and also depicted on a map entitled: "Map of Proposed Rezoning – Business 2 to Business Redevelopment on Main Street, Falmouth" dated August 31, 2004 as shown below.

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

VOTED: By a two thirds majority, a quorum being present on Monday, November 8, 2004 the Town voted to amend the Official Zoning Map by rezoning the land currently zoned Business 2 with frontage on the southerly sideline Main Street from King Street to Falmouth Heights Road and on the Northerly sideline of Main Street from Gifford Street up to and including the property located at 704 Main Street, to Business Redevelopment District, said land is also shown on Falmouth Assessor's Map 39, Section 20, Map 47B Sections 2,3,4,5 & 9 and also depicted on a map entitled: "Map of Proposed Rezoning – Business 2 to Business Redevelopment on Main Street, Falmouth" dated August 31, 2004 as shown below.

Article 5: To see if the town will vote to amend Article XXI – Coastal Pond Overlay District – of the Zoning Bylaw by adding the following:

§240-100.A (3) - The applicant may be required to install a septic system that has certification from Massachusetts Department of Environmental Protection (Mass. DEP) for general, provisional or, if approved by the Board of Health, pilot use for nitrogen reduction. To reduce the overall need for management oversight and to achieve higher nitrogen removal performance, the Reviewing Board shall require the collection of wastewater flows and the use of shared treatment facilities (also known as "cluster" systems). If the applicant demonstrates to the Reviewing Board that a cluster system is not technically feasible, individual nitrogen-removing on-site systems shall be required instead. In reviewing of the range of technologies available and permitted in the Commonwealth, the Reviewing Board may limit any project proposed in the Coastal Pond Overlay District to wastewater discharge total nitrogen concentrations of 12 mg/l or less and require that the treatment systems are properly operated and maintained by a Licensed Wastewater Treatment Plant Operator. The 12-mg/l or less standard assumes water use of approximately 110 gallons per day per bedroom, and shall be achieved at the 50 percent build-out phase of the development.

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 8, 2004, the town voted to amend Article XXI – Coastal Pond Overlay District – of the Zoning Bylaw by adding the following:

§240-100.A (3) - The applicant may be required to install a septic system that has certification from Massachusetts Department of Environmental Protection (Mass. DEP) for general, provisional or, if approved by the Board of Health, pilot use for nitrogen reduction. To reduce the overall need for management oversight and to achieve higher nitrogen removal performance, the Reviewing Board shall require the collection of wastewater flows and the use of shared treatment facilities (also known as "cluster" systems). If the applicant demonstrates to the Reviewing Board that a cluster system is not technically feasible, individual nitrogen-removing on-site systems shall be required instead. In reviewing of the range of technologies available and permitted in the Commonwealth, the Reviewing Board may limit any project proposed in the Coastal Pond Overlay District to wastewater discharge total nitrogen concentrations of 12 mg/l or less and require that the treatment systems are

properly operated and maintained by a Licensed Wastewater Treatment Plant Operator. The 12-mg/l or less standard assumes water use of approximately 110 gallons per day per bedroom, and shall be achieved at the 50 percent build-out phase of the development.

Article 6: To see if the Town will amend the official zoning map of the Town by rezoning that portion of the property at 56 Carriage Shop Road (30-06-016-000) that is currently zoned Residence A to General Residence. Or do or take any other action on this matter. On request of the Historical Commission.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to amend the official zoning map of the Town by rezoning that portion of the property at 56 Carriage Shop Road (30-06-016-000) that is currently zoned Residence A to General Residence.

Article 7: To see if the Town will vote to amend the Zoning Bylaw, Section 240-109.H(4), with respect to the location of curb cuts for drive-thru establishments, by inserting the following sentence after the first sentence thereof:

By Special Permit, the Planning Board may waive the offset requirement for a bank that does not abut another drive-thru establishment.

On request of Robert H. Ament and others.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to Indefinitely Postpone Article 7.

Article 8: To amend the official zoning map of the Town of Falmouth to rezone a portion of the property on 141 Sandwich Road zoned Agricultural B to Business 3, shown on assessor's map 34 section 04 parcel 012, lot 000A, including parcels 10, 11, 12 and 12B. The Agricultural B area to be rezoned will continue the Business 3 zoning line south stopping 25 feet from the boundary of the abutting property. On request of David Drew and others.

VOTED: By a two thirds majority, a quorum being present on Monday, November 8, 2004 the Town voted to amend the official zoning map of the Town of Falmouth to rezone a portion of the property on 141 Sandwich Road zoned Agricultural B to Business 3, shown on assessor's map 34 section 04 parcel 012, lot 000A, including parcels 10, 11, 12 and 12B. The Agricultural B area to be rezoned will continue the Business 3 zoning line south stopping 25 feet from the boundary of the abutting property.

Article 9: To see if the Town will vote to amend the Town Bylaws, Chapter 255 Section 13, Charges for service to read as follows:

DELETE UNDERLINED

§ 255:13. Charges for service.

The charge for service will be in keeping with current Medicare and welfare reimbursements. ~~; thirty five dollars (\$35.) minimum, plus two dollars (\$2.) per loaded mile; ten dollars (\$10.) for oxygen.~~

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to amend the Town Bylaws, Chapter 255 Section 13, Charges for service to read as follows:

§ 255:13. Charges for service.

The charge for service will be in keeping with current Medicare and welfare reimbursements.

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Article 10: To see if the Town will vote to amend the Town Bylaws, Chapter 83, Section 13, License of Dogs to read as follows:

§ 83-13. License required; fees. [Amended ASTM 4-7-1992, STM Art. 38; 4-6-1993, Art. 15, approved 7-16-1993]

All dogs within the Town of Falmouth shall be duly licensed by the Town Clerk on or before July 1 of each year and in accordance with the provisions of MGL C. 140, §§ 137 and 137A. For licensing purposes, all dogs must be currently inoculated against rabies. Dog licenses shall be issued by the Town Clerk upon payment of a fee of three dollars (\$3.) per year for a neutered or spayed dog and ~~six dollars (\$6.)~~ ten dollars (\$10.) per year for all other dogs. A license may be issued for a term of one (1), two (2) or three (3) years, whichever will coincide with the renewal date of the required rabies inoculation.

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, November 8, 2004, the town voted to amend the Town Bylaws, Chapter 83, Section 13, License of Dogs to read as follows:

§ 83-13. License required; fees. [Amended ASTM 4-7-1992, STM Art. 38; 4-6-1993, Art. 15, approved 7-16-1993]

All dogs within the Town of Falmouth shall be duly licensed by the Town Clerk on or before July 1 of each year and in accordance with the provisions of MGL C. 140, §§ 137 and 137A. For licensing purposes, all dogs must be currently inoculated against rabies. Dog licenses shall be issued by the Town Clerk upon payment of a fee of three dollars (\$3.) per year for a neutered or spayed dog and ten dollars (\$10.) per year for all other dogs. A license may be issued for a term of one (1), two (2) or three (3) years, whichever will coincide with the renewal date of the required rabies inoculation.

Article 11: To see if the Town will vote to amend the Town Bylaws, Chapter 119, Section 4, to read as follows and to be appropriately numbered by the Town Clerk:

§ 119-4. Enumeration of fees.

Entering intentions of marriage or issuing license:

Delete ten dollars (\$10) Add fifteen dollars (\$15)

Filing a business certificate [dba, four (4) years]:

Delete ten dollars (\$10) Add forty dollars (\$40)

DELETE:

Completing an assignment of wages (per pay period) one dollar:

ADD: Certification of Planning Board Decisions: five dollars (\$5.).

Certification of Zoning Board of Appeals Decision: five dollars (\$5.).
 Certification of Conservation Order of Conditions: five dollars (\$5.).

Certifying no appeal:

Delete one dollar (\$1). Add five dollars (\$5.).

Voter Identification card:

Delete two dollars (\$2.) Add five dollars (\$5.).

Alpha census/voter list:

Delete twenty-two dollars and fifty cents (\$22.50). Add twenty-two dollars (\$22.).

Copy of census/voter list on CD thirty-five dollars (\$35).

DELETE:

Uniform Commercial Code filing: ten dollars (\$10.).

Uniform Commercial Code termination: ten dollars (\$10.).

Uniform Commercial Code search: ten dollars (\$10.).

Uniform Commercial Code:

Two (2) pages: three dollars (\$3.).

Each additional page: one dollar (\$1.).

ADD:

Full copy of Code of Falmouth one hundred sixty dollars (\$160.).

Subscription to code updates: sixty dollars (\$60.).

Book of Zoning Bylaws:

DELETE

To be purchased directly from authorized supplier.

ADD

twenty-five dollars (\$25.).

ADD:

Zoning Map: five dollars (\$5.).

DELETE:

Hunting and fishing licenses: reference Massachusetts Division of Fish and Wildlife most current schedules.

Checks returned for insufficient funds: reference MGL C. 44, § 69.

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

MOTION: That the Town vote Article 11 with the following changes:

ADD: Copy of census/voter list on CD thirty-five dollars (\$35).

DELETE: Uniform Commercial Code: Two (2) pages: three dollars (\$3.).
 Each additional page: one dollar (\$1.).

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to amend the Town Bylaws, Chapter 119, Section 4, to read as follows and to be appropriately numbered by the Town Clerk:

§ 119-4. Enumeration of fees.

