



WARRANT FOR THE NOVEMBER ANNUAL TOWN MEETING
TUESDAY, NOVEMBER 13, 2012 AT 7:00 PM

1. Hear reports of Committees and Town Officers
2. Unpaid bills
3. Amend Chapter 240 - Zoning - Windmills
4. Petition - Amend Article 4 - structures
5. Grant easement Surf Drive Beach, Surf Drive and Mill Road
6. Adopt By-law - Private Roads
7. Adopt - Nitrogen Control Bylaw
8. Falmouth Home Rule Charter - Town Meeting Vacancies
9. Falmouth Home Rule Charter - Town Meeting Rules and Procedures Committee
10. Falmouth Home Rule Charter - Town Clerk
11. Falmouth Home Rule Charter - Watchman of the Warrant
12. Falmouth Home Rule Charter - Board of Selectmen
13. Falmouth Home Rule Charter - Elected Town Boards and Officers
14. Falmouth Home Rule Charter - Planning Board
15. Falmouth Home Rule Charter - Town Manager appointments
16. Falmouth Home Rule Charter - Administrative Organization
17. Falmouth Home Rule Charter - Acting on Interim Town Manager
18. Falmouth Home Rule Charter - Vacancies on Town Boards
19. Falmouth Home Rule Charter - Governmental Bodies
20. Falmouth Home Rule Charter - Violations of Home Rule Charter
21. Falmouth Home Rule Charter - Review of Town By-laws
22. Falmouth Home Rule Charter - Definitions
23. Fund AFSCME Local 136 contract
24. Fund Firefighters Local 1397 contract
25. Fund Laborers Local 1249 contract
26. Fund Superior Officers' Association contract
27. Fund Lieutenants, NEPBA Local 165 contract
28. Amend Salary Administration Plan - Create Grade 10A
29. Amend Salary Administration Plan - Asst. Superintendent - Parks & Forestry/Deputy DPW Director
30. Amend Salary Administration Plan - Fisheries Technician
31. Appropriation to Capital Improvement Stabilization Fund
32. Capital Improvements
33. Rescind authorizations to borrow - New Silver Sewer System
34. Petition - Feasibility Study - Athletic Field Complex
35. Petition - Zoning By-law Wind turbines
36. Petition - Drinking Supply Notification
37. Petition - Charter Compliance Committee
38. Petition - Catastrophic Event Response Plan
39. Petition - Exemptions for Sewer Connections and Betterment Fees
40. Petition - Wastewater Discharge - Sites 7 and 10
41. Petition - Support Board of Selectmen and Consensus Building Institute
42. Petition - Operation of Wind 1 and Wind 2
43. Community Preservation Fund - Historical Society Conant House
44. Community Preservation Fund - Bell Tower, Church of the Messiah
45. Community Preservation Fund - PAL Playground
46. Community Preservation Fund - Invasive Plant Removal Project Oyster Pond
47. Community Preservation Fund - Falmouth Affordable Housing Fund
48. Fund Assessor's Revaluation
49. Personal Property Tax
50. Appropriate funds for Falmouth Fire Rescue Department Radio System
51. School Department Budget Request
52. FY 2013 Budget Adjustments
53. Repair and Reconstruction of Fish Ladder - Cedar Lake and Rand 's Canal
54. Bournes Pond Dredging
55. Energy Management Services Contract
56. Investment Grade Energy Audit Consultant
57. Funding Article

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to accept the reports of the Board of Selectmen, Charter Review Committee, Community Preservation Committee, Wind Turbine Option Group, Finance Committee, and Water Quality Management Committee.

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.

VOTED: By a declared four fifth (4/5) majority vote, a quorum being present on Tuesday, November 13, 2012 the town voted to appropriate the sum of \$7,334.67 from Certified Free Cash and \$3,000 from Community Preservation Administrative account to be expended under the jurisdiction of the Board of Selectmen for the purposes of paying unpaid bills from a prior fiscal year as follows:

Personnel Office	Government Finance Officers Association	\$ 500.00
DPW – Highway	CRT Recycling, Inc.	\$ 750.00
Community Preservation	GHD, Inc.	\$3,000.00
Finance Committee	UMass Boston – Collins Center	\$2,299.67
Selectmen	Falmouth Publishing Co., Inc.	\$ 288.00
Street Lighting	Republic ITS – Siemens	\$3,302.00
Street Lighting	Republic ITS – Siemens	\$ 195.00

ARTICLE 3: 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.A (12) - 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 -§§240-166 A – E in the entirety.

5) **Insert** the following:

Article XXXIV (34) Wind Energy Systems

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.

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), 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 that has been operational for at least two years.

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.

D. 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 no less than fifty-one (51) percent the electricity produced on a yearly basis by the wind energy system (WES) shall be utilized by the principal use(s), adjusted for occupancy, and located on the same lot.

Ambient Sound Level: the background A-weighted decibel average that is exceeded 90% of the time 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.

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 small 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. (See attached memo for explanation)

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 between 0.3 and 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.

E. Applicability/Exceptions Any provisions or requirements of this Chapter to the contrary notwithstanding:

No wind energy system as defined shall be constructed, or modified without first receiving a special permit from the Planning Board, as outlined herein.

Wind energy systems having a rated capacity of 300 watts or less are exempt from the provisions of this Article.

F. Application Requirements In addition to the requirements found in §301 – 1 thru 15 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.
- 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. Actual power consumption over 2 years for principal uses on the lot.
- d. Met Tower data 12 months.
- e. 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.
- f. 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.

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.

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. A larger setback may be required by the SPGA in order to fulfill the intent of the safety setback based on manufacturer or industry standards for the type of WES under review.
- 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.

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 exterior 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.

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.

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

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 and 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.

VOTED: By a counted vote of 87 in favor and 110 in opposition, having failed to receive the required two thirds vote, a quorum being present on Tuesday, November 13, 2012 the town voted not to pass Article 3.

