

ANNUAL TOWN MEETING
TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
JUNE 8, 2010

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, June 8, 2010 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 7:06 p.m. by Moderator Steven Fors who appointed Elizabeth Collins to serve as Assistant Moderator and James Bernard, James Coyne, Charles Goldberg, Timothy Harrenstein, Robert McCarthy and Betty Slade to act as Tellers and they were duly sworn before the Town Clerk. Bernadette Oliver 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 Gary E. Mauk for his service to the Town and welcomed new Selectman Richard M. Spirlet to the Board.

Motion and second to dispense with the reading of the warrant and the constables return of service of the warrant and 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 authorize 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 7:30 p.m. and open the Special Town Meeting. Voted: unanimously.

TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
JUNE 8, 2010

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, June 8, 2010 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, 2009, and/or take any other action relative thereto.

BOARD OF SELECTMEN

FROM	TO	AMOUNT
Planning Board Personal Services	Planning Board Expenses	\$ 6,500.00
Town Clerk Expenses	Town Clerk Personal Services	300.00
Town Hall Personal Services	Town Hall Expenses	1,000.00
Treasurer Expenses	Treasurer Personal Services	900.00
Assessors Personal Services	Assessors Expenses	400.00
Board of Appeals Expenses	Board of Appeals Personal Services	200.00
Town Beach Expenses	Town Beach Personal Services	1,000.00
Total		\$ 10,300.00

Motion and second to make the transfers described in warrant Article 1 among line items within the current appropriations for the fiscal year beginning July 1, 2009. 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

Neb, Radiology, P.C.	\$ 602.39
Lauren O'Connell	665.28
Greg Stone	100.00
Quentin Lord	85.50
Total	\$ 1,453.17

Motion and second that the Town transfer the sum of \$1,453.17 from FY 2010 Reserve Fund for the purpose of paying outstanding bills as listed in Article 2. Voted: unanimously.

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

ARTICLE 3

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money necessary to supplement the budget of the Highway Department for the fiscal year beginning July 1, 2009, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to transfer from the stabilization fund the sum of \$111,896.29 and transfer from the FY2010 Short Term Interest Account the sum of \$15,000.00 to supplement the budget of Snow and Ice for the fiscal year beginning July 1, 2009. Voted: the Moderator declared Article 3 carried by a 2/3 vote.

Motion and second to adjourn and dissolve the Special Town Meeting at 7:39 p.m. and to reconvene the Annual Town Meeting.

And you are hereby directed to serve this warrant by posting five or more 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 19th day of May in the year two thousand and ten.

Steven J. Ouellette, Chairman

Brian T. Valcourt, Vice Chairman

Paul A. Schmid, III

Craig J. Dutra

Richard M. Spirlet, Clerk

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
May 21, 2010

On this 21st day of May 2010, 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

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 pass over Article 1. Voted: unanimously.

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.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Moderator	\$	745.00
Selectmen – Chairman		6,020.00
Board Members (4)		23,678.00
Assessors – Board Members (3)		15,857.00
Board of Health – Members (3)		8,418.00
Highway Surveyor		68,496.00
Tax Collector		56,580.00
Town Clerk		57,026.00
Treasurer		56,301.00
Total	\$	293,121.00

Motion and second to fix the salaries of town officers in the amounts listed in Article 2.
Voted: unanimously.

ARTICLE 3

To see if the Town will vote to accept the provisions of M.G.L. Chapter 64L, Section 2A authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the Town, or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to amend Article 3 by deleting “section 2A” and inserting “section 2”. Voted: unanimously.

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

ARTICLE 4

To see if the Town will vote to amend the amount of the local excise imposed under M.G.L. Chapter 64G, Section 3A on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the Town from 4% to an amount up to 6%, or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to call the question. Voted: Carried.

