

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

Town of Hawley, Massachusetts
Minutes of Selectmen's Meeting – June 28, 2016

Present: John Sears, Bob MacLean, Hussain Hamdan– Board
Cass Nawrocki – Administrative Assistant
Virginia Gabert, Pam Shrimpton, Chris Tirone, Lark Thwing, Bob Root, Brendan Dekoschak, Courtney Hoyt.

The meeting was called to order at 7:32 p.m.

- 1. Review and signing of treasury warrant.**
- 2. Review and acceptance of prior meeting minutes.** None.
- 3. Fuels and Highway Supplies Bid Opening.** Because Hawley is a tax exempt organization, there was discussion as to whether we need to pay taxes on fuels. Lark stated that if a town sells fuel for the use of school buses, it is non taxable. John opened each bid with discussion following. ***** *Diesel* – Sandri's bid: .28/gal mark up + OPIS Springfield plus tax (no date or price was supplied for the OPIS) ; Mirabito's bid: mark up .2750/gal + Albany avg on 6/27 (\$1.54/gal) equals \$1.81/gal, plus other products are offered. Mirabito is in Binghamton NY and there was discussion as to whether they might have a closer location. Hussain moved that Sandri be awarded the Diesel bid; Bob seconded; all voted in favor. ***** *89-Octane Gasoline* – Sandri's bid: Daily OPIS Boston low + .32/gal plus tax. This was the only bid. Hussain moved to award the gas contract to Sandri; Bob seconded; all voted in favor. ***** *Propane* – George's bid: \$1.385/gal; Sandri's bid: .40/gal markup over BPN Selkirk week ly (total would be \$1.089 on 6/27) ; Suburban \$1.69/gal ; Mirabito BPN Selkirk on 6/27, .68 gal + .375 (total \$1.064 fluc bid price). Board wants clarification as to whether George's price is a fixed price. The Board also wants clarification regarding Mirabito, where is their local service, and also wants the June 27th Selkirk price for Sandri. Bid award to be held for now until next meeting with this new information. ***** *Winter Sand* – Delta's bid: \$16.75/ton screened ; Mitchell's bid: \$14.90/ton. Hussain moved to award the contract to Mitchell; Bob seconded; all voted in favor. ***** *Winter Rock Salt* – Cargill's bid: \$81.69/ton firm ; American Rock Salt's bid: \$78.16/ton firm ; Eastern Minerals's bid: \$82.20/ton firm ; Morton Salt's bid \$79.03/ton firm. All have additives for flow and all are equally far away. Brendan considered American the best because their bid is in small quantities. Hussain moved to award the contract to American; John seconded; all voted in favor. ***** *Calcium*

Chloride – No bids were received for Calcium Chloride. ***** *Concrete* – Mitchell’s bid: \$66/ton hot patch, with no hot patch bid ; Warner’s bid: \$60/ton for hot patch, \$115/ton for cold patch. Hussain moved to award the contract for both hot and cold patch to Warner; Bob seconded; all voted in favor. ***** *Gravel* – Delta’s bid: \$9.90/ton picked up (pu), \$18.50 delivered (del) ; Zoar’s bid: \$9.33/ton pu, \$11.26/ton del ; Sugarledge’s bid: \$9.75/ton pu, \$14.85/ton del ; Mitchell’s bid: \$8.00/ton pu, \$11.70/ton del. Brendan said that in the past, the town has had good luck with Sugarledge. Also there was discussion about tonnage and which companies have scales and which do not. Bob stated that Mitchell’s gravel isn’t really SRG (it’s just plain gravel) and Brendan stated that having the right product, such as SRG, makes a big difference in the longevity and stability of the work – it packs very well. Bob stated that Mitchell was the low bidder, but Sugarledge is the better product. Hussain suggested that this bid award be tabled for now until Brendan can examine the materials. All agreed with this approach. *Emergency Response Equipment* - Bulldozer : Rice’s bid: \$65/with operator ; Excavator : Rice’s bid: \$75/with operator ; Dump truck : Rice’s bid: \$70/with operator; no additional bid letters were received, with the exception of Schmidt Equipment Inc., who submitted a letter declining to bid. Hussain moved that Rice be awarded the emergency response equipment contract; Bob seconded; all voted in favor.

4. **Town Attorney Policy.** John read Hussain’s proposed/draft Town Attorney Use Policy. John said the issue is often that consult with the attorney is often needed before a meeting. Pam had thought that without a policy that it defaults to needing to ask the Selectboard for permission. Hussain states that it is very much a gray area that needs clarification since every town is different and it is always better to have a written policy. The last time Pam faced this issue, she said, it was confusing with two board members telling her different things. John stated that the Town Clerk should be a different situation since technically the Clerk is an agent of the state, but Virginia pointed out that Town Counsel is paid out of the Selectboard’s budget. Pam said that the Attorney General often asks Pam as Town Clerk to call Town Counsel. For the finance committee, Lark said that these funds might also come from the Town Clerk’s budget and the committee will come up with some guidelines as to what this figure could be. This issue to be tabled and revisited at another time.
5. **Hawley Police Services update.** John read portions of Hussain’s email regarding his research into what Hawley’s responsibilities are regarding Police services. Any person performing a service for Hawley who is also employed elsewhere such as in Charlemont, would be performing as an individual who would be sworn in accordingly. If Jared, from the Charlemont Police, wanted to be Hawley’s chief and also do details or service documents to Hawley residents, it involves only Jared, not the town of Charlemont. Issuing firearm permits from the Charlemont Town Office would need a Memorandum of Understanding between the towns, probably including a nominal fee for equipment use. As for service of legal papers, local officers could be used or the Sheriff for civil documents. Road details could go to either a local department or individual, State agency, or the Sheriff’s office. The contractor pays for this. It is likely the officer who is sworn in as Hawley Police Chief would have first dibs on the details for Hawley – that would be an incentive for someone to be available for both. Hussain said he will call Jared in Charlemont to see if he is interested in being sworn in as Police Chief in Hawley. Cass explained

