

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
In Person & via Conference Call

March 28, 2023

Present: Will Cosby, Bob MacLean, Hussain Hamdan - Selectboard
Tinky Weisblat, Gal Friday

Meg Ryan, Donna Lemoine, Wayne Lemoine, John Sears, Scott Kugler, Kevin Richardson,
Brandon Root, Melanie Glynn, Chris Tirone, Gary Mitchell, David Rich, Christine Hicks, Jim Pedro,
Dean Desmarais, Lloyd Crawford, Julie and Jeff Carantit, Brandon Reynolds, and Georgette deFriesse.
Plus via Zoom Jen Soper, Bella Levavi, and Donna MacNicol

The meeting was called to order at 7 p.m. Warrants and minutes from a previous meeting were signed. Then:

1. **The board received a brief presentation from public-health nurse Meg Ryan** about the progress of the Age- and Dementia-Friendly movement. Meg shared the results of a recent needs-assessment survey and told the group that Hawley was now formally enrolled in the movement. She focused on aggregate data from Hawley, Monroe, and Charlemont. She said that the data weren't fully representative (only three people from Hawley had responded to the survey) but still had meaning. She noted that most people in the area wanted to stay in their homes as they aged and felt safe in the outdoors spaces around them. Drawbacks in the area, according to the survey, were the lack of public transportation and the scarcity of health-care providers, including those for mental-health care. She explained that Franklin Medical Center had started a residency program that might help with access to health care eventually but observed that more work was needed. Hussain agreed that living 20 miles from the nearest hospital and big grocery store presented challenges and forced people to make choices. He added that improved cellular communication would help, citing a case of a person who had recently fallen while alone but had used her cell phone to call her husband, who had dialed 911. Meg stated that the Age- and Dementia-Friendly movement couldn't solve everything but that the group was working on an action plan and planning a possible event. She promised to share more information in a few months along with Carol Foote of LifePath.
2. **Jen Soper from the state Department of Conservation and Recreation** joined the group via Zoom to discuss a possible acquisition of land by the department on West Hill Road near Stump Sprouts, about which the department was seeking input from the Selectmen. Most of the acreage in question was in Savoy, she said, but a portion was in Hawley. She stated that the department was hoping that the board would sign a waiver changing the waiting period for such a purchase from 120 days to 60. Lloyd Crawford observed that it would be hard to plow that area of the road if a private person purchased the property, and that getting emergency services and school buses there might be tricky; he was therefore in favor of the purchase. He added that it would reduce the pressure to repair the nearby culvert. Hussain moved to approve the department's request. Bob seconded the motion, and all voted in favor.

3. **On behalf of the Finance Committee, Lloyd presented a draft budget for the following fiscal year.** Hussain had asked earlier whether the town's contract with Adams Ambulance Service was in the budget. Told that it was in the EMS line, he suggested it be in a separate warrant article. Virginia explained that since it was a running expense she had put it where it was but added that she could move it if necessary. Hussain suggested explaining the service's costs on the floor at town meeting.

Lloyd noted that in general the budget was pretty much level with the previous year's expenditures. He explained that budgets were temporarily going down for the schools and that the committee was hoping to add a cushion to the stabilization fund and not to raise taxes too much. He recommended using \$50,000 from free cash so that taxes didn't go up a lot. He observed that the committee was recommending a five-percent increase in pay for town employees. Hussain looked quickly at the consumer price index and said that prices had gone up six percent in the past year, adding that he supported the increase. Lloyd said it would add perhaps one percent to the budget. Hussain asked about the increase in the budget as a whole. Virginia said that it was hard to say; it could be one percent or perhaps even a decrease. Lloyd said that the committee hoped that the state would fully or mostly fund vocational transportation, a change that would help the budget greatly.

The board members seemed generally onboard with the Finance Committee's choices. Tinky verified that tech support would be in the budget (\$1000) and that she would have a few hours added to her work week to help her fit in posting items to the new website.

Hussain observed that the EMS budget had been decreased by \$300 in line 44 of the budget. That line was for equipment and supplies, explained Virginia, and was what had been requested by Greg Cox. Hussain said that he would be hesitant to decrease that budget line and asked that it be restored. Virginia and Lloyd assented. The group thanked the committee members for their hard work.

4. **The group briefly discussed expenses related to the recent heavy snowstorm.** Hussain estimated that the Fire Department had put in a total of 39 man hours. Virginia said that she preferred to have departments keep track of their storm expenses until it was clear whether the town would be reimbursed.
5. **The group looked over the dedication section of the Town Report.** Hussain moved that the wording be accepted, Bob seconded, and all voted in favor.
6. **The group talked about what to put on the list of three town project priorities requested by Natalie Blais.** Will suggested that instead of leading with the Dugway, the town prioritize the rebuilding of Ashfield Road, which he called "a mud pit." He suggested that since Natalie was asking for projects that would cost between \$10,000 and \$100,000, the town ask for \$100,000 toward the Ashfield Road project.

