

**TOWN OF FALMOUTH
ARTICLES OF THE WARRANT
ANNUAL TOWN MEETING
NOVEMBER 17 18 & 19, 2003**

ARTICLE 1: To see if the Town will vote to appropriate a sum of money for the purpose of paying unpaid bills from a previous fiscal 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.

Legal Department	Tarlow, Breed, Hart, Murphy & Rodgers, P.C.	\$1,157.78
Legal Department	American Arbitration Association	\$350.00
Legal Department	Peter J. Epstein, ESQ.	\$87.50
Town Clerk	FedEx	\$14.28
D.P.W/Beach	Falmouth Publishing	\$29.00

MOTION: I move the town vote to transfer \$1,689.36 from certified free cash for the purpose of Article 1 with the following adjustments:

FedEx	\$21.58
Falmouth Publishing	\$72.50

VOTED: By a unanimous vote, a quorum being present on Monday, November 17,2003, to transfer \$1,689.36 from Certified Free Cash under the jurisdiction of the Board of Selectmen for the purpose of Article 1 as follows:

Legal Department	Tarlow, Breed, Hart, Murphy & Rodgers, P.C.	\$1,157.78
Legal Department	American Arbitration Association	\$350.00
Legal Department	Peter J. Epstein, ESQ.	\$87.50
Town Clerk	FedEx	\$21.58
D.P.W/Beach	Falmouth Publishing	\$72.50

ARTICLE 2: To see if the Town will vote to amend sec. 240-66(A) of the zoning by-law by adding the following:

“The size and shape of two or more contiguous existing lots may be changed provided the area of each lot remains the same or meets the current minimum requirements in the zoning district and the total number of buildable lots is the same or less. No lot shall be made nonconforming.”

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

MOTION: The Planning Board moves that the Town vote to amend section 240-66(A) of the zoning bylaw by adding the following:

“The shape of two or more contiguous existing lawful building lots may be changed provided the area of each lot remains the same or meets the current minimum requirements in the zoning district, and the total number of buildable lots is the same or less. No lot reconfigured under this section shall lose its buildable status and no lot shall be made nonconforming.”

VOTED: By the required two-thirds majority, a quorum being present on Monday, November 17,2003, to amend sec. 240-66(A) of the zoning by-law by adding the following:

“The shape of two or more contiguous existing lawful building lots may be changed provided the area of each lot remains the same or meets the current minimum requirements in the zoning district, and the total number of buildable lots is the same or less. No lot reconfigured under this section shall lose its buildable status and no lot shall be made

nonconforming.”

ARTICLE 3: To see if the town will vote to amend Article –V – Single Residence Districts – of the Zoning Bylaw by deleting Section 240-23.B in its entirety and insert in its place the following:

“§240-23.B -Conversion of a Single Family Dwelling in existence prior to 1 January 1980 into no more than four dwelling units under the following criteria;

1. Minimum lot size shall be 15,000 square feet for one (1) additional dwelling unit, 20,000 square feet for two (2) additional dwelling units and 25,000 square feet for three (3) additional dwelling units.
2. There shall be no home occupations or taking of boarders.
3. No additional bedrooms shall be allowed above the number in existence in the dwelling as of 1 January 1980.
4. Said conversion shall not involve any material change in the exterior of the existing dwelling, including architectural features. Said conversion may not increase the gross floor area of the dwelling, as it existed on 1 January 1980.

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

VOTED: By a counted vote of 122 in favor and 96 opposed, a quorum being present on Monday, November 17, 2003, having not reached the required two-thirds majority, Article 3 does not pass.

ARTICLE 4: To see if the town will vote to amend Article VI - General Residence Districts - of the zoning bylaw by adding the following:

§240-28.K Conversion of a single family dwelling, or portion thereof, in existence on the lot as of January 1, 1980 into professional office space or business office space associated with the uses specified in section 4. (a) - (f) below, but not to include medical clinics or retail sales under the following criteria:

1. The dwelling must be located within 500 feet of a business or industrial district.
2. Said lot must have frontage on Palmer Avenue south of Jones Road but north of Depot Avenue and have a minimum of 10,000 square feet of area.
3. Except as may be allowed by the Historic District Commission or required by the State Building Code, said conversion shall not involve material change to the exterior of the existing dwelling, including architectural features. Said conversion may not increase the gross floor area of the dwelling, as it existed on January 1, 1980.
4. The business office space shall only be associated with the following types of businesses:
 - a) Landscaping or Landscape Design
 - b) Construction and construction related trades
 - c) Educational
 - d) Research
 - e) Philanthropic Institutions
 - f) Other general services not more specifically listed
5. Vehicles parked on the premises shall not exceed 13,000 lb GVW, and shall be restricted to side and rear yards.

No Special Permit shall be granted for the above noted uses, which would in the opinion of the Board of Appeals:

- a) negatively impact traffic flow or safety or
- b) negatively impact the visual character of the neighborhood or surrounding areas or
- c) result in the modification of the existing dwelling that, under the requirements of §240-108, requires more than 13 parking spaces.

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

VOTED: By a counted vote of 185 in favor and 26 opposed, a quorum being present on Monday, November 17, 2003, having reached the required two-thirds majority, to amend Article VI - General Residence Districts - of the zoning bylaw by adding the following:

“§240-28.K Conversion of a single family dwelling, or portion thereof, in existence on the lot as of January 1, 1980 into professional office space or business office space associated with the uses specified in section 4. (a) - (f) below, but not to include medical clinics or retail sales under the following criteria:

1. The dwelling must be located within 500 feet of a business or industrial district.
2. Said lot must have frontage on the westerly sideline of Palmer Avenue south of Ter Heun Drive but north of the intersection of Palmer Avenue and North Main Street and have a minimum of 10,000 square feet of area.
3. Except as may be allowed by the Historic District Commission or required by the State Building Code, said conversion shall not involve material change to the exterior of the existing dwelling, including architectural features. Said conversion may not increase the gross floor area of the dwelling, as it existed on January 1, 1980.
4. The business office space shall only be associated with the following types of businesses:
 - a. Landscaping or Landscape Design
 - b. Construction and construction related trades
 - c. Educational
 - d. Research
 - e. Philanthropic Institutions
 - f. Other general services not more specifically listed
5. Vehicles parked on the premises shall not exceed 13,000 lb GVW, and shall be restricted to side and rear yards.

No Special Permit shall be granted for the above noted uses, which would in the opinion of the Board of Appeals:

- d) negatively impact traffic flow or safety or
- e) negatively impact the visual character of the neighborhood or surrounding areas or
- f) result in the modification of the existing dwelling that, under the requirements of §240-108, requires more than 13 parking spaces.”

ARTICLE 5: To see if the town will vote to amend Article XIV – Dimensional Regulations – of the Zoning Bylaw by:

Deleting from §240-67.A – Schedule of Requirements – the words “Single Residence B” and the words “Single

Residence C" together with each district's minimum lot area, lot width and frontage requirements.

And to see if the town will vote to amend Section 240-67.A by adding the following footnote:

"Corrected Subsection A shall not apply to a Single Residence B or Single Residence C lot shown on a plan endorsed by the planning board prior to November 17, 2003 if the lot conformed to the applicable district requirements as of that date."

And to see if the town will vote to amend the Official Zoning Map by re-designating those areas shown as Single Residence B or Single Residence C as Single Residence A.

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

VOTED: By a counted vote of 59 in favor and 148 opposed, a quorum being present on Monday, November 17, 2003, having not reached the required two-thirds majority, Article 5 does not pass.

ARTICLE 6: To see if the town will vote to amend Article III – Definitions – of the Zoning Bylaw by adding the words " in existence when the subdivision control law became effective in the town of Falmouth" to the definition of "Street" so as to read:

STREET – An accepted town way, or a way established by or maintained under county, state or federal authority, or a way established by a subdivision plan approved in accordance with the Subdivision Control Law, or a way in existence when the subdivision control law became effective in the town of Falmouth determined by the Planning Board to have sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

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

VOTED: By a two-thirds majority, a quorum being present on Monday, November 17, 2003 to amend Article III – Definitions – of the Zoning Bylaw Bylaw by adding the words " in existence when the subdivision control law became effective in the town of Falmouth" to the definition of "Street" so as to read:

STREET – An accepted town way, or a way established by or maintained under county, state or federal authority, or a way established by a subdivision plan approved in accordance with the Subdivision Control Law, or a way in existence when the subdivision control law became effective in the town of Falmouth determined by the Planning Board to have sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

ARTICLE 7: To see if the town will vote to amend the Official Zoning Map by rezoning from Residential A to Residential C the land located at 275 Davisville Road show on Falmouth Assessor Map 40, Section 11, Parcel 9, Lot 000, containing 16,835 square feet more or less; and the land located at 281 Davisville Road shown on Falmouth Assessor Map 40, Section 11, Parcel 9C, Lot 000 containing 41,207 square feet more or less; and the land located at 25 Alwardt Way shown on Falmouth Assessor Map 40, Section 11, Parcel 9B, Lot 002 containing 3.03 acres more or less.

Or do or take any other action on this matter. On request of Reinhold J. Alwardt and others.

VOTED: By a two-thirds majority, a quorum being present on Monday, November 17, 2003 to amend the Official Zoning Map

by rezoning from Residential A to Residential C the land located at 275 Davisville Road shown on Falmouth Assessor Map 40, Section 11, Parcel 9, Lot 000, containing 16,835 square feet more or less; and the land located at 281 Davisville Road shown on Falmouth Assessor Map 40, Section 11, Parcel 9C, Lot 000 containing 41,207 square feet more or less; and the land located at 25 Alwardt Way shown on Falmouth Assessor Map 40, Section 11, Parcel 9B, Lot 002 containing 3.03 acres more or less.

ARTICLE 8: To see if the town will vote to amend the Official Zoning Map of the Town of Falmouth to rezone from General Residence to Light Industrial A, the land shown on Falmouth Assessors Map 34, Section 04, Parcel 032, Lot 1, located at 570 Teaticket Highway, Teaticket, consisting of 1 (one) acre more or less. This lot has been used for business since 1977, under the provisions of 27H which was approved and issued by the Falmouth Board of Appeals in 1977. On request of A. John Alves and others.

VOTED: By a counted vote of 70 in favor and 133 opposed, a quorum being present on Monday, November 17, 2003, having failed to reach the required two-thirds majority, Article 8 does not pass.

ARTICLE 9: To see if the Town will vote to amend the Official Zoning Map by rezoning the Business 2 section of the parcel shown on Town of Falmouth Assessors Map 30, Section 6, Parcel 16, to conform to the balance of the parcel, which is Single Residence A. On request of Rein Ciarfella and others.

VOTED: Having failed to reach a two-thirds majority, a quorum being present on Monday, November 17, 2003, Article 9 does not pass.

ARTICLE 10: To see if the Town would vote to change the Zoning Bylaw and change the Zoning Map by inserting a new paragraph F in Section 240-84 to read as follows:

- F. the construction of Moorings and Piers is allowed in Velocity Zones inside the following Harbors and Ponds:
Rand's Canal, Fiddler's Cove, Wild Harbor, West Falmouth Harbor, Quissett Harbor, Great Harbor in Woods Hole, Little Harbor in Woods Hole, Falmouth Inner Harbor, Great Pond, Green Pond, Bourmes Pond, and Eel Pond or do or take any other action relative thereto.

On request of Michael B. McGrath and others.

VOTED: Having failed to reach a two-thirds majority, a quorum being present on Monday, November 17, 2003, Article 10 does not pass.

ARTICLE 11: To see if the Town would vote to change the Zoning Bylaw and change the Zoning Map by inserting a new paragraph F in Section 240-3 (C) to read as follows:

- (1) The alteration of lot lines between nonconforming lots as long as the frontage and area of the nonconforming lots is the same after the redivision.

And to add a new paragraph to Section 240-3 (C)(1) to read as follows:

- (2) The Zoning Board of Appeals is authorized to issue a Special Permit authorizing a change in lot lines between nonconforming lots where the change in property lines results in a decreased area or lot width of a nonconforming lot as long as there is not an increase in density or the creation of a new site for a house or do or take any other action relative thereto.

On request of Michael B. McGrath and others.

VOTED: Having failed to reach a two-thirds majority, a quorum being present on Monday, November 17, 2003, Article 11 does not pass.

ARTICLE 12: To see if the Town would vote to change the Zoning Bylaw and change the Zoning Map by changing Section 240-69 by changing the word "Structures" or the word "Structure" in Paragraph A and E to the words "Building Area" or do or take any other action relative thereto.

On request of Michael B. McGrath and others.

VOTED: By a counted vote of 111 in favor and 97 opposed, a quorum being present on Monday, November 17, 2003, having failed to reach the required two-thirds majority, Article 12 does not pass.

ARTICLE 13: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to extend the existing Light Industrial A Zone by rezoning from Public Use to Light Industrial A that portion of the land at 445 North Falmouth Highway (Route 28A) shown on the Falmouth Assessors Map 05 Section 10 Parcel 19D Lot 4, located east of North Falmouth Highway (Route 28A) and north of Edgerton Drive, further described as follows:

Beginning at the northeast corner of the premises at land shown on Falmouth Assessors Map 05 Section 10 Parcel 19E lot 5A;

Thence S 18° 40' 30" W, 187.96 feet, by the above-referenced Lot 5A;

Thence N 83°13' 25" W, 173.57 feet, by Edgerton Drive;

Thence N 18° 40' 30" E, 177.06 feet;

Thence S 86° 25' 35" E, 181.26 feet, by land shown on Falmouth Assessors Map 05 Section 10 Parcel 17 Lot 1, to the point of beginning.

Said land to be rezoned to Light Industrial A is shown on "Plan of Land to be Rezoned prepared for Robert Moore in Falmouth, MA, Plan Date: August 14, 2003, Plan Scale: 1" = 50' prepared by Falmouth Engineering, 101 Town Hall Square, Falmouth, MA 02540.

On request of Robert Moore and others.

VOTED: By a two-thirds majority, a quorum being present on Tuesday, November 18, 2003 to amend the Official Zoning Map of the Town of Falmouth so as to extend the existing Light Industrial A Zone by rezoning from Public Use to Light Industrial A that portion of the land at 445 North Falmouth Highway (Route 28A) shown on the Falmouth Assessors Map 05 Section 10 Parcel 19D Lot 4, located east of North Falmouth Highway (Route 28A) and north of Edgerton Drive, further described as follows:

Beginning at the northeast corner of the premises at land shown on Falmouth Assessors Map 05 Section 10 Parcel 19E lot 5A;

Thence S 18° 40' 30" W, 187.96 feet, by the above-referenced Lot 5A;

Thence N 83°13' 25" W, 173.57 feet, by Edgerton Drive;

Thence N 18° 40' 30" E, 177.06 feet;

Thence S 86° 25' 35" E, 181.26 feet, by land shown on Falmouth Assessors Map 05 Section 10 Parcel 17 Lot 1, to the point of beginning.

Said land to be rezoned to Light Industrial A is shown on "Plan of Land to be Rezoned prepared for Robert Moore in Falmouth, MA, Plan Date: August 14, 2003, Plan Scale: 1" = 50' prepared by Falmouth Engineering, 101 Town Hall Square, Falmouth, MA 02540.

ARTICLE 14: To see if the Town will vote to amend the Official Zoning Map to rezone that portion of two properties located on Sandwich Road zoned Agriculture B to Business 3 shown on Assessors Map 34, Section 02, Parcel 035, Lot

0003 and Map 34, Section 4, Parcel 12, Lot 000A.

On request of David Drew and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18, 2003, Article 14 is Indefinite Postponement.

ARTICLE 15: To see if the Town will amend the official zoning map of the Town by rezoning that portion of the property at 56 Carriage Shop Road (30-06-016-000) that is currently zoned Residence A to General Residence. Or do or take any other action on this matter. On request of the Historical Commission.

VOTED: By a counted vote of 118 in favor and 85 opposed, a quorum being present on Tuesday, November 18, 2003, having failed to reach the required two-thirds majority, Article 15 does not pass.

ARTICLE 16: To see if the Town would vote to approve an extension of the municipal sewer and allow a sewer connection thereto for land of Melinda Lowe, trustee, Capeview Trust, for land at 53 Davis Straits, (The Admiralty), land of Mortgage Securities, et al, for land at 23 through 31 Davis Straits (Tatakot Square) and land of Cape Cod Bank and Trust at 249 Worcester Court, and abutting properties, or do or take any other action relative thereto.

On request of Michael B. McGrath and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18, 2003, Article 16 does not pass.

ARTICLE 17: To see if the Town will vote to ratify and confirm the doings of the Board of Selectmen in carrying out the authority conferred upon it by Article 15 of the November 18, 2002 Annual Town Meeting by correcting the description of the land purchased from the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority to read as follows:

Land off Blacksmith Shop Road, namely, parcels 23-01-012B-000 containing 3.86 acres, 23-03-013-000 containing 37.5 acres and parcel 23-01-012A-000C containing .05 acres belonging to the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (The Authority);

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 18, 2003, to ratify and confirm the doings of the Board of Selectmen in carrying out the authority conferred upon it by Article 15 of the November 18, 2002 Annual Town Meeting by correcting the description of the land purchased from the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority to read as follows:

Land off Blacksmith Shop Road, namely, parcels 23-01-012B-000 containing 3.86 acres, 23-03-013-000 containing 37.5 acres and parcel 23-01-012A-000C containing .05 acres belonging to the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (The Authority);

ARTICLE 18: To see if the town will vote to adopt the following boat safety regulation to be appropriately numbered by the Town Clerk in chapter 231:

Except in an emergency, no vessel may anchor within (75) feet of a marked swim area. Operation of a vessel shall be prohibited inside any marked swim area. Operation of any vessel from the swim markers seaward to (75) feet shall be restricted to headway speed only.

Or do or take any other action on this matter. On request of the Harbor Master and Beach Committee.

VOTED: Having failed to reach a majority, a quorum being present on Tuesday, November 18, 2003, Article 18 does not

pass.

ARTICLE 19: To see if the Town will vote to add Section (C) to Chapter 231:26 as follows:

Fishing from the Great Harbor Woods Hole Town Dock shall be allowed from sunrise to sunset only.

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

MOTION: I move the Town vote to add Section (C) to Chapter 231:26 of The Code Of Falmouth as follows:

Fishing from the Great Harbor Woods Hole Town Dock shall be allowed from sunrise to sunset only.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18, 2003, Article 19 does not pass.

ARTICLE 20: To see if the Town will vote to approve a Conservation Restriction on the following parcels of town owned land:

PARCEL 1:

The land situated in that part of Falmouth known as Hatchville, shown as Lot #1 on a certain plan thereof entitled "Subdivision Plan of Land of John M. Teal in Falmouth (Hatchville) Mass." Scale: 1" = 100' – Date: December 1, 1969 – Philip D. Homes, Civil Engineer, Land Surveyor, Falmouth, Mass. Which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 234 Page 5.

Containing 4.416 acres more or less

For title see deed of Jeffrey B. White, Trustee of Braeburn Farms Realty Trust dated July 10, 2002 and recorded with Barnstable County Registry of Deeds in Book 15352 Page 130.

PARCEL 2:

The land situated in Falmouth, Barnstable County, Massachusetts described as follows:

Lot 182, as shown on Land Court Plan 12349-9

Containing 23.69 acres more or less

For title see Barnstable County Registry of Deeds, Registry District, Certificate of Title No. 165890

PARCEL 3:

The land situated in Falmouth, Barnstable County Registry of Deeds, Massachusetts described as follows:

Lot 190, as shown on Land Court Plan 12349-11 (Sheet 1)

Containing 3.89 acres more or less

For title see Barnstable Registry of Deeds, Registry District, Certificate of Title No. 165891.

Said land was purchased by the town as authorized by Article 6 of the April 3, 2002 Special Town Meeting and was purchased under the Cape Cod Open Space Land Acquisition Program (the "Land Bank Act"). The proposed conservation restriction would grant to The 300 Committee, Inc. and its successors and assigns, in perpetuity and exclusively for conservation purposes, a Conservation Restriction on the property for the purpose of insuring that the

property be maintained predominantly in the natural, scenic and open condition and to prevent any use of the premises that will significantly impair or interfere with the conservation or historic values of the property. The Conservation Restriction is more fully set forth in a proposed document entitled "CONSERVATION RESTRICTION" by and between the Town of Falmouth and The 300 Committee, Inc., a copy of which has been filed with the Board of Selectmen. Copies of this document are at Town Hall and the Falmouth libraries.

The terms of the Conservation Restriction would permit access to the property by the general public and would encourage permitted uses consistent with and authorized by a management plan prepared by the Falmouth Conservation Commission and prohibit other uses as set forth in said management plan. Or do or take any other action on this matter. On request of the Conservation Commission.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18, 2003, to approve a Conservation Restriction on the following parcels of town owned land:

PARCEL 1:

The land situated in that part of Falmouth known as Hatchville, shown as Lot #1 on a certain plan thereof entitled "Subdivision Plan of Land of John M. Teal in Falmouth (Hatchville) Mass." Scale: 1" = 100' – Date: December 1, 1969 – Philip D. Homes, Civil Engineer, Land Surveyor, Falmouth, Mass. Which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 234 Page 5.

Containing 4.416 acres more or less

For title see deed of Jeffrey B. White, Trustee of Braebum Farms Realty Trust dated July 10, 2002 and recorded with Barnstable County Registry of Deeds in Book 15352 Page 130.

PARCEL 2:

The land situated in Falmouth, Barnstable County, Massachusetts described as follows:

Lot 182, as shown on Land Court Plan 12349-9

Containing 23.69 acres more or less

For title see Barnstable County Registry of Deeds, Registry District, Certificate of Title No. 165890

PARCEL 3:

The land situated in Falmouth, Barnstable County Registry of Deeds, Massachusetts described as follows:

Lot 190, as shown on Land Court Plan 12349-11 (Sheet 1)

Containing 3.89 acres more or less

For title see Barnstable Registry of Deeds, Registry District, Certificate of Title No. 165891.

Said land was purchased by the town as authorized by Article 6 of the April 3, 2002 Special Town Meeting and was purchased under the Cape Cod Open Space Land Acquisition Program (the "Land Bank Act"). The proposed conservation restriction would grant to The 300 Committee, Inc. and its successors and assigns, in perpetuity and exclusively for conservation purposes, a Conservation Restriction on the property for the purpose of insuring that the property be maintained predominantly in the natural, scenic and open condition and to prevent any use of the premises that will significantly impair or interfere with the conservation or historic values of the property. The Conservation Restriction is more fully set forth in a proposed document entitled "CONSERVATION RESTRICTION" by and between

the Town of Falmouth and The 300 Committee, Inc., a copy of which has been filed with the Board of Selectmen. Copies of this document are at Town Hall and the Falmouth libraries.

The terms of the Conservation Restriction would permit access to the property by the general public and would encourage permitted uses consistent with and authorized by a management plan prepared by the Falmouth Conservation Commission and prohibit other uses as set forth in said management plan.

ARTICLE 21: To see if the Town will vote to authorize the Board of Selectmen to grant a Conservation Restriction on the following parcels of town owned land:

Three parcels totaling approximately 25 acres of land, being a portion of an 80.38 acre parcel purchased by the Town from Robert O. Williams and Dorothy A. Williams by deed dated January 15, 1988 and recorded in the Barnstable Registry of Deeds in Book 6113, Page 283, and the locations of which are shown on a plan entitled "Plan of Land in Falmouth, MA Crooked Pond Well Site, Conservation Restriction, Tata & Howard, Inc., Consulting Engineers, 125 Tumpike Rd., Westborough, MA, dated July 2003" a copy of which is on file with the Water Department.

The proposed conservation restriction would grant to the Falmouth Conservation Commission or The 300 Committee, Inc. and its successors and assigns, in perpetuity and exclusively for conservation purposes, a Conservation Restriction on the property for the purpose of insuring that the property be maintained predominantly in the natural, scenic and open conditions and to prevent any use of the premises that will significantly impair or interfere with the conservation or historic values of the property. The Conservation Restriction is more fully set forth in a proposed document entitled "CONSERVATION RESTRICTION" by and between the Town of Falmouth and The 300 Committee, Inc. and its successors and assigns, a copy of which has been filed with the Board of Selectmen.

The terms of the Conservation Restriction would encourage permitted uses consistent with and authorized by a management plan prepared by the Falmouth Conservation Commission and prohibit other uses as set forth in said management plan. The use of the property for a municipal water supply is permitted. Or do or take any other action on this matter. On request of the Conservation Commission.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18, 2003, to authorize the Board of Selectmen to grant a Conservation Restriction on the following parcels of town owned land:

Three parcels totaling approximately 25 acres of land, being a portion of an 80.38 acre parcel purchased by the Town from Robert O. Williams and Dorothy A. Williams by deed dated January 15, 1988 and recorded in the Barnstable Registry of Deeds in Book 6113, Page 283, and the locations of which are shown on a plan entitled "Plan of Land in Falmouth, MA Crooked Pond Well Site, Conservation Restriction, Tata & Howard, Inc., Consulting Engineers, 125 Tumpike Rd., Westborough, MA, dated July 2003" a copy of which is on file with the Water Department.

The proposed conservation restriction would grant to the Falmouth Conservation Commission or The 300 Committee, Inc. and its successors and assigns, in perpetuity and exclusively for conservation purposes, a Conservation Restriction on the property for the purpose of insuring that the property be maintained predominantly in the natural, scenic and open conditions and to prevent any use of the premises that will significantly impair or interfere with the conservation or historic values of the property. The Conservation Restriction is more fully set forth in a proposed document entitled "CONSERVATION RESTRICTION" by and between the Town of Falmouth and The 300 Committee, Inc. and its successors and assigns, a copy of which has been filed with the Board of Selectmen.

The terms of the Conservation Restriction would encourage permitted uses consistent with and authorized by a management plan prepared by the Falmouth Conservation Commission and prohibit other uses as set forth in said management plan. The use of the property for a municipal water supply is permitted.

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen to convey to the Falmouth Housing

Trust the following Town owned land:

The land in Falmouth on Sam Turner Road shown as Parcel 3 on Barnstable County Registry of Deeds Plan 571, Page 41 containing 6.7 acres, more or less, shown on Falmouth Assessor's Map 11 Section 01 Parcel 23 all as described in a deed recorded with Barnstable County Registry of Deeds in Book 14765, Page 57.

Said land shall be conveyed for non-monetary consideration subject to an agreement that the Falmouth Housing Trust will use the property for the construction of affordable housing and upon such further terms and conditions as the Board of Selectmen determine will promote and advance this purpose. Or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: To see if the Town will vote to authorize the Board of Selectmen to convey to the Falmouth Housing Trust the following Town owned land:

The land in Falmouth on Sam Turner Road shown as Lot 3 on Barnstable County Registry of Deeds Plan 571, Page 41 containing 6.7 acres, more or less, shown on Falmouth Assessor's Map 11 Section 01 Parcel 23 all as described in a deed recorded with Barnstable County Registry of Deeds in Book 14765, Page 57.

Said land shall be conveyed for non-monetary consideration subject to an agreement that the Falmouth Housing Trust will use the property for the construction of affordable housing and upon such further terms and conditions as the Board of Selectmen determine will promote and advance this purpose. Or do or take any other action on this matter. On request of the Board of Selectmen.

AMENDMENT: To see if the Town will vote to authorize the Board of Selectmen to convey to the Falmouth Housing Trust the following Town owned land:

The land in Falmouth on Sam Turner Road shown as Parcel 3 on Barnstable County Registry of Deeds Plan 571, Page 41 containing 6.7 acres, more or less, shown on Falmouth Assessor's Map 11 Section 01 Parcel 23 all as described in a deed recorded with Barnstable County Registry of Deeds in Book 14765, Page 57.

Said land shall be conveyed for non-monetary consideration subject to an agreement that the Falmouth Housing Trust will use the property for the construction of **no more than six occupied** affordable housing **units** and upon such further terms and conditions as the Board of Selectmen determine will promote and advance this purpose. 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 18, 2003, amendment passed.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18, 2003, to authorize the Board of Selectmen to convey to the Falmouth Housing Trust the following Town owned land:

The land in Falmouth on Sam Turner Road shown as Parcel 3 on Barnstable County Registry of Deeds Plan 571, Page 41 containing 6.7 acres, more or less, shown on Falmouth Assessor's Map 11 Section 01 Parcel 23 all as described in a deed recorded with Barnstable County Registry of Deeds in Book 14765, Page 57.

Said land shall be conveyed for non-monetary consideration subject to an agreement that the Falmouth Housing Trust will use the property for the construction of **no more than six occupied** affordable housing **units** and upon such further terms and conditions as the Board of Selectmen determine will promote and advance this purpose.

ARTICLE 23: To see if the Town will vote to authorize the Falmouth Housing Task Force to initiate the permitting process for affordable housing on property known on the Assessors Maps as Map 02A, Section 07, Parcel 006, Lot 009 and Map 02A, Section 07, Parcel 006A, Lot 017 on Ward Street in North Falmouth for the purpose of creating not more than 2 owner occupied affordable housing units. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority vote, a quorum being present on Tuesday, November 18,2003, to authorize the Falmouth Housing Task Force to initiate the permitting process for affordable housing on property known on the Assessors Maps as Map 02A, Section 07, Parcel 006, Lot 009 and Map 02A, Section 07, Parcel 006A, Lot 017 on Ward Street in North Falmouth for the purpose of creating not more than 2 owner occupied affordable housing units.

ARTICLE 24: To see if the Town will vote to authorize the Falmouth Housing Task Force to initiate the permitting process for affordable housing on property known on the Assessors Maps as Map 06, Section 02, Parcel 007, Lot 000 and Map 06, Section 02, Parcel 008, Lot 000 on Cloverfield Way in Hatchville for the purpose of creating not more than 2 owner occupied affordable housing units. Or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: To see if the Town will vote to authorize the Falmouth Housing Task Force to initiate the permitting process for affordable housing on property known on the Assessors Maps as Map 06, Section 02, Parcel 007, Lot 000 and Map 06, Section 02, Parcel 008, Lot 000 on Cloverfield Way in Hatchville for the purpose of creating not more than 1 owner occupied affordable housing units. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority vote, a quorum being present on Tuesday, November 18,2003, to authorize the Falmouth Housing Task Force to initiate the permitting process for affordable housing on property known on the Assessors Maps as Map 06, Section 02, Parcel 007, Lot 000 and Map 06, Section 02, Parcel 008, Lot 000 on Cloverfield Way in Hatchville for the purpose of creating not more than 1 owner occupied affordable housing units.

ARTICLE 25: To see if the Town will vote to hear a report from the Mullen School Building Committee on the school renovation project. Or do or take any other action on this matter. On request of the Mullen School Building Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18,2003, to accept a report from the Mullen School Building Committee on the school renovation project. .

ARTICLE 26: To see if the Town will vote to hear a report from the Golf Course Advisory Committee. 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 18,2003, to accept a report from the Golf Course Advisory Committee.

MOTION: BASED ON THE REPORT JUST PRESENTED, I MOVE THAT THIS BODY VOTE TO DIRECT THE GOLF/OPEN SPACE ADVISORY COMMITTEE TO CONTINUE NEGOTIATIONS TOWARDS THE GOAL OF HAVING AN AGREEMENT IN PLACE FOR CONSIDERATION AT THE APRIL 2004 ANNUAL OR SPECIAL TOWN MEETING.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18,2003, to direct the Golf/Open Space Advisory Committee to continue negotiations towards the goal of having an agreement in place for consideration at the April 2004 Annual or Special Town Meeting.

ARTICLE 27: To see if the Town will vote to petition the General Court for legislation to authorize the Conservation Commission to grant an easement to the Department of Public Works, Water Department, to build a portion of a water main from Falmouth Technology Park to the Ballymeade neighborhood across the following parcels of land under the jurisdiction of the Conservation Commission, namely, map 15-03-014-000, map 15-03-015-00A, map 16-02-005-000 and map 16-02-006-000 said easement to be approximately 20 feet wide and to be located near the easterly property lines of the parcels. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 18,2003, to petition the General Court for legislation to authorize the Conservation Commission to grant an easement to the Department of Public Works, Water Department, to build a portion of a water main from Falmouth Technology Park to the Ballymeade neighborhood across the following parcels of land under the jurisdiction of the Conservation Commission, namely, map 15-03-014-000, map 15-03-015-00A, map 16-02-005-000 and map 16-02-006-000 said easement to be approximately 20 feet wide and to be located near the easterly property lines of the parcels. .

ARTICLE 28: To see if the Town will vote to appropriate \$242,592 to purchase the property at 66 Depot Avenue known as Assessors Map 38 Section 01 Parcel 013 Lot 000 and to determine whether this appropriation shall be raised by borrowing or otherwise and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: That the Town vote to transfer \$225,000 from the Parking Meter Fund to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 28.

VOTED: By the required two-thirds majority, a quorum being present on Tuesday 18, 2003, to transfer \$225,000 from the Parking Meter Fund to purchase the property at 66 Depot Avenue known as Assessors Map 38 Section 01 Parcel 013 Lot 000 to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 29: To see if the Town will vote to appropriate \$300,000 for the construction of a new Bandshell at Marina Park and to determine whether this appropriation shall be raised by borrowing or otherwise 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 Tuesday, November 18,2003, to transfer \$300,000 from the Falmouth Fund for the construction of a new bandshell at Marina Park under the jurisdiction of the Board of Selectmen.

ARTICLE 30: To see if the Town will vote to appropriate \$440,000 for the purpose of design costs for the Main Library renovations and to determine whether this appropriation shall be raised by borrowing or otherwise and by whom expended. Or do or take any other action in this matter. On request of the Library Trustees.

MOTION: That the Town vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$444,400.00 dollars under the provisions of G.L. ch. 44, § 7(3A) or any other appropriate authority, and to issue bonds or notes of the Town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of this article.

VOTED: By the required two-thirds majority, a quorum being present on Wednesday November 19, 2003, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$444,400.00 dollars

under the provisions of G.L. Ch. 44, § 7(3A) or any other appropriate authority, and to issue bonds or notes of the Town therefore, said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of this article.

ARTICLE 31: To see if the Town will vote to appropriate \$900,000 for the installation of 5,600 feet of 8" water main in Raffi, O'Donnell, Ashton and Nancy Avenues; and 6,600 feet of 8" water main in Quashnet Way, Tasina Drive, Overlook Circle and Dodson Way under the Betterment Laws and provisions of MGL Chapter 40, section 42K. And to determine whether this appropriation shall be raised by borrowing or otherwise and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: That the Town vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$909,000 dollars under the provisions of G.L. ch.44 § 8(5), or any other appropriate authority, and to issue bonds or notes of the Town therefore, said sums to be expended under the jurisdiction of the Board of Selectmen for purposes of this article with the further provisions that the water mains be installed under the provision of G.L. Ch. 80, the Betterment Act.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$909,000 dollars under the provisions of G.L. ch.44 § 8(5), or any other appropriate authority, and to issue bonds or notes of the Town therefore, said sums to be expended under the jurisdiction of the Board of Selectmen for purposes of this article with the further provisions that the water mains be installed under the provision of G.L. Ch. 80, the Betterment Act .

ARTICLE 32: To see if the Town will vote to appropriate \$1,920,912 for the cost of remodeling and making extraordinary repairs to the district school facilities, consisting of HVAC and boiler room improvements; and that this appropriation be raised by incurring debt by the issuance of bonds or notes under §16 of Chapter 71 of the General Laws as amended. Or do or take any other action on this matter. On request of the Upper Cape Cod Regional Technical School Committee.

MOTION: That the Town vote to approve the actions of the Upper Cape Cod Regional Vocational Technical School District School Committee to borrow the sum of \$1,920,912.00 dollars to repair and make extraordinary repairs to district school facilities and to issue bonds or notes of the district therefore, said sums to be expended by the District School Committee for purposes stated in this article.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to approve the actions of the Upper Cape Cod Regional Vocational Technical School District School Committee to borrow the sum of \$1,920,912.00 dollars to repair and make extraordinary repairs to district school facilities and to issue bonds or notes of the district therefore, said sums to be expended by the District School Committee for purposes stated in this article.

ARTICLE 33: To see if the Town will vote to appropriate a sum of money for the purpose of making loans to residents of the Town for repairing, replacing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise, or do or take any other action on this matter. On request of the Board of Selectmen.

MOTION: That the sum of \$200,000 is hereby appropriated for the purpose of making loans to residents of the Town for repairing, replacing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow not in excess of that sum, under and pursuant to Chapter 111, Section 127B ½ of the Massachusetts General Laws, or any enabling authority, and to issue bonds or notes of the Town therefor, and to enter into an and all agreements with the Massachusetts Water Pollution Abatement Trust in connection therewith.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, the sum of \$200,000 is

hereby appropriated for the purpose of making loans to residents of the Town for repairing, replacing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow not in excess of that sum, under and pursuant to Chapter 111, Section 127B ½ of the Massachusetts General Laws, or any enabling authority, and to issue bonds or notes of the Town therefor, and to enter into an and all agreements with the Massachusetts Water Pollution Abatement Trust in connection therewith.

ARTICLE 34: To see if the Town will vote to appropriate a sum of money to fund the fiscal year 2004 Capital Budget 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.

ARTICLE 34 FY 04 CAPITAL BUDGET				Request	Recommend	
					Free Cash	Available Funds
Department of Public Works						
1	Road Maintenance			\$300,000	300,000	
	Major resurfacing of Town roads including drainage - ongoing					
2	Sidewalks			\$105,000	105,000	
	Construction and upgrade of town wide sidewalk system - ongoing					
3	Bridge Maintenance			\$75,000	75,000	
	Provides for emergency repairs and maintenance to town owned bridges - ongoing					
4	Vehicles & Equipment					
	Highway Division					
	Truck, Dump, 36,000 GVW	65,000				
	Truck, Utility, One Ton (Shop)	38,000				
	Sweeper	50,000	first year of a 2 year lease			
	Tractor, Plow	80,000	(\$100,000 recommended - price has increased)			
	Highway Total		253,000			
	Engineering Division					
	Truck, Utility 4x4	24,000				
	Truck, Utility 4x4	24,000				
	Truck, Wagon	28,000				
	Engineering Total		76,000			
	Tree Warden, Parks Division					
	Mowers, 48 inch (2)	11,000				
	Tree Warden Total		11,000			
	Water Division					
	Truck, Dump, One ton	38,000				
	Water Division Total		38,000			
	Total D.P.W. Vehicles			358,000	378,000	
FY '04 portion of the Capital Improvement Plan for the replacement of Department of Public Works vehicles and equipment - ongoing						
5	Building Maintenance			72,000	72,000	
	Routine maintenance of the Town's buildings - ongoing					

6	Coastal Drainage	50,000	50,000	
	Funds Coastal Drainage Program to mitigate runoff from the Town's roads into coastal ponds.			
7	Road Management System	20,000	20,000	
	Inventory of all Town roads			
8	Survey equipment	15,000	15,000	
	Replace three units.			
Assessors				
9	Revaluation	62,000		62,000
10	Contractual Services	15,000		15,000
11	On-line Assessing Program	13,500		13,500
12	Printer	2,500		2,500
	These items are needed for the completion of the Fiscal Year 2005 revaluation.			
Police Department				
13	Cruisers	215,759	215,759	
	Generally funded in operating budget, but is funded in Capital Program due to reduced State Aid.			
Fire Department				
14	Building Maintenance	30,000	30,000	
	Funding continues the process of doing necessary maintenance of the department's buildings.			
15	Paramedic Vehicle	35,000	35,000	
	This vehicle responds to all emergencies and must be kept up to date.			
16	Ladder 26 repaint	80,000	55,000	
	Preventative maintenance to prolong the life of the vehicle.			
17	Fire equipment/gear	25,000	25,000	
	Equipment for trucks and ambulances.			
Information Technology				
18	IT PC (etc.) Upgrades	50,000	50,000	
	The Town maintains 100+ PC's. A maintenance program replaces 10 to 15 each year. - ongoing			
19	IT Printer Upgrades	4,500	4,500	
	Printers must be upgraded on a regular basis - ongoing.			
20	IT Networking	10,000	10,000	
	Local Area Network (within buildings) and the Wide Area Network (between buildings) - ongoing.			
21	Servers	3,000	3,000	
	The additional server is needed for more efficiency.			
22	Police MDT Upgrade	50,000	50,000	
	Computer windows upgrades and mobile data replacement.			
Geographic Information System				
23	Application data layers	34,000	34,000	
	These layers make information available to other departments.			
24	Equipment upgrades	4,000	4,000	
	Upgrade GIS and GPS systems.			
Beach Improvements				
25	Cost estimates - Surf Drive bathhouse	5,000	5,000	
	Needed for preparing a plan for the remodeling of the bathhouse.			
26	Rebuild deck at Menauhant Beach	10,000	10,000	

	The deck at the Menauhant Beach trailer is no longer safe.			
27	Catch basin repairs at Old Silver Beach (public)	16,000	16,000	
	Repairs are needed to correct a serious flooding problem that makes some parking spaces unusable.			
28	Site Improvement - Beach nourishment	15,000	15,000	
	Generally funded in operating budget, but is funded in Capital Program due to reduced State Aid.			
Recreation Department				
29	Facilities maintenance	25,000	18,000	
	Maintenance of building - ongoing.			
Natural Resources				
30	Land Management	15,000	15,000	
	Maintenance and upkeep of the Town's open space			
Utilities Division - Water				
31	Utility Mains	175,000	175,000	
	Routine maintenance and upgrades of water and sewer lines - ongoing.			
32	Meters	175,000	175,000	
	Replace old meters that do not register properly which results in revenue loss - ongoing.			
33	Fixtures/Conservation Kits	20,000	20,000	
	Water saving devices for Town-owned buildings will be purchased.			
34	Redevelop wells	30,000	30,000	
	Several wells must be upgraded for maximum pumping capability.			
Utilities Division - Wastewater				
35	Disposal system repair	20,000	20,000	
	Grit removal and maintenance to the spray irrigation system piping will be done.			
36	Collection system repair	50,000	50,000	
	Rehabilitation of manholes and inspection of gravity mains will be done.			
School Department				
37	Facilities Maintenance	75,000	75,000	
	Telephone and intercom systems to be replaced at the Teaticket, East Falmouth and North Falmouth Schools. Roof and gutter repairs and painting will be done at the School Administration Building.			
Harbor Master				
38	Site Improvements	24,306	24,306	
	Generally funded in operating budget, but is funded in Capital Program due to reduced State Aid.			
39	Dredging	35,000	35,000	
	Generally funded in operating budget, but is funded in Capital Program due to reduced State Aid.			
40	Sandblast drydock barge	15,000	15,000	
	The barge must be sandblasted and painted.			
		2,334,565	2,229,565	93,000
	TOTAL FY '04 CAPITAL BUDGET			2,322,565

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to transfer \$2,229,565 from Certified Free Cash and \$93,000 from the Overlay Surplus Account to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 34.

ARTICLE 35: To see if the Town will vote to accept the provisions of Chapter 2, §1 of the Acts of 2002 which added Chapter 58, §8C to the General Laws and provides authority for a city or town to enter into agreements to abate unpaid real estate taxes, including interest and penalties, on certain real estate to be developed for affordable housing. A city or town that accepts this section shall adopt an ordinance or by-law specifying the method for negotiating and approving agreements under this section. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority, a quorum being present on Wednesday November 19, 2003, to accept the provisions of Chapter 2, §1 of the Acts of 2002 which added Chapter 58, §8C to the General Laws and provides authority for a city or town to enter into agreements to abate unpaid real estate taxes, including interest and penalties, on certain real estate to be developed for affordable housing. A city or town that accepts this section shall adopt an ordinance or by-law specifying the method for negotiating and approving agreements under this section.

ARTICLE 36: To see if the Town will vote to transfer \$340,000 from the Falmouth Fund and \$83,700 from the Real Estate Fund to the Stabilization Fund. 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 Wednesday November 19, 2003, to transfer \$340,000 from the Falmouth Fund and \$83,700 from the Real Estate Fund to the Stabilization Fund.

ARTICLE 37: To see if the Town will vote to appropriate \$25,000 to the Police Department budget for the purpose of providing additional funding for the Quinn Bill 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 Police Chief.

MOTION: That the Town vote to transfer \$12,500 from Certified Free Cash to Budget Line 01210-51143 (Town portion) and \$12,500 to Budget Line 01210-51144 (State portion) to be expended under the jurisdiction of the Police Chief.

VOTED: By a majority, a quorum being present on Wednesday November 19, 2003, to transfer \$12,500 from Certified Free Cash to Budget Line 01210-51143 (Town portion) and \$12,500 to Budget Line 01210-51144 (State portion) to be expended under the jurisdiction of the Police Chief.

ARTICLE 38: To see if the Town will vote to appropriate \$107,135 for the purpose of increasing the funding for the Town's obligation for employee group health insurance for fiscal year 2004. Said funds to be dispersed as follows:

01914-51177	Health Insurance - Town of Falmouth	\$80,161
01914-51178	Health Insurance - School	\$26,974

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 Administrator.

MOTION: That the Town vote to transfer \$107,135 from Certified Free Cash for the purposes of Article 38 to be expended under the jurisdiction of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to transfer \$107,135 from Certified Free Cash for the purposes of Article 38 to be expended under the jurisdiction of the Town Administrator.

ARTICLE 39: To see if the Town will vote to appropriate \$50,000 for the completion of work associated with the Gus Carty Teen Center addition 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.

MOTION: That the Town vote to transfer \$50,000 from Certified Free Cash to be distributed as follows: \$12,950 to be placed in the Reserve Fund and \$37,050 to be placed in an account to be expended under the jurisdiction of the Recreation Committee for the purposes of Article 39.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to transfer \$50,000 from Certified Free Cash to be distributed as follows: \$12,950 to be placed in the Reserve Fund and \$37,050 to be placed in an account to be expended under the jurisdiction of the Recreation Committee for the completion of work associated with the Gus Canty Teen Center addition.

ARTICLE 40: To see if the Town will vote to appropriate \$25,000 for the demolition of a building located on land being shown on Falmouth Assessors Map 34, Section 02, Parcel 046, Lot 000A, which was acquired by the Town at the April 2002 Annual Town Meeting. 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.

MOTION: That the Town vote to transfer \$25,000 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the demolition of buildings on the above cited land.

VOTED: By a majority, a quorum being present on Wednesday November 19, 2003, to transfer \$25,000 from Certified Free Cash to be expended under the jurisdiction of the Board of Selectmen for the demolition of a buildings located on land being shown on Falmouth Assessors Map 34, Section 02, Parcel 046, Lot 000A, which was acquired by the Town at the April 2002 Annual Town Meeting.

ARTICLE 41: To see if the Town will vote to appropriate \$15,000 for the purpose of funding additional contractual services in the Zoning Board of Appeals Office 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 Zoning Board of Appeals.

MOTION: That the Town vote to transfer \$15,000 from Certified Free Cash to be expended under the jurisdiction of the Board of Appeals for the purposes of Article 41.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to transfer \$15,000 from Certified Free Cash to be expended under the jurisdiction of the Board of Appeals for the purposes of funding additional contractual services in the Zoning Board of Appeals Office.

ARTICLE 42: To see if the Town will vote to appropriate \$2,975 to Account 01176-51110 (Zoning Board salaries and wages) to fund increased hours of the Office Assistant 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 Zoning Board of Appeals.

MOTION: That the Town vote to transfer \$2,975 from Certified Free Cash to be expended under the jurisdiction of the Zoning Board of Appeals for the purposes of Article 42.

VOTED: By a unanimous vote, a quorum being present on Wednesday November 19, 2003, to transfer \$2,975 from Certified Free Cash to Account 01176-51110 (Zoning Board salaries and wages) to fund increased hours of the Office Assistant to be expended under the jurisdiction of the Zoning Board of Appeals.

ARTICLE 43: To see if the Town will vote to authorize the Board of Selectmen acting with concurrence of the Conservation Commission to not renew or reissue leases for certain Town owned cranberry bogs and instead to license the use of certain Town owned cranberry bogs to private cranberry growers for the cultivation of cranberries in accordance with the terms and conditions expressed in license agreements and proposals on file in the Board of Selectmen's office. The cranberry bogs that will not be reissued leases are the Upper Baptiste Bog, Lower Baptiste Bog, West Thompson Bog, East Thompson Bog, Reservoir Bog, Middle Bog, Lower Bog, Flax Pond Bogs and the Farley Bog. The bogs that will be licensed for the cultivation of cranberries are Upper Baptiste Bog, Lower Baptiste Bog, West

Thompson Bog, East Thompson Bog, Flax Pond Bogs and the Farley Bog. Or do or take any other action on this matter. On request of the Board of Selectmen and Conservation Commission.

MOTION: That the Town vote to authorize the Board of Selectmen to enter into license agreements with the successful bidder responding to Request for Proposals issued by the Chief Procurement Officer in accordance with the Uniform Procurement Act.

VOTED: By a majority, a quorum being present on Wednesday November 19, 2003, to authorize the Board of Selectmen to enter into license agreements with the successful bidder responding to Request for Proposals issued by the Chief Procurement Officer in accordance with the Uniform Procurement Act.

ARTICLE 44: To see if the Town will vote to authorize the amendment of the "Agreement between the Towns of Bourne, Falmouth, Marion, Sandwich and Wareham, Massachusetts with respect to the establishment of a regional vocational high school district" to provide that the Town of Sandwich be allowed to increase its number of school committee representatives from one to two. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a majority, a quorum being present on Wednesday November 19, 2003, to authorize the amendment of the "Agreement between the Towns of Bourne, Falmouth, Marion, Sandwich and Wareham, Massachusetts with respect to the establishment of a regional vocational high school district" to provide that the Town of Sandwich be allowed to increase its number of school committee representatives from one to two.

ARTICLE 45: To see if the Town will vote to support the following:

**Proposed Falmouth Town Meeting Resolution to
Protect Civil Rights and Defend The Constitution of The United States**

The citizens of Falmouth are concerned that actions of the President, the Attorney General of the United States, the U.S. Justice Department and the legislation called the USA PATRIOT Act, hastily passed by the U.S. Congress following the September 11, 2001 attacks, pose significant threats to Constitutional protections in the name of fighting terrorism. Such undermining of basic civil rights and liberties run the serious risk of destroying freedom in order to save it.

The Attorney General asserted before the Senate Judiciary Committee that civil libertarians who criticize the Justice Department's policies "aid terrorists ... erode our national unity and diminish our resolve." We disagree.

We believe that respect for Constitutional rights is essential for the preservation of democratic society.

Adherence to our Bill of Rights is patriotic. It is the Justice Department's threats and actions which are a danger to our national strength.

Among the actions to date that have raised our concern are the following:

The USA PATRIOT Act, passed in October 2001, creates a new crime, "domestic terrorism," so broadly defined that it could conceivably apply to acts of civil disobedience. Persons associated—through membership dues or legal activity—with foreign or domestic organizations defined as terrorist by the Secretary of State are subject to surveillance and may themselves face prosecution.

The USA PATRIOT Act gives the FBI and the CIA increased authority to wiretap phones, monitor e-mail, survey medical, financial and student records, and break into homes and offices without prior notification or knowledge of the occupants. The Act could lead local officials to undertake actions that violate the Constitution.

The Justice Department has carried out a nationwide effort to locate and interview as many as 5,000 recent immigrants, all men, ages 18 to 33, primarily from Middle Eastern nations and not charged with any crime. Guidelines for these interviews include inquiries into an individual's political beliefs and the beliefs of families and friends, and whether or

not an individual “supports” any cause that terrorists espouse.

More than 1,000 people were detained in the weeks following the September 11 attacks, most without being charged, some impeded in their ability to contact lawyers or their families. Many are still in detention and essentially incommunicado.

The Attorney General has approved a Bureau of Prisons order authorizing federal prison officials to listen in on the confidential attorney-client communications of persons in custody, without court review.

The Attorney General of the United States is requesting authority to strip American citizens of their citizenship and deport them if he decides they are a danger to the nation, and to expand government power over our lives even more by enacting the so-called “PATRIOT II” (a.k.a. Domestic Security Enhancement Act, or DSEA).

WHEREAS the Town of Falmouth has a long and distinguished history of protecting and expanding civil rights and civil liberties, having in 1779 repulsed a British attack from the sea in the Battle of Falmouth;

WHEREAS Falmouth citizens throughout history have risked and given their lives to defend the freedoms enshrined in our founding documents, and the people of Falmouth honor the Declaration of Independence and the Constitution and they regard the liberties guaranteed therein as their most precious bequest as Americans;

WHEREAS the citizens of Falmouth intend to preserve these freedoms as the rightful inheritance of their posterity;

WHEREAS the Town of Falmouth has had an Affirmative Action Policy statement since May 13, 1991, and in 1988 was the first town on Cape Cod to establish a position of Equity—Affirmative Action Officer independent of any other town department or committee;

WHEREAS Falmouth is a “No Place For Hate” community recognized by the Anti-Defamation League and proclaimed by a banner in the lobby of Town Hall;

WHEREAS The Falmouth Human Services Committee is a part of town government whose goal is to insure equal access to the services of the town and to promote understanding of the social implications of economic and political changes;

WHEREAS the Town of Falmouth greatly benefits from the many contributions of its highly diverse population of residents, visitors, summer students, and seasonal workers, all vital to our town’s unique character;

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness;

WHEREAS the United States Constitution guarantees all persons living in the United States certain fundamental rights, including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures, due process and equal protection, and access to counsel, presumption of innocence and a fair, speedy, public trial;

THEREFORE, BE IT RESOLVED that the Town of Falmouth affirm that the rights of all people—including United States citizens and citizens of other nations within the Town—be protected by the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that Falmouth Town Meeting call upon all town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

BE IT FURTHER RESOLVED that Falmouth Town Meeting call upon all private citizens—including residents, employers, educators, and business owners—to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

IT IS HEREBY FURTHER RESOLVED that Falmouth Town Meeting:

1. Request that the Board of Selectmen require the Administrator the Board to direct the Police Department to:

- A. Refrain from enforcing immigration matters, which are entirely the responsibility of the Department of Homeland Security; and from denying any town service on the basis of citizenship; and

- B. Refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion; and
- C. Refrain from utilizing racial profiling or religious profiling as factors in selecting which individuals are subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect; and
- D. Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the subject of the investigation is or may be involved in criminal conduct; and
- E. Refrain from undertaking or participating in any initiative, such as the proposed and rejected Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers; and
- F. Refrain from using racial profiling to stop drivers or pedestrians without particularized suspicion of criminal activity; and
- G. Report to the board of selectmen any request by federal authorities that, if granted, would cause agencies of the Town of Falmouth to exercise or cooperate in the exercise of powers in apparent violation of any town ordinance, or the laws of the Constitution of this Commonwealth or of the United States.

2. Request that the Library Trustees direct the librarians within the Town of Falmouth to:

Post in a prominent place within each library a notice to library users as follows: "WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530."

3. Direct the Town Clerk to:

- A. Transmit a copy of this resolution to Senators Edward M. Kennedy, John F. Kerry, and Representative William Delahunt; and
- B. Transmit a letter urging our Congressional representatives and senators to monitor federal anti-terrorism tactics, and to work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties; to lead Congressional action to prohibit passage of the Domestic Security Enhancement Act (DSEA) also known as PATRIOT II; to support the United States Congress in its efforts to oversee and assess the impacts of the USA PATRIOT Act; to ensure that the sunset date of Title II of the Act remain in force and be honored, thereby supporting all Congressional efforts to ensure that Congress enact the required joint resolution on or before October 1, 2005 to inactivate Title II; and
- C. Transmit a copy of this resolution to Governor Mitt Romney and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that not infringe on civil rights and liberties as described in this resolution; and
- D. Transmit a copy of this resolution to President George W. Bush, Attorney General John Ashcroft, and the website www.bordc.org.

This Article is not intended to inhibit or prevent the apprehension, trial, or conviction of people who have carried out or planned attacks against the United States or any other country. We believe that we are still a nation based on laws and that existing laws are entirely adequate for the apprehension of terrorists. A threat to any one person's Constitutional rights is a threat to the rights of us all.

On request of Deborah Siegal and others.

**MOTION: Proposed Falmouth Town Meeting Resolution to
Protect Civil Rights and Defend The Constitution of The United States**

The citizens of Falmouth are concerned that actions of the President, the Attorney General of the United States, the U.S. Justice Department and the legislation called the USA PATRIOT Act, hastily passed by the U.S. Congress following the September 11, 2001 attacks, pose significant threats to Constitutional protections in the name of fighting terrorism. Such undermining of basic civil rights and liberties run the serious risk of destroying freedom in order to save it.

The Attorney General asserted before the Senate Judiciary Committee that civil libertarians who criticize the Justice Department's policies "aid terrorists ... erode our national unity and diminish our resolve." We disagree.

We believe that respect for Constitutional rights is essential for the preservation of democratic society.

Adherence to our Bill of Rights is patriotic. It is the Justice Department's threats and actions which are a danger to our national strength.

Among the actions to date that have raised our concern are the following:

The USA PATRIOT Act, passed in October 2001, creates a new crime, "domestic terrorism," so broadly defined that it could conceivably apply to acts of civil disobedience. Persons associated—through membership dues or legal activity—with foreign or domestic organizations defined as terrorist by the Secretary of State are subject to surveillance and may themselves face prosecution.

The USA PATRIOT Act gives the FBI and the CIA increased authority to wiretap phones, monitor e-mail, survey medical, financial and student records, and break into homes and offices without prior notification or knowledge of the occupants. The Act could lead local officials to undertake actions that violate the Constitution.

The Justice Department has carried out a nationwide effort to locate and interview as many as 5,000 recent immigrants, all men, ages 18 to 33, primarily from Middle Eastern nations and not charged with any crime. Guidelines for these interviews include inquiries into an individual's political beliefs and the beliefs of families and friends, and whether or not an individual "supports" any cause that terrorists espouse.

More than 1,000 people were detained in the weeks following the September 11 attacks, most without being charged, some impeded in their ability to contact lawyers or their families. Many are still in detention and essentially incommunicado.

The Attorney General has approved a Bureau of Prisons order authorizing federal prison officials to listen in on the confidential attorney-client communications of persons in custody, without court review.

The Attorney General of the United States is requesting authority to strip American citizens of their citizenship and deport them if he decides they are a danger to the nation, and to expand government power over our lives even more by enacting the so-called "PATRIOT II" (a.k.a. Domestic Security Enhancement Act, or DSEA).

WHEREAS the Town of Falmouth has a long and distinguished history of protecting and expanding civil rights and civil liberties, having in 1779 repulsed a British attack from the sea in the Battle of Falmouth;

WHEREAS Falmouth citizens throughout history have risked and given their lives to defend the freedoms enshrined in our founding documents, and the people of Falmouth honor the Declaration of Independence and the Constitution and they regard the liberties guaranteed therein as their most precious bequest as Americans;

WHEREAS the citizens of Falmouth intend to preserve these freedoms as the rightful inheritance of their posterity;

WHEREAS the Town of Falmouth has had an Affirmative Action Policy statement since May 13, 1991, and in 1988 was the first town on Cape Cod to establish a position of Equity—Affirmative Action Officer independent of any other town department or committee;

WHEREAS Falmouth is a "No Place For Hate" community recognized by the Anti-Defamation League and proclaimed by a banner in the lobby of Town Hall;

WHEREAS The Falmouth Human Services Committee is a part of town government whose goal is to insure equal access to the services of the town and to promote understanding of the social implications of economic and political changes;

WHEREAS the Town of Falmouth greatly benefits from the many contributions of its highly diverse population of

residents, visitors, summer students, and seasonal workers, all vital to our town's unique character;

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness;

WHEREAS the United States Constitution guarantees all persons living in the United States certain fundamental rights, including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures, due process and equal protection, and access to counsel, presumption of innocence and a fair, speedy, public trial;

THEREFORE, BE IT RESOLVED that the Town of Falmouth affirm that the rights of all people—including United States citizens and citizens of other nations within the Town—be protected by the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that Falmouth Town Meeting call upon all town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

BE IT FURTHER RESOLVED that Falmouth Town Meeting call upon all private citizens—including residents, employers, educators, and business owners—to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

IT IS HEREBY FURTHER RESOLVED that Falmouth Town Meeting:

1. Request that the Board of Selectmen Affirm our commitment to civil liberties and rights for all members of our community, and that through the Administrator the Board encourage the Police Department to exercise their discretion whenever possible to protect those rights, and ask that the Police Department

- A. Refrain from enforcing immigration matters, which are entirely the responsibility of the Department of Homeland Security; and from denying any town service on the basis of citizenship; and
- B. Refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion; and
- C. Refrain from utilizing racial profiling or religious profiling as factors in selecting which individuals are subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect; and
- D. Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the subject of the investigation is or may be involved in criminal conduct; and
- E. Refrain from undertaking or participating in any initiative, such as the proposed and rejected Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers; and
- F. Refrain from using racial profiling to stop drivers or pedestrians without particularized suspicion of criminal activity; and
- G. Report to the board of selectmen any request by federal authorities that, if granted, would cause agencies of the Town of Falmouth to exercise or cooperate in the exercise of powers in apparent violation of any town ordinance, or the laws of the Constitution of this Commonwealth or of the United States.

2. Request that the Library Trustees direct the librarians within the Town of Falmouth to:

Post in a prominent place within each library a notice to library users as follows: "WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530."

3. Direct the Town Clerk to:

- A. Transmit a copy of this resolution to Senators Edward M. Kennedy, John F. Kerry, and Representative William Delahunt; and
- B. Transmit a letter urging our Congressional representatives and senators to monitor federal anti-terrorism tactics, and to work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties; to lead Congressional action to prohibit passage of the Domestic Security Enhancement Act (DSEA) also known as PATRIOT II; to support the United States Congress in its efforts to oversee and assess the impacts of the USA PATRIOT Act; to ensure that the sunset date of Title II of the Act remain in force and be honored, thereby supporting all Congressional efforts to ensure that Congress enact the required joint resolution on or before October 1, 2005 to inactivate Title II; and
- C. Transmit a copy of this resolution to Governor Mitt Romney and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that not infringe on civil rights and liberties as described in this resolution; and
- E. Transmit a copy of this resolution to President George W. Bush, Attorney General John Ashcroft, and the website www.bordc.org.

This Article is not intended to inhibit or prevent the apprehension, trial, or conviction of people who have carried out or planned attacks against the United States or any other country. We believe that we are still a nation based on laws and that existing laws are entirely adequate for the apprehension of terrorists. A threat to any one person's Constitutional rights is a threat to the rights of us all.

On request of Deborah Siegal and others.

VOTED: By a counted vote of 87 in favor and 128 opposed, a quorum being present on Wednesday November 19, 2003 having not reached the required majority, Article 45 does not pass.

ARTICLE 46: To see if the Town will vote to require that the wastewater collected from the New Silver Beach Area be pumped to the Falmouth Wastewater Treatment Plant in West Falmouth as outlined in the proposed alternative #5 as published in the Weston and Sampson report dated March 1997 and in lieu of the accepted proposed alternative #6 the same report which would pump this wastewater to a treatment plant to be built in the North Falmouth area and leach on the North Falmouth Elementary School property.

On request of Richard J. Carter and others

VOTED: Having failed to reach a majority, a quorum being present on Wednesday November 19, 2003, Article 46 does not pass.

ARTICLE 47: To see if the Town will vote to affirm its support of agriculture and traditional cranberry cultivation on the town-owned Lower & Middle and Reservoir bogs along the Coonamessett River in East Falmouth; and to that end recommend the Board of Selectmen offer a renewable ten-year lease to a suitable grower(s) beginning as soon as possible after January 1, 2004; and further, to recommend that the Board of Selectmen direct its newly created advisory group, The Coonamessett River Restoration Working Group, to include traditional cranberry cultivation on the town-owned Lower and Middle and Reservoir bogs in its vision to develop a conservation, restoration and management plan for the town-owned land on the Coonamessett River. The affected parcels are described as follows. Or do or take any other action on this matter.

Name	Parcel numbers	Acreage		
		Bog	Upland	Total
Lower & Middle Bog	28-03-018-000	24.95	19.95	44.90

Reservoir Bog	28-05-012-000	19.81	24.05	43.86
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MOTION: To see if the Town will vote to affirm its support of agriculture and cranberry cultivation on the Town-owned Lower & Middle and Reservoir bogs along the Coonamessett River in East Falmouth;

And to recommend that the Board of Selectmen acting with the concurrence of the Conservation Commission license the use of the Lower & Middle and Reservoir bogs to private cranberry grower(s) for the cultivation of cranberries to be determined by the Board of Selectmen;

And further, to recommend that the Board of Selectmen include the option of cranberry cultivation on the Town-owned Lower & Middle and Reservoir bogs in the development of a conservation, restoration and management plan.

Or do or take any other action in this matter. The affected parcels are described as follows.

On request of Linda E. Davis and others.

VOTED: By a counted vote of 126 in favor and 74 opposed, a quorum being present on Thursday November 20, 2003, to affirm the town's support of agriculture and cranberry cultivation on the Town-owned Lower & Middle and Reservoir bogs along the Coonamessett River in East Falmouth;

And to recommend that the Board of Selectmen acting with the concurrence of the Conservation Commission license the use of the Lower & Middle and Reservoir bogs to private cranberry grower(s) for the cultivation of cranberries to be determined by the Board of Selectmen;

And further, to recommend that the Board of Selectmen include the option of cranberry cultivation on the Town-owned Lower & Middle and Reservoir bogs in the development of a conservation, restoration and management plan.

ARTICLE 48: To see if the Town will vote to recommend that the Board of Selectmen or its designee be authorized to determine and make available an appropriate portion of the receipts from the lease(s) of the town-owned Lower & Middle and Reservoir bogs along the Coonamessett River in East Falmouth, for the implementation of the management plan for the town-owned land along the Coonamessett River. The affected Parcels are described as follows. Or do or take any other action in this matter

Name	Parcel numbers	Acreage		
		Bog	Upland	Total
Lower & Middle Bog	28-03-018-000	24.95	19.95	44.90
Reservoir Bog	28-05-012-000	19.81	24.05	43.86

On request of Linda E. Davis and others.

VOTED: By a unanimous vote, a quorum being present on Thursday November 20, 2003, to indefinite postponement of Article 48.

ARTICLE 49: To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by

transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Thursday November 20, 2003, the Town affirms its appropriations voted under the foregoing Articles as follows:

Total appropriations from Certified Free Cash	\$2,456,364.36
Total appropriations from Available Funds	1,041,400.00
Total appropriations from Loan Authorizations	<u>\$1,553,400.00</u>
Total of all appropriations voted	\$5,051,464.36