



**WARRANT
FOR
TOWN OF WESTPORT
ANNUAL TOWN MEETING
MAY 7, 2019
WITH
FINANCE COMMITTEE
RECOMMENDATIONS**

**Consideration of the matters contained herein shall begin at 7:00 p.m. on Tuesday,
May 7, 2019 at Westport High School in the Harold S. Wood Auditorium.**

FINANCE COMMITTEE MEMBERS:

Gary Carreiro, Chairperson

Karen Raus, Vice-Chairperson

Charles “Buzzy” Baron

Robert N. McCarthy

Hugh M. Morton

Karen Maxwell-Powell

Tracy A. Priestner

Kevin Rioux

Tom Schmitt

RULES OF WESTPORT TOWN MEETING

Rules of Town Meeting exist to guarantee an orderly, dignified, fair discussion of issues leading to informed votes and good decisions. We all deserve the respect and courtesy of our neighbors and owe them the same. All rules will be politely, but firmly enforced for the benefit of all.

Addressing the Meeting

- Wait to be recognized (given the floor) by the Moderator.
- Begin by stating your name.
- Speak only to the motion before the meeting at the moment.
- No personal speech= you may not speak about other persons or to other persons. You may reference the ideas of others and comment on them. You may not reference the person or comment on his or her character, motivation, etc.
- Rude or disrespectful speech will not be tolerated.
- While all may speak on a motion as many times as they like, no one may speak twice until everyone who wishes to, has spoken once.
- Speakers are limited to five minutes.
- Ten-minute presentations are allowed by prior arrangement with the Moderator. Such presentations must be supported by written or projected visual aids.

Questions

Speakers may ask a question of another person in the hall, but that question must be addressed through the Moderator. For example ðl have a question through Moderator (or the chair) for Town Counselö. Dialogue between two persons is not allowed.

Calling the Question

A speaker may not participate in debate and finish their comments with a motion to call the question. Such a motion must be the only thing the speaker says on that trip to the microphone.

Amendments

VERY simple amendments to a motion that change only a word or two or a number can be moved verbally. All other amendments must be presented to the Moderator in writing.

Handouts

Printed information can be left on the table by the door for voters to read if the following rules are followed:

- Must be approved in advance by the Moderator.
- Must be left on the table for optional pick up. May not be distributed by hand.
- Must identify the author(s).
- Must be informational.
- Must conform to rules of Town Meeting speech.

No other literature may be distributed within the High School building.

Reconsideration

Announcement of intent to reconsider will be accepted as a öpoint of orderö. Proponents of reconsideration must convince the Moderator that reconsideration will offer some significant value to the meeting beyond re-stacking the hall or re-hashing work already done or the motion to reconsider will be disallowed.

Further rules of Town Meeting are found in Westportö By-Laws and in the book Town Meeting Time, published by the Massachusetts Moderatorö Association.

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
MAY 7, 2019**

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, 19 Main Road, on Tuesday, May 7, 2019 at 7:00 p.m., and then and there to act on the following articles, viz:

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer from available funds 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

K.T.R. Maintenance & Supply LLC	\$ 499.20
Smithø Lock & Safe	\$ 757.65
Southcoast Health System	\$ 500.00
Direct Energy	\$ 3,518.91
KP Law	\$ 13,929.15
Total	\$ 19,204.91

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0 with funding from free cash.

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 4 of the 2018 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, 2018, and/or take any other action relative thereto.

BOARD OF SELECTMEN

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT</u>
Health Insurance	Veterans Expenses	\$ 30,000
Health Insurance	Town Hall Expenses	\$ 5,000
Health Insurance	Town Hall Personnel Services (Overtime)	\$ 300
Health Insurance	Board of Appeals Expenses	\$ 1,000
Health Insurance	Cemetery Personnel Services	\$ 8,300
Health Insurance	Building Department Personnel Services	\$ 150

Health Insurance	Board of Health Personnel Services	\$ 6,000
Health Insurance	Legal Expenses (Lawsuit Deductible)	\$ 10,000
Town Accountant Expenses	Town Accountant Personnel Services	\$ 1,150
Article 5, 5/2/17 ATM	Board of Health Personnel Services	\$ 3,000
Article 5, 5/2/17 ATM	Board of Health Expenses	\$ 7,600
Article 5, 5/2/17 ATM	Transfer Station Personnel Services	\$ 500
Article 5, 5/2/17 ATM	Transfer Station Expenses	\$ 8,143

TOTAL \$ 81,143

BOARD OF SELECTMEN: Recommendation at Town Meeting.

FINANCE COMMITTEE: Recommendation at Town Meeting.

ARTICLE 3

To see if the Town will vote to fix the salary and compensation of all elected Town Officers for Fiscal Year 2020, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Moderator	\$ 847
Selectmen - Chairman	6,849
Board Members (4)	26,935
Assessors - Board Members (3)	18,401
Board of Health - Members (3)	9,576
Tax Collector	68,979
Town Clerk	68,979
Treasurer	<u>68,979</u>
Total	\$269,545

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

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, 2019 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommendation at Town Meeting.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 5

To see if the Town will vote to appropriate a sum of money for the cost of various capital expenditures in accordance with the Town's Fiscal Year 2020 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.

<u>Project Description</u>	<u>Cost</u>	<u>Funding Source(s)</u>
Beech Grove Cemetery Road Rehab	\$100,000	Cemetery Perpetual Care Fund

Transfer Station Retaining Wall	\$ 25,000	Solid Waste Receipts Reserved
Demolish Old Police Station	\$250,000	Excess Police Station Bond Premium
Waterline Meter/Software Replacement	\$140,000	Water Enterprise Fund Balance
Marine Services Replace Rescue Boat	\$150,000	Waterways Fund Balance

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 6

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen to borrow from time to time in anticipation of revenue of the fiscal year beginning July 1, 2019 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

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$187,985 to operate the Marine Services Enterprise for Fiscal Year 2020, and/or take any other action relative thereto.

