

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
MAY 1, 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, May 1, 2018 at 7:00 p.m., and then and there to act on the following articles, viz:

Agreeable to the warrant calling said meeting, the voters of the Town of Westport assembled at the Westport High School on the above date. The meeting was called to order at 7:00 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. 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: unanimously.

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

ARTICLE 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

Commonwealth of Massachusetts \$3,100.29

Motion and second to appropriate \$3,100.29 from Free Cash to pay an outstanding bill from the Commonwealth of Massachusetts. Voted: unanimously.

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 4 of the 2017 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, 2017, and/or take any other action relative.

BOARD OF SELECTMEN

Motion and second to amend the vote taken under Article 4 of the 2017 Annual Town Meeting by making the following transfers between line items of the FY 2018 budget: in the amounts and between the line items listed under Article 2 in the warrant.

From Health Insurance to Board of Selectmen Personnel Services	\$ 15,000
From Health Insurance to Finance Committee	\$ 1,000
From Health Insurance to Accountant Personnel Services	\$ 505
From Treasurer Personnel Services to Treasurer - Expenses	\$ 10,000
From Health Insurance to Town Clerk - Personnel Services	\$ 100

From Health Insurance to Middle School Expenses	\$ 5,000
From Health Insurance to Police Dept. - Personnel Services	\$ 10,000
From Health Insurance to Fire Department Personnel Services	\$ 30,398
From Health Insurance to Building Dept. - Personnel	\$ 900
From Health Insurance to Animal Control - Personnel Services	\$ 1,500
From Health Insurance to Shellfish - Personnel Services	\$ 3,200
From Health Insurance to Snow & Ice - Expenses	\$101,500
From Health Insurance to Veterans Services	\$ 10,000
From Health Insurance to Library - Personnel Services	\$ 1,050
From Waterways Fund to Marine Services - Personnel Services	\$ 5,600
From Board of Health Personnel Services to Transfer Station Expenses	\$ 8,000
From Board of Health Personnel Services to Board of Health Expenses	\$ 7,500
From Tax Collector Expenses to Tax Collector Personnel Services	\$ 5,000
From Health Insurance to Cemetery Expenses	\$ 10,000

Voted: Unanimously.

ARTICLE 3

To see if the Town will vote to fix the salary and compensation of all elected Town Officers for Fiscal Year 2019, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Motion and second to fix the salaries of elected Town Officers for fiscal year 2019 as follows:

Moderator	\$ 830
Selectmen - Chairman	6,715
Board Members (4)	26,407
Assessors - Board Members (3)	18,040
Board of Health - Members (3)	9,388
Tax Collector	67,626
Town Clerk	67,626
Treasurer	67,626

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, 2018 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Fiscal Year 2019 Proposed Operating Budgets

