

**TOWN OF FALMOUTH
ARTICLES OF THE WARRANT
SPECIAL TOWN MEETING
APRIL 12, 2005**

APRIL 2005 SPECIAL TOWN MEETING	
1	Unpaid bills
2	Planning - Amend Article XXXXII
3	Planning - Amend Chapter 240 Business Redevelopment District
4	Planning - Amend Official Zoning Map 270 Old Main Road
5	Land purchase - Locustfield Road
6	Woods Hole Community Association land swap
7	Amend Chapter 1 Sec. 1-2 Code of Falmouth
8	Lease Woods Hole School
9	Amend Regional School District Agreement
10	Fund AFSCME contract
11	Fund D.P.W. Laborers Union contract
12	Fund Firefighters Union contract
13	Fund Police Federation contract
14	Fund Police Superior Officers contract
15	Land Bank funds - engineering surveys - boundary markers
16	Waterways - Site Improvements
17	Waterways - Megansett Board Ramp
18	Harbormaster - purchase work/marina boat
19	Fund additional costs of Wastewater Treatment Facility
20	Fund Rescue Boat Training
21	Transfer Health Insurance funds
22	Appropriate Chapter 90 funds
23	Oil Spill consulting
24	WMF computer
25	Fund Snow and Ice Removal deficit
26	Coonamessett River Restoration Working Group
27	Falmouth Public Library - Accept preliminary design
28	Funding article

ARTICLE 1: To see if the Town will vote to appropriate \$660.40 to pay bills from a prior 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.

Department of Public Works	Eastman's Ace Hardware	\$47.67
	Town Paint and Supply	\$78.05
	The Wood Lumber Co.	\$534.68

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted to transfer

\$660.40 from Certified Free Cash for the purposes of Article 1 to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 2: To see if the town will vote to amend Article XXXXII – Special Permits – of the Zoning Bylaw by adding the following:

§240-213 A. Pursuant to Chapter MGL 40A §9 when the Planning Board has been designated as the Special Permit Granting Authority, up to two associate members of the Planning Board are hereby authorized to sit on the Board for the purposes of acting on a special permit application, in the case of absence, inability to act, conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board. Associate members of the Planning Board shall be appointed by a joint vote of the Board of Selectmen and Planning Board to serve a term of no more than three years. This Article will remain in effect until amended or repealed by action of Town Meeting, or until May 1, 2008, which ever occurs first. ”

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

VOTED: By a counted vote of 127 in favor and 84 against, a quorum being present on Tuesday, April 12, 2005, having failed to achieve the required two-thirds majority, the town voted not to pass Article 2 as printed in the warrant.

ARTICLE 3: To see if the town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by adding the following:

240 – 240 Business Redevelopment District

G. Special Permit Uses

10. Three stories, not to exceed 35 feet, provided that the new construction and/or redevelopment creates deed restricted, affordable units.

The minimum number of units shall be:

a. 1 – 4 units = 1 affordable unit

b. 25% of the units created thereafter must be affordable

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted to Indefinite Postponement of article 3.

ARTICLE 4: To see if the Town will vote to amend the Official Zoning Map by rezoning from Residential B to General Residence the land in North Falmouth bounded and described as follows: Beginning at the westerly corner of land of Alan Hildreth King known as 270 Old Main Road, being Assessors Parcel 05A 03 004 007, thence N 40 47' 34" E by land now or formerly of Susan Baur, 202 feet more or less of the existing Business 3 District; thence S 48 55' 00" E by the existing Business 3 District, 156 feet more or less; thence S 35 12' 00" W by the existing Business 3 District, 173 feet more or less; and thence N 58 41' 45" W by land now or formerly of Barbara Dowling and by land now or formerly of Susan Baur, a total of 174 feet more or less to the point of beginning. The said land to be rezoned contains 30,788 sq. ft., more or less, and comprises all of the land of Alan Hildreth King at 270 Old Main Road not presently within the Business 3 District or Public Use District.

