

Town of Hawley
8 Pudding Hollow Road
Hawley, MA 01339
(413) 339-5518

Town of Hawley, Massachusetts
Minutes of Selectmen's Meeting – May 17, 2016

Present: John Sears, Bob MacLean, Hussain Hamdan– Board
Cass Nawrocki – Administrative Assistant
Virginia Gabert, Pam Shrimpton, Chris Tirone, Lark Thwing, Rick Kean, Bob and
Brendan Root, Henry Bolter, Richard Gould, Diane Wilder, Jon Schaefer, Greg
Cox.

The meeting was called to order at 7:30 p.m.

1. **Review and signing of treasury warrant.**
2. **Review and acceptance of prior meeting minutes.** None.
3. **Jon Schaefer from Berkshire East: Proposed local group to manage mountain biking trails in Dubuque State Forest.** Jon distributed to the Select board members packets of information comprised of “The Case for Trails Charlemont and Hawley, MA”, a map, a copy of the West Windsor Selectboard Draft Minutes May 23, 2011 (subject regarding mountain bike trails in Pine Hill Park in Rutland) and an article entitled “Mountain Bikers Fuel Northeast Kingdom Economy”. Jon described the present situation regarding the trails on the Berkshire East mountain; that they have been in use and semi-condoned since the 1990s. He’s involved with, but not a member of the NEMBA (New England Mountain Bike Association). He would like to formalize a Trail Association. He’s met with the Charlemont Select board already, and now wants to include Hawley. He wants local management, not just through NEMBA. But NEMBA could help with insurance issues, etc. There are 20 miles of trail access through the state forest. John Sears thinks this is a good idea, because the Department of Conservation and Recreation (DCR) does not have the staff to police or maintain the trails. Chris suggested that someone from the snow mobile club be involved. Jon agrees and says that there are good multiuse trail grants available. Hussain asked if Jon was looking for a letter of support. Jon said yes, and a letter to DCR would be fine also. And once the local group was up and running, support would be sought from the landowners as well. He is investigating blanket insurance for landowner concerns. In the future, membership dues etc. would come back for use by the local group. He expects that mountain biking will have a low impact on the woods, but it’s good to have the Trail Association to help with any issues that arise. John expressed concern for safety issues. Jon said that currently there is no emergency planning. John said that it would be helpful to have someone involved in the planning who has emergency experience (perhaps Hussain?). John suggests a meeting with Jon, DCR, emergency people, etc. Jon will be preparing a rough draft of Bylaws and will forward it to us. Greg handed out a piece about accidents. He stated that night time is especially troublesome and that a lot of things could be instituted to improve the safety – labelling the trails, providing maps to emergency personnel, a

trail rating system, as examples. Jon said he has met with DCR about rating the trails – they have not because the trails are semi-legal and unplanned, so this has not happened. DCR does have a map, wetlands delineations, etc. Hussain talked about the cellular reception, which is spotty. He suggested that warnings be posted regarding lack of signal. Greg described that emergency services has mapped signal strength at Hawley houses. John states that these are all issues that the group (DCR, Jon, etc.) could handle.

3. **Exploration regarding Police department cooperation between Hawley and Ashfield.** John explained Hawley’s situation regarding the impending Police vacancy and what Hawley’s present Police coverage hours are – 2 hours per month, primarily for Firearms ID cards, but occasional details for line or tree work, serving warrants, etc. \$1000 year is the salary. The County often covers detail work. Diane Wilder, Ashfield Police Chief, asked how many IDs are there – Hussain answered it is high for Massachusetts. Diane stated that the state is getting stricter with Firearm IDs and that the town liability for FID and License to Carry is “huge”- poor oversight on the part of the town would be liability. The state is pushing for more computerization. Diane wants both Ashfield and Hawley Select boards to meet and welcomes more cooperation between the two departments. Hussain says there is risk to doing more and also with doing less. Diane has a great clerk, but she’s not sure she can use her clerk with our budget. Virginia would need an estimate of what money would be needed to cover that work. Diane feels that the small towns are getting more crime. Hussain states that the state police has to cover Hawley for that now, but if it looks like the amount of crime is changing, that’s a different story. Greg added that emergency services has had to wait a long time with Section 8s and the state police feel that these are not a priority, but Ashfield might be more responsive. Greg wants to look into the future and Diane knows the state police and says there are only so many there in Shelburne and that waits are not unusual. Lark thinks the two Select boards meeting would be a good idea and that certainly more biking might bring more problems. Hussain, John, and Bob agree that we need to explore more with Ashfield Selectboard and other options. Cass will arrange a meeting with the Selectboard in Ashfield.
4. **Report on Broad band developments.** Rick gave “the short version” and that the Governor just announced that the delays in moving broadband forward are over. They want to go ahead with towns that are ready to go with fiber and support wireless with others. So, this leaves it back in our laps to figure out. We just received profile information which is overdue, but the town profiles have some wrong information – it’s good that Massachusetts Broadband (MBI) is asking for feedback. Also a memo has been received from MBI with next steps for the communities – one step is to appoint a liaison. MBI has two operations people. Lark questioned if the Select Board appoints the liaison person. Hussain moved to accept Rick as Liaison, Bob seconded, Select board vote is unanimous. There was discussion about options which are still being considered – speed and white space. Hawley has not committed to any direction yet – our town needs much more information, but we need 96% capability to reach all inhabitants. Timing is an issue and we need to do our homework. Rick showed the Board a letter he sent to Peter Larkin (MBI) and Bill Ennen (Last Mile Implementation Liaison) regarding the Hybrid/Wireless Option and supporting the Middlefield Pilot Project. Hussain said that Middlefield does not have their money yet and is concerned about this ‘loosening’ pattern – things are still moving very slowly. Lark stated that Department of Revenue will determine the financial suitability; MBI will determine the technical requirements. John expressed thanks for all the hard work.

