

**ANNUAL TOWN MEETING
TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT**

MAY 6, 2008

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 Westport High School on Tuesday, May 6, 2008 at 7:00 p.m., and then and there to act on the following articles, viz:

Agreeable to the warrant calling said meeting, the voters of the Town of Westport assembled at the Westport High School on the above date. The meeting was called to order at 7:03 p.m. by Moderator Steven Fors who appointed Tripp Millikin, Lino Rego and Carl Tripp to act as Tellers and they were duly sworn before the Town Clerk. Beverly Kut acted as timekeeper for the meeting in accordance with a By-Law adopted under Article 45 of the Annual Town Meeting of 1963. All in attendance stood to salute the flag of our nation.

The Moderator asked for a moment of silence for School Committee member Robert Kowalczyk, who recently passed away.

Motion and second to dispense with the reading of the warrant and the constables return of service of the warrant and that the Moderator not be required to read articles of the warrant verbatim, but be allowed to refer to articles by number and subject matter.

Voted: Unanimously

Motion and second to allow the Moderator to declare that a two-thirds vote has been achieved according to General Law, Chapter 39, § 15. Voted: Unanimously.

Motion and second to recess the Annual Town Meeting at 7:15 p.m. and convene the Special Town Meeting. Voted: Unanimously

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT**

MAY 6, 2008

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or transfer from various line items within the current appropriations such sums of money necessary

to supplement the budgets of various departments for the fiscal year beginning July 1, 2007, and/or take any other action relative thereto.

FROM:	TO:	BOARD OF SELECTMEN AMOUNT
Board of Assessors Personal Services	Board of Assessors Expenses	\$ 1,500.00
Board of Health Personal Services	Board of Health Expenses	\$ 3,240.00
Council on Aging Personal Services	Council on Aging Expenses	\$ 9,887.00
Town Beach Expenses	Town Beach Personal Services	\$ 4,500.00
Board of Selectmen Expenses	Town Hall Expenses	\$ 5,000.00
Building Department Personal Services	Town Hall Expenses	\$ 10,000.00
Building Department Personal Services	Building Department Expenses	\$ 1,000.00
CPC Historic Cemetery Restoration	CPC Town Farm Research	\$ 900.00
Harbor Enterprise Retained Earnings	Wharfinger Expenses	\$ 5,000.00
Free Cash	Snow & Ice	\$124,000.00
Short Term Interest	Street Lights	\$ 2,000.00
Finance Committee Expenses	Finance Com. Personal Services	\$ 500.00
Highway Department Personal Services	Highway Department Expenses	\$ 27,000.00
Waterline Retained Earnings	Waterline Expenses	\$ 11,000.00
Reserve Fund	Police Department Expenses	\$ 33,000.00

Motion and second to accept the line transfers as listed in Article 1. Voted: Unanimously

ARTICLE 2

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Dartmouth Medical Walk-In \$75.00

Motion and second to accept the provisions of Article 2 with the funding from Free Cash.
Voted: Unanimously

ARTICLE 3

To see if the Town of Westport will vote to raise, borrow and/or appropriate \$250,000 for the acquisition by negotiated purchase, a conservation restriction over a parcel of land of approximately 28 +/- acres owned by the Westport Land Conservation Trust, Inc. as described as Parcel A on a plan entitled "Approval Not Required Plan of Land in Westport, Massachusetts Prepared for Westport Land Conservation Trust" dated November 1, 2007 and prepared by Prime Engineering and recorded with the Bristol County (S.D.) Registry of Deeds, to be managed and controlled by the Conservation Commission of the Town Westport in accordance with M.G.L. Chapter 40, Section 8C and Chapter 184, Sections 31-33, for open space, conservation and passive recreation purposes, and to meet said appropriation with funds transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Board of Selectmen be authorized to file on behalf of the Town of Westport any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments in accordance with M.G.L. Chapter 184 as required by Section 12(a), or Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Westport to affect said purchase of a conservation restriction.

BOARD OF SELECTMEN/COMMUNITY PRESERVATION COMMITTEE

A presentation was made to Town Meeting stating that the Commonwealth of Massachusetts has awarded the Town a \$140,000 Self-Help grant to assist with its purchase of this conservation restriction. The Town will receive the grant funds as a reimbursement, therefore it will need to appropriate the full \$250,000. If Community Preservations Funds are approved by the voters, the \$140,000 reimbursement will be reinvested into the Community Preservation Fund for future projects.

Motion and second to appropriate the sum of \$250,000 with \$229,000 from FY08 Community Preservation Act available funds and \$21,000 from FY08 Open Space Reserves.

Voted: Unanimously

ARTICLE 4

To see if the Town will vote to authorize the Community Preservation Committee to expend, from available FY08 funds, an additional \$20,000 for the Horseneck Point Lifesaving Restoration Project.

COMMUNITY PRESERVATION COMMITTEE

Motion and second to amend Article 4 by adding the following wording: "subject to the receipt of matching funds from the Mass Dept. of Conservation and Recreation."

Voted: Unanimously

ARTICLE 5

To see if the Town will vote to authorize the transfer back to the Stabilization Fund of \$63,400 from warrant Article 22 of the 2007 Annual Town Meeting, which voted to authorize the spending of such money for the purchase and installation of a wind turbine for the Westport Town Hall.

BOARD OF SELECTMEN

Motion and second to pass over Article 5. Voted: Carried

Motion and second to dissolve the Special Town Meeting at 7:35 p.m. and reconvene the Annual Town Meeting. Voted: Unanimously.

And you are hereby directed to serve this warrant by posting five or more attested copies in as many places within said Town at least fourteen days before the time of said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting.

Given under our hands at Westport this 14th day of April in the year two thousand and eight.

J. Duncan Albert, Chairman

Robert P. Rebello

Gary Earl Mauk

Marlene Samson
Town Clerk
Westport, MA 02790
April 16, 2008

On this 16th day of April 2008, I posted 7 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station
State Road Package Store
Senior Center
Central Village Fire Station
Briere's Inc. a.k.a. Country Liquor & Variety
Town Hall
Lees Supermarket

Daniel P. Sullivan
Constable of Westport

ANNUAL TOWN MEETING

ARTICLE 1

To see if the Town will vote to transfer to reduce taxation certain sums of money from various articles approved by Town Meeting, when there is a balance remaining that is no longer required to accomplish the purpose for which the articles were originally passed, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Motion and second to transfer the sum of \$165,000 from Article 34 of the FY08 warrant to the General Fund, representing the balance remaining that is no longer required to accomplish the Capital Program funded for the Westport Schools. Voted: Carried. Yes: 148 No: 144

ARTICLE 2

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

Moderator	\$	745.00
Selectmen – Chairman		7,068.00
Board Members (4)		27,871.00
Assessors - Board Members (3)		16,692.00
Board of Health – Members (3)		8,418.00
Highway Surveyor		68,496.00
Tax Collector		57,627.00
Town Clerk		57,627.00
Treasurer		57,627.00
Total		\$302,171.00

Motion and second to accept the provisions of Article 2. Voted: Unanimously.

ARTICLE 3

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, 2008 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

		Salary Appropriation	Expense Appropriation	Budget Total
<u>GENERAL GOVERNMENT</u>				
114	Moderator	\$ 745.00	\$ 140.00	\$ 885.00
122	Selectmen	215,142.00	28,200.00	243,342.00
131	Finance Committee	1,202.00	2,209.00	3,411.00
132	Reserve Fund	--	75,000.00	75,000.00
135	Town Accountant	86,427.00	16,066.00	102,493.00
141	Assessors	145,160.00	3,402.00	148,562.00
145	Treasurer	129,294.00	24,290.00	153,584.00
146	Collector	121,405.00	26,078.00	147,483.00
151	Legal	--	55,000.00	55,000.00
152	Personnel Board	484.00	80.00	564.00
155	Data Processing	27,319.00	43,950.00	71,269.00
161	Town Clerk	89,212.00	5,170.00	94,382.00
163	Registrar of Voters	49,323.00	28,684.00	78,007.00
171	Conservation	63,695.00	9,217.00	72,912.00
175	Planning Board	78,755.00	7,860.00	86,615.00
176	Appeals Board	4,635.00	1,864.00	6,499.00
192	Town Hall/Annex	74,287.00	69,350.00	143,637.00
193	Property Insurance	--	220,000.00	220,000.00
194	Housing Partnership Com	--	200.00	200.00
195	Town Reports	--	4,200.00	4,200.00
198	Town Farm	--	2,816.00	2,816.00
		1,087,085.00	623,776.00	1,710,861.00

PUBLIC SAFETY

210	Police Department	2,400,258.00	333,780.00	2,734,038.00
220	Fire Department	1,611,263.00	177,486.00	1,788,749.00
241	Building Department	125,755.00	22,990.00	148,745.00
244	Sealer of Weights & Measures	1,863.00	396.00	2,259.00
291	Emergency Manage.	---	---	---
292	Dog Officer	26,685.00	6,400.00	33,085.00
297	Shellfish	71,245.00	20,713.00	91,958.00
298	Parking Tickets	--	3,285.00	3,285.00
		4,237,069.00	565,050.00	4,802,119.00