ARTICLE 4: I am writing this letter to you for you and your board to consider amending the by-law (Article 4) the definition of a structure in reference to the first sentence which states:

{**Structure** – Anything constructed or erected, the use of which requires fixed location on the ground or attachment to something located on the ground, including, but not limited to tennis or similar sports courts and swimming pools if more than 24 inches deep or 250 square feet in area or gas or liquid storage tanks if principally aboveground, but not including retaining walls or fences. }

Proposed change:

{**Structure** – Anything constructed or erected, the use of which requires fixed location on the ground or attachment to something located on the ground, including but not limited to *impervious* tennis or similar sports courts and swimming pools if more than 24 inches deep or 250 square feet in area or gas or liquid storage tanks if principally aboveground, but not including retaining walls or fences. } (**Amended ATM 4-7-1986 ART 71: AFTM 11-15-1999, Art 4 approved 3-22-2000, ATM 4-7-2008, Art 14, approved 5-20-2008**)

Impervious definition impervious | im'pərvēəs | Adjective – not allowing fluid to pass through: an impervious layer of basaltic clay. On request of Joe Santos and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to amend Chapter 240-Zoning—of the Code of Falmouth in the following manner:

Add the following to §240-69.A:

“NOTE 3 Excluded from lot coverage are materials considered pervious by the Building Commissioner, including but not limited to, pervious concrete, pavers, and similar material.”

ARTICLE 5: To see if the Town will vote to authorize the Board of Selectmen to grant an easement on, under, through and across the Mill Road parking lot, a portion of Surf Drive and a portion of Surf Drive beach for the installation and maintenance of a communication cable to Martha's Vineyard, upon such terms and conditions as the Board deems reasonable and proper, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a declared vote, having failed to receive the required two thirds vote , a quorum being present on Tuesday, November 13, 2012 the town voted not to pass Article 5.

ARTICLE 6: To see if the Town will vote to adopt the following by-law to be included in the Code of Falmouth as Chapter 199, Article V, Temporary Repairs To Private Ways, section 199-8.

Section 199-8. Temporary repairs to private ways. In accordance with the provisions of G.L. c. 40, s. 6N, the Town may make temporary repairs on private ways under the following circumstances and conditions:

- A. The type and extent of repairs authorized by this by-law shall be any and all repairs, including drainage work, necessary for safe and convenient travel by the public, up to and including work that would be required to make the private way suitable for acceptance as a public way.
- B. The abutters to the private way may petition to Board of Selectmen with a description of the requested repairs. The petition must be signed by not less than fifty (50) percent of the owners of parcels abutting the private way. The Board of Selectmen shall forward a copy of the petition to the Director of the Department of Public Works who shall determine if the requested repairs are within the capacity of the department to perform and estimate the cost thereof. The Board of Selectmen shall also forward a copy of the petition to the Town Manager, the chief of the Police Department, the chief of the Fire Rescue Department, the Planning Board and the Director of Assessing for review and appropriate comment. If the Director of the Department of Public Works determines that the requested repairs are beyond the capacity of the department to perform, the petition shall be denied. The Board of Selectmen is not authorized to hire any contractors to perform work to make the requested repairs, but may authorize the purchase of materials and supplies.
- C. If the Director of the Department of Public Works determines that the requested repairs are within the capacity of the department to perform, the Board of Selectmen may authorize the repairs at public expense and determine a) whether betterments shall be assessed, the amount thereof and the method of assessment and b) whether a cash deposit shall be required and the amount thereof. Any abutter may, by paying a full share, avoid the betterment assessment.
- D. Such repairs shall be performed only on private ways which have been open to the public for at least 5 years prior to the filing of the petition or which provide access to property owned by the Town of Falmouth.
- E. The Town shall not be liable in any manner or in any amount on account of any damages caused by such repairs.
- F. No repairs shall be made on any private way where there is an outstanding and enforceable covenant filed with the Planning Board under G.L. c. 41, s. 81U or any decision or agreement of any other town board or commission that the Town shall not provide repair or improvement services.

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 Tuesday, November 13, 2012 the town voted Indefinite Postponement

ARTICLE 7: To see if the Town will vote to amend the Town By-Laws by adding to Chapter 237 of the Code of Falmouth as section 237-1 a Nitrogen Control By-law as follows:

Nitrogen Control Bylaw

A. Purpose

A Town Bylaw to conserve resources and protect our environment by regulating the outdoor application of nitrogen in order to reduce the overall amount of excess nitrogen entering the town's Resource Areas as defined in the Wetlands Protection Bylaw (Chapter 235; Section 2) and regulations. Reducing excess nitrogen helps protect and improve the water quality of Falmouth's valuable estuaries.

B. Applicability

This Bylaw shall apply to and regulate any and all applications of nitrogen through fertilizer within the Town of Falmouth.

C. Definitions

“Agriculture” includes farming in all its branches, generally as the cultivation and tillage of the soil, dairying, the production cultivation, growing and harvesting of any agricultural, floricultural, viticultural or horticultural commodities, and shellfishing, including preparations and delivery to storage or to market or to carriers for transportation to market.

“Fertilizer” means a substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of dolomite, limestone, or lime.

“Impervious surface” means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

“Nitrogen” means an element essential to plant growth. For the purposes of the Bylaw, nitrogen may be available as slow-release, controlled-release, timed-release, slowly available, or water insoluble nitrogen, which means nitrogen in a form that delays its availability for plant uptake and use after application and is not rapidly available to turf and other plants; and/or quick-release, water-soluble nitrogen which means nitrogen in a form that does not delay its availability for turf and other plant uptake and is rapidly available for turf and other plant uptake and use after application.

“Turf” means grass-covered soil held together by the roots of the grass, also known as “sod” or “lawn.”

D. Performance Standards

All application of nitrogen shall comply with the following standards:

- a. The application of nitrogen is prohibited between October 16th and April 14th
- b. No person shall cause nitrogen to apply to, or otherwise be deposited to any impervious surface including parking lot, driveway, roadway, sidewalk or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- c. No person shall apply nitrogen directly before or during a heavy rain event
- d. The application of nitrogen is prohibited within 100’ of Resource Areas as defined in Falmouth’s Wetlands Protection Bylaw and regulations.

E. Exemptions

The following activities shall be exempt from Section D:

1. Application of nitrogen for agriculture and horticulture uses
2. Golf Courses, except Performance Standard D(d)
3. Application of nitrogen to gardens, including vegetable and flower, trees, shrubs and indoor applications including greenhouses
4. Application of nitrogen for the establishment of new vegetation in the first growing season, or repairing of turf in the first growing season, after substantial damage
5. Yard waste compost or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

F. Recommendations

The Town of Falmouth strongly recommends that nitrogen should be applied to turf and other plants at the lowest rate necessary. Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual aggregate total application of nitrogen should not exceed 1.0 pounds per 1000 square feet. The application of any nitrogen should be of an organic, slow-release, water-insoluble form.

G. Enforcement Authority

The enforcement authority shall be the Zoning Enforcement Officer or his designees.

H. Severability Clause

Should any section, part or provision of this by-law be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this by-law as a whole or any part thereof, other than the section, part or provision held invalid or unconstitutional.

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

AMENDMENT:(Hampson) That the Town vote to amend Article 7 by adding to D(a) “unless specifically designated by the Town Department of Natural Resources or the Board of Selectmen”.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to amend Article 7 by adding to D(a) “unless specifically designated by the Town Department of Natural Resources or the Board of Selectmen”.

VOTED: By a declared majority vote, a quorum being present on Tuesday, November 13, 2012 the town voted as amended to; Change all section letters, A-H to numbers, 1-8. Change all subsection numbers in the new section 5 to letters, a-e. Change the new subsection 4(d) to read: The application of nitrogen is prohibited within 100 feet of Resource Areas as defined in Falmouth’s Wetlands Regulations FWR 10.02(1)(a-d). Change the new subsection 5(b) to read: Application of fertilizer to golf courses, except that any application of nitrogen on greens or fairways within Resource Areas referenced in section 4(d) shall comply with the recommendations set forth in Section 6, and shall use 85% or higher slow-release, water-insoluble nitrogen, in organic or inorganic form. Change the enforcement in the new section 7 to the “Director of Natural Resources or his designees” So as to read:

Nitrogen Control Bylaw

1. Purpose

A Town Bylaw to conserve resources and protect our environment by regulating the outdoor application of nitrogen in order to reduce the overall amount of excess nitrogen entering the town’s Resource Areas as defined in the Wetlands Protection Bylaw (Chapter 235; Section 2) and regulations. Reducing excess nitrogen helps protect and improve the water quality of Falmouth’s valuable estuaries.

2. Applicability

This Bylaw shall apply to and regulate any and all applications of nitrogen through fertilizer within the Town of Falmouth.

3. Definitions

“Agriculture” includes farming in all its branches, generally as the cultivation and tillage of the soil, dairying, the production cultivation, growing and harvesting of any agricultural, floricultural, viticultural or horticultural commodities, and shell fishing, including preparations and delivery to storage or to market or to carriers for transportation to market.

“Fertilizer” means a substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of dolomite, limestone, or lime.

“Impervious surface” means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

“Nitrogen” means an element essential to plant growth. For the purposes of the Bylaw, nitrogen may be available as slow-release, controlled-release, timed-release, slowly available, or water insoluble nitrogen, which means nitrogen in a form that delays its availability for plant uptake and use after application and is not rapidly available to turf and other plants; and/or quick-release, water-soluble nitrogen which means nitrogen in a form that does not delay its availability for turf and other plant uptake and is rapidly available for turf and other plant uptake and use after application.

“Turf” means grass-covered soil held together by the roots of the grass, also known as “sod” or “lawn.”

4. Performance Standards

All application of nitrogen shall comply with the following standards:

- a. The application of nitrogen is prohibited between October 16th and April 14th unless specifically designated by the Town Department of Natural Resources or the Board of Selectmen
- b. No person shall cause nitrogen to apply to, or otherwise be deposited to any impervious surface including parking lot, driveway, roadway, sidewalk or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- c. No person shall apply nitrogen directly before or during a heavy rain event
- d. The application of nitrogen is prohibited within 100 feet of Resource Areas as defined in Falmouth’s Wetlands Regulations FWR 10.02(1)(a-d).

5. Exemptions

The following activities shall be exempt from Section D:

- a. Application of nitrogen for agriculture and horticulture uses

- b. Application of fertilizer to golf courses, except that any application of nitrogen on greens or fairways within Resource Areas referenced in section 4(d) shall comply with the recommendations set forth in Section 6, and shall use 85% or higher slow-release, water-insoluble nitrogen, in organic or inorganic form.
- c. Application of nitrogen to gardens, including vegetable and flower, trees, shrubs and indoor applications including greenhouses
- d. Application of nitrogen for the establishment of new vegetation in the first growing season, or repairing of turf in the first growing season, after substantial damage
- e. Yard waste compost or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

6. Recommendations

The Town of Falmouth strongly recommends that nitrogen should be applied to turf and other plants at the lowest rate necessary. Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual aggregate total application of nitrogen should not exceed 1.0 pounds per 1000 square feet. The application of any nitrogen should be of an organic, slow-release, water-insoluble form.

7. Enforcement Authority

The enforcement authority shall be the Director of Natural Resources or his designees.

8. Severability Clause

Should any section, part or provision of this by-law be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this by-law as a whole or any part thereof, other than the section, part or provision held invalid or unconstitutional.

ARTICLE 8: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C2 – 11 Vacancy, subsection D, regarding vacancies in the office of Town Meeting members, to read:

D. Vacancies in the office of town meeting member shall be filled until the next annual election by the unsuccessful candidate for Town Meeting in that precinct receiving the largest number of votes at the most recent election. If no such unsuccessful candidate exists, the remaining precinct members shall be called together by the Town Clerk, by written notice, before the next Town Meeting. The Town Clerk shall conduct an election, having first publicized any vacancy in accordance with C7-1. The remaining members shall fill any vacancy by choosing a registered voter residing in the precinct in which the vacancy exists.

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 Tuesday, November 13, 2012 the town voted Article 8 as printed.

ARTICLE 9: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C2 – 12 Town Meeting Committees, subsection C, regarding the Town Meeting Rules and Procedures Committee, to read:

C. The Moderator shall establish a standing committee, the Rules and Procedures Committee, of Town Meeting members, to review town meeting rules, procedures and related town by-laws and submit recommendations to 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 Tuesday, November 13, 2012 the town voted Article 9 as printed.

ARTICLE 10: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C2 – 13 Town Clerk, subsection A, regarding the Rules and Procedures Committee of Town Meeting, to read:

A. The Town Clerk shall serve as the Clerk of Town Meeting and as an ex-officio member of the Rules and Procedures Committee. The Town Clerk shall cause notice of Town Meeting to be posted in the town office building and a public place in each precinct and shall mail copies of the notice, citing the date, place and time of Town Meeting to all Town Meeting members at least ten (10) days before the date of each meeting. The Town Clerk may comply with this section by mailing within the prescribed time the Finance Committee report containing the complete warrant with recommendations and explanations as required by §C8 – 4B of this Charter.

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 Tuesday, November 13, 2012 the town voted Article 10 as printed.

ARTICLE 11: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C2 – 14 Watchman of the Warrant, regarding the Watchman of the Warrant, to read:

The Moderator, or his designee, shall act as the Watchman of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

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 Tuesday, November 13, 2012 the town voted Article 11 as printed.

ARTICLE 12: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, or any other appropriate authority.

Amend § C3 – 2 General powers, subsections A and C, regarding powers of the Board of Selectmen, to read:

A. Set and communicate policies to be carried out by the Town Manager, other officers, and governmental bodies appointed by the Board.

C. Make recommendations to Town Meeting on all articles except those that are the responsibility of the Finance Committee, the Community Preservation Committee or the Planning Board.

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 Tuesday, November 13, 2012 the town voted Article 12 as printed.

ARTICLE 13: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C4 – 1 General provisions, subsection C, regarding other elected town boards and officers, to read:

C. Governmental bodies established or continued under this article shall perform their functions and duties in accordance with the Constitution, General Law, this Charter, by-laws and votes of the Representative Town Meeting. They shall organize annually; elect necessary officers; adopt rules of procedure and voting including the development of agendas; maintain minutes and records of attendance, copies of which shall be public records and shall be filed regularly with the Town Clerk. It is the responsibility of each chairperson to file a current description of the duties and responsibilities of the governmental body and its members with the Town Clerk.

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 Tuesday, November 13, 2012 the town voted Article 13 as printed.

ARTICLE 14: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C4 – 6 Planning Board, subsections C and E (1), regarding the Planning Board, to read:

C. The Planning Board shall be responsible for the development and periodic review of a Master Plan or portions thereof. Such plan may include all or portions of plans developed by other boards or committees, but these inclusions must be approved by a vote of the Planning Board. The Master Plan, also known as the Local Comprehensive Plan, shall be submitted to the Town Meeting and then to the Cape Cod Commission.

E (1). Consult with the Town Manager on the appointment, suspension and removal of the Town Planner.

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 Tuesday, November 13, 2012 the town voted Article 14 as printed.

ARTICLE 15: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C5 – 4 Responsibility for Appointments, subsection A, regarding Town Manager appointments, to read:

A. Subject to the approval of the Board of Selectmen granted within ten (10) working days, the Town Manager shall appoint on the basis of fitness and merit alone, an Assistant Town Manager, a Town Planner, a Town Counsel, a Finance Director, a Director

of Personnel and other department and division heads. The failure of the Board of Selectmen to act within ten (10) working days shall constitute approval of the Town Manager's action. The Town Manager may suspend or remove any person so appointed consistent with the General Laws, this Charter or the by-laws of the Town.

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 Tuesday, November 13, 2012 the town voted Article 15 as printed.

ARTICLE 16: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C5 – 6 Administrative Organization, subsections A, B and C regarding administrative organization, to read:

- A. The administrative functions of town government shall be performed within the organizational framework of several departments, divisions thereof and other administrative organizations as determined by the Town Manager.
- B. The Town Manager shall determine the functions, duties and responsibilities of departments, divisions and other administrative organizations.
- C. The Town Manager, with the approval of the Board of Selectmen, may directly supervise any department, division and other administrative organization; provided, however, such additional duties shall be performed without additional compensation.

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 Tuesday, November 13, 2012 the town voted Article 16 as printed.

ARTICLE 17: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C5 – 13 Acting Town Manager, in its entirety, regarding the acting Town Manager, to read:

§5-13 Acting or Interim Town Manager

- A. The Assistant Town Manager shall perform the duties and responsibilities of the Town Manager during any period when the Town Manager is unable to perform the duties of the office of the Town Manager. If the Assistant Town Manager is also absent or unable to perform, the Board of Selectmen shall designate a competent and qualified person, preferably a town employee, to serve on an acting basis at the will of the board until the Town Manager or the Assistant Town Manager returns to office. No member of the Board of Selectmen shall serve in this capacity. The Board of Selectmen shall make the appointment at a duly noticed open meeting and shall file written notice thereof with the Town Clerk.
- B. The Assistant Town Manager shall perform the duties and responsibilities of the Town Manager during any vacancy in the office of Town Manager. If the Assistant Town Manager is unable to perform, the Board of Selectmen shall designate a competent and qualified person to serve on an interim basis at the will of the board until a permanent Town Manager has been appointed and sworn to the office. No member of the Board of Selectmen shall serve in this capacity. The Board of Selectmen shall make the appointment at a duly noticed open meeting and shall file written notice thereof with the Town Clerk.

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 Tuesday, November 13, 2012 the town voted Article 17 as printed.

ARTICLE 18: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C6 – 2 Publicizing Vacancies, subsections A, B and C, regarding publicizing of vacancies, by DELETING the same.

Amend § C7 – 1 Publicizing of vacancies on town boards, subsections A and B, regarding publicizing of vacancies on appointed boards, to read:

- A. Except as otherwise specifically provided, the Board of Selectmen shall be the appointing authority for all governmental bodies. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, the final date for receiving applications and the expected date of appointments. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.

B. In cases where the Moderator is the appointing authority to a governmental body, the Moderator shall follow a procedure similar to the procedure set forth in paragraph A above: provided, however, the Moderator may delegate the function to a duly appointed nominating committee, which shall follow a similar procedure.

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 Tuesday, November 13, 2012 the town voted to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C6 – 2 Publicizing Vacancies, subsections A, B and C, regarding publicizing of vacancies, by DELETING the same.

Amend § C7 – 1 Publicizing of vacancies on town boards, subsections A and B, regarding publicizing of vacancies on appointed boards, to read:

A. Except as otherwise specifically provided, the Board of Selectmen shall be the appointing authority for all governmental bodies. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, and the deadline for receiving applications.”. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.

B. In cases where the Moderator is the appointing authority to a governmental body, the Moderator shall follow a procedure similar to the procedure set forth in paragraph A above: provided, however, the Moderator may delegate the function to a duly appointed nominating committee, which shall follow a similar procedure.

ARTICLE 19: To see of the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C7 – 2 General provisions, subsections A, B, C and H, regarding general provisions applicable to appointed town boards, to read:

A. Governmental bodies established in this article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of Town Meeting.

B. All governmental bodies of the town shall organize annually; elect necessary officers; adopt rules of procedure and voting, including the development of agendas; maintain minutes of meetings and records of attendance, copies of which shall be public record and shall be regularly filed with the Town Clerk. It is the responsibility of each chairperson to file a current description of the duties and responsibilities of the governmental body and its members with the Town Clerk. Governmental bodies may nominate prospective employee(s) of their choice, who shall then be considered for appointment by the Town Manager. All such employees shall be under the day-to-day supervision of the Town Manager.

C. All governmental bodies shall submit a written report to or meet with the Board of Selectmen at least once in each year.

H. No member of a governmental body shall serve more than three (3) consecutive three year terms, except that members of governmental bodies who serve five (5) year terms shall serve for no more than two (2) consecutive five year terms: provided, however, that the appointment of a member to fill an unexpired term of another member shall not be counted in determining this term limitation.

