

**Articles annotated with Town Meeting vote results by
EverythingWestport.com.**

May 7, 2015 10:00 p.m.

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
MAY 5, 2015**

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 5, 2015 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 transfer to reduce taxation certain sums of money from various articles approved by Town Meeting, when there is a balance remaining that is no longer required to accomplish the purpose for which the articles were originally passed, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Article unanimously passed over.

ARTICLE 2

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, and/or take any other action relative thereto.

BOARD OF SELECTMEN

City of Fall River, MA Community Utilities	\$31,144.20
Prima Care PC	\$ 136.00
Carl J. Ferreira DMD	\$ 69.00
Southcoast Hospitals Group	\$ 448.00
Southcoast Physicians Group	\$ 1,297.00
Total	\$33,094.20

Article unanimously passed.

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 4 of the 2014 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, 2014, and/or take any other action relative.

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT</u>
Highway Department Personnel Services	Highway Department Expenses	\$ 14,475.00
Treasurer Department Personnel Services	Board of Selectmen Personnel Services	\$ 1,044.00
Treasurer Department Personnel Services	Finance Committee Personnel Services	\$ 21.00
Treasurer Department Personnel Services	Town Accountant Personnel Services	\$ 973.00
Treasurer Department Personnel Services	Board of Assessors Personnel Services	\$ 1,294.00
Treasurer Department Personnel Services	Tax Collector Personnel Services	\$ 1,291.00
Treasurer Department Personnel Services	Information Technology Pers. Services	\$ 285.00
Treasurer Department Personnel Services	Town Clerk Personnel Services	\$ 986.00
Treasurer Department Personnel Services	Elections & Registration Pers. Services	\$ 288.00
Treasurer Department Personnel Services	Conservation Personnel Services	\$ 583.00
Treasurer Department Personnel Services	Planning Board Personnel Services	\$ 1,046.00
Treasurer Department Personnel Services	Board of Appeals Personnel Services	\$ 49.00
Treasurer Department Personnel Services	Police Department Personnel Services	\$ 7,792.00
Treasurer Department Personnel Services	Fire Department Personnel Services	\$ 2,192.00
Treasurer Department Personnel Services	Building Department Personnel Services	\$ 1,039.00
Treasurer Department Personnel Services	Sealer of Weights & Measures Pers. Ser.	\$ 20.00
Treasurer Department Personnel Services	Animal Control Personnel Services	\$ 329.00
Treasurer Department Personnel Services	Shellfish Department Personnel Services	\$ 736.00
Treasurer Department Personnel Services	Veterans Graves Personnel Services	\$ 17.00
Treasurer Department Personnel Services	Veterans Services Personnel Services	\$ 1,578.00
Treasurer Department Personnel Services	Council on Aging Personnel Services	\$ 1,135.00

Treasurer Department Personnel Services	Library Department Personnel Services	\$
1,866.00		
Treasurer Department Personnel Services	Cemetery Department Pers. Services	\$
7,000.00		
Town Hall Personnel Services	Town Hall Expenses	\$
	32,000.00	
Council on Aging Personnel Services	Council on Aging Expenses	\$
	5,000.00	
Police Department Personnel Services	Police Department Expenses	\$
	110,000.00	
Landfill Receipts Reserved	Transfer Station Personnel Services	\$
	15,770.00	
Landfill Receipts Reserved	Transfer Station Expenses	\$
	1,500.00	
Short Term Interest	Board of Health Personnel Services	\$
	23,700.00	
Harbor Enterprise Retained Earnings	Harbor Enterprise Personnel Services	\$
	521.00	
Beach Enterprise Retained Earnings	Beach Enterprise Personnel Services	\$
	340.00	
Highway Department Personnel Services	WRRP Program Overage	\$
12,900.00		
Free Cash	Veterans Benefits	\$
	38,000.00	
Free Cash	Snow & Ice	\$
	400,000.00	
Free Cash	Middle School S319 Grant Overage	\$
	<u>32,842.00</u>	

TOTAL
\$608,612.00
BOARD OF SELECTMEN

Article unanimously passed with minor adjustments to Landfill Receipts and Short Term Interest.

ARTICLE 4

To see if the Town will vote to fix the salary and compensation of all elected Town Officers for Fiscal Year 2016, and/or take any other action relative thereto.

