



**COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING**

Lawrence School Auditorium

Falmouth, MA 02540

APRIL 7, 2014

1. Choose Town Officers
2. Hear Reports of Committees and Town Officers
3. Authorize Board of Selectmen to settle claims and suits
4. Authorize Board of Selectmen to apply and accept State and Federal Grants
5. Fix salaries of Elected Officials
6. Approve Revolving Funds
7. Amend Chapter 240 Zoning- §240-250 Marijuana Treatment Centers
8. Amend Chapter 240 Zoning- §240-3C Residential Use Amnesty
9. Amend Chapter 240 Zoning- §240-57O Light Industrial A District
10. Petition Article – Rezone Parcel located on County Road
11. Amend Town’s position Classification Plan
12. Fund tuition reimbursement program for TAM employees
13. Establish Out of District Special Education Tuition Stabilization Fund
14. Fund Out of District Special Education Tuition Stabilization Fund
15. Establish Water Stabilization Fund
16. Fund Water Stabilization Fund
17. Fund General Stabilization Fund
18. Fund Capital Improvement Stabilization Fund
19. Fund Other Post-Employment Benefits
20. Fund Workers Compensation Trust Fund
21. Fiscal Year 2015 Operating Budget
22. Petition Article Fund costs for reviewing the High School Renovation Project
23. Fund costs of Senior Center Feasibility Study
24. Fund costs of constructing “All-Purpose Community Athletic Field”
25. Fund Energy Receipts Reserved for Appropriation Account for further appropriation
26. Fund design and construction of a water treatment system/water filtration plant
27. Determine betterment of costs related to the Little Pond sewer service area
28. Fund Comprehensive Wastewater Management Plan
29. Road layout Elizabeth Jean Drive
30. CPC Administrative Expenses

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

RECOMMENDATION (Finance Committee): That the Town vote Article 1 as printed.

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

RECOMMENDATION (Finance Committee): That the Town vote Article 2 as printed.

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.

RECOMMENDATION (Finance Committee): That the Town vote 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 meeting prior to the Board's acceptance of any such grant(s) or gifts(s), if said grant(s) or gift(s) require 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 meeting and may seek further review/comment of the Finance Committee. Or do or take any other action in the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote Article 4 as printed.

ARTICLE 5: To see if the Town will vote to fix the salaries of the Elected Officials.

Moderator..... \$1,500
 Town Clerk..... \$85,000
 Selectmen (4)..... \$3,000
 Chairman of Selectmen.....\$3,500

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

RECOMMENDATION (Finance Committee): That the Town vote Article 5 as printed.

EXPLANATION: The Finance Committee obtained a salary survey and found that the salaries of the Moderator and Selectmen were within reasonable range.

ARTICLE 6: 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. 53E½ for the fiscal year beginning July 1, 2014, 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	FY15 Spending Limit	Disposition of FY14 Fund Balance
Emerald House	Board of Selectmen / Town Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$7,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
TOTAL SPENDING				\$55,500	

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

RECOMMENDATION (Finance Committee): That the Town vote Article 6 as printed.

EXPLANATION: Town Meeting approval is required each year to continue the use of the revolving funds outlined in this article.

ARTICLE 7: To see if the town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by adding the following:

ARTICLE XXXVII (47)

§240-250. **Marijuana Treatment Centers**

A. Purpose:

This article defines permitting requirements and standards for Medical Marijuana Treatment Centers, also known as Registered Marijuana Dispensaries, which are consistent with the regulations adopted for such facilities by the Massachusetts Department of Public Health. 105 CMR 725.000 contains additional definitions and regulations relative to the registration, establishment, operations and regulation of such Centers / Dispensaries, as well as hardship cultivation registration by the Massachusetts Department of Public Health. Nothing in this Chapter is intended to regulate or prohibit uses or activities under a hardship cultivation registration.

B. Definitions:

Marijuana Treatment Center/ Registered Marijuana Dispensary: a not-for-profit entity registered under 105 CMR 725.000, that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, including development of related Marijuana-Infused Product (MIP), related supplies, or educational materials to registered qualifying patients or their registered personal caregivers.

