

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
MAY 2, 2017**

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 2, 2017 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 Jr/Sr High School on the above date. The meeting was called to order at 7:00 p.m. by Moderator Steve W. Fors. 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.

Motion and second to dispense with the reading of the warrant and the Constable's return of service.

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 1

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

Erickson's Florist	\$	125.00
Henry's Diesel Performance Plus Inc.	\$	<u>1,736.80</u>
Total	\$	1,861.80

Motion and second to appropriate from free cash the sum of \$1,861.80 for the purpose of paying the outstanding bills from prior fiscal years listed in the warrant under Article 1. Voted: unanimously

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 5 of the 2016 Annual Town Meeting by transferring from available funds and/or 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, 2016, and/or take any other action relative.

BOARD OF SELECTMEN

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT</u>
Treasurer Personnel Expenses	Tax Collector Expenses	\$ 1,853.00
Employee Benefits	MIIA Property Insurance	\$ 7,500.00
Employee Benefits	Legal Expenses	\$ 15,000.00
Elections & Registrations Expenses	Elections & Reg. Personnel Services	\$ 10,165.00
Assessor's Personnel Services	Town Accountant Personnel Services	\$ 774.00
Assessor's Personnel Services	Tax Collector Personnel Services	\$ 1,372.00
Assessor's Personnel Services	Town Clerk Personnel Services	\$ 754.00
Assessor's Personnel Services	Elections & Reg. Personnel Services	\$ 784.00
Assessor's Personnel Services	Building Dept. Personnel Services	\$ 579.00

Assessor's Personnel Services	Conservation Com. Personnel Service	\$ 1,739.00
Assessor's Personnel Services	Library Personnel Services	\$ 6,000.00
Employee Benefits	Ice & Snow	\$ 100,000.00
Historical Commission Personnel Services	Historical Commission Expenses	\$ 500.00

Motion and second to amend the vote taken under Article 5 of the 2016 Annual Town Meeting by making the transfers between line items of the FY 2017 budget in the amounts and between the line items listed in Article 2.

A hold was placed on the following line items: Treasurer Personnel Expenses and Employee Benefits

Motion and second to approve all other line transfers. Voted: unanimously

Motion and second to amend Treasurer Personnel Expenses to read Treasurer Personnel Services.
Voted: unanimously

Voted: unanimously to transfer \$1,853.00 from Treasurer Personnel Services to Tax Collector Expenses.

Motion and second to amend Employee Benefits to Free Cash and the amount of \$100,000 to \$86,000.

Voted: unanimously to transfer \$86,000 from Free Cash to Ice and Snow.

ARTICLE 3

To see if the Town will vote to fix the salary and compensation of all elected Town Officers for Fiscal Year 2017, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Moderator	\$ 814.00
Selectmen - Chairman	6,583.00
Board Members (4)	25,889.00
Assessors - Board Members (3)	17,686.00
Board of Health - Members (3)	9,204.00
Tax Collector	66,300.00
Town Clerk	66,300.00
Treasurer	66,300.00

Motion and second to fix the salary and compensation of all elected Town Officers as listed in Article 3.

Voted: Unanimously

ARTICLE 4

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, 2017 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

May 2, 2017 Annual Town Meeting Article 4 - Fiscal Year 2018 Operating Budgets

Fiscal Year 2018 FINANCE COMMITTEE Recommended Budget								
							Total FY18	
	FY17	FY17	Total FY17	FY18	FY18		FinComm	% of Total
	Salary	Expense	Budget	Salary	Expense	Recommended	Budget	
GENERAL GOVERNMENT	Appropriation	Appropriation	by Dept	Appropriation	Appropriation	by Dept		
114 Moderator	\$ 798.00	\$ 58.00	\$ 856.00	\$ 814.00	\$ 58.00	\$ 872.00		0.00%
122 Selectmen	\$ 288,935.00	\$ 19,390.00	\$ 308,325.00	\$ 293,847.00	\$ 21,355.00	\$ 315,202.00		0.85%
131 Finance Committee	\$ 2,206.00	\$ 1,205.00	\$ 3,411.00	\$ 2,651.00	\$ 760.00	\$ 3,411.00		0.01%
132 Reserve Fund	\$ -	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00		0.13%
135 Town Accountant	\$ 106,509.00	\$ 59,099.00	\$ 165,608.00	\$ 107,203.00	\$ 46,424.00	\$ 153,627.00		0.41%
141 Assessors	\$ 140,789.00	\$ 42,663.00	\$ 183,452.00	\$ 144,252.00	\$ 42,663.00	\$ 186,915.00		0.50%
145 Treasurer	\$ 146,441.00	\$ 32,170.00	\$ 178,611.00	\$ 159,056.00	\$ 32,320.00	\$ 191,376.00		0.52%
146 Collector	\$ 144,823.00	\$ 46,000.00	\$ 190,823.00	\$ 149,447.00	\$ 46,050.00	\$ 195,497.00		0.53%
151 Legal	\$ -	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 60,000.00	\$ 60,000.00		0.16%
152 Personnel Board	\$ -	\$ 290.00	\$ 290.00	\$ -	\$ 290.00	\$ 290.00		0.00%
155 Information Technology	\$ 29,869.00	\$ 140,000.00	\$ 169,869.00	\$ 30,466.00	\$ 203,600.00	\$ 234,066.00		0.63%
161 Town Clerk	\$ 106,560.00	\$ 2,275.00	\$ 108,835.00	\$ 108,962.00	\$ 2,200.00	\$ 111,162.00		0.30%
163 Registrar of Voters	\$ 56,529.00	\$ 26,885.00	\$ 83,414.00	\$ 67,064.00	\$ 16,596.00	\$ 83,660.00		0.23%
171 Conservation	\$ 94,098.00	\$ 6,230.00	\$ 100,328.00	\$ 95,235.00	\$ 7,770.00	\$ 103,005.00		0.28%
175 Planning Board	\$ 116,444.00	\$ 10,990.00	\$ 127,434.00	\$ 122,233.00	\$ 9,690.00	\$ 131,923.00		0.36%
176 Appeals Board	\$ 4,969.00	\$ 1,325.00	\$ 6,294.00	\$ 5,068.00	\$ 1,400.00	\$ 6,468.00		0.02%
191 Middle School Upkeep	\$ -	\$ -	\$ -	\$ 12,000.00	\$ 29,500.00	\$ 41,500.00		.11%
192 Town Hall/Annex	\$ 39,304.00	\$ 79,500.00	\$ 118,804.00	\$ 40,454.00	\$ 88,935.00	\$ 129,389.00		0.35%
193 Property Insurance	\$ -	\$ 205,000.00	\$ 205,000.00	\$ -	\$ 220,000.00	\$ 220,000.00		0.59%
195 Town Reports	\$ -	\$ 200.00	\$ 200.00	\$ -	\$ 100.00	\$ 100.00		0.00%
198 Town Farm	\$ -	\$ 1,316.00	\$ 1,316.00	\$ -	\$ 1,500.00	\$ 1,500.00		0.00%
	\$ 1,278,274.00	\$ 784,596.00	\$ 2,062,870.00	\$ 1,338,752.00	\$ 881,211.00	\$ 2,219,963.00		5.98%
PUBLIC SAFETY								
210 Police Department	\$ 2,837,850.00	\$ 250,198.00	\$ 3,088,048.00	\$ 2,934,151.00	\$ 250,900.00	\$ 3,185,051.00		8.58%
220 Fire Department	\$ 1,817,113.00	\$ 214,331.00	\$ 2,031,444.00	\$ 1,884,125.00	\$ 199,931.00	\$ 2,084,056.00		5.61%
241 Building Department	\$ 108,234.00	\$ 6,935.00	\$ 115,169.00	\$ 111,241.00	\$ 7,440.00	\$ 118,681.00		0.32%
244 Sealer of Weights & Measures	\$ 2,038.00	\$ 600.00	\$ 2,638.00	\$ 2,079.00	\$ 600.00	\$ 2,679.00		0.01%
292 Animal Control	\$ 34,484.00	\$ 16,093.00	\$ 50,577.00	\$ 37,568.00	\$ 13,593.00	\$ 51,161.00		0.14%
297 Shellfish	\$ -	\$ -	\$ -	\$ 51,041.00	\$ 10,375.00	\$ 61,416.00		0.17%
298 Parking Tickets	\$ -	\$ 4,600.00	\$ 4,600.00	\$ -	\$ 4,600.00	\$ 4,600.00		0.01%
	\$ 4,799,719.00	\$ 492,757.00	\$ 5,292,476.00	\$ 5,020,205.00	\$ 487,439.00	\$ 5,507,644.00		14.84%
SCHOOLS								
300 Westport Community Schools	\$ 13,597,225.00	\$ 3,548,597.00	\$ 17,145,822.00	\$ 14,211,218.00	\$ 3,505,398.00	\$ 17,716,616.00		47.73%
360 Regional School Assessments	\$ -	\$ 1,657,531.00	\$ 1,657,531.00	\$ -	\$ 1,845,950.00	\$ 1,845,950.00		4.97%
	\$ 13,597,225.00	\$ 5,206,128.00	\$ 18,803,353.00	\$ 14,211,218.00	\$ 5,351,348.00	\$ 19,562,566.00		52.71%

