

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

**June 6, 2023**

Present: Will Cosby, Bob MacLean, Hussain Hamdan - Selectboard  
Tinky Weisblat, Gal Friday  
Virginia Gabert, Treasurer and Financial Administrator  
Scott Purinton, Gary Mitchell, Chris Tirone, Georgette deFriesse, Kimberly Orzechowski,  
Trina Sternstein, Lloyd Crawford, Nick DeRose, Jason Velazquez, and Regina Velazquez

**The meeting was called to order at 6:34 p.m.**

1. **Nick DeRose of National Grid appeared before the board for a pole hearing.** He explained that because of the culvert work at the junction of West Hawley Road and Sears Road, pole number 46 would have to be moved. He said that the company also wanted to install a new mid-span pole between the pole being moved and the next pole. Asked by Scott Purinton whether the new locations were marked, he said that stakes indicated the proposed locations. Scott said that it appeared that he could still use his river crossing and that Tedd White could still get a milk truck through if he wished to milk cows again. Bob made a motion to accept the pole positions as laid out by Nick. Hussain seconded, and all voted in favor.
2. **Warrants and minutes from a previous meeting were signed. Next, the board turned to the issue of the roads in the Hawley State Forest.** Will said that he had unearthed the town's memorandum of agreement with the Department of Conservation and Recreation. He noted that the MOA stated that the state should be clearing wood from the roads that was a public health/safety hazard or included invasive vegetation. Gary and Hussain noted that this had not happened for a long time. There was some discussion as to whether this included trees that were blocking the road, but not infected with anything (which is the primary problem). Will suggested that the town needed to get in touch with the DCR district manager, Luke Labendz, who unfortunately had many forests to oversee. Will and Hussain briefly discussed the recent history of the forest's roadways, which had been vaguely passable in 2011 but were severely damaged by Tropical Storm Irene. The current memorandum dated from 2017, when the DCR had fixed the roads. (Hussain indicated that the methods used to rebuild the roads could have been better as the construction left them unsuitable for grading.)

Hussain noted that the state didn't have the resources to maintain the roads in the forest. Fire Department members often cleared trees out of the way to improve emergency access, he observed, though it was not technically their responsibility. However, the Fire Department couldn't do anything about the road surfaces. Will said that it nevertheless had to do something. Hawley was supposed to re-grade the roads, but it needed gravel to combat the large rocks currently strewn throughout the roadway. Tinky read an email from John Sears indicating that he was particularly concerned about erosion between the two bridges over Mill Brook.

The group discussed just how much gravel might be needed to fix the roads. Gary estimated that to do the job right as much as half a million tons might be necessary. Georgette, who had arrived late, asked for a summary of the situation. Will provided one, adding that the town didn't have liability if someone ran off the road in the forest but still didn't want this to happen. Georgette complained that she didn't want her tax dollars to go into fixing the roads in the forest.

Kimberly asked whether someone had contacted the press about this situation, or the town's state representatives. Will said it was premature to contact the press.

Tinky suggested writing the DCR contact a strongly worded letter, and following that letter up with a phone call. Virginia asked whether it was the town's responsibility to notify the state of problems in the forest. Will consulted the agreement, which gave the state responsibility. Hussain added that whatever the state did or didn't do, it should certainly supply surfacing materials. Bob and Will added that taking care of fallen trees was also necessary.

Virginia suggested that the letter should request a plan and/or schedule from the state. Tinky was asked to write the letter. Hussain noted that she should mention the fact that the town was responsible for opening and closing the gates to the forest; the town could provide the state with keys. Lately, he observed, the state had been closing the gates and lock/key changeover was very common; this created access issues for local emergency services..

- 3. Jason and Regina Velazquez outlined their plans for their property across from the Town Office.** Jason explained that although the couple and Jason's mother Sheila had purchased the property with great hopes in 2008, and had hoped to retire there eventually, they had had to change their priorities and were preparing to sell the land. He noted that they would clean it up over the summer and had a possible buyer in mind. If this purchase didn't work out, they would put the property on the market in the fall, but they hoped to find someone who would love the property and become a steward for it.

Will said that the property was a risk to public safety. Jason countered that there were other such risks in town, claiming this one was singled out because it is right across from Town Hall. He said that the Selectboard would see him working on his land in the coming weeks. "If you don't, call or email me," he told the group. Will said that he thought the fencing should be more secure. Jason agreed he could improve this and also said that he was going to fill in the cellar hole. He reminded the board that the house on the property had been condemned when he had bought it. Will asked about the barns, which he said might constitute an attractive nuisance. Jason said that there had been no mention of the barns before.

Regina said that the pair had appeared before the board in good faith and that their decision to sell had been difficult. Will thanked her and Jason for coming.

- 4. Lloyd Crawford showed the board plans for a possible shared driveway near Berkshire East.** He asked the ZBA to consider questions it might have about the project. Hussain observed that the matter would be legally cleaner if the ZBA waited until the designers applied for a special permit. Lloyd said that in the meantime the Conservation Commission would visit the site.
- 5. A quorum of the Planning Board (Kimberly Orzechowski, Trina Sternstein, and Lloyd Crawford) discussed their proposed site-plan review wording.** After ascertaining that the document had not changed since its presentation to the board in draft form at an earlier meeting, Hussain said that he was inclined to support it. Kimberly was asked to read the wording aloud, which she did. (See appendix.) Lloyd noted that he had looked briefly at the language of the state zoning act; Hussain also looked briefly at the act online. There had been some questions about the process for adopting such language. Kimberly explained that the Planning Board would like the ZBA to adopt the language as an amendment to its special-permit application.

