TOWN OF FALMOUTH
MASSACHUSETTS

ARTICLES OF THE WARRANT

FOR THE

NOVEMBER ANNUAL TOWN MEETING

WITH RECOMMENDATIONS FROM THE
BOARD OF SELECTMEN · FINANCE COMMITTEE · PLANNING BOARD
· COMMUNITY PRESERVATION COMMITTEE ·

PUBLISHED BY THE FINANCE COMMITTEE
FOR THE CONVENIENCE OF THE VOTERS

MONDAY, NOVEMBER 7, 2011 AT 7:00 P.M.
MEMORIAL AUDITORIUM, LAWRENCE SCHOOL
Do you remember the German fairy tale, “The Pied Piper of Hamelin?” A village has a terrible infestation of rats, and a man offers to get rid of the rats for a fee. The villagers agree and the man plays a magic tune on his musical pipe and rids the town of the pests. When he returns to collect his fee, the villagers refuse to pay him. Angered, he plays another magical tune and all the children follow him out of the village, never to return again. As with most fairy tales and fables, there is a moral to this story: “You have to pay the piper.”

Some of you must be thinking, “Gee Gary, thanks for the entertaining story time diversion, but what’s that got to do with Fall Town Meeting?” We have our own “piper to pay” due to the urgency of some critical Capital needs in our Town. For the past several years, in addition to my wails about the financial sky falling in Falmouth, I’ve been talking about our inability to sufficiently fund the Town’s Capital needs. Many Capital expenditures have been postponed due to the recession and the financial hard times all towns have been suffering. We’ve had to delay some projects and purchases because we’ve had other priorities and little or no money to fund them all. But, as with the fairy tale just mentioned, eventually you have to “pay the piper.” The time has come to address some of these needs. The Finance Committee is concerned that the price to be paid for further delays may be very steep.

In contrast to previous Fall Town Meetings, this Warrant does not contain a Capital Budget. However, it has several individual articles seeking funding for Capital projects or equipment purchases. Fortunately, our Acting Town Manager and you, the Town Meeting members made thoughtful and courageous decisions to approve a realistic Operating Budget last fiscal year. As a result we have a moderate amount of Free Cash available to fund many of the urgent Capital needs in this Warrant. While we currently have the good fortune to be able to pay for a few Capital projects and purchases, we know from past experience that Free Cash is an insufficient and unreliable funding source for an ongoing Capital Budget.

At the last Town Meeting, the Finance Committee indicated it would create a Capital Advisory Committee to help the Town develop a Capital Plan and Budget. At its first meetings held this summer, this new committee established a definition of a Capital expenditure, began a process to evaluate Department requests and suggest priorities for such expenditures, and brainstormed funding strategies for our Capital Budget. As the Town Charter states, the Town Manager remains responsible for creating the Capital Plan and Budget; the Finance Committee recommends a budget and Town Meeting authorizes the expenditures. The new Capital Advisory Committee will help by providing research, ideas and suggestions.

The Town Manager, with input from the Capital Advisory Committee, will present a Capital Plan and Budget at the Spring Town Meeting. One of the key issues to be addressed will be how the Town can fund an ongoing need for Capital expenditures which approaches $3 million annually. Some typical requests are the replacement of police cruisers, water meters, and computers, and the repair of failing sewer and water mains, sidewalks and roads. A few of these items are one time needs, but many of them are recurring issues. We badly need a plan and strategy in place for funding these Capital necessities. The risk of continued postponement brings home the moral of “The Pied Piper.” We know we will eventually have to “pay the piper.” The only question is how steep the price will be. Are we better off planning and funding such expenses in a systematic manner? Or do we wait until a crisis occurs and we are forced to bear an expense which may be much higher because of delays and neglect? The Town amenities enjoyed by our residents and visitors are extremely valuable and worth sustaining. Let’s think carefully about these issues, and as we have in the past, make good decisions which preserve the warm and welcoming Town we call home.

Gary Anderson- Chairman, Falmouth Finance Committee
### ANNUAL TOWN MEETING

#### REVENUE

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<tr>
<td>Certified Free Cash</td>
<td>$2,156,005</td>
</tr>
<tr>
<td>Available Funds</td>
<td>$300,000</td>
</tr>
<tr>
<td>Community Preservation</td>
<td>$1,029,514</td>
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<tr>
<td>Chapter 90 Highway Funds</td>
<td>$1,269,542</td>
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<tr>
<td>From Borrowing</td>
<td>$0</td>
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**Total Revenue:** $4,755,061

#### EXPENSES

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Articles</td>
<td>$4,755,061</td>
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</tbody>
</table>

**Total Expenses:** $4,755,061

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**November 2011 Town Meeting Sources of Revenue**

- Certified Free Cash
- Available Funds
- Community Preservation
- Chapter 90 Highway Funds
- From Borrowing
BOARD OF SELECTMEN
Mary Pat Flynn, Chairman
Melissa C. Freitag, Vice Chairman
Brent Putnam
David Braga
Kevin Murphy

FALMOUTH FINANCE COMMITTEE
Gary W. Anderson, Chairman
Gardner L. Lewis, Vice Chairman
Robert G. Ripley, Jr., Vice Chairman
Judith P. Magnani, Secretary
Frances S. Connolly
Weatherly B. Dorris
Joseph L. Drolette
Adrian C. J. Dufresne
Charles E. Eastman
Stephen S. Fassett
Nicholas S. Lowell
Deborah D. Maguire
Paul Sellers
Daniel H. Shearer
Susan P. Smith

FALMOUTH PLANNING BOARD
Ralph E. Herbst, Chairman
Patricia H. Kerfoot, Vice Chairman
Kenneth Medeiros, Clerk/Secretary
Richard K. Latimer
Robert Leary
Jim Fox

COMMUNITY PRESERVATION COMMITTEE
Peter L. Clark, Chairman
Patti B. Haney, Vice Chairman
Kenneth Buckland, Clerk
Barbara P. Schneider
Ralph E. Herbst
Sandra Cuny
Maureen Harlow-Hawkes
Peter Kroll
Heidi L. Waltz

ACTING TOWN MANAGER
Heather Harper

TOWN CLERK
Michael Palmer

ACTING TOWN TREASURER
Susan Ripley

TOWN COUNSEL
Frank K. Duffy, Jr.

TOWN MODERATOR
David T. Vieira

TOWN MEETING RULES AND PROCEDURES COMMITTEE
David T. Vieira, Chairman
Megan Jones, Clerk
Joe Apicella
Sandra Cuny
Adrian C. J. Dufresne
George Hampson
Kevin Lynch
Joe Netto
Jeffrey W. Oppenheim
Daniel Shearer
Charlotte Tashiro
"CITIZEN'S CHECK LIST"

(Written by North Attleboro)

To be considered on each vote:

1. IS IT NECESSARY? Or is it something that is not really needed or perhaps already being provided by a private group?

2. CAN WE AFFORD IT? Remember, there is no limit to what we would like, but there is a limit to what we can afford.

3. WHAT WILL IT COST ULTIMATELY? Many proposals are like icebergs – only a small fraction of the total cost is apparent on the surface.

4. HOW WILL IT AFFECT BASIC LIBERTIES? If it imposes unreasonable or illegal restraints on your life or that of others, it should be vigorously opposed.

5. IS IT IN THE BALANCED BEST INTEREST OF ALL? If it is designed to benefit a small group or special interests, while taking unfair advantage of others, work for its defeat.

6. IS IT A "FOOT-IN-THE-DOOR" PROPOSITION? Compromising a little now may bring an oppressive burden later, either in more regulations or more taxes or a combination of both.

7. DOES IT PLACE TOO MUCH POWER IN THE HANDS OF ONE INDIVIDUAL OR GROUP? Once decisive power is granted to a non-elected public official, a commission or a municipal authority, the private citizens lose effective control.

8. DOES IT RECOGNIZE THE IMPORTANCE OF THE INDIVIDUAL AND THE MINORITY? This is a cornerstone of our Republic.

9. IS ITS APPEAL BASED ON EMOTIONAL PROPAGANDA OR FACTS? The farther a proposition gets away from facts, the more critical one should be.

