



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

Minutes of October 2, 2017

The meeting convened at 7:00 p.m.

Present were Jim Huston, Phil Dowling and Art Pichette. Present from Zoning Board of Appeals were Wayne Parks and Shirl Morrgan. Also present were Ginny Curtis, Mary Powers, Tim Fondakowski, Julia Lennen, Fred Morrison, Matthew Hathaway. Minutes were taken by Cheryl Provost.

Warrants were signed for:      Payroll: \$72,757.29  
   Vendor: \$84,263.01

Minutes of September 18 were approved.

- Highway Department updates; David Blakesley reported:
  - Chapter 90 Reimbursement Request was submitted for resurface of Chesterfield and Reservoir Roads in the amount of \$138,950.00. On a motion and second voted to approve the request.
  - Chapter 90 Payment Request was submitted for crack sealant in the amount of \$17,937.96. On a motion and second voted to approve the request.
  - shared brush mower has been in town, fair amount of mowing completed
  - took truck load of scrap metal from garage yard to
  - Mass Dept. of Environmental Protection awarded the town Recycling Dividend funds under the Sustainable Materials Recovery Program in the amount of \$5,250.00. The grant was applied for though the Hampshire Resource Management Coop. The funds will be saved for future purchase of a new roll-off container. On a motion, voted to accept the grant award of \$5,250.00 from the Mass. Dept. of Environmental Protection.
- Julia Lennen, Council on Aging Coordinator visited to present the FY2018 Formula Grant/Allocation for \$5,000.00, Statement of Authorization. On a motion, voted to authorize the Council on Aging FY2018 Formula Grant Allocation.
- Kestrel Land Trust, Mark Wamsley:

Fred Morrison from the Westhampton Conservation Commission was present for the discussion. Mark Wamsley reported he approached the Westhampton Conservation Commission regarding a three-town conservation project. The project includes 122 acres of the Collin's property to the North of Chesterfield Road. The property is being purchased by Kestrel Land Trust through a grant from the Mass. Landscape Partnership Program and additional private funding; they currently have 80% of the funds. A condition of the state grant requires a government partner to hold the conservation restriction. Mr. Wamsley displayed a map of the entire project, pointing out the Westhampton portion. Fred reported the Westhampton Conservation Commission unanimously voted to hold the CR on this property. The map was reviewed. The contract is incomplete but will contain the usual restrictions. Hunting & fishing will be allowed as



requested by Mass. Wildlife. On a motion and second, voted 2-yes, 1-no to hold a Conservation Restriction on 122 acres located North of Chesterfield Road. Motion passed. Discussion ensued regarding access to Kestrel property, report of no trespass signs on conservation land. Mr. Wamsley stated he will look into it.

- Finance Committee, Tom Cleary, Chair:  
Reviewed and discussed two letters submitted by Tom Cleary, Finance Chair. One letter was a recommendation to reduce the size of the Finance Committee. Tom suggested reducing the committee to the number of members following the next election, with vacant seats being eliminated. It was noted that the process would require a bylaw change. The other letter was to seek policies and procedures to allow for efficient, timely, and accurate financial records. He requested a system of oversight with checks and balances. In regards to submittals to the Finance Committee department heads will be required to approve and sign documents, then the Admin. Asst. will review, sign, and submit them to the Finance Committee.
- Public Safety Complex Review Committee updates:  
Jim reported the committee had a good meeting and determined the minimum size needed is approximately 10,700 sf. Art added that the new structure will need to be functional and usable for all intended purposes. The Fire and Police Departments reviewed what they need and have given up rooms agreeing that some space can serve multiple purposes. Discussion ensued regarding a multi-story building vs. a single-story building and the current footprint.
- Zoning Bylaw Review Committee update:  
Art reported the committee is reviewing marijuana bylaws to address medical marijuana facilities and retail sales of marijuana. The Mass. Cannabis Control Committee is creating laws and applications will open in April of 2018. The committee requested the Selectboard hold a Special Town Meeting to consider passage of a moratorium. Informational hearings should be conducted. Also discussed solar farms and the “by right” clause.
- Free Cash for FY17 was certified by the Dept. of Revenue \$381,369.00
- Special Town Meeting:  
The final Vocational Tuition is under budget appropriations and could be reduced before setting the tax rate. A veteran was added to receive benefits; the Veterans Benefits account will require additional appropriations. An estimate of benefit charges will be provided by the Veterans Agent. A Special Town Meeting held in the fall to address the two articles will finalize appropriations. On a motion, voted unanimously to hold a Special Town Meeting at 7:15 on Monday, November 27.
- Volunteers:  
Library Director, Lynn Blair submitted a “Teen Volunteer Application” for review following questions of town policy regarding volunteers. One question was liability of the town. The representative from the insurance company is scheduled to visit on October 4, Cheryl will confirm if volunteers are covered.



- Hampshire Power:  
Art obtained additional information from Zach Holt regarding green renewable energy programs through Hampshire Power; “cow-power” and solar power. The information will be forwarded to Phil and Jim for review and discussed at future meetings.
- 109 Northwest Road update:  
Present from the Zoning Board of Appeals was Wayne Parks and Shirl Morrigan. An opinion from Attorney Berson, representing Amber Kellogg, was sent to Town Counsel and he requested it be forwarded to Tom Quinlan (Building Inspector). Town Counsel forwarded it to the board, noting that her opinion on the matter was previously communicated to the Zoning Board of Appeals and remains consistent. She followed with a brief review of the opinion. No response was sent to Attorney Berson. The Zoning Board of Appeals met on September 26 and Ms. Kellogg was told an application for a Variance is required; the foundation is within a setback and there was a vote the property was abandoned.  
Shirl reported that a records request was sent to the Zoning Board of Appeals from Cheryl Provost for minutes of the hearings held in July and August and for motions or votes taken on September 26. Shirl inquired if the request came from the board or was a records request. In response, it was noted the records were a public record and the Selectboard had asked to be kept updated. Shirl reported the minutes of September 26 were not complete and will not be released until approved. She has no minutes from the hearings. Shirl continued to express concerns regarding authorization and oversight of the Zoning Board of Appeals, referring to correspondence from Tom Quinlan and Cheryl Provost. Mike Hathaway noted that oversight is reasonable when questions of legality are present. Shirl continued briefly and discussion on the matter closed.
- Campground updates:  
The plot layout by Art is complete and is waiting for the electrical and plumbing inspector’s information. The location of the septic and holding tanks will be included.
- Tim Fondakowski and Mary Powers each submitted reports regarding alleged violations of hours of trucking for the Cotton Tree Sawmill. The reports were read into the meeting. Mr. Fondakowski claimed a “Breach of Contract” occurred. Ms. Curtis continued discussion regarding the enforcement of the conditions of the permit. Specifically mentioned was the requirement of a sound barrier, as a solid “wall”, if it was installed, was a permit issued for it and if Tom Quinlan (Zoning Enforcement Officer) has conducted any inspections of the site or is aware of the conditions. It was noted that Tom received copies of the conditions; the Selectboard has received no updates. Shirl questioned how can a business start without confirming compliance. The procedure for the enforcement of the conditions came into question. The violations are enforceable by the Zoning Enforcement Officer. Tom will be asked to meet with the board to review the Cotton Tree Sawmill operations and conditions.
- 0 Main Road junkyard:  
Ginny Curtis brought forth discussion of the enforcement letter for “0” Main Road, aka JAWS, sent from Tom Quinlan for violation of Westhampton Zoning Bylaws. Ms. Curtis brought attention to the first paragraph where it’s stated the previous use is abandoned. She argued that it’s discontinued, and is a different meaning than abandoned. She continued to criticize the letter and requested the board oversee the enforcement of the violation procedure. The matter will be



discussed with Tom when he meets the board to discuss the Cotton Tree sawmill matter.

- Administrative Assistant updates:
  - Received from Fire Chief, Chris Norris. Permitted blasting operation on Hooker Road October 4; one shot between noon-2pm. Permitted fireworks display on Saturday, October 28 with rain date of Sunday, October 29, 7:30-9:30. An engine will be on site with an officer overseeing the operation.
  - Attending DOR's "What's New In Municipal Law" Thursday, October 19.
- Unregistered vehicle violations:

John Zimmerman submitted a written update which reported a vehicle was sold and removed from his property. He also reported that two other vehicles are in a sale contract. A letter of non-compliance was approved and signed and will be sent to Mr. Zimmerman with violation notices.
- Correspondence was reviewed:
  - Bay State Roads notice of David Blakesley achievement of "Road Scholar"
  - Governor Baker & Lt. Governor Polito: Notice of award of Recycling Dividends Program grant
  - Pioneer Valley Planning Commission-Model Retail Marijuana Moratorium
  - KPLaw 109 Northwest Road
  - KPLaw: Assented To Motion to Continue Sept. 26 Status Conference; Hampshire Superior C.A. No. 1480CV00154 Athanasiou vs. Westhampton; no town action required
  - Mass. Municipal Assoc., MunEnergy Fall breakfast series covering energy strategy for municipalities scheduled for Oct. 17 in Franklin, Oct. 24 in Leominster, Oct. 26 in East Longmeadow
- The Selectboard voted by roll call, 3-0 to enter into Executive Session at 8:35p.m., as the Chair declared that discussion in a public meeting may have detrimental effect on the town's litigating position with respect to:

Enforcement action for property at 0 Main Road-Westhampton Auto/JAWS

Open session will continue following executive session.

Adjourned Executive Session and returned to Open Session at 9:10 p.m.

Present were Jim Huston, Phil Dowling and Art Pichette. Minutes were taken by Cheryl Provost.

- The next Selectboard meetings will be 7:00 p.m. Monday, October 16.
- Documents submitted:
  - Expense Report through October 2.
  - Chapter 90 Reimbursement Request
  - Chapter 90 Payment Request
  - Dept. of Environmental Protection grant award under the Sustainable Materials Recovery Program.
  - Council On Aging FY2018 Formula Grant Allocation.

- Documents signed:
  - Chapter 90 Reimbursement Request was submitted for crack sealing various roads in the amount of \$17,937.96
  - Chapter 90 Reimbursement Request for Reservoir and Chesterfield Roads in the amount of \$159,325.48
  - Dept. of Environmental Protection grant award under the Sustainable Materials Recovery Program.
  - Letter of recognition to David Blakesley and Bill Jablonski for achieving Road Scholar through Bay State Roads training programs
  - Council On Aging FY2018 Formula Grant Allocation.

Adjourned meeting at 9:35 p.m.

Approve:



James Huston, Chair



Philip Dowling



Arthur Pichette