

Minutes of Westport 2009 Annual and Special Town Meetings

ANNUAL TOWN MEETING

TOWN OF WESTPORT

COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN MEETING

MAY 26, 2009

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 26, 2009 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 7:05 p.m. by Moderator Steven Fors who appointed Lino Rego to act as Teller and was duly sworn before the Town Clerk. Carol Tripp 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 recognized and thanked former Selectmen Robert Rebello and J. Duncan Albert for their time and service to the residents of the Town and Superintendent Dr. Linda Galton for all her work on behalf of the students and parents of Westport.

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 7:16 p.m. and open the Special Town Meeting. Voted: unanimously.

TOWN OF WESTPORT

COMMONWEALTH OF MASSACHUSETTS

SPECIAL TOWN MEETING WARRANT

MAY 26, 2009

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 26, 2009 at 7:15 p.m., and then and there to act on the following articles, viz:

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, 2008, and/or take any other action relative thereto.

BOARD OF SELECTMEN

FROM: TO: AMOUNT

Highway Dept. Personal Services Highway Dept. Expenses \$ 30,000.00

Town Beach Expenses Town Beach Personal Services \$ 1,000.00

Police Dept. Personal Services Police Dept. Expenses \$ 30,000.00

Shellfish Dept. Expenses Shellfish Dept. Personal Services \$ 1,000.00

Reserve Fund Diman Regional Assessment \$ 9,218.00

Reserve Fund Bristol Aggie Assessment \$ 1,808.00

Reserve Fund Legal Dept. Expenses \$ 34,852.06

Free Cash Legal Dept. Expenses \$ 10,000.00

Free Cash Snow & Ice Personal Services \$ 17,032.00

Free Cash Snow & Ice Expenses \$292,968.00

Tax Collector Personal Services Tax Collector Expenses \$ 2,000.00

Available Funds/Retained Earnings Water Purchases \$ 23,000.00

Waterline Personal Services Water Purchases \$ 4,600.00

Waterline Capital Outlay Water Purchases \$ 5,000.00

Total \$462,478.06

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

Motor Sports Accessories, Corp. \$53.92

Motion and second to appropriate the sum of \$53.92 from Free Cash.

Voted: unanimously.

Motion and second to dissolve the Special Town Meeting at 7:23 p.m. and reconvene the Annual Town Meeting. Voted: unanimously.

And you are hereby directed to serve this warrant by posting five or more copies in as many places within said Town at least seven 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 4th day of May in the year two thousand and nine.

Steven J. Ouellette, Chairman Brian T. Valcourt, Vice-Chairman

Gary E. Mauk Paul A. Schmid, III

Craig J. Dutra, Clerk

WESTPORT BOARD OF SELECTMEN

Marlene Samson

Town Clerk

Westport, MA 02790

May 11, 2009

On this 11th day of May 2009, 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

Joseph C. Latimer

Constable of Westport

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 lay article 1 on the Table.

Voted: The Moderator declared the motion to lay Article 1 on the Table carried by 2/3 vote.

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

FINANCE COMMITTEE/BOARD OF SELECTMEN

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, 2009 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Salary Expense Budget

Appropriation Appropriation Total

GENERAL GOVERNMENT

114 Moderator	\$ 745.00	\$ 100.00	\$ 845.00
122 Selectmen	215,142.00	18,000.00	233,142.00
131 Finance Committee	1,300.00	2,100.00	3,400.00
132 Reserve Fund --	50,000.00	50,000.00	
135 Town Accountant	91,611.00	23,937.00	115,548.00
141 Assessors	145,700.00	3,252.00	48,952.00
145 Treasurer	129,294.00	19,890.00	149,184.00
146 Collector	120,305.00	27,189.00	147,494.00
151 Legal --	100,000.00	100,000.00	
152 Personnel Board	484.00	40.00	524.00
155 Data Processing	27,319.00	43,900.00	71,219.00
161 Town Clerk	91,912.00	2,470.00	94,382.00
163 Registrar of Voters	44,065.00	19,548.00	63,613.00
171 Conservation	58,723.00	6,858.00	65,581.00
175 Planning Board	134,100.00	6,425.00	140,525.00
176 Appeals Board	4,635.00	1,325.00	5,960.00
192 Town Hall/Annex	74,287.00	69,350.00	143,637.00
193 Property Insurance --	200,000.00	200,000.00	
194 Housing Partnership Committee --	200.00	200.00	
195 Town Reports --	2,700.00	2,700.00	

