

**NOVEMBER ANNUAL TOWN MEETING  
TUESDAY, NOVEMBER 12, 2013 AT 7:00 p.m.**

**ART**

- 1 Reports of Committees and Town Officers
- 2 Unpaid bills from a prior year,
- 3 Amend Chapter 654 of the Acts of 1978, Falmouth Historic District Commission
- 4 Amend Chapter 654 of the Acts of 1978, Falmouth Historic District Commission
- 5 Fund AFSCME Local 136 contract
- 6 Fund Firefighters Local 1397 contract
- 7 Fund Police Federation contract
- 8 Fund Superior Officers' Association contract
- 9 Fund Lieutenants, NEPBA Local 165 contract
- 10 Amend Salary Administration Plan-Police Dispatcher
- 11 Amend Salary Administration Plan-New grade 3A (
- 12 Amend the Town's Position Classification Plan-Fire and Police:
- 13 Amend the Town's Position Classification Plan Community Development Planner:
- 14 Amend the Town's Position Classification Plan –Police Captain:
- 15 Amend the Town's Position Classification Plan - Seasonal Compensation Schedule.
- 16 Fund Capital Improvements,
- 17 Fund Energy Management Services Contract
- 18 Fund Replacement of the Falmouth Inner harbor pump-out station and equipment
- 19 Fund Voting booths
- 20 Fund Removal of dangerous materials from Menauhant and Davisville Road Beach
- 21 Fund Staffing for bathhouse house before Memorial Day mailing of beach sticker applications
- 22 Petition - Reporting all current Overrides, Capital Exclusions, and Debt Exclusions.
- 23 Petition Capital/Audit oversight committee
- 24 Petition- Public Question/comment period.
- 25 Petition-Amend Demolition Bylaw
- 26 Petition-Prohibit trucks on Woods Hole Road
- 27 Petition -Establish a mitigation fund
- 28 Petition- Operate municipal wind turbines full time
- 29 Petition- Study installation and removal of overhead utility wires in Velocity
- 30 Fund Non-Criminal Code enforcement expenses,.
- 31 CPC-Preservation of the structure at 20 Academy Lane,
- 32 CPC-Ecological restoration and access improvements to Little Pond
- 33 CPC East Falmouth Elementary School Playground renovation
- 34 CPC Sandwich Road Field Complex Improvements,
- 35 CPC New Skate Park Facility,
- 36 CPC Wetlands Path and Observation Platform at Teaticket Park
- 37 CPC Purchase Beach Parking Lot Gates
- 38 CPC All-Purpose Athletic Field
- 39 CPC Rehabilitate the Morse Pond School Playground
- 40 CPC fund the Falmouth Housing Stabilization Program,
- 41 Flow Neutral By-law for Sewer Service Areas By-Law ( Old Silver Beach)
- 42 Petition State Legislature Sewer Service Area Betterment Assessments
- 43 Petition State Legislature Exempt eco-toilet installations from associated betterments
- 44 Amend preservation restriction preserving the “great rock”
- 45 Accept Roads

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

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to accept the reports of the Board of Selectmen, the Council on Aging, and the Community Athletic Complex Advisory Committee.

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

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to Indefinite Postponement of Article 2.

**ARTICLE 3:** To see if the Town will vote to petition the General Court to amend Chapter 654 of the Acts of 1975, which establishes the Falmouth Historic District Commission, as amended from time to time, by adding the following to Section 7:

Section 7 (A) The commission shall hold a hearing on any application and shall give public notice of the time, place and purposes thereof by posting notice with the Town Clerk 7 days in advance of the meeting. Notice shall also be sent by regular mail to property owners within 100 feet of any part of the land of the applicant who are also within the historic district. Or do or take any other action on this matter. On request of the Historic District Commission.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted Article 3 as printed

**ARTICLE 4:** To see if the Town will vote to petition the General Court to amend Chapter 654 of the Acts of 1975, which establishes the Falmouth Historic District Commission, as amended from time to time, by adding the following to Section 10:

Section 10 (A) No application which has been denied by the commission shall be approved within one year after the date of final unfavorable action unless the commission finds by 4/5 vote, specific and material changes in the conditions upon which the previous denial was based. Public notice shall be given of the time and place of the meeting when the question of such consent will be considered. Or do or take any other action on this matter. On request of the Historic District Commission.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted Article 4 as printed.

**ARTICLE 5:** To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee Local 1636 (AFSCME), and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to appropriate a sum of money (previously appropriated ATM April 8, 2013 Art. 23) to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee Local 1636 (AFSCME).

**ARTICLE 6:** To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the International Association of Firefighters Local 1397, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to raise and appropriate \$304,250.00 to be appropriately distributed by the Town Accountant for purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the International Association of Firefighters Local 1397.

**ARTICLE 7:** To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the Police Federation, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to Indefinite Postponement of Article 7.

**ARTICLE 8:** To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the Superior Officers' Association, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to Indefinite Postponement of Article 8.

**ARTICLE 9:** To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the lieutenants, NEPBA Local 165, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to Indefinite Postponement of Article 9.

**ARTICLE 10:** To see if the Town will vote to combine two (2) vacant part time Police Dispatcher positions (16 hrs/wk & 20 hrs/wk) into one (1) 36 hour per week Police Dispatcher position. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013 the town voted to combine two (2) vacant part time Police Dispatcher positions (16 hrs/wk & 20 hrs/wk) into one (1) 36 hour per week Police Dispatcher position

| <u>Action</u> | <u>Position</u>                        | <u>Grade</u> | <u>Start</u> | <u>End</u> |
|---------------|--|--------------|--------------|------------|
| Delete        | Civilian Police Dispatcher (16 hrs/wk) | G-6          | \$15.98      | \$20.22    |
| Delete        | Civilian Police Dispatcher (20 hrs/wk) | G-6          | \$15.98      | \$20.22    |
| Add           | Civilian Police Dispatcher (36 hrs/wk) | G-6          | \$15.98      | \$20.22    |

**ARTICLE 11:** To see if the Town will vote to amend the Town's Salary Administration Plan as follows:  
Add: New grade 3A (salary range of \$21.72-28.35 per hour) TAM Salary Classification Plan.  
Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013, the town voted Article 11 as printed.

