

**TOWN OF WESTPORT  
COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT  
JANUARY 23, 2018**

**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, January 23, 2018 at 7:00 p.m., and then and there to act on the following articles, viz:

Due to a large voter turnout and technical issues with the audio in the cafeteria, the meeting was delayed until 8:30 p.m.

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 8:30 p.m. by Moderator Steven 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. The Moderator appointed Karen Powell, Robert McCarthy, James Hartnett, Antone Vieira, J. Grant Moore, Edward Carey and Paul Schmid to act as tellers for the Special Town Meeting and they were duly sworn. Brad Brightman was appointed Assistant Moderator for the meeting and he was duly sworn. 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. Voted: carried.

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 of Westport will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Westport School Building Committee for the design, management, and construction of a new Westport Middle-High School to be located at the existing Westport Middle School site, 400 Old County Road, Westport, MA, which project shall include but not be limited to the abatement and demolition of the existing middle school building, constructing, fully-furnishing and equipping a new Middle-High School to serve students in grades 5 through 12 and any appropriate related programming, and including associated site improvements, utilities, roadways, parking, athletic fields, tennis courts, domestic well, septic system, and all incidental or related expenses,

which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Forty-Nine Point Forty-Seven percent (49.47%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and/or take any other action relative thereto.

#### TOWN SCHOOL BUILDING COMMITTEE/BOARD OF SELECTMEN

Motion and second that the Town of Westport appropriate the amount of Ninety-Six Million Eight Hundred Eighty-Four Thousand Eight Hundred Ninety-Six Dollars (\$96,884,896) for the purpose of paying costs of the design, management, and construction of a new Westport Middle-High School to be located at the existing Westport Middle School site, 400 Old County Road, Westport, MA, which project shall include but not be limited to the abatement and demolition of the existing middle school building, constructing, fully-furnishing and equipping a new Middle-High School to serve students in grades 5 through 12 and any appropriate related programming, and including associated site improvements, utilities, roadways, parking, athletic fields, tennis courts, domestic well, septic system, and all incidental or related expenses (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town of Westport may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority; that the Town of Westport acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Westport; provided that any grant that the Town of Westport may receive from the MSBA for the Project shall not exceed the lesser of (1) Forty-Nine and Forty-Seven Hundredths percent (49.47%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided further, that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½); that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Westport and the MSBA; and that any premium received upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Tim King, chairman of the Capital Improvement Planning Committee stated that the CIPC voted unanimously in favor of the Project.

Voted: The Moderator declared Article 1 passed by a 2/3 vote.

**ARTICLE 2**

To see if the Town will vote to amend Section 6706 of the Town Bylaws establishing authorized Revolving Funds, which bylaw was adopted under Article 8 of the 2017 Annual Town Meeting in accordance with G.L. c.44, s.53E1/2 by inserting, in the row for Electrical, Plumbing, and Gas Inspectors, bold text set forth below relative to the Assistant Building Inspector,

<b><u>Revolving Fund</u></b>	<b><u>Authority To Spend</u></b>	<b><u>Revenue Source</u></b>	<b>Use of Fund</b>
Electrical, Plumbing and Gas Inspectors <b>and Assistant Building Inspector</b>	Electrical, Plumbing and Gas Departments <b>and Building Department</b>	Receipts from fees and fines paid for electrical, plumbing and gas permits and building permits	Fees for inspections performed and mileage, schooling, supplies, clerical & <b>Assistant Building Inspector</b> 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.

and, further, to amend the vote under said Article 8 establishing such revolving funds for fiscal year 2018 to reflect the amendments reference above and/or take any other action related thereto.

BOARD OF SELECTMEN/BUILDING INSPECTOR

Motion and second to adopt the provisions of Article 2 as printed in the warrant.

Voted: unanimously.

**ARTICLE 3**

To see if the Town will vote to authorize the Conservation Commission, acting pursuant to its statutory authority under Massachusetts General Law, Chapter 40, Section 8 C, to expend the \$350,000.00 appropriated from the Community Preservation Fund under Article 16 of the May 2, 2017 Annual Town Meeting, for the purpose of acquiring, upon such terms as the Conservation Commission with the approval of the Board of Selectmen shall determine, an interest or interests in land for conservation and passive recreation purposes, which interests may be or include a conservation restriction in accordance with Massachusetts General Laws, Chapter 184, Sections 31-33, in all or a portion of that property located at 573 Adamsville Road, identified as Assessors' Map 79, Parcels 20 & 26, and known as the St. Vincent de Paul property, with such interests in land to be held in the care, custody and control of the Conservation Commission in accordance with Chapter 40, Section 8C and Chapter 44B, Section 12A of the Massachusetts General Laws, and further to authorize the Conservation Commission, Board of Selectmen, or their designees to apply for, accept and expend on behalf of the Town such other funds as may be provided to pay for all or a portion of the costs of acquiring such interests in land, including but not limited to grants and/or reimbursement from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) grant program (Massachusetts General Laws, Chapter 132A, Section 11), and to authorize the Board of Selectmen and/or Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; and/or take any other action relative thereto.

BOARD OF SELECTMEN/CONSERVATION COMMISSION

Motion and second to adopt the provisions of Article 3 as printed in the warrant.

Voted: unanimously.

#### **ARTICLE 4**

To see if the Town will vote to transfer land located on the east side of Sanford Road, Westport, MA, shown as Assessor's Map 30, Lot 21, from the board with custody of such property to the Board of Selectmen for general municipal purposes and for purposes of leasing, and to authorize the Board of Selectmen to lease said land for a period up to twenty (20) years, for such purposes and on such purposes and on such terms and conditions as said Board deems appropriate, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 4 as printed in the warrant.

Voted: unanimously.

#### **ARTICLE 5**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Wine and Malt Beverages License Not To Be Drunk On Premises (Package Store) to R & C Market, Inc. 151 State Road, Westport, notwithstanding any limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General laws as amended. This license is non-transferable to another location, but the licensing authority may grant the license to a new applicant as the same location; and/or take any other action relative thereto.

BY PETITION

Motion and second that the town authorize the Board of Selectmen to petition the General Court for the passage of the special legislation as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approved amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Section 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Westport may grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 to R & C Market, located at 151 State Road, Westport. The license shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of the license granted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the

licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

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

Voted: unanimously.

A true record,  
Attest:

Marlene M. Samson  
Westport 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 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 8th day of January in the year two thousand and eighteen.

Steven J. Ouellette

R. Michael Sullivan

Craig J. Dutra

Shana M. Shufelt

Brian T. Valcourt

WESTPORT BOARD OF SELECTMEN

Marlene Samson  
Town Clerk  
Westport, MA 02790  
January 9, 2018

On this 9<sup>th</sup> day of January, 2018, I posted 5 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station

State Road Package Store

Briere's Inc. a.k.a. Country Liquor & Variety

Town Hall

Lees Supermarket

Barry Beaulieu  
Westport Police Officer