Salaries	\$ 92,272
Expenses	\$ 42,095
Capital Outlay	<u>\$ 2,000</u>
Total	\$136,367
 Indirect Costs	 \$ 51,618

and that \$187,985 be raised as follows:

User Charges	\$187,985
--------------	-----------

DIRECTOR OF MARINE SERVICES/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$175,207 to operate the Waterline Enterprise for Fiscal year 2020, and/or take any other action relative thereto.

Salaries	\$ 2,200
Expenses	\$155,800

Capital Outlay	\$ 5,000
Total	\$163,000
Indirect Costs	\$ 12,207

and that \$175,207 be raised as follows:

User Charges	\$175,207
--------------	-----------

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$75,641 to operate the Town Beaches Enterprise for Fiscal Year 2020, and/or take any other action relative thereto.

Salaries	\$ 38,500
Expenses	\$ 28,100
Total	\$ 66,600
Indirect Costs	\$ 9,041

and that \$ 75,641 be raised as follows:

User Charges	\$ 75,641
--------------	-----------

BEACH COMMITTEE/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from the Cable Television Special Revenue Fund the sum of \$142,247 to fund the Community Television budget for Fiscal Year 2020, and/or take any other action relative thereto.

Salaries	\$ 120,472
Expenses	\$ 21,775
Total	\$ 142,247

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 11

To see if the Town will vote, consistent with M.G.L. c.44, §53E½, to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS** "ARTICLE LXVII, REVOLVING FUNDS" as follows:

1. In Section 6706, Authorized Revolving Funds as set forth below:

<u>Revolving Fund</u>	<u>Authority To Spend</u>	<u>Revenue Source</u>	<u>Use of Fund</u>
Council on Aging - Outreach Coordinator & Specialists	Council on Aging & Board of Selectmen	Reimbursement from UMass Medical for Outreach Department staff assistance with seniors applying for SNAP, food program services	(SNAP = Supplemental Nutrition Assistance Program) Outreach Department staff wages and expenses, mileage, trainings and other miscellaneous expenses

2. Revise **Section 6707**, setting the annual expenditure limits for revolving funds, by revising the expenditure limits for the two existing Council on Aging revolving funds and inserting the expenditure limit for the newly created revolving fund, to provide as follows:

<u>Revolving Fund</u>	<u>Maximum Expenditure</u>
Council on Aging - Programs	\$ 55,000.00
Council on Aging- Social Day Care	\$155,000.00
Council on Aging - Outreach	\$ 10,000.00

and/or take any other action relative thereto.

VARIOUS DEPARTMENTS

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 12

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 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 2020; and further to reserve for future appropriation a sum of money for the acquisition, creation and preservation of open space including land for recreational use; and in connection with such recreational land, for the restoration and rehabilitation of the same: 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'20 Town Meeting

HISTORIC PRESERVATION:

Point Terminus Historic Survey \$11,500

Source of funds: Historic Preservation Reserves	\$11,500
Handy House Wood Shingle Roof	\$113,200
Source of funds: FY20 Estimated Fund Revenues	\$113,200
Head of Westport Stone Walls Restoration Phase IV	\$36,000
Source of funds: FY20 Estimated Fund Revenues	\$36,000
Bell School Roof and Bell Tower Restoration	\$122,335
Source of funds: Historic Preservation Reserves	\$122,335
OPEN SPACE/RECREATION:	
Petty Farm (Sodom Road) Agricultural Preservation Restriction	\$150,000
Source of funds: Open Space Reserves	\$30,000
Source of funds: Undesignated Reserves	\$40,523
Source of funds: FY20 Estimated Fund Revenues	\$79,477
WYAA Santos Farm Playing Fields Completion	\$300,000
Source of funds: Open Space Reserves	\$30,000
Source of funds: Undesignated Reserves	\$170,000
Source of funds: FY20 Estimated Fund Revenues	\$100,000
COMMUNITY HOUSING RESERVES:	
Source of funds: FY20 Estimated Fund Revenues	\$62,000
ADMINISTRATION EXPENSES:	
Source of funds: FY20 Estimated Fund Revenues	\$27,500
BUDGETED RESERVES:	
Source of Funds: FY20 Estimated Fund Revenues	\$90,000

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 13

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain, exchange of real property or otherwise, the fee or lesser interest in all or a part of the land and the improvements thereon commonly known as the "Westport Camping Grounds", located at 346 Old Country Road, and identified as Assessor Parcel ID numbers: Map 35, Lots 31B, C & E consisting of approximately 31.2 acres of land, more or less, for general municipal purposes; and to raise and appropriate, transfer from available funds, and/or borrow a sum sufficient more or less for the foregoing acquisition and all incidental and related costs; and to meet this appropriation, to authorize the Treasurer, with the approval of Board of Selectmen, to borrow such sum pursuant to G.L. Chapter 44, Sections 7, 8, or 20, or any other enabling authority, and to issue bonds and notes of the Town therefor; and further that any premium

received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further to authorize the Board of Selectmen to execute all documents and instruments upon such terms and conditions as the Board of Selectmen deems appropriate, and to take all other action necessary to effectuate the vote taken hereunder; and/or take any other action relative thereto.

WESTPORT CAMP GROUNDS EVALUATION COMMITTEE

BOARD OF SELECTMEN: Recommendation at Town Meeting.

