



**SELECTBOARD  
TOWN OF WESTHAMPTON  
TOWN HALL  
1 SOUTH ROAD  
WESTHAMPTON, MASSACHUSETTS 01027**

September 21, 2015

The meeting convened at 7:00PM.

Present were Art Pichette and Phil Dowling; also present were Cheryl Provost, David Blakesley, Terry Donovan, Dave White, Richard Tracy, Bill Tracy, and Steve Holt.

Warrants were signed for:     Payroll: \$65,777.83  
   Vendor: \$101,975.85

Accepted minutes from August 24, 2015.

- Finance Committee: Members present were Ellice Gonzales, Celeste Whiting, Chevey Seney. Ellice reported that the committee was there to discuss their role in town meeting articles. She spoke of past meetings where procedures were not done properly. She then referred to the October 5 articles and spoke of concerns the committee has with articles changing. Phil asked what specifically the committee is objecting to. Ellice replied her concern is of not receiving signed articles and future town meeting articles. Phil replied that they were submitted on August 4 and asked if the committee acted on them. Celeste responded they weren't signed articles. Cheryl replied that signed articles are not required in the bylaw and that the Finance Committee received the final articles on September 3, eighteen days before the warrant posting. The bylaw states fifteen days before the posting. Ellice disputed the process and requested that the meeting be postponed. Phil replied that the process was clear. Art stated that standard procedures are done that way. Sometimes there are changes and if that were to happen it will be presented at town meeting. Ellice stated that in this instance postponing the meeting does not affect anyone. Chevey inquired of the wording of article three. Cheryl replied that it's standard wording and a motion is made on the floor as to the funds and accounts. Furthermore, the Finance Committee also received copies of the motions on September 3. Bill Tracy agreed that it's standard terms. Phil stated that they have a full agenda and he did not see this being resolved at this meeting. He recommended signing the warrant. Ellice proposed to postpone the meeting to set precedence. Celeste had concerns that as elected officials if they agree on a procedure issue that there should be a means to address it. Art agreed that process is important. Time passed the 7:30 deadline to post the warrant. Ellice reported that the Finance Committee is meeting on October 20. Also, they previously agreed to a meeting on October 6 to review the articles if the meeting was postponed. She recommended holding the town meeting on October 26<sup>th</sup> to allow the Finance Committee time to review the articles. The Selectboard does not have a regularly scheduled meeting on the 26<sup>th</sup>. **Phil motioned to rescind the Special Town Meeting called for October 5. Motion passed unanimous.**

- Pole Hearing continuation:  
The pole hearing opened at 7:35p.m. Present for the hearing were Leroy Thomas of Eversource; Peter Montague, petitioner; and David Blakesley. Leroy reported that he reviewed the plans and presented Google maps with pole locations. He identified the current and proposed poles and lines. Currently there is an aerial trespass on Peter's property between two poles. Leroy proposed to install a new pole (4/17) and remove pole 4/B17 from Peter's property. New poles 17m and 4/18 will be place on Chesterfield Road. The line will be run from 4/17 to 17m to 4/18. A new feed line will be run to existing pole 28/56 and 18.1. A new stub pole (4/175) will be installed to secure pole 4/17. David inquired if pole 17m will require a guide wire. Leroy confirmed that it will. David requested that the pole be set back from the road an additional five feet. Leroy stated that can be done. Peter asked Leroy what happened to the original plan. Leroy reported that he did a snow and wind study on the original plan and the run between pole 4/17 and pole 18/1 is too long to withstand the weather. The revised plan resolves the aerial trespass and makes for a straighter run of the lines. It also minimizes tree cutting/removal. Phil motioned to approve the plan as amended. **Voted 2-0 to approve the location of poles 4/17, 4/175 (stub pole), 17m, 18-1, as amended.** The hearing adjourned at 7:48.
- David Blakesley, Highway Superintendent reported:
  - presented Chap. 90 reimbursement request of \$60,482.48 for chip seal; various roads.
  - presented Chap. 90 reimbursement request of \$30,736.64 for reconstruction of King's Highway.
  - presented Chap. 90 reimbursement request of \$1,746.50 for Right of Way (R.O.W.), north Road Bridge.
  - presented Chap. 90 reimbursement request of \$12,033.50, for purchase of an asphalt roller.
  - submitted 291D payment request of \$2,180.18 to Hathaway Construction for drainage stone for North Road.
  - the third party solid waste inspections required by the DEP are in the contract with HRMC. Therefore, there is no need to seek a vendor. Eric Weiss used to do it and Kathleen is working towards a certification.
  - the new truck is back at the body shop being painted and installing lights. Patriot plans to put it in the equipment show in Boxboro this week.
- Timothy Fondakowski formerly submitted a complaint of wet tar on Reservoir Road causing permanent damage to his tires. His insurance company replaced the tires and charged Mr. Fondakowski a \$250.00 deductible. He then submitted an email to the Selectboard requesting payment in the amount of the deductible. Art confirmed with David that signs were posted to notify drivers. David does not support the payment, adding that the highway crew work and drive on the roads. The tar always comes off the tires and causes no permanent damage. Art is not in favor of paying the deductible or submitting it to the insurance company. No action was taken. A notification will be sent to Mr. Fondakowski.
- Marguerite Robbins was present and submitted a request to be appointed to the Insurance Committee to fill a vacancy. **Voted 2-0 to appoint Marguerite Robbins to the Insurance Committee for the term ending 2018.** Elvira Loncto submitting in writing a request to be appointed to the Conservation Commission to fill a vacancy. **Voted 2-0 to appoint Elvira Loncto to the Conservation Commission for the term ending 2018.** Appointment letters will be sent to each.

- Dog Hearing: Present for the hearing were Bruce and Francine Partridge, complainant; George and Linda Munson; dog owner; Terry Donovan, Animal Control Officer; Dave White, Police Chief.

Mr. Partridge reviewed the incidents leading to the complaint, as in the report and as stated on August 24. Mr. and Mrs. Munson reported that they were unaware that their dog was barking when they were not home. They do not allow the dog to bark continuously when they are home. Mr. Munson stated that an attempt to discuss the problem with the Partridges was not received well. Mrs. Munson reported that on one incident she was home alone and heard their dog barking on the screened in porch. When she went to see why she saw a figure in their yard, later discovering it was Mr. Partridge. Incidents between them arose from the dog barking dispute and there are now no trespass orders issued to one another. Art stated that the hearing will stay with the nuisance dog complaint. Terry reported that she canvased the neighborhood and discovered that no other neighbors feel the dog barks excessively. One neighbor did confirm that the dog had barked for an extensive time on Labor Day. Terry discovered that the neighbor's horses had gotten loose and were in the Munson's yard. The Munson's were away so the dog was home alone and was barking at the horses. She also stated that when she went to the Munson's to speak to them it appeared that they were not home. She waited in the driveway a few moments and never heard the dog. She then approached the house and knocked on the door and left a notice. It was not until she knocked that the dog barked. Terry made recommendations to the Munson's to reduce the barking; including closing the front windows that face the Partridge's. Also, when they're away, to have a dog-sitter stay at the house or have the dog boarded. Mr. Munson stated that they have taken measures to prevent the dog from barking. Mr. Partridge acknowledged that he noticed a reduction in the amount of barking. Art stated that he does not warrant declaring it a nuisance dog. He appreciates the Munson's taking the steps they have to reduce the problem and ask that they continue and follow Terry's recommendations. Complaints of dogs should first go to the Animal Control Officer, Terry. A hearing should only be required if there's no resolution. He turned the hearing to Dave White. Dave agreed that it's over and respectfully requested a vote be taken. **Voted 2-0 declaring that the Munson's dog is not a nuisance.**

- Dave LaPrade visited to report of a hollowed out tree at 103 Chesterfield Road. It is a large tree and has been losing limbs. He is concerned of potential damage if it falls. Dave reported it to the Tree Warden but is not aware of any action. Requested the Selectboard to act on it.
- Fall Festival is scheduled for October 18 and the usual road closures are needed. **Voted to close Stage Road from Southampton Road to the center and North Road from Perry Hill/Southampton Road intersection to the center for the Fall Festival on October 18 from 11AM to 6PM.** Dave has scheduled officers for traffic control and will be on duty himself. He also addressed concerns of liability regarding the pumpkin roll.
- KOA Campground: present were John and Sally Kelsey, campground owners; and abutters Ginny Curtis, Ryūmon Baldoquín, and Catharine Hondorp. Art addressed Mr. Kelsey stating that he was asked to come in to discuss the siren and horn. The first letter sent to him was a cease and desist order to stop sounding them. Art explained that the laws pertaining to this are to prevent people from believing that there is an emergency. What concerns the Selectboard is that the business cooperates with the neighbors. Art and John Shaw both visited Mr. Kelsey at the campground regarding this subject. Mr. Kelsey reported that he

removed the siren since the meetings. Also, that he's the only operator of the truck so no one else could sound it. Furthermore, other vehicles have horns and he was not aware they were an issue. For clarification Mr. Kelsey reported that the siren was not on the truck when he purchased it. He installed a smaller one after the purchase. Art believes the horn should also not be allowed and request that they restrict the use of air horns on the campground. Mr. Kelsey does not agree with the horn restriction, as a law. Art asked if it would be an inconvenience to add it to the rules. Phil asked Mr. Kelsey if he has complied with the order. He replied that he understands the siren but isn't clear on the horn. Phil replied that the law states that a horn is not to be sounded. Art added that a direct quote of the law was included in the letter he received. Also, if a notice is posted and he (Mr. Kelsey) does not sound the horn then there'll be far less by example. There was discussion of cooperation as neighbors. Mr. Kelsey expressed concerns of the complaints against him never stopping, even if he does comply. Art confirmed with Ginny that the abutters were there to specifically address the siren and horn violation. She reported of a specific incident involving fire. Mr. Kelsey replied that he is a business man and does not permit questionable activities on the campground. However, he may not always be able to prevent it. That particular incident caused the involved people to be thrown out of the campground and banned from returning. Ms. Hondorp spoke of the neighborhood and trying to find balance between neighbors and business. Mr. Kelsey was concerned that he and his wife were not aware of the problem and that in the future any complaints brought before the board will not be brought to their attention. Art assured him that any problems will be brought to his attention so he can address it and encourages the abutters speak to Mr. Kelsey to resolve issues before coming to the board with complaints.

- Outlook Farm winery & brewery: present were Jeffrey D. and Bradford Morse. Art opened the discussion by reading the response from Janelle, Town Counsel; copies were provided to all. Janelle's response outlined the laws regarding farm wineries and breweries. It was in her opinion that the Selectboard does not have the authority to grant such a license. A Town meeting approval is required to seek a special act of legislation. Brad did not believe that it applies to the farm wineries and has questions. Art suggested that Brad submit a letter with his questions to the board for submittal to town counsel. Discussion will continue at the next meeting (October 5).
- Ginny Curtis inquired if Leland from Eversource replied to the request of the reflectors on poles. Cheryl replied that he had not and that she'll follow up on it.
- Conservation Commission is unable to hold their meetings in the Annex on Wednesday nights at the same time as the Assessors. There is limited space and causes the building's maximum capacity to exceed its limit. Two options are to have the Assessors change their meetings to every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday, opposite of the Conservation Commission. The other is to move the Conservation Commission meetings to the Town Hall. Their file cabinet and printer will need to be moved for them. Robert LaPalme, Conservation Secretary, submitted some concerns of moving but was not entirely opposed to it. Overall, the Board of Assessors are happy to cut back meeting nights, although Dolores had concerns of reducing their meetings. Art did not agree with the Assessors not continuing to meet every Wednesday. He was concerned it could cause some problems since they have been doing so for a long time. **Voted to request the Conservation Commission to hold future meetings at the Town Hall.**

- Reviewed the following correspondence:  
-Finance Committee preliminary FY17 budgeting procedures
- Administrative Assistant, Cheryl Provost reported:  
-submitted a work schedule for September 22-October 5  
-Northeast IT; Joel submitted an update of the projects completed and reported his findings to date. He made recommendations for data backup, upgrading the Assessors computer, developing policies, and designating an IT administrator. The information will be reviewed and discussed at the next meeting. Cheryl reported that there may be some discrepancies in an invoice and if found she will dispute it. Updates will be reported promptly.
- **Voted to hold a Special Town Meeting on October 26 at 7:30p.m.** A public notice will need to go out since the Bell Tower published the October 5 date.
- Signed 291D payment request of \$2,180.18 to Hathaway Construction for drainage stone for North Road.
- Signed Chap. 90 reimbursement request of \$60,482.48 for chip seal; various roads.
- Signed Chap. 90 reimbursement request of \$30,736.64 for reconstruction of King's Highway.
- Signed Chap. 90 reimbursement request of \$1,746.50 for Right of Way (R.O.W.), North Road Bridge.
- Signed Chap. 90 reimbursement request of \$12,033.50 for purchase of asphalt roller.
- Signed pole location agreement.
- Signed the Fuel Services heating oil contract.

Adjourned meeting at 10:10 p.m.

Approve:

Arthur Pichette, Chair \_\_\_\_\_

Philip Dowling \_\_\_\_\_