



**WARRANT FOR THE APRIL SPECIAL TOWN MEETING
TUESDAY, APRIL 8, 2014 AT 7:00 PM
For action on articles in the Warrant
COMMONWEALTH OF MASSACHUSETTS**

1. Amend Chapter 107. Demolition of the Code of Falmouth
2. Transfer money within the FY 2014 budget.
3. Appropriate money to supplement the FY 2014 budget
4. Fund Unpaid bills
5. Appropriate money for supplementing the FY 14 Fire Department's salary and wage line item
6. Fund the Town of Falmouth's triennial revaluation and interim year adjustments contract.
7. Construct laterals from the Open Cape network to the Harbormaster's office and the Senior Center,.
8. Fund International Association of Firefighters Local 1397 contract,
9. Fund Police Federation Contract,
10. Fund Superior Officers Association Contract.
11. Fund Lieutenants, NEPBA Local 165 Contract,
12. Supplement the FY 2014 School Department budget for out of district special needs
13. Design and replacement of the windows at the Lawrence School,
14. Petition: supplement the school department's operating budget for Fiscal Year 2015
15. Reconstructing the Wild Harbor Bulkhead
16. Authorize the Board of Selectmen to purchase a conservation restriction
17. Transfer money from the CPC to the historic and affordable housing reserve accounts.
18. Transfer custody of land owned by the Town at the Teaticket School
19. Transfer custody of land owned by the Town lying between Long Pond and Gifford St.
- 20.

ARTICLE 1: To see if the town will vote to amend Chapter 107. Demolition of the Code of Falmouth in the following manner:

107-2. Definitions.

Add:

ADVISORY REVIEW: A discussion by the Historical Commission with the Applicant of why the building should be preserved and ways to avoid demolition.

107-3. Procedure.

Insert the word "Advisory" after the word "for" and before the word "review" on line 3.

Insert the word "Advisory" after the word "for" and before the word "review" on lines 1 and 5. Insert the following language at the end of the paragraph: "Upon receipt of the letter of certification the Commission shall notify abutters by mail, and publish the intent of the application to demolish the structure. The public will be advised to monitor the FHC agendas for scheduled hearings on the demolition application."

E. Insert the word "Advisory" after the word "an" and before the word "review" on line 3.

107-4. Waiver of Delay.

Replace with the following:

If after an Advisory review meeting of the applicant (or their representative) with the Historical Commission members in the presence of abutters and the general public, the applicant may request a waiver. The Historical Commission may issue a waiver of delay allowing the demolition to proceed immediately, or at a specific time, or upon specified conditions by the applicant, if the Commission

deems such a waiver to be in the best interests of the Town and in pursuit of the purpose of this article. Upon receipt of such a waiver, and written notice from the Historical Commission that the conditions of the waiver, if any, have been fulfilled, the Building Commissioner may issue a demolition permit for the building.

107.9. Transition from Current Bylaw.

Add the following to the section:

Information here is standard form depending on the dates of Town Meeting action and the Massachusetts Attorney General action; some information remains the same. Or do or take any other action on this matter. On request of the Historic Commission.

VOTED:: By a declared majority vote, a quorum being present on Tuesday, April 8 2014 the Town voted vote to amend Chapter 107. Demolition of the Code of Falmouth in the following manner:

107-2. Definitions.

Add:

ADVISORY REVIEW: A discussion by the Historical Commission with the Applicant of why the building should be preserved and ways to avoid demolition.

107-3. Procedure.

- A. Insert the word "Advisory" after the word "for" and before the word "review" on line 3.
- B. Insert the word "Advisory" after the word "for" and before the word "review" on lines 1 and 5. Insert the following language at the end of the paragraph: "Upon receipt of the letter of certification the Commission shall notify abutters by mail, and publish the intent of the applicant to demolish the structure. The public will be advised to monitor the FHC agendas for scheduled hearings on the demolition application."
- E. Insert the word "Advisory" after the word "an" and before the word "review" on line 3.

107-4. Waiver of Delay.

Replace with the following:

After an Advisory review meeting of the applicant (or their representative) with the Historical Commission members in the presence of abutters and the general public, the applicant may request a waiver. The Historical Commission may issue a waiver of delay allowing the demolition to proceed immediately, or at a specific time, or upon fulfillment of specified conditions by the applicant, if the Commission deems such a waiver to be in the best interests of the Town and in pursuit of the purpose of this article. Upon receipt of such a waiver, and written notice from the Historical Commission that the conditions of the waiver, if any, have been fulfilled, the Building Commissioner may issue a demolition permit for the building.

107.9. Transition from Current Bylaw.

Add the following to the section:

Information here is standard form depending on the dates of Town Meeting action and the Massachusetts Attorney General action; some information remains the same.

ARTICLE 2: To see if the Town will vote to transfer a sum of money within the FY 2014 budget approved by Article 23 of the April 8, 2013 of the Annual Town Meeting to make necessary adjustments thereto, 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, April 8 2014 the Town voted to the following transfer totaling \$1,145,158 within the FY 2014 Budget:

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$ 60,000	DPW Admin Salaries	Snow and Ice Salary and Wages
\$ 50,000	DPW Water Dept. Salaries	Snow and Ice Other Expenses
\$ 50,000	DPW Parks Salaries	Snow and Ice Other Expenses
\$440,000	Health Insurance	Snow and Ice Other Expenses
\$100,000	Health Insurance	Fire Overtime
\$ 60,000	Health Insurance	Police Overtime
\$ 25,000	Town Accountant Salaries	Town Insurance
\$ 25,000	Assessing Salaries	Town Insurance
\$314,125	Excluded Principal	Unexcluded Principal
\$ 21,033	Excluded Interest	Unexcluded Interest

ARTICLE 3: To see if the Town will vote to appropriate a sum of money to supplement the FY 2014 budget approved by Article 23 of the April 8, 2013 Annual Town Meeting, to determine how the same should 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 Tuesday, April 8 2014 the Town voted to the following transfer totaling \$1,145,158 within the FY 2014 Budget: to transfer the amount of \$405,600 from certified free cash for the purpose of funding the following FY 14 budgeted line items:

<u>Amount</u>	<u>Budget</u>
\$150,000	Special Counsel
\$ 40,000	Marine and Environmental Services Expense (electricity)
\$ 10,000	Selectmen Expense (contractual)
\$ 67,500	Fire department Equipment and Gear
\$ 75,000	Veteran's Benefits
\$ 5,900	Personnel Salaries (recording secretaries)
\$ 6,000	Personnel Expense (medical exams)
\$ 1,200	Fringe Benefit Other
\$ 50,000	Town Insurance

ARTICLE 4: 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 the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted to transfer the sum of \$3,694.50 from certified free cash for the purpose of paying Massachusetts Continuing Legal Education, an unpaid bill from the prior fiscal year. To be expended under the jurisdiction of the Town Manager.

Massachusetts continuing Legal Education	227.50
Siemens (street lighting)	3,302.00
Sandi's Towing	110.00
M. Sylvester Towing	55.00

ARTICLE 5: To see if the Town will vote to appropriate a sum of money for the purpose of supplementing the FY 14 Fire Department's salary and wage budget, and 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 Tuesday, April 8 2014 the Town voted to transfer the sum of \$180,000 from certified free cash for the purpose of funding the Fire Department's Salary and Wage budget for Fiscal Year 2014. To be expended under the jurisdiction of the Fire Chief.

ARTICLE 6: To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town of Falmouth's triennial revaluation and interim year adjustments contract, and 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 Tuesday, April 8 2014 the Town voted to transfer the amount of \$175,000 from overlay surplus for the purpose of Article 6. To be expended under the jurisdiction of the Finance Director.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money for the purpose of constructing laterals from the Open Cape network to the Harbormaster's office and the Senior Center, and 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 Tuesday, April 8 2014 the Town voted to transfer the amount of \$30,000 from certified free cash for the purpose of Article 7.

ARTICLE 8: To see if the Town will vote to 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, 2014 as agreed to by the Town of Falmouth and the International Association of Firefighters Local 1397, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted Indefinite Postponement

ARTICLE 9: To see if the Town will vote to 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 Tuesday, April 8 2014 the Town voted Indefinite Postponement

ARTICLE 10: To see if the Town will vote to 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 Superior Officers Association, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted Indefinite Postponement

ARTICLE 11: To see if the Town will vote to 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 Lieutenants, NEPBA Local 165, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted Indefinite Postponement

ARTICLE 12: To see if the Town will vote to appropriate a sum of money to supplement the FY 2014 School Department budget for out of district special needs tuition costs, 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 Department.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 8 2014 the Town voted to transfer the amount of \$250,000 from certified free cash for the purposes of Article 12. To be expended under the jurisdiction of the School Committee.

ARTICLE 13: To see if the Town will vote to appropriate a supplemental sum of money to be used in conjunction with funds appropriated at November 2013 Fall Town Meeting for design and replacement of the windows 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 Department.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted Indefinite Postponement

ARTICLE 14: To see if the Town will raise and appropriate or transfer from available funds a sum of money to supplement the school department's operating budget for Fiscal Year 2015 contingent upon the passage of a proposition 2 ½ referendum question, or take any other action relative thereto. On request of Linda Whitehead and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted Indefinite Postponement

ARTICLE 15: To see if the town will vote to appropriate a sum of money for the purpose of reconstructing the Wild Harbor Bulkhead located on West Ave., and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 8 2014 the Town voted the sum of \$1,300,000 is appropriated to pay costs of design and construction of the Wild Harbor Bulkhead and that to meet this appropriation, \$500,000 be transferred from the Waterways Improvement Account and the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$800,000 under and pursuant to Chapter 44, Section 7(17) or any other appropriate authority of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. To be expended under the jurisdiction of the Town Manager.

ARTICLELE 16: To see if the Town will vote to authorize the Board of Selectmen to purchase or take by eminent domain a conservation restriction in perpetuity in accordance with MGL c. 184 sec. 31-33 on all or a portion of land in Falmouth, Barnstable County, Massachusetts, to purchase the same and to grant a conservation restriction to the Falmouth Conservation Commission in perpetuity for conservation purposes being described as follows:

Land now formerly of Woods Hole Oceanographic Institution, approximately 21.92 acres – 5 parcels – (assessor parcels ID numbers as follows: 48 10 010 089; 48 11 010 023; 48 11 009 000; 48 10 009 000C; and 48 10 032 046).

And further, to appropriate a sum of money for the acquisition of a perpetual conservation restriction on the foregoing land, including costs incidental and related thereto, and to authorize the Board of Selectmen or its designee to accept any 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 reimbursement of the cost of acquisition, and to determine how the same shall be raised including appropriation from the Community Preservation Fund, under the Community Preservation Act.

And further that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to submit, on behalf of the Town, and all applications deemed necessary under the Land Grant Program, and/or any other sources, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition within the scope of this article, or take any other actions relative thereto. Or do or take any other action on this matter, on request of the Board of Selectmen and the Community Preservation Committee. \

VOTED: By a declared two thirds majority vote, a quorum being present on Tuesday, April 8 2014 the Town voted to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction in perpetuity, in accordance with G.L. c. 184, ss. 31 -33, from Oyster Pond Environmental Trust (OPET) on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by the Woods Hole Oceanographic Institution, said land to be managed and controlled by the Conservation Commission for open space and passive recreational purposes in accordance with the terms of the conservation restriction, said land being described as follows:

Land now or formerly of the Woods Hole Oceanographic Institution containing 21.92 acres, more or less, consisting of five (5) parcels identified on the Falmouth assessors' maps as 48 10 010 089; 48 11 010 023; 48 11 009 000; 48 10 009 000C and 48 10 032 046.

And further to authorize the Board of Selectmen to accept any gifts of property, including cash, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems appropriate on behalf of the Town for partial or full reimbursement of the cost of acquisition, including a cash gift of \$150,000.00 from OPET for purposes of this article.

And further to authorize the Board of Selectmen to submit, on behalf of the Town, a grant application for \$400,000.00 in such form as it deems appropriate, to state authorities under the LAND Grant program (formerly Urban Self-Help) established by G.L. c. 132A, s. 11, as amended, or any other appropriate authority, in aid of municipal open space and recreational land acquisition and to enter into any agreements and to execute all documents it deems appropriate on behalf of the Town for full or partial reimbursement of the cost of acquisition of the conservation restriction and all sums received shall be deposited into the Community Preservation Fund undesignated fund balance for purposes of this article.

And further to appropriate the sum of \$800,000.00, \$650,000 from the Community Preservation Fund undesignated fund balance and the \$150,000 donation to the town from OPET for purposes of this article said sums to be expended under the jurisdiction of the Board of Selectmen.

Provided, however, that the expenditure of any sums under this article are contingent upon and subject to a) OPET acquiring a good and clear, record and marketable title to the land described herein from the

Woods Hole Oceanographic Institution on or before May 1, 2015; b) OPET and the Town of Falmouth entering into a purchase and sale agreement to convey the conservation restriction to the Town for the sum of \$800,000.00 to effectuate the purposes of this article on or before the submission of the funding application to the LAND Grant program which purchase and sale agreement shall be contingent upon approval of the LAND Grant as hereinafter set forth; c) the Town obtaining two appraisals prepared in accordance with the usual and customary community appraisal methods which establish that the value of the conservation restriction to be acquired is at least \$800,000.00; d) approval of the Town's grant funding application by the LAND Grant program in an amount not less than the consideration paid; and e) all necessary regulatory approvals of the conservation restriction to be acquired and other components of the transaction contemplated by this article.

And further provided that in the event the LAND Grant aforesaid is not approved, this appropriation shall be reduced by the amount the approved LAND Grant applied for is less than the amount of the LAND Grant received.

ARTICLE 17: To see if the Town will vote to transfer a sum of money from the Community Preservation Fund to the historic and affordable housing reserve accounts, and 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 Tuesday, April 8 2014 the Town voted to transfer the amount of \$528,678 from The Community Preservation Undesignated fund balance to fund the Affordable Housing Reserve account in the amount of \$349,339 and the Historic Reserve account in the amount of \$179,339. To be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 18: To see if the Town will vote to transfer care, custody, management and control of a portion of the land owned by the Town at the Teaticket School and now or formerly under the jurisdiction of the School Committee for school purposes to the Board of Selectmen for municipal purposes, said land containing 18,000 +/- sq. ft. at the northwest corner of the school grounds abutting the layout of Alphonse St. or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Wednesday April 9, 2014 the Town voted vote Article 18 as printed.

ARTICLE 19: To see if the Town will vote to transfer care, custody, management and control of various parcels of land owned by the Town lying between Long Pond and Gifford St., including a portion of Goodwill Park, and now or formerly under the jurisdiction of several town departments to the Board of Selectmen for municipal purposes, said land being deemed necessary and convenient for the construction of a municipal water treatment/filtration plant and associated pipes and conduits: and, further to authorize the Board of Selectmen to petition the General Court for approval or authority as required by Art. 97 of the Amendments to the Massachusetts Constitution, if necessary, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Wednesday April 9, 2014 the Town voted to authorize the Board of Selectmen to petition the General Court for a special act authorizing the Town to design, construct and operate a municipal water filtration plant on a 40 +/- acres parcel acquire from the Estate(Heirs) of Thomas Lawrence by 1932 deed recorded in Barnstable County Registry of Deeds in book 489, page 144 and shown on a plan recorded in said registry in plan book 46

page 33, which plan contains a reference "approved by state board of health April 12,1932"
notwithstanding any limiting conditions, servitude or public trust imposed by the Commonwealth, or
any department thereof, at time of purchase: provide, however, that the design, construction and
operation of the water filtration plant is licensed and permitted by the Department of Environmental
Protection.