Fiscal Year 2019 TOWN MEETING Proposed Budget								
		FY18		Total FY18	FY19		Total FY19	
		Salary	Expense	Budget	Salary	Expense	Town Mig	
		Appropriation	Appropriation	by Dept	Appropriation	Appropriation	Proposed	
							% of Total	
							Budget	
GENERAL GOVERNMENT								
114	Moderator	\$ 814.00	\$ 58.00	\$ 872.00	\$ 830.00	\$ 58.00	\$ 888.00	0.00%
122	Selectmen	\$ 293,847.00	\$ 21,355.00	\$ 315,202.00	\$ 308,513.00	\$ 21,355.00	\$ 329,868.00	0.84%
131	Finance Committee	\$ 2,651.00	\$ 760.00	\$ 3,411.00	\$ 3,050.00	\$ 450.00	\$ 3,500.00	0.01%
132	Reserve Fund	\$ -	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00	0.13%
135	Town Accountant	\$ 107,203.00	\$ 46,424.00	\$ 153,627.00	\$ 111,876.00	\$ 63,484.00	\$ 175,360.00	0.45%
141	Assessors	\$ 144,252.00	\$ 42,663.00	\$ 186,915.00	\$ 135,204.00	\$ 44,189.00	\$ 179,393.00	0.46%
145	Treasurer	\$ 159,056.00	\$ 32,320.00	\$ 191,376.00	\$ 153,429.00	\$ 34,350.00	\$ 187,779.00	0.48%
146	Collector	\$ 149,447.00	\$ 46,050.00	\$ 195,497.00	\$ 153,337.00	\$ 44,725.00	\$ 198,062.00	0.51%
151	Legal	\$ -	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 70,000.00	\$ 70,000.00	0.18%
152	Personnel Board	\$ -	\$ 290.00	\$ 290.00	\$ -	\$ 290.00	\$ 290.00	0.00%
155	Information Technology	\$ 30,466.00	\$ 203,600.00	\$ 234,066.00	\$ 31,075.00	\$ 208,200.00	\$ 239,275.00	0.61%
161	Town Clerk	\$ 108,962.00	\$ 2,200.00	\$ 111,162.00	\$ 111,695.00	\$ 1,950.00	\$ 113,645.00	0.29%
163	Registrar of Voters	\$ 67,064.00	\$ 16,596.00	\$ 83,660.00	\$ 71,687.00	\$ 18,146.00	\$ 89,833.00	0.23%
171	Conservation	\$ 95,235.00	\$ 7,770.00	\$ 103,005.00	\$ 106,351.00	\$ 8,270.00	\$ 114,621.00	0.29%
175	Planning Board	\$ 122,233.00	\$ 9,690.00	\$ 131,923.00	\$ 126,561.00	\$ 49,990.00	\$ 176,551.00	0.45%
176	Appeals Board	\$ 5,068.00	\$ 1,400.00	\$ 6,468.00	\$ 5,169.00	\$ 1,400.00	\$ 6,569.00	0.02%
191	Middle School Upkeep	\$ 12,000.00	\$ 29,500.00	\$ 41,500.00	\$ -	\$ 2,700.00	\$ 2,700.00	.01%
192	Town Hall/Annex	\$ 40,454.00	\$ 88,935.00	\$ 129,389.00	\$ 40,611.00	\$ 87,400.00	\$ 128,011.00	0.33%
193	Property Insurance	\$ -	\$ 220,000.00	\$ 220,000.00	\$ -	\$ 225,000.00	\$ 225,000.00	0.57%
195	Town Reports	\$ -	\$ 100.00	\$ 100.00	\$ -	\$ 100.00	\$ 100.00	0.00%
198	Town Farm	\$ -	\$ 1,500.00	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00	0.00%
		\$ 1,338,752.00	\$ 881,211.00	\$ 2,219,963.00	\$ 1,359,388.00	\$ 933,557.00	\$ 2,292,945.00	5.86%
PUBLIC SAFETY								
210	Police Department	\$ 2,934,151.00	\$ 250,900.00	\$ 3,185,051.00	\$ 3,051,428.00	\$ 288,200.00	\$ 3,339,628.00	8.53%
220	Fire Department	\$ 1,884,125.00	\$ 199,931.00	\$ 2,084,056.00	\$ 1,911,637.00	\$ 199,931.00	\$ 2,111,568.00	5.39%
241	Building Department	\$ 111,241.00	\$ 7,440.00	\$ 118,681.00	\$ 114,757.00	\$ 6,320.00	\$ 121,077.00	0.31%
244	Sealer of Weights & Measures	\$ 2,079.00	\$ 600.00	\$ 2,679.00	\$ 3,300.00	\$ 600.00	\$ 3,900.00	0.01%
292	Animal Control	\$ 37,568.00	\$ 13,593.00	\$ 51,161.00	\$ 40,656.00	\$ 15,393.00	\$ 56,049.00	0.14%
297	Shellfish	\$ 51,041.00	\$ 10,375.00	\$ 61,416.00	\$ 52,063.00	\$ 10,925.00	\$ 62,988.00	0.16%
298	Parking Tickets	\$ -	\$ 4,600.00	\$ 4,600.00	\$ -	\$ 2,850.00	\$ 2,850.00	0.01%
		\$ 5,020,205.00	\$ 487,439.00	\$ 5,507,644.00	\$ 5,173,841.00	\$ 524,219.00	\$ 5,698,060.00	14.55%
SCHOOLS								
300	Westport Community Schools	\$ 14,211,218.00	\$ 3,505,398.00	\$ 17,716,616.00	\$ 15,029,172.00	\$ 3,103,472.00	\$ 18,132,644.00	46.31%
360	Regional School Assessments	\$ -	\$ 1,855,950.00	\$ 1,855,950.00	\$ -	\$ 2,008,061.00	\$ 2,008,061.00	5.13%
		\$ 14,211,218.00	\$ 5,361,348.00	\$ 19,572,566.00	\$ 15,029,172.00	\$ 5,111,533.00	\$ 20,140,705.00	51.44%