**ARTICLE 12:** To see if the Town will vote to amend the Town's Position Classification Plan as follows:

| <u>Action</u> | <u>Position</u>                          | <u>Grade</u> | <u>Start</u> | <u>End</u> |
|---------------|--|--------------|--------------|------------|
| Delete        | Principal Office Assistant – Fire Rescue | G-8          | \$18.30      | \$23.15    |

|        |                                     |      |         |         |
|--------|-------------------------------------|------|---------|---------|
| Add    | Administrative Assistant – Fire     | M-3A | \$21.72 | \$28.35 |
| Delete | Principal Office Assistant – Police | G-8  | \$18.30 | \$23.15 |
| Add    | Administrative Assistant – Police   | M-3A | \$21.72 | \$28.35 |

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

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013, the town voted Article 11 as printed.

**ARTICLE 13:** To see if the Town will vote to amend the Town’s Position Classification Plan as follows:

| Action | Position                       | Grade | Start   | End     |
|--------|--------------------------------|-------|---------|---------|
| Delete | Community Preservation Planner | M-6   | \$28.07 | \$36.61 |
| Add    | Community Development Planner  | M-5   | \$26.75 | \$34.87 |

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

**VOTED:** By a declared failed majority vote, a quorum being present on Tuesday, November 12, 2013, the town voted not to pass Article 13.

**ARTICLE 14:** To see if the Town will vote to amend the Town’s Position Classification Plan as follows:

| Action | Position       | Grade | Start   | End     |
|--------|----------------|-------|---------|---------|
| Delete | Police Captain | M-9   | \$34.03 | \$44.41 |
| Add    | Police Captain | M-10  | \$36.59 | \$47.74 |

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

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 12, 2013, the town voted Article 14 as printed.

**ARTICLE 15:** To see if the Town will vote to amend the Town’s Position Classification Plan for the purposes of adjusting the seasonal compensation schedule.

**Deleted:**

| Grade | TITLE                              | Min     | Max     |
|-------|------------------------------------|---------|---------|
| A     | Parking Attendant - Beach          | \$8.21  | \$9.73  |
| 1     | Clerk - Beach                      | \$8.96  | \$10.48 |
| 2     | Waterways Asst. Harbormaster       | \$9.59  | \$11.22 |
| 3     | Clerical Assistant - Beach         | \$10.26 | \$12.00 |
|       | Head Parking Lot Attendant - Beach | \$10.26 | \$12.00 |
|       | Maintenance Laborer - Beach        | \$10.26 | \$12.00 |
|       | Parking Lot Security - Beach       | \$10.26 | \$12.00 |
|       | Camp Counselor - Recreation        | \$10.26 | \$12.00 |
|       | Sailing Instructor - Recreation    | \$10.26 | \$12.00 |
|       | Seasonal Waterways Assts. (4)      | \$10.26 | \$12.00 |
| 4     | Lifeguard - Beach                  | \$10.98 | \$12.84 |

|    |   |          |         |
|----|---|----------|---------|
|    | Caretaker - Goodwill Park                     | \$10.98  | \$12.84 |
|    | Seasonal Senior Waterways Asst. (2)           | \$10.98  | \$12.84 |
| 5  | Water Safety Inst. / Asst. Head Guard - Beach | \$11.75  | \$13.74 |
|    | Pump Out Boat Operator - M.E.S.               | \$11.75  | \$13.74 |
|    | Seasonal Police Office - Police Dept.         | \$11.75  | \$13.74 |
| 6  | Equipment Operator - Beach                    | \$12.57  | \$14.70 |
|    | Head Guard - Beach                            | \$12.57  | \$14.70 |
|    | Maintenance Foreman - Beach                   | \$12.57  | \$14.70 |
| 7  | Head Fiscal Clerk - Beach                     | \$13.45  | \$15.73 |
|    | Staff Guard - Beach                           | \$13.45  | \$15.73 |
|    | Seasonal Asst. Harbormaster/Constables (2)    | \$13.45  | \$15.73 |
| 8  | Swim Program Director - Beach                 | \$14.39  | \$16.83 |
|    | Seasonal Asst. Harbormaster/Dockmaster (1)    | \$14.39  | \$16.83 |
| 9  | Assistant Superintendent of Beaches           | \$15.40  | \$18.01 |
| 11 | Superintendent of Beaches                     | \$17.63  | \$20.62 |
|    | Call Firefighter                              | \$14.21  |         |
|    | Deputy Warden                                 | \$8.42   |         |
|    | Election Clerk                                | \$8.42   |         |
|    | Deputy Clerk                                  | \$8.00   |         |
|    | Election Inspector                            | \$8.00   |         |
|    | Election Warden (per day)                     | \$151.63 |         |

**Add:**

| <b>PROPOSED NEW SEASONAL PAY SCHEDULE - NOV 2013 TOWN MEETING</b> |   |            |            |
|---|---|------------|------------|
| <b>Grade</b>  | <b>TITLE</b>                                  | <b>Min</b> | <b>Max</b> |
| 1   | Parking Attendant - Beach                     | \$8.54     | \$9.06     |
| 2   | Clerk I                                       | \$9.32     | \$9.89     |
| 3   | Clerk II                                      | \$10.67    | \$11.32    |
|   | Head Parking Lot Attendant - Beach            | \$10.67    | \$11.32    |
|   | Maintenance Laborer                           | \$10.67    | \$11.32    |
|   | Parking Lot Security - Beach                  | \$10.67    | \$11.32    |
|   | Night Watch - Harbormaster                    | \$10.67    | \$11.32    |
|   | Camp Counselor - Recreation                   | \$10.67    | \$11.32    |
|   | Waterways Assistant                           | \$10.67    | \$11.32    |
| 4   | Lifeguard - Beach                             | \$11.42    | \$12.11    |
|   | Caretaker - Goodwill Park                     | \$11.42    | \$12.11    |
|   | Senior Waterways Assistant                    | \$11.42    | \$12.11    |
| 5   | Water Safety Inst. / Asst. Head Guard - Beach | \$12.22    | \$12.96    |
|   | Pump Out Boat Operator - Harbormaster         | \$12.22    | \$12.96    |
|   | Seasonal Police Office - Police Dept.         | \$12.22    | \$12.96    |

