



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

Minutes of June 24, 2019

The meeting convened at 6:30 p.m.

Present from Selectboard were Phil Dowling, Maureen Dempsey, and Teri Anderson.

Others present were David Blakesley, Patty Cotton, Shirl Morrigan, Ginny Curtis, Wayne Parks, Scott Tirrell.

Minutes were taken by Cheryl Provost.

Warrants were signed for: Payroll: \$94,732.09
 Vendor: \$114,868.82

- Public Hearing was opened at 6:38 p.m. by Chair Phil Dowling to hear the complaint of a vicious dog report from Barry Sherman, 272 Main Road against dog of Robert Dragon, 30 Lyman Road. Both parties were present. B Sherman was allowed to describe the incident that occurred on June 5, 2019 when his wife, Linda Levine-Sherman, was walking their dog. He reported that she and their dog was attacked by "Yogi", dog of R Dragon; a copy of the complaint is on file. R Dragon was allowed to respond and conceded that the incident involved his dog Yogi. He reported that for years Yogi has been constrained within the boundaries of an underground electric fence and on the day of the incident he ran through its shock. R Dragon apologized for the incident and explained the following actions he has taken to prevent another:
 1. Replaced batteries in shock collar and will do so every three months
 2. Moved the fence line back 100 feet from the road to reduce stimulation from passerby's
 3. Retrained the dog to the new fence line boundary
 4. Upgraded the system from pulse (shock increases as dog approaches boundary but will stop if dog runs through boundary) to infinity (shock does not stop until dog returns to within the fence boundary).
 5. R Dragon will conduct a walk by test with a dog and report back to Selectboard.

Discussion was opened to the public, no comments. Teri asked B Sherman if the actions of R Dragon were to his satisfaction. B Sherman will not be comfortable until he witnesses the fence will properly restrain the dog, and then he will be satisfied. R Dragon has plans to test the fence. Phil spoke to R Dragon noting the severity of the case and added that the dog cannot leave the yard. R Dragon concurred. The records of the Town Clerk verify the dog has been vaccinated against rabies and is licensed. With no additional conversation the hearing closed at 6:50 p.m.

- Highway Department, David Blakesley reported:
 - request for transfer between appropriations in accordance with Chapter 44:33b of the Massachusetts General Laws was reviewed and approved on a motion by Phil and second by Teri by vote of 3-yays, 0-nays in the amount of \$1,000.00 from Road Machinery Buildings (15429.700 to Highway Administration (015421.700).

-project request in the amount of \$60,116.00 for chip seal for Kings Highway, Reservoir Road, and Chesterfield Road. Motion to approve by Phil, second by Teri. So voted.

- Joint meeting with Finance Committee. Present from Finance Committee were Steve Holt, Peter Montague, Tad Weiss, Pat Miller, Chevey Seney, Tom Cleary (Chair), and Sarah Mulvehill. Tom Cleary reported that the committee had reviewed holds from the Annual Town Meeting and made the following recommendations:
 - Line 73, Building Inspector Expenses, approve the proposed amount of \$5,440.00.
 - Line 69, Safety Complex, the amount of \$13,500.00.
 - Line 87 & 88, Long Term Debt, Finance Committee took no action. Proposed number is \$234,000.00 & \$9,839.00. Phil reported the figures are in line with Capital Planning annual debt when added to the Hampshire Regional School debt. Will move as proposed.
 - Line 121, transfer into Stabilization Fund, not to transfer into the Stabilization Fund.
 - Line 148 (article 29), Free Cash to reduce tax rate/balance budget in the amount of \$95,000.00
 - Line 117 (article 21), ambulance grant fund in the amount of \$27,000.00 was reviewed. Discussion ensued regarding the status of the grant and funds available in Ambulance Receipts Reserved. Tom motioned to make a recommendation to appropriate the amount of \$27,000.00 from Ambulance Receipts Reserved. Second by Sarah Mulvehill. Vote passed 5-yay, 1-nay, 2-abstain (P Miller & Chevey Seney).

Special Town Meeting, review of articles to transfer funds:

- Article 1, Snow Removal Account. Tom reported the committee reviewed this article at a previous meeting and made recommendation to transfer the amount of \$19,456.67 from free cash to Snow Removal Deficit Account.
- Article 2, Counsel Fees. Tom motioned to propose a transfer from Free Cash in the amount of \$3,000.00 to Counsel Fees. Second by S Holt. So voted 7-0-0.
- Article 3, Storage Tanks. Estimates were reviewed for the purchase and installment of fuel storage tanks at the highway garage. One tank can be installed at the cost of \$20,266.00 or both can be installed at the cost of \$34,773.00. There is currently \$12,000.00 in the account. Phil made recommendation to fund the entire project so the tanks at the safety complex can be decommissioned. Tom motioned to transfer the amount of \$22,773.00 from Free Cash to Fuel Storage Tank Accounts. Second by P Miller. Motion passed 7-0-0.

David Blakesley submitted a request for transfer between appropriations in accordance with Chapter 44:33b of the Massachusetts General Law in the amount of \$1,000.00 from Road Machinery Buildings (15429.700 to Highway Administration (015421.700). Tom motioned to transfer the amount of \$1,000.00 as requested. Second by P Miller. Motion passed 7-0-0.

Meeting adjourned to Special Town Meeting at 7:36 p.m.; to reconvene following close of town meetings.

Meeting re-convened at 9:00 p.m.

Present from Selectboard were Phil Dowling, Maureen Dempsey, and Teri Anderson. Others present were Patty Cotton, Shirl Morrigan, Ginny Curtis, Wayne Parks. Minutes were taken by Cheryl Provost.

- Insurance negotiations:
Patty Cotton, Treasurer, calculated the annual savings of group health benefits. The annual total saving in fiscal year 20 was calculated as \$3869.96. If the employees share is 25% of the savings the total was calculated as a total of \$672.20 to be paid out as either a stipend or premium holiday. The school union requested 50% of the savings for the next three years. The negotiations with the school union continue Wednesday, June 26. Teri motioned to offer 25% of the savings for one year in counter to the 50% for three years; and to offer 50% for one year if another counter is made. Second by Phil. So voted.
- Joint meeting with Planning Board. Present from Planning Board were Susan Bronstein (Chair), Wade Clement, and Saxon Elliot.

Procedures to fill a vacancy of an elected board member were reviewed. Phil reported the Selectboard received a request from Timothy Stokes to be appointed to the vacant seat of the Planning Board and moved to make the appointment in accordance with Chapter 54, section 11 of the Mass. General Laws. Second by Teri. Motion passed by unanimous roll vote of both boards. The Zoning Bylaw Review Committee is seeking a member of the Planning Board to join. S Bronstein recommended Pat Coffey. Phil motioned to appoint Pat Coffey to the Zoning Bylaw Review Committee. Second by Maureen. So voted 3-yay, 0- nays.

S Bronstein requested access to town counsel for assistance with a written decision to an application for a special permit for a solar facility at 0 Hathaway Road. Susan explained the applicant had requested several continuations of the hearing and then not participated. The hearings were held and residents have had the opportunity to review and make comment. Another request was made by the applicant to continue the hearing and the Planning Board declined, then closed the hearing. They're prepared to submit their decision. Teri motioned to authorize the Planning Board access to town counsel to assist with the written decision for the special permit. Second by Maureen. Motion passed 2-yay, 1-abstain (Phil).


- Public Safety Complex Review Committee updates:
The committee approved the RFQ for the Owner's Project Manager. The deadline for submittal is June 8 when the committee will meet to review them.
- Appointments:
 - The search for an Animal Control Officer and Inspector of Animals continues. Discussed the option of shared services. Use of Animal Control Officer and Inspector of Animals from other Hampshire towns will be researched.
 - Julia Lennen requested her appointment to the COA effective June 17. Phil motioned to change the effective dates of appointment of Julia Lennen from 07/01/20-06/30/2022 to fill the vacant seat 06/17/2019-06/30/2021. So moved.
- The Westhampton Public Library Trustees made a request to leave the poles in the field that are in the ground for the Harvest Fest. Phil, Maureen, and Teri concurred it is a non-issue.

- Shirl Morrigan made a request to move the legal posting of agenda from the book out in the "mailbox" to the website. To be considered at a future meeting.
- Correspondence:
-Susan Bronstein, resignation as Town Clerk
- The Selectboard voted by roll call, 3 yeas, 0 opposed, to enter into Executive Session at 9:30 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 enforcement action for property at 0 Main Road, Westhampton Auto/JAWS. The board will return to open session after the close of executive session.
- Adjourned Executive Session and returned to Open Session at 10:15 p.m.

Present from Selectboard were Phil Dowling, Art Pichette, and Maureen Dempsey.
Minutes were taken by Cheryl Provost.

- The Council On Aging Demand-Response Contract with Franklin Regional Transit Authority was left to be approved and signed. On a motion and second, voted to approve the contract.
- Next meeting: 7:00 p.m. July 8, 2019.
- Documents submitted:
-vicious dog police report
-breakdown of insurance savings
- Documents signed:
-request for transfer between appropriations in accordance with Chapter 44:33b of the Massachusetts General Laws in the amount of \$1,000.00 from Road Machinery Buildings (15429.700 to Highway Administration (015421.700).
-project request in the amount of \$60,116.00 for chip seal for Kings Highway, Reservoir Road, and Chesterfield Road.
-Demand-Response Contract with Franklin Regional Transit Authority for Fiscal Year 2020.
- Meeting adjourned at 10:25 p.m.

Approve: _____


Philip Dowling, Chair


Maureen Dempsey


Teri Anderson