SCHOOLS

300	Westport Community Schools	11,563,005.00	3,216,995.00	14,780,000.00
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360	Regional School			
	Assessments	--	990,688.00	990,688.00
		11,563,005.00	4,207,683.00	15,770,688.00

PUBLIC WORKS & FACILITIES

421	Highway Dept	528,140.00	127,195.00	655,935.00
423	Snow & Ice (Storm Acct)	39,635.00	30,000.00	69,635.00
424	Street Lights	--	22,000.00	22,000.00
433	Sanitary Landfill	126,166.00	239,845.00	366,011.00
491	Cemetery Department	129,288.00	9,939.00	139,227.00
492	Veteran's Graves	923.00	2,049.00	2,972.00
		824,152.00	431,628.00	1,255,780.00

HUMAN SERVICES

511	Board of Health	209,431.00	15,318.00	224,749.00
519	Nursing	33,624.00	3,943.00	37,567.00
541	Council on Aging	142,434.00	49,922.00	192,356.00
543	Veterans Services	34,470.00	125,622.00	160,092.00
		419,959.00	194,805.00	614,764.00

CULTURE & RECREATION

610	Library	181,650.00	26,231.00	207,881.00
631	Town Beach	30,000.00	6,200.00	36,200.00
691	Historical Commission		940.00	940.00
		211,650.00	33,371.00	245,021.00

DEBT SERVICE

710	Principal Payments	---	490,000.00	490,000.00
751	Interest Payments on Long Term Debt	---	85,890.00	85,890.00
752	Interest Payments on Short Term Debt	---	10,000.00	10,000.00
		---	585,890.00	585,890.00

ASSESSMENTS

820	SRPEDD	--	2,300.00	2,300.00
		--	2,300.00	2,300.00

PENSION & INSURANCE

911	Pension Assessment	--	1,533,918.00	1,533,918.00
914	Health & Life Insurance	--	2,674,500.00	2,674,500.00
		--	4,208,418.00	4,208,418.00

TOTAL 18,342,920.00 10,852,921.00 29,195,841.00

Motion and second to accept all Department budgets except the Highway and Cemetery Departments. Voted: Unanimously.

Motion and second to increase the Highway Department budget, salary appropriations by \$35,000 and the funds to be taken from Free Cash. Voted: Carried.
(Total Personal Services - \$563,140.00)

Motion and second to approve the sum of \$690,935.00 for the Highway Department budget. Voted: Carried.

Motion and second to approve the sum of \$139,227.00 for the Cemetery Department. Voted: Unanimously.

The following are the sources of funding for Article 3:

\$ 28,267,329.00	Taxation
100,000.00	Overlay Surplus
45,000.00	Cemetery Perpetual Care Interest
10,000.00	Cemetery Sale of Lots
435,000.00	Free Cash
154,600.00	Prior Year Article #34 Police Capital
23,000.00	Transfer In-Indirect Costs
<u>195,912.00</u>	Transfer In-SBA Bond Reimbursement
\$29,230,841.00	

Motion and second made to advance the fifteen articles of the consent calendar (Articles 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19) and that these articles be adopted as recommended by the Finance Committee. The funding sources for Articles 7 and 8 from Free Cash.

Motion and second to omit Article 18 from the Consent Calendar. Voted: Carried.

Motion and second to omit Articles 7 and 15 from the Consent Calendar. Voted: Carried.

Motion and second that the Consent Calendar consist of Articles 4, 5, 8, 9, 10, 11, 12, 13, 14, 16, 17 and 19 and these articles be adopted as recommended by the Finance Committee. Voted: Unanimously.

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen to borrow from time to time in anticipation of revenue of the fiscal year beginning July 1, 2008 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

Voted: Unanimously

ARTICLE 5

To see if the Town will vote to raise and appropriate and/or transfer from other available funds and/or borrow a sum of money to be used in conjunction with, and/or in addition to any funds allocated by the Commonwealth and/or County for the engineering services, construction, reconstruction, and/or improvements of Town roads, and/or take any other action relative thereto.

HIGHWAY DEPARTMENT

Voted: Unanimously

ARTICLE 8

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$770.00 to contract for environmental services directly related to Buzzards Bay, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: Unanimously

ARTICLE 9

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Council on Aging into which will be paid all receipts from health care promotion, recreational and social programs for seniors, except for receipts from the social day care program, from which costs not to exceed the sum of \$20,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: Unanimously

ARTICLE 10

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Council on Aging into which will be paid all receipts from the Social Day Care Program, from which costs not to exceed the sum of \$80,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: Unanimously

ARTICLE 11

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Council on Aging into which will be paid all receipts from income-generating activities, except receipts from health care promotion, recreational and social programs, transportation activities, and the social day care program which are the source of receipts for other revolving funds, to support the Westport Senior Center from which costs not to exceed the sum of \$5,000, for building operating/maintenance expenses, excluding salaries and wages of all full-time and part-time employees who are employed at said Senior Center, may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: Unanimously

ARTICLE 12

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Council on Aging into which will be paid all receipts from transportation for seniors, from which costs not to exceed the sum of \$30,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: Unanimously

ARTICLE 13

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Westport Fire Department into which will be paid all receipts from Ambulance Fees, from which costs not to exceed \$110,000 for the purchase of an ambulance, ambulance equipment and/or any incurred ambulance-related expense, not to include salaries, which may be expended without further appropriation by the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

Voted: Unanimously

ARTICLE 14

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Westport Fire Department into which will be paid all receipts from Haz-Mat Fees, from which costs not to exceed \$50,000 for the purchase of Haz-Mat equipment and/or any incurred Haz-Mat related expense, not to include salaries, which may be expended without further appropriation by the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

Voted: Unanimously

ARTICLE 16

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Electrical, Plumbing & Gas Inspectors, into which will be deposited all receipts from fees and fines paid for electrical, plumbing and gas permits, from which costs not to exceed \$85,000.00 for inspections performed, mileage, schooling, supplies, clerical wages, equipment and other related miscellaneous expenses may be expended without further appropriation by the Electrical, Plumbing and Gas departments, Any fund balance in excess of \$40,000 at the end of the fiscal year will be transferred into the General Fund, and/or take any other action relative thereto.

BUILDING DEPARTMENT

Voted: Unanimously

ARTICLE 17

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Board of Selectmen into which will be paid receipts from the additional License Fee, from which costs not to exceed \$100,000.00 for cable services, equipment and/or supplies may be expended without further appropriation by the Board of Selectmen, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: Unanimously

ARTICLE 19

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Westport Police Department into which will be paid all receipts from Police Cruiser Fees associated with private details, from which costs not to exceed \$50,000.00 for the purchase of cruisers, associated equipment and/or any incurred police cruiser-related expense, not to include salaries, which sum may be expended without further appropriation by the Westport Board of Selectmen, and/or take any other action relative thereto.

POLICE CHIEF

Voted: Unanimously

ARTICLE 7

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$1.00 for the purpose of maintaining during the ensuing year the mosquito control work as estimated and certified by the State Reclamation Board in accordance with the provisions of Chapter 112 of the Acts of 1931 and/or to take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to appropriate \$1.00 from Free Cash. Voted: Unanimously

ARTICLE 15

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53C for Fiscal Year 2009, a revolving fund for the Westport Fire Department into which will be paid all receipts from Private Detail Fees, for the payment of Private Detail salaries and other related Private Detail expenses, which may be expended without further appropriation by the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

Motion and second to pass over Article 15. Voted: Unanimously.

ARTICLE 18

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Planning Board into which will be paid all portions of subdivision filing fee receipts collected for the purpose of maintaining the assessors parcel GIS database, as provided in the Rules & Regulations Governing the Subdivision of Land, as they may be amended from time to time. These funds may be expended for costs not to exceed \$20,000, and solely for purposes related to maintaining the GIS database, and may be expended without further appropriation by the Planning Board, and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to amend Article 18 to read as follows:

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2009, a revolving fund for the Planning Board into which will be paid all portions of filing fees and other fee receipts collected for the purpose of maintaining the GIS database. These funds may be expended for cost not to exceed \$20,000, for purposes related to maintaining the assessors parcel GIS database and other related GIS expenses, and may be expended without further appropriation by the Planning Board, and/or take any other action relative thereto.

Voted: Unanimously to accept the provisions of Article 18 as amended.

ARTICLE 6

To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or transfer from within existing appropriations a sum of \$20,000 to be used for the engineering services, repair, resurfacing, reconstruction, drainage, and maintenance of Town roads, and/or take any other action relative thereto.

HIGHWAY DEPARTMENT

Motion and second to accept the provisions of Article 6 with \$20,000 appropriated from Free Cash was defeated.

ARTICLE 20

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

Salaries	\$ 50,036.00
Expenses	\$ 61,294.00
Capital Outlay	<u>\$ 11,000.00</u>
Total	\$122,330.00

and that \$122,330.00 be raised as follows:

User Charges	\$122,330.00	
		BOARD OF SELECTMEN/HARBORMASTER/WHARFINGER

Motion and second to accept the provisions of Article 20. Voted: Unanimously.

ARTICLE 21

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

Salaries	\$ 5,000.00
Capital Outlay	\$ 5,000.00
Expenses	<u>\$ 55,000.00</u>
Total	\$ 65,000.00

and that \$65,000.00 be raised as follows:

User Charges	\$ 65,000.00	
		BOARD OF SELECTMEN

Motion and second to accept the provisions of Article 21. Voted: Unanimously.

ARTICLE 22

To see if the Town will vote to transfer the sum of \$15,000 from the Cemetery Lots and Graves account for the maintenance and upkeep of cemeteries, avenues, paths and structures situated therein, and/or take any other action relative thereto.

CEMETERY DEPARTMENT

The provisions of Article 22 were defeated.

Motion and second to reconsider Article 22 was defeated. Voted: Yes: 160 No: 93
(a 2/3 vote was required)

ARTICLE 23

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$20,000 to be used by the Board of Assessors to fund fees and expenses to update the Revaluation program mandated by M.G.L. Chapter 797, Acts of 1979 to place the Town on a 100% valuation assessment basis, and/or take any other action relative thereto.

BOARD OF ASSESSORS

Motion and second to pass over Article 23. Voted: Unanimously.

ARTICLE 24

To see if the Town will vote to appropriate a sum of \$30,000 from receipts reserve for the purpose of closure costs and environmental monitoring expenses at the Landfill Site, and/or take any other action relative thereto.

BOARD OF HEALTH

Motion and second to accept the provisions of Article 24. Voted: Carried.

ARTICLE 25

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$16,000 for follow-up environmental work/maintenance at the Head of Westport Landing, and/or take any other action relative thereto.

LANDING COMMISSION

Motion and second to pass over Article 25. Voted: Unanimously.

ARTICLE 26

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to pay for the Town of Westport's portion of the bill for the U.S. Army Corps of Engineers dredging of the Westport River and the State dredging around the Town wharves and adjacent channel previously dredged in 1975, and/or take any other action relative thereto.

HARBORMASTER

Motion and second to transfer the sum of \$199,500 as recommended by the Dredging Committee to pay for the Town of Westport's portion of the bill for the U.S. Army Corps of Engineers dredging of the Westport River and the State dredging around the Town wharves and adjacent channel previously dredged in 1975 from the following accounts:

Harbor Enterprise Undesignated	62-X-3500-3590	\$89,000
Harbormaster Capital	62-X-3200-3230	10,000
Wharfinger Capital	62-X-3200-3231	29,000
Municipal Waterways	17-X-3300-3370	71,500

Total \$199,500

Voted: Unanimously

ARTICLE 27

To see if the Town will vote to raise and appropriate and/or transfer from Municipal Waterways Fund \$3,000 for new navigational aids for the recently dredged Federal Channel, and/or take any other action relative thereto.

HARBORMASTER

Motion and second to accept the provisions of Article 27. Voted: Unanimously.

ARTICLE 28

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY09 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year 2009; and further to reserve for future appropriation a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use; a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources; and a sum of money for the creation, preservation and support 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

Motion and second to appropriate the following amounts from the Community Preservation Fund:

Oscar Palmer Farm (C/H)	\$200,000
Oscar Palmer Farm (H/P)	200,000
Open Space Reserves	100,000
Cadman—Handy House	6,930
Sanford Road School House	42,000
Town Hall Annex	34,000
Town Hall	15,000
Head of Westport Landing	16,000
COA Building Access	2,825
Waite-Potter Chimney	918
Administration	21,000
Total	\$638,673

Motion and second to amend Article 28 to include transferring the following sums from the accounts listed below to the Historic Preservation Reserves:

FY05 Town Farm Restoration	25-X-045-190-6605-5826	\$ 1,850.00
FY05 Westport Corners Preservation	25-X-045-190-6005-5824	453.26
FY06 Wolf Pit School Restoration	25-X-045-190-6006-5845	5,092.00
FY07 Bell School Restoration	25-X-045-190-6007-5845	5,146.55
Total	\$12,541.81	

Motion and second to accept Article 28 as amended. Voted: Unanimously.

ARTICLE 29

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 2009 Capital Improvement Planning Program, including the purchase of departmental equipment and the making of extraordinary repairs to Town facilities; to determine whether this appropriation shall be raised by borrowing or otherwise, and/or to take any other action relative thereto.

CAPITAL IMPROVEMENT PLANNING COMMITTEE

<u>Amount</u>	<u>Department/Board</u>	<u>Purpose</u>
\$ 4,400.00	Highway	Mower
\$58,000.00	Library	Repair Roof

Motion and second to appropriate \$4,400 from Free Cash for a Mower for the Highway Department. Voted: Carried.

Motion and second to amend Article 29 to appropriate \$20,904 from Free Cash and \$37,096 from Taxation to repair the Library roof.

Motion and second to amend the amendment to appropriate \$20,000 from Free Cash and \$38,000 from the Stabilization Fund to repair the Library roof. Voted: Carried.

Motion and second to accept the provisions of Article 29 as amended. Voted: Carried.

Motion and second to advance Article 31. Voted: Carried.

ARTICLE 31

To see if the Town will vote to appropriate a sum of money for the construction, original equipping and furnishing of a new south end fire station; to determine whether this appropriation shall be raised by borrowing or otherwise, and/or take any other action relative thereto.

FIRE STATION BUILDING COMMITTEE

Motion and second that \$7,000,000.00 is appropriated for the construction, original equipping and furnishing of a new south end fire station; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$7,000,000.00 pursuant to G.L. c. 44, §7(3) or any other enabling authority and to issue bonds and notes therefore; and that the Board of Selectmen is authorized to take any other action necessary to carry out the vote taken hereunder; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C, Proposition 2½, so-called, amounts required to pay the principal of and interest on the borrowing authorized by this vote. Voted: The Moderator declared Article 31 carried by a 2/3/ vote.

Motion and second to adjourn the Annual Town Meeting at 10:10 p.m. until tomorrow night at 7:00 p.m.
Voted: Unanimously.

There were 332 registered voters and 12 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk

May 7, 2008

The adjourned Annual Town Meeting was called to order at 7:05 p.m. by Moderator Steven Fors who appointed Lino Rego, Robert McCarthy and Kate Schmitt to act as Tellers and they were duly sworn by the Town Clerk. Beverly Kut acted as timekeeper for the meeting. All stood to salute the flag of our nation.

ARTICLE 30

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$7,500 necessary to provide for economic planning and coordination services, and/or take any other action relative thereto.

WESTPORT ECONOMIC DEVELOPMENT TASK FORCE

Motion and second to appropriate \$7,500 from Taxation. Voted: Carried.

ARTICLE 32

To see if the Town will vote to raise and appropriate \$125,000 for the investigation and evaluation of water and wastewater infrastructure improvements to serve Central Village, in accordance with the previously conducted 2006 Smart Growth Study for Central Village prepared by Weston and Sampson Engineers, Inc., including, without limitation, all costs thereof as defined in Section 1 of

Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to authorize the Board of Selectmen to expend all funds available for the project, and/or take any other action relative thereto.

CENTRAL VILLAGE PUBLIC IMPROVEMENTS COMMITTEE

Motion and second to pass over Article 32. Voted: Unanimously

ARTICLE 33

To see if the Town will vote to transfer the care, custody, maintenance and control of certain real property described below, owned by the Town and currently under the care, custody, maintenance and control of the Board of Selectmen for general municipal purposes, to the Board of Selectmen for general municipal purposes, and purposes of disposition by lease for agricultural and recreational purposes and for educational programs and administration of a not-for-profit corporation, including the social, charitable, and special events undertaken for the purposes of fundraising; and to authorize the Board of Selectmen to enter into such a lease or leases for said purposes, for all or a portion of the land and buildings located at 830 Drift Road, being (a) land shown on Assessor's Map Number 54, Lot 9, containing approximately nine (9) acres plus 39,680 sq. ft. of agricultural land, and (b) land shown on Assessor's Map Number 54, Lot 45, containing approximately thirty (30) acres of agricultural land and various buildings, together being know as the Westport Town Farm, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, such leases to exceed three years, and further to take all actions necessary to effectuate the purposes of the article, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to accept the provisions of Article 33. Voted: Unanimously.

ARTICLE 34

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$16,400 for follow-up environmental maintenance work at the Westport Town Hall as required by the Department of Environmental Protection, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to appropriate \$16,400 from Free Cash. Voted: Unanimously.

