



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

MINUTES of the MEETING
Tuesday, January 29, 2024, at 7:00 PM

The Westhampton Selectboard scheduled a regular meeting to be held on Tuesday, January 29, 2024, at 7:00 PM at the Town Offices, 1 South Road.

ORGANIZE

The meeting was called to order at 7:03 PM

Present: Maureen Dempsey, Chair; Scott Johndrow

Absent: Susan Bronstein.

License Renewals (if any)

A request for renewal of a retail sales license from Steve Holt, Steve Holt Landscaping and Mowing, was considered.

It was MOVED by Johndrow, SECONDED by Dempsey

To approve the license as requested.

VOTED: 2, 0, 0(7:04 PM)

Department Reports

Library

Ms. Dempsey noted that the board had received a request to accept a gift of \$25,000 to the Town of Westhampton Public Library.

It was MOVED by Johndrow, SECONDED by Dempsey

To accept the gift of \$25,000 to the Town of Westhampton Public Library.

VOTED: 2, 0, 0(7:05 PM)

Highway

Mr. Jablonski offered a report on recent activity:

- some tree work due to trees dropping during the recent storms;
- some brush cutting on pine island outlet banks
- snow removal activities
- rainstorm event which impacted culverts, requiring flushing
- wood chipper has been serviced
- fire trucks have been serviced
- the department was having some trouble with one truck relative to emissions systems; the truck continues to be safe to drive; diagnostics are proceeding, and a resolution to the problem is anticipated soon.

Mr. Jablonski also noted that his snow and ice budget was more than 2/3 expended, and requested permission to overspend the budget.

It was MOVED by Johndrow, SECONDED by Dempsey

To authorize over expenditure of the Snow and Ice Budget, in accordance with Section 31D of Chapter 44 of the General Laws.

VOTED: 2, 0, 0 (7:08 PM)

There was significant discussion among attendees to the meeting about the manner and practice of treating roads with or without salt; with or without sand; and the number of runs that trucks make on any given storm. Mr. Jablonski answered questions from residents, and reaffirmed that the highway department will continue to use best practices when treating roads and conducting snow removal activities, in the most cost-effective and efficient way possible.

Board of Health

Ms. Bachelor reported that test kits are still available.

Public Safety Complex Building Committee

Mr. Holt reported that the building is now 100% in the Town's hands. All warranty repairs have been addressed with one small exception outstanding, and final work will be completed by "in house" by the Town. Mr. Holt reported that donations have been received to help pay for cabinetry in the meeting / conference room.

The use of the building is "very easy", and volunteers and staff are very grateful for it. Mr. Holt reported that he continues to clean the building, and will be speaking with Chief Antosz about the arrangement.

Building Inspections Department Reorganization

Mr. Todd Alexander suggested the creation of a Plumbing/Gas/Electric Revolving Fund to pay stipends for inspectors, and receive fees from inspections. Board agreed.

Mr. Alexander also reported that both he and Mr. Marek had passed all necessary tests to be a certified building commissioner. Mr. Marek has expressed interest in being appointed, and Mr. Alexander agrees with the proposal. Generally, the duties of Building Inspections would continue to be split between both Mr. Marek and Mr. Alexander.

There was some discussion about how the Commissioner role works in any given town, and that the Building Commissioner is prohibited from working in his appointed town.

Mr. Brad Morse: Is the role of Commissioner required? Mr. Alexander, yes, by state statute. In addition, the Commissioner is the enforcement agent of the Zoning Bylaw.

There was some discussion as to the requirements for becoming a certified Commissioner.

Mr. Alexander reported positive feedback regarding the online permit application programs.

The board agreed with the proposal for Building Commissioner and the staffing levels and funding for the department. A formal appointment of Mr. Wally Marek as Commissioner for Westhampton will be made closer to the end of the fiscal year.

Appointments – Master Plan Steering Committee

The board considered a list of prospective appointments to the Master Plan Steering Committee.

After a review of those proposed, it was MOVED by Johndrow, SECONDED by Dempsey

To appoint the following individuals

as TOWN BOARD REPS:

Susan Bronstein (Selectboard)

Scott Johndrow (Selectboard)

Maureen Dempsey (Selectboard)

Jennifer Milikowsky (Planning Board)

Katch Bachelor (Board of Health)

Scott Stanton (Finance Committee)

Steve Brooks (Historical Commission)

Teri Anderson (Master Plan Working Group)

Robby Armenti (Master Plan Working Group)

as COMMUNITY REPS

Kate O'Connor (community)

Sue O'Rourke (community)

Peter Montague (community, farms)

*John Shaw (community) **

as TOWN DEPARTMENT REPS

Doug Finn (administration)

*Bill Jablonski (public works) **

*David Antosz (emergency services / fire, EMS) **

*Sergeant Jeff Fish (emergency services / police) **

to the Master Plan Implementation Committee.

VOTED 2, 0, 0 (7:37 PM)

Discussion / Action – Request for ARPA appropriation to Street and Wright fund

The board considered a request from the Almoners of the Street and Wright Fund to consider making an appropriation of ARPA funding to the ‘non-expendable’ trust. Mr. Finn noted that due to regulations espoused in the DOR “Final Rule”¹, ARPA can not be used for this purpose. There was some discussion relative to the origins of the fund, and the board noted their support for improving the investment in order to maintain the intent of the original gift.

Discussion / Decision – COLA for eligible employees.

Mr. Finn presented information as to the impact of Cost Of Living Adjustments (“COLA”) to town employees. In summary:

- A 0% COLA would still result in an increase to salary lines of \$29,267.
- A 2.5% COLA would result in an increase to salary lines of \$35,641.
- A 3.0% COLA would result in an increase to salary lines of \$36,916.

Mr. Finn noted the past practice of the Town to adopt a 2.5% COLA; however, given the lingering effects of the pandemic, he recommended a 3% COLA, which would allow employees to just keep up with living expenses, and the anticipated increase to health insurance costs.

¹ [31 CFR Part 35 RIN 1505-AC77] Coronavirus State and Local Fiscal Recovery Funds “Final Rule”, as issued by the Department of the Treasury, May 17, 2021, and effective April 22, 2022, pp 341-344

It was MOVED by Johndrow, SECONDED by Dempsey

To adopt a 3.0% COLA for FY2025, and to recommend same to the Finance Committee and Town Meeting.

VOTED: 2, 0, 0(7:49 PM)

Discussion – Budget Requests

Mr. Finn provided an overview of the FY2025 budget in general, and the specific budgets under the direct authority of the Selectboard.

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

To approve the following budgets as presented, at their corresponding levels:

- ***Selectboard Expense - \$5,600***
- ***Information Technology Support - \$42,760***
- ***Counsel Fees - \$15,000***
- ***Town Offices Expenses - \$21,903***
- ***Town Hall and Annex Repairs - \$2,500***

VOTED: 2, 0, 0(8:31 PM)

Mr. Finn noted that, overall, the municipal side of the budget for FY2025 as proposed represents an increased funding request of \$54,968, or a 2% increase over FY2024.

Discussion – Proposed Warrant Articles

The board reviewed the first draft of the warrant for the Annual Town Meeting, to be held in May.

The following warrant articles were noted:

- “Prior years bills” – to pay bills from a prior fiscal year out of free cash; about \$360
- “Create Electric and Gas Revolving Fund” – an amendment to the General Bylaw.
- Rescind authorization for unissued debt – as recommended by the Annual Audit.
- Transfer unspent opioid funds into special revenue account – as recommended by the Town Accountant
- Non-Criminal Disposition – to allow building inspectors, police, fire, and other town officers to issue tickets for violations of town bylaw and zoning bylaws.
- Transfers of funds under Cemetery Commission authority – as requested by the Cemetery Commissioners

No action taken on any proposal; Mr. Finn noted that changes would be forthcoming to the warrant in general.

Discussion / Review - Capital Budget Schedule Review

The board reviewed all items and costs as proposed on the FY25-FY29 Capital Plan and Schedule. Mr. Finn noted his own support for the proposed purchase of the ‘wheeled excavator’, proposed as a replacement for the current backhoe. There was discussion about the additional capacity that the excavator would provide; the cost was also considered.

Mr. Finn expressed concern with the following years’ proposed purchases, and suggested that the grader (proposed for FY2026) might be moved out a year, and the Fire Truck (proposed for FY2027) might be move out two years, in order to reduce the impact to the Stabilization Fund.

The Selectboard expressed support for

- the purchase of the excavator as proposed for FY25, and
- funding said purchase with Free Cash

The Selectboard did not address - or express an opinion on - other future proposals (FY26-FY29), but anticipates that the Capital Plan Committee might reconsider the timing of those purchases.

Administrative

Unanticipated Business – Historic Commission Appointment

Mr. Finn noted a late appointment request and recommendation of Nick Jarjoura to the Historic Commission, and that Mr. Jarjoura had the support of Historic Commission chair Steve Brooks.

It was MOVED by Johndrow, SECONDED by Dempsey

To appoint Mr. Nick Jarjoura to the Historic Commission.

VOTED: 2, 0, 0(8:44 PM)

Review Correspondence

Various correspondence was received. The board acknowledged receipt of about 97 letters from various residents of Westhampton and other towns in support of a swift resolution to the contract negotiations between the Hampshire Regional School District

Review and Sign: Payroll and A/P Warrants: W24-16, WP24-16

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

To approve and sign Payroll Warrant WP24-16 and A/P Warrant #W24-16 as presented.

VOTED: 2, 0, 0 (8:45 PM)

Review and Sign: Minutes from Previous Meetings

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

To approve and sign the minutes of January 16, as presented.

VOTED: 2, 0, 0 (8:47 PM)

Set date for next meetings –

Upcoming meetings were noted as follows:

- January 31, 2024 – participation at the Finance Committee meeting (no posting)
- February 12, 2024
- February 26, 2024

Other Information

Ms. Witherell noted that the Assessors will endeavor to notify the Selectboard if there are any future requests for release of a Chapter 61, 61A or 61B lien, so as to give the Selectboard the opportunity to review and determine if a Right of First Refusal exists.

Executive Session – if needed or requested

It was MOVED by Johndrow, SECONDED by Dempsey

To enter executive session to discuss pending litigation in regard to the Public Safety Complex Construction Project.

VOTE BY ROLL CALL: JOHNDROW: YES; DEMPSEY: YES. (8:45 PM)

The board entered into executive session at 8:49 PM.

EXECUTIVE SESSION MINUTES

Mr. Johndrow provided Ms. Dempsey with a brief update in regard to Proposed Change Order (“PCO”) #35, submitted by W. J. Mountford on or about November of 2022, to the Public Safety Building Committee, requesting an additional payment of \$162,000~ due to delays in the project not resulting from the Contractor activity or inaction. Mr. Johndrow noted that the Town’s Attorney has all materials relative to the project, including PCO #35, and will be advising the town as to an appropriate response.

There was some discussion as to the nature of the request, the Town’s potential response to it, and the overall causes to the delay of project.

It was noted that if the response by the Town is not satisfactory to the contractor, the next step would be arbitration, and would result in extensive legal counsel costs.

The board determined that no action needed to be taken prior to receipt of Town Counsel’s opinion and direction.

ADJOURNMENT

There being no further business, it was MOVED by Johndrow, SECONDED by Bronstein

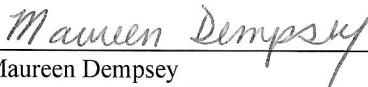
To leave executive session, and immediately to adjourn.

ROLL CALL VOTE: JOHNDROW: YES; DEMPSEY: YES. (8:56 PM)

Respectfully submitted,

Douglas C. Finn

Approved by a vote of the Selectboard at a regular meeting, held on February 12, 2024.



Maureen Dempsey



Scott Johndrow

Susan Bronstein