

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

Minutes of November 13, 2017

The meeting convened at 7:00 p.m.

Present were Jim Huston, Phil Dowling and Art Pichette. Also present were Steve Holt, Shirl Morrigan, Wayne Parks, Bill Tracy, Ginny Curtis, Mary Powers, Amber Kellogg, and Matthew Hathaway. Minutes were taken by Cheryl Provost.

Warrants were signed for: Payroll: \$72,393.87
 Vendor: \$27,825.25
 Special Town Meeting November 27

Minutes of October 30 were approved.

- Meeting moved to hall for Fire Department's presentation to the Blow family of a plaque and defibrillator donated in recognition of retired Deputy Chief Kenny Blow's service in the Westhampton Fire Department.
- Highway Department updates; David Blakesley reported:
 - submitted a Chapter 90 Final Report for crack sealing on South Road in the amount of \$17,937.96.
 - the truck is on the state bid list as of November 1 at \$248,000.00. It meets all the specs he needs on the new truck. The old truck has a trade value of \$3,000.00; it would not come out of the bid price but rather a check will be issued to the town. David is considering keeping the old truck in service another year as it has recently been serviced so he'd like to get some more use out of it.
 - all town vehicles passed inspection on November 2
 - cleaning leaves and working on gravel roads
 - the crew painted the salt shed and wooden buildings at the transfer station
 - attended FEMA workshop with Cheryl Provost and Chris Norris regarding the new application portal
 - providing equipment to conduct a perc test at the transfer station

Board of Health updates, David reported:

0 Main Road:

The Health Agent and Building Inspector were unsuccessful at scheduling an inspection with Ken Sacharczyk. They visited the location but were unable to gain access. They were able to look through the gate and there were no noticeable changes and different, new, vehicles in front. The Board of Health order of compliance terminates on November 24th and a follow up is needed. Ron Lauren is stepping down as Foothills Health District Agent on January 1. Valerie is returning full-time. She recommends town counsel file a claim that all towns' legal charges on this matter be owner liability. Her presence was requested at a future meeting to discuss further.

Campground:

Reviewed history of reports of septic odor. Board of Health issued an enforcement letter of inspection, owner appealed. The Board of Health will conduct a hearing at their December 7 meeting for the owner to explain. David explained the procedure and history of the septic systems.

- **Town Hall maintenance:**

The town offices expenses budget includes funding to replace the office exterior door. Snow guards were placed on the porch roof of the Town Hall last year. Installation of additional snow shields on the Northerly side of the building was recommended to help prevent ice dams from leaking in. Art will look into costs of both.

- **Personnel Policies:**

A current benefited employee may not meet qualifications for health insurance benefits. The employee will be notified and be given the opportunity to meet in executive session.

- **Zoning Bylaw Review Committee:**

The Planning Board and Zoning Bylaw Review Committee scheduled a hearing for 6:30 p.m. on Thursday, December 14 at the Westhampton Elementary School on the reformatting of Westhampton's Zoning Bylaws. Holding the meeting at the school provides access to the PA system and accommodates power point presentation. Notification is on the website and will be published in the Bell Tower and Daily Hampshire Gazette. Discussion ensued regarding additional hearing dates. The hearing may be adjourned and continued or additional dates may be scheduled for informational meetings.

- **Public Safety Complex, Steve Holt reported:**

An invoice from Caolo & Bienik Assoc, Inc. was forwarded to the committee for approval of payment. The invoiced amount follows the contract. Details of the contract regarding invoicing periods will be reviewed. The Committee will make a determination at their meeting on December 4.

- **Community Compact:**

Reviewed the sample contract agreement between Northampton and Westhampton for a shared data management system MOU as provided through the shared services grant. The contract was reviewed and approved by Williamsburg Town Administrator as the lead town on the grant. Northampton agrees to provide services of Laserfische data management for up to two users in approved towns. The program archives records and provides a portal for public records that are maintained on redundant backup. It will not interfere with in-house systems and is fully supported through Northampton. The grant will cover the startup costs of \$7,950.00 per town. Annual hosting and support charges of \$2,100.00 per town will begin July 1, 2018. Sign on is requested by December 1. A thirty day exit option is available. The Finance Committee is interested to learn more and requested a joint meeting on November 28 with the Selectboard. Discussion ensued regarding timing of signing into the contract and availability to meet with committee. A motion was made to approve the Contract Agreement By and Between City of Northampton and Town Westhampton for Shared Services: Laserfische Document Management. A second was made and motion passed by roll vote 2-yes, 1-no.

- 109 Northwest Road:
The board provided responses to materials submitted by Amber Kellogg. Art responded with concerns by the statements she made and added the Selectboard has no jurisdiction over the proceedings of the ZBA and other boards. He concluded it's unfortunate what the applicant (Ms. Kellogg) has gone through and hopes the hearing on the 28th will bring closure to the application. Jim noted it's a ZBA issue. Phil responded that the Selectboard appoints the ZBA members and holds some responsibility for the actions of appointed board members.
- Response to Paul Silvernail:
Reviewed a response to Mr. Silvernail's request to terminate Town Counsel. Voted to approve the written response and send by mail.
- Planning Board-Special Permit Application:
The Planning Board received an application from John Zimmerman for a small solar array. They requested the Selectboard provide information related to the withholding of issuance of permits for unpaid fines. Discussion ensued regarding Chapter 40, section 57 (local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges). The section was revised under the Municipal Modernization Act to include non-payment of fines. The Selectboard spoke in favor of utilizing the provision; later noting they're not prepared to respond to the Planning Board as to whether or not it should be used in this application. Details of the application were not available.
- Mass. Cultural Council Grant:
Reviewed the contract and scope of services that covers the transfer of FY2018 local Cultural Council funds from Mass Cultural Council to Westhampton Cultural Council. The amount of the allocation is \$4,400.00. The contract is due by December 1 and will be reviewed by the Westhampton Cultural Council prior to submittal. On a motion and second, voted to approve the FY2018 Mass Cultural Council grant contract for the amount of \$4,400.00.
- Holiday schedule:
No town office hours the evening of Wednesday, November 21 and Thursday, November 22. The meeting of Monday, December 25 was rescheduled to Tuesday December 26.
- Unregistered vehicle violations:
John Zimmerman reported he has requested hearings for the violation notices noting that he has been trying to remove the vehicles and work with the board. Discussion ensued regarding "hobbyist"; duration of violations; options for compliance; and consideration given when an extension of time to comply was given.
- Correspondence was reviewed:
 - Hampshire Regional School District FY19 budget development schedule
 - Mass. Municipal Association Annual Meeting and Trade Show is January 19 & 20
 - Pioneer Valley Planning Commission is holding a Regional Roundtable Luncheon November 16 to discuss MA solar project developments
 - Dept. of Public Utilities hearing Wednesday, November 29, 2017; WMECO seeking approval of ten long-term contracts to purchase renewable energy and associated renewable energy

certificates (REC's)

-Franklin Regional Transit Authority Meeting Nov. 16

- Administrative Assistant updates:
 - Report for October 31-November 13 and schedule for November 14-November 27 were submitted.
 - Finance Committee approved the Special Town Meeting article recommendations
 - attended MIIA training "Communicating with Tact & Professionalism November 3
 - attended Rural Mass Summit (previously Small Town Summit) November 7
- Phil reviewed the Right to Farm Bylaw and read into the meeting the Right to Farm Declaration. He continued by noting the Disclosure Notification shall be provided by the town to landowners each fiscal year by mail. Discussion ensued regarding the best method for notification and determined it should be added to the next tax bill mailing.
- The Selectboard voted by roll call, 3-0 to enter into Executive Session at 8:45 p.m., as the Chair declared that discussion in a public meeting may have detrimental effect on the town's litigating position with respect to:

Pursuant to G.L. c. 30A, s.21, exemption 3:

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 9:00 p.m.

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

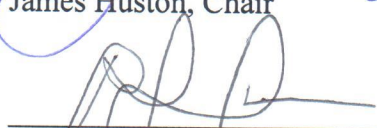
Zoning Seminar is Wednesday, November 15; Cheryl and Art attending.

- The next Selectboard meeting will be 7:00 p.m. Monday, November 27.
- Documents submitted:
 - Chapter 90 Final Report
 - Caolo & Bienik Assoc, Inc. invoice (\$19,500.00)
 - Cultural Council FY2018 grant contract
 - Sample contract between Northampton and Westhampton
 - Finance Committee approval of proposed town meeting articles
 - MGL Chapter 40; section 57
 - Notice of Citation on Petition For Formal Adjudication; Estate of Albert Marchand
 - Legal Notice of Public Hearing for bylaw revisions
- Documents signed:
 - Chapter 90 Final Report
 - Cultural Council FY2018 grant contract
 - Response to Paul Silvernail

Adjourned meeting at 9:02 p.m.

Approve:



James Huston, Chair

Philip Dowling

Arthur Pichette