10. DOES IT SQUARE WITH YOUR MORAL CONVICTIONS? If so, fight for it. If not, oppose it.
1. Hear Report of Committees and Town Officers
2. Unpaid Bills
3. Amend Zoning Bylaw - Chapter 240 (Zoning)
4. Amend Zoning Bylaw - Article III (Definitions)
5. Petition - Rezone 740 Thomas B. Landers (J.Haddad & D.Haddad)
6. Petition - Rezone 22 Nathan Ellis Highway (A.Minasian)
8. Petition - Amend Falmouth Code Article III §C3-8 Prohibitions (A.Putnam)
9. Petition - Suspend Wind I and II Operations (B. Funfar)
10. Conservation Restriction - Teaticket Park (Vieira Property)
11. Land Transfer - Research Road and Thomas B. Landers
12. Rescind Previous Authorizations (April 2004 STM Article 3 & April 2006 ATM Article 21)
13. Chapter 90 - Roads
14. Fund - Town/School Financial Systems Upgrade
15. Fund - OpenCape Broadband Network Connection to Municipal Buildings
16. Fund - Vernon Avenue Retaining Wall Repairs
17. Fund - Superior Officers' Association Contract
18. Fund - Police Federation Contract
19. Fund - International Association of Firefighters Local 1397 Contract
20. Fund - American Federation of State, County and Municipal Employee Local 1636 (AFSCME) Contract
22. Fund - Public Library Association, Massachusetts Laborers' District Council Contract
23. Fund - Technical/Administrative/Management Employee (TAM)
24. Classification Plan - Police Department
25. Fund - Replacement of Police Cruisers
26. Fund - Repairs/Maintenance of Town Buildings
27. Fund - Repair Menahunt Road Revetment/Sidewalk
28. Fund - Repair Chapoquoit Road Seawall
29. Fund - Remove Sediment from Salt Pond and Fresh River Outlets
30. Fund - FY12 Wind I and II Operational Expenses
31. Fund - Wind Energy Facilities Mitigation Analysis and Sound Study Consulting Services
32. Fund - Old Silver Beach Septic Repairs
33. Fund - Town's Stabilization Fund
34. Falmouth Contributory Retirement Special Military Fund
35. Community Preservation Fund - Historic Resources (John Wesley United Methodist Church)
36. Community Preservation Fund - Historic Resources (Public Library Documents Digitized)
37. Community Preservation Fund - Historic Resources (St. Barnabas Episcopal Church)
38. Community Preservation Fund - Historic Resources (Woods Hole Public Library)
39. Community Preservation Fund - Historic Resources (S5 Glenwood Drive)
40. Community Preservation Fund - Amend FY12 Operating Budget Funding Sources
41. Community Preservation Fund - Historic Resources (Waquoit Congregational Church)
42. Authorize Solid Waste Disposal Contract
43. Amend Falmouth Code - Chapter 29, Article III, Section 29-8 Membership; terms
44. Amend Falmouth Code - Chapter 65, Article III, Section 65-3 Adopt Bylaw
45. Amend Falmouth Code - Chapter 136 Secondhand Dealers and Secondhand Collectors
46. Adopt Massachusetts Building Code 780 CMR 120.AA - Stretch Energy Code
47. Accept M.G.L. Chapter 33, Sec.59 Effect of Military Service on Salary or Vacation Allowance of Public Employees
48. Accept Layout of Roads for taking as Public Way
49. Funding Article
ARTICLE 1: To hear reports of Committees and Town Officers and act thereon.

RECOMMENDATION (Finance Committee): That the Town vote Article 1 as printed.

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

RECOMMENDATION (Finance Committee): That the Town vote to appropriate the sum of $17,121.49 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the purposes of paying unpaid bills from a prior fiscal year as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Company/Organization</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPW Highway Department</td>
<td>Bouse House Enterprises, Inc.</td>
<td>2,400.00</td>
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<tr>
<td>Natural Resources</td>
<td>Massachusetts Maritime Academy</td>
<td>395.00</td>
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<tr>
<td>Personnel Department</td>
<td>Health Resources</td>
<td>1,670.67</td>
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<tr>
<td>Town Insurance</td>
<td>MIA</td>
<td>10,742.00</td>
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<tr>
<td>Town Manager/BOS</td>
<td>Fedex</td>
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<td>Town Manager/BOS</td>
<td>M.Sylvester Towing</td>
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<tr>
<td>Town Manager/BOS</td>
<td>ASCAP</td>
<td>919.00</td>
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<tr>
<td>Town Manger/BOS</td>
<td>BMI General Licensing</td>
<td>579.50</td>
</tr>
<tr>
<td>Treasurer Department</td>
<td>Cape Cod Five Cents Savings Bank</td>
<td>214.20</td>
</tr>
</tbody>
</table>

EXPLANATION: Bills for items purchased or services performed during one fiscal year cannot be paid in another fiscal year without Town Meeting approval.

ARTICLE 3: To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth in the following manner:

1) Amend Article IV – General District Use Regulations - by deleting from §240-14 the words “Buffer Space District” and insert in its place the words “Light Industrial C District”

2) Delete in its entirety Article XIII – Buffer Space District - and insert in its place the following:

"Article XIII Light Industrial C Districts.

§240-64.1 Permitted Residential Uses: None

§240-64.2 Permitted Community Service Uses: None

§240-64.3 Permitted Business, Commercial and Industrial Uses:
   a. Contractors yards as defined
   b. Wholesale (to the trades) supply
   c. Warehousing and storage buildings

§240-64.4 Permitted Accessory Uses:
   a. Television, radio or similar towers, not exceeding 50’ in height
   b. Support office facilities, accessory to a permitted use
   c. Fabrication of sub assemblies associated with contractor trades

§240-64.5 Special Permit Uses:
   a. Television, radio or similar towers exceeding 50’ in height.
   b. Restaurant or other place for serving food, except that the Board of Appeals shall permit operation for breakfast and lunch hours only.

3) Amend Article III – Definitions- by adding the following: “Ground Mounted Solar Photovoltaic Array – a system of solar panels structurally mounted on the ground generating electricity to be sold to the wholesale electricity market.”
4) Amend Article XIV – Dimensional Regulations - by:
   a) adding to §240-67A. the words: “Light Industrial C Minimum Lot Area 40,000 (square feet); Minimum Lot Width 100 (feet); Minimum Frontage 100 (linear feet)”
   b) adding at the end of §240-66C. the words: “In Light Industrial C Districts the minimum front yard setback shall be 35 feet; side and rear yard minimum setbacks shall be 10 feet.”
   c) adding the words: “§240-69F. In Light Industrial C Districts total disturbance shall not exceed 70 percent of the lot area.”
   d) adding the words “and C” to §240-70C. so as to read in its pertinent part: “In Light Industrial B and C Districts the maximum building height shall be 40 feet...”

5) Amend Article XXII – Parking Requirements- by adding the words “and C” to §240-109F.1 so as to read in its pertinent part: “...except that in Light Industrial A and C only, a parking area may be within 15 feet of any other lot line...”

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

RECOMMENDATION (Planning Board): That the Town vote Article 3 as printed in the warrant with the following exception: Replace section 3) in its entirety with the following:

3) Amend Article III – Definitions- by adding the following: Ground Mounted Solar Photovoltaic Array – a system of solar panels structurally mounted on the ground generating electricity to be used on-site or sold to the wholesale electricity market.

EXPLANATION: The Planning Board has been working on a new district devoted almost exclusively to contractor yards and associated uses for some time. This new Light Industrial “C” district allows contractor yards by-right together with storage buildings, wholesale trade, radio towers under a certain height and fabrication of sub-assemblies and ground mounted solar panels. Special Permit uses included limited restaurant use and towers over 50 feet. The Planning Board has received a great deal of support for this new district from the contracting community and sees this as a new opportunity to assist the economic development of the town. At this time the Planning Board wishes to focus on the creation of the District with Town Meeting. At a future Town Meeting the Planning Board intends to introduce article(s) to map this Light Industrial “C” district.

ARTICLE 4: To see if the Town will vote to amend Article III – Definitions – of the Zoning Bylaw by deleting the last paragraph in the definition of YARD, FRONT and inserting in its place the following:

“Note: A lot may have more than one front yard. Therefore, primary front yards may be designated by the Building Commissioner for the purpose of maintaining a front yard setback. A front yard not designated as a primary front yard may maintain a side or rear yard setback.”

So as to read:

YARD, FRONT
A. That area of a lot between the front walls (including offsets) of the principal building and the lot frontage adjacent to the street the lot adjoins,
B. Plus the areas between the lot frontage adjacent to the street and lines drawn from the two front corners of the building parallel to the lot frontage until they intersect a side lot line.

“Note: A lot may have more than one front yard. Therefore, primary front yards may be designated by the Building Commissioner for the purpose of maintaining a front yard setback. A front yard not designated as a primary front yard may maintain a side or rear yard setback.”

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

RECOMMENDATION (Planning Board): That the Town vote Article 4 as printed in the warrant.

EXPLANATION: The Building Commissioner may currently determine the primary front yard for a “corner” lot. This article eliminates the limitation to corner lots because a number of lots in town have two front yards and are not on a corner. There have been several instances where lots with three or more front yards were unable to have a primary front yard designated because of the limitation.

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ARTICLE 5: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to change the existing Agricultural AA Zone by rezoning from Agricultural AA to Light Industrial C the land at 740 Thomas B. Landers Road shown on the Falmouth Assessors Map 15 Section 04 Parcel 14 Lot 00, located south of Thomas B. Landers Road and shown on a plan entitled "Plan of Re-zoning 740 Thomas B Landers Road West Falmouth, Massachusetts prepared for the Tradesman Realty Trust", Scale: 1"=40′, Date: August 30, 2011, prepared by BSS Design, Incorporated, Engineering & Surveying, 164 Katherine Lee Bates Road, Falmouth, Massachusetts 02540.

On petition of John M. Haddad and David A. Haddad, Trustees of The Tradesman Realty Trust dated November 17, 2008, and others.

RECOMMENDATION (Planning Board): The Planning Board will make its recommendation on Town Meeting floor.

EXPLANATION: The Planning Board was still deliberating this Article at the time the warrant went to print.

MAP INCLUDED

ARTICLE 6: To see if the Town of Falmouth will vote to re-zone 22 Nathan Ellis Highway map 05, section 09, parcel 007, lot 001; Business Redevelopment ground level parking only, and 28 Nathan Ellis Highway, map 05, section 09, parcel 007A, lot 001; Business redevelopment Medical and Professional use only. And 00 Nathan Ellis Highway, map 05, section 09, parcel 007A, lot 002; General residential.

On petition of Antranig Minasian and others.

RECOMMENDATION (Planning Board): The Planning Board will make its recommendation on Town Meeting floor.

EXPLANATION: The Planning Board was still deliberating this Article at the time the warrant went to print.

MAP INCLUDED

ARTICLE 7: To see if the Town will vote to amend Chapter 240 Zoning of the Code of Falmouth by adding the following sections regarding residential homes for recovering alcoholics and drug addicts:

Amend Section 240-13 by adding the following definition

RESIDENTIAL HOMES FOR RECOVERING ALCOHOLICS AND DRUG ADDICTS (Sober Houses) – Structures used to provide housing exclusively for individuals actively enrolled and successfully participating in recovery programs that at a minimum: are professionally operated or managed by people with a documented history of being abstinent for at least one year; provide residents access to staff 24 hours a day, seven days a week; prohibit anyone with an outstanding criminal warrant to participate. The owner of the Residential Home for Recovering Alcoholics and Drug Addicts shall provide furnished living space for all residents; not permit smoking anywhere in the house; allow no more than two people to share a bedroom; provide one full working bathroom for every six people, including residents and staff; and have a working kitchen with a sink, refrigerator, oven, and range. Additionally each facility owner shall establish and prominently post rules that at minimum require: 1. absolutely no alcohol or drug use on or off the premises; 2. immediate eviction for drug or alcohol use; 3. immediate eviction for failing to submit a urine sample when asked by house staff or a representative of the overseeing treatment program; 4. immediate eviction for committing or threatening violence; 5. immediate eviction for conviction of a crime while a resident; 6. mandatory participation in a treatment program; and 7. a house curfew.

Add the following section to the Zoning By-law (codification is a recommendation only)

Section 240-164A Residential Homes for Alcoholics and Drug Addicts

Residential Homes for Alcoholics and Drug Addicts shall be allowed in any Zoning District that allows by right one-family detached houses. For districts that permit multifamily dwellings by special permit, but prohibit one-family detached houses, a special permit shall be required for a Residential Home for Alcoholics and Drug Addicts. Such special permit shall be granted only if the Board of Appeals shall make the same findings required for a multifamily dwelling.

Section 240-164A.1 Number of Residents

The number of residents shall not exceed the number of bedrooms in the structure times two. Bedrooms shall be defined in accordance with the lesser number of bedrooms determined by the State building Code or Title 5 Massachusetts State Environmental Code (if applicable). Rooms with less than 70 square feet or one dimension less than 8 feet may not be used for the purpose of a bedroom. Rooms without a window capable of permitting egress shall not be counted as a bedroom.
Section 240-164A.2 Public Safety

All Residential Homes for Alcoholics must comply with present and future fire, safety and sanitary codes. In addition to standard smoke detector placement, each bedroom used for habitation shall have an individual operating smoke detector. The fire chief may require the installation of additional smoke detectors, carbon monoxide detectors, or sprinklers in accordance with M.G.L. ch. 148 § 261 as safety of the residents dictate.

Section 240-164A.3 Parking

The owner of any Residential Home for Alcoholics and Drug Addicts shall provide on-site handicap parking spaces for any resident requiring such accommodation. Such parking spaces shall meet the number, size, dimension, signage, marking and location as described by the Massachusetts Office of Disability in its Handicap Parking Regulations. Any facility that fails to meet this requirement or discriminates against any person requiring such parking accommodation shall not be considered a legal Residential Home for Alcoholics and Drug Addicts. In no case shall the parking of resident or staff vehicles create a nuisance.

Section 240-164A.4 Mixed Use

If any resident is not a staff person or actively enrolled and successfully participating in a recovery program, or the facility does not meet all of the requirements contained in the definition section, the facility shall be considered a boardinghouse for zoning purposes.

Section 240-164A.5 Building Commissioner

If requested, the Building Commissioner shall provide a written opinion on the number of bedrooms, parking use, occupancy of the structure, the adequacy of treatment programs, adequacy of written facility rules and zoning compliance. Such opinion shall be issued within 14 days of a written request. Anyone aggrieved by such an opinion or if the Building Commissioner fails to issue such opinion, may appeal in accordance with § 240-202.

Or do or take any other action on this matter. On petition of Diane Salter and Susan Kelley and others.

RECOMMENDATION (Planning Board): The Planning Board will make its recommendation on Town Meeting floor.

EXPLANATION: The Planning Board was still deliberating this Article at the time the warrant went to print.

ARTICLE 8: 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 § C3-8. Prohibitions, by adding subsection C, to read:

C. Members of the Board of Selectmen shall be ineligible to serve as any other town elected official including but not limited to Town Meeting Member.

Or do or take any other action on the matter. On petition of Andrew Putnam, Town Meeting Member, Precinct 9 and others.

RECOMMENDATION (Board of Selectmen): The Board of Selectmen will make its recommendation on Town Meeting floor.

EXPLANATION: The Board of Selectmen was still deliberating this Article at the time the warrant went to print.

ARTICLE 9: To see if the Town will vote to suspend operations of Wind I and Wind II until pending research and studies prove no harm is being done to nearby residents to the satisfaction of the Board of Selectmen and the Board of Health and until all future options of both turbines are fully explored and Town Meeting members are given the opportunity to make a decision regarding the two turbines with a prepared presentation after the research has been completed.

On petition of Barry Funfar and Others.

RECOMMENDATION (Board of Selectmen): The Board of Selectmen will make its recommendation on Town Meeting floor.

EXPLANATION: The Board of Selectmen was still deliberating this Article at the time the warrant went to print.
NOTE (Finance Committee): The Finance Committee has discussed this Article at length. We evaluated the estimated financial impact on the Town "...to suspend operations of Wind I and Wind II until pending research and studies prove no harm is being done to nearby residents..." The estimated incremental annual cost to the Town to suspend operations of the wind turbines is $644,000. The three cost components are:

- Annual debt service payments on Wind I $426,000
- Estimated annual maintenance costs of Wind I and Wind II in suspended mode 98,000
- Wastewater Treatment Facility annual electricity costs 120,000

$644,000

Also, there is an additional amount of revenue attributable to the excess energy generated (Net Metering revenue) which the Town would forgo as a result of suspension of turbine operations. The DPW is currently in the process of estimating these revenues.

Town Counsel is reviewing potential additional risks related to possible default on:

1. The agreement with CVEC for electricity production from the turbines for years 1-5.

2. The grant conditions for Wind II. (Wind II was paid for in its entirety by a grant from the State under the ARRA Federal legislation.)

3. The contract with Mass. CEC on $1 million of Renewable Energy Credits (REC’s) already received by Falmouth. These dollars have been used to pay the first bond payment on Wind I. A little over $500 thousand of the original $1 million remains in the Energy Stabilization Fund.

Although the Finance Committee had not voted a Recommendation on this Article when the Warrant went to print, the Committee expressed concern that it needs more information to make an informed decision. Article 31 of this Warrant is seeking funds for Mitigation Analysis and Sound Study Consulting Services. Until the results of these studies and the estimated costs of such mitigation alternatives are known, the Finance Committee believes Town Meeting has incomplete information on which to make a decision to immediately suspend operations of the wind turbines. Additionally, the Committee expressed reservations regarding the wording of the Article. It is not clear, given the language used, that if wind turbine operations were suspended, that the turbines could ever be restarted. The various Town Boards involved may find it difficult to overcome the hurdle of the conditions imposed by the language of the Article as written.

ARTICLE 10: To see if the Town will vote to authorize the Board of Selectmen, acting as Park Commissioners, to PURCHASE OR TAKE BY EMINENT DOMAIN a perpetual conservation restriction in accordance with MGL c. 184, § 31-33 on all or a portion of land in Falmouth, Barnstable County, Massachusetts, to be managed and controlled as a public park, in accordance with Chapter 45 Section 3, for recreation purposes, being described as follows:

Land now or formerly of William T. Vieira, approximately 10.78 acres, more or less, and being shown on Assessors Map 39, Section 14, Parcel 2, Lot 1, shown as a 10.78 acre parcel of land on a plan entitled, "Plan of Land Prepared for William T. Vieira in Falmouth", recorded in Plan Book 420, Page 44.

And, further, to appropriate a sum of money for the acquisition of a perpetual conservation restriction on the foregoing land, including costs incidental and related thereto, and to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Community Preservation Fund, under the Community Preservation Act, or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General laws, or any other enabling authority and to issue bonds or notes of the Town therefore.

And, further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen’s direction, be authorized to submit, on behalf of the Town, any and all applications deemed necessary under the PARC (formerly Urban Self-Help) Act, as amended, Chapter 933 Acts of 1977, and/or any other sources, including those in aid of recreation land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition within the scope of this Article, or take any other actions relative thereto.

Or do or take any other action on this matter. On request of the Board of Selectmen and the Community Preservation Committee.
RECOMMENDATION (Community Preservation Committee): That the Town vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction in perpetuity, in accordance with MGL c. 184, § 31-33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, to be managed and controlled by the Board of Selectmen, acting as Park Commissioners, as a public park, in accordance with Chapter 45 Section 3, for recreation purposes, being described as follows:

Land now or formerly owned by William T. Vieira, approximately 10.78 acres, more or less, and being shown on Assessors Map 39, Section 14, Parcel 2, Lot 1, shown as a 10.78 acre parcel of land on a plan entitled, “Plan of Land Prepared for William T. Vieira in Falmouth”, recorded in Plan Book 420, Page 44, and described in four (4) deeds recorded in the Barnstable County Registry of Deeds in Book 784, Page 544, Book 878, Page 170, Book 890, Page 331, and Book 1031, Page 441.

And, further, to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Community Preservation Fund, under the Community Preservation Act, or by borrowing said sum or any part there

And, further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen’s direction, be authorized to submit, on behalf of the town, any and all applications deemed necessary under the PARC (formerly Urban Self-Help) Act, as amended, Chapter 933 Acts of 1977, and/or any other sources, including those in aid of recreation land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition within the scope of the Article, or take any other actions relative thereto. All sums received from the PARC Fund shall be directly deposited into the Community Preservation Fund Undesignated Fund Balance.

And further to appropriate the sum of $1,000,000 for the acquisition of the foregoing conservation restriction, including costs incidental and related thereto as follows:

a) The sum of $700,000 from the Community Preservation Fund undesignated fund balance for the purposes of Article 10. Appropriation of such funds to be contingent upon approval of a grant from the Massachusetts Parklands Acquisitions and Renovations for Communities (PARC—formerly Urban Self-Help) grant program to reimburse the Community Preservation Fund Undesignated Fund Balance in an amount no less than $500,000 and the sum of $200,000 from the Community Preservation Fund Undesignated Funds for the purposes of Article 10;

b) To accept a gift of $300,000 from The 300 Committee, Inc., for the purpose of Article 10;

All said appropriated sums shall be expended under the jurisdiction of the Board of Selectmen and the Community Preservation Committee.

EXPLANATION: The recommendation in this purchase is different from a number of past land purchases, mostly because it allows the Town to contribute to the purchase in a way that permits application for reimbursement by the State of $500,000. The total cost of creating the park is $1.9 million. The Vieira property is being purchased by The 300 Committee and other contributions to create the amenities of the park. The Town is purchasing for $1 million dollars a conservation restriction (CR) on the property from The 300 Committee as its way to assist in the purchase of this valuable parcel. $300,000 will come from The 300 Committee, $700,000 for the CR will be CPA funds, of which $500,000 will be reimbursed by the PARC grant from the state and will return to the CPC for future uses. The original purchase and sale agreement and the recommendation of the CPC are both contingent on the State approval of the PARC grant money.

The conservation restriction will be owned by the Town of Falmouth under the jurisdiction of the Board of Selectmen, acting as Park Commissioners.

NOTE: The Board of Selectmen and Finance Committee have reviewed Article 10 and concur with the recommendation of the Community Preservation Committee.

MAP INCLUDED

ARTICLE 11: To see if the Town will vote to declare a vacant parcel of land hereafter described as Parcel 1 surplus to the needs of the Town of Falmouth and to authorize the Board of Selectmen to convey said Parcel 1 to a third party in exchange for a second vacant parcel of land hereafter described as Parcel 2, upon such terms and conditions as the Board of Selectmen deem appropriate. Said Parcel 2 to be under the care and control of the Board of Selectmen

NOVEMBER 2011 ANNUAL TOWN MEETING
Page 6
Parcel 1 is described as follows:

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

Parcel 2 is described as follows:

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

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

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

**RECOMMENDATION (Board of Selectmen):** The Board of Selectmen will make its recommendation on Town Meeting floor.

**EXPLANATION:** The Board of Selectmen was still deliberating this Article at the time the warrant went to print.

**MAP INCLUDED**

**ARTICLE 12:** To see if the Town will vote to rescind previous authorizations to borrow, as the projects have been completed, including but not limited to the following:

- April 2004 Special Town Meeting Article #3 – LB Golf/Carriage Shop Road $1,250,000.00
- April 2006 Annual Town Meeting Article #21 – Library Renovation $134.00

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

**RECOMMENDATION (Finance Committee):** That the Town vote to rescind the following authorizations to borrow, as the projects have been completed:

<table>
<thead>
<tr>
<th>Date of TM Vote</th>
<th>Article No.</th>
<th>Purpose</th>
<th>Loan Amount Authorized</th>
<th>Loans Issued</th>
<th>Amount to Recind</th>
<th>Basis for Request to Recind</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/04 STM</td>
<td>3</td>
<td>Land Bank-Golf Land Purchase</td>
<td>$3,000,000</td>
<td>$1,750,000</td>
<td>$1,250,000</td>
<td>Cash Payment</td>
</tr>
<tr>
<td>04/06 ATM</td>
<td>21</td>
<td>Library Renovation</td>
<td>$9,189,134</td>
<td>$9,189,000</td>
<td>$134</td>
<td>Unissued</td>
</tr>
</tbody>
</table>

**EXPLANATION:** This is a housekeeping article requested by the Town Treasurer to remove the authorization to borrow for these purposes as stated in the last column.

**ARTICLE 13:** To see if the Town will vote to appropriate a sum of $1,269,542.00, the same being the town share of the State Highway fund for fiscal year 2012, for the purpose of maintaining, repairing, improving and constructing town and county ways and bridges under G.L. ch.90, sec. 34(2)(a), and further to authorize the Board of Selectmen to enter into such contracts with the state as may be necessary for said purpose, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the Town vote Article 13 as printed to be expended under the jurisdiction of the Director of Public Works.

**EXPLANATION:** This funding represents the Town’s FY2012 share of the Chapter 90 Road Funding. The appropriation provides for 100% reimbursement for work performed on Town accepted roads.

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money for the purpose of funding a Town/School Financial Systems Upgrade and Installation, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate $297,000.00 from Certified Free Cash for the purposes of Article 14 to be expended under the jurisdiction of the Information Technology Director.

**EXPLANATION:** The Town and the School currently operate on two very different and outdated software systems. The software used by the School is no longer supported by the vendor. The Town’s financial system must be kept current by our own technology support personnel. Upgrading to a single financial system, which can used by both the
Town and the School Department, will provide for greater efficiency and better access to information and reporting. Technical support and updates to ensure the system is kept current will be provided by the vendor.

**ARTICLE 15:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the connection of municipal buildings to the OpenCape Broadband Network, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate $122,000.00 from Certified Free Cash for the purposes of Article 15 to be expended under the jurisdiction of the Information Technology Director.

**EXPLANATION:** As part of the OpenCape Network grant, six (6) locations consisting of the Main Street Fire Station, Falmouth High School, Falmouth Main Library, East Falmouth Library, West Falmouth Library, and Woods Hole Library will be connected at no cost to the Town. This Article will fund 11 additional Town and School locations to provide a permanent fiber backbone with greatly improved bandwidth to connect the most critical municipal buildings. It is financially important to connect at this time while the OpenCape fiber is being installed. This will benefit the Wide Area Network for the Town over the next 20 years or more. Falmouth will have the opportunity to share joint software within Falmouth as well as County or State funded Municipal Open Source “Cloud” software in the future. OpenCape is scheduled to begin installation in Falmouth during November 2011. Therefore, it is critical to appropriate these funds in this town meeting.

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money to repair the retaining wall which runs parallel to Vernon Avenue near the intersection with Grand Avenue in Falmouth Heights and supports Vernon Avenue, a public way, 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 Department of Public Works.

**RECOMMENDATION (Finance Committee):** That the Town vote to appropriate $30,000.00 from Certified Free Cash for the purposes of Article 16 to be expended under the jurisdiction of the DPW Director.

**EXPLANATION:** The 4’ high dry laid granite wall was included as part of the Town’s taking of Vernon Avenue in 1910. The wall has experienced structural damage over the years. In 2003, the Town retained a Contractor to perform necessary repairs to the wall. Currently, the backfill behind the wall is washing through the stone courses and depositing on the abutter property. This article will provide the necessary funding required to perform additional repairs ensuring the stability of the wall and securing the embankment supporting Vernon Avenue.

**ARTICLE 17:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Falmouth Superior Officers’ Association, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.

**EXPLANATION:** No agreement has been reached.

**ARTICLE 18:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Police Federation, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.

**EXPLANATION:** No agreement has been reached.

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the International Association of Firefighters, Local 1397, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

**RECOMMENDATION (Finance Committee):** Indefinite Postponement.
EXPLANATION: No agreement has been reached.

**ARTICLE 20:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee, Local 1636, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

**ARTICLE 21:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Laborers’ International Union of North America, AFL-CIO, Local 1249, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

**ARTICLE 22:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Falmouth Public Library Association, Massachusetts Laborers’ District Council, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

**ARTICLE 23:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding an increase for the Technical, Administrative, Management and permanent employees for the period commencing July 1, 2010, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

**ARTICLE 24:** To see if the Town will vote to amend the Town's Classification Plan for Police Department as follows:

Delete: (4) Police Sergeants ($31.38 - 32.16/hr.)
Add: (4) Police Lieutenants ($34.22 - 35.38/hr.)

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

RECOMMENDATION (Finance Committee): That the Town vote Article 24 as printed.

EXPLANATION: The creation of 4 Lieutenant positions will streamline the Police Department command structure. This structure will provide a clearly defined chain of command, enhanced communications, and a more responsive and effective Police Department. The new structure will be achieved by deleting (4) Sergeant positions within this Article and (1) Captain position at the Spring Town Meeting.

**ARTICLE 25:** To see if the Town will vote to appropriate a sum of money to fund the replacement of Police Cruisers, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $200,000.00 from Certified Free Cash for the purposes of Article 25 to be expended under the jurisdiction of the Police Chief.
EXPLANATION: The Police Cruiser Replacement Program has not been funded for several years. There are currently (7) seven Police vehicles with well over 100,000 miles on them. The police vehicles will be replaced with models that offer better gas mileage and technology improvements.

ARTICLE 26: To see if the Town will vote to appropriate a sum of money to fund the repair/maintenance of Town Buildings, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $110,000.00 from Certified Free Cash to be expended under the jurisdiction of the DPW Director for the purpose of funding the repairs/maintenance of Town Buildings as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Rescue Headquarters HVAC</td>
<td>11,000.00</td>
</tr>
<tr>
<td>Replacement of a deteriorated condenser coil with an environmentally coated coil.</td>
<td></td>
</tr>
<tr>
<td>Fire Rescue North Falmouth Station Roof</td>
<td>14,000.00</td>
</tr>
<tr>
<td>This is a 30 year old roof that is leaking.</td>
<td></td>
</tr>
<tr>
<td>Fire Rescue West Falmouth Septic System</td>
<td>0.00</td>
</tr>
<tr>
<td>The Finance Committee will reconsider the request for $15,000 to replace the West Falmouth Septic System after the Board of Health has weighed in on its condition.</td>
<td></td>
</tr>
<tr>
<td>Gus Canty Recreation Building Roof</td>
<td>85,000.00</td>
</tr>
<tr>
<td>The shingled portion of the roof is the original from 1989 and is in need of replacement due to damaged shingles and leaks.</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$110,000.00</td>
</tr>
</tbody>
</table>

EXPLANATION: The Finance Committee believes these repairs are necessary to ensure that damage does not result from continuing to defer critical maintenance on key Town buildings.

ARTICLE 27: To see if the Town will vote to appropriate a sum of money to repair the coastal armored revetment/sidewalk along Menahaut Road adjacent to the Great Pond Bridge, a public way, 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 Department of Public Works.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $272,000.00 from Certified Free Cash for the purposes of funding the engineering design, permitting and construction required to rebuild the seawall revetment along Menahaut Road adjacent to the Green Pond Bridge, to be expended under the jurisdiction of the DPW Director.

EXPLANATION: The storm surge of Hurricane Irene and previous coastal storms caused additional damage to a portion (approximately 300') of the seawall revetment adjacent to the Great Pond Bridge. This Article will provide the necessary funding to repair the Menahaut Road seawall.

MAP INCLUDED

ARTICLE 28: To see if the Town will vote to appropriate a sum of money to repair the seawall along the Chapoquoit Road causeway, a public way, 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 Department of Public Works.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $250,000.00 from Certified Free Cash for the purposes of funding the engineering design, permitting and construction of a permanent section of the seawall and reconstruction of the roadway along Chapoquoit Road causeway, to be expended under the jurisdiction of the DPW Director.

EXPLANATION: The storm surge of Hurricane Irene and previous coastal storms caused a portion of the seawall (approximately 150') to bulge and settle requiring the roadway to be reduced to one lane and threatening a collapse of the seawall. This funding will repair a permanent section of the seawall and reconstruction of the roadway along Chapoquoit Road causeway.

MAP INCLUDED
ARTICLE 29: To see if the Town will vote to appropriate a sum of money to remove sediment from Salt Pond and Fresh River outlets caused by the storm surge of Hurricane Irene, 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 Department of Public Works.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $200,000.00 from Certified Free Cash for the purposes of funding the removal of sediment from the inlets as well as the engineering design, permitting and reconstruction of the inlet groins to Salt Pond that are failing and collapsing due to the age of the structures and continuing wave action and storm surges, to be expended under the jurisdiction of the DPW Director.

EXPLANATION: The storm surge of Hurricane Irene and previous coastal storms caused heavy sediment to be pushed up into the inlets and ponds. This Article will fund the removal of sediment from the inlets and repair the inlet groins to Salt Pond. Public Works maintains the inlet water flows in-house and must access the inlets with equipment for sediment removal. With the ongoing failure of the inlet groins, equipment access is becoming restricted and in some areas inaccessible.

ARTICLE 30: To see if the Town will vote to appropriate a sum of money to fund the Fiscal Year 2012 Wind I and Wind II operational expenses, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Department of Public Works.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $98,104.00 from Certified Free Cash for the purposes of Article 30, to be expended under the jurisdiction of the DPW Director.

EXPLANATION: This Article will fund the operational expenses for Wind I and Wind II for Fiscal Year 2012 to include Wind I service agreement, energy generation monitoring, electrical testing and maintenance.

ARTICLE 31: To see if the Town will vote to appropriate a sum of money to fund consulting services related to mitigation analysis and a Sound Study to ameliorate the impacts of Wind Energy Facilities, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $30,000.00 from Certified Free Cash for the purposes of Article 31, to be expended under the jurisdiction of the Town Manager.

EXPLANATION: These funds will be used to support studies, provide additional analysis and to develop alternatives to help mitigate effects that Wind I and Wind II may have on nearby residents.

ARTICLE 32: To see if the Town will vote to appropriate a sum of money to repair the failed septic system on the resident’s side of Old Silver Beach, 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 Beach Committee.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $19,780.00 from Certified Free Cash for the purposes of performing minor repairs to the existing system and replacing the existing bathroom fixtures with low water consumption units to obtain accurate water flows during the 2012 beach season, to be expended under the jurisdiction of the DPW Director.

EXPLANATION: The septic system has been in need of repair for several years and the Board of Health has mandated that the bathrooms be closed. The Beach Committee along with the Engineering Division are requesting these funds in order to take the necessary actions to obtain accurate water flows during the 2012 beach season. Once the design flows have been determined, the Engineering Division along with the Board of Health will determine further engineering and design options to complete the project.

ARTICLE 33: To see if the Town will vote to appropriate a sum of money to the Town’s Stabilization Fund, 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 Finance Committee.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $500,000.00 from Certified Free Cash to the Town’s Stabilization Fund for the purposes of Article 33.

EXPLANATION: The Finance Committee believes it is critically important to rebuild our financial reserves which have been depleted over the past five years. By adding to the Stabilization Fund, we create a cushion for emergencies and make progress toward strengthening our bond rating. This action also is a step toward reaching the Town’s financial goal of having the equivalent of 5% of operating revenues in the Stabilization Fund.
ARTICLE 34: To see if the Town will vote to appropriate a sum of money to the Falmouth Contributory Retirement Special Military Fund for the purpose of paying contributions for employees who have been called to active military duty per M.G.L. Ch.32, §22(4)(a), and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Falmouth Contributory Retirement Board.

RECOMMENDATION (Finance Committee): That the Town vote to appropriate $10,000.00 from Certified Free Cash for the purposes of Article 34 to be expended under the jurisdiction of the Falmouth Contributory Retirement Board.

EXPLANATION: This provides for the Town to pay the employee’s contributory portion that would have been taken from the weekly pay of employees who have been called to active military service.

ARTICLE 35: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts to be made available to the purpose of historic preservation of marble gravestones by the John Wesley United Methodist Church at the East Falmouth Burying Ground located on Main Street, East Falmouth (Assessors ID # 33 18 018 B 000), to determine how the same shall be raised and by whom expended, or do or take any other action in the matter. On request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to appropriate the sum of $4,620 from Community Preservation Fund estimated receipts for the historic preservation of marble grave stones; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 35.

EXPLANATION: This project will preserve 68 marble gravestones set in place between 1842 and 1908. These gravestones will be restored and preserved by a professional cemetery conservator in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties using materials that were not available when the original work was done 3 years ago.

NOTE (Finance Committee): The Finance Committee has reviewed Articles 35 through 40 and concurs with the recommendations of the Community Preservation Committee.

MAP INCLUDED

ARTICLE 36: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic preservation of documents in the possession of the Falmouth Public Library by digitizing them and creating searchable databases for public access, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to appropriate the sum of $203,894 from Community Preservation Fund estimated receipts for the purpose of historic preservation by digitization and searchable database of County atlases dated 1880, 1910, 1907; Falmouth Enterprise 1896-1962; ships logs and library and town records 1668-1960; and various library records from 1794; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 36.

EXPLANATION: This project will protect, preserve and, via digitization and searchable databases, make historic resources owned by the Falmouth Public Library accessible to the public. Only documents 50 years or older are preserved. The library will maintain the database on an ongoing basis. A survey was conducted in 2010 in which historic documents were identified, and this is the second phase of that work.

ARTICLE 37: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic restoration of the 5 exterior wood doors at St. Barnabas Episcopal Church, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to appropriate the sum of $12,500 from Community Preservation estimated receipts for the historic restoration of 5 exterior wood doors at the St. Barnabas Episcopal Church; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 37.

EXPLANATION: St. Barnabas Episcopal Church is located within the Falmouth Historic District. The CPC’s recommendation of the $12,500 will cover the cost of restoration of 5 doors that are 150 years old and will be restored
in a historically appropriate manner according to the Secretary of Interior's Standards for Treatment of Historic Properties as required by the Community Preservation Act. The Church has previously paid $2,500 for the restoration of one other door.

MAP INCLUDED

ARTICLE 38: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic restoration of the slate roof at the Woods Hole Public Library, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to appropriate a sum of $28,500 from Community Preservation Fund estimated receipts to restore in an historically appropriate manner the slate roof; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 38.

EXPLANATION: The Woods Hole Library is located within the Woods Hole Historic District. The exterior rehabilitation of the library will be in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as required by the Community Preservation Act. The remainder of the project funds of $10,000 will be generated through a capital investment fund established by the Library as a result of centennial donations and a special appeal to be used for this purpose. A prior recommendation allowed for the replacement of windows at the Library.

MAP INCLUDED

ARTICLE 39: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of partial funding of the construction of two (2) affordable home ownership units at 55 Glenwood Drive by Habitat for Humanity, to determine how the same shall be raised and by whom expended, or do take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to appropriate the sum of $80,000 from Community Preservation Fund estimated receipts for the partial funding of construction of two (2) affordable home ownership units upon the condition that Habitat for Humanity execute appropriate documentation reserving the units for affordable home ownership in perpetuity; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 39.

EXPLANATION: Community Preservation funding will be used by Habitat for Humanity to construct a two-family home that will be deed restricted as affordable in perpetuity. This is the third Habitat project recommended by the CPC.

MAP INCLUDED

ARTICLE 40: To see if the Town will vote to amend the source of funding appropriations for the Community Preservation Fiscal Year 2012 Operating Budget, voted at the April, 2011 Annual Town Meeting. Or take any other action in this matter. On the request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to amend the source of funding appropriations for the Community Preservation Fiscal Year 2012 Operating Budget to reflect $1,884,954.00 from estimated receipts and $500,000.00 from the undesignated fund balance.

EXPLANATION: This amendment will ensure that there will be sufficient funds available in FY 2012 estimated receipts to fulfill the CPA legal requirement for 10 percent allocations to community housing and historic preservation as well as open space.

ARTICLE 41: To see if the Town will vote to fund an appropriate sum of money from the Community Preservation Fund estimated receipts to be made available for the purpose of historic preservation consulting services for the purpose of preparing a proposal for the restoration of the Waquoit Congregational Church, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town will vote to appropriate $5,500 from the Community Preservation Fund estimated receipts to provide consultation for the Waquoit Congregational Church for the development of a proposal to guide them in the historic restoration of the church exterior that will meet the Secretary of Interior's Standards for the Treatment of Historic Properties; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of Article 41.
EXPLANATION: The funding for the preparation of a proposal will be applied towards the exterior historic restoration of the historically significant church. The church is located within the National Register Historic District and within Waquoit Historic District. This work will follow up on the earlier restoration of the steeple and roof completed in June 2010.

NOTE (Finance Committee): The Finance Committee has reviewed Article 41 and does not concur with the recommendation of the Community Preservation Committee. The Finance Committee felt that the applicant should have a financial participation in the analysis of future needs.

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to enter into a long term contract for the disposal of solid waste, or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 42 as printed.

EXPLANATION: As with many Cape towns, Falmouth's long-term solid waste (trash) disposal contract with SeMass is set to expire January 1st, 2015. The Town is currently evaluating future disposal contract options and this article would enable the Town to take timely advantage of favorable terms if the opportunity presents itself.

ARTICLE 43: To see if the Town will vote to amend Chapter 29, Article III, section 29-8 of the Code of Falmouth, SUBSTANCE ABUSE COMMISSION, to read as follows:

29-8. Membership; terms.

The membership of the Substance Abuse Commission shall consist of nine (9) members appointed by the Board of Selectmen for three (3) year terms and the terms shall be arranged so that the terms of no more than three (3) members expire in any one year and further provide that any member currently serving on the commission shall continue to serve until the expiration of the member's current term, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 43 as printed.

EXPLANATION: Town meeting established the Substance Abuse Commission in 1987 consisting of 12 members to be appointed by the Board of Selectmen. In 2008, the Commission developed a community coalition, called the Falmouth Prevention Partnership, to work collaboratively on prevention issues in Falmouth. A great deal of energy and volunteer support from all sectors of the community is going into the work of the Prevention Partnership. As a result, the Substance Abuse Commission has been unable to maintain a full membership of 12 over the last 2 years and achieving a quorum at monthly meetings has been difficult. In order to enable the work of the Commission to move forward in a timely manner, a quorum at each meeting is essential. Therefore, the Commission requests this decrease in the size of its appointed membership.

ARTICLE 44: To see if the Town will vote to adopt the following by-law to be added to Chapter 65 of the Code of Falmouth, BOARD OF SELECTMEN, as Article III, section 65-3:

Whenever a decision of the Planning Board, Zoning Board of Appeals or Conservation Commission provides for the conveyance of land or any interest therein including easements to the Town, or whenever the Department of Public Works requires the conveyance of land or any interest therein including easements to the Town in connection with the installation or repair of water and sewer mains or the repair or improvements to public ways and sidewalks, and by agreement of all parties the interest is to be conveyed to the Town for nominal, nonmonetary consideration, the Board of Selectmen is authorized to accept said conveyance on behalf of the Town and the Board of Selectmen's acceptance of any such conveyance of land or any interest therein on behalf of the Town any time prior to the effective date of this by-law are hereby ratified and confirmed. Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 44 as printed.

EXPLANATION: Under General Laws c. 40, s. 14, the Board of Selectmen has authority to take or purchase land or other interests in land within the town provided there is a prior town meeting authorization and the money for the taking or purchase has been appropriated by a two thirds vote of town meeting. The statute is not clear that land or other interests in land may acquired by agreement for no monetary consideration without town meeting approval. The Town often needs small parcels of land or slope or drainage easements for road, sidewalk or utility purposes. Usually the owner is willing to donate the property interest by agreement for no monetary consideration. This article proposes a bylaw which will empower the Board of Selectmen to accept conveyances of land or interest therein including easements without a town meeting vote provided the conveyance is by agreement with the owner and no money is involved. It is intended to facilitate routine land acquisition matters.

NOVEMBER 2011 ANNUAL TOWN MEETING
Page 14
ARTICLE 45: To see if the Town will vote to amend Chapter 136 of the Code of Falmouth, Junk Dealers and Collectors, §§136-1 through 10, inclusive, by deleting the current by-law and adopting the following by-law to replace it in its entirety:

Chapter 136: SECONDHAND DEALERS AND SECONDHAND COLLECTORS

§ 136-1. Definitions.

ACCEPTABLE IDENTIFICATION means either:

A. A current driver’s license that includes the date of birth, photograph, and physical description of the person offering the identification; or

B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF means the Chief of Police of the Town of Falmouth or her or his designee.

REGULATED PROPERTY means the following used property:

A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.

B. Precious gems, including but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semi-precious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.

C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches.

D. Sterling silver flatware, including but not limited to, knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.

E. Any electronic audio, video or photographic and optical equipment along with computer or computer equipment or recordings in any form.

F. Any power tools or equipment.

G. Musical instruments.

H. Sporting equipment.

I. Automobiles, boats, planes, motorcycles in whole or taken in parts, or any other type machinery.

J. Collectibles; including objects of art, coins, currency and antique objects, but not including those items identified in section 136-9, section H.

SECONDHAND COLLECTOR shall have the same meaning as the term "junk collector" G.L. c. 140 § 56.

SECONDHAND DEALER shall have the same meaning as the term "junk dealer" and keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles in G.L. c. 140 § 54."

§ 136-2. Licensing Authority

A. The Licensing Authority in the Town of Falmouth is the Board of Selectmen which is authorized to license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles, according to the provisions of G.L. Chapter 140, § 54 and any other applicable authority. The Licensing Authority may promulgate rules and regulations relative to licensed persons or businesses. Licenses issued shall be subject to G.L. Chapter 140, §§ 202-205, inclusive.

B. Every dealer in and keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in this town shall be licensed and every collector of junk, old metals and secondhand articles in this Town shall be licensed.

§ 136-3. Issuance, Renewal and Revocation of Licenses Required.

A. Secondhand collectors and secondhand dealers must obtain a license to conduct said activities.
B. The Licensing Authority of the Town of Falmouth may after notice and a public hearing deny an original or renewal application for a Secondhand Dealer or Secondhand Collector License or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:

(1) The applicant, or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has owned or operated a Secondhand Dealer or Secondhand Collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date; or

(2) Has had a Secondhand Dealer or Secondhand Collector License revoked for a reason that would be grounds for a denial or revocation pursuant this ordinance; or

(3) The Secondhand Dealer or Secondhand Collector business has been found to constitute a public nuisance.

(4) The licensee applicant, or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has been convicted of a felony or any crime involving a false statement or within 15 years prior to the application date.

(5) The applicant has:

   a. Knowingly made a false statement in the application.

   b. Knowingly omitted information requested to be disclosed in the application; or

   c. Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

(6) A lawful inspection of the Secondhand Dealer or Secondhand Collector business premises by the Police Chief or the designee has been unjustifiably refused by a person who in part or whole, manages or operates the business.

(7) The Secondhand Dealer or Secondhand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has more than five violations of this by-law, any State or Federal law, similar thereto, or any combination thereof within a two-year period, including the two years prior to the application date.

(8) The Secondhand Dealer or Secondhand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted such as, but not limited to: Receiving stolen property, any form of breaking and entering, larceny’s from a person, or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or the designee.

(9) Such other grounds as the Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the commonwealth or the Town of Falmouth.

§ 136-4. Inspection of Property and Records.

A. Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Police Chief or the designee has reasonable grounds to believe more likely than not that a specific item of regulated property held by a Secondhand Dealer or Secondhand Collector is associated with criminal conduct, the Police Chief or the designee may enter the premises of the Secondhand Dealer or Secondhand Collector at any reasonable time, provided that the premises are occupied at the time of entry and the Police Chief or the designee presents proper official identification at or near the time of entry. If entry is refused, the Police Chief or the designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

B. Authority to inspect Secondhand Dealer or Secondhand Collector premises under this regulation is in addition to and not in limitation of the authority the town or the Police Chief or any police officer would otherwise have to enter the business premises.

C. Once allowed to enter the premises of the Secondhand Dealer or Secondhand Collector, the Police Chief or the designee may inspect property kept there. The Police Chief or the designee may also inspect the business records associated with regulated property and perform any duty imposed upon the town or the Police Chief by this regulation.
§ 136-5. Record Keeping.

A. The Police Chief or the designee shall design a purchase report form and make copies available to all Secondhand Dealers or Secondhand Collectors. Secondhand Dealers or Secondhand Collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of regulated property.

B. Whenever Secondhand Dealers or Secondhand Collectors purchase regulated property for business purposes, the Secondhand Dealers or Secondhand Collectors shall obtain acceptable identification from the seller along with the seller’s current residence address. The Secondhand Dealers or Secondhand Collectors shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in legible English. The seller shall sign his or her name on the filled-out form.

C. A digital photograph will be taken of each item purchased as defined under regulated property section 1-E. The photograph may be stored electronically, but is subject to the same record keeping requirements as listed in section 9-A. Copies of the photographs will be made available to the Chief of Police in a timely manner, and are subject to the same rights of inspection as listed in section 4.

D. The licensee shall cause to be delivered to the Falmouth Police Department on a weekly basis, a copy of all transactions recorded on the ledger on the form provided.

If, during the preceding week such Secondhand Dealer(s) or Secondhand Collector(s) has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.


A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.

B. A secondhand dealer shall post the following notice no smaller than eight and one-half inches by 11 inches with lettering no smaller than one-fourth of an inch in height outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business.

NOTICE:
The sale or attempted sale of property to a secondhand dealer without consent of the property’s owner is punishable by a civil penalty not to exceed $300 per item.

Don’t sell property without consent of the property’s owner. You will be held strictly liable for violation of this law.

If a significant number of the patrons of the regular second-hand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

§ 136-7 Purchases by a Secondhand Dealer or Secondhand Collector.

A. A secondhand dealer or secondhand collector shall not make any cash purchase in an amount that exceeds $50.00 [fifty dollars and zero cents].

B. A secondhand Dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealership license.

C. A secondhand Dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.

D. A secondhand dealer or secondhand collector may not purchase any item from any person under the age of 18 (eighteen).

A. No secondhand dealer or secondhand collector may purchase or sell any property of any type without the consent of the owner.

B. No purchase will be made from anyone under the age of 18.


A. A copy of every purchase report form filled out as required by this ordinance shall be kept on the premises of the Secondhand Dealer or Secondhand Collector business during normal business hours for at least three (3) year from the date of purchase. The report form shall be subject to inspection by the Police Chief or the designee.

B. All regulated property in the categories of precious metals or precious gems, defined in Sec 1 A-D, purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand Collector for at least 21 days from the date of purchase.

C. All other regulated property purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand Collector for at least 15 days from the date of purchase.

D. The Secondhand Dealer or Secondhand Collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief, or the designee.

E. The Police Chief or the designee may give written notice to a Secondhand Dealer or Secondhand Collector holding regulated property that the Police Chief or the designee has reasonable grounds to believe more likely than not a specific item of regulated property is associated with criminal conduct. The Secondhand Dealer or Secondhand Collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under subsection (B) of this section until released by the Police Chief.

F. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.

G. A Secondhand Dealer or Secondhand Collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief or the designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or the designee shall provide the Secondhand Dealer or Secondhand Collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the Secondhand Dealer.

H. Secondhand Dealers, retailing or wholesaling used property limited to the following, are exempt from section B above:

1. Used clothing, furniture, costume jewelry, knickknacks, footwear, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or

2. Used clothing, furniture, costume jewelry, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a "registered charity" or by donations; or

3. Used books, papers, or magazines.


All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Falmouth Weights and Measures Division prior to being placed in service.


A. Violation of any provision of this chapter may be prosecuted, as a criminal matter or as an administrative procedure or by the method provided in § 21D of Chapter 40 of the General Laws. Each violation shall be considered separately.
B. Whoever violates the provisions of this chapter shall be fined not more than $300. The Licensing Authority may suspend, revoke or modify any license issued by them whenever they have reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in § 21D of Chapter 40 of the General Laws shall be subject to a fine of $250.


Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

Or do or take any other action on the matter. On request of the Chief of Police.

RECOMMENDATION (Board of Selectmen): The Board of Selectmen will make its recommendation on Town Meeting floor.

EXPLANATION: The Board of Selectmen has requested additional outreach to the business community and will make its recommendation on Town Meeting Floor.

ARTICLE 46: To see if the Town will vote to adopt 780 CMR 120.AA, of the Massachusetts Building Code, the “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, including any amendments or modifications thereto, a copy of which is on file with the Town Clerk, as a by-law of the Town to be incorporated into Chapter 95, Building Construction, of the Code of Falmouth, or do or take any other action on the matter. On request of the Falmouth Energy Committee.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement.

EXPLANATION: The Board of Selectmen has asked the Energy Committee to continue to engage with representatives of the building industry and build more community knowledge and support for the changes in the Building Code.

ARTICLE 47: To see if the Town will vote to accept the following Massachusetts General Law:

M.G.L. Chapter 33, Sec.59. Effect of military service on salary or vacation allowance of public employees

Any person in the service of the commonwealth, or of a county, city or town which, by vote of its county commissioners or city council or of its inhabitants at a town meeting, accepts this section, or has accepted similar provisions of earlier laws, shall be entitled, during the time of his service in the armed forces of the commonwealth, under section thirty-eight, forty, forty-one, forty-two or sixty, or during his annual tour of duty of not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year as a member of a reserve component of the armed forces of the United States, to receive pay therefor, without loss of his ordinary remuneration as an employee or official of the commonwealth, or of such county, city or town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees or officials.

