

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in person & via Zoom
April 9, 2024

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Natalie Blais, Lloyd Crawford, Gary Mitchell, Chris Tirone, and Georgette deFriesse

The meeting was called to order at 7 p.m. Warrants and minutes from a previous meeting were signed.

1. **The evening began with a conversation with State Representative Natalie Blais.** Will thanked Natalie for reaching out to the state Department of Transportation about the road emergency on West Hawley Road just south of Pudding Hollow Road. She said that she thought the district was very lucky in its DOT administrators. Will elaborated on the situation on West Hawley Road, saying that the repairs slated for the following week were temporary, that the state had asked the town to get engineering plans drawn up for both that area and the Dugway, after which the state hoped to be able to help with the long-term construction in those areas. He asked Natalie whether she had any sources of funding for the engineering; she replied that earmarks weren't a possibility given the state budget. She and Will said they had both spoken with representatives at FRCOG. Will noted that FRCOG wanted the town to schedule listening sessions with the public about these projects.

Hussain observed that the Dugway had generated a number of studies and surveys since at least the 1980s, but those had generally been shelved, due to multiple factors. He stressed the importance of allocating roles and responsibilities going forward and of making sure that progress was made if the town tried again. He said that in the past the state had not approved of plans commissioned by Hawley. Will reported that a recent conversation with someone at DOT had indicated that if the Town used a DOT-approved engineer (for instance, GZA, which was currently working with the town on other projects), the DOT could use the drawings. Natalie said she was happy to help in any way she could.

The group spoke briefly about Will Cosby's draft of a letter to legislators about rural-school funding.

Hussain told Natalie that he appreciated her work on public-safety buildings and asked about progress on the bill she had sponsored to create a public-safety-building fund. She noted that the bill had been extended into the next legislative session. She recalled taking the chair of the relevant committee to Conway and Deerfield to look at public safety structures there, stressing the importance of helping legislators understand the state of affairs in rural Massachusetts. She said she appreciated Hussain's help. She added that she and Senator Jo Comerford were working on a bill that would create a disaster-relief fund, an important thing to have, especially if a disaster occurred when the legislature was out of session.

Will asked when it might be possible to get a waiver for school choice, saying he thought educators needed to think outside the box.

He filled Natalie in on recent discussions about the future of vocational schools. Natalie expressed her willingness to listen and reiterated that she planned to refile the rural school bill and see whether it might offer opportunities for using buildings differently. She stressed the importance of a holistic approach to education. Hussain also highlighted the importance of vocational education citing various examples of why it was key to job creation, especially in the high-tech sector. Natalie observed that an aviation program was in the works at the local vocational school; Will said that he thought fiberoptic education would be a good addition. He and Hussain filled her in briefly on Hawley's uncertain broadband future.

Tinky asked about Ann Gobi, the governor's director of rural affairs. Natalie called Gobi a fierce advocate for rural policy and encouraged the town to invite her for a visit, as well as Kristen Elechko, the head of the governor's Western Massachusetts office. She reiterated that much work was dependent on having officials come see conditions on the ground in Hawley. Tinky was asked to extend an invitation for both to come to Hawley, and to let Natalie know when they were coming in the hope that she could come as well.

Hussain filled Natalie in on Hawley's emergency-services situation, calling attention to a shortage of ambulances in the area and a regulatory environment that, he said, had "rural EMS in a stranglehold." He described protocols that made little sense in communities with limited emergency workers. For instance, an EMT could only give certain basic over-the-counter medications (such as aspirin) if an ambulance the EMT was affiliated with were responding; if a different service were responding, the same EMT with the same training could not. He stressed that this issue affected response times. EMS continuing education was also a struggle for towns without their own ambulances, although Hussain noted that Colrain had been very generous in inviting Hawley personnel to one of its trainings. He also mentioned the ASHER (Active Shooter/Hostile Event Response) protocol, which, to be implemented, required expensive ballistic protective equipment. He stated that the Town's wallet wasn't thick enough to cover all these mandates. Natalie said she appreciated hearing about such issues directly, as all the 18 communities she represented had difficult financial choices to make. She expressed her gratitude for the group and presented a list of current bills on which she was working, indicating the status of each. The board thanked her for visiting, and she departed.

2. The group moved to the paperwork for the work about to commence on West Hawley Road near Pudding Hollow Road. Will explained that the road would be closed for one week and that the following week had been chosen because it coincided with public-school vacation. Greg Cox had said that the fire department could handle things but had asked to know the exact schedule as soon as possible. Hussain concurred that being sure of the dates and getting the information out would be important.

He said that the construction could be mentioned on the website and that Greg and Dean could use the reverse-911 phone-call system to further alert residents. Will said that the job was supposed to take five days and that the entire section of road would be dug up by Warner Brothers Construction, who had been chosen by the state for the work. Meanwhile, Sears Road was due for construction the following week; it would be passable with one lane at a time. Tinky was asked to let the post office know of the road closure. Gary observed that Forge Hill Road was not in good enough shape to be used as a detour. The group decided to block it to traffic, but, at Hussain's request, sufficient space would be left to let emergency services off-road vehicles pass if needed. Hussain moved to accept the state contract, Bob seconded, and all voted in favor. The contract was signed.

