

Town of Hawley
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Town of Hawley, Massachusetts
Minutes of Selectmen's Meeting – September 6, 2016

Present: John Sears, Bob MacLean, Hussain Hamdan– Selectboard
Cass Nawrocki – Administrative Assistant
Virginia Gabert, Pam Shrimpton, Chris Tirone, Rick Kean, Courtney Hoyt, Bob Root, Brendan Root, David Rich, Greg Cox, Lark Thwing, Brendan Dekoschak

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.** 8/23; 5/31, 8/9 (8/9 with 2 inked edits).
3. **Highway Department staff altercation.** This agenda item was inserted here with the Chair's permission at Courtney's request. Courtney reported a recent interaction with Gary Mitchell and Ted Palmer, the present road crew, who had been working on the road near her home. She had suggested to them that warning signs be positioned where they could be seen in advance, since the crew was working in an area where the road was quite curvy and therefore dangerous for traffic. Gary had responded in an unprofessional manner to Courtney. Bob will speak with Gary about these concerns, since the Highway Superintendent is presently on medical leave.
4. **Withdrawal letter from WiredWest.** John read the letter and the Board signed it. Wired West will be reaching out to all Hawley residents who had made a deposit to offer them a refund.
5. **Police Chief position.** The Board signed a letter of thanks for Ashfield Selectman Tom Carter's recent visit, which also expressed interest regarding a possible regional police services arrangement between Ashfield, Hawley, and Plainfield. Hussain has no further updates at this time; John stated that he had spoken with Ron Coler, Ashfield Selectman, who seemed amenable to an arrangement despite John's explanation of Hawley's small needs and budget. Cass will reach out to the Plainfield police to explore the possibility of Plainfield taking on the firearms and carry permits, at least on a temporary basis - this task is Hawley's most pressing need at this juncture.
6. **Cemeteries project.** John relayed his conversation with Gerry McCarthy who is willing and able, with his cemetery experience, to put effort into organization of the town cemeteries. Cass has met with Gerry and they will be collaborating on developing draft protocols, procedures, rule and regulations to be brought to a Board meeting likely in the fall.

7. **Acquisition of ‘free’ highway/ emergency equipment.** John stated that he appreciates the new equipment and the effort that went into acquiring it, but procedures for the procurement of this type of equipment need to be developed. Storage of the equipment, costs to maintain and insure it, and the likelihood of it being used are all important factors to be examined before they are obtained. Greg stated that the Fire Department has little money to help purchase or maintain these types of equipment and that the backhoe and the dump truck are more likely to be utilized on a regular basis by the Highway Department. A Memo of Understanding/Agreement between the two departments on the maintenance, storage, and use of this equipment will be drafted by Hussain, Greg, Lark, and Virginia and brought back to the Board. General discussion confirmed that each department has needs for special vehicles and will benefit from planning for emergency uses and procedures. John summed up the Board’s agreement that all recently acquired surplus equipment will be kept; an agreement for sharing the equipment will be adopted by the Highway and Fire Departments; and that each department will make a list of needs and priorities to plan for the acquisition of future equipment. All future significant equipment procurement decisions will be made by department heads only in consultation with the Selectboard.
8. **Highway Department - budgeting.** Hussain reported that, in the interest of municipal clarity and transparency, he had conducted an investigation into Highway Department expenditures for July, 2016, in response to recently voiced concerns over expenditures on parts and equipment (in particular, “concerns surrounding a bill in the amount of \$3231.90 from Fisher Auto Parts”). Hussain concluded from his investigation that no financial mismanagement had occurred and that the Highway Superintendent had acted within his managerial discretion. John stated that the previously voiced concerns had been legitimate for the Board to explore and were part of their charge in supervising a newly hired employee, and that Brendan had understood that at the meeting. Lark, as a Finance Committee member, had examined the Highway Department budget numbers and all appeared fine. Hussain recommended measures to help sustain the highway budget going forward and presented a *Draft* Policy Guidance on Department Budget Expenditures which might be helpful for all department heads to utilize in monitoring their budgets. For sustainability, it would be expected that 75% of the annual budget would remain unspent after the first quarter, 50% after the second quarter, and 25% after the third quarter. In the event that a department’s expenditures vary substantially from this guideline, it would be expected that the department head seek dialogue with the Selectboard and Finance Committee. There was discussion that Hawley is a frugal town and that expenditures should only be made with sound business practice, keeping the taxpayers in mind.
9. **Discussion with Personnel Committee, regarding current personnel policies.** Passed over.
10. **Procedure for handling personnel issues.** Hussain stated that best practice is that all personnel issue discussions should take place with the employee present.
11. **Any other business not reasonably anticipated prior to posting this agenda.**

- a. **School.** Lark stated that the new school year is launched and there has been a small boost in enrollment, primarily due to Pre-K admissions. The legislators are due to submit the special legislation language that will make the changes voted by the towns in May fact. The BEST Committee (Building Education, Sustainability, and Trust) is nearing the end of its work and hopes to issue recommendations to the School Committee by the end of November or December.
- b. **Fuel tanks.** Greg stated that he supports a new plan for the town's fuel tanks. Only one fire truck uses gasoline and gasoline expires, so the large tank the town has is not efficient. He suggests that the town get rid of the large gasoline tank and buy gas ongoingly as needed. Brendan has suggested this approach recently as well, but Virginia is reluctant to establish a town credit card and would prefer other methods such as a prepaid debit card. Brendan and Chris suggested a small transfer tank could be obtained for minor amounts of gasoline which would also service small equipment such as weed whackers. John and Hussain suggested that this be discussed further with Virginia and finally be resolved at the next Board meeting.
- c. **Radio purchase.** Greg states that the Fire Department has emergency management grant money (invoices would need to be submitted by September 30th) to purchase a radio and he would like to give one to the Highway Department, since both departments often work together on emergency tasks and need to improve communicates. The money is available because the Fire Station did not use it toward establishing internet service - the building was inappropriate. The radio would use the Fire Department license, 150 band. Brendan stated that the plow truck would be the best vehicle to carry a radio. John urged Brendan to work with Greg on getting this done in a timely manner.

Executive Session: (Roll call vote required). Executive session, as authorized under the Massachusetts Open Meeting Law, G.L. Chapter 30A Section 21 (a) (1), which permits the use of executive session "to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual.." and Section 21 (a) (7), which permits the use of executive session "to comply with, or act under the authority of, any general or special law..." The specific purpose of the executive session is to discuss the recent medical leave of a Town employee and matters related thereto. John announced that the meeting would proceed to Executive Session. Brendan stated that he wanted to have the meeting in open session rather than executive session. Hussain asked some questions to ensure that Brendan understood that doing so would waive confidentiality to which he might otherwise be entitled. Brendan acknowledged that he understood the process and consequences and he still wanted to have the hearing in open session.

12. **Highway Superintendent's Medical leave.** John stated that town counsel was available by telephone during this discussion if any legal questions arise. Hussain asked Brendan several questions regarding how he had been notified of this hearing and his right to legal counsel and also took Brendan's oath of truth. Hussain subsequently asked Brendan questions regarding his recent period on medical leave - his need for accommodation to perform his work, his need for future time off related to his illness, his intension to use leave time, etc. Brendan stated that he will not need accommodation at his job, will not use leave time for the approximately 2 weeks he has missed, and will return to work on September 12. He stated that he has been instructed by his physician

to return to the hospital for further treatment for a six week period, from later October through the month of November. Brendan anticipated that he will be preparing the department for his absence, believes the impact should be minor and the department should be fine with Gary Mitchell and Ted Palmer's help. John questioned about Brendan's past spine issues, the existence of which Brendan had shared recently with John, and the fact that no spine issues had been disclosed on Brendan's physical form upon his hire. Brendan stated that the physician at his initial employment exam had been aware of the nature of the work position he held and cleared him for work. Rick of the Personnel Committee inquired if Brendan needed any accommodations, to which Brendan said no. The Board will require Brendan to come back to work after his November hospitalization with a release to return to work from his physician. John stated that Brendan should submit his job description to the physician before the doctor released him from the hospital. John proposed an extension of Brendan's probationary period and that he submit to an independent physical exam by a doctor of the town's choosing in December. Brendan's 6 month employment date is in mid-November and vacation and sick leave would become available at that time. Hussain moved to extend Brendan's probationary period to May 11, 2017; Bob seconded; all in favor. Hussain moved that Brendan receive an independent physical exam at the town's expense in November; Bob seconded; all in favor.

There being no further business, the meeting was adjourned at 9:35 pm.

Respectfully submitted,
Cass Nawrocki, Administrative Assistant

Minutes accepted by Board of Selectmen:

John Sears

Hussain Hamdan

Robert MacLean

Appendix A - Relevant documents:

- Report on Investigation into Hawley Highway Department Expenditures for July, 2016
- *Draft* Policy Guidance on Departmental Budget Expenditures – Proposed September 6, 2016 by Hussain A. Hamdan
- Physician letter recommending Brendan Dekoschak return to work without limitations