



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

Minutes of November 23, 2020  
Meeting held via ZOOM

The meeting convened at 6:30 p.m.

Present from Selectboard were Phil Dowling (Chair), Maureen Dempsey, and Teri Anderson. Others present were Donald Tryon (Animal Control officer), Greg Corbo (KPLaw), Cody Belden, Bill Jablonski (Highway Superintendent), Thomas Martin & David Blakesley (Board of Health), Susan Bronstein (Covid Coordinator), Patty Cotton (Treasurer), Shelby Macri (Country Journal), and Angelica Core (The Reminder). Minutes were taken by Cheryl Provost.

- The **Public Hearing** in accordance with Massachusetts General Laws, Chapter 140, Section 157, to determine whether the three dogs owned and/or kept by Loretta Frietag and Cody Belden of 225 Northwest Rd. in the Town of Westhampton, are Nuisance or Dangerous Dogs was opened at 6:31 p.m. by Greg Corbo, Esq. KPLaw.

Conduct of the hearing was described.

Don Tryon, Westhampton Animal Control Officer, was sworn in and presented evidence for the town as calls of service or reports.

-February 16, 2020/3 loose pit bulls believed to belong to 225/complaint unfounded, could not identify owner of dogs

-March 25, 2020/complainant anonymous/dogs following him while jogging/positive the dog belonged to 225 Northwest Rd.

-March 31, 2020/loose dog in area reported by PD/positive to be from 225 Northwest Rd.

-March 31, 2020/jogger could not get dog away/D Tryon followed up with Loretta Freitag and written warning.

No further calls or complaints all summer.

-October 9, 2020/grey pit bull walking in road/reported friendly/Northampton ACO followed up and gave verbal warning to Loretta Frietag.

-October 24, 2020/dog over line Northwest Road in Chesterfield/in road/notified Loretta Frietag who eventually picked dog up.

D Tryon reiterated all reports of interactions with the dogs are the dogs are friendly and main concern is safety of the dog. There does appear to be more incidents than are reported to him.

G Corbo followed with questions.

D Tryon replied:

- number of dogs unknown at Northwest Road
- no dogs are licensed
- aside from call logs have not received email complaints

P Dowling replied:

- two email complaints on file with the Administrative Assistant
- complaints to be entered into the record

C Provost read excerpts from email complaints into the hearing:

**Email (1) for the record October 1, 2020**

**Several recipients included in email**

"PS: Hey, Donald...

Also, Don, what about the two pit bulls that roam Northwest Road that live ... at 225 Northwest Road ...

Are you going to go to 225 Northwest today and pick up the two pit bulls? This is NOT an anonymous complaint, Don..."

**Email (2) for the record October 21, 2020**

**Several recipients included in email**

"Dear Don Tryon:

This e-mail will memorialize the fact that no one from your dog catching agency has contacted anyone in our family about the deadly pit bulls that roam Northwest Road that I reported to you on October 1, 2020...

Cheryl, ..., do you think you could ... and schedule this hearing immediately and let us know when that will be held?"

G Corbo asked if anyone else was present to give complaints with respect to the dog(s). No known.

Cody Belden was asked to identify himself and was sworn in. He stated his full name and address as 225 Northwest Road and presented evidence. C Belden gave testimony and stated that the dogs are not dangerous. He will make everyone in household understand the importance of keeping the dogs tied up and in the yard. They have their shots. G Corbo followed with questions.

C Belden replied:

- three dogs are kept at 225 Northwest Road. He described the dogs. One elderly dog that does not go far. One middle age reddish female, very friendly. 1 ½ year male that has not had training and likes to visit. C Belden plans to build a fence to keep in dogs.
- plans to spend time with younger dog training him
- C Belden resides with Loretta Frietag and three adult children (ages 28, 21, 19) at 225 Northwest Road
- can get the dogs licenses

G Corbo reported, without objection from Selectboard, that one of the email complaints the town received the individual was angry the dog entered his property and threatened injury or shooting the dogs if found again on property. G Corbo declared he did not know if the threat was legitimate or not but thought the dog owners should know. C Belden acknowledged threat.

G Corbo asked if anyone else was present to give evidence or testimony in favor of the dogs. With no one else responding public input was closed and moved to Selectboard discussion. G Corbo reviewed the purpose of the hearing and made recommendation the dog not be declared dangerous and the Selectboard further make a determination if the dog is a nuisance.

Phil moved that the Board vote not to declare the dogs owned or kept by Steven Kellogg, Loretta Freitag and Cody Belden at 225 Northwest Road nuisance or dangerous dogs at this time, but that the owners be formally warned that they are required to keep the dogs secure on their property and that they cannot allow them to roam freely on public ways or other public and private property in the Town, and that the failure to keep the dogs properly secured may result in the issuance of an order of restraint in the future; and further that the Board order the owners to license all dogs owned or kept by them in the Town of Westhampton with the Town Clerk within seven days of this vote. Second by M Dempsey. Discussion opened. Teri asked D Tryon to clarify his report the dogs were following pedestrians and if they were in fear or concerned about the dog following them. D Tryon replied his understanding is they were concerned with an unfamiliar dog following them but did not fear the dog. The general consensus is the dog is very friendly. Northampton ACO reported to him is "more concerned another dog or animal could hurt this dog than this dog hurting something or someone." Dog known as Carl; C Belden corrected that his name is Cam.

Motion called to roll vote:  
Phil Dowling-aye  
Maureen Dempsey-aye  
Teri Anderson-aye

Motion passed. Letter in form of motion to be sent to Codey Belden and Loretta Freitag.

Hearing closed and regular session of Selectboard meeting resumed at 7:00 p.m.

- COVID-19 actions:  
Board of Health, Tom Martin reported:
  - rise in cases past 7-10 days
  - increase in concern another uptick will follow holiday
  - Hampshire Regional High School entering full hybrid mode
  - Westhampton Elementary School up to about 70 students daily
  - food bank at the church is seeing fair amount of use
  - state issued vaccination schedule. Municipalities will be responsible for bulk of community vaccinations in stage 3-4
  - Emergency Dispensing Site in Easthampton assigned to Westhampton Board of Health by regional planning group in Northampton, R Armenti will attend meetings of the emergency planning group to keep updated.
  - public health nurse experiencing problems with MAVEN system

-first public hearing was held in town hall by Zoning Board of Appeals. He and David were present. It was a success.

Board of Health requested that the Selectboard ask Chairs to review information on use of town hall. Copies of the handouts distributed earlier in the year by C Provost can be posted in the town hall. R Armenti volunteered to make posters.

M Dempsey reported she contacted Chesterfield, Williamsburg, Southampton town halls and T Anderson contacted Northampton city hall regarding public use of municipal buildings for recreation and other means. Chesterfield buildings remain closed to the public, Chesterfield Town Administrator was quoted "the buildings employees should not be put at risk because of the recreational fun of others". Williamsburg does not intend to allow public use of the buildings until sometime next year and after many have been vaccinated. Southampton does not have room to allow recreational use but does usually allow other activity, however not allowed now. Northampton indoor activities allowed if there's an approved plan with health department. No space available for pickle ball.

P Dowling made recommendation to wait on decisions of recreational use of town hall in light of current conditions and to keep buildings closed other than for essential use only until further notice. T Anderson concurred. M Dempsey added that Williamsburg health official made recommendation to not allow recreational use in the buildings. Phil asked T Martin to respond. He replied that a custodian has been added for additional cleaning of the town hall Tuesdays and Thursdays for cleaning between uses for whatever the Selectboard chooses.

P Dowling moved discussion to heating systems. Sandri Energy performed annual service to systems. He spoke to them about two main things discussed by board.

- 1) maximize fresh air intake
- 2) filters

Currently there's not a lot that can be done to increase fresh air except for in the library. Told them we can open windows and doors to air out building and Sandri thought that is an appropriate response. The filters were upgraded to MERV 10, they don't have 13. P Dowling asked if they have 13 and if they're appropriate. They are checking and P Dowling will follow up. B Jablonski reported Sandri said the systems would not push enough air through MERV 13 filters.

R Armenti asked to keep recreational use of town hall open if the numbers go down to revisit.

- Highway Department updates, Bill Jablonski reported:
  - cleaning leaves
  - getting dirt roads ready for winter
  - putting up plow whips
  - lines on main roads painted; Southampton Road to be repainted
  - fence installed at elementary school
  - heating systems serviced
  - helped fire department take down flags off poles
  - guardrails installed on Southampton Road
  - assisted with burial at cemetery

-DEP regarding 11 Loudville Road spill. Pole numbers didn't match what letter stated because the spill was up on the residents property. The work complete and cleaned up  
-met with MassDOT regarding Perry Hill Extension Bridge. In design stage and set to go to bid 2024.

-work being done on King's Highway Bridge

- 0 Main Road, P Dowling reported he was present at a site visit conducted November 13 by Tom Quinlan (building commissioner) and Todd Alexander (local inspector). P Dowling was given approval to take drone photos, and did. He compared the photos with pictures from 2017 inspection. Vehicles being moved out on regular basis. It appears they are moving forward with intent to clean it all up. There are piles of junk in the back corners that are not vehicles and left by former owner.
- Treasurer, Patty Cotton reported an agreement was made for payment for a lien and outstanding taxes of 225 Northwest Road of \$30,000.00 and \$525.00/month until paid. Currently waiting for signed documents. Upon signing the town will be paid \$30,000.00 and the first monthly payment will be due January 1, 2021.

P Cotton reported she received a subpoena to appear at a hearing in Hampshire County Superior Court, Civil Action, Timothy Fondakowski vs Cotton Tree Service. She cannot be there for two days. P Dowling invited her to join the executive session at the end of the meeting for further discussion. So noted.

- Municipal Vulnerability Preparedness core group selection. P Dowling motioned to nominate Dave White, Laurie Sanders, Todd Alexander, Cheryl provost, Teri Anderson, Robby Armenti as core group members. Second by M Dempsey. Motion passed by roll vote 3-years, 0-nays.
- Point Software, electronic building permitting revised agreement for one year was reviewed. P Dowling motioned to approve the one year agreement with Point Software for \$4,000.00. Discussion ensued regarding procurement of services and multi-year contracts. Second by M Dempsey. Motion passed by roll vote 3-years, 0-nays.
- Town Hall Roofing Project, P Dowling reported is delayed. FRG Contractors requested an extension to the date of completion. Art Pichette is overseeing the work and made recommendations to allow an extension with a guarantee of work and materials. P Dowling is comfortable with his recommendations. Discussion ensued regarding roofing and contract revisions. P Dowling motioned to extend the Replacement of Town Hall and Annex Roof Contract with FRG in writing to be extended until December 25, subject to some conditions including a guarantee to replace any full or partial shingles that blow off the roof under any circumstances. Second by M Dempsey. Motion passed by roll vote 3-years, 0-nays.
- Use of drop box as "Santa mail box" request from Pat Miller was reviewed. Voted to approve use of the box as "Santa Mail Box" and details to be worked out with C Provost.
- Reviewed updated FY21 budget with newest State figures. Budget is balanced. Finance Committee should meet to review. Tax classification hearing will need to be scheduled with

Assessors after state certifies new growth and certifies values.

- Treasurer search, P Dowling reported one application was submitted. Posted to MMA website. Discussion ensued additional methods of advertisement. C Provost will reach out to area towns and contacts. P Cotton reported that she has received feedback from the ad which confirms it's being seen. P Cotton will reach out to contacts. Discussion ensued regarding Assistant Treasurer/funding of temp help. Additional discussion of combined jobs such as Treasurer/Collector. Study to be done of what other towns are doing.
- Montague Road solar update. P Dowling reported the final inspection was completed. B Jablonski reported the fire department is waiting for completion of specific items before signing off. Once the sign off is complete then Eversource will be scheduled to hook them up. The first payment will be invoiced on the first billing cycle following Commencement of Operation.
- Request for enrollment of late entry student to Smith Vocational was reviewed. P Dowling motioned to approve two late entry enrollments to Smith Vocational. Second by Maureen. Motion passed by roll vote 3-years, 0-nays.

Minutes of October 26, 2020 were reviewed and approved by roll vote 3-years, 0-nay.

Minutes of November 9, 2020 were reviewed. T Anderson motioned to make amendment to page 2, second to last paragraph, to add "Patty to complete an application for the position of Tax Collector so the Selectboard can go through the hiring process". Minutes approved as amended by roll vote 3-years, 0-nay.

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

Payrolls: \$81,662.15

Vendor: \$232,850.54

Next meeting: 7:00 p.m., December 7, 2020. T Anderson requested agenda item be added to discuss distribution of flyers, potential bylaw. So noted.

The Selectboard voted by roll call, 3-yay, 0-nay, to enter into Executive Session at 8:42 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 8:58 p.m.

Approved by vote of the Selectboard at virtual meeting held December 7, 2020

Phil Dowling  
Maureen Dempsey  
Teri Anderson