Marijuana-Infused Product (MIP): a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures.

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J). Registered Qualifying Patient means a qualifying patient who has applied for and received a registration card from the Department of Public Health.

C. Permitting

Marijuana Treatment Center/ Registered Marijuana Dispensary shall be a use allowed subject to the issuance of a special permit by the Planning Board as provided for in this Chapter, in Business“2” zoning districts only.

D. Special Permit Criteria - Standards

In addition to the requirements for the issuance of a special permit found in section 240-216 of the zoning bylaw, any such Marijuana Treatment Center/ Registered Marijuana Dispensary shall:

1. not be located within 500 feet of a public or private kindergarten, primary or secondary school, a place of worship, a day nursery, nursery school or a public park or playground. No other specific separation requirements will apply.
2. be approved for operation, or remain in operation, with a certificate of registration issued by the Massachusetts Department of Public Health.
3. be compliant at all times with the security measures required by 105 CMR 725.000. A description of such measures, including any updates, shall be provided to the Falmouth Police Department, along with after-hours contact information. Any other provisions of this Chapter regarding required landscaping or vegetated buffers not-with-standing, trees, bushes and other foliage located on the site outside of the Center / Dispensary shall be located (or removed) so they do not allow for a person or persons to conceal themselves from sight within fifty (50) feet of any entrance or of any parking space designated to be utilized by registered qualifying patients, personal caregivers, and dispensary agents of the Center / Dispensary.
4. be in compliance with 105 CMR 725.105(D) and cultivation, production, preparation, transport or analysis shall be done in a manner to prevent diversion, theft or loss. All phases of the cultivation of marijuana shall take place in designated, locked, limited access areas that are monitored by a surveillance camera system in accordance with 105 CMR 725.110(D)(1)(d)–(i).
5. adopt emergency procedures, including a plan with procedures to be followed in case of fire or other emergencies, copies of which shall be filed with the Police and Fire Departments
6. provide parking applicable to retail establishments for that portion of the floor area designated for sales, and to manufacturing or other industrial buildings for floor area designated for storage or for cultivation of marijuana or preparation of MIPs.”
7. be in compliance with 105CMR725.105(L) regarding marketing, advertising and signs.

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

RECOMMENDATION (Planning Board): That the town vote Article 7 as it appears in the warrant, together with the following cross-reference:

“§240-51.C (5) **Marijuana Treatment Centers** (See Article XXXXVII (47))”,
said cross-reference to appear in Article X “Business Districts” of the Zoning Bylaw.

EXPLANATION: This article defines permitting requirements and standards for Medical Marijuana Treatment Centers, also known as Registered Marijuana Dispensaries, which are consistent with the regulations adopted for such facilities by the Massachusetts Department of Public Health. 105 CMR 725.000 contains additional definitions and regulations relative to the registration, establishment, operations and regulation of such Centers / Dispensaries, as well as “hardship cultivation registration” by the Massachusetts Department of Public Health.

ARTICLE 8: Amendment of Article 240-3C by amending that section to include subsection (f) to read as follows:

(f) Residential Use Amnesty.

Recognizing that the success of this article depends, in part, on the admission by real property owners that their property may be in violation of the Zoning Ordinances of the Town, the Town hereby establishes the following amnesty program that shall last for one year from the effective date of this bylaw:

1. The threshold criteria for units being considered as units potentially eligible for the amnesty program are:
 - a. Real property containing a dwelling unit or dwelling units for which there does not exist a validly issued variance, special permit or building permit, does not qualify as a lawful, nonconforming use or structure, for any or all the units, and that was in existence on a lot of record within the Town as of January 1, 2004; or
 - b. Real Property containing a dwelling unit or dwelling units which were in existence as of January 1, 2004, and which have been cited by the Building Department as being in violation of the Zoning Ordinance; and
 - c. The property owner has the burden of demonstrating to the Building Commissioner that the criteria in either Subsection 1(a) and/or 1(b) hereunder have been satisfied by a preponderance of creditable evidence.
 - d. If any dwelling unit or units identified herein are occupied during the period of time when amnesty is in effect, said unit must be inspected by the entity designated by the Town Manager and found to be in conformance with the State Building Code and State Sanitary Code.
2. The procedure for qualifying units that meet the threshold criteria for the amnesty program is as follows:
 - a. The unit or units must either be a single unit accessory to an owner occupied single-family dwelling or one or more units in a two-family or multifamily dwelling where there exists a legal multifamily use but one or more units are currently unpermitted;
 - b. The property owner must apply for a building permit from the Town Building Department to ensure that the unit(s) seeking amnesty is in compliance with the State Building Code. If determined to be in compliance and meeting the threshold requirements of section 1 hereunder, the unit(s) shall be considered a pre-existing, nonconforming use.
 - c. The property owner must agree that if they receive a building permit and there are three or more units, at least one of the unit or units for which amnesty is sought will be designated as affordable as defined and a deed restriction, covenant or suitable instrument, acceptable to and enforceable by the Town is recorded with the land records ensuring that said unit(s) remain affordable.
 - d. No zoning enforcement shall be undertaken against any property owner who demonstrates that they meet the threshold criteria under Subsection 1 and further demonstrates that they are proceeding in good faith to comply with the procedures under Subsection 2 to obtain a building permit.
 - e. Any protection from zoning enforcement under this article shall terminate when: (i) it is determined by the building commissioner that the property does not meet the threshold requirements under Subsection A hereunder; or (ii) it is determined by the Building Commissioner that the property owner is not proceeding diligently with the procedures under Subsection B.

- f. If a building permit is granted by the Building Commissioner, deeming the unit(s) a pre-existing, nonconforming use, the property owner may apply to the Zoning Board of Appeals for a special permit for any alteration, extension or modification of such use under 240-3. On request of Stephen Rudy, et al.

RECOMMENDATION (Planning Board): Recommendation: That the Town vote to amend section 240-3 of the zoning bylaw by adding subsection E. as follows:

E. Residential Use Amnesty. Within three (3) years from the effective date of this bylaw, an owner of a lot with one or more structures containing dwelling units which do not comply with the Zoning Bylaw may apply for a special permit to establish such units as lawfully nonconforming where the Board of Appeals determines by a preponderance of credible evidence that such noncompliance has been continuous since January 1, 1994 without any lapse for a period of two (2) years or more; the provisions of Section 240-216 shall also apply. (1) The determination of the Office of the Building Commissioner or his designee stating what repairs or upgrades, if any, shall be required for occupancy pursuant to the special permit under this section shall accompany the special permit application and any repairs or upgrades determined as necessary shall be a condition of the special permit;

(2) Any special permit issued under this amnesty program shall also provide:

- (a) that the subject property shall be served by the municipal sewer or an on-site waste disposal system that conforms to the State Sanitary Code as determined by the Health Department;
- (b) As a condition of the special permit, a deed restriction, covenant or other suitable instrument, acceptable to and enforceable by the Town, shall be recorded with the land records that restricts the leasing of any dwelling unit(s) allowed by this special permit, beyond the units allowed by right in the particular zoning district, to households with an income 80% or less of the Barnstable County median income as determined by the most recent federal census or other method acceptable to the Board of Appeals and further at a gross annual rent not to exceed 30 % of the median income herein described. The property owner shall provide to the Board of Appeals documentation that certifies the income level and rent paid by the tenant on a yearly basis;

The number of units allowed by this special permit may not exceed those in existence for at least twenty (20) years without a lapse of two (2) years or more, and no subsequent modification of the special permit shall allow additional units or conversion to a non-residential use;

- (c) No special permit granted under this section may be used for commercial accommodations or summer rentals.

EXPLANATION: This article creates a temporary three year amnesty for property owners to bring dwelling units into compliance with zoning and building code by special permit through the Board of Appeals. The owner must show that the units have been in existence for twenty years and that building code deficiencies, if any, can be cured and the property is either served by municipal sewer or a Title V septic system can be constructed. Additional units above that allowed in the zoning district must be made affordable to low and moderate income households and no additional units can be created pursuant to this special permit. Commercial accommodations and summer rentals are not allowed.

ARTICLE 9: To see if the town will vote to amend the zoning by-law, by adding to Section 240-57 (special permit uses in the Light Industrial A District) subsection 240-57.O, as follows:

O. Fast-food or Class IV restaurant, except that no drive-through window shall be allowed, and provided that the restaurant may occupy no more than 4,000 square feet and no more than one-third (1/3) of the floor area of the building in which it is located. On Request of Robert H. Ament and others.

RECOMMENDATION (Planning Board): Indefinite Postponement**EXPLANATION:** The proponent of this Article requested that the Planning Board recommend indefinite postponement, as this locus is within the Water Resource Protection District and DEP Zone II of the Fresh Pond well, which was not known by the proponent at the time the Article was submitted.

ARTICLE 10: To see if the Town will vote to amend the official zoning map of the Town of Falmouth to rezone from Agricultural AA to Light Industrial A the land shown on Falmouth Assessors Map 18, Section 03, Parcel 004, Lot 003 located on Currier Road, East Falmouth and consisting of 8 acres plus or minus.

A deed restriction for 20 affordable bedroom units, plus 8 2 bedroom units at market rate in perpetuity shall be submitted. On request of Currier Farms Nominee Trust and others.

RECOMMENDATION (Planning Board): Indefinite Postponement

EXPLANATION: The Planning Board believes industrial zoned land, which is limited in supply, should be used for industrial and similar purposes, not fast-food restaurants.

ARTICLE 11: To see if the Town will vote to amend the Town's position Classification Plan as follows:

Action	Position	Grade	Minimum	Maximum
Delete	Seasonal Police Officer	5	\$12.22	\$12.96
Add	Seasonal Police Officer	7	\$13.99	\$14.84
Add	Certified Sailing Instructor	5	\$12.22	\$12.96
Delete	Caretaker Goodwill Parks	4	\$11.42	\$12.11
Add	Caretaker Parks	4	\$11.42	\$12.11
Delete	Conservation/GIS	M-3	\$20.50	\$26.77
Add	Conservation/MES Technician	M-3	\$18.98	\$24.02

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

RECOMMENDATION (Finance Committee): That the Town vote to accept article 11 as printed with the following change:

Conservation/Environmental Technician G-8

EXPLANATION: The Finance Committee recommends the reclassification for seasonal police officers to reflect market salaries and adding a sailing instructor position to oversee a sailing program. Expanding the current caretaker position of Goodwill Park to make it a general Parks caretaker will provide services to all of the Town's Parks. The Conservation/Environmental Technician funds an existing position of a conservation administration employee and the environmental technician is a new position that will oversee open space.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money for a tuition reimbursement program for the Town's Technical, Administrative, & Management employees, 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.

RECOMMENDATION (Finance Committee): That the Town vote to raise and appropriate the sum of \$5,000 for the purpose of a tuition reimbursement program for the Town's technical, administrative and Management employees. To be expended under the jurisdiction of the Town Manager.

EXPLANATION: These funds will allow the Town's non-union employees to have access to tuition reimbursement in order to further their professional development as it pertains to their job functions.

ARTICLE 13: To see if the Town will vote to establish a stabilization fund in accordance with Massachusetts General Laws c. 40, s. 5B to be known as the Out of District Special Education Tuition Stabilization Fund, or do or take any other action on the matter. On request of the School Department.

RECOMMENDATION (Finance Committee): That the Town vote Article 13 as printed.

EXPLANATION: The Town is establishing a stabilization fund for out of district Special Education Tuition in order to assist with the uncertain fluctuating and escalating costs of Special Education. This reserve account will be funded as needed with one-time available revenue. The Town must provide services to all children identified as eligible under state and federal guidelines.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money to fund the Out of District Special Education Tuition Stabilization Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the School Department.

