

**ANNUAL TOWN MEETING
TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING
MAY 24, 2011**

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 24, 2011 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

FINANCE COMMITTEE:

ARTICLE 2

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

Moderator	\$
Selectmen - Chairman	
Board Members (4)	
Assessors - Board Members (3)	
Board of Health - Members (3)	
Highway Surveyor	
Tax Collector	
Town Clerk	
Treasurer	

Total
FINANCE COMMITTEE/BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE 3

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, 2011 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE 4

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, 2011 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

FINANCE COMMITTEE:

ARTICLE 5

To see if the Town will vote to raise and appropriate and/or transfer from other available funds and/or borrow a sum of money to be used in conjunction with, and/or in addition to any funds allocated by the Commonwealth and/or County for the engineering services, construction, reconstruction, and/or improvements of Town roads, and/or take any other action relative thereto.

HIGHWAY DEPARTMENT

FINANCE COMMITTEE:

ARTICLE 6

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

FINANCE COMMITTEE:

ARTICLE 7

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

FINANCE COMMITTEE:

ARTICLE 8

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Council on Aging into which will be paid all receipts from health care promotion, recreational and social programs for seniors, except for receipts from the social day care program, from which costs not to exceed the sum of \$20,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

FINANCE COMMITTEE:

ARTICLE 9

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Council on Aging into which will be paid all receipts from the Social Day Care Program, from which costs not to exceed the sum of \$80,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

FINANCE COMMITTEE:

ARTICLE 10

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Council on Aging into which will be paid all receipts from income-generating activities, except receipts from health care promotion, recreational and social programs, transportation activities, and the social day care program which are the source of receipts for other revolving funds, to support the Westport Senior Center from which costs not to exceed the sum of \$5,000.00, for building operating/maintenance expenses, excluding salaries and wages of all full-time and part-time employees who are employed at said Senior Center, may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

FINANCE COMMITTEE:

ARTICLE 11

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Council on Aging into which will be paid all receipts from transportation for seniors, from which costs not to exceed the sum of \$65,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen and/or take any other action relative thereto.

COUNCIL ON AGING

FINANCE COMMITTEE:

ARTICLE 12

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Westport Fire Department into which will be paid all receipts from Ambulance Fees, from which costs not to exceed \$110,000.00 for the purchase of an ambulance, ambulance equipment and/or any incurred ambulance-related expense, not to include salaries, which may be expended without further appropriation by the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

FINANCE COMMITTEE:

ARTICLE 13

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Westport Fire Department into which will be paid all receipts from Haz-Mat Fees, from which costs not to exceed \$50,000.00 for the purchase of Haz-Mat equipment and/or any incurred Haz-Mat related expense, not to include salaries, which may be expended without further appropriation by the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

FINANCE COMMITTEE:

ARTICLE 14

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Electrical, Plumbing & Gas Inspectors, into which will be deposited all receipts from fees and fines paid for electrical, plumbing and gas permits, from which costs not to exceed \$85,000.00 for inspections performed, mileage, schooling, supplies, clerical wages, equipment and other related miscellaneous expenses may be expended without further appropriation by the Electrical, Plumbing and Gas departments. Any fund balance in excess of \$40,000.00 at the end of the fiscal year will be transferred into the General Fund, and/or take any other action relative thereto.

BUILDING DEPARTMENT

FINANCE COMMITTEE:

ARTICLE 15

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Board of Selectmen into which will be paid receipts from the additional License Fee, from which costs not to exceed \$100,000.00 for cable services, equipment and/or supplies may be expended without further appropriation by the Board of Selectmen, and/or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE 16

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Planning Board into which will be paid all portions of filing fees and other fees collected for the purpose of maintaining the assessors parcel GIS database. These funds may be expended for costs not to exceed \$20,000, and solely for purposes related to maintaining the GIS database, and may be expended without further appropriation by the Planning Board, and/or take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE 17

Revolving Fund for funding defaulted subdivision completion

PLANNING BOARD

ARTICLE 18

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2012, a revolving fund for the Westport Police Department into which will be paid all receipts from Police Cruiser Fees associated with private details, from which costs not to exceed \$50,000.00 for the purchase of cruisers, associated equipment and/or any incurred police cruiser-related expense, not to include salaries, which sum may be expended without further appropriation by the Westport Board of Selectmen, and/or take any other action relative thereto.

POLICE CHIEF

FINANCE COMMITTEE:

ARTICLE 19

To see if the Town will vote to raise and appropriate or transfer from available funds \$125,000.00 to operate the Harbor Enterprise, and/or take any other action relative thereto.

Salaries \$ 50,036.00

Expenses	\$ 63,964.00
Capital Outlay	\$ 11,000.00
Total	\$125,000.00

and that \$125,000.00 be raised as follows:

User Charges	\$125,000.00
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BOARD OF SELECTMEN/HARBORMASTER/WHARFINGER

FINANCE COMMITTEE:

ARTICLE 20

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

Salaries	\$
Capital Outlay	\$
Expenses	\$
Total	\$

and that \$ be raised as follows:

User Charges	\$
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BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE 21

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$40,000.00 to be used by the Board of Assessors to fund fees and expenses to update the Revaluation program mandated by Chapter 797 of the Acts of 1979 to place the Town on a 100% valuation assessment basis, and/or take any other action relative thereto.

BOARD OF ASSESSORS

FINANCE COMMITTEE:

ARTICLE 22

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

FINANCE COMMITTEE:

ARTICLE 23

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 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 2012; and further to reserve for future appropriation a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use; a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources; and a sum of money for the acquisition, creation, and preservation of community housing; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

FINANCE COMMITTEE:

ARTICLE

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 2012 Capital Improvement Planning Program, to determine whether this appropriation shall be raised by borrowing or otherwise, and/or to take any other action relative thereto.