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 Tuesday, November 13, 2012 the town voted Article 19 as printed in the warrant

ARTICLE 20: To see if the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C9 – 1 (reserved), currently reserved for future use, by adding a new section titled Enforcement, to read:

C9-1 Enforcement

A. Any person who has reason to believe that a town official or governmental body has violated any provision of this charter by action or failure to act may file a written complaint with the Town Clerk, setting forth the circumstances which constitute the alleged violation.

1. The written complaint shall identify the official or governmental body, specify the date and time of the alleged violation and cite the section of the charter allegedly violated.

2. The written complaint shall be filed within thirty (30) days of the alleged violation. Upon receiving the written complaint, the Town Clerk shall forward a copy thereof to the official or the chairperson of the governmental body with a further copy to the Town Manager and the Board of Selectmen.

B. The official or chairperson of the governmental body shall file a reply with the Town Clerk.

1. It shall either acknowledge the alleged violation with proposed remedial action if appropriate and feasible, or deny the alleged violation with a statement of reasons therefore.

2. The reply shall be so filed by an official within 30 days of receipt of a copy of the complaint. In the case of a governmental body, its chairperson shall file a reply within thirty (30) days of the receipt of the copy of the complaint or within ten (10) days after the second regularly scheduled meeting of the governmental body following receipt of the copy of the complaint, whichever is greater.

3. The Town Clerk shall forward a copy of the reply to the complainant with a copy of the reply to the Town Manager and the Board of Selectmen.

C. A complainant who is aggrieved by the reply may pursue any remedy available at law or in equity.

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

AMENDMENT:(Donahue) That the Town vote to amend A(2) by changing thirty (30) days to six (6) months.

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted to amend A(2) by changing thirty (30) days to six (6) months.

AMENDMENT:(Finneran) That the Town vote to amend A(2) by deleting The written complaint shall be filed within six (6) months of the alleged violation.

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted not to amend A(2) by deleting "The written complaint shall be filed within six (6) months of the alleged violation".

VOTED: By a declared two thirds majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C9 – 1 (reserved), currently reserved for future use, by adding a new section titled Enforcement, to read:

C9-1 Enforcement

A. Any person who has reason to believe that a town official or governmental body has violated any provision of this charter by action or failure to act may file a written complaint with the Town Clerk, setting forth the circumstances which constitute the alleged violation.

1. The written complaint shall identify the official or governmental body, specify the date and time of the alleged violation and cite the section of the charter allegedly violated.

2. The written complaint shall be filed within six (6) months of the alleged violation. Upon receiving the written complaint, the Town Clerk shall forward a copy thereof to the official or the chairperson of the governmental body with a further copy to the Town Manager and the Board of Selectmen.

B. The official or chairperson of the governmental body shall file a reply with the Town Clerk.

1. It shall either acknowledge the alleged violation with proposed remedial action if appropriate and feasible, or deny the alleged violation with a statement of reasons therefore.

2. The reply shall be so filed by an official within 30 days of receipt of a copy of the complaint. In the case of a governmental body, its chairperson shall file a reply within thirty (30) days of the receipt of the copy of the complaint or within ten (10) days after the second regularly scheduled meeting of the governmental body following receipt of the copy of the complaint, whichever is greater.

3. The Town Clerk shall forward a copy of the reply to the complainant with a copy of the reply to the Town Manager and the Board of Selectmen.

C. A complainant who is aggrieved by the reply may pursue any remedy available at law or in equity.

ARTICLE 21: To see of the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § C9 – 9 Revisions of by-laws, regarding the revision of town by-laws, to read:

The Board of Selectmen shall ensure that the town by-laws are reviewed and prepared for any necessary revision or amendment at least every five (5) years.

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

VOTED: By a declared two thirds majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted Article 20 as printed.

ARTICLE 22: To see of the Town will vote to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § 9 – 12, Definitions, by adding the following:

FINANCIAL PLAN - A forecast of revenues and expenditures for a predetermined period of time, including operating and capital categories.

GOVERNMENTAL BODY – A multi-member board, committee, commission or subcommittee thereof within the Town, however created, elected, appointed or otherwise constituted, and established to serve a public purpose, whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of the Charter apply to all governmental bodies within the Town unless specifically exempted herein.

LONG RANGE PLAN – A plan developed by the Board of Selectmen sometimes referred to as the Strategic Plan covering areas of importance to the Town.

MASTER PLAN – The Master Plan, sometimes referred to as the Local Comprehensive Plan, is the community vision of the future of the Town, including issues of growth, economic and community development, civic improvements and resource conservation.

MULTI-MEMBER BODY – Any reference to a multi-member body shall be considered a reference to a governmental body as previously defined.

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

AMENDMENT:(Hayward) That the Town vote to amend the definition of Master Plan by adding “historic community character” after economic and community development.

VOTED: By a unanimous vote, a quorum being present on Wednesday, November 14, 2012 the town voted to amend the definition of Master Plan by adding “historic community character” after economic and community development.

VOTED: By a declared two thirds majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted to propose an amendment to the Falmouth Home Rule Charter to be submitted to the voters at the next annual town election for the election of officers for their approval in accordance with the Home Rule Procedures Act, G.L. c. 43B, ss. 10 and 11, and any other appropriate authority.

Amend § 9 – 12, Definitions, by adding the following:

FINANCIAL PLAN - A forecast of revenues and expenditures for a predetermined period of time, including operating and capital categories.

GOVERNMENTAL BODY – A multi-member board, committee, commission or subcommittee thereof within the Town, however created, elected, appointed or otherwise constituted, and established to serve a public purpose, whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of the Charter apply to all governmental bodies within the Town unless specifically exempted herein.

LONG RANGE PLAN – A plan developed by the Board of Selectmen sometimes referred to as the Strategic Plan covering areas of importance to the Town.

MASTER PLAN – The Master Plan, sometimes referred to as the Local Comprehensive Plan, is the community vision of the future of the Town, including issues of growth, economic and community development, historic community character ,civic improvements and resource conservation.

MULTI-MEMBER BODY – Any reference to a multi-member body shall be considered a reference to a governmental body as previously defined.

ARTICLE 23: To see if the Town will appropriate a sum of money to be appropriately 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 the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted Indefinite Postponement.

ARTICLE 24: To see if the Town will appropriate a sum of money to be appropriately 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 the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted Indefinite Postponement.