RECOMMENDATION (Finance Committee): That the Town vote to raise and appropriate \$200,000 and transfer the sum of \$600,000 from the Health Insurance Stabilization fund for the purpose of funding the Out of District Special Education Tuition Stabilization Fund.

EXPLANATION: The Finance Committee recommends funding the Special Education Fund with \$200,000 from raise and appropriate as the Upper Cape Technical School assessment decreased from

budget projections. Health Insurance stabilization account was funded from the initial savings from health insurance reform. Since new legislation benefited the Town and schools we recommend transferring a portion to the school department special education account to assist in the unpredictability of State-mandated SPED costs.

ARTICLE 15: To see if the Town will vote to establish a stabilization fund in accordance with Massachusetts General Laws c. 40, s. 5B to be known as the Water Stabilization Fund, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote Article 15 as printed.

EXPLANATION: The Town is establishing a Water Stabilization Fund in order to reserve a portion of free cash generated from excess local water revenue receipts. These monies will be used to create a Water Enterprise fund in a few years.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money to fund the Water Stabilization Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to transfer the sum of \$500,000 from free cash into the Water Stabilization Fund.

EXPLANATION: The Finance Committee recommends funding the water stabilization account with excess receipts generated from water revenues.

ARTICLE 17: To see if the Town will vote to appropriate a sum of money to the General Stabilization Fund for further appropriation and to determine how the same shall be raised, or do or take any other action the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to raise and appropriate the sum of \$440,000 and transfer the sum of \$600,000 from the Health Insurance Stabilization Fund for the purpose of funding the general stabilization fund.

EXPLANATION: The Board of Selectmen has adopted a policy goal of maintaining a \$5.5m balance in the general stabilization fund which represents approximately 5% of the operating budget. This appropriation attains 70% of that goal. The Finance Committee recommends that the Town's initial share of the health insurance savings be transferred into the fund.

ARTICLE 18: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to raise and appropriate the sum of \$1,032,079 and transfer into the Capital Improvement Stabilization Fund.

EXPLANATION: In order to create reserves and fund the Town's large capital items, the Board of Selectmen has adopted a budget policy, supported by the Finance Committee, of transferring 75% of the meals tax and .25% of the tax levy into the capital stabilization fund.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money to the Other Post Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to raise and appropriate the sum of \$100,000 and transfer into the Other Post Employment Benefits Trust Fund.

EXPLANATION: The Town's unfunded liability for Other Post Employment Benefits (OPEB) is approximately \$88 million. Currently, there is not a requirement to fund the liability however, the Town desires to partially fund the trust fund every year in order to have a positive effect on the bond rating.

ARTICLE 20: To see if the Town will vote to appropriate a sum of money to the Workers Compensation Trust fund for further appropriation, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to raise and appropriate the sum of \$50,000 and transfer into the Worker's Compensation Trust Fund.

EXPLANATION: The Town has a stop loss policy on Worker's Compensation Benefits, however our total liability may exceed the budget and funding the worker's compensation trust fund creates a reserve to hedge against increases in liability.

ARTICLE 21: 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 Fiscal Year 2015 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.

RECOMMENDATION (Finance Committee): The Fiscal Year 2015 operating budget is found in the center section of the warrant booklet.

EXPLANATION: Please see the Town Manager's budget message in the back of the warrant booklet.

ARTICLE 22: To see if the Town will vote to appropriate \$25,000.00 from free cash for the purpose of reviewing the High School Renovation Project. Such Funds to be under the jurisdiction of, and expended by, the Board of Selectmen. Or do or take any other action on the matter. On request of Margaret Finnell and others.

RECOMMENDATION (Finance Committee): Indefinite Postponement

EXPLANATION: The Board of Selectmen and Finance Committee does not recommend funding this article. This proposed additional review is not required, will not result in savings or cost recovery by the Town or the School Department. While the 'lessons' learned may have value to some the Town has a strong record of projects constructed on time and on budget. The High School Project confronted many challenges and is the exception not the norm.

