



THE ANNUAL NOVEMBER TOWN MEETING
November 15 and 16, 2010 AT 7:00 PM

1	Hear Report of Committees and Town Officers
2	Unpaid Bills
3	Amend Zoning Bylaw - Article XXXXVI (Business Redevelopment)
4	Amend Zoning Bylaw - Article VI (6) and XIV (14)
5	Amend Fiscal Year 2011 Operating Budget
6	Fund - Property Valuation Expenses
7	Fund - Medicaid Medical Services Program Expenses
8	Chapter 90 - Roads
9	Fund - Short Term Unexcluded Interest Debt
10	Accept M.G.L. Ch.59, Sec.57C - Quarterly Tax Payment System
11	Amend Local Room Occupancy Tax to 6%, Establish Destination Marketing Fund and Committee
12	Amend Local Room Occupancy Tax to 6%
13	Petition General Court - Room Occupancy Tax on Vacation Rentals
14	Petition General Court - Room Occupancy Tax on Timeshare Interval Ownership Properties
15	Accept M.G.L. Ch.64L, Sec. 2(a) - Local Meals Tax
16	Fund - Line of Duty
17	Fund - Waterways Engineering, Permitting, Minor Construction and Dredging
18	Fund - Superior Officers' Association Contract
19	Fund - Police Federation Contract
20	Fund - International Association of Firefighters Local 1397 Contract
21	Fund - American Federation of State, County and Municipal Employee Local 1636 (AFSCME) Contract
22	Fund - Laborer's International Union of North America, AFL-CIO Local 1249 Contract
23	Fund - Public Library Association, Massachusetts Laborers' District Council Contract
24	Fund - Technical/Administrative/Management Employee (TAM)
25	Petition - Replace Siders Pond Road Water Main and Repave Street
26	Petition - Establish a Charter Commission to develop improved form of Government
27	Classification Plan - Technical/Administrative/Management Employee (TAM)
28	Fund - Menauhant Beach Nourishment Compliance Expenses
29	Fund - Town Energy Administrative Expenses
30	Fund - Implementation of Energy Projects
31	Community Preservation Fund - Petition General Court to establish Affordable Housing Fund
32	Community Preservation Fund - Transfer care and control of Spring Bars Road Property
33	Community Preservation Fund - Open Space (Establish Embayment's Nitrogen thresholds and load limits)
34	Community Preservation Fund - Historic Resources (Fire Department Film Records)

35	Community Preservation Fund - Historic Resources (Public Library Records 18th Century through 1960)
36	Community Preservation Fund - Historic Resources (Bradley House 579 Woods Hole Road)
37	Community Preservation Fund - Historic Resources (Davis House 3 Water Street)
38	Community Preservation Fund - Historic Resources (Woods Hole Village Cemetery Church Street)
39	Community Preservation Fund - Historic Resources (Oak Grove Cemetery 46 Jones Road)
40	Community Preservation Fund - Administrative Expense
41	Authorize Easement - Davis Neck Road
42	Adopt Town of Falmouth Mitigation Plan
43	Accept M.G.L. Ch.80, Sec.13(B) - Betterment Deferral and Recovery Agreements
44	Accept M.G.L. Ch.188, Sec.37 Acts of 2010 - Town Ballot Question Information Printed and Mailed
45	Amend Falmouth Code - Chapter 180 Sewers and Septic Systems Part 1
46	Amend Falmouth Code - Chapter 180 Sewers and Septic Systems Part 3
47	Amend Falmouth Code - Chapter 184, Sec. 30 A(1) Signs
48	Amend Falmouth Code - Chapter 184, Sec. 30 D(1) Signs
49	Amend Falmouth Code - Chapter 184, Sec. 37 D Signs
50	Petition General Court - Sewer Betterment Assessments
51	Accept Layout of Seatucket Road for taking as Public Way
52	Funding Article

ARTICLE 1: To hear reports of Committees and Town Officers and act thereon.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to accept the report of the Beach Committee, Town Meeting Rules and Procedures Committee, the Falmouth High School Building Committee, DPW, Comprehensive Wastewater Management Plan Review Committee and the Finance Committee.

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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$15,661.31 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:

Personnel	Commonwealth of Massachusetts	\$ 300.00
Legal	Barnstable County Registry of Deeds	205.00
Facilities Maintenance	John J. Maurer Inc.	1,211.00
	National Grid	2,740.81
Human Services	Cape Cod Healthcare	52.50
	Mass Commission for the Deaf	90.00
Beach	Bourne Consulting Engineering	10,112.00
Water	Waterline Services LLC	950.00

ARTICLE 3: To see if the town will vote to amend Article XXXXVI (46) of the Zoning Bylaw by:

Amending *Article XXXXVI—Business Redevelopment—of the Zoning Bylaw* by deleting the words “East Main Street” from §240-204 B.(1)(a) and insert the words “the street frontage” instead, so as to read:

“Commercial or community service uses must be present within the first story space within any mixed use structure sited within one hundred (100) feet of ***the street frontage***.”

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

AMENDMENT (Rowitz): By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to change §240-204 B.(1)(a). to §240-240 B.(1)(a).

VOTED: By a declared two thirds majority, a quorum being present on Monday, November 15, 2010 the town voted to amend Article XXXXVI (46) of the Zoning Bylaw by:

Amending *Article XXXXVI—Business Redevelopment—of the Zoning Bylaw* by deleting the words “East Main Street” from §240-240 B.(1)(a) and insert the words “the street frontage” instead, so as to read:

“Commercial or community service uses must be present within the first story space within any mixed use structure sited within one hundred (100) feet of **the street frontage**.”