ARTICLE 25: To see if the Town will appropriate a sum of money to be appropriately 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 Laborer's International Union of North America AFL-CIO Local 1249, 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 Wednesday, November 14, 2012 the town voted Indefinite Postponement

ARTICLE 26: To see if the Town will appropriate a sum of money to be appropriately 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 the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted Indefinite Postponement.

ARTICLE 27: To see if the Town will appropriate a sum of money to be appropriately 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 the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted Indefinite Postponement.

ARTICLE 28: To see if the town will vote and amend the Town's Salary Administration Plan as follows:

Add: New Grade 10A (Salary range of \$37.75 - \$50.19 per hour) TAM Salary Classification Plan

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 Tuesday, November 13, 2012 the town voted Article 28 as printed.

ARTICLE 29: To see if the town will vote to amend the Town's Salary Administration Plan as follows:

Delete: (1) Assistant Superintendent-Parks & Forestry Grade G12

Add: (1) Deputy DPW Director TAM Grade M10A

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

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted Article 29 as printed.

ARTICLE 30: To see if the town will vote to amend the Town's Salary Administration Plan as follows:

Add: (1) Fisheries Technician Grade G-7

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

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted Article 30 as printed

ARTICLE 31: To see if the Town will vote to appropriate a sum of money for the purpose of funding the Capital Improvement Stabilization Fund, 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 Tuesday, November 13, 2012 the town voted Indefinite Postponement.

ARTICLE 32: 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.

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted to appropriate the sum of \$1,322,110 for the purposes of this article and to meet this appropriation the town transfer the sum of \$1,137,461.44 from Certified Free Cash, \$120,000 from Overlay Surplus \$53,000 from the Waterways Fund and \$11,648.56 from expired CIP articles (

\$3,019.42 from Account 01198-58000, \$7,289.14 from Account 01930-58022 and \$1,340 from Account 01122-58002) Said funds to be expended under the jurisdiction of the Board of Selectmen.

PROJECTS (amounts subject to change depending upon bids and final costs)

\$ 75,000 Old Silver Beach Septic	\$ 36,000 DNR Vehicle
\$ 18,360 Replace Peg Noonan Pavilion	\$ 10,000 Harbor Float Replacement
\$ 30,000 Small Equipment – Parks	\$ 43,000 Navigational Dredging
\$ 24,000 Water - Chemical Feed Pumps	\$ 20,000 GIS Software & Application & Equipment Upgrades
\$ 165,000 Water Meters, Mains and Fixtures	\$ 25,000 PC's, licenses, networking etc
\$ 30,000 Bridge Maintenance	\$145,000 Server Upgrades
\$ 25,000 Rivers/Pond Maintenance	\$ 10,000 Scoreboard Replacement - Recreation
\$ 75,000 Building Maintenance	\$ 48,250 Replace School Vans (2)
\$ 50,000 Surf Drive Bath House	\$ 25,000 Beach Nourishment/Site Improvements
\$ 25,000 North Falmouth Library	\$ 45,000 Fire Department Vehicle Replacement
\$ 25,000 West Falmouth Fire Station Septic	\$ 25,000 NPEDS Compliance
\$ 200,000 Road Maintenance/Sidewalks	\$ 30,000 DEP Compliance
\$ 40,000 Fire Equipment/Gear	\$ 35,000 IT Network Upgrade
\$ 42,500 Police Modems and Mobile Data Terminals	

TOTAL CAPITAL IMPROVEMENT PLAN = \$1,322,110

ARTICLE 33: To see if the Town will vote to rescind previous authorizations to borrow as the projects or the purpose have been completed:

Date of TM Vote	Article No.	Purpose	Amount Authorized	Amount Issued	Amount to Rescind	Reason to Rescind
11/97 FTM	72	New Silver Sewer Sys	\$3,567,000	\$1,692,000	\$1,300,075	Unused
04/02 ATM	24	New Silver Sewer Sys	\$1,200,000	0	\$1,200,000	Unused

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

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to rescind previous authorizations to borrow, as the projects or the purpose have been completed:

Date of TM Vote	Article No.	Purpose	Amount Authorized	Amount Issued	Amount to Rescind	Reason to Rescind
11/97 FTM	72	New Silver Sewer Sys	\$3,567,000	\$1,692,000	\$1,375,000	Unused
04/02 ATM	24	New Silver Sewer Sys	\$1,200,000	0	\$1,200,000	Unused
11/00 FTM	15	Treatment Plan Study	\$ 500,000	0	\$ 500,000	Unused
04/03 ATM	21	Purchase Haddad Property	\$502,500	\$ 502,000	\$ 500	Unused

ARTICLE 34: To see if the Town will vote to appropriate a sum of money for the purpose of a feasibility study and for engineering and design services for a multi-purpose athletic field complex to be located at the 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 Jane Norton and others.

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted to appropriate \$35,000 for the purpose of a feasibility study and for engineering and design services for a multi-purpose athletic field complex to be located at the Falmouth High School from certified free cash to be expended under the jurisdiction of the Falmouth School Committee.

ARTICLE 35: To see if the Town will vote to request the Planning Board to draft an updated zoning by-law for wind turbines, to be closely based on the Massachusetts Department of Energy Resources (DOER) of the Massachusetts Executive Office of Environmental Affairs, June 2011 “Model Amendment to a Zoning Ordinance or By-law: Allowing Conditional use of Wind Energy Facilities” (available at <http://www.mass.gov/eea/docs/doer/gca/wind-not-by-right-by-law-june13-2011.pdf>. for vote in Spring 2013 Town Meeting. On request of Kathleen Driscoll and others.

VOTED: By a declared failed majority vote, a quorum being present on Thursday, November 15, 2012 the town voted not to pass Article 35.

ARTICLE 36: To direct the Board of Selectmen, pursuant to the powers and duties conferred by the Falmouth Home Rule Charter, to establish public drinking supply notification protocols whereby the Water Department must notify MassDEP and the residents of the Town of Falmouth within 2 hours of the department obtaining knowledge of a potential or actual emergency. Potential or actual emergencies requiring 2-hour notification are identified in 310 CMR 22.15 (9) (b)1 and shall include existing or potential risk of microbiological or other contamination of the water supply which poses a potential threat to public health. Notification to the public shall be designed to provide the most immediate and broadest form of notification. Notification shall include information on the contaminants, nature of the emergency, potential risks, recommended steps to protect residents’ health, the Department’s action plan and how to obtain additional information. The notification protocol shall be designed to supplement the requirements of MassDEP and USEPA. On request of Marc Finneran and others.

VOTED: By a counted vote of 64 in favor and 108 in opposition, a quorum being present on Thursday, November 15, 2012 the town voted not to pass Article 36.