CAPITAL IMPROVEMENT PLANNING COMMITTEE

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to [transfer from the _____ for _____ purposes to the Board of Selectmen for the purpose of conveyance, and] authorize the Board of Selectmen to convey to the Westport Affordable Housing Trust [optional:, for affordable housing purposes,] a parcel of land located at _____, identified on Assessors Map 25 as Lot 55A, and described in a deed recorded with the Bristol South District Registry of Deeds in Book 960, Page 273, which property shall be conveyed on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate [optional:, and further to authorize the Board of Selectmen to accept, on the Town's behalf, an affordable housing restriction on the property ensuring that the property is used for affordable housing in perpetuity]; or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

Medicare Article

FINANCE COMMITTEE

FINANCE COMMITTEE:

ARTICLE

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

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to accept the provisions of M.G.L. Chapter 138, Section 33B authorizing the sale of on-premises alcoholic beverages between the hours of 10:00 a.m. – 12.00 noon on Sundays, and/or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations by deleting **ARTICLE XVII, Vehicles** in its entirety and replacing it with:

ARTICLE XVII

VEHICLES:

1701. UNREGISTERED MOTOR VEHICLES:

It is the intent and purpose of the By-law to promote the health, safety, welfare and convenience of the community by regulating outside storage or maintaining of unregistered motor vehicles for personal use. No person shall place, keep or maintain upon his land, more than one unregistered motor vehicle, for storage or other purposes, except when authorized by a written permit from the Board of Selectmen.

1701.1 Exceptions

This By-Law shall not apply to the following:

- A. Agricultural vehicles in use on an operating farm.
- B. Motor vehicles within a garage or other building.
- C. Any premises licensed under the Provisions of M.G.L. Chapter 140, Sections 54 through 59A.

- D. Any premises licensed under the provisions of the Westport By-Laws Article XXVI - Garage and Service Station Regulations.
- E. Contractor's equipment.

1701.2 Hearing

The original annual permit shall be issued only after written application has been filed with the Board of Selectmen and after the Board of Selectmen hold a public hearing. Notice of the public hearing shall be published by the Board of Selectmen once in a newspaper of general circulation in the Town at least seven (7) days, excluding Saturdays and Sundays, prior to the public hearing; and written notice to the abutters or owners of land lying directly across the street from the property on which the permit is applied for. The cost of the newspaper notice and abutter notification of the hearing shall be borne by the applicant. The notice shall contain the name and address of the applicant, the address of the premises to be licensed, a description of the activity to be licensed, and the time, date and place of the hearing.

1701.3 Permit Fee And Term

The permit fee for each location shall be ten (\$10.00) dollars per year or any portion thereof. All permits issued under these regulations shall expire annually on the 31st day of December. Permits may be renewed annually in November and/or December without formal written application or hearing.

1701.4 Temporary Permits

Temporary permits may be issued by the Board of Selectmen to any person for any reason, without a public hearing, for a period not to exceed (30) days.

1701.5 Renewal Permits

Permits may be renewed annually in November and/or December, without formal written application or hearing.

1701.6 Transfers of Permits

Whereas the permits issued hereunder are issued to a specific person and location, any change of ownership or change of location will require an application and public hearing for an original annual permit.

1701.7 Standards

The applicant must show that the proposed activity is not detrimental to the neighborhood. In this regard the Selectmen may impose conditions applicable to each individual permit.

1701.8 Penalty and Enforcement

Any person who shall violate any of the provisions of these By-laws or of the conditions imposed at the time of issuance of the permit shall be subject to a penalty of fifty (\$50.00) dollars per day. Each day the offense continues shall be considered a separate offense. The Board of Selectmen or any police officer through non-criminal disposition, civil mandate action or criminal penalty procedures may enforce this By-law.

1702. MOTOR VEHICLE DEALERS

Any person licensed by the Board of Selectmen under the provisions of M.G.L. Chapter 140, Sections 57 through 69, inclusive, may in the sole discretion of the Board of Selectmen be licensed under these regulations with formal application and hearing.

1702.1 Definition- Motor Vehicle

Shall include motor vehicles as defined by the Massachusetts General Laws and including, but not limited to, automobiles, trucks, recreational vehicles, motor homes, trailers, mobile homes, snowmobiles, motorcycles, trail bikes, mini-bikes, and other forms of motorized or self-powered vehicles.

1702.2 Hearing

The original annual license shall be issued only after written application has been filed with the Board of Selectmen and after the Board of Selectmen holds a public hearing. Notice of the public hearing shall be published by the Board of Selectmen once in a newspaper of general circulation in the Town at least seven (7) days, excluding Saturdays and Sundays, prior to the public hearing; and written notice to the abutters or owners of land lying directly across the street from the property on which the permit is applied for. The cost of the newspaper notice and abutter notification of the hearing shall be borne by the applicant. The notice shall contain the name and address of the applicant, the address of the premises to be licensed, a description of the activity to be licensed, and the time, date and place of the hearing.

1702.3 Permit Fee and Term

The license fee for each location shall be two hundred (\$200.00) dollars per year or any portion thereof. All permits issued under these regulations shall expire annually on the 31st day of December. Permits may be

renewed annually in November and/or December without formal written application or hearing.

1702.4 Transfers of Permits

Whereas the permits issued hereunder are issued to a specific person and location, any change of ownership or change of location will require an application to be filed and a public hearing with abutter notification.

1702.5 Standards

The applicant must show that the proposed activity is not detrimental to the neighborhood. In this regard the Selectmen may impose conditions applicable to each individual permit.

1702.6 Penalty and Enforcement

Any person who shall violate any of the provisions of these By-laws or of the conditions imposed at the time of issuance of the permit shall be subject to a penalty of fifty (\$50.00) dollars per day. Each day the offense continues shall be considered a separate offense. The Board of Selectmen or any police officer through non-criminal disposition, civil mandate action or criminal penalty procedures may enforce this By-law.