that the Sheriff had pointed her to the Greenfield Police Chief. Although willing to consider it, the Greenfield chief expressed concern over the distance and that many small towns were coming under more pressure from a training standpoint, with such limited policing hours. Virginia said that Stephen Dean is willing to continue on a month-to-month basis as needed and plans to be in the office tomorrow June 29 at 10:00. Bob feels that Charlemont is the place to start. Hussain said that he knew of one person in Charlemont who is eager for road details. John told Cass to put Greenfield and Ashfield inquiries on hold for now and that this issue should be followed up at the next Board meeting.

6. Any other business not reasonably anticipated prior to posting this agenda.

- a. Memorandum of Understanding (MOU) with Franklin Regional Council of Governments for Municipal Energy Coordination Services.** John stated that Peggy Sloan from Franklin Regional Council of Governments (FRCOG) had very recently brought forth the possibility that Hawley could apply for funds from the Massachusetts Department of Energy Resources' (DOER) Municipal Energy Technical Assistance Grant to pay FRCOG to provide up to \$7500 in technical assistance for Hawley's Green Communities efforts. This needed a MOU with FRCOG to empower them to apply for the grant, which Cass presented to the Board for signature. The assistance to the town, could meet three needs: Criterion #3 for helping to prepare a 5 year plan for Energy Reduction; Criterion #4 for drafting a fuel efficient vehicle policy and/or vehicle inventory; and consolidation of Green Community designation application documents. Cass stated that Lloyd Crawford, of the Conservation Commission, who has been the primary moving force behind the Green Community project, has verbalized that he is concerned about timeframes for completion of this and other related grants, since there has been such a delay in the audit by Bart Bales. Lark said it is good to apply no matter what. Hussain moved that the Board sign the MOU and apply for these funds; Bob seconded; all voted in favor.
- b. Street signs.** John asked Brendan if he had had a chance to look into the communication he had passed on to him regarding a collaborative street sign project out of Greenfield. Brendan does not think it has much merit for several reasons. By the time the person from Hawley goes into Greenfield, the central location for the equipment, spends the time to travel and do the work, and includes the cost of gas, it would not be any cheaper. Hawley simply does not have the volume to make it worthwhile. Brendan will keep an open mind, but preliminarily, it does not look like something to pursue.
- c. July 7 meeting in Heath regarding the possibility of Heath joining the Hawlemont School.** Lark stated that this meeting, at 4:00, hosted by the Heath Selectboard, is important and all Selectboard members and Finance Committee members should attend.
- d. Wired West (WW) update.** Lark reported that there had not been a quorum at the last Wired West board meeting. There were only 22 people and WW is asking for towns to consider resigning so that the quorum number can be lower and therefore make the meetings functional. Virginia questioned if there would be any money coming back to the town— Lark said no, that money is gone, and each subscriber would have to ask for their money to be returned. Lark did explain to WW that Hawley, and perhaps others, may be

interested in them for Internet Service Provider services. Lark suggested that the Board vote to withdraw and then write a letter. John wondered if a town meeting is needed to vote to withdraw from Wired West since that is how Hawley joined. Lark will look into the vote issue and also get more clarification on the money that the town submitted.

- e. **Continuing education for the Highway department.** Brendan explained that he just recently attended a local meeting on culverts that was very helpful. There are sometimes events out there and that perhaps this might help with insurance. There is one program soon entitled Basic Roads which he would like to attend for \$75 and perhaps something would come up for Gary in the future. Virginia stated that the Board would need to authorize education expenditures such as that. Hussain moved that the funds be released for this particular course for Brendan; Bob seconded; all voted in favor. Further discussion ensued on Highway issues such as oversize loads using 8A because of local detours. Courtney was concerned that these truck loads go very fast. Brendan will investigate with FRCOG about using their traffic count equipment to document heavy traffic on some roads and also look into the schedule for the large loads. Brendan has looked into some grant sources and online courses. Being Occupational Safety and Health Training (OSHA) certified is critical for some sources of money.

- 7. **Executive Session: (Roll call vote required).** Executive session, as authorized under the Massachusetts Open Meeting Law, G.L. Chapter 30A Section 21 (a) (4), which permits the use of executive session “to discuss the deployment of security personnel or devices, or strategies with respect thereto.” The specific purpose of the executive session is to discuss the security of Town buildings and facilities including but not limited to the potential deployment of surveillance technology and access control equipment and protocols. John read the purpose of the Executive Session as stated above, with roll call votes required, and informed the audience that there would be no further regular business discussed after this Executive Session topic. Hussain stated that this will be confidential information, to be discussed by only those critical to the discussion, and will not be going into the public minutes.

There being no further business, the regular portion of the meeting was adjourned at 9:22 pm.

Respectfully submitted,
Cass Nawrocki, Administrative Assistant

Minutes accepted by Board of Selectmen:

John Sears

Hussain Hamdan

Robert MacLean

Appendix A - Relevant documents:

- FRCOG Memorandum of Understanding by and Between the Franklin Regional Council Council of Governments and the Town of Hawley for Municipal Energy Coordination Services.
- *Draft* Town Attorney Use Policy, authored by Hussain Hamdan.
- Fuels and Highway Supply bids.