|    |                                     |          |          |
|----|-------------------------------------|----------|----------|
| 6  | Equipment Operator - Beach          | \$13.07  | \$13.87  |
|    | Head Guard - Beach                  | \$13.07  | \$13.87  |
|    | Maintenance Foreman - Beach         | \$13.07  | \$13.87  |
| 7  | Clerk III                           | \$13.99  | \$14.84  |
|    | Staff Guard/Supervisor              | \$13.99  | \$14.84  |
|    | Assistant Harbormaster - Constable  | \$13.99  | \$14.84  |
| 8  | Swim Program Director - Beach       | \$14.97  | \$15.88  |
|    | Assistant Harbormaster - Dockmaster | \$14.97  | \$15.88  |
| 9  | Assistant Superintendent of Beaches | \$16.02  | \$16.99  |
| 11 | Superintendent of Beaches           | \$18.34  | \$21.44  |
|    | Call Firefighter                    | current  | proposed |
|    | Call Firefighter                    | \$14.21  | \$14.78  |
|    | Deputy Warden                       | 8.42     | \$8.76   |
|    | Election Clerk                      | \$8.42   | \$8.76   |
|    | Deputy Clerk                        | \$8.00   | \$8.32   |
|    | Election Inspector                  | \$8.00   | \$8.32   |
|    | Election Warden (per day)           | \$151.63 | \$157.69 |

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

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 12, 2013, the town voted to amend the Town's Position Classification Plan for the purposes of adjusting the seasonal compensation schedule as follows:

**VOTED(Reconsideration):** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013, the town voted to reconsider Article 15

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013, the town voted to amend the Town's Position Classification Plan for the purposes of adjusting the seasonal compensation schedule as follows with the addition of a Grade 3 position, Sailing instructor minimum 10.67 and maximum 11.32:

| SEASONAL POSITIONS |       |                            |         |         |
|--------------------|-------|----------------------------|---------|---------|
|                    | GRADE | TITLE                      | MINIMUM | MAXIMUM |
|                    |       |                            |         |         |
| DELETE             | A     | Parking Attendant - Beach  | 8.21    | 9.73    |
| ADD                | 1     | Parking Attendant - Beach  | 8.54    | 9.06    |
|                    |       |                            |         |         |
| DELETE             | 2     | Clerk - Beach              | 8.96    | 10.48   |
| ADD                |       | Clerk I                    | 9.32    | 9.89    |
|                    |       |                            |         |         |
| DELETE             | 3     | Clerical Assistant - Beach | 10.26   | 12.00   |
| ADD                |       | Clerk II                   | 10.67   | 11.32   |

|        |              |                                       |                |                |
|--------|--------------|---------------------------------------|----------------|----------------|
| DELETE |              | Head Parking Lot Att. -Beach          | 10.26          | 12.00          |
| ADD    |              | Head Parking Lot Att. -Beach          | 10.67          | 11.32          |
| DELETE |              | Maintenance Laborer - Beach           | 10.26          | 12.00          |
| ADD    |              | Maintenance Laborer                   | 10.67          | 11.32          |
| DELETE |              | Parking Lot Security - Beach          | 10.26          | 12.00          |
| ADD    |              | Parking Lot Security - Beach          | 10.67          | 11.32          |
| ADD    |              | Night Watch - Harbormaster            | 10.67          | 11.32          |
| DELETE |              | Camp Counselor - Recreation           | 10.26          | 12.00          |
| ADD    |              | Camp Counselor - Recreation           | 10.67          | 11.32          |
| DELETE |              | Sailing Instructor                    | 10.26          | 12.00          |
| DELETE |              | Seasonal Waterways Asst. (4)          | 10.26          | 12.00          |
| Add    |              | Seasonal Waterways Asst. (4)          | 10.67          | 11.32          |
|        |              |                                       |                |                |
| DELETE | 4            | Lifeguard - Beach                     | 10.98          | 12.84          |
| ADD    |              | Lifeguard - Beach                     | 11.42          | 12.11          |
| DELETE |              | Caretaker - Goodwill Park             | 10.98          | 12.84          |
| ADD    |              | Caretaker - Goodwill Park             | 11.42          | 12.11          |
| DELETE |              | Seasonal Senior Waterways Asst.(2)    | 10.98          | 12.84          |
| ADD    |              | Senior Waterways Assistant            | 11.42          | 12.11          |
|        |              |                                       |                |                |
| DELETE | 5            | Water Safety Inst/Asst. Head Guard    | 11.75          | 13.74          |
| ADD    |              | Water Safety Inst/Asst. Head Guard    | 12.22          | 12.96          |
| DELETE |              | Pump Out Boat Operator -Harbormaster  | 11.75          | 13.74          |
| ADD    |              | Pump Out Boat Operator -Harbormaster  | 12.22          | 12.96          |
| DELETE |              | Seasonal Police Officer - Police Dept | 11.75          | 13.74          |
| ADD    |              | Seasonal Police Officer - Police Dept | 12.22          | 12.96          |
|        |              |                                       |                |                |
| DELETE | 6            | Equipment Operator - Beach            | 12.57          | 14.70          |
| ADD    |              | Equipment Operator - Beach            | 13.07          | 13.87          |
| DELETE |              | Head Guard - Beach                    | 12.57          | 14.70          |
| ADD    |              | Head Guard - Beach                    | 13.07          | 13.87          |
| DELETE |              | Maintenance Foreman - Beach           | 12.57          | 14.70          |
| ADD    |              | Maintenance Foreman - Beach           | 13.07          | 13.87          |
|        |              |                                       |                |                |
|        |              |                                       |                |                |
|        | <b>GRADE</b> | <b>TITLE</b>                          | <b>MINIMUM</b> | <b>MAXIMUM</b> |
| DELETE | 7            | Head Fiscal Clerk - Beach             | 13.45          | 15.73          |
| ADD    |              | Clerk III                             | 13.99          | 14.84          |

|        |    |  |         |          |
|--------|----|--|---------|----------|
| DELETE |    | Staff Guard - Beach                    | 13.45   | 15.73    |
| ADD    |    | Staff Guard/Supervisor                 | 13.99   | 14.84    |
| DELETE |    | Seasonal Asst. Harbormaster/Constable  | 13.45   | 15.73    |
| ADD    |    | Assistant Harbormaster/Constable       | 13.99   | 14.84    |
|        |    |  |         |          |
| DELETE | 8  | Swim Program Director - Beach          | 14.39   | 16.83    |
| ADD    |    | Swim Program Director - Beach          | 14.97   | 15.88    |
| DELETE |    | Seasonal Asst. Harbormaster/Dockmaster | 14.39   | 16.83    |
| ADD    |    | Asst Harbormaster/Dockmaster           | 14.97   | 15.88    |
|        |    |  |         |          |
| DELETE | 9  | Assistant Superintendent of Beaches    | 15.40   | 18.01    |
| ADD    |    | Assistant Superintendent of Beaches    | 16.02   | 18.73    |
|        |    |  |         |          |
| DELETE | 11 | Superintendent of Beaches              | 17.63   | 20.62    |
| ADD    |    | Superintendent of Beaches              | 18.34   | 21.44    |
|        |    |  |         |          |
|        |    |  | Current | Proposed |
|        |    | Call Firefighter                       | 14.21   | 14.78    |
|        |    | Deputy Warden                          | 8.42    | 8.76     |
|        |    | Election Clerk                         | 8.42    | 8.76     |
|        |    | Deputy Clerk                           | 8.00    | 8.32     |
|        |    | Election Inspector                     | 8.00    | 8.32     |
|        |    | Election Warden (per day)              | 151.63  | 157.69   |

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 12, 2013, the town voted to appropriate the sum of \$3,068,325 for the purpose funding Capital Improvements and to meet this appropriation the town transfer the sum of \$3,018,325 from certified free cash and transfer \$50,000 from the Waterways Improvement Account. Said funds to be expended under the jurisdiction of the Town Manager.

| <b>General Government</b>    |         | <b>Highway Department</b>         |         |
|------------------------------|---------|-----------------------------------|---------|
| Office/Business Equipment    | 30,000  | Fleet Maint Software              | 30,000  |
| Municipal Space Improvements | 250,000 | Solar Compactors                  | 15,000  |
| Systems Training             | 10,000  | Road Maint/Construction/Sidewalks | 400,000 |
| IT Networking                | 35,000  | <b>Vehicles/Equipment</b>         |         |
| PC Monitors and Software     | 20,000  | Dump Truck with plow (36000 GVW)  | 140,000 |
| GIS Flyover                  | 130,000 | Dump Truck w/plow (350)           | 47,000  |
| <b>Police Department</b>     |         | Utility Truck w/chipper box plow  | 50,000  |



|   |         |   |         |
|---|---------|---|---------|
| Radio System                              | 250,000 | Truck (150)                             | 20,000  |
| Telephone System                          | 50,000  | Beach Truck                             | 20,000  |
| Traffic Radar                             |         | Two vehicles (sedan)                    | 35,000  |
| <b>Fire/Rescue Department</b>             |         | ATV Bike Path/Goodwill Park maint equip | 50,000  |
| Ambulance                                 | 300,000 | <b>Water</b>                            |         |
| Paramedic Vehicle                         | 45,000  | Water Meter replacement                 | 125,000 |
| Mechanic Hydraulic Lift                   | 100,000 | Water audit and leak detection          | 60,000  |
| <b>Marine and Environmental Services</b>  |         | Generator Coonamesset well              | 150,000 |
| Officer Truck (replace F250 with F150)    | 38,500  | <b>Engineering</b>                      |         |
| Annual Inlet Dredging                     | 50,000  | Bridge Maintenance                      | 65,000  |
| <b>Facilities</b>                         |         | Coastal Structure Repair and Maint.     | 225,000 |
| Ellen T. Mitchell Bathhouse               | 15,000  | <b>Parks</b>                            |         |
| Town Hall Exterior Paint                  | 65,000  | Nye Park Fencing                        | 33,660  |
| Main Street Fire Station Exterior Paint   | 60,000  | <b>School</b>                           |         |
| Fire Station Main Street brick repointing | 25,000  | Replace 3 vans                          | 69,165  |
|   |         | Lawrence School Windows                 | 60,000  |

**ARTICLE 17:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum pursuant to M.G.L. Chapter 44, Section 7 and/or any other enabling authority, for the purpose of funding an Energy Management Services Contract under M.G.L. Chapter 25A, Section 11I between the Town of Falmouth and an Energy Management Services Contractor, or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a declared two thirds majority vote, a quorum being present on Tuesday, November 12, 2013 the town voted to appropriated the sum of 2,500,000 to fund an Energy Management Services Contract under M.G.L. Chapter 25A, section 11I and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, section 7 of the General Laws, or pursuant to any other enabling authority and to issue bonds and notes of the town therefore, said sums to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 18:** To see if the Town will vote to appropriate a sum of money for the replacement of the Falmouth Inner harbor pump-out station and equipment located on Robbins 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 Wednesday, November 13, 2013 the town voted to transfer from the Waterways Improvement Account the sum of \$12,804 for the purpose of replacing the Falmouth Inner harbor pump-out station and equipment located on Robbins Road. Said funds to be expended under the jurisdiction of the Marine and Environmental Services Department.

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money for the purpose of funding additional voting booths and related supplies, 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 Clerk.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to transfer \$8,500 from Certified Free Cash for the purpose of purchasing additional voting booths and related supplies. Said funds to be expended under the jurisdiction of the Town Clerk.

**ARTICLE 20:** To see if the Town will vote to appropriate a sum of money to fund the removal of dangerous materials from Menauhant Beach and the beach at the end of Davisville Road Extension, East Falmouth, 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 Wednesday, November 13, 2013 the town voted to transfer the sum of \$30,000 from certified free cash to fund the removal of dangerous materials at Menauhant Beach contingent on the approval of the Conservation Commission. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 21:** To see if the Town will vote to raise and appropriate a sum of money to open and staff the Ellen T. Mitchell bathhouse house before Memorial Day and to fund the mailing of beach sticker applications along with the real estate tax bills 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 Wednesday, November 13, 2013 the town voted to raise and appropriate \$5,000 to fund the mailing of the beach sticker applications with the tax bill. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 22:** To see if the Town Meeting will vote to ask the Town Manager to have the Town Finance Director and the High School Finance Director report to Annual Town Meeting on all current Overrides, Capital Exclusions, and Debt Exclusions. The reports should include for each override; the purpose of the override, the date it was voted, the amount authorized, the annual dollars included in the tax rate, the expenditures to date, and the retirement date if applicable. On request of Dan Shearer and others.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to ask the Town Manager to have Town Finance Director and to ask the Superintendent of Schools to have the School Finance Director report to the Annual Spring Town Meeting on all current Overrides, Capital Exclusions, and Debt Exclusions.

**ARTICLE 23:** Shall Town Meeting vote to form a Capital/Audit oversight committee made up of 50% plus one members of the public (no municipal connections)? On request of Marc Finneran and others.

**VOTED:** By a declared failed majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to not form a Capital/Audit oversight committee made up of 50% plus one members of the public (no municipal connections)

**ARTICLE 24:** with a desire for a more open government and to foster more public participation. Shall Town Meeting vote to ask Selectmen to reinstate Chairman Brent Putnams Public Question/comment period. On request of Marc Finneran and others.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted Article 24 as printed.

**ARTICLE 25:**

Regarding the Demolition Bylaw

Add to 107-2 Definitions

Public Hearing.

A "public hearing" is a legal proceeding held by the Commission following notice to consider and act upon applications for demolition pursuant to MGL c. 40A. Hearings shall be scheduled at a time and location as set forth in public notice. Four (4) members must be present to constitute a quorum.

Amend Sections E and F of Chapter 107: Demolition to read:

v

E. The Historical Commission, upon receipt of a letter of certification indicating that a building is on the List of Significant Buildings, shall schedule a time to meet with the applicant or his authorized representative to perform an advisory review. The applicant must attend or send an authorized representative to such a review. At this time the

Historical Commission shall assist and encourage the applicant to seek out alternatives to demolition that will preserve, rehabilitate or restore the building. The Commission may also request access to the building for a site visit to further the purpose of this article.

F. Upon performance of such a review, the Commission, if the applicant still chooses to apply for a demolition permit, shall hold a public hearing regarding the application to receive information and comment from abutters to the property and the general public. Subsequent to this hearing if demolition is to proceed, the applicant must provide suitable documentation of the building for the permanent records of the Commission. Upon satisfaction of documentation, the Commission shall notify the Building Commissioner in writing that the applicant has fulfilled the requirement to attend. The Building Commissioner shall not accept or act on any application for a demolition permit for a building on the List of Significant Buildings without such written notification from the Historical Commission, regardless of whether the six-month delay period has ended. If the Building Commissioner has received such written notification, and if following the six-month delay period the applicant still chooses to apply for a demolition permit, the Building Commissioner may then issue a demolition permit for the building. On request of J. Malcom Donald and others.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted Indefinite Postponement of Article 25

**ARTICLE 26:** To see if the Town will vote to have the Falmouth Board of Health and/or the Falmouth Police Department, as appropriate, regulate and prohibit in accordance with 310 CMR 7.10 via its enforcement the travel of class 3, 5, 6, 7 and 8 vehicles except those required for emergency and official government purposes (e.g. fire trucks, police and civil and national defense vehicles, ambulances, snow plows, tow trucks, school buses, etc.)per the aforementioned CMR on Woods Hole Road between the hours of 9:00pm and 7:00am everyday due to such traffic noise causing sleep disturbance to residents along that thoroughfare during those hours. Or do take any other action on this matter. On request of William Adelman and others.

**VOTED:** By a declared failed majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted not to pass Article 26.

**ARTICLE 27:** To see if the Town will vote to establish a mitigation fund as a dedicated part of the renewable energy stabilization account to provide mitigation to residential structures/properties as deemed real and appropriate by the Board of Selectmen or their designee. The mitigation Fund is subsidized by 10% of the annual net-metering revenue (or percent/amount deemed appropriate by the Board of Selectmen) that is already deposited into the renewable energy stabilization account. Monies expended from the mitigation fund shall be authorized by the Board of Selectmen or their designee(s) to ensure mitigation options are appropriate and resolute. On request of Kathleen Driscoll and others.

**AMENDMENT:(Patrick)** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to insert in line one before to establish “Ask the Board of Selectmen to consider”

**VOTED:** By a counted vote of 46 in favor and 135 in opposition, a quorum being present on Wednesday, November 13, 2013 the town voted not pass Article 27.

**ARTICLE 28:** To see if the Town will vote to operate the Town-owned municipal wind turbines at the wastewater treatment facility full time per manufacturer’s specifications. On request of Kathleen Driscoll and others.

**VOTED:** By a declared failed majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted not to pass Article 28.

**ARTICLE 29:** To see if Town Meeting will direct the Planning Board to perform a study in two phases described below, including consultation with any utility as it may deem appropriate, and upon completion of said study call for a public hearing to ascertain whether the public safety, health, convenience or welfare would be advanced by a program prohibiting new installation or construction of overhead utility wires in areas designated as Velocity Zones

on the latest flood Insurance Rate Maps. After such hearing the planning board shall make a report of its findings, conclusions, and recommendation to the Spring 2014 town meeting.

The Planning Board should also consider whether the Town should require progressive removal of poles and overhead wires and associated overhead structures within areas designated as Velocity Zones on the latest Flood Insurance Rate Maps. This may require that utility rates be increased. The Planning Board will incorporate the any such increases or costs in a subsequent report on the progressive removal of poles. The Planning Board shall hold a public hearing on the progressive removal of poles and overhead wires and associated overhead structures within areas designated as Velocity Zones on the latest Flood Insurance Rate Maps. After such hearing the planning board shall make a report of its findings, conclusions, and recommendation to the Fall 2014 town meeting. On request of Mark M. Kisiel and others.

**VOTED:** By a declared majority vote, a quorum being present on the town voted Indefinite Postponement of Article 29

**ARTICLE 30:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Criminal Code enforcement expenses, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to transfer \$2,500 from the Building and Fire Code receipts reserved for appropriation account to the Fire Department wage and salary line item 01220-5110 for the purpose of paying the Fire Prevention Hearing Officer. Said funds to be expended under the jurisdiction of the Fire Chief.

**ARTICLE 31:** To see if the Town will vote to appropriate or transfer from available funds a sum of money for the capital improvements for the preservation of the structure located at 20 Academy Lane, (Lawrence Academy Building), to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$210,000 from FY 2014 Community Preservation estimated revenues for the purpose of funding capital improvements to the roof and cupola for the historic preservation in accordance with the Secretary of the Interior's standards for the treatment of historic properties located at 20 Academy Lane (Lawrence Academy Building); to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 32:** To see if the Town will vote to appropriate or transfer from available funds a sum of money for Ecological restoration and access improvements to Little Pond Conservation Area, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$50,000 from FY 2014 Community Preservation estimated revenues for the purpose of design, engineering and permitting of the ecological restoration and access improvements to the Little Pond Conservation area; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 33:** To see if the Town will vote to appropriate or transfer from available funds a sum of money for the East Falmouth Elementary School Playground renovation project, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$64,406 from FY 2014 Community Preservation estimated revenues for the purpose of

renovating the East Falmouth Elementary School Playground and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 34:** To see if the Town will vote to appropriate or transfer from available funds a sum of money for the Sandwich Road Field Complex Improvements, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$196,948 from the Community Preservation Undesignated Fund Balance for the purpose of making improvements to the Sandwich Road Field Complex and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 35:** To see if the Town will vote to appropriate or transfer from available funds a sum of money for a new Skate Park Facility, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$185,000 from FY 2014 Community Preservation estimated revenues for the purpose of constructing a new Skate Park Facility located at the Trotting Park Fields and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction the Community Preservation Committee for the purposes of this article.

**ARTICLE 36:** To see if the Town will vote to appropriate or transfer from available funds a sum of money to create a Wetlands Path, Boardwalk and an Observation Platform at Teaticket Park to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$63,735 from FY 2014 Community Preservation estimated revenues for the purpose of creating a Wetlands Path, Boardwalk and an Observation Platform at Teaticket Park and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 37:** To see if the Town will vote to appropriate or transfer from available funds a sum of money to purchase Beach Parking Lot Gates to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$17,463 from FY 2014 Community Preservation estimated revenues for the purpose of purchasing Beach Parking Lot Gates for Menauhant, Surf Drive and Bristol beaches; to be expended under the jurisdiction the Community Preservation Committee for the purposes of this article.

**ARTICLE 38:** To see if the Town will vote to appropriate or transfer from available funds a sum of money to construct and equip an All-Purpose Athletic Field located at Falmouth High School, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$250,000 from FY 2014 Community Preservation estimated revenues for the purpose of constructing an All-purpose Athletic Field located at Falmouth High School and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction the Community Preservation Committee for the purposes of this article.

**ARTICLE 39:** To see if the Town will vote to appropriate or transfer from available funds a sum of money to rehabilitate the Morse Pond School Playground, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$62,000 from FY 2014 Community Preservation estimated revenues for the purpose of rehabilitating the Morse Pond School Playground and to comply with the American with Disabilities Act and the Massachusetts Architectural Access Board; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 40:** To see if the Town will vote to appropriate or transfer from available funds a sum of money to fund the Falmouth Housing Stabilization Program, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, November 13, 2013 the town voted to appropriate the sum of \$40,000 from FY 2014 Community Preservation estimated revenues for the purpose of funding a Housing Stabilization Program through the Falmouth Housing Authority; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 41:** To see if the Town will vote to amend the Town By-Laws by deleting Article VII New Silver Beach Sewer Service Area and adding a new Article VII – Flow Neutral By-law for Sewer Service Areas -- as follows:

#### **Article VII**

##### **Flow Neutral Bylaw for Sewer Service Areas**

**180-37. Purpose**The Town of Falmouth's Wastewater Treatment Facilities (WWTFs) have limited treatment and disposal capacities; therefore to help manage wastewater flow, comply with water quality standards, and support broader community planning objectives the Town does hereby adopt the following Flow Neutral Bylaw.

Nothing in this bylaw shall exempt an owner from all other applicable regulations and laws.

##### **180-38. Mandatory Sewer Connection and Elimination of Septic Systems in Sewer Service Areas**

The requirements for Mandatory Connection in Sewer Service Areas are detailed in Chapter 180, Section 6 of the Code of Falmouth "Sewers and Septic Systems".

Within thirty (30) days of the property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

##### **180-39. Determination of Wastewater Flow in Sewer Service Areas**

Wastewater flow to the public sewer shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15, or; 2) water meter data provided by the Department of Public Works as adjusted for seasonal occupancy or; 3) any other method acceptable to the Department of Environmental Protection and the Town of Falmouth. Any structure, legally in existence as of January 1, 2014, regardless of its flow may by right maintain that flow or number of bedrooms. Bedroom is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, Massachusetts State Environmental Code) and the number of bedrooms in the Assessor's records as of January 1, 2014 are presumed accurate.

The flow allocations for the Falmouth Sewer Service Areas as of January 1, 2014 are as follows:

|   |  |
|---|--|
| New Silver Beach Wastewater Treatment Plant   | 60,000 gpd   |
| Blacksmith Shop Rd Wastewater Treatment Plant | 570,000 gpd (excluding Little Pond Sewer Service Area) |
| Little Pond Sewer Service Area                | 260,000 gpd (subject to approved CWMP)                 |

These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved Comprehensive Wastewater Management Plans, (2) approved Notice of Project Change to Environmental Impact Reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

**180-40. Allocation of Available Capacity in Sewer Service Areas**

The Wastewater Superintendent shall notify the Board of Selectmen of the available capacity at each treatment facility. The Selectmen in consultation with the Planning Board may set priorities for the available capacities.

**180-41. Modifications to Existing Parcels or Changes in Use in Sewer Service Areas**

(1) Single-Family Residences

(a) Existing Development

Modifications of an existing single family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single family residences on parcels over 40,000 square feet may increase the number of bedrooms to (1) bedroom per 10,000 square feet by right.

(b) New Development

A single-family residence may have four (4) Bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet by right.

Addition of Bedrooms, beyond those permitted in 1(a) or 1(b) above shall require a variance from the Board of Selectmen in accordance with section 180-42.

(2) Multi-Family Residences

(a) Existing Development

Modifications of an existing multi-family residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet by right.

(b) New Development

A new multi-family dwelling is allowed one (1) bedroom per 10,000 square feet by right.

Addition of Bedrooms in multi-family dwellings, beyond (1) bedroom per 10,000 square feet, shall require a variance from the Board of Selectmen in accordance with section 180-42.

(3) Nonresidential Development

(a) Existing Development

Modifications or changes of use, including residential to non-residential, that increase flow to a level that is no more than ten (10) percent above that permitted as of January 1, 2014 by 310 CMR 15 (Title 5) are allowed by right.

Modifications or changes of use that increase flow more than that allowed by right in (3a) require a variance from the Board of Selectmen in accordance with section 180-42.

(b) New Development

New non-residential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet is allowed by right.

New non-residential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with section 180-42.

**180-42. Variances in Sewer Service Areas**

The Board of Selectmen, after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance, provided that:

1. Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent, and
2. Through a referral from the Board of Health, the applicant demonstrates that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral, or
3. Such relief may be granted without substantially derogating from the intent or purpose of this bylaw

The Board of Selectmen may develop additional policies and guidelines for granting variances.

**180-43. Rebuilding a Building Because of Casualty Loss in Sewer Service Areas**

Relating to this chapter, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right provided that the new structure does not exceed the wastewater flow and number of bedrooms of the structure being replaced.

**180-44. Mandatory Water Conservation in Sewer Service Areas**

The Board of Selectmen may adopt mandatory water conservation measures, after public hearing, consistent with the purposes of this bylaw.

**180-45. Transferability in Sewer Service Areas**

The number of bedrooms or flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the number of Bedrooms or flow on another parcel or another's right to a sewer connection.

**180-46. Severability**

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**180-47. Violations in Sewer Service Areas**



1. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
2. Any person who shall continue any violation beyond the period permitted in Subsection (1) shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.
3. This section shall in no way limit the Town's power and authority to seek other remedies at law that it may have. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the Town by such violation.

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

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 13, 2013 the town voted to amend Chapter 180 of the Code of Falmouth, Sewers and Septic Systems, by adding a new Article VIII, Sections 180-51 through 180-61 as follows:

#### Article VIII Flow Neutral By-law for Present and Future Sewer Service Areas

##### 180-51. Purpose

The Town of Falmouth's Wastewater Treatment Facility on Blacksmith Shop Road (WWTF) has limited treatment and disposal capacity as determined by a discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). In order to comply with the terms and conditions of the discharge permit, to manage present and future wastewater flows, to meet present and future water quality standards, and to support broader community planning objectives the Town adopts this Flow Neutral By-law for Present and Future Sewer Service Areas. This By-law shall apply to all present sewer service areas of the Town, except for the New Silver Beach Sewer Service Area, governed by Sections 180-37 through 50 herein, and it shall apply to any future sewer service areas to be serviced by the Wastewater Treatment Facility on Blacksmith Shop Road. Nothing in this By-law shall exempt the owner of a property in a present or future sewer service area from all other applicable statutes, by-laws, rules and regulations.

##### 180-52. Mandatory Sewer Connection and Elimination of Septic Systems in Sewer Service Areas

The requirements for Mandatory Connection in Sewer Service Areas are detailed in Chapter 180, Section 6 of the Code of Falmouth "Sewers and Septic Systems".

Within thirty (30) days of the property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

##### 180-53. Determination of Wastewater Flow in Sewer Service Areas

Wastewater flow to the public sewer shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15; or 2) water meter data provided by the Department of Public Works as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Falmouth. Any structure, legally in existence as of January 1, 2014, regardless of its flow may by right maintain that flow or number of bedrooms. Bedroom is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, Massachusetts State Environmental Code) and the number of bedrooms in the Assessor's records as of January 1, 2014 are presumed accurate.

The flow allocations for present and future Sewer Service Areas as of January 1, 2014 are as follows:

Blacksmith Shop Rd Wastewater Treatment Plant      570,000 gallons per day (excluding Little Pond Sewer Service Area)

Little Pond Sewer Service Area  
CWMP)

260,000 gallons per day (subject to approved

These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved Comprehensive Wastewater Management Plans, (2) approved Notice of Project Change to Environmental Impact Reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

#### 180-54. Allocation of Available Capacity in Sewer Service Areas

The Wastewater Superintendent shall periodically notify the Board of Selectmen of the available capacity at the Wastewater Treatment Facility. The Selectmen in consultation with the Planning Board may set priorities for the available capacity.

#### 180-55. Modifications to Existing Parcels or Changes in Use in Sewer Service Areas

##### (1) Single-Family Residences

###### (a) Existing Development

Modifications of an existing single family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single family residences on parcels over 40,000 square feet may increase the number of bedrooms to (1) bedroom per 10,000 square feet of lot area by right.

###### (b) New Development

A single-family residence may have four (4) Bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.

Addition of Bedrooms, beyond those permitted in 1(a) or 1(b) above shall require a variance from the Board of Selectmen in accordance with section 180-56.

##### (2) Multi-Family Residences

###### (a) Existing Development

Modifications of an existing multi-family residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.

###### (b) New Development

A new multi-family dwelling is allowed one (1) bedroom per 10,000 square feet of lot area by right. In Zoning Districts where up to six (6) units per acre are allowed, up to 3 bedrooms per permitted unit are allowed by right.

Addition of Bedrooms in multi-family dwellings, beyond which is allowed by right shall require a variance from the Board of Selectmen in accordance with section 180-56.

##### (3) Nonresidential Development

###### (a) Existing Development

Modifications or changes of use, including residential to non-residential, that increase flow to a level that is no more than ten (10) percent above that permitted as of January 1, 2014 by 310 CMR 15 (Title 5) are allowed by right.

Modifications or changes of use that increase flow more than that allowed by right in (3a) require a variance from the Board of Selectmen in accordance with section 180-56.

(b) New Development

New non-residential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.

New non-residential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with section 180-56.

180-56. Variances in Sewer Service Areas

The Board of Selectmen, after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance, provided both A & B below are satisfied:

A. Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent. If sufficient capacity does not exist then no variance shall issue.

B. Should the Wastewater Superintendent determine sufficient capacity exists the applicant must then demonstrate, through a positive referral from the Board of Health, that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral.

The Board of Selectmen may, at its sole and absolute discretion, issue a variance that in its judgment could be granted without substantially derogating from the intent or purpose of this bylaw should the applicant fail to satisfy criteria 180-56 B above.

180-57. Rebuilding a Building Because of Casualty Loss in Sewer Service Areas

Relating to Article VIII, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right provided that the new structure does not exceed the wastewater flow and number of bedrooms of the structure being replaced.

180-58. Mandatory Water Conservation in Sewer Service Areas

The Board of Selectmen may adopt mandatory water conservation measures, after public hearing, consistent with the purposes of this bylaw.

180-59. Transferability in Sewer Service Areas

The number of bedrooms or flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the number of Bedrooms or flow on another parcel or another's right to a sewer connection.

180-60. Severability

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

180-61. Violations in Sewer Service Areas

1. Any person found to be violating any provision of Article VIII shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

2. Any person who shall continue any violation beyond the period permitted in Subsection (1) shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

3. This section shall in no way limit the Town's power and authority to seek other remedies at law that it may have. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the Town by such violation.