ARTICLE 23: To see if the Town will vote to appropriate a sum of money for the purpose of funding a Senior Center Feasibility Study, 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 Council of Aging.

RECOMMENDATION (Finance Committee): That the Town vote to transfer the sum of \$30,000 from certified free cash for the purposes of Article 23.

EXPLANATION: This article funds 50% of a Senior Center Feasibility study and the other portion is funded from the Friends of the Senior Center. Currently there is a working group that will make a recommendation on three to five potential sites for a new Senior Center. The feasibility study will focus on the three recommended sites. This project has been in the long range capital program for a number of years.

ARTICLE 24: To see if the Town will vote to raise and appropriate a sum of money for purposes of constructing an "All-Purpose Community Athletic Field" at Falmouth High School, including all costs incidental and related thereto and to determine how the appropriation shall be raised and by whom expended, or act in any way relative thereto. On request of All Purpose Community Athletic Field Committee.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: Financing an artificial turf field outside of the capital plan and raising the tax levy this fiscal year is not the right time. Also, after extensive research, the maintenance of the artificial turf field is extraordinary not only in cost but manpower. The school department does not have these funds allocated in their operating budget or a plan in place for the manpower to maintain the field. Furthermore, an artificial turf field needs to be replaced at least every 10 years with a cost of approximately \$700,000 to \$800,000. It is recommended that if the school committee supports this project, it should be submitted as part of the capital planning process so the capital cost can be incorporated into the debt drop-off levy capacity with the other major capital projects. The Finance Committee does not dispute the fact that our Athletic Fields are overused and in a challenging condition.

ARTICLE 25: To see if the Town will appropriate a sum of money to the Energy Receipts Reserved for Appropriation Account for further appropriation, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town transfer the sum of \$300,000 from certified free cash for the purposes of Article 25.

EXPLANATION: When the Town's two wind turbines were conceptualized and implemented, the Business Plan (in furtherance of Special Legislation enacted by the Town in 2010) included the establishment of a \$1 million Reserve Account in FY2009 to ensure that these large and complex machines were being operated in a sound, business-like manner on behalf of Falmouth taxpayers. Since that time, this Reserve Account has been incrementally depleted as a result of the Town operating both turbines at significantly less than full capacity. Operating at reduced capacity resulted in the ongoing need to utilize funds from this original Reserve Account to provide a subsidy for portions of wind turbine operations. In September, 2013 the Board of Selectmen voted to expand the operating hours of both turbines to sixteen hours per day. This was the minimum calculated necessary to operate in a business-

like manner, including the replenishment of this Reserve Fund. A Court order handed down in November, 2013 mandated the reduction in operations to twelve hours per day, and further to include a 24-hour Sunday full shutdown. This has been projected to reduce turbine annual operating revenues by \$250,000-\$280,000. This action by the Court places the Town in the position that we must set-aside a subsidy of \$176,859 from the General Fund to cover wind turbine expenses. Further, this interim action by the Court prevents the responsible replenishment of the depleted Wind Turbine Reserve Account. It is irresponsible to operate these turbines without a reasonable set-aside in this Reserve Account. This Article would move \$300,000 from Free Cash to begin to replenish the Wind Turbine Reserve Account.

ARTICLE 26: To see if the Town will vote to appropriate a sum of money for the purposes of funding design and construction of a water treatment system/ water filtration plant, and any other costs incidental and related thereto, 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.

RECOMMENDATION (Finance Committee): That the sum of \$46,500,000 is appropriated to pay costs of design and construction of a water treatment system/ water filtration plant; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(4) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, all or any portion of this amount may be borrowed through the Massachusetts Water Pollution Abatement Trust. No sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing authorized by this vote from the limitations of Chapter 59, section 21C of the General Laws (also known as proposition 2 ½).

EXPLANATION: The Finance Committee supports this project in view of the repeated water quality problems identified over the past several years and experienced by our consumers. Long Pond provides 2/3 of the Town's water supply and constructing this facility ensures future water quality. The recommended funding for this project is 50% water rates and 50% tax levy. The tax levy portion is funded within the debt drop-off and there will not be an increase in the tax levy.

