

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
July 21, 2020**

BRISTOL, SS.

To either of the constables of the Town of Westport in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Westport qualified to vote in elections and Town affairs, to assemble at the White's of Westport, located at 66 State Road in Westport, Massachusetts, on Tuesday, July 21, 2020 at 7:00 p.m., and then and there to act on the following articles, viz:

ARTICLE 1

To see if the Town will vote to fix the salary and compensation of all elected Town Officers for Fiscal Year 2021, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Moderator	\$ 864
Selectmen - Chairman	\$ 3,493
Board Members (4)	\$ 13,737
Assessors - Board Members (3)	\$ 18,769
Board of Health - Members (3)	\$ 9,768
Tax Collector	\$ 70,379
Town Clerk	\$ 70,379
TOTAL	\$187,389

ARTICLE 2

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money considered necessary to defray the Town's expenses for a twelve month period beginning July 1, 2020 and appropriate the same to several departments, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

ARTICLE 3

To see if the Town will vote to appropriate a sum of money for the cost of various capital expenditures in accordance with the Town's Fiscal Year 2021 Capital Improvement Planning Program, to determine whether this appropriation shall be raised by borrowing or otherwise, and/or take any other action relative thereto.

Project Description	Cost	Funding Source(s)
WES Security Cameras	\$ 60,000	Free Cash/ Stabilization
Highway Front End Loader	\$242,000	Free Cash/ Stabilization
TOTAL	\$302,000	
Fire Department Ambulance	\$315,000	Ambulance Receipts
Cemetery Facility Feasibility Study	\$ 25,000	Perpetual Care Income
Police Taser Replacement	\$ 50,400	Forfeiture Account
Community TV Mtg Rm Upgrade Annex	\$ 25,000	CTV Reserve Fund
Cemetery Mini-Excavator	\$ 40,000	Perpetual Care Income
TOTAL	\$455,400	

CAPITAL IMPROVEMENT PLANNING COMMITTEE

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen to borrow from time to time in anticipation of revenue of the fiscal year beginning July 1, 2020 in accordance with the provisions of the General Laws, Chapter 44, Section 4, and to issue a note or notes, payable within one year, and to renew any note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the General Laws, Chapter 44, Section 17, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5

To see if the Town will vote, pursuant to the provisions of G.L. c. 41, § 1B, to make the elected position of Tax Collector an appointed position of Tax Collector, and further, to authorize the Board of Selectmen to provide for the appointment of such office for a term not to exceed three years, unless otherwise provided by law; provided, however, that any such change be subject to approval by the voters of the Town at the next Annual Town Election in accordance with the provisions of G.L. c. 41, § 1B, and provided that this vote be taken at least sixty (60) days prior to said Annual Town Election; and/or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 6

To see if the Town will vote, to amend Article LXII of its By-Laws And Regulations entitled "Revolving Funds" by revising Section 6707 and the expenditure limits contained therein for the fiscal year beginning July 1, 2020, to provide as follows:

<u>Revolving Fund</u>	<u>Maximum Expenditure</u>
Fire Department - Ambulance	\$160,000.00

and/or take any other action relative thereto.

FIRE DEPARTMENT

ARTICLE 7

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Stabilization Fund and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$174,905, more or less, to operate the Marine Services Enterprise for the fiscal year beginning July 1, 2020, and/or take any other action relative thereto.

Salaries	\$ 94,119
Expenses	<u>\$ 42,495</u>
Total	\$136,614
Indirect Costs	\$ 38,291

and further, that the sum of \$174,905, more or less, be raised as follows:

User Charges	\$174,905
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BOARD OF SELECTMEN/DIRECTOR OF MARINE SERVICES

ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$172,680, more or less, to operate the Waterline Enterprise for the fiscal year beginning July 1, 2020, and/or take any other action relative thereto.