Or do or take any other action on this matter. On request of the Veterans Council.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: The Veterans Council informed the Finance Committee that they had discussed this Article and concluded that it would not be appropriate for the Town to accept this section of the M.G.L. at this time. The Finance Committee concurs and therefore voted indefinite postponement of Article 47.

ARTICLE 48: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out the following listed roads according to a plan on file with the Town Clerk for taking as a public way:

<table>
<thead>
<tr>
<th>STREET</th>
<th>LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Stoke Drive</td>
<td>629’</td>
</tr>
<tr>
<td>Redlands Road</td>
<td>3355’</td>
</tr>
<tr>
<td>Regis Road</td>
<td>2816’</td>
</tr>
<tr>
<td>Shepard Place</td>
<td>792’</td>
</tr>
</tbody>
</table>

Under Chapter 80 of the Massachusetts General Laws, the cost will be recovered by 100% betterment assessments to the land that received the benefit. Or do or take any other action on this matter. On request of the Board of Selectmen.
RECOMMENDATION (Board of Selectmen): The Board of Selectmen will make its recommendation on Town Meeting floor.

EXPLANATION: The Board of Selectmen was still deliberating this Article at the time the warrant went to print.

MAP INCLUDED

ARTICLE 49: To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

RECOMMENDATION (Finance Committee): The Finance Committee will make its recommendation on Town Meeting Floor.
DEFINITION OF TERMS

Abatement- A reduction or elimination of a levy imposed by a governmental unit, applicable to property taxes, motor vehicle excise taxes, fees, charges and special assessments.

Appropriation- An authorization granted by Town Meeting to make expenditures and incur obligations for specific purposes, (usually limited in amount and as to the time when it may be expended).

Assessed Valuation- This is a valuation placed upon real estate or other property by a government as a basis for levying taxes. This is based on "full and fair cash value," the amount a willing buyer would pay a willing seller on the open market.

Available Funds- Funds established through previous appropriations or results of favorable conditions. Examples: Free Cash, Stabilization Fund and Overlay Surplus.

Betterments- Whenever a specific area of a community receives benefit from a public improvement (e.g. water, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel benefiting from the improvement is assessed for its proportionate share of the cost of such improvements.

Capital Budget- This is an annual appropriation or spending plan for capital expenditures, (tangible assets or projects that cost at least $25,000 and have a useful life of at least five years).

Capital Exclusion- This is a vote by a municipality at an election to raise property taxes to fund a specific project or purchase. This property tax increase is for one year only; the year in which the project or purchase is budgeted.

Capital Improvements Program (CIP)- A comprehensive schedule extending for at least five years for planning a community’s capital expenditures. It coordinates community planning, fiscal capacity and physical development and establishes criteria which prioritize the expenditures.

Debt Exclusion- This is a vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit. This is a temporary property tax increase which lasts only for the term of the debt.

Fiscal Year- The Commonwealth and municipalities operate on a fiscal year which begins on July 1 and ends on June 30.

Free Cash- Funds remaining from operations of the previous fiscal year which are certified by the Department of Revenue as available for appropriation. Remaining funds include unexpended Free Cash from the previous year, revenues in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line items.

Full Time Equivalent (FTE)- A way to measure a worker’s involvement in a department or project. It provides a means to equate a department’s work force if they utilize seasonal or part time workers to those departments which utilize only full time workers. An FTE of 1.0 means that the person works the number of hours equivalent to a full time worker, e.g. 40 hours per week for 52 weeks per year, while an FTE of .5 signals that the person works a schedule equal to half that of a full time worker.

General Fund- This non-earmarked fund is used to account for most financial resources and activity governed by the normal Town Meeting appropriation process.

Levy Limit- The maximum amount of property taxes a community can levy in a given year. The limit can grow each year by 2.5% of the prior year’s levy limit plus new growth and any overrides.
Local Aid- Revenue allocated by the State to towns, cities and regional school districts. This may include such components as Chapter 70 Aid to Schools, as well as Library and Lottery aid.

Local Receipts- Locally generated revenues other than real and personal property taxes. Examples include motor vehicle excise, investment income, ambulance fees, beach and dump sticker fees, licenses, building permit fees, sewer and water fees, etc.

Operating Budget- This is the annual plan of proposed expenditures for personnel, supplies, and other expenses in order to provide services to the taxpayers for the coming fiscal year.

- Salary & Wages- In addition to basic salaries, this line may include overtime, temporary pay, holiday differentials, specialized training pay, educational incentive, and uniform allowances.

- Other Expenses- This line item is a broad category which includes a multitude of expenses too numerous to itemize. Some of the larger and more common items are: fuel and power, repair and maintenance, supplies, communication, service contracts, special counsel, bonding fees, building maintenance, sludge hauling, chemicals, travel and staff development.

- Capital Expenses and Special Projects- Capital Expenses designated by ** and Special Project appropriations designated by ++ are appropriations which are to be expended for items specifically listed in the departmental budget and no other purpose.

Overlay Reserve- This is an account established annually to fund anticipated property tax abatements and exemptions in that year and is raised on the tax recapitulation sheet.

Overlay Deficit- A deficit that occurs when the amount of overlay reserve raised in a given year is insufficient to cover abatements and statutory exemptions for that year.

Overlay Surplus- Any balance in the overlay reserve account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose of the Town. At the end of each fiscal year, unused overlay surplus becomes part of the Free Cash certified by the Department of Revenue.

Override- A vote by a community at an election to permanently increase the levy limit.

Reserve Fund- An amount set aside annually within the Town's Operating Budget and administered by the Finance Committee to provide a funding source for extraordinary and unforeseen expenditures.

Stabilization Fund- This is an account from which amounts may be appropriated for any lawful purpose. This account may be funded by Town Meeting as a line item within the Operating Budget. A two-thirds vote of Town Meeting is required to appropriate money from this fund.

Tax Rate- The amount of tax stated in terms of unit of the tax base; for example, $6.08 per $1,000 of assessed valuation of taxable property.

Tax Recapitulation Sheet (Recap Sheet)- A document submitted by a town to the Dept. of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations which affect the property tax rate.

Underride- A vote by a community to permanently decrease the tax levy limit, (opposite of an Override).

Warrant- This is a list of items to be acted upon by Town Meeting.

Waterways Improvement Fund- This is an account into which 50% of the proceeds of the boat excise tax and all mooring fees are deposited. Use of these proceeds is limited to specific waterway expenses.
FALMOUTH TOWN MEETING PRESENTATION GUIDELINES

The Town Meeting Rules & Procedures Committee developed these guidelines to draw attention to the need for clear and concise presentations at Town Meeting.

1. Individuals interested in making a PowerPoint presentation at Town Meeting should prepare their presentation in advance and contact the Information Technology Department prior to Town Meeting to make arrangements for the presentation to be loaded onto a computer assigned for Town Meeting presentations. *(Information Technology Department 508-495-7400)*

2. Presentation slides should meet the following guidelines:
   a. Recommended text styles include Arial, Times New Roman, and Verdana.
   b. Title text should be a minimum of 32 point font.
   c. Bullet text should be a minimum of 28 point font.
   d. Sub-bullet text should be a minimum of 24 point font.
   e. Background color should be light or dark (for example: white, black, dark blue).
   f. Font color should be at the highest contrast possible from the background color. If you choose to use a light background color, then a dark font color should be used. If you choose to use a dark background, then a light font color should be used. For example, a white background should have a black, dark blue, or maroon text. A dark blue background should have a white text color.

3. Graphs, charts, pictures, and maps should have clearly visible titles. Detailed charts and graphs should be available to the Meeting as handouts.

4. Presenters need to make arrangements for how slides will be advanced during the presentation. Working out these details with IT personnel prior to Town Meeting is essential to an effective presentation.

5. The Town Meeting Rules & Procedures Committee highly recommends rehearsing PowerPoint presentations, and being mindful of the length and clarity of your presentation.
TOWN MEETING RULES

1. SPEAKING AND VOTING
   a. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of a majority of those present.
   b. Only Town Meeting members may vote.

2. MOTIONS AND AMENDMENTS
   a. Motions and Amendments may be made only by Town Meeting members.
   b. Two amendments will be accepted on any article.
   c. Long or complicated motions, and other motions which he shall so request, shall be presented to the Moderator in writing.

3. RECONSIDERATION
   a. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money.
   b. If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.
   c. The Moderator shall determine if the motion to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

4. HOURS OF OPERATION
   a. First night 7:00 p.m. start
   b. Subsequent nights 7:00 p.m. start
   c. Closing at 11:00 p.m. unless a motion to continue is made and approved by a 2/3 vote of Town Meeting members.

Simplified rules of parliamentary procedure as mandated in the Falmouth Home Rule Charter Section 4-2-B.
January 1999

This Warrant Booklet is published by the Finance Committee and includes recommendation and detailed explanations on all financial articles in accordance with the Falmouth Home Rule Charter Section 8-4-A.