



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

Minutes of July 15, 2019

The meeting convened at 7:00 p.m.

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

Others present were Dave White, Steve Holt, John Zimmerman, Barbara Cook, Joe Levine, Scott Tirrell, Shirl Morrigan, Ginny Curtis, Donald Nutting, Sue O'Rourke, Michael Kelsey, Barbara Pellisier, Chris Brooks, Marilyn Witherell. Peter Spotts (Country Journal).

Minutes were taken by Cheryl Provost.

- The Selectboard voted by roll call, 2 yeas, 1 abstained, to enter into Executive Session at 7:02 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. Review of executive session minutes of the Selectboard meeting of June 10 & 24, 2019; consider approval. The board will return to open session after the close of executive session.
- Adjourned Executive Session and returned to Open Session at 7:27 p.m.

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

Others present were Dave White, Steve Holt, John Zimmerman, Barbara Cook, Joe Levine, Scott Tirrell, Shirl Morrigan, Ginny Curtis, Donald Nutting, Sue O'Rourke, Michael Kelsey, Barbara Pellisier, Chris Brooks, Marilyn Witherell. Peter Spotts (Country Journal).

Minutes were taken by Cheryl Provost.

Minutes of June 10 were approved. Minutes of July 8 were reviewed. Maureen motioned to amend the insurance negotiations update to read "...the elementary school teachers, then countered for 25% for the first year and 50% for two consecutive years..." On a second the motion was moved. Phil moved to approve minutes of July 8 as amended. Second by Maureen. So voted 3-0. Motion was made to correct attendance of Selectboard on page 4 of minutes from June 24 to change Art Pichette to Teri Anderson. So moved.

Warrant was approved by vote and signed for:

Vendor: FY19-\$3,217.63

- Review of enforcement letter, 0 Main Road:
Phil reported a draft enforcement letter from the Zoning Enforcement Officer to property owners and the business operator at 0 Main Road was reviewed by town counsel. The board reviewed the letter while in executive session and would like to run it by counsel again. Doing so will cause the notice to extend past the ten day requirement of responding to a complaint. It is not the intent of the board to delay enforcement, but to do so correctly. The Zoning Enforcement Officer must respond within 10 days of receipt of complaint; one was received dated July 10. Phil

handed the discussion to Teri. She explained that there is potential multiple violations; both zoning and general bylaws. Teri proposed that the letter address all matters and be as complete as possible making notices easier to track. She offered to take the time to review the file and after doing so would review it with counsel. Doing so will exceed the 10 day period and she asked that the abutters (Wayne Parks & Ginny Curtis) waive the period. Teri explained she thinks the current letter is incomplete. Objections were stated by G Curtis. W Parks requested a time frame, not agreeable to an open-end date. Teri offered by the end of September. G Curtis and W Parks agreed to a delay of notice of enforcement until the end of September.

- Discussion of interim Library Director was tabled.
- Fire Chief Search:
The committee will be interviewing two candidates July 24. Chris Norris final date of service is August 3. The next meeting of the Selectboard, after the committee interviews, is August 5. Phil recommended an interim be appointed and motioned to name Steve Holt as Interim Fire Chief effective August 3, 2019 until selection of a new chief. Second by Teri. So voted 3-yays, 0-nays.
- Public Safety Complex Review Committee updates:
Steve Holt reported the committee interviewed 4 candidates for PM and rated all. The committee recommends to hire D. A. Sullivan & Sons, Inc. Phil responded that the Selectboard needs to sit on recommendation until result of special legislation to ratify vote of debt exclusion ballot question. Teri moved to award the contract to D. A. Sullivan & Sons, Inc. with a start date to be determined. So moved.
- Campground notice:
Letters to Windy Acres/KOA Campground dated August 26, 2015 & March 17, 2017 were reviewed. The August letter is an order to cease and desist sounding the siren and horn of the fire truck, the siren was dismantled following the order. The March letter is notice of quiet hours from 10:00 p.m. – 8:00 a.m. Copies were given to Michael Kelsey, operator of campground. Complaints were heard from abutters regarding the truck horn and loud music from the campground this season, especially the past holiday weekend. One abutter described the noise as annoying, but not severe. M Kelsey from the campground was asked to speak. He described the reason the horn is used is to give notice the fire truck is moving. He reported that once every season they have a pig roast with a band, which was this past weekend and that was the loud music. M Kelsey stated if the horn is illegal it will not be sounded, but if it's not illegal they'll continue to use it. Phil replied that the board is asking that the air horn is not used in cooperation with the letter. It causes discomfort to the neighbors, to the board, and to him. He also reminded Michael of the quiet hours. Phil closed discussion and notified M Kelsey that an official letter will be sent to him.
- Transfers between appropriations in accordance with Chapter 44:33b of the Massachusetts General Laws to close out FY19 were approved as follows:
 - 1) \$248.83 from Field Review Conversion (015141.702) to Assessors Assistant (015141.116)
 - 2) \$804.27 from Unemployment (015913.170) to Medicare (015915.171)

- 3) \$24.62 from Animal Control Officer Expenses (015295.700) to Inspector Expenses (015241.700)
- 4) \$226.28 from Town Offices Expenses (015192.700) to Planning Board Expenses (015175.700)
- On review of minutes of July 8 Shirl Morrigan noted that the board would take up her request to consider the legal posting location of agenda and asked when it will be discussed. The meeting schedule was reviewed, discussion to take place when all members are present. Not a full board July 22 and dates in August. Date for discussion was left to be determined.
 - Correspondence:
 - copy of complaint against 0 Main Road dated July 10, 2019 filed with Tom Quinlan, Zoning Enforcement Officer from Ginny Curtis and Wayne Parks
 - Counsel Letter regarding rate increase to be reviewed August 5.
 - Petition for Pole Hearing from Eversource; install one (1) solely owned pole tagged 23/23S, on the westerly side of North Road beginning approximately 185' southerly of the centerline of Hooker Road and approximately 35' northwesterly of existing pole 23/23.

The hearing was scheduled for 7:30 p.m. August 5, 2019.

- Next meeting: 7:00 p.m. July 22, 2019.
- Documents submitted:
 - Petition for pole hearing from Eversource
 - letters to Windy Acres/KOA Campground dated August 26, 2015 & March 17, 2017
- Documents signed:
 - Transfers between appropriations in accordance with Chapter 44:33b of the Massachusetts General Laws
- Meeting adjourned at 8:26p.m.

Approve:

Philip Dowling, Chair

Maureen Dempsey

Teri Anderson