198 Town Farm 2,816.00 2,816.00

\$ 1,139,622.00 \$ 600,100.00 \$ 1,739,722.00

PUBLIC SAFETY

210 Police Department \$ 2,395,793.00 \$ 331,970.00 \$ 2,727,763.00

220 Fire Department 1,611,263.00 161,486.00 1,772,749.00

241 Building Department 97,678.00 5,840.00 103,518.00

244 Sealer of Weights &

Measurers 1,863.00 321.00 2,184.00

292 Dog Officer 26,685.00 4,850.00 31,535.00

297 Shellfish 71,245.00 20,218.00 91,463.00

298 Parking Tickets -- 3,285.00 3,285.00

\$ 4,204,527.00 \$ 527,970.00 \$ 4,732,497.00

SCHOOLS

300 Westport Community

Schools \$11,683,256.00 \$ 3,052,749.00 \$14,736,005.00

360 Regional School

Assessments -- 1,018,019.00 \$ 1,018,019.00

\$11,683,256.00 \$ 4,070,768.00 \$15,754,024.00

PUBLIC WORKS & FACILITIES

421 Highway Dept. \$ 562,740.00 \$ 127,795.00 \$ 690,535.00

423 Snow & Ice

(Snow Account) 39,635.00 30,000.00 69,635.00

424 Street Lights -- 22,000.00 22,000.00

433 Sanitary Landfill 126,166.00 194,362.00 320,528.00

491 Cemetery Department 129,213.00 10,014.00 139,227.00

492 Veteran's Graves 1,000.00 1,938.00 2,938.00

\$ 858,754.00 \$ 386,109.00 \$ 1,244,863.00

HUMAN SERVICES

511 Board of Health \$ 209,431.00 \$ 10,068.00 \$ 219,499.00

519 Nursing 33,624.00 3,660.00 37,284.00

541 Council on Aging 142,759.00 49,297.00 192,056.00

543 Veterans Services 34,470.00 114,433.00 148,903.00

\$ 420,284.00 \$ 177,458.00 \$ 597,742.00

CULTURE & RECREATION

610 Library \$ 181,649.00 \$ 25,062.00 \$ 206,711.00

631 Town Beach 30,000.00 6,200.00 36,200.00

691 Historical Commission -- 940.00 940.00

\$ 211,649.00 \$ 32,202.00 \$ 243,851.00

DEBT SERVICE

710 Principal Payments \$ -- \$ 649,000.00 \$ 649,000.00

751 Interest Payments on

Long Term Debt -- 116,000.00 116,000.00

752 Interest Payments on

Short Term Debt -- 25,000.00 25,000.00

\$ -- \$ 790,000.00 \$ 790,000.00

ASSESSMENTS

820 SRPEDD \$ -- \$ 2,300.00 \$ 2,300.00

\$ -- \$ 2,300.00 \$ 2,300.00

PENSION & INSURANCE

911 Pension Assessment \$ -- \$ 1,640,872.00 \$ 1,640,872.00

914 Health & Life Insurance -- 2,986,500.00 \$ 2,986,500.00

\$ -- \$ 4,627,372.00 \$ 4,627,372.00

TOTAL FY10 OPERATING BUDGET

\$18,518,092.00 \$ 11,214,279.00 \$29,732,371.00

Motion and second to approve all line items except Data Processing and Health Insurance. Voted: unanimously.

Motion and second to approve the sum of \$71,219.00 for Data Processing.

Voted: unanimously.

Motion and second to approve the sum of \$2,986,005.00 for Health & Life Insurance.

Voted: carried.

The following are the funding sources for Article 3:

\$ 28,781,900.00 Taxation

50,000.00 Overlay Surplus

45,000.00 Cemetery Perpetual Care Interest

10,000.00 Cemetery Sale of Lots

649,559.00 Free Cash

_ 195,912.00 _ Transfer In-SBA Bond Reimbursements

\$ 29,732,371.00

Motion and second to advance the twelve articles of the consent calendar (Articles 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18) and that the provisions of these articles be adopted as recommended by the Finance Committee. The funding source for Articles 7 and 8 is Taxation. 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, 2009 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 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

Voted: unanimously \$1.00 from Taxation.

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 \$770.00 from Taxation.

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 2010, 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 2010, 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 2010, 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 \$5,000.00, 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 2010, 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 2010, a revolving fund for the Westport Fire Department into which will be paid all receipts from Ambulance Fees, from which costs not to exceed \$110,000.00 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 2010, 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 \$50,000.00 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 15

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

2010, 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 \$40,000.00 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 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 2010, 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 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 2010, 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 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

Motion and second to accept the provisions of Article 5. Voted: The Moderator declared Article 5 carried by 2/3.

ARTICLE 6

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 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 pass over Article 6. 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 2010, a revolving fund for the Planning Board into which will be paid all portions of filing fees and other fees collected for the purpose of maintaining the assessors parcel GIS database. 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 accept the provisions of Article 17. Voted:
unanimously.

ARTICLE 19

To see if the Town will vote to establish pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2010, a revolving fund for the Hix Bridge Boat Ramp into which will be paid all receipts from the Hix Bridge Boat Ramp Permits from which costs not to exceed \$3,000.00 may be expended for Hix Bridge Boat Ramp purposes, 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.

HARBORMASTER/BOARD OF SELECTMEN

Motion and second to pass over Article 19. Voted: unanimously.

ARTICLE 20

To see if the Town will vote to raise and appropriate or transfer from available funds \$125,000.00 to operate the Harbor Enterprise, and/or take any other action relative thereto.

Salaries \$ 50,036.00

Expenses \$ 63,964.00

Capital Outlay \$ 11,000.00

Total \$125,000.00

and that \$125,000.00 be raised as follows:

User Charges \$125,000.00

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 \$ 75,000.00

Total \$ 85,000.00

and that \$85,000.00 be raised as follows:

User Charges \$85,000.00

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 \$20,000.00 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

Motion and second to accept the provisions of Article 22. Voted:
unanimously.

ARTICLE 23

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$20,000.00 to be used by the Board of

Assessors to fund fees and expenses to update the Revaluation program mandated by Chapter 797 of the 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 hear and act on the report of the Community Preservation Committee on the FY10 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 2010; 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 acquisition, creation, and preservation of community housing; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Motion and second to appropriate the following:

Purpose Amount Fund Source

OPEN SPACE

Bread & Cheese/

Brookside Conservation proj. \$ 75,000 Prior years' undesignated CPA Funds

Open Space Reserve \$ 74,000 Prior years' undesignated CPA Funds

HISTORIC PRESERVATION

Head of Westport Town Landing:

Rehabilitation \$ 16,000 Prior years' undesignated CPA Funds

Linden Grove/Maple Grove

Historic Preservation \$ 10,200 Prior years' undesignated CPA Funds

Waite-Potter Archeological Dig \$ 8,970 Prior years' undesignated CPA Funds

Grange Historic Preservation \$ 57,250 Prior years' undesignated CPA Funds

Bell School Exterior \$ 26,500 Prior years' undesignated CPA Funds

Historic Inventory \$ 20,000 Prior years' undesignated CPA Funds

Town Clerk Record Book

Preservation \$ 25,000 Prior years' undesignated CPA Funds

Library Historic Records Area \$ 20,000 Prior years' undesignated CPA Funds

Historic Preservation Reserve \$ 74,000 FY10 CPA Fund Revenues

COMMUNITY HOUSING

Central Village C.H. Support:

Sidewalks \$ 17,000 Prior years' undesignated CPA Funds

Community Housing Reserve \$274,000 FY10 CPA Fund Revenues

ADMINISTRATIVE ACCOUNT \$ 21,000 Prior years' undesignated CPA Funds

Voted: unanimously.

ARTICLE 25

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 2010 Capital Improvement Planning Program, 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

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 the sum of \$6,500.00 necessary to provide for economic planning and coordination services, and/or take any other

action relative thereto.

WESPORT ECONOMIC DEVELOPMENT TASK FORCE

Motion and second to pass over Article 26. Voted: unanimously.

ARTICLE 27

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$10,000.00 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 the sum of \$10,000.00 from Free Cash.

Voted: unanimously.

