

FALL ANNUAL TOWN MEETING

- 1 Unpaid Bills
- 2 Amend Zoning Bylaw - Section §240-98.C - Special Permits
- 3 Amend Zoning Bylaw - Section §240 - Home Occupations
- 4 Amend Zoning Bylaw - Section 240-38 - Home Occupations
- 5 Amend Zoning Bylaw - Section 240-23 - Garages
- 6 Amend Zoning Bylaw - Article I – General Provisions
- 7 Petition – Section 240-216 Special Permits -Windmills
- 8 Vote to authorize the Disposition of Odd Fellows Hall
- 9 Land Sale - 6A Realty Trust, Teaticket Highway
- 10 Land Purchase – 474 Carriage Shop Road
- 11 Land Purchase – 480 Main Street
- 12 Accept Gift of Land - Long Pond, E. Kent Swift, Jr.
- 13 Accept Chapter 291B Acts of 2004 - Roads
- 14 Appropriate Town's Contribution to the Retirement System
- 15 Falmouth Contributory Retirement Special Military Fund
- 16 Transfer funds to Bog Restoration Projects
- 17 Fiscal Year 2006 Capital Improvements Program
- 18 Fund AFSCME Contract
- 19 Fund Laborers Union Contract
- 20 Fund Firefighters Contract
- 21 Fund Police Federation Contract
- 22 Fund Superior Officers Contract
- 23 Classification Plan – Technical/Administrative Management (TAM)
- 24 Classification Plan – AFSCME
- 25 Classification Plan – Assessing Department
- 26 D.P.W. Organization Study
- 27 Code of Falmouth – Replenish Revolving Fund
- 28 Zoning Board of Appeals Contractual Services
- 29 Appropriate funding for Beach and Dump Sticker Mailing
- 30 Appropriate funding for Student Apprentice/Intern Positions
- 31 Demolition of Building – 51 Pond View Drive
- 32 Appropriate Funding for Megansett Harbor Boat Ramp Reconstruction
- 33 Appropriate Funding for various Navigational Dredging Projects
- 34 Accept adjustments to the Debt Budget
- 35 Appropriate funding for Interest Payment on Long Term Unexcluded Debt
- 36 Appropriate funding for Interest Payment on Land Bank Debt
- 37 Community Preservation Committee – Fund Administrative Expenses
- 38 Appropriate Funding for Revaluation
- 39 Accept M.G.L. Chapter 59 § 2A - Tax Assessment
- 40 Accept Layout of Roads for taking as Public Way

41 Petition – Cranberry Farming

42 Funding Article

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ARTICLE 1: 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.

DPW Highway Dept.	Lawrence Lynch Materials Corp.	\$713.48
Legal Department	Thompson West	472.51
Snow and Ice	Michael Gonsalves	577.50
Treasurer Dept.	First Southwest Company	750.00

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer the sum of \$2,986.32 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purpose of Article 1 as printed in the warrant with the following additions:

Add:	Fire Department	Metromedia Energy	\$274.64
	Library	Metromedia Energy	198.19

ARTICLE 2: To see if the Town will vote to amend §240-98.C of the zoning bylaw by deleting the words “Article XXXII” and substitute the words “Article XXXXII” so as to read in its pertinent part:

“Special Permit uses filed in accordance with *Article XXXXII* of this chapter ...”

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 14, 2005, the Town voted Article 2 as printed in the warrant.

ARTICLE 3: To see if the Town will vote to amend section §240-22. C, §240-23.G (2) and §240-33. G (2) of the zoning bylaw by deleting the words “(See § 240-162)” and substitute the words “(See §§240-162.F (1), 162.F (2) and 162.F (3) for special permit requirements for some home occupations) “

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 14, 2005, the Town voted Article 3 as printed in the warrant.

ARTICLE 4: To see if the Town will vote to amend section 240-38.G (2) of the zoning bylaw by deleting the words “(See § 240-159F)” and substituting the words “(See §§240-162.F (1), 162.F (2) and 162.F (3) for special permit requirements for some home occupations) “

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 14, 2005, the Town voted Article 4 as printed in the warrant.

ARTICLE 5: To see if the Town will vote to amend §240-23. G (1)(b) of the zoning bylaw by deleting the number “800” and substituting the number “900” so as to read in its pertinent part:

“The footprint of the garage is more than **900** square feet ...”

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

VOTED: By a declared two-thirds majority, a quorum being present on Monday, November 14, 2005, the Town voted Article 5 as printed in the warrant.

