



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

Selectboard minutes of January 12, 2018

The meeting convened at 6:00 p.m.

Present were Selectboard Chair James Huston and member Art Pichette. Shirl Morrigan from the Zoning Board of Appeals was present. Also present was Cheryl Provost, taking minutes.

Jim stated that Phil Dowling is participating remotely as physical attendance at the meeting is unreasonably difficult.

Art moved to authorize the presence and participation of Phil at his location. Motion passed by roll call vote of 3 yeas, no opposed.

All parties stated they could hear one another.

The Selectboard voted by roll call, 3 yeas, 0 opposed, to enter into Executive Session at 6:07p.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:

Amber Kellogg and Michael Barbeau v. Zoning Board of Appeals of the Town of Westhampton, MA, Leo Aloisi, Richard W. Tracy, Wayne Parks, John Kelsey, Shirley Morrigan, and Steven St. Marie; Trial Court; Housing Court Dept. Western Div., Docket No. 18CV 0012

Returned to open session at 6:28 p.m.

Present were Selectboard Chair James Huston, and member Art Pichette. Shirl Morrigan from the Zoning Board of Appeals was present. Also present was Cheryl Provost, taking minutes. Phil Dowling continued to participate remotely.

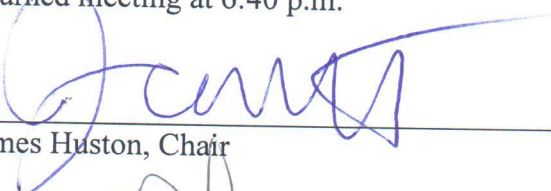
Art moved to engage the services of KPLaw to represent the Zoning Board of Appeals and Town of Westhampton on the case Amber Kellogg and Michael Barbeau v. Zoning Board of Appeals of the Town of Westhampton, et al., Trial Court; Housing Court Dept. Western Div., Docket No. 18CV 0012 Second by Phil. Motion passed by roll call vote of 3 yeas, no opposed.

Shirl was present on behalf of the Zoning Board of Appeals (ZBA). Art reported he had spoken to the ZBA Chair, Leo Aloisi, whom had asked if his presence was required to which Art had replied he saw no reason for his presence. Shirl reported that the ZBA is meeting on Wednesday, January 17 to discuss the case and is requesting authorization to contact town counsel with questions. The procedure for authorization to contact counsel was reviewed. It was noted that authorization is given by the Selectboard and inquiries to counsel shall be from the Chair of any board seeking authorization only

after that board approves the questions to counsel. Town counsel is reviewing the case for the Selectboard and Phil suggested to wait on authorizing contact by the ZBA until an opinion is provided. The request by the ZBA was denied until the Selectboard has the opportunity to review counsel's opinion. Shirl noted there is only 13 days to respond to the appeal and members of the ZBA are concerned. Art replied that she can assure them they're covered by town counsel. Shirl stated that she is not taking over as Chair and came to the meeting in the absence of any other members; Selectboard made note. Cheryl added it is the practice of town counsel to respond appropriately to case filings in a timely manner and gave assurance they will in this case as well. Discussion ensued regarding procedures for remote participation and executive session. Cheryl will provide information to the ZBA.

Adjourned meeting at 6:40 p.m.

Approve: _____


James Huston, Chair


Philip Dowling


Arthur Pichette