Motion and second to adopt the provisions of Article 4. Voted: the provisions of Article 4 were defeated.
Yes: 373 No: 439

ARTICLE 5

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, 2010 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
GENERAL GOVERNMENT			
114 Moderator	\$ 745.00	\$ 58.00	\$ 803.00
122 Selectmen	207,548.00	15,750.00	223,298.00
131 Finance Committee	1,300.00	2,100.00	3,400.00
132 Reserve Fund	---	50,000.00	50,000.00
135 Town Accountant	94,490.00	22,039.00	116,529.00
141 Assessors	137,355.00	3,402.00	140,757.00
145 Treasurer	127,211.00	23,040.00	150,251.00
146 Collector	113,140.00	31,656.00	144,796.00
151 Legal	---	100,000.00	100,000.00
152 Personnel Board	445.00	290.00	735.00
155 Data Processing	---	41,400.00	41,400.00
161 Town Clerk	92,187.00	2,520.00	94,707.00
163 Registrar of Voters	49,571.00	26,072.00	75,643.00
171 Conservation	58,723.00	5,055.00	63,778.00
175 Planning Board	93,455.00	7,070.00	100,525.00
176 Appeals Board	4,635.00	1,325.00	5,960.00
192 Town Hall/Annex	74,487.00	61,968.00	136,455.00
193 Property Insurance	---	182,000.00	182,000.00
194 Housing Partnership Committee	---	---	---
195 Town Reports	---	1,350.00	1,350.00
198 Town Farm	---	1,316.00	1,316.00
	\$ 1,055,292.00	\$ 578,411.00	\$ 1,633,703.00
PUBLIC SAFETY			
210 Police Department	\$ 2,366,614.00	\$ 283,647.00	\$ 2,650,261.00
220 Fire Department	1,539,518.00	164,061.00	1,703,579.00
241 Building Department	97,878.00	8,090.00	105,968.00
244 Sealer of Weights & Measures	1,863.00	600.00	2,463.00
292 Dog Officer	11,685.00	3,315.00	15,000.00
297 Shellfish	70,337.00	16,218.00	86,555.00
298 Parking Tickets	---	2,559.00	2,559.00
	\$ 4,087,895.00	\$ 478,490.00	\$ 4,566,385.00
SCHOOLS			
**300 Westport Community Schools	\$ 11,548,862.00	\$ 3,389,039.00	\$ 14,937,901.00
360 Regional School Assessments	---	1,166,523.00	1,166,523.00
	\$ 11,548,862.00	\$ 4,555,562.00	\$ 16,104,424.00
** Total School budget will be \$15,018,742			
SFSF Funds being sent directly to Schools in the amount of \$80,841 plus \$14,937,901 = \$15,018,742.			
PUBLIC WORKS & FACILITIES			
421 Highway Dept.	\$ 535,438.00	\$ 129,208.00	\$ 664,646.00
423 Snow & Ice (Storm Acct)	39,635.00	30,000.00	69,635.00
424 Street Lights	---	17,000.00	17,000.00
433 Sanitary Landfill	63,179.00	96,821.00	160,000.00
491 Cemetery Department	122,777.00	10,014.00	132,791.00
492 Veteran's Graves	923.00	2,015.00	2,938.00
	\$ 761,952.00	\$ 285,058.00	\$ 1,047,010.00
HUMAN SERVICES			
511 Board of Health	\$ 235,816.00	\$ 13,728.00	\$ 249,544.00
519 Nursing	---	---	---

Commission on Disabilities	---	300.00	300.00
541 Council on Aging	107,759.00	53,634.00	161,393.00
543 Veterans Services	34,470.00	110,222.00	144,692.00
	\$ 378,045.00	\$ 177,884.00	\$ 555,929.00
CULTURE & RECREATION			
610 Library	\$ 174,460.00	\$ 200.00	\$ 174,660.00
631 Town Beach	30,000.00	4,390.00	34,390.00
691 Historical Commission	---	725.00	725.00
	\$ 204,460.00	\$ 5,315.00	\$ 209,775.00
DEBT SERVICE			
710 Principal Payments	\$	\$ 490,000.00	\$ 490,000.00
751 Interest Payments on Long Term Debt		227,420.00	227,420.00
752 Interest Payment on Short Term Debt		25,000.00	25,000.00
	\$	\$ 742,420.00	\$ 742,420.00
ASSESSMENTS			
120 SRPEDD	\$ ---	\$ 2,300.00	\$ 2,300.00
	---	\$ 2,300.00	\$ 2,300.00
PENSION & INSURANCE			
911 Pension Assessment	\$	\$ 1,621,210.00	\$ 1,621,210.00
914 Health & Life Insurance	\$	\$ 3,224,500.00	\$ 3,224,500.00
	\$	\$ 4,845,710.00	\$ 4,845,710.00
	=====	=====	=====
	\$18,036,506.00	\$11,671,150.00	\$29,7097,656.00

A hold was put on line items # 911 Pension Assessment and # 914 Health & Life Insurance.

Motion and second that the amounts of money set forth in the printed report of the Finance Committee be appropriated for the several purposes therein itemized, each item being considered a separate appropriation and that the same be expended only for such purposes and that these appropriations be funded with:

\$ 29,456,744.00	Raise & Appropriate (Taxation)
45,000.00	Cemetery Perpetual Care Interest
10,000.00	Cemetery Sale of Lots
195,912.00	Transfer In-SBA Bond Reimbursement
\$ 29,707,656.00	

Voted: unanimously.

Motion and second on line # 911 Pension Assessment as listed. Voted: unanimously.

Motion and second on line # 914 Health & Life Insurance as listed. Voted: unanimously.

ARTICLE 6

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F¹/₂ of the Massachusetts General Laws establishing the Transfer Station as an enterprise fund effective the 3rd quarter of Fiscal Year 2011, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 6. Voted: carried.

ARTICLE 7

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$14,500.00 for the first phase of obtaining funding for a wind turbine, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to appropriate \$14,500.00 from Taxation. Voted: carried.

Motion and second to advance articles 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 and 21 and that the provisions of these articles be adopted with Article 10 funded with \$1 from taxation and Article 11 funded with \$770 from taxation. Voted: unanimously.

ARTICLE 8

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, 2010 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 9

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 10

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 11

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 from taxation.

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 2011, 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 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 2011, 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 \$65,000.00 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 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 2011, 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 16

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 2011, 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 17

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 2011, 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 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 2011, 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 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 2011, 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 20

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 2011, 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

Voted: unanimously.

ARTICLE 21

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 2011, 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 15

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 2011, 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

Motion and second to change the sum of \$30,000.00 to \$70,000.00. (no vote was taken on the motion in order for Town Counsel to research whether the motion is allowable)

Motion and second to lay Article 15 on the Table at this time and to bring the Article back before the close of the meeting. Voted: unanimously.

ARTICLE 22

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
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BOARD OF SELECTMEN/HARBORMASTER/WHARFINGER

Motion and second to adopt the provisions of Article 22 as described in the warrant.

Voted: unanimously.

ARTICLE 23

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	\$ 85,000.00
Total	\$ 95,000.00

and that \$95,000.00 be raised as follows:

User Charges	\$95,000.00
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BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 23. Voted: unanimously.

ARTICLE 24

To see if the Town will vote to transfer the sum of \$15,000.00 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 adopt the provisions of Article 24. Voted: unanimously.

ARTICLE 25

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$40,000.00 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 25. Voted: unanimously.

ARTICLE 26

To see if the Town will vote to appropriate a sum of \$30,000.00 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 adopted the provisions of Article 26. Voted: the motion was defeated.

ARTICLE 27

To see if the Town will vote to appropriate and/or transfer from available funds \$34,000.00 to pay for eelgrass transplanting and bird monitoring of Town Beach as required by federal and state permits for recently completed dredging projects in the Town of Westport.

HARBORMASTER

Motion and second to transfer from Dredging Surcharge account the sum of \$34,000 and to transfer from the Municipal Waterways Account the sum of \$26,400 to pay for eelgrass transplanting and bird monitoring of Town Beach as required by federal and state permits for recently completed dredging projects in the Town of Westport. Voted: carried.

Motion and second to remove Article 15 from the table. 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 53E-1/2 for Fiscal Year 2011, 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

Motion and second to adopt the provisions of Article 15 as presented. 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 FY2011 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 2011; 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

Purpose	Amount	Fund Source
OPEN SPACE		
Brunswick Desjardins Property Conservation Restriction	\$100,000	FY11 Fund Reserves
COMMUNITY HOUSING		
Westport Affordable Housing Trust Initiative	110,700	FY11 Fund Reserves
Range Hoods Greenwich Terrace	6,500	FY11 Fund Reserves
Sub-Total	217,200	
Open Space Reserves	43,683	FY11 Fund Reserves
Community Housing Reserves	132,266	FY11 Fund Reserves
Historical Preservation Reserves	43,683	FY11 Fund Reserves
Sub-Total	219,632	
Total Projects	436,832	
Administrative Funds		
HPC	7,000	
CPC	14,000	
Total Administrative Funds	21,000	Prior Year Undesignated
	=====	
Grand Total	\$457,832	

Motion and second to appropriate or reserve from the Community Preservation Fund's annual revenues and available funds the amount recommended by the Community Preservation Committee, with each item to be considered a separate appropriation.

Motion and second to approve all funds except the Westport Affordable Housing Trust Initiative in the amount of \$110,700. Voted: unanimously.

Motion and second to approve the Westport Affordable Housing Trust Initiative in the amount of \$110,700. Voted: carried.

Motion and second to adjourn the Town Meeting until tomorrow night at 7 p.m. Voted: unanimously.

There were 869 registered voter and 16 press, visitors and guests in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk

June 9, 2010

The adjourned Annual Town Meeting was called to order at 7:00 p.m. by Moderator Steven Fors who appointed Charles Goldberg, Robert McCarthy and Betty Slade to act as Tellers and they were duly sworn by the Town Clerk. Bernadette Oliver acted as timekeeper for the meeting. All stood to salute the flag of our

nation.

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 2011 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 29. Voted: unanimously.

ARTICLE 30

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 30. Voted: unanimously.

ARTICLE 31

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 that the Town appropriate from taxation the sum of \$10,000.00 for follow-up environmental maintenance work at the Westport Town Hall as required by the Department of Environmental Protection.

Voted: unanimously.

ARTICLE 32

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 32B, Section 18, so that the Town shall require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town, and/or take any other action relative thereto.

FINANCE COMMITTEE

Motion and second to adopt the provisions of Article 32. The provisions of Article 32 were defeated.

Voted: Yes: 57 No: 92

ARTICLE 33

To see if the Town will vote to transfer from the Board of Selectmen for such purposes as it is presently held, to the Board of Selectmen for general municipal purposes, which shall include the purpose of lease, the care, custody, management and control of that portion of Main Road shown as "Proposed Lease Area, 1615±" on a plan entitled: "Main Road, Pedestrian Safety Project: Lees Supermarket Parking Spaces", dated May 2010, which plan is on file with the Town Clerk, and to authorize the Selectmen to lease such parcel or any lesser portion thereof for parking purposes serving Lees Supermarket for no less than one (1) dollar per year, upon such terms and conditions as the Selectmen shall deem appropriate; and further to authorize the Selectmen to

petition the General Court for such approval as is necessary to allow for such transfer and lease, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 33. Voted: the Moderator declared Article 33 carried by a 2/3 vote.

Motion and second to advance Article 41. Voted: unanimously.

ARTICLE 41

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain, or otherwise, and upon such terms and conditions as the Board of Selectmen shall deem appropriate, such interests in land as are necessary to complete the Central Village Pedestrian, Bicycle and Traffic Improvements project on Main Road, which are on file and can be viewed at the Town Clerk's office in Town Hall, and/or take any other action relative thereto.

CENTRAL VILLAGE PUBLIC IMPROVEMENTS COMMITTEE

Motion and second to adopt the provisions of Article 41. Voted: unanimously.

ARTICLE 34

To see if the Town will vote to amend "Article 2, Administration, 2.0, Enforcement, 2.0.4" of the Zoning By-Laws by deleting:

"Penalty for non-compliance with any lawful order of the Inspector of Buildings pertaining to the Zoning By-Laws shall be punished by a fine of twenty (\$20.00) dollars; provided that nothing herein shall be construed to prohibit such law from providing that each day such violation continues shall constitute a separate offense."

and replacing it with:

"Penalty for non-compliance with any lawful order of the Inspector of Buildings pertaining to the Zoning By-Laws shall be punishable by a fine of \$300.00, in accordance with the requirements of G.L. c.40, ss21D; provided that each day such violation continues shall constitute a separate offense."

and/or take any other action relative thereto.

PLANNING BOARD/BUILDING INSPECTOR

Motion and second to adopt the provisions of Article 34. Voted: the Moderator declared Article 34 carried by a 2/3 vote.

ARTICLE 35

To see if the Town will vote to amend the Zoning By-Law, Article 6, "Westport Flood Plain Districts," for the purpose of the acceptance of the official Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency to approve the boundaries depicted in the official FIRM as shown on the Bristol County Flood Insurance Rate Maps dated July 7, 2009 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 see if the Town will vote to amend Article 6, Section 6.2, "Westport Flood Plain Districts," for the purpose of amending Section 6.2, to allow for the acceptance of the official Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency to approve the boundaries depicted in the official FIRM as shown on the Bristol County Flood Insurance Rate Maps dated July 7, 2009.

Item 2

To see if the Town will vote to amend Article 6, Section 6.2.1, Floodway Data, for the purpose of applying Subsection 6.2.1 in a manner consistent with the State Building Code by deleting:

"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."

and replacing it with:

"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 consistent with the State Building Code as stated in 780 CMR, 7th Edition, Appendix 120.G301.1, Item 3, 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."

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 35. Voted: unanimously.

ARTICLE 36

To see if the Town will vote to amend Article 1 "Purpose and Definitions" of the Zoning By-Laws.

Item 1

To amend section 1.1.F by deleting:

F. Affordable Unit - A dwelling unit that can be purchased or rented at an annual cost that is deemed affordable for a household that is earning no more than 70% of the area median income as reported by the U.S. Department of Housing and Urban Development and/or DHCD. Sales prices, rents, and rent increases shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible. All affordable units are intended to be eligible for inclusion in the Town's Subsidized Housing Inventory pursuant to Chapter 40B of the General Laws, and shall meet all requirements of DHCD, as they may be amended from time to time.

and replacing it with:

F. Affordable Housing Unit - A housing unit that by deed restriction is and shall remain permanently affordable by being available, upon sale or resale, for purchase or rent to purchasers or renters so that the unit shall count towards the Town's Subsidized Housing Inventory as maintained by the Department of Housing and Community Development.

Item 2

To amend Section 1.1 by adding:

H. Area Median Income - Median income as reported by the most recent information from the United States Department of Housing and Urban Development and/or DHCD for the Providence-Fall River, RI-MA HUD Metro FMR Area.

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 36. Voted: unanimously.

ARTICLE 37

To see if the Town will vote to amend “Article 13, Inclusionary Housing” of the Zoning By-Laws by deleting it in its entirety and replacing it with the following:

13.0 INCLUSIONARY HOUSING

13.1 PURPOSE AND INTENT

The purpose of this By-Law is to outline and implement a coherent set of policies and objectives for the development of affordable housing in compliance with the Town of Westport Master Plan, The Westport Planned Production Plan, or any superceding Westport Housing Production Plan and MGL c.40B sec. 20-23, and in tandem with on-going Town of Westport programs to promote a reasonable percentage of housing that is affordable to low and moderate-income households. It is intended that the affordable housing units that result from a special permit issued under this By-Law be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Massachusetts Department of Housing and Community Development (DHCD) and that said units count toward the Town’s requirements under MGL c.40B, sec 20-23. It is intended that this By-Law provide a mechanism to compensate for those decreases in the town’s percentage of affordable housing that are directly caused by increases in the Town’s overall housing stock.

13.2 APPLICABILITY

13.2.1 Division of Land: This By-Law shall apply to the division of land held in single ownership as of June 1, 2005 or anytime thereafter into ten (10) or more lots, whether said ten (10) or more lots are created at one time or are the accumulation of ten (10) or more lots created from said land held in single ownership as of June 1, 2005. This By-Law shall apply to Town of Westport Open Space Residential Development, “conventional” or “grid” divisions allowed by M.G.L. Chapter 41, Section 81-L and Section 81-U, as well as those divisions of land that do not require subdivision approval per G.L. c. 41, §81P.

13.2.2 Multi-Family Dwelling Units and Duplexes: This By-Law shall apply to the construction of ten (10) or more multi-family dwelling units or duplexes, whether on one or more contiguous parcels in existence as of June 1, 2005.

13.2.3 Exemption: The provisions of Article 13.3.1 hereof shall not apply to the construction of ten (10) or more single-family dwelling units on individual lots, if said ten (10) or more lots were in existence prior to June 1, 2005 nor to Assisted and Independent Living Facilities.

13.2.4 Administration: The Planning Board shall be the Special Permit Granting Authority (SPGA) for all special permits under this By-Law.

13.3 MANDATORY PROVISION OF AFFORDABLE UNITS

The SPGA shall, as a condition of approval of any development referred to in Article 13.2, require that the

applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this By-Law and more fully described in Article

13.4. Any special permit granted hereunder shall contain a condition that a regulatory agreement, executed by DHCD, the Town of Westport, and the applicant is recorded at the Registry of Deeds and a copy provided to the Inspector of Buildings and the Planning Board prior to issuance of a building permit, except as provided through special permit in accordance with Article 13.5.

13.4 PROVISION OF AFFORDABLE UNITS

The SPGA shall deny any application for a special permit for development if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable housing:

13.4.1 At least 10% of the units in any residential development and any division of land subject to this By-Law shall be established as affordable housing units. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number, such that a development proposing ten (10) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two (2) affordable units, and so on, except as provided through Article 13.5.

13.4.2 The affordable unit(s) shall be constructed or rehabilitated on the locus property, except as provided through Article 13.5.

13.5 ALTERNATIVES AND INCENTIVES

The SPGA is authorized, by grant of a Special Permit, to allow the following alternatives and incentives to the provisions of 13.3 and 13.4.

13.5.1 Off-Site Alternative: An applicant subject to this By-Law may develop, construct or otherwise provide affordable units equivalent to those required by Article 13.5 off-site. All requirements of this By-Law that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location and design of the off-site units to be provided shall be approved by the Special Permit Granting Authority as an integral element of the special permit review and approval process.

13.5.2 Cash Contribution: As an alternative to the requirements of Article 13.5, and as allowed by law, an applicant may contribute funds to the Westport Affordable Housing Trust Fund to be used for the creation of affordable housing in lieu of construction and offering affordable units within the locus of the proposed development. For the purposes of this Bylaw, the cash payment per affordable unit required shall be equal to the difference between the median single-family home sales price in Westport for the most recent calendar year as determined by the SPGA and the price affordable to a qualified purchaser as determined by the SPGA, based on applicable guidelines of the DHCD, Local Initiative Program (LIP). Where the calculation of affordable units results in fractional units, a cash payment may be made as provided in this section on a pro rata basis. The cash payment formula and timetable may be adjusted by the SPGA from time to time through the issuance of guidelines or regulations. If the SPGA issues a Special Permit to authorize a cash payment in lieu of units and the Board of Trustees of the Westport Affordable Housing Trust Fund votes to accept said contributions, the payment shall be paid to the Westport Affordable Housing Trust Fund prior to the issuance of any building permits for the development or prior to the sale of any lots, if applicable. Alternatively, the SPGA may allow payment of said contributions according to a specified timetable in proportion to the rate of development or sale of lots. This cash contribution alternative shall apply only to homeownership developments and division of land and shall not apply to rental developments.

13.5.3 Donations of Land: An applicant may offer, and the Board of Trustees of the Westport Affordable Housing Trust Fund (Trustees) with the approval of the SPGA, may accept donations of land in fee simple, on or off-site, that the SPGA and Trustees determine are suitable for the construction of an equivalent number of

affordable housing units. The SPGA may require the applicant to submit an appraisal or other data relevant to the determination of suitability for an equivalent number of affordable housing units. If the SPGA issues a Special Permit to authorize donations of land in lieu of units and the Board of Trustees of the Westport Affordable Housing Trust Fund votes to accept said donations, the donation shall be made to the Westport Affordable Housing Trust Fund prior to the issuance of any building permits for the development or prior to the sale of any lots, if applicable.

13.5.4 Combination of Alternatives: The applicant may offer, and the SPGA may approve the acceptance of, any combination of the alternatives provided in sections 13.6.1-13.6.3 provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable units required by this By-Law.

13.5.5 Density Bonus: The SPGA may allow the addition of two market rate units for each affordable unit provided as part of compliance with this By-Law, provided that the expanded development complies with the open space requirements, design standards, and all other provisions of Article 18 Open Space Residential Development of the Westport Zoning By-Law. In addition, a development that exceeds the minimum affordable housing requirements of this By-Law may receive the same density bonus benefits; however the net increase in housing units as a result of this By-Law and Article 18 shall not exceed fifty percent (50%) of the original property yield before any density bonuses were applied.

13.6 PROVISIONS APPLICABLE TO AFFORDABLE HOUSING UNITS ON OR OFF-SITE

13.6.1 Siting of affordable units: All affordable units constructed or rehabilitated under this By-Law shall be situated so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

13.6.2 Minimum design and construction standards for affordable units: Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

13.6.3 Timing of construction or provision of affordable units or lots: The Special Permit Granting Authority shall impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units, whether on the locus property or off site, shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>Market-Rate Units</u>	<u>Affordable Housing Units</u>
Up to 30%	At least one unit
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
UP to 90%	100%

*Any fractions of an affordable unit shall be rounded up to a whole unit.

13.7 LOCAL PREFERENCE

To the extent permitted by law, the SPGA may require the applicant to comply with local preference requirements, if any, as may be established by regulations promulgated hereunder.

13.8 MARKETING PLAN FOR AFFORDABLE UNITS

Applicants under this By-Law shall submit a marketing plan (or other method approved by the SPGA) to the SPGA and DHCD which describes how the affordable units will be marketed to potential homebuyers/tenants. If applicable, this plan shall include a description of the lottery or other process to be used for selecting buyers/tenants. The plan shall be in conformance to any applicable guidelines issues by DHCD, and shall be subject to the prior review and approval of Town Counsel at the applicant's expense.

13.9 PRESERVATION OF AFFORDABILITY; RESTRICTIONS ON RESALE

Each affordable unit created in accordance with this By-Law shall be subject to a deed restriction in form and substance acceptable in to Town Counsel and the Massachusetts Department of Housing and Community Development (“DHCD”). The deed restriction shall run with the land in perpetuity or for the longest period of time allowed by law unless the SPGA determines that a shorter period of affordability will facilitate the development of affordable housing. The deed restriction shall limit the resale price of any ownership units or, in the case of rental property ensure the continued availability of affordable rental units, consistent with the regulations and guidelines issued from time to time by DHCD. Prior to the issuance of any occupancy permits for affordable or market rate units, the deed restriction(s) for each affordable unit constructed in accordance with the provisions of 13.6.3 shall be recorded at the Bristol County (S.D.) Registry of Deeds or Registry District of the Land Court. The deed restriction shall survive any bankruptcy or foreclosure.

13.10 REGULATIONS

The Special Permit Granting Authority shall adopt regulations for the orderly administration of this By-Law.

13.11 EXPIRATION

Any special permit issued pursuant to this Article shall be recorded with the Registry of Deeds or Registry District of the Land Court. A special permit shall lapse within two years from the date of issuance, not including time required for appeals or challenges pursued under G. L. c. 40A Section 17, if substantial use has not been made or if construction has not begun within that time period except for good cause.

13.12 SEVERABILITY

If any portion of this By-Law is declared to be invalid, the remainder shall continue to be in full force and effect.

and/or take any other action relative thereto.

PLANNING BOARD/WESTPORT AFFORDABLE HOUSING TRUST FUND

Motion and second to adopt the provisions of Article 37. Voted: the Moderator declared Article 37 carried by a 2/3 vote.

ARTICLE 38

To see if the Town will vote to amend “Article 15, Site Plan Approval, 15.5, Administration, Section 2,” of the Zoning By-Laws by deleting:

“The Planning Board may adopt reasonable Rules and Regulations governing Site Plan Approval including administrative procedures and requirements, and design and construction standards.”

and replacing it with:

“The Planning Board shall adopt reasonable Rules and Regulations governing Site Plan Approval including

administrative procedures and requirements, and design and construction standards.”

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 38. Voted: unanimously.

ARTICLE 39

To see if the Town will vote to amend its By-Laws & Regulations, Article LVI, Section 5601 “Westport Affordable Housing Trust Fund” by deleting:

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.

and replacing it with:

A. There shall be a Board of Trustees for the Trust, comprised of no more than nine nor less than seven members, at least one of whom shall be a Selectman. A quorum of the Board of Trustees shall be a majority of the trustees as are then appointed and serving. 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.

and/or take any other action relative thereto.

PLANNING BOARD/BOARD OF SELECTMEN/AFFORDABLE HOUSING TRUST

Motion and second to adopt the provisions of Article 39. Voted: unanimously.

ARTICLE 40

To see if the Town will vote to amend the Town By-Law XXII, “Dog Officer and Restraint of Dogs”:

Item 1

To amend “Section 2201, Definitions” by deleting under “Dog Pound” the word “all animals” and replacing it with the word “dogs”.

Item 2

To amend “Section 2201, Definitions” by deleting “Kennel” in its entirety and replacing it with:

“Kennel – any person, group of persons or corporation housing over 3 dogs, not for commercial purposes.”

Item 3

To amend “Section 2201, Definitions” by adding the following language:

“Commercial Kennel – Any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs.”

Item 4

To amend “Section 2207, Redemption of Impounded Animals” by deleting the word “animals” and replacing it with the word “dog” and deleting the language contained in the By-Law in its entirety and replacing it with:

“The owner shall be entitled to resume possession of any impounded dog except as hereinafter provided in the cases of certain dogs or payment of a twenty dollar (\$20.00) reclaiming fee to the Town of Westport and a fifteen dollar (\$15.00) per day maintenance fee for each day or part thereof of the dogs impoundment, payable to the Town.”

Item 5

To amend “Section 2208” by deleting the words “seven (7) days” and replacing it with the words “ten (10) days”.

Item 6

To amend “Section 2208” by deleting the word “animal” and replacing it with the word “dog”.

Item 7

To amend “Section 2209, Emergency Treatment” by deleting the word “cat”.

Item 8

To amend “Section 2209, Emergency Treatment” by “deleting the words “twenty dollars” and replacing it with the words “one hundred dollars (\$100.00)”.

DOG OFFICER

Motion and second to amend Article 40 Item 4 to change the word “or” in the second line to “on”. Voted: unanimously.

Motion and second to adopt Article 40 as amended. Voted: the Moderator declared Article 40 carried by a 2/3 vote.

ARTICLE 42

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

Position	Group	Hours	Pay Basis	Type
Principal Clerk	2	-30	K - A	PT

and inserting therein:

Position	Group	Hours	Pay Basis	Type
Principal Clerk	2	35	K - A	FT

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 42. Voted: carried.

ARTICLE 43

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

Position	Group	Hours	Pay Basis	Type
Principal Clerk	2	+20	K - A	PT

and inserting therein:

Position	Group	Hours	Pay Basis	Type
Assistant Registrar	2	+20	K - A	FT

And if necessary to raise and appropriate and/or transfer from available funds the sum of \$1,862.00 to the Election/Registration budget therefore, and/or take any other action relative thereto.

BOARD OF REGISTRARS

Motion and second to adopt the provisions of Article 43 with the amount of \$1,862.00 from Taxation. Voted: carried

ARTICLE 44

To see if the Town will vote to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July 1, 2010 by an amount equal to \$2,000,000.00, and/or take any other action relative thereto.

BY PETITION

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

ARTICLE 45

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 pass over Article 45. Voted: carried.

ARTICLE 46

To see if the Town will vote to accept the layout as a public way of Hidden Glen 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 adopt the provisions of Article 46. Voted: unanimously.

ARTICLE 47

To see if the Town will vote to accept the layout as a public way of Chestnut Hill 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 adopt the provisions of Article 47. Voted: the motion was defeated.

ARTICLE 48

To see if the Town will vote to accept the layout as a public way of Brushwood Circle, 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 adopt the provisions of Article 48. Voted: the provisions of Article 48 were unanimously defeated.

ARTICLE 49

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

BY PETITION

Motion and second to adopt the provisions of Article 49. Voted: unanimously.

ARTICLE 50

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 50. Voted: unanimously.

Motion and second to adjourn and dissolve the Annual Town Meeting at 9:10 p.m.

There were 178 registered voters and 6 press, guests and visitors 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 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 19th day of May in the year two thousand and ten.

Steven J. Ouellette, Chairman

Brian T. Valcourt, Vice Chairman

Paul A. Schmid, III

Craig J. Dutra

Richard M. Spirlet, Clerk
WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
May 21, 2010

On this 21st day of May 2010, 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