



TOWN OF FALMOUTH
ANNUAL TOWN MEETING
Lawrence School Auditorium
Falmouth, MA 02540
November 6 and 7, 2017

Article

- 1 Reports from Committees and Town Officers
- 2 Appropriate Funds for Unpaid Bills
- 3 Fund Supplement of FY 2018 Budget Approved by Article 18 of the April 3, 2017 ATM
- 4 Fund Capital Improvements
- 5 Fund Non-Capital Improvements
- 6 Petition - Rezoning of Property located at 4 Central Ave, East Falmouth
- 7 Petition - Amend the Official Zoning Map of the Town of Falmouth
- 8 Petition - Approve Resolution, Massachusetts House Bill 3281
- 9 Amend Ch. 36 Code of Falmouth - Falmouth Historic District
- 10 Amend Ch. 49 Code of Falmouth - Town Meetings
- 11 Petition - Amend Ch. 87 Code of Falmouth - Beaches
- 12 Amend Ch. 65 Code of Falmouth - Beaches - Board of Selectmen
- 13 Amend Ch. 137 Code of Falmouth - Revolving Funds
- 14 Amend Ch. 240 Code of Falmouth - Zoning (Section 4)
- 15 Amend Ch. 240 Code of Falmouth - Zoning (Section 221)
- 16 Amend Ch. 240 Code of Falmouth - Zoning (Section 18.2)
- 17 Petition - Accept Ch. 40A, Section 8L - Municipal Agricultural Commission
- 18 Accept Ch. 44 M.G.L. - Peg Access and Cable Related Fund
- 19 Petition - Reaffirm 2005 Coonamessett River Bog Vote and Appropriation
- 20 Amend Ch. 1, Code of Falmouth - Article 1, Section 1-2C - Noncriminal

Disposition

- 21 Amend Classification Plan - Facilities Manager/Facilities Maintenance Manager
- 22 Fund Payment of COLA to the Town Clerk
- 23 Fund Increase in COLA for Retirees
- 24 Fund Provisions of AFSCME, Unit C
- 25 Petition - Purchase or Take by Eminent Domain - Fay Family Property
- 26 Petition - Fund Water Quality Monitoring and Operation Support in Bourne's Pond
- 27 Petition - Fund Repair and Maint. of Trotting Park Upper and Sandwich Road Fields
- 28 CPC - Selectmen Andrews Farm Land Acquisition
- 29 Authorize - Let, Lease or Provide for Management - Andrews Farm

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to hear the reports of the Board of Selectmen, the Conservation Commission and the Coastal Resiliency Action Committee.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to transfer the sum of \$4,072 from certified free cash for the purpose of paying:

Barnstable County Registry of Deeds	125.00
Schwaab	162.00
Mass. Assoc. of Conservation Commission	75.00
United Elevator	210.00
Timothy Buckalew	700.00
Betty Waxman	2,800.00

ARTICLE 3: To see if the Town will vote to appropriate a sum of money to supplement the FY 2018 Budget approved by Article 18 of the April 3, 2017 Annual Town Meeting, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to raise and appropriate the amount of \$120,000 for the purpose of funding line 01-440-5212 (wastewater Department electricity). To be expended under the jurisdiction of the Town Manager.

ARTICLE 4: 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 the matter. On request of the Board of Selectmen.

Amendment (Latimer): to include an option for a grass field in the Falmouth H.S. Field Design

VOTED: By a declared majority vote, a quorum being present on Monday, November 6, 2017 the Town voted to include an option for a grass field in the Falmouth H.S. Field Design

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to transfer the sum of \$4,811,360 from certified free cash, \$1,100,000 from the Capital Stabilization Fund, \$200,000 from the Waterways Improvement Fund, \$52,560 from Article 20 of the November 2014 Town Meeting (King Street), \$66,500 from Article 9 of the April, 2015 Town Meeting (Improvements to Communications Center), \$41,580 from Article 21 of the April, 2015 Town Meeting (White Pine Lane), \$75,000 from Article 9 of the November, 2015 Town Meeting (Communications Center), \$97,000 from Article a16 of the November, 2013 Town Meeting (GIS Flyover), \$250,000 from Article 16 of the November 2013 Town

Meeting (portable radios) and \$29,400 from Article 53 of the November 2012 Town Meeting (Fish Ladder) for the purposes of this article. To include an option for a grass field in the Falmouth H.S. Field Design Said funds to be expended under the jurisdiction of the Town Manager.