1703. TAXI CAB –LIVERY SERVICES

Any person licensed by the Board of Selectmen under the provisions of M.G.L. Chapter 40, Section 22, inclusive, may in the sole discretion of the Board of Selectmen be licensed under these regulations with formal application and hearing.

1703.1 Definitions

Driver/Operator - Any person who operates a vehicle for hire.

Private Livery - A private passenger motor vehicle rented only from a garage or residence of the owner with use restricted to social functions, major airport service, business or visitor touring and similar purposes.

Public Livery - A private passenger motor vehicle that is hired for general passenger-carrying use with or without a taximeter. This type of vehicle may only be requested by call to a dispatcher.

Taxi - A private passenger motor vehicle that is hired for general passenger-carrying use with or without a taximeter. This type of vehicle may be requested by a call to a dispatcher or “hailed” on public ways for securing a ride.

1703.2 Hearing

The original annual license shall be issued only after written application has been filed with the Board of Selectmen and after the Board of Selectmen holds a public hearing. Notice of the public hearing shall be published by the Board of Selectmen once in a newspaper of general circulation in the Town at least seven (7) days, excluding Saturdays and Sundays, prior to the public hearing; and written notice to the abutters or owners of land lying directly across the street from the property on which the permit is applied for. The cost of the newspaper notice and abutter notification of the hearing shall be borne by the applicant. The notice shall contain the name and address of the applicant, the address of the premises to be licensed, a description of the activity to be licensed, and the time, date and place of the hearing.

1703.3 Permit Fee and Term

The license fee for each location shall be two hundred (\$200.00) dollars per year or any portion thereof. All licenses issued under these regulations shall expire annually on the 31st day of December. Permits may be renewed annually in November and/or December without formal written application or hearing.

The license fee for each individual driver shall be twenty (\$20.00) dollars per year or any portion thereof. All driver licenses issued under these regulations shall expire in two (2) years from date of issuance.

1703.4 Transfers of Licenses

Whereas the license issued hereunder are issued to a specific person and location, any change of ownership or change of location will require an application to be filed and a public hearing with abutter notification.

1703.5 Vehicles

All vehicles for hire shall be properly registered, inspected and insured per requirements of the Commonwealth. The taxi business / livery service owner shall provide the Board of Selectmen with a Certificate of Insurance, which will include a statement from the insurance company issuing the policy indicating that the policy shall not be canceled without a minimum of five (5) days notice to the Board of Selectmen.

All taxicabs and public livery vehicles shall have the business name indicated on both sides of the vehicle. The interior and exterior of said vehicles shall be clean and sanitary at all times.

All taxicabs are subject to inspection by the Board of Health, Police Department, Board of Selectmen, or duly appointed inspector for compliance with this By-law.

1703.6 **Fares**

All taxi businesses which choose to operate through a metered system shall have approved metering devices installed and shall have these devices sealed annually by the Inspector of Weights and Measures in accordance with MGL Chapter 98, Section 45 and conform to N.B.S. standards. All taxi businesses which choose to operate through a zoned system shall include with the license application a map or listing of such zones and the charges thereof and have on display in each taxi vehicle.

1703.7 **Daily Log**

A daily log shall be maintained by each taxi driver and shall contain the driver's name, vehicle identification, date and time of fare pickup, destination, and the date and time of drop off. Said log shall be kept in an orderly manner and readily available for inspection by the Board of Selectmen or the Police Department, acting as agents for said Authority. The Licensee shall maintain a file of said logs for a term of two (2) years.

1703.8 **Standards**

The applicant must show that the proposed activity is not detrimental to the neighborhood. In this regard the Selectmen may impose conditions applicable to each individual permit.

In addition to every Taxi Cab or Livery Service business being licensed, each individual driver of a Taxi Cab or Livery Service business must be individually licensed by the Board of Selectmen after being approved by the Police Chief.

All license applications will be reviewed by the Town's Zoning Enforcement Officer before being acted upon by the Board of Selectmen.

1703.9 **Penalty and Enforcement**

Any person who shall violate any of the provisions of these By-laws or of the conditions imposed at the time of issuance of the permit shall be subject to a penalty of fifty (\$50.00) dollars per day. Each day the offense continues shall be considered a separate offense. The Board of Selectmen or any police officer through non-criminal disposition, civil mandate action or criminal penalty procedures may enforce this By-law.

1703.10 **Invalidity**

The invalidity of any section shall not affect the validity of any other section of these regulations. The Selectmen or Chief of Police or other ranking officer of the Police Department is authorized to remove to some

convenient place through an agency of a person either public or private, if private chosen on the basis of competitive bids, any vehicles parked on a public way or standing any way under the control of a municipality in such manner as to impede in any way the removal or plowing of snow and ice, or in violation of any rule or regulation regulating parking or standing. The reasonable cost thereof shall be borne by the owner not to exceed the amount set by Massachusetts Department of Public Utilities, and storage charges not to exceed five dollars (\$5.00) for each twenty-four hour period.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations, by deleting “**ARTICLE VIII, JUNK DEALERS**” in its entirety and replacing it with:

ARTICLE VIII

JUNK YARDS

0801. No person shall operate a Class III – Motor Vehicle Junk Yard without application to the Board of Selectmen. The process for application shall include a public hearing and notification to abutters. The approved licensee shall operate under the Town Bylaws, Zoning Rules & Regulations and the MGL Chapter 140. The Class III License will be renewed annually.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following article:

ARTICLE LVII

ANTIQUA DEALERS/PAWN BROKERS/JUNK COLLECTORS

5701. No person shall be collector of or a dealer in junk, old metals, precious metals, or second-hand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals, precious metals, or second-hand articles, unless licensed therefore by the Town Clerk. The Town Clerk shall receive at least thirty (\$30.00) dollars for each license so granted.