Virginia noted that in her experience the special-permit process didn't provide much guidance to applicants; this wording would clarify what the applicants might expect. Georgette asked whether the lack of clarity might mean that applicants could get out of doing what the ZBA might ask. She was told that it would not.

Kimberly said that the Planning Board was asking for the wording because other towns seemed to have more robust special-permit applications; the language was meant to help applicants. Will asked for a motion to add the language to Hawley's special-permit application. Hussain made the motion, Bob seconded, and all voted in favor.

6. **The board looked over information from Nicole Parker of West Hawley Road.** She had wanted the Selectboard to be aware of her issues with the Mohawk Trail Regional School District, Tinky reported. Nicole's packet included her complaint to the state about the district, the state's response, and most of the letter of closure about the matter. She had alleged that her daughter encountered racism and bullying at the school. Hussain recused himself from discussion at Will's request. Will said that as far as he was concerned, this was a matter between a townsperson and the school district; the Selectmen had no jurisdiction. No action was taken.
7. **Virginia brought up insurance-renewal issues.** She explained that the previous year the Selectboard had declined some types of coverage, and the insurance agent was asking about them. One was for terrorism. In keeping with past practice, the Board declined to obtain this. Other matters were liability for employment practices (\$500 for the year). Two other types of policies covered compromised data (\$405) and cyber security (\$777). Hussain noted the assessors' data was secured already by Tyler Technologies which hosted a cloud platform for the assessors. Hussain brought up the case of the town of Shutesbury, which had had a ransomware issue. He maintained, however, that regularly backing up data was a less expensive and more secure method of protection than the insurance; insurance coverage might not recover lost data anyway. The group decided to opt only for the employment-practice liability insurance.
8. **Lloyd asked the group to return to the wording for the special-permit application.** He said that he had been looking through the law, and that the ZBA had the power to adopt rules as needed and file a copy with the Town Clerk. Hussain moved to approve the draft as a rule for the ZBA and file it. Bob seconded the motion, and all voted in favor.
9. **Will provided a brief overview of culvert work.** He said that the culvert for Sears Road was being fabricated and that, thanks to Tedd White's willingness to let workers use his driveway apron, the construction would probably take less time and entail closing the road for a shorter time than originally expected. He said he hoped the project would be finished by late August or (more likely) September. He added that the town had applied for a grant from the Small Town Road-Assistance Program for Ashfield Road, stretching from the Fire Station almost to the potato fields. The first step the town hoped to accomplish involved the actual road. After that, it hoped to find funds to engineer and then fix the culverts on the road. He said that the town continued to look for money for other culvert work.
10. **Tinky noted that the only appointment she had to present at present was Kimberly Orzechowski** to the Franklin Regional Planning Board. Hussain moved to appoint her, Bob seconded, and all voted in favor. Tinky also mentioned that John Sears was still having trouble filling the slot on the Personnel Committee. The board suggested that she solicit interest in the next e-newsletter.

**In other business, Georgette deFriesse brought up the wild chervil growing across from the East Hawley Cemetery.** She implored the board to ask the road crew to mow down this invasive outgrowth. Gary agreed to do so.

**Lloyd reported that he, Will, and Gary had met with Nicholas Miller,** the plant expert, to look at the plantings behind the town garage. Nicholas had said that the willows looked sad and the bank needed work.

Nicholas was willing to draw up a plan for remedying the situation in order to keep the bank from collapsing. Will mentioned that he had talked to someone at the Department of Environmental Protection and that the DEP had an escrow account that might fund work behind the garage. He said that the town and Nicholas hoped to come up with a fundable plan.

**Tinky shared a question from Allison Gage at the Franklin Regional Council of Governments**, who wanted to know whether the town wished to continue having FRCOG help with grant applications and the preparation of the annual report for the Green Communities program. The answer was a resounding yes. Allison had also asked whether the town would like help presenting its annual report to a municipal board. The Selectmen asked Tinky to find out what this meant.

**Tinky mentioned that the town had been contacted by a student at Brandeis University** who wished to film a documentary on small-town life and was looking for people to interview. Will suggested the Sons & Daughters of Hawley. Hussain asked Tinky to get more specific information from the student.

**Tinky said that she was hoping to receive dump stickers soon and wondered how the Selectboard wanted to handle pricing** of stickers and trash bags for the coming year. Virginia said that the town paid much more for membership with the transfer station than it could hope to recuperate with bag and sticker sales. Will suggested not raising the prices much – perhaps to \$45 (from \$40) for a sticker. Hussain said he wasn't in favor of raising the prices at all in these difficult economic times. Bob agreed that it was probably best to leave the prices as they were. Lloyd speculated that raising prices could motivate people to engage in less desirable forms of trash removal, such as burning. Tinky said she would report the non-increase in the e-news. Tinky reported that she was a little frustrated with Tom at the Highway Department in Ashfeld for not getting back to her about the stickers. Virginia suggested that Tinky contact the town administrator.

**Tinky noted that the problems with the town website were causing problems for people who could not find out what they owed in taxes; the button for discovering tax liability had disappeared, and webmaster Rick Kean currently had no internet at home.** The group suggested that she ask Rick to try working on the problem from the Town Office. Virginia interjected that she had just used the button. Tinky went to the website on the big screen; Virginia showed her that the link to the tax information still existed but was hidden. Tinky said she would note this in the next e-news. She also said that if Rick couldn't fix the problem soon, she could ask the new web designer, Bill Tuman, to do so. The Selectboard assented.

**Lloyd noted that he was concerned about the inaccessibility of the bylaws on the website.** Tinky said she had created a link to the subdivision bylaws to share and would send it to him. Virginia asked whether the town had a signed contract with Bill Tuman; Tinky promised to send her a copy of the contract so that she would know the terms.

There being no other business, the meeting was adjourned at 8:34 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