

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTHAMPTON
SPECIAL TOWN MEETING
November 6, 2023**

A quorum of approximately 60 being present at Town Hall, Moderator Ben Warren called the meeting to order at 6:30pm. The following articles were then acted upon:

ARTICLE 1:

It was voted unanimously:

That the Town transfer from account number 01 5 151.300 – Legal Counsel – the sum of \$1,542.34, for the purpose of paying three outstanding invoices from a prior fiscal year, received from K & P Law, P.C. as follows:

- Invoice #130500, dated March 24, 2021,	in the amount of	\$347.62
- Invoice #133579, dated October 25, 2021,	in the amount of	\$473.22
- Invoice #136633, dated April 28, 2022,	in the amount of	\$721.50

AND

That the Town transfer from account number 01 5 220.700 – Fire Department Operations – the sum of \$1,469.34, for the purpose of paying two outstanding invoices from a prior fiscal year, received from Witmer Public Safety Group as follows:

- Invoice #108066, dated September 22, 2022,	in the amount of	\$795.00
- Invoice #161214, dated December 14, 2022,	in the amount of	\$674.34

AND

That the Town transfer from account number 01 5 210.700 – Police Department Expense – the sum of \$806.40 for the purpose of paying one outstanding invoice from a prior fiscal year, received from Witmer Public Safety Group as follows:

- Invoice #236385, dated April 10, 2023, in the amount of \$806.40

ARTICLE 2:

It was voted unanimously to amend the General Bylaw of the Town of Westhampton, Article 2 “Elected Officers” as set forth in bold underline below for new language and strikethrough for deletions as follows:

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

and further, to amend Article 2, Section 1, as follows:

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

ARTICLE 3:

It was voted unanimously to remove gender specific terms from the General Bylaw of the Town, by amending the General Bylaw, Article 1 “Town Meetings”, Section 1-7-2 as set forth in bold underline below for new language and strikethrough for deletions 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 “Municipal Officers”, Section 2 – Town Clerk: Duties, Section 2-2-1, as follows:

2-2-1 The ~~the Town~~ **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.

ARTICLE 4: It was voted unanimously to amend the General Bylaw of the Town of Westhampton by adding to Article 1 “Town Meetings” Section 1-3-2 as follows:

1-3-2 All petitions to add articles to a scheduled special or annual Town meeting warrant must be filed with the Selectboard at least 45 days prior to the date of said 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 detriment to the health or welfare of the Town.

ARTICLE 5: It was voted unanimously but one to amend the General Bylaw of the Town of Westhampton by amending Article 2 “Municipal Officers”, by adding a new section, 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 state law, including, but not limited to, Section 35 of Chapter 41 of the General Laws, 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 approved by vote 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 their duties, pursuant to Section 35 of Chapter 41 of the General Laws, give bond for the faithful performance of their 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 G.L. 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.

ARTICLE 6: It was voted unanimously to accept the layout of a portion of Perry Hill Road Extension as a public way in the location depicted on the plan entitled "Plan of Road in the Town of Westhampton, Hampshire County, laid out as a Town Roadway by the Town Of Westhampton," dated August 16, 2023, prepared by Samuel A White, Jr., PLS # 35045, 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 Perry Hill Road Extension 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.

It was noted that no expenditure of Town funds is anticipated or requested.

ARTICLE 7: It was voted by a declared two-thirds majority to amend the Westhampton Zoning Bylaw by striking in its entirety the existing Town of Westhampton Zoning By-law, as adopted May 13, 1995 and as further revised, and replacing it with the document entitled "Town of Westhampton Zoning Bylaws, recommended by a vote of the Planning Board on September 10, 2023", and as submitted to the Town Clerk on September 27, 2023.

Voted to dissolve at 7:14pm.

Respectfully submitted,
Katrin Kaminsky, Town Clerk