

**NOVEMBER ANNUAL TOWN MEETING
TUESDAY, NOVEMBER 12, 2013 AT 7:00 p.m.**

ART

- 1 Reports of Committees and Town Officers
- 2 Unpaid bills from a prior year,
- 3 Amend Chapter 654 of the Acts of 1978, Falmouth Historic District Commission
- 4 Amend Chapter 654 of the Acts of 1978, Falmouth Historic District Commission
- 5 Fund AFSCME Local 136 contract
- 6 Fund Firefighters Local 1397 contract
- 7 Fund Police Federation contract
- 8 Fund Superior Officers' Association contract
- 9 Fund Lieutenants, NEPBA Local 165 contract
- 10 Amend Salary Administration Plan-Police Dispatcher
- 11 Amend Salary Administration Plan-New grade 3A (
- 12 Amend the Town's Position Classification Plan-Fire and Police:
- 13 Amend the Town's Position Classification Plan Community Development Planner:
- 14 Amend the Town's Position Classification Plan -Police Captain:
- 15 Amend the Town's Position Classification Plan - Seasonal Compensation Schedule.
- 16 Fund Capital Improvements,
- 17 Fund Energy Management Services Contract
- 18 Fund Replacement of the Falmouth Inner harbor pump-out station and equipment
- 19 Fund Voting booths
- 20 Fund Removal of dangerous materials from Menauhant and Davisville Road Beach
- 21 Fund Staffing for bathhouse house before Memorial Day mailing of beach sticker applications
- 22 Petition - Reporting all current Overrides, Capital Exclusions, and Debt Exclusions.
- 23 Petition Capital/Audit oversight committee
- 24 Petition- Public Question/comment period.
- 25 Petition-Amend Demolition Bylaw
- 26 Petition-Prohibit trucks on Woods Hole Road
- 27 Petition -Establish a mitigation fund
- 28 Petition- Operate municipal wind turbines full time
- 29 Petition- Study installation and removal of overhead utility wires in Velocity
- 30 Fund Non-Criminal Code enforcement expenses,.
- 31 CPC-Preservation of the structure at 20 Academy Lane,
- 32 CPC-Ecological restoration and access improvements to Little Pond
- 33 CPC East Falmouth Elementary School Playground renovation
- 34 CPC Sandwich Road Field Complex Improvements,
- 35 CPC New Skate Park Facility,
- 36 CPC Wetlands Path and Observation Platform at Teaticket Park
- 37 CPC Purchase Beach Parking Lot Gates
- 38 CPC All-Purpose Athletic Field
- 39 CPC Rehabilitate the Morse Pond School Playground
- 40 CPC fund the Falmouth Housing Stabilization Program,
- 41 Flow Neutral By-law for Sewer Service Areas By-Law (Old Silver Beach)
- 42 Petition State Legislature Sewer Service Area Betterment Assessments
- 43 Petition State Legislature Exempt eco-toilet installations from associated betterments
- 44 Amend preservation restriction preserving the "great rock"
- 45 Accept Roads

ARTICLE 1: To Hear reports of Committees and Town Officers and act thereon.

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

ARTICLE 2: To see if the Town will vote to appropriate a sum of money for the purpose of paying unpaid bills from a prior 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.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: There are no unpaid bills at this time.

ARTICLE 3: To see if the Town will vote to petition the General Court to amend Chapter 654 of the Acts of 1978, which establishes the Falmouth Historic District Commission, as amended from time to time, by adding the following to Section 7:

Section 7 (A) The commission shall hold a hearing on any application and shall give public notice of the time, place and purposes thereof by posting notice with the Town Clerk 7 days in advance of the meeting. Notice shall also be sent by regular mail to property owners within 100 feet of any part of the land of the applicant who are also within the historic district.

Or do or take any other action on this matter. On request of the Historic District Commission.

RECOMMENDATION: (Board of Selectmen) That the Town vote Article 3 as printed

EXPLANATION: This change gives nearby neighbors advance notice when a project that may affect them will be heard by the Historic Districts Commission.

ARTICLE 4: To see if the Town will vote to petition the General Court to amend Chapter 654 of the Acts of 1978, which establishes the Falmouth Historic District Commission, as amended from time to time, by adding the following to Section 10:

Section 10 (A) No application which has been denied by the commission shall be approved within one year after the date of final unfavorable action unless the commission finds by 4/5 vote, specific and material changes in the conditions upon which the previous denial was based. Public notice shall be given of the time and place of the meeting when the question of such consent will be considered.

Or do or take any other action on this matter. On request of the Historic District Commission.

RECOMMENDATION: (Board of Selectmen) That the Town vote Article 4 as printed.

EXPLANATION: This change allows an applicant to reapply for a project that had been denied after waiting one year, instead of forcing an appeal to Superior Court. It also allows the Commission to waive the 1-year wait if they find that the project was materially redesigned.

ARTICLE 5: To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee Local 1636 (AFSCME), 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): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

ARTICLE 6: To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the International Association of Firefighters Local 1397, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

ARTICLE 7: To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the Police Federation, 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): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

ARTICLE 8: To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the Superior Officers' Association, 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): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

ARTICLE 9: To see if the Town will appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2012 as agreed to by the Town of Falmouth and the lieutenants, NEPBA Local 165, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): Indefinite Postponement.

EXPLANATION: No agreement has been reached.

ARTICLE 10:

To see if the Town will vote to combine two (2) vacant part time Police Dispatcher positions (16 hrs/wk & 20 hrs/wk) into one (1) 36 hour per week Police Dispatcher position. Or do or take any other action on this matter. On request of the Board of Selectmen.

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

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Start</u>	<u>End</u>
Delete	Civilian Police Dispatcher (16 hrs/wk)	G-6	\$15.98	\$20.22
Delete	Civilian Police Dispatcher (20 hrs/wk)	G-6	\$15.98	\$20.22
Add	Civilian Police Dispatcher (36 hrs/wk)	G-6	\$15.98	\$20.22

EXPLANATION: The employment turnover rate for part time Police Dispatchers is substantially high, unlike the full time Dispatcher positions at the Police Dept. Currently there are two (2) part time positions that are vacant. The proposal of combining both positions into one is an effort to address the turnover rate and thereby reduce the costs associated with training of personnel and it ensures that the Town has well trained and proficient Police Dispatchers available to respond to the safety needs of our community. This request is budget neutral since the 20 hour dispatcher was eligible for benefits.

ARTICLE 11: To see if the Town will vote to amend the Town's Salary Administration Plan as follows:
 Add: New grade 3A (salary range of \$21.72-28.35 per hour) TAM Salary Classification Plan.
 Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote Article 11 as printed.

EXPLANATION: This article creates a new Grade 3A that is proposed to address structural pay classification compression in the Technical Administrative and Management (TAM) classification system. Currently there are 13 grades within the TAM system. This new grade 3A will be placed between a grade 3 and 4 with the hourly wage shown above. With this additional grade, the Town will avoid pay/grade inequities and be able to place positions/employees in the grade that best conforms with the level of experience, education and skill required for the position. This recommendation was further verified with a study of comparable positions through a recent municipal salary survey. All municipal (non-school) positions and classification and current wage scales are available for viewing on the Personnel Department's page of the Town of Falmouth's website www.falmouthmass.us.