Lloyd suggested that a study of what needed to be done on the Dugway would be a good second candidate at \$100,000.

On the lower end of Natalie's offerings, Hussain noted that \$10,000 would help put a VHF radio repeater on the pole for the four-town broadband network, which would aid highway workers and first responders in communication. The group asked Tinky to put those three projects on Natalie's list.

7. **Will reported on the Sears Road culvert project.** He said that Davenport Trucking in Greenfield had submitted the low bid and had just been approved by GZA. He asked the board to vote to accept the contract and allow him to sign it when the bid came in. Hussain moved to do this, Bob seconded the motion, and all voted in favor.
8. **The question of appointing an animal-control officer came up.** Hussain nominated Chris Tirone for the position, Will seconded the motion, and all voted in favor. The appointment form needed to be notarized, but Virginia noted that her notary powers had temporarily expired. Chris said he would take the paper to the bank with him the next day to be notarized there.
9. **Hussain suggested that new business be brought up before the personnel discussion.** Tinky was asked whether she had requested that WiValley move its equipment from the Fire Station. She said that she had left a message but would keep trying.
10. **Tinky presented a petition to change the seal and flag of the state** signed by more than 10 voters. She said she believed that registrars had to sign the form. Hussain said that the registrars were unnecessary if the Selectboard put the item on the Town-Meeting warrant and confirmed the required number of signatures were present. The Board agreed.
11. **The board resumed discussion of personnel issues at the Department of Public Works,** continued from its last meeting. Will reiterated the fact that a lot of machinery damage had been reported as caused by Chris Tirone and that Chris had received two unsatisfactory reviews of his performance. Will noted that the highway department did important, dangerous work crucial to citizens' public safety.

Town Counsel Donna MacNicol asked whether the meeting was to continue in open session and whether Chris had been given adequate notice. Chris replied in the affirmative to both questions.

Will stated that the conversation was to center only on Chris's work for the Highway Department and that unrelated issues would not be germane. He said he would limit testimony from audience members to two minutes per person and would ask each audience member who wanted to speak how much and how often he or she had observed Chris on the job. Donna requested that anyone in the audience who wanted to speak should state his or her name for the record.

Will called on Highway Superintendent Gary Mitchell. Gary said that his problems with Chris were not personal, that he just wanted to stop equipment from being broken repeatedly.

Will called on Chris. Chris asked to see a couple of the receipts for damages Will had mentioned, one for the loader window and the other for replacing a tire. They were not all immediately available. Chris said that the prices he had obtained by calling vendors for these repairs were lower than the costs Will had mentioned. Donna said that she had a copy of the tire receipt, which came to \$396, less than the cost Will had mentioned.

Hussain focused on the town's personnel policy, which called for the issuance of written warnings after verbal ones. He observed that this policy did not appear to have been followed. He stated that steps seemed to have been skipped in this case the matter was brought to the Select Board.

Bob and Chris found and looked at the tire receipt and determined that it was not for the accident Will had mentioned in his list of complaints against Chris but for a different repair.

Donna returned to the personnel policy and noted that its mention of oral versus written reprimands was merely a guideline, that other factors were allowed to be taken into account. She agreed with Hussain that discipline was more effective close to the time of an infraction. Nevertheless, she said, the structure of employment in small towns was difficult. The highway superintendent wasn't supposed to be in charge of discipline; that fell to the Selectboard. Open-meeting laws made discipline by the board stressful and difficult, she said; there was no mechanism built in for dealing with small infractions.

Hussain disagreed, stating that he had been chair of the Selectboard when Chris's first negative review was produced. He said that the board members had asked Gary to return to them if more issues cropped up. Donna contended that discipline from anyone other than the appointing authority did not work legally.

Hussain said he hoped that going forward problems would be raised as they occurred. Donna observed that the issue at hand was not Gary but Chris's possible infractions. Hussain disagreed, saying that immediate action was much more effective than waiting five years to bring up problems. He asked the board to consider a fresh start.

The audience began to chime in. Jim Pedro asked how the board was to keep track of highway-department issues if not by consulting the road boss. Referring to the personnel policy, David Rich pointed to the distinction between disciplinary action and an oral warning.

Donna argued that any warning constituted discipline. David replied that it seemed odd to require an executive session for a supervisor to issue a warning.

Hussain suggested that Gary and the board move forward more constructively.

