

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in Person & via Zoom
January 23, 2024

Present: Will Cosby (via Zoom), Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday
Virginia Gabert, Treasurer and Financial Administrator
Donna Lemoine, Town Clerk
Gary Mitchell, Chris Tirone, Wayne Lemoine, Lloyd Crawford,
Joshua Koch, David Norcross, Wendy Norcross, Gregory Kelly, Henry Smith,
John Duval, Jacob Wendling, Andre Fitzgerald, Ryan Bowers, Jacob Desrosiers,
and via Zoom Bella Levavi

The meeting was called to order at 7:01 p.m. with Hussain chairing as Will was participating remotely. Bob moved that the minutes from the previous week be signed, Will seconded the motion, and all approved. Then:

1. **The group discussed purchasing a new bucket loader.** Virginia passed around a memo that explained that Hawley had \$364,087.82 in Chapter 90 funds, with \$109,000 of that coming from the one-time extra distribution. Lloyd thanked Virginia for those figures. He noted that from the Finance Committee’s point of view, Chapter 90 was a stabilization fund for roads. He asked what else the funds might be used for. He suggested that even if the board voted to use some of this money to purchase the loader, the Town needed to start planning for the future better by making lists of needs in advance. He added that he couldn’t recall the Town’s purchasing a large piece of equipment without a town meeting, suggesting that the purchase might cause grumbling. He said that perhaps the Town should wait – unless waiting was impossible. Virginia shared a financial-planning spreadsheet, saying she was suggesting a way of adding road needs to it.

Hussain asked about the condition of the current loader. Gary said that the road crew couldn’t guarantee that the machine would make it until May’s Annual Town Meeting but said they could try. Hussain asked whether the Town would bring in more money by selling the loader instead of trading it in. Gary said that the \$39,000 offered by the dealer for the trade in seemed like a fair offer. Lloyd said he trusted Gary’s judgment. Gary said he had checked loader prices at other vendors, and they had all been higher. Virginia noted that the loader had originally been scheduled to be replaced in 2026.

Hussain asked Will what he thought. Will observed that the Town really depended on having a loader, and that the loader tended to be used creatively in all sorts of ways and was very important to the highway department. He said he shared Lloyd’s concern about the repair reserves, particularly since the bonus funding might not come again, and also believed that ideally the voters should approve the purchase.

However, since the worst weather of the year was just beginning, he said, he was concerned. Bob agreed that the loader was too important not to be functioning and noted that repairs to the old machine could become expensive.

Since Gary was hoping to fund the new loader entirely out of Chapter 90 funds, Hussain asked what projects the road crew faced that could be difficult if so much money were spent. Gary said that the money could certainly be used for paving. Hussain reiterated the concern that such a large expenditure should ideally be approved by the voters and said that he wanted to ensure a better planning process for the future. Nevertheless, he said he was inclined to go along with the purchase.

Lloyd said that he agreed about improving the planning process, difficult as that might be. Tinky and Virginia reminded Gary that the highway department would have to participate actively in that planning. Virginia added one bright spot about purchasing the loader now. In thinking ahead to 2026, the Town had thought it would have to borrow money to pay for it. Will agreed that it was nice not to have to borrow now. Hussain noted also that the Town might want to preserve as much of its borrowing capacity as possible, given the uncertain broadband situation.

Hussain moved to authorize the highway department to spend \$158,900 to purchase a new loader and associated equipment from Quality Fleet Service, which was on the State bid list. Bob seconded the motion, and all voted in favor. Hussain said that he was sensitive to the finance committee's concerns about process, adding that this purchase was the exception that proved the rule.

2. **Town Clerk Donna Lemoine brought up election changes mandated by the state.** She told the Selectboard that, according to new legislation, a policeman was required to be at the Town Office for all four elections in 2024. She noted that the Selectboard would have to authorize those police details for the following dates and times: Tuesday, March 5, from 6 a.m. to 11 p.m.; Monday, May 6, from 11 a.m. to 10 p.m.; Tuesday, September 3, from 6 a.m. to 11 p.m.; and Tuesday, November 5, from 6 a.m. to 11 p.m.

She added that the state required eight hours of early voting access on weekdays in the couple of weeks before the election and four hours on weekends. She and Tinky would split those shifts. Hussain pointed out that Hawley's police chief was only an administrative officer who processed firearms licenses and the like, not an active-duty officer. Hawley's primary law enforcement was the State Police. He offered to talk to the officers there to see whether they could provide someone.

Donna added that the AutoMARK voter terminal, designed to help with voter accessibility, now needed by law to be sent to the state for reconditioning. The cost for this was \$200, which she did not have in the Town Clerk's budget.

3. **The next topic was the ambulance situation.** Hussain summarized the previous week's events. A representative of the state department of public health had called the Town Office on Friday, January 19, to say that Adams Ambulance was losing its license to operate as of that day. Tinky and Hussain had both called him back.