ARTICLE 37: To amend the Falmouth Home Rule Charter by adding the following language as Article X: Charter Compliance Committee:

There shall be a Charter Compliance Committee consisting of 9 members, appointed by the Town Moderator for 3-year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. The committee shall be comprised of 1 member from each of the town's 9 precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by 1 or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Manager, the Assistant Town Manager, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within 3 weeks after receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman, shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for the hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation for at least 7 days before the hearing date. The hearing shall occur within 60 days after the date of complaint was received by the Town Clerk. At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within 3 weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site. If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact Town Counsel who may file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

On request of Marc Finneran and others.

VOTED: By a declared majority vote, a quorum being present on Wednesday, November 14, 2012 the town voted Indefinite Postponement of article 37.

ARTICLE 38: Whereas, the ongoing Fukushima Daiichi nuclear disaster in Japan demonstrates once again, there is no such thing as a 100% safe nuclear power station;

Whereas, the GE Mark 1 Boiling Water Reactor (BWR) at the Pilgrim Nuclear Power Station (PNPS) in Plymouth, Massachusetts deploys the same design as the three Fukushima Daiichi reactors that experienced core meltdown in March 2011;

Whereas, the obsolete PNPS in Plymouth, Massachusetts, had a maximum forty-year design-life specification, which expired in June 2012, but has been relicensed by the Nuclear Regulatory Commission for another twenty years without substantial upgrading in technology, equipment or operational protocol;

Whereas, radioactive leakage occurs routinely at PNPS, with Falmouth being frequently downwind, and in the event of an accident there is not viable evacuation plan for the Cape and Islands, no plan for sheltering in place, no plan for sheltering those who are trapped on the road, and no consistent plan for the distribution of potassium iodide pills (KI), especially for children caught in schools;

Whereas, the obsolete PNPS deploys pools of water for "temporary" storage of spent radioactive fuel rods with a maximum design specification for 880 bundles, and has recently been relicensed with 3,270 bundles now being stored on site;

Whereas, the Yucca Mountain nuclear waste repository project has been terminated with no long term spent nuclear fuel (SNF) storage solution or policy in effect, SNF will continue to accumulate on site at the PNPS indefinitely;

Therefore, be it resolved that we, the elected representatives of the citizens of Falmouth at Town Meeting, direct that the Local Emergency Planning Committee (LEPC), in conjunction with the Town Manager, the Selectmen and the Planning Board, develop and publish a PNPS catastrophic event response plan that addresses evacuation and sheltering preparedness. And be it further resolved that the Falmouth School Committee be directed to develop and budget for a KI distribution policy for all school children during the school season.

On request of Amelie H. Scheltema and others.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted Indefinite Postponement.

ARTICLE 39: Under the authority granted by MGL Chapter 83, Section 1B the town of Falmouth Town Meeting shall authorize the Board of Selectmen to certify up to sixty two (62) exemptions from future sewer connections and betterment fees attributed to sewer construction for homeowners or business property owners who agree to participate in Falmouth's eco-toilet demonstration project. All of these participants must agree to requirements of the demonstration project that all eco-toilets installed for the demo project comply with the provisions of 310 CMR 15.000 and agree to submit to a town authorized monitoring and inspection plan approved by the department of environmental protections. Such plan may include the assessment of a reasonable fee by the board of health to implement the monitoring and inspection plan. Said property owners may opt to return to the sewer system and agree to pay the betterment fees if their property complies with the department of environmental protection approved CWMP at the discretion of

the Board of Selectmen after a public hearing. The board or officer having charge of sewers 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. On request of Matthew Patrick and others.

VOTED: By a declared majority vote, a quorum being present on Thursday, November 15, 2012 the town voted to request that the Board of Selectmen, acting through the Water Quality Management Committee, pursue exemptions from future sewer connection fees for Falmouth residents that volunteer to enter the Town's Eco-Toilet Demonstration Project, as part of the Comprehensive Waste Water Management Plan under the authority granted by MGL Chapter 83, Section 1B.

ARTICLE 40: To see if the Town will conduct studies to determine what portion of wastewater nutrients, discharged into sites 7 and 10, would reach Crocker Pond and whether Crocker Pond is connected through groundwater to cedar swamps and vernal pools to the south, Mashapaquit Creek and possibly West Falmouth Harbor. Further, the Town will provide estimates of how the flow of discharged wastewater may increase nutrient concentrations in Crocker Pond which is 400 yards from site 7. Said studies should be completed prior to the town taking any action to utilize either site. On request of Andrew P. Bunker and others.

AMENDMENT: That the Town vote to amend Article 40 by deleting "taking any action to utilize" and adding in its place "discharging any treated effluent at" after Said studies should be completed prior to the town taking any action to utilize.

VOTED: By a unanimous vote, a quorum being present on Wednesday, November 14, 2012 the town voted to amend Article 40 by adding "discharging any treated effluent at" after Said studies should be completed prior to the town taking any action to utilize.

VOTED: By a unanimous vote, a quorum being present on Wednesday, November 14, 2012 the town voted to conduct studies to determine what portion of wastewater nutrients, discharged into sites 7 and 10, would reach Crocker Pond and whether Crocker Pond is connected through groundwater to cedar swamps and vernal pools to the south, Mashapaquit Creek and possibly West Falmouth Harbor. Further, the Town will provide estimates of how the flow of discharged wastewater may increase nutrient concentrations in Crocker Pond which is 400 yards from site 7. Said studies should be completed prior to the town discharging any treated effluent at either site.

ARTICLE 41: To see if the Town will vote to support the Board of Selectmen and the Consensus Building Institute (CBI) process for achieving town consensus on the town wind turbine issue. The Board of Selectmen and the CBI are diligently seeking solutions and this process should continue. On request of Kathleen Driscoll and others.

VOTED: By a unanimous vote, a quorum being present on Thursday, November 15, 2012 the town voted Article 41 as printed.

ARTICLE 42: Shut down the operation of Wind I and Wind II. On request of Barry Funfar and others.

VOTED: By a counted vote of 73 in favor and 101 in opposition, a quorum being present on Thursday, November 15, 2012 the town voted not to pass Article 42.

ARTICLE 43: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic preservation for the restoration of the foundation of the Historical Society's Conant House, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to appropriate the sum of \$201,500 from the Community Preservation Fund from estimated receipts, for the purpose of historic preservation for the restoration of the foundation of the Historical Society's Conant House. The foundation of the structure will be restored in a historically appropriate manner according to the Secretary of Interior's Standards for Treatment of Historic Properties and will have a historic preservation restriction as required by the Community Preservation Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of the Article.