FINANCE COMMITTEE: Recommended in favor 8 yes -1 no

ARTICLE 14

To see if the Town will vote pursuant to Chapter 8 + 3 of the Acts of 2014, An Act Authorizing the Town of Westport to Lease a Certain Parcel of Land, to transfer from the Westport Landing Commission for the purposes for which it is currently held to the Board of Selectmen for purposes of leasing for environmental, preservation and educational purposes, a certain parcel of land consisting of 1.8 acres, shown on a plan entitled "Westport Town Landing at the Head of the Westport River", being all or a portion of the Town's lands located at 493 Old County Road, and authorize the Board of Selectmen to lease such land up to 30 years, upon such terms and conditions as the Board of Selectmen, in consultation with the Westport Landing Commission, deems appropriate, and or take any other action relative thereto.

BOARD OF SELECTMEN/LANDING COMMISSION

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor 8 yes -1 abstention

ARTICLE 15

To see if the Town will vote to petition the General Court for a special act authorizing recall of elected officials in the Town of Westport, in the form set forth below; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, and/or take any other action relative thereto.

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WESTPORT

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, any holder of an elected office in the Town of Westport may be recalled by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit may be filed with the town clerk signed under the penalty of perjury by at least two hundred registered voters of the town with their names and addresses, one of who shall be designated as the so-called lead petitioner for purposes of this act. The initial recall affidavit shall contain the name of the officer sought to be recalled, appearing

as registered on the current voting list prepared under G.L. c.51, §§37 and 37A, the office from which removal is sought, and a statement of the grounds for recall. Within 24 hours of receipt, the town clerk shall submit the affidavit to the board of registrars of voters, which shall, within seven business days, certify thereon the number of signatures, which are names of registered voters of the town.

SECTION 3. The town clerk shall, within 7 business days following said certification, make available to the lead petitioner at the office of the town clerk petition blanks containing lines for the number of signatures required below, multiplied by 5, demanding such recall. Such blanks shall be issued by the town clerk with a facsimile of the signature of the town clerk and official seal of the town attached thereto. The blanks shall be dated, be addressed to the board of selectmen, contain the names of the 10 voters first named on the affidavit, the number of blanks so issued, the name of the person whose recall is sought appearing as registered on the current voter list, the office from which removal is sought, the grounds of recall as stated in the affidavit, and demand the election of a successor to the office. Said recall petition shall be returned and filed with the town clerk within 30 days from the date the recall petition sheets are made available in accordance with this section, and shall have been signed by at least 10 per cent of the registered voters of the town as of the date of the most recent annual town election, who shall add to their signatures their place of residence, including their street and number, if any.

The town clerk shall within 1 business day of receipt submit the petition to the board of registrars of voters, and the board of registrars shall within 7 business days certify thereon the number of signatures which are names of registered voters of the town.

SECTION 4. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be forthwith submitted with the certificate of the town clerk to the board of selectmen. The board of selectmen shall within 5 business days give written notice to the officer sought to be recalled of receipt of the certified petition and shall, if the officer does not resign within 5 business days thereafter, forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days from the date the board of selectmen call for said election; provided, however, that if any other town election is to occur within one 120 days of the date the board calls for the election, the board of selectmen shall postpone the holding of the recall election to the date of such other election, and the question of recall shall appear on the ballot at said election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. An officer sought to be recalled may be a candidate in an election to be held to fill the vacancy and unless the officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, the incumbent shall be considered removed from office immediately and the office vacant.

SECTION 7. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF (NAME), (OFFICE)
AGAINST THE RECALL OF (NAME), (OFFICE)

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "candidates" with directions to voters as required G.L. c.54, §42. Beneath the word "candidates" shall appear the name of candidates nominated as provided in this act.

If a majority of the votes cast upon the question of recall is in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

SECTION 8. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 6 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

SECTION 9. No person who has been recalled from an office or who has resigned from office after the filing of a recall petition under this act shall be appointed to any town office within two years after such recall or such resignation.

SECTION 10. This act shall take effect upon its passage; and/or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Made no recommendation unanimously 9-0

ARTICLE 16

to see if the Town will vote to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS "ARTICLE XXII ANIMAL CONTROL OFFICER AND RESTRAINT OF DOGS, SECTION 2201 DEFINITIONS"** by deleting the strike through text and inserting the bold underlined text as follows:

Animal Control Officer - Officer(s) annually appointed by the Selectmen on July first to enforce the laws relating to dogs **and animals or anything related, thereto.** Said Animal Control Officer shall report to and be supervised by the Board of ~~Selectmen~~ **Health, or their designee.** **The Animal Control Officer (ACO) performs administration, labor, inspection and technical work in the enforcement and interpretation of applicable state codes and local by-laws, as they relate to the control and regulation of animals within the Town of Westport. Such work includes, among other duties, investigating animal mistreatment, controlling, abandoned, dangerous or unattended animals and educating the public.**

This amendment, if adopted, shall be effective July 1, 2019; and/or take any other action relative thereto.

BOARD OF HEALTH/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Made no recommendation unanimously 9-0

ARTICLE 17

to see if the Town will vote to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS “ARTICLE XXXVII NON-CRIMINAL DISPOSITIONS OF VIOLATIONS”** by deleting **Sections 3720.5, 3720.5A and 3720.5B** in their entirety and inserting the following new sections:

3702.5 Non-Criminal By-Law to provide for non-criminal disposition of violations under the Sale and Use of Tobacco Products and Nicotine Delivery Products Regulation and Prohibiting Smoking in Work Places and Public Places Regulation under the authority of the Board of Health as follows:

3702.5A **Sale and Use of Tobacco Products and Nicotine Delivery Products Regulation, Section P:**

It shall be the responsibility of the establishment, permit holder and/or their business agent to ensure compliance with all sections of this By-Law pertaining to their distribution of tobacco and/or nicotine delivery products. A violation of this section shall be subject to the following penalties: in the case of the first violation, a fine of one hundred dollars (\$100.00); in the case of a second violation within twenty-four (24) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days; in the case of three or more violations within a twenty-four (24) month period, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.