Fiscal Year 2019 Proposed Operating Budgets

		FY18	FY18	Total FY18	FY19	FY19	Total FY19	
		Salary	Expense	Budget	Salary	Expense	Town Mtg	% of Total
		Appropriation	Appropriation	by Dept	Appropriation	Appropriation	Proposed	Budget
							by Dept	
PUBLIC WORKS & FACILITIES								
421	Highway Dept	\$ 562,727.00	\$ 255,094.00	\$ 817,821.00	\$ 575,489.00	\$ 242,950.00	\$ 818,439.00	2.09%
423	Snow & Ice (Storm Account)	\$ 30,000.00	\$ 120,000.00	\$ 150,000.00	\$ 30,000.00	\$ 120,000.00	\$ 150,000.00	0.38%
424	Street Lights	\$ -	\$ 18,000.00	\$ 18,000.00	\$ -	\$ 18,000.00	\$ 18,000.00	0.05%
433	Transfer Station	\$ 142,763.00	\$ 119,250.00	\$ 262,013.00	\$ 145,639.00	\$ 120,750.00	\$ 266,389.00	0.68%
491	Cemetery Department	\$ 145,751.00	\$ 10,400.00	\$ 156,151.00	\$ 149,555.00	\$ 14,400.00	\$ 163,955.00	0.42%
492	Veteran's Graves	\$ -	\$ 1,588.00	\$ 1,588.00	\$ -	\$ 1,588.00	\$ 1,588.00	0.00%
		\$ 881,241.00	\$ 524,332.00	\$ 1,405,573.00	\$ 900,683.00	\$ 517,688.00	\$ 1,418,371.00	3.62%
HUMAN SERVICES								
511	Board of Health	\$ 284,834.00	\$ 13,490.00	\$ 298,324.00	\$ 264,061.00	\$ 11,440.00	\$ 275,501.00	0.70%
549	Commission on Disabilities	\$ 700.00	\$ 300.00	\$ 1,000.00	\$ 700.00	\$ 300.00	\$ 1,000.00	0.00%
541	Council on Aging	\$ 138,574.00	\$ 42,045.00	\$ 180,619.00	\$ 144,370.00	\$ 44,040.00	\$ 188,410.00	0.48%
543	Veterans Services	\$ 41,223.00	\$ 357,876.00	\$ 399,099.00	\$ 41,055.00	\$ 358,876.00	\$ 399,931.00	1.02%
		\$ 465,331.00	\$ 413,711.00	\$ 879,042.00	\$ 450,186.00	\$ 414,656.00	\$ 864,842.00	2.21%
CULTURE & RECREATION								
610	Library	\$ 225,196.00	\$ 26,558.00	\$ 251,754.00	\$ 230,726.00	\$ 27,322.00	\$ 258,048.00	0.66%
630	Recreation	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 38,000.00	\$ 20,000.00	\$ 58,000.00	0.15%
691	Historical Commission	\$ -	\$ 1,225.00	\$ 1,225.00	\$ -	\$ 1,225.00	\$ 1,225.00	0.00%
		\$ 225,196.00	\$ 37,783.00	\$ 262,979.00	\$ 268,726.00	\$ 48,547.00	\$ 317,273.00	0.81%
DBBT SERVICE								
710	Principal Payments	\$ -	\$ 797,613.00	\$ 797,613.00	\$ -	\$ 1,271,500.00	\$ 1,271,500.00	3.25%
751	Interest Payments on Long Term Debt	\$ -	\$ 223,571.00	\$ 223,571.00	\$ -	\$ 646,614.00	\$ 646,614.00	1.65%
752	Interest Payments on Short Term Debt	\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 190,000.00	\$ 190,000.00	0.49%
		\$ -	\$ 1,031,184.00	\$ 1,031,184.00	\$ -	\$ 2,108,114.00	\$ 2,108,114.00	5.38%
Assessments								
820	SRPEDD	\$ -	\$ 2,770.00	\$ 2,770.00	\$ -	\$ 2,839.00	\$ 2,839.00	0.01%
		\$ -	\$ 2,770.00	\$ 2,770.00	\$ -	\$ 2,839.00	\$ 2,839.00	0.01%
PENSION & INSURANCE								
911	Pension Assessment	\$ -	\$ 2,315,199.00	\$ 2,315,199.00	\$ -	\$ 2,407,969.00	\$ 2,407,969.00	6.15%
914	Health & Life Insurance ****	\$ -	\$ 3,951,000.00	\$ 3,951,000.00	\$ -	\$ 3,901,000.00	\$ 3,901,000.00	9.96%
		\$ -	\$ 6,266,199.00	\$ 6,266,199.00	\$ -	\$ 6,308,969.00	\$ 6,308,969.00	16.11%
		\$ 22,141,943.00	\$ 15,005,977.00	\$ 37,147,920.00	\$ 23,181,996.00	\$ 15,970,122.00	\$ 39,152,118.00	100.00%
			\$ 37,147,920.00					
						Dollar Difference	Increase over FY 18	
TOTAL FY19 PROPOSED GENERAL FUND OPERATING BUDGET					\$ 39,152,118.00	\$ 2,004,198.00		5.40%
		Recommended Funding Sources			\$ 38,868,440.00		Taxation -- Raise & Appropriate	
					\$ 16,146.00		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	
					\$ 15,888.00		Waterways Fund	
					\$ 151,644.00		Free Cash	
					\$ 39,152,118.00		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:

\$ 38,868,440	from Taxation
\$ 16,146	from Septic Program - monies Reserved for Debt Payments
\$ 25,000	from Wetlands Fund
\$ 25,000	from Cemetery Sale of Lots Account
\$ 25,000	from Cemetery Perpetual Care Interest Account
\$ 25,000	from Transfer Station Receipts Reserved
\$ 15,888	from Waterways Fund
\$ 151,644	from Free Cash
\$ 39,152,118	TOTAL

A hold was placed on the Fire Department, Regional Schools Assessment and Board of Health.

Motion and second to appropriate the funds for all departments without a hold. Voted: unanimously.

Motion and second to amend the Fire Department budget by increasing Personnel Services \$32,000 from Free Cash. Voted: unanimously.

Motion and second to amend Regional Schools Assessments by reducing the amount of \$2,008,061 by \$85,000 making the total \$1,923,061. Voted: unanimously.

Motion and second to call the question on the Board of Health budget. Voted: unanimously.

Motion and second to amend the Board of Health budget by increasing Personnel Services \$33,513 from Free Cash. Voted: carried.

ARTICLE 5

To see if the Town will vote to appropriate a sum of \$912,150 for the cost of various capital expenditures in accordance with the Town's Fiscal Year 2019 Capital Improvement Planning Program, to determine whether this appropriation shall be raised by borrowing or otherwise, and/or to take any other action relative thereto.

CAPITAL IMPROVEMENT PLANNING COMMITTEE

Motion and second that the town make the following appropriations for various capital expenditures in accordance with the Town's Fiscal Year 2019 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:

<u>Department</u>	<u>Requests</u>	<u>Cost</u>	<u>Funding Source(s)</u>
Town Hall Elevator Machine Replacement		\$100,000	Free Cash
Highway Bucket Truck Replacement		\$158,000	Free Cash
Police Cruiser Replacement (3)		\$145,000	Free Cash
Streetlight LED Replacement		\$ 60,000	Free Cash
Electric Vehicle Purchase		\$ 12,000	Free Cash
Highway Pickup Replacement		\$ 37,150	Free Cash
School Dept Computer Equipment		\$100,000	Free Cash
Assessment of Town Buildings		\$ 10,000	Free Cash
Cemetery Expansion (Beech Grove)		\$250,000	Perpetual Care Investment Interest
Cherry & Webb Beach Fence Replacement		\$ 25,000	Beach Enterprise Fund Balance
Marine Services Low Water Rescue Boat & Ancillary Equipment		\$ 15,000	Waterways Fund
		Total \$912,150	

Voted: unanimously.

