



The Selectboard
TOWN OF WESTHAMPTON
TOWN HALL
1 SOUTH ROAD
WESTHAMPTON, MASSACHUSETTS 01027

MINUTES of the MEETING

Monday, August 28, 2023, at 7:00 PM

The Westhampton Selectboard scheduled a regular meeting to be held on Monday, August 28, 2023, at 7:00 PM at the Town Offices, 1 South Road.

Call to Order

The meeting was called to order at 7:00 PM.

Present: Dempsey, Bronstein.

Also present: Bill Jablonski, Lynn Fournier, Charles and Mary Lou Burgess, Douglas Finn, Doc Pryne (Reporter, The Reminder).

Absent: Johndrow

Update– Municipal Aggregation

Mark Cappadonna, Colonial Power

Mr. Mark Cappadonna, Ms. Denise Allard and Mr. Joseph Cappadonna made a presentation to the Board in regard to the process of ‘buying in’ to municipal energy aggregation.

Mr. Cappadonna noted that the public comment period was over; a vote by the Selectboard would be taken to continue the process;

He noted that the process could take six months to three years to complete; however, there were a number of factors that were complicating the process that could result in a reduction of local control or local options as to power plans, when the Town would go to market, etc.

Mr. Cappadonna noted that significant changes would likely be around the corner, and the end result of the changes could not be predicted at this time.

Ms. Allard noted that the intention behind the plan was to provide the town with options, and to support options for the Town.

Q: what is the last point at which the town can ‘opt out’?

A: anytime prior to signing the final contract.

Q: Worst case scenario?

A: The town has to ‘enter the market’ at a less than optimal time, which might result in a slightly higher base rate.

Mr. Cappadonna noted that, at every time, individual residents always had the option to choose their own provider.

Ms. Dempsey, noting the absence of a full board, put off a vote to adopt the plan

Perry Hill Road Extension Bridge Project

The board reviewed a proposed “Plan of Road in the Town of Westhampton, Hampshire

County, Laid Out as a Town Roadway by the Town of Westhampton” dated August 16, 2023, prepared by Samuel A. White, Jr., PLS # 35045, scale 1” = 20’.

Mr. Finn recommended that the board vote to lay out the way as presented in the prepared plan, and refer the matter to the Planning Board for their written comment.

After discussion, it was MOVED by Dempsey, SECONDED by Bronstein

To lay out the way as presented in a “Plan of Road in the Town of Westhampton, Hampshire County, Laid Out as a Town Roadway by the Town of Westhampton” dated August 16, 2023, prepared by Samuel A. White, Jr., PLS # 35045, scale 1” = 20’, and to refer the petition and layout plan to the planning board in accordance with MGL c.41, §§81G and 81I

VOTED: 2, 0, 0 (7:22 PM)

Lynn Fournier – Halloween

Ms. Fournier outlined the proposed events for the Halloween activities, including a parade, participation by the fire and police department, and a closing of the road.

It was MOVED by Bronstein SECONDED by Johndrow

To close a portion of stage road, north road and south road, as traditionally used, on Halloween (October 31, 2023) from 5:30 PM to 7:30 PM.

VOTED: 2, 0, 0 (7:27 PM)

Department Reports

Highway

Mr. Jablonski reported significant work on pipes on Reservoir Road Extension; clearing of drainage ditches; new school speed calming lights were delivered; bases installed, light controllers, programming of same, and installation of same.

Roadside mowing continues; roadside drainage clearing continues; other work per normal.

Mr. Jablonski noted that the some work had been done to support the Regional School, but that the proposed repairs had to wait for review by the Conservation Commission and other parties. He noted that the Town would help out when he could, but reasonable limits had to be observed, otherwise the town’s work would suffer.

Old Business

Followup – WES MiniSplit installs

Mr. Finn noted that the physical installation of the mini-split HVAC units at the Elementary School was completed, and the school property ready to receive students. He noted that the units are not yet operational, however, as wiring needs to be completed by the vendor. Estimated time to completion: early- to mid- October.

Revise Date for Fall Special Town Meeting

Ms. Bronstein noted that she had received a recommendation that the Special Town Meeting be held on a weeknight, instead of a Saturday morning, to allow for more residents to attend.

There was discussion about available dates and the best time for the meeting.

It was MOVED by Bronstein, SECONDED by Dempsey

To schedule the Town Meeting on Monday, November 6, 2023, with the exact time to be determined.

VOTED: 2, 0, 0 (7:41 PM)

Review draft STM Warrant Articles.

Mr. Finn proposed a series of draft warrant articles:

- To amend the Bylaw of the Town of Westhampton by striking Section 14 “Non-Criminal Ticketing” and replacing it with “Non-Criminal Disposition Of Violations Of By-Laws, Rules, And Regulations”...
- To amend Article 2 “Elected Officers” as follows:
Article 2 - ~~Elected~~ **Municipal** Officers, and
Further, to amend Article 2, Section 1, as follows:
Section 1 – **Elected** Officers ~~to be Elected~~
- To amend the General Bylaw of the town by amending Section 7 – “Moderator”, section 1-7-2 as follows:

1-7-2 The moderator shall appoint all committees established by the town meeting unless the meeting otherwise directs. ~~He~~ **The Moderator** may direct that only voters be admitted to the place of meeting or to a definite portion thereof.

And further, to amend Article 2 – Elected Officers, Section 2 – Town Clerk: Duties, Section 2-2-1, as follows:

2-2-1 The ~~town clerk~~ **Town Clerk** shall keep and cause to be permanently bound one or more files of the town reports and recover one copy of each past year that is possible. ~~He~~ **They** shall notify all persons chosen or elected by the town or appointed on committees of their election, choice, or appointment. ~~He~~ **They** shall furnish all boards and committees with a copy of all votes affecting them. ~~He~~ **They** shall not allow original papers or documents of the town to be taken from ~~his~~ **their** office except as they remain in his their custody or by authority of the law.

- To amend the General Bylaw of the Town of Westhampton by adding Section 1-3-2 as follows:

1-3-2 All petitions to add articles to a town meeting warrant must be filed with the Town Clerk at least 45 days prior to an annual or Special Town Meeting. This requirement may be waived by the Selectboard on its own motion, if it finds that failing to address the subject of the petition could pose a real, measurable and significant detriment to the health or welfare of the Town.

This section shall not apply to petitions submitted above the signature of two hundred registered voters or of twenty per cent of the total number of registered voters of the town, whichever number is the lesser, in accordance with Section 10 of Chapter 39 of the General Laws

- To amend Article 2 of the general bylaw of the Town of Westhampton by adding “Section 4 – Treasurer” as follows:

Section 4 - Treasurer

2-4-1 - The Town Treasurer is responsible for the deposit, investment, and disbursement of all town funds and plays a principal role in borrowing, in accordance with Section 35 of Chapter 41 of the General Law, and other federal and state codes, laws, and regulations as applicable.

2-4-2 - The Treasurer of the Town shall give no note as Treasurer unless authorized by vote of the Town to borrow money and under the certified approval of the Westhampton Selectboard.

2-4-3 - The Treasurer shall pay no money from the Treasury except upon a warrant signed by the Town Accountant and by the officer or by a majority of the Board or Committee authorized to make the expenditure.

2-4-4 - The Treasurer shall, before entering upon the discharge of his duties, give bond for the faithful performance of his duties in a sum and with sureties approved by the Selectboard, which bond shall be paid for by the Town.

2-4-5 - In accordance with the provisions of MGL c. 60, § 62A, payment agreements are hereby authorized between the Treasurer and persons entitled to redeem parcels in tax title, subject to the following terms and conditions.

A. Each such agreement shall be for a term of five years and shall waive 50% of the interest that has accrued on the tax title account. No tax principal or collection costs/fees may be waived pursuant to the terms of any such agreement.

B. Payment of 25% of the total tax title account balance as of the date of the agreement must be received by the Treasurer upon final approval/execution of the agreement.

C. Such agreements and waivers shall be available for and uniformly applied to parcels of real property with an assessed valuation, as of the January 1 preceding the date of the agreement, equal to or less than 150% of the mean assessed value of residential properties in the Town.

D. During the term of the agreement, the Treasurer may not bring an action to foreclose the subject tax title unless payments are not made in accordance with the schedule set out in the agreement or timely payments are not made on other municipal taxes, assessments, or charges due to the Town that constitute a lien on the subject tax title parcel. In the event of any default in payment obligations stipulated in said agreement, the Treasurer may pursue any or all remedies prescribed by MGL c. 60 for the collection of unpaid taxes, including, but not limited to, tax title foreclosure.

E. The failure of the property owner to comply with any of the conditions or requirements imposed under this bylaw or to make payments in accordance with the terms of any agreement executed

pursuant hereto shall be cause to rescind the waiver of interest and to reinstitute the interest that was waived. In the event of such noncompliance, the tax account for the property shall be recalculated to reflect the amount of taxes and statutory interest that would have been then due and payable but for the initial waiver of interest.

F. Nothing in this bylaw shall preempt or preclude the authority of the Treasurer to accept partial payments or to negotiate and enter into payment agreements authorized by the provisions of MGL c. 60, §§ 22 and 22A, or any other statutory authority.

Other potential changes to the General Bylaw as noted:

- A provision to prohibit trespass by water / erosion
- A formal adoption of licensing of certain activities

New Business ¹

PFAS Multi-District Legislation

A notice from K&P Law in regard to multi-district legislation related to PFAS contamination and remediation was reviewed. No action taken.

Administrative

Review Correspondence

General correspondence was reviewed:

A request for an appointment to the FRTA was reviewed. The board agreed that they had previously appointed Ms. Bronstein to serve as the town's rep. Mr. Finn will complete necessary paperwork.

A letter was received from the HCDC, proposing the use of regional CDBG funding to support a Housing Rehabilitation Program to provide housing rehabilitation grants. The board spoke favorably about the program. No further action taken.

Appointments:

Mr. Dempsey: Austin Norris has been approached about being on the Agricultural Commission; if he is not able to do it, Greg Norris may step up.

Mr. Burgess expressed his interest being appointed to the Cemetery Commission, and submitted a letter of interest. Ms. Dempsey noted that the letter would be held until the next meeting in order for the entire board to consider the appointment.

Ms. Dempsey also noted that there were other appointments that remain unfilled; Mr. Finn said he would promote all unfilled positions, and notify the board of any new letters of interest.

Review and Sign: Payroll and A/P Warrants: W24-05, WP24-05

After review, it was MOVED by Bronstein, SECONDED by Dempsey

¹ New Business may include items not reasonably anticipated 48 hours in advance of meeting.

To approve W24-05 and WP24-05 as presented.

VOTED: 2, 0, 0. (7:57 PM)

Review and Sign: Minutes from Previous Meetings

The minutes of August 14, 2023 were reviewed. It was MOVED by Bronstein,
SECONDED by Dempsey.

To approve as amended.

VOTED: 2, 0, 0 (7:58 PM)

Set date for Next Meetings

The board agreed to meet on September 11 and September 25

Adjourn

There being no further business, it was MOVED by Bronstein, SECONDED by Dempsey

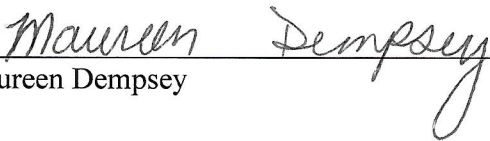
To adjourn.

VOTED: 2, 0, 0. 7:59 PM

Respectfully submitted,

Douglas C. Finn

Approved by a vote of the Selectboard at a regular meeting, held on September 11, 2023.



Maureen Dempsey

Scott Johndrow



Susan Bronstein