



The Selectboard
TOWN OF WESTHAMPTON
TOWN HALL
1 SOUTH ROAD
WESTHAMPTON, MASSACHUSETTS 01027

MINUTES of the MEETING
Monday, January 3, 2023, at 7:00 PM

The Westhampton Selectboard scheduled a regular meeting to be held on Monday, January 3, 2023, at 7:00 PM at the Town Offices, 1 South Road, and via video-conference.¹

Call to Order

The meeting was called to order at 7 PM by Phil Dowling, Chair.

PRESENT: Phil Dowling, Scott Johndrow

ALSO PRESENT: Mr. Bill Jablonski (Highway Superintendent); Mr. Douglas Finn; Mr. Scott Start; Ms. Melissa Start; Ms. Katch Bachelor

PRESENT BY REMOTE CONFERENCE: Maureen Dempsey; Mark Cappadona; Mark Bushee; Robby Armenti

PRESENTATION on MUNICIPAL ENERGY AGGREGATION

Mark Cappadona, Colonial Power Group, Inc.

Mr. Mark Cappadona, Colonial Power Group, made a presentation in regard to Energy Aggregation; Mr. Cappadona noted that any process would require a Town Meeting vote. Draft language for a town meeting vote was presented for review. Mr. Cappadona noted a number of steps necessary for the town to fully adopt municipal aggregation.

After the presentation, Mr. Cappadona fielded questions from the Selectboard.

Mr. Dowling: As a percentage of current costs, what could customers expect to save? Mr. Cappadona: historically, eight to ten percent on average.

Mr. Dowling thanked Mr. Cappadona for his time, and noted that the town would follow up.

NEW BUSINESS (Taken out of order)

Scott Johndrow: Scott and Melissa Start's "Doggie Day Care" Kennel

The selectboard accepted public comment from Scott and Melissa Start, Todd Alexander (builder), Wally Marek (Building Inspector), Mark Bushee (Board of Health Agent), in regard to a proposal by the Starts to open a Kennel operation at their home on Reservoir Road.

Mr. Alexander noted that, while he is a building inspector for the Town, he represented the Starts as their builder. Mr. Alexander reviewed the record of proceedings of the Zoning Board of Appeals, and the process by which the building permit was reviewed. Mr. Alexander noted certain requirements relative to building code, and that the proposed structure was not anticipated to have any indoor plumbing or septic system connection.

¹ Pursuant to Chapter 20 of the Acts of 2021, the meeting was conducted as a "hybrid" (in-person / remote) meeting. Members of the public could access the meeting in person, or connect via "zoom" teleconferencing via internet – Meeting ID#: 870 4390 0582.

The specific concern of the Board of Health was in relation to a proposed requirement imposed by the Board of Health to require the applicants to apply for a variance from wastewater regulations. The applicants noted that their proposed structure has no water or wastewater service planned, and did not understand why a variance was needed, as no additional loading to the existing septic was anticipated.

Mr. Bushee spoke to his involvement with the project, noting that his first review of the plans were not until October; Ms. Start noted that she had spoken with Mr. Bushee on or about May 18, and described the project.

Mr. Alexander noted again that the proposal does not call for water or wastewater service to the building.

Mr. Dowling reiterated that the Selectboard has no authority to adjudicate the matter; however, he noted that the board of health's review of the original plans should have been completed prior to the special permit public hearing.

Mr. Dowling asked Mr. Bushee what the Board of Health response would be if the applicants were to proceed to build using their building permit as granted?

Mr. Bushee noting that the board of health had suggested a variance, in order to cover the interests of the Town and the Board of Health.

Mr. Dowling reiterated his question.

Mr. Bushee reiterated that a variance would resolve the matter conclusively for all parties.

Mr. Dowling: If they don't get the variance, build the building, and operate their business, what would happen?

Mr. Bushee: I would have to bring it to the State DEP, and ask for their direction, as this appears to me to be a violation of regulations.

Ms. Dempsey: How is a kennel dissimilar to a barn?

There was some discussion, noting that dogs were regulated animals, needed to be licensed, and kennels needed to be inspected.

Mr. Dowling: have other kennels in town required septic systems?

It was noted that other operations included employees, rest-rooms, grooming and bathing stations, and as such required connection to a sanitary facility.

Mr. Start expressed his general frustration at the entire process, and that the Board of Health seemed to be asking the Starts to restart the entire process.

There was some further discussion relative to what steps could be taken to seek definitive direction in regard to the matter (e.g., speak to DEP, speak to Agricultural Commission, etc.)

Mr. Dowling reiterated that the Board of Health operates under its own mandate, and draws its authority from state law; as such the Selectboard can't interfere in their review of operations.

Mr. Alexander again expressed frustration that the concerns raised by the Board of Health were not raised until five months after the first application for a special permit.

Mr. Johndrow: I would not authorize town money to defend the Town's position on this matter in court.

Ms. Dempsey: Agreed.

At that point, Mr. Dowling concluded the conversation, reiterating that the Selectboard did not have real authority in the matter at this point.

Mr. Johndrow noted that his concern with the matter was simply that the matter seemed to

be of general public concern, and as leaders of the community, he felt that the matter deserved to be discussed at this level.

DEPARTMENT AND COMMITTEE UPDATES

Highway (Bill Jablonski)

Mr. Jablonski noted work completed by the department over the past two weeks, including equipment maintenance, and cleanup after a storm that left upward of eight inches of snow in the higher elevations, and another that left 2.5 inches of rain that quickly froze afterward.

WRAP Funding Reimbursement Requests (review and sign)

Mr. Jablonski presented a request for reimbursement of funds through the Winter Road Assistance Program, which the board agreed to sign.

It was MOVED by Dowling, SECONDED by Johndrow

To approve the WRAP reimbursement request of \$52,645.20, and to sign.

VOTED: 3, 0, 0. (7:51 PM)

Perry Hill Road Extension – Bridge Replacement (25% Design)

Mr. Jablonski requested board approval of the 25% design of a bridge on Perry Hill Road Extension that is slated to be replaced within the next two years by Mass DOT.

Mr. Finn noted that the project should not require any takings, and the cost was being borne by Mass DOT.

Health (Robby Armenti)

Ms. Armenti noted that Covid and other respiratory diseases are "on the rise" and placed them at town buildings, recommending that people 'mask up' in town buildings.

The public health nurse continues to meet folks on the second and fourth Wednesdays at the library; this has been very successful.

The Town assessment for the FY2024 has been forwarded to the Finance Committee for review. Ms. Armenti noted that the assessment is slightly less than last year.

New Covid-19 tests are available for public use; placed at the library, Council on Aging, etc.

Foothills Health District bylaws have been reviewed; new copies will be available for all towns.

The FHD is pursuing training for Boards of Health, through the FRCOG.

Public Safety Building (Phil Dowling)

Mr. Dowling noted that the committee had met on site; final inspection on the generator on the 4th; a Certificate of Occupancy is anticipated within the week.

Mr. Marek noted that the vehicle bays had been inspected, but there were still minor outstanding issues remaining to be completed before a full Certificate of Inspection could be issued.

There was some discussion relative to the details of outstanding work necessary for a C/O.

Funding

Mr. Dowling noted that the Selectboard had reserved ARPA funding for the project, but only informally.

Mr. Dowling presented some details as to the level of expenditure to date, including

unanticipated project details that cost additional funds (e.g., improved insulation, vertical retaining wall on west side of lot), and some parts of the scope of work that were omitted, resulting in a credit to the town.

Mr. Dowling noted, that ultimately, up to \$285,000 of ARPA funds could be required to close the funding gap.

It was MOVED by Dowling, SECONDED by Dempsey,

To appropriate \$200,000.00 in ARPA funds for the purpose of Public Safety Building Construction Project.

VOTED: 3, 0, 0 (8:15 PM)

MVP (Teri Anderson)

Mr. Finn noted that the Draft Master Plan continued to be revised. No further news.

NEW BUSINESS (may include items not reasonably anticipated at time of posting)

From Hilltown CDC: CDBG Authorization (review and sign)

Mr. Finn presented a request from the Hilltown CDC for authorization to proceed with the CDBG grant application on behalf of the town.

It was MOVED by Dowling, SECONDED by Johndrow

To approve the application and authorize Mr. Dowling to sign.

3, 0, 0. (8:17 PM)

Class Licenses

Applications for renewal of class II (used car) licenses for Country Automotive, submitted by J & B Auto Sales Repair. After renew, it was MOVED by Dowling, SECONDED by Dempsey

To approve both licenses as presented.

VOTED: 3, 0, 0. (8:19 PM)

Credit Card Policy (review and approve)

Mr. Finn presented a revised Credit Card policy, noting that the policy had been reviewed and approved by the Town Accountant.

After review, it was MOVED by Dowling, SECONDED by Johndrow

To approve the policy as presented.

VOTED: 3, 0, 0. (8:20 PM)

ADMINISTRATIVE

Review Payroll and A/P Warrants: W23-14, WP23-14

Accounts Payable and Payroll Warrants were reviewed.

Ms. Dempsey asked about a Selectboard expense, made payable to Bill Randolph. Mr. Finn noted that Mr. Randolph asked the Conservation Commission to cover an expense related to a training, and the Con Comm budget did not have enough to cover the expense.

Ms. Dempsey asked about the details of a legal bill, which Mr. Finn explained was partly due to an ongoing legal issue related to Pine Island Association's efforts to formalize a road layout.

After further brief deliberation, it was MOVED by Dowling, SECONDED by Johndrow
To approve the A/P Warrant #W23-14.

VOTED: 3, 0, 0 (8:27 PM)

It was MOVED by Dowling, SECONDED by Johndrow
To approve Payroll Warrant #WP23-14.

VOTED: 3, 0, 0 (8:27 PM)

Review Correspondence

A letter from Mass DOT was reviewed. No action taken.

A letter from Ms. Jean Stawarz, asking to assist with the website committee, was reviewed; Mr. Finn recommended appointment (no objection).

A letter from Mass DPU related to an Interloc Order was reviewed. No action.

Mr. Finn also noted that Kestral Land Trust had closed on the property, and would be further dividing the land, permanently conserving the larger portion of the property.

Review / Approve Minutes - December 19, 2022

Minutes from December 19 were distributed for review. It was MOVED by Dowling, SECONDED by Johndrow

To approve the minutes from December 19 as presented.

VOTED 3, 0, 0.

Next Meeting

The date for next meeting – Tuesday, January 17, 2023, 7 PM.

Adjourn

It was MOVED by Dowling, SECONDED by Johndrow
To Adjourn.

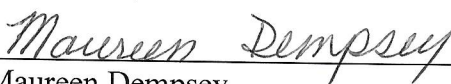
VOTED: 3, 0, 0. (8:30 PM)

Respectfully submitted,
Douglas C. Finn


Approved by a vote of the Selectboard at a regular meeting, held on _____, 2022.



Phil Dowling



Maureen Dempsey



Scott Johndrow