The fees charged by the Town Clerk shall be as follows:

A. Fees enumerated.

(1)	Amending a birth record or entering a delayed record of birth:	ten dollars (\$10.).
(2)	Establishing a home birth record:	ten dollars (\$10.).
(3)	Furnishing a certificate of birth:	five dollars (\$5.).
(4)	Correcting errors in a record of death:	ten dollars (\$10.).
(5)	Furnishing a certificate of death:	five dollars (\$5.).
(6)	Entering intentions of marriage or issuing license	fifteen (\$15).
(7)	Correcting errors in a record of marriage:	ten dollars (\$10.).
(8)	Furnishing a certificate of marriage:	five dollars (\$5.).
(9)	Searching of records relating to birth, marriage or death: per hour	six dollars (\$6.).
(10)	Filing a business certificate[dba, four (4) years]:	forty dollars (\$40.)
(11)	Filing a business discontinuance:	five dollars (\$5.).
(12)	Recording a certificate of registration for physicians, podiatrists, optometrists and electrologists:	ten dollars (\$10.).
(13)	Recording order granting locations of poles, wires, conduits, etc., [one (1) street] under the provisions of MGL C. 166, § 22:	twenty-five dollars(\$25.).
(14)	Recording each additional street included in such order:	five dollars (\$5.).
(15)	Issuing an auction permit:	ten dollars (\$10.).
(16)	Recording a power of attorney:	five dollars (\$5.).
(17)	Filing a copy of declaration of trust:	ten dollars (\$10.).
(18)	Recording any other documents:	five dollars (\$5.).
(19)	Copies ("True Attest") of town documents:	two dollars (\$2.).
(20)	Certification of Planning Board Decisions:	five dollars (\$5.).
(21)	Certification of Zoning Board of Appeals Decision:	five dollars (\$5.).
(22)	Certification of Conservation Order of Conditions:	five dollars (\$5.).
(23)	Certifying no appeal:	<u>five dollars (\$5.).</u>
(24)	Voter identification card:	<u>five dollars (\$5.).</u>
(25)	Alpha census/ <u>voter</u> list:	twenty-two dollars(\$22.).
(26)	Copy of census/voter list on CD:	thirty five dollars (\$35.00).
(27)	Fuel storage permit:	twenty-five dollars (\$25.).
(28)	Issuing raffle or bazaar permit:	ten dollars (\$10.).
(29)	Copies, town documents, each:	twenty cents (\$0.20).
(30)	Copies, personal papers, standard size, each:	fifty cents (\$0.50).
(31)	Full copy of Code of Falmouth:	one hundred sixty dollars (\$160.).
(32)	Subscription to code updates:	sixty dollars (\$60.).
(33)	Book of Zoning Bylaws:	twenty-five dollars (\$25.).
(34)	Zoning Map:	five dollars (\$5.).
(35)	Other licenses, permits, etc., not covered by town bylaw: reference fees as authorized by MGL C. 262, § 34.	

Article 12: To see if the Town will vote to add the following chapter to the Code of Falmouth to be properly numbered by the Town Clerk

Chapter XX
Code of Falmouth
Open Air Parking Lots

Section 1 Purpose. Under the authority granted in Mass. Gen. L. ch. 148 § 56, this By-law establishes the criteria for licensing of those entities engaged in operating open air parking lots for a fee or as a business. The chapter establishes minimum performance standards to help insure public safety especially in cases of environmental pollution or fire in unattended vehicles.

Section 2 Exemptions. Parking facilities operated by or on behalf of the Town of Falmouth, the Cape Cod Regional Transit Authority and lots with a capacity of less than 25 automobiles are exempt from the requirements of this chapter. However, entities that operate more than one such parking lot within the Town of Falmouth are not exempt no matter the size of any individual lot and all such lots are subject to the licensing requirements of this chapter even if any have a capacity of less than 25 automobiles. Facilities that provide parking for trucks are subject to the requirements of this chapter regardless of size.

Section 3 Definitions:

Entity: Any individual, business, corporation, partnership, sole proprietorship government agency, quasi-government agency, society, organization or group that provides parking for a fee or as part of a general fee or tariff where the user of the parking service does not remain on the site of the parking.

Truck: Any vehicle with a gross vehicle weight of more than 13,000 pounds.

Section 4 Licensing Authority and Issuing Authority. The Board of Selectmen is the licensing authority for this chapter of the By-law. The Fire Chief is the issuing authority of licenses. The Fire Chief may delegate issuing of licenses within his department.

Section 5 Fees. The Board of Selectmen shall annually establish the fee.

Section 6 Application Procedures: Any entity seeking a license under this chapter shall submit the following information to the Fire Chief or his designee with copies simultaneously submitted to the Building Department and Conservation Commission. The Fire Chief may require a specific application form.

1. Certified plot plan detailing each parking place; entrances, exits, fire lanes, nearest fire hydrants, storm drains, property lines and any wetlands or conservation areas that either are on the property or within 100 feet of the property line.
2. A copy of a valid special permit issued by the Board of Appeals, if any.
3. Proof that a copy of the application has been given to the Building Commissioner and the Conservation Commission.
4. A narrative description of the operation including, total number of automobile spaces, total number of truck spaces, total number of handicap spaces, staffing, security, environmental response and fire fighting equipment.
5. A description of any hazardous or volatile materials (excluding vehicle fuel tanks) allowed and whether any special parking requirements are imposed on vehicles carrying hazardous or volatile materials.
6. Licensing fee (nonrefundable).

Section 7 Issuance of License and Appeals: Within 14 days of receiving a copy of the application, the Building Commissioner and the Conservation Administrator shall submit comments and concerns, if any, to the Fire Chief. Within thirty days of receiving an application, the Fire Chief shall issue a license unless the Fire Chief or his designee notifies the applicant in writing that the Fire Chief has determined that there are safety and/or environmental concerns at the site requiring rectification. The Fire Chief may issue a license that imposes special conditions if necessary to insure that the purposes and goals of this chapter are reached. If a license is not issued, the applicant may correct the safety and/or environmental deficiencies and reapply for a license or the applicant may appeal the determination of the Fire Chief to the licensing authority. If an applicant rectifies the safety or environmental concerns and reapplies for a license within 30 days of a denial, no additional licensing fee shall be charged.

Section 8 Appeals: Any entity aggrieved by a determination of the Fire Chief or his designee may appeal that determination to the Board of Selectmen. The entity aggrieved must file a written appeal plus pay an appeal fee established by the Board of Selectmen within 10 days of issuance of the determination being appealed. The written appeal must state the grounds for the appeal and specify each error alleged against the Fire Chief or his designee. The Board of Selectmen shall schedule a public hearing within 45 days of receiving an appeal. Notice of the hearing shall be advertised in a newspaper of general circulation two times, the first such notice appearing at least 10 days prior to the public hearing. If the Board of the Selectmen finds that the Fire Chief made no errors in his determination, the determination of the Fire Chief shall be affirmed. If the Board of Selectmen determines that the Fire Chief has made errors, the Board may issue a license or remand the application to the Fire Chief for further action.

Section 9 Unpaved parking lots. If not allowed by a special permit issued by the Board of Appeals, the Board of Selectmen, after a public hearing, may authorize the use of unpaved areas for the purposes of this chapter. Authorization of unpaved areas does not relieve an applicant from submitting a certified plot plan or delineating parking spaces. The marking and maintaining of appropriate fire lanes shall be required at all times in any unpaved parking lots.

Section 10 Violations and enforcement.

a. The following shall be violations of this By-law punishable by a fine of \$300.00 per offense. Each vehicle parked in violation of this chapter shall be a separate offense and each day the offense continues shall also be a separate offense.

1. Operating a parking lot without a license. If the number of vehicles actually parked cannot be ascertained, each parking space so operated shall be a separate offense each day.
2. Exceeding the licensed capacity of parking lot.
3. Blocking a fire lane or operating a lot with a fire lane blocked or partially blocked so that fire apparatus may not pass.
4. Failure to report an environmental spill or hazard to the Fire Department.
5. Parking of vehicles with hazardous or volatile substances (excluding vehicle fuel tanks) when not specifically approved by the license.
6. Violation of a term or condition of a license.

b. Enforcement of this chapter shall be in accordance with Chapter 1 of the Code of Falmouth. The Fire Chief, any deputy fire chiefs, fire department duty officers, fire prevention officers, police officers, natural resources officers or zoning enforcement officers may issue citations for violations of this chapter.

c. In cases where there are repeat violations resulting in more than 3 notices of violation being issued in any 12 month period, the Board of Selectmen, after a public hearing, may suspend or revoke any license issued in accordance with this chapter.

d. In cases where the public safety is jeopardized or risked, the Fire Chief may suspend a license issued in accordance with this chapter until such time as the Board of Selectmen can hold a public hearing but in no case for more than 30 days. After a public hearing the Board of Selectmen may reinstate the license, suspend or revoke it. If during the period of suspension, the public safety concerns are rectified to the satisfaction of the Fire Chief, the Fire Chief may reinstate the license without necessity of a hearing.

Section 11 Effective Date. This By-law shall be effective May 1, 2005. Each license issued in accordance with this chapter shall be valid for no longer than one year. Each license issued shall expire on April 30 following the date of issue. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority vote, a quorum being present on Monday, November 8, 2004, the town voted to add the following chapter to the Code of Falmouth:

Chapter XX
Code of Falmouth
Open Air Parking Lots

Section 1 Purpose. Under the authority granted in Mass. Gen. L. ch. 148 § 56, this By-law establishes the criteria for licensing of those entities engaged in operating open air parking lots for a fee or as a business. The chapter establishes minimum performance standards to help insure public safety especially in cases of environmental pollution or fire in unattended vehicles.

Section 2 Exemptions. Parking facilities operated by or on behalf of the Town of Falmouth, the Cape Cod Regional Transit Authority and lots with a capacity of less than 25 automobiles are exempt from the requirements of this chapter. However, entities that operate more than one such parking lot within the Town of Falmouth are not exempt no matter the size of any individual lot and all such lots are subject to the licensing requirements of this chapter even if any have a capacity of less than 25 automobiles. Facilities that provide parking for trucks are subject to the requirements of this chapter regardless of size.

Section 3 Definitions:

Entity: Any individual, business, corporation, partnership, sole proprietorship government agency, quasi-government agency, society, organization or group that provides parking for a fee or as part of a general fee or tariff where the user of the parking service does not remain on the site of the parking.

Truck: Any vehicle with a gross vehicle weight of more than 13,000 pounds.

Section 4 Licensing Authority and Issuing Authority. The Board of Selectmen is the licensing authority for this chapter of the By-law. The Fire Chief is the issuing authority of licenses. The Fire Chief may delegate issuing of licenses within his department.

Section 5 Fees. The Board of Selectmen shall annually establish the fee.

Section 6 Application Procedures: Any entity seeking a license under this chapter shall submit the following information to the Fire Chief or his designee with copies simultaneously submitted to the Building Department and Conservation Commission. The Fire Chief may require a specific application form.

7. Certified plot plan detailing each parking place; entrances, exits, fire lanes, nearest fire hydrants, storm drains, property lines and any wetlands or conservation areas that either are on the property or within 100 feet of the property line.
8. A copy of a valid special permit issued by the Board of Appeals, if any.
9. Proof that a copy of the application has been given to the Building Commissioner and the Conservation Commission.
10. A narrative description of the operation including, total number of automobile spaces, total number of truck spaces, total number of handicap spaces, staffing, security, environmental response and fire fighting equipment.
11. A description of any hazardous or volatile materials (excluding vehicle fuel tanks) allowed and whether any special parking requirements are imposed on vehicles carrying hazardous or volatile materials.
12. Licensing fee (nonrefundable).