ARTICLE 12: To see if the Town will vote to amend the Town's Position Classification Plan as follows:

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Start</u>	<u>End</u>
Delete	Principal Office Assistant – Fire Rescue	G-8	\$18.30	\$23.15
Add	Administrative Assistant – Fire	M-3A	\$21.72	\$28.35
Delete	Principal Office Assistant – Police	G-8	\$18.30	\$23.15
Add	Administrative Assistant – Police	M-3A	\$21.72	\$28.35

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

RECOMMENDATION (Finance Committee): That the Town vote Article 11 as printed.

EXPLANATION: In August 2013 the Town received a Decision from The Commonwealth of Massachusetts Department of Labor Relations removing the Position of Principal Office Assistant in the Police and Fire Departments from the AFSCME Union. As a result these positions were fully evaluated and placed in the proposed TAM Classification Plan. The estimated cost range for this article is \$1,755-\$2,304.

ARTICLE 13: To see if the Town will vote to amend the Town's Position Classification Plan as follows:

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Start</u>	<u>End</u>
Delete	Community Preservation Planner	M-6	\$28.07	\$36.61
Add	Community Development Planner	M-5	\$26.75	\$34.87

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

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

EXPLANATION: A vacancy in this position resulted in a customary review of the open position’s job duties by the Personnel Director. The Personnel Department utilized standard job evaluation techniques and determined a grade M-5 for the position. The Community Development Planner position will replace the currently vacant Community Preservation Planner and will require no additional funding.

ARTICLE 14: To see if the Town will vote to amend the Town’s Position Classification Plan as follows:

<u>Action</u>	<u>Position</u>	<u>Grade</u>	<u>Start</u>	<u>End</u>
Delete	Police Captain	M-9	\$34.03	\$44.41
Add	Police Captain	M-10	\$36.59	\$47.74

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

RECOMMENDATION (Finance Committee): That the Town vote Article 14 as printed.

EXPLANATION: The position of Police Captain should be reclassified to correct the internal inequity resulting from departmental reorganization. This reorganization previously approved by the Town created the position of Lieutenant and reduced the number of Captains from three (3) to two (2). Further a study of external comparability associated with the position demonstrates the need for reclassification. The estimated cost range for this request is \$1,020-\$3,203, depending upon incumbent selected for a vacant position.

ARTICLE 15: To see if the Town will vote to amend the Town’s Position Classification Plan for the purposes of adjusting the seasonal compensation schedule.

Deleted:

Grade	TITLE	Min	Max
A	Parking Attendant - Beach	\$8.21	\$9.73
1	Clerk - Beach	\$8.96	\$10.48
2	Waterways Asst. Harbormaster	\$9.59	\$11.22
3	Clerical Assistant - Beach	\$10.26	\$12.00
	Head Parking Lot Attendant - Beach	\$10.26	\$12.00
	Maintenance Laborer - Beach	\$10.26	\$12.00
	Parking Lot Security - Beach	\$10.26	\$12.00
	Camp Counselor - Recreation	\$10.26	\$12.00
	Sailing Instructor - Recreation	\$10.26	\$12.00
	Seasonal Waterways Assts. (4)	\$10.26	\$12.00
4	Lifeguard - Beach	\$10.98	\$12.84
	Caretaker - Goodwill Park	\$10.98	\$12.84

	Seasonal Senior Waterways Asst. (2)	\$10.98	\$12.84
5	Water Safety Inst. / Asst. Head Guard - Beach	\$11.75	\$13.74
	Pump Out Boat Operator - M.E.S.	\$11.75	\$13.74
	Seasonal Police Office - Police Dept.	\$11.75	\$13.74
6	Equipment Operator - Beach	\$12.57	\$14.70
	Head Guard - Beach	\$12.57	\$14.70
	Maintenance Foreman - Beach	\$12.57	\$14.70
7	Head Fiscal Clerk - Beach	\$13.45	\$15.73
	Staff Guard - Beach	\$13.45	\$15.73
	Seasonal Asst. Harbormaster/Constables (2)	\$13.45	\$15.73
8	Swim Program Director - Beach	\$14.39	\$16.83
	Seasonal Asst. Harbormaster/Dockmaster (1)	\$14.39	\$16.83
9	Assistant Superintendent of Beaches	\$15.40	\$18.01
11	Superintendent of Beaches	\$17.63	\$20.62
	Call Firefighter	\$14.21	
	Deputy Warden	\$8.42	
	Election Clerk	\$8.42	
	Deputy Clerk	\$8.00	
	Election Inspector	\$8.00	
	Election Warden (per day)	\$151.63	

Add:

PROPOSED NEW SEASONAL PAY SCHEDULE - NOV 2013 TOWN MEETING			
Grade	TITLE	Min	Max

1	Parking Attendant - Beach	\$8.54	\$9.06
2	Clerk I	\$9.32	\$9.89
3	Clerk II	\$10.67	\$11.32
	Head Parking Lot Attendant - Beach	\$10.67	\$11.32
	Maintenance Laborer	\$10.67	\$11.32
	Parking Lot Security - Beach	\$10.67	\$11.32
	Night Watch - Harbormaster	\$10.67	\$11.32
	Camp Counselor - Recreation	\$10.67	\$11.32
	Waterways Assistant	\$10.67	\$11.32
4	Lifeguard - Beach	\$11.42	\$12.11
	Caretaker - Goodwill Park	\$11.42	\$12.11
	Senior Waterways Assistant	\$11.42	\$12.11
5	Water Safety Inst. / Asst. Head Guard - Beach	\$12.22	\$12.96
	Pump Out Boat Operator - Harbormaster	\$12.22	\$12.96
	Seasonal Police Office - Police Dept.	\$12.22	\$12.96
6	Equipment Operator - Beach	\$13.07	\$13.87
	Head Guard - Beach	\$13.07	\$13.87
	Maintenance Foreman - Beach	\$13.07	\$13.87
7	Clerk III	\$13.99	\$14.84
	Staff Guard/Supervisor	\$13.99	\$14.84
	Assistant Harbormaster - Constable	\$13.99	\$14.84
8	Swim Program Director - Beach	\$14.97	\$15.88
	Assistant Harbormaster - Dockmaster	\$14.97	\$15.88
9	Assistant Superintendent of Beaches	\$16.02	\$16.99
11	Superintendent of Beaches	\$18.34	\$21.44
	Call Firefighter	current	proposed
	Call Firefighter	\$14.21	\$14.78
	Deputy Warden	8.42	\$8.76

	Election Clerk	\$8.42	\$8.76
	Deputy Clerk	\$8.00	\$8.32
	Election Inspector	\$8.00	\$8.32
	Election Warden (per day)	\$151.63	\$157.69

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

RECOMMENDATION (Finance Committee): That the Town vote the recommendation as follows:

SEASONAL POSITIONS

	GRADE	TITLE	MINIMUM	MAXIMUM
DELETE	A	Parking Attendant - Beach	8.21	9.73
ADD	1	Parking Attendant - Beach	8.54	9.06
DELETE	2	Clerk - Beach	8.96	10.48
ADD		Clerk I	9.32	9.89
DELETE	3	Clerical Assistant - Beach	10.26	12.00
ADD		Clerk II	10.67	11.32
DELETE		Head Parking Lot Att. -Beach	10.26	12.00
ADD		Head Parking Lot Att. -Beach	10.67	11.32
DELETE		Maintenance Laborer - Beach	10.26	12.00
ADD		Maintenance Laborer	10.67	11.32
DELETE		Parking Lot Security - Beach	10.26	12.00
ADD		Parking Lot Security - Beach	10.67	11.32
ADD		Night Watch - Harbormaster	10.67	11.32
DELETE		Camp Counselor - Recreation	10.26	12.00
ADD		Camp Counselor - Recreation	10.67	11.32
DELETE		Sailing Instructor	10.26	12.00
DELETE		Seasonal Waterways Asst. (4)	10.26	12.00
Add		Seasonal Waterways Asst. (4)	10.67	11.32
DELETE	4	Lifeguard - Beach	10.98	12.84
ADD		Lifeguard - Beach	11.42	12.11
DELETE		Caretaker - Goodwill Park	10.98	12.84
ADD		Caretaker - Goodwill Park	11.42	12.11

