



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

MINUTES of the MEETING

Monday, September 11, 2023, at 7:00 PM

The Westhampton Selectboard scheduled a regular meeting to be held on Monday, September 11, 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, Johndrow*

*Also present: Bill Jablonski, Charles and Mary Lou Burgess, Douglas Finn*

**Discussion / Update - Library Roof Repairs**

*Present for the discussion: Meaghan Schwelm, Ann Marie O'Reilly, Jackie Brodeur, Angela Griefen, Deb Estelle, Phil Dowling (remotely)*

The board reviewed a number of photos and written documents relative to the roof leaks, and potential options for repairs. An estimate provided by Ostrow Electric was reviewed.

Ms. Schwelm noted a review of the site by Mr. Ed Wagner, a licensed home inspector, who seemed to indicate a structural issue might be present. After discussion it was noted that the sheet rock cracking, noted by Mr. Wagner as evidence of a structural problem, was noted shortly after the building was finished nearly a decade prior.

Ms. Ann Marie O'Reilly noted that the Trustees have reviewed the information, but have not come to specific conclusions, nor do they have specific recommendations at this time.

Ms. Schwelm expressed concern about the possibility of mold in the building due to the leaks.

Ms. Dempsey directed Mr. Finn to contact the town's building inspectors to request a site visit, and written recommendations for repairs.

Ms. O'Reilly asked about asking bringing the contracts to legal counsel; after discussion it was noted that most contracts have a warranty of one year after completion; materials warranties might extend to five years, but are likely no longer enforceable.

There was discussion as to paths forward, the extent of repairs that make sense, or are approachable.

It was determined that the building inspectors' opinions were essential moving forward. The discussion was tabled to the next regular meeting.

**Department Reports**

Highway

Bill Jablonski reported on recent work; noting that

- The new speed signs were up at the Elementary School;

- Recent rains have resulted in a need to perform continued work of clearing culverts and maintaining dirt roads;
- A new battery backup was installed on the repeater on the tower at Harvest Valley Restaurant on Mt Tom;
- The road to the Elementary School well has been cleared and mowed for the season;
- Roadside mowing is ongoing.

## Old Business

### Req. for Vote: Adoption of Municipal Aggregation Plan

Mr. Finn noted that the next step for the aggregation plan was for the Selectboard to take a vote to continue forward with the process.

After brief deliberation, it was MOVED by Johndrow, SECONDED by Bronstein

*To adopt the Aggregation Plan as presented for submittal to the DOER and DPU.*

VOTED: 3, 0, 0 (7:41 PM)

### Review draft STM Warrant Articles.

The board reviewed the following recommended warrant articles:

#### Payment of bills from previous fiscal years:

To see if the town will take from free cash

#### Align section names of Article 2 with their content:

To amend Article 2 “Elected Officers” as follows:

Article 2 - ~~Elected~~ **Municipal** Officers

Further, to amend Article 2, Section 1, as follows:

Section 1 – **Elected** Officers ~~to be Elected~~

#### Remove Gender Specific terms from the bylaw:

To see if the town will 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, by amending Article 2 – Elected Officers, Section 2 – Town Clerk: Duties, Section 2-2-1, as follows:

2-2-1 The ~~town~~ **e** 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.

And further, by amending Section 1-4-1 as follows:

1-4-1 All votes on motions shall be taken by a show of hands or voice vote unless a request from the floor calls for vote by secret ballot. When a question is to be determined by secret ballot, every person intending to vote shall have his ~~or her~~ **their** name checked by the checklist of the registrars of voters before depositing the ballot in the receptacle provided.

Setting Deadlines for submission of Warrant Articles

To see if the Town will consider amending 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 deterrent 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.

Set Duties of the Treasurer, and allow for tax repayment agreements

To see if the town will amend the general bylaw of the Town of Westhampton by amending Article 2 - Officers, 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 - The Treasurer shall coordinate all human resources records and actions, and administer all employee benefits. The Treasurer shall, under the direction of the Selectboard, act as the town's retirement system and employee insurance benefits representative.
- 2-4-6 - 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.

Accept Road Layout of Perry Hill Road

To see if the Town will vote to accept the layout of a portion of Kings Highway as a public way in the location depicted on the plan entitled "Layout Plan of Land Kings Highway Over North Branch Manhan River," dated March 20, 2019, prepared by Green International Affiliates, Inc., as heretofore laid out by the Selectboard and filed with the Town Clerk, and to authorize the Selectboard to acquire by purchase, gift, eminent domain or otherwise the fee to and/or easements in said Kings Highway as depicted on said plan and to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, or take any action related thereto. (2/3rds vote)

Mr. Finn asked for a vote of the Selectboard to approve the articles for the warrant.

After discussion, it was determined that the board would delay approval of the articles to the next meeting on September 25.

## New Business<sup>1</sup>

### Request for Letter of Recommendation for municipal Justice of the Peace

Mr. Johndrow asked to pass over the discussion item with no action taken. Agreed by consensus.

## Administrative

### Review Correspondence

A letter from Eileen Leahy, Comcast, was reviewed. No action taken.

### Administrative Update (Finn)

Mr. Finn noted that the "Making It Public" Application has been submitted. The application would allow two staff persons to attend training through the Spring, and would result in a \$15,000 allocation of funds to the town, to be granted to artists for placement of 'temporary public art' installations. The Town should know within a month as to whether it has been accepted into the program.

### MVP Implementation Committee

There was some discussion relative to the appointment of the MVP Master Plan implementation committee. The board agreed to wait until physical copies of the Master Plan to see a copy of the report, and review the specifics prior to making the appointments. Mr. Finn will get estimate of printing costs through the Franklin County House of Correction.

### Review and Sign: Payroll and A/P Warrants: W24-06, WP24-06

The warrants were reviewed. It was MOVED by Bronstein, SECONDED by Johndrow  
*To approve as presented.*

VOTED: 3, 0, 0. (7:54 PM)

### Review and Sign: Minutes from Previous Meetings

After review, it was MOVED by Bronstein, SECONDED by Dempsey  
*To approve the minutes as read.*

VOTED: 2, 0, 1 (JOHNDROW) 7:54 PM)

### Appointments to Cemetery Commission

Mr. Finn noted anticipation of multiple applicants for the position, and requested that the Board delay its decision. No action taken, but the item will be added to the next agenda.

## Set date for Next Meetings

The board agreed to meet on September 25 and October 10, 2023. The meeting of September 25 will be available by Zoom for Susan Bronstein only.

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<sup>1</sup> *New Business may include items not reasonably anticipated 48 hours in advance of meeting.*

**Adjourn**

There being no further business, it was MOVED by Bronstein, SECONDED by Johndrow  
*To adjourn.*

VOTED: 3, 0, 0. 7:59 PM

Respectfully submitted,

Douglas C. Finn

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**Approved** by a vote of the Selectboard at a regular meeting, held on September 25, 2023.

  
Maureen Dempsey

  
Scott Johndrow

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Susan Bronstein