3702.5B **Prohibiting Smoking in Work Places and Public Places Regulation Section 5.0 and in Accordance to 105 CMR 661.000**

Any owner, manager, or other person in control of a building, vehicle or vessel who violates this section,

in a manner other than by smoking in a place where smoking is prohibited, shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for a second violation occurring within two (2) years of the date of the first offense and three hundred dollars (\$300.00) for a third or subsequent violation occurring within two (2) years of the second offense.

and/or take any other action relative thereto.

BOARD OF HEALTH

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Made no recommendation unanimously 9-0

ARTICLE 18

To see if the Town will vote to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS** by inserting the following new sub-section under **ARTICLE XI, SOIL CONSERVATION, SECTION 1102 TOWN LAND REGULATIONS**:

1102.6 Protection of Town Beaches

1102.6.1 Prohibitions

No person shall remove, alter, or cause harm to materials or fauna at any Town Beach properties, or beach properties under control of the Town or any entity thereof without permission of the Board of Selectman and Beach Committee, and only then with the required permits from all Town, state and federal agencies.

The gathering of seaweed, rock weed, eel grass, or the like is forbidden without a deeded or established right to do so.

Emergency removal, or altering of materials or fauna at such properties by the Town of Westport in cases of public safety, or removal or alterations allowed by previous order shall be excluded from the operation of this section, provided, however, that any such removal or alteration shall be consistent with such previous order.

1102.6.2 Definitions

Materials shall mean boulders, cobble, stones, sand, gravel or other naturally deposited soils, or material placed by the Town, under properly permitted activities.

Fauna means all vegetation, roots, fungi, and other growing plants.

1102.6.3 Penalty

Violation of this law shall be punishable by a fine of not more than \$250.00.

and/or take any other action relative thereto.

BEACH COMMITTEE

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Made no recommendation unanimously 9-0

ARTICLE 19

To see if the Town will vote to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS** by inserting the following new By-Law, “**ARTICLE LXX, AUDIT COMMITTEE**”:

ARTICLE LXX

AUDIT COMMITTEE

7001. The Board of Selectmen shall appoint an Audit Committee. The specific duties of the Audit Committee shall include, but are not limited to:

- a.** Make recommendations to the Board of Selectmen on the selection of, and scope of services for, an independent auditor.
- b.** Review the annual financial statements and reports prepared by the independent auditor and make recommendations with respect thereto.
- c.** Make recommendations for areas of operations where expanded scope audits or reviews of the internal controls may be appropriate.
- d.** Review and make recommendations with respect to the Town's financial management practices and controls.
- e.** Report to the Board of Selectmen on the recommendations the Committee has made during the preceding twelve months.

7002. Said Committee, which shall serve without compensation, shall consist of five (5) members appointed by the Board of Selectmen, as follow: one (1) current member each from the Board of Selectmen, School Committee and Finance Committee plus two (2) at-large members. Memberø terms beginning July 1st of the year of appointment until June 30th of the third year following. Initial appointments, however, shall be made, upon the effective date of this By-Law, by the Board as follows: two (2) members for three (3) years, two (2) members for two (2) years, and one (1) member for one (1) year.

7003. Whenever a vacancy shall occur in the membership of the Committee, by reason of death, resignation, inability to act or any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

7004. The Committee shall meet and organize in July of each year, and shall elect from its membership a chairperson, who shall serve for one year or until their sooner vacating of office, at which time the remaining members shall elect a new chair. The Committee shall meet at least two (2) times of each year, one of which must be held within thirty (30) days of receiving the audit reports, and otherwise at its discretion.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0

ARTICLE 20

To see if the Town will vote to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS “ARTICLE LXIX, PROHIBITION OF NON-MEDICAL MARIJUANA ESTABLISHMENTS PURPOSE”** by inserting the bold underlined text and deleting the strike through language as set forth below for the purpose of exempting craft marijuana cooperatives from the prohibition established therein:

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, **but excluding Craft Marijuana Cooperatives**, shall be prohibited within the Town of Westport.

and/or take any other action relative thereto.

CRAFT CANNABIS CO-OP COMMITTEE/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Not recommended.

FINANCE COMMITTEE: Recommended against 8 yes -1 no

ARTICLE 21

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS “ARTICLE 2, SECTION 2.6”** by deleting the strike through text and inserting the bold underlined text as follows:

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~~ **and for Craft Marijuana Cooperatives (Article 27)**. 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.

CRAFT CANNABIS CO-OP COMMITTEE/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommendation at Town Meeting

ARTICLE 22

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS** “**TABLE OF USE REGULATIONS**” by inserting the following uses in alphabetical order:

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	<u>RESIDENTIAL/ AGRICULTURAL</u>	<u>BUSINESS</u>	<u>UNRESTRICTED</u>	<u>STOD</u> <u>(Art. 22)</u>
Greenhouses for Marijuana PB Cultivation ¹	SPPB/SPA-PB	SPPB/SPA-PB	N	SPPB/SPA-

1. This use is allowed to be conducted only by Craft Marijuana Cooperatives.

Marijuana Cultivation ¹ SPPB/SPA-PB	SPPB/SPA-PB	SPPB/SPA-PB	N	
---	-------------	-------------	---	--

1. This use is allowed to be conducted only by Craft Marijuana Cooperatives.

Marijuana Manufacturing ¹ PB	N	SPPB/SPA-PB	N	SPPB/SPA-
--	---	-------------	---	-----------

1. This use is allowed to be conducted only by Craft Marijuana Cooperatives.

and/or take any other action relative thereto.

