



## TOWN OF FALMOUTH ANNUAL TOWN MEETING MEMORIAL AUDITORIUM

**Monday, April 4, 2011 AT 7:00 PM**

1	Choose Town Officers
2	Hear Report of Committees and Town Officers
3	Authorize Board of Selectmen to settle claims and suits
4	Authorize Board of Selectmen to apply for and accept State and Federal Grants
5	Bond of Indemnity
6	Fix salaries of Elected Officials
7	Revolving Funds
8	Amend Zoning Bylaw - Article II Building Permit Limitation
9	Amend Zoning Bylaw - Article XVIII (18) Floodplain Zone
10	Petition - Amend Zoning Bylaw and Map Section 240-72.1.D (S.Rhodes)
11	Classification Plan - Department of Public Works
12	Fund - Fiscal Year 2012 Operating Budget
13	Amend Local Room Occupancy Tax to 6%
14	Fund - Fiscal Year 2012 School Department Operating Budget
15	Fund - Capital Improvement Plan
16	Fund - Main Street Phase II Project
17	Fund - Wastewater Management Projects to Implement CWMP
18	Fund - Town's Sewer Systems Repairs, Modifications and Improvements
19	Fund - Massachusetts Estuary Project (MEP) Studies
20	Fund - Long Pond Treatment Facility Disinfection Process
21	Fund - Old Barnstable Road Water Mains
22	Petition - Adopt new bylaw Section 180-51 Septic System Inspections (M.McGrath)
23	Petition - Repair or resurface Bikepath (P.Johnson)
24	Petition - Reimbursement of Legal Fees (P.Waasdorp)
25	Community Preservation Fund - Administrative Expense
26	Modify Bikeways Committee membership
27	Amend Falmouth Code - Chapter 136 Secondhand Dealers and Secondhand Collectors
28	Funding Article

**ARTICLE 1:** To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted to elect members of the Finance Committee as follows Charles E. Eastman, Judith P. Magnani, Deborah D. Maquire, Daniel H. Shearer, and Robert Ripley, Jr. for three year terms.

**ARTICLE 2:** To hear reports of Committees and Town Officers and act thereon.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted to accept reports presented by the Town Manager Screening Committee, the Community Preservation Committee, the School Building Committee, the Board of Selectmen and the Finance Committee

**ARTICLE 3:** To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town. Or do or take any other action in the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Article 3 as printed.

**ARTICLE 4:** To see if the Town will authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board's acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, the Board of Selectmen shall advise the Finance Committee of such anticipated costs prior to the public hearing. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Article 4 as printed.

**ARTICLE 5:** To see if the Town will vote to assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5, Acts of 1955 for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach, including Merrimack and Connecticut Rivers, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Board of Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Article 5 as printed.

**ARTICLE 6:** To see if the Town will vote to fix the salaries of the Elected Officials. Or do or take any other action in the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted to fix the salaries of the Elected Officials as follows:

Moderator	\$1,500
Town Clerk	\$70,157
Selectmen (4)	\$3,000
Chairman of Selectmen	\$3,500

**ARTICLE 7:** To see if the Town will vote to authorize continued use of the following Revolving Funds for certain town departments under MGL Chapter 44, Sec. 53E&1/2 for the fiscal year beginning July 1, 2011, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY12 Spending Limit	Disposition of FY11 Fund Balance
Emerald House	Board of Selectmen	Payments in Lieu	Maintenance of	\$28,000	Available for

	/ Town Manager	of Rent	Building		expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$9,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$5,300	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$12,000	Available for expenditure
<b>TOTAL SPENDING</b>				<b>\$54,300</b>	

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Article 7 as printed.

**ARTICLE 8:** To see if the Town will vote to amend the Zoning Bylaw by deleting Article II – Building Permit Limitation – and insert the following:

Article II – Building Permit Moratoria - Windmills

The provisions of the Zoning Bylaw to the contrary notwithstanding, no building permit or special permit for the construction of a windmill, as defined, shall issue until May 1, 2012 or until this Article is repealed by a vote of town meeting, whichever occurs first. The purpose of this Article is to provide the time necessary to study noise, vibration, shadow and other issues associated with the location of this use near residential neighborhoods. The provisions of this Article shall not apply to a building or special permit for which application had been made prior to first publication of notice by the Planning Board pursuant to Section 5 Chapter 40A GL for this Article.

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

**VOTED:** By a declared two thirds majority, a quorum being present on Monday, April 4, 2011 the Town voted Article 8 as printed in the warrant.

**ARTICLE 9:** To see if the Town will vote to amend Article XVIII (18) – Floodplain Zone – of the Zoning Bylaw – by deleting the second sentence of Section 240-80 and inserting the following:

“Such districts are defined as shown on the Flood Insurance Rate Map #25001CIND0I, Panels 494, 513, 707, 709, 715, 716, 717, 718, 719, 726, 728, 729, 732, 733, 734, 736, 737, 741 & 742, dated August 30, 2010 as published by the Federal Emergency Management Agency and as adopted by Town Meeting.” The effective date of this Article shall be June 1, 2011.

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

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Indefinite Postponement of Article 9.

**ARTICLE 10:** To see if the Town of Falmouth will vote amend the Zoning Bylaw and the Zoning Map by changing Section 240-72.1.D to read as follows:

“For purposes of this district, there are hereby delineated within the Town certain water resource areas consisting of aquifers and recharge areas which are shown as Zone II’s on a Map entitled “WATER RESOURCE PROTECTION ZONING DISTRICTS COASTAL POND OVERLAY DISTRICTS ZONE II’S dated 1/29/02 produced

by the Falmouth GIS". The purpose and intent of this article is to make the Water Resource Protection Districts be -incident with the State Approved Zone II's. Or to do or take any other action on this article.

On petition of Scoba F. Rhodes and others.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Indefinite Postponement of Article 10.

**ARTICLE 11:** To see if the Town of Falmouth will vote to amend the Town's Position Classification Plan to be effective on July 1, 2011 as follows:

DPW Waste Management Delete: (1) Public Works Laborer (40 hr) Gr. 4 (\$14.02 - \$17.92/hr.)  
DPW Tree Department Add: (1) Public Works Laborer (40 hr) Gr. 4 (\$14.02 - \$17.92/hr.)

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

**AMENDMENT (Kozens-Long):** Delete - DPW Waste Management Delete: (1) Public Works Laborer (40 hr) Gr. 4 (\$14.02 - \$17.92/hr.)

**VOTED:** By a counted vote of 129 in favor and 76 in opposition, a quorum being present on Monday, April 4, 2011 the Town voted to amend Article 11.

**VOTED:** By a declared majority vote, a quorum being present on Monday, April 4, 2011 the Town voted to amend the Town's Position Classification Plan to be effective on July 1, 2011 as follows:

DPW Tree Department Add: (1) Public Works Laborer (40 hr) Gr. 4 (\$14.02 - \$17.92/hr.)

**ARTICLE 12:** To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for the ensuing 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.

**MOTION:** To see if the Town will vote Article 12 as printed in the warrant with the following changes:

**132 SCHOOL DEPARTMENT – 01300**

133 Salary & Wages	\$32,173,055
134 Otherwise Unclassified	8,217,098

**247 RECREATION DEPARTMENT – 01631**

249 Other Expenses	\$96,185
260 Figure Skating++	0
268 Town Band++	2,391

**213 HUMAN SERVICES – 01599**

215 Other Expenses	\$33,957
218 Consumer Assistance++	1,072
229 Child Development++	12,815

**290 SHORT TERM EXCLUDED DEBT– 01755**

292 Interest Payment	\$ 393,981
293 TOTAL	1,488,981

**294 SHORT TERM UNEXCLUDED DEBT – 01756**

295 CPA Fund Principal++	\$ 500,000
297 CPA Fund Interest++	14,920
298 Interest Payment++	41,508
299 TOTAL	556,428

**330 TOTAL** \$108,898,656

**AMENDMENT(Volosevich):** Reduce Line 101 by \$500 and increase line 228 by \$500.

**VOTED:** By a declared majority in opposition, a quorum being present on Monday, April 4, 2011 the Town voted not to amend Article 12

**AMENDMENT(Putnam):** Reduce Line 16 by \$300 and increase line 228 by \$300.

**AMENDMENT(Volosevich):** Reduce line 16 an additional \$36 and increase line 228 and additional \$36.

**VOTED:** By a declared majority in opposition, a quorum being present on Monday, April 4, 2011 the Town voted not to reduce line 16 an additional \$36 and increase line 228 and additional \$36

**VOTED:** By a declared majority in opposition, a quorum being present on Monday, April 4, 2011 the Town voted not to reduce line 16 by \$300 and increase line 228 by \$300.

**AMENDMENT(Young):** Increase 250 Line 101 by \$2000 and increase line 251 by \$2000.

**VOTED:** By a declared majority in opposition, a quorum being present on Monday, April 4, 2011 the Town voted not to amend Article 12.

**VOTED:** By a declared two thirds majority, a quorum being present on Monday, April 4, 2011 the Town voted to;

A. Appropriate from the Parking Meter fund to be applied to Budget 01210	165,000
B. Appropriate from Embarkation Fees to Budget 01210-51110 (Police Department Salaries) to Budget 01220-51110 (Fire Department Salaries)	350,270
C. Appropriate from Wetlands Fund to be applied to Budget 01171	50,000
D. Appropriate from Waterways Fund to be applied to Budget 01295	185,000
E. Appropriate from Title V Program to be applied to Budget 01754	41,226
F. Appropriate from Energy Receipts Reserved	362,937
G. Appropriate from Road Betterment Account	108,372
H. Appropriate from Golf Revenues for Principal and Interest Payments	607,360
I. Appropriate from Community Preservation Fund Estimated Receipts (Voted by the Community Preservation Committee on January 6, 2011)	2,384,954
J. Appropriate from BAN Premiums	190,175
K. Raise and appropriate under the estimated FY 2012 Levy limit and apply to all other remaining balances under Article 12	104,453,362

**FOR A TOTAL OPERATING BUDGET OF** **\$108,898,656**

For the several purposes designated in the budget and that the same shall be expended only for such purposes under the respective Officer, Board and Committee of the Town.

Capital Outlay and Special Project appropriations are to be expended for items specifically listed in the departmental budget and no other purpose.

Capital Expenses designated by \*\*

Special Projects designated by ++

FISCAL YEAR 2012			
BUDGET REQUEST WITH EXECUTIVE AND FINANCE COMMITTEE RECOMMENDATIONS			
			FY'12
DEPARTMENT	FY'11 BUDGET	FY'12 REQUEST	RECOMMENDATION EXECUTIVE FINCOM

1	<b>TOWN MEETING - 01113</b>				
2	Salary and wages	1,600	2,000	2,000	2,000
3	Other expenses	32,500	31,000	31,000	31,000
4		<b>34,100</b>	<b>33,000</b>	<b>33,000</b>	<b>33,000</b>
5	<b>TOWN MODERATOR - 01114</b>				
6	Salary and wages	1,500	1,500	1,500	1,500
7		<b>1,500</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>
8	<b>SELECTMEN/TOWN MANAGER - 01122 (FTE 4)</b>				
9	Salary and wages	388,043	399,739	366,304	366,304
10	Other Expenses	25,025	25,025	22,875	22,875
11	Green head fly control++	2,300	2,300	2,300	2,300
12	Appraisals++	1,500	1,500	1,000	1,000
13	Town reports++	4,500	4,500	4,500	4,500
14	Chamber of Commerce++	10,000	10,000	10,000	10,000
15	Buzzards Bay Action Committee++	1,239	1,239	620	620
16	Out of state travel++	5,000	5,000	4,300	4,300
17		<b>437,607</b>	<b>449,303</b>	<b>411,899</b>	<b>411,899</b>
18	<b>FINANCE COMMITTEE - 01131 (FTE 1)</b>				
19	Salary and wages	59,041	61,995	61,995	61,995
20	Other expenses	1,025	1,025	850	850
21		<b>60,066</b>	<b>63,020</b>	<b>62,845</b>	<b>62,845</b>
22	<b>FINANCE COMMITTEE - 01132</b>				
23	Reserve fund	325,000	325,000	325,000	325,000
24		<b>325,000</b>	<b>325,000</b>	<b>325,000</b>	<b>325,000</b>
25	<b>TOWN ACCOUNTANT - 01135 (FTE 3)</b>				
26	Salary and wages	166,695	175,888	175,888	175,888
27	Other expenses	1,385	1,715	1,715	1,715
28	Annual Audit++	45,000	40,000	45,000	45,000
29		<b>213,080</b>	<b>217,603</b>	<b>222,603</b>	<b>222,603</b>
30	<b>ASSESSING DEPARTMENT - 01141 (FTE 6)</b>				
31	Salary and wages	324,777	331,110	324,900	324,900
32	Other expenses	14,470	12,570	12,570	12,570
33		<b>339,247</b>	<b>343,680</b>	<b>337,470</b>	<b>337,470</b>
34	<b>TOWN TREASURER - 01145 (FTE 3)</b>				
35	Salary and wages		179,079	140,788	140,788