Moderator	\$	798.00
Selectmen - Chairman		6,454.00
Board Members (4)		25,381.00
Assessors - Board Members (3)		16,999.00
Board of Health - Members (3)		9,024.00
Tax Collector		61,771.00
Town Clerk		61,771.00
Treasurer		<u>61,771.00</u>
	Total	\$243,969.00

Article unanimously passed.

ARTICLE 5

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money considered necessary to defray the Town's expenses for a twelve month period beginning July 1, 2015 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Article unanimously passed with no changes.

ARTICLE 6

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money not to exceed \$700,000.00 to be expended under the direction of the Town Administrator/Westport School Building Committee for a feasibility study, for the Westport Middle School, 400 Old County Road, Westport, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority, or take any other action relative thereto. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

SCHOOL COMMITTEE/BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 7

To see if the Town will vote to fund a two year collective bargaining agreement with the AFSCME Council 93 (Highway Employees) that would be effective July 1, 2014 and raise and appropriate and/or transfer from available funds and/or authorize the transfer from various line items within the current appropriations in the FY 2015 municipal budget in the amount of \$4,576 this being sufficient to fund the first year of said agreement, and/or take any action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 8

To see if the Town will vote to fund a two year collective bargaining agreement with the Westport Police Association that would be effective July 1, 2014 and raise and appropriate and/or transfer from available funds and/or authorize the transfer from various line items within the current appropriations in the FY 2015 municipal budget in the amount of \$35,048 this being sufficient to fund the first year of said agreement, and/or take any action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 9

To see if the Town will vote to fund a one year collective bargaining agreement with the LAW Local 254 (Town Hall, Library, Cemetery, Dispatchers, Transfer Station) that would be effective July 1, 2014 and raise and appropriate and/or transfer from available funds and/or authorize the transfer from various line items within the current appropriations in the FY 2015 municipal budget in the amount of \$13,515 this being sufficient to fund the first year of said agreement, and/or take any action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 10

To see if the Town will vote to fund a one year collective bargaining agreement with the LAW Local 254 (Town Hall, Library, Cemetery, Dispatchers, Transfer Station) that would be effective July 1, 2015 and raise and appropriate and/or transfer from available funds and/or authorize the increase in the appropriate account within the proposed FY 2016 municipal budget in the amount of \$27,030 this being sufficient to fund the first year of said agreement, and/or take any action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 11

To see if the Town will vote to appropriate a sum of \$294,000.00 for the cost of various capital expenditures in accordance with the Town’s Fiscal Year 2016 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>Department</u>	<u>Requests</u>	<u>Cost</u>	<u>Funding Source(s)</u>
School	Macomber School - Parking Lot	\$110,000.00	Free Cash, Borrowing, or Stabilization
School	High School – New Well	\$ 75,000.00	Free Cash, Borrowing, or Stabilization
Highway	Pickup Truck	\$ 35,000.00	Free Cash, Borrowing, or Stabilization
Fire	Cars/SUVs	<u>\$ 74,000.00</u>	Free Cash, Borrowing, or Stabilization
Total		\$294,000.00	

CAPITAL IMPROVEMENT PLANNING COMMITTEE

Article unanimously passed.

ARTICLE 12

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$300,000.00 for the purchase and equipping of two (2) trucks with plows for the Highway Department, and further, to determine whether this appropriation shall be raised by borrowing or otherwise, and/or take any other action relative thereto.

HIGHWAY SURVEYOR

Finance committee recommended reducing the appropriation to \$150,000 to purchase one truck from free cash.

Article with FC recommendation passed unanimously.

ARTICLE 13

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$114,000.00 for the purchase and equipping of three (3) cruisers for the Police Department, and/or take any other action relative thereto.

POLICE CHIEF

Finance committee recommended reducing the appropriation to \$76,000 to purchase two cruisers from free cash.

Article with FC recommendation passed unanimously.

ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, easement or other agreement, but not through Eminent Domain, the fee or lesser interest in land as may be required to secure a publicly accessible vehicular turnaround approximately 48-feet wide in the vicinity of the Town's Knubble Beach parcel (Map 89, Lot 6), so as to allow for vehicular turnaround on Beach Avenue and to facilitate public access to Town and other conservation lands in the area; and, if consistent with the Board of Selectmen's instrument acquiring the interest in land, to alter the layout of Beach Avenue to include the turnaround as part of the public way; and if such instrument is executed to secure said vehicular turnaround, to require that the Board of Selectmen authorize that the improved portion of Beach Avenue, the western two-thirds of Beach Avenue from its intersection with Acoaxet road to a point ~1,050 east at the intersection of Beach Avenue and the southwestern corner of Assessor's Map 89, Lot 163 and not exceeding 27'3" within the 40' layout section and 23'3" in the 30' wide layout section of the road be maintained as pervious gravel or native shell road with no use of impervious asphalt paving to the maximum extent allowable under state law; and/or take any other action relative thereto.

BOARD OF SELECTMEN

This article was very contentious with Town Meeting attendees; many speakers rose, including four current Selectmen and one former Selectman, abutters and town committee members who either voiced their strong support or even stronger opposition.

The article required a hand count, resulting in a vote of 168 Yes and 133 NO. The article carried.

ARTICLE 15

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, 2015 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

Article unanimously passed.

ARTICLE 16

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$1.00 for the purpose of maintaining during the ensuing year the mosquito control work as estimated and certified by the State Reclamation Board in accordance with the provisions of Chapter 112 of the Acts of 1931, and/or to take any other action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 17

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$770.00 to contract for environmental services directly related to Buzzards Bay, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 18

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$20,000.00 to be used by the Board of Assessors to fund fees and expenses to update the Revaluation program mandated by M.G.L. Chapter 797, Acts of 1979 to place the Town on a 100% valuation assessment basis, and/or take any other action relative thereto.

BOARD OF ASSESSORS

Article passed over.

ARTICLE 19

To see if the Town will vote to appropriate a sum of \$15,000.00 from receipts reserve for the purpose of post closure costs and environmental expenses at the Landfill Site, and/or take any other action relative thereto.

BOARD OF HEALTH

Article unanimously passed.

ARTICLE 20

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½, to amend Article 8 of the 2014 Annual Town Meeting to increase the Board of Selectmen Revolving Fund for cable services, wages, salaries, equipment and/or supplies from \$100,000.00 to \$175,000.00, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 21

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½, to establish and reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2015 for the purposes defined from which costs not to exceed the amounts listed for these same services may be expended without further appropriation, and/or take any other action relative thereto.

VARIOUS DEPARTMENTS

<u>Revolving Fund</u>	<u>Authority To Spend</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>Maximum Expenditure</u>
Council on Aging - Programs	Council on Aging & Board of Selectmen	Receipts from health care promotion, recreational and social programs for seniors	Health care promotion, recreational and social programs for seniors	\$40,000.00
Council on Aging- Social Day Care	Council on Aging & Board of Selectmen	Receipts from the Social Day Care Program	Social Day Care Program	\$135,000.00
Council on Aging – Other Income Generating Activities	Council on Aging & Board of Selectmen	Receipts from income generating activities other than those from health care promotion, recreational and social programs for seniors, the Social Day Care Program and transportation for seniors	Building operating and maintenance expenses, excluding salaries and wages of all full and part time employees employed at the Senior Center	\$4,000.00
Council on Aging - Transportation	Council on Aging & Board of Selectmen	Receipts from transportation for seniors	Transportation for seniors	\$55,000.00
Fire Department - Ambulance	Fire Department	Receipts from Ambulance fees	Purchase of an ambulance, ambulance equipment and/or any incurred ambulance related expense, not to include salaries	\$120,000.00
Fire Department - Haz Mat	Fire Department	Receipts from Haz-Mat fees	Purchase of Haz-Mat equipment and/or any incurred	\$40,000.00

			Haz-Mat related expense, not to include salaries	
Electrical, Plumbing and Gas Inspectors	Electrical, Plumbing and Gas Departments	Receipts from fees and fines paid for electrical, plumbing and gas permits	Fees for inspections performed and mileage, schooling, supplies, clerical wages, equipment and other miscellaneous expenses; any fund balance in excess of \$40,000.00 at the end of the fiscal year will be transferred into the General Fund.	\$85,000.00
Board of Selectmen	Board of Selectmen	Receipts from the yearly "Additional Cable License Fee"	Cable services, wages, salaries, equipment and/or supplies	\$125,000.00
Planning Board/Zoning Board of Appeals	Planning Board	Receipts from subdivision and comprehensive permit filing fees	Maintaining the Assessor's parcel GIS database	\$20,000.00
Planning Board	Planning Board	Site Plan Approval & Low Impact Development fees collected for the purpose of technical review and construction inspection	Technical review & construction inspection	\$25,000.00
Police Department	Police Department and Board of Selectmen	Receipts from Police Cruiser fees associated with private details	Purchase of cruisers, associated equipment and/or any incurred police cruiser related expense, not to include salaries	\$50,000.00
Animal Control Department	Animal Control Department	Fees collected for animal control	Costs related to care and custody of animals and other related expenses	\$10,000.00
Board of Health	Board of Health	Receipts from	Vaccine purchases	\$10,000.00

		vaccine purchases and administration reimbursements		
Conservation Commission	Conservation Commission	Wetland delineation and review related fees	Wetland delineation and review	\$40,000.00
School Department	School Committee	Receipts generated by the Special Education Department through tuition or service contracts generated by the school's specialists and administration	Special Education Program needs	\$20,000.00

Article unanimously passed.

ARTICLE 22

To see if the Town will vote to raise and appropriate or transfer from available funds \$136,591.00 to operate the Harbor Enterprise, and/or take any other action relative thereto.

Salaries	\$ 53,670.00
Expenses	\$ 70,421.00
Capital Outlay	<u>\$ 12,500.00</u>
Total	\$136,591.00

and that \$136,591.00 be raised as follows:

User Charges	\$136,591.00
BOARD OF SELECTMEN/HARBORMASTER/WHARFINGER	

Article unanimously passed.

ARTICLE 23

To see if the Town will vote to raise and appropriate or transfer from available funds \$267,863.00 to operate the Waterline Enterprise, and/or take any other action relative thereto.

Salaries	\$ 1,500.00
Capital Outlay	\$ 5,000.00
Expenses	<u>\$261,363.00</u>
Total	\$267,863.00

and that \$267,863.00 be raised as follows:

User Charges \$267,863.00

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 24

To see if the Town will vote to raise and appropriate or transfer from available funds \$66,050.00 to operate the Town Beaches Enterprise, and/or take any other action relative thereto.

Salaries	\$ 40,800.00
Expenses	<u>\$ 25,250.00</u>
Total	\$ 66,050.00

and that \$66,050.00 be raised as follows:

User Charges \$66,050.00

BEACH COMMITTEE/BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 25

To see if the Town will vote to rescind the \$500,000.00 authorized, but unissued, balance of the \$500,000.00 Septic Loan Program borrowing approved by vote of the Town under Article 9 at the November 13, 2012 Special Town Meeting, and/or take any other action relative thereto.

TOWN TREASURER

Article unanimously passed.

ARTICLE 26

To see if the Town will vote to rescind the authorized, but unissued, \$610,000.00 borrowing approved by vote of the Town under Article 10 at the November 13, 2012 Special Town Meeting to pay extraordinary costs associated with the Town's response to the flooding experienced by the Town in the spring of 2010 and Tropical Storm Irene in late summer 2011, and/or take any other action relative thereto.

TOWN TREASURER

Article unanimously passed.

ARTICLE 27

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$10,000.00 for follow-up environmental maintenance work at the Westport Town Hall as required by the Department of Environmental Protection, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 28

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY16 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 2016; and further to reserve for future appropriation a sum of money for open space; a sum of money for historic resources; and a sum of money for 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

Article unanimously passed.

ARTICLE 29

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$7,500.00 to provide for economic planning and coordination services, and/or take any other action relative thereto.

WESTPORT ECONOMIC DEVELOPMENT TASK FORCE

Surprisingly, the Finance Committee recommended against this article, feeling that the Westport Economic Development Task Force was not productive. After a lengthy discussion of support from many members of the Task Force citing their success stories, Town Meeting unanimously passed the article to be financed with Free Cash..

Article unanimously passed.

ARTICLE 30

To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt out of the aggregation, and/or take any other action relative thereto.

BOARD OF SELECTMEN

The Finance Committee made a no recommendation on this article. Following a strong show of support from Tony Connors, Chairman of the Energy Committee, the article passed Town Meeting.

Article unanimously passed.

ARTICLE 31

To see if the Town will vote to appropriate and transfer from the Municipal Waterways Fund a sum of \$20,000.00 for the purpose of the replacement of an engine or hull of any Harbormaster Department boat, and/or take any other action relative thereto.

HARBORMASTER

Article unanimously passed.

ARTICLE 32

To see if the Town will vote to appropriate and transfer from the Municipal Waterways Fund a sum of \$5,000.00 for the purpose of matching a 25% requirement for an anticipated Clean Vessel Grant (CVA) for the replacement of a shore side pump out facility in FY'16, and/or take any other action relative thereto.

HARBORMASTER

Article unanimously passed.

ARTICLE 33

To see if the Town will vote to appropriate and transfer from the Municipal Waterways Fund a sum of \$6,500.00 for the purpose of buying a new outboard motor for the Shellfish Department, and/or take any other action relative thereto.

SHELLFISH CONSTABLE

Article unanimously passed.

ARTICLE 34

To see if the Town will vote to authorize acceptance by the Town of a donation of a parcel of vacant land containing approximately 0.361 acres, being Westport Assessors Map 23A, lots 328 and 329 from donors Stafford W. and Barbara Hart, and/or take any other action relative thereto.

BOARD OF SELECTMEN

There was a strong concern from some Selectmen about Chapter 21E (toxic contamination testing) possibilities, and the town may inherit a liability issue accepting this land donation. It was determined that the small parcel of land, located behind Janet's Country Store on Sanford Road, was contiguous with other town owned land

Article unanimously passed.

Town Meeting suspended to Thursday evening starting at 7:15 p.m.

ARTICLE 35

To see if the Town will vote to transfer the care, custody and control of (a) the parcels of land known as the Quinn Property, which are shown on Assessors Map 33 as Lots 45 and 47 and described in instruments recorded with the Bristol (South) District Registry of Deeds in Book 6734, Pages 220 and 221, from the Treasurer for tax title purposes to the Board of Selectmen for the purpose of conveyance, and (b) the parcels of land known on the Perry Property, which are shown on Assessors Map 33 as Lots 17, 47A, and 47E and described in a deed recorded in Book 8379, Page 298, from the Board of Selectmen for affordable housing purposes to the Board of Selectmen for the purpose of conveyance, and, further, to authorize the Board of Selectmen to convey the foregoing parcels of land to the Westport Affordable Housing Trust on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, which Perry Parcel shall be used solely for community housing purposes, and further to authorize the Board of Selectmen to acquire, if appropriate, an affordable housing restriction on said Perry Parcel; and/or take any other action relative thereto.

WESTPORT AFFORDABLE HOUSING TRUST

Article unanimously passed.

ARTICLE 36

To see if the Town will vote to amend its By-Laws and Regulations by **renumbering** the following By-Law which was approved at the May 3, 2014 Annual Town Meeting “**ARTICLE LXII, COMPLIANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 268A**” to the following:

ARTICLE LXIII

COMPLIANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 268A AND RELATED MATTERS

6301. Elected and appointed officers, officials and employees of the Town of Westport, whether or not compensated, and whether serving in a part-time, full-time or volunteer capacity, shall comply with the provisions of M.G.L. c.268A, and in that regard shall demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards; recognize that they hold their offices or positions for the benefit of the public, and while acting in their official capacity, faithfully discharge the duties of their offices or positions in the public interest, regardless of personal considerations. Such persons shall not use their offices or positions to secure or grant special considerations, treatment, advantage, privilege or exemption to themselves or to any person or group beyond that which is available to every person. Further, elected and appointed officers, officials and employees of the Town of Westport shall not represent anyone other than themselves in matters in which the Town has a direct and substantial interest unless they comply with the provisions of M.G.L. c. 268A, §17 and, prior to undertaking such representation, file with the Town Clerk written notice thereof on a form prepared by the Town for such purposes. Such notices shall be maintained in a separate file, and shall be public record subject to mandatory disclosure upon requested.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

Article unanimously passed.

ARTICLE 37

To see if the Town will vote to amend its By-Laws and Regulations, by revising “**ARTICLE XXII, ANIMAL CONTROL OFFICER AND RESTRAINT OF DOGS, Section 2219.1**” by deleting the strike through text and inserting the bold underlined text as follows:

2219.1 Dogs on Beach and Recreation Areas: No dogs shall be allowed on Beach and Recreation Areas, owned or ~~under the control~~ of the Town of Westport or any Boards or Commissions thereof, ~~during the six months of May~~ **from April 16th** through ~~October inclusive~~ **September 15th**, whether at large or under restraint. Seeing Eye

dogs and dogs owned or under the control of the Police or any Law Enforcement Officer shall be **exempted** from these provisions.

and/or take any other action relative thereto.

BEACH COMMITTEE

*The word **excepted** was changed to **exempted**.*

The article carried on a close vote.

ARTICLE 38

To see if the Town will vote to amend its By-Laws and Regulations, by revising “**ARTICLE LIX, HISTORICAL COMMISSION BY-LAW, Section 5911 A Number 7**” by deleting the strike through text and inserting the bold underlined text as follows:

7. Additions, alterations, or appurtenant structures (including but not limited to swimming pools and the like), ~~which are not visible from public streets in the district~~ **which are not subject to view from a public street, public way, public park or public body of water.**

and/or take any other action relative thereto.

HISTORICAL COMMISSION

After much discussion the article carried.

ARTICLE 39

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following new By-Law “**ARTICLE LXIV, TOWN ADMINISTRATOR**”:

ARTICLE LXIV

TOWN ADMINISTRATOR

6401. APPOINTMENT; QUALIFICATION, TERM

The Board of Selectmen shall appoint, by an affirmative vote of four (4) members, a Town Administrator for a term of three years that is renewable by the Board of Selectmen upon receiving a satisfactory evaluation from the Selectmen. The Board shall set the Town Administrator's compensation within the amount annually appropriated for this purpose. The Town Administrator shall be appointed solely on the basis of executive, administrative, and educational qualifications.

6401.1 The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training, and previous related experience. The Town Administrator will have the minimum of a Bachelor Degree, preferably a Master Degree, in Public Administration, Public Policy, Business Management or related field. In addition, the Town Administrator at least five (5) years experience in upper

level executive positions, or equivalent combination of education and experience.

6401.2 The Administrator shall devote full time to the office and shall not hold any other public office, elected or appointed, or engage in any other business or occupation during his or her term, unless such action is approved in advance, in writing, by the Board of Selectmen.

6402. RELATIONSHIP OF TOWN ADMINISTRATOR WITH THE BOARD OF SELECTMEN

The Town Administrator is appointed by the Board of Selectmen and serves as the chief administrative officer for the executive branch of Town government.

6403. VACANCY IN OFFICE

The Board of Selectmen shall fill any permanent vacancy in the office of Town Administrator as soon as possible. Pending the appointment of the Town Administrator, the Board of Selectmen shall within thirty (30) days, appoint some other qualified person to serve as Acting Town Administrator.

6404. PROCEDURE FOR REMOVAL OF TOWN ADMINISTRATOR

The Board of Selectmen, by affirmative vote of four (4) of its members may initiate the remove of the Town Administrator prior to the expiration of an employment contract. This action must be for cause and after a public hearing.

6405. POWERS AND DUTIES

The Town Administrator supervises and oversees the efficient and effective administration of Town government for all Town offices, boards, commissions, committees, and departments whether or not these members, units, or departments, have elected or appointed officials or department heads. The Town Administrator represents the Board of Selectmen in their role as the government's executive branch in relations with elected boards and departments in day to day operations.

6405.1 The Town Administrator shall recommend appointment of all municipal (non-school) employees, and all recommendations are subject to an affirmative vote by the Board of Selectmen. In addition, all employees designated as department heads are subject to the recommendation of the Town Administrator with an affirmative vote of appropriate any elected Boards or Commissions. The Town Administrator shall have the authority to discipline employees subject to provisions in collective bargaining agreements or bylaws.

6405.2 The Town Administrator serves as the Director of Human Resources for the Town; administers personnel policies, practices, rules and regulations, the compensation plan, and any other related matter for all municipal employees, except school employees. This includes the administering and overseeing of annual performance evaluations for all employees, including department heads.

6405.3 The Town Administrator serves as the chief financial officer for the Town. In this capacity the Town Administrator shall annually submit a balanced budget and capital improvements plan to the Board of Selectmen. After approval by Town Meeting the Town Administrator is responsible for administering the budget.

6405.4 The Town Administrator serves as the Chief Procurement Officer for the Town. In this capacity he oversees and approves all purchases of goods and services including those procured under the provisions of MGL Chapter 38B.

6406. The Town Administrator shall perform such other duties as may be required from time to time by the Board of Selectmen, Town By-Laws, administrative code, or votes of Town Meeting.
and/or take any other action relative thereto.

BOARD OF SELECTMEN

Because of the complexity of this article and amendments passed thereof, a separate discussion will be forthcoming to explain changes which essentially gutted the intent of the article.

Article passed with amendments on a hand count of 95 for and 79 against.

ARTICLE 40

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following new By-Law “**ARTICLE LXV, FIREARMS AND WEAPONS**”:

ARTICLE LXV

FIREARMS AND WEAPONS

6501. HUNTING ON PRIVATE PROPERTY

No person shall hunt on private property except when in the possession of the carrying for inspection all licenses, permits and stamps required for hunting under state law as well as written permission, obtained annually from the landowner or his authorized agent, to hunt on the property in question.

6502. VIOLATIONS AND PENALTIES

The penalty for the violation of any provision of this By-Law shall be a fine of not more than \$200.00 for each day said violation exists, unless otherwise specified in the General Laws of the Commonwealth.

and/or take any other action relative thereto.

Article carried on a close hand count after spirited discussion from hunters and those who supported the article.

ARTICLE 41

To see if the Town will vote to amend its By-Laws and regulations by revising “**ARTICLE VII STREETS AND WAYS, Section 0707**” bold underlined text as follows:

- 0707.** Any street for which petition for acceptance is sought subsequent to March 17, 1959, must be a minimum of 40 feet in width, provided that the Board of Selectmen shall appoint an Appeals Board to review and make decision, with reference to acceptance of all roads, ways, and streets that are less than 40 feet width and have been in use as a public thoroughfare for a period of five years or more. **Such street shall further have a paved travel width of no less than 24 feet if classified as a secondary road or subdivision street pursuant to the Town's Rules and Regulations Governing the Subdivision of Land, and a paved travel width of 26 feet if classified under those Rules as a primary connector street.**

and/or take any other action relative thereto.

HIGHWAY SURVEYOR

Despite pleas from Highway Department personnel and two Selectmen over the safety concerns of substandard road widths, Town Meeting defeated this article – but with little impact as Town Counsel deemed that the bylaw had no legal effect as only Selectmen and the Highway Department have any authority of Westport’s roadways.

The Planning Board had voted 4-1 against the article and the Selectmen had voted 3-2 against supporting the article.

Article defeated.

ARTICLE 42

To see if the Town will vote to amend various sections of the Town of Westport Zoning By-Laws pertaining to Accessory Apartments as follows and/or take any other action relative thereto:

Item 1.

By deleting the first paragraph of **ARTICLE 4, USE REGULATIONS, SECTION 4.0.1 B. Subparagraph 5**, of the Westport Zoning By-Laws and replace with new paragraph as follows:

5. Use of an accessory apartment, an independent dwelling unit not to exceed six hundred (600) square feet contained within a single-family residence. The unit shall have a separate exterior entrance, a kitchen/living room, a bathroom and a maximum of one bedroom. Either unit shall be occupied by the owner. The gross floor area shall include the interior finished habitable area to be used exclusively for the accessory apartment.

Item 2.

By deleting **ARTICLE 4, USE REGULATIONS, SECTION 4.0.1 B. Subparagraphs k. and l.**

and/or take any other action relative thereto:

PLANNING BOARD

Town meeting changed the maximum 600 square feet to 900 square feet.

Article passed unanimously.

ARTICLE 43

To see if the Town will vote to amend various section of the Town of Westport Zoning By-Laws pertaining to Detached Accessory Apartments as follows:

Item 1.

By amending **ARTICLE 4, USE REGULATIONS, SECTION 4.0.1 D.** by adding a new **Subparagraph 13:**

13. The Zoning Board of Appeals may issue a Special Permit authorizing the installation and use of a detached-accessory apartment in a detached structure on a lot containing a single family dwelling provided the following conditions are met:
 - a. Purpose and Intent: The intent of permitting a detached accessory apartment is to:
 1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
 2. Develop housing units in single family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
 3. Provide housing units for persons with disabilities.
 4. Protect stability, property values, and the residential character of a neighborhood
 - b. The detached accessory apartment will be a complete, separate housekeeping unit containing a kitchen/living room, a bathroom and a maximum of one bedroom. Only one accessory apartment may be created within a single-family dwelling or house lot.
 - c. Detached accessory apartments shall be occupied by no more than 2 persons.
 - d. The owner(s) of the property in which the detached accessory apartment is created must occupy at least one of the dwelling units. The gross floor area of a detached accessory apartment shall not be greater than six hundred (600) square feet. The gross floor area shall include the interior finished

habitable area to be used exclusively for the accessory apartment.

- e. Off-street parking spaces shall meet the requirements of Article V, Section 5.1 of these bylaws.
- f. Any new construction shall be in accordance with current height and setback requirements for the district in which it is located.
- g. The septic system must meet the requirements of the Westport Board of Health and the State Sanitary Code.
- h. Any property that has been granted a Special Permit for a detached accessory apartment shall not be further divided unless all zoning requirements can be met for the district in which it is located.
- i. Prior to approval of a Special Permit for a detached accessory apartment the Board shall make the following findings:

The detached accessory apartment will not impair the integrity or character of the neighborhood in which it is located.

The detached accessory apartment shall not be detrimental to the abutting properties.

- j. In order to encourage the development of housing units for disabled individuals and persons with limited mobility, the Zoning Board may allow reasonable deviation, from the dimensional requirements where necessary to install features that facilitate access and mobility.

Item 2.

To amend the **TABLE OF USE REGULATIONS** by adding the Detached Accessory Apartment use 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</u>	<u>BUSINESS</u>	<u>UNRESTRICTED</u>	<u>STOD</u> <u>(Art. 22)</u>
Detached Accessory Apartment (see section 4.0.1.D.13.)	SPBA	SPBA	SPBA	X

and/or take any other action relative thereto.

PLANNING BOARD

Town meeting changed the maximum 600 square feet to 750 square feet.

Article passed unanimously.

ARTICLE 44

To see if the Town will accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land on American Legion Highway, Lots 33-17, 33-45, 33-47A & 33-47E as a Priority Development Site, and/or take any other action relative thereto.

PLANNING BOARD/WESTPORT AFFORDABLE HOUSING TRUST

Article passed unanimously.

ARTICLE 45

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Nutrition Program Meal Site Manager PT	2	-20	Hourly	

and/or take any other action relative thereto.

PERSONNEL BOARD/COUNCIL ON AGING

Article passed unanimously.

ARTICLE 46

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Highway Surveyor	1	R	Salary	FT

and/or take any other action relative thereto.

PERSONNEL BOARD/BOARD OF SELECTMEN

Article passed unanimously.

ARTICLE 47

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Director of Finance	1	R	Annual	FT

and/or take any other action relative thereto.

PERSONNEL BOARD/BOARD OF SELECTMEN

Article defeated with a hand count of 31 for and 46 against. The word Annual was amended to Salary.

Article defeated.

ARTICLE 48

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Confidential Clerk	2	40	Hourly	FT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Administrative Assistant/ Confidential Clerk	2	40	Hourly	FT

and/or take any other action relative thereto.

PERSONNEL BOARD/BOARD OF SELECTMEN

Article passed unanimously.

ARTICLE 49

Prior to applying to the Commissioner of the Department of Veterans' Services a request from the Town seeking to establish and operate to District under Massachusetts General Law Chapter 115 or upon any re-application to District, the Town's Selectmen are required to have supporting documentation clearly showing a majority vote of the Town's Registered Voters having had affirmatively declared support by a binding referendum ballot question authorizing the submission of such an application, and/or take any other action relative thereto.

BY PETITION

Article passed over; no petitioner presented to move the article.

Articles 50 through 57 will be taken up when Town Meeting resumes on Tuesday, May 19th at 7:00 p.m.

The proper forms for acceptance were not submitted at least seven days before Town Meeting.

ARTICLE 50

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

BY PETITION

ARTICLE 51

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

BY PETITION

ARTICLE 52

To see if the Town will vote to accept the layout, as a public way, of Mellisa Beth 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

ARTICLE 53

To see if the Town will vote to accept the layout, as a public way, of Berard Court, 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

ARTICLE 54

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

BY PETITION

ARTICLE 55

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

BY PETITION

ARTICLE 56

To see if the Town will vote to accept the layout, as a public way, of Stonehaven 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

ARTICLE 57

To see if the Town will vote to accept the layout, as a public way, Lincoln Avenue from the Reed Road/Lincoln Avenue intersection approximately 500 feet south to the end of the existing improved roadway, 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

ARTICLE 58

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

BY PETITION

Town Counsel deemed passing this article would have no legal impact on the town.

Article defeated.

ARTICLE 59

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$400,000.00 to the Stabilization Fund and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

The Finance Committee recommended passing over this article.

Article passed over.