ARTICLE 4: To see if the town will vote to amend the Official Zoning Map and amend Articles VI (6), and XIV (14) of the Zoning Bylaw by:

- 1) Rezoning from *Business 2 and Single Residence B to Business Redevelopment* the land shown on Assessor’s
Map 05, Section 10, Parcel 005, Lot 001; 15 Beaman Lane;
Map 05, Section 10, Parcel 005A, Lot 002; 7 Nathan Ellis Highway;
Map 05, Section 09, Parcel 006, Lot 000; 557 North Falmouth Highway and;
Map 05, Section 09, Parcel 007, Lot 001; 22 Nathan Ellis Highway (a portion of) and;
- 2) Rezoning from *Single Residence B to General Residence* the land shown on Assessor’s
Map 05, Section 09, Parcel 007, Lot 001; 22 Nathan Ellis Highway (a portion of)
Map 05, Section 09, Parcel 007A, Lot 001; 28 Nathan Ellis Highway
Map 05, Section 09, Parcel 007A, Lot 002; 00 Nathan Ellis Highway
Map 05, Section 10, Parcel 003, Lot 002; 16 Beaman Lane
Map 05, Section 10, Parcel 003, Lot 003; 24 Beaman Lane
Map 05, Section 10, Parcel 002, Lot 004; 30 Beaman Lane

Also shown on a map entitled” Plan of Proposed Rezoning for Beaman Lane and Nathan Ellis Highway” dated June 28, 2010, scale 1”= 100’ on file with the Town Clerk.

- 3) Amending *Article VI—General Residence District—of the Zoning Bylaw* by inserting the words, “the northerly sideline of Route 151 from Route 28A to Willowfield Drive or;” into Section 240-28.E so as to read:

“240-28 E. Professional offices, but not to include medical clinics or retail sales where such use, including any required parking under §240-108, is located within 500 feet of a Business or Light Industrial District, and where said lot has frontage on **the northerly sideline of Route 151 from Route 28A to Willowfield Drive or;** on Palmer Avenue except that...”

- 4) Amending *Article XIV—Dimensional Regulations of the Zoning Bylaw* by deleting “28A” from the last sentence of §240-68 A.(1) and inserting “28” instead, so as to read:

“Minimum setback from Route 151 shall be 75 feet, from Route **28** to the Mashpee Town line.”

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

AMENDMENT (Murphy): By a declared majority vote, a quorum being present on Monday, November 15, 2010 the town voted to delete Map 05, Section 10, Parcel 005A, Lot 002; 7 Nathan Ellis Highway;

AMENDMENT (Lowell): By a count vote of 94 in favor and 94 opposed, Moderator David Vieira casting the deciding vote in favor, a quorum being present on Monday, November 15, 2010 the town voted to delete section

- 1) Rezoning from *Business 2 and Single Residence B to Business Redevelopment* the land shown on Assessor’s
Map 05, Section 10, Parcel 005, Lot 001; 15 Beaman Lane;
Map 05, Section 09, Parcel 006, Lot 000; 557 North Falmouth Highway and;
Map 05, Section 09, Parcel 007, Lot 001; 22 Nathan Ellis Highway (a portion of) and;

VOTED: By a count vote of 126 in favor and 74 opposed, a quorum being present on Monday, November 15, 2010, having failed to receive the required two thirds majority the town voted not to pass Article 4.

ARTICLE 5: To see if the Town will vote to amend the Waste Management Facility (Org: 01431) and Wastewater Utilities (Org: 01440) Fiscal Year 2011 operating budget appropriations voted in Article 13 at the April, 2010 Annual Town Meeting. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to reduce the Fiscal Year 2011 Operating Budget from the previously approved total of \$107,905,894.00 to \$107,635,894.00 by amending the budget line items as follows:

Waste Management Facility (Org: 01431) Other Expenses from \$296,500.00 to \$206,500.00
DPW Wastewater Utilities (Org: 01440) Other Expenses from \$695,670.00 to \$515,670.00

And to reduce the amount voted by the Town to raise and appropriate at the April 5, 2010 Annual Town Meeting from \$103,979,843.00 to \$103,709,843.00, and further, to reduce the total amount budgeted by \$270,000.00 for an amended Fiscal Year 2011 Operating Budget of \$107,635,894.00

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to suspension of the rules to allow reconsider.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to reconsider Article 5.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to reduce the Fiscal Year 2011 Operating Budget from the previously approved total of \$107,905,894.00 to \$107,635,894.00 by amending the budget line items as follows:

Waste Management Facility (Org: 01431) Other Expenses from \$291,500.00 to \$201,500.00
DPW Wastewater Utilities (Org: 01440) Other Expenses from \$680,670.00 to \$500,670.00

And to reduce the amount voted by the Town to raise and appropriate at the April 5, 2010 Annual Town Meeting from \$103,979,843.00 to \$103,709,843.00, and further, to reduce the total amount budgeted by \$270,000.00 for an amended Fiscal Year 2011 Operating Budget of \$107,635,894.00

ARTICLE 6: To see if the Town will vote to appropriate a sum of money for the purpose of funding ongoing State mandated property revaluations for the Town of Falmouth 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 Assessors.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to transfer \$15,000.00 from Overlay Surplus Account 01000-35935 for the purposes of Article 6 to be expended under the jurisdiction of the Director of Assessing.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money for the purpose of funding expenses relating to the Medicaid Medical Services Program (defined in M.G.L. ch44, §72) 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$25,000.00 from Certified Free Cash for the purposes of Article 7 to be expended under the jurisdiction of the Town Manager

ARTICLE 8: To see if the Town will vote to appropriate the sum of \$1,008,744.00, the same being the town share of the State Highway fund for fiscal year 2011, 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Article 8 as printed to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money for the purpose of funding the Short Term Unexcluded Interest Budget Line Item (01756-59925), 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$119,823.0 from Certified Free Cash to the Short Term Unexcluded Interest Budget Line Item (01756-59925) for the purposes of Article 9 to be expended under the jurisdiction of the Town Treasurer.

ARTICLE 10: To see if the Town will vote to accept the provision of M.G.L. Chapter 59, sec. 57C for the purpose of adopting and establishing a quarterly tax payment system. 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, November 15, 2010 the town voted Article 10 as printed

ARTICLE 11: To see if the Town will vote to amend its Local Room Occupancy Tax under M.G.L. c.64G, §3(A) to the rate of six (6%) percent, and further to authorize the Board of Selectmen to petition the General Court for the establishment of a Destination Marketing Fund into which shall be deposited 8.34% of the total Room Occupancy Tax received annually, as well as any grants, gifts or donations made to the Town for this purpose, and also to create a Destination Marketing Board consisting of seven (7) members to be appointed by the Board of Selectmen. 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, November 15, 2010 the town voted Indefinite Postponement of Article 11.

ARTICLE 12: To see if the Town will vote to amend its Local Room Occupancy Tax under M.G.L. c.64G, §3(A) to the rate of six (6%) percent. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a declared majority in opposition, a quorum being present on Monday, November 15, 2010 the town voted not to pass Article 12.

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a Room Occupancy Tax on vacation rentals not currently subject to such tax. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a By a count vote of 131 in favor and 76 opposed, a quorum being present on Tuesday, November 16, 2010 the town voted Article 13 as printed

ARTICLE 14: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a Room Occupancy Tax on timeshare interval ownership properties not currently subject to such tax. 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, November 15, 2010 the town voted Article 14 as printed

ARTICLE 15: To see if the Town will vote to accept the provisions of M.G.L. c.64L, §2(a) to impose a Local Meals Tax. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted to pass Article 15 as printed .

ARTICLE 16: To see if the Town will vote to appropriate a sum of money for the purpose of funding hospital, medical and related expenses incurred by employees of the Fire Rescue 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 on this matter. On request of the Personnel Director.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$30,000.00 from Certified Free Cash for the purposes of Article 16 to be expended under the jurisdiction of the Personnel Director.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money for the engineering, permitting, minor construction and dredging of various projects, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Waterways Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$100,000.00 from the Reserve Waterways Fund for the purposes of Article 17 to be expended under the jurisdiction of the Waterways Committee.

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 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.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 18.

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 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Indefinite Postponement of Article 19.

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 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.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 20.

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 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Indefinite Postponement of Article 21.

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 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Indefinite Postponement of Article 22.

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 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Indefinite Postponement of Article 23.

ARTICLE 24: 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.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Indefinite Postponement of Article 24.

ARTICLE 25: To see if the Town will vote to authorize the Selectmen to appropriate the funds (source to be determined) to replace the aging water main on Siders Pond Road and repave the street. This street has had brown water for at least twenty years and the condition is getting worse, especially in the last couple of years. Residents feel entitled to clean water, not unhealthy looking. On petition of Richard Foster and Residents of Siders Pond Road.

AMENDMENT (Duffany): By a declared failed majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted to not to apply a 60/40 betterment on the cost of replacement

VOTED: By a count vote of 115 in favor and 95 opposed, a quorum being present on Tuesday, November 16, 2010 the town voted to authorize the Selectmen to appropriate the \$250,000.00 from certified free cash to be expended under the jurisdiction of the Board of Selectmen for the purpose of replacement of the aging water main on Siders Pond Road and repave the street. This street has had brown water for at least twenty years and the condition is getting worse, especially in the last couple of years. Residents feel entitled to clean water, not unhealthy looking.

ARTICLE 26: PROCLAMATION: We the undersigned request the Town of Falmouth establish a Charter Commission to develop an improved form of Government for the Town of Falmouth. The Town of Falmouth is a 100+ million dollar a year operation and the present form of governing the finances, manpower and operations need restructuring. Government by Committees and the lack of a central leader has resulted in many citizens becoming disillusioned with the present form of Government. On petition of F. Bradley Stumcke, Jr.

AMENDMENT (Wilbur): By a declared majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted to delete "develop an improved form" and add "investigate alternative forms" and delete "need restructuring" and add "suggests that restructuring is needed"

AMENDMENT (Flynn): By a declared majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted to delete "Government by Committees and the lack of a central leader has resulted in many citizens becoming disillusioned with the present form of Government."

VOTED: By a count vote of 150 in favor and 47 opposed, a quorum being present on Tuesday, November 16, 2010 the town voted to resolve to support the petitioner's effort to study Falmouth's form of Government. RESOLUTION: We the undersigned request the Town of Falmouth establish a Charter Commission to investigate alternative forms of Government for the Town of Falmouth. The Town of Falmouth is a 100+ million dollar a year operation and the present form of governing the finances, manpower and operations suggests that restructuring is needed.

ARTICLE 27: To see if the Town will vote to amend the Town's Classification Plan for Technical, Administrative and Management staff effective July 2010 as follows:

Delete:	Police Captain-Administration	Gr.M-9	(\$32.79 – 42.79/hr.)
Add:	Police Captain-Administration	Gr.M-11	(\$40.53 – 52.90/hr.)
Delete:	Police Captain-Operations	Gr.M-9	(\$32.79 – 42.79/hr.)
Add:	Police Captain-Operations	Gr.M-11	(\$40.53 – 52.90/hr.)

Delete:	Police Captain-Special Services	Gr.M-9	(\$32.79 – 42.79/hr.)
Add:	Police Captain-Special Services	Gr.M-11	(\$40.53 – 52.90/hr.)

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 27.

ARTICLE 28: To see if the Town will vote to appropriate a sum of money to fund Menauhant Beach nourishment conservation compliance 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 Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$3,000.00 from Certified Free Cash for the purposes of Article 28 to be expended under the jurisdiction of the Town Manager.

ARTICLE 29: To see if the Town will vote to appropriate a sum of money to fund administrative expenses of the Town Energy Coordinator, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Indefinite Postponement of Article 29.

ARTICLE 30: To see if the Town will vote to appropriate a sum of money for the purpose of funding the implementation of energy conservation and renewable energy projects, including, consulting, engineering, design and construction and other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate \$35,000.00 from the Reserve Energy Fund for the purposes of Article 30 to be expended under the jurisdiction of the Town Manager.

ARTICLE 31: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to establish by special act a Falmouth Affordable Housing Fund as described in the following proposed legislation:

Section 1. Notwithstanding any general or special law to the contrary, the Town of Falmouth may establish and maintain a special trust fund to be known as the Falmouth Affordable Housing Fund (FAHF), hereinafter referred to as the "Fund". The trustees of the Fund shall be the Board of Selectmen. Monies in the Fund may be expended at the direction of Board of Selectmen, for the purpose of promotion, expansion, and retention of the affordable housing inventory in the Town of Falmouth, including costs and expenses associated with research, acquisition, creation, construction, rehabilitation, relocation, program administration, and legal and engineering fees incurred in connection with this purpose.

Section 2. The powers of the Board of Selectmen, all of which shall be carried out in furtherance of the purposes set forth in this act, shall include the following powers:

- a) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants, funds or other property tendered to the trust in connection with any ordinance or bylaw or any general or special law or any other source, including money from chapter 44B; and including mitigation payments, exaction fees, repayments of loans or return of funds for breach of grant conditions, and appropriations made by town meeting.
- b) To make grants or loans from the Falmouth Affordable Housing Fund on such terms and conditions as the Board of Selectmen deem appropriate for the purpose of promotion, expansion, and retention of the affordable housing inventory in the Town of Falmouth, including costs and expenses associated with research, acquisition, creation, construction, rehabilitation, relocation, program administration, and

legal and engineering fees incurred in connection with this purpose. Grants or loans from the Fund shall be authorized by an affirmative vote of the Board of Selectmen only after recommendation from the Community Preservation Committee. Selectmen may accept, reject, amend to reduce, or return for further study such recommendations from the Committee. If the Community Preservation Committee ceases to exist under circumstances where no successor body is established, the Board of Selectmen shall appoint a successor committee to serve in its place and stead.

- c) To establish "Guidelines for the Falmouth Affordable Housing Fund", which may be amended from time to time by the Board of Selectmen upon the recommendation from the Community Preservation Committee for uses consistent with the purposes of this act. The Guidelines may provide for rules, regulations or procedures for the administration of the fund and for eligibility and applications for loans or grants from the Fund.

Section 3. Notwithstanding any general or special law to the contrary, all monies paid into the Falmouth Affordable Housing Fund from any source shall be paid directly into the Fund without a specific appropriation and may be expended for the purposes set forth herein without further appropriation by Town Meeting. All monies remaining in the Fund at the end of any fiscal year, whether or not expended by the trustees within one (1) year of the date they were appropriated into the Fund, remain Fund property.

Section 4. The Town Treasurer shall be the custodian of the Falmouth Affordable Housing Fund and shall invest the funds in a manner authorized by sections 54, 55, 55A and 55B of chapter 44 of the Massachusetts General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the Fund.

Section 5. This act shall be take effect upon its passage.

Or do or take any other action relative thereto. On request of the Community Preservation Committee and the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to authorize the Board of Selectmen to petition the General Court to establish by special act a Falmouth Affordable Housing Fund as described in the following proposed legislation:

Section 1. Notwithstanding any general or special law to the contrary, the Town of Falmouth may establish and maintain a special trust fund to be known as the Falmouth Affordable Housing Fund (FAHF), hereinafter referred to as the "Fund". The trustees of the Fund shall be the Board of Selectmen. Monies in the Fund may be expended at the direction of Board of Selectmen, for the purpose of promotion, expansion, and retention of the affordable housing inventory in the Town of Falmouth, including costs and expenses associated with research, acquisition, creation, construction, rehabilitation, relocation, program administration, and legal and engineering fees incurred in connection with this purpose.

Section 2. The powers of the Board of Selectmen, all of which shall be carried out in furtherance of the purposes set forth in this act, shall include the following powers:

- a) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants, funds or other property tendered to the trust in connection with any ordinance or bylaw or any general or special law or any other source, including money from chapter 44B; and including repayment of loans or return of funds for breach of grant conditions and any other funds appropriated by town meeting. .
- b) To make grants or loans from the Falmouth Affordable Housing Fund on such terms and conditions as the Board of Selectmen deem appropriate for the purpose of promotion, expansion, and retention of the affordable housing inventory in the Town of Falmouth, including costs and expenses associated with research, acquisition, creation, construction, rehabilitation, relocation, program administration, and legal and engineering fees incurred in connection with this purpose. Grants or loans from the Fund shall be authorized by an affirmative vote of the Board of Selectmen only after recommendation from the Community Preservation Committee. Selectmen may accept, reject, amend to reduce, or return for

further study such recommendations from the Committee. If the Community Preservation Committee ceases to exist under circumstances where no successor body is established, the Board of Selectmen may appoint a successor committee to serve in its place and stead or the Board of Selectmen may assume the responsibility.

- c) To establish "Guidelines for the Falmouth Affordable Housing Fund", which may be amended from time to time by the Board of Selectmen upon the recommendation from the Community Preservation Committee, or the successor committee as provided for in section 2b, for uses consistent with the purposes of this act. The Guidelines may provide for rules, regulations or procedures for the administration of the fund and for eligibility of applications for loans or grants from the Fund.

Section 3. Notwithstanding any general or special law to the contrary, all monies paid into the Falmouth Affordable Housing Fund from any source shall be paid directly into the Fund without a specific appropriation and may be expended for the purposes set forth herein without further appropriation by Town Meeting. All monies remaining in the Fund at the end of any fiscal year, whether or not expended by the trustees within one (1) year of the date they were appropriated into the Fund, remain Fund property.

Section 4. The Town Treasurer shall be the custodian of the Falmouth Affordable Housing Fund and shall invest the funds in a manner authorized by sections 54, 55, 55A and 55B of chapter 44 of the Massachusetts General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the Fund.

Section 5. This act shall take effect upon its passage.

ARTICLE 32: To see if the Town will vote to authorize the Board of Selectmen to transfer care and control of the herein described property to the Conservation Commission of the Town of Falmouth for conservation and passive recreation purposes consistent with the provisions of Mass. Gen. Laws, ch. 40, §8C, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts or any other appropriate authority and to grant The 300 Committee, Inc., or other non-profit organization or governmental agency a perpetual conservation restriction on said property as authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, allowing conservation and passive recreation uses. The subject property is situated in the Town of Falmouth, Massachusetts, and located on Spring Bars Road, and is described as follows: 9.59 acres, more or less, together with all rights and easements and subject to rights and easements of record, which is shown as Lot 2 on a plan entitled "Plan of Land Prepared for Three Hundred Committee in Teaticket, Falmouth, MA" dated March 15, 2010, recorded with the Barnstable County Registry of Deeds in Plan Book 635, Page 29. Or do or take any other action relative thereto. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Article 32 as printed.

ARTICLE 33: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of evaluating Megansett Harbor, Wild Harbor, Fiddlers Cove, and Rands Canal in order to establish nitrogen thresholds and nitrogen load limits for these embayment's, under the Community Preservation Act category of Open Space. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate the sum of \$142,985 from the Community Preservation Fund Undesignated Fund Balance for the purposes of Article 33.

ARTICLE 34: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose historic preservation of Fire Department film records, under the Community Preservation Act category of Historic Resources. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate the sum of \$1,172 from the Community Preservation Fund Historic Resources Reserve for the purposes of Article 34.

ARTICLE 35: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of historic preservation of Falmouth Public Library records from the 18th century through 1960, under the Community Preservation Act category of Historic Resources. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate the sum of \$4,950 from the Community Preservation Fund Historic Resources Reserve for the purposes of Article 35.

ARTICLE 36: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of historically appropriate window restoration at the Bradley House located at 579 Woods Hole Road (Assessors ID # 51 05 033 013A), under the Community Preservation Act category of Historic Resources. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to appropriate the sum of \$30,000 from the Community Preservation Fund Historic Resources Reserve for the purposes of Article 36.

ARTICLE 37: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of appropriate rehabilitation of the historic Davis House located at 3 Water Street (Assessors ID# 51 05 032 000), under the Community Preservation Act category of Historic Resources. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted to appropriate the sum of \$267,600 from the Community Preservation Fund Historic Resources Reserve for the purposes of Article 37.

ARTICLE 38: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of historically appropriate gravestone restoration at the Woods Hole Village Cemetery located on Church Street (Assessors ID # 51 02 014A000A), under the Community Preservation Act category of Historic Resources. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to appropriate the sum of \$77,188 from the Community Preservation Fund Historic Resources Reserve for the purposes of Article 38.

ARTICLE 39: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to be made available for the purpose of historically appropriate monument restoration at the Oak Grove Cemetery located at 46 Jones Road (Assessors ID# 38 03 026 000, 38 03 037A000 and 38 03 035 000), under the Community Preservation Act category of Historic Resources. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted to appropriate the sum of \$28,093 from the Community Preservation Fund Historic Resources Reserve for the purposes of Article 39.

ARTICLE 40: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to fund the FY-2011 Administrative Expenses of the Community Preservation Committee. Or act in any way relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to appropriate the sum of \$64,257.00 (\$61,706.00 from the General Budgeted Reserve and \$2,551.00 Undesignated Fund Balance) for the purposes of Article 40.

ARTICLE 41: To see if the Town will vote to authorize the Board of Selectmen to grant an easement to the trustees of White Sands Association Trust and to the trustees of Nantucket Sound Nominee Trust, their successors and assigns,

to reconstruct the seawall across the southerly terminus of Davis Neck Road in East Falmouth between lot 3 and lot 4, subject to such terms and conditions as the board deems proper, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Article 41 as printed.

ARTICLE 42: To see if the Town will vote to adopt the Town of Falmouth Mitigation Plan developed in accordance with the Massachusetts Coastal Zone Management Storm Smart Coast Program. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 42.

ARTICLE 43: To see if the Town will vote to accept the provision of M.G.L. Chapter 80, sec. 13(B) allowing the Board of Selectmen to enter into betterment deferral and recovery agreements. Or do or take any other action on this matter. On request of the Board of Assessors.

VOTED: By a unanimous vote, a quorum being present on Monday, November 15, 2010 the town voted Article 43 as printed.

ARTICLE 44: To see if the Town will vote to accept the provisions of Section 37 of Chapter 188 of the Acts of 2010 which authorizes the Board of Selectmen to print information relating to each question that shall appear on the town ballot and send the information to each household where a registered voter resides not later than 7 days before an election at which the question shall be submitted to the voters. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 44.

ARTICLE 45: To see if the Town will vote to amend Chapter 180, Sewers and Septic Systems, Part 1, Article I, Definitions and Word Usage, by adding the following definitions to § 180-1. A.:

BEDROOM - As defined in 310 CMR 15.002.

COASTAL WATER BODIES - Shall mean all coastal ponds, bays, sounds, salt marshes, estuaries and harbors that have delineated watersheds.

INNOVATIVE/ALTERNATIVE SEPTIC SYSTEMS - Systems designed to provide or enhance on-site sewage disposal (e.g., by increasing nitrogen removal) that either do not contain all of the components of an on-site disposal system constructed in accordance with 310 CMR 15.100 through 15.255 or that contain components in addition to those specified in 310 CMR 15.100 through 15.255 and that are proposed by the Board of Health and/or the Department of Environmental Protection for remedial, pilot, provisional, or general use approval pursuant to 310 CMR 15.280 through 15.289.

NITROGEN STANDARD - For the purposes of this bylaw, the nitrogen standard for Innovative/Alternative Septic Systems shall be 12 mg/L or less.

SEWER SERVICE AREAS - Those areas of Falmouth served by Public Sewers.

TITLE 5 - Standard requirements specified in 310 CMR 15.000, the State Environmental Code, for the siting, construction, inspection, upgrade, and expansion of on-site sewage treatment and disposal systems and for the transport and disposal of septage.

WASTEWATER FLOW - For purposes of determining allowable development or redevelopment (§§ 180-52 and 180-57) wastewater flow shall mean the design flows specified in 310 CMR 15.203 or when not specified in 310 CMR 15.203, as determined by annual metered water consumption of comparable facilities. Available wastewater flow treatment capacity, within the sewer service areas shall be determined by the Wastewater Superintendent using annual metered water consumption or by methods allowable by the Massachusetts Department of Environmental Protection.

WATERSHED - Any region or area that directs water runoff from precipitation, normally by gravity as ground water, into a stream, a body of impounded surface water, or a coastal water body.

WATERSHEDS OF COASTAL WATER BODIES - Areas within the Town of Falmouth delineated in the Map contained herein as Appendix I.

Zone II - The area of an aquifer that contributes water to a public drinking water well as defined in Massachusetts Drinking Water Regulations, 310 CMR 22.02.

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 45.

ARTICLE 46: To see if the Town will vote to amend Chapter 180, Sewers and Septic Systems, Part 3, by adding the following Article VIII:

Article VIII
Nutrient Management Bylaw

§ 180-51. Preamble.

The Nutrient Management Bylaw is promulgated pursuant to the Home Rule Amendment of the Massachusetts Constitution and the plenary powers of the Falmouth Board of Health. The purpose of the Bylaw is to protect public and private water supply, shellfish and fisheries, aquaculture, and recreational waters by controlling nitrogen loads and wastewater flows within Watersheds of Coastal Water Bodies. Nothing in this bylaw shall exempt an owner from having to meet the requirements of other regulatory boards or commissions having jurisdiction.

§ 180-52. Management of Nutrient Impacts Within the Watersheds of Coastal Water Bodies.

A. Uses That Apply to the Entire Watersheds of Coastal Water Bodies.

(1) Single Family Residences.

(a) Existing Development.

1. Any single-family residence in existence as of September 1, 2011, may maintain the existing number of Bedrooms as a matter of right. There shall be a rebuttable presumption that the number of Bedrooms in existence shall be the number shown in the Assessor's records in effect on September 1, 2011.
2. On lots of 40,000 square feet or more, a single-family residence may have one (1) Bedroom for every 10,000 square feet.
3. Single-family residences with fewer than three (3) Bedrooms may be expanded to three (3) Bedrooms.
4. Further addition of Bedrooms in an existing single-family residence, beyond those permitted in 1., 2. or 3. shall not be allowed unless a variance pursuant to Chapter 180-55 is first obtained.

(b) New Development.

1. On lots of 40,000 square feet or more, a single-family residence may have one (1) Bedroom for every 10,000 square feet.
2. On lots of less than 40,000 square feet, which are otherwise qualified, a single-family residence may have three (3) Bedrooms.
3. Further addition of Bedrooms, beyond those permitted in 1. and 2., shall not be allowed unless a variance pursuant to Chapter 180-55 is first obtained.

(1) Multi-Family Residences.

(a) Existing Development.

1. Any multi-family dwelling legally in existence as of September 1, 2011, may maintain the existing number of Bedrooms as a matter of right. There shall be a rebuttable presumption

that the number of Bedrooms in existence shall be the number shown in the Assessor's records in effect on September 1, 2011.

2. Any expansion of a multi-family dwelling that increases the number of Bedrooms shall not be allowed unless a variance pursuant to Chapter 180-55 is first obtained.

(b) New Development.

A new multi-family dwelling shall not be issued a building permit unless the applicant shall first obtain a variance pursuant to Chapter 180-55.

(2) Nonresidential Development.

(a) Existing Development.

1. Any nonresidential use legally in existence as of September 1, 2011 may maintain its current level of activity and associated Wastewater Flow as a matter of right.
2. Any expansion of a nonresidential use that results in increased Wastewater Flow shall not be allowed unless a variance pursuant to Chapter 180-55 is first obtained.

(b) New Development.

New nonresidential development shall not be issued a building permit unless the applicant shall first obtain a variance pursuant to Chapter 180-55.

B. Additional Conditions That Shall Apply Within the Watersheds of Coastal Water Bodies But Outside the Sewer Service Areas.

(1) Single-Family Residences.

- (a) Any single-family residence that falls within a Zone II must meet the requirements of Title 5 (310 CMR 15.214 and 310 CMR 15.215).
- (b) New subdivisions having wastewater flows less than 10,000 gallons per day and that have five (5) or more lots shall be served by a cluster sewer system using an Innovative/Alternative Septic System technology whose discharge meets the Nitrogen Standard.

(2) Multi-Family Residences.

- (a) Any existing multi-family use with a shared septic system that has wastewater flow less than 10,000 gallons per day shall, upon failure of that system, upgrade it with an Innovative/Alternative Septic System whose discharge meets the Nitrogen Standard.
- (b) New multi-family uses with density of more than four (4) Bedrooms per 40,000 square feet, that have wastewater flow less than 10,000 gallons per day, shall be served by Innovative/Alternative Septic System technology whose discharge meets the Nitrogen Standard.

(3) Nonresidential Development.

- (a) Any existing nonresidential use that has wastewater flow less than 10,000 gallons per day, where an addition or a change in use is proposed that will increase the existing wastewater flow by more than 350 gallons per day but still less than 10,000 gallons per day, shall upgrade its system with an Innovative/Alternative Septic System whose discharge meets the Nitrogen Standard.
- (b) New non-residential development that has wastewater flow less than 10,000 gallons per day shall be served by an Innovative/Alternative Septic System technology whose discharge meets the Nitrogen Standard.

§ 180-53. Performance Standards for Innovative/Alternative Septic Systems.

- A. In situations where the applicant cannot meet the Nitrogen Standard, nitrogen discharge calculations reached by a method acceptable to the Board of Health may be substituted if the applicant can demonstrate that a reduction of nitrogen, commensurate with full application of the Nitrogen Standard, can be achieved.

- B. An operation and maintenance contract for a minimum period of two years must be in place prior to the issuance of a certificate of compliance for the system. Thereafter, a maintenance contract must be in place for terms of no less than one year without interruption for the life of the system.
- C. Monitoring shall be quarterly for total nitrogen unless relief is granted by the Board of Health upon petition of the system operator. Results of all analyses shall be provided to the Board of Health and to the Barnstable County Department of Health and Environment in accordance with Falmouth Board of Health regulations.

§ 180-54. Transferability.

The number of Bedrooms on any particular parcel of land cannot be sold, exchanged, transferred or otherwise used to benefit another's right to a sewer connection or the number of Bedrooms on another lot, except that nitrogen aggregation plans, following the "Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading" (310 CMR 15.216), will be considered for both redevelopment and undeveloped parcels if offset by Nitrogen Credit Land, as defined by (310 CMR 15.216(2)) within the same watershed.

§ 180-55. Variances.

- A. For the purposes of this bylaw (*§§ 180-51 to 180-59*), the approving authority to grant variances shall rest with the Falmouth Board of Health. A variance may be granted in case of unusual and substantial hardship that is not the result of acts or omissions of the landowner after a public hearing of which notice has been given by publication and posting for a minimum of two (2) weeks, if in the opinion of the Board of Health:
 - (1) The person requesting a variance has established that enforcement of the provision of the bylaw from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and
 - (2) The person requesting a variance, in an area within a watershed of a Coastal Water Body but outside the Sewer Service Area, has established that the level of environmental protection provided is at least equivalent to that achieved under the bylaw without strict application of the provisions of the bylaw from which a variance is sought; or
 - (3) In the case of a property within the Sewer Service Areas a variance may only be entertained following a determination by the Wastewater Superintendent, acting as the agent of the Board of Selectmen in accordance with all applicable laws and regulations, that available treatment capacity for this property exists in the Public Sewer.
- B. Any person aggrieved by a final decision of the Board of Health may seek relief in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

§ 180-56. Severability.

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 180-57. Rebuilding because of Fire, Flood, Storm or Other Acts of Nature.

As a matter of right, a property owner may rebuild a structure within the Watersheds of Coastal Water Bodies if the structure is destroyed by fire, flood, storm or other acts of nature, provided that the Wastewater Flow of the rebuilt structure does not exceed that of the original structure.

§ 180-58. Elimination of Septic Systems.

Within thirty (30) days of the property's connection to the public sewer, any septic system, cesspool, privy or other waste disposal system located on the property shall be permanently decommissioned in accordance with methods and procedures approved by the Board of Health.

§ 180-59. Violations.

- A. Any person found to be violating any provision of Chapters 180-51 to 59 shall be served by the Town with written notice stating the nature of the violation and be directed to correct the violation within a period not to exceed sixty (60) days.

- B. Any person who shall continue any violation beyond the period permitted in Subsection 59A shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.
- C. This section shall in no way limit the town's power and authority to seek other remedies available in law or in equity. Any person violating any of the provisions contained herein shall be liable to the town for any expense, loss, or damage occasioned by such violation.

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted Indefinite Postponement of Article 46.

ARTICLE 47: To see if the Town will vote to amend Ch. 184, sec. 30 of the Code of Falmouth, Signs, by amending sec. 30 A(1) to read as follows:

A. Flags.

- (1) Except during national holidays, a maximum of two (2) governmental flags are permitted, and one (1) additional nongovernmental flag with a maximum size of fifteen (15) square feet [i.e., three by five (3 x 5) feet] is permitted for each business. Any flag with words advertising a business shall be considered a sign.

Or do or take any other action on this matter. On request of the Design Review Committee.

VOTED: By a majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted Article 47 as printed.

ARTICLE 48: To see if the Town will vote to amend Ch. 184, sec. 30 of the Code of Falmouth, Signs, by amending sec. 30 D(1) to read as follows:

- D.(1) The sign shall advertise perishable goods for sale, such as food items or a menu. For businesses in their first year of operation, the sign may be used in the absence of a multitenant or free standing sign. Such signs may be used over a 4-month period.

Or do or take any other action on this matter. On request of the Design Review Committee.

VOTED:By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to amend Ch. 184, sec. 30 of the Code of Falmouth, Signs, by amending sec. 30 D(1) to read as follows:

D(1). A. The sign shall advertise perishable goods for sale, such as food items or a menu. B. For any business in its first year of operation, the sign may be used in the absence of a multi-tenant or free standing sign. Such signs may be used for a maximum continuous four (4) month period.

ARTICLE 49: To see if the Town will vote to amend Ch. 184, sec. 37 of the Code of Falmouth, Signs, by amending sec. 37D to read as follows:

- D. For walls facing a street, parking lot for the business or water for marine services business, allowable roof or wall signage shall be calculated as follows: 1 sq. ft. for each linear foot of contiguous wall or roof, up to 50 sq. ft. for 50 linear feet of the wall. For walls or roofs, between 50 ft. and 100 ft. additional signage of ½ sq. ft. for each linear foot up to a maximum signage area of 75 sq. ft. is allowed. See Wall or Roof Signage Calculator.

Or do or take any other action on this matter. On request of the Design Review Committee.

VOTED:By a unanimous vote, a quorum being present on Tuesday, November 16, 2010 the town voted to amend Ch. 184, sec. 37 of the Code of Falmouth, Signs, by amending sec. 37D to read as follows:

- D. For walls facing a street, parking lot for the business or water, allowable roof or wall signage shall be calculated as follows: 1 sq. ft. for each linear foot of contiguous wall or roof, up to 50 sq. ft. for 50 linear feet of the wall; for walls or roofs, between 50 ft. and 100 ft. additional signage of ½ sq. ft. for each linear foot up to a maximum signage area of 75 sq. ft. is allowed. A wall or roof signage calculator is incorporated herein
Wall or Roof Signage Calculator

Length of wall(lin ft)	10	20	30	40	50	60	70	80	90	100
Area of sign(sq. ft)	10	20	30	40	50	55	60	65	70	75 *max.

ARTICLE 50: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act of legislation regarding sewer betterment assessments to be assessed in the Town and which will a) authorize the term of borrowing for sewer projects and the term to pay betterments assessed for the project to have different termination dates, b) authorize the Board of Selectmen to adopt fixed annual sewer betterment payment schedules, c) authorize the equal division of annual sewer assessment payments on property tax bills, d) authorize an interest rate of 2.5% on apportioned sewer betterments payments effective January 1, 2015, and e) authorize such other provisions regarding sewer betterment assessments as will enable or enhance the purposes of this article.

Or do or take any other action on this matter. On request of the Comprehensive Wastewater Management Plan Review Committee.

AMENDMENT (Donahue): By a failed declared majority vote, a quorum being present on Tuesday, November 16, 2010 the town voted not to add an interest of “not greater than” 2.5%.

VOTED: By a count vote of 73 in favor and 114 opposed, a quorum being present on Tuesday, November 16, 2010 the town voted not to pass Article 50.

ARTICLE 51: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out of the Seatucket Road from Davisville Road, easterly, southerly and westerly to said road (horseshoe) a distance of 2180± feet as a public way. 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, November 15, 2010 the town voted Article 51 as printed.

ARTICLE 52: 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.

VOTED: By a majority vote, a quorum being present on Monday, November 15, 2010 the town voted that all Articles approved in this Town Meeting be funded as voted for a total of \$2,218,473.31, and further, to reduce the amount voted by the Town to raise and appropriate at the April 5, 2010 Annual Town Meeting from \$103,979,843.00 to \$102,621,904.00, and to reduce the total amount budgeted by \$1,357,939.00 for an amended Fiscal Year 2011 Operating Budget of \$106,547,955.00 by amending the budget line items as follows:

WASTE MANAGEMENT FACILITY - 01431

Other Expenses From \$291,500 To \$201,500 (90,000 Reduction)

WASTEWATER UTILITIES - 01440

Other Expenses From \$680,670 To \$500,670 (180,000 Reduction)

TOTAL REDUCTION

\$270,000

AS VOTED IN ARTICLE 5

“And to make additional adjustments as follows:

LONG TERM EXCLUDED DEBT - 01753

Principal payment++ From \$6,615,396 To \$5,790,246 (825,150 Reduction)

Interest payment++ From \$2,657,194 To \$2,429,405 (227,789 Reduction)

SHORT TERM EXCLUDED DEBT - 01755

Interest payment++ From \$416,308 To \$381,308 (35,000 Reduction)

TOTAL REDUCTION

\$1,087,939