DELETE		Seasonal Senior Waterways Asst.(2)	10.98	12.84
ADD		Senior Waterways Assistant	11.42	12.11
DELETE	5	Water Safety Inst/Asst. Head Guard	11.75	13.74
ADD		Water Safety Inst/Asst. Head Guard	12.22	12.96
DELETE		Pump Out Boat Operator -Harbormaster	11.75	13.74
ADD		Pump Out Boat Operator -Harbormaster	12.22	12.96
DELETE		Seasonal Police Officer - Police Dept	11.75	13.74
ADD		Seasonal Police Officer - Police Dept	12.22	12.96
DELETE	6	Equipment Operator - Beach	12.57	14.70
ADD		Equipment Operator - Beach	13.07	13.87
DELETE		Head Guard - Beach	12.57	14.70
ADD		Head Guard - Beach	13.07	13.87
DELETE		Maintenance Foreman - Beach	12.57	14.70
ADD		Maintenance Foreman - Beach	13.07	13.87
	GRADE	TITLE	MINIMUM	MAXIMUM
DELETE	7	Head Fiscal Clerk - Beach	13.45	15.73
ADD		Clerk III	13.99	14.84
DELETE		Staff Guard - Beach	13.45	15.73
ADD		Staff Guard/Supervisor	13.99	14.84
DELETE		Seasonal Asst. Harbormaster/Constable	13.45	15.73
ADD		Assistant Harbormaster/Constable	13.99	14.84
DELETE	8	Swim Program Director - Beach	14.39	16.83
ADD		Swim Program Director - Beach	14.97	15.88
DELETE		Seasonal Asst. Harbormaster/Dockmaster	14.39	16.83
ADD		Asst Harbormaster/Dockmaster	14.97	15.88
DELETE	9	Assistant Superintendent of Beaches	15.40	18.01
ADD		Assistant Superintendent of Beaches	16.02	16.99
DELETE	11	Superintendent of Beaches	17.63	20.62
ADD		Superintendent of Beaches	18.34	21.44

Current Proposed

Call Firefighter	14.21	14.78
Deputy Warden	8.42	8.76
Election Clerk	8.42	8.76
Deputy Clerk	8.00	8.32
Election Inspector	8.00	8.32
Election Warden (per day)	151.63	157.69

EXPLANATION: The Seasonal Salary Schedule has not been adjusted for over ten years and Falmouth is notably under market when compared to local communities. The adjusted schedule should aid in our ability to attract and retain qualified seasonal employees. The estimated annual cost range of the proposed Seasonal Salary Increase is \$27,761 - \$30,683. The Finance Committee recommendation is the same as printed in the article, however, it is developed in a different format in order for Town Meeting members to make comparisons more easily.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, 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): That the Town vote to appropriate the sum of \$3,008,325 for the purpose of this article and to meet this appropriation the town transfer the sum of \$2,958,325 from certified free cash and transfer \$50,000 from the Waterways Improvement Account. Said funds to be expended under the jurisdiction of the Town Manager.

General Government		Highway Department	
Office/Business Equipment	30,000	Fleet Maint Software	30,000
Municipal Space Improvements	250,000	Solar Compactors	15,000
Systems Training	10,000	Road Maint/Construction/Sidewalks	400,000
IT Networking	35,000	Vehicles/Equipment	
PC Monitors and Software	20,000	Dump Truck with plow (36000 GVW)	140,000
GIS Flyover	130,000	Dump Truck w/plow (350)	47,000
Police Department		Utility Truck w/chipper box plow	50,000
Radio System	250,000	Truck (150)	20,000
Telephone System	50,000	Beach Truck	20,000
Traffic Radar		Two vehicles (sedan)	35,000
Fire/Rescue Department		ATV Bike Path/Goodwill Park maint equip	50,000
Ambulance	300,000	Water	
Paramedic Vehicle	45,000	Water Meter replacement	125,000
Mechanic Hydraulic Lift	100,000	Water audit and leak detection	60,000
Marine and Environmental Services		Generator Coonamesset well	150,000
Officer Truck (replace F250 with F150)	38,500	Engineering	
Annual Inlet Dredging	50,000	Bridge Maintenance	65,000
Facilities		Coastal Structure Repair and Maint.	225,000
Ellen T. Mitchell Bathhouse	15,000	Parks	
Town Hall Exterior Paint	65,000	Nye Park Fencing	33,660
Main Street Fire Station Exterior Paint	60,000	School	

Fire Station Main Street brick repointing	25,000	Replace 3 vans	69,165
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EXPLANATION: The Capital Improvement Plan (CIP), as funded by this article, addresses some of the Town’s most pressing capital needs. Many of these items have been delayed from prior years due to insufficient funds. The selection process was started by the department managers who submitted a ten-year capital plan to the Town Manager. The Town Manager reviewed and prioritized the list and submitted it to the Board of Selectmen. The Board of Selectmen approved it and handed it off to the Finance Committee for a detailed review. The Finance Committee formed subcommittees that met with the department managers and carefully considered the requests. The sub-committees reported back to the Finance Committee and made line-by-line recommendations. The Finance Committee approved changes to the IT, GIS, Police, Marine and Environmental Services and DPW line items. The largest single addition was to fund a new GIS flyover for \$130,000. Additional changes were \$50,000 to fund a new phone system for the Police Department, \$20,000 for new personal computers and monitors and \$10,000 for training on virtual servers. There were several other minor changes that did not increase the bottom line figure of the CIP. The additional expenditures fall within the new certified free cash balance. The complete ten year capital plan and descriptions of the above items are printed in the back of the warrant booklet. The Capital Budget presented addresses some of the Town’s capital needs that have been delayed due to funding sources. Town Department Managers submit a ten year capital plan that is reviewed and prioritized by the Town Manager. It is then submitted to the Board of Selectmen who in turn transmits it to the Finance Committee for further review.

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum pursuant to M.G.L. Chapter 44, Section 7 and/or any other enabling authority, for the purpose of funding an Energy Management Services Contract under M.G.L. Chapter 25A, Section 111 between the Town of Falmouth and an Energy Management Services Contractor, or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): Indefinite Postponement

EXPLANATION: The Finance Committee voted Indefinite Postponement of Article 17 because complete information was not available when the warrant booklet was printed. Further meetings will be held before Town Meeting and the committee will review this article at that time.

ARTICLE 18: To see if the Town will vote to appropriate a sum of money for the replacement of the Falmouth Inner harbor pump-out station and equipment located on Robbins Road. 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): That the Town vote to transfer from the Waterways Improvement Account the sum of \$12,804 for the purpose of replacing the Falmouth Inner harbor pump-out station and equipment located on Robbins Road. Said funds to be expended under the jurisdiction of the Marine and Environmental Services Department.

EXPLANATION: This article seeks funding for the complete replacement of the fixed boat pump-out station located on Robbins Road in Falmouth Harbor. This is a heavily used station which over the past several years has been plagued with many expensive repairs. The operation costs were previously funded through the Clean Vessel Act Grant program. Unfortunately, CVA restricts use to recreational vessels only. This station is used by the Island

Queen pursuant to the "No Discharge" designation put in place last year for the sound. As a result, Coastal Zone Management suggested we seek funding from them to insure the station could be used by anyone without limitations. The Board of Selectmen has authorized the MES department to apply for a grant to fund this project; if approved, 75% of the cost would be funded through the grant.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money for the purpose of funding additional voting booths and related supplies, 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 Town Clerk.

RECOMMENDATION (Finance Committee): That the Town vote to transfer \$8,500 from Certified Free Cash for the purpose of purchasing additional voting booths and related supplies. Said funds to be expended under the jurisdiction of the Town Clerk.

EXPLANATION: Many of the wooden voting booths have become damaged over time. The new booths will replace the booths in two precincts and the wooden booths redistributed to the other precincts throughout the Town.

ARTICLE 20: To see if the Town will vote to appropriate a sum of money to fund the removal of dangerous materials from Menauhant Beach and the beach at the end of Davisville Road Extension, East Falmouth, or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Finance Committee): That the Town vote to transfer the sum of \$30,000 from certified free cash to fund the removal of dangerous materials at Menauhant Beach contingent on the approval of the Conservation Commission. Said funds to be expended under the jurisdiction of the Town Manager.

EXPLANATION: There are dangerous pilings in the water at Menauhant beach. The funding will pay for personnel and equipment to remove the materials and ensure the safety of the beachgoers. These funds will not be used to for the Davisville Road Ext.

ARTICLE 21: To see if the Town will vote to raise and appropriate a sum of money to open and staff the Ellen T. Mitchell bathhouse house before Memorial Day and to fund the mailing of beach sticker applications along with the real estate tax bills 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): That the Town vote to raise and appropriate \$5,000 to fund the mailing of the beach sticker applications with the tax bill. Said funds to be expended under the jurisdiction of the Town Manager.

EXPLANATION: This article provides funding for mailing beach sticker applications with the tax bills in December provided that the fees are set in time for the mailing. Making the applications available in the mailing provides the beach users an opportunity to mail in the application and receive a sticker earlier and avoid long lines in the month of June. This article will not fund additional staffing at the Ellen T. Mitchell Bathhouse.

ARTICLE 22: To see if the Town Meeting will vote to ask the Town Manager to have the Town Finance Director and the High School Finance Director report to Annual Town Meeting on all current Overrides, Capital Exclusions, and Debt Exclusions. The reports should include for each override; the purpose of the override, the date it was voted, the amount authorized, the annual dollars included in the tax rate, the expenditures to date, and the retirement date if applicable. On request of Dan Shearer and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: This petition as drafted lacks the clarity necessary for the Board to make a positive recommendation and is further flawed by proposing that the Town Manager direct the School Finance Director. The Falmouth Public School's Finance Director reports to the Superintendent of Schools, not the Town Manager.

ARTICLE 23: Shall Town Meeting vote to form a Capital/Audit oversight committee made up of 50% plus one members of the public (no municipal connections)? On request of Marc Finneran and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: The proposed committee charge may conflict with the responsibility of the Finance Committee to oversee the annual public hearing on the Annual Capital Improvement Plan and the Finance Committee's responsibility to make recommendations on Capital Expenditures. The Board is not adverse to public participation in the capital planning process as reflected in both its support and participation with the Finance Committee Capital Planning sub-committee and The Board of Selectmen's own Capital Advisory Committee. Both agencies made significant contributions toward our Capital Planning Goals.

ARTICLE 24: with a desire for a more open government and to foster more public participation. Shall Town Meeting vote to ask Selectmen to reinstate Chairman Brent Putnam's Public Question/comment period. On request of Marc Finneran and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: The Board of Selectmen considered the benefits of an open comment and question period. The Board has determined that its current practice of placing items on a posted Agenda to give the public advance notification of a discussion topic is preferable to an open ended question and comment period in which the Board is unable to take action.

ARTICLE 25:

Regarding the Demolition Bylaw

Add to 107-2 Definitions

Public Hearing.

A "public hearing" is a legal proceeding held by the Commission following notice to consider and act upon applications for demolition pursuant to MGL c. 40A. Hearings shall be scheduled at a time and location as set forth in public notice. Four (4) members must be present to constitute a quorum.

Amend Sections E and F of Chapter 107: Demolition to read:

E. The Historical Commission, upon receipt of a letter of certification indicating that a building is on the List of Significant Buildings, shall schedule a time to meet with the applicant or his authorized representative to perform an advisory review. The applicant must attend or send an authorized representative to such a review. At this time the Historical Commission shall assist and encourage the applicant to seek out alternatives to demolition that will preserve, rehabilitate or restore the building. The Commission may also request access to the building for a site visit to further the purpose of this article.

F. Upon performance of such a review, the Commission, if the applicant still chooses to apply for a demolition permit, shall hold a public hearing regarding the application to receive information and comment from abutters to the property and the general public. Subsequent to this hearing if demolition is to proceed, the applicant must provide suitable documentation of the building for the permanent records of the Commission. Upon satisfaction of documentation, the Commission shall notify the Building Commissioner in writing that the applicant has fulfilled the requirement to attend. The Building Commissioner shall not accept or act on any application for a demolition permit for a building on the List of Significant Buildings without such written notification from the Historical Commission, regardless of whether the six-month delay period has ended. If the Building Commissioner has received such written notification, and if following the six-month delay period the applicant still chooses to apply for a demolition permit, the Building Commissioner may then issue a demolition permit for the building. On request of J. Malcom Donald and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: The Selectmen support advanced notice to the public for structures considered for Demolition Delay. This petition as drafted lacks the necessary clarity for the Board to make a positive recommendation. This request has been referred to the Planning Board and the Historical Commission for a recommendation.

ARTICLE 26: To see if the Town will vote to have the Falmouth Board of Health and/or the Falmouth Police Department, as appropriate, regulate and prohibit in accordance with 310 CMR 7.10 via its enforcement the travel of class 3, 5, 6, 7 and 8 vehicles except those required for emergency and official government purposes (e.g. fire trucks, police and civil and national defense vehicles, ambulances, snow plows, tow trucks, school buses, etc.)per the aforementioned CMR on Woods Hole Road between the hours of 9:00pm and 7:00am everyday due to such traffic noise causing sleep disturbance to residents along that thoroughfare during those hours. Or do take any other action on this matter. On request of William Adelman and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: Woods Hole Road is a state highway and the town cannot limit traffic on a state highway.

ARTICLE 27: To see if the Town will vote to establish a mitigation fund as a dedicated part of the renewable energy stabilization account to provide mitigation to residential structures/properties as deemed real and appropriate by the Board of Selectmen or their designee. The mitigation Fund is

subsidized by 10% of the annual net-metering revenue (or percent/amount deemed appropriate by the Board of Selectmen) that is already deposited into the renewable energy stabilization account. Monies expended from the mitigation fund shall be authorized by the Board of Selectmen or their designee(s) to ensure mitigation options are appropriate and resolute. On request of Kathleen Driscoll and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: During its meeting of September 23, 2013 the Board of Selectmen adopted an operational plan for the Town of Falmouth's wind turbines. No further action is recommended.

ARTICLE 28: To see if the Town will vote to operate the Town-owned municipal wind turbines at the wastewater treatment facility full time per manufacturer's specifications. On request of Kathleen Driscoll and others.