ARTICLE 44: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of historic preservation for the restoration of the Bell Tower of the Church of the Messiah, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

VOTED: By a declared majority vote, a quorum being present on Thursday, November 15, 2012 the town voted to appropriate the sum of \$63,000 from the Community Preservation Fund estimated receipts for the purpose of historic preservation restoration of the exterior of the Bell Tower including masonry and shutters of the Church of the Messiah and restored in a historically appropriate manner according to the Secretary of Interior's Standards for Treatment of Historic Properties as required by the Community Preservation Act; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of the Article.

ARTICLE 45: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund undesignated fund balance for the purpose of recreation to create a community recreational playground at the Cape Cod PAL Youth Center grounds, 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.

VOTED: By a declared majority vote, a quorum being present on Thursday, November 15, 2012 the town voted to appropriate the sum of \$20,000 from the Community Preservation Fund undesignated fund balance for the purpose of recreation to create a community recreational playground; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this Article.

ARTICLE 46: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund undesignated fund balance for the purpose of open space to be made available for Phase II of the Invasive Plant Removal Project for the shoreline of water south of Oyster Pond within the view of the Shining Sea Bikeway, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to appropriate the sum of \$8,600 from the Community Prevention Fund undesignated fund balance for the purpose of open space for Phase II of the Invasive Plant Removal Project, the remaining \$4,616 to complete the project will be raised by Oyster Pond Environmental Trust. The project will protect the Lagoon and Trunk River area of Oyster Pond within view of the Shining Sea Bikeway; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this Article.

ARTICLE 47: To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund estimated receipts for the purpose of community housing and to appropriate funds from community housing reserve account to be made available for community housing in the Falmouth Affordable Housing Fund, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to appropriate a sum of \$839,353; \$295,142 from estimated receipts and \$544,211 from the community housing reserve account previously appropriated under Article 38 of the April 2007 Town Meeting, Article 20 of the April 2010, and Article 22 of the April 2012 Special Town Meeting for the purpose of community housing to be made available for the Falmouth Affordable Housing Fund; to be expended under the jurisdiction of the Community Preservation Committee and the Board of Selectmen for the purposes of this Article.

ARTICLE 48: To see if the Town will vote to appropriate a sum of money for the purpose of the Assessors' revaluation, to determine how the same shall be raised and by whom expended, or do or take any other action relating thereto. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Tuesday, November 13, 2012 the town voted to appropriate \$80,000 from Overlay Surplus for the purposes of Article 48 to be expended under the jurisdiction of the Board of Assessors.

ARTICLE 49: To see if the Town will vote to adopt the provisions of Massachusetts General Laws Chapter 59 Section 5 Clause 54; establishing a limit to the tax exemption allowed under said statute to personal property valued \$10,000 and under. 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 Thursday, November 15, 2012 the town voted Article 49 as printed with a reduction in exempted value from \$10,000 to \$2,000.

ARTICLE 50: To see if the Town will vote to appropriate a sum of money to purchase and install a radio system and associated equipment for the Falmouth Fire Rescue Department, 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 Thursday, November 15, 2012 the town voted to appropriate the sum of \$34,026 for the purposes of this article and to meet this appropriation the town transfer \$12,528 from Article 33, 2012 April town meeting and raise \$21,498 from taxation.

ARTICLE 51: To see if the Town will vote to appropriate a sum of money to be added to the FY – 13 Falmouth School Department budget adopted by Article 22 of the April, 2012 ATM, 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 School Committee.

VOTED: By a declared majority vote, a quorum being present on Thursday, November 15, 2012 the town voted to appropriate \$238,890 from certified free cash to be added to the FY – 13 Falmouth School Department budget adopted by Article 22 of the April, 2012 ATM, to be expended under the jurisdiction of the School Committee.

ARTICLE 52: To see if the Town will vote to appropriate a sum of money to make adjustments to or supplement the FY 2013 budget adopted by Article 22 of the April, 2012 ATM, 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 Thursday, November 15, 2012 the town voted to appropriate the following amounts and make the following adjustments to increase the FY 2013 budget:

Town Meeting Advertising	01113-52343	2,000
Legal - Special Counsel-	01150-52300	25,000
Natural Resources - Shellfish Propagation*	01294-52319	80,900
DPW Administration - Salary & Wages	01451-51110	50,000
DPW - Gasoline-	01425-54481	80,000

Solid Waste – Rubbish	01433-82292	80,000
Excluded Debt	01753-59910	415,000
Medicare Tax-	01916-51179	30,000
Employee Benefits - Sick Leave	01919-51152	15,000

by transferring \$50,000 from DPW account 01451-5110 and to Raise and Appropriate \$727,900 for a total of \$777,900 for the purposes of Article 52.

ARTICLE 53: To see if the Town will vote to appropriate a sum of money for the repair and reconstruction of the fish ladder between Cedar Lake and Rand’s Canal at Bay Road, 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 Tuesday, November 13, 2012 the town voted to appropriate \$175,000 from certified free cash for the purposes of Article 53 to be expended under the jurisdiction of the Department of Natural Resources.

ARTICLE 54: To see if the Town will vote to appropriate a sum of money for the purpose of dredging the inlet to Bournes Pond, 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 Thursday, November 15, 2012 the town voted to appropriate \$50,000 from certified free cash for the purposes of Article 54 to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 55: To see if the Town will vote to authorize the Board of Selectmen to enter into a contract not to exceed 20 years for energy management services and to appropriate a sum of money for the purpose of funding an Energy Management Services Contract under M.G.L. Chapter 25A, Section 11I between the Town of Falmouth and an energy management services contractor, 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 declared majority vote, a quorum being present on Thursday, November 15, 2012 the town voted to authorize the Board of Selectmen to enter into a contract not to exceed 20 years between the Town of Falmouth and an energy management services contractor in accordance with G.L. 25S, s. 11I upon such terms and conditions the board deems appropriate.

ARTICLE 56: To see if the Town will vote to appropriate a sum of money for the purpose of engaging a consultant to review the Investment Grade Energy Audit of municipal buildings, and to determine how the same will 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 declared majority vote, a quorum being present on Thursday, November 15, 2012 the town voted to appropriate the sum of \$20,000 from Certified Free Cash for the purposes of this article to be expended under the jurisdiction of the Town Manager.

ARTICLE 57: To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by transferring from available funds, by borrowing or by any combination of the foregoing or other appropriate source. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Thursday, November 15, 2012 the town voted that all articles approved at this Town Meeting be funded as voted for a total of \$3,875,713.67.