



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

Minutes of December 11, 2017

The meeting convened at 7:00 p.m.

Present were Jim Huston, Phil Dowling, and Art Pichette. Also present were David Blakesley, Dave White, Chris Norris, Tom Quinlan, Valerie Bird, Steve Holt, Shirl Morrigan, Ginny Curtis, Hathaway. Minutes were taken by Cheryl Provost.

Warrants were signed for: Payroll: \$72,082.25
Vendor: \$44,147.63

Minutes of November 27 were approved.

- Highway Department updates; David Blakesley reported:
 - during storm new driver worked out well; lost 1 truck due to main hydraulic line problem, guys got it running today
 - snow blower in town hall is running and sand is in containers
 - reviewed snow and ice policy; status quo
 - inspection at 0 Main was cancelled in part due to storm, also no confirmation of access was given by owner. A new date will be scheduled.

Campground updates; David reported for the Board of Health:

Met on the 7th and had a hearing set to discuss the Title V inspections; the owner requested a delay. The Health Inspector discovered the septic systems are large enough to fall under the jurisdiction of the Dept. of Environmental Protection (over 10,000 gals/day). They're in contact with the DEP.

- The meeting continued in the main hall with additional attendance by Tom Quinlan, John Shaw, Ginny Curtis, Amber Kellogg, Ed Rickey, and unidentified individuals.
- 109 Northwest Road:
Phil reported that correspondence regarding 109 Northwest Road will be reviewed. No other business will be conducted on this matter.

John Shaw read his letter responding to the decision of the Zoning Board of Appeals on the variance application.

A letter from Richard Tracy responding to the decision of the Zoning Board of Appeals on the variance application was read into the meeting.

Ed Rickey noted that as of January 1 new building codes will require the home to be returned to

meet codes if a building permit is not issued. This should not be at the expense of the homeowner.

Amber Kellogg stated she is not making any recommendations for an article; she has hired an attorney.

Phil stated for the record, that he will not approve spending funds in opposition of issuance of a building permit/variance by the court; Art agreed.

- **Campground updates:**
Waiting on inspectors to complete their portion of the site plan. The Electrical Inspector has the plan in hand.
- **Zoning Bylaw Review Committee:**
John Shaw reported the hearing is scheduled for 6:30 p.m. on Thursday, December 14 at the Westhampton Elementary School and has been posted. The Planning Board is not required to make a prior comment and have 21 days post-hearing to comment. Once approved the bylaws will go before the town for approval, requiring 2/3 majority vote. Applications for marijuana dispensaries will open April 1 in Massachusetts. A moratorium through December 2018 is needed to allow time to develop a bylaw within the state laws. That bylaw will also require town approval to be adopted. John continued by explaining the duties of the Zoning Bylaw Review Committee.
- **Public Safety Complex, Steve Holt reported:**
The Committee meeting was rescheduled to December 18 to review new data cost analysis.
- **Group Health Insurance Review:**
An employee was enrolled in the town's health insurance as an elected official when the Personnel Policies and Procedures was adopted in November 2014; which includes a clause stating that no elected officials shall be eligible for group health insurance. The employee remains enrolled. An audit of employees enrolled in group health to determine eligibility is required. The Treasurer is seeking a determination as to why an elected official is enrolled in the group health plan. State law requires eligibility to group insurance be offered equally to employees and town contribution rates to qualifying employees be equal in percentage. A determination of the eligibility of the current employee whose enrollment predates the adoption of the current Personnel Policies and Procedures is required by the Selectboard. The board will review the information and discuss at a future meeting. A letter to the employee will be prepared.
- **U.S. Census Bureau requires an appointment of a "Local Update of Census Addresses Liaison".**
The Town Clerk conducts local census and street addresses are stored on the Clerk's state program. On a motion and second, voted to appoint Patricia Cotton, Town Clerk, as Local Update of Census Addresses Liaison for the U.S. Census Bureau.
- **Mass. Interlocal Insurance Association renewal:**
-a renewal proposal for FY19 and FY20 was reviewed. The rate increase for FY19 is 0% and for FY20 not more than 2.5% for both Property & Casualty and Worker's Compensation. On a motion and second voted 3-0 to accept the renewal proposal for FY19 & FY20.

- The following renewal requests were received and unanimously approved by Selectboard:
 1. Richard Huntley for a Class III License and business license for Richard Huntley & Sons located at 165 Reservoir Road.
 2. Steve Holt submitted for a business license for wholesale/retail, 34 North Road.
 3. Robert Dunn for a Class II License and business license for Dunn's Auto Sales located at 37 Burt Road.
- William McCloud submitted a renewal request for a Class II license for Northwest Restoration located at 275 Northwest Road.
- Greg Reynolds submitted a Disclosure of Interest under Mass. General Law Chapter 268A, § 19 as a member of the Westhampton Cultural Council. A motion was made and seconded that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town of Westhampton may expect from Gregory Reynolds. Motion passed 3-0.
- The Selectboard voted by roll call, 3-0 to enter into Executive Session at 7:45p.m., as the Chair declared that discussion in a public meeting may have detrimental effect on the town's litigating position with respect to the following litigation:

Cotton Tree Service, Inc., et al. v. Planning Board of the Town of Westhampton, et al.,
Hampshire Superior Court, C.A. No. 1580 CV 00112

Fondakowski v. Planning Board of the Town of Westhampton, et al. Hampshire Superior Court,
C.A. No. 1780 CV 00105

And pursuant to G.L. c. 30A, §21(a) #7, to comply with the Open Meeting Law, G.L. c. 30A, §22(f): review of executive session minutes of the Selectboard meeting of March 6, 2017 and joint meeting of Selectboard /Planning Board of March 10, 2017, potential approval of minutes, consideration of potential release of minutes or any portion thereof.
Open session will continue following executive session.

- Adjourned Executive Session and returned to Open Session 8:15 p.m.
- Art Pichette excused himself from the remainder of the meeting due to illness.
- Unregistered vehicle violations:
John Zimmerman submitted a written request to have his fines for bylaw violations excused. Phil stated he is not prepared to make a decision without Art or further consideration of the information in the request. Confirmation that all the vehicles are gone is required. Mr. Zimmerman will return to the next meeting.
- Correspondence was reviewed:
 - FY19 departmental budget request letter and form from Finance Committee. Completed requests are due by January 16
 - certified FY18 Tax Rate is \$19.43
 - PVPC; applications for District Local Technical Assistance program for FY18 is open

-Mass. Attorney General's Office is offering for free to town officials trainings on procedure for submitting town by-laws to A.G.'s office and process for amending zoning by-laws at various locations. The nearest ones are January 11 in Stockbridge and March 7 in Deerfield. RSVP is required.

- Administrative Assistant updates:
 - Report for November 28-December 11 and schedule for December 12-December 26 were submitted.
 - attending the Mass. Certified Public Procurement Officer course December 14-16
 - The presentation of the flag for the Town of Westhampton occurred 11:00 a.m. at the State House in Boston on December 6. A tour of the State House and lunch with Chairman Kocot and Senator Hinds followed. In attendance were Phil Dowling, Cheryl Provost, Mary & Peter Montague, Robert & Pat Miller. Thank you letters will be prepared.
- The next Selectboard meeting will be 7:00 p.m. Tuesday, December 26 and Monday, January 8.
- Documents submitted:
 - letters from John Shaw and Richard Tracy regarding 109 Northwest Road ZBA Variance decision
 - Mass. Interlocal Insurance Association renewal proposal for FY19 and FY20 for both Property & Casualty and Worker's Compensation.
 - Richard Huntley renewal request for a Class III License and business license for Richard Huntley & Sons
 - Steve Holt renewal request for business license for wholesale/retail
 - Robert Dunn renewal request for a Class II License and business license for Dunn's Auto Sales
 - William McCloud renewal request for a Class II license for Northwest Restoration
 - Greg Reynolds Disclosure of Interest under Mass. General Law Chapter 268A, § 19
- Documents signed:
 - Mass. Interlocal Insurance Association renewal proposal for FY19 and FY20 for both Property & Casualty and Worker's Compensation.
 - Richard Huntley Class III License and business license for Richard Huntley & Sons
 - Steve Holt business license for wholesale/retail
 - Robert Dunn Class II License and business license for Dunn's Auto Sales
 - Greg Reynolds Disclosure of Interest under Mass. General Law Chapter 268A, § 19

Adjourned meeting at 9:02 p.m.

Approve:


James Huston, Chair


Philip Dowling


Arthur Pichette