RECOMMENDATION (Board of Selectmen): Indefinite Postponement

EXPLANATION: Please see the explanation for article 27.

ARTICLE 29: To see if Town Meeting will direct the Planning Board to perform a study in two phases described below, including consultation with any utility as it may deem appropriate, and upon completion of said study call for a public hearing to ascertain whether the public safety, health, convenience or welfare would be advanced by a program prohibiting new installation or construction of overhead utility wires in areas designated as Velocity Zones on the latest flood Insurance Rate Maps. After such hearing the planning board shall make a report of its findings, conclusions, and recommendation to the Spring 2014 town meeting.

The Planning Board should also consider whether the Town should require progressive removal of poles and overhead wires and associated overhead structures within areas designated as Velocity Zones on the latest Flood Insurance Rate Maps. This may require that utility rates be increased. The Planning Board will incorporate the any such increases or costs in a subsequent report on the progressive removal of poles. The Planning Board shall hold a public hearing on the progressive removal of poles and overhead wires and associated overhead structures within areas designated as Velocity Zones on the latest Flood Insurance Rate Maps. After such hearing the planning board shall make a report of its findings, conclusions, and recommendation to the Fall 2014 town meeting. On request of Mark M. Kisiel and others.

RECOMMENDATION: (Board of Selectmen) Indefinite Postponement

EXPLANATION: The Board of Selectmen recommends that this matter be fully considered by the Planning Board prior to advancing for the Board of Selectmen's consideration of the potentially significant financial impact to public utility rates in Falmouth.

ARTICLE 30: To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Criminal Code enforcement expenses, 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: (Board of Selectmen) That the Town vote to transfer \$2,500 from the Building and Fire Code receipts reserved for appropriation account to the Fire Department wage and salary line item

01220-5110 for the purpose of paying the Fire Prevention Hearing Officer. Said funds to be expended under the jurisdiction of the Fire Chief.

EXPLANATION: Chapter 304 Fire Acts of 2004 was a result of the Station Night Club Fire. One of the resolves was that communities which have a hearing officer may partake in a criminal code violation system to better promote and enforce fire codes. MGL Chapter 148A allows for communities with a hearing officer to partake in non-criminal code violation system to help enforce the fire codes of the commonwealth. Chapter 148A stipulates that all funds recovered under this chapter will be earmarked for training of fire and building officials and for the stipend of the hearing officer. From the account created for non-criminal code receipts, I am requesting that \$2,500 be transferred into contractual services to pay the hearing officer and the remaining funds be transferred into staff development for training fire prevention training.

ARTICLE 31: To see if the Town will vote to appropriate or transfer from available funds a sum of money for the capital improvements for the preservation of the structure located at 20 Academy Lane, (Lawrence Academy Building), to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$210,000 from FY 2014 Community Preservation estimated revenues for the purpose of funding capital improvements to the roof and cupola for the historic preservation in accordance with the Secretary of the Interior's standards for the treatment of historic properties located at 20 Academy Lane (Lawrence Academy Building); to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: The CPC's recommendation of \$210,000 will cover the cost of the restoration of the cupola and chimney as well as the replacement of asphalt roof with a wood shingle roof on the Lawrence Academy building owned by the town of Falmouth. This work will be done in a historically appropriate manner according to the Secretary of the Interior's Standards for Treatment of Historic Properties as required by the Community Preservation Act. A historic deed restriction will be placed on the building to preserve the town's investment.

The Finance Committee concurs with Article 31.

ARTICLE 32: To see if the Town will vote to appropriate or transfer from available funds a sum of money for Ecological restoration and access improvements to Little Pond Conservation Area, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$50,000 from FY 2014 Community Preservation estimated revenues for the purpose of design, engineering and permitting of the ecological restoration and access improvements to the Little Pond Conservation area; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: This is a joint effort of the Conservation Commission, 300 Committee, and Community Preservation Committee. These funds go to design for restoration and improving access which are elements of the master plan for the open space parcel fronting on Little Pond.

The Finance Committee concurs with Article 32.

ARTICLE 33: To see if the Town will vote to appropriate or transfer from available funds a sum of money for the East Falmouth Elementary School Playground renovation project, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$64,406 from FY 2014 Community Preservation estimated revenues for the purpose of renovating the East Falmouth Elementary School Playground and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: The East Falmouth Elementary School PTO prepared a plan for this playground that meets the criteria of the Community Preservation Act. To fulfill the public interest in full accessibility, the Community Preservation Committee has increased the requested amount to meet ADA accessibility standards for access into the playground and to add another piece of equipment.

The Finance Committee concurs with Article 33.

ARTICLE 34: To see if the Town will vote to appropriate or transfer from available funds a sum of money for the Sandwich Road Field Complex Improvements, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$196,948 from the Community Preservation Undesignated Fund Balance for the purpose of making improvements to the Sandwich Road Field Complex and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: The CPC's recommendation of \$196,948 will be used to create a basketball court including fencing, as well as the paving of the parking lot at the Sandwich Fields recreation area. This town owned field was built with Community Preservation funds and is under the direction of the Falmouth Recreation Department. Work on this project will bring the fields in compliance with the Americans with Disabilities Act.

The Finance committee concurs with Article 34.

ARTICLE 35: To see if the Town will vote to appropriate or transfer from available funds a sum of money for a new Skate Park Facility, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$185,000 from FY 2014 Community Preservation estimated revenues for the purpose of constructing a new Skate Park Facility located at the Trotting Park Fields and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction the Community Preservation Committee for the purposes of this article.

EXPLANATION: The CPC's recommendation of \$185,000 will be used to help fund the creation of a new skate park for the town of Falmouth on town owned land at the Trotting Park Fields on Gifford St. The current skate park, located adjacent to the proposed new skate Park is in severe disrepair causing safety issues. Falmouth Skate Park Association has teamed with the non-profit, Together We Can, to raise additional funds to build this new state of the art skate park.

The Finance Committee concurs with Article 35.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from available funds a sum of money to create a Wetlands Path, Boardwalk and an Observation Platform at Teaticket Park to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$63,735 from FY 2014 Community Preservation estimated revenues for the purpose of creating a Wetlands Path, Boardwalk and an Observation Platform at Teaticket Park and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: The 300 Committee has requested funds to add paths and trails in the newly established Teaticket Park, the purchase of which was assisted with CPA funds. These trails are designed to provide full accessibility. The project meets Community Preservation Act criteria.

The Finance Committee concurs with Article 36.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from available funds a sum of money to purchase Beach Parking Lot Gates to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$17,463 from FY 2014 Community Preservation estimated revenues for the purpose of purchasing Beach Parking Lot Gates for Menauhant, Surf Drive and Bristol beaches; to be expended under the jurisdiction the Community Preservation Committee for the purposes of this article.

EXPLANATION: The CPC's recommendation of \$17,463 will be used to purchase new gates at three town owned beaches. The current gates are in severe disrepair. The new gates will be at Surf Drive Beach, Bristol Beach, and Menauhant Beach.

The Finance Committee does not concur with Article 37. This request should be considered in the budget as routine maintenance.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from available funds a sum of money to construct and equip an All-Purpose Athletic Field located at Falmouth High School, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$250,000 from FY 2014 Community Preservation estimated revenues for the purpose of constructing an All-purpose Athletic Field located at Falmouth High School and to comply with the Americans with Disabilities Act; to be expended under the jurisdiction the Community Preservation Committee for the purposes of this article.

EXPLANATION: This project meets the standards and criteria of the Community Preservation Act. This article commits CPA funds to be available when the full project funding is in place. The CPA funds are specified for components of the full project, but may not be used for installation of artificial turf.

The Finance Committee does not concur with Article 38 Substantial additional funding will be requested at the Spring 2014 town meeting to complete the athletic field. The additional funds will need to be weighed against other capital needs including water and wastewater projects. It is the opinion of the Finance Committee that partial funding by the CPC at this time is premature and should be delayed until the spring so that the athletic field can be evaluated with these and other major capital projects.

ARTICLE 39: To see if the Town will vote to appropriate or transfer from available funds a sum of money to rehabilitate the Morse Pond School Playground, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$62,000 from FY 2014 Community Preservation estimated revenues for the purpose of rehabilitating the Morse Pond School Playground and to comply with the American with Disabilities Act and the Massachusetts Architectural Access Board; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: The CPA funds allocated pay for the equipment for this playground and meet the criteria of the Community Preservation Act. To fulfill the public interest in full accessibility, the Community Preservation Committee has requested the design be improved to meet ADA accessibility standards for access to the playground equipment. The CPC is willing to entertain a plan for Spring Town Meeting where the playground will be a component of a comprehensive set of improvements to the school play areas.

The Finance committee concurs with Article 39.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from available funds a sum of money to fund the Falmouth Housing Stabilization Program, to determine how the same shall be raised

and by whom expended, or do or take any other action on the matter. On request of the Community Preservation Committee.

RECOMMENDATION: (Community Preservation Committee) That the Town vote to appropriate the sum of \$40,000 from FY 2014 Community Preservation estimated revenues for the purpose of funding a Housing Stabilization Program through the Falmouth Housing Authority; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

EXPLANATION: The CPC's recommendation of \$40,000 will be used to supplement the Falmouth Housing Authority's Housing Stabilization Program. The funds will be used to assist Falmouth residents who are clients of the program to retain or obtain permanent housing.

ARTICLE 41: To see if the Town will vote to amend the Town By-Laws by deleting Article VII New Silver Beach Sewer Service Area and adding a new Article VII – Flow Neutral By-law for Sewer Service Areas -- as follows:

**Article VII
Flow Neutral Bylaw for Sewer Service Areas**

180-37. Purpose

The Town of Falmouth's Wastewater Treatment Facilities (WWTFs) have limited treatment and disposal capacities; therefore to help manage wastewater flow, comply with water quality standards, and support broader community planning objectives the Town does hereby adopt the following Flow Neutral Bylaw.

Nothing in this bylaw shall exempt an owner from all other applicable regulations and laws.

180-38. Mandatory Sewer Connection and Elimination of Septic Systems in Sewer Service Areas

The requirements for Mandatory Connection in Sewer Service Areas are detailed in Chapter 180, Section 6 of the Code of Falmouth "Sewers and Septic Systems".

Within thirty (30) days of the property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

180-39. Determination of Wastewater Flow in Sewer Service Areas

Wastewater flow to the public sewer shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15, or; 2) water meter data provided by the Department of Public Works as adjusted for seasonal occupancy or; 3) any other method acceptable to the Department of Environmental Protection and the Town of Falmouth. Any structure, legally in existence as of January 1, 2014, regardless of its flow may by right maintain that flow or number of bedrooms. Bedroom is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, Massachusetts State Environmental Code) and the number of bedrooms in the Assessor's records as of January 1, 2014 are presumed accurate.

The flow allocations for the Falmouth Sewer Service Areas as of January 1, 2014 are as follows:

New Silver Beach Wastewater Treatment Plant	60,000 gpd
Blacksmith Shop Rd Wastewater Treatment Plant Service Area)	570,000 gpd (excluding Little Pond Sewer Service Area)
Little Pond Sewer Service Area	260,000 gpd (subject to approved CWMP)

These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved Comprehensive Wastewater Management Plans, (2) approved Notice of Project Change to Environmental Impact Reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

180-40. Allocation of Available Capacity in Sewer Service Areas

The Wastewater Superintendent shall notify the Board of Selectmen of the available capacity at each treatment facility. The Selectmen in consultation with the Planning Board may set priorities for the available capacities.

180-41. Modifications to Existing Parcels or Changes in Use in Sewer Service Areas

(1) Single-Family Residences

(a) Existing Development

Modifications of an existing single family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single family residences on parcels over 40,000 square feet may increase the number of bedrooms to (1) bedroom per 10,000 square feet by right.

(b) New Development

A single-family residence may have four (4) Bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet by right.

Addition of Bedrooms, beyond those permitted in 1(a) or 1(b) above shall require a variance from the Board of Selectmen in accordance with section 180-42.

(2) Multi-Family Residences

(a) Existing Development

Modifications of an existing multi-family residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet by right.

(b) New Development

A new multi-family dwelling is allowed one (1) bedroom per 10,000 square feet by right.

Addition of Bedrooms in multi-family dwellings, beyond (1) bedroom per 10,000 square feet, shall require a variance from the Board of Selectmen in accordance with section 180-42.

(3) Nonresidential Development

(a) Existing Development

Modifications or changes of use, including residential to non-residential, that increase flow to a level that is no more than ten (10) percent above that permitted as of January 1, 2014 by 310 CMR 15 (Title 5) are allowed by right.

Modifications or changes of use that increase flow more than that allowed by right in (3a) require a variance from the Board of Selectmen in accordance with section 180-42.

(b) New Development

New non-residential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet is allowed by right.

New non-residential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with section 180-42.

180-42. Variances in Sewer Service Areas

The Board of Selectmen, after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance, provided that:

1. Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent, and
2. Through a referral from the Board of Health, the applicant demonstrates that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral, or
3. Such relief may be granted without substantially derogating from the intent or purpose of this bylaw

The Board of Selectmen may develop additional policies and guidelines for granting variances.

180-43. Rebuilding a Building Because of Casualty Loss in Sewer Service Areas

Relating to this chapter, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right provided that the new structure does not exceed the wastewater flow and number of bedrooms of the structure being replaced.

180-44. Mandatory Water Conservation in Sewer Service Areas

The Board of Selectmen may adopt mandatory water conservation measures, after public hearing, consistent with the purposes of this bylaw.

180-45. Transferability in Sewer Service Areas

The number of bedrooms or flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the number of Bedrooms or flow on another parcel or another's right to a sewer connection.

180-46. Severability

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

180-47. Violations in Sewer Service Areas

1. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
2. Any person who shall continue any violation beyond the period permitted in Subsection (1) shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.
3. This section shall in no way limit the Town's power and authority to seek other remedies at law that it may have. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the Town by such violation.

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

RECOMMENDATION (Board of Selectmen): That the Town vote to amend Chapter 180 of the Code of Falmouth, Sewers and Septic Systems, by adding a new Article VIII, Sections 180-51 through 180-61 as follows:

Article VIII Flow Neutral By-law for Present and Future Sewer Service Areas

180-51. Purpose

The Town of Falmouth's Wastewater Treatment Facility on Blacksmith Shop Road (WWTF) has limited treatment and disposal capacity as determined by a discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). In order to comply with the terms and conditions of the discharge permit, to manage present and future wastewater flows, to meet present and future water quality standards, and to support broader community planning objectives the Town adopts this Flow Neutral By-law for Present and Future Sewer Service Areas. This By-law shall apply to all present sewer service areas of the Town, except for the New Silver Beach Sewer Service Area, governed by Sections 180-37 through 50 herein, and it shall apply to any future sewer service areas to be serviced by the Wastewater Treatment Facility on Blacksmith Shop Road. Nothing in this By-law shall exempt the owner of a property in a present or future sewer service area from all other applicable statutes, by-laws, rules and regulations.

180-52. Mandatory Sewer Connection and Elimination of Septic Systems in Sewer Service Areas

The requirements for Mandatory Connection in Sewer Service Areas are detailed in Chapter 180, Section 6 of the Code of Falmouth "Sewers and Septic Systems".

Within thirty (30) days of the property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

180-53. Determination of Wastewater Flow in Sewer Service Areas

Wastewater flow to the public sewer shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15; or 2) water meter data provided by the Department of Public Works as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Falmouth. Any structure, legally in existence as of January 1, 2014, regardless of its flow may by right maintain that flow or number of bedrooms. Bedroom is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, Massachusetts State Environmental Code) and the number of bedrooms in the Assessor's records as of January 1, 2014 are presumed accurate.

The flow allocations for present and future Sewer Service Areas as of January 1, 2014 are as follows:

Blacksmith Shop Rd Wastewater Treatment Plant 570,000 gallons per day (excluding Little Pond Sewer Service Area)

Little Pond Sewer Service Area 260,000 gallons per day (subject to approved CWMP)

These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved Comprehensive Wastewater Management Plans, (2) approved Notice of Project Change to Environmental Impact Reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

180-54. Allocation of Available Capacity in Sewer Service Areas

The Wastewater Superintendent shall periodically notify the Board of Selectmen of the available capacity at the Wastewater Treatment Facility. The Selectmen in consultation with the Planning Board may set priorities for the available capacity.

180-55. Modifications to Existing Parcels or Changes in Use in Sewer Service Areas

(1) Single-Family Residences

(a) Existing Development

Modifications of an existing single family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single family residences on parcels over 40,000 square feet may increase the number of bedrooms to (1) bedroom per 10,000 square feet of lot area by right.

(b) New Development

A single-family residence may have four (4) Bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.

Addition of Bedrooms, beyond those permitted in 1(a) or 1(b) above shall require a variance from the Board of Selectmen in accordance with section 180-56.

(2) Multi-Family Residences

(a) Existing Development

Modifications of an existing multi-family residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.

(b) New Development

A new multi-family dwelling is allowed one (1) bedroom per 10,000 square feet of lot area by right.

Addition of Bedrooms in multi-family dwellings, beyond (1) bedroom per 10,000 square feet of lot area, shall require a variance from the Board of Selectmen in accordance with section 180-56.

(3) Nonresidential Development

(a) Existing Development

Modifications or changes of use, including residential to non-residential, that increase flow to a level that is no more than ten (10) percent above that permitted as of January 1, 2014 by 310 CMR 15 (Title 5) are allowed by right.

Modifications or changes of use that increase flow more than that allowed by right in (3a) require a variance from the Board of Selectmen in accordance with section 180-56.

(b) New Development

New non-residential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.

New non-residential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with section 180-56.

180-56. Variances in Sewer Service Areas

The Board of Selectmen, after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance, provided both A & B below are satisfied:

A. Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent. If sufficient capacity does not exist then no variance shall issue.

B. Should the Wastewater Superintendent determine sufficient capacity exists the applicant must then demonstrate, through a positive referral from the Board of Health, that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral.

The Board of Selectmen may, at its sole and absolute discretion, issue a variance that in its judgment could be granted without substantially derogating from the intent or purpose of this bylaw should the applicant fail to satisfy criteria 180-56 B above.

180-57. Rebuilding a Building Because of Casualty Loss in Sewer Service Areas

Relating to Article VIII, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right provided that the new structure does not exceed the wastewater flow and number of bedrooms of the structure being replaced.

180-58. Mandatory Water Conservation in Sewer Service Areas

The Board of Selectmen may adopt mandatory water conservation measures, after public hearing, consistent with the purposes of this bylaw.

180-59. Transferability in Sewer Service Areas

The number of bedrooms or flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the number of Bedrooms or flow on another parcel or another's right to a sewer connection.

180-60. Severability

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

180-61. Violations in Sewer Service Areas

1. Any person found to be violating any provision of Article VIII shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

2. Any person who shall continue any violation beyond the period permitted in Subsection (1) shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

3. This section shall in no way limit the Town's power and authority to seek other remedies at law that it may have. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the Town by such violation.

EXPLANATION: For Falmouth to be eligible to receive interest free loans from the State Revolving Fund (SRF) for the town's proposed water quality/nitrogen reduction projects, the town is required to adopt a "flow neutral" bylaw. The purpose is to assure that future development in proposed project areas will not result in increases in wastewater flow that will exceed the capacity of the town's wastewater treatment facility and discharge site. In the case of the proposed Little Pond sewer service area the estimated limit is 260,000 gallons per day. This proposed bylaw allows every property in this area to maintain their existing flow and their existing number of bedrooms by right. It also allows for increases by right – up to

four bedrooms for residences, and a 10% increase in flow for commercial properties. The bylaw further gives the Board of Selectmen the authority to grant variances allowing for increases beyond that, provided that the capacity is available at the treatment facility and after receiving a recommendation from the Board of Health.

ARTICLE 42: To authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

AN ACT REGULATING SEWER SERVICE AREA BETTERMENT ASSESSMENTS IN THE TOWN OF FALMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the town of Falmouth may assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate equal to the net rate of interest chargeable to the town for the project to which the assessment relates.

Section 2. Notwithstanding any general or special law to the contrary, the town of Falmouth may apportion all sewer assessments or unpaid balances of assessments over a period not to exceed thirty (30) years, and may structure the payments so that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable. These equal payments may be further apportioned and collected by the town on quarterly tax bills at the option of the town. An owner of land assessed may pay the total remaining principal amount due without a prepayment penalty.

Section 3. This act shall take effect upon its passage.

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

RECOMMENDATION (Board of Selectmen): That the Town vote to authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

AN ACT REGULATING SEWER SERVICE AREA BETTERMENT ASSESSMENTS IN THE TOWN OF FALMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the town of Falmouth may assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate up to 2% above the net rate of interest chargeable to the town for the project to which the assessment relates.

Section 2. Notwithstanding any general or special law to the contrary, the town of Falmouth may apportion all future sewer assessments or unpaid balances of assessments over a period not to exceed thirty (30) years, and may structure the payments so that the amounts payable in the several years for principal and interest combined are as nearly equal as practicable. These equal payments may be further apportioned and collected by the town on quarterly tax bills at the option of the town. An owner of land assessed may pay the total remaining principal amount due without a prepayment penalty.

Section 3. This act shall take effect upon its passage.

EXPLANATION: When any public infrastructure improvement is constructed that affects only a certain group of property owners, those owners are customarily charged a "betterment," a sum of money that helps to pay for that improvement. The purpose of requesting the State Legislature to enact this proposed special legislation is to give the town of Falmouth the ability to make the annual cost of that betterment charge to the affected homeowner and business as low as possible.

Section 1. Under existing state law, the town must charge interest on the unpaid amount of the betterment at the rate of either 5%, or 2% above the interest rate the town pays for the funds it has borrowed to construct the project. This Act would allow the town to charge an even lower interest rate, possibly as low as 0%.

Section 2. Under existing state law, the town cannot spread out the payments for the betterment for longer than 20 years. This Act would allow the town to extend the payback period for homeowners and businesses to 30 years, reducing the amount of each year's payment. The town would also be given the option of structuring the payments so that they would be similar to a fixed rate home mortgage – the same amount due for each payment period. And it would allow the payments to be made quarterly, with the quarterly tax bills.

ARTICLE 43: To authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN TO EXEMPT CERTAIN ECO-TOILET INSTALLATIONS FROM SEWER CONNECTIONS AND ASSOCIATED BETTERMENTS IN THE TOWN OF FALMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Board of Selectmen of the town of Falmouth may grant exemptions from future sewer connections and betterment fees attributed to sewer construction for homeowners or business property owners who are chosen to participate in Falmouth's eco-toilet demonstration project by installing either composting toilets or urine diverting toilets (together designated eco-toilets), or any combination of the two, in all sanitary facilities on their premises. Participants must agree to participate in the eco-toilet demonstration project and adhere to all the requirements of this demonstration. All eco-toilets installed for the demonstration project must comply with the provisions of 310 CMR 15.000 (Title 5 Regulations) and 248 CMR (Uniform State Plumbing Code) and implement a town authorized monitoring and inspection plan approved by the Department of Environmental Protection (Mass DEP). Such plan may include the assessment of a reasonable fee by the Board of Health to implement the monitoring and inspection plan.

Section 2. Notwithstanding any general or special law to the contrary, said property owners may opt to connect to the sewer system and will retroactively pay betterment fees if their property lies within the sewer service area and complies with the Department of Environmental Protection approved Comprehensive Wastewater Management Plan at the discretion of the Board of Selectmen after a public hearing. The Board of Selectmen shall adopt regulations within 120 days after the adoption of this act establishing publication and notification procedures to carry out the purposes of this section.

Section 3. This act shall take effect upon its passage.

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

RECOMMENDATION (Board of Selectmen): That the Town vote to authorize the Board of Selectmen to request the town's representatives in the state legislature to petition the State Legislature for enactment of special legislation as follows, and that the Board of Selectmen be further authorized to accept changes recommended by Legislative Counsel or Bond Counsel to further effectuate the purposes of this article:

AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN TO EXEMPT CERTAIN ECO-TOILET INSTALLATIONS FROM SEWER CONNECTIONS AND ASSOCIATED BETTERMENTS IN THE TOWN OF FALMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Board of Selectmen of the town of Falmouth may grant exemptions from future sewer connections and betterment fees attributed to sewer construction for homeowners or business property owners who are chosen to participate in Falmouth's eco-toilet demonstration project by installing either composting toilets or urine diverting toilets (together designated eco-toilets), or any combination of the two, in all sanitary facilities on their premises. Participants must agree to participate in the eco-toilet demonstration project and adhere to all the requirements of this demonstration. All eco-toilets installed for the demonstration project must comply with the provisions of 310 CMR 15.000 (Title 5 Regulations) and 248 CMR (Uniform State Plumbing

Code) and implement a town authorized monitoring and inspection plan approved by the Department of Environmental Protection (Mass DEP). Such plan may include the assessment of a reasonable fee by the Board of Health to implement the monitoring and inspection plan.

Section 2. Notwithstanding any general or special law to the contrary, said property owners may opt to connect to the sewer system and will retroactively pay betterment fees if their property lies within the sewer service area and complies with the Department of Environmental Protection approved Comprehensive Wastewater Management Plan at the discretion of the Board of Selectmen after a public hearing. The Board of Selectmen shall adopt regulations within 120 days after the adoption of this act establishing publication and notification procedures to carry out the purposes of this section.

Section 3. This act shall take effect upon its passage.

EXPLANATION: The town of Falmouth is engaged in a demonstration project to determine whether use of composting or urine diverting toilets can be an effective alternative method of nitrogen reduction to restore our coastal ponds. The town currently offers a \$5,000 incentive payment and pays for the cost of a septic system pump-out for homeowners and businesses participating in the project. If this proposed Act were adopted by Town Meeting and then by the state Legislature, it would provide an additional incentive to participate. Under the Act, the Board of Selectmen could exempt from future betterment or connection fees any participating residence or business in the proposed Little Pond Sewer Service Area. If the participating property owners decided at some later time that they wished to connect to the sewer, they would be required to pay the full betterment and connection fees.

ARTICLE 44: To amend article 11 of the November 8, 2011 ATM, authorizing the Town to swap Parcel 1 for Parcel 2, by removing the requirement that Parcel 1 be restricted in perpetuity with a preservation restriction preserving the “great rock” in accordance with M.G.L. 184 Section 31-33, and requiring that Parcel 1 be subject to a preservation restriction preserving the “great rock” for a term of 99 years. Or do or take any other action on this matter. On request of the Board of Selectmen.

RECOMMENDATION (Board of Selectmen): That the Town authorize the Board of Selectmen to convey said Parcel 1 to a third party in exchange for a second vacant parcel of land hereafter described as Parcel 2, upon such terms and conditions as the Board of Selectmen deem appropriate. Said Parcel 2 to be under the care and control of the Board of Selectmen

Parcel 1 is described as follows:

Land owned by the Town of Falmouth containing approximately 12.72 acres. Said parcel of land is located on the east side of Research Road, Falmouth, MA and is shown on Falmouth Assessor’s map as 15-04-027B-018.

Parcel 2 is described as follows:

Land now or formerly of the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority containing approximately 8.86 acres. Said parcel of land is located off of Thomas B. Landers Road in Falmouth and is shown on Falmouth Assessor’s map as 15-04-016-004.

And further to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing exchange of parcels and to enter into any agreements and to execute all documents it deems advantageous on behalf of the town.

And further that the transfer of Parcel 1 from the Town to the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority shall be subject to a preservation restriction for a term of 99 years for the benefit of the inhabitants of the Town of Falmouth and held by the Town of Falmouth, acting through the Historical Commission, or by another governmental agency or non-profit organization, preserving the “great rock” located on Parcel 1 and identified in the Technical Memorandum and Archeological Sensitivity Assessment, Research Road, Falmouth, Massachusetts, prepared by Public Archaeology Laboratory, dated October 31, 2011

Or do or take any other action on this matter.

EXPLANATION: By a 2/3 vote of the November 8, 2011 ATM, the Town voted to approve Article 11 authorizing the Town to swap Parcel 1 for Parcel 2, subject to the requirement that Parcel 1 be restricted in perpetuity with a preservation restriction preserving the “great rock” in accordance with M.G.L.c. 184, §§ 31-33. A preservation restriction in perpetuity requires approval from the Massachusetts Historical Commission. The Board of Selectmen sought but was denied approval from Massachusetts Historical Commission.

Therefore, the Board of Selectmen now requests authorization for the land swap with a preservation restriction on Parcel 1, preserving “great rock” for a term of 99 years, which restriction does not require approval from Massachusetts Historical Commission.

ARTICLE 45: To see if the Town will vote to accept the doings of the Board of Selectmen in laying out the following listed roads according to a plan on file with the Town Clerk for taking as a public way:

Road	From	To	Length	Width
Cash's Trail	Waquoit Highway	Dead End	944'	44'
Castle Road	Sandcastle Drive	Dead End	1,160'	44'
Sandcastle Drive	Davisville Road	Davisville Road	2,734'	44'

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 45 as printed.

Explanation: In Article 26 of the April 2013 Annual Town Meeting the Town adopted these roads as public ways. These non-betterment roads meet the standards for taking as public ways. The scheduled hearing for the adoption of the order of taking by the Board of Selectmen was held one day after the statutory deadline following Town Meeting and must return to Town Meeting to for reauthorization.