Section 7 Issuance of License and Appeals: Within 14 days of receiving a copy of the application, the Building Commissioner and the Conservation Administrator shall submit comments and concerns, if any, to the Fire Chief. Within thirty days of receiving an application, the Fire Chief shall issue a license unless the Fire Chief or his designee notifies the applicant in writing that the Fire Chief has determined that there are safety and/or environmental concerns at the site requiring rectification. The Fire Chief may issue a license that imposes special conditions if necessary to insure that the purposes and goals of this chapter are reached. If a license is not issued, the applicant may correct the safety and/or environmental deficiencies and reapply for a license or the applicant may appeal the determination of the Fire Chief to the licensing authority. If an applicant rectifies the safety or environmental concerns and reapplies for a license within 30 days of a denial, no additional licensing fee shall be charged.

Section 8 Appeals: Any entity aggrieved by a determination of the Fire Chief or his designee may appeal that determination to the Board of Selectmen. The entity aggrieved must file a written appeal plus pay an appeal fee established by the Board of Selectmen within 10 days of issuance of the determination being appealed. The written appeal must state the grounds for the appeal and specify each error alleged against the Fire Chief or his designee. The Board of Selectmen shall schedule a public hearing within 45 days of receiving an appeal. Notice of the hearing shall be advertised in a newspaper of general circulation two times, the first such notice appearing at least 10 days prior to the public hearing. If the Board of the Selectmen finds that the Fire Chief made no errors in his determination, the determination of the Fire Chief shall be affirmed. If the Board of Selectmen determines that the Fire Chief has made errors, the Board may issue a license or remand the application to the Fire Chief for further action.

Section 9 Unpaved parking lots. If not allowed by a special permit issued by the Board of Appeals, the Board of Selectmen, after a public hearing, may authorize the use of unpaved areas for the purposes of this chapter. Authorization of unpaved areas does not relieve an applicant from submitting a certified plot plan or delineating parking spaces. The marking and maintaining of appropriate fire lanes shall be required at all times in any unpaved parking lots.

Section 10 Violations and enforcement.

- a. The following shall be violations of this By-law punishable by a fine of \$300.00 per offense. Each vehicle

parked in violation of this chapter shall be a separate offense and each day the offense continues shall also be a separate offense.

7. Operating a parking lot without a license. If the number of vehicles actually parked cannot be ascertained, each parking space so operated shall be a separate offense each day.
8. Exceeding the licensed capacity of parking lot.
9. Blocking a fire lane or operating a lot with a fire lane blocked or partially blocked so that fire apparatus may not pass.
10. Failure to report an environmental spill or hazard to the Fire Department.
11. Parking of vehicles with hazardous or volatile substances (excluding vehicle fuel tanks) when not specifically approved by the license.
12. Violation of a term or condition of a license.

b. Enforcement of this chapter shall be in accordance with Chapter 1 of the Code of Falmouth. The Fire Chief, any deputy fire chiefs, fire department duty officers, fire prevention officers, police officers, natural resources officers or zoning enforcement officers may issue citations for violations of this chapter.

c. In cases where there are repeat violations resulting in more than 3 notices of violation being issued in any 12 month period, the Board of Selectmen, after a public hearing, may suspend or revoke any license issued in accordance with this chapter.

d. In cases where the public safety is jeopardized or risked, the Fire Chief may suspend a license issued in accordance with this chapter until such time as the Board of Selectmen can hold a public hearing but in no case for more than 30 days. After a public hearing the Board of Selectmen may reinstate the license, suspend or revoke it. If during the period of suspension, the public safety concerns are rectified to the satisfaction of the Fire Chief, the Fire Chief may reinstate the license without necessity of a hearing.

Section 11 Effective Date. This By-law shall be effective May 1, 2005. Each license issued in accordance with this chapter shall be valid for no longer than one year. Each license issued shall expire on April 30 following the date of issue.

Article 13: To see if the Town will vote to accept the provisions of Section 298 of Chapter 149 of the Acts of 2004 which permits a town to replace participation in the Cape Cod Open Space Land Acquisition Program (Land Bank) established in accordance with Chapter 293 of the Acts of 1998 with participation in the Massachusetts Community Preservation Act, Mass. Gen. L. ch. 44B sections 3 through 7 inclusive for open space, historic resources and affordable housing purposes. To further substitute and dedicate the three percent property tax surcharge currently being assessed through fiscal year 2020 under the Cape Cod Open Space Land Acquisition Program (Land Bank) for the purposes of the Massachusetts Community Preservation Act. To further authorize the Town ARTICLE : To seek reimbursement for funds expended in accordance with the Massachusetts Community Preservation Act for the maximum amount permitted by that law, currently 100 percent of the levy. To place on the ballot on the next municipal election the following question:

“Shall the Town of Falmouth adopt Section 298 of Chapter 149 of the Acts of 2004, as approved by Town Meeting, a summary of which appears below.”

“Acceptance of Section 298 of Chapter 149 of the Acts of 2004 means the Community Preservation Act shall effectively replace the Cape Cod Open Space Land Acquisition Program. There shall be no additional excise or tax levied other than the current 3 percent levied for the provision of the Cape Cod Open Space Land Acquisition Program. Acceptance of this section shall allow the community to access state matching funds up to 100 percent of the excise on real property currently levied, which was previously unavailable to the Town”

And further that the effective date of replacement, if approved by the voters, of the Cape Cod Open Space Land Acquisition Act by the Massachusetts Community Preservation Act be the fiscal year beginning July 1, 2005. Or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: To see if the Town will vote to accept the provisions of Section 298 of Chapter 149 of the Acts of 2004 as amended which permits a town to replace participation in the Cape Cod Open Space Land Acquisition Program (Land Bank) established in accordance with Chapter 293 of the Acts of 1998 with participation in the Massachusetts Community Preservation Act, Mass. Gen. L. ch. 44B sections 3 through 7 inclusive for open space, historic resources and affordable housing purposes. To further redesignate the three percent property tax surcharge currently being assessed through fiscal year 2020 under the Cape Cod Open Space Land Acquisition Program (Land Bank) for the purposes of the Massachusetts Community Preservation Act. To place on the ballot on the next municipal election the following question:

“Shall the Town of Falmouth adopt Section 298 of Chapter 149 of the Acts of 2004, as approved by Town Meeting, a summary of which appears below.”

“Acceptance of Section 298 of Chapter 149 of the Acts of 2004 means the Community Preservation Act shall effectively replace the Cape Cod Open Space Land Acquisition Program. There shall be no additional excise or tax levied other than the current 3 percent levied for the provision of the Cape Cod Open Space Land Acquisition Program. Acceptance of this section shall allow the community to access state matching funds up to 100 percent of the excise on real property currently levied, which was previously unavailable to the Town”

And further that the effective date of replacement, if approved by the voters, of the Cape Cod Open Space Land Acquisition Act by the Massachusetts Community Preservation Act be the fiscal year beginning July 1, 2004.

VOTED: By a majority vote, a quorum being present on Monday, November 8, 2004, the town voted to accept the provisions of Section 298 of Chapter 149 of the Acts of 2004 as amended which permits a town to replace participation in the Cape Cod Open Space Land Acquisition Program (Land Bank) established in accordance with Chapter 293 of the Acts of 1998 with participation in the Massachusetts Community Preservation Act, Mass. Gen. L. ch. 44B sections 3 through 7 inclusive for open space, historic resources and affordable housing purposes. To further redesignate the three percent property tax surcharge currently being assessed through fiscal year 2020 under the Cape Cod Open Space Land Acquisition Program (Land Bank) for the purposes of the Massachusetts Community Preservation Act. To place on the ballot on the next municipal election the following question:

“Shall the Town of Falmouth adopt Section 298 of Chapter 149 of the Acts of 2004, as approved by Town Meeting, a summary of which appears below.”

“Acceptance of Section 298 of Chapter 149 of the Acts of 2004 means the Community Preservation Act shall effectively replace the Cape Cod Open Space Land Acquisition Program. There shall be no additional excise or tax levied other than the current 3 percent levied for the provision of the Cape Cod Open Space Land Acquisition Program. Acceptance of this section shall allow the community to access state matching funds up to 100 percent of the excise on real property currently levied, which was previously unavailable to the Town”

And further that the effective date of replacement, if approved by the voters, of the Cape Cod Open Space Land Acquisition Act by the Massachusetts Community Preservation Act be the fiscal year beginning July 1, 2004.

Article 14: To see if the Town will vote to authorize the Board of Selectmen to file a Special Act of the Legislature to amend Chapter 134 of the Acts of 1998 “An Act Relative to The Membership Of the Conservation

Commission Of the Town Of Falmouth” by deleting the second paragraph of said Act and inserting the following:

The chairman or presiding officer of said commission may designate any such Associate member to sit on the commission whenever a regular member is absent, unable to participate due to a conflict of interest or a vacancy exists. In no case may more than a total of seven regular and associate members sit on any particular matter coming before the commission.

Or do or take any other action on this matter. On request of the Conservation Commission.

AMENDMENT: To see if the Town will vote to authorize the Board of Selectmen to file a Special Act of the Legislature to amend Chapter 134 of the Acts of 1998 “An Act Relative to The Membership Of the Conservation Commission Of the Town Of Falmouth” by deleting the second paragraph of said Act and inserting the following:

The chairman or presiding officer of said commission **shall** designate any such Associate member to sit on the commission whenever a regular member is absent, unable to participate due to a conflict of interest or a vacancy exists. In no case may more than a total of seven regular and associate members sit on any particular matter coming before the commission.

VOTED: By a majority vote, a quorum being present on Monday, November 8, 2004, the town voted to amend Article 14.

VOTED: By a majority vote, a quorum being present on Monday, November 8, 2004, the town voted to authorize the Board of Selectmen to file a Special Act of the Legislature to amend Chapter 134 of the Acts of 1998 “An Act Relative to The Membership Of the Conservation Commission Of the Town Of Falmouth” by deleting the second paragraph of said Act and inserting the following:

The chairman or presiding officer of said commission shall designate any such Associate member to sit on the commission whenever a regular member is absent, unable to participate due to a conflict of interest or a vacancy exists. In no case may more than a total of seven regular and associate members sit on any particular matter coming before the commission.

Article 15: To see if the Town will vote to authorize the Board of Selectmen to file a Special Act of the Legislature for the purposes of establishing a property tax exemption to be administered in accordance with Mass. Gen. L. ch. 59 for residential or mixed use real estate in the Town which is rented to and occupied by a person(s) of low income who is (are) not related to the owner(s) of the property by blood or marriage. Low-income person is defined in the regulations of the United States Department of Housing and Urban Development (HUD) in effect, for similarly sized households residing in the Town.

The amount of exemption shall be determined by the Board of Assessors and shall be proportional to the net floor area of the rental unit(s) occupied by persons of low income divided by the gross floor area of the principal structure(s). In no case may the exemption exceed \$2,000.00 per rental unit per fiscal year.

No rental unit shall be eligible for such exemption unless it is occupied for an entire fiscal year by a person or persons of low income, conforms to the Zoning By-law, conforms to the health and sanitation code, has a recorded deed restriction such that the unit may be counted as an affordable housing unit for the purposes of Mass. Gen. L. ch. 40B.

The Board of Assessors shall establish rules and regulations to effectuate the purposes of this exemption.

The exemption shall be effective for the fiscal year commencing July 1 after passage. Or do or take any other action on his matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted Indefinite Postponement of Article 15.

Article 16: To see if the Town will vote to accept the provisions of Mass. Gen. L. ch. 59 § 5K as amended by ch.

184 § 52 of the Acts of 2002 which authorizes the Board of Selectmen to establish a program by which not more than thirty-three persons over the age of 60 may receive a tax credit for volunteer services performed on behalf of the Town. In exchange for such volunteer services the Town shall reduce the property tax obligation owed by the volunteer by a maximum amount of \$750.00. The tax reduction shall be in addition to any other abatement or exemption. The credit shall not exceed an amount based on the hours volunteered multiplied by the minimum wage rate in effect. Any volunteer receiving this tax liability reduction shall not be considered an employee for the purposes of workers compensation, unemployment insurance or any other applicable provision of the General Laws except that such volunteer shall be considered a public employee for the purposes of the Massachusetts Tort Claims Act, Mass. Gen. L. ch. 258. The reduction in taxes is neither income nor wages and is not reportable as such. The effective date of this program shall be July 1, 2005. Or do or take any other action in this matter. Upon request of the Board of Selectmen.

VOTED: By a counted vote of 45 in favor and 171 opposed, a quorum being present on Monday, November 8, 2004, Article 16 did not pass.

Article 17: To see if the town will vote to authorize the Conservation Commission to grant an easement or lease to the United States of America acting by and through the U.S. Department of the Army, Corps of Engineers, their successors and assigns, to install a ground water extraction well on land under the Commission's jurisdiction off Route 151 in Hatchville and known as the Coonamessett Reservation upon such terms and conditions as the Commission deems appropriate and further, if necessary, to authorize the Board of Selectmen to petition the General Court for special legislation to enable the Conservation Commission to enter into this easement or lease transaction, due to the terms and conditions of a Conservation Restriction on the property and the provisions of Article 97 of the Amendment to the Constitution of the Commonwealth, 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 8, 2004, the town voted to authorize the Conservation Commission to grant an easement or lease to the United States of America acting by and through the U.S. Department of the Army, Corps of Engineers, their successors and assigns, to install a ground water extraction well on land under the Commission's jurisdiction off Route 151 in Hatchville and known as the Coonamessett Reservation upon such terms and conditions as the Commission deems appropriate and further, if necessary, to authorize the Board of Selectmen to petition the General Court for special legislation to enable the Conservation Commission to enter into this easement or lease transaction, due to the terms and conditions of a Conservation Restriction on the property and the provisions of Article 97 of the Amendment to the Constitution of the Commonwealth, or do or take any other action on this matter.

Article 18: To see if the Town will vote to amend § 180-6 of the Code of Falmouth, Sewer and Septic Systems, to read as follows:

§ 180-6. Connection to sewer required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the street front property line as measured perpendicularly from the street front property line.

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 8, 2004, the town voted to amend § 180-6 of the Code of Falmouth, Sewer and Septic Systems, to read as follows:

§ 180-6. Connection to sewer required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the street front property line as measured perpendicularly from the street front property line.

Article 19: To see if the Town will vote to amend Chapter 184 of the Town Sign Code By-law as follows:

Section 184-30. Movable, portable or mobile signs

C. 1. Special events or promotions for 30 days. A business or community service may have one (1) moveable, 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 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 for 7 days. A business or community service may have one (1) moveable, portable or mobile banner or sign on its premises not to exceed thirty-two (32) square feet for a period not to exceed 7 days, 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 six (6) square feet each are permitted. Such signs shall be required to have permits, but permit fees shall be waived.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to amend Chapter 184 of the Town Sign Code By-law as follows:

Section 184-30. Movable, portable or mobile signs

C. 1. Special events or promotions for 30 days. A business or community service may have one (1) moveable, 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 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 for 7 days. A business or community service may have one (1) moveable, portable or mobile banner or sign on its premises not to exceed thirty-two (32) square feet for a period not to exceed 7 days, 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 six (6) square feet each are permitted. Such signs shall be required to have permits, but permit fees shall be waived.

Article 20: To see if the Town will vote to amend Chapter 184 of the Town Sign Code as follows:

184-37 – Wall and roof signs.

D. For walls up to 50 feet in length, wall signs and roof signs above such walls, shall have a total area not exceeding one (1.0) square foot for each horizontal foot of the building face parallel to a street line. For walls between 50 feet and 100 feet in length, wall signs and roof signs above such walls, shall have a total area not exceeding five percent (5%) of the wall length over 50 feet times 10 plus 50 square feet. The following chart may be used to calculate the allowable square footage of the signs. Wall and roof signs shall have a maximum area allowed of 75 square feet. The area of window signs shall be deducted per Sect. 184-38B.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to amend Chapter 184 of the Town Sign Code By-law as follows:

184-37 – Wall and roof signs.

D. For walls up to 50 feet in length, wall signs and roof signs above such walls, shall have a total area not exceeding one (1.0) square foot for each horizontal foot of the building face parallel to a street line. For walls between 50 feet and 100 feet in length, wall signs and roof signs above such walls, shall have a total area not exceeding five percent (5%) of the wall length over 50 feet times 10 plus 50 square feet. The following chart may be used to calculate the allowable square footage of the signs. Wall and roof signs shall have a maximum area allowed of 75 square feet. The area of window signs shall be deducted per Sect. 184-38B.

Article 21: To see if the Town will vote to amend Chapter 184 of the Town Sign Code Bylaw as follows:

Section 184-18. Measurement of sign area.

D. The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the sign area measurement if such framework is incidental to the display. The area of the supporting framework shall be considered incidental if the total is eight (8) square feet or less. The Design Review Committee shall have the discretion of allowing an additional eight (8) square feet.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to amend Chapter 184 of the Town Sign Code By-law as follows:

Section 184-18. Measurement of sign area.

D. The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the sign area measurement if such framework is incidental to the display. The area of the supporting framework shall be considered incidental if the total is eight (8) square feet or less. The Design Review Committee shall have the discretion of allowing an additional eight (8) square feet.

ARTICLE 22: To see if the town will adopt a Scenic Roads Bylaw under the authority of Chapter 40 Section 15C of the Massachusetts General Laws.

Scenic Roads Bylaw

Section 1: Purpose

The purpose of the Falmouth Scenic Roads Bylaw is to maintain the rural, natural, historic and scenic

character of certain of the town's roadways by requiring prior planning board approval for the removal of significant trees or stone walls within the layout of town roads in conjunction with the repair, reconstruction, or paving of those roads. The bylaw provides that any repair, maintenance, reconstruction or paving work on town roads designated as scenic shall not involve or include the cutting down or removal of significant trees or their roots or the tearing down, or relocation or destruction of stone walls or portions thereof within the road layout without the prior written consent of the Planning Board. Planning Board approval is not necessary for roadway work that does not affect trees or stone walls in the layout.

The bylaw also establishes the procedure for designating scenic roads.

Section 2: Authority

Enactment of this bylaw is authorized by the Massachusetts General Laws Chapter 40, Section 15C.

Section 3: Definitions

Cutting or Removal of Trees

Cutting or removal of trees shall mean the removal of one or more significant trees having a diameter of eight inches or more measured four feet above the ground, or roots of more than three inches in diameter where cut.

Repair, Maintenance, Reconstruction, or Paving Work

Excavation, repair, maintenance, reconstruction, or paving work shall mean any work done within the layout by any person or agency, public or private. Construction of new driveways or alteration of existing driveways or roads within the right-of-way is included under this bylaw.

Road

A road is any street that is an accepted town way, or one that has been established by or maintained under county authority. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stonewalls or portions thereof are within or without the way, the trees or stonewalls shall be presumed to be within the way until the applicant proves the contrary to the satisfaction of the planning board.

Stone Walls

Any structure of natural stones, cut or uncut, that is built in order to enclose, divide or define an area, regardless of its condition.

Significant Trees

Significant trees have a trunk diameter of eight inches or more as measured four feet above the ground.

Section 4: Procedure for Designation of a Scenic Road

Upon recommendation or request of the Planning Board, Conservation Commission or Historical Commission, Town Meeting may designate scenic roads by a majority vote.

Criteria to be used in determining which roads or portions of roads are scenic.

1. Ways bordered by trees of exceptional quality.
2. Ways with overarching tree canopy.
3. Ways bordered by stonewalls, historic buildings, agricultural fields, designed landscapes, or other natural or man-made features of aesthetic value.
4. Ways with water views.
5. Age and historic significance of way, trees and stonewalls, width, grade and alignment.
6. Ways bordered by designated Local Historic Districts or National Register Districts.

Section 5: Procedures for Actions Affecting Scenic Roads, Stone Walls or Trees.

The written approval of the Planning Board is required for any excavation, repair, maintenance, reconstruction or paving work within the layout of Scenic Roads that would involve removing stone walls or significant trees.

5.1 Public Hearing

The Planning Board shall hold a public hearing within 30 days of receipt of an application and shall give notice as specified in Chapter 40, Section 15C GL. When required, hearings shall be held in conjunction with those held by the Tree Warden acting under MGL Chapter 87, Sec. 3, the Public Shade Tree Act. Copies of the public notice shall be sent to the conservation commission, historical commission, historic district commission, the tree warden, the department of public works, and the owners of property within 100 feet of the proposed action.

5.2 Decision

The Planning Board shall make a determination with respect to a written request within 21 days after the close of the public hearing. Failure of the Planning Board to make its decision and file it with the Town Clerk within the time allotted shall constitute approval of the written request.

5.3 Public Shade Tree Act

The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the tree warden or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, Chapter 87, 5.3 have been complied with.

5.4 Decision Considerations

In making a decision, the Planning Board shall consider overall effect of the proposed alteration, including the preservation of historic values; scenic quality, public safety, compatibility with surrounding neighborhood and compensatory actions. New plant materials will be determined by the tree warden or planning board which may require that new tree species be chosen for historic value.

5.5 Emergency Work

In the event that emergency conditions require that work otherwise requiring Planning Board approval must proceed before such approval can be obtained, the work may proceed to the extent which is deemed necessary to protect public health and safety. The work shall be reported in writing, to the Planning Board within 72 hours of the emergency condition.

Section 6: Enforcement

The building inspector, tree warden or others designated by the town administrator may issue a citation for violations of this bylaw under c 1 & 2 "Non-criminal Disposition" of the Code of Falmouth. Violations of the provisions of this bylaw shall be subject to a fine of \$300.

Section 7: Scenic Roads

Boxberry Hill Road
Carriage Shop Road
Chapoquoit Road
Chester Street
Davisville Road
Dillingham Road
Elm Road

Meadow Neck Road
Metoxit Road
Mill Road
Moonakis Road
Nashawena Street
Old Dock Road
Old Main Road

Gardiner Road to Whitman	Old Palmer Road
Garnet Avenue	Quissett Avenue
Geggatt Road	Quissett Harbor Road
Hatchville Road	School Street
Highfield Drive	Sippewissett Road
Katharine Lee Bates Road	Wild Harbor Road (Old Main to Chester)
John Parker Road	

Previously identified by Town meeting as part of Falmouth's scenic coastal road along Vineyard Sound:

Church Street	Oyster Pond Road
Clinton Avenue	Robbins Road
Falmouth Heights Road	Scranton Avenue
Grand Avenue	Shore Street
Menauhant Road to the Central Avenue intersection	Surf Drive
Nobska Road	Water Street
	Woods Hole Road from Water to Church Street

Or do or take any other action on this matter. On request of the Historical Commission.

AMENDMENT: To see if the town will adopt a Scenic Roads Bylaw under the authority of Chapter 40 Section 15C of the Massachusetts General Laws as printed in warrant with the following changes:

Section 3: Definitions

Repair, Maintenance, Reconstruction, or Paving Work

Excavation, repair, maintenance, reconstruction, or paving work shall mean any work done within the layout by any person or agency, public or private. Construction of new driveways or alteration of existing driveways ~~Delete~~ or roads within the right-of-way ~~Delete~~ is included **Add** is excluded under this bylaw.

AMENDMENT VOTED: By a majority vote, a quorum being present on Monday, November 8, 2004, the town voted to amend Article 22.

VOTED: By a majority vote, a quorum being present on Monday, November 8, 2004, the town voted to adopt a Scenic Roads Bylaw under the authority of Chapter 40 Section 15C of the Massachusetts General Laws.

Scenic Roads Bylaw

Section 1: Purpose

The purpose of the Falmouth Scenic Roads Bylaw is to maintain the rural, natural, historic and scenic character of certain of the town's roadways by requiring prior planning board approval for the removal of significant trees or stone walls within the layout of town roads in conjunction with the repair, reconstruction, or paving of those roads. The bylaw provides that any repair, maintenance, reconstruction or paving work on town roads designated as scenic shall not involve or include the cutting down or removal of significant trees or their roots or the tearing down, or relocation or destruction of stone walls or portions thereof within the road layout without the prior written consent of the Planning Board. Planning Board approval is not necessary for roadway work that does not affect trees or stone walls in the layout.

The bylaw also establishes the procedure for designating scenic roads.

Section 2: Authority

Enactment of this bylaw is authorized by the Massachusetts General Laws Chapter 40, Section 15C.

Section 3: Definitions

Cutting or Removal of Trees

Cutting or removal of trees shall mean the removal of one or more significant trees having a diameter of eight inches or more measured four feet above the ground, or roots of more than three inches in diameter where cut.

Repair, Maintenance, Reconstruction, or Paving Work

Excavation, repair, maintenance, reconstruction, or paving work shall mean any work done within the layout by any person or agency, public or private. Construction of new driveways or alteration of existing driveways within the right-of-way is excluded under this bylaw.

Road

A road is any street that is an accepted town way, or one that has been established by or maintained under county authority. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stone walls or portions thereof are within or without the way, the trees or stone walls shall be presumed to be within the way until the applicant proves the contrary to the satisfaction of the planning board.

Stone Walls

Any structure of natural stones, cut or uncut, that is built in order to enclose, divide or define an area, regardless of its condition.

Significant Trees

Significant trees have a trunk diameter of eight inches or more as measured four feet above the ground.

Section 4: Procedure for Designation of a Scenic Road

Upon recommendation or request of the Planning Board, Conservation Commission or Historical Commission, Town Meeting may designate scenic roads by a majority vote.

Criteria to be used in determining which roads or portions of roads are scenic.

7. Ways bordered by trees of exceptional quality.
8. Ways with overarching tree canopy.
9. Ways bordered by stone walls, historic buildings, agricultural fields, designed landscapes, or other natural or man-made features of aesthetic value.
10. Ways with water views.
11. Age and historic significance of way, trees and stone walls, width, grade and alignment.
12. Ways bordered by designated Local Historic Districts or National Register Districts.

Section 5: Procedures for Actions Affecting Scenic Roads, Stone Walls or Trees.

The written approval of the Planning Board is required for any excavation, repair, maintenance, reconstruction or paving work within the layout of Scenic Roads that would involve removing stone walls or significant trees.

5.1 Public Hearing

The Planning Board shall hold a public hearing within 30 days of receipt of an application and shall give notice as specified in Chapter 40, Section 15C GL. When required, hearings shall be held in conjunction with those held by the Tree Warden acting under MGL Chapter 87, Sec. 3, the Public Shade Tree Act. Copies of the

public notice shall be sent to the conservation commission, historical commission, historic district commission, the tree warden, the department of public works, and the owners of property within 100 feet of the proposed action.

5.2 Decision

The Planning Board shall make a determination with respect to a written request within 21 days after the close of the public hearing. Failure of the Planning Board to make its decision and file it with the Town Clerk within the time allotted shall constitute approval of the written request.

5.3 Public Shade Tree Act

The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the tree warden or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, Chapter 87, 5.3 have been complied with.

5.4 Decision Considerations

In making a decision, the Planning Board shall consider overall effect of the proposed alteration, including the preservation of historic values; scenic quality, public safety, compatibility with surrounding neighborhood and compensatory actions. New plant materials will be determined by the tree warden or planning board which may require that new tree species be chosen for historic value.

5.5 Emergency Work

In the event that emergency conditions require that work otherwise requiring Planning Board approval must proceed before such approval can be obtained, the work may proceed to the extent which is deemed necessary to protect public health and safety. The work shall be reported in writing, to the Planning Board within 72 hours of the emergency condition.

Section 6: Enforcement

The building inspector, tree warden or others designated by the town administrator may issue a citation for violations of this bylaw under c 1 & 2 "Non-criminal Disposition" of the Code of Falmouth. Violations of the provisions of this bylaw shall be subject to a fine of \$300.

Section 7: Scenic Roads

Boxberry Hill Road	Meadow Neck Road
Carriage Shop Road	Metoxit Road
Chapoquoit Road	Mill Road
Chester Street	Moonakis Road
Davisville Road	Nashawena Street
Dillingham Road	Old Dock Road
Elm Road	Old Main Road
Gardiner Road to Whitman	Old Palmer Road
Gamet Avenue	Quissett Avenue
Geggatt Road	Quissett Harbor Road
Hatchville Road	School Street
Highfield Drive	Sippewissett Road
Katharine Lee Bates Road	Wild Harbor Road (Old Main to Chester)
John Parker Road	

Previously identified by Town meeting as part of Falmouth's scenic coastal road along Vineyard Sound:

Church Street	Oyster Pond Road
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Clinton Avenue	Robbins Road
Falmouth Heights Road	Scranton Avenue
Grand Avenue	Shore Street
Menauhant Road to the Central Avenue intersection	Surf Drive
Nobska Road	Water Street
	Woods Hole Road from Water to Church Street

ARTICLE 23: To see if the Town will authorize special legislation designating the section of Route 28A known as the West and North Falmouth Highways to the Quaker Road intersection as a Scenic Road subject to the provisions of the Scenic Roads Bylaw of the Town of Falmouth.

The proposed legislation would read:

Notwithstanding the provisions of section 15 C of chapter 40 of the General Laws, state highway Route 28A in Falmouth as it extends from Route 28 to the Quaker Road intersection is hereby designated a scenic road in the commonwealth. It shall be subject to all of the provisions of said section 15 C of said chapter 40 for the purposes of repair, maintenance, reconstruction or paving of said highway. The Falmouth Planning Board is hereby designated as the governmental body whose prior written consent must be obtained in accordance with the provisions of said section 15 C for proposed alterations.

The overall purpose of this scenic road designation is to recognize and where possible preserve the unique historic, rural, and scenic character of the section of Route 28A known as West Falmouth Highway together with a portion of North Falmouth Highway. The local bylaw requires planning board approval for the removal of stone walls and significant trees within the public right of way alongside the road.

Or do or take any other action on this matter. On request of the Historical Commission.

MOTION: To see if the Town will Vote Article 23 as printed in the warrant booklet with the following correction:
Change Quaker Road to Curley Boulevard

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to authorize special legislation designating the section of Route 28A known as the West and North Falmouth Highways to the Curley Boulevard intersection as a Scenic Road subject to the provisions of the Scenic Roads Bylaw of the Town of Falmouth.

The proposed legislation would read:

Notwithstanding the provisions of section 15 C of chapter 40 of the General Laws, state highway Route 28A in Falmouth as it extends from Route 28 to the Curley Boulevard intersection is hereby designated a scenic road in the commonwealth. It shall be subject to all of the provisions of said section 15 C of said chapter 40 for the purposes of repair, maintenance, reconstruction or paving of said highway. The Falmouth Planning Board is hereby designated as the governmental body whose prior written consent must be obtained in accordance with the provisions of said section 15 C for proposed alterations.

The overall purpose of this scenic road designation is to recognize and where possible preserve the unique historic, rural, and scenic character of the section of Route 28A known as West Falmouth Highway together with a portion of North Falmouth Highway. The local bylaw requires planning board approval for the removal of stone walls and significant trees within the public right of way alongside the road.

ARTICLE 24 : To see if the Town will vote to transfer a certain parcel of land from the Board of Selectmen to the Conservation Commission, said land is off Ransom Road and bounded and described as follows:

SOUTHWESTERLY by Ransom Road, by two lines together measuring 711.83 feet;

WESTERLY by a curved line at the intersection of Ransom Road and Evangeline Road, 61.06 feet;

NORTHERLY and

NORTHWESTERLY by Evangeline Road, by eight lines together measuring 822.01 feet;

NORTHWESTERLY by Lot 54 as shown on Land Court Plan No. 4794W. 259.84 feet;

EASTERLY by land shown as Lot 2E on Land Court Plan 4794V, by two lines measuring, respectively, 125.87 feet and 428.20 feet;

SOUTHEASTERLY by Lot 242 as shown on said firth mentioned Land Court Plan, 296.83 feet;

NORTHEASTERLY by the same, 151.00 feet;

SOUTHEASTERLY again by the same, 215.000 feet; and

SOUTHERLY by the same, 83.28 feet.

Said land was acquired by the Town on or about December 21, 1982 and is described in Certificate of Title No. 90574 at the Land Court of the Barnstable County Registry of Deeds, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer a certain parcel of land from the Board of Selectmen to the Conservation Commission, said land is off Ransom Road and bounded and described as follows:

SOUTHWESTERLY by Ransom Road, by two lines together measuring 711.83 feet;

WESTERLY by a curved line at the intersection of Ransom Road and Evangeline Road, 61.06 feet;

NORTHERLY and

NORTHWESTERLY by Evangeline Road, by eight lines together measuring 822.01 feet;

NORTHWESTERLY by Lot 54 as shown on Land Court Plan No. 4794W. 259.84 feet;

EASTERLY by land shown as Lot 2E on Land Court Plan 4794V, by two lines measuring, respectively, 125.87 feet and 428.20 feet;

SOUTHEASTERLY by Lot 242 as shown on said firth mentioned Land Court Plan, 296.83 feet;

NORTHEASTERLY by the same, 151.00 feet;

SOUTHEASTERLY again by the same, 215.000 feet; and

SOUTHERLY by the same, 83.28 feet.

Said land was acquired by the Town on or about December 21, 1982 and is described in Certificate of Title No. 90574 at the Land Court of the Barnstable County Registry of Deeds

ARTICLE 25 : To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY

EMINENT DOMAIN the land with buildings thereon located on Town Hall Square in Falmouth, Barnstable County, Massachusetts, more commonly known as the Odd Fellows Hall, and being described as Lot 5 on Land Court plan 17377-C on Certificate of title No. 20396, said land to be under the jurisdiction of the Board of Selectmen, and further, to appropriate the sum of \$331,650 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 the acquisition, and to determine how the same shall be raised including 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 on this matter. On request of the Board of Selectmen.

MOTION: To see if the Town will vote to authorize the Board of Selectmen to purchase or take by eminent domain the land with buildings thereon located on Town Hall Square in Falmouth, Barnstable County, Massachusetts, more commonly known as the Odd Fellows Hall, and being described as Lot 5 on Land Court plan 17377-C on Certificate of title No. 20396, said land to be under the jurisdiction of the Board of Selectmen, and further, to appropriate the sum of \$331,650 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 the acquisition, and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow 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.

VOTED: By a counted vote of 142 in favor and 60 opposed,. a quorum being present on Tuesday, November 9, 2004, the required two thirds having been met, the town voted to authorize the Board of Selectmen to purchase or take by eminent domain the land with buildings thereon located on Town Hall Square in Falmouth, Barnstable County, Massachusetts, more commonly known as the Odd Fellows Hall, and being described as Lot 5 on Land Court plan 17377-C on Certificate of title No. 20396, said land to be under the jurisdiction of the Board of Selectmen, and further, to appropriate the sum of \$331,650 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 the acquisition, and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow 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.

ARTICLE 26: To see if the town will vote to authorize the Board of Selectmen to let or lease for a term of more than ten (10) years the building known as Lawrence Academy on Academy Lane, upon such terms and conditions as the Selectmen determine appropriate. Or do or take other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to authorize the Board of Selectmen to let or lease for a term of more than ten (10) years the building known as Lawrence Academy on Academy Lane, upon such terms and conditions as the Selectmen determine appropriate.

ARTICLE 27: To see if the town will vote to authorize the Board of Selectmen to let or lease for a period of more

than ten (10) years rights to erect cellular telecommunications equipment on the town's water towers at Falmouth Technology Park and Hayway Road upon such terms and conditions as the Selectmen determine appropriate. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority vote, a quorum being present on Tuesday, November 9, 2004, the town voted to authorize the Board of Selectmen to let or lease for a period of more than ten (10) years rights to erect cellular telecommunications equipment on the town's water towers at Falmouth Technology Park and Hayway Road upon such terms and conditions as the Selectmen determine appropriate.

ARTICLE 28 : To see if the Town will authorize the Board of Selectmen:

1. To establish and maintain a liability claims and insurance fund from which may be paid claims against the Town for injury or loss of property or personnel injury or death for which the Town is liable and from which fund may be paid the premiums for any liability insurance deemed necessary as part of an overall program of self insurance. For the purposes of this paragraph the maximum amount that may be appropriated in any one year is 1/20 of one percent of the Town's equalized property valuation.
2. To establish and maintain a municipal buildings and property insurance fund from which any municipal building or other municipal property damaged or destroyed by fire, lightening, vandalism, burglary, theft or otherwise may be repaired, rebuilt or replaced and from which fund may be paid the premiums for any insurance deemed necessary as part of an overall program of self insurance. For the purposes of this paragraph the maximum amount that may be appropriated in any one year is 1/20 of one percent of the Town's equalized property valuation.
3. To establish and maintain a workers compensation reserve fund from which may be paid claims for workers compensation pursuant to Mass. Gen L. ch. 152 and Mass. Gen. L. ch. 40 §13A and § 13C for which the Town is liable and from which reserve fund may be paid the premiums for any workers compensation insurance deemed necessary as part of an overall program of self insurance. For the purposes of this paragraph the maximum amount that may be appropriated in any one year is 1/20 of one percent of the Town's equalized property valuation.
4. To make the Treasurer the custodian and administrator of these funds. The Treasurer may deposit or invest these in such manner as may be lawful under the General Laws for the investment of municipal trust funds. Any interest or dividends derived shall be deposited into the respective funds. Any amount in the respective funds which is not paid out by the Treasurer shall remain in the fund and carried forward from fiscal year to fiscal year.
5. To file a Special Act of the Legislature for authority to establish any of these funds not permitted by the General Laws or Home Rule Amendment.

Or do or take any other action in this matter. **This article is on request of the Town Administrator.**

MOTION: That the Town vote Article 28 as printed with the following:

Paragraph 1 Line 2 change personnel injury to personal injury.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to authorize the Board of Selectmen:

1. To establish and maintain a liability claims and insurance fund from which may be paid claims

against the Town for injury or loss of property or personal injury or death for which the Town is liable and from which fund may be paid the premiums for any liability insurance deemed necessary as part of an overall program of self insurance. For the purposes of this paragraph the maximum amount that may be appropriated in any one year is 1/20 of one percent of the Town's equalized property valuation.

2. To establish and maintain a municipal buildings and property insurance fund from which any municipal building or other municipal property damaged or destroyed by fire, lightening, vandalism, burglary, theft or otherwise may be repaired, rebuilt or replaced and from which fund may be paid the premiums for any insurance deemed necessary as part of an overall program of self insurance. For the purposes of this paragraph the maximum amount that may be appropriated in any one year is 1/20 of one percent of the Town's equalized property valuation.
3. To establish and maintain a workers compensation reserve fund from which may be paid claims for workers compensation pursuant to Mass. Gen L. ch. 152 and Mass. Gen. L. ch. 40 §13A and § 13C for which the Town is liable and from which reserve fund may be paid the premiums for any workers compensation insurance deemed necessary as part of an overall program of self insurance. For the purposes of this paragraph the maximum amount that may be appropriated in any one year is 1/20 of one percent of the Town's equalized property valuation.
4. To make the Treasurer the custodian and administrator of these funds. The Treasurer may deposit or invest these in such manner as may be lawful under the General Laws for the investment of municipal trust funds. Any interest or dividends derived shall be deposited into the respective funds. Any amount in the respective funds which is not paid out by the Treasurer shall remain in the fund and carried forward from fiscal year to fiscal year.
5. To file a Special Act of the Legislature for authority to establish any of these funds not permitted by the General Laws or Home Rule Amendment.

ARTICLE 29 : To see if the town will vote to update the Goals & Policies of the Local Comprehensive Plan dated April 1998. Or do or take any other action on this matter. On request of the Local Planning Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to update the Goals & Policies of the Local Comprehensive Plan dated April 1998.

ARTICLE 30: To see if the Town will vote to appropriate a sum of money to fund the Fiscal Year 2005 Capital Budget and to determine how the same shall be raised and by whom expended. On request of the Board of Selectmen.

ARTICLE 30 FY 05 CAPITAL BUDGET		
	EXECUTIVE	FINCOM
Department of Public Works		
1 Road Maintenance	\$275,000	275,000
Major resurfacing of Town roads including drainage - ongoing		
2 Sidewalks	\$50,000	50,000
Construction and upgrade of town wide sidewalk system - ongoing		
3 Bridge Maintenance	\$75,000	75,000

	Provides for emergency repairs and maintenance to town owned bridges - ongoing		
4	Vehicles & Equipment		
	Highway Division		
	Sweeper	48,000	second year of a 2 year lease
	Motor Grader	90,000	
	Highway Total		138,000
	Water Division		
	Loader/Backhoe	75,000	
	Truck, Utility 4x4	20,000	
	Truck, Utility 4x4	40,000	
	Water Division Total		135,000
	Sewer Division		
	Truck, Pickup	13,000	
	Sewer Division Total		13,000
	Total D.P.W. Vehicles		286,000
		286,000	286,000
5	Coastal Drainage		50,000
	Funds Coastal Drainage Program to mitigate runoff from the Town's roads into coastal ponds.		50,000
6	NPDES (National Pollution Discharge Elimination System)		25,000
	Federally mandated.		25,000
	Facilities Maintenance		
7	Building Maintenance (includes \$5,000 for Beach Dept.)		30,000
	Maintenance of town buildings		30,000
8	Poor House/Lawrence Academy		65,000
	Exterior repair and paint on Poor House/purchase windows and clapboard for Lawrence Academy		65,000
	Utilities Division - Water		
9	Utility Mains		125,000
	Routine maintenance and upgrades of water and sewer lines - ongoing.		125,000
10	Meters		175,000
	Replace old meters that do not register properly which results in revenue loss - ongoing.		175,000
11	Fixtures/Conservation Kits		20,000
	Funding is left from the last two Capital budgets.		-
	Utilities Division - Wastewater		
12	Disposal system repair		20,000
	The second year of a five year program to replace aluminum irrigation with polyethylene.		20,000
13	Collection system repair		100,000
	A study of force mains identified several isolation valves that need replacement. Water proof coating to manholes will be done.		100,000
	Assessors		
14	Revaluation		40,000
	Yearly revaluations have been mandated by the State.		40,000
	Police Department		
15	Cruisers		215,759
		215,759	215,759

Continues the replacement schedule of cruisers. Old cruisers will be auctioned when replaced.			
Fire Department			
16	Deputy Chief vehicle	35,000	35,000
This is a planned replacement of a vehicle which was postponed in November 2003. Old vehicle will be auctioned.			
17	Mechanic vehicle with plow	30,000	30,000
The mechanic's vehicle is used in all weather conditions and must be replaced.			
18	Ambulance	81,000	81,000
This is the second payment on a three-year lease/purchase of a new ambulance.			
Information Technology			
19	IT PC (etc.) Upgrades	38,000	38,000
The Town maintains 100+ PC's. A maintenance program replaces 10 to 15 each year. - ongoing			
20	IT Printer Upgrades	4,000	4,000
Printers must be upgraded on a regular basis - ongoing.			
21	IT Networking	6,500	6,500
Local Area Network (within buildings) and the Wide Area Network (between buildings) - ongoing.			
22	Police MDT Upgrade	50,000	50,000
Second year of a two year program for upgrades and mobile data replacement.			
Geographic Information System			
23	Plainmetric update/flyover	75,000	75,000
The GIS system is a significant tool which is used by almost every department and must be kept current.			
Town Clerk			
24	Archiving	30,000	30,000
Archiving was done in individual departments. The Town Clerk now will manage archiving for all departments.			
Recreation Department			
25	Facilities maintenance	20,000	20,000
Maintenance of building - ongoing.			
Natural Resources			
26	Land Management	15,000	0.00
There are funds remaining from previous articles; this can be postponed until next year.			
27	Truck, 4x4	30,000	30,000
Replacement of a 1996 truck that is undersized for the usage. Old truck will be traded in.			
School Department			
28	Facilities Maintenance	75,000	35,000
The replacement of a 1987 student van and exterior improvements to the Administration Building are recommended. New phone systems must be delayed for a year.			

Harbormaster		
29	Electronics/radios Portable radios are needed. The recommended of \$4,725 is sufficient.	10,000 4,725
TOTAL FY '05 CAPITAL BUDGET		
		2,051,259
		1,970,984

RECOMMENDATION (Finance Committee): That the Town vote to transfer \$966,259 from Certified Free Cash; \$500,000 from the Stabilization Fund; \$500,000 from the Overlay Surplus Fund and \$4,725 from the Reserve/Waterways Appropriation Fund to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 30.

VOTED: By a two thirds majority vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$966,259.00 from Certified Free Cash; \$500,000.00 from the Stabilization Fund; \$500,000.00 from the Overlay Surplus Fund and \$4,725.00 from the Reserve/Waterways Appropriation Fund to be expended under the jurisdiction of the Board of Selection for the purposes of Article 30.

ARTICLE 31: To see if the Town will vote to appropriate \$575,000 for the removal and disposal of sludge from the wastewater aeration lagoons at the Town's Wastewater Treatment Facility 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.

MOTION: To see if the Town will vote to expend \$575,000 from the Sewer Aeration System Project Account for the removal and disposal of sludge from the wastewater aeration lagoons at the Town's Wastewater Treatment Facility to be expended under the jurisdiction of the Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to expend \$575,000 from the Sewer Aeration System Project Account for the removal and disposal of sludge from the wastewater aeration lagoons at the Town's Wastewater Treatment Facility to be expended under the jurisdiction of the Department of Public Works.

ARTICLE 32 : To see if the Town will vote to appropriate the sum of \$575,000 for the preparation of a Comprehensive Wastewater and Nutrient Management Plan and associated environmental review documents for East Falmouth Watersheds, and for the purposes of a hydrogeologic study of potential treated wastewater discharge sites 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.

MOTION: To see if the Town will vote to expend \$575,000 from the Nutrient Management Fund provided by the U. S. Air Force Center for Environmental Excellence for the purposes of a hydrogeologic study of potential treated wastewater discharge sites to be expended under the jurisdiction of the Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to expend \$575,000 from the Nutrient Management Fund provided by the U. S. Air Force Center for Environmental Excellence for the purposes of a hydrogeologic study of potential treated wastewater discharge sites to be expended under the jurisdiction of the Department of Public Works.

ARTICLE 33 : To see if the Town will vote to appropriate \$40,000 for the replacement of the roof on the Operations Building at the Town's Wastewater Treatment Facility. Or do or take any other action on this matter. On request of the Department of Public Works.

MOTION: To see if the Town will vote to expend \$40,000 from the Sewer Aeration System Project Account for the replacement of the roof on the Operations Building at the Town's Wastewater Treatment Facility to be expended under the jurisdiction of the Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to expend \$40,000 from the Sewer Aeration System Project Account for the replacement of the roof on the Operations Building at the Town's Wastewater Treatment Facility to be expended under the jurisdiction of the Department of Public Works.

ARTICLE 34 : To see if the Town will vote to appropriate \$753,750 for the purpose of funding the design and permitting of a new source permit 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.

MOTION: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$753,750 under the provisions of G.L. ch.,44 §8 (3a) or any other appropriate authority, and to issue bonds or notes of the Town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of funding the design and permitting of a new source permit.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$753,750 under the provisions of G.L. ch.,44 §8 (3a) or any other appropriate authority, and to issue bonds or notes of the Town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of funding the design and permitting of a new source permit.

ARTICLE 35: To see if the Town will vote to appropriate \$16,000 for the purposes of conducting a survey of the land on Carriage Shop Road shown on Assessors Map 21, Section 09, Parcel 002, Lot 001 which was purchased by the Town in Article 5 of the April 2004 Special Town Meeting 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.

MOTION: To see if the Town will vote to transfer \$16,000 from the Land Bank Fund to be expended under the jurisdiction of the Board of Selectmen for the purposes of conducting a survey of the land on Carriage Shop Road shown on Assessors Map 21, Section 09, Parcel 002, Lot 001 which was purchased by the Town in Article 5 of the April 2004 Special Town Meeting.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer \$16,000 from the Land Bank Fund to be expended under the jurisdiction of the Board of Selectmen for the purposes of conducting a survey of the land on Carriage Shop Road shown on Assessors Map 21, Section 09, Parcel 002, Lot 001 which was purchased by the Town in Article 5 of the April 2004 Special Town Meeting.

ARTICLE 36 : To see if the Town will vote to appropriate \$30,000 for the purposes of conducting an organization study of the Department of Public Works 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 Administrator.

MOTION: To see if the Town will vote to transfer \$30,000 from Certified Free Cash for the purposes of conducting an organization study of the Department of Public Works 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 Administrator.

VOTED: By a counted vote of 72 in favor and 140 opposed, a quorum being present on Tuesday, November 9, 2004, Article 36 did not pass.

ARTICLE 37 : To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Add:	Chief Wastewater Plant Operator	Gr. 14
Delete:	Chief Wastewater Plant Operator	Gr. M-07

Effective 11/14/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a majority vote, a quorum being present on Tuesday, November 9, 2004, the town voted to amend the Town's Position Classification Plan as follows:

Add:	Chief Wastewater Plant Operator	Gr. 14
Delete:	Chief Wastewater Plant Operator	Gr. M-07

Effective 11/14/04.

ARTICLE 38 : To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Add:	Wastewater Plant Operator	Gr. 09
Delete:	Wastewater Plant Operator	Gr. 08

Effective 11/14/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to amend the Town's Position Classification Plan as follows:

Add:	Wastewater Plant Operator	Gr. 09
Delete:	Wastewater Plant Operator	Gr. 08

Effective 11/14/04.

ARTICLE 39 : To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Add:	Wastewater Plant Lab Technician	Gr. 09
Delete:	Wastewater Plant Lab Technician	Gr. 10

Effective 11/14/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to amend the Town's Position Classification Plan as follows:

Add:	Wastewater Plant Lab Technician	Gr. 09
Delete:	Wastewater Plant Lab Technician	Gr. 10

Effective 11/14/04.

ARTICLE 40: To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Add:	Wastewater Maintenance Worker	Gr. 06
Delete:	Wastewater Facilities Operator	Gr. 06

Effective 11/14/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to amend the Town's Position Classification Plan as follows:

Add:	Wastewater Maintenance Worker	Gr. 06
Delete:	Wastewater Facilities Operator	Gr. 06

Effective 11/14/04.

ARTICLE 41 : To see if the Town will vote to raise and appropriate the sum of \$1,019 for the purpose of amending the Town's Position Classification Plan as follows:

Add: Town Engineer Gr. M-10
Delete: Town Engineer Gr. M-9

Effective 7/4/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$1,019 from Certified Free Cash to be expended under the jurisdiction of the Public Works Director for the purposes of amending the Town's Position Classification Plan as follows:

Add: Town Engineer Gr. M-10
Delete: Town Engineer Gr. M-9

Effective 7/4/04.

ARTICLE 42 : To see if the Town will vote to raise and appropriate the sum of \$457. for the purpose of amending the Town's Position Classification Plan as follows:

Add: Superintendent of Highways Gr. M-9
Delete: Superintendent of Highways Gr. M-8

Effective 7/4/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$457 from Certified Free Cash to be expended under the jurisdiction of the Public Work Director for the purposes of amending the Town's Position Classification Plan as follows:

Add: Superintendent of Highways Gr. M-9
Delete: Superintendent of Highways Gr. M-8

Effective 7/4/04.

ARTICLE 43 : To see if the Town will vote to raise and appropriate the sum of \$457. for the purpose of amending the Town's Position Classification Plan as follows:

Add: Superintendent of Parks Gr. M-9
Delete: Superintendent of Parks Gr. M-8

Effective 7/4/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$457 from Certified Free Cash to be expended under the jurisdiction of the Public Work Director for the purposes of amending the Town's Position Classification Plan as follows:

Add: Superintendent of Parks Gr. M-9
Delete: Superintendent of Parks Gr. M-8

Effective 7/4/04.

ARTICLE 44 : To see if the Town will vote to raise and appropriate the sum of \$2,076. for the purpose of

amending the Town's Position Classification Plan as follows:

Add:	Assistant Town Administrator	Gr. M-11
Delete:	Assistant Town Administrator	Gr. M-10

Effective 12//05/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$2,076 from Certified Free Cash to be expended under the jurisdiction of the Town Administrator for the purposes of amending the Town's Position Classification Plan as follows:

Add:	Assistant Town Administrator	Gr. M-11
Delete:	Assistant Town Administrator	Gr. M-10

Effective 12//05/04.

ARTICLE 45 : To see if the Town will vote to raise and appropriate the sum of \$265. for the purpose of amending the Town's Position Classification Plan as follows:

Add:	Facilities Maintenance Manager	Gr. M-8
Delete:	Facilities Maintenance Coordinator	Gr. M-6

Effective 12/05/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$265 from Certified Free Cash to be expended under the jurisdiction of the Town Administrator for the purposes of amending the Town's Position Classification Plan as follows:

Add:	Facilities Maintenance Manager	Gr. M-8
Delete:	Facilities Maintenance Coordinator	Gr. M-6

Effective 12/05/04.

ARTICLE 46 : To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Add:	Principal Office Assistant-Building Dept.	Gr. 08
Delete:	Administrative Clerk-Building Dept.	Gr. 07

Effective 12/05/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to amend the Town's Position Classification Plan as follows:

Add:	Principal Office Assistant-Building Dept.	Gr. 08
Delete:	Administrative Clerk-Building Dept.	Gr. 07

Effective 12/05/04.

ARTICLE 47 : To see if the Town will vote to raise and appropriate the sum of \$339. for the purpose of amending the Town's Position Classification Plan as follows:

Add:	(1)	Assistant Assessor-Administrator	Gr. 09
Add:	(2)	Administrative Clerk-Assessor's Office	Gr. 07
Delete	(3)	Administrative Clerk-Assessor's Office	Gr. 07

Effective 12/05/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a majority vote, a quorum being present on Tuesday, November 9, 2004, the town voted to raise and appropriate the sum of \$339 for the purpose of amending the Town's Position Classification Plan as follows:

Add:	(1)	Assistant Assessor-Administrator	Gr. 09
Add:	(2)	Administrative Clerk-Assessor's Office	Gr. 07
Delete	(3)	Administrative Clerk-Assessor's Office	Gr. 07

Effective 12/05/04.

ARTICLE 48 : To see if the Town will vote to raise and appropriate the sum of \$495 for the purpose of amending the Town's Position Classification Plan as follows:

Add	Office Manager/Licensing-Administration	Gr. M-4
Delete	(1) Administrative Assistant	Gr. M-3

Effective 12/05/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$495 from Certified Free Cash to be expended under the jurisdiction of the Town Administrator for the purposes of amending the Town's Position Classification Plan as follows:

Add	Office Manager/Licensing-Administration	Gr. M-4
Delete	(1) Administrative Assistant	Gr. M-3

Effective 12/05/04

ARTICLE 49 : To see if the town will vote to amend the Town's Position Classification Plan as follows:

Add	Sr. Office Assistant-Board of Appeals	Gr. 06
Delete	Office Assistant-Board of Appeals	Gr. 05

Effective 12/05/04. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to amend the Town's Position Classification Plan as follows:

Add	Sr. Office Assistant-Board of Appeals	Gr. 06
Delete	Office Assistant-Board of Appeals	Gr. 05

Effective 12/05/04.

ARTICLE 50 : 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, 2004, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employees (AFSCME), 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 Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted Indefinite Postponement of Article 50.

ARTICLE 51 : 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, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (DPW) 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 Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted Indefinite Postponement of Article 51.

ARTICLE 52 : 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, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (Falmouth Public Library) 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 Administrator.

MOTION: To see if the Town will vote to transfer \$15,180 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, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (Falmouth Public Library) .

VOTED: By a majority vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$15,180 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, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (Falmouth Public Library).

ARTICLE 53 : 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, 2004, as agreed to by the Town of Falmouth and International Association of Firefighters, Local 1397 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 Administrator.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted Indefinite Postponement of Article 53.

ARTICLE 54 : 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, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Federation 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 Administrator.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted Indefinite Postponement of Article 54.

ARTICLE 55 : 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, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Superior Officers' Association 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 Administrator.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted Indefinite Postponement of Article 55.

ARTICLE 56 : 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 a raise to all non-aligned and Technical/Administrative and Management employees in permanent positions covered by the Plan for the period commencing July 1, 2004, 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 Administrator.

MOTION: To see if the Town will vote to transfer \$66,996 from certified free cash to be appropriately distributed by the Town Accountant, to the accounts affected for the purpose of funding a raise to all non-aligned and Technical/Administrative and Management employees in permanent positions covered by the Plan for the period commencing July 1, 2004

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$66,996 from certified free cash to be appropriately distributed by the Town Accountant, to the accounts affected for the purpose of funding a raise to all non-aligned and Technical/Administrative and Management employees in permanent positions covered by the Plan for the period commencing July 1, 2004

ARTICLE 57 : To see if the town will vote to appropriate \$75,000 for the Worker's Compensation Trust 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 Town Administrator.

MOTION: That the town vote to transfer \$159,913 from Certified Free Cash for the Worker's Compensation Trust Fund to be expended under the jurisdiction of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$159,913 from Certified Free Cash for the Worker's Compensation Trust Fund to be expended under the jurisdiction of the Town Administrator.

ARTICLE 58 : To see if the Town will vote to appropriate \$65,620 from the Parking Meter Fund for the purchase of parking meters 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 Police Chief.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer \$65,620 from the Parking Meter Fund for the purchase of parking meters to be expended under the jurisdiction of the Police Chief.

ARTICLE 59 : To see if the Town will vote to transfer twenty thousand dollars (\$20,000.00) from the Reserve/Waterways Appropriation Fund for the purpose of replacing two electrical transformers at the Town Marina and to determine under whose jurisdiction the same shall be expended. 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, November 8, 2004, the town voted to transfer twenty thousand dollars (\$20,000.00) from the Reserve/Waterways Appropriation Fund for the purpose of replacing two electrical transformers at the Town Marina to be expended under the jurisdiction of the Harbor Master.

ARTICLE 60 : To see if the Town will vote to transfer three thousand five hundred dollars (\$3,500.00) from the Reserve/Waterways Appropriation Fund for the purpose of constructing a new dolphin piling set up with navigation light on the west jetty of Waquoit Bay and to determine under whose jurisdiction the same shall be expended. Or do or take any other action on this matter. On request of the Harbormaster.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer three thousand five hundred dollars (\$3,500.00) from the Reserve/Waterways Appropriation Fund for the purpose of constructing a new dolphin piling set up with navigation light on the west jetty of Waquoit Bay to be expended under the jurisdiction of the Harbor Master.

ARTICLE 61 : To see if the Town will vote to appropriate \$20,000 for the repair and paving of Morse Pond Road 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 8, 2004, the town voted to transfer \$20,000 from Certified Free Cash for the repair and paving of Morse Pond Road to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 62 : 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>
Fox Lane	2,780'
Edgehill Road	350'
Hummingbird Hill Road	1,340'
Tall Pine Road	625'

- Under 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 on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted 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>
Fox Lane	2,780'
Edgehill Road	350'
Hummingbird Hill Road	1,340'
Tall Pine Road	625'

- Under Chapter 80 of the Massachusetts General Laws, the cost will be recovered by 100% betterment assessments to the land that receives the benefit.

ARTICLE 63 : 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>
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Crowell Road	1,090'
Katelyn Hills Drive	550'

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

MOTION: 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>
Crowell Pond Lane	1,090'
Katelyn Hills Drive	550'

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 8, 2004, the town voted 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>
Crowell Pond Lane	1,090'
Katelyn Hills Drive	550'

ARTICLE 64 : To see if the Town will vote to appropriate \$17,676 for the purpose of funding unanticipated costs related to Phases One and Two of the Poor House renovation 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 Administrator.

MOTION: To see if the Town will vote to transfer \$17,676 from Certified Free Cash for the purpose of funding unanticipated costs related to Phases One and Two of the Poor House renovation to be expended under the jurisdiction of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 9, 2004, the town voted to transfer \$17,676 from Certified Free Cash for the purpose of funding unanticipated costs related to Phases One and Two of the Poor House renovation to be expended under the jurisdiction of the Town Administrator.

ARTICLE 65 : To see if the Town will vote to appropriate \$15,000 for the purpose of funding additional contractual services in the Zoning Board of Appeals Office 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 Zoning Board of Appeals.

MOTION: That the Town vote to transfer \$15,000 from Certified Free Cash for the purpose of funding additional contractual services in the Zoning Board of Appeals Office to be expended under the jurisdiction of the Zoning Board of Appeals.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer \$15,000 from Certified Free Cash for the purpose of funding additional contractual services in the Zoning Board of Appeals Office to be expended under the jurisdiction of the Zoning Board of Appeals.

ARTICLE 66: To see if the town will vote to transfer the sum of \$10,853 from Interest on Short Term Unexcluded Debt Budget #01756-59925 to Principal on Long Term Massachusetts Water Pollution Abatement Trust (M-WPAT) Debt Budget #01754-59909, to determine under whose jurisdiction the same shall be expended or do or taken any other action on this matter. On request of the Town Treasurer.

MOTION: That the Town vote to transfer the sum of \$10,853 from Interest on Short Term Unexcluded Debt Budget #01756-59925 to Principal on Long Term Massachusetts Water Pollution Abatement Trust (M-WPAT) Debt Budget #01754-59909 to be expended under the jurisdiction of the Town Treasurer.

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer the sum of \$10,853 from Interest on Short Term Unexcluded Debt Budget #01756-59925 to Principal on Long Term Massachusetts Water Pollution Abatement Trust (M-WPAT) Debt Budget #01754-59909 to be expended under the jurisdiction of the Town Treasurer.

ARTICLE 67 : To see if the Town will vote to transfer \$1,000 from the Historic District Commission Purchase of Services to Historic District Commission Personal Services. Or do or take any other action on this matter. On request of the Historic District Commission.

MOTION: That the Town vote to transfer

\$650 from Line 0169152340 – Printing
\$240 from Line 01691-52341 – Telephone
\$110 from Line 01691-52342 – Postage

to a new line item 01691-52319 – Prof/Tech - clerical services*

Said funds to be expended under the jurisdiction of the Historic District Commission

VOTED: By a unanimous vote, a quorum being present on Monday, November 8, 2004, the town voted to transfer

\$650 from Line 0169152340 – Printing
\$240 from Line 01691-52341 – Telephone
\$110 from Line 01691-52342 – Postage

to a new line item 01691-52319 – Prof/Tech - clerical services to be expended under the jurisdiction of the Historic District Commission

ARTICLE 68: The John Parker/Old Barnstable Neighborhood Association asks the Town Meeting members to support the continued use of commercial cranberry growing on what is now known as the Lower Bogs of the Coonamessett River. Furthermore, to comply with the spirit of the Coonamessett River Restoration Working Group Plan, we feel that keeping commercial cranberry growing on the west side of the river and promoting a wetland on the east side (moving the river if practical and legal) would satisfy most of the citizens of Falmouth, as well as, the people who live in the area.

On request of David A Smith and others.

VOTED: By a majority vote, a quorum being present on Tuesday, November 9, 2004, the town voted not to pass Article 68.

ARTICLE 69 : 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 9, 2004, the Town affirms its appropriations voted under the foregoing Articles as follows:

Total appropriations from Certified Free Cash	\$1,267,212.00	
Total appropriations from Stabilization/Overlay		\$1,000,000.00
Total appropriations from Available Funds	1,311,698.00	
Total appropriations from Loan Authorizations	<u>\$1,085,400.00</u>	
Total of all appropriations voted	\$4,664,310.00	