ARTICLE 35

To see if the Town will vote to accept as a gift, acquire by purchase, or take by eminent domain or in any other matter acquire, upon such terms and conditions as the Board of Selectman shall deem advisable, a perpetual easement from the Trustee(s) of the James Merriam Howard, Jr. Trust of January 7, 1997, of an area of approximately 631 square feet, on the northerly-side of Cornell Road a public way, for the purposes of line of sight distance improvement; including in the terms of the easement to be acquired are: (i) the right to relocate the existing stonewall to the course entitled "N 49 01 53 W" shown on the Plan hereinafter set forth; and (ii) the maintenance but not paving said easement area; and to appropriate the sum of \$1.00 for this purpose; and to determine how such an appropriation shall be raised, whether by taxation, transfer from available funds, borrowing or otherwise; and if by borrowing, to authorize the issuance of bonds or notes by said Town of Westport; the area of the easement to be acquired being described as follows:

The land in Westport, Bristol County, Massachusetts described as follows:

Beginning at a drill hole found in the northerly sideline of Cornell Road said drill hole being shown on a plan hereinafter referred to:

Thence, N 27 30 28 W, thirty-one and 67/100 (31.67) feet;

Thence, S 49 01 53 E, eighty-seven and 06/100 (87.06) feet;

Thence, N 70 11 07W, twenty-five and 19/100 (25.19) feet;

Thence, N 53 16 21 W, thirty-four and 19/100 (34.19) feet to the point of beginning.

Containing 631 square feet, more or less and being shown on a plan entitled "Easement Plan prepared for James Merriam Howard, Jr. Trust of January 7, 1997", property located at 229 Cornell Road, Westport, Massachusetts, Scale: 1" = 20', Date: September 18, 2007, prepared by Boucher & Heureux, Inc.,

or to take any other action relative thereto.

PLANNING BOARD

Motion and second to appropriate \$1.00 from Taxation. Voted: Unanimously.

ARTICLE 36

To see if the Town will vote to amend the By-Laws and Regulations of the Town of Westport by adding the following By-Law regulating excessive noise on Town waters:

ARTICLE LV

WATERCRAFT NOISE

5501. For purposes of this By-Law, the following words shall have the following meanings:

- A. Watercraft – Any vessel used, or capable of being used, as a means of transportation on water defined in M.G.L. 90B Section 1 including, but not limited to, motorboats, jet skis, surf jets and wetbikes. The word "watercraft" shall include airboats.
- B. Stationary Sound Level Test – The standard developed by the Society for Automotive Engineers to measure the decibel level of stationary motorboats as prescribed by SAE J2005.
- C. Shoreline Sound Level Test – The standard developed by the Society for Automotive Engineers to measure the decibel level of motorboats from shore as prescribed by SAE J1970.

5502. Every watercraft operated on the waters of Westport shall be equipped at all times with a muffler on the exhaust of its engine or an underwater exhaust as required by M.G.L. 90B Section 6.

5503. No persons shall operate watercraft on the waters of Westport in a manner to permit the production of any sound from the watercraft that equals or exceeds:

- A. Ninety decibels on the "A" scale when subjected to a stationary sound level test at a distance greater than three feet from the stern with its engine at idle speed; or
- B. Seventy-five decibels on the "A" scale when subjected to the shoreline sound level test from the shoreline or from the banks of a river.

5504. The Harbormaster, Assistant Harbormaster or police officer who has reason to believe that a watercraft is not in compliance with noise levels established by this By-Law may

direct the operator of the watercraft to submit it to an on-site test to measure the level of sound emitted by the watercraft. The operator shall comply with that direction. The Harbormaster, Assistant Harbormaster or police officer may remain aboard the watercraft during the test at his discretion. If the level of sound emitted by the watercraft exceeds the sound levels established in this By-Law, the Harbormaster, Assistant Harbormaster or police officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the watercraft to a mooring or dock, stopping the motor and keeping the watercraft on the mooring or dock until the violation is corrected or ceases.

5505. Any person who shall violate any of the provisions of the By-Law shall be subject to a penalty of \$50.00 for the first occurrence, \$100.00 for the second occurrence and \$200.00 for each subsequent occurrence.

5506. This By-Law may be enforced by the Harbormaster, Assistant Harbormaster or a police officer through the Non-Criminal Disposition of By-Law Violations defined in M.G.L. 40 Section 21D, the Criminal Procedures for Enforcement of By-Laws, through restraining orders and other court procedures or any combination thereof.

5507. This By-Law shall not apply to the operation of commercial fishing vessels, watercraft owned or operated by any government agency or authority, dredges, commercial vessels engaged in construction or demolition work, tugboats or to auxiliary engines on commercial vessels that do not propel the vessel through water;

or take any other action relative thereto.

HARBORMASTER/BOARD OF SELECTMEN

Motion and second to accept the provisions of Article 36. Voted: Unanimously.

ARTICLE 37

To see if the Town will vote to amend the Personnel By-Law by deleting under Schedule A - Planning Board, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Administrative Assistant	2	40	Salary	FT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Town Planner	1	R	Salary	FT

and if necessary to raise and appropriate and/or transfer from available funds the sum of \$14,782.00 to the Planning Board budget therefore, and or take any other action relative thereto.

PLANNING BOARD/PERSONNEL BOARD

Motion and second to appropriate \$14,782.00 from Free Cash. Voted: Carried.

ARTICLE 38

To see if the Town will vote to amend the Personnel By-Law by adding under Schedule A - Planning Board, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Assistant Town Planner	2	40	Salary	FT

and if necessary to raise and appropriate and/or transfer from available funds the sum of \$40,000.00 to the Planning Board budget therefore, and or take any other action relative thereto.

PLANNING BOARD/PERSONNEL BOARD

Motion and second to appropriate \$40,000 from Taxation.
Motion and second to amend Article 38 to read "Assistant Town Planner/Grants Writer was defeated.

Motion and second to appropriate \$40,000 from Taxation. Voted: Carried.

ARTICLE 39

To see if the Town will vote to authorize the Board of selectmen to petition the General Court for special legislation, substantially in the form as set forth below, relating to the method of election of the Board of Selectmen; provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT RELATIVE TO THE ELECTION OF SELECTMEN IN
THE TOWN OF WESTPORT**

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, at the first annual Town Election held at least 64 days after the effective date of this act, and at all future elections, where more than one selectman will be elected, such offices shall be separately contested with each office appearing separately on the ballot. The name of any person shall not be printed on the official ballot more than once as a candidate for selectman.

Section 2. This act shall take effect upon passage.

BY PETITION

The provisions of Article 39 were lost. Voted: Unanimously.

ARTICLE 40

To see if the Town will vote to petition the General Court for a special act for recall election procedures in the Town of Westport, in accordance with the proposed act entitled "An Act Relative to Recall Elections for the Town of Westport."

AN ACT RELATIVE TO RECALL ELECTIONS FOR THE TOWN OF WESTPORT

Be it enacted, etc., as follows:

Section 1. Any member of an elected board in the Town of Westport may be recalled from his office by the voters of the Town as herein provided. The maximum number of members of a board that may be recalled at one time is the smallest number constituting a majority of said board.

Section 2. Any ten registered voters of the town may initiate a recall petition by filing with the Town Clerk a demand for same on which shall appear the name of one official sought to be recalled and the names and addresses of the ten registered voters initiating the petition. Upon receipt of such a demand, the Town Clerk shall deliver to said voters blank petitions demanding such recall, copies of which printed forms he/she shall keep available. Such blanks shall be issued by the Town Clerk, with his/her signature and official seal attached thereto. They shall be dated, contain the names of all the persons to whom they are issued, the name of the official whose recall is sought, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petitions shall be returned and filed with the Town Clerk, and shall have been signed by at least

five hundred (500) registered voters of the Town, who shall add to their signatures the street and number, if any, of their residences.

Within one business day after receiving the petitions, the Town Clerk shall submit the petition to the Registrars of Voters in the Town, and the Registrars shall within five (5) working days certify thereon the number of signatures, which are names of registered voters of the Town.

Section 3. If the petition shall be found and certified by the Town Clerk to be sufficient, he/she shall submit the same with his/her certificate to the Board of Selectmen within five (5) working days. Thereafter, within five (5) working days the Selectmen shall give written notice of the receipt of the certificate to the officer sought to be recalled. Unless the officer resigns within five (5) working days thereafter, the Board of Selectmen shall order an election to be held on a date fixed by them, not fewer than sixty (60) and not more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however, that if any other Town Election is to occur within ninety (90) days after the date of the certificate, the Board of Selectmen shall schedule the Recall Election to coincide with such other election. No official shall be subject to recall if his/her term of office will expire within ninety (90) days of the certificate. If a vacancy occurs in the office after a Recall Election has been ordered, the election shall nevertheless proceed as provided in this section.

Section 4. Any official sought to be removed may be a candidate to succeed himself/herself, and unless he/she requests otherwise in writing, the Town Clerk shall place his/her name on the ballot, without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

Section 5. The incumbent shall continue to perform the duties of his/her office until the Recall Election. If then reelected, he/she shall continue in office for the remainder of his/her un-expired term. If not reelected in the Recall Election, he/she shall be deemed removed upon the qualification of his/her successor, who shall hold office during the un-expired term. If the successor fails to qualify within five (5) days after receiving notification of his/her election, the incumbent shall be deemed removed and the office vacant.

Section 6. Ballots used in a Recall Election shall submit the following propositions in the order indicated:

For the recall of (name of official)

Against the recall of (name of official)

Immediately at the right of each proposition, there shall be a square in which the voter, by making a mark, may vote for either of the said propositions.

Under the propositions shall appear the word "Candidates," the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this, the names of candidates nominated in accordance with the provisions of law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If less than a majority of the votes cast upon the question of recall is in the affirmative, the ballots for candidates need not be counted.

BY PETITION

Motion and second to amend Article 40, Section 2, to add in line three, after the word "recalled" the words "the grounds of recall"; to add in line eight, after the word "sought", the words "and the grounds of recall as stated in the petition"; in line ten, after the word "office", the words "each petition" and to amend Section 3, to add in line four after the words "receipt of the " the words "certified petition" and after the words "sought to be recalled" the words "along with a copy of the recall petition stating grounds for recall". Voted: Carried.

The Moderator declared the provisions of Article 40, as amended, defeated.

ARTICLE 41

To see if the Town will vote to accept the layout of Main Road.

CENTRAL VILLAGE PUBLIC IMPROVEMENTS COMMITTEE

Motion and second to accept the layout as a public way of Main Road a copy of which is on file in the office of the Town Clerk, and 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. Voted: Unanimously.

ARTICLE 42

To see if the Town will vote to accept the layout of Jordan's Way, on file in the office of the Town Clerk, and or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to accept the layout as a public way of Jordan's Way a copy of which is on file in the office of the Town Clerk, and 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. Voted: Unanimously.

ARTICLE 43

To see if the Town will vote to accept the layout of Bentley Lane, on file in the office of the Town Clerk, and or take any other action relative thereto.

BY PETITION

Motion and second to amend Article 43 as follows: to accept the layout as a public way of Bentley Lane a copy of which is on file in the office of the Town Clerk, and 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.

Voted: Unanimously as amended.

ARTICLE 44

To see if the Town will vote to amend its By-Laws by adopting the following, or take any other action relative thereto.

ARTICLE LV

ADOPTION OF CHILD SAFETY ZONES

5501. PURPOSE AND INTENT OF CHILD SAFETY ZONES

This By-Law is a regulatory measure aimed at protecting the health and safety of children in Westport from the risk that convicted sex offenders may re-offend in locations where there is a high and/or likely concentration of children. The Town finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate, learn or play in public places.

5502. CHILD SAFETY ZONES

Any person who has been classified as a Level 2 Sex Offender or Level 3 Sex Offender by the Sex Offender Registry Board of Massachusetts, or any similar classification under

any State or Federal Sex Offender Registry, shall not enter or be present upon any real property upon which there exists any facility used for, or which supports a use of:

- 5502.1** A public park, parkway, parkland, park facility;
- 5502.2** A public swimming pool;
- 5502.3** A public library;
- 5502.4** A recreational trail;
- 5502.5** A public playground;
- 5502.6** A school for individuals under the age of 18;
- 5502.7** Athletic fields used by individuals under the age of 18;
- 5502.8** A daycare center used by individuals under the age of 18;
- 5502.9** Any specialized school for individuals under the age of 18, including, but not limited to a gymnastics academy, dance academy or music school;
- 5502.10** Sports facility open to the public;
- 5502.11** Any facility for individuals under the age of 18 including a public or private school, group home, residential care center for children and youth, a shelter care facility, a foster home and such other facilities as may be determined and approved in conformance with this bylaw.

A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, is on file in the Office of the Town Clerk for public inspection.

5503. CHILD SAFETY ZONE EXCEPTIONS

A person does not commit a violation of Section 2 above, and the enumerated uses may allow such person on the property supporting such use, if any of the following apply:

- 5503.1.1** The property supporting an enumerated use under Section 2 also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
 - 5503.1.2** Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 - 5503.1.3** Written advance notice is made from the person to an individual in charge of the church, and approval from said individual in charge of the church, as designated by the church, is given in return, acknowledging the attendance by the person; and
 - 5503.1.4** The person shall not participate in any religious education programs, which include individuals under the age of 18.
- 5503.2** The property supporting an enumerated use under Section 2 also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the

person, as the child's parent, upon the property, subject to the following conditions:

5503.2.1 Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and

5503.2.2 Written advance notice is made from the person to an individual in charge of the used upon the property, and approval of said individual in charge, as designated by the owner of the use upon the property, is made in return, acknowledging the attendance by the person.

5503.3 The property supporting an enumerated use under Section 2 also supports a polling location in a local, state or federal election, subject to the following conditions:

5503.3.1 The person is eligible to vote;

5503.3.2 The designated polling place for the person is an enumerated use; and

5503.3.3 The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacated the property immediately after voting.

5503.4 The property supporting an enumerated use under Section 2 also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the education purposes of the school.

BOARD OF SELECTMEN

Motion and second to pass over Article 44. Voted: Carried.

ARTICLE 45

To see if the Town will vote to amend various portions of the Westport Zoning By-Laws pertaining to Adult Uses as follows:

Item 1. To amend Section 1.1 Definitions as follows or take any other action relative thereto. To replace Section 1.1.C with the following definition:

Adult Entertainment Establishment - The following uses, as defined in G.L. c.40A, §9A, shall be known as Adult Entertainment Establishments: Adult Bookstore, Adult Motion Picture Theatre, Adult Paraphernalia Store, Establishment Which Displays Live Nudity For Its Patrons, and Adult Video Store.

For purposes of this By-Law, the term "substantial or significant portion of stock in trade" shall be deemed to exist under any of the following circumstances:

a. When the cost (either wholesale or retail) of the portion of the stock in trade on hand characterized or distinguished by depicting or concerning sexual conduct or sexual excitement, as defined in G. L. c. 272, §3I, comprises more than ten percent (10%) of the total stock in trade on hand; or

b. When monthly revenues, including rentals, from such stock in trade exceeds more than ten percent (10%) of the monthly revenues from all stock in trade; or

c. When an area of more than ten percent (10%) of the floor area open to or observable by customers is wholly or partially used for the display or storage of such stock in trade; or

d. When a business with any such stock in trade fails, upon request of the Inspector of Buildings to produce accurate information to determine whether the thresholds set forth in paragraphs (a), (b) or (c) have been exceeded, there shall be a presumption that such business comprises an Adult Entertainment Establishment.

To delete Section 1.1.D

To delete Section 1.1.W.

Item 2. To amend Section 3.1 Location of Districts by inserting in the first sentence the words "and other overlay districts" after "flood plain districts" or take any other action relative thereto:

The first sentence will then read: "Said districts, except flood plain and other overlay districts, are located and bounded as shown on a map entitled "Zoning Map of Westport, Massachusetts, " dated March 28, 1974, and on file in the office of the Town Clerk."

Item 3. To amend Section 3.0 Types of Districts of the Westport Zoning By-Law as follows:

In the list entitled "Types of Districts", after "F. Telecommunication Facilities Overlay", to add "G. Adult Entertainment Overlay District".

Item 4. To amend Section 3.1 Location of Districts by adding after Section 3.1.F the following:

"Section 3.1.G Adult Entertainment Overlay District: The portion of the Town described as the following assessors' parcels as of May, 2008:

Assessor's Map 3, Lots 144, 144A through H, 144J and 144K

Assessor's Map 3, Lots 145 and 146

Assessor's Map 4, Lots 13 through 15, 16 and 16A

Assessor's Map 4, Lots 17 & 17A.

and further described on the Adult Entertainment Overlay District zoning map detail approved May, 2008, on file with the Town Clerk.

Item 5. To amend Section 4.0 of the Westport Zoning By-Law as follows:

1. To delete Section 4.0.2.D in its entirety.

2. To delete Section 4.0.3.C in its entirety.

Item 6. To amend Article 4 Use Regulations by adding after Section 4.0.6 Telecommunications Facilities Overlay District (See Article 9) the following new section:

4.0.7 Adult Entertainment Overlay District (AEOD - See Article 16).

Item 7. To add Article 16 Adult Entertainment Overlay District as follows:

ARTICLE 16

ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD)

16.0 PURPOSE AND INTENT

It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that Adult Entertainment Establishments are distinguishable from other business uses and that the location of adult entertainment uses degrades the quality of life in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime, increased demands on police, fire departments and other municipal resources, decreased tax base, and blight resulting from the clustering and concentration of adult entertainment uses. Late night noise and traffic also increase due to the late hours of operation of many of these establishments. This by-law is enacted pursuant to Massachusetts General Law Chapter 40A, Section 9A and the Massachusetts Home Rule Amendment with the purpose and intent of regulating and limiting the location of Adult Entertainment Establishments (as defined within Article 1, Section 1.1 of these By-Laws) so as to prevent or minimize the secondary effects associated with these establishments, and to protect the health, safety, and general welfare of the present and future inhabitants of the Town of Westport.

The provisions of Article 16 have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually-oriented matter or materials. Similarly, it is not the intent or effect of this Article 16 to restrict or deny access by adults to sexually-oriented matter or materials protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor restrict nor deny rights that distributors or exhibitors of such matters may have to sell, distribute, or exhibit such matter or materials. Nor is it the intent or effect of this Article 16 to legalize the distribution of obscene matter or materials.

16.1 APPLICABILITY

Article 16 shall apply to all Adult Entertainment Establishments, as defined in Article 1, Section 1.1. Definitions of these By-Laws. Any existing Adult Entertainment Establishment shall apply for an Adult Entertainment Special Permit within 90 days of the effective date of this By-Law. This By-law shall not be construed so as to be more permissive than G.L. c.40A, §§6 and 9A.

16.2 ESTABLISHMENT OF ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD) & RELATIONSHIP TO UNDERLYING DISTRICTS

The AEOD is established as a district that overlays the underlying district(s), such that any parcel of land lying in the AEOD shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in these Zoning By-Laws.

16.3 PERMITTING AUTHORITY

The Special Permit Granting Authority (SPGA) shall be the Zoning Board of Appeals.

16.4 SPECIAL PERMIT USES

All Adult Entertainment Establishments, shall require a Special Permit from the Zoning Board of Appeals with Site Plan Approval under Article 15 from the Planning Board.

16.5 SPECIAL PERMIT SUBMITTAL REQUIREMENTS

Special Permit applications for approval by the Zoning Board of Appeals under this Article 16 shall contain, without limit, the following information:

- a). Name of the proposed business;
- b). A copy of the lease for the business premises;
- c). A full description of the intended nature of the business;
- d). The proposed days and hours of operation;
- e). Name and address of each person who has or will have a legal or beneficial interest in the business. If a corporation has such interest, the names and addresses of the officers and directors of same; if such corporation is not publicly owned, the names of the stockholders; if a partnership has such a legal or beneficial interest, the names and addresses of all general and limited partners and all persons with a beneficial interest in the partnership.
- f). Name and address of each person who will have management responsibility for the proposed business and specification of the days and times at which each such person will be present at the business premises. The application shall include the names and addresses of each person with management responsibility that shall be authorized and available to respond promptly to complaints at any time when a manager is not present at the business premises and shall specify how each such person can be contacted without delay at any such time.
- g). A certification that none of the persons named in the previous two subparagraphs has ever been convicted of violating the provisions of General Laws Chapter 119, Section 63 or General Laws Chapter 272 Section 28.
- h). A plan to scale showing the lot on which the proposed business will be located, including all buildings, parking spaces, driveways, abutting streets and lots and any proposed landscaping; a floor plan to scale showing the proposed layout of the business premises; exterior elevation drawings to scale showing the proposed exterior appearance of the business premises, including each proposed sign and its content and the treatment of doors and windows. Should the special permit be granted, the Planning Board will require additional plans and information as specified under Article 15 Site Plan Approval and its regulations for same. In the interest of efficiency, the applicant is advised to prepare plans, drawings and reports such that they are consistent with the Planning Board's requirements or may be augmented with additional information to meet those standards.
- i). A traffic study prepared by a Massachusetts Registered Professional Civil Engineer reliably determining the effect on traffic likely to be caused by the proposed business and setting out all measures proposed to be taken to mitigate any adverse traffic impact. The traffic study shall reliably determine any parking needs of the proposed business and shall specify how these needs will be met without adverse impact on- or off-site.
- j). Total number of employees and hours they are expected to work;
- k). Proposed security precautions including, without limit, a security plan ensuring that minors in no event be exposed to sexually explicit material or performances except as authorized by law.

- l). A proposed plan for ensuring that the stock in trade of the business or any performance presented shall include no obscene material, as defined in General Laws Chapter 272, Section 31.
- m). If the application is for renewal of a special permit for an Adult Entertainment Establishment, it shall contain a certification that the establishment has complied with the terms and conditions of the special permit for which renewal is sought, and shall specify any and all proposed changes to the extent, nature and location of the use.

16.6 RULES AND REGULATIONS

The Zoning Board of Appeals shall promulgate rules and regulations governing the issuance of special permits for Adult Entertainment Establishments and shall file a copy of said rules and regulations with the office of the Town Clerk, as required by General Laws Chapter 40A, Section 9A. The Board may assess reasonable fees for administration and review of such applications, including, but not limited to, consultant review fees, including legal fees incurred by the Zoning Board of Appeals in reviewing the application, as provided in G.L. c.40, §53G.

16.7 SPECIAL PERMIT STANDARDS FOR ADULT ENTERTAINMENT

A Special Permit shall be granted, subject to such reasonable conditions relative to time, place and manner of the operation as the Zoning Board of Appeals may deem necessary or appropriate, for an Adult Entertainment Establishment unless one or more of the following conditions is not satisfied:

a). Submission Standards:

An application containing inaccurate or incomplete information shall be cause for denying a special permit. If a special permit is issued and information in the application is later found to be false, this shall be cause for revoking, denying renewal of or modifying the special permit. An application for a renewed special permit shall be determined in the same manner as the original application except that failure to comply with the conditions of the original permit or to follow the approved plans shall be cause for denial of a renewal and for revocation of the original permit.

b). Location and Site Standards:

- No Adult Entertainment Establishment may be located outside of an AEOD.
- Maximum lot coverage, including but not limited to structures, parking and driveway areas, shall be less than fifty percent (50%), including parking and driveway areas.

c). Display Standards:

No signs, graphics, pictures, publications, videotapes, movies, covers, merchandise, or other implements, items or advertising, depicting, describing or relating to sexual conduct or sexual excitement as defined in Massachusetts General Law Chapter 272, Section 31 shall be displayed in the windows of, or on the exterior of the building of, any Adult Entertainment Establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas outside such establishments.

d). **Screening Standards:**

All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the Adult Entertainment Establishment by the public.

e). **Minors:**

No Adult Entertainment Establishment shall be allowed to disseminate adult matters to minors, to cause Adult Entertainment Establishment displays to be viewed by minors, or to allow minors to linger on the premises

f). **Applicant Standards:**

No Special Permit shall be issued absent compliance with the provisions of Section 16.5 (e), (f) and (g) and confirmation of the truthfulness of the information provided by the applicant in this regard.

g). **Parking and Access Standards:**

Parking shall comply with the requirements of Article 5.1 of these By-Laws governing off-street parking, except that off-site parking shall not be allowed, and with recommendations of traffic and engineering consultants including those made during the Site Plan Approval process. Drive-through facilities are prohibited at all Adult Entertainment Establishments.

h). **Security Standards:**

The applicant may be required to provide and pay for a police security detail at any time when, in the opinion of the Chief of Police, conditions warrant additional security.

16.8 LAPSE OF SPECIAL PERMIT

A special permit issued under this Section 16 shall lapse upon anyone of the following occurrences:

- a). A change in or expansion of the location(s) of the adult use, including but not limited to access, parking, and areas for performance or sales;
- b). Sale, transfer or assignment of the business or the business and/or premises;
- c). Change in ownership or management.
- d). Failure to commence a permitted Adult Entertainment Establishment, within the term of the special permit as established in Section 16.8(e), except for good cause, including such time as is required to pursue or await the determination of an appeal to the court from the grant thereof.
- e). Any special permit issued for an Adult Entertainment Establishment shall be for a term specified by the Board of Appeals not to exceed two (2) years.

16.9 SEVERABILITY

If any portion of this by-law is ruled invalid, such ruling shall not affect the validity of the remainder of the by-law.

Item 8. Table of Uses

1. To amend the Table of Uses by deleting the lines for Adult Live Entertainment Establishment, Adult Theater and Sexually Oriented Business.

2. To amend the Table of Use Regulations by adding the following line for Adult Entertainment Establishment:

<u>USES</u>	<u>RESIDENTIAL</u>	<u>BUSINESS</u>	<u>UNRESTRICTED</u>
ADULT ENTERTAINMENT ESTABLISHMENT (See Article 16)	N	N (Except SPBA & SPA-PB in AEOD)	N

and/or take any other action relative thereto.

BOARD OF SELECTMEN/PLANNING BOARD

Note: See Map

Motion and second to amend Article 45, Item 4 to read as follows:

“To amend Section 3.1 Location of Districts by adding after Section 3.1.F the following:

“Section 3.1.G Adult Entertainment Overlay District: The portion of the Town described as the following Assessor’s parcels as of May, 2008:

- Assessor’s Map 3, Lots 144, 144B through E
- Assessor’s Map 3, Lots 145 and 146
- Assessor’s Map 4, Lots 13 through 15, 16 and 16A
- Assessor’s Map 4, Lots 17 and 17A

and further described on the Adult Entertainment Overlay District zoning map detail approved May, 2008 on file with the Town Clerk.

Motion and second to amend the previous motion to eliminate Lots 17 and 17A.

Motion and second to amend the amendment by striking out all four lines in Item 4 that refer to Assessor’s Maps and Lot numbers. Voted: Defeated.

The motion to amend Article 45 by eliminating Lots 17 and 17A was defeated

Motion to adopt the provisions of Article 45 with the original amendment was carried by a 2/3 vote. Yes: 108 No: 53

ARTICLE 46

To see if the Town will vote to revise the Westport Historical Commission By-Laws by deleting the first paragraph of the original Westport Historical By-Law (approved at the 1973 Annual Town Meeting) and substitute the following as a new paragraph 1:

“There is hereby established under the Historic Districts Act, General Laws Chapter 40C, with all the powers and duties of an historic district commission, a Westport Historical Commission, consisting of seven members to be appointed by the Board of Selectmen, and including one member from two nominees submitted by the local historical society, one member from two nominees submitted by the Chapter of the American Institute of Architects covering the area, and one member from two nominees from the board of realtors, if any, covering the area. If within 30 days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made by the appointing body, the Board of Selectmen may

proceed to appoint the Commission without nominations by such organization. The members of the Westport Historical Commission shall include one or more residents or owners of property in a historic district to be administered by the Commission. Alternates need not be from nominees of organizations entitled to nominate members. Each member and alternate shall continue in office after the expirations of his term until his/her successor is duly appointed and qualified. All members and alternates shall serve without compensation.”

and/or take any other action relative thereto.

HISTORICAL COMMISSION

Motion and second to accept the provisions of Article 46.

Voted: The Moderator declared Article 46 carried by a 2/3 majority vote.

ARTICLE 47

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/FINANCE COMMITTEE

Motion and second to pass over Article 47. Voted: Unanimously.

Motion and second to adjourn and dissolve the Annual Town Meeting at 10:50 p.m.
Voted: Unanimously.

There were 230 registered voters and 7 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk

And you are hereby directed to serve this warrant by posting five or more attested copies in as many places within said Town at least fourteen days before the time of said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting.

Given under our hands at Westport this 14th day of April in the year two thousand and eight.

J. Duncan Albert, Chairman

Steven J. Ouellette, Vice-Chairman

Robert P. Rebello

Gary Earl Mauk

Brian T. Valcourt

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
April 16, 2008

On this 16th day of April 2008, I posted 7 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station
State Road Package Store
Senior Center
Central Village Fire Station
Briere's Inc. a.k.a. Country Liquor & Variety
Town Hall
Lees Supermarket

Daniel P. Sullivan
Constable of Westport

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTPORT
WARRANT FOR SPECIAL ELECTION
JUNE 17, 2008**

BRISTOL, SS.

To either of the Constables of the Town of Westport: GREETINGS:

In the name of the Commonwealth you are hereby directed notify and warn the inhabitants of said town who are qualified to vote in Elections and Town Affairs, to assemble at the respective polling places, namely:

PRECINCT A	American Legion Hall	489 Sanford Road
PRECINCT B	Town Hall Annex	856 Main Road (rear)
PRECINCT C	Alice A. Macomber School	154 Gifford Road
PRECINCT D	Fire Station	85 Briggs Road
PRECINCT E	Westport High School	19 Main Road

On Tuesday, the 17th day of June next, it being the third Tuesday of the month, at ten o'clock in the forenoon then and there to vote on the following question, viz:

Question No. 1:

Shall the Town of Westport be allowed to exempt from the provisions of proposition two and one-half so-called, the amount required to pay for the bond issued in order to construct, originally equip and furnish a new South End Fire Station?

Yes _____ No _____

The polls will be open for balloting for the officers, or any questions contained on the official ballot at 10:00 a.m. and shall be closed at 8:00 p.m.

And you are hereby directed to serve this warrant by posting five or more attested copies thereof in as many public places within said Town at least seven days before the time of said meeting.

Hereof and fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands at Westport this day of in the year two thousand eight.

J. Duncan Albert

Robert P. Rebello

Steven J. Ouellette

Gary Earl Mauk

Brian T. Valcourt

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
June 2, 2008

On this 2nd day of June 2008, I posted 7 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station
State Road Package Store
Senior Center
Central Village Fire Station
Briere's Inc. a.k.a. Country Liquor & Variety
Town Hall
Lees Supermarket

Daniel P. Sullivan
Constable of Westport

Philip B. Hudner
453 Old Harobr Road
Westport, MA 02790

Ms. Marlene M. Samson
Town Clerk
Westport, MA 02790

May 14, 2008

Dear Ms. Samson,

It is with deep regret that I submit my resignation as a member of the Westport Planning Board. My personal situation has changed so that I can no longer serve.

It has been a privilege and a pleasure to have served on the Planning Board whose members and staffs have continually demonstrated an extraordinary commitment to the welfare of Westport and its residents. I cherish my association with them, and wish them continued success.

Sincerely,

Philip B. Hudner

cc: Planning Board

SPECIAL TOWN ELECTION

JUNE 17, 2008

Agreeable to the foregoing warrant the voters of the Town assembled at the polling places in their respective voting precincts on the above date. Ballots were given in for the following question, assorted, counted and public declaration made thereof in open meeting, the total result of the balloting from the five precincts as certified by the Precinct Officers being as follows:

QUESTION 1.- Fire Station

Yes, one thousand two hundred forty-three	1243
No, seven hundred ninety-eight	798
Blanks, zero	0

A true record,
Attest:

Marlene M. Samson
Town Clerk

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTPORT, MASSACHUSETTS
WARRANT FOR STATE PRIMARY**

BRISTOL, SS.

To either of the Constables of the Town of Westport:

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Elections to vote at the following places:

PRECINCT A	American Legion Hall	489 Sanford Road
PRECINCT B	Town Hall Annex	856 Main Road (rear)
PRECINCT C	Alice A. Macomber School	154 Gifford Road
PRECINCT D	Fire Station	85 Briggs Road
PRECINCT E	Westport High School	19 Main Road

on **TUESDAY, THE SIXTEENTH DAY OF SEPTEMBER, 2008** from 7:00 A.M. to 8:00 P.M. for the following offices:

SENATOR IN CONGRESS	FOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESS	4th CONGRESSIONAL DISTRICT
COUNCILLOR	1st COUNCILLOR DISTRICT
SENATOR IN GENERAL COURT	1st BRISTOL & PLYMOUTH SENATORIAL DISTRICT
REPRESENTATIVE IN GENERAL COURT	8th BRISTOL REPRESENTATIVE DISTRICT
REGISTER OF PROBATE.....	BRISTOL COUNTY
COUNTY TREASURER	BRISTOL COUNTY

COUNTY COMMISSIONERSBRISTOL COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this day of August, 2008.

J. Duncan Albert

Robert P. Rebello

Steven J. Ouellette

Gary Earl Mauk

Brian T. Valcourt

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790

On this 11th day of August 2008, I posted 7 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station
State Road Package Store
Senior Center
Central Village Fire Station
Briere's Inc. a.k.a. Country Liquor & Variety
Town Hall
Lees Supermarket

Daniel P. Sullivan
Constable of Westport

STATE PRIMARY
SEPTEMBER 16, 2008

Agreeable to the foregoing warrant the voters of the Town assembled at the polling places in their respective voting precincts on the above date. Ballots were given in for the candidates of political parties, assorted, counted and public declaration made thereof in open meeting, the total result of the balloting from the five precincts as certified by the Precinct Officers, being as follows:

DEMOCRATIC

SENATOR IN CONGRESS

John F. Kerry had seven hundred sixty-six	766
Edward J. O'Reilly had three hundred sixty-four	364
Blanks, nineteen	19

REPRESENTATIVE IN CONGRESS

Barney Frank had nine hundred twenty-nine	929
Blanks, two hundred twenty	220

COUNCILLOR

Carole A. Fiola had seven hundred seventy-six	776
Oliver P. Cipollini, Jr. had two hundred thirty-six	236
Blanks, one hundred thirty-seven	137

SENATOR IN GENERAL COURT

Joan M. Menard had eight hundred seventy-one	871
Blanks, two hundred seventy-eight	278

REPRESENTATIVE IN GENERAL COURT

Michael J. Rodrigues had nine hundred nineteen	919
Mike Rapoza (write-in) had eight	8
Blanks, two hundred twenty-two	222

REGISTER OF PROBATE

John G. DeJesus had ninety-six	96
David J. Dennis had seventy	70
Gina L. DeRossi had four hundred sixty-one	461
John C. O'Neil had four hundred twenty-seven	427
Blanks, ninety-five	95

COUNTY TREASURER

Kevin J. Finnerty had seven hundred sixty-six	766
Blanks, three hundred eighty-three	383

COUNTY COMMISSIONER

Christopher T. Saunders had four hundred seventy-five	475
Paul B. Kitchen had seven hundred seventy	770
Blanks, one thousand fifty-three	1053

REPUBLICAN

SENATOR IN CONGRESS

Jeffrey K. Beatty had ninety-three 93
Blanks, five 5

REPRESENTATIVE IN CONGRESS

Earl H. Sholley had ninety-one 91
Blanks, seven 7

COUNCILLOR

Blanks, ninety-eight 98

SENATOR IN GENERAL COURT

Blanks, ninety-eight 98

REPRESENTATIVE IN GENERAL COURT

Blanks, ninety-eight 98

REGISTER OF PROBATE

Robert C. Heroux had eighty-three 83
Blanks, fifteen 15

COUNTY TREASURER

Blanks, ninety-eight 98

COUNTY COMMISSIONER

Blanks, one hundred twenty-six 126

GREEN-RAINBOW

No Candidates listed on this ballot.
Blanks, one 1

WORKING FAMILIES

No Candidates listed on this ballot.

A true record:
Attest:

Marlene M. Samson
Town Clerk

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTPORT, MASSACHUSETTS
WARRANT FOR STATE ELECTION**

BRISTOL, SS.

To either of the Constables of the Town of Westport

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at the following places:

PRECINCT A	American Legion Hall	489 Sanford Road
PRECINCT B	Town Hall Annex	856 Main Road (rear)
PRECINCT C	Alice A. Macomber School	154 Gifford Road
PRECINCT D	Fire Station	85 Briggs Road
PRECINCT E	Westport High School	19 Main Road

on **TUESDAY, THE FOURTH DAY OF NOVEMBER, 2008**, from 7 A.M. to 8 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT.....STATEWIDE
SENATOR IN CONGRESS.....FOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....4TH CONGRESSIONAL DISTRICT
COUNCILLOR.....1ST COUNCILLOR DISTRICT
SENATOR IN GENERAL COURT.....1ST BRISTOL & PLYMOUTH SENATORIAL DISTRICT
REPRESENTATIVE IN GENERAL COURT.....8TH BRISTOL REPRESENTATIVE DISTRICT
REGISTER OF PROBATE.....BRISTOL COUNTY
COUNTY TREASURER.....BRISTOL COUNTY
COUNTY COMMISSIONERS.....BRISTOL COUNTY

QUESTION 1.

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

SUMMARY

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income for the tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of "S corporations" as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning before January 1, 2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

A NO VOTE would make no change in state income tax laws.

QUESTION 2.

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

SUMMARY

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state's criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of \$100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same \$100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the offender to complete a drug awareness program developed by the state Department of Youth Services. Such programs would include ten hours of community service and at least four hours of instruction or group discussion concerning the use and abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as much as \$1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the unavailability of such a program. Such an offender's parents could also be held liable for the increased penalty. Failure by an offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local government entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public housing, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the opportunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that prohibit the public use of marijuana and would not affect existing laws, practices, or policies concerning operating a motor vehicle or taking other actions while under the influence of marijuana, unlawful possession of prescription forms of marijuana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

A YES VOTE would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties.

A NO VOTE would make no change in state criminal laws concerning possession of marijuana.

QUESTION 3.

Do you approve of a law summarized below on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

SUMMARY

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the Commission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the state Legislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings would be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

A NO VOTE would make no change in the laws governing dog racing.

QUESTION 4.

Shall the state representative from this district be instructed to vote in favor of legislation that

- 1) reduces greenhouse gas emissions in Massachusetts by 80% by 2020; and
- 2) phases out tax incentives for energy-intensive projects, while expanding job creation programs for locally-owned businesses and cooperatives involved in renewable energy, conservation, and sustainable agriculture?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this day of October, 2008.

J. Duncan Albert

Robert P. Rebello

Steven J. Ouellette

Gary Earl Mauk

Brian T. Valcourt

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790

On this 23rd day of October 2008, I posted 7 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station
State Road Package Store
Senior Center
Central Village Fire Station
Briere's Inc. a.k.a. Country Liquor & Variety
Town Hall
Lees Supermarket

Daniel P. Sullivan
Constable of Westport

STATE ELECTION

November 4, 2004

Agreeable to the foregoing warrant the voters of the Town of Westport assembled at the polling places in their respective precincts on the above date. Ballots were given in for the following named persons, assorted, counted and public declaration made thereof in open meeting, the total result from the five precincts, as certified by the precinct officers being as follows:

ELECTORS OF PRESIDENT & VICE PRESIDENT

Baldwin and Castle had twenty-two	22
Barr and Root had twenty-three	23
McCain and Palin had three thousand eighty-seven	3087
McKinney and Clemente had fifteen	15
Nader and Gonzalez had one hundred four	104
Obama and Biden had five thousand three hundred nineteen	5319
No Preference, zero	0
Blanks, one hundred	100

SENATOR IN CONGRESS

John F. Kerry had five thousand six hundred seventy-five	5675
Jeffrey K. Beatty had two thousand three hundred twenty-eight	2328
Robert J. Underwood had three hundred fifty	350
Blanks, three hundred seventeen	317

REPRESENTATIVE IN CONGRESS

Barney Frank had five thousand five hundred thirty-six	5536
Earl Henry Sholley had two thousand one hundred forty-eight	2148
Susan Allen had six hundred	600
Blanks, three hundred eighty-six	386

COUNCILLOR

Carole A. Fiola had six thousand ten 6010
Blanks, two thousand six hundred sixty 2660

SENATOR IN GENERAL COURT

Joan M. Menard had six thousand three hundred thirty-four 6334
Blanks, two thousand three hundred thirty-six 2336

REPRESENTATIVE IN GENERAL COURT

Michael J. Rodrigues had six thousand eight hundred seventy-seven 6877
Blanks, one thousand seven hundred ninety-three 1793

REGISTER OF PROBATE

Gina L. DeRossi had five thousand two hundred forty-five 5245
Robert C. Heroux had one thousand six hundred fifty-two 1652
Roy D. Santos had six hundred thirty-three 633
Blanks, one thousand one hundred forty 1140

COUNTY TREASURER

Kevin J. Finnerty had five thousand seven hundred fifty-one 5751
Blanks, two thousand nine hundred nineteen 2919

COUNTY COMMISSIONER

Christopher T. Saunders had three thousand two hundred ninety-four 3294
Paul B. Kitchen had three thousand six hundred ninety-nine 3699
Gregory DeMelo had one thousand five hundred forty-four 1544
Blanks, eight thousand eight hundred three 8803

QUESTION 1.

Yes, two thousand three hundred four 2304
No, six thousand fifty-one 6051
Blanks, three hundred fifteen 315

QUESTION 2.

Yes, five thousand seventy-nine 5079
No, three thousand two hundred fifty-four 3254
Blanks, three hundred thirty-seven 337

QUESTION 3.

Yes, three thousand nine hundred seventy-one 3971
No, four thousand two hundred fifty-eight 4258
Blanks, four hundred forty-one 441

QUESTION 4.

Yes, five thousand one hundred ninety-four 5194
No, one thousand nine hundred thirty-four 1934
Blanks, one thousand five hundred forty-two 1542

A true record,
Attest:

Marlene M. Samson
Town Clerk

December 30, 2008

Marlene Sampson, Town Clerk
Westport Town Hall
816 Main Road
Westport, MA 02790

Dear Marlene,

Based on the attached reasons as sent out as e-mail, I would like to submit my official resignation on January 30, 2009.

I believe this will give other candidates time to file their papers to run for the vacated seat on the School Committee.

I would like to have the attached formal public announcement considered as part of this legal announcement to you.

I will always continue to be involved as a resident in getting funding for the classroom funds and look forward to be an active resident as I hope all residents who may not have a student in our school system to take part in the School Committee Meetings.

Thank You for all your help to myself and to our Town of Westport.

Richard Botelho
14 William Street
Westport, MA 02790

508-578-0597

Westport School Committee Resignation

I am resigning from the Westport School Committee for rather serious medical problems, not only with myself but also with my parents and daughter. My time must be with them. I will continue my work with Westport High School Alumni Assoc. in raising Scholarships.

I do look at my voting records and can truly say that I never, ever, veered from my promises of what I told the residents that I would do. I believe now and will always believe with all my heart, that the Students Classroom Tools must come before anything no matter what. These Students are our future.

I'm not going to spend the body of this letter in going back and pointing fingers. There isn't a reason and there isn't time. To these people I say, "Live with it." Would your votes have been the same if you knew your death would be the next day? The old saying comes to my mind that "The definition of "Insanity" is to "Do the same thing over and over and expect a different result."

I may not be able to attend all meetings of any of the Boards but rest assured that letters to the editors and phone calls to our radio stations will start anew and with even more information on how these figures presented are calculated.

Two carried the Torch and now there is one. Mr. Kleber has always voted for monies into the classroom and will present excellent presentations to the Selectman and Finance Committee" if given the chance. "Zero Based" and "Fixed and Variable Methods" are the key with moving towards "Regional Administration" as I mentioned at the Mayoral Debates in Fall River.

I want Mr. Kleber to know that I respect his position and taking his stand to get the money firmly in place with the Students to solve Westport's future challenges as well as the current challenges.

What the School Committee needs now is the passionate voice of the parents and residents at every meeting.

I believe with that support, Mr. Kleber will be able to right the ship. He can also always count on my backing.

My apologies to all the great, positive residents who voted for me, and be assured that although I may not make it on meeting night, I will continue to raise my voice in many different ways, in support of,

Education over Administration

Richard Botelho
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