The following 15 ballot questions are on the May 2013 Town election ballot. Included after each question is a brief explanation of the question which was included in the November 2012 Town Meeting Warrant booklet.

**QUESTION 3:** SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE REPRESENTATIVE TOWN MEETING SUMMARIZED BELOW?

**Amendment to Article II – The Representative Town Meeting**  
Vacancies in the office of town meeting member shall be filled until the next annual election by the unsuccessful candidate in a precinct receiving the largest number of votes at the most recent election and if no such unsuccessful candidate exists, the remaining town meeting members from the precinct shall be called together by the town clerk by written notice to conduct an election before the next town meeting to fill the vacancy.

**YES ____  
NO ____

*Additional Explanation (will not appear on the ballot): This Amendment would delete the requirement to hold a meeting within 30 days of a vacancy in the office of Town Meeting member. Precinct meetings are being held on a regular basis prior to each Town Meeting; holding a meeting within 30 days of a vacancy is unnecessary.*

**QUESTION 4:** SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE REPRESENTATIVE TOWN MEETING SUMMARIZED BELOW?

**Amendment to Article II – The Representative Town Meeting**  
The Moderator shall establish a standing committee, the Rules and Procedures Committee, of town meeting members to review town meeting rules, procedures and related town by-laws and submit recommendations to town meeting.

**YES ____  
NO ____

*Additional Explanation (will not appear on the ballot): This article would formalize the name of the Rules and Procedures Committee.*

**QUESTION 5:** SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE REPRESENTATIVE TOWN MEETING SUMMARIZED BELOW?

**Amendment to Article II – The Representative Town Meeting**  
The Town Clerk shall serve as clerk of town meeting and as an ex-officio member of the Rules and Procedures Committee. The
Town Clerk shall be responsible for posting and mailing all required notices of town meeting to town meeting members with the provision that a copy of the warrant booklet with Finance Committee recommendations shall serve as notice of the meeting.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): This change would add the Town Clerk as an ex-officio member of the Rules and Procedures Committee and would eliminate the need to have two separate mailings to notify town meeting members of the meeting.

QUESTION 6: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE REPRESENTATIVE TOWN MEETING SUMMARIZED BELOW?
Amendment to Article II – The Representative Town Meeting The Moderator, or his designee, shall serve as Watchman of the Warrant and shall present a written progress report on each passed action article of town meeting to be printed in the annual town report.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): This article would allow the Moderator some assistance in gathering the information on each passed action article of Town Meeting for the Annual Report

QUESTION 7: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE BOARD OF SELECTMEN SUMMARIZED BELOW?
Amendment to Article III – Board of Selectmen The Board of Selectmen shall set and communicate policies to be carried out by the Town Manager and other officers and governmental bodies appointed by the board. The board shall also make recommendations on all town meeting articles except those that are the responsibility of the Finance Committee, the Community Preservation Committee or the Planning Board.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): The word “communicate” was added to insure that adopted policies would reach those affected. This revision of subsection C is intended to address the concerns of the board about its responsibility to make recommendations on all Town Meeting Articles and clarify that the board will make recommendations on all articles except when another identified board is responsible for the recommendation.
QUESTION 8: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO ELECTED TOWN BOARDS AND OFFICERS SUMMARIZED BELOW?

Amendment to Article IV – Elected Town Boards and Officers Governmental bodies shall organize annually, elect necessary officers, adopt rules of procedure and voting, and keep minutes and records of attendance which shall be filed regularly with the Town Clerk. The chairperson shall periodically file a description of the duties and responsibilities of the governmental body and its members with the Town Clerk.

YES ___

NO ___

Additional Explanation (will not appear on the ballot): This addition articulates the duties and responsibilities of all elected governmental bodies.

QUESTION 9: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO ELECTED TOWN BOARDS AND OFFICERS SUMMARIZED BELOW?

Amendment to Article IV – Elected Town Boards and Officers The Planning Board shall be responsible for the development and periodic review of a master plan, also known as the local comprehensive plan, to be submitted to town meeting and the Cape Cod Commission.

YES ___

NO ___

Additional Explanation (will not appear on the ballot): This amendment to subsection C clarifies the Planning Board’s role as the Local Comprehensive Planning Committee. The “Master Plan” is synonymous with the Local Comprehensive Plan. Also, the requirement to organize annually, etc., has now been incorporated in the requirements for all elected town boards.

QUESTION 10: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE TOWN MANAGER SUMMARIZED BELOW?

Amendment to Article V – The Town Manager The Town Manager shall be the appointing authority for the Finance Director.

YES ___

NO ___

Additional Explanation (will not appear on the ballot): This amendment adds the new Finance Director as an appointee of the Town Manager.
QUESTION 11: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE TOWN MANAGER SUMMARIZED BELOW?

Amendment to Article V – The Town Manager The town’s administrative functions shall be performed by departments and divisions thereof under the supervision of the Town Manager who shall also have the authority, with the approval of the Board of Selectmen, to create new administrative organizations and determine their duties, functions and responsibilities.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): The Charter originally viewed town government within the framework of existing departments and divisions and did not accurately distinguish between the definition and function of each. This article proposes an amendment to § C5 - 6 by restating its basic principles, clarifying that departments may consist of several divisions and authorizing the Town Manager, with the approval of the Board of Selectmen, to create new administrative organizations based upon similar functions, experience and expertise and determine their functions, duties and responsibilities.

QUESTION 12: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO THE TOWN MANAGER SUMMARIZED BELOW?

Amendment to Article V – The Town Manager The Assistant Town Manager shall perform the duties and responsibilities of the Town Manager during any time the Town Manager is unable to perform those duties and if the Assistant Town Manager is unable to perform those duties, the Board of Selectmen shall designate a suitable person to serve on an acting basis. No member of the Board of Selectmen shall serve in this capacity. The Assistant Town Manager shall perform the duties and responsibilities of the Town Manager during a vacancy in the office of Town Manager and if the Assistant Town Manager is unable to perform those duties, the Board of Selectmen shall designate a suitable person to serve on an interim basis. No member of the Board of Selectmen shall serve in this capacity.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): When the Charter was originally adopted, there was no Assistant Town Manager and the Charter provided that during any vacancy in the office of Town Manager, the Acting Town Manager would serve no more than 2 ninety (90) day terms. Later the position of Assistant Town Manager was created for reasons including acting as Town Manager during the absence of or during a vacancy in the office of Town Manager. The Charter retained the 2 ninety (90) day terms. During a recent vacancy in the office of Town Manager in 2010 and 2011, this limitation proved to be cumbersome and unnecessary. The Assistant Town Manager is by job description fully capable of acting as Town Manager for as long as the Board of Selectmen considers it prudent. This amendment will provide for better continuity of service during the absence of or vacancy in the office of Town Manager and provide the Board of Selectmen with more flexibility to direct the affairs of the Town.
QUESTION 13: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO CITIZEN PARTICIPATION: ELECTIONS AND RECALL SUMMARIZED BELOW?

Amendment to Article VI – Citizen Participation: Elections and Recall

The provisions for publicizing vacancies on governmental bodies found in section C6 – 2, subsections A, B and C are deleted and substantially transferred to Article VII as more fully explained in Question 14 which follows.

YES ___

NO ___

Additional Explanation (will not appear on the ballot): There are several references in the Charter to the publicizing of vacancies on appointed boards and committees which cause some confusion. The Charter Review Committee and the Board of Selectmen recommend deletion of section C6 – 2, subsections A, B and C and moving and including these charter provisions to a new section C7 – 1, subsections A and B. The provisions remain essentially unchanged and should be easier to understand and apply.

QUESTION 14: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO APPOINTED TOWN BOARDS SUMMARIZED BELOW?

Amendment to Article VII – Appointed Town Boards

Appointed governmental bodies shall organize annually, elect necessary officers, adopt rules of procedure and voting, and keep minutes and records of attendance which shall be regularly filed with the Town Clerk. A governmental body shall periodically file a description of its duties and responsibilities and its members with the Town Clerk. The Board of Selectmen shall publicize openings, seek out and interview applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed. Further all governmental bodies shall submit a written report to or meet with the Board of Selectmen at least once in each year.

YES ___

NO ___

Additional Explanation (will not appear on the ballot): The responsibilities of governmental bodies are inserted here. This has not been included in the Charter for appointed governmental bodies. A governmental body must meet with or submit an annual report to the Board of Selectman. It is not always possible for the Selectmen to include every governmental body on its agenda each year, so the option of a written report is added.

The statement about members serving five year terms is made inclusive for all governmental bodies, if applicable, rather than limited to the Board of Appeals.
QUESTION 15: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO GENERAL AND TRANSITIONAL PROVISIONS SUMMARIZED BELOW?
Amendment to Article IX – General and Transitional Provisions ___ There shall be added to the charter an enforcement procedure whereby any person who has reason to believe that a town official or governmental body has violated any provision of the charter may file a written complaint with the Town Clerk and it shall be the responsibility of the town official or governmental body to either deny the alleged violation with reasons therefore or acknowledge the violation and propose corrective action if appropriate and feasible. Any person aggrieved by the action of the town official or governmental body may pursue any remedy available at law or in equity.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): The Charter contains no explicit procedure for enforcement of its provisions and this has been a community concern for some time. The Charter Review Committee and the Board of Selectmen recommend this amendment to add an enforcement provision to the Charter which places the burden of correcting non-compliance on the appropriate governmental body or official in a fair and expeditious manner.

QUESTION 16: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO GENERAL AND TRANSITIONAL PROVISIONS SUMMARIZED BELOW?
Amendment to Article IX – General and Transitional Provisions ___ The Board of Selectmen shall ensure that the by-laws of the town are reviewed and revised or amended as necessary at least every 5 years.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): The Charter contains a provision that the Board of Selectmen shall appoint a By-Law Revision Committee of five (5) members every five years. This provision has proved to be problematic. The by-laws are comprehensive and cover many different subjects. Review and revision should be accomplished by committees containing members with requisite experience. The by-laws of the Town should be reviewed regularly. A five (5) member committee is not appropriate for the task. This amendment will allow the Board of Selectmen more flexibility to appoint one or more committees to review and revise the by-laws and determine the appropriate size and membership of each committee.
QUESTION 17: SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED AT THE TOWN MEETING HELD ON NOVEMBER 13, 2012 RELATIVE TO GENERAL AND TRANSITIONAL PROVISIONS SUMMARIZED BELOW?
Amendment to Article IX – General and Transitional Provisions Add definitions to the charter of the following terms: financial plan; governmental body; long-range plan; master plan and multi-member body.

YES ___
NO ___

Additional Explanation (will not appear on the ballot): The term “Governmental Body” was added to encompass the numerous terms for entities included in the current Charter that were not defined and is based on Massachusetts General Law. The term “Financial Plan” was added as it was not defined in the Charter. The term “Long Range Plan” was added as it was not defined and was at times referred to as a strategic plan. “Master Plan” was added as it was not defined in the Charter and was often referred to as the Local Comprehensive Plan.