ARTICLE 6

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, 2018 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 6 as printed in the warrant. Voted: unanimously.

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds \$154,552 to operate the Marine Services Enterprise, and/or take any other action relative thereto.

Direct	
Salaries	\$ 90,464
Expenses	\$ 42,088
Capital Outlay	\$ 2,000
Extraordinary & Unforeseen	<u>\$ 20,000</u>
Total	\$154,552

Indirect	
Admin Svcs - Personnel	\$ 24,888
Admin Svcs – Expenses	\$ 4,774
Bldg Oper & Maint	\$ 1,134
Employee Benefits	<u>\$ 30,242</u>
Total	\$ 61,037

and that \$154,552 be raised as follows:

User Charges	\$ 154,552
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and that \$61,037 to be raised and appropriated in the General Fund operating budget and allocated to the enterprise fund for funding.

BOARD OF SELECTMEN/DIRECTOR OF MARINE SERVICES

Motion and second that the Town vote to approve the Marine Services Enterprise Fund FY 2019 budget as set forth in the warrant under Article 7, and as funding for the direct costs set forth therein, to raise from Marine Services Enterprise user charges the sum of \$154,552. Voted: unanimously.

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds \$207,800 to operate the Waterline Enterprise, and/or take any other action relative thereto.

Salaries	\$ 2,000
Expenses	\$145,800
Capital Improvements	\$ 60,000
Total	\$207,800

and that \$ 207,800.00 be raised as follows:

User Charges	\$207,800
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BOARD OF SELECTMEN

Motion and second to approve the Waterline Enterprise FY 2019 budget as set forth in the warrant under Article 8 and as funding for the direct costs set forth therein, to raise from Waterline Enterprise user charges the sum of \$207,800. Voted: unanimously.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds \$55,650 to operate the Town Beaches Enterprise, and/or take any other action relative thereto.

<u>Direct</u>	
Salaries	\$ 38,500
Expenses	\$ 17,150
Total	\$ 55,650

<u>Indirect</u>	
Admin Svcs - Personnel	\$ 6,507
Admin Svcs – Expenses	\$ 570
Bldg Oper & Maint	\$ 159
Property Insurance	\$ 391
Employee Benefits	\$ 2,240
Total	\$ 9,867

and that \$55,650.00 be raised as follows:

User Charges	\$ 55,650
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and that \$9,867 to be raised and appropriated in the General Fund operating budget and allocated to the enterprise fund for funding.

BEACH COMMITTEE/BOARD OF SELECTMEN

Motion and second to approve the Town Beaches Enterprise FY 2019 budget as set forth in the warrant under Article 9, and as funding for the direct costs set forth therein, to raise from Town Beaches Enterprise user charges the sum of \$55,650. Voted: unanimously.

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from the Cable Television Special Revenue Fund \$ 140,179 to fund the Community Television budget for FY'19, and or take any other action relative thereto.

Salaries	\$118,404
Expenses	\$ 21,775
Total	\$140,179

BOARD OF SELECTMEN

Motion and second the town transfer from the Cable Television Special Revenue Fund the sum of \$140,179 to fund the Community Television budget for fiscal year 2019. Voted: unanimously.

ARTICLE 11

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½ as most recently amended, to establish annual spending limits for the revolving funds listed in Section 6 of the Bylaw entitled, "Revolving Funds", approved under Article 8 of the May 2, 2017 Annual Town Meeting, which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, increase the limit for that fiscal year only, and/or take any other action relative thereto.

VARIOUS DEPARTMENTS

<u>Revolving Fund</u>	<u>Maximum Expenditure</u>
Council on Aging - Programs	\$ 43,000
Council on Aging- Social Day Care Program	\$148,000
Council on Aging - Transportation	\$ 55,000
Fire Department – Ambulance, Ambulance Equipment or Ambulance Expense	\$150,000
Fire Department - Haz Mat Equipment or Related Expenses	\$ 40,000
Electrical, Plumbing and Gas Inspectors & Assistant Building Inspector – Fees for Inspections Performed, Mileage, Schooling, Clerical, Asst. B.I. Wages & Equip.	\$ 85,000
Planning Board/Zoning Board of Appeals - GIS Database Maintenance	\$ 20,000
Police Department – Cruisers, Associated Equipment or Cruiser Related Expense	\$ 50,000
Westport Economic Development Task Force – Farmer’s Market Expenses & App	\$ 6,000
Board of Health – Vaccine Purchases, Supplies & Expenses	\$ 10,000
Library – Programs & Operations, Purchasing & Maintaining Books & Tech	\$ 3,000

A hold was placed on the Council on Aging - Programs.

Motion and second to establish annual spending limits for the revolving funds listed in Section 6 of the bylaw entitled, "Revolving Funds", approved under Article 8 of the May 2, 2017 Annual Town Meeting, which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1, for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, increase the limit for that fiscal year only. Voted: unanimously all Revolving Funds except the Council on Aging-Programs.

Motion and second to amend the Council on Aging-Programs to \$50,000. Voted: carried.

ARTICLE 12

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 13D establishing a reserve fund for future payment of accrued liabilities for compensated absences due any employee or officer of the Town upon termination of employment and raise and appropriate and/or transfer from available funds the sum of \$75,000 to this fund, and/or take any action relative thereto.

BOARD OF SELECTMEN

Motion and second to adopt the provisions of Article 12 with \$75,000 from Free Cash. Voted: unanimously.