ARTICLE 28

To see if the Town will vote to amend the Westport Zoning By-Laws by adding a new article and making other amendments in the following manner:

Item One: To add Article 19 Noquochoke Overlay District as follows:

ARTICLE 19

NOQUOCHOKE OVERLAY DISTRICT (NOD)

19.0 Purpose

The purpose of the NOD by-law is to provide a mechanism for the approval of:

? A range of housing choices, including but not limited to, moderate-density, multi-family dwellings;

? Housing suitable for households of varying ages, sizes, and income levels;

? Dwelling units that shall be eligible for inclusion on Westport's Subsidized Housing Inventory under the Local Initiative Program of M.G.L. Ch. 40B, as administered by the Department of Housing and Community Development (DHCD);

? Development in a manner that conserves natural features, such as wetland resources, open space, areas of scenic beauty, and vegetated buffers along public ways and adjacent residential properties;

? Development that groups buildings to preserve open space; facilitate efficient provision of utilities; and create a sense of neighborhood and community;

? Development in accordance with a site plan demonstrating a design that is both technically functional and in harmony with both the site and surrounding land uses.

? Development that, by means of site planning and building design, promotes social sustainability.

19.1 Definitions

Development: Any project applied for and/or approved pursuant to Article 19 of the Zoning By-Laws.

19.2 Powers and Administrative Procedure

This Bylaw shall apply to developments in the Noquochoke Overlay District (NOD) as defined in Article 3 of the Westport Zoning By-Laws. Any such development shall require, without limit, a special permit under Article 2 of the Zoning By-Laws and G.L. c. 40A, §9; Site Plan Approval under Article 15; and an Inclusionary Housing Special Permit under Article 13. For the purposes of Article 19, the Planning Board of the Town of Westport (the “Board”) is hereby designated as the Special Permit Granting Authority (SPGA). As such, the Board may adopt any additional regulations, forms, fees, design guidelines, and design and construction standards it deems necessary to administer this By-Law, provided that it shall not regulate or restrict the use of materials or

methods of construction of structures that are regulated by the State Building Code. In granting a special permit, the Board may, without limit, impose controls on the dimensions, and bulk of buildings to enhance architectural compatibility with the surrounding neighborhood, and on locations of buildings and site improvements to enhance a sense of community and to ensure public health, safety and convenience and the protection of natural and cultural resources.

19.2.1 Procedures

The Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as a Special Permit Granting Authority.

19.2.2 Consolidation of Permits and Procedures

When approval is sought under this article for a project that requires special permit relief from the Planning Board pursuant to multiple Articles of the Zoning By-Laws such as, but not limited to, Article 13 Inclusionary Housing, and requiring Site Plan Approval where the Board serves as the reviewing authority, the applicant is strongly encouraged to simultaneously apply to the Board for all of the relief and submit all materials and fees initially required by those articles with the application made under this article. Whenever possible and practicable, the Board may consolidate the multiple special permits and site plan

approval proceedings, with regard to conducting the public hearings and issuing decisions. If a decision is granted under this article and other relief is addressed as well, whenever possible, the Board will issue an integrated decision for the entire project. Notices for public hearings should reference the Zoning By-Law sections under which relief is sought.

19.3 Permitted and Prohibited Uses

19.3.1 Permitted Uses

Uses allowed by right pursuant to the Table of Use Regulations in the underlying district shall also be allowed by right in this overlay district. The following uses in the Noquochoke Overlay District shall require a special permit:

- a) Developments including Single-family, Two-, and/or Multi-family dwellings with up to 12 dwelling units per building, including structures and facilities accessory thereto,
- b) Community uses accessory to the residential uses,
- c) Projects containing a combination of uses allowed by right and the aforementioned uses.

19.3.2 Prohibited Uses

Those uses prohibited in the underlying district pursuant to the Table of Use Regulations or not expressly allowed in this overlay district shall be prohibited.

19.4 Application for a Special Permit Approval

An application for a Noquochoke Overlay District Special Permit shall adhere to the Rules and Regulations of the Planning Board as Special Permit Granting Authority.

19.5 Relationship to Other Regulatory Requirements

The submittals and permits of Article 19 shall be in addition to any other requirements of the applicable sections of the Rules and Regulations governing the Subdivision of Land in Westport, MA, Rules and Regulations of the Westport Planning Board for Site Plan Approval, and the Rules and Regulations of the Westport Planning Board for Inclusionary Housing Special Permits. Where such requirements conflict, the more stringent requirement shall control unless the Board determines that requirement to be unnecessary to protect the public interest and/or inconsistent with the intent of Article 19.

19.6 Density

The maximum number of dwelling units allowed shall be established by

calculations based upon a Net Usable Land Area (NULA) plan for the overall property, submitted by the applicant as part of the initial submission. The NULA acreage shall be established by subtracting all water bodies and any wetland resource area subject to protection under M.G.L. Ch. 131 s. 40 (the “Wetland Protection Act”) and 310 CMR 10.00 (the “Wetland Protection Regulations”) from the gross acreage of the site. The remaining upland area shall be the NULA for the purposes of establishing the number of units allowed in a development. The total number of proposed units within the development shall not exceed eight (8) dwelling units per NULA acre with a maximum of fifty-four (54) total dwelling units in the district. These may be in one-bedroom, two-bedroom, or three-bedroom dwelling units. The percentages of unit types shall be dispersed equally among market-rate units and affordable units. The distribution of unit types shall conform with Westport’s Housing Plan and/or Needs Assessment.

19.7 Area and Dimensional Requirements

There shall be no minimum lot area, frontage, floor area ratio, lot width or yard requirements within the NOD, or for any lot or building within the NOD, except as provided in this section; however, all developments with the NOD shall comply with the applicable requirements of the Aquifer Protection and Flood Plain Overlay Districts. The Board may impose appropriate conditions on the layout, location and size of

buildings, structures and open spaces. Nothing contained herein shall relieve the owner of a proposed Development from receiving final approval of a definitive subdivision plan in accordance with the Town's Subdivision Regulations if the Development proposes subdividing or re-subdividing the development site. In this case, the Special Permit application shall be accompanied by such other data as is required by the Rules and Regulations Governing the Subdivision of Land.

19.7.1 Building Height, Bulk and Setback Requirements

19.7.1.1 Building Height and Bulk

The maximum height of any building in the NOD shall be 35 feet. Building height shall be measured as the vertical distance from the Average Natural Grade under the footprint of the building, to the highest point of the roof assembly. Architectural elements that do not add interior or exterior floor area to a building, such as chimneys, and vents, are not considered part of the height of the building. Average Natural Grade shall be derived from the average elevation of the natural grade along the exterior of the building facing the front lot line or street line and the average elevation of the natural grade along the exterior of the rear or opposite side of the building.

The livable floor area of the third level or floor of a building shall

be 50 percent or less of the livable floor area of the second level or floor of that building.

19.7.1.2 Setbacks from NOD Boundary

All buildings, structures and facilities within the NOD shall maintain a minimum setback of 30 feet from the NOD boundary where that boundary coincides with the sideline of American Legion Highway.

The setback of all buildings from the NOD boundary in all other instances shall be at least 1.5 multiplied by the height of the intersection of building wall and roof on the side of the building nearest the NOD boundary.

Other major structures, and major stormwater management facilities, such as retention/detention basins, shall be set back at least 20 feet from the NOD boundary. Other utilities, roads and access driveways, swales, and minor improvements such as accessory buildings shall be set back at least 10 feet from the NOD boundary unless otherwise specified by the Board. All buildings, structures and major facilities within the NOD shall be shielded from adjacent properties by a buffer, adequate in the Board's opinion, which shall contain landscape elements.

19.7.1.3 Separation of Buildings

The minimum separation of buildings within the NOD shall be 20 feet. The Board may require greater separation of between larger buildings or may permit lesser separations if it finds that separation of less than 20 feet meets the purpose and intent of the NOD.

19.7.1.4 Front Yard Setbacks

The minimum front yard setback from the street or access drive within the NOD shall be 20 feet for a single-family or two-family dwelling, and 30 feet for a multi-family dwelling.

19.8 Building Requirements for Multi-family Dwellings

In the NOD, there shall be no more than 12 dwelling units and two garage spaces per dwelling unit in any residential building. The maximum length of any residential building shall be not more than 120 feet.

19.9 Open Space Requirements.

The development shall meet the Open Space Requirements as delineated in section 18.8 of Article 18 Open Space Residential Development (OSRD).

Any special permit granted shall contain, as a condition of approval, that the required open space shall be protected by a permanent conservation restriction which shall be recorded before the conveyance of any unit occurs. Said restriction shall be held by the Conservation Commission, a non-profit conservation organization, or an organization

or trust representing homeowners in the development, at the option of the Planning Board. The open space shall allow walking paths and other passive recreational uses, but shall not be use for the siting of any structure, building, septic system, well (drinking water or geothermal) or utilities or pipes.

19.10 Architectural Design, Community Open Spaces and Amenities, and Non-Vehicular Circulation

19.10.1 Community and Private Open Spaces and Amenities

In addition to the contiguous open space required to be restricted to conservation and passive recreational use, the design of the site shall incorporate small private and community outdoor spaces, designed as “outdoor rooms”, such as greens or other landscaped areas, and a system of pathways or sidewalks designed to provide for internal pedestrian circulation among dwellings and other facilities. The open spaces surrounding buildings and within neighborhoods shall provide for plantings and outdoor sitting areas, as well as small gathering and recreational areas for the use of the residents of the development. Outdoor areas for the use of inhabitants of each building shall be provided contiguous to each building with attention being paid to the delineation of public versus private outdoor spaces. Amenities such as porches and landscaped sitting areas may be used to fulfill this

requirement. Areas or facilities designed for use by all members of the Noquochoke community or neighborhood shall be distributed in such a manner as to allow easy, non-vehicular, access for all of the Noquochoke residents they are designed to serve, as well as vehicular access, where appropriate.

19.10.2 Non-Vehicular Circulation

Sidewalks shall be provided along at least one side of all streets and/or access driveways within the development unless waived by the Board in favor of equivalent, alternative pathways providing convenient access among all buildings and community amenities. A pedestrian connection shall be provided to American Legion Highway.

19.10.3 Architectural Design

Building design shall be consistent in scale, bulk, materials, color and typology with the architecture of the South Coast of Massachusetts. Private, ground floor entries for each dwelling unit, located on the front of residential buildings are preferred. Window area equivalent to a minimum of twenty-five percent of the first floor wall area of the primary facade of residential buildings is preferred. For larger buildings, variation in roof shape and building form, articulation of the facade, variation of street setback, and other means to enhance architectural interest are encouraged. In granting a Special Permit, the

Board may impose conditions to ensure architectural compatibility with the character of the region and/or neighborhood.

19.11 Social Sustainability, Accessibility, and Visitability

Social sustainability is design that acknowledges that a person's abilities may change over his or her lifetime and allows their home and neighborhood to accommodate the changing needs. Principles of social sustainability should be applied throughout the development – to the buildings, landscapes and amenities. The design can provide full accessibility or can be easily adapted to meet changing needs. For people to fully participate in community life, in homes they may visit, as well as in public spaces, the design shall meet the following standards/guidelines.

19.11.1 Goals

? To create socially equitable homes and communities that includes persons with a range of abilities.

? To minimize the economic and social costs of expensive renovations or the need to move from one's home.

? To avoid the structural barriers that can prevent older adults and persons with disabilities from leading independent lives and

participating fully in their communities.

19.11.2 Accessible Dwelling Units

A minimum of 30 percent of the total dwelling units in the Development shall be Visitable in accordance with the criteria in Section 19.11.3.

19.11.3 Performance Criteria for Social Sustainability and Visitability

Dwellings in the NOD shall meet the following criteria for visitability unless explicitly waived by the Planning Board. Visitability increases the supply of accessible housing through the inclusion of three basic structural features at the time of home construction:

? A zero-step entrance;

? Doorways (both interior and exterior) with at least 32 inches of clear width, but shall not conflict with any requirement of the State Building Code;

? At least a half bath on the main floor of the home.

19.11.4 Additional Guideline

Reinforcement in the bathtub area of bathroom walls of all dwelling units to allow easy addition of grab bars is suggested.

19.12 Off-Street Parking

Off-Street Parking shall, in general, adhere to the design and dimensional requirements of Section 5.1.0 Off-Street Parking; however, the minimum requirements for parking spaces shall be as follows:

Residential dwelling units: 2 spaces per unit

Visitor Parking: 1 space for every 3 residential dwelling units

Community Buildings: 3 spaces per 1000 square feet of gross floor area

Recreational uses: To be determined during the review process. Where feasible the ITE Parking Generation Manual in effect during January 2009 shall be used.

19.13 Access Way Construction

Construction of access ways within the NOD shall conform to the applicable requirements of the Rules and Regulations Governing the Subdivision of Land. The Board may waive any requirements of the Rules and Regulations it deems to be unnecessary either to meet the intent of this by-law or to ensure public safety. The minimum paved width shall not be less than 20 feet and the minimum right-of-way width shall be 32 feet. A sidewalk on at least one side of each access way shall be required.

19.14 Condominium Association

In cases of sale of individual units as condominiums, there shall be included in the deed a requirement obligating the purchasers to join in an organization of unit owners incorporated under Chapter 183A as amended, of the General Laws of the Commonwealth. If any unit is sold separately, there shall be a deed restriction that shall require mandatory membership in a homeowner's association, which shall satisfy all of the same requirements. No conveyance of an individual unit shall take place until this requirement has been satisfied. The organization shall file a written report, including the names of officers, with the Town Clerk by February 15 of each year. Such report may be the same written report rendered to all unit owners referred to in G.L. c. 183A, § 10, par. D.

19.14.1 The Condominium or Homeowners Association (the "Association") shall provide for the maintenance of common open space, drainage facilities, community water and sewage disposal systems, the access ways, parking areas, recreational facilities or any other commonly held property or facility. The Association shall be a permanent agreement, either through a non-profit homeowner's and/or condominium association, and be recorded by a covenant or other agreement in the Bristol County Registry of Deeds before the conveyance of any unit or dwelling. Drafts of the proposed agreements shall be submitted to the Board with the development plan and shall be subject to approval by the Board and by

Town Counsel, at the applicant's expense, as a condition of approval of the special permit relief.

a) The agreement shall provide for the maintenance of all common land and facilities and specify the required methods of maintenance

b) Membership in the Association shall be compulsory as a requirement of ownership of any lot or unit in the development.

c) The agreement shall require compulsory assessment upon the individual owners for the cost of maintenance and the creation of a lien on any unit that is assessed for failure to pay such assessment.

d) The agreement shall mandate that the Association shall not be dissolved without the consent of the Board; and any other specifications deemed necessary by the Board.

e) The agreement shall provide that, in the event the Association or any successor organization, fails to maintain the common open space or any commonly owned facility in reasonable order and condition in accordance with the development plan, the Town shall have the right but not the obligation enforce the provisions of the agreement and shall be provided with an easement that shall allow the Town and its agents to enter onto

such portions of the land in the development as are necessary to perform the required maintenance in order to preserve the taxable values of the properties within the development and to prevent the common land or facility from becoming a hazard or nuisance. If the Town performs any maintenance or repair work, the Association and its members shall be jointly and severally liable to reimburse the Town for its costs and the cost, if unpaid, shall become a lien upon the properties in the development until said cost has been paid in full.

f) The developer shall turn over such Association to the homeowners at such time as 51 percent of the units or lots have been leased or sold.

The agreement shall provide that the developer shall bear the responsibility for installation and/or maintenance of common open space, community water and sewage disposal systems, private ways, recreational facilities or any other commonly held property or facility until (1) such time as these facilities are completed to the satisfaction of the Board and (2) at least 51 percent of the units or lots have been sold, at which time the homeowner's or condominium association shall bear the responsibility of maintaining these areas and facilities.

19.15 Housing Affordability

19.15.1.1 Marketing Plan

Applicants under this by-law shall submit a marketing plan as outlined in Section 13.8, Marketing Plan for Affordable Units, of these By-Laws.

19.15.2 Required Affordable Units

Not less than 30% of the total dwelling units constructed in each development shall be designated as Affordable Units as defined in Section 1.1.E of these By-Laws and shall be eligible for inclusion in the SHI maintained by DHCD and the applicant shall provide written evidence of such eligibility from DHCD. For purposes of calculating the number of units of affordable housing required within a development, any fraction of a unit shall be deemed to constitute a whole unit.

19.15.3 Design and Construction

Affordable Units shall be finished housing units; the exterior shall be comparable in initial construction, quality and exterior design to Market Rate Units in the development.

19.15.4 Affordable Housing Restrictions

Each Affordable Unit shall be subject to a permanent Affordable Housing Restriction which shall be approved by the Board and Town Counsel and duly recorded, before any Affordable Unit is sold, with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

a) Specification of the term of the Affordable Housing Restriction which shall be the maximum period allowed by law but not less than ninety-nine years;

b) The name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction;

c) Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan for the Affordable Units may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

d) A requirement that residents shall be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

e) A description of the Affordable Unit by address and number of bedrooms;

f) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership shall be set;

g) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions;

h) A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the administering agency;

i) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the administering agency;

j) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency and the Town of Westport, and shall limit initial sale and resale to and occupancy by an Eligible Household;

k) Provision that the restriction on an Affordable Rental Unit shall run in favor of the administering agency and The Town of Westport, and shall

limit rental and occupancy to an Eligible Household;

l) Provision that the owner (s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the administering agency in a form specified by that agency certifying compliance with the affordability provisions of this By-Law, and containing such other information as may be reasonably requested in order to ensure affordability.

m) A requirement that residents in Affordable Housing provide such information as the administering agency may reasonably request in order to ensure affordability.

19.15.4.1 Affordable Housing Administering Agency

An administering agency for affordable units, which may be the Westport Housing Authority, or other qualified housing entity shall be designated in the special permit. In a case where the administering agency cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such agency shall ensure the following:

a) Prices of Affordable Homeownership Units are properly computed,

rental amounts of Affordable Rental Units are properly computed;

b) Income eligibility of households is properly and reliably determined;

c) The housing marketing and resident selection plan conforms to all requirements and is properly administered;

d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;

e) Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds;

f) All payments to the Town of Westport and their assigns are made in a timely manner pursuant to the requirements of the deed restrictions for the Market Rate Units.

19.15.5 Housing Marketing and Selection Plan

The housing marketing and selection plan shall make provision for payment by the Development applicant or successor in title of reasonable costs to the administering agency to develop, advertise, and maintain

the list of Eligible Households, and to monitor and enforce compliance with affordability requirements. Such payment as determined by the SPGA shall not exceed one-half (1/2%) percent of the amount of rents received for each Affordable Rental Unit (payable annually by the Owner of said Affordable Rental Unit) and/or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

19.15.7 Payment in Lieu of Eligible Buyer

The Board may allow a developer of non-rental housing units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable low-or moderate-income unit, if after one-year's time, a buyer cannot be found for an affordable unit. The cash payment shall be equal either to (1) the difference between the fair market value for a typical market-rate housing unit in the proposed development, as determined by the Board, and the price of a housing unit affordable to a low- or moderate-income household; or (2) the difference the between the actual fair market price paid for the unit and the price of an affordable unit, whichever is greater.

19.16 Decision

The Board may approve or approve with conditions an application for a NOD Special Permit, if the Board determines that the Development better

promotes the objectives herein, than a conventional development would and that the Development is in compliance with applicable sections of the Rules and Regulations governing the Subdivision of Land in Westport, MA, Rules and Regulations of the Westport Planning Board for Site Plan Approval, and the Rules and Regulations of the Westport Planning Board for Inclusionary Housing Special Permits.

19.17 Issuance of Occupancy Permits

The Building Inspector shall not issue an occupancy permit for a unit without prior receipt of evidence that all restrictions and covenants required as set forth hereunder have been duly recorded at the Registry of Deeds and that the low-and moderate-income units have been approved for listing by DHCD for Westport's SHI.

19.18 Further Conditions

No lot shown on a plan for which relief is granted under this section may be further subdivided, and a restrictive covenant imposing this condition shall be recorded against the subject land before any building permit issues and a note regarding this condition shall be placed on the approved plan and it shall be recorded as a condition of the special permit taking effect. Subsequent to granting relief, the Board may permit minor adjustments of lot lines within the development that do not result in the creation of additional lots. However, any change in

overall density, street layout, or open space layout shall require a modification of the special permit and full public hearing, with notice.

Item Two

Definitions. To amend Section 1.1 Definitions by adding the following definitions to that Section of the Westport Zoning Bylaws in the correct alphabetical order:

Affordable Housing Restriction

A deed restriction approved by the Board and Town Counsel that designates a Dwelling Unit as affordable housing pursuant to the statutory requirements of the General Laws of the Commonwealth of Massachusetts, regulations and guidelines adopted pursuant thereto by the Dept. of Housing and Community Development, as well as any applicable requirements of the Westport Zoning By-Laws and regulations promulgated thereunder and that renders the unit eligible for inclusion in the SHI maintained by DHCD or any successor agency.

Dwelling, Two-Family

A detached building containing two (2) dwelling units, with each unit containing its own sleeping, cooking and sanitary facilities.

Dwelling, Multi-Family

A building containing more than two dwelling units, with each unit containing its own sleeping, cooking and sanitary facilities.

Market Rate Dwelling Unit

A Dwelling Unit available for sale or rent within a project or development at an unsubsidized price commensurate with the fair market value of said dwelling unit.

Single Family Dwelling Unit (Noquochoke Overlay District Only)

A detached building containing not more than one dwelling unit.

Social Sustainability

Design of the physical environment so as to provide, or easily to allow future adaptation to provide, full accessibility to persons with a range of physical abilities as these may change throughout their lifetime.

Visitability

Dwelling units are deemed Visitable if they meet the following three criteria: zero step entrance, all doorways that are 32 inches clear, and a toilet on the first floor.

Zero step entrance

An entrance that has no steps, and is at grade level with the exterior grounds. The zero step entrance can be at any doorway; front, side, rear.

Zoning By-Laws

The Zoning By-Laws of the Town of Westport as amended.

Item Three

To amend Section 2.6 concerning the Planning Board as Special Permit Granting Authority as follows:

To change Section 2.6 from:

The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Assisted and Independent Living Facilities (Article 11.0) and for Drive-Through Facilities. The Planning Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

To:

The Planning Board is hereby designated as the Special Permit Granting

Authority (SPGA) for Assisted and Independent Living Facilities (Article 11), for Inclusionary Housing (Article 13), for Drive-Through Facilities (Article 14), and for the Noquochoke Overlay District (Article 19). The Planning Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

and to delete Section 2.7 in its entirety.

Item Four

To amend Article 3 Establishment of Districts, by adding to Section 3.0

Types of Districts the following:

“H. Noquochoke Overlay District” _

Item Five

To amend Section 3.1 Location of Districts by adding after Section 3.1.G

the following:

“H. Noquochoke Overlay District:_ The portion of the Town described as the following assessors’ parcels as of November, 2008:

Assessor’s Map 33, Lot 47

Assessor's Map 33, Lot 47A

Assessor's Map 33, Lot 47E

Assessor's Map 33, Lot 17

Assessor's Map 33, Lot 45

And further described on the Noquochoke Overlay District zoning map detail, approved May, 2009 on file with the Town Clerk.”

Item Six

To amend Article 4.0 Use Regulations by adding after Section 4.0.7,

Section 4.0.8 as follows:

“4.0.8 _Noquochoke Overlay District _(NOD) See Article 19.”

PLANNING BOARD

Motion and second to accept the provisions of Article 28. Voted: The

Moderator declared Article 28 carried by a 2/3 vote.

ARTICLE 29

To see if the Town will vote to accept the provisions of G.L. c. 44, s.

55C, establishing a trust to be known as the Westport Affordable Housing

Trust Fund, and authorize the Board of Selectmen or Board of Trustees of

said Trust to execute any documents or instruments or take any other

action necessary to carry out the purposes of this article; and further to amend the General By-laws of the Town by inserting a new Article, Article LVI, to be entitled “Westport Affordable Housing Trust Fund” as follows, or take any other action relative thereto:

Article LVI

WESTPORT AFFORDABLE HOUSING TRUST FUND

5601. The purpose of the Westport Affordable Housing Trust Fund (the “Trust”) shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate-income households.

A. There shall be a Board of Trustees for the Trust, comprised of five members, at least one of whom shall be a Selectman. The Board of Selectmen shall appoint the Board of Trustees for rotating terms not to exceed two years. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any member of the Board of Trustees may be removed for cause after the opportunity for a hearing.

B. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, §55C, shall

include the following:

1. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;
2. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
3. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
4. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the

purposes of the trust;

5. To employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

6. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

7. To apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

8. To participate in any reorganization, re-capitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

9. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with

relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

10. To carry property for accounting purposes other than acquisition date values;

11. To borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

12. To make distributions or divisions of principal in kind;

13. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

14. To manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

15. To hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

16. To extend the time for payment of any obligation to the trust.

17. To adopt any regulations the Board of Trustees may deem necessary to conduct the business of the Board and to administer the Affordable Housing Trust Fund.

C. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

D. In accordance with G.L. c.44, §55C, all moneys paid to the Trust in accordance with any Zoning or General By-Law, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. Funds appropriated into the Trust by the Town shall become Trust property, and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within 1 year of the date they were

appropriated into the Trust, remain Trust property.

PLANNING BOARD

Motion and second to accept the provisions of Article 29. Voted: The Moderator declared Article 29 carried by a 2/3 vote.

ARTICLE 30

To see if the Town will vote to amend Article 8 Aquifer Protection District of the Westport Zoning By-Laws in the following manner or take any other action relative thereto:

In Section 8.3.2 governing uses prohibited in the Aquifer Protection District, to replace Section 8.3.2.G, which currently reads, "Sewage treatment facilities but not individual sewage disposal systems," with new Section 8.3.2.G, which would read:

"Sewage treatment facilities, with the exception of:

1. Individual sewage disposal systems; and
2. Decentralized Innovative/Alternative (I/A) Treatment System(s) or Localized Enhanced Treat System(s), approved by the Westport Board of Health, that significantly reduce bacterial and nutrient discharge

levels to the environment (as compared with conventional on-site septic systems).

PLANNING BOARD/HOUSING PARTNERSHIP COMMITTEE

Motion and second to accept the provisions of Article 30. Voted: unanimously.

ARTICLE 31

To see if the Town will vote to amend the Zoning By-Law by replacing the existing Article 6 of the Zoning By-Laws with the following language as required by Federal Emergency Management Agency to be in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulation. This change is a condition of continued eligibility in the National Flood Plain Insurance Program (NFIP). And further, to make certain other related amendments to the Zoning By-Law, all as set forth below:

Item 1

To amend Article 6 Flood Plain Districts by replacing the existing text with the following:

ARTICLE 6

WESTPORT FLOOD PLAIN DISTRICTS

6.1 Statement of Purpose

The purposes of the Flood Plain District are to:

6.1.1 Ensure public safety through reducing the threats to life and personal injury;

6.1.2 Eliminate new hazards to emergency response officials;

6.1.3 Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

6.1.4 Avoid the loss of utility services, which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;

6.1.5 Eliminate costs associated with the response and cleanup of flooding conditions;

6.1.6 Reduce damage to public and private property resulting from flooding waters.

6.2 Flood Plain District Boundaries, Floodway Data and Base Flood Elevation

The Flood Plain District, Flood Way Data and Base Flood Elevation are as follows:

Flood Plain District Boundaries and Base Flood Elevation Data

The Flood Plain District is herein established as an overlay district.

The District includes all special flood hazard areas within the Town of Westport designated as Zone A, AE, AH, AO, A99, V, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Westport are panel numbers 25005C0342F, 25005C0344F, 25005C0353F, 25005C0354F, 25005C0361F, 25005C0363F, 25005C0366F, 25005C0368F, 25005C0432F, 25005C0442F, 25005C0452F, 25005C0454F, 25005C0456F, 25005C0458F, 25005C0459F, 25005C0461F, 25005C0462F, 25005C0463F, 25005C0464F, 25005C0466F, 25005C0467F, 25005C0468F, 25005C0469F, 25005C0526F, 25005C0531F and 25005C0550F dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and

further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Zoning Board of Appeals.

6.2.1 Floodway Data

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6.2.2 Base Flood Elevation Data

Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

6.3 Notification Of Watercourse Alteration

In a riverine situation, the Building Inspector/Zoning Enforcement Officer shall notify the following of any alteration or relocation of a

watercourse:

? Adjacent Communities

? Bordering States (optional)

? NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700

Boston, MA 02114-2104

? NFIP Program Specialist

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

6.4 Use Regulations

6.4.1 Reference To Existing Regulations

The Flood Plain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special

permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

? Section of the Massachusetts State Building Code, which addresses flood plain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");

? Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

? Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

? Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);

? Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

6.4.2 Other Use Regulations

6.4.2.1 Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6.4.2.2 In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Bristol County Flood Insurance Rate Map (FIRM) encroachments are prohibited in the regulatory floodway, which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6.4.2.3 Man-made alteration of sand dunes within Zones V1-30, VE, and V, which, would increase potential flood damage are prohibited.

6.4.2.4 All new construction within Zones V1-30, VE, and V must be located landward of the reach of mean high tide.

6.4.2.5 All subdivision proposals must be designed to assure that:

a. Such proposals minimize flood damage;

b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards.

6.4.2.6 Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

6.4.2.7 There shall be established a "routing procedure," which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, Building Commissioner and Zoning Board of Appeals for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

6.5 Permitted Uses

Except as otherwise provided, in the Flood Plain District, no new building shall be constructed, and no existing structure shall be enlarged within its existing footprint, moved to a more vulnerable location, or altered except to upgrade for compliance with health and safety codes; nor shall any land, building or structure be used for any purposes permitted in the underlying district, except:

6.5.1 Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

6.5.2 Forestry and nursery uses.

6.5.3 Outdoor recreational uses, including fishing, boating, play areas, etc., but excluding buildings and structures.

6.5.4 Conservation of water, plants, wildlife.

6.5.5 Wildlife management areas, foot, bicycle, and/or horse paths.

6.5.6 Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

6.5.7 Uses lawfully existing prior to the adoption of these provisions.

Item 2

Definitions. To amend Section 1.1 Definitions by adding the following definitions to that Section of the Westport Zoning By-Laws in the correct alphabetical order:

Area Of Special Flood Hazard

Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated on a FIRM as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Coastal High Hazard Area

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

Development

Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Federal Emergency Management Agency (Fema)

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Boundary And Floodway Map

An official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

Flood Hazard Boundary Map (Fhbm)

An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

Flood Insurance Rate Map (Firm)

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study

An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

New Construction

Means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community. For the purpose of determining insurance rates, new construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

One-Hundred-Year Flood

See Base Flood

Regulatory Floodway

See Floodway

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Special Flood Hazard Area

An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

Structure

Means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

Zone A

The 100-year flood plain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

Zone A1-30 and Zone Ae (For New And Revised Maps)

The 100-year flood plain where the base flood elevation has been determined.

–

ZONE AH and ZONE AO

The 100-year flood plain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Zone A99

Areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

Zone V

A special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

Zone V1-30 and Zone VE (For New and Revised Maps)

A special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action).

Base flood elevations have been determined.