May 2, 2017 Annual Town Meeting Article 4 - Fiscal Year 2018 Operating Budgets

		FY17	FY17	Total FY17	FY18	FY18	Total FY18	
		Salary	Expense	Budget	Salary	Expense	FinComm	
		Appropriation	Appropriation	by Dept	Appropriation	Appropriation	Recommended	% of Total
							by Dept	Budget
PUBLIC WORKS & FACILITIES								
421	Highway Dept	\$ 550,074.00	\$ 227,644.00	\$ 777,718.00	\$ 562,727.00	\$ 255,094.00	\$ 817,821.00	2.20%
423	Snow & Ice (Storm Account)	\$ 50,000.00	\$ 100,000.00	\$ 150,000.00	\$ 30,000.00	\$ 120,000.00	\$ 150,000.00	0.40%
424	Street Lights		\$ 18,000.00	\$ 18,000.00	\$ -	\$ 18,000.00	\$ 18,000.00	0.05%
433	Transfer Station	\$ 140,657.00	\$ 103,900.00	\$ 244,557.00	\$ 142,763.00	\$ 119,250.00	\$ 262,013.00	0.71%
491	Cemetery Department	\$ 144,781.00	\$ 25,675.00	\$ 170,456.00	\$ 145,751.00	\$ 10,400.00	\$ 156,151.00	0.42%
492	Veteran's Graves	\$ -	\$ 1,815.00	\$ 1,815.00	\$ -	\$ 1,588.00	\$ 1,588.00	0.00%
		\$ 885,512.00	\$ 477,034.00	\$ 1,362,546.00	\$ 881,241.00	\$ 524,332.00	\$ 1,405,573.00	3.79%
HUMAN SERVICES								
511	Board of Health	\$ 258,894.00	\$ 14,408.00	\$ 273,302.00	\$ 274,834.00	\$ 13,490.00	\$ 288,324.00	0.78%
549	Commission on Disabilities	\$ 700.00	\$ 300.00	\$ 1,000.00	\$ 700.00	\$ 300.00	\$ 1,000.00	0.00%
541	Council on Aging	\$ 125,838.00	\$ 43,160.00	\$ 168,998.00	\$ 138,574.00	\$ 42,045.00	\$ 180,619.00	0.49%
543	Veterans Services	\$ 39,223.00	\$ 354,561.00	\$ 393,784.00	\$ 41,223.00	\$ 357,876.00	\$ 399,099.00	1.08%
		\$ 424,655.00	\$ 412,429.00	\$ 837,084.00	\$ 455,331.00	\$ 413,711.00	\$ 869,042.00	2.34%
CULTURE & RECREATION								
610	Library	\$ 203,306.00	\$ 28,558.00	\$ 231,864.00	\$ 214,095.00	\$ 26,558.00	\$ 240,653.00	0.65%
630	Recreation	\$ -	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	0.03%
691	Historical Commission	\$ 500.00	\$ 725.00	\$ 1,225.00	\$ -	\$ 1,225.00	\$ 1,225.00	0.00%
		\$ 203,806.00	\$ 29,283.00	\$ 233,089.00	\$ 219,095.00	\$ 32,783.00	\$ 251,878.00	0.68%
DEBT SERVICE								
710	Principal Payments		\$ 837,354.00	\$ 837,354.00	\$ -	\$ 797,613.00	\$ 797,613.00	2.15%
751	Interest Payments on Long Term Debt		\$ 234,813.00	\$ 234,813.00	\$ -	\$ 223,571.00	\$ 223,571.00	0.60%
752	Interest Payments on Short Term Debt		\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	0.03%
		\$ -	\$ 1,082,167.00	\$ 1,082,167.00	\$ -	\$ 1,031,184.00	\$ 1,031,184.00	2.78%
Assessments								
820	SRPEDD	\$ -	\$ 2,710.00	\$ 2,710.00	\$ -	\$ 2,770.00	\$ 2,770.00	0.01%
		\$ -	\$ 2,710.00	\$ 2,710.00	\$ -	\$ 2,770.00	\$ 2,770.00	0.01%
PENSION & INSURANCE								
911	Pension Assessment		\$ 2,265,333.00	\$ 2,265,333.00		\$ 2,315,199.00	\$ 2,315,199.00	6.24%
914	Health & Life Insurance ****		\$ 3,816,000.00	\$ 3,816,000.00		\$ 3,951,000.00	\$ 3,951,000.00	10.64%
		\$ -	\$ 6,081,333.00	\$ 6,081,333.00	\$ -	\$ 6,266,199.00	\$ 6,266,199.00	16.88%
		\$ 21,189,191.00	\$ 14,568,437.00	\$ 35,757,628.00	\$ 22,125,842.00	\$ 14,990,977.00	\$ 37,116,819.00	100.00%
			\$ 35,757,628.00					
						Dollar Difference	Increase over FY 17	
TOTAL FY18 PROPOSED GENERAL FUND		OPERATING BUDGET			\$ 37,116,819.00	\$ 1,359,191.00	3.80%	
Recommended Funding Sources					\$ 36,954,208.00	Taxation -- Raise & Appropriate		
					\$ 29,363.00	Septic Program -- monies Reserved for Debt Payments		
					\$ 25,000.00	Wetlands Fund		
					\$ 25,000.00	Cemetery Sale of Lots Account		
					\$ 25,000.00	Cemetery Perpetual Care Interest Account		
					\$ 25,000.00	Transfer Station Receipts Reserved		
					\$ 27,316.00	Watersways Fund		
					\$ 5,932.00	Excess Overlay		
					\$ 37,116,819.00	Total		

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 as follows:

\$ 36,954,208	from TAXATION
\$ 29,363	from SEPTIC PROGRAM MONIES RESERVED FOR DEBT PAYMENTS
\$ 25,000	from the WETLANDS FUND
\$ 25,000	from the CEMETERY SALE OF LOTS ACCOUNT
\$ 25,000	from CEMETERY PERPETUAL CARE INTEREST ACCOUNT
\$ 25,000	from LANDFILL RECEIPTS RESERVED
\$ 27,316	from the WATERWAYS FUND
\$ 5,932	from RELEASED OVERLAY SURPLUS

for a total budget amount of \$ 37,116,819.