CRAFT CANNABIS CO-OP COMMITTEE/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommendation at Town Meeting

ARTICLE 23

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS** by inserting the following new By-Law “**ARTICLE 27, REGULATION OF CRAFT MARIJUANA COOPERATIVES**”:

ARTICLE 27

27.1 PURPOSE

The purpose and intent of this Article is to regulate the siting and operation cultivation, processing and manufacturing of marijuana and marijuana products by Craft Marijuana Cooperatives in accordance with the relevant regulations issued by the Cannabis Control Commission including but not limited to 935 CMR 500, in suitable locations and in a manner to minimize adverse impacts on abutting properties; provide appropriate separation from schools, parks, and other areas where children congregate; provide for site security to deter crime and uphold the safety of surrounding neighborhoods, and other land uses potentially incompatible with the Cooperatives.

27.2 DEFINITIONS

Any term not specifically defined herein shall have the meaning as defined in M.G.L. 94G, §1 and 935 CMR 500.000 as the statute and regulations may from time to time be amended.

Canopy - means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, canopy may be non-contiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

Commission or CCC - means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.

Craft Marijuana Cooperative or CMC - means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed by the Cannabis Control Commission to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Limited Access Area - means an indoor or outdoor area on the registered premises of a Marijuana Establishment where cannabis or marijuana products, or their byproducts are cultivated, manufactured, stored, weighed, packaged,

processed, or disposed, under the control of a Marijuana Establishment, with access limited to only those marijuana establishment agents designated by the establishment.

Manufacture - means to compound, blend, extract, infuse or otherwise make or prepare a Cannabis or marijuana product.

Manufacturing Site - means the locations within the property boundaries of a lot at which any activities associated with manufacturing conducted by a Craft Marijuana Cooperative takes place.

Marijuana Cultivation - means the growing of marijuana and its associated processing.

Marijuana Cultivator or Cultivator - means an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Cultivation Site or Cultivation Sites - means the locations within property boundaries of a lot at which any activities associated with the cultivation, processing, packaging and transfer of marijuana takes place.

Marijuana Products ó means products that have been manufactured and contain marijuana or an extract of 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.

Marijuana Product Manufacturer – means 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 not consumers.

Process or Processing - means to harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

27.3

AUTHORITY

Craft Marijuana Cooperatives (CMC) may be allowed only by a Special Permit and Site Plan Approval for each cultivation and manufacturing site issued from the Westport Planning Board provided the Planning Board finds that:

1. The Sites and Facilities thereon are 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 Facility is designed to maximize security measures including but not limited to lighting, fencing, visibility and gates.
3. The CMC and the Town have executed a Host Community Agreement
4. The applicant has satisfied all of the conditions and requirements of this Section.
5. The Facility demonstrates that it will meet all the licensing and permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and Town of Westport and will be in compliance with all applicable state and Town of Westport laws and regulations.
6. A CMC, including the cultivation of marijuana and the manufacturing of marijuana products, is not a Farm Enterprise for the purpose of the Town of Westport Zoning By-Laws as it is a farming operation that is not entitled to protection under M.G.L. Chapter 40A, Section 3.

27.4

LIMITATIONS

1. Craft Marijuana Cooperative cultivation sites shall only be permitted in the:
 - a. Residential/Agricultural District
 - b. Business District - with the exception of that portion of the Business District bounded to the south following an east-west line 50ø parallel to and south of Kailaø Way; to the east by Route 88; to the north by the northern boundary of the Business District; and to the west by a line 1,000ø from the westerly line of Main Road, currently the boundary of the Central Business District.
 - c. Science and Technology Overlay District

2. Craft Marijuana Cooperative manufacturing sites shall only be permitted in the:
 - a. Business District with the exception of that portion of the Business District bounded to the south following an east-west line 50ø parallel to and south of Kailaø Way; to the east by Route 88; to the north by the northern boundary of the Business District; and to the west by a line 1,000ø from the westerly line of Main Road, currently the boundary of the Central Business District.
 - b. Science and Technology Overlay District
3. The total amount of canopy permitted in the Residential/Agricultural District shall not exceed a maximum of 100,000 sq. ft. The initial special permit and site plan approval issued to any CMC shall limit the total amount of canopy to 20,000 sq. ft. or less, equivalent to a Tier 3 production level under 935 CMR 500.005. The CMC may apply to modify its Special Permit after one year from the issuance of its Special Permit and License issued by the CCC for an increase in the cultivation canopy, not to exceed the unpermitted maximum canopy in the District at the time the modification application is filed. The request for an increase is subject to Site Plan approval and compliance with the other provisions of this bylaw.
4. The minimum size of a lot on which a cultivation site in the Residential/Agricultural District may be located is 5 acres.
5. Cultivation and manufacturing sites shall meet the dimensional requirements and any additional requirements listed in the district in which they are located.
6. The maximum dimensions of the footprint of a building used for indoor cultivation in the Residential/Agricultural, Business or STOD Districts shall not exceed 10,000 square feet.
7. The total amount of canopy permitted in the combined areas of the Business and Science Technology Overlay District shall not exceed a maximum of 100,000 sq. ft.
8. All manufacturing and cultivating facilities shall be located within the limited access area. Any other lawful use may occur outside of the limited area on the property.