Item 3

To amend Article 3 Establishment of Districts Section 3.1.D Flood Plain District by replacing the existing text with the following:

“D. Flood Plain District: See Article 6 and the maps referenced in Section 6.2.”

PLANNING BOARD

Motion and second to amend Article 31 by deleting section 6.5 Permitted Uses. Voted: the proposed amendment to Article 31 was defeated.

Motion and second to accept the provisions of Article 31 as presented. Voted: The Moderator declared Article 31 carried by a 2/3 vote.

ARTICLE 32

To see if the Town will vote to amend its By-Laws and Regulations,
Article XLIV, Section

4402.1 “Seed Quahog” by deleting:

“A hard shelled clam of a size less than two (2) inches in the longest
length”

and replacing it with:

“A hard shelled clam of a size less than one (1) inch shell thickness or
hinge width”.

and/or take any other action relative thereto.

SHELLFISH CONSTABLE

Motion and second to accept the provisions of Article 32. Voted:
unanimously.

ARTICLE 33

To see if the Town will vote to authorize an increase in demand fee from
\$5.00 to \$10.00, as authorized by M.G.L. c.60, §15, to be effective as
of July 1, 2009, and/or take any other action relative thereto.

TAX COLLECTOR

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

ARTICLE 34

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

Position Group Hours Pay Basis Type

Public Access Coordinator 2 -20 Salary PT

and inserting therein:

Position Group Hours Pay Basis Type

Public Access Coordinator 2 35 Hourly FT

and/or take any other action relative thereto.

BOARD OF SELECTMEN/PERSONNEL BOARD

Motion and second to accept the provisions of Article 34. Voted:
unanimously.

ARTICLE 35

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

Position Group Hours Pay Basis Type

Senior Clerk 2 +20 K-A PT

and inserting therein:

Position Group Hours Pay Basis Type

Assistant Town Clerk 2 35 K-A FT

and/or take any other action relative thereto.

TOWN CLERK

Motion and second to accept the provisions of Article 35. Voted: The Moderator declared Article 35 carried.

ARTICLE 36

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

Position Group Hours Pay Basis Type

Principal Clerk 2 35 K-A FT

and inserting therein:

Position Group Hours Pay Basis Type

Assistant Town Accountant 2 35 K-A FT

and if necessary to raise an appropriate and/or transfer from available funds the sum of \$2,279.00 to the Town Accountant budget therefore, and/or take any other action relative thereto.

TOWN ACCOUNTANT

Motion and second to appropriate the sum of \$2,279.00 from Free Cash.

Voted: carried.

ARTICLE 37

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

Position Group Hours Pay Basis Type

Public Health Nurse 6 30 Hourly PT

and inserting under Schedule A – Board of Health:

Position Group Hours Pay Basis Type

Public Health Nurse 6 30 Hourly PT

and to transfer all funded payroll and expense line items from the Nursing Department budget to the Board of Health budget, therefore combining two budgets into one, and/or take any other action relative thereto.

BOARD OF HEALTH/PERSONNEL BOARD

Motion and second to accept the provisions of Article 37. Voted: unanimously.

ARTICLE 38

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 8J giving the Town authorization to establish a Commission on Disability and, to raise and appropriate and/or transfer from available funds the sum of \$1,000.00 for such purposes, and/or take any other action relative thereto.

BOARD OF SELECTMEN/DISABILITIES PLANNING COMMITTEE

Motion and second to appropriate the sum of \$300.00 from Taxation.

Voted: carried.

ARTICLE 39

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 40, Section 22G, to authorize fines assessed for violations of handicap parking in the Town to be expended upon the recommendation of the Commission on Disability solely for the benefit of persons with disabilities, thereby allowing the Town to implement a Handicapped Parking Program, and/or take any other action relative thereto.

BOARD OF SELECTMEN/DISABILITIES PLANNING COMMITTEE

Motion and second to accept the provisions of Article 39. Voted: carried.

Motion and second to adjourn the Annual Town Meeting was defeated.

ARTICLE 40

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to allow the Highway Surveyor to hire an unbiased lawyer when needed, to pay legal bills and expenses, which have and/or may be incurred, and/or take any other action relative thereto.

BY PETITION

Motion and second to appropriate the sum of \$12,800.00 from Taxation.

Voted: carried.

ARTICLE 41

To see if the Town will vote to revoke Article 20 of the April 2001 Annual Town Meeting and the March 11, 2002 Town Election, which was as follows:

To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under such Act, to determine the amount of such surcharge on real property as a percentage of not more than three percent of the annual real estate tax levy against real property, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2002; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act;

and/or take any other action relative thereto.

BY PETITION

Motion and second to accept the provisions of Article 41. Voted: defeated.

ARTICLE 42

To see if the Town will vote to discontinue Beach Avenue as a Town way,
and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 42. Voted: unanimously.

ARTICLE 43

To see if the Town will vote to change the name of Brian Street to Drury
Lane, and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 43. Voted: unanimously.

ARTICLE 44

To see if the Town will vote to accept the layout as a public way of
Strawberry 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, and/or take any other action relative thereto.

BY PETITION

Motion and second to accept the provisions of Article 44. Voted: carried.

ARTICLE 45

To see if the Town will vote to accept the layout as a public way of Rodrigues Estate Drive, 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, and/or take any other action relative thereto.

BY PETITION

Motion and second to accept the provisions of Article 45. Voted: carried.

ARTICLE 46

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 46. Voted: unanimously.

Motion and second to remove Article 1 from the Table. Voted: unanimously.

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 following sums:

\$ 63,400.00 from the 2008 Annual Town Meeting Wind Turbine Article

\$ 1,327.00 from the 2008 Annual Town Meeting Pick Up Truck-Shellfish Dept.

Voted: Carried.

Motion and second to adjourn and dissolve the 2009 Annual Town Meeting

at 11:11 p.m.

There were 292 registered voters and 20 guests, press and officials in attendance.

And you are hereby directed to serve this warrant by posting five or more copies in as many places within said Town at least seven 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 4th day of May in the year two thousand and nine.

Steven J. Ouellette, Chairman Brian T. Valcourt, Vice-Chairman

Gary E. Mauk Paul A. Schmid, III

Craig J. Dutra, Clerk

WESTPORT BOARD OF SELECTMEN

Marlene Samson

Town Clerk

Westport, MA 02790

May 11, 2009

On this 11th day of May 2009, 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

Joseph C. Latimer

Constable of Westport