



TOWN OF FALMOUTH
SPECIAL TOWN MEETING
Lawrence School Auditorium
Falmouth, MA 02540
APRIL 14, 2015

Article

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- 2 FY2015 Budget Appropriations
- 3 Firefighters Local 1397 Contract
- 4 Lieutenants NEPBA Local 165 Contract
- 5 AFSCME Unit B Contract
- 6 Amend Town's Classification Plan - Department of Communications Positions
- 7 General Court Petition - Room Occupancy Tax
- 8 Fund - Reconstruction of Old Dock Road
- 9 Fund - Building Improvements for Department of Communications
- 10 Fund - Parking Meters
- 11 Fund - Wind Turbines
- 12 Fund - Security Systems Town Facilities
- 13 Fund - Falmouth Country Club Golf Course Irrigation System
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- 15 Fund - Beach Department Rake Equipment
- 16 Fund - Dune Wall at Old Silver Beach - Public Side
- 17 Fund - Improvements to Marina Park
- 18 Amend Code of Falmouth - Collection Containers
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ARTICLE 1: To see if the Town will vote to transfer a sum of money within the FY 2015 budget approved by Article 21 of the April 7, 2014 Annual Town Meeting to make necessary adjustments thereto, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted the following transfer totaling \$1,240,000 within the FY 2015 Budget:

<u>Amount</u>	<u>Transfer From</u>	<u>Transfer To</u>
\$500,000	01-914-5177 Health Ins (Town)	01-423-5120 Snow & Ice S & W
\$500,000	01-914-5178 Health Ins (School)	01-423-5299 Snow & Ice Other Expenses

\$100,000	01-450-5110 Water Salaries	84-912-8160-4971 Workers Comp Trust
\$ 50,000	01-141-5110 Assessor Salaries	01-210-5130 Police Overtime
\$ 25,000	01-411-5110 DPW Admin Salaries	01-913-5174 Unemployment
\$ 30,000	01-422-5110 Highway Salaries	01-913-5174 Unemployment
\$ 35,000	01-424-5212 Street Lighting	01-543-5770 Vets Ordinary Benefits

ARTICLE 2: To see if the Town will vote to appropriate a sum of money to supplement the FY 2015 budget approved by Article 21 of the April 7, 2014 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted indefinite postponement. of Article 2

ARTICLE 3: 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 of the contract period commencing July 1, 2014 as agreed to by the Town of Falmouth and the International Association of Firefighters Local 1397, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted indefinite postponement. of Article 3

ARTICLE 4: 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 of the contract period commencing July 1, 2013 as agreed to by the Town of Falmouth and the Lieutenants, NEPBA, Local 165, 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 14 2015 the Town voted indefinite postponement. of Article 4

ARTICLE 5: 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 of the contract period commencing July 1, 2014 as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee (AFSCME unit B), 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 14 2015 the Town voted indefinite postponement. of Article 5

ARTICLE 6: To see if the Town will vote to amend the Town's Position Classification plan to include the follow Department of Communications positions. Or do or take any other action on the matter. On request of the Board of Selectmen.

<u>Title</u>	<u>Min</u>	<u>Max</u>
Add: Communications Officer*	\$16.83	\$22.22

Add: Senior Communications Officer*	\$17.67	\$23.33
Add: Communications Administrator	\$29.90	\$39.04

*anticipated salary range; subject to collective bargaining per MGL Chapter 150E

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted Article 6 as printed.

ARTICLE 7: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special Home Rule Legislation, as follows:

“Notwithstanding any general or special law to the contrary, the Town of Falmouth may impose a room occupancy tax, in addition to such occupancy tax currently allowed by law, on any vacation or leisure accommodation including, but not limited to apartments, single or multi-family housing, cottages, condominiums, and time share units, as well as any other vacation or leisure accommodation not expressly taxed pursuant to the provision of General Laws, Chapter 64G, at the rate of 6% of the total amount of the rate for each occupancy. Vacation or leisure accommodation is further defined to include only paid occupancy for a period of ninety consecutive days or less, regardless of whether such use and possession is as a lessee, tenant, guest or license, but excludes those accommodations specifically exempted from General Laws, Chapter 64G, in section 2 of that chapter.”

And to state that the legislature may vary the form of the enactment in order to properly achieve its objectives, or to take any other action relative thereto. On request of the Board of Selectmen.

Amendment (Murphy): Change ninety days to thirty days in the sentence “Vacation or leisure accommodation is further defined to include only paid occupancy for a period of ninety consecutive days or less”

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to Change ninety days to thirty days in the sentence “Vacation or leisure accommodation is further defined to include only paid occupancy for a period of ninety consecutive days or less”

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to authorize the Board of Selectmen to petition the General Court for special Home Rule Legislation, as follows:

“Notwithstanding any general or special law to the contrary, the Town of Falmouth may impose a room occupancy tax, in addition to such occupancy tax currently allowed by law, on any vacation or leisure accommodation including, but not limited to apartments, single or multi-family housing, cottages, condominiums, and time share units, as well as any other vacation or leisure accommodation not expressly taxed pursuant to the provision of General Laws, Chapter 64G, at the same rate as the Town taxes commercial accommodations. Vacation or leisure accommodation is further defined to include only paid occupancy for a period of thirty consecutive days or less, regardless of whether such use and possession is as a lessee, tenant, guest or license, but excludes those accommodations specifically exempted from General Laws, Chapter 64G, in section 2 of that chapter.”

And to state that the legislature may vary the form of the enactment in order to properly achieve its objectives, or to take any other action relative thereto. On request of the Board of Selectmen.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money to contract for the reconstruction of the Town landing parking lot, stone retaining wall, and wooden wharf located at Old Dock Road in West Falmouth, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$400,000 from certified free cash for the purposes of Article 8. To be expended under the jurisdiction of the Town Manager.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money for the purpose of funding physical improvements to an existing public facility building to accommodate a Department of Communications, and to determine how the same shall be raised and by whom expended. On request of the Board of Selectmen.

VOTED: By a counted vote of 135 in favor and 44 opposed, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$75,000 from certified free cash for the purpose of funding physical improvements to a portion of the Fire Department Headquarters to accommodate a Department of Communications center. Said funds to be expended under the jurisdiction of the Town Manager.

ARTICLE 10: To see if the Town will vote to appropriate a sum of money for the purpose of maintenance, repair, and replacement of parking meters, and to determine how the same should be raised and by whom expended. On request of the Board of Selectmen

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer \$150,000 from the Parking meter fund for the purposes of Article 10. To be expended under the jurisdiction of the Town Manager.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money to fund maintenance and extraordinary repairs to the Wind Turbines, and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$100,000 from certified free cash for the purposes of Article 11. To be expended under the jurisdiction of the Town Manager.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money for the purpose of funding a security system at existing Town Facilities, and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$30,000 from the Town Hall Exterior Paint line item (01-192-6003) and \$30,000 from the Main Street Fire Station Exterior Paint line item (01-192-6004), for a total of \$60,000 from Article 16 (Capital Improvements) of the November 2013 Town Meeting for purposes of Article 12. To be expended under the jurisdiction of the Town Manager.

ARTICLE 13: To see if the Town will vote to appropriate a sum of money to partially fund the repair and replacement of the Falmouth Country Club golf course irrigation system and related equipment; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$229,283 from certified free cash for the purposes of Article 13. To be expended under the jurisdiction of the Town Manager.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money to fund various equipment for the maintenance of the Falmouth Country Club golf course; to determine how the same shall be raised and by whom expended. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$104,686 from certified free cash for the purposes of purchasing a Greensprayer, mowers, club carryall and gate system. To be expended under the jurisdiction of the Town Manager.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money to purchase the repair and replacement of Beach Department Rake equipment 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 Beach Superintendent.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$49,900 from certified free cash for the purposes of Article 15. To be expended under the jurisdiction of the Town Manager.

ARTICLE 16: To see if the Town vote to appropriate a sum of money to rebuild the dune wall at Old Silver Beach (public side), and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$40,000 from certified free cash for the purposes of Article 16. To be expended under the jurisdiction of the Town Manager.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money to make improvements to Marina Park in order to accommodate additional public uses, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, April 14 2015 the Town voted to transfer the amount of \$7,500 from certified free cash for the purposes of upgrading the electrical needs at the park, removing a sinkhole, adding water service and replacing perimeter fence. To be expended under the jurisdiction of the Town Manager.

ARTICLE 18: That the Town vote to adopt the following collection container bylaw as Chapter 105 of the Code of Falmouth
Chapter 105

Collection Containers

§105-1 Purpose

The purpose of this bylaw is to regulate the location, siting, and maintenance of collection containers for used clothing, household goods, books and other items to protect public health and safety, including preventing rodents and vermin and blight.

§105-2 Definitions

Collection Containers: Any bin or other container where a member of the public may donate or otherwise dispose of used clothing, shoes, household goods, books or other items, including a trailer or mobile container used for such purposes.

Charitable Organization: A duly-organized and existing legal entity which has received a formal designation under Section 501C(3) of the United State Internal Revenue Code and maintains an office or facility within the Town.

Church/Church Property: A duly-established and generally recognized religious denomination and its active place of worship.

Uncollectible Goods or Item: Any goods or item, the collection of which is not specifically authorized in this bylaw.

§105-3 Collection Containers Permitted

Collection containers for reusable clothing, shoes, household goods and books, only, are permitted within the Town of Falmouth and only in the locations specified in this bylaw; collection containers for other goods or items or at other locations are prohibited.

A collection container shall be fully enclosed with a pull-down, self-closing door located on the front section. It shall have a footprint of no more than twenty-five (25) square feet and a height of no more than six feet, measured from the bottom edge to the top edge of the front and rear sections. Dumpster-type containers are prohibited, regardless of dimensions.

Any existing collection container for uncollectible goods or items or which does not comply with specifications contained in this section shall be removed within thirty (30) days following the effective date of this bylaw; any existing collection container located in a non-permitted location or improperly sited shall be removed and/or relocated within ninety (90) days following the effective date of this bylaw.

§105-4 Exclusions

This bylaw shall not apply to:

Commercial trash or recycling dumpsters.

Town of Falmouth trash and recycling receptacles or containers.

§105-5 Permitted Locations

Collection containers are permitted in the following locations:

Private property located on an improved lot within the Industrial District, as defined in Chapter 240 of the Falmouth Town Code and designated on the Town's official zoning map; a collection container is not permitted on an unimproved or vacant lot and no more than four (4) containers are permitted on an improved lot.

A church may place and maintain up to four collection containers on church property for its own charitable work provided they are screened from view from public ways.

A charitable organization may place and maintain up to four collection containers on its property for its own charitable work provided they are screened from view from public ways.

The Town Waste Management Facility, in the discretion of the Director of Public Works.

§105-6 Permit Required

Placement of a collection container pursuant to Section 5 shall require written application to and issuance of a permit from the Town Manager; all existing collection containers which otherwise comply

with this bylaw shall comply with this subsection within thirty (30) days following the effective date of this bylaw.

§105-7 Permit Application Contents

The application pursuant to Section 6 shall include:

Legal name, principal business address and legal identification of applicant.

Name, address, telephone number and email address for contact person.

Written permission from property owner, including information for owner required of applicant in (a) and (b).

Description of collection container.

Listing of collectible items.

Pick-up, inspection, and maintenance schedules.

Legal address of property where each collection is to be located, along with a sketch plan showing container location and compliance with the requirements of this bylaw.

§105-8 Siting

a. Collection containers shall be sited so as not to obstruct traffic sight lines or distances and not to otherwise impede the flow of traffic or pose a safety hazard to pedestrians.

b. Collection containers shall not be sited within any setback or buffer required by Chapter 240, of the Falmouth Town Code.

c. Collection containers shall be placed upon a concrete pad or asphalt paved surface.

d. Collection containers shall not utilize or obstruct any parking space required for minimum zoning compliance or any space designated for trash dumpster placement or snow storage on an approved site plan.

§105-9 Maintenance

a. Collection container shall be kept clean and in good repair and its site shall be kept clean and free of debris at all times. Without limiting this requirement, no container overflow and no disposal of uncollectible goods or items shall be permitted.

§105-10 Penalties for Non-Compliance

a. Placement of a collection container (1) for uncollectible goods or items, or (2) which does not comply with specifications contained in the permit issued or 3) in a non-permitted location: \$300; each day shall constitute a separate offense.

b. Failure to obtain a permit for a collection container where one is required \$100; each day shall constitute a separate offense.

c. All other violations:

First offense: \$50

Second offense: \$100

Third and subsequent offense: \$300

In the case of continuing violations, each day shall constitute a separate offense.

Property owner and collection container owner shall each be responsible for compliance with this bylaw and shall be liable for any violation.

§105-11 Enforcement

In addition to the Falmouth Police Department, this bylaw may be enforced by the Falmouth Building Commissioner and the Falmouth Board of Health Agent.

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

Amendment (Goldstone) Add Section 105-5 e. Fire stations, at the discretion of the Fire Chief; and f. Schools, at the discretion of the School Superintendent.

Amendment (Goldstone) Change discretion to permission in both e. and f..

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to Change discretion to permission in both e. and f..

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to Add Section 105-5 e. Fire stations, at the permission of the Fire Chief; and f. Schools, at the permission of the School Superintendent.

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 14 2015 the Town voted to adopt the following collection container bylaw as Chapter 105 of the Code of Falmouth:

Chapter 105
Collection Containers

§105-1 Purpose

The purpose of this bylaw is to regulate the location, siting, and maintenance of collection containers for used clothing, shoes, books and other items as approved by the permitting authority to protect public health and safety, including preventing rodents, vermin and blight.

§105-2 Definitions

Collection Containers: Any bin or other container where a member of the public may donate or otherwise dispose of used clothing, shoes, books or other items as approved by the permitting authority, including a trailer or mobile container used for such purposes.

Charitable Organization: A duly-organized and existing legal entity which has received a formal designation under Section 501(c)(3) of the United State Internal Revenue Code and maintains an office or facility within the Town.

Church/Church Property: A duly-established and generally recognized religious denomination and its active place of worship.

Uncollectible Goods or Item: Any goods or item, the collection of which is not specifically authorized in this bylaw.

§105-3 Collection Containers Permitted

Collection containers for reusable clothing, shoes, household goods and books, only, are permitted within the Town of Falmouth and only in the locations specified in this bylaw; collection containers for other goods or items or at other locations are prohibited.

A collection container shall be fully enclosed with a pull-down, self-closing door located on the front section. It shall have a footprint of no more than twenty-five (25) square feet and a height of no more than six feet, measured from the bottom edge to the top edge of the front and rear sections. Dumpster-type containers are prohibited, regardless of dimensions.

Any existing collection container for uncollectible goods or items or which does not comply with specifications contained in this section shall be removed within thirty (30) days following the effective date of this bylaw; any existing collection container located in a non-permitted location or improperly sited shall be removed and/or relocated within ninety (90) days following the effective date of this bylaw.

§105-4 Exclusions

This bylaw shall not apply to:

- a. Commercial trash or recycling dumpsters.
- b. Town of Falmouth trash and recycling receptacles or containers.

§105-5 Permitted Locations

Collection containers are permitted in the following locations:

- a. Private property located on an improved lot within a Business District 2, as defined in Chapter 240 of the Falmouth Town Code and designated on the Town's official zoning map; a collection container is not permitted on an unimproved or vacant lot and no more than four (4) containers are permitted on an improved lot.
- b. A church may place and maintain up to four collection containers on church property for its own charitable work provided they are screened from view from public ways.
- c. A charitable organization may place and maintain up to four collection containers on its property for its own charitable work provided they are screened from view from public ways.
- d. The Town Waste Management Facility, in the discretion of the Director of Public Works.
- e. Fire stations, at the permission of the Fire Chief
- f. Schools, at the permission of the School Superintendent.

§105-6 Permit Required

Placement of a collection container pursuant to Section 5 shall require written application to and issuance of a permit from the Town Manager; all existing collection containers which otherwise comply with this bylaw shall comply with this subsection within thirty (30) days following the effective date of this bylaw.

§105-7 Permit Application Contents

The application pursuant to Section 6 shall include:

- a. Legal name, principal business address and legal identification of applicant.
- b. Name, address, telephone number and email address for contact person.
- c. Written permission from property owner, including information for owner required of applicant in (a) and (b).
- d. Description of collection container, including a sketch or photograph.
- e. Listing of collectible items.
- f. Pick-up, inspection, and maintenance schedules.
- g. Legal address of property where each collection is to be located, along with a sketch plan showing container location and compliance with the requirements of this bylaw.

§105-8 Siting

- a. Collection containers shall not be sited within the layout of any private or public way and shall be sited so as not to obstruct traffic sight lines or distances and not to otherwise impede the flow of traffic or pose a safety hazard to pedestrians.
- b. Collection containers shall not be sited within any setback or buffer required by Chapter 240, of the Falmouth Town Code.
- c. Collection containers shall be placed upon a concrete pad or asphalt paved surface.
- d. Collection containers shall not utilize or obstruct any parking space required for minimum zoning compliance or any space designated for trash dumpster placement or snow storage on an approved site plan.

§105-9 Maintenance

- a. Collection container shall be kept clean and in good repair and its site shall be kept clean and free of debris at all times. Without limiting this requirement, no container overflow and no disposal of uncollectible goods or items shall be permitted.

§105-10 Penalties for Non-Compliance

- a. Placement of a collection container (1) for uncollectible goods or items, or (2) which does not comply with conditions in the permit issued or 3) in a non-permitted location: \$300; each day shall constitute a separate offense.
- b. Failure to obtain a permit for a collection container where one is required \$100; each day shall constitute a separate offense.
- c. All other violations:
 - First offense: \$50
 - Second offense: \$100
 - Third and subsequent offense: \$300

In the case of continuing violations, each day shall constitute a separate offense.

Property owner and collection container owner shall each be responsible for compliance with this bylaw and shall be liable for any violation.

§105-11 Enforcement

In addition to the Falmouth Police Department, this bylaw may be enforced by the Falmouth Building Commissioner and the Falmouth Board of Health Agent.

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement to widen and relocate the intersection of East Falmouth Highway (Route 28) and White’s Landing Road in East Falmouth upon land now or formerly of Timothy Leedham, Trustee of R&G Realty Trust, dba Bosun’s Marine, said easement area being a portion of the land described in a deed recorded in the Barnstable County Registry of Deeds in book 25965, page 148 and described as follows:

Beginning at a concrete bound located at the south-easterly intersection of the White’s Landing Road and East Falmouth Highway (Route 28) existing right-of-ways,
Thence, S 81° - 48’ - 30” E for a distance of thirty-five feet (35’) along the East Falmouth Highway existing right-of-way,

Thence, S 35° - 43' - 00" W for a distance of thirty-two feet and thirty-five hundredths (32.35') to the White's Landing Road existing right-of-way,

Thence, N 26° - 45' - 30" W for a distance of thirty-five feet (35') along the White's Landing Road existing right-of-way to the point of beginning.

The total permanent easement area contains approximately five-hundred and two square feet (502 sf +/-).

And further to take two temporary construction easements of one year duration each to facilitate the widening and relocation of the intersection of East Falmouth Highway (Route 28) and White's Landing Road and to facilitate improvements to White's Landing Road, said temporary construction easements also being a portion of the land described in said deed, known as TE1 and TE2 respectively and described as follows:

TE1: Temporary Construction Easement

Beginning at a point located S 81° - 48' - 30" E thirty-five feet (35') along the East Falmouth Highway (Route 28) existing right-of-way from a concrete bound located at the south-easterly intersection of the White's Landing Road and East Falmouth Highway (Route 28) existing right-of-ways,

Thence, S 81° - 48' - 30" E for a distance of eleven feet and twenty-eight hundredths (11.28') along the East Falmouth Highway existing right-of-way,

Thence, S 35° - 43' - 00" W for a distance of forty-two feet and seventy-seven hundredths (42.77') to the White's Landing Road existing right-of-way,

Thence, N 26° - 45' - 30" W for a distance of eleven feet and twenty-eight hundredths (11.28') along the White's Landing Road existing right-of-way to the south-easterly corner of the above permanent easement (E1), being a point being thirty-five feet (35') along the White's Landing Road existing right-of-way from the above mentioned concrete bound,

Thence, N 35° - 43' - 00" E for a distance of thirty-two feet and thirty-five hundredths (32.35') along the above permanent easement (E1), to the point of beginning.

The total temporary construction easement area contains approximately three-hundred and seventy-six square feet (376 sf +/-).

TE2: Temporary Construction Easement

Beginning at a point located from a concrete bound S 26° - 45' - 30" E fifty-two feet and eighty-five hundredths (52.85') along the White's Landing Road existing right-of-way, thence, S 13° - 09' - 40" E seventeen feet and ninety-two hundredths (17.92') along the White's Landing Road existing right-of-way, being the Point of Beginning

Thence, S 88° - 56' - 54" E for a distance of twenty-eight feet and fifty-four hundredths (28.54') to a point,

Thence, S 01° - 03' - 06" W for a distance of thirty-eight feet and thirteen hundredths (38.13') to a point,

Thence, S 40° - 34' - 20" W for a distance of twenty-two feet and seventy-one hundredths (22.71') to a point along the White's Landing Road existing right-of-way,

Thence, N 13° - 09' - 40" W for a distance of fifty-seven feet and forty-one hundredths (57.41') along the White's Landing Road existing right-of-way to the true point of beginning.

The total temporary construction easement area contains approximately one-thousand-seventy square feet (1,070 sf +/-).

And further to appropriate a sum of money for purposes of this article, 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 14 2015 the Town voted Article 19 as printed.

ARTICLE 20: To see if the Town will vote to appropriate a sum of money for window replacement at the Lawrence School, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the School Committee.

VOTED: By a declared two thirds vote, a quorum being present on Tuesday, April 14 2015 the Town voted to appropriate the sum of Three Million Nine Hundred Forty Seven Thousand Six Hundred and Thirty Six (\$3,947,636) Dollars for the purpose of paying costs of window replacement at Lawrence School, 113 Lakeview Ave., Falmouth, MA 02540, including the payment of all costs incidental and related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee. To meet this appropriation the Town Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority and to issue notes and bonds of the Town therefore. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C, Proposition 2 and ½, so called; and further provided that, if invited to collaborated with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

have deteriorated after many years of hard use, and the widening of some doors as required to meet fire codes.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money to make improvements to White Pine Lane, or do or take any action on this matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Wednesday, April 15, 2015 the Town voted to transfer the sum of \$142,000 from certified free cash to make improvements to White Pine Lane. To be expended under the jurisdiction of the Town Manager.

ARTICLE 22: To see if the Town will vote to accept the doings of the Board of Selectmen in laying out White Pine Lane from Sandwich Road to Lake Shore Drive as a public way, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Wednesday, April 15, 2015 the Town voted Article 22 as printed.

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction, restricting in perpetuity in accordance with G.L. c. 184, ss. 31 -33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by the Woods Hole Oceanographic Institution, said conservation restriction to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under the conservation restriction, the form of which shall be subject to approval by the Conservation Commission and the Board of Selectmen, in accordance with the terms of the conservation restriction, said land being described as follows:

Approximately 21.92 acres, more or less, of land in Falmouth, Barnstable County, Massachusetts consisting of five (5) parcels identified on the Falmouth Assessor's Maps as 48 10 010 89; 48 11 010 023; 48 11 009 000; 48 10 009 000C and 48 10 032 046.

And further to appropriate a sum of money from Community Preservation funds for purposes of this article and to determine how the same shall be raised and by whom expended.

Provided, however, that the expenditure of any sums under this article are contingent upon obtaining all necessary statutory and regulatory approvals of the conservation restriction to be acquired.

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

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 15, 2015 the Town voted to appropriate the sum of \$250,000 from the Undesignated Fund Balance for the purpose of purchasing a conservation restriction in perpetuity to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under the conservation restriction.

ARTICLE 24: To see if the Town will vote to appropriate or transfer from available funds a sum of money to fund Falmouth Housing Authority's Preservation of Affordable Family Housing; to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 15, 2015 the Town voted to appropriate the sum of \$168,280 from FY 2015 Community Preservation Undesignated Fund Balance to fund preservation of Falmouth Housing Authority's Affordable Family Housing; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

ARTICLE 25: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to partially fund the rehabilitation of two exterior doorways of the West Falmouth United Methodist Church; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Wednesday, April 15, 2015 the Town voted to appropriate the sum of \$24,400 from FY 2015 Community Preservation Undesignated Fund Balance to the West Falmouth United Methodist Church to fund Front Entry Doorway

Rehabilitation Project; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

ARTICLE 26: To see if the Town will vote to transfer a sum of money from the Community Preservation Fund to the Community Housing Reserve accounts, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Wednesday, April 15, 2015 the Town voted to transfer the amount of \$75,780 from the Community Preservation Undesignated Fund Balance to fund the Community Housing Reserve account. To be expended under the jurisdiction of the Community Preservation Committee.