5702. REQUIREMENT THAT RECORDS BE KEPT, PROVIDED AND RETAINED

5702.1 Computerized Records

Every keeper of a shop or business involved in purchase, sale or barter of junk, old metals, precious metals, or secondhand articles, referred to as shopkeeper for the purposes of this article, shall keep a computerized record of style and design approved by the Chief of Police. Included shall be all transactions of purchases, which shall be recorded in the English language, and reflect the amount of purchase.

5702.2 Identification of Customer

For all purchases, every shopkeeper shall also require positive identification and record the type of identification, identification number and the date of birth from any person selling any article. Positive identification shall mean any picture identification card issued by a government agency.

5702.3 Requirement That Records Be Kept, Provided and Retained

The shopkeeper shall record the name and residence, date of birth, and social security number of the person selling or pledging such articles. The shopkeeper shall furnish a correct and complete record of such transactions by an approved method once daily, or as otherwise determined, by the Chief of Police to the Westport Police Department. The above- described records shall be transmitted electronically in a specifically stored format along with any other information deemed necessary by the Chief of Police, or his designee. No entry or said records shall be erased, obliterated, defaced, or changed.

5702.4 Photographs Required

Every shopkeeper shall photograph any persons pawning, selling or pledging articles and keep such photographs with said records. The required photographs shall be clear and of such quality that the person pawning, selling or pledging the items can be clearly identified. A photograph shall be required each time a person makes a separate transaction. The photographs shall be stored in a digitized format. The image must be retrievable and a clear copy provided to police upon request.

5702.5 Accurate Transaction Record Required

The transaction records shall accurately describe all items including but not limited to, all distinguishing marks, model names or number, and serial numbers. Any etchings or engravings will be noted. Any jewelry

with affiliation of any institution or organization shall include the name and year indicated along with inscribed initials. Jewelry items inventoried shall include a complete description to include the material, ring size, weight, chain length, shapes, carat weight and color. Coins, stamps, collectable cards, autographed items, figurines, or other collectibles of any description, including but not limited to all of the following which may apply: particular identifying features such a name of item, date, denomination, color, size, brand name, vintage, and image represented. The Chief of Police or his designee may amend required elements of the description, by written notice to the Licensee.

5702.6 Inventory of Media

All forms of media transmission whatsoever, (cassette or video tapes, compact disc, DVD, electronic games, game cartridges, etc. or any future medium developed) shall be inventoried by the title and artist. Any electronic, or computer or computer associated equipment of software shall have its identifying numbers and titles inventoried.

5702.7 All records required to be maintained by these regulations or by any other statute, rule or regulation shall be maintained for the time required by the controlling statute, rule or regulation, but in no event shall any records be maintained for less than two years. Such records shall at all times be open for the inspection of the Westport Board of Selectman, or any person authorized by it to make such inspection, and to members of the Police Department.

5702.8 No shopkeeper shall purchase or take in any item if it appears that such items has had any serial numbers or any other identifying marks, forged, altered, or obliterated. For the purpose of this rule, identifying marks shall include but not be limited to engravings, initials, or similar inscriptions.

5703. PAWNBROKERS - REQUIREMENT THAT RECORDS BE KEPT PROVIDED AND RETAINED

5703.1 Computerized Records

Every pawnbroker doing business in the town shall keep a computerized record of style and design approved by the Chief of Police. Included shall be all transactions of pawn loans and purchases, which shall be recorded, in the English language. A clear distinction shall be made between pawned items and purchased items and shall reflect the amount of the pawn of purchase.

5703.2 Identifications of Customer

For all loans and purchases, every pawnbroker shall also require positive identification and record the type of identification, identification number

presented and date of birth from any person pawning, selling or pledging any article. Positive identification shall mean any picture identification card issued by a government agency.

5703.3 **Requirement That Records Be Kept, Provided and Retained**

The pawnbroker shall record the name and residence, date of birth, and social security number of the person pawning, selling or pledging such articles. The pawnbroker shall furnish a correct and complete record of such transactions by an approved method once daily, or as otherwise determined, by the Chief of Police, to the Westport Police Department. The above-described records shall be transmitted electronically in a specifically stored format along with any other information deemed necessary by the Chief of Police, or his designee. No entry of said records should be erased, obliterated, defaced, or changed.

5703.4 **Photographs Required**

Every pawnbroker shall photograph any person pawning, selling or pledging articles and keep such photographs with said books as part of his records. The required photographs shall be clear and of such quality that the person pawning, selling or pledging the items can be clearly identified. A photograph shall be required each time a person makes a separate transaction. The photographs shall be stored in a digitized format. The image must be retrievable and a clear copy provided to police upon request.

5703.5 **Accurate Transaction Record Required**

The transaction records shall accurately describe all items including but not limited to, all distinguishing marks, model names or number and serial numbers. Any etching or engravings will be noted. Any jewelry with affiliation of any institution or organization shall include the name and year indicated along with inscribed initials. Jewelry items inventoried shall include a complete description to include the material, ring size, weight, chain length, shapes, carat weight and color, coins, stamps, collectable cards, autographed items, figurines, or other collectibles of any description, including but not limited to all of the following which may apply: particular identifying features such a name of item, date, denomination, color, size, brand name, vintage, and image represented. The Chief of Police or his designee may amend required elements of the description, by written notice to the Licensee.

5703.6 **Inventory of Media**

All forms of media transmission whatsoever, (cassette or video tapes, compact disc, DVD, electronic games, game cartridges, etc. or any future medium developed) shall be inventoried by the title and artist. Any

electronic, or computer or computer associated equipment of software shall have its identifying numbers and titles inventoried.

5703.7 All records required to be maintained by these regulations or by any other statute, rule or regulation shall be maintained for the time required by the controlling statute, rule or regulation, but in no event shall any records be maintained for less than three years. Such records shall at all times be open for the inspection of the Westport Board of Selectman, or any person authorized by it to make such inspection, and to members of the Police Department.

and/or take any other action relative thereto.