Chris returned to some of the complaints against him. He referred to an incident in 2021, where Gary had not been around to see the action he had described in the complaint.

Jeff Carantit suggested that the board institute a system in which Gary could issue written reports of problems to the Selectboard as those problems occurred. He argued that it was against the law not to train both the employer and the employee. He noted that Massachusetts was an OSHA state and that the state website had an available checklist for training road workers. He suggested that both Gary and Chris needed training and that performance should be reviewed every six months.

Brandon Reynolds, who worked part time on the road crew with Gary and Chris, said he had sometimes been forced to mediate between the two.

Jim argued that Gary's statements were contradictory and noted that even Gary admitted that Chris had offered to pay for repairs.

Hussain said that he commended Will's statement that road work was dangerous. He observed that every highway department had accidents and wondered aloud whether Chris's were worse than those of others. He reiterated that a more constructive process was crucial going forward.

Chris noted that he would love to have a good relationship with Gary. Hussain asked whether the two would be willing to meet with a mediator. Both agreed to this.

John Sears, from the Personnel Committee, said he had talked to Brandon Reynolds and that Brandon had expressed the opinion that Chris wasn't trying hard enough.

Christine Hicks, Jim Pedro, and Brandon Reynolds all spoke at once, heatedly.

John said that he had just taken a webinar offered by the Massachusetts Municipal Association, which offered mediation services. Based on what he had just heard, he recommended two options for the Selectboard. (Maybe both would work, he added.) First, the board could issue a warning to Chris since it appeared that Gary had cause for complaint. (He said that the board could also review Gary's performance, although that was a separate issue.) Second, the board could try to engage a mediator as it was clear that Gary and Chris needed to trust and support each other. He said he would get more information on mediators and share it with the Selectboard.

Hussain suggested that the board ask Chris to be more careful in his handling of equipment, ask Chris and Gary to try to work together, and explore mediation.

Will observed that a budget would be needed for mediation, which could run up to \$10,000. John said that he had been under the impression that the mediation services from the MMA were free but offered to find out.

Will added that he had just learned of another, more recent problem with Chris' driving, dealing with a National Grid truck. Chris countered that this accident had been the fault of someone from National Grid, who had waved him along to pass instead of stopping him. Brandon Reynolds recalled that he had radioed Chris at the time, saying that the passage by the National Grid truck was tight, but that radio problems had kept the message from getting through. Hussain indicated that ground guidance of large trucks in tight spaces was essential. If National Grid's ground person had misdirected Chris, he suggested, the accident was that person's fault.

Hussain moved that the board should ask Chris to take more care with equipment, ask Chris and Gary to work together better, and consider engaging a mediator. Will added that Chris and Gary would need to check back in with the Selectboard. Hussain suggested that this be done in four weeks.

Jeff suggested that a paper trail of problems with equipment would help. Will noted that the hours for the road crew were already very long and wondered how training and reporting could be fit in.

Bob seconded Hussain's motion. In discussion, John observed that Gary was the road boss and the Selectboard should support him. He suggested putting a stronger warning to Chris on the record. Hussain handed John a stack of photographs of pejorative messages about Chris that Gary had written on pieces of town equipment at the Garage and stated he would not support that kind of supervision.

John said that he had talked to Ted Palmer, who had retired from the Highway Department, and that Ted had confirmed some of Gary's accusations. Jim objected that that was hearsay, but Donna observed that there were no hearsay rules in a personnel hearing.

Hussain said that, nevertheless, clearly some of the accidents had been wrongly reported. Bob stated that in the future Gary should keep a more careful paper trail and also told Gary that he couldn't use Brandon as a mediator.

Kevin Richardson asked Donna whether other towns had policies that gave specific guidelines about complaints against employees. She said that she had never seen any – and noted that in small towns like Hawley finding the time and resources for training was not realistic. She said that the only process available for discussing personnel was to use properly posted meetings.

She suggested that Gary keep a log of issues and talk to the Selectboard if enough problems arose.

Kevin said that the discussion so far had not been fair to Chris and perhaps not to Gary either.

Hussain suggested that perhaps the Personnel Policy could be amended. Donna stated that Gary could only document, not discipline. Hussain suggested that at some point the policy could be amended to discuss documentation.

Donna asked whether the Selectboard was going to discipline Chris. Hussain noted that in his opinion the board needed to ask Chris to observe care and check back in. He called for a vote on his motion to ask Chris to observe care in operating equipment, for the town to investigate the possibility of engaging a mediator, and for Chris and Gary to check in again two meetings from now. In voice vote, all voted "aye."

There being no other business, the meeting was adjourned by voice voted 9:48 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean