



ANNUAL TOWN MEETING
Lawrence School Auditorium
Falmouth, MA 02540
APRIL 2, 2012

1. Choose Town Officers
2. Hear Report Of Committees and Town Officers
3. Authorize Board of Selectmen to settle claims and suits
4. Authorize Board of Selectmen to apply for and accept State and Federal Grants
5. Fix salaries of Elected Officials
6. Revolving Funds
7. Amend Zoning Bylaw – Article II Building Permit Moratorium
8. Rezone 28 Nathan Ellis Highway (A.Minasian)
9. Amend Official Zoning Map of the Town of Falmouth – 740 Thomas B. Landers Road (J.Haddad)
10. Fund – International Association of Firefighters, Local 1397 Contract
11. Fund – American Federation of State, County and Municipal Employee, Local 1636 Contract
12. Fund – Laborers’ International Union of North America, Local 1249 Contract
13. Fund – Falmouth Public Library Association, Massachusetts Laborers’ District Council Contract
14. Fund – Technical, Administrative, Management and permanent employees increase
15. Adopt Bylaw Chapter 39 of the Code of Falmouth – Department of Finance
16. Amend the Salary Administration Plan – Director of Finance and Office Assistant
17. Amend Classification Plan – Department of Public Works
18. Fund – Wind I and Wind II Operational Expenses
19. Establish - Health Insurance Stabilization Fund
20. Establish – Capital Improvement Stabilization Fund
21. Fund – Town’s Capital Improvement Stabilization Fund
22. FY2013 Annual Budget
23. Petition - Continue suspended operation of Wind I and continue curtailment of suspended operation of Wind II (B.Funfar)
24. Petition - Support updated bottle bill (J.Kluever)
25. Petition – Constitutional Amendment on personhood rights (A.Ziss)
26. Petition - Community Preservation Committee funds for Falmouth Ice Arena (P.Moore)
27. Petition – Support plan to mitigate adverse impacts of wind turbines (C.Rawley)
28. Petition – Appoint committee to investigate water department plant and personnel (M.Finneran)
29. Petition – Appoint solid waste manager (M.Finneran)
30. Fund – Administrative expenses Community Preservation Committee
31. Amend Falmouth Code – Chapter 136 Secondhand Dealers and Secondhand Collectors
32. Fund – Tide’s Bulkhead repairs
33. Fund – Town’s share of Federal assistance to firefighter grant

- 34. Fund – Ellen T. Mitchell Beach Administration Building repairs
- 35. Amend Chapter 178 of the Code of Falmouth - Scenic Roads
- 36. Repeal Chapter 213, Article V, §§ 213-13 through and including 21-22 Code of Falmouth – Open Air Parking Lots
- 37. Rescind acceptance of M.G.L ch. 148 § 56 – Open Air Parking Lots
- 38. Funding Article

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

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted to elect members of the Finance Committee as follows: Frances S. Connolly, Weatherly B. Dorris, Stephen Fassett, Susan P Smith, and Paul Sellers for three year terms; Peter Giacomozzi for a two year term; and Nicholas S. Lowell and Thomas F. Brady for one year terms.

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

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted to accept reports presented by the Therese Murray, the Charter Review Committee, the School Committee, the Board of Selectmen and the Finance Committee

ARTICLE 3: To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town. Or do or take any other action in the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 3 as printed in the warrant.

ARTICLE 4: To see if the Town will authorize the Board of Selectmen to apply for and accept state or federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public hearing prior to the Board’s acceptance of any such grant, if said grant requires the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, the Board of Selectmen shall advise the Finance Committee of such anticipated costs prior to the public hearing. Or do or take any other action in the matter. On request of the Board of Selectmen.

VOTED: By a declared majority vote, a quorum being present on Monday, April 2, 2012, the town voted Article 4 as printed in the warrant.

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

Moderator.....	\$1,500
Town Clerk.....	\$70,157
Selectmen (4).....	\$3,000
Chairman of Selectmen... ..	\$3,500

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

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 5 as printed in the warrant.

ARTICLE 6: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain town departments under MGL Chapter 44, Sec. 53E½ for the fiscal year beginning July 1, 2012, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY13 Spending Limit	Disposition of FY12 Fund Balance
Emerald House	Board of Selectmen / Town Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$7,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
TOTAL SPENDING				\$55,500	

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

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 6 as printed in the warrant..

ARTICLE 7: To see if the Town will vote to amend Article II, section 240-10, – Building Permit Moratorium – Windmills – of the Zoning Bylaw by deleting the words “May 1, 2012” and insert in its place the words “May 1, 2013” and by deleting the last sentence of Article II so as to read:

“The provision of the Zoning Bylaw to the contrary notwithstanding, no building permit or special permit for the construction of a windmill, as defined, shall issue until May 1, 2013 or until this Article is repealed by a vote of town meeting, whichever occurs first. The purpose of this Article is to provide the time necessary to study noise, vibration, shadow and other issues associated with the location of this use near residential neighborhoods.”

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

VOTED: By a declared two thirds majority vote, a quorum being present on Monday, April 2, 2012, the town voted Article 7 as printed in the warrant.

ARTICLE 8: To see if the Town of Falmouth will vote to rezone 28 Nathan Ellis Highway, map 05, section 09, parcel 007A, lot 001; business redevelopment. Or do or take any other action on the matter. On request of Antranig Minasian and others.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite Postponement of Article 8.

ARTICLE 9: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to change the existing Agricultural AA Zone by rezoning from Agricultural AA to Light Industrial C the land at 740 Thomas B. Landers Road shown on the Falmouth Assessors Map 15 Section 04 Parcel 14 Lot 00, located south of Thomas B. Landers Road and shown on a plan entitled “Plan of Re-zoning 740 Thomas B. Landers Road West Falmouth, Massachusetts prepared for The Tradesman Realty Trust”, Scale: 1” = 40’, Dated: August 30, 2011, prepared by BSS Design, Incorporated, Engineering & Surveying, 164 Katharine Lee Bates Road, Falmouth Massachusetts 02540.

