



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

August 24, 2015

The meeting convened at 6:30PM.

Present were Art Pichette, Jim Huston, and Phil Dowling; also present were Cheryl Provost, David Blakesley, Terry Donovan, and Steve Holt.

Warrants were signed for: Payroll: \$61,828.19
 Vendor: \$183,674.99

Accepted minutes from August 10, 2015.

- Dog Hearing: The dog hearing opened at 6:45p.m. Present for the hearing were Terry Donovan, Animal Control Officer/Inspector of Animals; Barbara Snook, Reservoir Road; Richard and Adrian Larson of Goshen. Barbara reviewed the attack of July 30 claiming there were two dogs involved. She stated that the dogs came at her aggressively so she became defensive. One of the dogs, Rocky, jumped on her and bit her. Richard Larson submitted a written statement of an attack on him by two of the Marshall's dogs on June 19, 2015. For the record, his statement incorrectly claims it was on August 19. Richard reported he was bit by Rocky and the injuries required medical treatment. Leland Marshall, owner of the dog, was unable to attend the hearing and submitted a written statement which was read out loud by Art. Leland's statement claimed that Barbara has been walking up that road for as long as he can remember and there was never an incident. He was present during the attack and he called the dogs back but they didn't respond immediately. He believes they were reacting to Barbara's defensive actions. Leland denies that the injury was a bite rather she was scratched when the dog jumped on her and makes the point that her initial report to Terry states that it was a scratch. Terry submitted a report of the calls from July 30 through August 10. She quarantined Rocky for ten days as required by law and fined Leland for no dog license. She ordered that all the dogs on the property are to have a current rabies vaccination and a Westhampton dog license. Terry returned after the ten days to inspect the dog and released him from quarantine, but ordered him to be restrained. All the dogs are now vaccinated and licensed. Terry spoke of Richard's attack stating that she received a report from him, not from Cooley Dickinson Hospital. A medical facility is required to report any dog bite treatments to the local Inspector of Animals. Terry quarantined Rocky for ten days upon receipt of that report. At that time his rabies vaccination was current. Terry reported of a neighbor stating that she has no problem with the dog. Phil stated that he has zero sympathy for a biting dog; that he has been attacked by a dog and understands the situation. He disagrees with some statements in Leland's letter. Phil would like to meet with Leland to see that he is aware of how serious this is. Jim stated that his daughter was almost killed by a dog, suffering serious injury. He too has no sympathy for a dog. **Voted to close the hearing and review the findings later in the meeting.**

- Pole Hearing: The pole hearing opened at 7:24p.m. Present for the hearing were Leroy Thomas of Eversource; Peter Montague, petitioner; and David Blakesley. Leroy reported that he is not the original technician and just received this project information on Friday. He stopped at the location on way to the hearing. The proposal is to remove the existing pole on Peter's property and replace it with a pole across the street, next to Peter's driveway. David has no problem with the new location and only questions the set-back distance. Leroy stated he wants the pole as far back as possible so as not to hinder road maintenance. Peter explained that this is not the original plan. Initially the plan was to place two new poles in between two existing poles, not next to the driveway. He questioned why the change in plan. Leroy was aware of the change but not with the details of it. Phil suggested giving Leroy more time to review the plan. **Voted to adjourn the hearing at 7:35 and re-convene on September 21 at 7:30.**
- Fuel Bids: The Heating Fuel Bids were opened at 7:35p.m.
 - Fuel Services, Inc.** Fixed Price \$1.879 per gal. /Over Rack \$0.18 per gal. Service \$79.00 per regular business hours/\$118.50 per after hours.
 - O'Connell Oil Assoc.** Fixed Price \$2.299 per gal. /Over Rack \$0.42 per gal. Service contract starting at \$249.95/ heating service \$90.00 per hr. /plumbing service \$110.00 per hour.
 - Whiting Energy Fuels** Fixed Price \$1.9895 per gal. /Over Rack \$0.29per gal. Service \$85.00 per regular business hours/\$125.00 per hour after regular hours, weekends, and holidays.
 - Mirabito** Fixed Price \$1.8962 per gal. /Over Rack \$0.27 per gal. Service \$89.00 per hour.**Voted 3-0 to accept Fuel Services fixed rate bid of \$1.879 and service at \$79.00 per regular business hours/\$118.50 per after hours.**
- David Blakesley, Highway Superintendent reported:
 - Chapter 90 project request of \$56,000.00 for sealing portions of Clapp Road, Shaw Road and Northwest Road was approved by MassDOT
 - the complaint of Northwest Road tar was a result of heavy rain lifting the recently applied liquid asphalt from the road. The procedure used on the road was routine and on rare occasion that will happen when it hasn't set in yet. David responded to a complaint from Tim Fondakowski that the tar was stuck to his tires and thrown onto his car. He also responded to two other complaints and corrected the problem by cleaning the vehicles and driveways where needed. He also reported that as the tar dries it will come off the tires and causes no damage to them. Art asked if there were signs indicating fresh oil and David confirmed there were. A letter will be sent to Tim requesting updated pictures of the tires. David does not recommend replacing the tires and he is willing to clean his like the two others.
 - North Road project continues throughout the week
 - results are back from the traffic count strip at Reservoir Road. It shows that drivers are speeding on a regular basis validating the complaints heard from Dave Moran on July 13. David is going to spend more time reviewing the data and report back.
 - submitted a 291D payment request of \$27,736.44 to Murray Paving & Reclamation (\$25,878.25), Hathaway Const. (\$1132.57), and Easthampton Feed (725.62) for North Road.
 - submitted a 291D payment request of \$60,482.48 to Maintenance Man, Inc. (\$660.00), Hathaway Const. (\$9,397.38), and All States Asphalt, Inc. (\$50425.10) for various roads.
- Ginny Curtis- KOA Campground noise complaints:

Cheryl reported that she was unable to find a bill of sale or the bid request from when the fire truck was sold to the campground. This would have clarified if there was an order to remove the siren then. The bid proposal from John and Sally Kelsey does acknowledge that some equipment was to be removed for use on the new truck. Art reported that he spoke to Town Counsel and in accordance with State Law Chapter 90, § 16 “No siren shall be mounted upon any motor vehicle except fire apparatus, ambulances, vehicles used in official line of duty....” Additionally, “No person operating a motor vehicle shall sound a bell, horn, or other device, nor in any manner operate such motor vehicle so as to make a harsh, objectionable or unreasonable noise....” Art stated that the problem with the siren sounding, and perhaps the motivator for the law, is that it suggests an emergency, or emergency vehicle, in the area. He believes it was a mistake, unintentional or not, not to remove the siren and believes it should be dismantled. **Voted to send a notice to John Kelsey, KOA Campground, of the violation of Mass. General Laws and to order removal of the siren from the fire truck immediately and cease and desist of the offensive horn sounding.** The Police Department will be copied in the letter as notification of the order and will be directed to enforce it. Abutters will also be copied.

- Maureen Dempsey reported that the Library Trustees chose a Temporary Library Director, Nancy Hayes Clune. Nancy is an experienced Library Director and the Trustees are confident she will provide the services needed. Lyn Keating’s final day is September 3 and she is scheduled to work with Nancy on Wednesday. It is hopeful that there will be enough time for Nancy to become familiar with this library before Lyn leaves. Maureen stated that the pay rate for Nancy is well within the budget, being lower than Lyn’s current salary. Being a temporary position there are no paid benefits. They will continue the search for a permanent Director and will give their recommendation to the Selectboard; expected to be sometime in January. Art thanked Maureen for the update and her work with the Trustees and stated he has confidence in their choice.
- Bruce and Francine Partridge, 75 Stage Road, submitted a nuisance dog report to the Police Department on August 11 against George Munson, 74 Stage Road. They were in to discuss the complaint and seek assistance from the board. They complained of excessive barking being disturbing and annoying. Mr. Partridge described an incident where Mr. Munson allegedly confronted him that resulted in Mrs. Partridge becoming stressed and ill to where she was admitted to the hospital. Voted to send a letter to Mr. Munson of the complaint. **Voted to order an investigation by the Animal Control Officer and hold a hearing on Monday, September 21 at 8:00p.m.**
- **Voted 3-0 to appoint Arthur Pichette as the Pioneer Valley Planning Commission Joint Transportation Representative alternate; David Blakesley will remain the Representative.**
- **Voted to approve the Community Development Strategy Plan.**
- Reviewed the following correspondence:
 - Finance Committee requested budgeting procedures with respect to personnel salaries and pay rates. Generally raises are given on a cola basis, either by percent or specific amount. Exceptions are new employees, in response to a request for negation by a department head, or market analysis. A response will be sent to the Finance Committee.
 - voted to schedule to meet with Todd Ford from Hampshire Council of Governments on September 21 to discuss their programs.

-Ginny Curtis submitted a copy of the letter she sent to the Editor of the Daily Hampshire Gazette in recognition of the services and dedication of the Westhampton Volunteer Fire Department
-Jeff Morse submitted a request for a Farmer's Series Pouring Permit at Outlook Farm.
Discussed the laws and effect of this being a dry town. Research and opinion from Town Counsel is needed before further discussion; will continue on September 21. A letter will go to Mr. Morse reporting his request was received and of the meeting.

- Administrative Assistant, Cheryl Provost reported:
 - did not submit a work schedule for August 25-September 7; inquired if a two or four week schedule should be submitted due to the holiday. Agreed to submit two, two week schedules by email.
 - website; Phil reported that the committee met on August 18 and reviewed the revised design. Additional revisions were discussed and sent into Virtual Towns. The committee will meet on the 8th and review the new revisions. Phil is excited about the new website and what it will offer.
 - Northeast IT; the five hour block was purchased and the new router is ordered. Once it comes in the Highway Department and Northeast IT will be scheduled to come in and re-organize the Accountant and Treasurer office space.
 - the Mass Department of Environmental Protection passed new regulations for solid waste facilities which took effect on January 1, 2015. The program shifts inspections from the Mass DEP to third-party inspectors. A list of companies that provide the service is available. Currently our land fill monitoring is completed by Stantec; the contract was signed two weeks ago. They inquired if we were interested in the additional service as required by the DEP but did not give a price. Cheryl will seek prices and report back on Sept. 21.
- Reviewed the findings of the dog hearing. **Voted 3-0 to deem the dog, Rocky, as dangerous and to order the following in pursuant to Mass. General Laws Chapter 140; §157 (c):**
 1. (ii) That Rocky be confined to 254 Reservoir Road. "Confined" being described as securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon 254 Reservoir Road. The confinement shall have a secure roof and a floor secured to the sides thereof. If the pen has no floor the sides shall be embedded into the ground for not less than two feet. Additionally, within the pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog.
 2. (iii) That when removed from 254 Reservoir Road, or the premises of any person keeping Rocky, Rocky shall be humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
 3. Per Westhampton Town Bylaws 7-9-8 pay a fine of \$50.00. Make payable to Town of Westhampton and send to Selectboard, 1 South Road, Westhampton, MA 01027.

Cheryl will notify Leland Marshall with a letter.

- The Selectboard voted by roll call, 3-0 to enter into Executive Session at 9:05PM as the Chair declared that discussion in a public meeting may have detrimental effect on the towns' litigating position. The public meeting will reconvene at the end of the Executive Session.
- Closed the Executive Session and resumed Public Session and adjourned at 9:08PM.

- Jim inquired if Chuck Miller, Building Inspector, had anything to report on the Campground. Cheryl reported that he was aware of violations but had not received a written complaint or order from the Selecboard. Voted 3-0 to direct Chuck Miller to inspect the Windy Acres/KOA Campground for building and zoning compliance.
- Signed 291D payment request of \$27,736.44 to Murray Paving & Reclamation (\$25,878.25), Hathaway Const. (\$1132.57), and Easthampton Feed (725.62) for North Road.
- Signed 291D payment request of \$60,482.48 to Maintenance Man, Inc. (\$660.00), Hathaway Const. (\$9,397.38), and All States Asphalt, Inc. (\$50425.10) for various roads.
- Signed the Community Development Strategy Plan.

Adjourned meeting at 9:10 p.m.

Approve:

Arthur Pichette, Chair _____

James Huston _____

Philip Dowling _____