ARTICLE 27: To see if the Town will vote to determine in accordance with Massachusetts General Laws c. 83, s. 23 (the Betterment Act) whether it shall pay the whole or a portion of the cost of laying out and constructing a sewer collection system for the Little Pond Service Area; and further if the Town determines to pay a portion, what portion shall be paid, or do or take any other action on the matter, On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That seventy (70%) percent of the cost of the collection system be recovered from abutters under the Betterment Act and thirty (30%) percent of the cost of the collection system and all other related costs of the project be paid by the Town.

EXPLANATION: The Board has the authority to apply the betterments after all project costs are committed and a public hearing held for the same purpose. The betterment will occur no earlier than 2017 and likely later. The Town has adopted a fiscal policy to sustain the tax levy effort. A betterment apportionment of 70% allows the Board flexibility to sustain the tax effort without causing a related increase in the tax levy.

ARTICLE 28: To see if the Town will vote to appropriate a sum of money for the purpose of funding engineering, design, construction, and other related costs to implement the Comprehensive Wastewater Management Plan and related projects including: Little Pond sewer service area; wastewater treatment plant improvements; discharge area site 7; Bourne's Pond inlet widening; and the Woods Hole Infiltration/Inflow project; 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.

RECOMMENDATION (Finance Committee): That the sum of \$49,820,000 is appropriated to pay costs of engineering, design, construction, and other related costs to implement the Comprehensive Wastewater Management Plan and related projects including: Little Pond sewer service area; wastewater treatment plant improvements; discharge area site 7; Bourne's Pond inlet widening; and the Woods Hole Infiltration/Inflow project; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, all or any portion of this amount may be borrowed through the Massachusetts Water Pollution Abatement Trust. No sums shall be borrowed or expended hereunder unless and until

the Town shall have voted to exclude the amounts required to repay any borrowing authorized by this vote from the limitations of Chapter 59, section 21C of the General Laws (also known as proposition 2 ½).

EXPLANATION: The projects proposed in this article are the result of over a decade of study of how to address the deteriorating water quality in Falmouth's coastal ponds. These fifteen estuaries, extending from Waquoit Bay to Megansett Harbor define our community, and they need our help. The estuaries restoration plan that the town has adopted calls for sewerage only where absolutely necessary and concurrently pursuing promising innovative alternatives.

This plan has received the unanimous support of the Board of Selectmen and the Finance Committee. The plan has been before Town Meeting and on the town election ballot for funding twice in the last three years, each time winning strong support.

The price tag is high, but it is manageable. The town expects to qualify for a zero per cent (0%) State Revolving Fund (SRF) loan for these projects. Betterments paid by property owners in the new sewer service area will go toward reducing the debt, the town intends to pay for these projects with no increase in the property tax levy.

ARTICLE 29 : To see if the Town will vote to accept the doings of the Board of Selectmen in the taking of Elizabeth Jean Drive as a public way with a plan on file with the Town Clerk. Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town vote Article 29 as printed subject to such betterments as the Board of Selectmen may adopt in accordance with applicable law.

EXPLANATION: This road taking of Elizabeth Jean Drive is a 100% Betterment project and Town Meeting Authority is required to advance the project.

ARTICLE 30: 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 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 Community Preservation Committee.

RECOMMENDATION (Community Preservation Committee): That the Town vote to appropriate from FY 2015 Community Preservation Fund Revenues the sum of \$134,750 for the purpose of funding Community Preservation Administrative expenses.

The Finance Committee concurs with this article.

EXPLANATION: The Community Preservation Administrative Expenses include, but are not limited to, office supplies, salary expenses for administrative staff, professional consultant services, staff development, dues to the Community Preservation Coalition, and fees associated with technical contract services. The Community Preservation Act allows for an appropriation of up to five percent of the Annual Community Preservation Fund revenues toward Administrative Expenses.