		179,162			
36	Other expenses	150,045	145,650	160,650	160,650
37		<b>329,207</b>	<b>324,729</b>	<b>301,438</b>	<b>301,438</b>
38	<b>TOWN COLLECTOR - 01146 (FTE 4)</b>				
39	Salary and wages	222,992	231,611	231,611	231,611
40	Other expenses	49,298	49,298	49,298	49,298
41		<b>272,290</b>	<b>280,909</b>	<b>280,909</b>	<b>280,909</b>
42	<b>LEGAL DEPARTMENT - 01150 (FTE 3)</b>				
43	Salary and wages	257,082	266,438	266,438	266,438
44	Other expenses	51,760	51,760	49,760	49,760
45	Special Counsel++	100,000	100,000	100,000	100,000
46		<b>408,842</b>	<b>418,198</b>	<b>416,198</b>	<b>416,198</b>
47	<b>PERSONNEL OFFICE - 01152 (FTE 3)</b>				
48	Salary and wages	199,819	205,718	193,253	193,253
49	Other Expenses	26,872	26,872	23,655	23,655
50		<b>226,691</b>	<b>232,590</b>	<b>216,908</b>	<b>216,908</b>
51	<b>INFORMATION TECHNOLOGY - 01155 (FTE 7)</b>				
52	Salary and wages	503,168	518,130	508,130	508,130
53	Other expenses	169,211	166,220	166,220	166,220
54	Prof/Tech-Cntrl Serv++	3,000	2,500	2,500	2,500
55		<b>675,379</b>	<b>686,850</b>	<b>676,850</b>	<b>676,850</b>
56	<b>GEOGRAPHICAL INFO SYSTEMS - 01156 (FTE 1)</b>				
57	Salary and wages	72,234	73,644	73,644	73,644
58	Other expenses	12,450	14,450	14,450	14,450
59		<b>84,684</b>	<b>88,094</b>	<b>88,094</b>	<b>88,094</b>
60	<b>AFFIRMATIVE ACTION - 01159 (FTE .5)</b>				
61	Salary and wages	40,573	42,189	42,189	42,189
62	Other expenses	2,305	2,305	2,305	2,305
63		<b>42,878</b>	<b>44,494</b>	<b>44,494</b>	<b>44,494</b>
64	<b>TOWN CLERK - 01160 (FTE 4)</b>				
65	Salary and wages	202,894	206,793	198,783	198,783
66	Other expenses	27,050	32,350	32,350	32,350
67		<b>229,944</b>	<b>239,143</b>	<b>231,133</b>	<b>231,133</b>
68	<b>ELECTIONS - 01162</b>				
69	Salary and wages	45,000	30,000	30,000	30,000
70	Other expenses	19,000	15,000	15,000	15,000
71		<b>64,000</b>	<b>45,000</b>	<b>45,000</b>	<b>45,000</b>
72	<b>CONSERVATION COMMISSION - 01171 (FTE 3)</b>				

73	Salary and wages	161,702	166,601	157,458	157,458
74	Other expenses	10,250	9,400	11,050	11,050
75	Peterson Farm Management++	200	200	200	200
76	Recording Fees++	400	400	400	400
77	Contractual services++	500	500	500	500
78		<b>173,052</b>	<b>177,101</b>	<b>169,608</b>	<b>169,608</b>
79	<b>PLANNING DEPARTMENT - 01175 (FTE 3)</b>				
80	Salary and wages	211,674	219,286	206,198	206,198
81	Other expenses	8,225	8,225	8,225	8,225
82		<b>219,899</b>	<b>227,511</b>	<b>214,423</b>	<b>214,423</b>
83	<b>ZONING BOARD OF APPEALS - 01176 (FTE 2)</b>				
84	Salary and wages	104,933	109,008	109,008	109,008
85	Other expenses	5,575	4,400	4,400	4,400
86	Contractual services++	1,500	600	600	600
87		<b>112,008</b>	<b>114,008</b>	<b>114,008</b>	<b>114,008</b>
88	<b>TOWN INSURANCE - 01193</b>				
89	Overall town insurance++	965,719	965,719	965,719	965,719
90		<b>965,719</b>	<b>965,719</b>	<b>965,719</b>	<b>965,719</b>
91	<b>FACILITIES MAINTENANCE - 01198 (FTE 11)</b>				
92	Salary and wages	529,226	533,684	533,684	533,684
93	Other expenses	143,200	152,400	134,900	134,900
94	Building Maintenance++	80,000	100,000	90,000	90,000
95	Custodial Supplies - Beaches++	4,000	4,000	4,000	4,000
96		<b>756,426</b>	<b>790,084</b>	<b>762,584</b>	<b>762,584</b>
97	<b>POLICE DEPARTMENT - 01210 (FTE 70.8)</b>				
98	Salary and wages	4,502,045	4,625,343	4,440,624	4,440,624
99	Educational Incentive++	207,070	268,491	268,491	268,491
100	Other expenses	243,118	243,118	243,118	243,118
101	Out of state travel++	4,500	4,500	4,500	4,500
102		<b>4,956,733</b>	<b>5,141,452</b>	<b>4,956,733</b>	<b>4,956,733</b>
103	<b>FIRE DEPARTMENT - 01220 (FTE 70.2)</b>				
104	Salary and wages	4,959,733	5,114,140	4,950,733	4,950,733
105	Educational Incentive++	30,000	30,000	30,000	30,000
106	Advanced EMT/paramedic++	254,500	265,000	263,000	263,000
107	Other expenses	501,050	522,750	501,550	501,550
108	Out of state travel++	2,000	2,000	2,000	2,000
109		<b>5,747,283</b>	<b>5,933,890</b>	<b>5,747,283</b>	<b>5,747,283</b>
110	<b>BUILDING DEPARTMENT - 01241 (FTE 8.4)</b>				
111	Salary and wages	489,377	485,755	493,899	493,899



112	Other expenses	32,150	32,150	28,900	28,900
113		<b>521,527</b>	<b>517,905</b>	<b>522,799</b>	<b>522,799</b>
114	<b>EMERGENCY PREPAREDNESS - 01291</b>				
115	Other expenses	6,500	6,500	6,500	6,500
116	Capital equipment - cots**	300	300	300	300
117	Sheltering++	2,000	2,000	2,000	2,000
118		<b>8,800</b>	<b>8,800</b>	<b>8,800</b>	<b>8,800</b>
119	<b>NATURAL RESOURCES - 01294 (FTE 6)</b>				
120	Salary and wages	357,960	370,491	370,491	370,491
121	Other expenses	21,896	21,896	20,896	20,896
122	Propagation - fish and game++	25,100	25,100	12,569	12,569
123	MSPCA++	500	500	500	500
124	Animal Disease Prevention++	4,221	4,221	4,221	4,221
125	Animal control supplies++	100	100	100	100
126		<b>409,777</b>	<b>422,308</b>	<b>408,777</b>	<b>408,777</b>
127	<b>HARBORMASTER/WATERWAYS - 01295 (FTE 2.75)</b>				
128	Salary and wages	228,142	231,205	231,205	231,205
129	Other expenses	92,650	92,650	92,585	92,585
130	Site Improvements -Dredging++	20,000	17,000	17,000	17,000
131		<b>340,792</b>	<b>340,855</b>	<b>340,790</b>	<b>340,790</b>
132	<b>SCHOOL DEPARTMENT - 01300 (FTE 563)</b>				
133	Salary and wages	32,322,898	32,599,675	32,322,898	32,173,055
134	Otherwise unclassified	8,067,255	8,342,098	8,067,255	8,217,098
135		<b>40,390,153</b>	<b>40,941,773</b>	<b>40,390,153</b>	<b>40,390,153</b>
136	<b>UPPER CAPE VOCATIONAL SCHOOL - 01301</b>				
137	Operating expenses	2,590,502	2,748,902	2,748,902	2,862,049
138	Capital program	112,872	112,872	112,872	116,847
139		<b>2,703,374</b>	<b>2,861,774</b>	<b>2,861,774</b>	<b>2,978,896</b>
140	<b>DPW ADMIN/ENGINEERING - 01411 (FTE 8)</b>				
141	Salary and wages	516,564	525,651	519,004	519,004
142	Other expenses	41,550	46,840	47,840	47,840
143	Out of state travel++	1,700	1,700	1,700	1,700
144		<b>559,814</b>	<b>574,191</b>	<b>568,544</b>	<b>568,544</b>
145	<b>DPW HIGHWAY DIVISION - 01422 (FTE 22.7)</b>				
146	Salary and wages	1,184,554	1,197,059	1,158,765	1,158,765

147	Other expenses	442,432	442,432	434,132	434,132
148	Contractual services++	18,700	18,700	18,700	18,700
149	Supplies - Beach++	4,200	4,200	4,200	4,200
150		<b>1,649,886</b>	<b>1,662,391</b>	<b>1,615,797</b>	<b>1,615,797</b>
151	<b>DPW SNOW and ICE CONTROL - 01423</b>				
152	Salary and wages	30,000	30,000	30,000	30,000
153	Other expenses	66,750	66,750	66,750	66,750
154		<b>96,750</b>	<b>96,750</b>	<b>96,750</b>	<b>96,750</b>
155	<b>STREET LIGHTING - 01424</b>				
156	Power	248,250	248,250	210,000	210,000
157		<b>248,250</b>	<b>248,250</b>	<b>210,000</b>	<b>210,000</b>
158	<b>VEHICLE GASOLINE - 01425</b>				
159	Fuel	280,000	408,000	330,000	330,000
160		<b>280,000</b>	<b>408,000</b>	<b>330,000</b>	<b>330,000</b>
	<b>WASTE MANAGEMENT FACILITY - 01431</b>				
161	<b>(FTE 3)</b>				
162	Salary and wages	173,887	177,074	139,656	139,656
163	Other expenses	201,500	291,500	188,300	188,300
164		<b>375,387</b>	<b>468,574</b>	<b>327,956</b>	<b>327,956</b>
165	<b>SOLID WASTE COLLECTION - 01433</b>				
166	Rubbish contract++	952,000	980,000	980,000	980,000
167	Curb recycling++	494,000	508,000	508,000	508,000
168	SEMASS contract++	450,000	450,000	410,000	410,000
169	Trash hauling++	200,000	210,000	210,000	210,000
170	Transfer station++	154,167	171,873	171,873	171,873
171		<b>2,250,167</b>	<b>2,319,873</b>	<b>2,279,873</b>	<b>2,279,873</b>
	<b>DPW WASTEWATER UTILITIES - 01440 (FTE</b>				
172	<b>8.6)</b>				
173	Salaries and wages	535,235	595,971	551,560	551,560
174	Other expenses	500,670	604,170	565,802	565,802
175		<b>1,035,905</b>	<b>1,200,141</b>	<b>1,117,362</b>	<b>1,117,362</b>
176	<b>DPW WATER UTILITIES - 01451 (FTE 18)</b>				
177	Salaries and wages	1,019,972	1,142,036	1,051,103	1,051,103
178	Other expenses	757,517	896,400	886,400	886,400
179	Regional water cooperative++	190,000	200,000	200,000	200,000
180		<b>1,967,489</b>	<b>2,238,436</b>	<b>2,137,503</b>	<b>2,137,503</b>
181	<b>DPW TREE WARDEN - 01499 (FTE 16)</b>				
182	Salary and wages	799,508	841,666	812,430	812,430
183	Other expenses	156,336	187,200	171,800	171,800
184	Contractual services++	12,000	12,000	7,000	7,000
185	Davisville cemetery++	700	700	700	700
186	Woods Hole cemetery++		1,200		

		1,200	1,200	1,200
187		<b>969,744</b>	<b>1,042,766</b>	<b>993,130</b>
188	<b>HEALTH INSPECTION - 01510 (FTE 3)</b>			
189	Salary and wages	190,765	194,479	194,479
190	Other expenses	5,600	5,600	4,950
191	Contractual services++	1,000	1,000	1,000
192	Hazardous waste collection++	21,840	21,840	21,840
193		<b>219,205</b>	<b>222,919</b>	<b>222,269</b>
194	<b>CLINICS AND NURSES - 01522</b>			
195	Contractual services VNA ++	45,980	45,980	45,980
196		<b>45,980</b>	<b>45,980</b>	<b>45,980</b>
197	<b>COUNCIL ON AGING - 01541 (FTE 3.3)</b>			
198	Salary and wages	191,693	195,437	184,308
199	Other expenses	17,650	17,650	17,400
200	Volunteers to the Elderly++	700	700	700
201	Meals on Wheels++	15,000	15,000	15,000
202		<b>225,043</b>	<b>228,787</b>	<b>217,408</b>
203	<b>VETERANS SERVICES - 01543 (FTE 2)</b>			
204	Salary and wages	112,256	116,474	116,474
205	Other expenses	4,200	4,500	4,300
206	Grave maintenance++	800	800	800
207	Veterans Council++	3,000	3,000	3,000
208	Veterans Ordinary Benefits++	275,000	320,000	300,000
209		<b>395,256</b>	<b>444,774</b>	<b>424,574</b>
210	<b>COMMISSION ON DISABILITIES - 01560</b>			
211	Other expenses	190	190	190
212		<b>190</b>	<b>190</b>	<b>190</b>
213	<b>HUMAN SERVICES - 01599 (FTE 4.35)</b>			
214	Salary and wages	282,936	289,925	289,925
215	Other expenses	33,957	45,460	45,460
216	Upper Cape AIDS Network++	2,633	2,633	2,633
217	Salvation Army++	1,000	1,000	1,000
218	Consumer Assistance++	1,072	1,099	1,072
219	Big Brothers/Sisters++	1,236	1,000	1,000
220	Independence House++	6,485	10,000	10,000
221	Fairwinds Clubhouse++	951	975	975
222	Legal Services of Cape Cod++	4,519	3,500	3,500
223	Cape Abilities++	9,350	6,529	6,529
224	Cape Cod Human Services++	5,910	-	-
225	Family Shelter++	11,050	10,000	10,000
226	Sight Loss Services++	856	1,000	1,000
227	Service Center++	951	9,000	9,000
228	Substance Abuse Commission++	8,336	8,000	8,000
229	Child Development++	20,534	1,285	1,285
230	Gosnold Inc.++	12,847	19,500	19,500
231	Cape Cod Free Clinic++	4,630	5,000	5,000

232		409,253	415,906	415,906	415,906
233	<b>FALMOUTH PUBLIC LIBRARY - 01611 (FTE 26)</b>				
234	Salary and wages	1,263,012	1,279,428	1,279,428	1,279,428
235	Other expenses	358,014	394,554	394,554	394,554
236	Computer Resource Sharing++	52,956	-	-	-
237		<b>1,673,982</b>	<b>1,673,982</b>	<b>1,673,982</b>	<b>1,673,982</b>
238	<b>CAPE COD REGIONAL LIBRARY - 01613</b>				
239	Other expenses	-	-	-	-
240		-	-	-	-
241	<b>WEST FALMOUTH LIBRARY - 01615</b>				
242	Other expenses	7,125	7,125	7,125	7,125
243		<b>7,125</b>	<b>7,125</b>	<b>7,125</b>	<b>7,125</b>
244	<b>WOODS HOLE LIBRARY - 01617</b>				
245	Other expenses	19,313	19,313	19,313	19,313
246		<b>19,313</b>	<b>19,313</b>	<b>19,313</b>	<b>19,313</b>
247	<b>RECREATION DEPARTMENT - 01631 (FTE 5)</b>				
248	Salary and wages	313,294	319,965	319,965	319,965
249	Other expenses	99,485	99,557	95,297	96,185
250	Little League++	2,144	2,144	-	-
251	Babe Ruth++	2,144	2,144	-	-
252	Youth Basketball++	8,450	8,450	8,450	8,450
253	Youth Lacrosse++	640	640	-	-
254	Pop Warner Football++	640	640	-	-
255	Youth Soccer++	13,000	13,000	13,000	13,000
256	Men's Softball++	640	640	-	-
257	Girl's Softball++	1,500	1,500	1,500	1,500
258	Girl's Hockey Club++	960	960	-	-
259	Girl's Lacrosse++	640	640	-	-
260	Figure skating++	960	960	960	0
261	Youth Summer Camp++	25,000	25,000	25,000	25,000
262	Youth Sailing++	1,500	1,500	1,500	1,500
263	Youth Indoor Soccer++	1,800	1,800	1,800	1,800
264	Youth Baseball++	6,600	6,600	6,600	6,600
265	Adult men's basketball++	6,350	6,350	6,350	6,350
266	Adult Volleyball++	-	-	-	-
267	Youth Hockey++	5,200	5,200	-	-
268	Town Band++	2,391	2,319	2,319	2,391
269	Commodores++	640	640	-	-
270		<b>493,978</b>	<b>500,649</b>	<b>482,741</b>	<b>482,741</b>
271	<b>BEACH DEPARTMENT - 01632 (FTE 19.6)</b>				
272	Salary and wages	450,819	472,387	467,819	467,819
273	Other expenses	42,385	42,385	42,185	42,185
274		<b>493,204</b>	<b>514,772</b>	<b>510,004</b>	<b>510,004</b>
275	<b>BIKEWAYS COMMITTEE- 01633</b>				
276	Other expenses	2,337	2,337	2,337	2,337
277		<b>2,337</b>	<b>2,337</b>	<b>2,337</b>	<b>2,337</b>

278	<b>LONG TERM EXCLUDED DEBT - 01753</b>				
279	Principal payment++	5,790,246	5,727,679	5,727,679	5,727,679
280	Interest payment++	2,429,405	2,331,928	2,331,928	2,331,928
281		<b>8,219,651</b>	<b>8,059,607</b>	<b>8,059,607</b>	<b>8,059,607</b>
282	<b>LONG TERM UNEXCLUDED DEBT - 01754</b>				
283	WPAT loans - principal++	110,118	114,443	114,443	114,443
284	WPAT loans - interest++	44,839	44,838	44,838	44,838
285	Principal payment++	1,684,000	1,692,000	1,692,000	1,692,000
286	Interest payment++	1,153,972	1,105,890	1,105,890	1,105,890
287	CPA Fund principal++	1,251,000	1,253,000	1,253,000	1,253,000
288	CPA Fund interest++	653,247	617,033	617,033	617,033
289		<b>4,897,176</b>	<b>4,827,204</b>	<b>4,827,204</b>	<b>4,827,204</b>
290	<b>SHORT TERM EXCLUDED DEBT - 01755</b>				
291	Principal payment++	1,000,000	1,095,000	1,095,000	1,095,000
292	Interest payment++	381,308	710,167	710,167	393,981
293		<b>1,381,308</b>	<b>1,805,167</b>	<b>1,805,167</b>	<b>1,488,981</b>
294	<b>SHORT TERM UNEXCLUDED DEBT - 01756</b>				
295	CPA Fund principal++	-	-	-	500,000
296	Principal payment++	-	-	-	-
297	CPA Fund interest++	35,000	-	-	14,920
298	Interest payment++	39,785	36,362	36,362	41,508
299		<b>74,785</b>	<b>36,362</b>	<b>36,362</b>	<b>556,428</b>
300	<b>STABILIZATION - 01757</b>				
301	Stabilization++	-	-	125,000	250,000
302	(See STM Article #7)	-	-	<b>125,000</b>	<b>250,000</b>
303	<b>RETIREMENT - 01911</b>				
304	Retirement payroll++	5,199,604	5,441,370	5,441,370	5,441,370
305	Noncontributory pensions++	15,000	15,000	15,000	15,000
306		<b>5,214,604</b>	<b>5,456,370</b>	<b>5,456,370</b>	<b>5,456,370</b>
307	<b>UNEMPLOYMENT - 01913</b>				
308	Unemployment payments	175,000	175,000	175,000	175,000
309		<b>175,000</b>	<b>175,000</b>	<b>175,000</b>	<b>175,000</b>
310	<b>HEALTH INSURANCE - 01914</b>				
311	Fringe Ben- Health Insurance	11,185,672	12,277,167	12,198,256	12,198,256
312		<b>11,185,672</b>	<b>12,277,167</b>	<b>12,198,256</b>	<b>12,198,256</b>
313	<b>LIFE INSURANCE - 01915</b>				
314	Fringe Ben-Life Insurance	9,232	9,232	9,232	9,232
315		<b>9,232</b>	<b>9,232</b>	<b>9,232</b>	<b>9,232</b>
316	<b>MEDICARE BENEFITS - 01916</b>				
317	Employer contribution	700,000	700,000	700,000	700,000
318		<b>700,000</b>	<b>700,000</b>	<b>700,000</b>	<b>700,000</b>
319	<b>OTHER EMPLOYEES BENEFITS - 01919</b>				
320	Longevity++	130,000	130,000	116,000	116,000
321	Sick leave buy back++	10,000	10,000	10,000	10,000
322	Employee Assistance Program++	16,670	16,670	16,670	16,670

323	MGL CH 41 medical expenses++	15,000	15,000	15,000	15,000
324	Benefits - other++	9,791	9,791	1,500	1,500
325	Long term disability insurance++	34,000	37,000	37,000	37,000
326		<b>215,461</b>	<b>218,461</b>	<b>196,170</b>	<b>196,170</b>
327	<b>COURT JUDGMENTS - 01941</b>				
328	Misc. claims and suits++	6,750	6,750	6,750	6,750
329		<b>6,750</b>	<b>6,750</b>	<b>6,750</b>	<b>6,750</b>
330		<b>106,547,955</b>	<b>110,143,719</b>	<b>108,452,654</b>	<b>108,898,656</b>

**ARTICLE 13:** To see if the Town will vote to amend its local room occupancy excise under M.G.L. c. 64G, §3A to the rate of six (6.0%). Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Indefinite Postponement.

**ARTICLE 14:** To see if the Town of Falmouth will vote to raise and appropriate or transfer a sum of money to be allocated to supplement the FY-12 Falmouth School Department Budget to assist in defraying education expenses. To be expended under the jurisdiction of the Falmouth School Committee. Or do or take any other action on this matter. On request of the Falmouth School Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Indefinite Postponement.

**ARTICLE 15:** To see if the Town will vote to appropriate a sum of money to fund a one year Capital Improvement Plan for the Town of Falmouth, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

<b>ARTICLE 15 CAPITAL IMPROVEMENT PROGRAM</b>			
		<b>EXECUTIVE</b>	<b>FINCOM</b>
<b>PUBLIC SAFETY</b>			
1.	Police Cruiser (5) Replacement	206,530.00	206,530.00
<b>FACILITIES MAINTENANCE</b>			
2.	North Falmouth Fire Station Roof	20,000.00	15,000.00
3.	Gus Canty Roof	80,000.00	80,000.00
<b>BEACH IMPROVEMENTS</b>			
4.	Old Silver Beach Septic Replacement	60,000.00	60,000.00
5.	Surf Drive – Ellen T. Mitchell Bathhouse Design	70,000.00	0.00
<b>TOTAL CAPITAL BUDGET</b>		<b>\$436,530.00</b>	<b>\$361,530.00</b>

**MOTION(Finance Committee):** That the Town vote to raise and appropriate the sum of \$361,530.00 for the purposes of Article 15, including costs incidental and related thereto; provided, however, that no money shall be raised hereunder by assessing taxes in excess of levy limitations unless the Town shall have voted to exclude this amount from the provisions of Proposition 2 ½, so called, under M.G.L. Ch.59, sec. 21C (i ½) as a capital exclusion and only after passing a Town-wide referendum vote on the ballot of the May 2011 annual town election, said sum to be expended under the jurisdiction of the Board of Selectmen.

**AMENDMENT (Putnam):** Add \$70,000 to line 5 for a total of 431,550.

**VOTED:** By a counted vote of 76 in favor and 121 in opposition, a quorum being present on Monday, April 4, 2011 the Town voted not to amend Article 15.

**VOTED:** By a declared two thirds vote, a quorum being present on Monday, April 4, 2011 the Town voted to raise and appropriate the sum of \$361,530.00 for the purposes of Article 15, including costs incidental and related thereto; provided, however, that no money shall be raised hereunder by assessing taxes in excess of levy limitations unless the Town shall have voted to exclude this amount from the provisions of Proposition 2 ½, so called, under M.G.L. Ch.59, sec. 21C (i ½) as a capital exclusion and only after passing a Town-wide referendum vote on the ballot of the May 2011 annual town election, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the deficit of the Main Street Phase II 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 Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted to raise and appropriate the sum of \$25,498.00 for the purposes of Article 16 to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 17:** To see if the Town will vote to appropriate a sum of money to fund wastewater management studies, planning, design, repairs and construction of related projects to implement the Comprehensive Wastewater Management Plan, 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.

**MOTION (Patrick):** I move that the town appropriate \$2,772,250.00 for the purposes of Article 17 including costs incidental and related thereto as follows: to fund wastewater management studies, planning, design, construction and demonstration with up to \$500,000.00 for sewer design and engineering to implement the Comprehensive Wastewater Management Plan. To meet this appropriation, the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of M.G.L. c. 44, s. 7(1), or any other enabling authority, and to issue bonds and notes of the Town therefore; provided, however, that no money shall be borrowed hereunder unless the Town shall have voted to exclude by Debt Exclusion this appropriation from the provisions of Proposition 2 and ½, so called, under the provisions of M.G.L. c. 59, s. 21C(k) and only after passing a Town wide referendum vote that shall be placed on the ballot at the May, 2011 town election, said sum to be expended under the jurisdiction of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday April 6, 2011 the Town voted to appropriate \$2,772,250.00 for the purposes of Article 17 including costs incidental and related thereto as follows: to fund wastewater management studies, planning, design, construction and demonstration with up to \$500,000.00 for sewer design and engineering to implement the Comprehensive Wastewater Management Plan. To meet this appropriation, the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of M.G.L. c. 44, s. 7(1), or any other enabling authority, and to issue bonds and notes of the Town therefore; provided, however, that no money shall be borrowed hereunder unless the Town shall have voted to exclude by Debt Exclusion this appropriation from the provisions of Proposition 2 and ½, so called, under the provisions of M.G.L. c. 59, s. 21C(k) and only after passing a Town wide referendum vote that shall be placed on the ballot at the May, 2011 town election, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 18:** To see if the Town will vote to appropriate a sum of money to engineer, design and construct repairs, modifications and improvements to the town's sewer system, including but not limited to, odor control systems and sewers/force mains, 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 Monday, April 4, 2011 the Town voted to appropriate the sum of \$1,500,000.00 for the purposes of Article 18, including costs incidental and related thereto, and that to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen, is authorized

to borrow said sum under the provisions of M.G.L. ch.44 § 7 (1), or any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that no money shall be borrowed hereunder unless the Town shall have voted to exclude by Debt Exclusion this appropriation from the provisions of Proposition 2 ½, under the provision of M.G.L. Ch. 59, sec. 21C (j), and only after passing a Town-wide referendum vote that shall be placed on the ballot at the May 2011 election, so called, said sum to be expended under the jurisdiction of the Board of Selectmen.

**RECONSIDERATION:** By a unanimous vote, a quorum being present on Tuesday, April 5, 2011 the Town voted to reconsideration of Article 18.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 5 the Town voted to appropriate the sum of \$1,500,000.00 for the purposes of Article 18, including costs incidental and related thereto, and that to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under the provisions of M.G.L. ch.44 § 7 (1), or any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that no money shall be borrowed hereunder unless the Town shall have voted to exclude by Debt Exclusion this appropriation from the provisions of Proposition 2 ½, under the provision of M.G.L. Ch. 59, sec. 21C (k), and only after passing a Town-wide referendum vote that shall be placed on the ballot at the May 2011 election, so called, said sum to be expended under the jurisdiction of the Board of Selectmen.

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money to complete the remaining Massachusetts Estuary Project (MEP) studies, 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 Department of Public Works.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted to Indefinite postponement of Article 19.

**ARTICLE 20:** To see if the Town will vote to appropriate a sum of money to develop and submit a disinfection profile and benchmark to MassDEP as a required prerequisite to approval of an additional, mandatory disinfection process at the Long Pond Treatment Facility, 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 Department of Public Works

**VOTED:** By a unanimous vote, a quorum being present on Wednesday April 6, 2011 the Town voted to Indefinite Postponement of Article 20.

**ARTICLE 21:** To see if the Town will vote to appropriate a sum of money to replace or install water mains and the necessary appurtenances as required to improve the reliability, hydraulics and water quality on Old Barnstable Road, 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 Department of Public Works.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Indefinite postponement.

**ARTICLE 22:** To see if the Town will vote to adopt a new bylaw which reads as follows:

Section 180-51 **Septic system Inspections**

Every septic system inspected in the Town under the provisions of Title 5 shall include a test of Total Nitrogen of the raw wastewater in the inlet end of a septic tank or cesspool. Septic system Inspections shall be as required by Title 5. Septic systems will be required inspected in accordance with the methods described in Title 5 and in accordance with regulations established by the Board of Health. Septic System inspections shall be performed before any issuance of a building permit that increases lot coverage by structure. Septic System tests shall be required before a connection is made to Town sewer. The inspection shall determine the distance between the bottom of the soil absorption system and the normal ground water.

The Board of Health will establish and enact enabling regulations describing how the samples will be gathered as well as safety requirements for handling the samples. The Board of Health will establish and enact enabling regulations that determine the completeness of inspections. The Board of Health will establish and enact enabling



regulations that allow the waiving of these requirements for reason of hardship or any other reason acceptable to the Board of Health. The testing of the samples will be performed by a DEP certified testing laboratory. The results will be sent to the Board of Health and the engineering division of the Department of Public Works. The inspections shall determine the vertical distance between the bottom of the soil absorption system and the ground water. The Town GIS will maintain the test results in a database available in a format easily to calculate the nitrogen loading for the septic system by multiplying the actual water meter readings by the Total Nitrogen concentrations. The Board of Health, by regulation, shall determine the appropriate attenuation factor for the different types of septic systems.

The purpose of this bylaw is to assess the actual Total nitrogen from septic systems into the environment. Or do or take any other action on this petition.

On petition of Michael B. McGrath and others.

**MOTION (Board of Selectmen):** To see if the Town will vote to adopt a new bylaw which shall read:

Chapter 180, Section 51 Septic System Inspections

Every Septic System inspected in the Town under the provisions of Title 5 shall include a test of Total Nitrogen of the raw wastewater in the outlet end of a septic tank or cesspool. Septic system Inspection shall be required by Title 5. The results will be sent to the Board of Health and the engineering division of the Department of Public Works.

**AMENDMENT(Lowell):** Add: By-law to expire December 31,2016

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 6, 2011 the Town voted to amend Article 22 by adding By-law to expire December 31,2016.

**AMENDMENT(Brodeur):** Add: Septic systems, which are required by law to be inspected on a periodic basis, will not be required to include the Total Nitrogen test more than once.

**VOTED:** By a declared majority vote, a quorum being present on Wednesday, April 6, 2011 the Town voted to amend Article 22 by adding Septic systems, which are required by law to be inspected on a periodic basis, will not be required to include the Total Nitrogen test more than once.

**VOTED:** By a counted vote of 94 in favor and 97 in opposition, a quorum being present on Wednesday April 6, 2011 the Town voted to not to pass Article 22.

**ARTICLE 23:** To see if the Town will vote to appropriate a sum of money to fund to repair or to resurface the Shining Sea Bikeway from Locust Street/Woods Hole Rd to the Nobska Rd. overpass and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter.

On petition of Patricia P. Johnson and others.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 6, 2011 the Town voted Indefinite Postponement of Article 23.

**ARTICLE 24:** To see if the Town will appropriate the sum of \$10,732.24 from certified free cash for the purpose of reimbursing Peter L. Waasdorp, Jr, upon submission of paid invoices to the Town Accountant, for legal representation in the year long process of removing him from the Conservation Commission.

Legal representation was necessitated when town officials failed to follow town policy and the laws established precedents of the Commonwealth in their disciplinary process.

On petition of Peter L. Waasdorp, Jr., and others.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 6, 2011 the Town voted Indefinite Postponement of Article 24.

**ARTICLE 25:** To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund to fund the Administrative expenses of the Community Preservation Committee. Or act in any way

relative thereto as allowed under the Community Preservation Act. On request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 6, 2011 the Town voted to appropriate the sum of \$140,000.00 from Community Preservation FY-12 Estimated Receipts for the purposes of Article 25. \$13,428.00 of this appropriation shall be transferred to the General Fund and applied to the Health Insurance Budget Line Item 01914 to fund the health benefits for the Community Preservation Planner.

**ARTICLE 26:** To see if the Town will vote to modify the membership of the Bikeways Committee by changing the Police Safety Officer's role from ex-officio member to Consultant, and directing the Selectmen to appoint a regular member to fill the seat made vacant by this change.  
On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 4, 2011 the Town voted Article 26 as printed.

**ARTICLE 27:** To see if the Town will vote to amend Chapter 136 of the Code of Falmouth, Junk Dealers and Collectors, §§136-1 through 10, inclusive, by deleting the current by-law and adopting the following by-law to replace it in its entirety:

**Chapter 136: SECONDHAND DEALERS AND SECONDHAND COLLECTORS**

**§ 136-1. Definitions.**

ACCEPTABLE IDENTIFICATION means either:

- A. A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or
- B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF means the Chief of Police of the Town of Falmouth or her or his designee.

REGULATED PROPERTY means the following used property:

- A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.
- B. Precious gems, including but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semi-precious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.
- C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches.
- D. Sterling silver flatware, including but not limited to, knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.
- E. Any electronic audio, video or photographic and optical equipment along with computer or computer equipment or recordings in any form.
- F. Any power tools or equipment.
- G. Musical instruments.
- H. Sporting equipment.
- I. Automobiles, boats, planes, motorcycles in whole or taken in parts, or any other type machinery.
- J. Collectibles; including objects of art, coins, currency and antique objects, but not including those items identified in section 136-9, section H.

SECONDHAND COLLECTOR shall have the same meaning as the term "junk collector" G.L c. 140 § 56.

SECONDHAND DEALER shall have the same meaning as the term "junk dealer" and keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles in G.L c. 140 § 54."

### **§ 136-2. Licensing Authority**

A. The Licensing Authority in the Town of Falmouth is the Board of Selectmen which is authorized to license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles, according to the provisions of G.L. Chapter 140, § 54 and any other applicable authority. The Licensing Authority may promulgate rules and regulations relative to licensed persons or businesses. Licenses issued shall be subject to G.L. Chapter 140, §§ 202-205, inclusive.

B. Every dealer in and keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in this town shall be licensed and every collector of junk, old metals and secondhand articles in this Town shall be licensed.

### **§ 136-3. Issuance, Renewal and Revocation of Licenses Required.**

A. Secondhand collectors and secondhand dealers must obtain a license to conduct said activities.

B. The Licensing Authority of the Town of Falmouth may after notice and a public hearing deny an original or renewal application for a Secondhand Dealer or Secondhand Collector License or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:

(1) The applicant, or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has owned or operated a Secondhand Dealer or Secondhand Collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date; or

(2) Has had a Secondhand Dealer or Secondhand Collector License revoked for a reason that would be grounds for a denial or revocation pursuant this ordinance; or

(3) The Secondhand Dealer or Secondhand Collector business has been found to constitute a public nuisance.

(4) The licensee applicant, or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has been convicted of a felony or any crime involving a false statement or within 15 years prior to the application date.

(5) The applicant has:

a. Knowingly made a false statement in the application.

b. Knowingly omitted information requested to be disclosed in the application; or

c. Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

(6) A lawful inspection of the Secondhand Dealer or Secondhand Collector business premises by the Police Chief or the designee has been unjustifiably refused by a person who in part or whole, manages or operates the business.

(7) The Secondhand Dealer or Secondhand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business, has more than five violations of this by-law, any State or Federal law, similar thereto, or any combination thereof within a two-year period, including the two years prior to the application date.

(8) The Secondhand Dealer or Secondhand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Secondhand Dealer or Secondhand Collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted such as, but not limited to: Receiving stolen property, any form of breaking and entering, larceny's from a person, or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or the designee.

(9) Such other grounds as the Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the commonwealth or the Town of Falmouth.

**§ 136-4. Inspection of Property and Records.**

A. Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Police Chief or the designee has reasonable grounds to believe more likely than not that a specific item of regulated property held by a Secondhand Dealer or Secondhand Collector is associated with criminal conduct, the Police Chief or the designee may enter the premises of the Secondhand Dealer or Secondhand Collector at any reasonable time, provided that the premises are occupied at the time of entry and the Police Chief or the designee presents proper official identification at or near the time of entry. If entry is refused, the Police Chief or the designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

B. Authority to inspect Secondhand Dealer or Secondhand Collector premises under this regulation is in addition to and not in limitation of the authority the town or the Police Chief or any police officer would otherwise have to enter the business premises.

C. Once allowed to enter the premises of the Secondhand Dealer or Secondhand Collector, the Police Chief or the designee may inspect property kept there. The Police Chief or the designee may also inspect the business records associated with regulated property and perform any duty imposed upon the town or the Police Chief by this regulation.

**§ 136-5. Record Keeping.**

A. The Police Chief or the designee shall design a purchase report form and make copies available to all Secondhand Dealers or Secondhand Collectors. Secondhand Dealers or Secondhand Collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of regulated property.

B. Whenever Secondhand Dealers or Secondhand Collectors purchase regulated property for business purposes, the Secondhand Dealers or Secondhand Collectors shall obtain acceptable identification from the seller along with the seller's current residence address. The Secondhand Dealers or Secondhand Collectors shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in legible English. The seller shall sign his or her name on the filled-out form.

C. A digital photograph will be taken of each item purchased as defined under regulated property section 1-E. The photograph may be stored electronically, but is subject to the same record keeping requirements as listed in section 9-A. Copies of the photographs will be made available to the Chief of Police in a timely manner, and are subject to the same rights of inspection as listed in section 4.

D. The licensee shall cause to be delivered to the Falmouth Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided.

If, during the preceding week such Secondhand Dealer(s) or Secondhand Collector(s) has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.

**§ 136-6. Posting of Licenses and Notices.**

A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.

B. A secondhand dealer shall post the following notice no smaller than eight and one-half inches by 11 inches with lettering no smaller than one-fourth of an inch in height outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business.

**NOTICE:**

The sale or attempted sale of property to a secondhand dealer without consent of the property's owner is punishable by a civil penalty not to exceed \$300 per item.

Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

If a significant number of the patrons of the regular second-hand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

**§ 136-7 Purchases by a Secondhand Dealer or Secondhand Collector.**

A. A secondhand dealer or secondhand collector shall not make any cash purchase in an amount that exceeds \$50.00 [fifty dollars and zero cents].

B. A secondhand Dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealership license.

C. A secondhand Dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.

D. A secondhand dealer or secondhand collector may not purchase any item from any person under the age of 18 (eighteen).

**§ 136-8. Unauthorized Sale of Property.**

A. No secondhand dealer or secondhand collector may purchase or sell any property of any type without the consent of the owner.

B. No purchase will be made from anyone under the age of 18.

**§ 136-9. Holding Periods.**

A. A copy of every purchase report form filled out as required by this ordinance shall be kept on the premises of the Secondhand Dealer or Secondhand Collector business during normal business hours for at least three (3) year from the date of purchase. The report form shall be subject to inspection by the Police Chief or the designee.

B. All regulated property in the categories of precious metals or precious gems, defined in Sec 1 A-D, purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand Collector for at least 21 days from the date of purchase.

C. All other regulated property purchased by a Secondhand Dealer or Secondhand Collector and required to be recorded on a purchase report form shall be held by said Secondhand Dealer or Secondhand Collector for at least 15 days from the date of purchase.

D. The Secondhand Dealer or Secondhand Collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief, or the designee.

E. The Police Chief or the designee may give written notice to a Secondhand Dealer or Secondhand Collector holding regulated property that the Police Chief or the designee has reasonable grounds to believe more likely than not a specific item of regulated property is associated with criminal conduct. The Secondhand Dealer or Secondhand Collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under subsection (B) of this section until released by the Police Chief.

F. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.

G. A Secondhand Dealer or Secondhand Collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief or the designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or the designee shall provide the Secondhand Dealer or Secondhand Collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the Secondhand Dealer.

H. Secondhand Dealers, retailing or wholesaling used property limited to the following, are exempt from section B above:

(1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or

(2) Used clothing, furniture, costume jewelry, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a "registered charity" or by donations; or

(3) Used books, papers, or magazines.

**§ 136-10. Testing of weighing and measuring devices.**

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Falmouth Weights and Measures Division prior to being placed in service.

**§ 136-11. Violations and Penalties.**

A. Violation of any provision of this chapter may be prosecuted, as a criminal matter or as an administrative procedure or by the method provided in § 21D of Chapter 40 of the General Laws. Each violation shall be considered separately.

B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The Licensing Authority may suspend, revoke or modify any license issued by them whenever they have reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in § 21D of Chapter 40 of the General Laws shall be subject to a fine of \$250.

**§ 136-12. Severability.**

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

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

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 6, 2011 the Town voted Indefinite Postponement of Article 27.

**ARTICLE 28:** To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, April 5, 2011 the Town voted that all articles approved at this Town Meeting be funded as voted for a total of \$113,697,934.00 and that the Board of Selectmen be requested to place a questions on the May 2011 Town Election Ballot as voted in Article 15, 17 and 18.