



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

Minutes of August 3, 2020
Meeting held via ZOOM

The meeting convened at 7:00 p.m.

Present from Selectboard were Phil Dowling (Chair), Maureen Dempsey, and Teri Anderson. Others present were Bill Jablonski (highway superintendent), Don Tryon (ACO/Inspector of Animals), Wally Marek, Todd Alexander (Emergency Management Director), Tom Quinlan (Temporary Building Commissioner), David Blakesley & Robby Armenti (Board of Health), Wayne Parks (ZBA), Dave Loven, Shelby Macri (Country Journal), Ginny Curtis, Mary Powers, and Shirl Morrigan. Minutes were taken by Cheryl Provost.

- COVID Coordinator search update:
Phil reported that Heather Paul submitted interest in the position and might attend the meeting. Noting her absence Phil continued. The position will be in charge of gathering information, consolidating and disseminating it, working with the Selectboard and Administrative Assistant. It's a temporary position through December 30, 2020 funded through FEMA. Phil opened topic for discussion.

Todd Alexander reported he can pass some information along to the coordinator what he learned regarding CARES/FEMA for COVID.

Phil reported the town applied for and received funds from CARES grant in the amount of \$28,000.00. A FEMA account was opened; Phil and Cheryl are working on that. Westhampton Elementary School paid money out of their budget for COVID related items. Phil spoke to Dean Bates (Principal Westhampton Elementary School) and Bobbie Jones (Business Administrator, Hampshire Regional School District) about those issues and that receipts are needed to turn into FEMA or CARES.

- Highway Department updates, Bill Jablonski reported:
 - had a few heavy downpours to clean up after
 - shimming roads
 - working on roadside mowing
 - working on getting quotes for the new generator
 - working on Montague Road speed limit request
 - Steve Malinowski approached him last week to clean up stones. S. Malinowski is putting up fence along road and wants it cleaned up. Bill told him it's up to the Selectboard to determine if that can be done. Phil replied that the town never received written permission to enter the property to clean up the stones. Written permission to do the work was requested from him when David Blakesley was Superintendent. It has not been received. Phil directed Bill to not do the work.

-Eversource sent a representative from Earthlight to the garage to look at the lighting as part of an energy assessment. The rep could not believe fluorescent lights are still being used. Phil responded that the visit may be in response to Barbara Cook's work on the Town Property & Energy Assessment Committee. He wants to get an application into the system. Bill responded that it sounded as though Eversource will pay a portion of it. Phil reported there's question of a payback of the grant, he's working out details.

-Probation is up August 13. Teri asked if a review should be completed. Phil replied he feels that Bill is doing a great job and has no questions. Teri made recommendation to refer to the Personnel Policies & Procedures. Cheryl noted the policies require annual reviews of regular employees. Teri will look at policy and report back.

- Building Commissioner and local inspectors:

-Thomas Quinlan reported he forwarded an email with pictures sent from Denise Sacharczyk. They are cleaning up. A new scrap person is coming next week. Some 200 vehicles are reportedly gone. They're working on a new location. No site visit was completed. Phil asked Tom if he could do one and take pictures, before next meeting. Tom replied yes. Tom answered questions from Ginny Curtis related to the timing of the inspection and notification of such.

-Phil reviewed the status of "Temporary Commissioner": Tom Quinlan was appointed as such through December 31. Todd Alexander and Wally Marek were appointed as Temporary Local Inspector of Buildings. The board is working on job descriptions and entering into employment agreements, seeking input from Tom. Tom reported he reviewed the Temporary Local Inspector of Buildings job description and it looks good. He replied to Phil that they had discussed pay of \$750 monthly for each of the local inspectors. They haven't signed the agreement for \$625 monthly. Phil replied the current budget was based on moving forward with an agreement with Southampton for \$23,900; the appropriation is \$24,000. When calculating for the offer we were looking at half the year. A review of the calculations resulted in \$500 monthly for the commissioner and \$1500 monthly for the locals (\$750 each) is \$12,000; half the year's budget. Phil commented that leaves room in the budget for discussion. Brief discussion held regarding revising the employment agreements for the Temporary Local Inspector of Buildings. Phil motioned to revise the agreement to pay \$750 monthly for each local inspector. Second by Maureen. So moved by vote 3-yay, 0-nay. Job descriptions for Temporary Local Inspector of Buildings and Temporary Building Commissioner to be reviewed by Tom and brought back to board for review. The agreement will be revised and given to Wally and Todd to sign. Phil made recommendation at the end of October to get feedback from the temps to prepare for a search for permanent. Tom reported it takes about three months to get the permitting software. Teri asked Tom if he looked at others. Tom replied yes, he believes this to be the best for Westhampton. Teri questioned procurement procedures and asked if it falls within the threshold for sound business practice. Cheryl confirmed.

-Inspection fees for plumbing were reviewed. Jim Mailloux sent a copy of the fee structure for Southampton, he likes theirs because it's an easy schedule to follow. Tom reported it made it easier to have the fee rates the same. Phil requested a written proposal of fees so for the board to review at their next meeting.

Jim asked if there is a town bylaw or other regulation that prevents homeowners from pulling permits. Tom replied it's really the electrical inspectors call. It's clear in the code book for plumbing it must be a contractor.

Brian reported he held some phone calls recently regarding concerns of the size of the water line for the safety complex in regards to a new building and upgrades. He reported there could be

concerns but something can be worked out; there could be expenses associated with upgrading the water line. Phil asked Brian to send information to him and the building committee. Brian agreed.

- **Animal Control Officer/Inspector of Animals:**

Phil reported that Don Tryon agreed to meet and discuss some of the things he's dealing with and see what the board can do to help. Discussion opened to Don.

Don reported in the spring he talked about increase call volume, believed it was more people home and word getting around there was a new Animal Control Officer in town. A steady increase in calls continues; possibly COVID related with more people home. There are still a few open cases from the spring taking up a lot of time, working with outside agencies such as Mass Humane Society. The future is unknown, referring to kids, schools, and call volume. Don is unsure if he can respond to all the calls. Maureen asked what the bulk of calls are. Don replied could be anything; from stray or loose dogs to criminal cases. Teri asked if Environmental Police respond to wildlife. Don explained different circumstances where they may. He noted that their response time is slow, particularly in this portion of the state when an officer is often called from Framingham area. They are also stretched very thin. Maureen asked if there is a way the positions could be split, would that be helpful. Don replied trying to find a certified ACO now is difficult. The possibility of hiring an assistant was previously discussed. They could work under his license. The state is not holding a training in the fall due to the pandemic. If the board has concerns of having someone not trained than someone with extensive animal experience or law enforcement could be brought in. Maureen noted that Rick Tracy (her husband) was Inspector before, could that be split out again? Don replied it could, however the Inspector side is not as busy because it's generally quarantines which can often be completed by phone and farm calls which are completed in the fall on a schedule. Splitting the positions out again does not relieve the work on the ACO. Phil commented that he does not have a problem with finding someone to work under Don's license. We just entered an arrangement with our inspectors working under the commissioner. Maureen replied she has no problem with it if it's someone Don is comfortable with. Don reported that new ACO's and assistants coming on will have access to state with any inquiries and possibly educational material. He has not talked to anyone yet but has some individuals in mind. Phil made note that the other piece of this is financial. Changes would have to be addressed with the Finance Committee and funding approved by town meeting. Phil spoke of state aid and potential cuts. He also is considering some funding may be eligible through FEMA grants if call volume is COVID related. Phil asked Don to provide some recommendations to look over and discuss at the next meeting. He acknowledged Don for knowing the job and wanting to do it correctly and the board appreciates that. Don replied that he will put together an overview of how this may work and if there's any way to determine calls are COVID related as quickly as possible.

- **Council On Aging:**

Maureen reported that the coordinator, Amy Landau, submitted a proposal to put a bulletin board in the town parking lot that seniors can easily access. Many seniors don't have access to internet and it provides a location they can easily access by driving up to. Phil likes the concept of a drive up bulletin board, and noted we need a new sign for the town offices. If we replaced the existing sign with one that could serve both purposes, that will be best. Bill Jablonski reported that Amy also contacted him as to placement of the sign. He's not sure exactly where at the parking lot she's thinking but it can't be put in the way of snow removal and most of the property

surrounding the lot doesn't belong to the town. Maureen reported the proposal is in response to a CARES grant of \$3500 the COA received in order to ease operations and help continue to communicate with and serve seniors during the COVID-19 pandemic. Compared two models submitted with the proposal. Phil motioned to approve the larger model and replace the existing one. Second by Maureen. So moved by vote 3-yay, 0-nay.

