



ANNUAL TOWN MEETING

November 17, 2014

- 1 Hear Reports of Committees and Town Officers
- 2 Unpaid Bills
- 3 Amend Chapter 240- Zoning of the Code of Falmouth
- 4 Amend Chapter 240- Zoning- of the Code of Falmouth
- 5 Amend Chapter 240- Zoning of the Code of Falmouth
- 6 Update Goals and Policies of the Local Comprehensive Plan
- 7 Update Goals and Policies of the Local Comprehensive Plan
- 8 Petition - Convey Land to the West Falmouth Public Library
- 9 Petition - Amend the Official Zoning Map of the Town of Falmouth
- 10 Petition - Amend Chapter 240- Zoning of the Code of Falmouth
- 11 Appropriate Funds to Settle Pending Lawsuit, Ballymeade Property Owners Association, Inc
- 12 Fund Police Federation Contract
- 13 Fund Lieutenants, NEPBA, Local 165 Contract
- 14 Create Position of Treasurer/Collector
- 15 Appropriate Funds from the Special Needs Stabilization Fund
- 16 Appropriate Funds for Professional/Technical Services Information Technology
- 17 Appropriate Funds to Special Counsel Budget
- 18 Fund Capital Improvements Program
- 19 Purchase or Take by Eminent Domain 25 King Street,
- 20 Fund Demolition of a Building on 25 King Street and Construct a Parking Lot
- 21 Appropriate Window Repair, Replacement and Preliminary Design Work at the Lawrence School
- 22 Layout and Taking of a Portion of Crane Street
- 23 Cape Light Compact Net Metering Program Agreement
- 24 Purchase or take by Eminent Domain 65 Town Hall Square
- 25 Accept Donation of Land - Spring Bars Road
- 26 Purchase or Take by Eminent Domain - Spring Bars Road
- 27 Purchase a Parcel of Land Abutting Long Pond
- 28 Petition - Voting at Elementary Schools
- 29 Petition - Litigation Report
- 30 Petition - Accept White Pine Lane
- 31 Petition - Plastic Bag Prohibition
- 32 Community Preservation - Oak Grove Cemetery
- 33 Community Preservation - Rehabilitate Tennis Courts
- 34 Community Preservation - Village Green Fence
- 35 Community Preservation - Recreational Facilities Backstops
- 36 Community Preservation - Habitat for Humanity - Galleon Drive
- 37 Community Preservation - Historical Highfield

- 38 Community Preservation - Town Landing Old Dock Road
- 39 Community Preservation - Bike Racks
- 40 Community Preservation - Stabilization Fund - Falmouth Housing Authority
- 41 Community Preservation - West Falmouth Library Renovation Project
- 42 Community Preservation - Falmouth Country Club

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

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to accept reports presented by the Senior Center Site Working Group and Artificial Turf Committee.

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

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to transfer the sum of \$19,875.83 from certified free cash for the purpose of paying:

Nstar	\$	772.79
Barnstable County Sheriff's Office		\$19,103.04

To be expended under the jurisdiction of the Town Manager.

ARTICLE 3: To see if the Town will vote to amend Chapter 240- Zoning – of the Code of Falmouth by deleting the words “for the elderly” where they appear in ARTICLE XXXII - Public or Nonprofit Housing for the Elderly. 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 17, 2014 the Town voted Article 3 as printed.

ARTICLE 4: To see if the Town will vote to amend Chapter 240- Zoning – of the Code of Falmouth by deleting in its entirety Article XVIII – Floodplain Zone. Or do or take any other action on this matter. On request of the Planning Board.

VOTED: By a failed majority vote, a quorum being present on Monday November 17, 2014 the Town voted not to pass Article 4.

ARTICLE 5: To see if the Town will vote to amend Chapter 240- Zoning – of the Code of Falmouth by:

Deleting sections 240-185 A, B & C in their entirety.

Add to section 240-195 C a second sentence: “Design features shall include but not be limited to site planning, building placement, building size, design compatibility, exterior appearance, construction materials and finishes, parking and roadways, landscaping and site grading, building entrance and exit placement.”

Delete section 240-195.E in its entirety.

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 17, 2014 the Town voted to

Delete sections 240-185 A & B in their entirety.

Add to section 240-195 C a second sentence: "Design features shall include but not be limited to site planning, building placement, building size, design compatibility, exterior appearance, construction materials and finishes, parking and roadways, landscaping and site grading, building entrance and exit placement."

Delete section 240-195.E in its entirety.

ARTICLE 6: To see if the Town will vote to update the following Goals and Policies of the Local Comprehensive Plan dated April 2005:

Goal for the Land Use Element:

Falmouth shall use land appropriately to create places to live, work, and play by encouraging sustainable and balanced growth.

Policies for the Land Use Element:

Falmouth shall continuously review the zoning rules that guide development to ensure that they are flexible, fair, and innovative.

Falmouth shall encourage increased density, primarily through redevelopment, in some areas and discourage further development in others.

Falmouth shall thrive and grow by guiding development into convenient and pleasant villages suitable for the 21st Century, balanced with large reserves of open land.

Falmouth shall encourage a high-quality and flexible built environment that respects the culture of the community. Falmouth shall provide for a comprehensive network of access corridors to accommodate many modes of travel.

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

VOTED: By a declared majority vote, a quorum being present on Monday November 17, 2014 the Town voted Article 6 as printed.

ARTICLE 7: To see if the Town will vote to update the following Goals and Policies of the Local Comprehensive Plan dated April 2005:

Goal for the Coastal Resiliency Element:

Falmouth shall retain its cultural identity by balancing use, access, and enjoyment of coastal resources, while accounting for geologic and ecosystem shifts in response to weather-related impacts and sea level rise.

Policies for the Coastal Resiliency Element:

Falmouth shall strive to preserve, restore, and enhance coastal ecosystems to better absorb impacts.
Falmouth shall protect the operational capacity of vulnerable infrastructure systems.
Falmouth shall create the tools to foster the dynamic natural system's own resiliency.
Falmouth shall encourage community-wide institutional adaptability, which may include strategic retreat from high hazard areas, if determined necessary.

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 17, 2014 the Town voted Article 7 as printed.

ARTICLE 8: To see if the Town will vote to convey to West Falmouth Library, a Massachusetts non-profit corporation, in exchange for a parcel of equal or greater area as set forth herein, the following parcel of land in West Falmouth:

Land to be conveyed by the Town of Falmouth to West Falmouth Library: all or a portion of Parcel C containing 8,547 s.f., more or less, shown on "Plan of Land prepared for West Falmouth Library in West Falmouth, MA," date: Sept. 11, 2014, prepared by Holmes and McGrath, Inc. being bounded and described as follows:

Beginning at the southeasterly corner of land now of West Falmouth Library, being Assessors Parcel 24 16 016 00; thence S75° 19' 00"E, 57.90 feet; thence N17° 27' 37"E, 139.06 feet; thence N85° 38' 15"W, by Lot 2 shown on the plan dated April 22, 1986, recorded in Barnstable County Registry of Deeds Plan Book 526 Page 16, 72.38 feet to the northeasterly corner of said land of West Falmouth Library; and thence S11° 41' 46"W by said land of West Falmouth Library, 126.10 feet to the point of beginning.

Parcel C is a portion of Assessors Parcel 24 16 016B 000, being property conveyed by West Falmouth Library to the Town of Falmouth, for public park purposes, by deed dated March 3, 1972, recorded in said Registry at Book 1612, Page 120.

The land to be conveyed by West Falmouth Library to the Town of Falmouth in exchange for said Parcel C is: all or a portion of Parcel B containing 8,547 s.f., more or less, also shown on said plan dated Sept. 11, 2014, being bounded and described as follows:

Beginning at the northeasterly corner of said Lot 2 shown on Plan Book 526 Page 16; thence S17° 11' 45"W by land now of the Town of Falmouth, 140.00 feet; thence N85° 38' 15"W by other land now of the Town of Falmouth, 62.61 feet; thence N17° 11' 45"E, 140.00 feet; and thence S85° 38' 15"E by Lot 1 shown on Plan Book 526 Page 16, 62.61 feet to the point of beginning.

Parcel B is a portion of said Lot 2 shown on Plan Book 526 Page 16, Assessors Parcel 24 16 013 002

Said exchange of property shall be effected by the Board of Selectmen, on such conditions, for such purposes, and with such documentation as the Selectmen deem appropriate, the exchange of property to be accomplished in compliance with state regulations applicable to the disposition of park land and/or pursuant to special legislation, which the Selectmen are hereby authorized to request, or do or take any other action in the matter. On request of Charles McCaffrey, Jr.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted Article 8 as printed.

ARTICLE 9: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to change the existing Agricultural AA Zone by rezoning from Agricultural AA to Light Industrial C:

The land at 210 Nathan Ellis Highway shown on the Falmouth Assessors Map as Parcel 06 Section 03 Parcel 008 Lot 010 and Parcel 06 Section 03 Parcel 008E Lot 000, located north of Nathan Ellis Highway (Massachusetts Route 151) and shown as:

Lot 11 and Lot 10 on a plan of land entitled "Plan of Land in Falmouth, Mass. Owner Carl Cavossa Excavating Inc. 257 Palmer Ave. Falmouth, Mass. 02540" Scale: 1"=50', Date: 10/1/99, Wm. M. Warwick & Assoc. Inc., 63 County Road, Box 801, North Falmouth, Mass. 02556, (508) 563-7777". Said plan is recorded at the Barnstable County Registry of Deeds in Plan Book 553, Page 85; and

"N/F Town of Falmouth" on a plan of land entitled "Plan of Land in Falmouth, Mass., Owner Carl Cavossa, Cavossa Excavating, Inc., 257 Palmer Avenue, Falmouth, Mass., 02540 Scale: 1" = 50', dated 10/1/99, Wm. M. Warwick & Assoc., Inc., 63 County Road, Box 801, North Falmouth, Mass. 02556 (508) 563-7777". Said plan is recorded in the Barnstable County Registry of Deeds in Plan Book 553, Page 85.

Or to do or take any other action on the matter. On request of Nathan Ellis Highway, LLC and others.

VOTED: By a counted vote of 139 in favor and 68 in opposition, have received the required two thirds majority, a quorum being present on Monday November 17, 2014 the Town voted Article 9 as printed.

ARTICLE 10: To see if the Town will vote to amend Chapter 240-64.3 Zoning- of the Code of Falmouth by adding the following:

240-64.3E. Waste disposal contractor use, including a handling facility where solid waste, including recycled material, is brought, stored and/or transferred from one vehicle or container to another vehicle or container for transport off-site to a recycling or solid waste treatment, processing or disposal facility. Any materials, equipment, or vehicles used in connection with waste disposal may be stored, parked, serviced and maintained at the site.

Or to do or take any other action on the matter. On request of Nathan Ellis Highway LLC and others.

AMMENDMENT(Latimer) Replace all references to "CMRs" in recommendation with "all applicable Massachusetts Department of Environmental Protection regulations."

VOTED: By a declared majority vote, a quorum being present on Monday November 17, 2014 the Town voted to amend by replacing all references to "CMRs" in recommendation with "all applicable Massachusetts Department of Environmental Protection regulations."

VOTED: By a counted vote of 131 in favor and 65 in opposition, have received the required two thirds majority, a quorum being present on Monday November 17, 2014 the Town voted to amend Article XIII – Light Industrial C Districts – of the Zoning Bylaw by adding the following:

240-64.5.D By special permit from the Planning Board, waste disposal contractor use, including a handling facility where solid waste, non-compostable bulky wastes, commercial solid waste, recyclable material, asphalt pavement, brick and concrete, and construction and demolition waste is brought, sorted, temporarily stored and/or transferred from one vehicle or container to another vehicle or container for transport off-site to a recycling or solid waste treatment, processing or disposal facility. Compostable materials, commercial organic material, and compostable bulky wastes, may be brought to the site and composted on site. Any materials, equipment, or vehicles used in connection with waste disposal may be stored, parked, serviced and maintained at the site. The following requirements shall apply in addition to the requirements Section 240-216 of the zoning bylaw pertaining to the issuance of special permits:

- (1)The lot shall have a minimum lot area of five acres;
- (2) Waste disposal contractor use shall not be permitted in a Water Resource Protection District;
- (3)Any site granted a special permit shall be further subject to the requirements of the Massachusetts Department of Environmental Protection.
- (4)All terms used in 240-64.5.D shall have the meanings defined in all applicable Massachusetts Department of Environmental Protection regulations or any such regulations successor thereto.
- (5)No special permit may issue unless the applicant incorporates procedures and practices in accordance with all applicable Massachusetts Department of Environmental Protection regulations.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money to fund and finalize a settlement of the pending lawsuit, Ballymeade Property Owners Association, Inc. v. Town of Falmouth, Barnstable Superior Court CA 20110088 relating to water pressure issues in the Ballymeade neighborhood, 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 Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Monday November 17, 2014 the Town voted to transfer \$115,000 from Certified Free Cash for the purpose of finalizing a pending lawsuit, Ballymeade Property Owners Association, Inc. v. Town of Falmouth, Barnstable Superior Court CA 20110088 relating to water pressure issues. Said funds to be expended under the jurisdiction of the Town Manager.

ARTICLE 12: 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, 2013 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 Monday November 17, 2014 the Town voted to raise and appropriate the sum of \$170,000 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, 2013 as agreed to by the Town of Falmouth and the Police Federation, To be expended under the jurisdiction of the Town Manager.

ARTICLE 13: 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 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 Monday November 17, 2014 the Town voted Indefinite Postponement.

ARTICLE 14: To see if the Town will vote to amend the Town's Salary Administration Plan to create (1) position of Treasurer/Collector as follows:

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Start</u>	<u>End</u>
Add	Treasurer/Collector	9	\$34.54	\$48.46

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

VOTED: By a declared majority vote, a quorum being present on Monday November 17, 2014 the Town voted to amend the Town's Salary Administration Plan to create (1) position of Treasurer/Collector as follows:

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Start</u>	<u>End</u>
Add	Treasurer/Collector	9	\$34.54	\$45.08

ARTICLE 15: To see if the Town will vote to appropriate a sum of money from the Special Needs Stabilization Fund to supplement the FY 2015 School Department budget for out of district special needs tuition costs and other related expenses, 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 School Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted Indefinite Postponement.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money for professional and technical services related to the Information Technology, 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 Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to transfer the amount of \$60,000 from certified free cash for the purpose of funding technical services related to the Information Technology Department. Said funds to be expended under the jurisdiction of the Town Manager.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money for the purpose of supplementing the FY 2015 Special Counsel budget approved by Article 21 of the April 7, 2014 Annual

Town Meeting, 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 Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Monday November 17, 2014 the Town voted to transfer the amount of \$278,000 from certified free cash for the purpose of supplementing the FY 2015 Special Counsel budget approved by Article 21 for the April 7, 2014 Annual Town Meeting. Said funds to be expended under the jurisdiction of the Town Counsel.

ARTICLE 18: 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.

AMMENDMENT(Cuny) Reduce Facilities Improvement Consolidated Dispatch to \$50,000

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to reduce Facilities Improvement Consolidated Dispatch to \$50,000

AMMENDMENT(Duffany) Increase Annual Inlet Dredging to \$100,000.

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to Increase Annual Inlet Dredging to \$100,000.

VOTED: By a unanimous vote, a quorum being present on Tuesday November 18, 2014 the Town voted to appropriate the amount of \$4,029,770 for the purpose of this article and to meet this appropriation the Town transfer the sum of \$3,985,634 from Certified Free Cash and \$44,136 from Article 25 from the November 2010 annual Town Meeting. Said funds to be expended under the jurisdiction of the Town Manager.

General Government	
Computers, Licenses and Networking	70,000
Computers, Licenses and Networking (Police)	50,250
Network Upgrades	35,000
BOS Meeting Room Upgrades Comcast/Nstar	42,040
Comprehensive Annual financial Report (CAFR)	15,000
Consolidated Dispatcher Communication Equip Radios	755,000
Facilities Improvement consolidated Dispatch	50,000
Public Safety	
Marked (Sedan) Five	87,000
Marked Utility Interceptor	35,430
Security Cameras	17,000
Security Gates	28,000

Public Works	
Police Station Roof	125,000
Senior Center Building & Grounds Maint.	25,000
Fleet Maint Shop/Small Equipment	50,000
Road Maint/Construction/Sidewalks	200,000
Rubbish Collector	115,000
One Ton Dump	50,000
Pickup Truck (Water Department)	20,000
Building Dept.	20,000
Filter Media Evaluation-Crooked Pond	19,000
Water Meter Replacement	75,000
Water Mains	450,000
Bridge Maintenance	100,000

Fire Engine (24)	675,000
Records Management System/Portable Tablets	90,000
Self Contained Breathing Apparatus Fill Station	12,000
Annual Inlet Dredging	100,000
Float Replacement	10,000
Director Vehicle (Ford Exp) replace with an Interceptor	36,500
Animal Control Vehicle	38,000

Coastal Erosion Repair/Maint	250,000
DEP Compliance	10,000
Central Park Basketball Court	24,500
Recreation	
Upgrade Trotting Park/Fields Track	50,000
Schools	
Morse Pond School Roof Recoating	300,050

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a parcel of land with the building thereon known as 25 King Street, Falmouth, MA, Assessors parcel 47B-01-017-000, now or formerly owned by Peter M. Donahue, and further to appropriate a sum of money for the purpose, to determine how the same shall be raised including borrowing and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a declared two thirds majority vote, a quorum being present on Monday November 17, 2014 the Town voted to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a parcel of land with the building thereon known as 25 King Street, Falmouth, MA, assessors' parcel 47B-01-017-000, now or formerly owned by Peter M. Donahue and being a portion of the land described in a deed recorded in the Barnstable County Registry of Deeds in book 6445, page 154, and to transfer the sum of \$435,000.000 from certified free cash for the said purpose, said property to be under the jurisdiction of the Board of Selectmen for municipal purposes, with said sums to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 20: To see if the Town will appropriate a sum of money to demolish a building on 25 King Street and construct a parking lot, 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 Tuesday November 18, 2014 the Town voted to transfer the amount of \$165,000 from certified free cash for the purpose of demolish a building on 25 King Street and construct a parking lot. To be expended under the jurisdiction of the Town Manager.

ARTICLE 21: To see if the Town will vote to appropriate an additional sum of money for window repair and replacement including preliminary design work at the Lawrence 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 School Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted Indefinite Postponement.

ARTICLE 22: To see if the Town will vote to accept the doings of the Board of Selectmen in the layout and taking of a portion of Crane Street in Woods Hole, previously discontinued by the Commonwealth of Massachusetts on or about December 21, 1966 and described in a document and shown on a plan, both prepared by the Commonwealth of Massachusetts Department of Public Works for Layout No. 5645, and

a portion of Cowdry Road in said Woods Hole between the aforementioned discontinued portion of Crane Street and Little Harbor Road, approximately 370 feet in length, both of said ways to be town ways, 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 17, 2014 the Town voted Article 22 as printed.

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to enter into any agreement necessary for the Town to participate in net metering programs of the Cape Light Compact, 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 17, 2014 the Town voted to authorize the Board of Selectmen to enter into an agreement with the Cape Light Compact, Cape and Vineyard Electric Cooperative or any other supplier offering Net Metering Power Purchase or related agreements as may be necessary to allow the Town to participate and benefit from a Power Sales Agreement.

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a parcel of land with one building thereon known as 65 Town Hall Square, Falmouth, MA, Assessors' parcel 47A-08-007-000, now or formerly owned by Robert H. Ament et al., Trustees, which building is partially leased to the Town for the office of its Human Services department, to appropriate a sum of money for this purpose, to determine how the same shall be raised including borrowing or a lease purchase agreement, and by whom expended, with further authority granted to the Board of Selectmen to lease back a portion of the building to the grantor upon such terms and conditions as Board deems appropriate, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a failed majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted not to pass Article 24

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to accept the donation of a parcel of land containing 8,000 sq. ft., more or less, and being now or formerly of OWC Retail – Falmouth, LLC, which is located off Spring Bars Road and being a portion of the Falmouth Mall, for the purpose of constructing a lift station for the Little Pond Sewer Area thereon, 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 Tuesday November 18, 2014 the Town voted Article 25 as printed subject to receipt of a signed agreement.

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN in fee simple a certain parcel of land containing 12,620 sq. ft. more or less, on the north side of Spring Bars Road, now or formerly owned by Concrete Products Co. of Cape Cod, Inc. and being a portion of the layout of Spring Bars Road included in Article 29A of the March, 1965 Annual Town Meeting, which authorized the taking of a public easement of a town way, to be used for municipal purposes including the site of a lift station for the Little Pond Sewer Service Area, and to appropriate a sum of money for this purpose, 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 Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted Indefinite Postponement.

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen to purchase a parcel of land 500 ft. wide abutting Long Pond and being a portion of 13.22 +/- acres of land shown on assessors' map 35 04 004 000 and 35 04 004 000CR now or formerly belonging to Arthur L. Chute, Executor et al. and to appropriate a sum of money to be expended by the Board of Selectmen for this purpose; and to authorize the Board of Selectmen to transfer to The 300 Committee, Inc., its successors and assigns, or another similar government or not for profit organization, all of the Town's interest in a certain Conservation Restriction dated October 24, 1980 and recorded in the Barnstable County Registry of Deeds in Book 3185, Page 140 insofar as those interests apply to the 500 ft. wide parcel to be acquired by the town so that the Conservation Restriction shall remain in full force and effect; and further to authorize the Board of Selectmen to do all acts necessary and proper to effectuate the purposes of this article, including petitioning the General Court for special legislation if necessary, 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 Tuesday November 18, 2014 the Town voted to authorize the Board of Selectmen to acquire for nominal, non-monetary consideration a parcel of land 500 ft. wide abutting Long Pond and being a portion of 13.22 +/- acres of land shown on assessors' map 35 04 004 000CR now or formerly belonging to Arthur L. Chute, Executor et al. upon such terms and conditions as the Board of Selectmen deems appropriate and further to authorize the Board of Selectmen to do all acts necessary and proper to effectuate the purposes of this article, including petitioning the General Court for special legislation, if necessary, said land to be under the jurisdiction of the Board of Selectmen as additional water shed for Long Pond.

ARTICLE 28: To see if the Town will vote to ask the School Committee to rescind their vote to disallow voting at elementary schools. On request of Marc Finneran and others.

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted Article 28 as printed.

ARTICLE 29: To see if the Town will vote to have the Office of Town Counsel provide a litigation report to each Annual Town Meeting including the following information:

claims and suits brought by or against the Town, defined as any of its departments including the school department, or any of its boards and committees, or any of its employees and volunteers;
identification of the parties in each claim or suit;
summary of each action;
status or disposition of the claims or suits including those resolved since the last report;
the amount of attorneys' fees for representing the Town for each claim or suit; and
payments made to or by or on behalf of the Town to resolve each claim or suit and the source of the funds for all payments made by or on behalf of the Town. On request of Mark P. Finneran and others.

VOTED: By a counted vote of 100 in favor and 66 in opposition, a quorum being present on Tuesday November 18, 2014 the Town voted Article 29 as printed.

ARTICLE 30: Town taking White Pine Ln as a public Way & finish Repairs to road, (Paving the rest of the Road.) On request of Joanie Favreau.

VOTED: By a counted vote of 107 in favor and 67 in opposition, a quorum being present on Tuesday November 18, 2014 the Town voted Article 30 as printed.

ARTICLE 31: To see if the Town will vote to amend the General By-laws by inserting the following section Regarding the prohibition of single-use checkout plastic bags.

Article III

Falmouth Single-Use Plastic Bag Prohibition

§191-21 Purpose and Intent

The production and use of single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including by not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the Town of Falmouth seeks to phase out the use of single-use plastic bags by all retail establishments over a period of 18 months from the effective date of this bylaw.

The purpose of this legislation is to phase out the usage of single-use checkout bags by all retail establishments and take-out restaurants in the Town of Falmouth.

§191-22 Definitions

“Establishment” means any business selling goods, articles, food or personal services to the public, including take-out restaurants.

“Single-use plastic bags” means bags made of plastic, with integral handles, and thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

§191-23 Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Falmouth. Existing stock of single-use bags shall be phased out within eighteen months of adoption of this By-law; any remaining stock shall be disposed of properly by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a fee of at least 10 cents for each paper or other bag, as they so desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-law.

§191-24 Administration and Enforcement

This By-law may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.

This By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and appropriate chapter of the Town's General By-laws. If non-criminal disposition is elected, then any Establishment which violates any provision of this by-law shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and subsequent Offense \$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.

This amendment is requested by concerned citizens of Falmouth, Mass. On request of Don Mallinson.

AMMENDMENT (Fenwick) Replace sentence in section 191-23 beginning with "Establishments may..." with Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire"

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to Replace sentence in section 191-23 beginning with "Establishments may..." with Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire"

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to amend the General By-laws by inserting the following section regarding the prohibition of single-use checkout plastic bags.

Article III

Falmouth Single-Use Plastic Bag Prohibition

§191-21 Purpose and Intent

The production and use of single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including by not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste

collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the Town of Falmouth seeks to phase out the use of single-use plastic bags by all retail establishments over a period of 18 months from the effective date of this bylaw.

The purpose of this legislation is to phase out the usage of single-use checkout bags by all retail establishments and take-out restaurants in the Town of Falmouth.

§191-22 Definitions

“Establishment” means any business selling goods, articles, food or personal services to the public, including take-out restaurants.

“Single-use plastic bags” means bags made of plastic, with integral handles, and thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

§191-23 Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Falmouth. Existing stock of single-use bags shall be phased out within eighteen months of adoption of this By-law; any remaining stock shall be disposed of properly by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-law.

§191-24 Administration and Enforcement

This By-law may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.

This By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and appropriate chapter of the Town’s General By-laws. If non-criminal disposition is elected, then any Establishment which violates any provision of this by-law shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and subsequent Offense \$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.

ARTICLE 32: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the preservation and conservation of historic gravestones and monuments in Oak Grove Cemetery; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$59,279 from FY 2015 Community Preservation estimated revenues to Oak Grove Cemetery of Falmouth, Inc. for the purpose of preservation and conservation of historic gravestones and monuments in Oak Grove Cemetery; 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 the Community Preservation Fund a sum of money to rehabilitate two existing tennis courts at Swift Park, Blacksmith Shop Road in West Falmouth; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$ 185,744 from FY 2015 Community Preservation estimated revenues to replace two existing tennis courts and perimeter fencing at Swift Park, Blacksmith Shop Road in West Falmouth; 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 the Community Preservation Fund a sum of money to preserve the Falmouth Village Green by replacing deteriorating portions of the fence; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$100,000 from FY 2015 Community Preservation estimated revenues to preserve the Falmouth Village Green by replacing deteriorating portions of the two-rail fence that delineates the boundaries of the historic, one-acre town common area; 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 the Community Preservation Fund a sum of money to replace existing backstops located at townwide recreational facilities; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$100,000 from FY 2015 Community Preservation estimated revenues to replace nine existing backstops located at townwide recreational facilities; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to partially fund construction of a two bedroom, affordable, single-family home at 21 Galleon Drive by Habitat for Humanity of Cape Cod, Inc.; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to appropriate the sum of \$55,000 from FY 2015 Community Preservation estimated revenues; 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 the Community Preservation Fund a sum of money to be made available to Historic Highfield, Inc. for three restoration projects; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$17,450 from FY 2015 Community Preservation estimated revenues to install a humidity distribution and control system and preserve fireplace hearth systems and stone walls; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to partially fund the restoration and reconstruction of the Town Landing at Old Dock Road; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$300,000 from FY 2015 Community Preservation estimated revenues to partially fund preservation and rebuilding of the granite wall that encompasses the landing and adjacent side slopes of the Town Landing at Old Dock Road; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

ARTICLE 39: To see if the Town will vote to appropriate or transfer from the Community Fund a sum of money to the Falmouth Bikeways Committee to purchase and install recreational bike racks in multiple locations; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to appropriate the sum of \$32,350 from FY 2015 Community Preservation estimated revenue to purchase and install approximately 50 recreational bike racks in multiple locations; 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 Falmouth Housing Authority's 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 unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$45,000 from FY 2015 Community Preservation estimated revenues to partially fund the Falmouth Housing Authority's Housing Stabilization Program; 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 appropriate or transfer from the Community Preservation Fund a sum of money to partially fund the restoration and archive project elements of the West Falmouth Public Library Renovation Project; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday November 17, 2014 the Town voted to appropriate the sum of \$119,870 from FY 2015 Community Preservation estimated revenues to the West Falmouth Library, Inc. to partially fund restoration, fire suppression system, and archive project elements of the West Falmouth Public Library Renovation Project; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

ARTICLE 42: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to partially fund the repair and replacement of the Falmouth Country Club golf course irrigation system and related equipment; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Tuesday November 18, 2014 the Town voted to appropriate the sum of \$229,283 from FY 2015 Community Preservation estimated revenues to partially fund the repair and replacement of the Falmouth Country Club golf course irrigation system and related equipment; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.