



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

Minutes of January 22, 2018

The meeting convened at 7:00 p.m.

Present were Jim Huston, Phil Dowling and Art Pichette. Also present were Steve Holt, Shirl Morrigan, Wayne Parks, Ginny Curtis, Michael Kelsey, John Zimmerman. Minutes were taken by Cheryl Provost.

Warrants were signed for: Payroll: \$74,629.27
 Vendor: \$118,520.77

Minutes of January 8 and 12 were approved.

- David Blakesley was attending a HRMC meeting; unavailable to provide an update.
- Southampton Road turnaround:
Complaints received from Laurie Wilga regarding her property on Southampton road which the highway department uses as a turnaround were reviewed. Discussion was held off until David Blakesley could be present.
- Zoning Bylaw Review Committee:
Town counsel reviewed the draft warrant articles and proposed zoning bylaws and provided an initial response by email. He found discrepancies with the FCC laws within the telecommunication tower bylaw. He needs to spend more time reviewing that before providing recommendations. The recommendations will be minimal in an effort to maintain the intent but must be within state and FCC laws. If the recommendations are determined to be too lengthy or confusing to amend at town meeting the article may be passed over and revisited with the solar bylaw. There are some problems with the numbering of the proposed bylaws, such as duplicates. Other recommendations were made on the marijuana bylaws. Those changes may be made on the floor at town meeting as they're not so significant to change the intent of the bylaw. Cheryl recommended authorizing her to revise the bylaws numbers to omit duplicates and prepare the warrant with all articles as planned. Cheryl will contact John Shaw and update him. Counsel will have all recommendations submitted in time to review before town meeting. Voted to complete the warrant for the Special Town Meeting with bylaw proposals as submitted by the Zoning Bylaw Review Committee with revised numbering.
- Public Safety Complex, Steve Holt reported:
Nothing new to report; committee is meeting on January 23.
- No campground updates

- Group Health Insurance coverage:
Selectboard members had reviewed a response from town counsel. Phil interpreted the response as confirmation that the Selectboard holds the authority to make a determination and recommended they deem the employee eligible for group health insurance. Cheryl reported that counsel had sent an email this afternoon and requested additional facts specific to this situation and requested a phone call. Cheryl responded to questions from counsel who then stated that this is a more complicated matter. In part because the Selectboard may make the determination that the Assessor is eligible, but then all Assessors may have to be eligible if they have continuously served since prior to adoption of the Personnel Policy & Procedures; which they have. Counsel noted that no state law speaks to pre-existing conditions in making a determination. He also noted that if the two positions held are greater than 20 hours weekly then that is qualifying. Furthermore, there are procedures to follow if an employee is deemed ineligible. Counsel is available by phone and had made recommendations to hold off on voting a determination; to investigate the hours total worked; and to make a determination after he provides procedures and guidelines. Voted to not act on this matter at this time.
- FY19 budget revision/proposed warrant article special town meeting:
Cheryl made a recommendation to seek funding at the special town meeting for the large capacity copier that is currently on the FY19 budget request. Discussion with other officials revealed that not having one in the Annex until after July will be inconvenient, at best. This purchase is for office equipment that is used in regular business operations of the town. It will replace the current equipment that is no longer in service. Financial articles are to be presented to the Finance Committee two weeks prior to posting the warrant. The warrant for the February 12 meeting must be posted by January 29. The Finance Committee Chair was notified by Cheryl that the copier will need to be replaced and that the recommendation as an article would be presented to the Selectboard tonight. Finance Committee meets on January 30, the day after the posting date. They will have the opportunity to review the article and can make a recommendation at town meeting. On a motion and second voted to approve an article to seek funding from Free Cash to purchase a new large capacity copier.
- Council On Aging grant contract:
The Council On Aging submitted the FY18 cycle State Formula Grant Standard Contract Form in the amount of \$4,789.29 to be approved and signed. This is an annual grant that offsets expenses incurred by the Council On Aging for events and partial salary for the coordinator. On a motion and second, voted to approve the FY18 cycle COA Formula Grant Contract.
- Unregistered vehicle violations:
The officer was unable to attend the hearing and a new date will be scheduled to hear the appeal of fines.
- The new town hall furnace was installed on Friday, January 19.
- Correspondence was reviewed:
 - Comcast programming Contract Renewal Website; notice of website address and telephone number
 - Copy of application for variance at 263 Main Road

- Administrative Assistant updates:
-Report for January 9-22 and the schedule for January 22-February 5 were submitted.
- The Selectboard voted by roll call, 3 yeas, 0 opposed, to enter into Executive Session at 7:30p.m., as the Chair declared that discussion in a public meeting may have detrimental effect on the town's litigating position with respect to the following litigation:

Amber Kellogg and Michael Barbeau v. Zoning Board of Appeals of the Town of Westhampton, MA, Leo Aloisi, Richard W. Tracy, Wayne Parks, John Kelsey, Shirley Morrigan, and Steven St. Marie; Trial Court; Housing Court Dept. Western Div., Docket No. 18CV 0012

- Adjourned Executive Session and returned to Open Session at 8:26 p.m.
- The next Selectboard meeting will be 7:00 p.m. Monday, January 29 and February 5. Special Town meeting is February 12.
- Documents submitted:
 - Application for a variance-263 Main Road
 - FY18 State Formula Grant Standard Contract Form in the amount of \$4,789.29
- Documents signed:
 - FY18 State Formula Grant Standard Contract Form in the amount of \$4,789.29

Adjourned meeting at 8:26 p.m.

Approve:


James Huston, Chair


Philip Dowling


Arthur Pichette