Information Technology	
PC Monitors and Software	58,000
Phone System and Maintenance	53,000
General Government	
Golf Equipment	50,000
Radios for Fire, DPW and MES	210,000
Utility Billing System	100,000
Public Safety	
Parking Lot Restructure	650,000
Feasibility/Redesign-Police Station	50,000
Ambulance	345,000
Fire Engine	750,000
Simpson's Bulkhead	200,000
Community Development	
Peterson Farm Bldg Demolition	15,000
Facilities	
DPW Old Garage Renovation	150,000
Falmouth Country Club Windows	50,000
N. Falmouth Fire Station-Ext Paint	35,000
Highway	
Road Main/Const/Sidewalks	800,000
Vehicles/Equipment	
Snow and Ice Control Package	150,000
Replace P-15 One Ton Dumptruck	66,000
Replace A-1 2001 Crown Victoria	37,000
Replace W-14 Lg Dump Truck	220,000

Vehicles/Equipment cont.	
Replace H-15 Hwy Utility Vehicle	72,000
Replace Transit Van	34,000
Water	
Tech Park Tank Painting Prep	100,000
Fresh Pond Well Perchlorate	180,000
Water Meters	175,000
Replace C.G./W.H. Water Main	150,000
Wastewater	
Septage Receiving Upgrades	200,000
Replace WWTF Fuel Tank	95,000
Engineering/Admin	
Coastal Erosion	500,000
Bridge Maintenance	100,000
Parks	
Sand Pro	26,000
Library	
Window Replacement	50,000
Telephone System	50,000
Security Gates	50,000
Schools	
Mullen Hall Cupola Repair	50,000
Falmouth H.S. Field Design	72,400
Replace Boilers-M.P. and E.F.	830,000
Grand Total	6,723,400

ARTICLE 5: To see if the Town will vote to appropriate a sum of money for the purpose of funding non-capital projects, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to transfer the sum of \$900,142 from certified free cash for the purposes of this article. Said Funds to be expended under the jurisdiction of the Town Manager.

Information Technology	
Network Upgrades	24,000
General Government	
Compensation Classification Study	70,000
Laserfiche Upgrade	8,500
Vulnerability Assessment	80,000
Public Safety	
Workstations and Software	11,000
Annual Inlet Dredging	100,000
Engine 105	18,200
Bog/Bournes Pond Fish Passage	29,462
Aquaculture Plan	45,000

Water	
Filter Media Eval-Crooked Pond	60,000
Water Telemetry Upgrade	10,000
Engineering	
Rivers/Pond Maintenance	25,000
NPDES Compliance	50,000
Transport'n Engineering Services	50,000
Parks	
Field Maintenance	200,000
Recreation	
Equipment for Rec Center	10,600
Beach	

Highway	
Sign Making Machine	10,000
Electronic Message Boards	15,000
Bike Path Maintenance	60,000

Trash Containers	16,500
Lifeguard Chair Sun Tops (8)	6,880
Grand Total	900,142

ARTICLE 6: To see if the Town of Falmouth will vote to re-zone the real property located at 4 Central Avenue, East Falmouth, containing 33,474 square feet of land area, being Map 32 Section 04 Parcel 001 Lot 001, from the existing Business 3 (B3) and Agricultural B (AGB) zoning districts to Business 3 (B3) zoning district, and to amend the official zoning map to reflect such zoning change, or to take any action thereon. On petition of Nickerson Street LLC, of East Falmouth.

VOTED: By an electronically counted vote of 114 in favor and 92 in opposition, a quorum being present on Monday, November 6, 2017 having failed to receive the required two thirds vote Article 6 did not pass.

ARTICLE 7: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to rezone from AGA to Light Industrial C2, a parcel of land located off Blacksmith Shop Road in Hatchville, which parcels is shown on the Falmouth Assessors Map 22 Section 02 Parcel 009; and Falmouth Assessors Map 22 Section 02 Parcel 12 003; or do or take and other action on the matter. On petition of Christopher Lynch and others.

VOTED: By a declared failed majority vote, a quorum being present on Monday, November 6, 2017 Article 7 did not pass.

ARTICLE 8: To see if the Town will vote to approve the following resolution, and, if so, to authorize the Board of Selectmen to notify officials of the Commonwealth of Massachusetts that the resolution has been approved in Town Meeting and is the position of the Town of Falmouth:

RESOLUTION:

The Town of Falmouth, Massachusetts urges the officials of the Commonwealth to support Massachusetts House Bill 3281 which calls for (a) the Massachusetts public fund to “sell, redeem, divest or withdraw all publicly-traded securities of thermal coal companies,” and (b) establishing a commission to study divestment of the fund from other types of fossil fuel companies.

On petition of Charles Grant Walker and Others.

VOTED: By a declared majority vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 8 as printed in the warrant.

ARTICLE 9: To see if the town will vote to amend Chapter 36 “Historical Commission” of the Code of Falmouth in the following manner:

- 1) Section 2, Definitions: delete the words “non-profit organization” from the definition of Person Aggrieved and insert in its place the words “charitable

corporation”, so as to read in its pertinent part “...and any charitable corporation in which one of its purposes is the preservation of historic places...”

- 2) Section 4.B. Commission: delete the words “insufficient nominations have been received” and insert in its place the words “no such nominations have been made” so as to read in its pertinent part “If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made, the Board of Selectmen...”.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 9 as printed.

ARTICLE 10: To see if the Town will vote to amend Chapter 49 of the Code of Falmouth, Town Meeting, by deleting Section 8 relative to hand votes. Or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to amend Section 8 of Chapter 49 of the Code of Falmouth as follows:

- **Change the heading to read § 49-8 Voice Vote - Simple Majority Required;**
- Insert the words “or electronic vote” after the words “...a standing vote...” such that the section reads in its entirety:
“If seven or more Town Meeting members rise and question a “yea and nay” vote, without further discussion, a standing vote or electronic vote shall be taken.”

ARTICLE 11: To see if the town will vote to amend Chapter 87: Beaches, Article 1: General Regulations SS 87-3: Ball Playing, by deleting it in its entirety and replacing same with the following:

SS 87-3 Activities Affecting Others:

- a) No radio or any other audio device by which sound may be reproduced and/or amplified shall be operated on any beach or parking facility owned and operated by the Town of Falmouth in such a manner as to be audible beyond a radius of 15 feet from its location
- b) The use of airborne devices including but not limited to kites, drones, planes, personal jetpacks other motorized flying devices is prohibited.
- c) Projectiles including but not limited to baseballs, softballs, footballs, tennis balls, volleyballs, soccer balls, lacrosse balls, golf balls, dodgeballs, rugby balls, bocce balls, Frisbees, horseshoes and lawn darts are prohibited

SS 87-3-1 Shading Devices:

Other than umbrellas with a center pole no greater than 7 feet 6 inches in height and with a circular diameter no greater than 9 feet, and shading devices no larger than 36 inches high by 36 inches wide and 36 inches deep, all shading devices including but not limited to tents, tarps, pavilions, cabanas, sports-brellas, or other devices similar to sports-brellas, or any material mounted on supports are prohibited. Umbrella is defined as a collapsible circular shade consisting of a natural or synthetic fabric stretched over hinged ribs radiating from a center pole without grounding lines or ropes.

SS 87-3.2 Commands of beach personnel:

It shall be unlawful for any person to deliberately disobey any reasonable command of a duly appointed lifeguard, beach monitor or any other Town official while in the legitimate performance of the duty of the enforcement of any beach rule or regulation. Or do or take any other action in the matter. On petition of Howard Grosser and Others.

VOTED: By a declared failed majority vote, a quorum being present on Monday, November 6, 2017 Article 11 did not pass.

ARTICLE 12: To see if the Town will vote to **delete §87-3 of Chapter 87 of the Code** of Falmouth and to amend Chapter 65 of the Code of Falmouth, Board of Selectmen, and adopt a bylaw granting the Board of Selectmen authority to promulgate rules, regulations and orders for conduct and activities at public beaches and parks as follows:

ARTICLE VII
Beach and Park Regulations

§ 65-12. Authority to Regulate

The Board of Selectmen shall be authorized to promulgate rules, regulations and orders for the regulation of conduct and activities at public beaches and parks, and determine penalties for violations thereof, after a public hearing and publication.

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

VOTED: By an electrically counted vote of 133 in favor and 66 in opposed, a quorum being present on Tuesday, November 7, 2017 the Town voted to pas Article 12 as printed.

ARTICLE 13: To see if the Town will vote to amend the Code of Falmouth and adopt a bylaw relative to the use of revolving funds by one or more municipal agencies, boards, departments or offices, as follows:

CHAPTER 137
REVOLVING FUNDS
Article I

§ 137-1. The Town shall be authorized to use one or more revolving funds for use by one or more town agencies, boards, departments or offices which shall be accounted for separately from all other monies in the Town and to which shall be credited any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½ and any amendments thereto; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund or in excess of the total authorized expenditures from such fund, and no expenditure shall be made unless approved in accordance with Sections 41, 42, 52 and 56 of Chapter 41 of the Massachusetts General Laws.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.

No revolving fund may be established contrary to the provisions of the Massachusetts General Laws.

The Town has previously adopted the following Revolving Funds: 1) Emerald House; 2) Recreation Department; 3) Historical Commission; and 4) Shellfish Propagation. These previously adopted Revolving Funds shall be subject to this bylaw.

Other Revolving Funds may be established.

A revolving fund shall be established pursuant to this bylaw. A revolving fund shall be established by order of the Board of Selectmen which order shall specify for each fund: 1) the programs or activities for which the revolving fund may be expended; 2) the departmental receipts in connection with those programs or activities that shall be credited to the revolving fund; 3) the board, department or officer authorized to expend from such fund; and 4) any reporting or other requirements the Town may require. The establishment of any revolving fund shall be made not later than the beginning of the fiscal year in which the fund shall begin. Notwithstanding this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the Director of Finance that the revenue source was not used in computing the most recent tax levy.