Salaries	\$ 2,200
Expenses	<u>\$154,300</u>
Total	\$156,300
Indirect Costs	\$ 16,180

and further, that the sum of \$172,480, more or less, be raised as follows:

User Charges	\$172,680
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BOARD OF SELECTMEN

ARTICLE 10

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$75,210, more or less, to operate the Town Beaches Enterprise for the fiscal year beginning July 1, 2020, and/or take any other action relative thereto.

Salaries	\$ 38,500
Expenses	<u>\$ 28,100</u>
Total	\$ 66,600

Indirect Costs \$ 8,610

and further, that the sum of \$75,210, more or less, be raised as follows:

User Charges \$ 75,210

BEACH COMMITTEE/BOARD OF SELECTMEN

ARTICLE 11

To see if the Town will vote to raise and appropriate and/or transfer from the Cable Television Special Revenue Fund the sum of \$182,356, more or less, to fund the Community Television budget for the fiscal year beginning July 1, 2020, and/or take any other action relative thereto.

Salaries	\$135,581
Expenses	<u>\$ 46,775</u>
Sub-Total	\$182,356

Indirect Costs \$ 13,000

Total \$195,356

BOARD OF SELECTMEN

ARTICLE 12

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2021 Community Preservation budget and to appropriate from the Community Preservation Fund a sum or sums of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year 2021; and further to reserve for future appropriation a sum of money for the acquisition, creation and preservation of open space including land for recreational use, and in connection with such recreational land, for the restoration and rehabilitation of the same; a sum of money for the acquisition, preservation, restoration, and rehabilitation of historic resources; and a sum of money for the acquisition, creation, and preservation of community housing; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPA Funding Sources for FY'21 Town Meeting

OPEN SPACE/RECREATION:

125 acre Santos Farm on Main Road \$500,000
Source of Funds:
Open Space Reserves \$196,000
FY21 Estimated Fund Revenues \$304,000

Town Hall Annex Rear Recreation Area \$44,000
Source of Funds:
FY21 Estimated Fund Revenues

COMMUNITY HOUSING:

Affordable Housing Trust \$247,000
Source of Funds:
Community Housing Reserves \$62,000
Budgeted Reserves \$170,000
Undesignated Fund Balances \$15,000

HISTORIC PRESERVATION:

Source of Funds: FY21 Estimated Fund Revenues \$63,000

ADMINISTRATION EXPENSES: \$25,000

Source of Funds: FY21 Estimated Fund Revenues

BUDGETED RESERVES: \$170,000

Source of Funds: FY21 Estimated Fund Revenues

ARTICLE 13

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 70; and thereafter, to authorize the head of the School Department, with the approval of the Board of Selectmen or Town Administrator, to enter into contracts to identify and pursue federal government reimbursements for, or other revenues or available resources that may be generated toward, programs for school transportation for foster children, including without limitation the receipt of Title IV-E reimbursements; and further, to provide that payments for services under such contracts may be made from the reimbursements or revenues recovered as a result of the services performed without appropriation of such revenue; and/or take any action relative thereto.

SCHOOL DEPARTMENT

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds, a sum of money to be expended under the direction of the Board of Selectmen for the Westport Elementary School Roof Replacement Project, located at 380 Old County Road, in

Westport, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”); provided, however, that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and provided that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 48.27 percent of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and/or take any other action relative thereto.

SCHOOL DEPARTMENT

ARTICLE 15

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, permanent and/or temporary easements or the fee in a certain parcel of land adjacent to and/or contiguous with 380 Old County Road and 29 Green Street depicted on a survey plan entitled “Taking Plan of Land for Westport Library, Middle-High & Elementary School Prepared By Hancock Associates and Dated, June 2020,” a copy of which is on file with the Town Clerk, for improvements in connection with the middle and high school construction project including, without limitation, construction and use of a driveway, parking area, grading slope, drainage, utilities and improvements and structures, and other related purposes upon such terms and conditions as the Board deems appropriate, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition, and for funding therefore and costs related thereto, to raise and appropriate, transfer from available funds, and/or borrow a sum of money, and/or take any other action relative thereto

BOARD OF SELECTMEN

ARTICLE 16

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to convey to the owners of the property located at 497 Old County Road, a non-exclusive easement for access purposes in a portion of the Town Landing property located at 493 Old County Road; and, to the extent necessary, for such permission as may be required by the provisions of Article 97 of the Amendments to the Massachusetts Constitution, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments:

AN ACT AUTHORIZING THE TOWN OF WESTPORT TO CONVEY A
NON-EXCLUSIVE ACCESS EASEMENT IN A PORTION OF TOWN
PROPERTY AT 493 OLD COUNTY ROAD TO BENEFIT 497 OLD COUNTY
ROAD

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

Section 1. Notwithstanding any general or special law to the contrary, and specifically chapter 171, section 2 of the Acts of 1848, the town of Westport, acting by and through its board of selectmen, in consultation with the Westport Landing Commission, is hereby authorized to convey to the owners of 497 Old County Road, upon such terms and conditions as the Board of Selectmen, in consultation with the Landing Commission, deems appropriate, a non-exclusive easement in a certain portion of the property known as the Westport Town Landing at the Head of the Westport River, located at 493 Old County Road, Westport and established pursuant to the aforementioned Act, for purposes of providing access to such land from the abutting public way in common with the public's right to make use of the Town Landing.

Section 2. This act shall take effect upon its passage.

And further, to transfer said Town property as described above from the Westport Landing Commission for the purposes for which it is currently held to the Westport Landing Commission for such purposes, and also to the Board of Selectmen for the purpose of conveyance of the above-described interest in land, and to authorize the Board of Selectmen to convey such interest in land;

and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 17

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$25,000, more or less, for the purpose of conducting one or more Household Hazardous Waste Collection events for the residents of Westport and for properly disposing of the hazardous materials, and/or take any other action relative thereto.

BOARD OF HEALTH

ARTICLE 18

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$13,760, more or less, from Receipts Reserve for the purpose of purchasing two new roll-off containers for the Transfer Station, and/or take any other action relative thereto.

BOARD OF HEALTH

ARTICLE 19

To see if the Town will vote to amend Article LXIX of its By-Laws and Regulations entitled "Regulation of Marijuana Establishments Purpose" by striking and/or deleting Section 6901 as follows:

Consistent with M.G.L. Chapter 94 G, all types of Non-Medical Marijuana establishments shall be regulated by the Town of Westport in the same manner as the Town regulates Medical Marijuana facilities, or in any other manner prescribed by the Zoning By-Laws of the Town of Westport, and shall be subject to the same limitations and requirements established by the Zoning By-Laws of the Town of Westport.

All so called Medical Marijuana Establishments subject of a Provisional Certificate of Registration by the Commonwealth of Massachusetts, and a so called letter of Non Opposition by the Town of Westport, on or before January 1, 2020, for a location within the Town of Westport shall be exempt from the provisions of Article LXIX and be allowed to operate as a recreational Marijuana Establishment in addition to a Medical Marijuana Establishment.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 20

To see if the Town will vote to amend the Zoning By-Laws [DCB1] to provide for its recodification by: (a) designating the Zoning By-Laws as “Article XIV, Zoning By-Laws”; (b) renumbering each section and subsection of the Zoning By-Laws accordingly; (c) updating internal references to reflect the new numbering system; (d) deleting expired sections; and (e) consolidating and eliminating expired provisions; all as set forth in the document on file in the office of the Town Clerk entitled “2020 Recodification Zoning By-Laws,” dated March 11, 2020.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 21

To see if the Town will vote to amend Article XIV of the Zoning By-Laws by amending Section 6.2 Non-Conforming Uses as follows:

5.2.1 Abandonment Discontinuance

A non-conforming use which has been discontinued for four (4) years or more shall be considered to be abandoned and shall not be re-established and any future use shall conform with this By-Law. The four (4) year period may be extended prior to expiration by special permit from the Board of Appeals if it finds there are extenuating circumstances and such extension is not detrimental to the neighborhood or public health, safety and welfare.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 22

To see if the Town will vote to amend Article XIV of the Zoning By-laws, Section 3 Definitions, by adding the following in appropriate alphabetical order:

Flea Market – A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and any included sales of goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets are conventional, permanent profit-seeking businesses that require all local permits and licenses.

Golf Course – An area or tract of land used for the practice and enjoyment of golf, and associated buildings and structures thereon.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 23

To see if the Town will vote to amend Article XIV, Zoning By-Laws, Section 6.1 Use Regulations, as follows:

Amend the row in the Institutional/Public use category entitled “Public and Private Golf Course which shall not include driving tee ranges, miniature courses, and similar uses operated for commercial purposes” by deleting the words “which shall not include driving tee ranges, miniature courses, and similar uses operated for commercial purposes.”

Delete in its entirety the row in the Business/Commercial use category entitled “Wholesale Business.”

Add new rows in alphabetical order under the noted Use Categories to read as follows:

Use	Residential/Agriculture	Business	Unrestricted
Business Commercial			
Flea Market	N	SPBA/SPA-PB	SPBA/SPA-PB
Miniature golf and/or golf driving range operated for commercial purposes as a stand alone business	N	SPBA/SPA-PB	SPBA/SPA-PB
Manufacturing			
Light Manufacturing	N	SPBA/SPA-PB	SPBA/SPA-PB

(5) Any use not specifically or generally listed herein or otherwise permitted in a district shall be deemed to be prohibited.

(6) Prohibited uses. Any use of land or building determined to be dangerous or detrimental to the public health, safety, and welfare in accordance with generally acceptable standards because of fire hazard, offensive noise, smoke, vibration, harmful radioactivity, electrical interference, dust, odor, fumes, heat, glare, or other objectionable characteristic.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 24

To see if the Town will vote to amend the Personnel By-Laws Article XXI, Section 6 Fringe Benefits and Working Conditions, Sub-Section A4. Vacations, by deleting the following sentence:

Employees with more than 18 years shall be granted 27 days annually.

and replacing it with:

Employees with more than 18 years seniority shall be granted 25 vacation days annually provided however that Employees currently eligible for 27 vacation shall continue to be eligible for 27 vacation days.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 25

To see if the Town will vote to amend the Personnel By-Laws, as follows:

Item 1.

By deleting under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Social Day Care Program Aide	2	-20	Hourly	PT

and adding under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Supportive Day Program Aide Level II	2	-20	Hourly	PT

COUNCIL ON AGING/PERSONNEL BOARD

Item 2.

By adding under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Supportive Day Program Aide Level I	2	-20	Hourly	PT

COUNCIL ON AGING PERSONNEL BOARD

Item 3.

By deleting under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Social Day Care Director	2	35	Hourly	FT

and adding under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Supportive Day Program Director	2	35	Hourly	FT

COUNCIL ON AGING

Item 4.

By deleting under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Assistant Social Day Care Director	2	-20	Hourly	PT

and adding under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Supportive Day Program Assistant Director	2	-20	Hourly	PT

COUNCIL ON AGING

Item 5.

By deleting under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Council on Aging Director	1	40	Salary	FT

and adding under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Director of Senior Services	1	40	Salary	FT

COUNCIL ON AGING

and/or take any other action relative thereto.

ARTICLE 26

To see if the Town will vote to accept the layout, as a public way, of Grinnell Court, a copy of which is on file in the office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 27

To see if the Town will vote to accept the layout, as a public way, of Cortney Drive, a copy of which is on file in the office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 28

To see if the Town will vote to accept the layout, as a public way, of Sherman Court, a copy of which is on file in the office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 29

To see if the Town will vote to accept the layout, as a public way, of Devol Avenue, a copy of which is on file in the office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 30

To see if the Town will vote to accept the layout, as a public way, of Jennings Way, a copy of which is on file in the office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 31

To see if the Town will vote to accept the layout, as a public way, of Brownell Avenue, a copy of which is on file in the office of the Town Clerk, and further, to authorize the Board of Selectmen

to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN