

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the town voted to accept the report of the Historical Commission, the Falmouth High School Building Committee, and the Finance Committee.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the town voted to appropriate \$25,797.87 from Certified Free Cash To be expended under the jurisdiction of the Board of Selectmen for the purposes of paying unpaid bills from a prior fiscal year as follows;

Selectmen	Center for Policy Analysis	\$6,000.00
Health	C.L. Noonan Container Service, Inc.	450.00
Legal	Collins Loughran & Peloquin, P.C.	922.75
	Epstein & August, LLP	682.75
	Petrini & Associates	90.00
	Thomson West	157.00
	Mary Flanders Aicardi	800.00
	Linda L. Kelley	140.00
Treasurer	RBS Lynk	777.75
DPW Engineering	Weston & Sampson Engineers, Inc.	15,334.62
Street Lighting	Republic ITS	395.00
Harbor	Falmouth Publishing	48.00

ARTICLE 3: To see if the Town will vote to amend Section 240-65.5 of the Zoning Bylaw by inserting the words: "D. Lot Coverage by Structures 20 percent; Lot Coverage by structures paving and parking 40 percent". 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 9, 2009 the town voted Article 3 as printed in the Warrant

ARTICLE 4: To see if the Town will vote to amend Section 240-65.4(3) of the zoning bylaw by inserting the words "and lot frontage of 100 feet" at the end of the first sentence, so as to read: "A SCRC shall have a minimum total area of 15 acres and lot frontage of 100 feet." 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 9, 2009 the town voted to amend Section 240-65.4.A.(3) of the zoning bylaw by inserting the words "and lot frontage of 100 feet" at the end of the first sentence, so as to read: "A SCRC shall have a minimum total area of 15 acres and lot frontage of 100 feet."

ARTICLE 5: To see if the Town will vote to amend Section 240-68 A. (8) of the Code of Falmouth by removing the word "building" and replacing it with the word "structure" so that it reads as follows:

Section 240-68 A. (8) The Zoning Board of Appeals, as the special permit granting authority, may issue a special permit for an accessory structure in a front yard, but not closer to the street frontage than 50 feet.

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 9, 2009 the town voted Article 5 as printed in the warrant.

ARTICLE 6: To see if the Town will vote to amend Section 240-13 – Definitions - of the Zoning Bylaw by adding the following:

“Boarder”: A person who, for payment, rents one or more rooms for one or more nights in a residence, who may be provided with regular meals or who may have common area privileges in common with the resident owner or lessee, including dining or kitchen.

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

VOTED: By a counted vote of 84 in favor and 113 in opposition, a quorum being present on Monday, November 9, 2009 the town voted to not to amend Section 240-13 – Definitions - of the Zoning Bylaw

ARTICLE 7: To see if the Town will vote amend section 240-14 of the zoning bylaw by adding the words “Business Redevelopment District”.

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 9, 2009 the town voted Article 7 as printed in the Warrant

ARTICLE 8: To see if the Town will vote to amend section 240-66C (3) of the zoning bylaw by inserting the following “ or tidal marsh, tidal pond, tidal river as defined or within 300 feet of a water body listed in sections 240-100 A, B or C of the Coastal Pond Overlay District ”so as to read in its pertinent part:

Any lot not held in common ownership with adjoining land as of 1 January 1981, not protected by Subsections C(1) and (2), may apply to the Zoning Board of Appeals for a special permit to construct a single-family residence, if the lot has at least 7,200 square feet of area. If the petitioner's lot is located within a Water Resource Protection District or within 300 feet of an estuary, hereinafter defined as a saltwater passage wherein the tide meets a flow of freshwater, or tidal marsh, tidal pond, tidal river as defined or within 300 feet of a water body listed in sections 240-100 A, B or C of the Coastal Pond Overlay District, the Board of Appeals shall require information on the location of public and private wells within 300 feet of the site; a nutrient analysis of the receiving waters....

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 9, 2009 the town voted to amend section 240-66C (3) of the zoning bylaw by inserting the following “ or within 300 feet of a tidal marsh, tidal pond, tidal river as defined or within 300 feet of a water body listed in sections 240-100 A, B or C of the Coastal Pond Overlay District ”so as to read in its pertinent part:

Any lot not held in common ownership with adjoining land as of 1 January 1981, not protected by Subsections C(1) and (2), may apply to the Zoning Board of Appeals for a special permit to construct a single-family residence, if the lot has at least 7,200 square feet of area. If the petitioner's lot is located within a Water Resource Protection District or within 300 feet of an estuary, hereinafter defined as a saltwater passage wherein the tide meets a flow of freshwater, or within 300 feet of a tidal marsh, tidal pond, tidal river as defined or within 300 feet of a water body listed in sections 240-100 A, B or C of the Coastal Pond Overlay District, the Board of Appeals shall require information on the location of public and private wells within 300 feet of the site; a nutrient analysis of the receiving waters....

ARTICLE 9: To see if the Town will vote amend section 240-69.E of the Zoning Bylaw by deleting the words "Planning Board" and inserting the words "Board of Appeals" so as to read:

In Residence B, C and Agricultural B Zoning Districts maximum percent lot coverage by structures of up to 25% may be allowed by special permit by the Board of Appeals. In issuing the special permit the Board of Appeals shall take into consideration the size and height of the structure in relation to the average size and height of structures in the neighborhood, the effects of shadow on adjacent properties, the impact on views and vistas from public ways, and the effect of nitrogen on coastal embayments.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the town voted Article 9 as printed in the warrant.

ARTICLE 10: To see if the Town will vote amend the Zoning Bylaw by deleting section 240-66D in its entirety and adding the following:

§240-18.2 One Dwelling Per Lot

"Except as may be provided herein, not more than one dwelling unit shall be erected on a single lot in Single Residence and Agricultural districts.

And by adding the following:

Existing Residential Uses

§ 240-18.2 of the zoning bylaw notwithstanding, the residential use of two or more dwellings on a single lot, whether or not previously used for year-round habitation and not protected by §240-3, will be deemed to be a pre-existing, non-conforming use and may only be altered, extended or modified by special permit from the Board of Appeals subject to the criteria of §240-3C, if the Board of Appeals finds through a preponderance of credible evidence that said use commenced prior to April 1, 1959 and has not been abandoned or not used for a period of two years or more pursuant to §240-3D.

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

VOTED: By a counted vote of 90 in favor and 110 in opposition, a quorum being present on Monday, November 9, 2009 the town voted to not amend the Zoning Bylaw as printed in Article 10 of the warrant.

ARTICLE 11: To see if the Town will vote to amend Chapter 240 of the Code of Falmouth – Zoning by adding the following:

"§240-216.J For those special permits providing affordable housing, the special permit granting authority shall require the following standards be met by conditioning the special permit accordingly:

1. The applicant shall comply with the regulations found at 760 CMR 56.03(2), or successor regulations regarding unit inclusion on the subsidized housing inventory
2. All affordable homeownership units or affordable rental projects shall be governed by a use restriction recorded with the Barnstable County Registry of Deeds. Said restriction shall comply with the provisions of 760 CMR 56.02, or successor regulations. The term of said restriction will be determined by the Special Permit Granting Authority taking into consideration: the type of unit being created; whether new construction or rehabilitation; level of affordability; the requirements of any subsidy program or agency.
3. The applicant or successor in interest shall be responsible for providing the following information on an annual basis for affordable rental units, or upon sale of affordable homeownership units.
 - a. The bedroom size, monthly rent, inclusive of utilities, or sales price.
 - b. The household size and gross annual household income.

- c. Documentation of ongoing compliance with affirmative fair marketing requirements
- d. Documentation shall be provided on an annual basis for both rental and homeownership units that the owner or renter occupy the unit as their domiciles and principal residences
- e. Ongoing proof of a current monitoring services agreement with an affordable housing specialist that meets with the special permit granting authority's approval."

Delete §240-136.A in its entirety and insert the following: "\$240-136 A - Sale Price: Shall be consistent with §240-216.J"

Delete §§240-138, 139 & 140 in the entirety

Delete Sentences 1 & 2 from §240-23.I (7) and insert the following: "As a condition of the special permit consistency with §240-216.J.applies."

Delete "Affordable Dwelling" from §240-13 – Definitions – and insert in its place the following: "Affordable Dwelling Unit – a dwelling unit that complies with 760 CMR 56, or successor regulations regarding unit inclusion on the subsidized housing inventory."

Delete §240-26C in its entirety and insert in its place the following:" §240-26C Multi-family dwelling of three units if at least one unit is affordable as defined."

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 9, 2009 the town voted Article 9 as printed in the warrant, except to change paragraph 3.d to the following.

3.d. Documentation shall be provided on an annual basis, for both homeownership and rental affordable units, that each is occupied by a qualified owner or renter, respectively, as a principal residence.

ARTICLE 12: To see if the Town vote to amend the Official Zoning Map to rezone seven (7±) acres from Agriculture AA District to Senior Care Retirement District. The seven (7±) acres to be rezoned are shown on a plan entitled "Plan for Proposed Rezoning", prepared for CLSV Limited Partnership, by Holmes & McGrath, Inc., dated August 4, 2009. The seven (7±) acres are a portion of the 31.2 acres owned by CLSV Associates Limited Partnership located on Nathan Ellis Highway (Route 151) and are shown on the Town of Falmouth Assessors Map as:

06-01 010-000	CLSV Associated Limited Partnership
06-01-008-014	CLSV Associated Limited Partnership

Or do or take any other action on this matter. On petition of Jody Shaw and others.

VOTED: By a counted vote of 163 in favor and 28 in opposition, a quorum being present on Monday, November 9, 2009 the town voted to Article 12 as printed in the warrant.

ARTICLE 13: To see if the Town of Falmouth will vote to change the property at 28 Nathan Ellis Highway, Assessor's Parcel 05-09-007A-001, from a Residential B District to a B-1 Business District, as defined in §240-240 of the Falmouth General Code, with a restriction that only uses permitted by §§240-46;0 240-47; 240-48B, C; and 240-50A-C shall be permitted.

On petition of Antranig Minasian and others.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the town voted Indefinite Postponement of Article 13 as printed in the warrant.

ARTICLE 14: To see if the Town of Falmouth will vote to change the property at 28 Nathan Ellis Highway, Assessor's Parcel 05-09-007A-001, from a Residential B District to a Business Redevelopment District, as defined in §240-240 of the Falmouth General Code, with a restriction that no retail or restaurant uses shall be made of the property.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the town voted Indefinite Postponement of Article 14 as printed in the warrant.

ARTICLE 15: To see if the Town will vote to authorize the Board of Selectmen to let or lease the Old North Falmouth Fire Station for a period of ten years or more, upon such terms as the Selectmen determine, 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 9, 2009 the town voted Article 15 as printed in the warrant.

ARTICLE 16: To see if the Town will vote to establish a stabilization account to be known as the Renewable Energy Stabilization Fund to be maintained by the Town Treasurer to receive and hold revenue received from the operation of wind energy facilities or other renewable energy facilities with the funds held in said account to be available for further appropriation to pay for the notes and bonds issued by the town for design, development and construction of wind energy facilities or other renewable energy facilities, 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 9, 2009 the town voted to establish a stabilization fund pursuant to G.L. ch 40, sec. 5B or any other enabling authority, to be known as the Renewable Energy Stabilization Fund to be maintained by the Town Treasurer to receive and hold revenue received from the operation of wind energy facilities or other renewable energy facilities with the funds held to be available for further appropriation to pay for the notes and bonds issued by the town for design, development and construction of wind energy facilities or other renewable energy facilities

ARTICLE 17: To see if the Town will vote to appropriate to the Renewable Energy Stabilization Fund established in the preceding article a sum of money received by the Town from the sale of renewable energy certificates, 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 declared two-thirds majority vote, a quorum being present on Monday, November 9, 2009 the town voted to appropriate \$953,623.00 from Certified Free Cash to the Renewable Energy Stabilization Fund for the purposes of Article 17.

ARTICLE 18: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to amend Chapter 200 of the Acts of 2007, a special act entitled "An Act Authorizing the Town of Falmouth to Install, Finance and Operate Wind Energy Facilities" enacted by the General Court pursuant to a petition authorized by Article 12 of the April 4, 2007 STM, and further authorize the town to establish a separate account to receive and hold revenue from the operation of wind energy facilities or other renewable energy facilities, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Monday, November 9, 2009 the town voted to authorize the Board of Selectmen to petition the General Court to amend Chapter 200 of the Acts of 2007: deleting section 5 in its entirety and replacing with the following:

SECTION 5. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Falmouth may establish a fund, which shall be kept separate and apart from all other monies of the town and into which shall be deposited all revenues from the operation of the wind energy facilities authorized in this act and from any other renewable-energy producing facilities which the Town is authorized by law to operate and all monies received for the benefit of the wind energy facilities any such other renewable energy facilities, other than the proceeds of bonds or note issued therefore. Such receipts may be appropriated to pay the cost of operation and maintenance of wind energy facilities and any such other renewable energy facilities, to pay costs of future improvements and repairs thereto, to offset the other energy or energy related expenses of the town, to pay the principal and interest on any bonds or notes issued therefore, and for any other lawful municipal purpose and further that the

Board of Selectmen is authorized to accept and agree to any other amendment to section 5 which will enhance or carry out the intent and purpose of this article.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money to pay the amounts due in FY 2010 on the notes and bonds issued to pay for wind energy facilities, 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 declared majority vote, a quorum being present on Monday, November 9, 2009 the town voted to appropriate \$57,000.00 from Certified Free Cash to Short Term Unexcluded Debt Budget Line Item 01756-59925 (Short Term Interest) for the purposes of Article 19 to be expended under the jurisdiction of the Town Treasurer.

ARTICLE 20: To see if the Town will vote to appropriate \$956,009.00 under Chapter 303 of the Acts of 2008, as the state's share of the work under Chapter 90, Section 34 (2A) of the Massachusetts General Laws, and to authorize the Board of Selectmen to execute with the state such contract as may be necessary for said purpose, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the town voted to appropriate \$956,009.00 under Chapter 303 of the Acts of 2008, as the state's share of the work under Chapter 90, Section 34 (2A) of the Massachusetts General Laws, and to authorize the Board of Selectmen to execute with the state such contract as may be necessary for said purpose to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money to fund the Fiscal Year 2010 Capital Budget 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.

ARTICLE 21 FY 2010 CAPITAL BUDGET			
		EXECUTIVE	FINCOM
DEPARTMENT OF PUBLIC WORKS			
Utilities Division - Water			
1	Well Rehab - Mares Pond	12,000.00	0.00
Utilities Division - Wastewater			
2	Collection System Repair & Maintenance	70,000.00	70,000.00
	Collection and transmission system repairs and maintenance to include an investigation required by the State of the Woods Hole force main which had 3 breaks in an 18 month period.		
3	Comprehensive Wastewater Management Plan	200,000.00	200,000.00
	Additional studies are required to support completion of the CWMP. Studies may include ocean outfall analysis, ground water impact analysis or alternative collection and treatment system analysis.		
Beach Improvements			
4	Maint Dredge/Permitting Menauhant Nourishment	7,000.00	0.00
5	Septic System Repair Old Silver Beach	7,500.00	0.00
POLICE DEPARTMENT			

6	Cruiser Replacement	110,021.00	0.00
FIRE DEPARTMENT			
7	Ambulance Lease	41,227.00	41,227.00
	This is the final Ambulance lease payment.		
INFORMATION TECHNOLOGY			
8	Annual Maintenance (Equipment & Licenses)	20,000.00	5,000.00
	Emergency equipment maintenance.		
9	Financial System Upgrade	40,000.00	0.00
WATERWAYS			
10	Dredging / Permitting	75,000.00	75,000.00
	Dredging and Permitting of various locations.		
TOTAL FY '10 CAPITAL BUDGET		582,748.00	391,227.00

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 10, 2009 the Town voted to appropriate \$191,227.00 to fund the Capital Improvement Plan as set forth in Article 21 and for this purpose the Town shall be authorized to transfer \$75,000.00 from the Reserve/Waterways Fund and \$116,227.00 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 21 FY 2010 CAPITAL BUDGET			
		EXECUTIVE	FINCOM
DEPARTMENT OF PUBLIC WORKS			
Utilities Division - Water			
1	Well Rehab - Mares Pond	12,000.00	0.00
Utilities Division - Wastewater			
2	Collection System Repair & Maintenance	70,000.00	70,000.00
	Collection and transmission system repairs and maintenance to include an investigation required by the State of the Woods Hole force main which had 3 breaks in an 18 month period.		
3	Comprehensive Wastewater Management Plan	200,000.00	0
	Additional studies are required to support completion of the CWMP. Studies may include ocean outfall analysis, ground water impact analysis or alternative collection and treatment system analysis.		
Beach Improvements			
4	Maint Dredge/Permitting Menauhant Nourishment	7,000.00	0.00
5	Septic System Repair Old Silver Beach	7,500.00	0.00
POLICE DEPARTMENT			

6	Cruiser Replacement	110,021.00	0.00
FIRE DEPARTMENT			
7	Ambulance Lease	41,227.00	41,227.00
	This is the final Ambulance lease payment.		
INFORMATION TECHNOLOGY			
8	Annual Maintenance (Equipment & Licenses)	20,000.00	5,000.00
	Emergency equipment maintenance.		
9	Financial System Upgrade	40,000.00	0.00
WATERWAYS			
10	Dredging / Permitting	75,000.00	75,000.00
	Dredging and Permitting of various locations.		
TOTAL FY '10 CAPITAL BUDGET		582,748.00	191,227.00

ARTICLE 22: To see if the Town will vote to appropriate a sum of money for the purpose of engineering, surveying, permitting and associated work for the evaluation, repair, maintenance and expansion of the inner harbor bulkheads, and to determine how the same shall be raised including borrowing and by whom expended. Or do take any other action on this matter. On request of the Department of the Waterways Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 10, 2009 the Town voted Indefinite Postponement of Article 22.

ARTICLE 23: To see if the Town will vote to appropriate a sum of money to the Fiscal Year 2010 Falmouth School Department Budget, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Falmouth School Committee.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 10, 2009 the Town voted to appropriate \$50,000.00 from Certified Free Cash to the Falmouth School Department Budget Line Item 01300-57780 (Other Expenses) for the purposes of Article 23 to be expended under the jurisdiction of the Falmouth School Committee.

ARTICLE 24: To see if the Town will vote to appropriate a sum of money to the Fiscal Year 2010 Upper Cape Regional Technical School Department Budget, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Falmouth School Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the Town voted to appropriate \$16,493.00 from Certified Free Cash to the Upper Cape Cod Technical School Department Operating Budget 01301-52320 for the purposes of Article 24 to be expended under the jurisdiction of the Upper Cape Cod Regional Technical School Committee.

ARTICLE 25: To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town's contribution of the deferred compensation benefit, and to determine how the same shall be raised and by whom expended. Or do take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the Town voted to transfer \$3,000.00 from Fringe Benefit Longevity Budget Line Item 01919-51142 to Fringe Benefit Other Budget Line Item 01919-51172 for the purposes of Article 25 to be expended under the jurisdiction of the Personnel Director.