The Board of Selectmen shall, on or before July 1 of each year, vote on the limit on the total amount that may be expended from each revolving fund established under this section. In any fiscal year, the limit on the amount that may be spent from a revolving fund may be increased with the approval of the board of selectmen and finance committee.

Upon termination of a revolving fund, the balance in the fund at the end of that fiscal year shall revert to surplus revenue at the close of the fiscal year.

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 7, 2017 the Town voted Article 13 as printed.

ARTICLE 14: To see if the town will vote to amend section §240-4 of the Code of Falmouth “Previously Issued Permits” by deleting the words “six months” and inserting in its place the words “twelve months” so as to read in its pertinent part: “...unless the use or construction is commenced within a period twelve months after the issuance of the permit...”.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 14 as printed in the warrant

ARTICLE 15: To see if the town will vote to amend section §240-221 of the Code of Falmouth “Lapse” by deleting the words “two years” and inserting in its place the words “three years” so as to read in its pertinent part: “A Special Permit granted under this Article shall lapse three years from the date it is granted...”. Or do or take any other action on this matter. On request of the Planning Board.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 15 as printed in the warrant

ARTICLE 16: To see if the town will vote to amend Chapter 240 “Zoning” of the Code of Falmouth by inserting the following:

Section 240-18.2 - Uses Prohibited

Except as provided by Article XLVII, Chapter 240, section 250, Marijuana Treatment Centers, of this zoning bylaw, all types of marijuana establishments as defined in MGL Chapter 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana- related business, shall be prohibited within all zoning districts in the town of Falmouth.

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 16 as printed in the warrant.

ARTICLE 17: To see if the Town will vote to accept Massachusetts General Laws, Chapter 40A, Section 8L, and to establish an Agriculture Commission, or act anything thereon; On petition of the Falmouth Agricultural Commission.

VOTED: By declared majority vote, a quorum being present on Tuesday, November 7, 2017 the Town voted to accept M.G.L. Ch. 40, s. 8L and establish an

Agricultural Commission consisting of seven (7) members to replace the Agricultural Commission established by Art. 35 of the April, 2005 Annual Town Meeting and the current members of said commission shall continue to serve as members of this new commission until their current terms expire.

ARTICLE 18: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53F¾ relative to the establishment of a separate revenue account to be known as the PEG Access and Cable Related Fund into which may be deposited funds received in connection with a franchise agreement between a cable operator and the Town. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 18 as printed.

ARTICLE 19: To reaffirm the Town Meeting votes on April 12, 2005 to accept a compromise on river restoration and farming on the town bogs along the Coonamessett River, and on November 14, 2005 to appropriate funds to implement the compromise in Lower and Middle Bogs. The compromise provided for river restoration and wetland meadow in Lower Bog and river restoration and continued cranberry cultivation on Middle Bog with vegetated berms separating the bog from the river.

The goal of the compromise was and is to improve the health of the river and preserve as much as possible of the historic agricultural vista of the 120-year-old bogs that are a part of East Falmouth’s heritage and sense of place.

On petition of the Friends of the Coonamessett Cranberry Bogs and Harvest Festival.

VOTED: By an electronic roll call vote of 58 in favor and 138 opposed, a quorum being present on Tuesday, November 7, 2017 Article 19 did not pass.

AFONSO, PHILIP	No	AGUIAR, DEBORAH ANN	Yes	ALLIEGRO, MARK	Yes
ALLIEGRO, MARY ANNE	Yes	ALVES, A JOHN	-	ALWARDT, MARY ELLEN	Yes
ANDERSON, GARY	-	ANTONUCCI, ROBERT	No	ASENDORF, MARTHA	No
AUGUSTA, SUSAN	Yes	BAKER, ROBERT	No	BAKER, STEPHEN	-
BARRY, MARY	Yes	BEARCE, JOHN	No	BIDWELL, TODD	No
BISSONNETTE, KAREN	No	BORDEN, MARGARET	No	BRADLEY, RICHARD	Yes
BRAGA, MEGAN	No	BRAZIER, RUTH	No	BRODEUR, JEFFREY	No
BROWN, DOUGLAS	Yes	BUCKLEY, DONNA	No	BUESSELER, KENNETH	No
BUESSELER, WENDI	No	CALLAHAN, JAMES	-	CIARLETTA, BETH	No
CLARK, PETER	No	COLLINS III, JOHN	No	CONNOLLY, ANNE	Yes
COOK, PETER	No	COOL, ANNIE	No	CROTTY, WALTER	-
CUMMINGS, JAMES	No	CUNY, SANDRA	-	DAVIS, LINDA	Yes
DAY, PHYLLIS	Yes	DEWEES, ANNE	No	DONAHUE, ROBERT	No

DONALD, J MALCOLM	Yes	DORRIS, WEATHERLY BARNARD	No	DREYER, PAUL	No
DUBOIS, DAVID	No	DUFFANY, MICHAEL	Yes	DUFFANY, TODD	Yes
DUFRESNE, ADRIAN	Yes	DUFRESNE, ALICE	No	DUGAN, HARRIET	Yes
DUGAN, ROBERT	No	DYER, RONALD	No	DYNAN, WILLIAM	No
EASTMAN JR, CHARLES	No	ELDER, FRANCIS	No	ELDER, KATHRYN	Yes
ESTES, NATHANIEL	No	FENWICK, JUDITH	Yes	FERNANDES, DYLAN	-
FERREIRA, RUSSELL	-	FINNELL, MARGARET	Yes	FINNERAN, MARC	-
FITZELLE, ALBERT	Yes	FLYNN, MARY PAT	Yes	FOREMAN, KENNETH	-
FUNFAR, BARRY	-	GEISHECKER III, FRANK	Yes	GILLIS, MARTHA	No
GIRARD, LOIS	No	GORDON, HELEN	No	GOULART, RICHARD	Yes
GUSTIN, THOMAS	-	GUTHRIE, BEN	-	HADDAD SR., DAVID	No
HARGRAVES, KAREN	No	HARGRAVES, PETER	No	HARRIS, MARY	No
HAYWARD, NANCY ANN	Yes	HEATH, AUSTIN	No	HERBST, RALPH	No
HOFFER, DONALD	Yes	HOFFER, STEFANIE	Yes	HOULE, LOUISE	-
HUNT JR., H. CARTER	Yes	HYATT, JASON	No	JAKUBA, RACHEL	No
JENSEN, AILEEN	No	JOHNSON, LEONARD	No	JOHNSON, PATRICIA	No
JONES, CLAYTON	No	JONES, DOUGLAS	No	KANELLOPOULOS, BARBARA	Yes
KANELLOPOULOS, PAUL	No	KAPP, PAUL	Yes	KARPLUS, SIA	No
KASPARIAN, MICHAEL	Yes	KAVANAGH, KEVIN	No	KEEFE, BRIAN	Yes
KEEFE, MELISSA	Yes	KELLEY, HEATHER	-	KENDALL, RICHARD	No
KENNEDY, HELEN	No	KETCHUM, PAUL	-	KINNEY, J MICHAEL	No
KIRWIN, AILEEN	No	KLATTENBERG, RONALD	No	KOZENS LONG, SHERYL	-
LARUFFA, CINDY	No	LATIMER, RICHARD	No	LEATHERS, ELLEN	No
LEMAY, HERVEY	Yes	LICALSI, MARK	No	LICHTENSTEIN, LESLIE	Yes
LIEBERMAN, ELIAS	No	LITTLE, MARY	No	LOWELL, NICHOLAS	No
LOWELL, VICTORIA	No	LUTHER, HERBERT	No	LYNCH SR, KEVIN	No
LYNCH, BETTY	-	MACDONALD, PETER	-	MAGNANI, JUDITH	No
MAGUIRE, DEBORAH	No	MALGERI, DAMIAN	-	MARNELL, JAMES	Yes
MARTIN, DAVID	No	MARTIN, DENNIS	No	MARTIN, HELEN	Yes
MARTIN, MICHAEL	Yes	MARTINHO, JOSEPH	-	MASE, ROSE	No
MASSI, LOUIS	No	MCCAFFREY JR., CHARLES	No	MCCLUSKEY, JEAN	Yes
MCDONALD, DAVID	Yes	MEDEIROS, TERRI ANN	No	MINCER, TRACY	-
MOOR, PRISCILLA	No	MORAN, SUSAN	No	MORANO, PATRICIA	Yes
MORSE, JAMES	No	MUELLER, MICHAEL	No	MURPHY SR, JAMES	-
MURPHY, CAROL	No	MURPHY, KEVIN	Yes	MURRAY, KATHLEEN	No
MUSTAFA, AHMED	No	NETTO JR, JOHN	Yes	NETTO, JOSEPH	No
NICKERSON, BRIAN	No	NIDOSITKO SR, JAMES	No	NIELSEN JR., PETER	Yes
NOONAN, DONNA	Yes	NOONAN, JOHN	Yes	OBRIEN BUMPUS, CATHERINE	No
OCONNELL, MAUREEN	Yes	OFFINGER, CATHERINE	No	OPPENHEIM, JEFFREY	No
OSTROFF, ANN-BETH	-	PALANZA, MEGHAN	No	PALMER, LEAH	No
PALMER, MICHAEL	No	PANISH, BARRY	-	PATRICK, MATTHEW	No
PATTERSON JR, SAMUEL	No	PECK, WILLIAM	-	PERRY, JANICE	-

PERRY, NATALIE	Yes	PETERS JR., WILLIAM	Yes	PETERSON, LAURA LORUSSO	No
PETERSON, THOMAS	No	POHLMAN, ALYSSA	No	POLLONI, PAMELA	-
PRATT, KIRA	No	PUTNAM, BRENT	-	PUTNAM, REBECCA	Yes
RAVENS JR, FRED	-	RAVENS, CATHERINE	Yes	REBELLO, JUDITH	No
REILLY, SHANNON	No	RHODES, SCOBA	-	RIEGER, DIANE	No
ROBBINS, LAURIE	-	ROGERS, DEBRA	-	ROGERS, DEBRA-LEE	-
ROGERS, FLANNERY	No	ROGERS, RICHARD	Yes	ROTHSTEIN, PAMELA	No
ROWITZ, RAY	Yes	SACCHETTI, RICHARD	No	SALTER, C DIANE	-
SALTER, DAVID	No	SCANLON, DEBORAH	No	SCHLITZ, RONALD	No
SCHNEIDER, BARBARA	No	SCHNEIDER, GARY	No	SCHUMACHER, ROBERT	No
SCHWALBE, KAREN	No	SELLERS, PAUL	No	SEVEN	-
SHEARER, DANIEL	No	SHEARER, DOUGLAS	No	SHEPHARD, SUSAN	No
SIEGAL, DEBORAH	No	SIMPKINS, GRACE	No	SMITH SR., BRENDAN	-
SMITH, SUSAN	No	SMOLOWITZ, RONALD	Yes	STECHEER, BERNARD	No
STROJNY, CAROL	Yes	SULLIVAN, ELLEN DOYLE	No	SWAIN, BRENDA	No
SWAIN, CHARLES	No	SWAIN, MARY	No	SWAIN, RICHARD	No
SYLVIA, GAIL	No	SZUPLAT, MARGARET	No	TARANTO, KELLY	-
THORROLD, ANDREA	No	THRASHER, SCOTT	No	TOBEY, LINDA	-
TOMPKINS, JACQUES	-	TURKINGTON, ERIC	Yes	VALIELA, VIRGINIA	No
VENDITTI, ELLEN	No	VIEIRA, DAVID	-	VIEIRA, JAMES	No
VOGEL, WENDY	No	WAASDORP JR, PETER	No	WAGGETT, TRACEY	No
WALKER, CHARLES	No	WALRATH, THOMAS	-	WALSH, STEPHEN	-
WATERBURY, JOHN	-	WEBBER, GINA	No	WELCH, KELLY	No
WHEELER, ERIC	Yes	WHITEHEAD, LINDA	Yes	WILLIAMS, CHERYL	-
WILSON, ANDREA	No	WILSON, HOLLY	Yes	WINOGRAD, DEBORAH	No
YOUNG, ROBERT	No	ZAVALA, JAY	-	ZWEIG, RONALD	-

ARTICLE 20: To see if the Town will vote to amend Chapter 1, General Provisions, Article 1, Section 1-2C of the Code of Falmouth regarding Noncriminal Disposition as follows:

a) Amend Ch. 180, Sewers and Septic Systems, to add the Wastewater Superintendent as an additional enforcing official, so as to read:

Chapter/Part/ Article/Section	Subject	Enforcing Official	Fine
Ch. 180 Part 1	Sewers and septic systems	DPW Director	
	Sewer use	Wastewater Superintendent	
	First offense		\$50
	Each subsequent offense		\$100

b) Add Ch. 269, Mooring Regulations, so as to read:

Chapter/Part/ Article/Section	Subject	Enforcing Official	Fine
Ch. 269	Mooring Regulations	Harbor Master	
	First offense		\$50
	Each subsequent offense		\$200

c) Amend “Falmouth Health Regulations” to “Falmouth Health Regulations and Orders of the Board of Health,” so as to read:

Chapter/Part/ Article/Section	Subject	Enforcing Official	Fine
FHR Falmouth Health Regulations and Orders of the Board of Health	Health	Health Agent	
	First offense		\$25
	Second offense		\$50
	Third offense		\$100
	Each subsequent offense		\$200

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

Amendment (Donahue): Add in section b) fourth offense \$300 and each subsequent offense \$300

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 7, 2017 the Town voted to add in section b) fourth offense \$300 and each subsequent offense \$300

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 7, 2017 the Town voted to amend Chapter 1, General Provisions, Article 1, Section 1-2C of the Code of Falmouth regarding Noncriminal Disposition as follows:

a) Amend Ch. 180, Sewers and Septic Systems, to add the Wastewater Superintendent as an additional enforcing official, so as to read:

Chapter/Part/ Article/Section	Subject	Enforcing Official	Fine
Ch. 180 Part 1	Sewers and septic systems	DPW Director Wastewater Superintendent	
	Sewer use		
	First offense		\$50
	Each subsequent offense		\$100

b) Add Ch. 269, Mooring Regulations, so as to read:

Chapter/Part/ Article/Section	Subject	Enforcing Official	Fine
Ch. 269	Mooring Regulations	Harbor Master	
	First offense		\$50
	Each subsequent offense		\$200
	Fourth offense		\$300
	Each subsequent offense		\$300

c) Amend “Falmouth Health Regulations” to “Falmouth Health Regulations and Orders of the Board of Health,” so as to read:

Chapter/Part/ Article/Section	Subject	Enforcing Official	Fine
FHR Falmouth Health Regulations and Orders of the Board of Health	Health	Health Agent	
	First offense		\$25
	Second offense		\$50
	Third offense		\$100
	Each subsequent offense		\$200

ARTICLE 21: To see if the Town will vote to amend the Town’s Salary Administration Plan as follows:

	<u>GRADE</u>	<u>TITLE</u>	<u>MIN</u>	<u>MAX</u>
Delete	8	Facilities Maintenance Manager		\$33.15
			\$43.26	
Add	9	Facilities Manager	\$36.48	
			\$47.61	

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

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 21 as printed.

ARTICLE 22: To see if the Town will vote to authorize the payment to the Town Clerk of the Cost of Living Adjustment (COLA) for the fiscal year beginning July 1, 2017, said allowance to be the same as paid to all other town employees in the same grade of the Salary Administration Plan and shall be in addition to the Town Clerk’s salary as voted by Article 5 of the April 5, 2017 Annual Town Meeting. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 22 as printed.

ARTICLE 23: To see if the Town will vote, in accordance with M.G.L. Chapter 32 §103(j) and Section 19 of Chapter 188 of the Acts of 2010, to increase from \$12,000 per year to \$14,000 per year the maximum base amount upon which the annual cost-of-living-adjustment (COLA) for a retiree is calculated. Said increase is to be effective July 1, 2017. On the request of the Falmouth Contributory Retirement Board

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Article 23 as printed.

ARTICLE 24: To see if the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing September 21, 2016 as agreed to by the Town of Falmouth and American Federation of Federal, State, County Municipal Employees Associations (AFSCME) Unit C, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted to transfer the sum of \$56,400 from certified free cash for the purposes of funding Article 24. To be expended under the jurisdiction of the Town Manager.

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectman to PURCHASE OR TAKE BY EMINENT DOMAIN the parcels of land and buildings thereon known as 0 and 356 Main St. and 0 and 3 Lantern Lane, now or formerly owned by The Fay Family, for the purpose of developing a mixed-use project more in line with the character of our Main St. and the desires of our residents and taxpayers and further to appropriate a sum of money for the purpose, to determine how the same shall be raised including borrowing and by whom expended, or to do or take any action on this matter. On petition of Marc Finneran and others.

Amendment (Connolly): To strike the main motion in its entirety and insert, to appropriate one hundred thousand dollars (\$100,000) from certified free cash to be expended under the jurisdiction of the Town Manager and Board of Selectmen to enter into negotiations to obtain the parcels of land and buildings thereon known as 0 and 3 Lantern Land and 0 and 556 Main St., now or formerly owned by Fays Realty Trust, John J Fay, Trustee

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 7, 2017 the Town voted to amend article 25 by striking the main motion in its entirety and insert, to appropriate one hundred thousand dollars (\$100,000) from certified free cash to be expended under the jurisdiction of the Town Manager and Board of Selectmen to enter into negotiations to obtain the parcels of land and

buildings thereon known as 0 and 3 Lantern Land and 0 and 556 Main St., now or formerly owned by Fays Realty Trust, John J Fay, Trustee

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 7, 2017 the Town voted, to appropriate one hundred thousand dollars (\$100,000) from certified free cash to be expended under the jurisdiction of the Town Manager and Board of Selectmen to enter into negotiations to obtain the parcels of land and buildings thereon known as 0 and 3 Lantern Land and 0 and 556 Main St., now or formerly owned by Fays Realty Trust, John J Fay, Trustee

ARTICLE 26: To see if the Town will vote to advise the Board of Selectman to appropriate \$75,000 of certified free cash to finance water quality monitoring and operational support for the second year of the planned three-year nitrogen attenuation evaluation program in Bournes Pond to improve water quality and to meet, to the degree possible, the nitrogen Total Maximum Daily Load (TMDL) for that estuary, using the shellfish nitrogen mitigation option to complement the Town's Marine and Environmental Services Department's ongoing shellfish production activities and to determine how the same will be raised and by whom expended. Or do or take any action on the matter. On petition of Ronald Zweig.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Indefinite Postponement.

ARTICLE 27: To raise and appropriate \$47,500 for the maintenance of all three Trotting Park Fields (Upper) and Sandwich Rd. (Lacrosse and Football) field including the purchase of necessary materials, top dressing, regrading, over seeding, winterize, de-winterize, appropriate fertilization, watering and repairs to irrigation, and all necessary restoration and maintenance to render the fields safe for active recreation. Said sum to be expended under the jurisdiction of the Board of Selectmen. On the petition of Lori Dillon and others.

VOTED: By a unanimous vote, a quorum being present on Monday, November 6, 2017 the Town voted Indefinite Postponement.

ARTICLE 28: To see if the Town will vote to authorize the Board of Selectmen, to PURCHASE OR TAKE BY EMINENT DOMAIN, all or a portion of land in Falmouth, Barnstable County, Massachusetts, to be under the care and control of the Falmouth Conservation Commission for conservation, agriculture and passive recreation purposes, and/or a portion thereof under care and control of the Board of Selectmen and held in the town's general inventory, being described as follows:

Parcels A and B shown on a plan entitled "Subdivision of Land of Tony Andrews & Marina F. Andrews in East Falmouth Mass." Dated May 4, 1978 and recorded in Barnstable County Registry of Deeds in Plan Book 329, Pages 9 and 10 (hereafter the "Andrews Plan") and property known as 394 **Old Meetinghouse Road consisting of 36.71± acres collectively and commonly** referred to as the Tony Andrews Farm together with any improvements

thereon, also referred to as Assessors Parcels 21 08 016 000, 21 08 016A 000 and 21 08 016B 000. Also included is the fee interest in Berry Patch Lane subject to certain rights of access and egress to the adjoining property shown as Lots 1 through 6 on the Andrews Plan (the "Property").

And, further, to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition, and to determine how the same shall be raised, including certified free cash, appropriation from the Community Preservation Fund, under the Community Preservation Act, or by borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) of the Massachusetts General laws, or any other enabling authority and to issue bonds or notes of the Town therefore.

And, further, that the Board of Selectmen and the Town Manager be authorized to submit, on behalf of the Town, any and all applications deemed necessary under the Self-Help Act, General Laws, Chapter 132A, Section 11 (now, so-called LAND grant), and/or any other sources, including those in aid of conservation, passive recreation or agricultural land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition within the scope of this Article, or take any other actions relative thereto.

And, further, that the Board of Selectmen and Conservation Commission be authorized to grant a conservation restriction over all or a portion of the Property in **perpetuity, in accordance with M.G.L. c. 184, §§ 31-33, to The 300 Committee Land Trust, Inc.**, or similar non-profit organization or governmental entity, dedicated to land conservation purposes, limiting the use of the property to the purposes for which it was acquired, as set forth in G.L. Ch. 44B, § 12(a).

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

VOTED: By a declared two thirds majority vote, a quorum being present on Tuesday, November 7, 2017 the Town voted to authorize the Board of Selectmen, to purchase all or a portion of land in Falmouth, Barnstable County, Massachusetts, to be under the care and control of the Falmouth Conservation Commission for conservation, agriculture and passive recreation purposes, and/or a portion thereof under care and control of the Board of Selectmen and held in the town's general inventory, being described as follows:

Parcels A and B shown on a plan entitled "Subdivision of Land of Tony Andrews & Marina F. Andrews in East Falmouth Mass." Dated May 4, 1978 and recorded in Barnstable County Registry of Deeds in Plan Book 329, Pages 9 and 10 (hereafter the "Andrews Plan") and property known as 394 **Old Meetinghouse Road consisting of 36.71± acres collectively and commonly** referred to as the Tony Andrews Farm together with any improvements thereon, also referred to as Assessors Parcels 21 08 016 000, 21 08 016A 000 and 21 08 016B 000. Also included is the fee interest in Berry Patch Lane subject to certain rights of access and egress to the adjoining property shown as Lots 1 through 6 on the Andrews Plan (the "Property").

And, further, that the Town vote to appropriate the sum of \$1,375,000.00 with \$800,000.00 from the Community Preservation Fund undesignated fund balance and \$575,000.00 from certified free cash for the acquisition of the foregoing land, including costs incidental and related thereto, and to authorize the Board of Selectmen or its designee to accept any gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of the cost of acquisition.

And, further, that the Town vote to authorize the Board of Selectmen and the Town Manager to accept, on behalf of the Town, any and all grants for this purpose, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, for the acquisition within the scope of this Article, or take any other actions relative thereto.

And, further, that the Town vote to authorize the Board of Selectmen and Conservation Commission to grant a conservation restriction over all or a portion of **the Property in perpetuity, in accordance with M.G.L. c. 184, §§ 31-33, to The 300 Committee Land Trust, Inc., or similar non-profit organization or governmental entity, dedicated to land conservation purposes, limiting the use of said property to the purposes for which it was acquired, as set forth in G.L. Ch. 44B, § 12(a).**

And further that the Town vote to accept a gift of \$450,000 from The 300 Committee, Inc., for the purpose of this Article.

And further that the Town vote that all said appropriated sums shall be expended under the jurisdiction of the Town Manager and Community Preservation Committee

ARTICLE 29: To see if the Town will vote to authorize the Board of Selectmen to let, lease or provide for the management of the Andrews Farm property, or any part thereof, for a term of not more than 20 years, upon such terms and conditions as the Board of Selectmen may determine, or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 7, 2017 the Town voted Article 29 as printed.