

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

**May 9, 2023**

Present: Will Cosby, Bob MacLean, Hussain Hamdan - Selectboard  
Tinky Weisblat, Gal Friday  
Virginia Gabert, Treasurer and Financial Administrator  
Gary Mitchell, Chris Tirone, Georgette deFriesse, Wayne Lemoine, Peter Beck, and John Sears

**The meeting was called to order at 7:10 p.m. Warrants and minutes from a previous meeting were signed. Then:**

1. **Will offered himself as chair for the next year.** Bob seconded the nomination. Bob and Will voted for the appointment; Hussain abstained.
2. **The board spoke with Peter Beck, chair of the Communications Committee.** Peter reported that the committee unanimously recommended Bill Tuman of Tuman Design to work on Hawley's website. Peter noted that the committee recognized that the town would have significant work to do and explained that the group would communicate the town's concerns to Bill. Two of those were employing servers located in/owned in the United States and making sure that the town, not the designer, owned all content on the site. Hussain made a motion to recommend using Tuman, pursuant to agreement to a satisfactory contract. Bob seconded the motion, and all voted in favor. Tinky was asked to tell the other candidate that he had not made the cut, and Peter promised to write to Tuman asking for a contract, perhaps based on the one he had had with FRCOG, outlining terms and promising not to go over the amount allocated for the project. Will thanked the committee for its hard work.
3. **John Sears presented a summary of a proposal from Perspectives, a mediation company in Chicago, to work on the relationship between the two full-time members of the road crew.** John reminded the group that mediation had been discussed at a previous Selectboard meeting. He said he had found the company through the town's insurance company (although the insurance didn't cover this service) and that he and Will had talked to a consultant from the company via Zoom. The proposal was for a one-day mediation session. The company's representative would interview Gary and Chris individually for one hour each; then it would bring them together for two to three hours to work on an agreement about the future of their working relationship. That agreement would then be signed by both. A member of the Selectboard or the Personnel Committee would be tasked with follow up. The cost for the mediation was \$2500. Lloyd Crawford had suggested using highway department funds for this, John said; Virginia had confirmed that money was available.

Hussain asked whether the mediation company's representative could participate in a future Selectboard meeting so the board could examine his credentials and ask questions. John said that that the Company was in Chicago but one of the mediators was local. Discussion occurred about the merits of having someone from the Chicago office speak with the Board via Zoom.

Hussain said he would find it more helpful to speak to the local rep who would be doing the mediation. He also asked whether the committee had talked to any local mediators. John said he would check with the insurance company about a local group and would also try to set up the Zoom session with the local person who would be doing the mediation. John asked whether Gary and Chris were amenable to talking to a mediator, and the two agreed that they were.

4. **Discussion moved to disposal of excess town property.** Will began with an overview. He noted that the topic had been inspired by the recent discussion of moving the cabinet with the town's historical weights and measures to a dry location; he added that John Sears was working on finding a way to house the cabinet in the Hawley Grove. According to the Selectboard, the property to be disposed of fell into three basic categories.

The first included the 20 or so boxes of paper records stored at the Highway Garage. Virginia said that these papers might possibly be old treasurers' and tax collectors' documents, although no one knew for sure. She noted that the papers would have to be itemized before disposal, and that the issue was complicated by the fact that the legal retention schedules were different for different types of documents, that accountants' records didn't have the same schedule as those of treasurers. Will suggested that funds for hiring someone to go through the records might have to be put into the budget. Georgette suggested that the library science department at UMass might be willing to have students work on this, perhaps as interns. Hussain and Will noted that there might be confidential personal information in the papers that would make this difficult. After much to-ing and fro-ing, including speculation about what hiring someone to go through the papers might cost, Virginia offered to stop by the Highway Garage the following morning on her way to work to start getting some idea of what was in the boxes. Will wondered aloud whether the documents could be digitized and therefore disposed of in paper form, but Hussain explained that the required type of record in Massachusetts was paper.

The second category consisted of vehicles that could no longer be used, specifically two pieces of highway equipment, the skeleton of a brush truck and the two-and-a-half-ton truck at the Fire Station. Both of these items, Hussain noted, had come from the General Services Administration via the State DCR and did not actually belong to the town. (Georgette jokingly wondered aloud whether someone could "steal" the vehicles in the dead of night.) Hussain volunteered to look into what could be done to convince the GSA to abandon, dismantle, or auction them. Possible courses of action might be to obtain permission to "cannibalize" them for parts or get the GSA to sell them at auction, he suggested.

Finally, the group discussed odds and ends of archaic equipment including outdated training manuals and air tanks at the firehouse that no longer had any use. Will and Wayne agreed to work together on an inventory of what was in the various town buildings. Will moved that the Fire Department be asked to look into the disposal of unnecessary materials as needed. (Hussain had suggested that some of the equipment might be swapped or bartered for new items.) Hussain seconded the motion, and all voted yes.

Gary observed that the highway department a couple of large culverts it couldn't use and some smaller ones. The small ones would be hard to dispose of because of their asphalt lining, he noted, but the large ones could be put on the Municibid website. Bob suggested that an inventory of all items would be useful before putting just one or two on Municibid, and Gary agreed to make a list.

While the group was speaking about equipment, Chris reported that police chief Jason Pelletier needed a printer. The group discussed possibly giving him the color LaserJet printer in the office, but Tinky explained that it needed professional cleaning. The printer formerly designated for the police chief was in use at town hall, Tinky said. Virginia observed that the chief could use his budget to order a printer. Hussain argued the town seems to have more than enough printers already and it might be better just to give him one from town hall.

5. **Discussion turned to the possibility of instituting a town tax on short-term rentals in Hawley.** Hussain observed that the last time this had been discussed (a few years back, after the State instituted a similar tax) it had not seemed like a huge source of funds. He also noted that the Selectboard had thought that such a practice would victimize people who rented out their houses this way, as differentiated from other businesses that did not have special taxes associated with them, like Side Hill Farm. He said that Hawley had been renting guest houses to visitors since long before the arrival of Airbnb.

Georgette stated that she had been reading articles about short-term rentals in Massachusetts and that people in some towns, particularly in Berkshire County, were worried because outsiders were purchasing properties not as residences but to rent out, driving up property values. "It's a business," she said, suggesting that taxing might make sense. She noted that the town of Great Barrington had instituted a tax that applied only to properties of which the owners did not live locally. John wondered aloud whether a tax would have any effect on people's purchases of housing stock.

Will explained that the maximum the town could charge would be six percent in tax. Depending on the actual rentals, that might generate up to \$5000. Hussain opined that the tax would be "adding another layer of compliance to a very small revenue stream," making tax collecting more complicated. Virginia said that the state generally collected these taxes and then gave them to the town. There was consensus that a public hearing ought to be held if this is to be pursued further and the matter was tabled for the moment. Will stated he would recuse himself from any proceedings, given his family's rental business.'

6. **The group had a preliminary discussion about appointments for the next fiscal year.** John reported that the Historical Commission would need to make some changes and that the Personnel Committee would need new blood. Tinky was instructed to write to all chairs and remind them that new appointments were coming up – and to remind Scott Purinton that he was in charge of appointments to the Finance Committee.

**In other business, Tinky brought up a notice from National Grid about the need for a pole hearing regarding the intersection of West Hawley Road and Sears Road.** She was asked to try to schedule it for Tuesday, June 6.

**Tinky also asked whom she should contact on behalf of a property owner who wanted to get a vehicle into the State Forest and wanted to know when the gates would be opened.** She was told that the DCR was in charge of the gates but that the entrances at Hallockville and Plainfield Roads were already open, although Middle Road and Hunt Road were still closed because of salamander-mating season. Hussain observed that the DCR needed to work on the lock situation for the gates; he stated that emergency services had been given a number of keys that did not function.

**Virginia asked about the practice of making and keep audio recordings of Selectboard meetings.** Tinky said that as far as she was concerned, if accurate minutes were approved, the recordings were extraneous and not very useful as they were sometimes difficult to understand. Hussain countered that he had used the recordings a few times and found them useful, particularly in the case of executive sessions. Virginia asked how long the recordings needed to be kept. The board decided to revisit this issue in the future.

**Will stated for the record his sincere gratitude to Town Clerk Donna Lemoine for stepping up and training for the position, as well as for making the Town Office look more coherent (a task shared with her husband Wayne).** He also congratulated Donna on being elected formally to her office.

**Georgette asked whether there would be follow up to the discussion at the previous meeting with Al Averill** about identifying farmland of local importance. She said that she was a strong conservationist and had liked the idea of Al's program. Will said he shared Hussain's concern that the program could reduce the town's already small tax base and therefore make it difficult to keep the town going.

**Georgette asked whether any progress had been made with the state about the Payment in Lieu of Taxes program for the State Forest.** Not much, she was told. Georgette said that she was worried about farmland and population, having started her life in the Pioneer Valley, where population and development had increased radically in her lifetime. Hussain countered that at this point Hawley's population and development seemed to be shrinking, and that half the townspeople were over 60.

**John asked whether the town was getting any income from the Mohawk Woodlands Partnership.** Will explained that the town had received a \$20,000 grant to pay for the Polaris ATV it had purchased the previous year. John stated that the town did a lot for the state, both in terms of providing recreational opportunities and reducing the overall carbon footprint, and that the state could certainly make a contribution to the town. "They get the gain, and we pay the bills," he noted.

**John said that he did have one piece of good news to share:** the State Senate had approved \$5 million for out-of-district vocational transportation, a big increase. Georgette suggested that Tinky put something about this legislation in the next e-news and encourage townspeople to contact their legislators in support of this and other bills. John promised to send Tinky some information to include.

There being no other business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

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Williams Cosby

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Hussain Hamdan

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Robert MacLean