A hold was placed on the following departments: Moderator, Regional Schools, Board of Health, Library and Recreation.

Motion and second to approve all other line items. Voted: unanimously

The hold on the Moderator department was withdrawn.

Motion and second to approve the amount of \$872.00 for the Moderator. Voted: unanimously

Motion and second to amend the Regional School Assessments by adding an additional \$10,000 from Overlay Reserve making the total amount \$1,855,950. Voted: unanimously

Voted: unanimously to approve the Regional School Assessments budget as amended.

Motion and second to amend the Board of Health salary line by adding an additional \$10,000 from Free Cash making the salary line \$284,834 and the total department budget \$298,324. Voted: Carried

Voted: to approve the Board of Health budget as amended. Carried

Motion and second to amend the Library salary line by adding an additional \$11,101 from Free Cash making the salary line total \$225,196 and the total department budget \$251,754. Voted: Carried

Voted: to approve the Library budget as amended. Carried

Motion and second to amend the Recreation budget by reducing the salary to zero and increasing the expenses to \$10,000. Voted: unanimously

Voted: unanimously to approve the Recreation budget as amended.

Total Budget amount as amended - \$37,147,920.

ARTICLE 5

To see if the Town will vote to appropriate a sum of \$1,824,195.00 for the cost of various capital expenditures, including, as appropriate, equipping vehicles, and approving lease/purchase agreements for terms of up to or in excess of three years, all in accordance with the Town's Fiscal Year 2018 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

Department Requests	Cost
<u>Replacement of Motor Vehicles</u>	
Fire Truck	\$450,000.00
3 Police Cruisers	\$138,705.00
Dump Truck	\$157,500.00
Fire Department SUV	\$ 37,000.00
Senior Center Van (Town share)	\$ 25,000.00
Ambulance (3-year lease)	\$240,000.00
Transfer Station Roll-Off Truck	\$160,000.00
<u>Repairs to School Buildings</u>	
High School Intercom/master clock	\$ 57,133.00
WES Gym Floor Replacement	\$ 51,594.00
WES Replace Kitchen Equipment	\$ 65,469.00
WES Main Entrance Door Replacement	\$ 15,000.00
Mac School Fire Rated Doors	\$ 45,000.00
Senior Center Parking Lot Expansion	\$ 45,000.00
Fiber Optic Cable Installation	\$200,000.00
Motor Vehicle Fuel Pump Replacement	\$ 50,000.00
School Dept. Account/Payroll Software	\$ 86,794.00

The main motion of Article 5 reduced the number of Police Cruisers from 3 to 2 and the appropriation from \$100,000 to \$86,822 from Free Cash and \$5,648 from Excess Overlay Released and removed the School Dept. Account/Payroll Software - \$86,794.

Motion and second to approve the appropriations for various capital expenditures in accordance with the Town's Fiscal Year 2018 Capital Improvement Planning Program, including the cost of undertaking the projects and/or purchasing and equipping items as specified, as well as all incidental and related costs with each item being considered a separate appropriation.

A hold was placed on the following items: Fire Truck, 2 Police Cruisers, Dump Truck Replacement, Ambulance (3 year lease), Transfer Station Roll-Off Truck, Fiber Optic Cable Installation and Motor Vehicle Fuel Pump Replacement.

Motion and second to approve all other appropriations for capital expenditures as listed above. Voted: unanimously with funding for the Fire Department SUV from Excess Overlay Released and the Senior Center Van, High School Intercom, WES Gym, Kitchen Equipment, Entrance Door and Mac School Fire Doors from Free Cash.

Motion and second to appropriate \$450,000 from Excess Overlay Released for a Fire Truck. Voted: Carried

Motion and second to appropriate \$86,822 from Free Cash and \$5,648 from Excess Overlay Released for 2 Police Cruisers. Voted: unanimously

Motion and second to appropriate \$157,500 from Free Cash for Dump Truck Replacement. Voted: unanimously

Motion and second to appropriate \$240,000 from Ambulance Revolving for an Ambulance (3 year lease). Voted: unanimously

Motion and second to appropriate \$100,000 from Free Cash, \$7,350 from Released Overlay Surplus and \$40,000 from Landfill Receipts Reserved for a Transfer Station Roll-Off Truck. Voted: unanimously

At this time, the Moderator requested volunteers to serve as Tellers for the meeting. Robert McCarthy, Tracy Priestner, Karen Powell, Charles Baron and Carol Mann were duly sworn by the Town Clerk.

Motion and second to borrow \$200,000 for Fiber Optic Cable Installation. Voted: Yes: 165 No: 105
The motion was defeated. (2/3 vote required)

The hold on Motor Vehicle Fuel Pump was withdrawn.

Motion and second to appropriate \$50,000 from Free Cash for Motor Vehicle Fuel Pump Replacement.

Voted: unanimously

ARTICLE 6

To see if the Town will vote to appropriate the sum of \$1,849,000 for the construction, original equipping and furnishing of a police station; to determine whether this appropriation shall be raised by borrowing or otherwise, and/or take any other action relative thereto.

POLICE STATION BUILDING COMMITTEE

Motion and second that the town appropriate \$1,849,000 for the construction, original equipping and furnishing of a police station, which sum shall be in addition to the amount appropriated for such purpose under Article 22 of the May 3, 2016 town meeting; that to meet this appropriation, \$500,000 shall be transferred from Free Cash and the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,349,000 under G.L. c. 44, §7 (1) or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project. Voted: unanimously

ARTICLE 7

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, 2017 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

Motion and second to adopt the provisions of Article 7 as printed in the warrant. Voted: unanimously

ARTICLE 8

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½ as most recently amended, to (1) establish and reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2017, and to set fiscal year spending limits; and (2) amend its By-Laws and Regulations by inserting a new By-Law entitled, "**ARTICLE LXVII, REVOLVING FUNDS**", for the purposes defined from which costs for these same services may be expended without further appropriation consistent with fiscal year spending limits established by Town Meeting, all as set forth below, and/or take any other action relative thereto.

ARTICLE LXVII

REVOLVING FUNDS

- 6701.** There are hereby established in the Town of Westport pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this By-Law.
- 6702.** Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- 6703.** No liability shall be incurred in excess of the available balance of the fund.
- 6704.** The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.
- 6705.** Interest earned on monies credited to a revolving fund established by this By-Law shall be credited to the General Fund.

Revolving Fund	Authority To Spend	Revenue Source	Use of Fund
Council on Aging - Programs	Council on Aging & Board of Selectmen	Receipts from health care promotion, recreational and social programs for seniors	Health care promotion, recreational and social programs for seniors
Council on Aging-Social Day Care	Council on Aging & Board of Selectmen	Receipts from the Social Day Care Program	Social Day Care Program
Council on Aging - Transportation	Council on Aging & Board of Selectmen	Receipts from transportation for seniors	Transportation for seniors
Fire Department - Ambulance	Fire Department	Receipts from Ambulance fees	Purchase of an ambulance, ambulance equipment and/or any incurred ambulance related expense, not to include salaries
Fire Department - Haz Mat	Fire Department	Receipts from Haz-Mat fees	Purchase of Haz-Mat equipment and/or any incurred Haz-Mat related expense, not to include salaries
Electrical, Plumbing and Gas Inspectors	Electrical, Plumbing and Gas Departments	Receipts from fees and fines paid for electrical, plumbing and gas permits	Fees for inspections performed and mileage, schooling, supplies, clerical wages, equipment and other miscellaneous expenses; any fund balance in excess of \$40,000.00 at the end of the fiscal year will be transferred into the General Fund.
Planning Board/Zoning Board of Appeals	Planning Board	Receipts from subdivision and comprehensive permit filing fees	Maintaining the Assessor's parcel GIS database
Police Department	Police Department and Board of Selectmen	Receipts from Police Cruiser fees associated with private details	Purchase of cruisers, associated equipment and/or any incurred police cruiser related expense, not to include salaries
Westport Economic Development Task Force	Westport Economic Development Task Force	Receipts from vendors at the Westport Winter Market and subscribers to the Westport Advertising App	To cover expenses of the Farmers' Market(s) and the App
Board of Health	Board of Health	Receipts from vaccine purchases and administration reimbursements	Vaccine purchases and all supplies and expenses associated with vaccine administrations
Library	Library Director	Receipts from fines, lost book payments and computer printing	Library programs and operations, including purchasing and

		services at the Library	maintaining books and other technology used at the Library
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6707. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

<u>Revolving Fund</u>	<u>Maximum Expenditure</u>
Council on Aging - Programs	\$ 43,000.00
Council on Aging- Social Day Care	\$148,000.00
Council on Aging - Transportation	\$ 55,000.00
Fire Department - Ambulance	\$150,000.00
Fire Department - Haz Mat	\$ 40,000.00
Electrical, Plumbing and Gas Inspectors	\$ 85,000.00
Planning Board/Zoning Board of Appeals	\$ 20,000.00
Police Department	\$ 50,000.00
Westport Economic Development Task Force	\$ 6,000.00
Board of Health	\$ 10,000.00
Library	\$ 3,000.00

and/or take any other action relative thereto.

VARIOUS DEPARTMENTS

Motion and second to adopt the provisions of Article 8 as printed in the warrant. Voted: unanimously

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds \$55,000.00 to the Marine Services Enterprise Fund for FY'18, and/or take any other action relative thereto.

DIRECTOR OF MARINE SERVICES

Motion and second to adopt the provisions of Article 9 as printed in the warrant with \$55,000 from Free Cash.
Voted: unanimously

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds \$130,787.00 to operate the Marine Services Enterprise for FY'18, and/or take any other action relative thereto.

Salaries	\$ 88,699.00
Expenses	\$ 42,088.00
Total	\$130,787.00

BOARD OF SELECTMEN/DIRECTOR OF MARINE SERVICES

Motion and second to adopt the provisions of Article 10 with \$130,787 from User Charges (Marine Services).
Voted: unanimously

ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from available funds \$197,800.00 to operate the Waterline Enterprise for FY'18, and/or take any other action relative thereto.

Salaries	\$ 3,500.00
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Capital Outlay	\$ 5,000.00
Expenses	<u>\$189,300.00</u>
Total	\$197,800.00

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 11 with \$197,800 from User Charges (Waterline).

Voted: unanimously

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds \$66,600.00 to operate the Town Beaches Enterprise for FY'18, and/or take any other action relative thereto.

Salaries	\$ 40,800.00
Expenses	<u>\$ 25,800.00</u>
Total	\$ 66,600.00

BEACH COMMITTEE/BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 12 with \$66,600 from User Charges (Beach).

Voted: unanimously

ARTICLE 13

To see if the Town will vote to raise and appropriate or transfer from the Cable Television Special Revenue Fund \$138,151.00 to fund the Community Television budget for FY'18, and or take any other action relative thereto.

Salaries	\$116,376.00
Expenses	<u>\$ 21,775.00</u>
Total	\$138,151.00

BOARD OF SELECTMEN

Motion and second to transfer from the cable television special revenue fund the sum of \$138,151 to fund the community television budget for fiscal year 2018 appropriating \$116,376 for salaries and \$21,775 for expenses.

Voted: unanimously

ARTICLE 14

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 M.G.L. c.40, §56, as most recently amended, 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 adopt the provisions of Article 14 as printed in the warrant with \$20,000 from Free Cash.

Voted: unanimously

ARTICLE 15

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to create a Department of Public Works, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives to the petition, and to authorize the Board of Selectmen to approve such amendments.

AN ACT AUTHORIZING THE TOWN OF WESTPORT
TO CREATE A DEPARTMENT OF PUBLIC WORKS

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

Section 1. There is hereby established in the Town of Westport a Department of Public Works, in this act called the Department, which shall be under the supervision and control of the Board of Selectmen, in this act called the Board.

Section 2. The Department shall have all the powers and duties that are vested by the General Laws, Town By-Laws or special acts in the following boards, departments and offices having corresponding powers and duties in the Town of Westport: Highway Department, Transfer Station, Cemetery Commission and Tree Warden. The Department shall be responsible for such other matters as determined by the Board provided, that said other matters may include, but shall not be limited to facilities maintenance, waste water and storm water treatment and disposal, refuse removal and recycling.

Section 3. The Cemetery Commission shall be abolished. No existing contract or liability shall be affected by the abolition, but the Board shall in all respects be the lawful successor of the offices so abolished.

Section 4. The Department may, at the option of the Board, consist of 1 or more divisions, including but not limited to, a park division, cemetery division, street division and tree division; provided, that the Department may be organized in such other manner as determined by the Town Administrator, with the approval of the Board of Selectmen.

Section 5. The Department shall be supervised by a director who shall be appointed and serve at the pleasure of the Board; provided, however, that said appointment shall be subject to the By-Laws that provide for the appointment of officers of the Town by the Town Administrator. The Board may, but it is not required, to establish an employment contract for a period not to exceed three (3) years with the director for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, for good cause, reappointment, performance standards and leave.

Section 6. The Director shall exercise and perform, under the direction and supervision of the Town Administrator, all of the powers, rights and duties to be exercised by the Department under Section 2, subject to policy directives issued by the Board. The Director shall be responsible for the efficient exercise and performance of such powers, right and duties and shall hold office subject to the will of the Board. The Director shall hold no other elective or appointive office in the Town of Westport and shall not be engaged in any other business or occupation during the pendency of the Director's appointment. The Director shall provide the Town a bond, with a surety company authorized to transact business in the commonwealth, as surety for the faithful performance of the Director's duties, in such sum and upon such conditions as the Board shall determine.

Section 7. This act shall take effect upon its passage.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

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

ARTICLE 16

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY18 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 2018; 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

CPA FY'18 Appropriations, Reservations and Funding Sources

Historic Preservation

Acoaxet Chapel Phase II Accessibility		\$ 23,100.00
	Source: Historic Preservation Reserves	\$ 23,100.00
Westport Historical Society Bell Schoolhouse Sill Repair and Foundation Work		\$ 11,150.00
	Source: Historic Preservation Reserves	\$ 11,150.00
Westport Historical Society Bell Schoolhouse Tower		\$ 44,345.00
	Source: Historic Preservation Reserves	\$ 18,464.00
	Source: Undesignated Reserves	\$ 25,881.00
Historic Town Hall Annex Roof		\$100,000.00
	Source: FY'17 Budgeted Reserves	\$100,000.00
Westport Historic Burial Grounds Signs		\$ 2,380.00
	Source: Historic Preservation Reserves	\$ 2,380.00
Westport Historic Paul Cuffe Heritage Trail		\$ 1,500.00
	Source: Historic Preservation Reserves	\$ 1,500.00

Open Space and Recreation

Russell Property, Horseneck, Map 44/Lot 1, Agricultural Preservation Restriction (APR)		\$140,000.00
	Source: Open Space Reserves	\$108,546.00
	Source: Undesignated Reserves	\$ 31,454.00
St. Vincent de Paul Property Conservation Restriction		\$350,000.00
	Source: Undesignated Reserves	\$350,000.00
Westport Youth Athletic Association Playing Fields		\$600,000.00
	Source: Undesignated Reserves	\$ 46,851.00
	Source: FY'17 Budgeted Reserves	\$ 40,000.00
	Source: FY18 Estimated Fund Revenues	\$513,149.00

Community Housing

Westport Affordable Housing Trust		\$292,500.00
	Source: Community Housing Reserves	\$ 18,173.00
	Source: Undesignated Reserves	\$274,327.00
<u>FY'18 Budgeted Reserves</u>		\$ 50,000.00
	Source: FY18 Estimated Fund Revenues	\$ 50,000.00
<u>FY'18 Administrative Account</u>		\$ 28,750.00
	Source: FY18 Estimated Fund Revenues	\$ 28,750.00

Motion and second to appropriate or reserve from the Community Preservation Funds; annual revenues and available funds the amounts recommended for the purposes defined in the written recommendations of the Community Preservation Committee, with each item to be considered a separate appropriation.

Voted: unanimously

ARTICLE 17

To see if the Town will vote to authorize the transfer of a parcel of land currently under the care, custody and control of the Board of Selectmen and located at 0 Tickle Road, Westport, Massachusetts, Assessor's Parcel ID 20-0-125A, Map 20 as Lot 125A and described in a deed recorded in Book 1878, Page 850 said real property consisting of .46 acres, more or less, to the care, custody and control of the Westport Affordable Housing Trust Fund (the "Trust"), for the purposes of developing, constructing or managing housing affordable to low and moderate income families and individuals and without requiring any additional action by Town Meeting, and notwithstanding the foregoing paragraph, authorize the Trust to convey in fee or less than fee and/or convey an easement in the whole or a portion of the said real property, subject to compliance with relevant any applicable state procurement and related laws, where, in the opinion of the Trustees of the Trust, such conveyance will further the development, construction or habitation of low and moderate income housing for families and individuals and without requiring any additional action by Town Meeting, and further that if such property is not disposed of by the Trust in accordance with the authority granted hereunder such property shall to revert said to the care, custody and control of the above noted parcel to of the Board o f Selectmen should a building permit not be issued within ten (10) years of this vote pursuant to the State Building Code for the construction of at least one affordable dwelling unit on the above-described noted property, or take any other action relative thereto.

WESTPORT AFFORDABLE HOUSING TRUST FUND

Motion and second to adopt the provisions of Article 17 as printed in the warrant. Voted: unanimously

ARTICLE 18

To see if the Town will vote to authorize the transfer of a parcel of land currently under the care, custody and control of the Board of Selectmen and located at 0 Sanford Road, Westport, Massachusetts, Assessor's Parcel ID 23A-0-393-396, Map 23A as Lots 393-396 and described in a deed recorded in Book 6837, Page 167 said real property consisting of 1.15 acres, more or less, to the care, custody and control of the Westport Affordable Housing Trust Fund (the "Trust"), for the purposes of developing, constructing or managing housing affordable to low and moderate income families and individuals and without requiring any additional action by Town Meeting, and notwithstanding the foregoing paragraph, authorize the Trust to convey in fee or less than fee and/or convey an easement in the whole or a portion of the said real property, subject to compliance with any applicable relevant state procurement and related laws, where, in the opinion of the Trustees of the Trust, such conveyance will further the development, construction or habitation of low and moderate income housing for families and individuals and without requiring any additional action by Town Meeting, and further that if such property is not disposed of by the Trust in accordance with the authority granted hereunder, such property shall to revert to the said care, custody and control of the above noted parcel to the Board o f Selectmen should a building permit not be issued within ten (10) years of this vote pursuant to the State Building Code for the construction of at least one affordable dwelling unit on the above noted described property, or take any other action relative thereto.

WESTPORT AFFORDABLE HOUSING TRUST FUND

Motion and second to adopt the provisions of Article 18 as printed in the warrant. Voted: unanimously

ARTICLE 19

To see if the Town will vote to authorize the transfer of a parcel of land currently under the care, custody and control of the Board of Selectmen and located at 0 School Street, Westport, Massachusetts, Assessor's Parcel ID 25-0-55A, Map 25 as Lot 55A and described in a deed recorded in Book 960, Page 273 said real property consisting of 3.50 acres, more or less, to the care, custody and control of the Westport Affordable Housing Trust Fund (the Trust), for the purposes of developing, constructing or managing housing affordable to low and moderate income families and individuals and without requiring any additional action by Town Meeting, and notwithstanding the foregoing paragraph, authorize the Trust to convey in fee or less than fee and/or convey an

easement in the whole or a portion of the said real property, subject to compliance with relevant any applicable state procurement and related laws, where, in the opinion of the Trustees of the Trust, such conveyance will further the development, construction or habitation of low and moderate income housing for families and individuals and without requiring any additional action by Town Meeting, and further that if such property is not disposed of by the Trust in accordance with the authority granted hereunder such property shall to revert to the said care, custody and control of the above noted parcel to the Board o f Selectmen should a building permit pursuant to the State not issue within ten (10) years of this vote Building Code for the construction of at least one affordable dwelling unit on the above noted property, or take any other action relative thereto.

WESTPORT AFFORDABLE HOUSING TRUST FUND

Motion and second to adopt the provisions of Article 19 as printed in the warrant. Voted: unanimously

ARTICLE 20

To see if the Town will vote to authorize the transfer of a parcel of land currently under the care, custody and control of the Board of Selectmen and located at 0 Briggs Road, Westport, Massachusetts, Assessor's Parcel ID 29-0-6A, Map 29 as Lot 6A and described in a deed recorded in Book 1514, Page 383 said real property consisting of 2.50 acres, more or less, to the care, custody and control of the Westport Affordable Housing Trust Fund (the Trust), for the purposes of developing, constructing or managing housing affordable to low and moderate income families and individuals and without requiring any additional action by Town Meeting, and notwithstanding the foregoing paragraph, authorize the Trust to convey in fee or less than fee and/or convey an easement in the whole or a portion of the said real property, subject to compliance with relevant any applicable state procurement and related laws, where, in the opinion of the Trustees of the Trust, such conveyance will further the development, construction or habitation of low and moderate income housing for families and individuals and without requiring any additional action by Town Meeting, and further if such property is not disposed of by the Trust in accordance with the authority granted hereunder that such property to shall revert said to the care, custody and control of the above noted parcel to the Board o f Selectmen should a building permit not issue within ten (10) years of this vote pursuant to the State Building Code for the construction of at least one affordable dwelling unit on the above noted property, or take any other action relative thereto.

WESTPORT AFFORDABLE HOUSING TRUST FUND

Motion and second to adopt the provisions of Article 20 as printed in the warrant. Voted: unanimously

ARTICLE 21

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following new By-Law "ARTICLE LXVI, ILLICIT DISCHARGE":

ARTICLE LXVI

ILLICIT DISCHARGE

6601. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the Town of Westport municipal storm drain system is necessary for the protection of the town's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment.

6601.1 The objectives of this By-Law are:

- a.** To prevent pollutants from entering Westport's municipal separate storm water /sewer system (MS4);
- b.** To prohibit illicit connections and discharges to the MS4;

- c. To require the removal of all such illicit connections;
- d. To comply with state and federal statutes and regulations relating to stormwater discharges; and
- e. To establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.

6602.

DEFINITIONS

For the purposes of this By-Law, the following shall mean:

Agent - Employee, Board or Committee of the Town appointed by the Board of Selectmen to assist in enforcing and/or administering this By-Law.

Authorized Enforcement Agency/Applicable Authority - The Board of Selectmen or other employees or agents designated by the Board of Selectmen.

Best Management Practice (BMP) - An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants - The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater - Water beneath the surface of the ground and not confined in a conduit or container.

Illicit Connection - A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-Law.

Illicit Discharge - Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted herein

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Westport.

National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges - A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

Non-Stormwater Discharge - Discharge to the municipal storm drain system not composed entirely of stormwater.

Person - Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agency, public or quasi-public corporation or

body, the Town of Westport, and any other legal entity, its legal representatives, agents, or assigns.

Pollutant - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any storm water system, sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to, the following:

- a. Paints, varnishes, and solvents;
- b. Oil and other automotive fluids;
- c. Non-hazardous liquid and solid wastes and yard wastes;
- d. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- e. Pesticides, herbicides, and fertilizers;
- f. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- g. Dissolved and particulate metals;
- h. Animal wastes;
- i. Rock, sand, salt, soils;
- j. Construction wastes and residues; and
- k. Noxious or offensive matter of any kind.

Process Wastewater - Water, which during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product. Process wastewater includes water, which has increased in temperature as a result of manufacturing or other processes.

Recharge - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

Stormwater/Runoff - Rainwater, snowmelt and/or other water that flows off impervious surfaces and across or over the ground surface rather than being absorbed into the soil.

Surface Water Discharge Permit - A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste - Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Wastewater - Any sanitary waste, sludge, or septic tank or cesspool contents or discharge, and/or process wastewater.

Waters of the Commonwealth - All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

6603. APPLICABILITY

This By-Law shall apply to flows entering the municipally owned storm drainage system.

6604. AUTHORITY

This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

6605. ADMINISTRATION

The Board of Selectmen is delegated hereby the responsibility and authority to administer, implement and enforce this By-Law. The Board of Selectmen may appoint a Town employee, department, board or commission to aid the Board of Selectmen in the enforcement and/or administration of this By-Law.

6605.1 Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Agent, and other employees designated by the Board of Selectmen may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the Agent deems reasonably necessary.

6606. REGULATIONS

The Board of Selectmen shall promulgate rules and regulations to effectuate the purposes of this By-Law. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

6607. PROHIBITED ACTIVITIES

6607.1 Illicit Discharges - No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4).

6607.2 Illicit Connections - No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

6607.3 Obstruction of Municipal Storm Drain System - No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Applicable Authority.

6607.4 Other Prohibited Activities - No person shall discharge, or cause to be discharged, water or any other liquid, on to the streets, sidewalks or ways of the Town in such a manner as to cause an obstruction of traffic or to endanger travel by freezing or otherwise.

- a. Drains – No one shall tie any pump, cellar, yard, roof or area drain directly into the storm water drainage system without approval from the Applicable Authority.
- b. Catch Basins – No Person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or paint product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial or household cleaners, soap, detergent, ammonia, food and food waste, grease or yard waste, animal feces, dirt, sand gravel or other pollutant. Any person determined by the applicable authority to be responsible for the discharge of any of the above substances to a catch basin may be held responsible for cleaning the catch basin and any other portions of the storm water system impacted according to Town standards and requirements or paying the cost for such cleaning. In addition, the Person shall be responsible for paying any penalties assessed by the Town.
- c. Septage – No person shall discharge or cause or allow to be discharged any septage, or septage tank or cesspool overflow into the Town's storm water drainage system.
- d. Storage & Disposal of Hazardous Material – No one shall dispose of anything other than clear water into the Town's storm drainage system. The disposal of waste, gasoline or any other hazardous material into the storm drainage system is strictly prohibited and is in violation of state and federal pollution laws.
- e. Private drainage systems – It is prohibited for anyone with a private drainage system from tying into the public storm water disposal system without written approval from the Applicable Authority. The maintenance of any and all private drainage systems shall be the responsibility of the owners.

6608.

EXEMPTIONS

Discharge or flow resulting from fire fighting activities are exempt from the prohibition of non-stormwater discharges.

The following non-stormwater discharges or flows are also exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system, and will not damage or threaten public health and the environment:

- a. Waterline flushing and flow from potable water sources;
- b. Springs, natural flow from riparian habitats and wetlands, diverted stream flow and rising groundwater;
- c. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- d. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, sump pumps or air conditioning condensation;
- e. Discharge from landscape irrigation or lawn watering;
- f. Water from individual residential car washing;

- g. Discharge from dechlorinated swimming pool or hot tub water (less than one ppm chlorine) provided the pool or hot tub is drained in such a way as not to cause a nuisance;
- h. Discharge from street sweeping, discharge of sand and deicers used for public safety purposes;
- i. Emergency repairs to the municipal storm drain system, and any stormwater management structure or practice that poses a threat to public health or safety, or as deemed necessary by the Highway Surveyor;
- j. Dye testing, provided verbal notification is given to the Applicable Authority prior to the time of the test;
- k. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- l. Discharge for which advanced written approval is received from the Applicable Authority as necessary to protect public health, safety, welfare or the environment.

6609. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Applicable Authority or Highway Surveyor may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board of Selectmen or their Agent may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

6610. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Applicable Authority prior to the allowing of discharges to the MS4.

6611. MONITORING DISCHARGES

Upon notice of an alleged illicit discharge or connection, the Applicable Authority shall have the right to investigate any facility that has storm water discharges associated with industrial activity, including construction activity. The exercise of this right does not constitute a replacement or substitution for enforcement by federal or state agencies for facilities that are adequately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

6612. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants into the municipal drainage system, a wetland resource area or the waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Applicable Authority and the Highway Surveyor. In the event of a release of non-hazardous material, the reporting person shall notify the Applicable Authority and the Highway Surveyor no later than the next business day. The reporting person shall provide to the Applicable Authority and the Highway Surveyor written confirmation of all telephone, facsimile or in-person notifications within three business

days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

6613. ENFORCEMENT

6613.1 The Board of Selectmen, or other authorized agent of the Board of Selectmen shall enforce this By-Law and any regulations, and may pursue all civil and criminal remedies for violations.

6613.2 Civil Relief - If a person violates the provisions of this By-Law or regulations, or of any permit, notice or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

6613.3 Orders - The authorized agent of the Board of Selectmen may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include:

- a. Elimination of illicit connections or discharges to the MS4;
- b. Performance of monitoring, analysis, and reporting;
- c. That unlawful discharges, practices, or operations shall cease and desist; and
- d. Remediation of contamination in connection therewith.

6613.3.1 If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

6613.3.2 Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town including administrative costs.

6613.3.3 The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notification of the costs incurred.

6613.3.4 If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Authorized Agent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any

unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

6613.4 **Criminal Penalties**

Any person who violates any provision of this By-Law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$300. Each day a violation exists shall constitute a separate violation.

6613.5 **Non-Criminal Disposition**

As an alternative to criminal prosecution or civil action, the town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Article V of the Town By-Laws, in which case any police officer of the Town of Westport, or other persons as are authorized by the Board of Selectmen shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished as follows:

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300

Each day a violation exists shall constitute a separate violation.

6614. **APPEALS**

The decisions or orders shall be final. Further relief shall be to a court of competent jurisdiction.

6614.1 **Remedies Not Exclusive** - The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

6615. **SEVERABILITY**

The provisions of this By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

6616. **TRANSITIONAL PROVISIONS**

Residential property owners shall have 180 days from the effective date of the By-Law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.

and/or take any other action relative thereto.

PLANNING BOARD/WESTPORT WATER RESOURCES MANAGEMENT COMMITTEE

Motion and second to adopt the provisions of Article 21 as printed in the warrant. Voted: unanimously

ARTICLE 22

To see if the Town will vote to amend various sections of the **TOWN OF WESTPORT ZONING BY-LAWS, ARTICLE 2, ADMINISTRATION** by making the following changes:

Item 1. By deleting from **Special Permits, Section 2.5.9** the strike through text and inserting the bold underlined text as follows:

2.5.9 A special permit granted under this section shall lapse within ~~nine (9) months~~ **three (3) years** from the grant thereof ~~if a permit for construction has not been received,~~ **unless substantial use has been commenced**, except for good cause as determined by the permit granting authority, or, in the case of a permit for construction, if the construction has not begun by such date and continued except for good cause as determined by the Board of Appeals.

Item 2. By inserting the following bold underlined text in **Special Permits, Section 2.6:**

2.6 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), for the Noquochoke Overlay District (Article 19), for the Science and Technology Overlay District (Article 22) **for the Flexible Frontage for Reduced Density (Article 23), for the Solar Energy Systems (Article 24) and for the Medical Marijuana Treatment Centers (Article 25).** 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/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 22 as printed in the warrant. Voted: unanimously

ARTICLE 23

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS, ARTICLE 4, USE REGULATIONS, SECTION 4.0.1B, SUB-SECTION 6** by making the following changes:

Item 1. By deleting the following in its entirety:

- 6.** Use of Agricultural Property having at least five(5) contiguous acres utilized in conformance with the uses of land as enumerated in M.G.L. Chapter 61A, §§ 1 and 2 and M.G.L. Chapter 40a § 3 shall include the use of said property for:
 - a.** Agri-entertainment meaning entertainment, such as a seasonal event, festival, contest, music, party, or other time-specific events and commercial enterprises, designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of the agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agri-entertainment is designed to enhance the agricultural viability of farm operations;
 - b.** Agri-tourism means tourism designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agricultural tourism shall include but not be limited to Farm-Stay programs, entertainment events on the farm, fundraising activities, and community events. Agri-tourism is designed to enhance the agricultural viability of the farm operations.
 - c.** Commercial activities designed to market to and bring the public to a Farm Enterprise for a farm related experience, and increase the sale of agricultural

products to the public with the express purpose of enhancing the agricultural viability of the Farm operations.

Item 2. By inserting the following replacement:

6. Agri-entertainment, Agri-commercial and Agri-tourism shall be permitted as accessory uses provided the primary use of the land is Agriculture, the parcel has a minimum of five (5) acres and the sales meet the requirements of M.G.L. Chapter 40A, Section 3.

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 23 as printed in the warrant. Voted: unanimously

ARTICLE 24

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS, ARTICLE 1, PURPOSE AND DEFINITIONS, SECTION 1.1. DEFINITIONS** by making the following changes:

Item 1. By deleting the following definition in its entirety:

Agriculture - meaning the uses of land as enumerated in M.G.L. Chapter 61A, §§ 1 and 2; as described in M.G.L. Chapter 40a § 3; as defined in Westport Town By-Law LIV Right to Farm By-Law, including the conduct of:

- a. Agri-entertainment meaning entertainment, such as a seasonal event, festival, contest, music, party, or other time-specific events and commercial enterprises, designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of the agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agri-entertainment is designed to enhance the agricultural viability of farm operations;
- b. Agri-tourism means tourism designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agricultural tourism shall include but not be limited to Farm-Stay programs, entertainment events on the farm, fundraising activities, and community events. Agri-tourism is designed to enhance the agricultural viability of the farm operations.
- c. Commercial activities designed to market to and bring the public to a Farm Enterprise for a farm related experience, and increase the sale of agricultural products to the public with the express purpose of enhancing the agricultural viability of the Farm operations.

Item 2. By inserting the following definitions in alphabetical order:

Agriculture and Agricultural - shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or

lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

Agri-commercial - means commercial activities designed to market to and bring the public to a Farm Enterprise for a farm related experience, and increase the sale of agricultural products to the public with the express purpose of enhancing the agricultural viability of a Farm Enterprise.

Agri-entertainment - means entertainment, such as a seasonal event, festival, contest, music, party, or other time-specific event, designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of the agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agri-entertainment is designed to enhance the agricultural viability of farm operations.

Agri-tourism - means tourism designed specifically to bring the public to a Farm Enterprise for a farm-related educational experience by displaying a combination of the farm setting and products of agricultural operations with the ultimate goal to encourage the purchase of agricultural products. Agricultural tourism shall include Farm-Stay programs, entertainment events on the farm, fundraising activities, and community events. Agri-tourism is designed to enhance the agricultural viability of the farm operations.

Farm Enterprise - means a farming operation that is entitled to protection under M.G.L. Chapter 40A, Section 3.

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 24 as printed in the warrant. Voted: unanimously

ARTICLE 25

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS** by adding **ARTICLE 26, TEMPORARY MORATORIUM OF RECREATIONAL MARIJUANA FACILITIES AND RELATED USES:**

ARTICLE 26

TEMPORARY MORATORIUM OF RECREATIONAL MARIJUANA FACILITIES AND RELATED USES

26.1 PURPOSE

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the production and distribution of recreational marijuana under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make marijuana legal for adults 21 years of age or older. The law as amended provides that it is effective on December 15, 2016, and the Cannabis Control Commission shall promulgate the initial regulations under Section 4 of Chapter 94G of the General Laws not later than March 15, 2018. Currently under the Zoning By-Law, Recreational Marijuana Establishments, including establishments for cultivating, manufacturing, testing, processing, retail sales of recreational marijuana and any other type of licensed marijuana-related business are not a permitted use in the Town of Westport and any regulations promulgated by the State are expected to provide guidance to the Town in regulating recreational marijuana, including Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Law regarding regulation of Recreational Marijuana Facilities and any other uses related to recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational

Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact by-laws in a manner consistent with sound land use planning goals and objectives.

26.2 **DEFINITION**

“Recreational Marijuana Establishment” shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

26.3 **TEMPORARY MORATORIUM**

For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the State regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Recreational Marijuana Establishments and related uses.

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 25 as printed in the warrant. Voted: the Moderator declared the article passed by a 2/3 vote.

