



**ANNUAL TOWN MEETING**  
Lawrence School Auditorium  
Falmouth, MA 02540  
APRIL 8, 2013

**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 gift(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 as follows:

Moderator.....	\$1,500
Town Clerk.....	\$72,812
Selectmen (4).....	\$3,000
Chairman of Selectmen.....	\$3,500

And to recommend that the Finance Committee review the salaries for possible merit/cost of living adjustments. Or take any other action on this matter. On request of the Board of Selectmen.

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

**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, 2013, 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	FY14 Spending Limit	Disposition of FY13 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
<b>TOTAL SPENDING</b>				<b>\$55,500</b>	

**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 in the following manner:

1) **Delete** from Article III (3) – Definitions - §240-13 the term “Windmill”

2) **Delete** the following sections:

Single Residence Districts §240-23.G (5), General Residence Districts §240-28.H (5), Public Use Districts §240-33.G (5), Agricultural Districts §240-38.G (5), Business Districts §240-51.A (12), Light Industrial A Districts §240-57.L (3), Light Industrial B Districts §240-63.G (2)

3) **Insert** the following sections:

Single Residence Districts §240-23.L – In Single Residence A and AA districts only, Wind Energy Systems, subject to the requirements of Article XXXIV (34);

Public Use Districts §240-33.K - Wind Energy Systems, subject to the requirements of Article XXXIV (34);

Agricultural Districts §240-38.N - In Agricultural A and AA districts only, Wind Energy Systems, subject to the requirements of Article XXXIV (34);

Business Districts §240-51.C (5) – In Business 2 districts only, Wind Energy Systems, subject to the requirements of Article XXXIV (34);

Light Industrial A Districts §240-57.O - Wind Energy Systems, subject to the requirements of Article XXXIV (34);

Light Industrial B Districts §240-63.L - Wind Energy Systems, subject to the requirements of Article XXXIV (34);

Light Industrial C Districts §240-64.5(c) Wind Energy Systems, subject to the requirements of Article XXXIV (34);

4) **Delete** Article XXXIV (34) – Windmills in the entirety.

5) **Insert** the following:

**Article XXXIV (34)  
Wind Energy Systems**

**§240-166 A. Purpose:**

The purposes of this bylaw are: to accommodate wind energy systems as accessory land uses to supplement the power used by residents and businesses; and to provide standards for the placement, design, construction, monitoring, modification and removal of wind energy systems through a special permitting process based on the procedures, provisions and requirements established herein.

**§240-166 B. Wind Energy Systems Allowed with Limitations**

Any provisions or requirements of this Chapter to the contrary notwithstanding, wind energy system as defined shall only be constructed-or modified through a special permit issued by the Planning Board as the Special Permit Granting Authority (SPGA)<sup>1</sup>, subject to the following limitations:

1. Small wind energy systems (SWES) may be permitted in Single Residence A and AA, Agricultural A and AA, Business 2, Public Use, Light Industrial zoning districts, as further specified herein.
2. Large wind energy systems (LWES) may be permitted in Public Use or Light Industrial zoning districts, as further specified herein.
3. WES may only be permitted when accessory to a principal land use.

**§240-166 C. Wind Energy Systems Prohibited**

Any provisions or requirements of this Chapter to the contrary notwithstanding, no wind energy system as defined shall be, constructed, or modified and no special permit shall issue for any wind energy system under this bylaw:

1. That has a rated capacity greater than 250 kilowatts in any zoning district.
2. That is not an accessory land use, as defined herein.
3. Where the primary use of the facility is electrical generation to be sold to the power grid or accounted for through net metering.

**§240-166 D. Exceptions**

Any provisions or requirements of this Chapter to the contrary notwithstanding:

1. Any WES in existence as of the effective date of this Article shall be considered conforming and may apply for a special permit under this Article to alter, modify, re-locate, or otherwise make improvements consistent with Article XXXIV (34).

**§240-166 E. Definitions**

Section 240-13 notwithstanding, the following terms shall have the following meanings:

**Accessory Land Use:** For the purposes of this Article shall mean that the wind energy system (WES) shall be incidental to and supplement the power needs of the principal use(s) located on the same lot, or on land held in common ownership as part of a Planned Residential Development<sup>2</sup>.

**Ambient Sound Level:** the background A-weighted decibel average that is exceeded 90% of the time (L<sup>90</sup>) measured during operational hours.

**Broadband Sound:** Noise that does not contain a distinguishable note or tone, and is comprised of multiple (low, mid and high) frequency components.

**Flicker:** The moving shadow created by the sun shining on the rotation blades of the wind turbine.

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<sup>1</sup> See §3 of Chapter 40A GL for agricultural, religious and educational exemptions.

<sup>2</sup> See Article XXV (25) of the Zoning Bylaw

**Large wind energy system (LWES):** A wind energy system with a rated capacity greater than 60 kilowatts but no more than 250 kilowatts.

**Meteorological (MET) Tower:** A temporary tower equipped with devices to measure wind speed and direction, used to determine how much wind power a site can be expected to generate.

**Net Metering:** The difference between the electricity supplied over the electric distribution system and the electricity generated by the wind energy system which is fed back into the electric distribution over a given billing period.

**Power Grid:** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**Pure Tone Sound:** A condition produced when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

**Public Outreach Area:** Those properties located in the area between 300 to 1500 feet of the property line.

**Rated Capacity:** The maximum rated output of electric power production equipment, as certified by the manufacturer. The rated capacity is the maximum power produced at optimum wind speed.

**Small wind energy system (SWES):** A wind energy system with a rated capacity equal to or less than 60 kilowatts

**System Height:** The vertical distance from ground level (natural grade) to the tip of the wind generator blade at its highest point.

**Wind Energy System (WES):** All equipment, machinery, and structures utilized in the connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage equipment, substations, transformers, service and access roads, and one or more wind turbines.

**Wind Turbine:** A single device that converts wind energy to rotational energy that drives an electrical generator, typically consisting of a rotor and blade assembly, nacelle body and tower.

#### §240-166 F. Application Requirements

In addition to the requirements found in §301 – 1 thru 15<sup>3</sup>, applications for a special permit to determine compliance under this Article shall include all such material that the SPGA may reasonably require, and must include the following; unless waived by the SPGA:

1. Mandatory pre-application meeting: All applications shall be reviewed by the Planning Department prior to submittal to the SPGA.
  - a. The applicant must provide a copy of the application for interconnection with the electricity utility provider, if the WES is proposed to be connected to the power grid.
  - b. Proof of liability insurance, must be provided for an amount and duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility, in the form of a preliminary commitment from a recognized carrier.
  - c. The applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for construction and use of the proposed facility.
    - i. Documentation shall include proof of control over setback areas and access roads, if necessary.
2. Names and addresses of property owners within the public outreach area as defined.
3. Site Plan Details
  - a. Property lines and physical dimensions of the subject property.
  - b. All other parcels and occupied structures within the public outreach area.
  - c. Location, dimensions and types of existing structures on the site property.

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<sup>3</sup> Planning Board Rules & Regulations Governing the Issuance of Special Permits, Code of Falmouth.

- d. Location of the proposed wind turbine foundation(s), guy anchors, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, and exterior lighting.
  - e. Distance between foundation and property lines.
  - f. All overhead utility wires.
  - g. Extent of clearing necessary for installation and any areas to be re-vegetated.
4. Engineering Details
- a. Only freestanding monotube tower designs are permitted for LWES.
  - b. Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, and tower type.
    - i. Certifications, if any, of the WES shall be noted, for example: Small Wind Certification Council, American Wind Energy Association, National Renewable Energy Laboratory, California Energy Commission, or the New York State Energy Research and Development Authority.
  - c. For large WES Met Tower data 12 months or equivalent available data.
  - d. Electrical plans and components, in sufficient detail, and stamped by an electrical engineer licensed in the Commonwealth of Massachusetts, to allow for a determination that the manner of installation conforms to all applicable codes.
  - e. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
5. Operating Details
- a. The applicant shall submit an operations and maintenance plan, to remain on file with the SPGA, for maintenance of access roads and storm water controls, in any, as well as general procedures for operational maintenance of the WES. The O&M Plan must address the following:
    - i. Fully identify the parties responsible for owning and operating the turbine.
    - ii. Normal maintenance schedule and procedures.
    - iii. Methods for measuring sound, flicker and other potential impacts throughout normal operations.
    - iv. Emergency contacts and procedures.
  - b. Sound Impact Analysis: The applicant shall submit manufacturer's documentation of sound impacts of the wind turbine(s) under various wind conditions, represented by a chart or map indicating the expected decibel levels at given distances from the wind turbine, including along the property lines.
    - i. The sound analysis shall include measurements of ambient sound levels under typical daytime and nighttime conditions.
    - ii. The applicant shall specify the conditions, under which ambient sound levels are measured, as well as the frequency and duration of these measurements.
    - iii. The SPGA reserves the right to request measurement and/or modeling to the degree necessary to determine the potential sound impacts of a proposed WES, and to employ the services of their own acoustical expert at the expense of the applicant.
    - iv. Sound modeling shall include analysis of, but not limited to, the following items: intermittent sound, sound power; spreading loss; atmospheric attenuation; barriers; ground attenuation and topography; meteorology, including seasonal variation; and wind direction, speeds and shear.
  - c. Flicker Analysis: The applicant shall submit an evaluation of the flicker effects of the wind turbine(s) as proposed to be sited on the parcel.
    - i. Seasonal differences in time and duration must be provided.
    - ii. A plan delineating all impacted areas must be provided, with mitigation.

**§240-166 G. Procedure for Review**

In addition to the requirements found in §301 –1 thru 8, applications for a special permit under this Article shall be subject to the following procedural requirements:

- 1. With the exception of those property owners identified as parties-in-interest, the SPGA shall, by regular mail, alert property owners within the public outreach area of the time, place and date of the required public hearing for any WES. The purpose of this outreach effort is to broaden the base of information gathering beyond that typically required of other special permit applications, while not conferring party-in-interest status beyond that defined by §11 c40A GL.

**§240-166 H. Criteria for Review**

Applications for WES shall be subject to the following performance requirements

1. System Height: The maximum height of a WES shall be determined by the SPGA based on the operational characteristics of the WES, but in no case shall the maximum permitted height exceed the setback requirements.
2. Setbacks:
  - a. Safety Setback: The setback from property lines shall be no less than the system height plus 10 percent to mitigate risk from ice throw or mechanical failure.
  - b. Sound Setback: shall be determined by the SPGA from Sound Impact Analysis described above in order to not exceed increases in broadband sound levels by more than eight (8) A-weighted decibels or “pure tone” sound levels by more than 3 A-weighted decibels over ambient sound levels at the property line.
    - i. The applicant shall have the burden of proving that the sound generated by the proposed WES will not have a significant adverse impact on adjacent land uses.
    - ii. An analysis prepared by a qualified acoustical expert shall be presented to demonstrate compliance with the noise setback.
  - c. A larger setback may be required by the SPGA in order to fulfill the intent of the safety or sound setback based on manufacturer or industry standards for the type of WES under review.
3. Clearing: The extent of clearing shall be limited to that which is necessary for access, construction, operation and maintenance of the WES.
  - a. Extensive clearing shall require runoff control and storm water management.
  - b. Temporary construction staging areas shall be re-vegetated.
4. Design Standards
  - a. Color and finish: All components of the WES shall be painted a neutral, non-reflective color.
  - b. Lighting: Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of appurtenant structures shall be limited to that required for safety, security and operational purposes, and shall be shielded from abutting properties to the extent possible.
  - c. A WES shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation except the following:
    - i. Signs necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
    - ii. Educational signs providing information about the facility, and the benefits of renewable energy.
    - iii. Reasonable identification of the manufacturer or operator of the WES.
  - d. Utility connections shall be installed underground. Electrical transformers for utility interconnection may be above ground, if required by the utility provider.
5. Safety and Environmental Standards
  - a. Emergency services: The applicant shall provide a copy of the project approval and site plan to the Falmouth Police Dept. and Falmouth Fire and Rescue Dept.
    - i. The applicant cooperate with the FFRD in developing an emergency response plan, which must be approved by the SPGA
    - ii. The emergency response plan shall account for any hazardous materials located at the property necessary for the operation of the WES.
  - b. Access:
    - i. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - ii. The tower shall be designed and constructed so as to not provide stop bolts or a ladder readily accessible to public for a minimum height of 10-feet above the ground.
  - c. Shadow flicker: WES shall be sited in a manner that minimizes flicker impacts.
    - i. The applicant must demonstrate that flicker will not occur more than 30 minutes per day, and will not exceed 10 total hours per year over the property line.
    - ii. The applicant has the burden of proving that flicker will not have a significant adverse impact on adjacent land uses either through siting or mitigation.

**§240-166 I. Decision**

Applications under this Article shall only be approved by the SPGA upon its finding that the criteria for review above have been satisfied together with the standards found under section 216.

**§240-166 J. Categorical Denial**

No Special Permit shall issue for any application not able to demonstrate compliance with the Sound or Safety Setbacks.

**§240-166 K. Standard Conditions**

The following shall be conditions of any special permit issued under this Article:

1. Facility Condition: The applicant shall maintain the WES in good condition.
  - a. Maintenance shall include, but not be limited to: painting, structural repairs, and integrity of security measures.
  - b. Site access shall be maintained.
  - c. The WES owner shall be responsible for the cost of maintaining the WES and any access roadways or driveways, and the cost of repairing any damage occurring as a result of construction and operation.
2. Annual inspections: Any LWES shall be subject to an annual inspection, with a report submitted to the SPGA and Building Commissioner.
  - a. The inspection shall include an evaluation of all mechanical and structural components, especially safety, performed by professional engineers with the proper registrations (i.e. structural, electrical, mechanical, etc.)
3. Modifications: Modifications to a WES made after issuance of the special permit shall require approval by the SPGA as provided in this Article.
4. Enforcement and penalties: The Building Commissioner shall be responsible for the enforcement of the provisions of this section pursuant to Article XXXVII (37) of the Zoning Bylaw.
  - a. Failure of the owner of any WES to comply with operational standards, mitigation measures or annual inspection requirements shall be considered a violation of the zoning bylaw.
  - b. The Building Commissioner shall, where such permit so authorizes and after proper notification, have the right to enter any premises for the purposes of inspecting any building or structure, at a reasonable hour and at such times as may be reasonably necessary to enforce this bylaw.
5. Abandonment or Decommissioning
  - a. Removal Requirements: Any WES which has reached the end of its useful life or has been abandoned shall be removed. For a scheduled decommissioning, the owner shall notify the SPGA by certified mail of the proposed date of discontinued operations and plans for removal. The owner shall physically remove the WES no more than 150 days after the date of discontinued operations. Decommissioning shall consist of:
    - i. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
    - ii. Disposal of all solid and hazardous waste in accordance with local and state regulations.
    - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPGA may allow the owner to leave below-grade foundations in place in order to minimize disruption.
    - iv. Abandonment: Absent notice of a proposed date of decommissioning, the WES shall be considered abandoned when the facility fails to operate for more than 12 consecutive months
    - v. Prior to declaring the WES to be abandoned, the SPGA shall notify the owner by certified mail that corrective action must be taken. The owner shall have 30-days to respond and provide a schedule for corrective action.
6. Financial surety: The SPGA shall require the applicant for any LWES to provide surety, either as a bond or escrow account, to cover the cost of removal in the event the town must remove the WES together with a right-of-entry onto the property in the event of default. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall be adjusted for inflation.
7. Public inquiries/complaints: The applicant shall identify a responsible person and contact phone number in the event of public inquiries or complaints, for as long as the WES is in place. Complaints that cannot be resolved by the parties shall be forwarded to the Building Commissioner, with a copy to the SPGA, by the responsible person identified above.

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 with the following recommended changes:**

Section 240-166 A. Purpose – insert the words “municipal governmental bodies” after the words “...by residents...: “so as to read in its pertinent part: “...by residents, *municipal government bodies* and businesses ...”

Section 240-166 C. Exceptions - insert the word “lawfully” between the words “...WES in ...” so as to read in its pertinent part: “Any WES *lawfully* in existence...”

Section 240 – 166 H Criteria for Review, paragraph 2(b) – delete the word “eight (8)” and insert in its place the word “six (6)” so as to read in its pertinent part: “...in order not to exceed increases in broadband sound levels by more than *six (6)* A-weighted decibels...”

**EXPLANATION:** This Article replaces the current “windmill” regulations, first adopted in 1981, in favor of a comprehensive “wind energy systems” bylaw that can better address today’s modern wind turbine technologies. The Planning Board extensively reviewed the literature on wind energy systems, model bylaws from the state and other jurisdictions including foreign countries; devoted 22 of its meetings to discuss this topic; and held four public hearings. In developing this new bylaw the Planning Board was guided by the “precautionary principle”; to err on the side of caution if there is doubt or dispute on the potential effects of operating these machines. The result is a bylaw that allows wind energy systems pursuant to a special permit from the Planning Board, still as an accessory use of the land as it is today. However, unlike today’s bylaw that allows wind turbines of “industrial” size, the new bylaw limits the rated capacity to 250 kilowatts. This is one-seventh the size of the largest wind turbines now operating in the community. Wind energy systems are now classified as “small” and “large”, with large systems allowed only in industrial and public use districts. The bylaw now includes application requirements, procedures and criteria for review by the Planning Board and standard conditions of approval should a special permit issue. The Planning Board believes this new bylaw to be vastly superior to the existing one and a step forward in the right direction in allowing alternative energy production while protecting vital interests of all our citizens

**ARTICLE 8:** To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to extend the existing Business 3 district by rezoning from Residential B to Business 3 the land at 10 County Road, North Falmouth, Massachusetts, which land, being Assessors Parcel 05 07 011 000, is more particularly bounded and described as follows:

Northeasterly	by County Road, in two courses, a total of 148.00 feet;
Southeasterly	by land formerly of Mary R. Brainerd, 98.00 feet;
Southwesterly	by said land formerly of Brainerd, 118.00 feet; and
Northeasterly	by land formerly of the Old Colony Railroad Co., 166.00 feet.

Containing 16,800 square feet of land, more or less, shown on a plan entitled “Plan of Land in Falmouth (North) conveyed by Mary R. Brainerd, Scale: 40 feet equals 1 inch, January 22, 1947, Newell B. Snow, Engineer, Buzzards Bay, Mass”, which plan is recorded at Barnstable County Registry of Deeds Plan Book 76, Page 121.

On request of Paul R. Lelito and Lisa N. Kenny, Trustees of the Pal Realty Trust and Kristen K. Heisler and Kenneth A. Keisler, Trustees of the Kristen K. Heisler Revocable Trust.

**RECOMMENDATION (Planning Board):** That the town vote Article 8 as printed in the warrant.

**EXPLANATION:** This Article would rezone from Single Residence “B” to Business 3 a parcel of land that is today surrounded by Business 3 land. This “squaring” off the business zone in this area will allow for a more flexible design for the location of any potential buildings and parking areas when the parcel is developed.

**ARTICLE 9:** To see if the Town will vote to appropriate a sum of money for the purpose of funding a review and recodification of the zoning by-law, and to determine how the same shall be raised and whom expended, or do 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 \$35,000 from certified free cash for the purpose of funding a review and recodification of the zoning by-law.

**EXPLANATION:** The zoning by-law has not been reviewed in a number of years, this amount is sufficient to start the process in order to identify inconsistencies and necessary recodification.

**ARTICLE 10:** To see if the Town will vote to update the following Goals and Policies of the Local Comprehensive Plan dated April 2005:

Goals for the Water and Sewer Element:

- Falmouth shall provide its residents with a high quality water supply to meet the present and future needs of its population.
- Falmouth shall protect the health of its citizens and water bodies from the harmful effects of wastewater, by sewerage. Furthermore, alternative treatment methods, where appropriate, shall be considered.

Policies for the Water and Sewer Element:

- Falmouth shall develop and protect all current and future drinking water sources, and shall future sewer treatment and discharge sites by purchasing and reserving sufficient land for those purposes.
- Falmouth shall institutionalize a budget process to provide for the full-cost pricing needs of the water and sewer infrastructure.
- Falmouth shall practice water conservation and efficient use of water resources, and shall explore recycling wastewater for reuse.
- Falmouth shall endeavor to manage its entire wastewater infrastructure to the greatest extent possible, either by sewerage or using effective alternative methods or a combination of the two, wherever appropriate.
- Falmouth shall explore where-and-when-ever appropriate, regionalization of sewage treatment.
- Falmouth shall equitably and fairly distribute the cost of building and operating the wastewater treatment infrastructure.

Goal for the Energy Element:

- Falmouth's Town government and residents will use the best available cost effective technologies to minimize dependence on carbon-based fuels, with a carbon dioxide reduction target of no less than 50% of 2001 baseline levels.

Policies for the Energy Element:

- The municipality will provide leadership and set the example in carbon footprint reduction.
- Public policy will strongly support the use of appropriate renewable energy sources.
- Public policy will promote energy conservation and efficiency technologies and practices.

Goal for the Economic Sustainability Element:

- Falmouth shall enhance well-established sectors of the local and regional economy and encourage emerging sectors in order to increase the economic opportunities available to residents. Growth shall be responsibly managed to ensure that the local economy is sustainable, resilient, adaptable and innovative to maximize the quality of life, remaining a viable community for all demographic groups.

Public Policy Statements for the Economic Sustainability Element:

- Falmouth shall foster a supportive climate for businesses, institutions, and the arts to thrive.
- Falmouth, working in partnership with Barnstable County, the Commonwealth, and the federal government, shall provide the necessary infrastructure to meet the needs of the local and regional economy.
- Falmouth shall promote educational partnerships to invest in a strong future labor force and to remain open to new ideas.

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

**RECOMMENDATION (Board of Selectmen):** That the Town vote Article 10 as printed.

**Explanation:** The Local Planning Committee has been working to update the Goals and Policies of the Local Comprehensive Plan to make the plan more functional and pertinent in order to anticipate and address the future needs of the community. The plan is a guiding document only and does not change any existing bylaws, rules or regulations.

**ARTICLE 11:** To see if the Town will vote to accept the provisions of Section 3Z of Chapter 143 of the Massachusetts General Laws which provides that any part time inspector of buildings, building commissioner, local inspector or alternate inspector may practice for hire or engage in the business for which he is certified, licensed or registered under the building code, while serving as such inspector, provided he shall not exercise any of his powers and duties as such inspector for the construction, reconstruction, alteration, repair, demolition or removal work done by himself, his employer, employee or one employed with him, or do or take any other action on this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement

**Explanation:** The Town has two full-time building inspector positions. Local acceptance of this statute is not necessary at this time.

**ARTICLE 12:** Shall Town Meeting ask Selectmen to devise a method to reduce the rate of C.P.A. taxation to fund only existing obligations. Therefore creating the opportunity to fund capital projects without raising the rate of Tax Obligation. Or to take any other action. On request of Marc Finneran and others.

**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement

**Explanation:** The Board of Selectmen endorses the Finance Committee's recommendation as Chapter 149, section 298, paragraph (d) of the Acts of 2004 prohibits the Town from amending the amount of or revoking the CPA surcharge on real property until 2020. In Fiscal Year 2014 approximately 2% (\$1,737,575) of the surcharge is needed to support existing "Land Bank" debt. The remaining approximately 1% (\$779,269) is available annually from our local surcharge to support Historic Preservation, Open Space, Recreation and Affordable Housing as approved by Town Meeting. The estimated State match of \$707,000 is available in addition to the local CPA surcharge. The Board will consider reduction of 1% by "Home Rule" petition/Special Legislation.

**ARTICLE 13:** Shall Town Meeting members be required to sit in areas designated by precinct? Thereby promoting the openness and Public Accountability prescribed within THE CONSTITUTION of the UNITED STATES under ARTICLE I SECTION V Paragraph III. Or take any other action. On request of Marc Finneran and others.

**RECOMMENDATION (Board of Selectmen):** Indefinite Postponement

**EXPLANATION:** This matter is best determined by Town Meeting and should be properly presented to the Town Meeting Rules and Procedures Committee.

**ARTICLE 14:** To see if the Town will vote to raise and appropriate a sum of money for the purpose of constructing an all purpose athletic field to be located at Falmouth High School, or do or take any other action on the matter. On request of Karen Bissonnette and others.

**RECOMMENDATION (Finance Committee):** Indefinite postponement

**EXPLANATION:** At the time this article was considered, the petitioners did not have complete financial information for the funding and project cost.

**ARTICLE 15:** To fund remaining Wind 1 debt obligation via a debt exclusion ballot question.

To see if the town will vote to advise the Board of Selectmen to place a question on the Spring 2013 annual town election ballot to fund the remaining outstanding debt for the financing of Wind 1 as a debt exclusion under the provisions of Proposition 2 ½, and further, if the question is approved by a majority of the voters of Falmouth, the Board of Selectmen, shall immediately order the permanent termination of operations of both Wind 1 and Wind 2, or act in any way relative thereto. On request of Kathryn L. Elder and others.