Or do or take any other action on the matter. On request of John M. Haddad and David A. Haddad, Trustees of The Tradesman Realty Trust dated November 17, 2008 and others.

VOTED: By a counted vote of 141 in favor and 65 in opposition, having received the required two thirds vote, a quorum being present on Monday, April 2, 2012, the town voted Article 9 as printed in the warrant.

ARTICLE 10: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the

Town of Falmouth and the International Association of Firefighters, Local 1397, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite postponement of Article 10.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the American Federation of State, County and Municipal Employee, Local 1636, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite Postponement of Article 11.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Laborers' 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 this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite Postponement of Article 12.

ARTICLE 13: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions for the contract period commencing July 1, 2010, as agreed to by the Town of Falmouth and the Falmouth Public Library Association, Massachusetts Laborers' District Council, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite Postponement of Article 13.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money to be appropriately distributed by the Town Accountant to the accounts affected for the purpose of funding an increase for the Technical, Administrative, Management and permanent employees for the period commencing July 1, 2010, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite Postponement of Article 14.

ARTICLE 15: To see if the Town will vote to adopt a by-law within Chapter 38 of the Code of Falmouth establishing a department of finance as follows:

Chapter 38

Department of Finance

1. There is hereby established in the town of Falmouth a department of finance (hereinafter referred to as the department). This bylaw and the department it creates shall be deemed consistent with the provisions of the Falmouth Home Rule Charter.
2. The department shall include and absorb the present functions, duties and responsibilities of the assessing department, the treasurer, the collector, the accountant and the chief purchasing officer. The town manager may designate these offices as divisions of the department or otherwise arrange them as deemed necessary or expedient. The department shall be managed by a finance director.
3. The department's functions shall include, but shall not be limited to, the following:
 - a. coordination of all financial services and activities of the town;
 - b. provide support and serves as liaison to the Finance Committee;
 - c. to assist the town manager in the preparation of the annual operating budget and annual capital budget; and
 - d. to assist the town manager in long-range financial planning including the forecasting of revenue and expenditures and the general financial condition of the town.
4. The finance director shall be appointed by the town manager in accordance with section C5-4A of the Falmouth Home Rule Charter. The finance director shall be a person particularly qualified by education, training and experience to perform the duties of the position and shall be bonded on an annual basis, at town expense.

5. The director shall exercise administrative control and management of the department and may serve, ex officio, as the accountant, treasurer or collector of the town: provided, however, the director shall not serve, ex officio, as the treasurer or collector and the accountant at the same time.

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, April 4, 2012, the town voted Article 15 as printed in the warrant.

ARTICLE 16: To see if the Town will vote to amend the Salary Administration Plan as follows:

Add: (1) Director of Finance	TAM, Gr. 11
Add: (1) Office Assistant to Director of Finance	TAM, Gr. 02

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

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 4, 2012, the town voted Article 16 as printed in the warrant.

ARTICLE 17: To see if the Town will vote to amend the Town's Position Classification Plan for the purpose of reclassifying the following positions in the Public Works Department.

Delete:	(1) Working Foreman – Parks and School Grounds	Gr. 09
Add:	(1) Field Supervisor – Parks	Gr. 10
Delete:	(1) Working Forman – Forestry	Gr. 10
Add:	(1) Crew Leader – Forestry	Gr. 09
Delete:	(3) Public Works Crew Leader	Gr. 07
Add:	(2) Crew Leader – Parks	Gr. 08
Add:	(1) Assistant Field Supervisor	Gr. 09

Or do or take any other action in this matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 17 as printed in the warrant.

ARTICLE 18: To see if the Town will vote to appropriate a sum of money to pay debt service and maintenance and operation costs of the town wind turbines known as Wind I and Wind II and further to pay costs associated with the purchase of electric power to replace the electric power not produced during periods they are shut down, or do or take any other action on the matter. On request of the Town Manager.

VOTED: By a declared majority vote, a quorum being present on Monday, April 2, 2012, the town voted to transfer the sum of \$60,366.00 from the Wind Energy reserve fund for the purposes of this article to be expended under the jurisdiction of the Town Manager and Town Treasurer.

ARTICLE 19: To see if the Town will vote to create a health insurance stabilization fund as authorized by Chapter 40, section 5B of the Massachusetts General Laws for the purpose of funding employee health insurance costs, including costs incidental and related thereto or do or take any other action on the matter. On request of the Town Manager.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 19 as printed in the warrant

ARTICLE 20: To see if the Town will vote to create a capital improvement stabilization fund as authorized by Chapter 40, section 5B of the Massachusetts General Laws for the purpose of funding capital improvements to the town roads, buildings, utilities, equipment and other infrastructure including costs incidental and related thereto, or do or take any other action on the matter. On request of the Town Manager.

AMENDMENT:(Smolowitz) That the Town vote to amend Article 20 by removing "utilities".

VOTED: By a failed majority vote, a quorum being present on Monday, April 2, 2012, the town voted not to amend Article 20.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 20 as printed in the warrant.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money to the capital improvement stabilization fund established in accordance with Article 20 herewith, for the purpose of funding annual capital improvements, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a declared two thirds majority vote, a quorum being present on Monday, April 2, 2012, the town voted to appropriate the sum of \$800,000.00 to the Capital Improvement Stabilization Fund established under article 20 for the purposes of article 21; provided, however, that no money shall be expended hereunder unless the Town shall have voted to exclude this appropriation from the provisions of Proposition two and one-half, so called, as a capital expenditure exclusion under G.L. c. 59, s. 21C (i ½) by passing a question on the ballot at the May, 2012 annual town election, said sums to be expended under the jurisdiction of the Board of Selectmen.

ARTICLE 22: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for the ensuing 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.

MOTION(Anderson): To see if the Town will vote Article 13 as printed in the warrant with the following changes:

132 SCHOOL DEPARTMENT – 01300

133 Salary & Wages	\$33,289,681
134 Otherwise Unclassified	7,522,463
135 TOTAL	40,812,144

Amendment (Welch): To increase the school department "Otherwise unclassified" budget line number 134 by 238,890 and decrease the three stabilization fund line items by this same amount: Line 301 "General" by 75,000; Line 302 "Capital" by 75,000 and Line 303 "Health Insurance" by 88,890.

VOTED: By a declared failed majority vote, a quorum being present on Wednesday, April 4, 2012, the town voted to not to amend Article 22.

Amendment (Shearer): To increase line number 245 West Falmouth Library-01615 other expenses to 13,219 and decrease line number 248 Woods Hole Library-01617 other expenses to 13,219.

VOTED: By a declared failed majority vote, a quorum being present on Wednesday, April 4, 2012, the town voted to not to amend Article 22.

VOTED: By a unanimous vote, a quorum being present on Wednesday, April 4, 2012, the town voted to:

A.	Appropriate from the Parking Meter fund to be applied to Budget 01210	165,000
B.	Appropriate from Embarkation Fees	350,500
	to Budget 01210-51110 (Police Department Salaries)	
	to Budget 01220-51110 (Fire Department Salaries)	
C.	Appropriate from Wetlands Fund to be applied to Budget 01171	50,000
D.	Appropriate from Waterways Fund to be applied to Budget 01295	65,000
E.	Appropriate from Title V Program to be applied to Budget 01754	41,226
F.	Appropriate from Energy Stabilization Fund	426,363
G.	Appropriate from Road Betterment Account	138,575
H.	Appropriate from Golf Revenues for Principal and Interest Payments	604,282
I.	Appropriate from Community Preservation Fund Estimated Receipts	2,309,130
J.	Appropriate from Bond Premiums	118,000
K.	Appropriate from Waterways Fund to be applied to Marina Debt	71,928
L.	Raise and appropriate under the estimated FY 2013 Levy limit and apply to all other remaining balances under Article 22	108,026,296

FOR A TOTAL OPERATING BUDGET OF

112,366,300

**FISCAL YEAR2013
BUDGET REQUEST WITH EXECUTIVE AND FINANCE COMMITTEE RECOMMENDATIONS**

	DEPARTMENT	FY'12 BUDGET	FY'13 REQUEST	FY'13 RECOMMENDATION	
				EXECUTIVE	FINCOM
1	TOWN MEETING - 01113				
2	Salary and wages	2,000	2,100	2,000	2,000
3	Other expenses	31,000	35,200	31,000	33,000
4		33,000	37,300	33,000	35,000
5	TOWN MODERATOR - 01114				
6	Salary and wages	1,500	1,500	1,500	1,500
7		1,500	1,500	1,500	1,500
8	SELECTMEN/TOWN MANAGER - 01122 (FTE4)				
9	Salary and wages	366,304	366,304	366,800	366,800
10	Other Expenses	22,875	22,875	67,485	52,485
11	Green head fly control++	2,300	2,300	2,300	2,300
12	Appraisals++	1,000	1,000	-	-
13	Town reports++	4,500	4,500	4,500	4,500
14	Chamber of Commerce++	10,000	10,000	10,000	10,000
15	Buzzards Bay Action Committee++	620	620	620	620
16	Out of state travel++	4,300	4,300	4,300	4,300
17		411,899	411,899	456,005	441,005
18	FINANCE COMMITTEE - 01131 (FTE1.4)				
19	Salary and wages	61,995	58,432	98,793	121,986
20	Other expenses	850	850	850	850
21		62,845	59,282	99,643	122,836
22	FINANCE COMMITTEE - 01132				
23	Reserve fund	325,000	325,000	325,000	325,000
24		325,000	325,000	325,000	325,000
25	TOWN ACCOUNTANT - 01135 (FTE3)				
26	Salary and wages	175,888	177,415	177,415	177,415
27	Salary and wages settlement reserve++			250,000	250,000
27	Other expenses	1,715	2,015	2,015	2,015
28	Annual Audit++	45,000	45,000	45,000	45,000
29		222,603	224,430	474,430	474,430
30	ASSESSING DEPARTMENT - 01141 (FTE5.9)				
31	Salary and wages	324,900	324,900	324,900	324,900
32	Other expenses	12,570	12,570	12,570	12,570
33		337,470	337,470	337,470	337,470
34	TOWN TREASURER - 01145 (FTE2)				
35	Salary and wages	140,788	144,370	127,340	127,340
36	Other expenses	160,650	157,808	142,808	142,808
37		301,438	302,178	270,148	270,148
38	TOWN COLLECTOR - 01146 (FTE4)				
39	Salary and wages	231,611	233,354	233,354	233,354
40	Other expenses	49,298	49,298	49,298	49,298
41		280,909	282,652	282,652	282,652
42	LEGAL DEPARTMENT - 01150 (FTE3)				
43	Salary and wages	266,438	269,173	269,173	269,173

44	Other expenses	49,760	51,260	50,760	50,760
45	Special Counsel++	100,000	100,000	100,000	100,000
46		416,198	420,433	419,933	419,933
47	PERSONNEL OFFICE - 01152 (FTE2.9)				
48	Salary and wages	193,253	191,558	191,558	191,558
49	Other Expenses	23,655	23,655	25,655	25,655
50		216,908	215,213	217,213	217,213
51	INFORMATION TECHNOLOGY - 01155 (FTE7)				
52	Salary and wages	508,130	519,559	519,559	519,559
53	Other expenses	166,220	158,563	158,563	158,563
54	Prof/Tech-Cntrtl Serv++	2,500	5,000	5,000	5,000
55		676,850	683,122	683,122	683,122
56	GEOGRAPHICAL INFO SYSTEMS - 01156 (FTE1)				
57	Salary and wages	73,644	73,644	73,644	73,644
58	Other expenses	14,450	14,450	14,450	14,450
59		88,094	88,094	88,094	88,094
60	AFFIRMATIVE ACTION - 01159 (FTE .5)				
61	Salary and wages	42,189	42,189	42,189	42,189
62	Other expenses	2,305	2,305	1,755	1,755
63		44,494	44,494	43,944	43,944
64	TOWN CLERK - 01160 (FTE3.9)				
65	Salary and wages	198,783	199,783	198,783	198,783
66	Other expenses	32,350	35,370	32,350	33,350
67		231,133	235,153	231,133	232,133
68	ELECTIONS - 01162				
69	Salary and wages	30,000	47,000	45,000	45,000
70	Other expenses	15,000	20,310	17,000	17,810
71		45,000	67,310	62,000	62,810
72	CONSERVATION COMMISSION - 01171 (FTE2.8)				
73	Salary and wages	157,458	162,054	162,054	162,054
74	Other expenses	11,050	10,050	10,050	10,050
75	Peterson Farm Management++	200	200	200	200
76	Recording Fees++	400	400	400	400
77	Contractual services++	500	500	500	500
78		169,608	173,204	173,204	173,204
79	PLANNING DEPARTMENT - 01175 (FTE3)				
80	Salary and wages	206,198	208,307	208,307	208,307
81	Other expenses	8,225	14,625	8,225	8,225
82		214,423	222,932	216,532	216,532
83	ZONING BOARD OF APPEALS - 01176 (FTE2)				
84	Salary and wages	109,008	111,117	111,117	111,117
85	Other expenses	4,400	4,500	4,500	4,500
86	Contractual services++	600	600	600	600
87		114,008	116,217	116,217	116,217
88	TOWN INSURANCE - 01193				
89	Overall town insurance++	965,719	965,719	965,719	965,719
90		965,719	965,719	965,719	965,719
91	FACILITIES MAINTENANCE - 01198 (FTE11)				
92	Salary and wages	533,684	538,570	534,561	529,561
93	Other expenses	134,900	144,900	134,900	134,900

94	Building Maintenance++	90,000	100,000	100,000	90,000
95	Custodial Supplies - Beaches++	4,000	4,000	4,000	4,000
96		762,584	787,470	773,461	758,461
97	POLICE DEPARTMENT - 01210 (FTE70.8)				
98	Salary and wages	4,440,624	4,469,732	4,466,232	4,466,232
99	Educational Incentive++	268,491	354,394	354,394	354,394
100	Other expenses	243,118	243,118	243,118	243,118
101	Out of state travel++	4,500	4,500	4,500	4,500
102		4,956,733	5,071,744	5,068,244	5,068,244
103	FIRE DEPARTMENT - 01220 (FTE73.2)				
104	Salary and wages	4,950,733	5,317,331	5,072,557	5,072,557
105	Educational Incentive++	30,000	30,000	30,000	30,000
106	Advanced EMT/paramedic++	263,000	263,000	263,000	263,000
107	Other expenses	501,550	553,550	548,250	548,250
108	Out of state travel++	2,000	2,000	2,000	2,000
109		5,747,283	6,165,881	5,915,807	5,915,807
110	BUILDING INSPECTION - 01241 (FTE8.2)				
111	Salary and wages	493,899	503,997	497,862	497,862
112	Other expenses	28,900	38,800	29,950	29,950
113		522,799	542,797	527,812	527,812
114	EMERGENCY PREPAREDNESS - 01291				
115	Other expenses	6,500	6,500	6,500	6,500
116	Capital equipment - cots**	300	300	300	300
117	Sheltering++	2,000	2,000	2,000	2,000
118		8,800	8,800	8,800	8,800
119	NATURAL RESOURCES - 01294 (FTE6)				
120	Salary and wages	370,491	364,477	351,887	351,887
121	Other expenses	20,896	26,896	26,896	26,896
122	Propagation - fish and game++	12,569	25,100	25,100	25,100
123	MSPCA++	500	500	500	500
124	Animal Disease Prevention++	4,221	4,221	4,221	4,221
125	Animal control supplies++	100	100	100	100
126		408,777	421,294	408,704	408,704
127	HARBORMASTER/WATERWAYS - 01295 (FTE3)				
128	Salary and wages	231,205	231,205	231,205	231,205
129	Other expenses	92,585	92,585	88,585	88,585
130	Site Improvements -Dredging++	17,000	17,000	17,000	17,000
131		340,790	340,790	336,790	336,790
132	SCHOOL DEPARTMENT - 01300				
133	Salary and wages	32,173,055	33,489,681	32,595,046	33,289,681
134	Otherwise unclassified	8,217,098	8,494,797	8,217,098	7,522,463
135		40,390,153	41,984,478	40,812,144	40,812,144
136	UPPER CAPE VOCATIONAL SCHOOL - 01301				
137	Operating expenses	2,862,049	2,922,049	2,922,049	2,897,252
138	Capital program	116,847	116,847	116,847	113,651
139		2,978,896	3,038,896	3,038,896	3,010,903
140	DPW ADMIN/ENGINEERING - 01411 (FTE7.9)				
141	Salary and wages	519,004	570,529	525,561	525,561
142	Other expenses	47,840	59,740	57,240	57,240
143	Out of state travel++	1,700	1,700	1,700	1,700

144		568,544	631,969	584,501	584,501
145	DPW HIGHWAY DIVISION - 01422 (FTE22)				
146	Salary and wages	1,158,765	1,164,068	1,164,068	1,164,068
147	Other expenses	434,132	440,432	434,532	434,532
148	Contractual services++	18,700	18,700	18,700	18,700
149	Supplies - Beach++	4,200	4,200	4,200	4,200
150		1,615,797	1,627,400	1,621,500	1,621,500
151	DPW SNOW and ICE CONTROL - 01423				
152	Salary and wages	30,000	30,000	30,000	30,000
153	Other expenses	66,750	66,750	66,750	66,750
154		96,750	96,750	96,750	96,750
155	STREET LIGHTING - 01424				
156	Power	210,000	230,000	210,000	210,000
157		210,000	230,000	210,000	210,000
158	VEHICLE GASOLINE - 01425				
159	Fuel	330,000	461,000	379,500	379,500
160		330,000	461,000	379,500	379,500
161	WASTE MANAGEMENT FACILITY - 01431 (FTE3)				
162	Salary and wages	139,656	139,656	139,656	139,656
163	Other expenses	188,300	188,300	188,300	188,300
164		327,956	327,956	327,956	327,956
165	SOLID WASTE COLLECTION - 01433				
166	Rubbish contract++	980,000	1,010,000	1,010,000	1,010,000
167	Curb recycling++	508,000	523,000	523,000	523,000
168	SEMASS contract++	410,000	450,000	440,000	440,000
169	Trash hauling++	210,000	210,000	200,000	200,000
170	Transfer station++	171,873	171,873	171,873	171,873
171		2,279,873	2,364,873	2,344,873	2,344,873
172	DPW WASTEWATER UTILITIES - 01440 (FTE8.6)				
173	Salaries and wages	551,560	554,295	554,295	554,295
174	Other expenses	565,802	747,152	567,802	567,802
175		1,117,362	1,301,447	1,122,097	1,122,097
176	DPW WATER UTILITIES - 01451 (FTE18)				
177	Salaries and wages	1,051,103	1,060,478	1,060,478	1,060,478
178	Other expenses	886,400	968,900	886,400	886,400
179	Regional water cooperative++	200,000	200,000	200,000	200,000
180		2,137,503	2,229,378	2,146,878	2,146,878
181	RENEWABLE ENERGY- 01460				
182	Other expenses	-	98,454	98,454	98,454
183		-	98,454	98,454	98,454
184	DPW TREE WARDEN - 01499 (FTE15)				
185	Salary and wages	812,430	806,166	742,147	742,147
186	Other expenses	171,800	171,800	171,800	171,800
187	Contractual services++	7,000	7,000	7,000	7,000
188	Davisville cemetery++	700	700	700	700
189	Woods Hole cemetery++	1,200	1,200	1,200	1,200
190		993,130	986,866	922,847	922,847
191	HEALTH INSPECTION - 01510 (FTE3)				
192	Salary and wages	194,479	194,479	194,479	194,479
193	Other expenses	4,950	4,850	4,850	4,850

194	Contractual services++	1,000	1,000	1,000	1,000
195	Hazardous waste collection++	21,840	21,840	21,840	21,840
196		222,269	222,169	222,169	222,169
197	CLINICS AND NURSES - 01522				
198	Contractual services VNA ++	45,980	45,980	45,980	45,980
199		45,980	45,980	45,980	45,980
200	COUNCIL ON AGING - 01541 (FTE3.4)				
201	Salary and wages	184,308	220,161	197,281	197,281
202	Other expenses	17,400	17,675	17,675	17,675
203	Volunteers to the Elderly++	700	1,000	1,000	1,000
204	Meals on Wheels++	15,000	15,000	15,000	15,000
205		217,408	253,836	230,956	230,956
206	VETERANS SERVICES - 01543 (FTE2)				
207	Salary and wages	116,474	105,053	105,053	105,053
208	Other expenses	4,300	4,300	4,300	4,300
209	Grave maintenance++	800	800	800	800
210	Veterans Council++	3,000	3,000	3,000	3,000
211	Veterans Ordinary Benefits++	300,000	300,000	300,000	300,000
212		424,574	413,153	413,153	413,153
213	COMMISSION ON DISABILITIES - 01560				
214	Other expenses	190	190	190	190
215		190	190	190	190
216	HUMAN SERVICES - 01599 (FTE4.5)				
217	Salary and wages	289,925	287,150	285,686	285,686
218	Other expenses	33,957	35,253	35,253	35,253
219	Upper Cape AIDS Network++	2,633	2,500	2,500	2,500
220	Salvation Army++	1,000	1,500	1,500	1,500
221	Consumer Assistance++	1,072	1,100	1,100	1,100
222	Big Brothers/Sisters++	1,000	1,000	1,000	1,000
223	Independence House++	10,000	10,000	10,000	10,000
224	Fairwinds Clubhouse++	975	1,000	1,000	1,000
225	Legal Services of Cape Cod++	3,500	3,500	3,500	3,500
226	Cape Abilities++	6,529	3,500	3,500	3,500
227	Family Shelter++	10,000	3,000	3,000	3,000
228	Sight Loss Services++	1,000	1,000	1,000	1,000
229	Service Center++	9,000	2,000	2,000	2,000
230	Substance Abuse Commission++	8,000	8,000	8,000	8,000
231	Child Development++	12,815	12,800	12,800	12,800
232	Gosnold Inc.++	19,500	20,000	20,000	20,000
233	Cape Cod Free Clinic++	5,000	6,124	6,124	6,124
234	Child Care++	-	7,000	7,000	7,000
235	Homeless Prevention++	-	8,000	8,000	8,000
236		415,906	414,427	412,963	412,963
237	FALMOUTH PUBLIC LIBRARY - 01611 (FTE26.4)				
238	Salary and wages	1,279,428	1,280,364	1,280,364	1,280,364
239	Other expenses	394,554	393,618	393,618	393,618
240		1,673,982	1,673,982	1,673,982	1,673,982
241	CAPE COD REGIONAL LIBRARY - 01613				
242	Other expenses	-	-	-	-
243		-	-	-	-

244	WEST FALMOUTH LIBRARY - 01615				
245	Other expenses	7,125	7,125	7,125	7,125
246		7,125	7,125	7,125	7,125
247	WOODS HOLE LIBRARY - 01617				
248	Other expenses	19,313	19,313	19,313	19,313
249		19,313	19,313	19,313	19,313
250	RECREATION DEPARTMENT - 01631 (FTE5)				
251	Salary and wages	319,965	321,263	321,263	321,263
252	Other expenses	96,185	98,685	98,485	98,485
253	Little League++	-	250	-	-
254	Babe Ruth++	-	250	-	-
255	Youth Basketball++	8,450	8,450	8,450	8,450
256	Youth Lacrosse++	-	250	-	-
257	Pop Warner Football++	-	250	-	-
258	Youth Soccer++	13,000	13,000	13,000	13,000
259	Girl's Softball++	1,500	1,500	1,500	1,500
260	Girl'sLacrosse++	-	250	-	-
261	Figure skating++	0	250	0	0
262	Youth Summer Camp++	25,000	27,000	27,000	27,000
263	Youth Sailing++	1,500	1,500	1,500	1,500
264	Youth Indoor Soccer++	1,800	1,800	1,800	1,800
265	Youth Baseball++	6,600	6,600	6,600	6,600
266	Adult men's basketball++	6,350	6,350	6,350	6,350
267	Adult Volleyball++	-	-	-	-
268	Youth Hockey++	-	500	-	-
269	Town Band++	2,391	2,391	2,391	2,391
270		482,741	490,539	488,339	488,339
271	BEACH DEPARTMENT - 01632 (FTE19.6)				
272	Salary and wages	467,819	488,861	473,819	473,819
273	Other expenses	42,185	42,185	42,185	42,185
274		510,004	531,046	516,004	516,004
275	BIKEWAYS COMMITTEE- 01633				
276	Other expenses	2,337	2,897	2,337	2,997
277		2,337	2,897	2,337	2,997
278	LONG TERM EXCLUDED DEBT - 01753				
279	Principal payment++	5,727,679	6,228,801	6,228,801	5,826,801
280	Interest payment++	2,331,928	3,020,725	3,020,725	2,879,762
281		8,059,607	9,249,526	9,249,526	8,706,563
282	LONG TERM UNEXCLUDED DEBT - 01754				
283	WPAT loans - principal++	114,443	121,571	121,571	121,571
284	WPAT loans - interest++	44,838	40,604	40,604	40,604
285	Principal payment++	1,692,000	1,835,000	1,835,000	1,835,000
286	Interest payment++	1,105,890	1,147,753	1,147,753	1,140,128
287	CPA Fund principal++	1,253,000	1,259,600	1,259,600	1,259,600
288	CPA Fund interest++	617,033	545,042	545,042	545,042
289		4,827,204	4,949,570	4,949,570	4,941,945
290	SHORT TERM EXCLUDED DEBT - 01755				
291	Principal payment++	1,095,000	1,500,000	1,500,000	1,500,000
292	Interest payment++	393,981	37,292	37,292	52,898
293		1,488,981	1,537,292	1,537,292	1,552,898

294	SHORT TERM UNEXCLUDED DEBT - 01756				
295	CPA Fund principal++	500,000	500,000	500,000	500,000
296	Principal payment++		-	-	-
297	CPA Fund interest++	14,920	8,000	8,000	4,488
298	Interest payment++	41,508	448	448	448
299		556,428	508,448	508,448	504,936
300	STABILIZATION - 01757				
301	Stabilization- General ++	250,000	250,000	440,000	440,000
302	Stabilization- Capital Projects ++		-	520,000	520,000
303	Stabilization-Health Insurance ++		-	1,373,658	1,373,658
304		250,000	250,000	2,333,658	2,333,658
305	RETIREMENT - 01911				
306	Retirement payroll++	5,441,370	5,655,358	5,655,358	5,655,358
307	Noncontributory pensions++	15,000	15,000	15,000	15,000
308		5,456,370	5,670,358	5,670,358	5,670,358
309	UNEMPLOYMENT - 01913				
310	Unemployment payments	175,000	175,000	175,000	175,000
311		175,000	175,000	175,000	175,000
312	HEALTH INSURANCE - 01914				
313	Fringe Ben- Health Insurance	12,198,256	13,432,853	11,317,136	11,317,136
314		12,198,256	13,432,853	11,317,136	11,317,136
315	LIFE INSURANCE - 01915				
316	Fringe Ben-Life Insurance	9,232	9,232	9,232	9,232
317		9,232	9,232	9,232	9,232
318	MEDICARE BENEFITS - 01916				
319	Employer contribution	700,000	700,000	700,000	700,000
320		700,000	700,000	700,000	700,000
321	OTHER EMPLOYEES BENEFITS - 01919				
322	Longevity++	116,000	116,000	116,000	116,000
323	Sick leave buy back++	10,000	10,000	15,000	15,000
324	Employee Assistance Program++	16,670	16,670	16,670	16,670
325	MGL CH41 medical expenses++	15,000	15,000	15,000	15,000
	Benefits - other++	1,500	9,000	9,000	9,000
	Long term disability insurance++	37,000	37,000	37,000	37,000
		196,170	203,670	208,670	208,670
	COURT JUDGMENTS - 01941				
	Misc. claims and suits++	6,750	6,750	6,750	750
		6,750	6,750	6,750	750
		108,898,656	114,699,201	112,941,124	112,366,300

ARTICLE 23: To see if the Town will vote to continue suspended operation of Wind I and continue curtailment of suspended operation of Wind II, except for periods required for further study or ordinary maintenance of either turbine, until the November 2012 Annual Town Meeting at which time concerns for both turbines can be addressed in the context of studies and mitigation options funded by Town Meeting in November 2011 as well as a new turbine by-law currently under development by the Planning Board. Or do or take any other action on this matter. On request of Barry Funfar and others.

VOTED: By a counted vote of 100 in favor and 75 in opposition, a quorum being present on Thursday, April 5 ,2012, the town voted to suspend operation of Wind I and Wind II, except for periods required for further study or ordinary maintenance of either turbine, until the November 2012 Annual Town Meeting..

ARTICLE 24: To see if the Town will vote to pass a resolution to support the updated bottle bill (H890/S1650) which will add water, juice, and other non-carbonated beverages to the current 5-cent deposit system. Or do or take any other action on this matter. On request of Janet Kluever and others.

VOTED: By a declared majority vote, a quorum being present on Thursday, April 5, 2012, the town voted Article 24 as printed in the warrant.

ARTICLE 25: To see if the Town will vote to adopt a resolution as follows:

We, the members of the Falmouth Town Meeting, affirm our belief that the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.

We believe that the United States Supreme Court's ruling in Citizens United v. FEC, which allows corporations and unions to give unlimited funds to advocacy groups to influence elections, and the billions of dollars corporations spend in lobbying, greatly outweighing amounts spent by unions and public-interest groups, threaten democracy by allowing corporations to cause the election of candidates who will serve themselves, not ordinary citizens.

The people of the United States through their legislators have previously amended the Constitution to regulate elections and federal officeholding nine times.

Now, therefore, be it resolved that we, the members of the Falmouth Town Meeting, call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to specify that constitutional personhood rights are for natural persons only and to restore the peoples' rights to fairness in elections and influence on government policy, and further, we call upon the Massachusetts General Court to pass one or more resolutions asking those actions.

Or do or take any other action on this matter. On request of Alexander Ziss and others.

VOTED: By a counted vote of 103 in favor and 69 in opposition, a quorum being present on Thursday, April 5, 2012, the town voted Article 25 as printed in the warrant

ARTICLE 26: To see if the Town will vote to appropriate the sum of \$123,976.87 from the Community Preservation Fund to be made available for the purpose of creation, rehabilitation and/or restoration of land for recreational use of the Falmouth Ice Arena located at 9 Technology Park Drive (Assessor's Parcel No. 15-04-015D-010) under the Community Preservation Act category of Recreational Land Uses, or act in any way relative thereto as allowed under the Community Preservation Act. Or do or take any other action on the matter. On request of Paul P. Moore and others.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Indefinite Postponement of Article 26.

ARTICLE 27: To see if the Town will vote to support the Board of Selectmen's plan of action to mitigate adverse impacts and optimize the operation of the Town-owned wind turbines to maximize local environmental and economic benefits. Or do or take any other action on the matter. On request of Christina Rawley and others.

VOTED: By a counted vote of 93 in favor and 74 in opposition, a quorum being present on Thursday, April 5, 2012, the town voted Article 27 as printed in the warrant.

ARTICLE 28: With recent revelations that the boil water order comprised not 4 but 26 violations (operator and supervisory) thus illustrating the Board of Health investigation was deficient at best we, the undersigned request the moderator to appoint a 5 member committee (inclusive) to investigate and recommend to town meeting remedial action including the 40 million dollar filtration plant and the ability of supervisory personnel to remain in their positions. Or do or take any other action on the matter. On request of Marc Finneran and others.

VOTED: By a failed majority vote, a quorum being present on Thursday, April 5, 2012, the town voted not to pass Article 28 as printed in the warrant.

ARTICLE 29: In light of lost revenue and increasing evidence the DPW and Health Department are unable to manage or enforce our solid waste issues. We the undersigned, request town meeting appoint a solid waste manager to right this issue before any further tax payer remuneration. Or do or take any other action on the matter. On request of Marc Finneran and others.

Amendment (Rowitz): To see if the Town will vote to recommend the creation of a solid waste division, within the DPW, headed by a solid waste supervisor.

VOTED: By a declared majority vote, a quorum being present on Thursday, April 5, 2012, the town voted to amend Article 29.

VOTED: By a declared majority vote, a quorum being present on Thursday, April 5, 2012, the town voted to recommend the creation of a solid waste division, within the DPW, headed by a solid waste supervisor.

ARTICLE 30: To see if the town will vote to appropriate a sum of money from the Community Preservation Fund to fund the Administrative expenses of the Community Preservation Committee, 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 unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted to appropriate the sum of \$149,000 from the Community Preservation FY-13 Estimated Receipts for the purposes of Article 30. \$13,788 of this appropriation shall be transferred to the General Fund and applied to the Health Insurance Budget line item to fund the health benefits for the Community Preservation Planner.

ARTICLE 31: To see if the Town will vote to amend Chapter 136 of the Code of Falmouth, JUNK DEALERS AND COLLECTORS, by repealing sections 136-1 through and including section 136-10 in their entirety and replacing them with new sections 136-1 through and including 136-14 titled SECONDHAND DEALERS AND SECONDHAND COLLECTORS as follows:

Chapter 136. SECONDHAND DEALERS AND SECONDHAND COLLECTORS

§136-1. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE IDENTIFICATION - means either:

A. A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or

B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF - The Chief of Police of the Town of Falmouth or her or his designee.

REGULATED PROPERTY - means the following used or secondhand property:

A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.

B. Precious gems, including but not limited to any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.

C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.

D. Sterling silver flatware, including but not limited to knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.

E. Any electronic audio, video or photographic and optical equipment, along with computer or computer equipment or recordings in any form.

F. Any power tools or equipment.

G. Musical instruments.

H. Sporting equipment and bicycles.

I. Boats, planes, motorcycles, in whole or taken in parts, or any other type machinery.

J. Collectibles, including objects of art, coins, currency and antique objects, but not including those items identified in §136-9 section H, below.

SECONDHAND COLLECTOR Has the same meaning as the term "junk collector" in MGL c. 140, § 56.

SECONDHAND DEALER Has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

§ 136-2. Authority of Board of Selectmen.

The Board of Selectmen is authorized to license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles, subject to the provisions of MGL C. 140, §§ 202-205, and may revoke such licenses at pleasure.

§ 136-3. Dealers to be licensed.

A: Every dealer in and keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in this Town shall be licensed.

B: A temporary license will be required for transient and special event dealers. The conditions of the temporary license will be determined by the Board of Selectmen.

§ 136-4. Collectors to be licensed.

Every collector of junk, old metals and secondhand articles in this Town shall be licensed.

§ 136-5. Inspection.

The licensed premises shall be subject to inspection by police officers of the Town of Falmouth during all hours that the premises are open to the public.

§ 136-6. Records.

The licensee shall keep a detailed written record of every purchase, including serial numbers and a description thereof, the date of such purchase and the name and residential address of the person from or to whom such purchase was made. The acceptable identification per 136-1 is required of each seller. This record shall be made available for inspection at all reasonable times for all state and local police officers.

B. A digital photograph will be taken of each item purchased as defined under "regulated property" in §136-1 section ABC. The photographs may be stored electronically, but are subject to the same recordkeeping requirements as listed in §136-9. A. Copies of the photographs will be made available to the Chief of Police in a timely manner and are subject to the same rights of inspection as listed in §136-5.

C. The licensee shall cause to be delivered to the Falmouth Police Department, on a weekly basis, a copy of all transactions recorded.

§ 136-7. Posting of license.

A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.

B. A secondhand dealer shall post the following notice, no smaller than 8 ½ inches by 11 inches with lettering no smaller than ¼ of an inch in height, outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business. If a significant number of the patrons of the regular secondhand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

NOTICE:

The sale or attempted sale of property to a secondhand dealer without consent of the property's owner is punishable by a civil penalty not to exceed \$300 per item. Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

§ 136-8. Suspension or revocation.

Any license shall be subject to suspension, revocation or modification for any violation of these regulations or conditions of the license.

§ 136-9. Holding Period for purchases

A. A copy of every purchase report form filled out as required by this chapter shall be kept on the premises of the secondhand dealer or secondhand collector business during normal business hours for at least three years from the date of purchase. The report form shall be subject to inspection by the Police Chief or his designee. The secondhand dealer or secondhand collector shall not be required to keep the purchase report forms in excess of 3 years.

B. All regulated property in the categories of precious metals or precious gems, defined in §136-1, A.-D., purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form, shall be held by the secondhand dealer or secondhand collector for at least 21 days from the date of purchase.

C. All other regulated property purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form shall be held by the secondhand dealer or secondhand collector for at least 14 days from the date of purchase.

D. The secondhand dealer or secondhand collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief or his designee.

H. Secondhand dealers retailing or wholesaling used property, limited to the following are exempt from subsection B but not C. above:

(1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or

(2) Used clothing, furniture, costume jewelry, footwear and house ware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a registered charity or by donations; or

(3) Used books, papers, or magazines.

§ 136-10. Weights and measures.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Falmouth Weights and Measures Division prior to being placed in service.

§ 136-11. Exemption of auto salvage yards.

Auto salvage yards shall be exempt from this section.

§ 136-12. Violations and penalties.

A. Violation of any provision of this chapter may be prosecuted as a criminal matter or as an administrative procedure or by the noncriminal disposition method provided in MGL c. 40, §21D. Each violation shall be considered separately.

B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The Licensing Authority may suspend, revoke or modify any license issued by it whenever it has reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in MGL c.40 § 21D shall be subject to a fine of \$250.

§136-13 Exemptions

Persons holding licensed yard sales and property sold at licensed yard sales and hobbyists.

§ 136-14. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

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, April 5, 2012, the town voted vote Article 31 as printed.

ARTICLE 32: To see if the town will vote to appropriate a sum of money to repair the Tide’s Bulkhead which is located at the entrance to Falmouth Harbor (Clinton Ave 46B02 000D000), and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Thursday, April 5, 2012, the town voted to transfer the sum of \$368,500.00 from the Waterways reserve fund for the purposes of this Article to be expended under the jurisdiction of the Harbormaster.

ARTICLE 33: To see if the Town will vote to appropriate a sum of money as the Town share of a Federal Assistance to Firefighters Grant (AFG) to purchase a Basic Firefighter Safety Ensemble for all Falmouth Fire Rescue Department (FFRD) personnel, to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted to transfer the sum of \$57,333 from certified free cash for the purposes of this Article to be expended under the jurisdiction of the Fire Chief.

ARTICLE 34: To see if the Town will vote to appropriate a sum of money for the purpose of repair and modernizing the Ellen T. Mitchell Beach Administration Building at Surf Drive, 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 counted vote of 128 in favor and 29 in opposition, a quorum being present on Thursday, April 5, 2012, the town voted to appropriate \$2,500.00 for the purpose of repair and modernizing the Ellen T. Mitchell Beach Administration Building at Surf Drive.

ARTICLE 35: To see if the Town will vote to amend Chapter 178 – Scenic Roads of the Code of Falmouth by:

Adding the following words to Section 178-5: “Except as provided for in Section 178-5F below,”

And by adding the following new section:

“178-5F. The permission of the Planning Board will not be necessary when the removing of a stone wall occurs within a historic district, where the Falmouth Historic Districts Commission will have sole jurisdiction.”

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

VOTED: By a unanimous vote, a quorum being present on Monday, April 2, 2012, the town voted Article 35 as printed in the warrant.

ARTICLE 36: To see if the Town will vote to repeal Chapter 213, Article V, sections 213-13 through and including 213-22 of the Code of Falmouth relative to open air parking lots, which by-law was previously adopted by vote of the Town on Article 12 of the November 8, 2004 Annual Town Meeting, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Thursday, April 5, 2012, the town voted Article 36 as printed in the warrant.

ARTICLE 37: To see if the Town will vote to rescind the acceptance of General Laws Chapter 148, section 56 relative to the licensing of open-air parking spaces by the Chief of the Fire Department, which statute was previously accepted by vote of the Town on Article 38 of the April 12, 2004 Annual Town Meeting, or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Thursday, April 5, 2012, the town voted Article 37 as printed in the warrant.

ARTICLE 38: To see if the Town will provide funding for any or all of the purposes voted for in the foregoing articles by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing. Or do or take any other action on this matter. On request of the Finance Committee and the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Thursday, April 5, 2012, the town voted that all articles considered in this town meeting be funded as voted for a total of \$113,803,999.00, and that the Board of Selectmen be requested to place a question on the May 2012 Annual Town Election Ballot as voted in article 21.