ARTICLE 26

To see if the Town will vote to amend the Personnel By-Laws, by deleting in its entirety the following “AMENDMENT TO SCHEDULE A, APPENDIX A FOOTNOTE”:

“All new personnel employed by the Town shall receive ninety (90) percent of the pay scale listed under each category for their first six (6) months of employment; said personnel shall receive ninety-five (95) percent retro-active to six (6) months of employment, after a satisfactory performance review is filed with the Selectmen’s office. After twelve (12) months of employment, said personnel shall receive one hundred (100) percent of the pay scale. In the case of positions classified as Administrative or Supervisory, the reduction in the pay scale for the first year may be waived by a majority vote of the Board of Selectmen, provided the Board finds that the waiver is needed to secure a highly qualified employee.”

and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 26 as printed in the warrant. Voted: carried

ARTICLE 27

To see if the Town will vote to amend the Personnel By-Laws, Schedule A by transferring the following position from Police Department to Board of Selectmen:

Position				Group
				Hours
				Pay Basis
				Type
Animal Control Officer	7c	R	Annual	PT

and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 27 as printed in the warrant. Voted: carried

ARTICLE 28

To see if the Town will vote to amend the Personnel By-Laws, Schedule A by transferring the following position from Police Department to Board of Selectmen:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Assistant Animal Control Officer	7c	N	Hourly	PT

and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 28 as printed in the warrant. Voted: carried

ARTICLE 29

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Director of Public Health	1	R	Salary	FT

and/or take any other action relative thereto.

BOARD OF HEALTH/PERSONNEL BOARD

Motion and second to adopt the provisions of Article 29 as printed in the warrant. Voted: unanimously

ARTICLE 30

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Outreach Worker	4	-20	Hourly	PT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Outreach Coordinator	2	35	Hourly	FT

and/or take any other action relative thereto.

COUNCIL ON AGING/PERSONNEL BOARD

Motion and second to amend the Personnel By-Laws by adding under Schedule A - Council on Aging, the following:

Position	Group	Hours	Pay Basis	Type
Outreach Coordinator	2	35	Hourly	FT

Motion and second to adopt the provisions of Article 30 as amended. Voted: unanimously

ARTICLE 31

To see if the Town will vote to approve \$150,000.00 (One hundred and fifty thousand dollars) for the purchase of a new forestry elevator bucket truck for the use of the Highway Department to safely remove dead and/or dangerous trees throughout town. The specs preferred are as follows: 2016 or newer, Freightliner M2/250 HP Cummins diesel, 6 speed manual transmission, air brakes, 33,000-lb GVWR with A/C & radio. The forestry package includes a chip box and tool cabinet; 2-doors on the passenger side, 3 doors on the driver side with Terex Hi-Ranger XT-60/70 PRO elevator boom with a 75-ft. Working height.
and/or take any other action relative thereto.

BY PETITION

Motion and second to appropriate \$150,000 from Free Cash for a new forestry elevator bucket truck for the use of the Highway Department. Voted: the provisions of Article 31 were defeated.

ARTICLE 32

To see if the Town will vote to rescind the vote of the Special Town Meeting of February 7, 2013 and make the appointed position of Highway Surveyor an elected position for a term not to exceed three years provided however that before such change may take effect, it must be approved by the voters of the Town at the 2018 Annual Town Election or sooner if a special election is held, and provided further that the incumbent appointed Highway Surveyor shall continue in said office until the expiration of his contracted term or sooner vacating of office.
and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provisions of Article 32 as printed in the warrant. Voted: the provisions of Article 32 were defeated

ARTICLE 33

To see if the Town will vote to rescind the vote of the Special Town Meeting of February 7, 2013 and make the appointed position of Highway Surveyor an elected position for a term not to exceed three years. The open position of Highway Surveyor shall be placed before the voters of the Town at the 2018 Annual Town Election or sooner if a special election is held, and provided further that the contract of the incumbent appointed Highway Surveyor shall be extended until the date of the 2018 Annual Town Election, and he shall continue in said office until a duly elected Highway Surveyor is sworn into office.
and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 33. Voted: unanimously

ARTICLE 34

To see if the Town will vote to amend **Article LXIV, Section 6401** of the Town's **General By-Laws and Regulations**, entitled "**TOWN ADMINISTRATOR – QUALIFICATION, TERM**" by inserting the following new section, which section shall not be retroactive but instead be limited in application to any Town Administrator hired after the effective date thereof:

6401.3 The Town Administrator need not be a resident of the Town or of the Commonwealth when appointed, but shall become a resident of the Town within 12 months thereafter and shall remain a resident of the Town for the duration of such appointment.

and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 34. Voted: unanimously

ARTICLE 35

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

AN ACT RELATIVE TO RECALL ELECTIONS FOR THE TOWN OF WESTPORT

Be it enacted, etc., as follows:

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

Section 2. Any ten (10) registered voters of the Town may initiate a recall petition by filing with the Town Clerk a demand for same on which shall appear the name of one official sought to be recalled, the grounds of recall and the names and addresses of the ten registered voters initiating the petition. Upon receipt of such a demand, the Town Clerk shall deliver to said voters blank petitions demanding such recall, copies of which printed forms he/she shall keep available. Such blanks shall be issued by the Town Clerk, with his/her signature and official seal attached thereto. They shall be dated, contain the names of all the persons to whom they are issued, the name of the official whose recall is sought and the grounds of recall as stated in the petition, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petitions shall be returned and filed with the Town Clerk, and shall have been signed by at least five hundred (500) registered voters of the Town, who shall add to their signatures the street and number, if any, of their residences.

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

Section 3. If the petition shall be found and certified by the Town Clerk to be sufficient, he/she shall submit the same with his/her certificate to the Board of Selectmen within five (5) working days. Thereafter, within five (5) working days the Selectmen shall give written notice of the receipt of the certified petition to the officer sought to be recalled along with a copy of the recall petition stating grounds for recall. Unless the officer resigns within five (5) working days thereafter, the Board of Selectmen shall order an election to be held on a date

fixed by them, not fewer than sixty (60) and not more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however, that if any other Town Election is to occur within ninety (90) days after the date of the certificate, the Board of Selectmen shall schedule the Recall Election to coincide with such other election. No official shall be subject to recall if his/her term of office will expire within ninety (90) days of the certificate. If a vacancy occurs in the office after a Recall Election has been ordered, the election shall nevertheless proceed as provided in this section.

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

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

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

For the recall of (name of official) Against the recall of (name of official)

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

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

and/or take any other action relative thereto.

BY PETITION

Motion and second to amend Section 2 of Article 35 to change ten (10) to **fifty (50)** registered voters and to amend the last sentence to read "Said recall petitions shall be returned **within 45 days** and filed with the Town Clerk, and shall have been signed by at least **10% of the** registered voters of the Town, who shall add to their signatures the street and number, if any, of their residences". Voted: carried

Motion and second to amend the amendment to Section 2 of Article 35 to change **fifty (50)** to **one hundred (100)** registered voters. Voted: carried

Motion and second to adopt the provisions of Article 25 as amended. Voted: the provisions of Article 35 were defeated.

ARTICLE 36

To see if the Town will officially abandon the former roadway and adjacent land made vacant by the current layout of Adamsville Road abutting Lots 19 and 19A. The Town taking any and all action relative thereto necessary to abandoned said land and transfer ownership to the current abutters.

and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 36. Voted: unanimously

Motion and second to adjourn and dissolve the Annual Town Meeting at 10:14 p.m. Voted: unanimously

There were 300 registered voters and 6 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk