

**TOWN OF FALMOUTH
ARTICLES OF THE WARRANT
ANNUAL TOWN MEETING
April 3, 2006**

1	Choose Town Officer
2	Hear Report of Committees and Town Officers
3	Authorize Board of Selectmen to settle claims and suits
4	Authorize Board of Selectmen to apply for and accept State and Federal Grants
5	Bond of Indemnity
6	Fix salaries of Elected Officials
7	Revolving Funds
8	Revolving Fund - Historical Commission
9	Revolving Fund - Shellfish Propagation
10	Medicaid Services Program
11	Fund Fiscal Year 2007 Operating Budget
12	Amend Town's Position Classification Plan - Transfer Head Clerk Position
13	Amend Town's Position Classification Plan - Add two Firefighter Positions
14	Amend Town's Position Classification Plan - Add two Patrol Officer Positions
15	Amend Town's Position Classification Plan - Technical Support Librarian
16	Amend Town's Position Classification Plan - Community Development / Preservation Planner
17	Amend Town's Position Classification Plan - Call Firefighter Rate Increase
18	Petition - Amend Official Zoning Map 480 Main Street
19	Petition - Amend Zoning Bylaw by adding new Zoning District (Historic Village Center Overlay)
20	Petition - Amend Official Zoning Map County Road and Old Main Road
21	Design, Construction, Renovation and Addition - Falmouth Public Library
22	Oil Spill - 20 Academy Lane
23	Appropriate Funding for Town Marina Pilings
24	Community Preservation Fund - Habitat for Humanity
25	CPF - Falmouth Affordable Housing Committee (419 Woods Hole Road)
26	CPF - Falmouth Affordable Housing Committee (Ward/Chester St./Cloverfield Way)
27	Community Preservation Fund - Falmouth Housing Authority
28	Community Preservation Fund - Historic Highfield, Inc.
29	Community Preservation Fund - Falmouth Chamber of Commerce
30	Community Preservation Fund - United Methodist Church
31	Community Preservation Fund - Falmouth Historical Commission
32	Community Preservation Fund - Falmouth Historical Society
33	Community Preservation Fund - Recreation Committee
34	Community Preservation Fund - Town Building Committee
35	Community Preservation Fund - East Falmouth Village Association
36	Community Preservation Fund - Open Space Reserve
37	Community Preservation Fund - Administrative Expense
38	Community Preservation Fund - Annual Budgeted Reserve

39	Road Improvement Program
40	Lease Emerald House
41	Lease Wastewater Treatment Facility Site
42	Sell or Convey Land - Hatchville
43	Sell or Convey Land - North Falmouth
44	Amend Falmouth Code - Chapter 107 DEMOLITION
45	Amend Falmouth Code - §83-18 Dogs at Large
46	Amend Charter - §C1-3 Form of Government
47	Amend Charter - §C2-14 Watchman of the Warrant
48	Amend Charter - §C3-3 Policy Leadership, Subsection A
49	Amend Charter - §C3-4 Administration
50	Amend Charter - §C3-6 Powers of Appointment, Subsection C
51	Amend Charter - §C4-3 Town Clerk
52	Amend Charter - §C4-6 Planning Board, Subsections B and C
53	Amend Charter - §C5-2 Qualifications, Subsection B
54	Amend Charter - §C5-4 Responsibility for Appointment (Town Administrator), Subsection A
55	Amend Charter - §C5-4 Responsibility for Appointment (Town Administrator), Subsection B
56	Amend Charter - §C5-13 Acting Town Administrator, Subsections A, B and C
57	Amend Charter - §C7-2 General Provisions (Appointed Town Boards), Subsection H
58	Amend Charter - §C8-3 Submission of Budget and Budget Message
59	Petition - Gardiner Road
60	Easement - 874 Gifford Street
61	Board of Health Inter-Municipal Agreement Authorization
62	Funding Article

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted to elect Steven P Augusta, Frances s. Connolly, Weatherly B. Boris, Barbara Peri, and Susan P Smith to 3 year terms and Judith P. Magnani to a 2 year unexpired term on the Finance Committee.

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town heard reports from all committees wanting to be heard.

ARTICLE 3: To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town. Or do or take any other action in the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town.

ARTICLE 4: To see if the Town will authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future

conditions or requirements. 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, April 3, 2006 the Town voted to authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, the Board of Selectmen shall advise the Finance Committee of such anticipated costs prior to the public hearing.

ARTICLE 5: To see if the Town will vote to assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5, Acts of 1955 for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach, including Merrimack and Connecticut Rivers, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Board of Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth. 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, April 3, 2006 the Town voted Article 5 as printed.

ARTICLE 6: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator.....	\$1,500
Town Clerk.....	\$58,485
Selectmen (4).....	\$3,000
Chairman of Selectmen.....	\$3,500

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

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted Article 6 as printed.

ARTICLE 7: To see if the Town will vote to authorize continued use of the following Revolving Funds previously established by Town Meeting votes:

- Code of Falmouth Revolving Fund as established by Article 3 of the April 1998 Annual Town Meeting.
- Falmouth Recreation Department Revolving Fund as established by Article 4 of the April 1998 Annual Town Meeting.

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, April 3, 2006 the Town voted Article 7 as printed.

ARTICLE 8: To see if the Town will vote to create a revolving fund under the provisions of General Laws Chapter 44, Section 53E ½, to be known as the “Falmouth Historical Commission Revolving Account” said fund to be established and administered as follows:

- a. Proceeds from the sale of the Book of Falmouth shall be credited to the revolving fund.
- b. Funds may be expended for the operation and administration of the department’s programs and activities.
- c. All funds shall be expended by the Falmouth Historical Commission with the provision that any expenditure in excess of \$500.00 shall be subject to the approval of the Board of Selectmen.
- d. Expenditures may not exceed receipts during any fiscal year without approval of the Finance Committee.

The Falmouth Historical Commission shall report annually to the Board of Selectmen the total amount of receipts and expenditures for the preceding fiscal year. This fund shall be authorized annually, at which time the above-mentioned provisions may be amended by an Annual Town Meeting Vote. Or do or take any other action in this matter. On request of the Falmouth Historical Commission.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted Indefinite Postponement of Article 8.

ARTICLE 9: To see if the Town will vote to create a revolving fund under the provisions of General Laws Chapter 44, Section 53E ½, to be known as the “Shellfish Propagation Revolving Account” said fund to be established and administered as follows:

- a. Shellfish mitigation payments and related donations received by the Falmouth Conservation Commission shall be credited to the revolving fund.
- b. Funds may be expended for the operation and administration of the department’s shellfish propagation programs and activities.
- c. All funds shall be expended by the Conservation Commission with the provision that any expenditure in excess of \$500.00 shall be subject to the approval of the Board of Selectmen.
- d. Expenditures may not exceed receipts during any fiscal year without approval of the Finance Committee.

The Conservation Commission shall report annually to the Board of Selectmen the total amount of receipts and expenditures for the preceding fiscal year. This fund shall be authorized annually, at which time the above-mentioned provisions may be amended by an Annual Town Meeting Vote. Or do or take any other action in this matter. On request of the Conservation Commission.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted to create a revolving fund under the provisions of General Laws Chapter 44, Section 53E ½, to be known as the “Shellfish Propagation Revolving Account” said fund to be established and administered as follows:

- e. Shellfish mitigation payments and related donations received by the Falmouth Conservation Commission shall be credited to the revolving fund.
- f. Funds shall be expended for the purchase of shellfish seed for the department’s shellfish propagation programs and activities.
- g. All funds shall be expended by the Department of Natural Resources with the provision that any expenditure in excess of \$500.00 shall be subject to the approval of the Board of Selectmen.

- h. Expenditures may not exceed receipts during any fiscal year without approval of the Finance Committee.

The Department of Natural Resources shall report annually to the Board of Selectmen the total amount of receipts and expenditures for the preceding fiscal year. This fund shall be authorized annually, at which time the above-mentioned provisions may be amended by an Annual Town Meeting Vote.

ARTICLE 10: To see if the Town will vote that any funds received by the Town of Falmouth as part of the Medicaid Medical Services Program (defined in M.G.L. c44, §72) are allotted to the School Committee for use under its jurisdiction for the benefit of educational programs, or do or take any other action related to this matter. On request of the Falmouth School Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted Article 10 as printed to be expended under the jurisdiction of the Falmouth School Committee.

ARTICLE 11: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for the ensuing year, 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.