ARTICLE 26: To see if the Town will vote to appropriate a sum of money for the purpose of road and sidewalk improvements, including costs incidental and related thereto, 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 9, 2009 the Town voted to appropriate \$1,000,000.00 for road and sidewalk improvements, including costs incidental and related thereto, to be expended under the jurisdiction of the Board of Selectmen, and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,000,000.00 under and pursuant to the provisions of Chapter 44, section 7(5) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, with the provision that road acceptances and improvement projects be under taken pursuant to Chapter 80 of the Massachusetts General laws, known as the Betterment Act, and that betterment payments received be paid into the road and sidewalk betterment account authorized by Chapter 35 of the Acts of 1998 to pay for the bonds or notes so issued.

ARTICLE 27: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available to handicapped accessible trails at the town-owned Bartolomei Conservation Area, under the Community Preservation Act category of Recreation, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the Town voted to appropriate \$10,000.00 from the Community Preservation Fund Undesignated Balance for the purposes of Article 27 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 28: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to fund the Historic Resources Reserve Account, under the Community Preservation Act category of Historic Resources, or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the Town voted to appropriate \$35,000.00 from the Community Preservation Fund Undesignated Balance for the purposes of Article 28 to be held in reserve for future Town Meeting appropriation.

ARTICLE 29: To see if the Town will vote to AMEND Chapter 75 of the Code of Falmouth, Alarm Systems, by adding the following:

**ARTICLE III
FIRE ALARM SYSTEMS**

§75-12. False Alarms

After the Fire Rescue Department has recorded a false alarm from an alarm user within a calendar year, the Chief of Department or his designee shall notify the alarm user, in writing, of such facts, including the date and time of the alleged false alarm. For the second and each subsequent false alarm recorded during the calendar year a fee shall be assessed. The fee shall be as specified in the current Fee Schedule as established annually by the Town of Falmouth Board of Selectmen pursuant to the board's authority under Chapter 119. Or do or take any other action on this matter. On request of the Chief of the Fire Rescue Department.

VOTED: By a unanimous vote, a quorum being present on Monday, November 9, 2009 the Town voted Article 29 as printed in the warrant.

ARTICLE 30: To see if the Town will vote to AMEND Chapter 83 of the Code of Falmouth by adding the following:

ARTICLE VII
REGULATIONS

§83-32 The Board of Selectmen shall be authorized to adopt and repeal, reasonable rules and regulations relative to the matters set forth in this Chapter and the keeping and control of animals within the Town, which rules and regulations shall not be inconsistent with the laws of the Commonwealth of Massachusetts or the by-laws of the town, 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 9, 2009 the Town voted Article 30 as printed in the warrant.

ARTICLE 31: To see if the Town will vote to AMEND Chapter 87 of the Code of Falmouth, BEACHES, by adding the following:

ARTICLE I
GENERAL REGULATIONS

§87-10. Smoking.

The Use of smoking materials on the public beaches of Falmouth is prohibited. Or do or take any other action on this matter. On request of the Beach Committee.

VOTED: By a counted vote of 128 in favor and 60 in opposition, a quorum being present on Tuesday, November 10, 2009 the Town voted to AMEND Chapter 87 of the Code of Falmouth, BEACHES, by adding the following:

ARTICLE I
GENERAL REGULATIONS

Smoking.

The Use of smoking materials on the public beaches of Falmouth is prohibited

ARTICLE 32: To see if the Town will vote to decrease the members of the Falmouth Historical Commission from seven (7) to five (5) members as authorized by G.L. ch.40, sec. 8D, or do or take any other action on this matter. On request of the Historical Commission.

VOTED: By a counted vote of 125 in favor and 68 in opposition, a quorum being present on Tuesday, November 10, 2009 the Town voted to decrease the members of the Falmouth Historical Commission from seven (7) to five (5) members as authorized by G.L. ch.40, sec. 8D

ARTICLE 33: 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 10, 2009 the Town voted that all articles approved at this town meeting be funded as voted for a total of \$3,298,149.87