



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

Minutes of August 5, 2019

The meeting convened at 7:00 p.m.

Present from Selectboard were Phil Dowling, Maureen Dempsey, and Teri Anderson. Others present were Donald Tryon, David Blakesley, Dave White, Stephen Holt, John Zimmerman, Scott Tirrell, Shirl Morigan, Ginny Curtis, Chris Brooks, Peter Spotts (Country Journal). Minutes were taken by Cheryl Provost.

Warrant was approved by vote and signed for:

Payroll: \$78,741.30

Vendor: \$42,905.30

- Update from Robert Dragon, dog hearing:
R Dragon reported that more than once he tested the changes he made to improve the restraint of his dog without a response. In addition to the upgrades made to the “invisible” fence he installed a physical fence with four gates. In closure he submitted a written update for the record. The Selectboard replied they have not received additional reports about the dog and thanked R Dragon for coming in and for taking action in response to the complaint. The matter was declared resolved.
- Interview for Animal Control officer and Inspector of Animals was held with Donald Tryon III. One other application was submitted earlier that day and will be reviewed before a decision is made.
- Highway Department, Superintendent David Blakesley reported:
 - under doctor treatment for foot injured, not work-related. Need an MRI. Restricted to administrative work until August 9.
 - submitted a Chapter 90 Project Request in the amount of \$166,640.00 for hot mix paving for Montague Road and the rear parking lot of the elementary school. Phil motioned to approve the request as submitted, second by Maureen. So voted 3-yay, 0-nay.
 - King’s Highway Bridge Project: received confirmation of record owner (of abutters) from KPLaw, as required by MassDOT.
 - applying for MIIA grant for full amount of \$10,000 for trench work safety equipment.
 - Hampshire Council of Governments is dissolved. Franklin Regional Council of Governments took over highway material purchasing and are going out to bid for salt for FY20. Selectboard authorization is required to be included in the bid process. The same authorization will be needed in the spring for other materials. All other FY20 highway material bids had already been completed by Hampshire Council of Governments. Teri asked if there is a charge to the town. David answered not for this, Franklin Regional Council of Governments adds the cost to the vendors. There may be a minimal fee for the FY21 bids. Teri noted that her experience with FRCOG Purchasing is “excellent”. Phil made a motion to sign to authorize Franklin Regional

Council of Governments to solicit bids for salt for FY20 for the Town of Westhampton. Second by Teri. So voted 3-yay, 0-nay.

-the water pump at Hampshire Regional High School was failing. The highway department replaced it. In the past repairs to the water supply have been shared between the church, town library, and safety complex. David made recommendation to split the invoice for the pump between those departments. The invoice will be submitted for approval after received.

- Public Safety Complex Review Committee updates:
Steve Holt reported the committee authorized the Owner's Project Manager to move forward with advertising the Designer Request For Qualifications upon approval of committee member Art Pichette.
- POLE HEARING:
The hearing was opened at 7:30 p.m. by Phil Dowling for the installation of one solely owned pole tagged 23/23S, on westerly side of North Road beginning approximately 185' southerly of the centerline of Hooker Road and approximately 35' northwesterly of existing pole 23/23 to facilitate a solar interconnection for customer at 0 Montague Road. The plans were reviewed with David Blakesley. He made recommendation to set back the location of the pole an additional 3-4 feet from road. The hearing was opened for public discussion by Phil Dowling. Ginny Curtis stated that CVE is putting off the solar project for one year. If the pole is associated with that why bother. The Eversource rep replied it's not directly related to that project. Public discussion closed. Phil motioned to approve the installation of one solely owned pole tagged 23/23S, on westerly side of North Road beginning approximately 185' southerly of the centerline of Hooker Road and approximately 35' northwesterly of existing pole 23/23 to facilitate a solar interconnection for customer at 0 Montague Road with David Blakesley's recommendation of additional set back of 3-4 feet. Maureen made a second to the motion. Teri stated the form submitted by Eversource includes standard language of order for pole. She proposed alternative language be attached to the order. Phil replied that it's a separate matter and should be reviewed with other departments at a posted meeting. Teri conceded to that. Vote held and motion passed 3-yay, 0-nay. Pole hearing closed at 7:45 p.m.
- Fire Chief Search Subcommittee:
Chris Brooks submitted and reviewed a written timeline of the actions of the committee. In conclusion, the recommendation of the committee is to offer the position of Fire Chief to David Antosz. C Brooks asked how the Selectboard will proceed; if additional interviews will be scheduled. Phil reported he was present (on committee) for review of the applications but not at the interviews and he is willing to go with the recommendations of the committee. Phil motioned to accept the application of David Antosz and the recommendation of the committee pending passage of a CORI, background check, and credit check. Second by Maureen. Motion passed unanimous.
- David Blakesley reported that Alex Antosz submitted his resignation as crew worker on the Westhampton Highway Dept. in order to take an offer from another employer. His final day will be August 16. The process to fill Alex's position needs to start. David and Cheryl were given authorization to begin the search process, develop a timeline for applications, and begin review of applications.
- Chief of Police, Dave White requested authorization to begin a search for two part-time police

officers. Funding was approved at town meeting for an additional officer and there has been a position left open from Officer Hotz. Dave would like to hire one officer as soon as possible and the second position can be pushed off until spring when a qualified candidate is found or if and when Officer Hotz is available to return to duty. Phil motioned to approve Dave to move forward with a search for part time police officer(s). Second by Teri. So voted.

Dave reported an authorization form will be needed from David Antosz in order to proceed with the background check. He requested the form be approved by the Selectboard; a copy wasn't available and can be emailed. Voted to authorize Phil to approve the form by email. Dave will provide a letter summarizing the findings of the background and credit check. Dave reported that he will ask D Antosz to supply the credit check for review which will be returned to him.

- Elevator lift inspection:

Cheryl reported that Walter Zalenski of the Dept. of Public Safety visited the Town Hall on July 24. He stated that the chair lift was overdue for an inspection and if paperwork for an inspection was not submitted to the state by August 1 then it would be shut down. Cheryl replied to W Zalenski that the Selectboard could not take action outside of a meeting and would have to discuss it at their next meeting on August 5. No other contact has been made by the state. The last inspection expired 12/31/2005. Fines of \$100.00 per each day the elevator is in service without the inspection apply. Quotes for elevator inspections were reviewed. The Dept. of Public Safety requires a permit fee of \$400.00 per inspection. The town choses a third party company to conduct the inspection in the presence of a state inspector. The below estimates were provided.

Associated Elevator, by contract:

HOURLY RATE: \$195.00/per man

OVERTIME HOURLY RATE: \$250.00/ per man (Overtime hours are from 4:30pm to 8:00am)

SUNDAYS & HOLIDAYS HOURLY RATE: \$275.00/per man

ANNUAL STATE TEST: \$780.00 + \$425/per elevator for State permit fee

5 YEAR STATE TEST: Additional \$50 for weights.

prices effective through 12/31/19-\$25.00 additional charged for **service calls, not maintenance calls*

Worcester Elevator Co., Inc.; inspection cost estimate:

Permit-\$425.00

Inspection Team-\$1,692.00

Mileage-\$108.80

Discussion was held regarding the elevator at the elementary school and if a lower price could be negotiated if both inspections were completed together. Next steps are to look into the Westhampton Elementary School elevator; seek quotes to complete both inspections; compile a complete list of requirements.

- Town Clerk search:

Cheryl Provost, Administrative Assistant reported that Town Clerk Susan Bronstein submitted her notice of final date of service as August 29. The position is advertised in Indeed, on the town website, and will be submitted to surrounding towns to request local posting. Several applications have come in, none with municipal experience and many without relevant

experience. Discussion ensued regarding how to enhance the search and review applications. Cheryl will email applications to board members for review and selections of candidates will be discussed in a future meeting. Teri recommended publishing the position with Mass. Municipal Assoc. in the Beacon, so approved. Cheryl recommended considering appointment of a Temporary Clerk to take over after August 29 until a qualified candidate is secured for appointment. Phil suggested to have Cheryl fill in, further discussion withheld until posted for the next meeting.

- **Schedule for Heating Fuel quotes:**
A copy of a request for written quotes for heating fuel for town buildings for the winter of 2019-2020 was reviewed. Teri made recommendation to add request for qualifications to paragraph 2, second sentence. Second by Phil. So voted. Phil motioned to send out requests as amended. Deadline to submit quotes is 7 pm, August 19 when quotes will be read with a potential award for one.
- **Cherry Sheet review:**
Final Cherry Sheet figures came out. With those figures and as voted at town meeting the FY20 budget is over the levy limit by \$12,121.00. Some of the budget items that may offset that is an increase to local receipts, new growth, stabilization fund, or by reducing a specific line item such as vocational education. Enrollment for vocational education was below the budgeted figure at the close of registration, the actual final enrollment is unknown until the opening of school. The budget must be balanced before the tax rate can be set in the fall.
- **Special Town Meeting date:**
A town meeting needs to be scheduled for the purposes of balancing the FY20 budget and to appropriate funds and establish an account for the group health insurance savings pay out. Voted to schedule a Special Town Meeting for 7:30 pm on September 30.
- **Minutes of July 22 were reviewed and approved 2-yay, 1-abstain (Phil). Minutes of July 15, as were amended, were signed.**
- **Review of enforcement letter, 0 Main Road:**
Teri reported she spoke to Janelle Austin, KPLaw. J Austin agreed with issuing the order to owners and simultaneously order violations of bylaw and revised the order. Teri had two questions; should Albert Marchand be removed as addressee and clarification of fine-is the \$5.00 per day also per vehicle. Phil replied the Selectboard has enforced what is visible from the road. Teri is waiting on answers from J Austin but will not be at the next meeting. She will send updates by email and is comfortable with Phil and Maureen signing the order after completed by J Austin.
- **Shirl Morigan asked that her request to consider legal posting location of agendas be included as an agenda item soon. Agreed to discuss the item on September 16.**
- **Correspondence:**
-KPLaw notice of hourly rate change from \$175.00 to \$185.00. Phil noted that it's more about what they do with the hours than what they charge. A letter was also submitted from Leonard Kopelman, founder of Kopelman & Paige, P.C, now known as KPLaw, P.C. He is now with

Brooks & DeRensis and is inviting towns to follow him. Voted to schedule a meeting with Leonard Kopelman at a future date and to also look into other firms eventually.

-A letter from Law office of John F. Moriarty, Jr., representing Windy Acres/KOA Campground dated July 22, 2019 was reviewed. It referenced the letters sent to owners of the campground August 26, 2015 & March 17, 2017. Quiet hours stated as 10:00 p.m.-8:00 a.m. were disputed and challenged in the letter. Also challenged was the authorization of the Selectboard to order cease and desist sounding the fire truck horn. Also reviewed was a letter to be sent to the Kelsy's and KOA/Windy Acres to seek their cooperation and request they consider an alternative to the air horn.

Discussion was held regarding revision to the town general bylaws to establish quiet hours from 10:00 p.m.-8:00 a.m. with no grandfather clause so that all would have to comply. Shirl Morrigan spoke in support of a quiet hours bylaw, describing incidents at Pine Island when there was a fair amount of noise. Ginny Curtis commented that the abutters (of the campground) in the past have asked the Selectboard to consider issuing a permit with restrictions to the campground. The board did not take it under consideration and furthermore agreed that revising the general bylaws by adding quiet hours does not single anyone out. Teri suggested to Ginny to tell the other abutters to make complaints to the Kelsey's. Discussion ensued regarding past interactions between abutters and the owners of the campground. Phil closed discussion and motioned to send the letter as written. Second by Teri. So voted.

- Administrative Assistant, Cheryl Provost reported:
 - interviews were held by the administrators of the HRSD towns for a Document Project Consultant to be paid through a grant. The project is connected to the Laserfische document management system that the towns received through a separate grant. The consultant will work a maximum of 750 hours, divided as 150 hours per town. A candidate was selected unanimously and references are being checked. The Town of Williamsburg is the grant lead and will process payment of grant funds. Each town will have the option to sign into the contract and there is no obligation to enter. A copy of the contract will be submitted at the soonest meeting available.
 - the vacuum cleaner at the town hall doesn't work. Requested authorization to purchase a new one. Phil motioned to authorize \$300.00 for the purchase of a new vacuum cleaner. Second by Maureen. So voted.
 - scheduled the annual review with Northeast IT for September 16.
 - Jean Webster gave notice that she does not accept appointment to the Council On Aging.
- The next regular meeting date is September 2, Labor Day. Scheduled to meet Tuesday, September 3.
- Maureen Dempsey submitted a resignation from the Capital Planning Committee.
- Steve Holt reported that the Fire Department looked at the plan to place a dry hydrant at the dam of Pine Island Lake and it won't work. They're looking back at original plan.
- Phil requested the Open Meeting Law training offered by KPLaw be scheduled for late October. So noted.
- The second application for Animal Control Officer was reviewed. Phil motioned to offer the

position of Animal Control Officer and nominate as Inspector of Animals Donald Tryon. Second by Maureen. Motion passed 3- yay, 0- nay.

- Teri requested that her pole order wording be emailed to the Highway, Fire and Police Department for review and comment. So noted.

Next meeting: 7:00 p.m. August 19, 2019.

- Documents submitted:
 - Petition for pole hearing from Eversource
 - letters to Windy Acres/KOA Campground dated August 26, 2015 & March 17, 2017
 - Chapter 90 Project Request
 - Maureen Dempsey resignation from Capital Planning Committee
- Documents signed:
 - Chapter 90 Project Request in the amount of \$166,640.00 for hot mix paving for Montague Road and the rear parking lot of the elementary school
 - Franklin Regional Council of Governments Purchasing Program-approval to solicit bids for salt for FY20 for the Town of Westhampton
 - results to submitters of Request For Proposal for Owner Project Manager (Safety Complex)
 - Selectboard minutes of July 15 & 22
- Meeting adjourned at 9:27p.m.

Approve:

Philip Dowling, Chair

Maureen Dempsey

Teri Anderson