ARTICLE 13

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$40,000.00 to be used by the Board of Assessors to fund fees and expenses to update the Revaluation program mandated by M.G.L. Chapter 40, Section 46 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 13 with \$40,000 from Free Cash. Voted: unanimously.

ARTICLE 14

To see if the Town will vote to appropriate \$500,000.00 for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, and/or to take any other action relative thereto.

BOARD OF HEALTH/WESTPORT WATER RESOURCES MANAGEMENT COMMITTEE

Motion and second to appropriate \$500,000.00 for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in section 1 of Chapter 29C of the General Laws; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum and issue bonds or notes therefor under G.L. c. 111, §127B ½, Chapter 29C, or G.L. c.44, ss.7 or 8 or any other enabling authority; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust, established pursuant to said Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen, Board of Health or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects authorized hereunder and take any other action necessary to carry out such projects; and further, in accordance with G.L. c 44, §20, to authorize any premium received by the Town upon the sale of any bonds or notes approved hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount to be borrowed to pay such costs. Voted: unanimously.

ARTICLE 15

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY19 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 2019; and further to reserve for future appropriation a sum of money for the acquisition, creation and preservation of open space excluding land for Non-Medical 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 Funding Sources for FY'19 Town Meeting

<u>Category</u>	<u>Amount</u>	<u>Source Of Funding</u>
<u>Historic Preservation</u>		
Head of Westport Town Landing Historic Stone Wall Preservation	\$95,500	Budgeted Reserves
Council on Aging Historic Preservation	\$11,950	Historic Preservation Reserves
<u>Open Space/Recreation</u>		
St. Vincent de Paul Conservation Restriction: Community Park	\$200,000 of which: \$64,000 \$136,000	Open Space Reserves Budgeted Reserves

South Coast Scenic Greenway Bike and Pedestrian Ways	\$10,000	Open Space Reserves
Targeted-Integrated Water Resource Management Plan for the East Branch of the Westport River: Public Outreach	\$15,000	Open Space Reserves
Westport United Youth Soccer Playing Fields Construction: Electricity & Water	\$40,000	Open Space Reserves

Community Housing

Westport Affordable Housing Trust	\$295,586 of which: \$64,000 \$231,583	Community Housing Reserves FY19 Estimated Fund Revenues
Historic Preservation Reserves	\$60,000	FY19 Estimated Fund Revenues
Open Space Reserves	\$60,000	FY19 Estimated Fund Revenues
Administrative Expenses	\$28,000	FY19 Estimated Fund Revenues
FY'19 Budgeted Reserves	\$170,000	FY19 Estimated Fund Revenues

A hold was placed on Targeted-Integrated Water Resource Management Plan.

Motion and second to appropriate or reserve from the Community Preservation Fund's 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 all items without a hold.

Motion and second to appropriate \$15,000 for Targeted-Integrated Water Resource Management Plan for the East Branch of the Westport River: Public Outreach. Voted: unanimously.

ARTICLE 16

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$20,000 to be used by the Board of Selectmen to fund the Town's match for state and federal grants, and/or take any other action relative thereto.

BOARD OF SELECTMEN/PLANNING BOARD

Motion and second to adopt the provisions of Article 16 with \$20,000 from Free Cash. Voted: unanimously.

ARTICLE 17

To see if the Town will vote to appropriate \$150,000 for the purpose of preparing a Targeted-Integrated Water Resource Management Plan to guide the Town's selection and implementation of actions to address various water, wastewater and stormwater problems and improve the Westport River's water quality to comply with state standards, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise; and/or take any other action relative thereto.

PLANNING BOARD/WESTPORT WATER RESOURCES MANAGEMENT COMMITTEE

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

Motion and second to appropriate \$150,000 for the purpose of preparing a Targeted-Integrated Water Resource Management Plan to guide the Town's selection and implementation of actions to address various water, wastewater and stormwater problems and improve the Westport River's water quality to comply with state standards, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the

Massachusetts General Laws; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum and issue bonds or notes therefor under G.L. c.111, s. 127B½, Chapter 29C, or G.L. c 44, ss.7 or 8 or any other enabling authority; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum and issue bonds or notes therefor under G.L. c. 111, §127B ½, Chapter 29C, or G.L. c.44, ss.7 or 8 or any other enabling authority; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust, established pursuant to said Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects authorized hereunder and take any other action necessary to carry out such projects; and further, in accordance with G.L. c 44, §20, to authorize any premium received by the Town upon the sale of any bonds or notes approved hereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount to be borrowed to pay such costs.

Voted: the Moderator declared Article 17 passed by a 2/3 vote.

ARTICLE 18

To see if the Town will vote pursuant to M.G.L. Chapter 41, Section 1B to make the elected position of Treasurer an appointed position, such appointment to be made by the Board of Selectmen 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 2019 Annual Town Election, and provided further that the incumbent elected Treasurer shall continue in said office until the expiration of his elected term or sooner vacating of office; and/or take any other action relative thereto.

BOARD OF SELECTMEN

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

ARTICLE 19

To see if the Town will vote to amend its By-Laws and Regulations by deleting **ARTICLE XXXVIII, SEWAGE DISPOSAL SYSTEMS** in its entirety and inserting the following new **ARTICLE XXXVIII, SEWAGE DISPOSAL SYSTEMS**:

ARTICLE XXXVIII **SEWAGE DISPOSAL SYSTEMS**

3801. No soil absorption system – a component of an onsite sewage disposal system that receives effluent from a septic tank or treatment system – for new construction shall be constructed or located within one hundred (100) feet of any Waters of the Commonwealth or Waters or Water Bodies as defined by Title 5, Section 15.002 or Wetland as defined by the Massachusetts Wetland Protection Act, M.G.L. Chapter 131, Section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act 33, U.S.C. 1341.

