

**SPRING SPECIAL TOWN MEETING  
HELD AT FALMOUTH, MASSACHUSETTS  
APRIL 8, 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 prior fiscal year, to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

Building Department	Nextel	\$138.92
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**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer from Certified Free Cash the sum of \$635.06 to be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 1 as requested.

**ARTICLE 2:** To see if the Town will vote the following changes to the Fiscal Year 2003 operating budget to reduce the appropriation voted at the April 2002 Annual Town Meeting:

Employee Benefits, longevity	01919-51142	-10,000
Town Insurance	01993-57740	-15,000
Water Division, salaries	01451-51110	-25,000
Sewer Division, salaries	01440-51110	-20,000
School Department- Salaries	01300-51110	-17,500
School Department – Unclassified	01300-57780	-17,500
Short Term Unexcluded Debt	01756-59925	-30,000
	<b>TOTAL</b>	<b>-\$135,000</b>

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

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to decrease the Fiscal Year 2003 Operating Budget as stated in Article 2 and to reduce the amount that was transferred from Certified Free Cash for the purposes of Article 2 as requested.

**ARTICLE 3:** To see if the Town will vote to amend Article X - Business Districts – of the Zoning Bylaw by deleting §240-51.A. (11) and inserting in its place the following:

240-51.A. (11)

- a) By special permit from the Planning Board: Any new construction of a business or commercial shopping center with a proposed gross floor area of 7,000 square feet or more.
- b) By special permit from the Board of Appeals: Any change, alteration, modification, or addition to an existing business or commercial shopping center that would result in a building with a gross floor area of 10,000 square feet or more.

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

**VOTED:** By a two-thirds majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve Article 3 as printed.

**ARTICLE 4:** To see if the Town will vote to amend Article III – Definitions – of the Zoning Bylaw by adding "nor area of basements not open to the public that are used solely for the owner's and tenant's storage of merchandise or supplies" to the term LEASEABLE (GROSS) FLOOR AREA so as to read:

LEASEABLE (GROSS) FLOOR AREA – the sum of the gross horizontal areas of all floors of all buildings on the lot measured from the exterior faces or walls. This shall include the area of basements used for custodial, commercial, industrial or residential purposes but not that area for housing of mechanical or central heating equipment of the building, nor area of basements not open to the public that are used solely for the owner's and tenant's storage of merchandise or supplies.

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

**VOTED:** By a two-thirds majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve Article 4 as requested by the Planning Board.

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money for the purpose of purchasing furnishings and equipment for the recently renovated Fire Headquarters and to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Fire Chief.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer \$20,000 from Certified Free Cash to be expended under the jurisdiction of the Fire Chief for the purposes of Article 5.

**ARTICLE 6:** To see if the Town will vote to transfer One Hundred Fifty Thousand Dollars (\$150,000) from Article 18 of the November 2001 Town Meeting Budget Line 01122-58064 to Budget Line 01451-57788 (Regional Water Cooperative) and to determine by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer \$150,000 from Article 18 of the November 2001 Town Meeting Budget Line 01122-58064 to Budget Line 01451-57788 (Regional Water Cooperative) to be expended under the jurisdiction of the Water Superintendent.

**ARTICLE 7:** To see if the Town will vote to amend the Town's Classification Plan as follows:

DELETE:	Fire Alarm Technician
ADD:	Fire Inspector/Fire Alarm Technician

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

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve Article 7 as printed.

**ARTICLE 8:** To see if the Town will vote to transfer the sum of Thirty-nine Thousand Dollars (\$39,000) from the Reserve/Waterways Appropriation Fund for the purpose of replacing the engines on the main patrol boat 104 with new clean burning 4-stroke engines. Or do or take any other action on this matter. On request of the Harbor Master.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer \$39,000 from the Reserve/Waterways Appropriation Fund for the purposes of Article 8 as recommended.

**ARTICLE 9:** To see if the Town will vote to appropriate \$318,556.90 under Chapter 53C Acts of 1999, as the state's share of the work under Chapter 90, Section 34 (2a) of the Massachusetts General Laws, and to authorize the Board of Selectmen to execute with the state such contracts as may be necessary for said purpose, to determine how the same shall be raised and by whom expended, or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve Article 9 as printed to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 10:** To see if the Town will vote to appropriate \$637,113.80 under Chapter 246, Acts of 2002, as the State's share of the work under Chapter 90, Section 34 (2a) of the Massachusetts General Laws, and to authorize the Board of Selectmen to execute with the State such contracts necessary for said purpose, to determine how the same shall be raised and by whom expended, or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve Article 10 as printed to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 11:** To see if the Town will vote to appropriate Twenty Thousand Dollars (\$20,000) for the purpose of equipment replacement at the Municipal Fuel Center at the DFW Maintenance Facility, to determine how the same shall be raised and by whom expended, or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer \$20,000 from Certified Free Cash to be expended under the jurisdiction of the D.P.W. Director for the purposes of Article 11.

**ARTICLE 12:** To see if the Town will vote to appropriate the sum of Thirty Thousand Dollars (\$30,000) for the purpose of completing a Vulnerability Assessment of the Town's water system to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Utilities Manager.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer \$30,000 from Certified Free Cash to be expended under the jurisdiction of the Water Superintendent for the purposes of Article 12.

**ARTICLE 13:** To see if the Town will vote to appropriate the sum of Eighteen Thousand Dollars (\$18,000) for the purpose of repairing the Septage Screener at the Wastewater Treatment Facility to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Utilities Manager.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to transfer the sum of \$18,000 to be expended under the jurisdiction of the Wastewater Superintendent for the purposes of Article 13.