9. The sale or distribution of marijuana or marijuana products to other than a CCC licensed Marijuana Establishment is strictly prohibited.

27.5 TERM LIMIT

A special permit and site plan approval granted under this section shall be personal to the applicant and may not be transferred or assigned.

27.6 LAPSE

A special permit and site plan approval shall lapse if not exercised within two years of issuance.

27.7 NOTIFICATION

All special permit holders shall advise the Planning Board and the Zoning Enforcement Officer of any modification, amendments or changes to licensing rights, including changes in tier canopy classification, granted to the special permit holder by the Commission. In the event that such modifications, amendments or changes constitute a material change in the use authorized under the terms of the special permit and the approved site plan, further site plan review and modification of the special permit shall be required.

27.8 WAIVER OF COMPLIANCE

The Planning Board, acting as the Special Permit Granting Authority, under this Section may waive strict compliance with the set-back or other dimensional requirements for cultivation and manufacturing sites, provided the Board finds that the waivers are in the public interest and not inconsistent with the purpose and intent of this Section.

27.9 GENERAL REQUIREMENTS

1. Any marijuana cultivation site or manufacturing site shall not be closer than 1000 feet, at the time the special permit application is filed, to a preexisting public or private school providing education in kindergarten or any of grades one through 12, or a state-licensed child day care center. The distance shall be measured in a straight line from the nearest point of the property line of the pre-existing public or private school providing education in kindergarten or any of grades one through 12, or a state-

licensed child day care center to the nearest point of boundary of the cultivation or manufacturing limited access area.

2. Any marijuana cultivation or manufacturing site shall not be closer than 500 feet, at the time the special permit application is filed, of a park, playground, or place where children commonly congregate in an organized, formal, and ongoing manner. The distance shall be measured in a straight line from the nearest point of the property line of the park, playground, or place where children commonly congregate to the nearest point of boundary of the cultivation or manufacturing limited access area.
3. Any marijuana cultivation site in the Residential/ Agricultural District shall not be closer than 300 feet, at the time the application is filed, of an existing residential dwelling, except a dwelling owned by the owner of the lot on which the cultivation site is located. The distance shall be measured in a straight line from the nearest point of the existing residential dwelling in question to the nearest point of boundary of the cultivation or manufacturing limited access area.
4. In areas where residential uses on property that abuts the property on which a cultivation site is located, the use of greenhouses, defined to have walls and roofs constructed predominantly of glass or other transparent or translucent material, are encouraged in lieu of other types of enclosed buildings for marijuana cultivation.
5. The special permit and site plan application shall include a security plan that shall meet all the applicable security requirement of 310 CMR 500.100, including, without limitation, perimeter fencing, alarms, video camera surveillance, and back-up electrical power systems. The security plan approved by the Commission will be submitted to the Police and Fire Departments for their review and approval prior to the issuance of the final site plan approval which shall incorporate the Departments' recommendations. The security plan will be reviewed and updated annually and changes reported to the Police and Fire Departments.
6. No odor from marijuana cultivation, processing or manufacturing may be noxious or cause a nuisance or danger to public health, or impair public comfort and convenience. The Planning Board may require the submission of an odor control plan and impose conditions that require facilities incorporate odor control technology and safeguards to ensure compliance with this section.

7. Noise emission from any cultivation or manufacturing site shall not cause a condition which violates the Noise Policy of the Massachusetts Department of Environmental Protection Division of Air Quality Regulations or the Town of Westport By Law, Article XL.
8. All lighting of facilities shall be shielded so as not to shed light onto adjacent residential properties. The Planning Board may require any artificial lighting system to employ appropriate components, including but not limited to LED components, equipped with deflectors to mitigate potential light pollution.
9. All facilities shall install and operate air pollution control equipment as required by Massachusetts Department of Environmental Protection Air Quality Regulations, 310 CMR 7.
10. Applications shall include a resource use plan outlining the planned practices for the use of energy, water, waste water disposal, solid and hazardous waste disposal and other common resources and to ensure there will be no undue damage to natural resources. All compost or fertilizers used in the cultivation of marijuana and/ all waste products must be stored no less than 100ø feet from any potable well or surface water. Compost, fertilizers and waste products must be contained in manner that will prevent storm water and floodwaters from discharging these materials into any surface water.
11. Manufacturing sites shall comply with the provisions of the CCC regulations regarding the requirements for sanitary conditions in the handling and processing of marijuana and edible marijuana products and the preparation, handling and storage of such products.
12. The hours of operation of cultivation or manufacturing facility may be set by the Planning Board as a condition of a special permit.

27.9 SEVERABILITY

Severability. If any provision herein is determined to be unlawful, it shall be severed from this section and all remaining provisions shall remain in force and effect.

and/or take any other action relative thereto.

CRAFT CANNABIS CO-OP COMMITTEE/BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommendation at Town Meeting

ARTICLE 24

To see if the Town will vote to amend several sections of the **TOWN OF WESTPORT ZONING BY-LAWS “ARTICLE 24 SOLAR ENERGY SYSTEMS”** by deleting the strike through text and inserting the bold underlined text as follows:

Item 1:

24.3.1 Purpose

The purpose of this section is to ~~facilitate~~ **regulate** the creation or expansion of any Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the **siting**, placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

Item 2:

24.3.3 Special Permit

Large-scale ground-mounted solar photovoltaic installations are allowed by special permit granted by the Planning Board in the Residence-Agriculture District. **The Planning Board’s authority to grant or deny a special permit is discretionary and prior to the approval of any Large Scale Ground Mounted Solar Photovoltaic Special Permit, the Planning Board shall consider whether the proposal will achieve the objectives listed below and may require conditions and safeguards deemed necessary to realize, within reason, these performance standards:**

- 1. Protects adjoining premises by providing adequate screening and buffers between the property lines and the solar arrays.**
- 2. Provides screening and buffers to protect scenic vistas and viewsheds from residential uses, public streets and waterways (as described in 24.3.11.d).**

Item 3:

24.3.5 Required Review and Permitting

All large-scale ground-mounted solar photovoltaic installations in the Business and Unrestricted Zoning Districts shall require Site Plan Approval under Article 15 and a building permit issued by the Building Inspector. Low Impact

Development Site Plan Approval, under Zoning By-Law Article 20 by the Planning Board shall also apply.

All large-scale ground-mounted solar photovoltaic installations in the Residential/Agricultural zoning district shall require a special permit under this Zoning By-Law and a building permit. Low Impact Development Site Plan Approval, under Zoning By-Law Article 20 by the Planning Board shall also apply, **including to those installations requiring an Order of Conditions or Request for Determinations of Applicability issued by the Town of Westport Conservation Commission.**

The applicant is encouraged to request a pre-application review at a regular meeting of the Board. At the pre-application review, the applicant may outline the proposed solar photovoltaic installation and seek preliminary, but not binding, feedback from the Board and other Town bodies and staff.

Item 4:

24.3.8 Dimensional, Use and Access requirements for Large Scale Systems (Lot Size, Frontage, Setbacks and Height)

	<u>Residence/ Agricultural District</u>	<u>Business District</u>
<u>Minimum Lot Size</u>	<u>5 Acres</u>	<u>5 Acres</u>
<u>Minimum setbacks from property lines (1)</u>	<u>100 ft.</u>	<u>100 ft.</u>
<u>Minimum setbacks from street lines (1)</u>	<u>250 ft.</u>	<u>150 ft.</u>
<u>Minimum setback from wetlands resource areas (1)</u>	<u>100 ft.</u>	<u>100 ft.</u>
<u>Minimum protected open space (3)</u>	<u>25%</u>	<u>25%</u>
<u>Maximum height (2)</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Maximum clearing areas (4)</u>	<u>16 Acres</u>	<u>16 Acres</u>

- 1. Setbacks may be reduced if, in the opinion of the Planning Board based on evidence submitted by applicant, existing and/or proposed screening will be adequate to minimize visual impact (as described in 24.3.11.d). Under no circumstance will setbacks be reduced to less than the dimensional requirements for the zoning district. Setbacks may be increased by up to 50% if, in the opinion of the Planning Board based on evidence submitted by the Board or abutters, existing and/or proposed screening will not be adequate to minimize visual impact (as described in 24.3.11.d).**

Fencing and structures, including solar panels, shall meet the minimum setback requirements, and clearing or trimming of natural vegetation within the required setbacks shall be prohibited unless the Board finds that the trimming or clearing would not have a detrimental impact on abutting properties. Drainage facilities shall meet the minimum setback requirements unless the Board finds that adequate screening can be provided and in the opinion of the Board, a reasonable alternative design is not feasible.

2. Height of Structures – No component of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall exceed 15 feet above existing grade (except for connection to the grid).
3. Protected Open Space – Shall include only areas left in their natural state.
4. Clearing Area – shall include all areas of the parcel being disturbed, the access drive shall also be included in this area. Clearing areas may be increased by up to 50% provided the Board finds that the visual impact (as described in 24.2.11.d) is not detrimental to the abutters or neighborhood.
5. Access Drive - Access to the facility shall be through actual minimum lot frontage of 50 feet on a street or through a 50 foot wide easement connecting the development lot to a public way. The physical traveled way for the construction and maintenance of the proposed solar facility shall be a minimum of 12’ wide or such greater width as required by the Planning Board or Fire Department and shall have the lines, grades, surface conditions and drainage facilities, as the Planning Board deems necessary for the actual site conditions.

Item 5:

24.3.11

c. Land Clearing, Landscaping, Vegetation Maintenance

Clearing of natural vegetation shall be limited to what is necessary for construction, operation and maintenance of the installation. Article 20, Low Impact Development Site Plan Approval shall apply, including to those installations requiring an Order of Conditions or Request for Determinations of Applicability issued by the Town of Westport Conservation Commission.

Herbicides shall not be used on site. Mowing or grazing farm animals shall be used to control vegetation under the solar array panels. Geotextiles may be used to control erosion.

The design and construction shall include suitable organic material for all disturbed areas to prevent erosion and support pollinator-

friendly habitat vegetation. In the case where topsoil is removed, a minimum of four inches of native topsoil, or compostable mulch mix, is replaced to facilitate plant growth and adequate coverage to control storm water runoff.

Item 6:

24.3.11

d. Visual Impact

Siting of Large Scale Solar Energy Systems within the Residence-Agricultural District applicants shall consider the residential and farming character of the District, the larger general purpose of the Westport Zoning By-law to promote land uses compatible with that existing character and the avoidance of visual impacts that large scale solar energy systems, by their commercial or industrial nature, would have on District vistas.

Existing topography, plantings and natural landscaped buffers shall be used to minimize the visual impacts of large scale solar energy systems from residential uses, public streets or waterways. Large scale solar energy system designs shall not be approved unless the system design provides screening and buffers to protect scenic vistas and viewsheds from residential uses, public streets and waterways.