**ARTICLE 42:** To authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

**AN ACT REGULATING SEWER SERVICE AREA BETTERMENT ASSESSMENTS IN THE TOWN OF FALMOUTH.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the town of Falmouth may assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate equal to the net rate of interest chargeable to the town for the project to which the assessment relates.

Section 2. Notwithstanding any general or special law to the contrary, the town of Falmouth may apportion all sewer assessments or unpaid balances of assessments over a period not to exceed thirty (30) years, and may structure the payments so that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable. These equal payments may be further apportioned and collected by the town on quarterly tax bills at the option of the town. An owner of land assessed may pay the total remaining principal amount due without a prepayment penalty.

Section 3. This act shall take effect upon its passage.

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 Wednesday, November 13, 2013 the town voted to authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

**AN ACT REGULATING SEWER SERVICE AREA BETTERMENT ASSESSMENTS IN THE TOWN OF FALMOUTH.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the town of Falmouth may assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate up to 2% above the net rate of interest chargeable to the town for the project to which the assessment relates.

Section 2. Notwithstanding any general or special law to the contrary, the town of Falmouth may apportion all future sewer assessments or unpaid balances of assessments over a period not to exceed thirty (30) years, and may structure the payments so that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable. These equal payments may be further apportioned and collected by the town on quarterly tax bills at the option of the town. An owner of land assessed may pay the total remaining principal amount due without a prepayment penalty.

Section 3. This act shall take effect upon its passage.

**ARTICLE 43:** To authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN TO EXEMPT CERTAIN ECO-TOILET INSTALLATIONS FROM SEWER CONNECTIONS AND ASSOCIATED BETTERMENTS IN THE TOWN OF FALMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Board of Selectmen of the town of Falmouth may grant exemptions from future sewer connections and betterment fees attributed to sewer construction for homeowners or business property owners who are chosen to participate in Falmouth's eco-toilet demonstration project by installing either composting toilets or urine diverting toilets (together designated eco-toilets), or any combination of the two, in all sanitary facilities on their premises. Participants must agree to participate in the eco-toilet demonstration project and adhere to all the requirements of this demonstration. All eco-toilets installed for the demonstration project must comply with the provisions of 310 CMR 15.000 (Title 5 Regulations) and 248 CMR (Uniform State Plumbing Code) and implement a town authorized monitoring and inspection plan approved by the Department of Environmental Protection (Mass DEP). Such plan may include the assessment of a reasonable fee by the Board of Health to implement the monitoring and inspection plan.

Section 2. Notwithstanding any general or special law to the contrary, said property owners may opt to connect to the sewer system and will retroactively pay betterment fees if their property lies within the sewer service area and complies with the Department of Environmental Protection approved Comprehensive Wastewater Management Plan at the discretion of the Board of Selectmen after a public hearing. The Board of Selectmen shall adopt regulations within 120 days after the adoption of this act establishing publication and notification procedures to carry out the purposes of this section.

Section 3. This act shall take effect upon its passage.

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 Wednesday, November 13, 2013 the town voted to authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN TO EXEMPT CERTAIN ECO-TOILET INSTALLATIONS FROM SEWER CONNECTIONS AND ASSOCIATED BETTERMENTS IN THE TOWN OF FALMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Board of Selectmen of the town of Falmouth may grant exemptions from future sewer connections and betterment fees attributed to sewer construction for homeowners or business property owners who are chosen to participate in Falmouth's eco-toilet demonstration project by installing either composting toilets or urine diverting toilets (together designated eco-toilets), or any combination of the two, in all sanitary facilities on their premises. Participants must agree to participate in the eco-toilet demonstration project and adhere to all the requirements of this demonstration. All eco-toilets installed for the demonstration project must comply with the provisions of 310 CMR 15.000 (Title 5 Regulations) and 248 CMR (Uniform State Plumbing Code) and implement a town authorized monitoring and inspection plan approved by the Department of Environmental Protection (Mass DEP). Such plan may include the assessment of a reasonable fee by the Board of Health to implement the monitoring and inspection plan.

Section 2. Notwithstanding any general or special law to the contrary, said property owners may opt to connect to the sewer system and will retroactively pay betterment fees if their property lies within the sewer service area and complies with the Department of Environmental Protection approved Comprehensive Wastewater Management Plan at the discretion of the Board of Selectmen after a public hearing. The Board of Selectmen shall adopt regulations within 120 days after the adoption of this act establishing publication and notification procedures to carry out the purposes of this section.

Section 3. This act shall take effect upon its passage.

**ARTICLE 44:** To amend article 11 of the November 8, 2011 ATM, authorizing the Town to swap Parcel 1 for Parcel 2, by removing the requirement that Parcel 1 be restricted in perpetuity with a preservation restriction preserving the "great rock" in accordance with M.G.L. 184 Section 31-33, and requiring that Parcel 1 be subject to a preservation restriction preserving the "great rock" for a term of 99 years. 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 Wednesday, November 13, 2013 the town voted to authorize the Board of Selectmen to convey said Parcel 1 to a third party in exchange for a second vacant parcel of land hereafter described as Parcel 2, upon such terms and conditions as the Board of Selectmen deem appropriate. Said Parcel 2 to be under the care and control of the Board of Selectmen

Parcel 1 is described as follows:

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

Parcel 2 is described as follows:

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

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

And further that the transfer of Parcel 1 from the Town to the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority shall be subject to a preservation restriction for a term of 99 years for the benefit of the inhabitants of the Town of Falmouth and held by the Town of Falmouth, acting through the Historical Commission, or by another governmental agency or non-profit organization, preserving the "great rock" located on Parcel 1 and

identified in the Technical Memorandum and Archeological Sensitivity Assessment, Research Road, Falmouth, Massachusetts, prepared by Public Archaeology Laboratory, dated October 31, 2011

Or do or take any other action on this matter.

**ARTICLE 45:** To see if the Town will vote to accept the doings of the Board of Selectmen in laying out the following listed roads according to a plan on file with the Town Clerk for taking as a public way:

| Road             | From             | To              | Length | Width |
|------------------|------------------|-----------------|--------|-------|
| Cash's Trail     | Waquoit Highway  | Dead End        | 944'   | 44'   |
| Castle Road      | Sandcastle Drive | Dead End        | 1,160' | 44'   |
| Sandcastle Drive | Davisville Road  | Davisville Road | 2,734' | 44'   |

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 Wednesday, November 13, 2013 the town voted article 45 as printed.