According to Hussain, the DPH person had been misinformed, first saying that North Berkshire would be Hawley's primary ambulance and then saying that it would be Shelburne. Neither of these entities had been asked or had agreed to do this. Adams itself was not informed of the suspension until some time after Hawley received the call. He noted that he had received a copy of the notice of suspension from Adams's representatives and that it contained inaccuracies. He concluded by saying that something appeared to be amiss at the DPH.

Hussain acknowledged that several people from Adams Ambulance were in the room. He opened the floor to questions, first from Selectboard members. Will asked whether Adams was capable of continuing to serve Hawley, and what the time frame might be for the appeal of the suspension.

Joshua Koch introduced himself as the co-general manager of Adams. He said that Adams was prepared to go on working with Hawley and had been under the impression that it would be Hawley's primary ambulance service indefinitely. He added that the time needed for the appeal was uncertain. Adams had hired a lawyer who had 14 days to file an appeal with the state. After that, the appeal could take a while to be processed and decided upon. Hussain (a lawyer himself) said that the lawyer Adams had hired was a good attorney but agreed that the time frame was uncertain.

Hussain asked the people from Adams about the staffing issues to which the state's suspension notice had referred. David Norcross, the other co-general manager, said that the group had undergone a struggle to retain, and find new, personnel, but that it was making vigorous recruiting efforts and had found six people ready to sign on. He described the group as hardworking and ready to get back to work. He added that having lived in Hawley himself and still having family there, he was passionate about the connection with the town.

Hearing no further questions or comments, Hussain presented a draft letter to the state Office of Emergency Medical Services. (See attachment.) He said he would abstain from voting on adopting the letter because of his connection with Adams Ambulance. Will moved to send the letter, Bob seconded, and both voted yes.

Joshua Koch offered to describe Adams's experience of the suspension. He reminded the Selectboard that at the beginning of November, the employees at Adams had been informed by management of the service's financial problems, of which they had had no warning and of the management's intention to close the service. Unhappy, the employees had formed a committee to work on the issue. Despite several resignations and replacements, they had told the DPH that they didn't wish to close, and they had started looking into their finances and viability. Two member towns (Adams and Cheshire) had decided to change over to Northern Berkshire EMS at the beginning of the new year because of the uncertainty. The State, concerned about Adams Ambulance's financial struggles, had requested substantial information from the service. Adams had provided information to the state and had hosted inspectors. Although its personnel had been unable to provide absolutely all the information requested because of the changeover in management, they had been under the impression that all was amicable.

In late December, Joshua said, he had spoken with the state inspector, who had confirmed that impression.

Joshua noted that the service had acquired a new niche transporting people to and from hospitals and nursing homes, which was helping make up for the loss of the towns that had left.

He said that the service had had a busy day the previous Friday and had only received the call to shut down at 4 p.m., hours after Hawley had heard about the suspension.

He said that in light of the shut-down letter, he perceived the DPH as having issues “high up” with people unfamiliar with the actual workings of rural emergency work. He said that he and his colleagues believed that if they could get the right information to the Office of Emergency Services, they had a good chance of being reinstated. Meanwhile, unfortunately, they were unable to run ambulances.

Will thanked the group for coming and said he looked forward to hearing about the progress they would make.

4. **Lloyd brought up the question of a shared conservation agent with nearby towns.** He said he had been heartened at the last meeting of town representatives on the topic to note that the goal had just changed from finding someone just to file paperwork to finding someone with expertise. He said that there was an opportunity coming up to apply for a grant for the agent’s first year; the town would have to pay the costs of the next couple of years. He noted that Paul McLatchy in Ashfield thought that Hawley’s contribution would be about \$3000 per year and that money from notice of intent filings should help pay for the fee. Lloyd argued that he was highly in favor of getting the agent, recalling his many unsuccessful offers to hand over the chairmanship of the Conservation Commission to someone else whom he could advise. He noted that he had a lot of specific knowledge but unfortunately was the only one who had it at present and could not carry on forever. He shared a letter drafted by Paul that would express Hawley’s support for the idea (without committing the town), which would help with the grant. He suggested that with the board’s permission, he and Tinky could tweak the letter and have it ready to be signed the following week. Hussain said he agreed with the substance of the letter. Will asked how much money was in the notice-of-intent account; Virginia informed him that it was around \$9000, with more money coming in. The group agreed to consider the revised letter at its next meeting.

In other business, Tinky said that Anne Gobi, the director of rural affairs in the governor’s executive office of economic development, had written to ask for three priority projects for Hawley, saying that her office would keep an eye out for appropriate grants. The board identified at least three projects: regional emergency medical services, road and culverts, and a possible public-safety building. The group asked for additional time to consider the matter and Tinky was asked to put the issue on the agenda for the following week.

Tinky also asked about the trees behind the Town Office. She was informed that given the wet weather forecast, taking them down would have to wait for colder, drier conditions.

She also asked about a possible broadband meeting with Plainfield, where the Selectboard was now meeting on Tuesdays; its late February meeting would conflict with Hawley's. Will, Hussain, and Bob offered to move their meeting that week to Monday to accommodate Plainfield, which would be doing Hawley a huge favor if it allowed Hawley to connect into its network.