- **Municipal Vulnerability Preparedness Grant:**

Phil opened discussion to Amanda Kohn and Joanna Nadeau from Weston & Sampson. A. Kohn explained the Municipal Vulnerability Preparedness Grant is a 2 phase program. Phase 1 is a planning grant eligible for up to \$100,000. It provides funding for the town to complete a climate vulnerability assessment. The grant can also be used to update Westhampton's Hazard Mitigation Plan. After completing the MVP, the town would become eligible for MVP Action Grants, as well as FEMA grants, if the project includes updating the Hazard Mitigation Plan. MVP Action Grants fund assessments, design, and construction projects on almost anything related to climate resilience, including improving the resiliency of emergency response. The Planning Grant application is fairly straightforward and is due August 7th. They have helped 13 communities apply and receive the Planning Grant and have assisted 25 communities with the planning process. They've also helped with 13 Action Grants to advance their priority actions in the next phase. There isn't a cash match requirement, however, the Town must commit to 120-hours of staff time.

Questions asked and answered:

Q. What is the time frame? A. The MVP report must be completed by June 30, 2021, however A. Kohn suggested completing it by April 2021 so if the town decides to move forward with the action grant there'll be time to apply for that.

Q. What service is provided by Weston & Sampson? A. help write the grant and help through the action process; other things can be discussed.

Q. Is this annual? A. Yes, MVP Planning grants will be available again about this time next year.

Q. Does this have anything to do with the Emergency Preparedness Plan? A. No, it's the Hazard Mitigation Plan, related to climate changes.

Q. Associated with Pioneer Valley Planning Commission? A. No.

Q. What is the required 120 hours of staff commitment? A. Mostly attending required workshops.

Q. What is the responsibility of the town in this initial process? A. No payment; assign a project manager; resume for project manager; letter from town signatory; 3 letters of support.

Q. Procurement requirements? A. Generally if hiring a consultant the **sole source provisions** can apply.

Q. Where are you located? A. Reading, MA with a location also in Worcester; would be working

out of there.

Discussion closed. Phil motioned to accept assistance from Weston and Sampson with the Municipal Vulnerability Preparedness Grant Program application process. Second by Teri. So moved by vote 3-yay, 0-nay. Phil volunteered to serve as Project Manager, so moved.

- Administrative Assistant/Town Clerk:

Cheryl reported her leave time changed to September 29. She will be present for the entire process of the State Primaries. Some of her time out will be during the vote by mail period for the November election but she will be present for the final days of it and on Election Day. Patty Cotton has offered assistance, with pay. Cheryl made recommendation to appoint Patty to a position to allow her to have access to the state voter registry system, with future discussion to be whether it will be as Assistant Clerk, or another title. Cheryl will also talk to Susan Bronstein about assisting with other duties. Approximately 200 vote by mail applications have come in with more coming each day. The state has issued postage paid return envelopes for the voters but municipalities are required to add postage to ballots being mailed to voters. This is an unexpected expense. It will require a lot of extra hours to enter them into the system and process the ballots for each election. Many of the applications received are requests to vote by mail in both September and November, with a few being only for November. The state also requires early vote in person August 22nd -28th, with mandatory hours August 22 & 23 (Saturday & Sunday). There are also mandatory hours for the November election.

Cheryl reported she received FMLA paperwork from Patty.

Phil spoke relative to voting and asked Cheryl to notify the board if there are mail in issues or additional work that requires someone to assist. So noted.

Teri asked if any of the extra costs are eligible for CARES funding. Cheryl replied that the Elections Division has not received information on that but encourages clerks to track additional expenses due to COVID.

- Appointments were reviewed.

Phil reported the Zoning Board of Appeals (ZBA) has one seat with a term up and is currently held by Wayne Parks. Wayne had reported an interest to be appointed to serve another term. Dave Loven had submitted an interest of appointment. Both were asked to join the meeting and tell the board why. Phil opened discussion to Wayne Parks.

Wayne explained he joined the ZBA in 1997. He likes to think he's fair to everybody and help people along the application process. Maureen asked how often the ZBA meets. He replied none this year. Maureen asked if he attends most meetings. Wayne replied he had until last year and gave an explanation of why he missed some meetings. Maureen asked if going forward he would be able to attend meetings. Wayne replied yes. Phil asked when was the last meeting he had attended. Wayne replied he was not at meetings last year.

Phil opened discussion to Dave Loven. He explained he lived in town 26 years and has been involved with some town projects. He knows how to assess sites and see problems. He was schooled in business management and went into construction. He has time to step up and serve the community. He disclosed he is in construction and feels there could be a conflict if he served on the Conservation Commission or Planning Board. Teri asked how often he thought he would be in a conflict of interest. Dave replied not often, and he could recuse himself.

Teri asked each of them to explain their approach to following bylaws.

Dave replied he will treat everyone fairly and equally, consider variables in each appeal and see

how that fits in the bylaws of the town.

Wayne replied he thinks sometimes the laws aren't followed and some changes should be made. He follows the bylaws even though it is sometimes difficult.

Phil replied he served on the ZBA years ago and wondered if, when the board looks a situation and weighs the impact of its decisions, do the bylaws have room to take into consideration the "human factor"?

Wayne spoke of cases where a variance was denied and said that the bylaws were voted by the Town and it was not the role of the ZBA to change them.

Teri provided her perspective that the Zoning Act is very clear and not based on human factor. Variances are clearly described and limited in the law.

Dave Loven replied he respects the objectivity and fabric of Westhampton community who created the by-laws, but believes to fully serve the intent of the law there is often need for interpretation, otherwise there would be no need for a ZBA.

Discussion ensued regarding three associate seats open on the ZBA. Teri motioned to appoint Dave Loven as Associate to the Zoning Board of Appeals. No second. Phil motioned to appoint Dave Loven for the 3 year term on the Zoning Board of Appeals. Second by Maureen. So voted, 2-yay, 1-nay. An Associate position was offered to Wayne Parks, he declined.

Board of Assessors:

Phil motioned to appoint Winnie Gorman to the Board of Assessors until the next town election to fill a vacancy. Second by Maureen. So moved by vote 3-yay, 0-nay.

Franklin Regional Transit Authority Representative;

Phil motioned to appoint Teri Anderson as Westhampton Representative to Franklin Regional Transit Authority. Second by Maureen. So moved by vote 3-yay, 0-nay.

- Anti-racism action:

Teri submitted a cover memo to officials and employees to be sent to them with a copy of the Anti-racism Resolution. Phil and Maureen read it. Teri motioned to send the Anti-racism Resolution with the cover memo as an introduction to all boards, department heads, and staff. Second by Maureen. So moved by vote 3-yay, 0-nay.

- Pollinators:

Maureen reported the advisory committee met and talked about the importance of habitat. The article got tabled at town meeting and the committee's understanding is the mission is education to be directed to residents. Confirmed. Maureen reported Pheobe is secretary and a beekeeper, will have minutes soon. Phil asked if there's anything the Selectboard needs to do. Maureen replied not at this time.

- Teri nominated Phil Dowling as Chief Procurement officer. Second by Maureen. So moved by vote 3-yay, 0-nay. Reviewed Delegation of Procurement Powers and Duties. To be reviewed and returned to future meeting.

- Minutes of July 20, 2020 were submitted.

- Warrant for State primaries was submitted

Warrants were reviewed and approved by vote 3-yay, 0-nay for:

Payrolls: \$80,025.44

Vendor: \$499,746.56

The Selectboard voted by roll call, 3-yay, 0-nay, to enter into Executive Session at 9:50 p.m., pursuant to G.L. c. 30A, section 21(3), as the Chair declared that discussion in a public meeting may have detrimental effect on the town's potential litigating position with respect to 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. Open session will resume Adjourned Executive Session and returned to Open Session at 7:30 p.m.

Adjourned Executive Session and returned to Open Session at 10:15 p.m.

- Next meeting: 7:00 p.m., August 17, 2020.

Meeting adjourned at 10:15 p.m.

Approved by vote of the Selectboard at virtual meeting held August 17, 2020

Phil Dowling
Maureen Dempsey
Teri Anderson