Structures shall be reasonably shielded from view by vegetation and/or joined and clustered to minimize adverse visual impacts. Landscaping, natural features, opaque fencing and other suitable methods shall be utilized. A screening plan shall be submitted ensuring that the solar arrays and any appurtenant structures are screened from roads and from adjacent lots by a minimum twenty-five (25) foot wide and five (5) foot tall staggered and grouped planting of shrubs and small trees within the setbacks. The Planning Board may alter or waive this requirement if such screening would ~~have a detrimental impact on the operation and performance of the array, or would~~ prove to be ineffective for the site. Fences may be required for safety and/or visual screening purposes with appropriate safety signage (see 24.3.11.b).

When possible, a diversity of plant species shall be used, with a preference for species native to New England. Use of exotic plants, as identified by the most recent copy of the Massachusetts Prohibited Plant List maintained by the Massachusetts Department of Agricultural Resources, is prohibited.

Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. Said vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screen shall be completed prior to final inspection and approval of the

solar energy installation. A landscape maintenance bond may be required for two (2) growing seasons.

Pre-application clearing may negate the application for Large Scale Systems at the Planning Board's discretion.

PLANNING BOARD

BOARD OF SELECTMEN: Recommendation at Town Meeting.

FINANCE COMMITTEE: Made no recommendation unanimously 9-0

ARTICLE 25

To see if the Town will vote to amend the Personnel By-Laws:

Item 1.

By adding under Schedule A ó Recreation Commission, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Director	8	-20	Salary	PT

RECREATION COMMISSION/BOARD OF SELECTMEN

Item 2.

By adding under Schedule A ó Cable Advisory Committee, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Recording Clerk	2	-20	Hourly	PT

CABLE ADVISORY COMMITTEE/BOARD OF SELECTMEN

Item 3.

By transferring under Schedule A ó from Board of Selectmen to Board of Health, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Animal Control Officer	7c	30	Hourly	PT

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

BOARD OF HEALTH/BOARD OF SELECTMEN

and/or take any other action relative thereto.

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Made no recommendation unanimously 9-0

ARTICLE 26

To see if the Town will vote to amend the Personnel By-Laws Article XXI, Section 6 Fringe

Benefits and Working Conditions, Sub-Section B. General, by deleting the following section:

6. Non-Union Personnel

All full-time non-union personnel, without exception, may receive at least the same number of sick days, vacation days, personal days, bereavement days, holidays, longevity pay, educational pay, clothing allowance, health and life insurance and other benefits as do any of the full-time employees covered under the Agreement between the Town of Westport and Town Hall Departments, Library, Cemetery and Dispatchers.

BY PETITION

BOARD OF SELECTMEN: Not recommended.

FINANCE COMMITTEE: Recommended against 8 yes ó 1 no

ARTICLE 27

To see if the Town will vote to recommend that the Board of Selectmen act on the inability of the Town Treasurer to carry out his duties of office and issue a vote of No Confidence against said Town Treasurer.

BY PETITION

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Made no recommendation 5 yes ó 4 no

ARTICLE 28

To see if the Town will vote to appropriate the sum of \$745,000 for the cost of various capital expenditures in accordance with the Town's Fiscal Year 2020 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.

<u>Project Description</u>	<u>Cost</u>	<u>Funding Source(s)</u>
Voting Machines	\$ 40,000	Free Cash or Stabilization
Macomber School Replace Intercom/Master Clock	\$ 75,000	Free Cash or Stabilization
School Entryways	\$ 40,000	Free Cash or Stabilization
Police Dept. Cruiser Replacement (3)	\$145,000	Free Cash or Stabilization
WES Roof Replacement Feasibility Study	\$100,000	Free Cash or Stabilization
Highway Dept. Heavy Truck	\$150,000	Free Cash or Stabilization
Macomber School Remove Asbestos Floor Tiles	\$ 80,000	Free Cash or Stabilization
Senior Center Elevator Renovation	\$ 60,000	Free Cash or Stabilization
Town Hall/Annex Major Rehab Feasibility Study	\$ 25,000	Free Cash or Stabilization
Westport Elementary School Enlarge Parking Lot	\$ 30,000	Free Cash or Stabilization
Total	\$745,000	

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0 with funding from free cash.

ARTICLE 29

To see if the Town will vote to raise and appropriate and/or transfer from available funds, the 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, §56, to place the Town on a 100% valuation assessment basis, and/or take any other action relative thereto.

BOARD OF ASSESSORS

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommended in favor unanimously 9-0 with funding from free cash.

ARTICLE 30

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$25,000 to pay for the groundwater remediation done at the Head Landing, including all incidental and related costs, and/or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommendation at Town Meeting.

FINANCE COMMITTEE: Recommendation at Town Meeting 8 yes ó 1 abstention

ARTICLE 31

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of \$200,000 for the purpose of funding that drainage remediation work determined by a plan for the Westport Middle ó High School construction documents dated February 26, 2019 Drawing No. C505, which has been placed on file with the Town Clerk, provided that such funds may be expended only in the event the work is not included in the project budget for construction of the High School/Middle School, and/or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommendation at Town Meeting.

FINANCE COMMITTEE: Recommendation at Town Meeting 8 yes ó 1 abstention

ARTICLE 32

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain for drainage purposes, upon such terms and conditions as the Board deems appropriate, such interests in land as may be necessary, in the judgment of the Board, to provide for the collection, conveyance, treatment and disposal of storm water from the Westport Elementary School and the land on which it is located, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of effect said acquisition, and as funding therefor and costs related thereto, to raise and appropriate, transfer from available funds, and/or borrow a sum of money, and/or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN: Recommended.

FINANCE COMMITTEE: Recommendation at Town Meeting 8 yes ó 1 abstention