**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to transfer a parcel of land situated on Sam Turner Road, Map 11, Section 02, Parcel 004A, Lot 000 for nominal, non-monetary consideration to Habitat for Humanity of Cape Cod, Inc. for the construction on such land of housing units for sale to a person of low or very low income within the meaning of the Housing Act of 1937, subject to existing zoning restrictions and building and health code and subject to such terms and conditions as the Board of Selectmen deem appropriate such sale to be made subject to a deed restriction in substantially the following form for a period of 20 years from the date of the first transfer by the Town pursuant to this Article:

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

The Board of Selectmen is authorized to make use of other agencies and instrumentalities of the Town, including but not limited to the Falmouth Housing Authority, to affect the transfer of such land in accordance with this Article. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a two-thirds majority, a quorum being present on Tuesday, April 8, 2003, the Town voted to authorize the Board of Selectmen to transfer a parcel of land situated on Sam Turner Road, Map 11, Section 02, Parcel 004A, Lot 000 for nominal, non-monetary consideration to Habitat for Humanity of Cape Cod, Inc. to be combined with other abutting land for the construction of such land of housing units for sale to a person of low or very low income within the meaning of the Housing Act of 1937, subject to existing zoning restrictions and building and health code and subject to such terms and conditions as the Board of Selectmen deem appropriate such sale to be made subject to a deed restriction as approved by the Board of Selectmen to assure that the housing units remain affordable and available to persons of low or very low income within the meaning of the Housing Act of 1937 in perpetuity.

**ARTICLE 15:** To see if the Town will vote to designate the following described area as an Economic Opportunity Area (EOA) as provided under Massachusetts General Laws, Chapter 23A, Sections 3A-3H, for a term not to exceed twenty (20) years; and to provide property relief in the form of Tax Increment

Financing (TIF) and/or Special Tax Assessment (STA). This EOA comprises parcels shown on the Assessors Map as 47B-03-008-000B and 47B-03-010-003 and known as 662-664 Main Street. Or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a counted vote of 141 in favor and 62 opposed, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve Article 15 as printed.

**ARTICLE 16:** To see if the Town will vote to approve the Project Certification Application submitted by Security Federal Savings Bank for the development of its project located at 662-664 Main Street and shown on the Assessors Map as 47B-03-008-000B and 47B-03-010-003. This approval shall confirm that the Project Certification Application is consistent with the Economic Opportunity Area (EOA) designation approved by Town Meeting, that the project will not overburden the Town's infrastructure and utilities servicing the EOA, and the project as described in the Project Certification Application will increase employment opportunities for residents of Falmouth and Cape Cod. Or do or take any other in this matter. On request of the Board of Selectmen.

**VOTED:** By a majority vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to approve the Project Certification Application submitted by Security Federal Savings Bank as requested by the Board of Selectmen.

**ARTICLE 17:** To see if the Town will vote to direct the Conservation Commission and Board of Selectmen to develop a plan for the conservation, restoration, and management of approximately 114 acres of Town-owned land bordering the Coonamesett River, to be implemented following the conclusion of the existing lease agreement (December 31, 2003) and further, the plan shall stipulate retiring this land from agricultural activity, for the purposes of improving water quality in the river and Great Pond, restoring habitat for fish and wildlife, providing unimpeded fish passage, and ensuring enhanced public access, consistent with the Local Comprehensive Plan (as voted by Town Meeting), and further that a sum of money shall be appropriated for the purpose of this article to be spent under the jurisdiction of the Conservation Commission. The affected parcels are described as follows. Or do or take any other action on this matter.

NAME	PARCEL NUMBERS		ACREAGE	
	Bog	Upland	Bog	Upland
Lower & Middle Bog	28-03-018-000		24.95	19
	Reservoir Bog 28-05-012-000		19.81	24
East Thompson	21-07-009-000		3.30	0
Baptiste Bogs	17-01-019-000		11.33	8
Baptiste 2 Bog	21-06-005G000		0.75	
	<b>TOTAL</b>		<b>60.14</b>	<b>53</b>

**VOTED:** By a counted vote of 147 in favor and 54 opposed, a quorum being present on Tuesday, April 8, 2003, a majority was realized and it was voted to transfer \$750.00 from Certified Free Cash for the purposes of Article 17. This sum of money is to be spent under the jurisdiction of the Conservation Commission.

**ARTICLE 18:** To see if the Town will vote to authorize the Conservation Commission and the Board of Selectmen, to retain agricultural use of certain Town-owned bogs that are within the Coonamesett River watershed but not directly on the river, specifically the bogs on the Flax Pond and West Thompson parcels, and further, to stipulate that any agricultural activities on said parcels, at the conclusion of the existing lease agreement (December 31, 2003), shall be managed in accordance with the regulations of the National Organic Program of the U. S. Department of Agriculture for the purposes of preserving an historic farming tradition in the Coonamesett River watershed and improving both water quality and habitat for fish in the river and Great Pond; and further that a sum of money shall be appropriated for the purpose of developing an organic farming management plan. The affected parcels are described as follows. Or do or take any other in this matter.

Name	Parcel Number	Acreage		
		Bog	Upland	Total
Flax Pond (south)	28-05-007-000	6.55	7.83	14.38
Flax Pond (east)	28-05-003a000	1.05	4.00	5.05
West Thompson	21-05-011-000	1.84	1.01	2.85
		<b>9.44</b>	<b>12.84</b>	<b>22.28</b>

**VOTED:** By a majority vote a quorum being present on Tuesday, April 8, 2003 the Town voted to transfer from Certified Free Cash the sum of \$250.00 for the purposes of developing an organic farming management plan to be used for the purposes of Article 18.

**ARTICLE 19:** 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 in this matter. On request of the Finance Committee and the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 8, 2003, the Town voted to provide the funding in the amount of \$1,234,305.76 for the purposes voted at the Special Town Meeting to be expended as voted.