FISCAL YEAR 2007						
BUDGET REQUEST WITH EXECUTIVE AND FINANCE COMMITTEE RECOMMENDATIONS						
			FY '06	FY '07		
		DEPARTMENT	BUDGET	REQUEST	RECOMMENDATION EXECUTIVE	FIN COM
	1	TOWN MEETING - 01113				
1113	2	Salary and wages	1,600	1,600	1,600	1,600
1113	3	Other expenses	28,000	28,000	28,000	28,000
1113 Total	4		29,600	29,600	29,600	29,600
	5	TOWN MODERATOR - 01114				
1114	6	Salary and wages	1,500	1,500	1,500	1,500
1114 Total	7		1,500	1,500	1,500	1,500
	8	SELECTMEN/ADMINISTRATOR - 01122				
1122	9	Salary and wages	323,165	334,340	338,055	341,856
1122	10	Other Expenses	25,575	25,575	25,575	25,575
1122	11	Green head fly control++	2,300	2,300	2,300	2,300
1122	12	Appraisals++	4,000	4,000	4,000	4,000
1122	13	Town reports++	6,500	6,500	6,500	6,500
1122	14	Chamber of Commerce++	14,000	14,000	14,000	14,000
1122	15	Buzzards Bay Action Committee++	1,239	1,239	1,239	1,239
1122	16	Out of state travel++	9,100	9,100	9,100	9,100
1122 Total	17		385,879	397,054	400,769	404,570
	18	FINANCE COMMITTEE - 01131				
1131	19	Salary and wages	53,236	48,753	48,753	48,753

1131	20	Other expenses	1,310	1,325	1,325	1,325
1131 Total	21		54,546	50,078	50,078	50,078
1132	22	FINANCE COMMITTEE - 01132				
1132	23	Reserve fund	325,000	325,000	325,000	325,000
1132 Total	24		325,000	325,000	325,000	325,000
1135	25	TOWN ACCOUNTANT - 01135				
1135	26	Salary and wages	140,559	140,752	140,752	140,752
1135	27	FY 2006 COLA	116,315	-	-	-
1135	28	Other expenses	3,825	5,125	3,825	3,825
1135	29	Annual Audit++	30,000	30,000	30,000	30,000
1135 Total	30		290,699	175,877	174,577	174,577
1141	31	ASSESSING DEPARTMENT - 01141				
1141	32	Salary and wages	295,730	332,003	330,521	330,521
1141	33	Other expenses	24,240	21,240	21,240	21,240
1141 Total	34		319,970	353,243	351,761	351,761
1145	35	TOWN TREASURER - 01145				
1145	36	Salary and wages	161,416	167,220	165,022	165,022
1145	37	Other expenses	91,475	104,475	86,925	86,925
1145	38	Federal Arbitrage++	-	50,000	-	-
1145	39	Credit card fees++	5,000	5,300	5,300	5,300
1145	40	Capital Outlay - Furniture**	-	5,000	-	-
1145	41	Staff development++	250	250	250	250
1145 Total	42		258,141	332,245	257,497	257,497
1146	43	TOWN COLLECTOR - 01146				
1146	44	Salary and wages	184,258	212,176	203,332	196,781
1146	45	Other expenses	59,300	66,300	59,300	59,300
1146	46	Prof/Tech-Contractual Services++	-	10,000	-	-
1146 Total	47		243,558	288,476	262,632	256,081
1150	48	LEGAL DEPARTMENT - 01150				
1150	49	Salary and wages	148,183	155,548	155,148	155,148
1150	50	Other expenses	45,690	56,490	53,990	53,990
1150	51	Special Counsel++	125,000	125,000	125,000	125,000
1150 Total	52		318,873	337,038	334,138	334,138
1152	53	PERSONNEL OFFICE - 01152				
1152	54	Salary and wages	155,254	162,327	162,327	162,327
1152	55	Recording Meetings++	34,200	34,200	34,200	34,200
1152	56	Other Expenses	9,778	9,508	8,473	8,473
1152	57	Prof/Tech Medical Services++	11,100	11,100	8,000	8,000
1152	58	Training++	9,000	9,000	6,000	6,000
1152	59	Advertising vacancies++	6,000	6,000	6,000	6,000
1152	60	Staff development++	1,000	1,345	1,345	1,345
1152 Total	61		226,332	233,480	226,345	226,345
1155	62	INFORMATION TECHNOLOGY - 01155				
1155	63	Salary and wages	350,699	364,297	362,297	362,297
1155	64	Other expenses	82,428	86,580	85,710	83,710
1155	65	Archiving++	15,000	15,000	-	-
1155	66	Contractual programming++	28,500	55,000	28,500	30,500

1155 Total	67		476,627	520,877	476,507	476,507
1155	68	GEOGRAPHICAL INFORMATION SYSTEMS - 01156				
1155	69	Salary and wages	76,472	79,301	79,301	79,301
1155	70	Other expenses	15,850	16,350	16,350	16,350
1155	71	Staff development - GIS++	2,750	2,750	2,750	2,750
1156 Total	72		95,072	98,401	98,401	98,401
1159	73	AFFIRMATIVE ACTION - 01159				
1159	74	Salary and wages	37,326	38,447	38,447	38,447
1159	75	Other expenses	2,525	2,500	2,425	2,425
1159 Total	76		39,851	40,947	40,872	40,872
1160	77	TOWN CLERK - 01160				
1160	78	Salary and wages	203,173	212,999	180,034	180,034
1160	79	Other expenses	27,650	55,325	27,825	27,825
1160 Total	80		230,823	268,324	207,859	207,859
1162	81	ELECTIONS - 01162				
1162	82	Salary and wages	7,650	24,000	24,000	24,000
1162	83	Other expenses	7,250	42,500	24,500	24,500
1162 Total	84		14,900	66,500	48,500	48,500
1171	85	CONSERVATION COMMISSION - 01171				
1171	86	Salary and wages	158,996	163,885	161,885	161,885
1171	87	Other expenses	8,250	9,350	8,950	8,950
1171	88	Peterson Farm Management++	1,000	1,000	1,000	1,000
1171	89	Recording Fees++	400	400	400	400
1171	90	Contractual services++	500	500	500	500
1171	91	Uniform allowance++	150	150	150	150
1171	92	Staff development++	1,000	1,500	1,500	1,500
1171 Total	93		170,296	176,785	174,385	174,385
1175	94	PLANNING DEPARTMENT - 01175				
1175	95	Salary and wages	169,224	177,253	177,253	177,253
1175	96	Other expenses	11,175	11,175	11,175	11,175
1175	97	Staff development++	1,200	1,200	1,200	1,200
1175 Total	98		181,599	189,628	189,628	189,628
1176	99	ZONING BOARD OF APPEALS - 01176				
1176	100	Salary and wages	86,402	90,660	90,660	90,660
1176	101	Other expenses	5,275	7,575	7,575	7,575
1176	102	Contractual services++	2,500	-	-	-
1176	103	Staff development++	1,500	1,500	1,500	1,500
1176 Total	104		95,677	99,735	99,735	99,735
1193	105	TOWN INSURANCE - 01193				
1193	106	Overall town insurance++	905,000	1,040,750	940,470	940,470
1193 Total	107		905,000	1,040,750	940,470	940,470
1198	108	FACILITIES MAINTENANCE - 01198				
1198	109	Salary and wages	354,893	458,193	455,693	455,693
1198	110	Other expenses	82,450	105,600	104,400	104,400
1198	111	Building Maintenance++	171,150	177,900	125,000	125,000
1198	112	Fuel and power++	59,000	64,000	64,000	64,000
1198	113	Custodial Supplies - Beaches++	4,000	4,000	4,000	4,000

1198 Total	114		671,493	809,693	753,093	753,093
1210	115	POLICE DEPARTMENT - 01210				
1210	116	Salary and wages	4,395,500	4,621,981	4,577,150	4,577,150
1210	117	Educational Incentive++	161,236	183,303	183,303	183,303
1210	118	Quinn Bill - State Share++	161,236	183,303	183,303	183,303
1210	119	Other expenses	269,462	281,892	274,468	274,468
1210	120	Fuel and power++	47,000	62,560	62,560	62,560
1210	121	Gasoline++	79,524	99,405	90,000	90,000
1210	122	Detective pagers++	600	600	600	600
1210	123	Law books++	5,000	5,000	5,000	5,000
1210	124	Out of state travel++	6,000	6,000	6,000	6,000
1210	125	Professional Development++	-	6,000	6,000	6,000
1210	126	Drug investigation expense++	25,000	25,000	25,000	25,000
1210	127	Confidential Investigation++	1,500	1,500	1,500	1,500
1210 Total	128		5,152,058	5,476,544	5,414,884	5,414,884
1220	129	FIRE DEPARTMENT - 01220				
1220	130	Salary and wages	4,587,027	4,885,188	4,779,580	4,779,580
1220	131	Holiday pay - dispatchers++	13,500	13,500	13,500	13,500
1220	132	Educational Incentive++	27,500	30,000	27,500	27,500
1220	133	Advanced EMT/paramedic++	237,000	265,000	265,000	265,000
1220	134	Hazardous waste training++	15,000	16,000	15,000	15,000
1220	135	Fuel and power++	131,500	144,500	144,500	144,500
1220	136	Other expenses	259,100	276,600	250,600	250,600
1220	137	Fire alarm++	10,000	12,000	10,000	10,000
1220	138	Paramedic program++	25,000	25,000	25,000	25,000
1220	139	Med/Surgical Supplies++	45,000	55,000	45,000	45,000
1220	140	Clothing++	60,000	80,000	65,000	65,000
1220	141	Cap Outlay - Furnishings **	-	3,500	3,500	3,500
1220	142	Cap Equip - Training Aids **	-	1,500	1,500	1,500
1220	143	Out of state travel++	3,000	3,000	3,000	3,000
1220	144	Staff development++	16,000	16,000	16,000	16,000
1220 Total	145		5,429,627	5,826,788	5,664,680	5,664,680
1241	146	BUILDING DEPARTMENT - 01241				
1241	147	Salary and wages	442,064	458,290	458,290	458,290
1241	148	Other expenses	24,050	26,650	24,650	24,650
1241	149	Repr/Maint - Vehicle++	3,147	3,150	3,150	3,150
1241	150	Rent/Lease - Vehicle++	14,853	14,853	14,853	14,853
1241	151	Fuel and power++	7,000	7,500	7,500	7,500
1241	152	Out of state travel++				
1241	153	Staff development++	300	300	300	300
1241 Total	154		491,414	510,743	508,743	508,743
1291	155	EMERGENCY PREPAREDNESS - 01291				
1291	156	Other expenses	8,400	8,400	7,500	7,500
1291	157	Capital equipment - cots**	800	800	800	800
1291	158	Sheltering++	-	2,000	2,000	2,000
1291 Total	159		9,200	11,200	10,300	10,300

1294	160	NATURAL RESOURCES - 01294				
1294	161	Salary and wages	292,893	309,300	306,800	306,800
1294	162	Other expenses	22,935	24,935	24,935	24,935
1294	163	Fuel and power++	13,600	13,600	13,600	13,600
1294	164	Emergency medical services++	800	800	800	800
1294	165	Propagation - fish and game++	28,100	28,100	28,100	28,100
1294	166	MSPCA++	500	500	500	500
1294	167	Animal Disease Prevention++	4,721	4,721	4,721	4,721
1294	168	Animal control supplies++	100	100	100	100
1294	169	Staff development++	1,000	1,000	1,000	1,000
1294	170	Rep Cap Eqp - ATV**	5,500	5,500	-	-
1294 Total	171		370,149	388,556	380,556	380,556
1295	172	HARBORMASTER/WATERWAYS - 01295				
1295	173	Salary and wages	228,538	238,573	230,850	230,850
1295	174	Other expenses	41,950	47,150	40,950	40,950
1295	175	Fuel and power++	35,300	35,300	35,300	35,300
1295	176	Mooring contract++	4,000	1,000	1,000	1,000
1295	177	Site Improvements++	10,000	10,000	10,000	10,000
1295	178	Site Improvements -Dredging++	25,000	25,000	25,000	25,000
1295	177	Staff development++	300	300	300	300
1295 Total	178		345,088	357,323	343,400	343,400
1300	179	SCHOOL DEPARTMENT - 01300				
1300	180	Salary and wages	30,600,434	31,576,546	31,576,546	31,576,546
1300	181	Otherwise unclassified	6,832,133	7,439,492	7,439,492	7,439,492
1300 Total	182		37,432,567	39,016,038	39,016,038	39,016,038
1301	183	UPPER CAPE VOCATIONAL SCHOOL - 01301				
1301	184	Operating expenses	1,961,792	2,325,049	2,325,049	2,325,049
1301	185	Capital program	92,121	103,789	103,789	103,789
1301 Total	186		2,053,913	2,428,838	2,428,838	2,428,838
1411	187	DPW ADMINISTRATION/ENGINEERING - 01411				
1411	188	Salary and wages	555,892	572,601	571,183	571,183
1411	189	Other expenses	28,800	30,100	28,000	28,000
1411	190	Out of state travel++	3,400	3,400	3,400	3,400
1411	191	Staff Development++	3,000	3,000	3,000	3,000
1411 Total	192		591,092	609,101	605,583	605,583
1422	193	DPW HIGHWAY DIVISION - 01422				
1422	194	Salary and wages	1,119,783	1,278,092	1,157,318	1,157,318
1422	195	Other expenses	331,450	384,250	316,650	316,650
1422	196	Fuel and power++	95,800	107,000	105,200	105,200
1422	197	Infrared patch++	21,000	21,000	10,000	10,000
1422	198	Rep/Mn - Beaches++	15,000	15,000	10,000	10,000
1422	199	Drainage++	28,000	28,000	28,000	28,000
1422	200	Sidewalks++	18,000	18,000	15,000	15,000
1422	201	Contractual services++	18,700	20,000	18,700	18,700
1422	202	Trash hauling - Beach++	10,000	10,000	-	-
1422	203	Supplies - Beach++	4,200	5,000	4,200	4,200

1422 Total	204		1,661,933	1,886,342	1,665,068	1,665,068
1423	205	DPW SNOW and ICE CONTROL - 01423				
1423	206	Salary and wages	30,000	30,000	30,000	30,000
1423	207	Other expenses	55,250	55,250	55,250	55,250
1423	208	Fuel and power++	11,500	11,500	11,500	11,500
1423 Total	209		96,750	96,750	96,750	96,750
1424	210	STREET LIGHTING - 01424				
1424	211	Power	180,000	185,400	185,400	205,400
1424 Total	212		180,000	185,400	185,400	205,400
1431	213	WASTE MANAGEMENT FACILITY - 01431				
1431	214	Salary and wages	157,936	162,323	162,023	162,023
1431	215	Other expenses	374,300	411,900	372,300	372,300
1431	216	Fuel and power++	9,950	10,600	9,950	9,950
1431	217	Bulb recycling++	1,000	1,000	1,000	1,000
1431	218	Well monitoring++	41,000	41,000	41,000	41,000
1431 Total	219		584,186	626,823	586,273	586,273
1433	220	SOLID WASTE COLLECTION - 01433				
1433	221	Rubbish contract++	685,100	697,200	697,200	697,200
1433	222	Curb recycling++	359,800	371,500	371,500	371,500
1433	223	SEMASS contract++	507,300	507,300	507,300	507,300
1433	224	Trash hauling++	271,000	280,000	280,000	280,000
1433	225	Transfer station++	174,241	190,743	190,743	190,743
1433 Total	226		1,997,441	2,046,743	2,046,743	2,046,743
1440	227	DPW WASTEWATER UTILITIES - 01440				
1440	228	Salaries and wages	461,315	574,259	479,811	479,811
1440	229	Other expenses	125,617	126,167	107,357	107,357
1440	230	Fuel and power++	226,621	241,361	216,740	216,740
1440	231	Well monitoring++	25,000	25,000	20,000	20,000
1440	232	Prof Services - sludge hauling++	180,000	100,000	80,000	80,000
1440	233	Prof Services lab analysis**	50,000	40,000	30,000	30,000
1440	233	Staff development - licenses++	2,100	2,100	2,100	2,100
1440 Total	234		1,070,653	1,108,887	936,008	936,008
1451	235	DPW WATER UTILITIES - 01451				
1451	236	Salaries and wages	958,903	1,052,271	1,038,861	1,038,861
1451	237	Other expenses	426,700	449,300	394,700	394,700
1451	238	Fuel and power++	345,000	372,000	372,000	372,000
1451	239	Lab Testing++	35,000	35,000	35,000	35,000
1451	240	Permits and registrations++	26,000	46,000	35,000	35,000
1451	241	Staff development++	4,000	4,000	4,000	4,000
1451	242	Regional water cooperative++	200,000	225,000	200,000	200,000
1451 Total	243		1,995,603	2,183,571	2,079,561	2,079,561
1499	244	DPW TREE WARDEN - 01499				
1499	245	Salary and wages	758,735	844,267	775,795	775,795
1499	246	Other expenses	128,500	133,900	129,300	129,300
1499	247	Fuel and power++	29,200	31,300	31,200	31,200
1499	248	School grounds++	25,000	25,000	25,000	25,000
1499	249	Elm trees++	17,000	20,000	20,000	20,000

1499	250	Holiday displays++	5,000	6,000	5,000	5,000
1499	251	Contractual services++	12,000	15,000	12,000	12,000
1499	252	Davisville cemetery++	700	700	700	700
1499	253	Woods Hole cemetery++	1,200	1,200	1,200	1,200
1499	254	Fencing++	2,000	2,000	2,000	2,000
1499	255	Shade trees++	6,000	6,000	6,000	6,000
1499	256	Flowers++	1,500	1,500	1,500	1,500
1499 Total	257		986,835	1,086,867	1,009,695	1,009,695
1510	258	HEALTH INSPECTION - 01510				
1510	259	Salary and wages	161,515	170,092	170,092	170,092
1510	260	Other expenses	6,850	6,850	6,600	6,600
1510	261	Contractual services++	3,500	3,500	1,500	1,500
1510	262	Hazardous waste collection++	25,000	25,000	25,000	25,000
1510	263	Medical/surgical supplies++	350	350	350	350
1510	264	Teaching materials++	500	500	500	500
1510 Total	265		197,715	206,292	204,042	204,042
1522	266	CLINICS AND NURSES - 01522				
1522	267	Contractual services VNA ++	48,400	51,430	48,400	48,400
1522 Total	268		48,400	51,430	48,400	48,400
1541	269	COUNCIL ON AGING - 01541				
1541	270	Salary and wages	164,292	175,306	175,046	175,046
1541	271	Other expenses	17,200	17,600	15,900	15,900
1541	272	Fuel and power++	14,500	15,500	15,500	15,500
1541	273	Volunteers to the Elderly++	900	900	900	900
1541	274	Meals on Wheels++	25,000	25,000	25,000	25,000
1541 Total	275		221,892	234,306	232,346	232,346
1543	276	VETERANS SERVICES - 01543				
1543	277	Salary and wages	68,147	78,045	73,045	73,045
1543	278	Other expenses	3,000	4,600	2,750	2,750
1543	279	Monuments++	1,500	2,000	1,500	1,500
1543	280	Grave maintenance++	800	800	800	800
1543	281	Veterans Council++	2,700	2,700	2,700	2,700
1543	282	Veterans Ordinary Benefits++	150,000	150,000	150,000	150,000
1543	283	Staff development++	250	400	400	400
1543 Total	284		226,397	238,545	231,195	231,195
1560	285	COMMISSION ON DISABILITIES - 01560				
1560	286	Other expenses	200	200	200	200
1560 Total	287		200	200	200	200
1599	288	HUMAN SERVICES - 01599				
1599	289	Salary and wages	269,500	282,488	282,488	282,488
1599	290	Other expenses	29,883	31,713	30,713	30,713
1599	291	Consultation++	500	500	500	500
1599	292	Sign language interpreter++	1,900	1,700	1,700	1,700
1599	293	Upper Cape AIDS Network++	2,700	2,700	2,700	2,700
1599	294	Salvation Army++	1,200	1,200	1,200	1,200
1599	295	Consumer Assistance++	1,127	1,127	1,127	1,127
1599	296	Big Brothers/Sisters++	1,300	1,300	1,300	1,300

1599	297	HIV/Aids Partnership++	5,000	5,000	5,000	5,000
1599	298	Independence House++	7,000	7,000	7,000	7,000
1599	299	Fairwinds Clubhouse++	1,000	1,000	1,000	1,000
1599	300	Legal Services of Cape Cod++	5,150	5,150	5,150	5,150
1599	301	Thorne Clinic++	12,000	12,000	12,000	12,000
1599	302	Nauset Inc.++	11,846	11,846	11,846	11,846
1599	303	Cape Cod Human Services++	6,380	6,380	6,380	6,380
1599	304	Family Shelter++	14,000	14,000	14,000	14,000
1599	305	Sight Loss Services++	900	900	900	900
1599	306	Service Center++	1,000	1,000	1,000	1,000
1599	307	Substance Abuse Commission++	9,000	9,000	9,000	9,000
1599	308	Child Development++	23,400	23,400	23,400	23,400
1599	309	CC Council on Alcoholism++	3,500	3,500	3,500	3,500
1599	310	Cape Cod Free Clinic++	5,000	5,000	5,000	5,000
1599	311	Rep Capital Eqp - furniture**	900	200	200	200
1599	312	Staff development++	1,000	1,500	1,500	1,500
1599 Total	313		415,186	429,604	428,604	428,604
1611	314	FALMOUTH PUBLIC LIBRARY - 01611				
1611	315	Salary and wages	1,074,673	1,126,198	1,174,613	1,174,613
1611	316	Other expenses	232,319	229,428	229,928	229,928
1611	317	Fuel and power++	63,443	64,712	64,712	64,712
1611	318	Computer Resource Sharing++	49,700	49,700	49,700	49,700
1611 Total	319		1,420,135	1,470,038	1,518,953	1,518,953
1613	320	CAPE COD REGIONAL LIBRARY - 01613				
1613	321	Other expenses	152,195	145,299	145,299	145,299
1613 Total	322		152,195	145,299	145,299	145,299
1615	323	WEST FALMOUTH LIBRARY - 01615				
1615	324	Other expenses	7,500	7,500	7,500	7,500
1615 Total	325		7,500	7,500	7,500	7,500
1617	326	WOODS HOLE LIBRARY - 01617				
1617	327	Other expenses	20,330	22,000	20,330	20,330
1617 Total	328		20,330	22,000	20,330	20,330
1631	329	RECREATION DEPARTMENT - 01631				
1631	330	Salary and wages	273,056	289,690	283,262	283,262
1631	331	Other expenses	40,100	40,600	35,350	35,350
1631	332	Fuel and power++	65,935	65,935	65,935	65,935
1631	333	Little League++	3,351	3,351	3,351	3,351
1631	334	Babe Ruth++	3,352	3,352	3,352	3,352
1631	335	Youth Basketball++	9,500	9,500	9,500	9,500
1631	336	Youth Lacrosse++	1,000	1,000	1,000	1,000
1631	337	Pop Warner Football++	1,000	1,000	1,000	1,000
1631	338	Youth Soccer++	15,000	15,000	15,000	15,000
1631	339	Men's Softball++	1,340	1,340	1,340	1,340
1631	340	Girl's Softball++	2,000	2,000	2,000	2,000
1631	341	Girl's Hockey Club++	1,500	1,500	1,500	1,500
1631	342	Figure skating++	1,500	1,500	1,500	1,500
1631	343	Youth Summer Camp++	28,000	28,000	28,000	28,000

1631	344	Youth Sailing++	2,000	2,000	2,000	2,000
1631	345	Youth Indoor Soccer++	2,000	2,000	2,000	2,000
1631	346	Youth Baseball++	7,500	7,500	7,500	7,500
1631	347	Adult men's basketball++	5,000	5,000	5,000	5,000
1631	348	Adult Volleyball++	1,000	1,000	1,000	1,000
1631	349	Youth Hockey++	8,150	8,150	8,150	8,150
1631	350	Town Band++	2,980	2,980	2,980	2,980
1631	351	Commodores++	1,000	1,000	1,000	1,000
1631 Total	352		476,264	493,398	481,720	481,720
1632	353	BEACH DEPARTMENT - 01632				
1632	354	Salary and wages	472,464	488,115	465,913	472,464
1632	355	Other expenses	37,675	44,525	36,875	38,875
1632	356	Fuel and power++	2,000	2,000	2,000	2,000
1632	357	Security system++	350	350	350	350
1632	358	Staff Development++	200	200	200	200
1632 Total	359		512,689	535,190	505,338	513,889
1633	360	BIKEWAYS COMMITTEE- 01633				
1633	361	Other expenses	1,700	1,700	1,200	1,200
1633	362	Sign replacement++	850	850	-	-
1633	363	Rent/lease equipment++	1,260	1,260	1,260	1,260
1633 Total	364		3,810	3,810	2,460	2,460
1634	365	PUBLIC ACCESS COMMITTEE - 01634				
1634	366	Other expenses	100	100	-	-
1634	367	Printing++	1,000	1,000	-	-
1634 Total	368		1,100	1,100	0	0
1690	369	HISTORICAL COMMISSION - 01690				
1690	370	Other expenses	1,350	1,585	1,350	1,350
1690 Total	371		1,350	1,585	1,350	1,350
1691	372	HISTORIC DISTRICT COMMISSION 01691				
1691	373	Other expenses	315	315	315	315
1691 Total	374		315	315	315	315
1753	375	LONG TERM EXCLUDED DEBT - 01753				
1753	376	Principal payment++	2,967,083	3,116,473	3,116,473	3,116,473
1753	377	Interest payment++	1,960,233	1,954,292	1,954,292	1,954,292
1753 Total	378		4,927,316	5,070,765	5,070,765	5,070,765
	379	LONG TERM UNEXCLUDED DEBT - 01754				
1754	380	WPAT loans - principal++	119,460	114,805	114,805	112,681
1754	381	WPAT loans - interest++	44,571	46,018	46,018	46,018
1754	382	Principal payment++	975,000	1,183,000	1,183,000	1,183,000
1754	383	Interest payment++	586,333	922,973	822,973	672,141
1754	384	Stabilization Fund	100,000	100,000	-	100,000
1754	385	Land Bank principal++	935,000	-	-	-
1754	386	Land Bank interest++	918,644	-	-	-
1754	387	CPA Fund principal++	-	1,226,000	1,226,000	1,226,000
1754	388	CPA Fund interest++	-	839,752	839,752	839,752
1754 Total	389		3,679,008	4,432,548	4,232,548	4,179,592
1755	390	SHORT TERM EXCLUDED DEBT - 01755				

1755	391	Principal payment++	950	0	0	0
1755	392	Interest payment++	153,308	596,771	596,771	596,771
1755 Total	393		154,258	596,771	596,771	596,771
1756	394	SHORT TERM UNEXCLUDED DEBT - 01756				
1756	395	Principal payment++	1,900	-	-	400
1756	396	Land Bank interest++	152,446	-	-	-
1756	397	CPA Fund interest++	-	68,058	68,058	68,058
1756	398	Interest payment++	333,700	557,380	586,415	553,904
1756 Total	399		488,046	625,438	654,473	622,362
1911	400	RETIREMENT - 01911				
1911	401	Retirement payroll++	3,390,663	3,800,000	3,688,788	3,688,788
1911	402	Noncontributory pensions++	117,000	117,000	117,000	117,000
1911 Total	403		3,507,663	3,917,000	3,805,788	3,805,788
1913	404	UNEMPLOYMENT - 01913				
1913	405	Unemployment payments++	65,000	68,000	65,000	65,000
1913 Total	406		65,000	68,000	65,000	65,000
1914	407	HEALTH INSURANCE - 01914				
1914	408	Town benefits++	3,339,012	4,874,904	3,582,052	3,550,401
1914	408	School benefits++	3,165,078	4,159,380	3,571,956	3,467,621
1914	409	Retiree benefits++	-	-	715,308	644,050
1914 Total	410		6,504,090	9,034,284	7,869,316	7,662,072
1915	411	LIFE INSURANCE - 01915				
1915	412	Town benefits++	4,288	4,288	4,288	4,288
1915	413	School benefits++	4,944	4,944	4,944	4,944
1915 Total	414		9,232	9,232	9,232	9,232
1916	415	MEDICARE BENEFITS - 01916				
1916	416	Employer contribution++	575,000	578,200	578,200	578,200
1916 Total	417		575,000	578,200	578,200	578,200
1919	418	OTHER EMPLOYEES BENEFITS - 01919				
1919	419	Longevity++	107,024	114,650	114,650	114,650
1919	420	Sick leave buy back++	6,000	6,000	6,000	6,000
1919	421	Employee Assistance Program++	19,400	19,670	19,670	19,670
1919	422	MGL CH 41 medical expenses++	5,000	9,000	9,000	9,000
1919	423	Benefits - other++	6,136	6,136	6,136	6,136
1919	424	Long term disability insurance++	87,612	87,612	87,612	87,612
1919 Total	425		231,172	243,068	243,068	243,068
1941	426	COURT JUDGMENTS - 01941				
1941	427	Misc. claims and suits++	7,500	7,500	7,500	7,500
1941 Total	428		7,500	7,500	7,500	7,500
Grand Total	429		89,637,708	98,105,163	95,382,580	95,116,070

VOTED: By a declared two thirds majority vote, a quorum being present on Tuesday, April 4, 2006 the Town voted appropriate \$1,195,639.00 from the various sources for the purposes stated in the warrant booklet under article 11, \$700,000.00 from Free Cash, \$2,133,810.00 from Community Preservation Funds, and raise and appropriate \$91,086,621 under the estimated fiscal year 2007 levy limit to be applied to all other remaining balances under article 11 to fund the fiscal year 2007 operating budget for a total of \$95,116,070.00 and further, that the Board of Selectmen place a debt exclusion question on the May 2006 Annual Town Election

Ballot to exclude from the provision of Proposition two and one half, so called, the amount necessary to pay for the bonds issued for construction of the water tanks authorized by Article 40 of the April 1999 Annual Town Meeting.

ARTICLE 12: To see if the Town will vote to transfer the following seasonal position in the Town's Position Classification Plan:

Delete: (1) Head Clerk (14 weeks) – Beach Committee

Add: (1) Head Clerk (14 weeks) – Town Collector

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 Monday, April 3, 2006 the Town voted Indefinite Postponement of Article 12.

ARTICLE 13: To see if the Town will vote to amend the Town's Position Classification Plan for the Fire Rescue Department as follows:

Delete: (48) Firefighters/Paramedics

Add: (50) Firefighters/Paramedics

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 Monday, April 3, 2006 the Town voted Article 13 as printed.

ARTICLE 14: To see if the Town will vote to amend the Town's Position Classification Plan for the Police Department as follows:

Delete: (52) Patrol Officers

Add: (54) Patrol Officers

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 Monday, April 3, 2006 the Town voted Article 14 as printed.

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ARTICLE 15: To see if the Town will vote to create the following new position in the Town's Position Classification Plan:

Add: (1) Technical Support Librarian - Gr.10

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 Monday, April 3, 2006 the Town voted Article 15 as printed.

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ARTICLE 16: To see if the Town will vote to create the following new position in the Town's Position Classification Plan:

Add: (1) Community Development / Preservation Planner - Gr. M-5

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, April 4, 2006 the Town voted to create the following new position in the Town's Position Classification Plan:

Add: (1) Community Development / Preservation Planner - Gr. M-6

ARTICLE 17: To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Delete: Call Firefighter - Step 5 \$12.64

Add: Call Firefighter - Step 5 \$14.21

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 Monday, April 3, 2006 the Town voted Article 17 as printed.

ARTICLE 18: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to extend the existing Business Redevelopment Zoning District by rezoning from Residential C to Business Redevelopment that portion of the land at 480 Main Street shown on the Falmouth Assessors Map 47B Section 02 Parcel 012 Lot 000 (the "Premises"), extending 120 feet northerly of the existing Business Redevelopment Zone district boundary located on the Premises, and further described as follows:

Beginning at a point at the westerly lot line of the Premises where the existing boundary of the Business Redevelopment and Residential C zones intersects the westerly lot line of the Premises;

Thence S 78° 10' 34" E, 290.85 feet by other land of the Premises;

Thence N 32° 25' 50" E, 126.99 feet by land shown on the Falmouth Assessor's Map as Map 47B Section 02 Parcel 007 Lot 000;

Thence N 77° 58' 53" W, 317.13 feet by other land of the Premises;

Thence S 20° 32' 49" W, 121.37 feet by land shown on the Falmouth Assessor's Map as Map 47B Section 02 Parcel 021 Lot 010 and Map 47B Section 02 Parcel 020 Lot 007, to the point of beginning.

Said land to be rezoned to Business Redevelopment is shown on a plan entitled "Plan of Land to be Rezoned" dated: 10/08/04; Plan Scale: As noted; Applicant: Charles Marzot, prepared by Christopher Costa &

Associates, Inc., 465 East Falmouth Highway, East Falmouth, MA 02536.

On request of Charles Marzot.

VOTED: By a declared two-thirds majority vote, a quorum being present on Tuesday, April 4, 2006 the Town voted Article 18 as printed.

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw by adding the following new zoning district:

HISTORIC VILLAGE CENTER OVERLAY DISTRICT

Purpose.

The purpose of this article is to preserve and enhance existing historic village centers and the traditional pattern of development that has characterized these village centers, the role these centers play in the settlement pattern of the Town, and the scale and nature of services they provide to their surrounding community by limiting the uses permitted in an historic village center.

Establishment and delineation of Historic Overlay District

This Article shall apply to all developments within the Business-3 Districts bisected by Old Main or County Road in North Falmouth and shown on Assessor's Maps 2, 2A + 5A.

Restrictions

Development subject to this Article shall not be eligible for the granting of certain special permit uses which would otherwise be available in a Business-3 District. The special permit uses not permitted within the Historic Village Overlay District are Section 249-51A. (5),(6),(7),(8),(9),(10),(11), and (12). In addition development which is allowed pursuant to section 240-49B. is not allowed.

Additional Permitted Uses

To encourage mixed use and compact development within a village center any permitted residential use may be permitted in the same structure or on the same lot as a permitted business or commercial use.

Or do or take any other action on this matter. On request of Patricia Johnson and others.

RECOMMENDATION (Planning Board): That the town vote to amend Chapter 240 - Zoning - of the Code of Falmouth by adding the following:

§240- 250 Historic Village Center Redevelopment District

A. Purpose. The purpose of this article is to maintain and enhance Falmouth's historic village centers by preserving the traditional pattern of development these village centers characterize, the role these centers play in the settlement pattern of the Town and the scale and nature of services provided therein to the community.

B. Permitted Mixed Uses (Residential/Commercial Uses)

1. § 240-18.1 notwithstanding, any combination of permitted community service, business and commercial uses together with residential uses under three (3) units per acre with the following criteria:

- a. Commercial or community service uses must be present within at least the 1st story space

within any mixed-use structure.

C. Permitted Residential Uses

1. One, two family residence
2. Public or non-profit housing for the elderly. (See §240-164)

D. Permitted community service uses

1. Churches, schools, libraries, museums, educational, research and philanthropic institutions, cemeteries.
2. All municipal purposes, including the administration of government, parks, playgrounds, recreation buildings, town forests, water towers, fire and police stations

E. Permitted business and commercial uses

1. Retail sales not more specifically listed up to 4,000 square feet gross floor area for each establishment.
2. Business or professional offices, bank, medical clinic, computer center.
3. Personal and household services up to 4,000 square feet gross floor area for each establishment.
4. Class I or Class II restaurants
5. Arts and crafts, without continuous production

F. Permitted accessory uses

1. Such accessory uses as are customarily incidental to any of the above uses except that the outdoor display and/or storage of goods and merchandise for sale is permitted only when such display and/or storage is wholly incidental and secondary to a primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks and front yards. No additional signs are permitted.
2. The taking of four or fewer boarders within a single family dwelling by a family resident on the premises.
3. A home occupation. (See § 240-162.)
4. Television or radio antennas not exceeding 50 feet above ground level.
5. Portable woodworking mill.

G. Special permit uses:

Uses allowed on special permit from the Board of Appeals:

1. Commercial accommodations. (See Article XXVII.)
2. Conversion of a dwelling in existence on a lot as of 1 January, 1980 into up to four dwelling units if the conversion involves no material change to the exterior of the existing dwelling, and if the Board of Appeals determines that the size of the dwelling and the lot are suitable for the remodeling.
3. Any change, alteration, modification, or addition to an existing business or commercial shopping center that would result in a building with a gross floor area of 10,000 square feet or more.
4. Motor vehicle service stations
5. Class III restaurant
6. Private Clubs not conducted for profit

Uses allowed on special permit from the Planning Board:

7. Any new construction of a business or commercial shopping center with a proposed gross floor area of 7,000 square feet or more.
8. Any new mixed use construction with a proposed gross floor area of 10,000 sq. ft. or more
9. Common driveway

H. Dimensional Requirements

Minimum Lot Size	30,000 square feet
Minimum Lot Width	125 feet
Maximum Lot Coverage by Structures, Paving & Parking	65%
Maximum Lot Coverage by Structures	40%
Maximum Building Height	35 feet/2.5 stories
Minimum Setbacks	FY - 25 feet

SY/RY– 10 feet, except 20 feet between adjoining residential zone

VOTED: Failing to reach a majority vote, a quorum being present on Tuesday, April 4, 2006 the Town voted to not to pass Article 19.

ARTICLE 20: To see if the Town will vote to amend the official zoning map by adopting the Historic Village Center Overlay District on all B-3 zoned property on County Road and Old Main Road and

shown on Assessor's Map 2, 2A and 5A, or do or take any action of this matter. On request of Patricia Johnson and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 4, 2006 the Town voted Indefinite Postponement of Article 20.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money for the design, construction, renovation and addition of the Falmouth Public Library on Katherine Lee Bates Road, including costs incidental and related thereto, and to determine how to raise this appropriation including borrowing, or otherwise; provided that no sum shall be borrowed unless the Town shall have voted at a Town Election to exempt the amounts required to pay for the bonds or notes issued for the project from the provision of Proposition 2 1/2 , so called, and to determine by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a declared two thirds majority vote, a quorum being present on Tuesday, April 4, 2006 the Town voted to appropriate the sum of \$9,189,134 for the purposes of design fees, architect's fees, engineering fees, construction, renovation and addition of the Falmouth Public Library on Katherine Lee Bates Road, including costs incidental and related thereto, and that to raise this appropriation the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow said money under the provisions of G. L. ch. 44 § 7 (3A) or any other enabling authority, and to issue bonds and notes of the Town therefore; provided however, that no sums shall be borrowed hereunder unless the Town shall have voted at a town election to exempt the amounts required to pay for the bonds and notes issued for the project from the provisions of Proposition 2½, so called.

ARTICLE 22: To see if the Town will vote to appropriate a sum of money to enter into a contract for engineering and consultant services to prepare a response action (Class A RAO) for submission to the Massachusetts Department of Environmental Protection on Case Dep RTN 4-10523 and required to be filed to achieve site closure arising out of an oil spill at 20 Academy Lane in Falmouth reported to the DEP in 1994, 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, April 3, 2006 the Town voted to transfer \$15,000 from Certified Free Cash for the purposes of Article 22 to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 23: To see if the Town will vote to appropriate the sum of \$20,000 for the installation of tie off pilings at the town marina 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 Wednesday, April 5, 2006 the Town voted to transfer \$20,000 from the Reserve/Waterways Appropriation Fund for the purposes of Article 23 to be expended under the jurisdiction of the Waterways Committee.

ARTICLE 24: To see if the town will vote to appropriate the sum of \$60,000 from the Community Preservation Fund to be made available to Habitat for Humanity for the purpose of constructing affordable housing on parcels on Sam Turner Rd. (Assessors map #11 02 004A000; 11 02 004 000), with special conditions to include affordable housing deed restrictions, under the CPA category of Affordable Housing, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted to transfer the sum of \$60,000 from the Community Preservation Fund for the purposes of Article 24 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 25: To see if the town will vote to appropriate the sum of \$40,000 from the Community Preservation Fund to be made available to Falmouth Affordable Housing Committee for the purpose of conducting a professional engineering evaluation of 419 Woods Hole Rd. for possible development of affordable housing, so as to minimize impacts on the topography and vegetation and to place a priority on cluster development and preserving open space, and under the CPA category of Affordable Housing, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$40,000 from the Community Preservation Fund for the purposes of Article 25 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 26: To see if the town will vote to appropriate the sum of \$250,000 from the Community Preservation Fund to be made available to the Falmouth Affordable Housing Committee for the purpose of constructing affordable housing units on Ward & Chester Streets (Assessors map #02A07 006A017; 02A07 006 009), and Cloverfield Way (Assessors Map #06 02 007 & 008) with special conditions to include authorized land disposition and affordable housing deed restrictions under the CPA category of Affordable Housing, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$250,000 from the Community Preservation Fund for the purposes of Article 26 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 27: To see if the town will vote to appropriate the sum of \$250,000 from the Community Preservation Fund to be made available to the Falmouth Housing Authority for the purpose of an affordable housing retention program, with special conditions to include affordable housing deed restrictions, under the CPA category of Affordable Housing, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a declared two-thirds majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$250,000 from the Community Preservation Fund for the purposes of Article 27 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 28: To see if the town will vote to appropriate the sum of \$250,000 from the Community Preservation Fund to be made available to Historic Highfield, Inc. for the purpose of contributing to the cost of installation of a new HVAC system at Highfield Hall, under the CPA category of Historic Preservation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$250,000 from the Community Preservation Fund for the purposes of Article 28 to be expended

under the jurisdiction of the Community Preservation Committee.

ARTICLE 29: To see if the town will vote to appropriate the sum of \$150,000 from the Community Preservation Fund to be made available to the Falmouth Chamber of Commerce for the purpose of partial reimbursement of the cost of renovation of 26 Academy Lane, under the CPA category of Historic Preservation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$150,000 from the Community Preservation Fund for the purposes of Article 29 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 30: To see if the town will vote to appropriate the sum of \$27,650 from the Community Preservation Fund to be made available to the United Methodist Church for the purpose of professional cleaning and preservation of gravestones at the East Falmouth Burying Ground (Assessors map # 33 18 018B000) and refurbishing of the cemetery grounds with special conditions to include historic preservation restrictions and under preservation guidelines for historic cemeteries as promulgated by the Massachusetts Department of Environmental Management, under the CPA category of Historic Preservation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$27,650 from the Community Preservation Fund for the purposes of Article 30 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 31: To see if the town will vote to appropriate the sum of \$30,000 from the Community Preservation Fund to be made available to the Falmouth Historical Commission for the purpose of professional surveying and cataloguing of historic structures built prior to 1930, under the CPA category of Historic Preservation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted to transfer the sum of \$30,000 from the Community Preservation Fund for the purposes of Article 31 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 32: To see if the town will vote to appropriate the sum of \$28,000 from the Community Preservation Fund to be made available to the Falmouth Historical Society for the purpose of designing climate control facilities at 55 and 65 Palmer Ave., with special conditions to include historic preservation restrictions and under the Secretary of the Interior standards for historic preservation, under the CPA category of Historic Preservation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$28,000 from the Community Preservation Fund for the purposes of Article 32 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 33: To see if the town will vote to appropriate the sum of \$300,000 from the Community Preservation Fund to be made available to the Recreation Committee for the purpose of constructing recreation field facilities on Sandwich Road (Assessors map #17 01 016 026), under the CPA category of Recreation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$300,000 from the Community Preservation Fund for the purposes of Article 33 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 34: To see if the town will vote to appropriate the sum of \$20,000 from the Community Preservation Fund to be made available to the Town Building Committee for the purpose of completing final designs of the town band shell new construction under the CPA category of Recreation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$20,000 from the Community Preservation Fund for the purposes of Article 34 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 35: To see if the town will vote to appropriate the sum of \$1,400 from the Community Preservation Fund to be made available to the East Falmouth Village Association for the purpose of purchasing two park benches for the East Falmouth Fire Station, under the CPA category of Recreation, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$1,400 from the Community Preservation Fund for the purposes of Article 35 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 36: To see if the town will vote to appropriate the sum of \$200,000 from the Community Preservation Fund as an open space reserve for the purpose of open space land acquisition under the CPA category of Open Space, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$200,000 from the Community Preservation Fund for the purposes of Article 36 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 37: To see if the town will vote to appropriate the sum of \$100,000 from the Community Preservation Fund to be made available to the Community Preservation Committee for the purpose of administrative expenses of the committee and including one professional staff position, under the CPA category of administrative expenses, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$100,000 from the Community Preservation Fund for the purposes of Article 37 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 38: To see if the town will vote to appropriate the sum of \$105,000 from the Community Preservation Fund for the purpose of funding an annual budgeted reserve from FY07 fund revenues for future town meeting action on recommendation of the Community Preservation Committee, or act in any way relative thereto. On request and recommendation of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to transfer the sum of \$105,000 from the Community Preservation Fund for the purposes of Article 38 to be expended under the jurisdiction of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to use funds held in the road and sidewalk betterment account authorized by Chapter 35 of the Acts of 1998 to pay for bonds issued for road acceptance and improvement purposes with the provision that road acceptance and improvement projects are undertaken pursuant to G.L. ch. 80, the Betterment Act, and each bond issue be approved by an appropriate town meeting vote. 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 Wednesday, April 5, 2006 the Town voted to appropriate the sum of One Million and no/100 (\$1,000,000) Dollars for road and sidewalk improvements, including costs incidental and related thereto, to be expended under the jurisdiction of the Board of Selectmen, and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of One Million and no/100 (\$1,000,000) Dollars under and pursuant to the provisions of Chapter 44, section 7(5) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore, with the provision that road acceptances and improvement projects be under taken pursuant to Chapter 80 of the Massachusetts General Laws, known as the Betterment Act, and that betterment payments received be paid into the road and sidewalk betterment account authorized by Chapter 35 of the Acts of 1998 to pay for the bonds or notes so issued.

ARTICLE 40: To see if the Town will vote to authorize the Board of Selectmen to let or lease town owned property at 67 Davisville Road in East Falmouth known as Emerald House, for a term in excess of ten (10) years upon such terms and conditions as the Board of Selectmen deem appropriate. Or do or take other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 5, 2006 the Town voted to authorize the Board of Selectmen to let or lease part of the town owned property at 67 Davisville Road in East Falmouth known as Emerald House not to exceed two hundred (200) feet in depth, for a term in excess of ten (10) years upon such terms and conditions as the Board of Selectmen deem appropriate.

ARTICLE 41: To see if the Town will vote to authorize the Board of Selectmen to let or lease a parcel of land containing one (1) acre, more or less, at the Town's Wastewater Treatment Facility property at 154 Blacksmith Shop Road for the purposes of erecting, maintaining and operating a wind turbine to generate electricity, together with appurtenant easements for wires, pipes, conduits and supporting structural elements, said lease to be for a term in excess of ten (10) years and upon such terms as the Board of Selectmen deem

appropriate. 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, April 3, 2006 the Town voted Article 41 as printed.

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to sell or otherwise convey two (2) parcels of land on Cloverfield Way in Hatchville, being shown on the Assessors' map as 06-02-007-000 and 06-02-008-000, subject to an appropriate restriction that the land be used for affordable housing and upon such further terms and conditions as the Board of Selectmen deems appropriate, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a counted two-thirds vote of 136 in favor and 34 opposed, a quorum being present on Wednesday, April 5, 2006 the Town voted Article 42 as printed.

ARTICLE 43: To see if the Town will vote to authorize the Board of Selectmen to sell or otherwise convey two (2) parcels of land at the intersection of Ward and Chester Streets in North Falmouth, being shown on the Assessors' map as 02A-007-006-009 and 02A-007-006A-017, subject to an appropriate restriction that the land be used for affordable housing and upon such further terms and conditions as the Board of Selectmen deems appropriate, 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, April 3, 2006 the Town voted Article 43 as printed.

ARTICLE 44: To see if the Town will vote to amend Chapter 107 DEMOLITION By-Law of the Code of Falmouth by deleting Chapter 107 in its entirety and inserting in its place the following:

Chapter 107, DEMOLITON
ARTICLE I, Demolition Delay

§107-1: Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings, and residents of the town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

§107-2: Definitions

APPLICANT-Any person or entity who files an application for, or a Request for Determination relative to, a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the

owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION-An application for the demolition of a building.

BUILDING-Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

COMMISSION – The Falmouth Historical Commission or its designee.

DEMOLITION - Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same. Substantial destruction shall be considered the pulling down, destroying, removing, dismantling or razing of more than 50% of the exterior wall surface, or more than 50% of the roof structure, of the building.

DEMOLITION PERMIT - The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this bylaw.

SIGNIFICANT BUILDING – Any building within the Town which is in whole or in part sixty-five years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places; or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

REQUEST FOR DETERMINATION – A request from an applicant to the Town Clerk, and through him to the Historical Commission, for a determination by the Town Clerk whether a building is known to be less than 65 years old, and if it is not less than 65 years old for a determination by the Historical Commission whether it is a significant building, and if it is a significant building for a further determination by the Historical Commission whether it is preferably preserved, each determination being made according to the provisions of this article.

§107-3: Procedure

No demolition permit for a building which is in whole or in part sixty-five years or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 65 years old for the purposes of this bylaw.

Prior to when application is made for a demolition permit at the Building Department, the applicant shall file with the Town Clerk a Request for Determination containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

Upon receipt of such request the Town Clerk will certify whether the building is known to be less than 65 years old according to Town records. The Building Commissioner shall not accept or act on any application for a demolition permit without a letter from the Town Clerk advising the Building Commissioner whether the building is known to be less than 65 years old. Upon receipt of certification by the Town Clerk that the building is known to be less than 65 years old, the Building Commissioner may accept and act upon an application for a demolition permit for the building.

The Town Clerk shall within seven days forward a copy of the Request for Determination to the Commission with a copy of the letter certifying whether the building is known to be less than 65 years old. If the building is not known to be less than 65 years old, the Commission shall within fifteen days after receiving the Request for Determination, make a written determination of whether the building is significant. To promote the efficiency of this process, the Commission may at its discretion keep a list of buildings previously found to be significant, in accordance with the provisions of Section 5 of this Article.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then accept and act upon an application for a demolition permit for the building.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen days of receiving the application, the Building Commissioner may proceed to accept and act upon an application for a demolition permit for the building.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the Building Commissioner shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then accept and act

upon an application for a demolition permit for the building.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty one days of the public hearing, the Building Commissioner may accept and act upon an application for a demolition permit for the building.

Upon a determination by the Commission that any building which is the subject of a Request for Determination is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve month delay period, the Building Commissioner may issue a demolition permit for the building.

§107-4: Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

§107-5: List of Significant Buildings

The Commission may pro-actively develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for the significant building list shall be added following a public hearing. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the owner shall be notified in writing of the meeting time and place.

§107-6: Emergency Demolition

If after an inspection, the Building Commissioner finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Commissioner may issue an emergency demolition permit to the owner of the building or structure. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

§107-7: Enforcement and Remedies

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

§107-8: Historic District Act

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail.

§107-9: Transition from Current Bylaw

This bylaw shall take effect September 1, 2006. The terms of the previous Demolition Delay Bylaw will continue to be in effect for demolition permit applications delivered to the Town Clerk on or before August 31, 2006. Upon approval of this article by the Office of the Attorney General, the Historical Commission shall have the authority to begin development of a list of significant buildings in accordance with the provisions of Section 5 of this article.

§107-10: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Or do or take any other action on this matter. On request of the Historical Commission.

VOTED: By a majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted Indefinite Postponement of Article 44.

ARTICLE 45: To see if the Town will vote to amend ch. 83 § 18 of the Code of Falmouth, Dogs at Large, by adding a new subsection c. to read as follows:

- c. The Board of Selectmen may, after public hearing, designate areas within town conservation lands, open space or forests to be known as off-leash areas subject to the following provisions:
 - 1. The off-leash areas shall be clearly identified by visible landmarks and shall be appropriately posted with signage;
 - 2. Within an off-leash area all dogs must be within the sight and the range of voice commands of the handler who shall have continuous command of the dog;
 - 3. The director of the Department of Natural Resources, an animal control officer or a police officer may order that particular dog be leashed in the off-leash areas if the dog is threatening or disturbing to other animals or persons or is not under the handler's continuous command; and
 - 4. All other provisions of this by-law remain in full force and effect.

Or do or take any other action on this matter. On request of the Department of Natural Resources.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted Indefinite Postponement of Article 45.

ARTICLE 46: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11 and any other appropriate authority.

Amend §C1-3. Form of Government, to read:

§C1-3. Form of Government. This Charter provides for the representative Town Meeting/Selectmen/Town Manager form of government, and it shall be known by the title "Falmouth Home Rule Charter."

And further amend, in all subsequent sections of the Charter the reference to the town administrator to the town manager.

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

VOTED: By a declared two-thirds vote, a quorum being present on Wednesday, April 5, 2006 the Town voted Article 46 as printed.

ARTICLE 47: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11, and any other appropriate authority.

Amend §C2 -14. Watchman of the Warrant, to read:

§C2-14 Watchman of the Warrant. The moderator shall act as the Watchman of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

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, April 3, 2006 the Town voted Article 47 as printed.

ARTICLE 48: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval pursuant to the Home Rule Procedures Act, G.L. ch.43B, §§10 and 11, and any other appropriate authority.

Amend §C3-3 Policy Leadership, subsection A, to read:

A. The Board shall serve as the chief executive goal setting and policy making board of the town. The Board shall set a long range plan of no less than five (5) years to be examined annually and modified as needed. The Board shall cause the plan to be regularly printed in the Annual Town Report.

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, April 3, 2006 the Town voted Article 48 as printed.

ARTICLE 49: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval pursuant to the Home Rule Procedures Act, G.L. ch.43B, §§10 and 11, and any other appropriate authority.

Delete §C3-4. Administration, and replace it with a new section, §C3-7A, to read:

A. The Board shall not administer the day to day operations of the town, but shall direct the Town Administrator to do so. The Board shall act only as a collective body and members shall possess no individual authority. The Board shall work through the Town Administrator when dealing with matters involving department heads or other town employees.

And further amend the present sections C3-7A through F of the Charter by numbering them C3-7B

through G respectively.

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

VOTED: By a declared two-thirds vote, a quorum being present on Wednesday, April 5, 2006 the Town voted Article 49 as printed.

ARTICLE 50: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11, and any other appropriate authority.

Amend §C3-6, Powers of Appointment, subsection C, to read:

C. The Board shall also have the power to appoint ad hoc multi-member bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence. Any such committee having a planning function shall coordinate its activities with the Planning Board at least once a year.

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, April 3, 2006 the Town voted Article 50 as printed.

ARTICLE 51: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual Town Meeting for the election of officers for their approval pursuant to The Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11, and any other appropriate authority.

Amend §C4-3. Town Clerk, by adding subsection C, to read:

C. Compensation for the Town Clerk shall be determined by the Representative Town Meeting acting on an annual recommendation of the Finance Committee.

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, April 3, 2006 the Town voted Article 51 as printed.

ARTICLE 52: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval pursuant to the Home Rule Procedures Act, G.L. ch.43B, §§10 and 11, and any other appropriate authority.

Amend §§C4-6. Planning Board, subsections B and C to read:

B. The Board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved through the Town Planner, who acts as the Board's administrator.

C. The Planning Board shall be responsible for the development and periodic updating of a Master Plan or portions thereof. Such plan may include all or portions of plans developed by other boards or committees but these inclusions must receive a vote of approval by the Planning Board. Plans approved by the Local Comprehensive Planning Committee must receive a vote of approval from the Planning Board before submission to Town Meeting and then the Cape Cod Commission.

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, April 3, 2006 the Town voted Article 52 as printed.

ARTICLE 53: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11 and any other appropriate authority.

Delete §C5-2, Qualifications, subsection B, which requires that the town administrator be a resident of the town when appointed to office or within eight (8) months thereafter.

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

VOTED: By a declared two-thirds vote, a quorum being present on Wednesday, April 5, 2006 the Town voted not to pass Article 53.

ARTICLE 54: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11, and any other appropriate authority.

Amend §C5-4, Responsibility for Appointment (Town Administrator), subsection A, to read:

A. Subject to the approval of the Board of Selectmen granted within ten (10) working days, the Town Administrator shall appoint and, on the basis of merit and fitness alone, and except as otherwise is provided by General Law, Charter or personnel bylaws, may suspend or remove an Assistant Town Administrator; a Town Planner; a Town Counsel; a Town Treasurer; a Town Collector; division and department heads; and a Director of Personnel. The failure of the Board of Selectmen to act within ten (10) working days shall constitute approval of the Town Administrator's actions.

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, April 3, 2006 the Town voted Article 54 as printed.

ARTICLE 55: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11 and any other appropriate authority.

Delete §C5-4, Responsibility for Appointments (Town Administrator), subsection B. which requires that persons appointed to positions in subsection A be, or within eight months, of the date of appointment, become town residents.

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

VOTED: By a counted two-thirds vote of 62 in favor and 104 opposed, a quorum being present on Wednesday, April 5, 2006 the Town voted not to pass Article 55.

ARTICLE 56: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11, and any other appropriate authority.

Amend §C5-13, Acting Town Administrator, subsections, A, B and C to read:

A. The Assistant Town Administrator shall act as the Town Administrator during the absence of the Administrator of not more than ninety (90) days and, with the approval of the Board of Selectmen, for an additional period of ninety (90) days.

B. Delete.

C. In the event of a vacancy in the office of Town Administrator caused by the suspension, removal, resignation or death or the temporary absence of both Town Administrator and the Assistant Town Administrator, the Board of Selectmen shall designate, within ten (10) days of any such event, a town employee or other person to exercise the powers and perform the duties of the Town Administrator. This designation shall be for a period not to exceed ninety (90) days, and it may be renewed, only once, for an additional period not to exceed ninety (90) days. Members of the Board of Selectmen shall be ineligible to serve in this capacity. The designation shall be made by vote at a duly noticed open meeting and a copy shall be filed with the Town Clerk.

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, April 3, 2006 the Town voted Article 56 as printed.

ARTICLE 57: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval, pursuant to the Home Rule Procedures Act, G.L. ch. 43B, §§10 and 11, and any other appropriate authority.

Amend: §C7-2, General Provisions (Appointed Town Boards), subsection H, to read:

H. No member of any board or multi-member body appointed by the Board of Selectmen, whether or not mentioned in Article VII of this Charter, shall serve more than three (3) consecutive three year terms.

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

VOTED: By a failed majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted not to pass Article 57.

ARTICLE 58: To see if the Town will vote to propose an Amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town meeting for the election of officers for their approval pursuant to the Home Rule Procedures Act, G.L. ch.43B, §§10 and 11, and any other appropriate authority.

Amend §C8-3, Submission of budget and budget message, by adding a new subsection H to read:

H. The Finance Committee shall annually review the salaries of all elected officials and make recommendations to the Representative Town Meeting.

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, April 3, 2006 the Town voted Article 58 as printed.

ARTICLE 59: To see if the Town will vote to appropriate a sum of money for the purpose of funding design, permitting and construction of repair, restoration and/or replacement of the seawall damaged in December 2005 at 54 Gardiner Road in Woods Hole (Assessors Parcel 49A 06 031B 001) and the culvert under Gardiner Road at that location, and associated wetlands, so as to protect the public way and nearby properties, and to determine how such sum shall be raised and by whom expended. Or do or take any other action in this matter. On request of Catherine B. Cramer and others.

MOTION: That Town will vote to appropriate \$50,000.00 from certified free cash, to be expended as necessary by the Selectmen to match private contributions, for the purpose of funding design, permitting and construction of repair, restoration and/or replacement of the seawall damaged in December 2005 at 54 Gardiner Road in Woods Hole (Assessors Parcel 49A 06 031B 001) and associated wetlands, so as to protect the public way and nearby properties. Motion made by Michael Duffany.

VOTED: By a failed majority vote, a quorum being present on Wednesday, April 5, 2006 the Town voted not to pass Article 59.

ARTICLE 60: To see if the Town will vote to authorize the Board of Selectmen to grant an easement for underground utility purposes to Commonwealth Electric Company, d/b/a NSTAR Electric, and Verizon of New England, Inc., as tenants in common, under certain town owned land being the Falmouth High School at 874 Gifford Street in Falmouth, with the location of the easement to be determined by the

location of the utilities as installed, and upon such further terms and conditions as the Board of Selectmen deem appropriate. Or do or take any other action on this matter. On request of the School Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted Article 60 as printed.

ARTICLE 61: To see if the Town of Falmouth will, in accordance with M.G.L. c.40, section 4A, authorize the Board of Health and/or Health Agent to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units. Or do or take any other action relative thereto. On request of the Board of Health.

VOTED: By a unanimous vote, a quorum being present on Monday, April 3, 2006 the Town voted Article 61 as printed.

ARTICLE 62: To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by taxation, 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 Wednesday, April 5, 2006 the Town voted that all articles approved at this town meeting be funded as voted for a total of \$107,152,254.00.