**RECOMMENDATION (Board of Selectmen):** Indefinite postponement

**EXPLANATION:** This article as presented is incomplete. The Board recommends that the Town consider this request at the Special Town Meeting as presented in related Articles 21, 22, and 23. The Board of Selectmen has voted to see if the Town will exempt from the provisions of proposition 2 ½ the remaining debt obligated for the construction of Wind I.

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, 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 Town Manager.

**RECOMMENDATION (Finance Committee):** Indefinite postponement

**EXPLANATION:** No final agreement has been reached.

**ARTICLE 17:** To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee, Local 1636, 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 Manager.

**RECOMMENDATION (Finance Committee):** Indefinite postponement

**EXPLANATION:** No final agreement has been reached.

**ARTICLE 18:** To see if the Town will vote to amend the Town's Salary Administration plan as follows:

Action	Position	Grade	Start	End
Delete	Chief Harbormaster	M-9	\$32.79	\$42.79
Delete	Director of Natural Resources	M-9	\$32.79	\$42.79
Add	Director of Marine & Env. Services/Harbormaster	M-10	\$35.25	\$46.00
Delete	Asst. Director of Natural Resources/Shellfish Constable	M-7	\$28.38	\$37.05
Add	Deputy Director of MES/Shellfish Constable	M-8	\$29.80	\$38.89
Delete	Deputy Harbormaster	G-7	\$17.10	\$21.63
Add	Maintenance Worker	G-6	\$15.98	\$20.22
Delete	Administrative Clerk	G-7	\$17.10	\$21.63
Add	Principal Office Assistant	G-8	\$18.30	\$23.15

Delete	Natural Resource Officer	G-9	\$19.58	\$24.77
Add	Field Supervisor - Natural Resource Officer	G-10	\$20.95	\$26.50
Add	Natural Resource Technician	G-7	\$17.10	\$21.63
Delete	Seasonal Assistant Harbormasters (3)	SG-4	\$10.98	\$12.84
Add	Seasonal Asst. Harbormaster/Dockmaster (1)	SG-8	\$14.39	\$16.83
Add	Seasonal Asst. Harbormasters/Constables (2)	SG-7	\$13.45	\$15.73
Delete	Seasonal Waterways Assistants (6)	SG-2	\$9.59	\$11.22
Add	Seasonal Senior Waterways Asst. (2)	SG-4	\$10.98	\$12.84
Add	Seasonal Waterways Assts. (4)	SG-3	\$10.26	\$12.00

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 accept Article 18 with the following modification;

Delete: Natural Resource Technician G-7    \$17.10    \$21.63.

**EXPLANATION:** The Board of Selectmen recommends the creation of a Department of Marine and Environmental Services. The proposed merger will more efficiently utilize Town resources and will better serve the many needs of our coastal resources.

**ARTICLE 19:** 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 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 \$792,079 and transfer into the Capital Stabilization Fund.

**EXPLANATION:** In order to create reserves and fund our capital plan 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. This amount also includes an inflationary factor.

**ARTICLE 20:** To see if the Town will vote to appropriate a sum of money to the general Stabilization Fund. 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 Town vote to raise and appropriate the sum of \$440,000 and transfer into the general Stabilization Fund.

**EXPLANATION:** The Board of Selectmen has adopted a policy goal of maintaining a \$5.5m balance in the Town's general stabilization account which represents 5% of the operating budget. This appropriation attains 50% of that goal.

**ARTICLE 21:** To see if the Town will vote to appropriate a sum of money to the Other Post Employment Benefits Trust Fund 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 Town vote to raise and appropriate the sum of \$100,000 and transfer into the Other Post Employment Benefits Trust Fund.

**EXPLANATION:** There is over a 100 million dollar unfunded liability in Other Post Employments Benefits (Health Insurance). Currently, there is not a requirement to fund the liability however, The Town desires to partially fund the trust fund every year in order for it to have a positive effect on the Bond Rating.

**ARTICLE 22:** To see if the Town will vote to appropriate a sum of money to the Workers Compensation Trust Fund and 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 \$20,000 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 so the Town needs to start building up a reserve account.

**ARTICLE 23:** 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 2014 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 2014 budget is found in the center section of the Warrant Booklet.

**EXPLANATION:** The explanation will be on Town Meeting floor.

**ARTICLE 24:** To see if the Town will appropriate a sum of money for the purposes of funding, design, construction and any other costs related to implementation of the Town's Comprehensive Wastewater Management Plan and regulatory requirements associated with permitting the wastewater treatment system. And to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the sum of \$5,600,000 is appropriated to pay costs of design , constructions and any other costs related to implementation of the Town's Comprehensive Wastewater Management Plan and regulatory requirements associated with permitting the wastewater treatment system, 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. 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 three phases of this project. \$4,500,000 for engineering and design for the Little Pond Sewer area, 300,000 for engineering and design for the Bourne's Pond Inlet Widening and \$800,000 for Wastewater Treatment Facility upgrades. Taking advantage of the Town's existing debt drop-off (window of opportunity) this project will not be an increase in the tax levy.

**ARTICLE 25:** To see if the Town will appropriate a sum of money for the purposes of funding design and construction of a water treatment system or water filtration plant, and any other costs related thereto. And to determine how the same shall be raised and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** That the sum of \$3,400,000 is appropriated to pay costs of design and construction of a water treatment system or water filtration plant design, 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. 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 funding the design of the water treatment or filtration plant. Long pond supports 2/3 of the Town’s water supply and building a treatment facility ensures future water quality. This project also takes advantage of the Town’s debt drop-off (window of opportunity) and there will not be an increase in the tax levy.

**ARTICLE 26 :** 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:

<b>Road</b>	<b>From</b>	<b>To</b>	<b>Length</b>	<b>Width</b>
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 26 as printed.

**Explanation:** The Board of Selectmen held a Public Hearing on March 4, 2013 at which time no opposition was heard to taking these roads as public ways. The roads will be taken without betterment assessments because they meet the Town’s standards for acceptance as reviewed by the Planning Board and approved by the Town of Falmouth Engineering Department.

**ARTICLE 27:** To see if the Town will vote, pursuant to G.L. c. 40, § 15A, to DECLARE SURPLUS to the needs of the Town, and pursuant to G.L. c. 40, § 3, to authorize the Board of Selectmen to LEASE, CONVEY or otherwise TRANSFER , a parcel of land situated on Spring Bars Road, comprised of approximately 11.39 acres, more or less, and being shown as Assessors Map 39, Section 15, Parcel 47 and as Lot 1 on a plan of land entitled, “Plan of Land Prepared for Three Hundred Committee in Teaticket, Falmouth, MA,” recorded with Barnstable County Registry of Deeds in Plan Book 635, Page 29, and more particularly described in the Town’s deed recorded with Barnstable County Registry of Deeds in Book 24617, Page 69, subject to a restriction that said property be used for community housing and/or other uses consistent with the Community Preservation Act, 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 27 as printed.

**Explanation:** This article grants the Board of Selectmen the authority to determine the appropriate method to facilitate disposition and to dispose of this 11.39 acre parcel in accordance with the Community Preservation Act and other governing laws or regulations. This is a necessary procedural vote to allow the Town to move forward with the development of Affordable Housing as planned in accordance with Article 1 of the Special Town Meeting of April 2010.

**ARTICLE 28:** To see if the Town will vote to amend Section 172-5 of the Code of Falmouth, entitled, “Rental Property, Fees”, by deleting said section in its entirety. 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 28 as printed.

**Explanation:** This change will allow the Board of Selectmen to establish appropriate fees for the registration of rental property in accordance with its Annual Fee Hearing procedures.

**ARTICLE 29:** 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, 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 raise and appropriate from FY 14 Community Preservation Fund Revenues the sum of \$120,750 for the purpose of funding Community Preservation Administrative Expenses as follows:

Salaries and Benefits \$57,050 .  
Operating Expenses \$63,700

**EXPLANATION:** The Finance Committee concurs with the Community Preservation Committee. The Community Preservation administrative expenses include but are not limited to office supplies, salary expenses for professional staff, staff development and fees associated with technical contract services. The Community Preservation Act allows for up to five percent of the Annual Community Preservation Fund revenues towards Administrative expenses. The Fiscal Year 2014 request is 3.6% of the projected Community Preservation Fund.

**ARTICLE 30:** To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

**RECOMMENDATION (Finance Committee):** The Finance Committee will make its recommendation on Town Meeting floor.