



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

**The Westhampton Selectboard**

Tuesday, July 5, 2022, at 7:00 PM

The Westhampton Selectboard scheduled a regular meeting on Tuesday, July 5, 2022, at 7:00 PM.

**Call to Order**

The meeting was called to order at 7:01 PM.

PRESENT: Phil Dowling, Maureen Dempsey, Scott Johndrow.

ALSO PRESENT: Douglas Finn, Bill Jablonski, Larie Sanders, Fred Morrison, Jennifer Milikowski, Elizabeth Wroblicka, Jennifer Putnam, Caroline Moore, Tylan Calcagni, Jeremy Durran, Marilyn Witherell, Bill Jablonski, Chief David White.

**PUBLIC HEARING – Right of First Refusal – Harris / Reservoir Road**

Pursuant to Section 8 of Chapter 61, and Sections 18-25 of Chapter 30B, the Westhampton Selectboard will hold a public hearing on Tuesday, July 5, at 7:00 PM, to consider a request from Richard C. Barry, Jr. c/o Fletcher Tilton PC, to waive its Right of First Refusal to purchase parcels of land as shown on Assessor's Map 6, Parcel 4 (Parcel ID 006.0-0004-0061.0) being the land now owned by The Estate of Nancy T. Harris, located on Reservoir Road, Westhampton. The Selectboard must determine whether to waive its option to purchase the land, exercise its option to purchase the land, or assign its option to purchase to the Commonwealth, another political subdivision, or a non-profit conservation organization. Map and Materials are available for review at Town Hall during normal business hours, or on the town's website: <https://bit.ly/WesthamptonSelectboard>

The public hearing notice was read at 7:02 Pm. Public hearing opened at 7:03 PM.

**Presentation / Comment**

Ms. Elizabeth Wroblicka, consultant for Kestral Land Trust, made a presentation on behalf of Kestral, and requested that the Town assign the ROFR to Kestral.

Ms. Wroblicka noted that Kestral has determined if they can afford the purchase, and has made contacts with a number of parties.

The larger question is whether the land is actually in Chapter 61 (forestry), as no updated paperwork exists.

Presentation:

Ms. Wroblicka proposed that the ROFR be assigned to Kestral which proposes

- To purchase the 125 acres
- To create two buildable lots of 5-7 acres each
- To permanently conserve 110 acres and sell to a third party (non-profit) that will hold the land in permanent conservation
- To sell the two buildable lots to third parties for residential development.

Ms. Jennifer Putnam, the proposed purchaser of the entire parcel, spoke about her plans for

the purchase of the land, including (likely) the conservation of a large portion of the land. Ms. Wroblicka noted the interest in Kestral in preserving the land, regardless of whom might purchase it.

Ms. Teri Anderson (remotely) noted that she had not been aware of the possibility of the ROFR not existing.

The letter from the Conservation Commission, date June 26, 2022, was read into the record.

Mr. Johndrow asked, whether the property would be accessible to members of the community for hunting or fishing purposes?

Ms. Wroblicka noted that the CR would not require that the land be open to the public, but be silent on the matter. The land owner would retain the right to post the property. However the CR may request that the land owner NOT post against hunting and fishing. The topic however is open for consideration.

Mr. Johndrow asked, if the proposed buyer suggests preserving the bulk of a land with a CR, why is the town getting involved?

There was some discussion with the proposed buyer as to their intentions.

The manner by which the buyer was contacted – or not contacted, was briefly noted.

The possibility of placing restrictions on the land was discussed.

The land form was reviewed, and the location of wetland areas on the lot was also reviewed.

Ms. Wroblicka noted the advantages or disadvantages of Chapter 61 restrictions versus a permanent conservation restriction.

There was discussion related to whether the town would purchase the lot on their own.

The question as to whether a lien under Chapter 61 still exists.

The procedure as to whether or not to assign the right of first refusal.

A draft motion was considered.

It was MOVED by Dowling, SECONDED by Dempsey:

*To exercise its right of first refusal option under MGL Ch. 61 to meet a bona fide offer of \$400,000 to purchase 125 acres of land on Reservoir Road, Assessor's Map/Parcel number: 006.0-0004-0061.0 as described in a letter dated April 14, 2022 from Fletcher Tilton Attorneys at Law representing the Estate of Nancy T. Harris (the Seller); and To assign its Right of First Refusal option to Kestrel Land Trust, a nonprofit conservation corporation located in Amherst, MA, in a manner consistent with Section 8 of Chapter 61 of the General Law.*

There was discussion on the motion. The proposed buyer expressed concern that their plans for the property might be disrupted by Kestral's manner of property conservation and segmentation of the land.

Ms. Wroblicka noted the value to Kestral of having a willing buyer lined up, and would be interested in working with the buyer.

Mr. Johndrow: is there a financial gain to the town if Kestral were to own the property?

Response: Land under a CR or under Chapter 61 would have a reduced assessment.

Mr. Dowling amended his motion (seconded by Dempsey) by adding

*"This act is contingent on confirmation that the property is in Chapter 61."*

VOTED 3, 0, 0.

A vote on the main motion was conducted:

DEMPSEY: YES. JOHNDROW: ABSTAIN. DOWLING: YES.

It was MOVED by Dowling, SECONDED by Dempsey

*To close the public hearing.*

VOTED: 3, 0, 0.

## **Department and Committee Updates**

### **Highway (Bill Jablonski)**

Mr. Jablonski noted recent work completed:

- Old compactor is gone. New compactor is installed and operational.
- Chip-sealed on Northwest road, Upper Reservoir, Clapp roads complete
- Fire trucks have been taken for pump testing.
- Dust control is down on dirt roads.
- Equipment repairs are ongoing.

Mr. Jablonski noted that the final bid for repairs on the Northwest Road Bridge had been received, and a proposed contract with A. J. Virgilio was presented for review. Mr. Jablonski asked for general approval of the contract.

After review of the contract, it was MOVED by Dowling, SECONDED by Dempsey

*To approve the contract and award to Virgilio.*

VOTED: 3, 0, 0. (8:05 PM)

### **EOY Fund Transfer Request**

Mr. Jablonski presented a revised request for an 'end of year' fund transfer. The previous request used funds that had come from a borrowing, which could not be used, according to our Town Accountant Joe Boudreau.

The revised request uses only operations funds from the Highway Department surplus.

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

*To rescind approval of the fund transfer request approved on June 21, 2022.*

VOTED: 3, 0, 0. (8:07 PM)

It was MOVED by Dempsey, SECONDED by Johndrow

*To approve the revised fund transfer request, taking \$18,972.31 from Highway Materials, \$7,000 from Road Machinery Fuel, and \$4,760 from the Transfer Station budgets, amounting to \$30,732.31, and transfer to the Highway Machinery.*

VOTED: 3, 0, 0 (7:07 PM)

### **Health (Robby Armenti)**

Ms. Armenti noted –

- First new meeting with new member will be Thursday night, 7 PM.

Michael Archbald (Foothills Health District Nurse) noted that PCR testing in Westhampton resulted in one positive test in the past two weeks, and noted a possible new variant that may not be covered by current vaccines. Mr. Archbald also noted current activities as public health nurse for the district, including efforts to reach out to elders and



vulnerable populations, under- or un-insured residents, etc.

Mr. Johndrow: you are planning outreach and similar activities at the Westhampton Library? Mr. Archbald: Yes, in the small room (southwest corner) to allow for privacy during possible consultants. Mr. Johndrow: are there concerns about having sick individuals coming to a public building? Mr. Archbald: Yes, absolutely – that will be part of the outreach effort – to discourage participation by anyone who may be sick.

Ms. Dempsey: Will you coordinate with the COA director? Mr. Archbald: Yes, absolutely, as we have done in some other communities. I don't want to just focus on elders, but may want to reach out to try to address opioid abuse in the community, including conducting outreach and (possibly) training in the use of Narcan when necessary and reasonable.

Mr. Archbald also spoke about conducting outreach relative to "Long Covid", including symptoms and long-term impacts.

#### Public Safety Building (Phil Dowling)

Mr. Dowling noted that sheetrock was going up, mechanical subs are on site, an electrical inspection is due by the end of the week. Tyvec was placed on exterior walls where the building was sheathed with plywood. Some small change-orders have been addressed; sprayfoam insulation is starting this week. A public Safety Building Meeting will be held on Wednesday, July 6, 6:30 PM, and a site-visit will be held immediately following.

#### MVP (Teri Anderson)

Ms. Anderson noted that grant requirements are due as of the first fiscal year. Final invoices from the consultant is due this week, and final fiscal-year report will be submitted to the state. Reimbursement to the town will occur about 45 days after submission.

Ms. Anderson noted that upcoming events include finalization of the Open Space and Recreation Plan, which will go to public hearing (ConsComm) by the end of August. Further, public input related to the Master Plan will continue to be received, considered, and included in the Master Planning process.

Mr. Dowling: Can the financial recommendations receive through DLS be included in the public planning process? Ms. Anderson: possibly – we'll look at it.

### New Business

#### EOY Fund Transfer Request – Medicare

Mr. Finn presented a Transfer Request, moving \$4,000 from the Health Insurance line to the Medicare line in the FY2022 budget. After review, it was MOVED by Dowling, SECONDED by Dempsey

*To approve the request as presented, and to sign.*

VOTED: 3, 0, 0. (8:32 PM)

### Review / Approve Minutes

#### June 21, 2022

Mr. Johndrow noted one correction: bottom of page 1 – "6,000" should read "3,000". After review, it was MOVED by Dowling, SECONDED by Johndrow

*To approve the minutes as presented and amended.*

VOTED: 3, 0, 0 (8:35 PM).

**Review of Payroll and A/P Warrants**

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

*To approve warrants W22-27, WP22-27, and WP22-27A as presented, and sign.*

VOTED: 3, 0, 0. (8:37) PM.

After review, it was MOVED by Dowling, SECONDED by Johndrow

*To approve warrants W23-01 and WP23-01 as presented, and sign.*

VOTED: 3, 0, 0. (8:39) PM.

**Other items not reasonably anticipated at time of posting**

A request to park a car --- VA med Rides

M: Dowling 2: Dempsey

To approve, subject to town bylaw restrictions, and under the direction of the Highway Superintendent.

VOTED: 3, 0, 0. 8:33 PM.

**Set date for next meeting: Tuesday, July 5, 2022**

The next meeting is scheduled for Monday, July 18, 2022, at 7:00 PM. Phil noted that he would be in Maine, but would endeavor to participate remotely.

**Adjourn**

It was MOVED by Dowling, SECONDED by Johndrow

*To adjourn.*

NO OBJECTION. (8:46 PM)

Respectfully submitted,  
Douglas C. Finn.

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**Approved** by a vote of the Selectboard at a regular meeting, held on July 18, 2022.

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Phil Dowling

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*Maureen Dempsey*  
Maureen Dempsey

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*Scott Johndrow*  
Scott Johndrow