A variance may be granted by the Board of Health provided that the soil absorption system is a component of an on-site sewage disposal system designed and operated to enhance the removal of effluent nitrogen as approved by the Board of Health and that granting the variance will not reduce the level of environmental protection below that offered by Title 5 et seq.

3802. The minimum standards for the disposal of sewage are set by Title 5 (310 CMR 15.000). Where the provisions of the Westport Board of Health are more strict, they shall prevail.

3803. Any sanitary sewage or greywater, no matter how treated, shall not be discharged into [a] wetland as defined by the Massachusetts Wetlands protection Act or Waters of the Commonwealth as defined by Title 5 and referenced in Section 3801.

and/or take any other action relative thereto.

BOARD OF HEALTH

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 amend its By-Laws and Regulations by revising two sections of "**ARTICLE LIX, HISTORICAL COMMISSION BY-LAW**" by making the following changes:

Item 1. By **adding** the bold underlined text in **Section 5905** as follows:

5905. The Commission may formulate and publish guidelines for construction or alteration of buildings or structures or appurtenant fixtures in the areas as defined in Section 5 of Chapter 40C of the General Laws. **An application for a Certificate of Appropriateness shall be subject to the guidelines in effect as of the date of receipt.**

Item 2. By **deleting** two of the limitations on the authority of the Commission in **Section 5911**; specifically: "**2. Walls and fences,**" and "**6. The color or nature of materials used on roofs;**" and by **adding** the following limitation on authority as "**6. A temporary structure located on a property for less than thirty (30) days within any calendar year;**" and renumber the amended **Section 5911** to read in its entirety as follows:

5911. Limitations on authority of Commission: Except to the extent specifically prohibited by M.G.L., Chapter 40C the authority of the commission shall be limited in that:

A. It shall not have the power to review the following:

1. Terraces, walks, driveways, sidewalks, and like structures, provided that any such structures are substantially at grade level;
2. Trees, plants, shrubs, hedges, and the like;
3. Storm doors and windows, screens, window air conditioners, and antennae for radio and/or television reception;
4. The color of paint on doors and shutters;
5. Additions, alterations, or appurtenant structures (including but not limited to swimming pools and the like), which are not subject to view from a public street, public way, public park or public body of water.
6. A temporary structure located on a property for less than thirty (30) days within any calendar year;

B. The public authorities responsible for the maintenance, alteration, demolition, or construction of public school facilities in the district shall not be required to obtain any certificate from the Commission.

and/or take any other action relative thereto.

HISTORICAL COMMISSION

Motion and second to pass over Article 20. 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 LXVIII, STRETCH ENERGY CODE**” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2018, a copy of which is on file with the Town Clerk; and/or take any other action relative thereto.

ARTICLE LXVIII

STRETCH ENERGY CODE

6801. DEFINITIONS

International Energy Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

6802. PURPOSE

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

6803. APPLICABILITY

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

6804. STRETCH CODE

The Stretch Code, as codified by the Board of Building Regulations and Standards as 790 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Westport General By-Laws, Article LXVII.

The Stretch Code shall be enforceable by the Westport Building Commissioner and effective with a concurrency start date of July 1, 2018, and a sole effective date of January 1, 2019.

ENERGY COMMITTEE

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

ARTICLE 22

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following new By-Law “**PROHIBITION OF NON-MEDICAL MARIJUANA ESTABLISHMENTS PURPOSE**” as follow:

ARTICLE LXIX

PROHIBITION OF NON-MEDICAL MARIJUANA ESTABLISHMENTS PURPOSE

6901. Consistent with M.G.L Chapter 94G, Section 3(a)(2), all types of “Non-Medical marijuana establishments”, defined for purposes of this By-Law as the term “marijuana establishments” is defined in M.G.L. Chapter 94G, Section 1, to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any type of licensed marijuana-related businesses, shall be prohibited within the Town of Westport.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

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

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

The voice vote was challenged, therefore, the Moderator appointed Robert McCarthy, Tracy Priestner and Sean Leach to act as Tellers for the meeting and they were duly sworn by the Town Clerk.

Voted: Carried. Yes: 118 No: 82

ARTICLE 23

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS** by making the following changes:

Item 1. By inserting **ARTICLE 27, MARIJUANA ESTABLISHMENTS (EXCLUDING MEDICAL MARIJUANA TREATMENT CENTERS):**

ARTICLE 27

MARIJUANA ESTABLISHMENTS (EXCLUDING MEDICAL MARIJUANA TREATMENT CENTERS)

27.1 PURPOSE

Consistent with MG.L. Chapter 94G, Section 3(a)(2), all types of marijuana establishments as defined in MG.L. Chapter 94G, Section 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Westport.

Item 2. By inserting in the **TABLE OF USE REGULATIONS** the following use, “Marijuana Establishments”, shown in bold, in proper alphabetical order, as follows:

TABLE OF USE REGULATIONS

X = Prohibited unless allowed in Underlying District

Y = Allowed By Right

N = Prohibited

SPBA = Special Permit Board of Appeals

SPPB = Special Permit Planning Board

SPA-PB = Site Plan Approval Planning Board

USES

**RESIDENTIAL/
AGRICULTURAL**

BUSINESS

UNRESTRICTED

**STOD
(Art. 22)**

MARIJUANA ESTABLISHMENTS² N N N N

²Consistent with M.G.L. Chapter 94G, Section 3(a)(2), all types of “marijuana establishments” as defined in M.G.L. Chapter 94G, Section 1, to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, but excluding medical marijuana treatment centers, shall be prohibited within the Town of Westport.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

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

ARTICLE 24

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS** by adding **ARTICLE 27, MARIJUANA ESTABLISHMENTS (EXCLUDING MEDICAL MARIJUANA TREATMENT CENTERS)**:

MARIJUANA ESTABLISHMENTS (EXCLUDING MEDICAL MARIJUANA TREATMENT CENTERS)

27.1 PURPOSE

The purpose and intent of this Article is to regulate the siting of marijuana establishments by minimizing the adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said establishments.

For purposes of this bylaw the term “Marijuana Establishments”, and the types of establishments identified therein, shall be defined as set forth in MG.L. Chapter 94G, Section 1, any applicable regulations, and these Zoning Bylaws, to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, but excluding medical marijuana treatment centers.

27.2 AUTHORITY

Marijuana Establishments may be allowed by Special Permit from the Westport Planning Board provided the Planning Board finds that:

1. The Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. Chapter 40A, Section 11.
2. The Marijuana Establishment is designed to maximize security measures including but not limited to lighting, fencing, visibility and gates. Alarms shall connect to the Police Station for security.
3. The Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
4. The Marijuana Establishment has satisfied all of the conditions and requirements of this Section.
5. The Marijuana Establishment will be designed and operated to minimize noise and odors.
6. The Marijuana Establishment has demonstrated that there is sufficient water supply and that all waste will be properly disposed.

27.3 REQUIREMENTS

1. Other than Marijuana Retailers, Marijuana Establishments shall only be located in the Science and Technology Overlay District.
2. Marijuana Retailers shall only be located in the Business District.
3. All Marijuana Establishments shall be contained within a permanent building or structure.
4. No other use shall be permitted on a lot containing a Marijuana Cultivator or a Product Manufacturer Establishment.
5. Buildings and parking areas shall be clearly visible from the street.
6. Cultivation shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
7. Marijuana Establishments shall meet the requirements listed in the district in which it is located.
8. The hours of operation of a Marijuana Establishment shall be set by the Special Permit Granting Authority, but in no event shall said establishment be open between the hours of 8:00 PM and 8:00 AM.
9. Site Plan Approval under Article 15 is required for all Non-Medical Marijuana Establishments.
10. The total number of Marijuana Retailers shall not exceed 20 percent of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Section 15 of M.G.L. Chapter 138. The number of all other types of Marijuana Establishments shall not exceed two or the number of medical marijuana treatment centers registered to engage in the same type of activity in the Town, whichever is greater.

27.4 WAIVER OF COMPLIANCE

The Planning Board acting as the Special Permit Granting Authority, under this Section, may waive strict compliance with the intensity requirements applicable in accordance with Article 7 of the Zoning By-Laws and otherwise, provided the Board finds that the waivers are in the public interest and not inconsistent with the purpose and intent of this Section.

27.5 TERM LIMIT

A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership or legal control of the premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

27.6 LAPSE

A special permit shall lapse if not exercised within two years of issuance.

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to pass over Article 24. Voted: unanimously.

ARTICLE 25

to see if the Town will vote to amend the **TABLE OF USE REGULATIONS** in the **TOWN OF WESTPORT ZONING BY-LAWS** by adding the Non-Medical Marijuana Establishments use in proper alphabetical order as follows:

TABLE OF USE REGULATIONS

X = Prohibited unless allowed in Underlying District

Y = Allowed By Right

N = Prohibited

SPBA = Special Permit Board of Appeals

SPPB = Special Permit Planning Board

SPA-PB = Site Plan Approval Planning Board

<u>USES</u>	<u>RESIDENTIAL/ AGRICULTURAL</u>	<u>BUSINESS</u>	<u>UNRESTRICTED</u>	<u>STOD (Art. 22)</u>
MARIJUANA ESTABLISHMENTS				
(excluding Medical Marijuana Treatment Centers)				
INDEPENDENT TESTING LABORATORY	N PB	N	N	SPPB/SPA-
MARIJUANA CULTIVATOR	N PB	N	N	SPPB/SPA-
MARIJUANA PRODUCT MANUFACTURER	N PB	N	N	SPPB/SPA-
MARIJUANA RETAILER	N	SPPB/SPA-PB	N	N
OTHER LICENSED MARIJUANA-RELATED	N PB	N	N	SPPB/SPA-
BUSINESS				

and/or take any other action relative thereto.

PLANNING BOARD

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

ARTICLE 26

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 inserting the bold underlined text in **Agriculture and Agricultural** as follows:

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.

The growing, cultivation, distribution or dispensation of marijuana is not agriculture or an agricultural use or activity, nor is it considered a farm enterprise or farm related experience.

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

Marijuana – All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every

compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in Section 1 of M.G.L. Chapter 94C; provided, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

Marijuana Establishment - A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL Chapter 94G, Section 1 or the Cannabis Control Commission regulations at 935 CMR 500.00, and set forth below, but excluding medical marijuana treatment centers.

Independent Testing Laboratory – a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. Chapter 94C, Section 34.

Marijuana Cultivator – an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

Marijuana Product Manufacturer – an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but no to consumers.

Marijuana Retailer – an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.

Marijuana Accessories – equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

and/or take any other action relative thereto.

PLANNING BOARD

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

ARTICLE 27

To see if the Town will amend the **TOWN OF WESTPORT ZONING BY-LAWS** by inserting into **ARTICLE 4, USE REGULATIONS, SECTION 4.0.1 RESIDENCE/AGRICULTURE DISTRICTS, SUBPARAGRAPH B.1.** the bold and underlined text as follows:

- B.** Accessory use on the same premises, including, but not limited to the following:
 - 1.** Use of room or rooms in a dwelling for customary home occupations conducted by resident occupants, such as dressmaking, candy making, or for the practice, by a resident, of a recognized profession. **Marijuana Establishments and Medical Marijuana Treatment Centers are not permitted as home occupations.**

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to pass over Article 27. Voted: unanimously.

ARTICLE 28

To see if the Town will amend the **TOWN OF WESTPORT ZONING BY-LAWS** by deleting **ARTICLE 26, TEMPORARY MORATORIUM OF NON-MEDICAL MARIJUANA FACILITIES AND RELATED USES** and replacing it with the following:

ARTICLE 26

TEMPORARY MORATORIUM OF NON-MEDICAL MARIJUANA ESTABLISHMENTS AND RELATED USES

26.1 PURPOSE

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for Non-Medical purposes (new M.G.L. Chapter 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016, and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning By-Law, a Marijuana Establishment as defined in M.G.L. Chapter 94G, Section 1 (hereinafter, a “Non-Medical Marijuana Establishment”), is not specifically addressed in the Zoning By-Law. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Non-Medical Marijuana Establishments. The regulation of Non-Medical marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Non-Medical Marijuana Establishments and address such 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 Non-Medical Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Non-Medical Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact by-laws in a consistent manner.

26.2 DEFINITION

“Non-Medical Marijuana Establishment” shall mean a marijuana cultivator, independent testing laboratory, 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 Non-Medical Marijuana Establishment and other uses related to Non-Medical marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Non-Medical marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Non-Medical Marijuana Establishments, and shall consider adopting new Zoning By-Laws in response to these new issues.

and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to adopt the provisions of Article 28.

Sean Leach was unavailable to act as Teller for this article, therefor, the Moderator appointed Charles Baron to act as Teller and he was duly sworn by the Town Clerk.

Voted: Defeated: Yes 100 No: 66 (a 2/3 vote was required)

ARTICLE 29

To see if the Town will vote to amend the **PERSONNEL BY-LAWS, SECTION 6, FRINGE BENEFITS AND WORKING CONDITIONS, SUBSECTION 4, VACATIONS** by adding the following new paragraph at the end of Sub-Section 4:

“Under special circumstances as the Board of Selectmen shall determine, the Board may provide for a vacation benefit in excess of that provided in this section”;

and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to amend the Personnel By-laws, section 6, Fringe Benefits and working conditions, subsection 4, vacations by adding the following new paragraph at the end of Sub-Section 4:

"Under special circumstances as they determine, the Board of Selectmen may offer to grant annual vacation time to newly hired employees in excess of that provided in this section". Voted: carried.

ARTICLE 30

To see if the Town will vote to accept the provisions of M.G.L. Chapter 64N, Section 3(a), as amended by Section 13 of Chapter 55 of the Acts of 2017, and to authorize the Town to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at a rate of 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products; and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to pass over Article 30. Voted: unanimously.

ARTICLE 31

To see if the Town will vote to accept the layout, as a public way, of Wildberry Way, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second to pass over Article 31. Voted: carried.

ARTICLE 32

To see if the Town will vote to accept the layout, as a public way, of Wildberry Way, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provisions of Article 32. Voted: Carried.

ARTICLE 33

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 Gulf Resources, Inc., 634 American Legion Highway, 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 to call the question. Voted: carried by 2/3 vote.

Motion and second to adopt the provisions of Article 33. Voted: defeated.

ARTICLE 34

To see if the Town will formalize the abandonment of, and discontinue the area of Adamsville Road abutting Assessor's Map 81 Lots 19, 19E, and 1 as shown on the 1905 layout of Adamsville Road, as contemplated and shown on the plans for Adamsville Road and the accepted layout of Adamsville Road as approved by vote of Article 11 of the Annual Town Meeting of 1957, and to authorize the select board to take all necessary action to convey the fee in the abandoned and discontinued areas of said roadway to the owners of lands identified as Map 81 lots 19, 19E, and 1.

and/or take any other action relative thereto.

BY PETITION

Motion and second to authorize the Board of Selectmen to formalize the abandonment of, and discontinue the area of Adamsville Road abutting Assessor's Map 81 Lots 19, 19E, and 1 as shown on the 1850 layout of Adamsville Road, as contemplated and shown on the plans for Adamsville Road and the accepted layout of Adamsville Road as approved by the vote of Article 11 of the Annual Town Meeting of 1959, of the 1957 approved layout and to authorize the select board to take all necessary action to convey the fee in the abandoned and discontinued areas of said roadway as noted in the Roadway Abandonment Plan dated 3.27.18 to the owners of lands identified as Map 81 lots 19, 19E and 1. Voted: unanimously.

ARTICLE 35

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

FINANCE COMMITTEE/BOARD OF SELECTMEN

Motion and second to transfer from Free Cash to the Stabilization Fund the sum of \$150,000.

Voted: unanimously.

Motion and second to adjourn and dissolve the Annual Town Meeting at 11:05 p.m. Voted: unanimously.

There were 238 registered voters and 6 visitors and press in attendance.

A true record,

Attest:

Marlene M. Samson
Town Clerk

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

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

Given under our hands at Westport this 17th day of April in the year two thousand and eighteen.

Steven J. Ouellette

Shana M. Shufelt

Brian T. Valcourt

Ann M. Boxler

Richard W. Brewer

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 20790
April 18, 2018

On this 18th day of April, 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

David Arruda
Westport Police Officer