On request of Alan Hildreth King and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 4 as printed in the warrant.

ARTICLE 5: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a parcel of land in Falmouth located off Locustfield Road containing 17.7 acres, more or less, ten (10) acres of which are described in a deed recorded in the Barnstable County Registry of Deeds in Book 1512, Page 590 and the remaining seven 78/100 (7.78) acres are described in a deed recorded in Book 1067, Page 376, which land belongs to the Cape Cod Council Boy Scouts of America of 274 Willow Street, Yarmouthport, MA 02675, said land to be purchased for the purpose of OPEN SPACE, WATER RESOURCE PROTECTION and/or PUBLIC RECREATION, as provided in General Laws Chapter 40, Section 8C, or any other appropriate authority, said land to be under the jurisdiction of the Conservation Commission and further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Land Bank Fund or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, 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, April 12, 2005 the town voted to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Massachusetts, for the purpose of OPEN SPACE, WATER RESOURCE PROTECTION and/or PUBLIC RECREATION, as provided in either Chapter 40, Section 8C of the General Laws or any other appropriate authority, said land to be under the jurisdiction and control of the Conservation Commission as specified and being described as follows:

Land owned now or formerly by Cape Cod Council Boy Scouts of America consisting of a parcel of 10 acres, more or less, located off Blacksmith Shop Road, as shown on Assessors Map 22, Section 02, Parcel 009a, Lot 000 and further described in a deed recorded at the Barnstable County Registry of Deeds in Book 01512, Page 0590. For purposes of open space and conservation.

Land owned now or formerly by Cape Cod Council Boy Scouts of America consisting of a parcel of 7.78 acres, more or less, located off Blacksmith Shop Road, as shown on Assessors Map 22, Section 02, Parcel 010a, Lot 000 and further described in a deed recorded at the Barnstable County Registry of Deeds in Book 01067, Page 0376. For purposes of open space and conservation.

And, further, to appropriate \$1,205,000 for the acquisition of the foregoing land, including costs incidental and related thereto, and further to authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including appropriation from the Land Bank Fund or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action this matter. On request of the Board of Selectmen.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to complete a land swapping transaction with the Woods Hole Community Association whereby the Town and the Association will exchange parcels and/or interests in land in Woods Hole. Said parcels being of equal value to both parties by agreement.

The purpose of this transaction is to enable the Town to rebuild the bridge tenders house at the Eel Pond drawbridge and relocate the drawbridge operating machinery, enhance public access to the Town pier at the end of the Eel Pond channel and permit the Association to make improvements and facilitate maintenance of the Association's Community Hall at 68 Water Street. The parcels and/or interests in land to be exchanged lie either between the Eel Pond channel and the Association's Community Hall at 68 Water Street or between the old town fire station at 72 Water Street and the Association's Community Hall at 68 Water Street. The Board of Selectmen are authorized to complete the land swapping transaction upon such terms and conditions as they deem appropriate and they shall have the power and authorization to exercise the power of EMINENT DOMAIN, if necessary, to complete the transaction authorized by this article.

The following parcels and/or interests in land shall be conveyed by the Woods Hole Community Association to the Town of Falmouth

First Parcel: A fee simple interest in land on Water Street in Woods Hole, belonging to the Woods Hole Community Association, for improvements to the Eel Pond drawbridge including improvements to the bridge tenders building and the relocation and installation of the bridge operating machinery, said land being bounded and described as follows:

Beginning at a point on the southerly sideline of Water Street of land of the Town of Falmouth;

Thence North 44 degrees 01 minutes West along the southerly sideline of Water Street, 9.29 feet to a point;

Thence North 53 degrees 13 minutes 30 Seconds West along the southerly sideline of Water Street, 4.67 feet to a point and land of the Woods Hole Community Association;

Thence south 45 degrees 14 minutes 32 seconds West, 1.62 feet by said Association's land to a point;

Thence South 44 degrees 45 minutes 28 seconds East, 7.73 feet by Association's land to a point.

Thence South 45 degrees 14 minutes 32 seconds West, 28.93 feet by Association's land to a point.

Thence South 44 degrees 45 minutes 28 seconds East, 8.89 feet by Association's land to a point at land of the Town of Falmouth;

Thence North 40 degrees 15 minutes 26 seconds East, 31.26 feet by land of the Town of Falmouth to the point of beginning.

The Woods Hole Community Association shall reserve an easement for all lawful purposes over so much of this parcel as is not occupied by a building or structure after the improvements to the Eel Pond drawbridge.

Containing 252 square feet more or less.

Second Parcel: a temporary construction easement of two (2) years duration to allow the public to pass and re-pass over the same for recreational purposes and a permanent four (4) foot wide easement of perpetual duration at a location to be determined by actual

usage and within the temporary construction easement area, subject to the provisions of General Laws Ch. 21 §17C (the Recreational Use statute so called) on the following land on Water Street in Woods Hole belonging to the Woods Hole Community Association for purposes of constructing improvements to the Eel Pond Bridge including improvements to the bridge tenders building and the installation of bridge operating machinery, said temporary construction easement to include the right to erect supports and scaffolding and to use the subject area for all purposes incidental to the construction work and the permanent easement to allow the public access to the Town Pier and the end of the Eel Pond channel from Water Street, said land being bounded and described as follows:

Beginning at a point on the southerly sideline of Water Street at the northwest corner of the above parcel;

Thence North 53 degrees 13 minutes 30 seconds west by the southerly sideline of Water Street, 2 feet to a point;

Thence southwesterly 10.8 feet more or less to the face of the Woods Hole Community Association Hall;

Thence southeasterly by said hall 3' more or less to a corner;

Thence southwesterly by said hall 31 feet to a point;

Thence southeasterly 12' more or less to land of the Town of Falmouth;

Thence northeasterly by land of the Town of Falmouth 9' more or less a point at the southeast corner of the above parcel;

Thence by the westerly side of the above parcel to the point of the beginning.

Containing 283 square feet more or less.

Third Parcel: A fee simple interest in land on Water Street in Woods Hole being a strip of land containing approximately 45± square feet along the common boundary line between the Town land at 72 Water Street and the Association's land at 68 Water Street and being shown as "Area No.6" on a plan filed herewith.

The following parcels and/or interests in land shall be conveyed by the Town of Falmouth to the Woods Hole Community Association.

Fourth Parcel: An easement and right of way in common with the public and all others entitled thereto for all lawful purposes over a portion of the town's land known as Parcel N along the northwesterly side of the Eel Pond channel and shown as "Area No. 1" on the plan filed herewith.

Fifth Parcel: An easement and right of way in common with the public and all others entitled thereto for all lawful purposes over a portion of the Town's land known as Parcel L, including the right to erect structures associated with and to provide access to the Association's Community Hall at 66 Water Street, and shown as "Area No. 2" on the plan filed herewith.

Sixth Parcel: A fee simple interest in an area of land containing 45± square feet and being a portion of the Town's Parcel L and being shown as "Area No. 3" on the plan filed herewith.

Seventh Parcel: A fee simple interest in an area of land containing 28+ square feet and being a portion of the Town's Parcel N and being shown as "Area No. 4" on the plan filed herewith, said parcel to be conveyed with a reserved easement to the public to pass and repass over the same for all lawful purposes and for access to the town pier at the end of the Eel Pond channel.

Eighth Parcel: A fee simple interest in an area of land containing 52+ square feet and being a portion of the Town's Parcel N and being shown as "Area No. 5" on the plan filed herewith.

And further to appropriate a sum of money for said purposes, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended. The Board of Selectmen are authorized to negotiate terms or include in the taking provisions to insure that the Woods Hole Community Association will not loose access to the rear area of its property from Water Street. The land or interests acquired by the Town shall be under the jurisdiction of the Board of Selectmen. Or do or take any other action on this matter including adding contiguous additional area. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted authorize the Board of Selectmen to complete a land swapping transaction with the Woods Hole Community Association whereby the Town and the Association will exchange parcels and/or interests in land in Woods Hole. Said parcels being of equal value to both parties by agreement. The purpose of this transaction is to enable the Town to rebuild the bridge tenders house at the Eel Pond drawbridge and relocate the drawbridge operating machinery, enhance public access to the Town pier at the end of the Eel Pond channel and permit the Association to make improvements and facilitate maintenance of the Association's Community Hall at 68 Water Street. The parcels and/or interests in land to be exchanged lie either between the Eel Pond channel and the Association's Community Hall at 68 Water Street or between the old town fire station at 72 Water Street and the Association's Community Hall at 68 Water Street. The Board of Selectmen are authorized to complete the land swapping transaction upon such terms and conditions as they deem appropriate and they shall have the power and authorization to exercise the power of EMINENT DOMAIN, if necessary, to complete the transaction authorized by this article.

The following parcels and/or interests in land shall be conveyed by the Woods Hole Community Association to the Town of Falmouth

First Parcel: A fee simple interest in land on Water Street in Woods Hole, belonging to the Woods Hole Community Association, for improvements to the Eel Pond drawbridge including improvements to the bridge tenders building and the relocation and installation of the bridge operating machinery, said land being hounded and described as follows:

Beginning at a point on the southerly sideline of Water Street of land of the Town of Falmouth;

Thence North 44 degrees 01 minutes West along the southerly sideline of Water Street, 9.29 feet to a point;

Thence North 53 degrees 13 minutes 30 Seconds West along the southerly sideline of Water Street, 4.67 feet to a point and land of the Woods Hole Community Association;

Thence south 45 degrees 14 minutes 32 seconds West, 1.62 feet by said Association's land to a point;

Thence South 44 degrees 45 minutes 28 seconds East, 7.73 feet by Association's land to

a point.

Thence South 45 degrees 14 minutes 32 seconds West, 28.93 feet by Association's land to a point.

Thence South 44 degrees 45 minutes 28 seconds East, 8.89 feet by Association's land to a point at land of the Town of Falmouth;

Thence North 40 degrees 15 minutes 26 seconds East, 31.26 feet by land of the Town of Falmouth to the point of beginning.

The Woods Hole Community Association shall reserve an easement for all lawful purposes over so much of this parcel as is not occupied by a building or structure after the improvements to the Eel Pond drawbridge.

Containing 252 square feet more or less.

Second Parcel: a temporary construction easement of two (2) years duration to allow the public to pass and re-pass over the same for recreational purposes and a permanent four (4) foot wide easement of perpetual duration at a location to be determined by actual usage and within the temporary construction easement area, subject to the provisions of General Laws Ch. 21 §17C (the Recreational Use statute so called) on the following land on Water Street in Woods Hole belonging to the Woods Hole Community Association for purposes of constructing improvements to the Eel Pond Bridge including improvements to the bridge tenders building and the installation of bridge operating machinery, said temporary construction easement to include the right to erect supports and scaffolding and to use the subject area for all purposes incidental to the construction work and the permanent easement to allow the public access to the Town Pier and the end of the Eel Pond channel from Water Street, said land being bounded and described as follows:

Beginning at a point on the southerly sideline of Water Street at the northwest corner of the above parcel;

Thence North 53 degrees 13 minutes 30 seconds west by the southerly sideline of Water Street, 2 feet to a point;

Thence southwesterly 10.8 feet more or less to the face of the Woods Hole Community Association Hall;

Thence southeasterly by said hall 3' more or less to a corner;

Thence southwesterly by said hall 31 feet to a point;

Thence southeasterly 12' more or less to land of the Town of Falmouth;

Thence northeasterly by land of the Town of Falmouth 9' more or less a point at the southeast corner of the above parcel;

Thence by the westerly side of the above parcel to the point of the beginning.

Containing 283 square feet more or less.

Third Parcel: A fee simple interest in land on Water Street in Woods Hole being a strip of land containing approximately 45± square feet along the common boundary line between the Town land at 72 Water Street and the Association's land at 68 Water Street and being shown as "Area No.6" on a plan filed herewith.

The following parcels and/or interests in land shall be conveyed by the Town of Falmouth to the Woods Hole Community Association.

Fourth Parcel: An easement and right of way in common with the public and all others entitled thereto for all lawful purposes over a portion of the town's land known as Parcel N along the northwesterly side of the Eel Pond channel and shown as "Area No. 1" on the plan filed herewith.

Fifth Parcel: An easement and right of way in common with the public and all others entitled thereto for all lawful purposes over a portion of the Town's land known as Parcel L, including the right to erect structures associated with and to provide access to the Association's Community Hall at 66 Water Street, and shown as "Area No. 2" on the plan filed herewith.

Sixth Parcel: A fee simple interest in an area of land containing 45± square feet and being a portion of the Town's Parcel L and being shown as "Area No. 3" on the plan filed herewith.

Seventh Parcel: A fee simple interest in an area of land containing 28± square feet and being a portion of the Town's Parcel N and being shown as "Area No. 4" on the plan filed herewith, said parcel to be conveyed with a reserved easement to the public to pass and repass over the same for all lawful purposes and for access to the town pier at the end of the Eel Pond channel.

Eighth Parcel: A fee simple interest in an area of land containing 52± square feet and being a portion of the Town's Parcel N and being shown as "Area No. 5" on the plan filed herewith.

And further to appropriate a sum of money for said purposes, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended. The Board of Selectmen are authorized to negotiate terms or include in the taking provisions to insure that the Woods Hole Community Association will not loose access to the rear area of its property from Water Street. The land or interests acquired by the Town shall be under the jurisdiction of the Board of Selectmen.

ARTICLE 7: To see if the Town will vote to amend Chapter 1, §1-2 of the Code of Falmouth, non-criminal disposition, and add the following:

Chapter/Part Article/Section	Subject	Enforcing Officer	Fine
Ch. 199, Art. IV	Wheeled devices on sidewalks	Police	1 st offense \$25.00 2 nd offense \$50.00 3 rd offense \$100.00
MGL ch. 85, §11B	Bicycles	Police	\$20.00

Or do or take any other action on this matter. On request of the Chief of Police.

VOTED: By a majority vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 7 as printed.

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to lease the Woods Hole School to a non-profit community service or educational organization for a period up to twenty (20) years on such terms and conditions as the board deems appropriate, or do take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 8 as printed.

ARTICLE 9: To see if the Town will vote to accept the proposal of the Upper Cape Cod Regional Technical School District to amend the Regional School District Agreement for the Towns of Bourne, Falmouth, Sandwich, Wareham, and Marion, effective July 1, 2005 said amendments to provide that commencing in calendar year 2006, at the biennial state election, members of the regional district committee shall be chosen by the voters in said district in district-wide elections with residency requirements as set forth in General Laws, Chapter 71, Section 14E, as amended by Chapter 10 of the Acts of 1988. Each committee member shall serve for a term of four (4) years, said terms will be staggered so that four (4) members will be elected at the biennial election in 2006 and five (5) members will be elected at the biennial election in 2008 and in the same order at each biennial election thereafter.

All other requirements of Chapter 10 of the Acts of 1988 with respect to the appointment of a regional district clerk, filing of nomination papers, etc., shall be as required for district-wide elections with residency requirements. The School Committee shall remain with nine (9) members, two (2) each from Bourne, Falmouth, Sandwich and Wareham and one (1) from Marion.

The term of office of any elected member of the Upper Cape Cod Regional Technical School District shall commence immediately following the date of his/her election. The incumbent members shall serve until their respective successors are duly elected and qualified in accordance with the provisions of Massachusetts Law and this agreement.

Promptly upon appointment and qualifications of the members of the School Committee, the Committee shall, at the first regularly scheduled committee meeting in each calendar year thereafter, organize and choose by ballot a Chairman, a Vice Chairman, a Treasurer, and secretary from among its own membership. The Committee shall then fix the time and place for its regular meetings, provide for the calling of special meetings and specify the notice required for each of said meeting.

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted to accept the proposal of the Upper Cape Cod Regional Technical School District to amend the Regional School District Agreement for the Towns of Bourne, Falmouth, Sandwich, Wareham, and Marion, effective July 1, 2005 said amendment to provide that commencing in calendar year 2006, at the biennial state election, members of the regional school district committee shall be chosen by the voters in said district in district-wide elections with residency requirements as set forth in General Laws, Chapter 71, Section 14E, as amended by Chapter 10 of the Acts of 1988. Each committee member shall serve for a term of four (4) years, said terms will be staggered so that four (4) members will be elected at the biennial election in 2006 and five (5) members will be elected at the biennial election in 2008 and in the same order at each biennial election thereafter.

Those members elected in the spring of 2004 shall serve until their successors are duly elected and qualified in 2008 in accordance with the provisions of Massachusetts General Laws and this agreement. Those members elected in the spring of 2005 shall serve until their successors are duly elected and qualified in 2008 in accordance with the provisions of Massachusetts General Laws and this agreement.

There shall not be an election for members in the spring of 2006. Those members who would have been elected in the spring of 2006 will be subject to the biennial elections of 2006.

All other requirements of Chapter 10 of the Acts of 1988 with respect to the appointment of a regional district clerk, filing of nomination papers, etc., shall be as required for district-wide elections with residency requirements. The School Committee shall remain with nine (9) members, two (2) each from Bourne, Falmouth, Sandwich and Wareham and one (1) from Marion.

The term of office of any elected member of the Upper Cape Cod Regional Technical School District shall commence at the next regularly scheduled school committee meeting in December following the date of his/her election. The incumbent members shall serve until their respective successors are duly elected and qualified in accordance with the provisions of Massachusetts Law and this agreement.

Promptly upon appointment and qualifications of the members of the School Committee, the Committee shall, at the first regularly scheduled committee meeting in each calendar year thereafter, organize and choose by ballot a Chairman, a Vice Chairman, a Treasurer, and secretary from among its own membership. The Committee shall then fix the time and place for its regular meetings, provide for the calling of special meetings and specify the notice required for each of said meetings.

ARTICLE 10: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employees (AFSCME), to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Indefinite Postponement of Article 10.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Laborers' International Union of North America (DPW) to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Administrator.

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

ARTICLE 12: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the International Association of Firefighters, to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Administrator.

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

ARTICLE 13: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Federation, to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Indefinite Postponement of Article 13.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2004, as agreed to by the Town of Falmouth and the Falmouth Police Superior Officers' Association to determine how the same shall be raised and by whom expended. Or do or take any other action in the matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Indefinite Postponement of Article 14.

ARTICLE 15: To see if the Town will vote to appropriate \$200,000 from the Land Bank Funds for the purpose of conducting engineering surveys and placing boundary markers on Town-owned Land Bank property and to determine by whom expended. 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, April 12, 2005 the town voted Article 15 as printed in the warrant.

ARTICLE 16: To see if the town will vote to transfer Twenty-five Thousand Dollars (\$25,000 from the Reserve/Waterways Appropriation fund for the purpose of funding Site Improvements/Dredging. Or do or take any other action on this matter on request of the Waterways Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 16 as printed to be expended under the jurisdiction of the Waterways Committee.

ARTICLE 17: To see if the town will vote to transfer Fifteen Thousand Dollars (\$15,000) from the Reserve/Waterways Appropriation Fund for the purpose of funding the engineering and permitting required to reconstruct the Megansett Boat Ramp. Or do or take any other action on this matter. On request of the Waterways Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 17 as printed to be expended under the jurisdiction of the Waterways Committee.

ARTICLE 18: To see if the town will vote to transfer \$13,500 from the Reserve Waterways Appropriation Fund for the purpose of replacing (2) 13' Boston Whalers with (1) work/marina boat. Or do or take any other action on this matter. On request of the Harbormaster.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 18 as printed to be expended under the jurisdiction of the Harbormaster.

ARTICLE 19: To see if the Town will vote to appropriate \$250,000 to provide additional engineering support and contingency budget for the Wastewater Treatment Facility Improvement Project, 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 Department of Public Works.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted to appropriate \$250,000.00 to provide additional engineering support and contingency budget for the Wastewater Treatment Facility Improvement project and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44, Sections 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore.

ARTICLE 20: To see if the Town will vote to appropriate \$5,500 for the purpose of Rescue Boat Training for the Fire Rescue Department Personnel, 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 Fire Chief.

VOTED: By a majority vote, a quorum being present on Tuesday, April 12, 2005 the town voted to transfer \$4,500.00 from certified free cash for the purposes of Rescue Boat Training for the Fire Rescue Department Personnel. To be expended under the jurisdiction of the Fire Chief.

ARTICLE 21: To see if the Town will vote to transfer \$40,000 from account 01914-51178 (Health Insurance School) to account 01914-51177 (Health Insurance Town) or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 21 as printed.

ARTICLE 22: To see if the Town will vote to appropriate \$771,627 under Chapter 291 Acts of 2004, 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 on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 22 as printed.

ARTICLE 23: To see if the Town will vote to appropriate \$38,100 to contract for consulting services to continue response actions required by Massachusetts Department of Environmental Protection in Case NO. 4-0729 arising out of an oil spill at the Gifford Street Maintenance Facility, reported to MADEP in December 1988 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, April 12, 2005 the town voted to transfer \$38,100 from Certified Free Cash for the purposes of Article 23 to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 24: To see if the Town will vote to appropriate \$9,000 for the purpose of furnishing and installing a computer and hardware at the Waste Management Facility to track inbound and outbound material transactions and to record waste by classification and category, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted to transfer

\$9,000 from Certified Free Cash for the purposes of Article 24 to be expended under the jurisdiction of the Director of Public Works.

ARTICLE 25: To see if the Town will vote to appropriate a sum of money for the purpose of funding a deficit in the Snow and Ice Removal budget, to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Administrator.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 12, 2005 the town voted to transfer \$500,000.00 from the Stabilization Fund to Budget 01423 Snow and Ice Removal for the purpose of funding a deficit in the Snow and Ice Removal budget. To be expended under the jurisdiction of the Director of Public Works.

ARTICLE 26: To see if the Town will vote to accept the Annual Report, dated 14 February 2005, and recommendations of the Coonamessett River Restoration Working Group (copies available to the public at Town Hall, Falmouth Public Library, East Falmouth Public Library), or do or take any other action in this matter, on request of the Board of Selectmen.

VOTED: By a counted vote of 122 in favor and 86 against, a quorum being present on Tuesday, April 12, 2005 the town voted accept the Annual Report, dated 14 February 2005, and recommendations of the Coonamessett River Restoration Working Group

ARTICLE 27: To see if the Town will vote to accept the preliminary design for renovations and an addition to the Falmouth Public Library building as prepared by Beacon Architects and submitted to the Massachusetts Board of Library Commissioners with the grant application filed February 9, 2005, or do or take any other action on this matter. On request of the Library Trustees.

VOTED: By a majority vote, a quorum being present on Tuesday, April 12, 2005 the town voted Article 27 as printed in the warrant.

ARTICLE 28: 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 unanimous vote, a quorum being present on Tuesday, April 12, 2005, the Town voted that all articles considered in this Town Meeting be funded as voted for a total of \$3,072,387.40 (Three Million Seventy Two thousand Three Hundred Eighty Seven dollars and Forty Cents).