Hussain spoke briefly about the preliminary meeting he had attended on January 17 about forming a regional ambulance service with Charlemont and Rowe. He reported that the Charlemont responders were stretched thin, adding that Dennis Annear was looking for a grant to hire two full-time firefighter/EMTs who could also be available for staffing the ambulance. He noted that it would take at least nine months to know whether the grant would come in and that it would only last for three years. He opined that firmer numbers would be needed and reported that those at the meeting had felt it might be advantageous to involve other towns such as Colrain, Heath, and Shelburne Falls. He had signaled to the others that Hawley would be interested in attending further meetings. He stated his belief there was ample justification for regionalization.

There being no other business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Hussain Hamdan

Robert MacLean



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January 23, 2023

Susan Lewis
Director, Office of Emergency Medical Services
67 Forest Street
Marlborough, MA 01752

Dear Ms. Lewis:

The Hawley Selectboard is concerned about the recent sudden action taken by the Department of Public Health to suspend the licensure held by Adams Ambulance Service, Hawley's contracted primary ambulance provider.

Our concerns are twofold. First, our rural, mostly elderly, community of 320-odd residents is now operating without a primary ambulance service and therefore relying entirely on various mutual-aid partners. This is a short-term, stop-gap, solution that lacks long-term sustainability.

Second, this decision by the DPH was abrupt and involved no warning or consultation with the Town.

A DPH representative left a message last Friday, January 19, at the Hawley Town Office saying that Adams's license had been suspended. Both our administrative assistant, Tinky Weisblat, and one of our selectmen, Hussain Hamdan, called him back. He had inaccurate information, first telling Hussain Hamdan that Northern Berkshire EMS would be Hawley's primary service (which Berkshire had already told us it would not) and then that Shelburne Falls Ambulance and American Medical Response were providing service to Hawley. Subsequent email correspondence with Herb Guyette, the Director at Shelburne Falls, revealed that Shelburne Falls, like Hawley, had heard nothing about this.

The managers of Adams Ambulance the Hawley Fire Department, Berkshire Sheriff's Control (which dispatches for Berkshire County), and Shelburne Control (which dispatches for Hawley) had not been informed of the suspension either. No one at Adams Ambulance received word that its license had been suspended until sometime after 3 p.m. on January 19. Shelburne Control did not find out until several hours later, prompting its representatives to contact the Hawley Fire Department urgently about whom it could send to medical calls that night.

Eventually, Adams Ambulance received an email copy of the DPH order suspending the Ambulance license, "Complaint Investigation #23-1206, Notice of Agency Action, Immediate Suspension and Proposed Temporary Revocation of Ambulance Service License" dated January 16, three days before anyone at Adams Ambulance or the Town of Hawley ever saw it. This document was shared with several Hawley officials not by the DPH, but by representatives of Adams Ambulance. Among other things, the order states in Paragraph 20:

On January 4, 2024, the Department spoke with Donald Tryon of the Massachusetts State Police, Shelburne Control, which is the dispatch entity for the Town of Hawley. Tryon reported that the Hawley Fire Chief Greg Cox had updated the ambulance services to be dispatched to 9-1-1 EMS calls in Hawley, to be Shelburne Falls Fire Rescue/EMS, followed by American Medical Response (AMR), for basic life support (BLS) calls, and Colrain Volunteer Ambulance Association, followed by AMR, for ALS calls. He reported that Adams Ambulance is no longer dispatched to Hawley EMS calls.

Greg Cox and Donald Tryon have both informed us in writing that those statements are inaccurate. While Shelburne Control had provided the DPH with information as to who was next in line on Hawley's run cards (in other words, who would be called next when Adams Ambulance was unavailable), no one said that Hawley had changed ambulance providers, or that Adams Ambulance was no longer being dispatched to Hawley. And no one associated with the Town of Hawley had any indication or warning on January 4, or at any time until the 19th, that Adams Ambulance's license was about to be suspended. Furthermore, there was never at any point during the period in question any agreement with Shelburne Falls to assume primary coverage for Hawley.

As we stated above, Hawley has a contractual agreement with Adams Ambulance Service to provide primary ambulance coverage. We were concerned a few months ago when we learned that the service was in difficult financial straits and might close at the end of December, but we were subsequently reassured that measures were being taken to address these issues, that the service intended to remain open, and that we would be notified in advance if closure were back on the table. We were not aware of any imminent loss of licensure. During this time, Hawley has been largely satisfied with the service provided by Adams Ambulance.

We are certainly not dismissive of the Department's concerns. We believe that our concerns about the abrupt manner of this suspension, the lack of notice to Hawley and the Ambulance Service, the lack of consultation, and the erroneous statements by the Department about our EMS coverage going forward are also concerning. These issues have significant public-health and safety ramifications. We hope the Department will take a collaborative approach with the Towns and the Ambulance Service as efforts to resolve these issues are undertaken. This approach will require a commitment to transparency, greater communication, and a willingness to become fully informed of the facts.

Very truly yours,
The Hawley Board of Selectmen

CC: Representative Natalie Blais
Senator Paul Mark
Commissioner of Public Health Robbie Goldstein
Governor Maura Healy