ARTICLE 6: To see if the Town will vote to amend Article I – General Provisions – of the Zoning Bylaw by deleting Section 240-3 in its entirety and inserting in its place the following:

240-3 Preexisting nonconforming structures and uses

- A. Except as hereinafter provided, this chapter shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the date of the first publication notice of the public hearing on such bylaw required by MGL ch. 40A § 5.
- B. Noncomplying structures are those structures that did not come into existence lawfully or were not lawfully erected in compliance with the Zoning By-law in effect at the time the structure was erected. Noncomplying structures which are 10 years or older and have not been the subject of an enforcement action to have them removed may not be subject to an enforcement action by the Town to compel the removal, alteration or relocation of such structure. Noncomplying structures may be extended, altered or changed by a special permit if no new nonconformities are created and the existing nonconformities are maintained or lessened. Extended, altered or changed shall not include normal repairs or modifications that are exclusively interior, do not extend the footprint of the structure, raise or alter the roofline, or add habitable or commercial space to the structure. However, if a structure is noncomplying in violation of an express term or condition of a previously issued building permit, special permit or variance, the structure may be modified or altered only if it is first brought into compliance with the previously issued building permit, special permit or variance, or the previously issued building permit, special permit or variance is appropriately modified in accordance with the requirements of the state building code or the zoning by-law.
- C. Preexisting nonconforming structures are those structures that predated adoption of zoning, were in compliance with the Zoning By-law in effect at the time the structure was erected or were in compliance at some other time during the structure’s existence, but currently do not comply with the Zoning By-law. Preexisting nonconforming structures may be extended, altered or changed only by special permit from the Board of Appeals. Extended, altered or changed shall not include normal repairs or modifications that are exclusively interior, do not extend the footprint of the structure, raise or alter the roofline, or add habitable or commercial space to the structure. A special permit is not required to alter or change a preexisting nonconforming structure into a conforming structure.
 1. In order to grant a special permit under this section the Board of Appeals shall make the following findings:
 - (a) The change, extension, or alteration is not measurably more detrimental to the neighborhood than the existing nonconforming structure;
 - (b) Any new nonconformities created are appropriately balanced by the reduction or elimination of existing structural nonconformities.
 - (c) The change, extension, or alteration does not impair views and vistas.

- (d) The change, extension or alteration is in harmony with the purpose, spirit and intent of the Zoning By-law.
 - (e) The standards of Section 240-216 are satisfied.
2. A preexisting nonconforming structure located on a lot that exceeds allowable lot coverage by structures may not be changed, extended or altered to increase lot coverage unless allowed by special permit in accordance with Section 240-69.
 3. Preexisting nonconforming structures damaged or destroyed by fire or other accidental or natural cause other than flood damage sustained to structures within Zones A and V floodplains shown on the Flood Insurance Rate Maps of Falmouth, may be reconstructed as a matter of right in the same footprint that existed prior to the damage or destruction provided reconstruction is commenced within 24 months and completed within one year of commencement.
- D. Preexisting nonconforming uses are those uses that were legally commenced, came into being prior to the zoning regulation prohibiting the use or predated adoption of zoning in Falmouth, and the use has been in continuous operation, and never abandoned as defined, and the use has never been extended nor expanded beyond the original nonconforming use so as to lose its protected status, but the use currently does not comply with zoning. A special permit by the Board of Appeals is necessary to change or alter a preexisting nonconforming use. Change or alter does not include improvements which merely improve the efficiency of a preexisting nonconforming use and do not materially change the original use or undertaking.
1. In order to grant a special permit under this section the Board of Appeals shall make the following findings:
 - (a) The current use was legally commenced, came into existence prior to the zoning regulation prohibiting the use or predated adoption of zoning.
 - (b) The current use has been continuous and was never abandoned after the use became nonconforming.
 - (c) The current use remained the same as when legally commenced and over the years the use has not been extended or enlarged into other nonconforming uses.
 - (d) The proposed use will have the same or less impact on the quality and character of the neighborhood that the preexisting nonconforming use had on the quality and character of the neighborhood.
 - (e) The proposed use is not noxious to the purpose, spirit and intent of the Zoning By-law.
 - (f) The standards of 240-216 are satisfied.
- E. Elimination or reduction of existing nonconformities to a preexisting nonconforming structure is not a basis for altering, changing or extending a preexisting nonconforming use. Elimination or reduction of a preexisting nonconforming use is not a basis for increasing structural nonconformities to a preexisting nonconforming structure.
- F. Accessory uses and structures are subject to this section.
- G. Any nonconforming use that has been abandoned or not used for two years or more loses the protection of Subsection A and shall be required to conform to the current bylaw. Except for single and two-family residences the voluntary demolition or razing of a structure shall constitute abandonment of any non-conforming uses therein. Demolition or razing is the equivalent of substantial damage as that term is defined in the zoning bylaw.
- H. With the exception of single-family and two-family residences, extension, alteration, or changes shall not include the

voluntary demolition or razing of a non-complying structure, nonconforming structure, or structure containing a nonconforming use. Any said structure voluntarily demolished or razed shall only be rebuilt in conformance with the current use and dimensional regulations. Demolition or razing is the equivalent of substantial damage as that term is defined in the zoning bylaw.

- I. [Amended ASTM 4-4-1994, Art. 9, approved 7-9-1994] Alteration, reconstruction, extension or structural change (collectively "alteration") to a nonconforming single- or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted by right under the following circumstances:

[1] Normal repairs or replacement of parts of any nonconforming structure, provided that such repair or replacement does not constitute an extension of a nonconforming use of such structure.

[2] Alteration to a conforming structure where the alteration will also comply with all applicable sections of the zoning bylaws in effect at the time of application, if the existing structure is located on a lot which is nonconforming as the result of a zoning change.

[3] Alteration within the existing footprint of a nonconforming structure to comply with requirements of the Massachusetts Building Code.

[4] Alteration to a nonconforming structure where the alteration will comply with all applicable sections of the zoning bylaws in effect at the time of application and will not increase the habitable space.

[5] Alteration to a nonconforming structure on a lot of at least 20,000 square feet, where the alteration will comply with all applicable sections of the zoning bylaw in effect at the time of application, including, but not limited to setback, yard, building coverage and height requirements. An alteration to a nonconforming structure on a lot of less than 20,000 square feet, where the alteration will comply with all applicable sections of the zoning bylaw in effect at the time of application shall require a finding from the permit granting authority or zoning administrator, duly authorized, pursuant to §6 c.40A GL.

[6] In cases where the applicant seeks to increase the height of any structure that encroaches on a required setback, where any increase in height will occur within such encroachment, there shall be no alteration as of right under this section.

And to amend Article III –Definitions – of the Zoning Bylaw by adding the following:

Abandonment - The voluntary cessation, surrender or relinquishment of a use with the intent never to resume again, or the mere nonuse for a period of more than two years regardless of the reasons for the nonuse.

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 14, 2005, the Town voted to indefinite postponement of Article 6 .

ARTICLE 7: To see if the Town will vote to amend the Zoning Bylaw by adding the following: 240-63.G (2) Windmills (See Article XXXIV). One windmill per lot provided the lot is totally in conformance with the dimensional requirements for the Light Industrial B District at the time of application. In addition to the criteria of Section 240-216 Special Permits, the Board of Appeals shall apply the criteria of Article XXXIV, provided, however, the Board of Appeals may reduce the dimensional criteria of Section 240-166A if the Board finds that the public safety and welfare are sufficiently protected. In approving a special permit under this section the Board of Appeals may waive the requirements of Sections 240-70 C and D Maximum Height of the Zoning bylaw if the Board of Appeals finds such waiver is necessary for the adequate operation of the windmill. Or do or take any other action on this matter. On request of Joan C. Muller and others.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted Article 7 as printed in the warrant.

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to sell the Odd Fellows Hall on Chancery Lane, the land being described in Certificate 175451 at the Land Court of the Barnstable County Registry of Deeds and the building being a 2520 square foot Greek Revival building, upon such terms and conditions as they deem appropriate, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a declared two-thirds majority, a quorum being present on Monday, November 14, 2005, the Town voted Article 8 as printed in the warrant.

ARTICLE 9: To see if the Town will vote to authorize the Board of Selectmen to sell a parcel of Town land identified as Parcel C2 containing 4.3 ± acres and shown on a plan entitled “Plan of Land located in Falmouth, Mass, prepared for Falmouth Lumber, Scale 1” = 80’, June 27, 2005, Ferreira Associates, 161A Worcester Court, Falmouth, Mass,” and being a portion of the land conveyed to the Town by deed dated August 15, 2003 and recorded in the Barnstable Registry of Deeds in Book 17473, Page 21, to SIX A REALTY TRUST, 670 Teaticket Highway, Teaticket, MA 02536, for the sum of \$700,000.00, 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 14, 2005, the Town voted to authorize the Board of Selectmen to sell a parcel of Town land identified as Parcel C2 containing 4.3 ± acres and shown on a plan entitled “Plan of Land located in Falmouth, Mass, prepared for Falmouth Lumber, Scale 1” = 80’, June 27, 2005, Ferreira Associates, 161A Worcester Court, Falmouth, Mass,” and being a portion of the land conveyed to the Town by deed dated August 15, 2003 and recorded in the Barnstable Registry of Deeds in Book 17473, Page 21, to SIX A REALTY TRUST, 670 Teaticket Highway, Teaticket, MA 02536, for the sum of \$700,000.00, and to deposit the proceeds from the sale with the remaining funds received from the Air Force Center for Environmental Excellence (AFCEE) which were used to partially fund the purchase of the land in 2003.

ARTICLE 10: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, being land now or formerly owned by Joseph Haynes and Susan Haynes and located at 474 Carriage Shop Road in East Falmouth and consisting of six (6) acres, more or less, to be set off from the present ten (10) acres parcel shown on Falmouth assessor’s map 29-01-003-000A and described in a deed recorded in the Barnstable County Registry of Deeds in Book 17462, Page 33, and, further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including borrowing said sum or any part thereof pursuant to Chapter 44, Section 7((3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday November 14, 2005, the Town voted to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, being land now or formerly owned by Joseph Haynes and Susan Haynes and located at 474 Carriage Shop Road in East Falmouth and consisting of six (6) acres, more or less, to be set off from the present ten (10) acres parcel shown on Falmouth assessor’s map 29-01-003-000A and described in a deed recorded in the Barnstable County Registry of Deeds in Book 17462, Page 33, and to appropriate the sum of \$700,000.00 for this purpose and to meet this appropriation the Board of Selectmen is authorized to expend \$700,000.00 from available funds received from Air Force Center for Environmental Excellence (AFCEE) , including proceeds received from the sale of property authorized in Article 9 of this warrant.