POLICE CHIEF/BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following article:

ARTICLE LVIII

BOARD OF SELECTMEN

5801. TERM OF OFFICE, COMPOSITION

There shall be a Board of Selectmen consisting of five members elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

5802. VACANCY

Vacancies in the office of selectmen shall be filled by special election in accordance with provisions of Massachusetts General Laws.

5803. POLICY AND EXECUTIVE LEADERSHIP

The Board of Selectmen shall serve as the chief executive of Town government and set policy and provide strategic direction in the best interest of the Town as a whole.

5804. POWERS, DUTIES, AND RESPONSIBILITIES

Except as otherwise provided in Town By-Laws, the Board of Selectmen shall exercise the executive functions given to the Board under the constitution and the General Laws of the Commonwealth, and such additional powers and duties as may be authorized by By-Law or Town Meeting vote.

- 5804.1** The Board of Selectmen's executive responsibilities include, among others, establishing and overseeing Town government personnel and procurement systems, managing Town government facilities, and the conduct of all union negotiations for Town employees.
- 5804.2** The Board of Selectmen shall cause the laws, By-Laws, and orders for the government of the Town to be enforced and shall cause a record of all its official acts kept. The Board of Selectmen shall ensure that Town government personnel regulations and procurement systems, as well as the terms of the union contracts are available to the public.
- 5804.3** The Board of Selectmen shall act as the licensing authority of the Town. The Board of Selectmen shall establish rules and regulations for the issuance of licenses, and shall grant licenses following these rules and regulations. The Board of Selectmen shall enforce, or cause to be enforced, the laws and the rules and regulations relating to businesses required to have Town-issued licenses. The Board of Selectmen shall have the power to establish conditions and impose restrictions it considers to be in the public interest. The Board of Selectmen may establish and appoint members of a Licensing Board to which it may delegate some of its authority. Should such a Licensing Board be established, it shall consist of three (3) members and serve three-year terms. The initial appointments to the Licensing Board shall consist of one member for a one-year term, one member for a two-year term, and one member for a three-year term. Each appointment thereafter shall be for a three-year term.

5805. APPOINTING POWERS

- 5805.1** The Board of Selectmen shall appoint a Town Administrator as the chief administrative officer of the Town and may delegate its authority, from time to time, to the Town Administrator. Nevertheless, the ultimate responsibility and accountability for those delegated powers and duties reside with the Board of Selectmen.
- 5805.2** The Board of Selectmen shall appoint all Town employees for whom no other appointment or election provision is made in the Town By-Laws or Massachusetts General Laws.
- 5805.3** The Board of Selectmen shall appoint members of all boards, committees, and commissions, for whom no other appointment or election provisions is made in Town By-Laws or Massachusetts General Laws. The Board shall issue terms of reference for such bodies and establish their reporting requirements.

5806. INTER-GOVERNMENT RELATIONS

Members of the Board of Selectmen shall represent the Town on federal, state, regional, and inter-municipal committees, or may designate a town employee or other person to represent the Town; and/or take any other action relative thereto.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following article:

ARTICLE LVIX

TOWN ADMINISTRATOR

5901. APPOINTMENT; QUALIFICATION, TERM

5901.1 The Board of Selectmen shall appoint a Town Administrator for a term up to three years.

5901.2 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 shall have the minimum of a Bachelors Degree, preferably a Masters Degree, in Public Administration, Public Policy, Business Management or related field; at least five (5) years experience in upper level executive positions: or equivalent combination of education and experience.

5901.3 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.

5902. RELATIONSHIP OF TOWN ADMINISTRATOR TO THE BOARD OF SELECTMEN

The Town Administrator serves as the chief administrative officer for the executive branch of Town government, with the exception of the powers expressly given to the School Committee and the School Department. The Board of Selectmen may delegate to the Town Administrator some of its powers and duties as Chief Executive. (See Article LVIII).

5902.1 The Town Administrator shall organize all arrangements for the effective functioning of the Office of the Board of Selectmen. The Town

Administrator, in consultation with the Board of Selectman Chair, shall prepare the agenda for the Board of Selectmen meetings. The Town Administrator shall track issues/complaints, and advise the Board of Selectmen Chair about the status of all relevant steps being taken through normal administrative channels.

5903. 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 the Acting Town Administrator.

5904. PROCEDURE FOR REMOVAL OF TOWN ADMINISTRATOR

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

5905. POWER AND DUTIES

The Town Administrator serves as the chief administrative officer, financial coordinator, and chief procurement officer of Town government, except for those powers expressly given to the School Committee and the School Department. The Town Administrator oversees the administration of Town government systems for all Town offices, boards, commissions, committees, and departments, whether managed by the Board of Selectmen or other elected officials or boards.

5905.1 The Town Administrator oversees implementation of the Town government personnel system. She/he monitors implementation of personnel policies, practices, and rules and regulations, any compensation plan and any related matter for all municipal employees, except for School Department employees. In addition, for those department heads and staff under supervision of the Board of Selectmen, the Town Administrator shall conduct the first round reviews for the annual performance evaluation of these employees and forward his/her recommendations to the Board of Selectmen.

5905.2 The Town Administrator serves as the Town government's financial coordinator. He/she coordinates the Financial Management Team (See Article LX). The Town Administrator is responsible for coordinating all steps to prepare the annual town-wide operating budget for submission to the Finance Committee. The Town Administrator participates as a member of the Capital Improvement Planning Committee.

5905.3 The Town Administrator serves as the Town's chief procurement officer. He/she oversees all procurement done using town funds, except that of the School Department, and monitors implementation of procurement

regulations issued by the Commonwealth and by the Town.

5905.4 The Town Administrator is responsible for management of all Town government facilities, except for those of the School Department. These responsibilities include, among others, safety, maintenance, furnishing, and use of space.

5905.5 The Town Administrator performs other duties as required by contractual agreement with 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

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following article:

ARTICLE LX

FINANCIAL MANAGEMENT TEAM

6001. COMPOSITION

The Town Administrator shall schedule monthly meetings among the Town Accountant, Treasurer, Tax Collector, School business official, Chair of the Board of Assessors, and Town Administrator to open lines of communication between and among town departments and officers. The Chair of the Finance Committee shall be invited to participate. The agenda will include, among others, updates on budget expenditures, progress of Department of Revenue (DOR) submissions, and discussion on information, goals, deadlines, and individual's roles in such processes. The financial management team is not intended to serve as policy-making role, but rather an information and advisory role to the Board of Selectmen and the Finance Committee.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following article:

ARTICLE LXI

ILLICIT DISCHARGE

6101. PURPOSE

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

6101.1 The objectives of this By-Law are:

- a.** To prevent pollutants from entering Westport's municipal separate storm sewer system (MS4);
- b.** To prohibit illicit connections and unauthorized discharges to the MS4;
- c.** To require the removal of all such illicit connections;
- d.** To comply with state and federal statutes and regulations relating to stormwater discharges; and
- e.** To establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.

6102. DEFINITIONS

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

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

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

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

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

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

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

Illicit Discharge - Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection 4, of this By-Law.

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

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

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

Person - Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agency, public or quasi-public corporation or body, the Town of Westport, and any other legal entity, its legal representatives, agents, or assigns.

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

- a. Paints, varnishes, and solvents;
- b. Oil and other automotive fluids;
- c. Non-hazardous liquid and solid wastes and yard wastes;

- d. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- e. Pesticides, herbicides, and fertilizers;
- f. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- g. Dissolved and particulate metals;
- h. Animal wastes;
- i. Rock, sand, salt, soils;
- j. Construction wastes and residues; and
- k. Noxious or offensive matter of any kind.

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

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

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

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

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

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

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

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

6103. APPLICABILITY

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

6104. AUTHORITY

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

6105. ADMINISTRATION

The Board of Selectmen is delegated hereby the responsibility and authority to administer, implement and enforce this By-Law. The Board of Selectmen may appoint the Highway Surveyor or such other Town employee as the Board of Selectmen may from time-to-time determine and designate in writing to aid the Board of Selectmen in the enforcement and/or administration of the By-Law.

6105.1 Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town Engineer, and other employees designated by the Board of Selectmen may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the Town Engineer deems reasonably necessary.

6106. REGULATIONS

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

6107. PROHIBITED ACTIVITIES

6107.1 **Illicit Discharges** - No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, into a wetland resource area, or into the waters of the Commonwealth.

6107.2 **Illicit Connections** - No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

6107.3 **Obstruction of Municipal Storm Drain System** - No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Highway Surveyor or the Town Engineer.

6108. EXEMPTIONS

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

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

- a.** Waterline flushing and flow from potable water sources;
- b.** Springs, natural flow from riparian habitats and wetlands, diverted stream flow and rising groundwater;
- c.** Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- d.** Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, sump pumps or air conditioning condensation;
- e.** Discharge from landscape irrigation or lawn watering;
- f.** Water from individual residential car washing;
- g.** Discharge from dechlorinated swimming pool or hot tub water (less than one ppm chlorine) provided the pool or hot tub is drained in such a way as not to cause a nuisance;
- h.** Discharge from street sweeping, discharge of sand and deicers used for public safety purposes;
- i.** Emergency repairs to the municipal storm drain system, and any stormwater management structure or practice that poses a threat to public health or safety, or as deemed necessary by the Highway Surveyor or the Town Engineer;
- j.** Dye testing, provided verbal notification is given to the Highway Surveyor or the Town Engineer prior to the time of the test;
- k.** Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the

Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

- I. Discharge for which advanced written approval is received from the Highway Surveyor or the Town Engineer as necessary to protect public health, safety, welfare or the environment.

6109. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

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

6110. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants into the municipal drainage system, a wetland resource area or the waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Highway Surveyor or the Town Engineer. In the event of a release of non-hazardous material, the reporting person shall notify the Highway Surveyor or the Town Engineer no later than the next business day. The reporting person shall provide to the Highway Surveyor or the Town Engineer written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

6111. ENFORCEMENT

6111.1 The Board of Selectmen, the Highway Surveyor, or other authorized agent of the Board of Selectmen shall enforce this By-Law and any regulations, and may pursue all civil and criminal remedies for violations.

6111.2 **Civil Relief** - If a person violates the provisions of this By-Law or regulations, or of any permit, notice or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

6111.3 **Orders** - The Highway Surveyor or other authorized agent of the Board of Selectmen may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include:

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

6111.3.1 If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

6111.3.2 Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town including administrative costs.

6111.3.3 The violator or property owner may file a written protest objecting to the amount or basis of costs with the Highway Surveyor within thirty (30) days of receipt of the notification of the costs incurred.

6111.3.4 If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Highway Surveyor affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

6111.4 **Criminal Penalties**

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

6111.5 Non-Criminal Disposition

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

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300

Each day a violation exists shall constitute a separate violation.

6112. APPEALS

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

6112.1 Remedies Not Exclusive - The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

6113. SEVERABILITY

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

6114. TRANSITIONAL PROVISIONS

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

and/or take any other action relative thereto.

BOARD OF SELECTMEN/BOARD OF HEALTH/
CONSERVATION COMMISSION/PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend its By-Laws and Regulations, **Article XXXVII, Section 3702, “Non-Criminal Disposition”** by deleting”

3702.5A Youth Access Tobacco Control Regulation, Section 10 Violations and Penalties:

Any person who violates the provisions of this regulation shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and three hundred dollars (\$300.00) for the third and each subsequent offense within a twelve-month period.

3702.5B Environmental Tobacco Smoke Regulation – Municipal Buildings & School Grounds, Section 8.0 Non-Criminal Disposition:

Whoever violates any provisions of this regulation, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each violation shall be deemed to be a separate offense.

Penalty: \$50.00 for first offense; \$75.00 for second offense; \$100.00 for the third offense.

Enforcing Persons: Westport Police Dept., Westport Board of health and its designees.

and replacing it with:

3702.5A Sale of Tobacco Products to Minors Regulation, Section J:

Any person who violates this regulation shall be subject to a fine of one hundred dollars (\$100.00) for the first offense; two hundred dollars (\$200.00) for the second offense within twenty-four (24) months of the date of the first violation and the sales permit shall be suspended for seven (7) consecutive business days; three hundred dollars (\$300.00) occurring within twenty-four (24) months of a current violation and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.

A violation shall be considered a first violation in cases where no violation has occurred during the previous twenty-four (24) months, even though there may be previous violations on record.

3702.5B Environmental Tobacco Smoke Regulation – Municipal Buildings & School Grounds-Section 8.0 & Smoking Ban-Section 6.0 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 offense, 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 within two (2) years of the second offense. An individual or person who violates this regulation by smoking in a place where smoking is prohibited shall be subject to a civil penalty of one hundred dollars (\$100.00) for each violation.

and/or take any other action relative thereto.

BOARD OF HEALTH

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend **Article 2, “Administration,”** of the Zoning By-Laws by deleting:

2.4.2.1 Permits and Special Permits

To hear and decide on applications for permits and/or special permits as provided by sections of this By-Law when it shall be found that the use involved is in harmony with the general purpose and intent of the By-Law, subject to appropriate conditions, safeguards, and limitations on time and use.

and replacing it with:

2.4.2.1 Permits and Special Permits

To hear and decide on applications for permits, which shall include administrative findings made regarding nonconforming uses under Section 4.1 and special permits as provided by sections of this By-Law, when it shall be found that the use involved is in harmony with the general purpose and intent of the By-Law, if the use is subject to appropriate conditions, safeguards, and limitations on time and use.

and/or take any other action relative thereto.

PLANNING BOARD/ZONING BOARD OF APPEALS

FINANCE COMMITTEE:

ARTICLE

Low Impact Development Zoning By-Law and appurtenant amendments

PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE

Driveways and Common Driveway Zoning By-Law

PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE

Flexible Frontage Zoning By-Law

PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE

Inclusionary Housing Zoning By-Law revision

PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to amend the Personnel By-Laws by deleting in its entirety **SECTION 5. COMPENSATION PLAN, SUB-SECTION E., SCHEDULE A.** and replacing it with:

SECTION 5. COMPENSATION PLAN

E. SCHEDULE A

<u>Department/Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
BOARD OF APPEALS				
Principal Clerk	2	-20	Hourly	PT
BOARD OF ASSESSORS				
Assistant Assessor/Appraiser	1	R	Salary	FT
Office Manager	2	35	K-A	FT
Principal Clerk	2	35	K-A	FT
Senior Clerk	2	35	K-A	FT
Clerk	2	35	K-A	FT
BOARD OF HEALTH				
Senior Health Agent	6	40	K-A	FT

Health Agent	6	40	K-A	FT
Health Agent	6	30	K-A	PT
Assistant Agent/Operator	6	40	K-A	FT
Public Health-Nurse	6	30	Hourly	PT
Animal Control Officer	6	R	Salary	PT
Principal Clerk	2	35	K-A	FT
Senior Clerk	2	35	K-A	FT
Recycling Monitor/Agent Operator	4	40	K-A	FT
Sanitary Landfill Worker	4	40	K-A	FT
Recording Clerk	2	-20	Hourly	PT

BOARD OF SELECTMEN

Town Administrator	1	R	Salary	FT
Secretary	2	40	Hourly	FT
Confidential Clerk	2	40	Hourly	FT
Floating Clerk	2	+20	K-A	PT
Data Processing Coordinator	1	R	Annual	PT
Grant Program Manager/Writer	2	40	Hourly	FT
Grant Clerk	2	-20	Hourly	PT
Housing Rehab Specialist	2	N	Hourly	PT

BOARD OF SELECTMEN/INSPECTORS

Clerk	2	+20	K-A	PT
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BUILDING

Inspector/Zoning Enforcement Officer	7c	40	Salary	FT
Local Inspector	7c	40	K-A	FT
Principal Clerk	2	35	K-A	FT
Senior Clerk	2	30	K-A	PT
Gas/Plumbing Inspector	7c	R	Per Inspection	PT
Assistant Gas/Plumbing Inspector	7c	R	Per Inspection	PT
Wire Inspector	7c	R	Per Inspection	PT
Assistant Wire Inspector	7c	N	Per Inspection	PT

CABLE ADVISORY

Public Access Coordinator	2	35	Hourly	FT
Public Access Coordinator	2	-20	Hourly	PT
Public Access Equipment Operator	2	-20	Hourly	PT

CEMETERY

Working Foreman	4	40	K-A	FT
Laborer	4	40	K-A	FT
Laborer	4	N	Hourly	S

COMMUNITY PRESERVATION COMMITTEE

Recording Clerk	2	-20	Hourly	PT
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CONSERVATION COMMISSION/SOIL CONSERVATION BOARD

Agent	7c	40	K-A	FT
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Assistant Agent	2	-20	Hourly	PT
Principal Clerk	2	35	K-A	FT
COUNCIL ON AGING				
Director	1	40	Salary	FT
Principal Clerk	2	40	K-A	FT
Outreach Worker	2	-20	Hourly	PT
Social Day Care Director	2	24	Hourly	PT
Assistant Social Day Care Director	2	-20	Hourly	PT
Elder Visitor	2	-20	Hourly	PT
Volunteer Coordinator	2	-20	Hourly	PT
Van Driver	4	-20	Hourly	PT
Transportation Clerk	2	-20	Hourly	PT
CUSTODIAL/MAINTENANCE				
Town Hall/Annex/Police Station Principal Maintenance Specialist	3	40	K-A	FT
Town Hall/Annex/Police Station Maintenance Specialist	3	40	K-A	FT
Library/Senior Center Maintenance Specialist	3	40	K-A	FT
FINANCE COMMITTEE				
Recording Clerk	2	-20	Hourly	PT
FIRE DEPARTMENT				
Chief	1	R	Salary	FT
Deputy Chief	1	R	Salary	FT
Captain	7b	42	K-D	FT
Lieutenant	7b	42	K-D	FT
Firefighter	7b	42	K-D	FT
Administrative Assistant	2	35	Hourly	FT
Principal Clerk	2	35	K-A	FT
Dispatcher	7b	N	Hourly	PT
Call Firefighter	7b	N	Hourly	PT
Call Firefighter/EMT	7b	N	Hourly	PT
Call Firefighter/Paramedic	7b	N	Hourly	PT
HARBORMASTER				
Harbormaster	7c	R	Annual	PT
Assistant Harbormaster	7c	N	Hourly	PT
HIGHWAY DEPARTMENT				
Working Foreman	4	40	K-B	FT
Clerk	2	40	K-B	FT
Skilled Laborer/Truck Driver	4	40	K-B	FT
Skilled Laborer/Light Truck Driver	4	40	K-B	FT
Special Equipment Operator	4	40	K-B	FT
Temporary Laborer/Truck Driver	4	N	Hourly	S

HOUSING PARTNERSHIP COMMITTEE

Recording Clerk	2	-20	Hourly	PT
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LANDING COMMISSION

Recording Clerk	2	-20	Hourly	PT
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LIBRARY

Director	1	R	Salary	FT
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Assistant Director/ Children's Librarian	5	35	K-A	FT
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Principal Clerk	5	+20	K-A	PT
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Library Aide	5	-20	Hourly	PT
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Library Substitute	5	-20	Hourly	PT
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PERSONNEL BOARD

Clerk	2	N	Hourly	PT
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PLANNING BOARD

Town Planner	1	R	Salary	FT
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Assistant Town Planner	2	40	Salary	FT
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Principal Clerk	2	35	K-A	FT
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POLICE DEPARTMENT

Chief	1	R	Salary	FT
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Deputy Chief	1	R	Salary	FT
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Lieutenant	7a	37.3	K-C	FT
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Sergeant	7a	37.3	K-C	FT
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Detective	7a	37.3	K-C	FT
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Patrolman	7a	37.3	K-C	FT
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Administrative Assistant	2	35	Hourly	FT
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Reserve Officer	7a	N	Hourly	PT
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Dispatcher	2	35	K-A	FT
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E-911 Dispatcher	2	37.5	K-A	FT
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E-911 Dispatcher	2	-20	Hourly	PT
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REGISTRAR OF VOTERS

Assistant Registrar	2	+20	K-A	FT
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Registrar Clerk	2	N	Hourly	PT-S
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**SEALER OF WEIGHTS
& MEASURES**

7c	R	Annual	PT
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SHELLFISH

Constable/Wharfinger	1	R	Salary	FT
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Deputy Constable	7c	N	Hourly	PT
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TAX COLLECTOR

Assistant Collector	2	35	K-A	FT
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Principal Clerk	2	35	K-A	FT
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Clerk	2	N	Hourly	PT-S
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TOWN ACCOUNTANT

Accountant	1	R	Salary	FT
Assistant Town Accountant	2	35	K-A	FT

TOWN BEACH

Head Lifeguard	8	40	Hourly	S
Lifeguard	8	40	Hourly	S
Lifeguard	8	-20	Hourly	S

TOWN CLERK

Assistant Town Clerk	2	35	K-A	FT
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TOWN TREASURER

Assistant Treasurer	2	35	K-A	FT
Principal Clerk	2	35	K-A	FT
Senior Clerk	2	+20	K-A	PT

VETERANS SERVICES

Agent	1	R	Salary	FT
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***NOTE:** Employees covered by Union Contracts are included in this schedule for informational purposes only. The provisions of these By-Laws do not pertain to such employees, except where clarification is needed.

BOARD OF SELECTMEN/PERSONNEL BOARD

FINANCE COMMITTEE:**ARTICLE**

To see if the Town will vote to revoke Article 20 of the April 2001 Annual Town Meeting and the March 11, 2002 Town Election, which was as follows:

To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under such Act, to determine the amount of such surcharge on real property as a percentage of not more than three percent of the annual real estate tax levy against real property, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2002; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; and/or take any other action relative thereto.

BY PETITION

FINANCE COMMITTEE:**ARTICLE**

To see if the Town will vote against the Board of Selectmen to petition the Federal Government to designate the Westport Rivers/River as a component of the national Wild and Scenic Rivers System in accordance with an initiative of the Westport Rivers Watershed Alliance and others, and/or take any other action relative thereto.

BY PETITION

FINANCE COMMITTEE:

ARTICLE

To see if the Town will vote to accept the layout as a public way of Morning Dove Drive, 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/PLANNING BOARD

FINANCE COMMITTEE:

ARTICLE

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

FINANCE COMMITTEE:

ARTICLE

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

FINANCE COMMITTEE:

ARTICLE

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

BOARD OF SELECTMEN/FINANCE COMMITTEE

FINANCE COMMITTEE:

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
MAY 3, 2011**

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 24, 2011 at 7:15 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 and/or transfer from 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, 2010, and/or take any other action relative thereto.

BOARD OF SELECTMEN

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT</u>
Animal Control Officer Personal Services	Animal Control Officer Expenses	\$ 2,000.00
Transfer Station Expenses	Transfer Station Personnel Services	\$ 250.00
Highway Department Personal Services	Highway Department Expenses	\$

FINANCE COMMITTEE:

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

Frank Corp. Environmental Services	\$ 1,955.86
Kopelman and Paige, P.C.	\$24,575.93 (FY09)
Kopelman and Paige, P.C.	\$51,437.35 (FY10)

FINANCE COMMITTEE: