



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

Selectboard minutes of September 18, 2017

The meeting convened at 6:45 p.m.

Present were Jim Huston, Phil Dowling and Art Pichette. Present from Zoning Board of Appeals were Wayne Parks and Shirl Morrigan. Also present were Steve Holt, Robert Turner, Ginny Curtis, Mary Powers, Wayne Parks, Amber Kellogg, and Michael Barbeau. Minutes were taken by Cheryl Provost.

The interview for Animal Control Officer and Inspector of Animals was held with Cara Pease. Ms. Pease completed the Animal Control Officer Academy of Massachusetts. Shayla Howe, currently the interim ACO, will provide backup assistance.

On a motion and second voted 3-0 to appoint Cara Pease as Animal Control Officer through June 30, 2018 and Inspector of Animals through April 1, 2018.

Warrants were signed for: Payroll: \$74,116.85
 Vendor: \$234,710.89

Minutes of September 5 were approved.

- Highway Department updates:
 - David at HRMC meeting.
 - Chapter 90 Reimbursement Request was submitted for resurface/chip seal 2.3 various roads miles in the amount of \$66,029.67. On a motion and second voted to approve the request.
 - Chapter 90 Payment Request was submitted for Reservoir and Chesterfield Roads in the amount of \$159,325.48. On a motion and second voted to approve the request.
- The Public Safety Complex Review Committee met on the 6th and 11th at the complex. Topics covered were establishing ceiling cost, needs, and research of combined space. Estimated space requirement of 10,000-11,000. Also discussed the relocation of fuel tanks and options for storage of items in salt shed. The committee intends to be prepared for presentation at the Annual Town Meeting in May 2018.
- Zach Holt from Hampshire Power provided updates to programs with net metering. The newest program is bio-gas, an energy source created from methane gases in cow manure ("cow power"). The program is only offered to municipalities with a preferred sign-on by November 2017 for start-up in the spring of 2018. Mr. Holt provided brochures to review, also sent by email. The board will review the information and contact Mr. Holt with inquiries and discuss it at a future meeting.
- The Zoning Bylaw Review Committee is meeting at 7:00 p.m. Tuesday, September 19.

- Halloween:
Halloween is on Tuesday, October 31. On a motion, voted to close South Road from the parking lot south of the Town Hall Annex to the North Road/Stage Road intersection and Stage Road from the North Road intersection to Southampton Road from 6-8 p.m. on Tuesday, October 31.
- Zoning Board of Appeals; 109 Northwest Road update:
Present from the Zoning Board of Appeals were Wayne Parks and Shirl Morrigan. Amber Kellogg was also present. The process of the appeal of the building permit issued for 109 Northwest Road was reviewed. The ZBA had concerns they were not contacted by the Building Inspector with questions regarding issuance of a new building permit rather than seeking counsel opinion. They also had not seen the opinion and questioned if there were negotiations occurring. The Selectboard clarified that counsel was involved in the matter previously and was continuing to provide an opinion on the matter of construction. There are no negotiations and the board is not getting involved in the decision. They are overseeing counsel authorization and supervising the boards and officials involved. A copy of the opinion will be provided to the ZBA by email. Discussion ensued regarding effective communication between the ZBA and Building Inspector/Zoning Enforcement Officer. The Building Inspector was unable to attend the meeting of the Zoning Board of Appeals held Tuesday, September 12; the only meeting since the close of the hearing on this matter, therefor communication has been limited. Amber Kellogg spoke of her frustrations and hardship due to the appeal that resulted in the building permit being revoked. She reported she has done everything she has been told to do by officials and has received conflicting information. The ZBA explained their responsibilities and limitations. It was agreed that the Building Inspector and Zoning Board of Appeal will need to work together on this matter as well as all building permit applications. The Building Inspector will be updated on the results of this meeting.
- Campground updates:
No progress on site plan since last report.
- Outlook Farm pouring license:
The ABCC reviewed the application and submittals and are prepared to move forward. An amended Form 43 is required with both Jeffrey and Bradford Morse named on it. On a motion and second voted to approve the amended Form 43 and submit to the ABCC.
- 0 Main Road junkyard:
Ginny Curtis reviewed an email she sent to the board on September 13 regarding the status of the violations at 0 Main Road. She inquired what steps are being taken to enforce the Zoning Bylaws. Tom Quinlan was notified on September 13 to follow up on the enforcement notice of March 14. The original notice was sent to the recorded owner and copied to all interested parties. Continued notices will be sent the same.
- Unregistered vehicle violations:
John Zimmerman was not present to provide updates. Violation notices continue to be issued. Discussion ensued regarding the lack of progress and plans of action. An update of the number of cars in violation will be provided at the next meeting. The court will be notified that no

payments have been received and to proceed with non-criminal charges.

- Correspondence was reviewed:
 - Ginny Curtis reviewed an email she sent to the Board of Health on September 16 reporting sewage odor; Selectboard was copied and received report. Tom Martin had responded to the report. Ms. Curtis continued, noting the odor's presence since the spring and that she made a report to the Dept. of Environmental Protection on September 13. The DEP responded with a letter to the Board of Health, a copy was provided by Ms. Curtis. The Board of Health is working with the DEP on the matter.
 - Ms. Curtis inquired on the status of solid waste issues at 225 Northwest Road. The Board of Health reported an inspection was completed and no enforceable violations were found.
 - Mass. Assoc. of Selectmen & Hampshire County Selectmen Meeting at 6:30 on Tuesday, September 19 at the Union Station in Northampton. Topics include legislative updates, managing rising costs of health benefits, managing OBRA Trust Funds. Cheryl is attending.
- The Selectboard voted by roll call, 3-0 to enter into Executive Session at 8:35p.m., as the Chair declared that discussion in a public meeting may have detrimental effect on the town's litigating position with respect to:
Enforcement action for property at 0 Main Road-Westhampton Auto/JAWS

Open session will continue following executive session.

Adjourned Executive Session and returned to Open Session at 9:10 p.m.

Present were Jim Huston, Phil Dowling and Art Pichette. Minutes were taken by Cheryl Provost.

- Discussion ensued regarding 109 Northwest Road. The Building Inspector (Tom Quinlan) denied a request for a building permit. Counsel for the owner (Tom Reidy) disagreed and discussed it with the Building Inspector, who in turn received authority to seek an opinion from counsel due to the legally complex nature of the matter. Town Counsel sent opinion to the Building Inspector Tuesday, September 12 in the evening who then forwarded it to the Selectboard. The opinion was forwarded to individuals of the Selectboard on Thursday, September 14 for review at this meeting to be released to the ZBA.
Counsel for Amber Kellogg (owner) went before the ZBA on September 12 and requested no action on 109 Northwest Road as he wished to seek authorization to discuss town councils opinion on a matter not responded to. He sent that request to the Building Inspector later that evening. The Building Inspector forwarded it to the Selectboard; subsequently received on Wednesday, September 13. The request was brought to the Chair who authorized one discussion between counsels to discuss one matter not answered by Town Counsel. Upon this review it was determined the authorization was misunderstood, likely due to both parties named "Tom". The authorization was thought to have been for Tom Quinlan, not Tom Reidy. There is no authorization for ongoing discussion. No update has been received at this time.
- Discussion ensued regarding the case Athanasiou v. Town of Westhampton, Appeals Court, 2015-P-0894
Athanasiou filed a Petition for a Rehearing on August 30.

- The next Selectboard meetings will be 7:00 p.m. Monday, October 2 & 16.
- Documents submitted:
 - Expense Report through September 7
 - Chapter 90 Reimbursement Request
 - Chapter 90 Payment Request
 - Amended Form 43 for the Outlook Farm pouring license
 - Mass Dept. of Environmental Protection to Health Agent, September 14, 2017 regarding reports of sewage odors at 139 South Road (campground).
- Documents signed:
 - Chapter 90 Reimbursement Request was submitted for resurface/chip seal 2.3 various roads miles in the amount of \$66,029.67
 - Chapter 90 Payment Request for Reservoir and Chesterfield Roads in the amount of \$159,325.48
 - Amended Form 43 for the Outlook Farm pouring license

Adjourned meeting at 9:35 p.m.

Approve: _____


James Huston, Chair


Philip Dowling


Arthur Pichette