

**TOWN OF FALMOUTH  
ARTICLES OF THE WARRANT  
ANNUAL TOWN MEETING  
April 11, 2005**

**APRIL 2005 ANNUAL TOWN MEETING  
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**ARTICLE 1:** To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the Town voted to Elect William D. Murphy, James A. Vieira, Michael Miller, Wilson H. Smith, Mark Woods, to 3 year terms and Richard Sacchetti to a 2 year unexpired term on the Finance Committee.

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the Town heard reports from all committees wanting to be heard.

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town.

**ARTICLE 4:** If the Town will authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, the Board of Selectmen shall advise the Finance Committee of such anticipated costs prior to the public hearing.

**ARTICLE 5:** If the Town will vote to assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5, Acts of 1955 for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach, including Merrimack and Connecticut Rivers, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Board of Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 5 as printed.

**ARTICLE 6:** If the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator.....	\$1,500
Town Clerk.....	\$56,773
Selectmen (4).....	\$3,000

Chairman of Selectmen.....\$3,500

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 6 as printed and, further, to raise and appropriate \$3,774 to fund the included step increase for the Town Clerk, said funds to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 7:** If the Town will vote the revolving fund for the expenditures of updating the Code of Falmouth under General Laws Chapter 44, Section 53E1/2 as established by Article 3 of the April 1998 Annual Town Meeting and raise and appropriate the sum of \$7,000 for the purpose of the article. Or do or take any other action on this matter. On request of the Town Clerk

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 7 as printed.

**ARTICLE 8:** If the Town will vote to authorize continued use of the revolving fund known as the "Falmouth Recreation Department Revolving Account" under General Laws Chapter 44, Section 53E1/2 as established by Article 4 of the April 1998 Annual Town Meeting. Or do or take any other action on this matter. On request of the Recreation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 8 as printed.

**ARTICLE 9:** If the Town will vote that any funds received by the Town of Falmouth as part of the Medicaid Medical Services Program (defined in M.G.L. c.44,S72) are allotted to the School Committee for use under its jurisdiction for the benefit of educational programs, or do or take any other action related to this matter. On request of the Falmouth School Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 9 as printed.

**ARTICLE 10:** If the Town will vote to appropriate the sum of Fifteen Thousand Dollars (\$15,000) for the purpose of funding hospital, medical and related expenses incurred by employees of the Fire and Police Departments in the performance of their duties and 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 Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$15,000 for the purposes of Article 10 to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 11:** 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, 2004, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employees (AFSCME), 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 Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 11.

**ARTICLE 12:** If the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (DPW) 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 Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 12.

**ARTICLE 13:** If the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and International Association of Firefighters, Local 1397 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 Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 13

**ARTICLE 14:** If the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Federation 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 Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 14.

**ARTICLE 15:** If the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Superior Officers' Association 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 Town Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 15.

**ARTICLE 16:** If the Town will vote to amend the Town's Position Classification Plan for the Fire Rescue Dept. as follows:

Delete: (46) Firefighters

Add: (48) Firefighters or Firefighters/Paramedics

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 16 as printed.

**ARTICLE 17:** If the Town will vote to appropriate the sum of \$16,065 for the purpose of creating and funding the following new position in the Town's Position Classification Plan for the Veterans' Services Dept. as follows:

Add: (1) Veterans Administrative Assistant (19 hrs) Gr. 08

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 Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$16,065 for the purposes of Article 17 to be expended under the jurisdiction of the Veteran's Administrator.

**ARTICLE 18:** If the Town will vote to appropriate the sum of \$70,514.00 for the purpose of creating and funding the following new positions in the Town's Position Classification Plan for the Water Utilities Dept. as follows:

Delete: (1) Water Plant Operator-Water Utilities Dept. Gr. 08

Add: (3) Water Plant Operators-Water Utilities Dept. Gr. 08

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 Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$70,514 for the purposes of Article 18 to be expended under the jurisdiction of the Water Utilities Manager.

**ARTICLE 19:** If the Town will vote to appropriate the sum of \$42,703.00 for the purpose of creating and funding the following new position in the Town's Position Classification Plan for the Water Utilities Dept. as follows:

Add: (1) Assistant Chief Water Treatment Plant Operator Gr. 12

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 Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$42,703 for the purposes of Article 19 to be expended under the jurisdiction of the Water Utilities Manager.

**ARTICLE 20:** If the Town will vote to appropriate the sum of \$2,844.00 for the purpose of reclassifying and funding the following position in the Town's Position Classification Plan for the Water Utilities Dept.:

Delete: (3) Water Plant Operators Gr. 08

Add: (3) Water Plant Operators Gr. 09

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 Water Utilities Manager.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$2,844 for the purposes of Article 20 to be expended under the jurisdiction of the Water Utilities Manager.

**ARTICLE 21:** If the Town will vote to appropriate the sum of \$4,134.00 for the purpose of reclassifying and funding the following position in the Town's Position Classification Plan for the Water Utilities Dept.:

Delete: (1) Chief Water Plant Operator Gr. 11

Add: (1) Chief Water Plant Operator Gr. 14

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 Water Utilities Manager.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$4,134 for the purposes of Article 21 to be expended under the jurisdiction of the Water Utilities Manager.

**ARTICLE 22:** If the Town will vote to appropriate the sum of \$630.00 for the purpose of reclassifying and funding the following position in the Town's Position Classification Plan for the Water Utilities Dept.:

Delete: (1) Utilities Supervisor-Water Gr. 13

Add: (1) Water Utilities Supervisor Gr. 15

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 Water Utilities Manager.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$630 for the purposes of Article 22 to be expended under the jurisdiction of the Water Superintendent.

**ARTICLE 23:** If the Town will vote to appropriate the sum of \$485.00 for the purpose of reclassifying and funding the following position in the Town's Position Classification Plan for the Water Utilities Dept.:

Delete: (1) Assistant Supervisor, Water Gr. 10

Add: (1) Assistant Water Utilities Supervisor Gr. 12

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 Administrator.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to raise and appropriate \$630 for the purposes of Article 23 to be expended under the jurisdiction of the Water Utilities Manager

**ARTICLE 24:** If the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for the ensuing year, to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to appropriate \$75,000.00 from the Parking Meter Fund to budget 01210 (Police Department), appropriate from Embarkation Fees \$200,000.00 to budget 01210-51110 (Police Department) and \$200,000.00 to budget 01220-51110 (Fire Department), appropriate \$100,000.00 from the Lawrence School Fund to budget 01300 (School Department), appropriate \$30,000.00 from conservation receipts to budget 01171 (Conservation Department), appropriate \$2,006,090.00 from Land Bank fund for principal and interest payments, appropriate \$44,837.00 from Title V Program to be applied to budget 01754 (Long Term Unexcluded Debt), and raise and appropriate \$86,711,212.00 under the estimated FY'06 Levy Limit to be applied to all other remaining balances under Article 24 for a total operating budget of \$89,367,139.00. And further, that the Town transfer \$1,307,291.00 from Certified Free Cash to be applied to the Fiscal Year 2006 Operating Budget to reduce the tax rate.

**ARTICLE 25:** If the town will vote to amend section 240-240.H of the Zoning Bylaw by inserting the words "Minimum Frontage 100 feet".

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 25 as printed in the warrant.

**ARTICLE 26:** If the town will vote to amend Article II – Building Permit Limitation – of the Zoning Bylaw by :

deleting the words "May 1, 2005" from Section 240-10 and inserting in its place the words " May 1, 2008" so as to read: "240-10 Termination Date. This Article will remain in effect until amended or repealed by action of Town Meeting, or until May 1, 2008, which ever occurs first. "

and by inserting the following “ 240-8.A.(7) Rental units part of an affordable housing development approved under the Falmouth Zoning Bylaw – not c. 40B GL – as ‘planned production’ units pursuant to 760 CMR 31.07 (1)(i) that count towards the town’s affordable housing inventory.”

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 26 as printed in the warrant.

**ARTICLE 27:** If the town will vote to amend the Official Zoning Map to rezone properties located on Nathan Ellis Highway (Route 151) zoned Agriculture AA to Light Industrial A shown on Assessor’s Map:

CLSV Associates Limited Partnership: 06-01-010-000; 06-01-008-014; 06-01-008C-015

Harry B. Crawford: 06-01-009-000

Town of Falmouth: 06-01-006-000

Howard W. Taylor, Estate of: 06-01-007-000

Nathan Ellis Highway LLC: 06-03-008-010; 06-03-008E-000

Donald A. Delinks: 06-03-008A-012

Or do or take any other action on this matter. On behalf of Donald A. Delinks and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 27.

**ARTICLE 28:** If the town will vote to amend the Official Zoning Map to rezone the rear portion of the property located at 614 Main Street, Falmouth, MA, zoned Residential C to Business Redevelopment District shown on Assessor’s Map 47B, Section 03, Parcel 12, Lot 001.

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 28 as printed in the warrant.

**ARTICLE 29:** If the Town will vote to raise and appropriate the sum of Six Million Six Hundred Fifty Thousand Dollars (\$6,650,000) for the purpose of replacement of water mains in the Town 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 Water Superintendent.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted the sum of \$6,650,000 to be appropriated for the purpose of installing water mains and that to raise this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow under and pursuant to Chapter 44, Section 8 (5) and (6) of the General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor.

**ARTICLE 30:** If the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN an easement over a certain ancient way or wood road running in a generally westerly direction from Sam Turner Road in Hatchville to the Town’s Crooked Pond well site located off Sam Turner Road, together with a right to pass and repass over said road and to make necessary improvements in said road for purposes of access to the Crooked Pond well site, including the right to install water transmission mains and public utilities, and further to appropriate a sum of money for said purpose, to determine how the same shall be raised and by whom expended, or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a declared two-thirds majority, a quorum being present on Monday, April 11, 2005 the town voted Article 30 as printed.

**ARTICLE 31:** If the Town will vote to authorize the Board of Selectmen to transfer a parcel of land situated on Sam Turner Road, Parcel 11, Section 02, Parcel 004A, Lot 000 for nominal, non-monetary consideration to Habitat for Humanity of Cape Cod, Inc. for the construction on such land of housing units for sale to persons of low or very low income within the meaning of the Housing Act of 1937, subject to existing zoning restrictions and building and health code and subject to such terms and conditions as the Board of Selectmen deem appropriate such sale to be made subject to a deed restriction in substantially the following form for a period of 20 years from the date of the first transfer by the Town pursuant to this Article:

1. Whenever the owner shall desire to sell or otherwise transfer ownership or possession of the premises, the owner shall send a written Notice to the Town of Falmouth (the Town) setting forth in detail the terms on which the owner desires to sell or transfer the premises. The notice shall set forth the aggregate present value or all consideration and payments to be paid by the transferee for the premises (the "Selling Price"). The Town shall have the right within ninety days after receipt of such notice to buy, or designate a buyer for the premises at the Selling Price, less the Land Value, which shall be the assessed value of the Land for real estate tax purposes at the time of such sale or other transfer. If the Town chooses not to buy, or designate a buyer for the premises it shall grant a release in writing allowing the owner to transfer the premises free of the restrictions set forth in this paragraph.
2. Upon the sale or other transfer of ownership or possession of the premises within twenty years after the date of this deed other than to the Town pursuant to Paragraph 1 above the owner shall pay the Town the Land Value.

The Board of Selectmen is authorized to make use of other agencies and instrumentalities of the Town, including but not limited to the Falmouth Housing Authority, to effect the transfer of such land in accordance with this Article. This Article was previously voted upon as Article 14 of the April 2003 Special Town Meeting and passed by a two-thirds majority subject to the conditions that the land be combined with other abutting land. Now the sponsor seeks authorization to use the land without its combination with other abutting land. Or do or take any other actions in this matter. On request of the Habitat for Humanity, Inc.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to authorize the Board of Selectmen to transfer a parcel of land situated on Sam Turner Road, Parcel 11, Section 02, Parcel 004A, Lot 000 for nominal, non-monetary consideration for the construction on such land of housing units for sale to persons of low or very low income within the meaning of the Housing Act of 1937, subject to existing zoning restrictions and building and health code and subject to such terms and conditions as the Board of Selectmen deem appropriate such sale to be made subject to a deed restriction in substantially the following form in perpetuity from the date of the first transfer by the Town pursuant to this Article:

1. Whenever the owner shall desire to sell or otherwise transfer ownership or possession of the premises, the owner shall send a written Notice to the Town of Falmouth (the Town) setting forth in detail the terms on which the owner desires to sell or transfer the premises. The notice shall set forth the aggregate present value or all consideration and payments to be paid by the transferee for the premises (the "Selling Price"). The Town shall have the right within ninety days after receipt of such notice to buy, or designate a buyer for the premises at the Selling Price, less the Land Value, which shall be the assessed value of the Land for real estate tax purposes at the time of such sale or other transfer. If the Town chooses not to buy, or designate a buyer for the premises it shall grant a release in writing allowing the owner to transfer the premises free of the restrictions set forth in this paragraph.



2. Upon the sale or other transfer of ownership or possession of the premises within twenty years after the date of this deed other than to the Town pursuant to Paragraph 1 above the owner shall pay the Town the Land Value.

The Board of Selectmen is authorized to make use of other agencies and instrumentalities of the Town, including but not limited to the Falmouth Housing Authority, to effect the transfer of such land in accordance with this Article. This Article was previously voted upon as Article 14 of the April 2003 Special Town Meeting and passed by a two-thirds majority subject to the conditions that the land be combined with other abutting land.

**ARTICLE 32:** If the Town will vote to adopt the following by-law relative to the Community Preservation Act established by ch. 149 of the Acts of 2004 and accepted by the Town as Article 13 at the November 8, 2004 Annual Town Meeting, or do or take any other action on this matter. On request of the Board of Selectmen.

The text of the proposed by-law is as follows:

**Community Preservation Committee By-law:**

1. Membership of the Committee. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to the provisions of the so-called Modified Community Preservation Act (Chapter 149 sec. 298 of the Acts of 2004 – “the Act”). The composition of the committee, the appointing authority and term of office for the committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Recreation Committee, as designated by said Committee; one member of the Housing Authority as designated by said Authority and four members appointed by the Board of Selectmen. Each member of a board or committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Each individual member shall serve for a term of three years. Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place. Any member of the Committee may be removed in accordance with Section C7-2G of the Falmouth Home Rule Charter and the vacancy filled in accordance with this by-law.

Before the initial meeting of the Committee the Board of Selectmen shall designate three members of the Committee to serve an initial one year term, three members to serve an initial two year term and three members to serve an initial three year term. Thereafter all terms shall be for a full three year period.

2. The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, the department of public works, and the housing authority, or person acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

3. The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreation use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

4. The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation and provisions of this by-law, but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

5. In every fiscal year, the community preservation committee shall recommend, subject to compliance with sections 1(g) and 1(h) of the Act, an amount not to exceed five (5%) percent of annual revenues be set aside for committee expenses and, as to the remaining annual revenues in the Community Preservation Fund, that the legislative body spend, or set aside for later spending

- a) an amount necessary to cover the debt service on debt incurred pursuant to the Cape Cod Open Space Land Acquisition Program, if any;
- b) at least ten (10%) for open space (excluding recreational use) provided however that any amounts appropriated under clause a) above qualify toward meeting this ten (10%) requirement;
- c) at least ten (10%) percent for historic resources; and
- d) at least ten (10%) percent for affordable housing.

In the event the funds necessary to cover the debt service in clause a) above exceeds eighty (80%) percent of annual revenue then in that fiscal year the spending requirements for historic resources (clause c) and affordable housing (clause d) shall be met by appropriating or reserving one half of the remaining revenues for each of those purposes.

6. Requirement for a quorum and cost estimates. The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the community preservation committee. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

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

8. When Effective. Provided that the Community Preservation Act, (Chapter 149 sec. 298 of 2004), is accepted at the 2005 Town election, this section shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL. C. 40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

9. Annual Report. The community preservation committee shall make a report to the town on an annual basis for inclusion in the town's annual report.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 32 as printed.

**ARTICLE 33:** If the Town will vote to accept the doings of the Selectmen in the laying out of the following road according to a plan on file with the Town Clerk for taking as a public way:

<u>STREET</u>	<u>LENGTH</u>
Fox Lane	2,780'

Under Chapter 80 of the Massachusetts General Laws, the cost will be recovered by 100% betterment assessments to the land that receives the benefit. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 33 as printed.

**ARTICLE 34:** If the Town will vote to authorize the Board of Trustees of the Falmouth Public Library and/or the Board of Selectmen to apply for any state grants available to defray the costs of construction and equipping the renovation and addition to the Falmouth Public Library main building and to authorize them to accept and expend any such funds when received without further appropriation, or do or take any other action on this matter. On request of the Board of Library Trustees.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 34 as printed.

**ARTICLE 35:** If the Town will vote to authorize the Board of Selectmen to establish and charge an Agricultural Commission to represent the Town of Falmouth's agricultural community and interests.

The Selectmen and said Commission, once appointed, shall develop a work plan to guide its activities. Such activities shall include, but not be limited to, the following: serve as facilitators for encouraging the pursuit of agriculture in Falmouth; promote agricultural-based economic opportunities for the Town; act as mediators, advocates, educators, and/or negotiators in an advisory capacity on farming issues for established Town Committees and Departments; work for the preservation of agricultural lands owned by the Town; and pursue all initiatives appropriate to creating a sustainable agricultural community.

For the purposes of this article, agriculture is defined to include fresh water and marine aquaculture and the keeping and boarding of horses or livestock for personal or commercial purposes.

The Commission shall consist of seven members appointed by the Board of Selectmen. The terms shall stagger on three-year intervals with the initial terms being; three members for three years, two members for two years, two members for one year, and three years thereafter.

Whereas; the Town currently owns substantial agricultural land;  
Whereas; current Town Committees are faced with agricultural issues,  
Whereas; Town Department heads are faced with agricultural sensitive decisions;

The creation of an Agricultural Commission will aid Committees and Departments along with the agricultural community to preserve, revitalize, and sustain farming as a vital part of the future of the Town of Falmouth, and to fully act thereon. On request of the Board of Selectmen.

**VOTED:** By a majority vote, a quorum being present on Monday, April 11, 2005 the town voted Article 35 as printed.

**ARTICLE 36:** If the town will vote to update the Goals and Policies for the Local Comprehensive Plan (LCP) dated January 18, 2005. Or do or take any other action on this matter. On request of the Local Planning Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Article 36 as printed.

**ARTICLE 37:** If the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) for the purpose of funding the survey, the engineering design and the permitting costs for completion of the Shining Sea Bikeway Extension Phase III and to determine how to raise this appropriation and by expended for this purpose, provided, however, that no money shall be expended for this purpose unless and until the Town shall have voted

at the next town election to be allowed to assess an additional sum in real estate and personal property taxes for the purposes of this article for the Fiscal Year beginning July 1, 2005. Or do or take any other action on this matter. On request of Patricia P. Johnson and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted to appropriate the sum of \$300,000.00 for surveying, engineering design and permitting costs for the completion of the Shining Sea Bikeway Extension Phase III, including costs incidental and related thereto, provided, however, that no sum shall be expended under this appropriation unless the town shall have voted to assess an additional \$300,000.00 in real estate and personal property taxes for the fiscal year beginning July 1, 2005, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 38:** If the town will vote to direct the Board of Selectmen to discontinue or otherwise release and divest its interests in and to the land or rights in and over.

MANCHESTER AVENUE, between Forest Avenue and Walden Avenue in Falmouth Heights.  
CENTRAL PARK AVENUE, between Forest Avenue and Walden Avenue in Falmouth Heights.

Or take and do any other action relative thereto. On request of Vincent O. Kieman and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 38.

**ARTICLE 39:** We the undersigned request the Selectmen for the Town of Falmouth appropriate the sum of \$4,000 for use by the Peterson Farm Management Team for construction of two sheds on the Peterson Farm Conservation Land. These sheds will be used to secure equipment and provide shelter for livestock. On request of Edward Hobart and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 39.

**ARTICLE 40:** If the Town will vote to ban the construction of any new underground irrigation systems (sprinklers) and require that all existing systems not be updated or repaired. On request of Daniel Shearer and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 40.

**ARTICLE 41:** If the Town will vote to require that the Collector of Taxes print, on each Real Estate tax bill, beginning with the 2006 tax bills, the dollar amount included due to each Two and a Half Percent Override, Debt Exclusion, and Capital Expense Exclusion, as is now done with land bank assessment. On request of Daniel Shearer and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 11, 2005 the town voted Indefinite Postponement of Article 41.

**ARTICLE 42:** If the Town will provide funding for any or all of the purposes voted for in the foregoing articles by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

**VOTED:** By unanimous vote, a quorum being present on Monday, April 11, 2005, the Town voted that all articles considered in this Town Meeting be funded as voted for a total of \$96,173,288 (Ninety Six million One Hundred Seventy Three thousand Two Hundred Eighty Eight dollars) and that the Board of Selectmen place a question

on the May 2005 Annual Town Election Ballot as voted in article 37.