5. **Home Rule Request letter.** The Select Board signed a letter to submit a Home Rule Request to the State Legislature requesting the enactment of the appropriate Act, which allows for the recall of elected officials in the Town of Hawley by a special recall election. It would be accompanied by a certified, sealed copy of the vote taken at a Special Town Meeting, which directs the Selectboard to make this Home Rule Request.
6. **Any other business not reasonably anticipated prior to posting this agenda.**
 - a. **Mutual Aid Opt-In (the Statewide Public Safety Mutual Aid Agreement and the Statewide Public Works Municipal Mutual Aid Agreement).** Greg thinks opting in to this is a good idea. It gives local communities the option to ask other communities in the state for help. It would include public safety and public works. A town can always refuse if asked for help. Greg said that the Tri-state Mutual Aid saves a lot of money. Virginia asked about equipment, whether it comes with an operator – Greg said yes. Hussain moves to accept, Bob seconded, Select board unanimously votes yes.
 - b. **Representative to the Franklin Regional Transit Authority.** It had been Phil Keenan, but is now vacant. This group meets quarterly. John asked Hussain to do this. Hussain accepted and will attend the next meeting.
 - c. **Document storage for the Town Hall.** Cass asked if Hussain had investigated this issue yet at Hawlemont School. Hussain stated that work is being done at the school during the summer and it should wait until the fall.
 - d. **Letter to Department Heads regarding the Recycled Product Purchasing Policy.** Cass presented a letter regarding recycled product purchasing policy which she will distribute to the Highway and Fire Departments, which is a condition of the Franklin County Solid Waste Management Grant.
 - e. **Healthy Watersheds Consortium Grant.** John read a communication from Franklin Regional Council of Governments, that the grant for which they had applied and for which the town of Hawley had supplied a support letter was not funded.
 - f. **Letter from Colrain to Governor Baker regarding Broadband.** John read from the letter: Colrain “wishes to work with MBI to start pole survey work IMMEDIATELY”. And that “Wired West does not speak for the Town of Colrain”.
 - g. **Computer disk regarding the Historical Preservation of Gravestones.** Found by Cass, John thought this would be good for technical advice on cemetery issues. Will be held for the Historical Commission.
 - h. **Scanner and chips for Dogs.** Chris Tirone as the dog officer spoke of wanting to purchase a scanner and chips to use for town dogs. Virginia states that he is free to use the dog fund budget and the Select board expressed support.
 - i. **Historic Door Knobs; town weights and measures stored in East Hawley** The town has received a letter from Franklin Regional Council of Governments (FRCOG) regarding old door knobs retrieved from the Franklin

County Courthouse renovation project and being distributed to each town's Historical Society in Franklin County. Richie said there the town's old scales, weights and measures are in the town's small garage in East Hawley. Bob and Brendan Root will help arrange with Richie to move them to the Grove building.

- j. **New Highway Superintendent.** Discussion about the plan of the new road boss, Brendan Dekoshak, to move to Vermont. John said that Brendan had assured him that the commute would not be a problem and if the weather were looking to be an issue, he would stay locally with relatives. He is also the tree warden, so there could be tree issues that are urgent. Hussain states that we should see how it all plays out. Bob reminded all that Brendan cannot take the truck home at night. Hussain agreed regarding mileage, liability, wear and tear, etc. Discussion that Brendan should be informed about this – Hussain suggested it be handled informally. Bob will discuss this with Brendan. Richie asked what he should do for training. Suggestions were to show his “institutional knowledge”, show him the town, etc. Richie will work until June 3rd and things can be reassessed at that time.
- k. **Work accommodation request from Cass.** Cass has been having health problems which have resulted in a lot of pain in her back and leg. She is asking for flexibility in her work hours, if needed, until things improve. The Select board agrees.
- l. **Information Technology Grant.** Lark asked about this, if it had been applied for in April/March. No one remembered about this, but Cass will look into it.
- m. **Town Hall Parking Lot.** Lark presented his newest line proposal to improve parking. Virginia said that she thought the lines for the handicapped area done in 2007 ran about \$200. There was general discussion that it could be hired out and look professional or we could rent a line striper. Richie thought having a professional do it would look better. John wondered if people would actually pay attention to the lines. Richie will check the cost of hiring it out. Richie also raised the property line issue with abutter Peter Beck. John said that the Select board needs to discuss this issue with Peter.
- n. **Police position.** Hussain said that the search should not end now (after meeting with the Ashfield Police Chief, for example) – that the Personnel Committee should still be involved and all options explored.
- o. **Stretch Energy Cody Bylaw.** John raised the issue of the recent vote at the annual town meeting on the stretch energy code bylaw which was so controversial. It was confusing for people and raised anger regarding the vote requirement. We are not required to have a new vote on the bylaw, but he feels that it is important that people have a chance to reconsider the issue. There are two options: 1) consider it voted in and see if a group wants to petition to put it on the warrant, or 2) put it on the warrant ourselves after more information has gotten out to people. For example, we are expecting the

report shortly from Bart Bales regarding our town's energy use. John understands that people are leery of more regulation. Hussain spoke of Bob Root's initial idea of a Sustainable Energy Advisory Committee which could provide suggestions and best practices for saving and generating energy. Pam read a communication from Donna McNichol, Town Counsel, regarding clarification on how to proceed with the vote on this bylaw. She was told by Donna to send it on to the Attorney General's office because it was a legitimate vote. Hussain argued that the procedure at the next special town meeting should be to have two questions on the warrant, the first, to rescind the vote at the annual town meeting on the bylaw and the second, to vote anew on the bylaw. If the town voted to rescind, then it could be re-voted in the second question. If the vote was to NOT to rescind, then the original vote would stand and the second question would be withdrawn. Hussain stated strongly that he felt that no matter what, the original vote should be rescinded (we should tell people that a vote to rescind was a formality) and then the issue voted anew. Hussain proposed that he and Lloyd Crawford would stand and tell people why they must vote to rescind. Without the vote to rescind, he thinks the town risks further alienation and potential legal challenges down the road. It needs to be a "clean vote". Continued discussion included what the objections were that people had heard after the first meeting. Bob Root felt there was a lack of information and confusion regarding the time frame and that there was a rush. Lark said that Bart Bales' figures are needed and a clear idea of what the benefit to the town would be versus homeowners' loss of 'freedom'. Greg mentioned the previous "energy committee" back in the early 1980s and that perhaps it could be revived. Hussain said that although an informational meeting had been held, it was poorly attended and on too short notice. More literature needs to go out. John said that Jim Barry, the regional Green Communities representative, should be at the informational meeting and at the actual Special Town Meeting since many people, despite plenty of notice, just do not tend to come to these informational meetings. John urged that we leave the issue open for further discussion at a future time.

There being no further business, the meeting was adjourned at 9:45 pm.

Respectfully submitted,
Cass Nawrocki, Administrative Assistant

Minutes accepted by Board of Selectmen:

John Sears

Hussain Hamdan

Robert MacLean

Appendix A - Relevant documents:

- “The Case for Trails - Charlemont and Hawley, MA”, a map, a copy of the West Windsor Selectboard Draft Minutes May 23, 2011 (subject re mountain bike trails in Pin Hill Park in Rutland) and an article entitled “Mountain Bikers Fuel Northeast Kingdom Economy”. Also “Mountain Bike Suggestions” by Greg Cox, Emergency Manager.
- Attachment C Mutual Aid “Opt-In” Form from the Massachusetts Emergency Management Agency.
- Letter to Department Heads regarding Recycled Product Purchasing Policy.
- Letter to Dawn Quirk, Mass DEP, requesting reimbursement of \$499.16 for the Franklin County Solid Waste Management Grant products.
- Letter to Peter Larkin (MBI) and Bill Ennen (Last Mile Implementation Liaison) from Rick Kean regarding the Hybrid/Wireless Option and supporting the Middlefield Pilot Project.