ARTICLE 11: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, being the land with the buildings located thereon at 480 Main Street in Falmouth Village now or formerly owned by Eric W. Ruschky and described in deeds recorded in the Barnstable County Registry of Deeds in Book 16954, Page 349, and in Book 17423, Page 137, and further to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including borrowing said sum or any part thereof pursuant to Chapter 44, Section 7((3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, being the land with the buildings located thereon at 480 Main Street in Falmouth Village now or formerly owned by Eric W. Ruschky and described in deeds recorded in the Barnstable County Registry of Deeds in Book 16954, Page 349, and in Book 17423, Page 137, and further to appropriate the sum of \$1,460,000.00 to pay for the foregoing land, including costs incidental and related thereto, and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of 41,460,000.00 under and pursuant to G.L. ch. 44 §7930, , and to issue notes and bonds of the town therefore, and that the Board of Selectmen is authorized to accept any gifts of property, real, personal or otherwise in connection with the acquisition of the aforementioned property, and to enter into any agreements and execute any documents incidental and related thereto, said sums to be expended under the jurisdiction of the Board of Selectmen. On request of the 300 Committee.

VOTED: Having failed to reach a majority , a quorum being present on Monday, November 14, 2005, the Town voted to not to pass Article 11.

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to accept a gift of 6.75 ± acres of land on the shore of Long Pond from E. Kent Swift, Jr, being shown as Parcel 5B on a plan entitled “Plan of Land Prepared for E. Kent Swift, Jr. in Falmouth, dated July 26, 2005, scale 1” = 50’, Falmouth Engineering, 101 Town Hall Square, Falmouth, MA 02540” which plan will be recorded in the Barnstable County Registry of Deeds simultaneously with the deed, said land to be held by the Board of Selectmen for watershed protection purposes. 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 14, 2005 the Town voted Article 12 as printed in the warrant.

ARTICLE 13: To see if the town will vote to appropriate \$778,358.00 under Chapter 291Section 2B Acts of 2004, 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 contracts as may be necessary for said purpose, to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen acting as the Board of Public Works.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005 the Town voted Article 13 as printed in the warrant to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 14: To see if the Town will vote to appropriate the sum of \$31,997.00 to the Falmouth Contributory Retirement System to supplement the Town's annual contribution to the retirement system and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Falmouth Contributory Retirement Board.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005 the Town voted to transfer \$31,997.00 from Certified Free Cash to be expended under the jurisdiction of the Falmouth Contributory Retirement Board to supplement the Town's annual contribution to the retirement system.

ARTICLE 15: To see if the Town will vote to appropriate the sum of \$10,000.00 to the Falmouth Contributory Retirement Special Military Fund for the purpose of paying contributions for employees who have been called to active military duty per MGLA ch.32, §22(4)(a) and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Falmouth Contributory Retirement Board.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005 the Town voted to transfer \$10,000.00 from Certified Free Cash to be expended under the jurisdiction of the Falmouth Contributory Retirement Board for the purpose of paying contributions for employees who have been called to active military duty per MGLA ch.32, §22(4)(a).

ARTICLE 16: To see if the Town will vote to transfer the sum of \$49,000 from Art. 6 of the April 1998 Special Town Meeting for the purposes of funding technical services for the design, grant application, permitting and construction of Restoration Projects on Lower Bog and Flax Bog #2 and Berm Projects on Middle Bog and Flax Bog #1 to improve the health of the Coonamessett River system:

\$24,500 to be expended for the Restoration Projects, and
\$24,500 to be expended for the Berm Projects

Said sums to be expended under the jurisdiction of the Board of Selectmen, or do or take any other action in this matter. On request of the Board of Selectmen.

VOTED: By a counted vote of 109 in favor and 98 in opposition, a quorum being present on Monday, November 14, 2005, the Town voted Article 16 as printed in the warrant.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money to fund the Fiscal Year 2006 Capital Budget and to determine how the same shall be raised and by whom expended. On request of the Board of Selectmen.

ARTICLE 17 FY 2006 CAPITAL BUDGET		
	EXECUTIVE	FINCOM
DEPARTMENT OF PUBLIC WORKS		
1 Road Maintenance Routine Maintenance of Town's roads - ongoing	275,000.00	275,000.00
2 Sidewalks Construction and upgrade of townwide sidewalks - ongoing	75,000.00	75,000.00

3	Bikeway Repairs to existing bikeway	25,000.00	25,000.00
4	Bridge Maintenance Repairs and maintenance to town owned bridges - ongoing	75,000.00	75,000.00
5	Vehicles & Equipment		
	Highway Division		
	Replace 1998 Dump Truck with One Ton Dump 4x4 Truck	35,000	
	Replace 1994 Bobcat with Bobcat w/Trailer	25,000	
	Replace 1996 Int'l 36,000 GVW with Truck, 35,000 GVW	65,000	
	Replace 1989 John Deer Loader with Loader, 2.25 cy	85,000	
	Replace 1998 Jeep with SUV Truck	<u>20,000</u>	
	Total Highway Division	230,000	
	Tree Warden Parks Division		
	Replace 1998 One Ton Truck with One Ton Dump 4x4 Truck	<u>35,000</u>	
	Total Tree Warden Parks Division	35,000	
	Water Division		
	Replace 1998 4x4 Utility with 4x4 Utility Truck	<u>35,000</u>	
	Total Water Division	35,000	
	TOTAL DPW VEHICLES	300,000.00	300,000.00
6	Maintenance Rivers and Ponds Seaweed removal	20,000.00	20,000.00
	Facilities Maintenance		
7	Building Maintenance Maintenance of Town Buildings to include Lines 7, 8, 9, and 10	30,000.00	173,000.00
8	Recreation Department Maintenance Maintenance of Building - ongoing	20,000.00	0.00
9	Gus Cauty Center Old Roof Repair Roof Repair due to leaks.	93,000.00	0.00
10	Fire Department Maintenance Maintenance of Building - ongoing	30,000.00	0.00
11	Falmouth Heights Comfort Station Design No new commitments at this time. Seasonal portable structures work and can be removed during the fall and winter.	20,000.00	0.00
	Beach Improvements		
12	Renew Lifeguard Stands	8,000.00	8,000.00

Replacement of 1/2 of existing Lifeguard Stands			
13	Old Silver Beach Bathhouse Septic Pumping needed bi-weekly. DPW to research a resolution to the septic issue.	15,000.00	15,000.00
14	Beach Nourishment Site Improvement - ongoing	30,000.00	30,000.00
Utilities Division - Water			
15	Utility Mains, Meters & Fixtures Routine repairs, maintenance and replacements - ongoing	200,000.00	200,000.00
Utilities Division - Wastewater			
16	Disposal system repair The third year of a five year program to replace aluminum irrigation with polyethylene.	20,000.00	20,000.00
17	Collection system repair Ongoing system repairs.	50,000.00	50,000.00
ASSESSORS			
18	Vehicle It is the opinion of the Finance Committee that the Town's Fleet should not be increased at this time.	26,000.00	0.00
POLICE DEPARTMENT			
19	Soft Body Armor Replacement Body Armor Replacement Program due to deterioration of equipment.	15,000.00	15,000.00
20	Cruisers Continues the replacement schedule of cruisers. Old cruisers are to be auctioned when replaced.	226,546.00	226,546.00
FIRE DEPARTMENT			
21	Fire Equipment/Gear Jaws of Life equipment, cutters, and hydraulic pump	20,000.00	20,000.00
22	Ambulance Lease/Purchase The amount requested for the first year lease/purchase payment of a new Ambulance to replace the existing Ambulance with 96,000 miles.	55,000.00	55,000.00
23	Fire Prevention Vehicle Finance Committee believes this purchase could be postponed. Vehicle only has 58,000 miles on it and runs.	25,000.00	0.00
24	Ambulance This is the third payment on a four-year lease/purchase for two ambulances.	81,000.00	81,000.00
INFORMATION TECHNOLOGY			
25	IT PC (etc.) Upgrades The Town maintains 100+ PC's. A maintenance program replaces 10 to 15 each year.	37,000.00	37,000.00

26	IT Printer Upgrades Printers must be upgraded on a regular basis - ongoing.	3,500.00	3,500.00
27	IT Networking Local Area Network (within buildings) and the Wide Area Network (between buildings) - ongoing.	20,000.00	20,000.00
28	Police Mobile Data System Old System not functional. New System to be installed in 11 patrol cars.	87,000.00	87,000.00
29	Servers Upgrades to Town Hall Servers.	10,000.00	10,000.00
Geographical Information Systems			
30	Equipment Upgrades Minimal maintenance and upgrades.	5,000.00	5,000.00
TOWN CLERK			
31	Archiving Town Department's Archiving Program - ongoing	10,000.00	10,000.00
RECREATION DEPARTMENT			
32	Rink/Pool Feasibility Study (60,000) Finance Committee recommends this expenditure for the Town to do their own feasibility study to determine if this project would be an advantage to the town. The Falmouth Youth Hockey has donated \$20,000.00 and Together We Can has donated \$5,000.00 towards this study.	35,000.00	35,000.00
33	Van Replace 1996 Truck with a Van.	30,000.00	30,000.00
NATURAL RESOURCES			
34	Van E-150 Replacement of a 2001 Van with 120,000+ miles. Old Van will be traded in.	35,386.00	35,386.00
SCHOOL DEPARTMENT			
35	Facilities Maintenance Custodial Equipment for three schools (East Falmouth, Teaticket and North Falmouth). School Administration renovation to include Gutter Replacement, Leak repairs in Administrative Offices, Masonry Work, and Carpet Replacement.	50,000.00	50,000.00
HARBOR MASTER			
36	Truck F-350 Replacement of 1995 Truck with significant mechanical and rust problems.	35,000.00	35,000.00
TOTAL FY '06 CAPITAL BUDGET		2,092,432.00	2,021,432.00

AMENDMENT: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to

amend Article 17 by adding under Line Item 14 Beach nourishment the following:

- a) That coastal restoration possibilities besides traditional beach nourishment be considered in utilizing these funds.
- b) That environmental monitoring be stipulated for each initiative, including traditional nourishment.
- c) That alternative coastal restoration initiatives and monitoring programs be developed by the Beach Committee in consultation with resident coastal experts including both public and private entities working at no cost to the Town.

VOTED: By a counted vote of 146 in favor and 64 in opposition, a quorum being present on Monday, November 14, 2005, the Town voted to transfer to transfer \$35,000.00 from the Reserve/Waterways Fund, \$337,432.00 from the Overlay Surplus Fund, and \$1,649,000.00 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 17 with the amendment.

ARTICLE 18: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employees (AFSCME), and to determine how the same shall be raised and by whom expended. Or do or take any other action in the matter. On request of the Town Administrator.

VOTED: By a majority vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer \$67,000 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employees (AFSCME).

ARTICLE 19: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (DPW), and to determine how the same shall be raised and by whom expended. Or do or take any other action in the matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer \$58,000 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (DPW)

ARTICLE 20: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and 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 in the matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer \$105,000 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and International Association of Firefighters, Local 1397

ARTICLE 21: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Federation, and to determine how the same shall be raised and by whom expended. Or do or take any other action in the matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer \$65,000.00 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Federation

ARTICLE 22: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Superior Officers' Association, and to determine how the same shall be raised and by whom expended. Or do or take any other action in the matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to indefinite postponement of Article 22 .

ARTICLE 23: To see if the town will vote to appropriate the sum of \$4,824.00 for the purpose of reclassifying and funding the following changes to the Town's Position Classification Plan for the Technical/Administrative Management (TAM) positions.

Delete: Prin. Ofc. Ass't.-Legal Dept, Gr. M-3
(\$17.29 - \$22.56/hr.)

Add: Paralegal/Adm. Ass't.-Legal Dept, Gr. M-4
(\$19.89 - \$25.95/hr.)

Delete: Office Ass't.-Personnel, Gr. M-1
(\$13.07 - \$17.06/hr.)

Add: Office. Ass't.-Personnel, Gr. M-2
(\$15.04 - \$19.62/hr)

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

VOTED: By a majority vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer \$4,824.00 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purposes of Article 23.

ARTICLE 24: To see if the town will vote to appropriate the sum of \$31,031.00 for the purpose of reclassifying and funding the following changes to the Town's Position Classification Plan for the American Federation of State, County and Municipal Employees (AFSCME) positions.

Delete: Custodian-various dept, Gr. 04
(\$12.41 - \$15.70/hr.)

Add: Custodian-various dept, Gr. 06
(\$14.21 - \$17.98/hr.)

Delete: Office Ass't.-Town Clerk, Gr. 05
(\$13.28/hr. - \$16.80/hr.)

Add: Sr. Ofc. Ass't.-T. Clerk, Gr. 06
(\$14.21 - \$17.98/hr.)

Delete:	Animal Control Ofcr.-DNR, Gr. 06 (\$14.20 – \$17.98/hr.)	Add:	Animal Control Ofcr.-DNR, Gr. 07 (\$15.20 - \$19.23/hr.)
Delete:	Sr. Ofc. Ass't-Bldg, Gr. 06 (\$14.20 - \$17.98/hr.)	Add:	Admin. Clerk-Bldg, Gr. 07 (\$15.20 - \$19.23/hr.)
Delete:	Sr. Ofc. Ass't.-Fire Rescue, Gr. 06 (\$14.20 - \$17.98/hr.)	Add:	Admin. Clerk-Fire Rescue, Gr. 07 (\$15.20 - \$19.23/hr.)
Delete:	Adm.Clerk/Bill Coord-WaterUtil,Gr. 07 (\$15.20 - \$19.23/hr.)	Add:	Princ.Ofc.Ass't/Bill Coord.-Water Util, Gr. 08 (\$16.26 - \$20.58/hr.)
Delete:	2 Adm. Clerk-Collector's Ofc, Gr. 07 (\$15.20 - \$19.23/hr.)	Add:	2 Princ. Ofc. Ass't-Collector's, Gr.08 (\$16.26 - \$20.58/hr.)
Delete:	Admin. Clerk-Health, Gr. 07 \$15.20 - \$19.23/hr)	Add:	Princ. Ofc. Ass't-Health, Gr. 08 (\$16.26 - \$20.58/hr.)
Delete:	Program Dir.- Recreation, Gr. 07 (\$15.20 - \$19.23/hr.)	Add:	Program Dir.-Recreation, Gr. 08 (\$16.26 - \$20.58/hr.)
Delete:	2 Facilities Maint. Worker, Gr. 07 (\$15.20 - \$19.23/hr.)	Add:	1 Working Foreman-Facs. Maint, Gr. 09 (\$17.41 - \$22.01/hr.)
		Add:	1 Town Carpenter/Crew Ldr, Gr. 09 (\$17.41 - \$22.01/hr.)
Delete:	Principal Office Ass't-COA, Gr. 08 (\$16.26 - \$20.58/hr.)	Add:	Administrative Ass't.-COA Gr. 09 (\$17.41 - \$22.01/hr.)
Delete:	Principal Office Ass't-Bldg, Gr. 08 (\$16.26 - \$20.58/hr.)	Add:	Administrative Ass't.-Bldg, Gr. 09 (\$17.41 - \$22.02/hr.)
Delete:	Principal Office Ass't-Water, Gr. 08 (\$16.26 - \$20.58/hr.)	Add:	Administrative Ass't.-Water Gr. 09 (\$17.41 - \$22.02/hr.)
Delete:	Engineering Tech- Water, Gr. 08 (\$16.26 - \$20.58/hr.)	Add:	Engineering Tech-Water, Gr. 09 (\$17.41 - \$22.02/hr.)
Delete:	Natural Resources Ofcr.- DNR, Gr. 08 (\$16.26 - \$20.58/hr.)	Add:	Natural Resources Ofcr-DNR, Gr. 09 (\$17.41 - \$22.02/hr.)
Delete:	Ass't. Assessor-Adm.-Assessors, Gr. 09 (\$17.41 - \$22.02/hr.)	Add:	Ass't Assessor-Adm.-Assessors, Gr. 10 (\$18.62 - \$23.55/hr.)

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer

\$31,031.00 from Certified Free Cash to be appropriately distributed by the Town Accountant to the accounts affected for the purposes of Article 24.

ARTICLE 25: To see if the town will vote to appropriate the sum of \$18,240.00 for the purpose of reclassifying and funding the following changes to the Town's Position Classification Plan for the Assessor's Department.

Delete:	Property Lister-Assessors, Gr. 08	Add:	Adm.Clerk-Assessors, Gr. 07
	(\$16.20 - \$20.58/hr.)		(\$15.20 - 19.23/hr.)

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

VOTED: By a majority vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer \$18,240.00 from Certified Free Cash to be expended under the jurisdiction of the Director of Assessing for the purpose of Article 25.

ARTICLE 26: To see if the Town will vote to appropriate the sum of \$30,000.00 for the purpose of conducting an organization study of the Department of Public Works and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer \$30,000.00 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purpose of conducting an organization study of the Department of Public Works.

ARTICLE 27: To see if the town will vote to appropriate the sum of \$7,000.00 for the purpose of replenishing the revolving fund for the expenditures of updating the Code of Falmouth under General Laws Chapter 44, Section 53E1/2 as established by Article 3 of the April 1998 Annual Town Meeting, 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 Tuesday, November 15, 2005, the Town voted to transfer the sum of \$7,000.00 from Certified Free Cash to the Revolving Fund to be expended under the jurisdiction of the Town Clerk for the purposes replenishing the revolving fund for the expenditures of updating the Code of Falmouth under General Laws Chapter 44, Section 53E1/2 as established by Article 3 of the April 1998 Annual Town Meeting

ARTICLE 28: To see if the Town will vote to appropriate the sum of \$15,000.00 for the purpose of contractual services to assist the Zoning Administrator. Or do or take any other action in the matter. On the request of the Zoning Board of Appeals.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to indefinite postponement of Article 28.

ARTICLE 29: To see if the Town will vote to appropriate the sum of \$7,000.00 for the costs related to mailing beach and dump stickers 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 Collector.

VOTED: By a majority vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer the sum of \$7,000.00 from Certified Free Cash to be expended under the jurisdiction of the Town Collector for the costs related to mailing beach and dump stickers.

ARTICLE 30: To see if the Town will vote to appropriate the sum of \$7,000.00 for the purpose of continuing part time student apprentice/intern positions within town government departments 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 14, 2005, the Town voted to transfer the sum of \$7,000.00 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purpose of continuing part time student apprentice/intern positions within town government departments.

ARTICLE 31: To see if the Town will vote to appropriate the sum of \$11,275.00 for costs related to the demolition of a structure located at 51 Pond View Drive 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 Building Commissioner.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer \$11,275.00 from Certified Free Cash for costs related to the demolition of a structure located at 51 Pond View Drive to be expended under the jurisdiction of the Building Commissioner.

ARTICLE 32: To see if the town will vote to appropriate the sum of \$85,000.00 for the reconstruction of the Megansett Harbor Boat Ramp 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 Waterways Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer \$85,000.00 from the Reserve/Waterways Appropriation Fund to be expended under the jurisdiction of the Waterways Committee for the reconstruction of the Megansett Harbor Boat Ramp.

ARTICLE 33: To see if the town will vote to appropriate the sum of \$25,000.00 for the purpose of funding permitting for various navigational dredging projects 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 Waterways Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer \$25,000.00 from the Reserve/Waterways Appropriation Fund to be expended under the jurisdiction of the Waterways Committee for the purpose of funding permitting for various navigational dredging projects.

ARTICLE 34: To see if the Town will vote to make adjustments to the following Debt Service Budgets for the Fiscal Year 2006:

1. Transfer the sum of \$35,000.00 from Long Term Excluded Debt Interest 01753/59915 to Long Term Excluded Debt

Principal 01753/59910.

2. Transfer the sum of \$1,516.25 from Short Term Excluded Debt Interest 01755/59925 to Long Term Excluded Debt Interest 01753/59915.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted Article 34 as printed in the warrant.

ARTICLE 35: To see if the Town will vote to appropriate the sum of \$22,826.02 for the purpose of paying Interest on Long Term Unexcluded Debt (01754-59915) issued in July 2005 with the first interest payment due in January 2006 of the fiscal year ending June 20, 2006. To determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Town Treasurer.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer the sum of \$22,826.02 from Certified Free Cash to be expended under the jurisdiction of the Town Treasurer for the purposes of paying Interest on Long Term Unexcluded Debt (01754-59915) issued in July 2005 with the first interest payment due in January 2006 of the fiscal year ending June 20, 2006.

ARTICLE 36: To see if the Town will vote to appropriate the sum of \$104,071.88 for the purpose of paying interest on Community Preservation debt which was issued in July, 2005 with the first interest payment due in January 2006 of the fiscal year ending June 30, 2006. Or do or take any other action in this matter. On request of the Town Treasurer.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer the sum of \$104,071.88 from the Community Preservation Fund to be expended under the jurisdiction of the Town Treasurer for the purpose of paying interest on Community Preservation debt which was issued in July, 2005 with the first interest payment due January 2006 of the fiscal year ending June 30, 2006, as approved by the Community Preservation Committee at a meeting held on November 10, 2005.

ARTICLE 37: To see if the town will vote to appropriate the sum of \$25,000.00 from the Community Preservation Fund for the purpose of funding administrative expenses of the committee, or do or take any other action relative thereto. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2005, the Town voted to transfer the sum of \$25,000.00 from the Community Preservation Fund for the purposes of funding administrative expenses of the committee to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 38: To see if the Town will vote to appropriate the sum of \$75,000.00 for the purpose of partial funding of the 2006 revaluation for the Town of Falmouth 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 Assessors.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 15, 2005, the Town voted to transfer

\$75,000.00 from the Overlay Surplus Fund for the purposes of partial funding of the 2006 revaluation for the Town Of Falmouth, to be expended under the jurisdiction of the Board of Assessors.

ARTICLE 39: To see if the Town will vote to accept the provisions of paragraph 1 of M.G.L. chapter 59 § 2A which authorizes the Board of Assessors to assess buildings and other things erected on or affixed to land during the period beginning on January 2 and ending on June 30 of each year to be deemed part of such real property as of January 1 of the same year. Or do or take any other action on this matter. Upon request of the Board of Assessors.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 15, 2005, the Town voted Article 39 as printed in the warrant effective Fiscal Year 2007.

ARTICLE 40: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out of the following roads according to a plan on file with the Town Clerk for taking as a public way:

<u>Street</u>	<u>Length</u>
· Edgehill Road	350'
· Hummingbird Hill Road	1340'
· Tall Pine Road	625'

Under Chapter 80 of the Massachusetts General Laws, the costs will be recovered by 100% betterment assessment to the land that receives that benefit. This article confirms Article 62 of the November, 2004 Annual Town Meeting with respect to these three roads which passed by the necessary majority vote. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority vote, a quorum being present on Tuesday, November 15, 2005, the Town voted Article 40 as printed in the warrant.

ARTICLE 41: To see if the Town Meeting will vote to reaffirm its support of cranberry farming on the Lower and Middle Bogs along an improved Coonamessett River in East Falmouth; and To see if Town Meeting will recommend that the Selectmen with the concurrence of the Conservation Commission license for commercial cranberry growing the west side of the town owned lands adjacent to the Coonamessett River known as Lower and Middle Bogs; and further, To see if Town Meeting will support a 25' vegetated buffer zone between the Coonamessett River and the cultivated lands on the west side of Lower and Middle Bogs for the purpose of separating agricultural activities from the river; and, to include within this 25' buffer zone, water control structures, berms and trails where necessary and appropriate for the purpose of protecting and enhancing the Coonamessett River and providing for additional public access. On request of David Smith and others.

VOTED: By a counted vote of 91 in favor and 112 in opposition, a quorum being present on Monday, November 14, 2005, the Town voted not to pass Article 41.

ARTICLE 42: 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 15, 2005, the Town affirms its appropriations voted under the foregoing Articles for a total of \$4,342,041.22