Lloyd, speaking for the Conservation Commission, asked if a lay-down area for equipment would be needed near the river on Ken Bertsch and Peter Beck's land. Will said he had talked to a representative from Warner Brothers, who had said that he did not need to store equipment on the land. Will expressed his thanks to David Stokes at the DOT for his help.

The Town Meeting Warrant briefly came up. The proposed amendments to the regional agreement for the Mohawk school district were not reproduced in full due to length. Hussain said this was fine as long as copies of the amendments were made available. If someone asked, these could be read in full on the floor. There was one petition-requested article on the warrant, relating to the state flag. Another possible petition relating to renewable energy had not ended up being filed.

3. After noting a minor formatting issue, Virginia offered a budget update. Considering the discussion at the previous meeting about cost-of-living increases, she said, she had calculated the difference they would make. If the town instituted COLA increases only for the Treasurer, Administrative Assistant, DPW staff, and Tax Collector, the difference would be \$875. This would take a penny off the tax rate. If no COLAs were put in for anyone, it would be a little over \$8,000 difference. The tax rate would be \$17.89 instead of \$18.02 per \$1000. With the 3 percent COLA across the board, the potential increase to the average single-family tax bill would be about \$338 per year. (Other factors such as state aid also might play a role). With limited COLAS it would increase \$334. With no COLA, it would go up \$302. Hussain thanked her for her work and said he supported the COLAs. They were not the primary reason for the tax increase, employees needed to pay their bills, and the town needed to concentrate on issues with greater impact.

4. Hussain gave a brief update on the hot-water heater and mini-splits, saying the water heater would probably be installed during the following week. As for the mini-splits, he said he had made contact with the company that installed them and was waiting to receive additional information, but he was not optimistic about the expired warranty. He said the group could decide whether to replace or repair the system that evening or wait until the next meeting. He wondered aloud how much money the system had saved the town, noting that the propane heater never had any problems. Will said that because of the town's solar panels the mini-splits cost nothing to run and argued that their air-conditioning function was important. He moved to replace the defective mini-split. Hussain asked where in the budget the funds would be found, and Virginia suggested the building-maintenance account. Will said that he had received a quotation of \$2173 for the replacement from Matt Crowningshield, who lived in Rowe. Bob seconded the motion to purchase the machine, and all voted in favor.

5. Discussion turned to the question of changes in septic regulations proposed by Randy Crochier of FRCOG. Hussain said that a public hearing would be needed to implement the changes. He expressed concern that there were a lot of regulations already and said he didn't believe in adopting more regulations for the sake of it. Tinky suggested talking to Randy at least. Hussain observed that he didn't like creating solutions for problems that didn't exist. Lloyd noted that Hawley's current septic issues would be with campers and people building structures on their own; Hussain countered that the current regulations already addressed this. Tinky was asked to invite Randy to visit on either May 14 or May 28 to discuss this issue and also the question of board-of-health training. Will noted that the group might also need a special meeting to plan the listening sessions about the road work. FRCOG would like to meet with the Selectmen to plan the listening sessions. Hussain asked whether the county could send a memo about what it felt the sessions should entail; a meeting could then be called if needed.

6. **Will updated the group on the MBI-BEAD situation.** He said he had attended a recent meeting about this issue. The federal BEAD (Broadband Equity Access and Deployment) program appeared to be the next funding that might help Hawley; apparently, there would be no second round of MBI gap funding. He observed that BEAD might require that the town challenge the FCC's service maps which erroneously indicated that Hawley had broadband. This would entail going through a list of town residents and figuring out who had what service. He said that there was apparently a Comcast customer somewhere in town, probably close to Buckland. Hussain suggested that WiValley could be contacted about who had its service, as it could provide statistics for its entire customer base; he offered to talk to the Brian Foucher about the issue.

7. **Tinky asked who should sign the rural-school letter.** She was told to edit it, get Will's signature, and then check with Lloyd about signing off on it as well.

8. **The group discussed possibly employing a poll constable in the fall.** Will said that the poll constable had some overall duties and could be hired from the town **or** from outside the town. Tinky said that Donna didn't necessarily need to have a constable appointed right away but would like the option to request one for the fall election if things became heated. Hussain said that this should be tabled until a time when Donna was available. The matter was tabled.

In other business, the group discussed appointing Benjamin Duga interim police chief; current chief Jason Pelletier had been called up by the National Guard for several months, and Ben Duga was being used by the town of Charlemont. Tinky said she had talked to Ben that afternoon and that he had seemed nice and was willing to serve Hawley if needed. Hussain said that ordinarily he would want this issue to be on a posted agenda, but he was reluctant to wait two weeks in case someone from Hawley wanted a firearms ID. He moved to appoint Ben Duga to the interim position until the regular chief returned. Bob seconded the motion, and all voted in favor.

Tinky reported that Kim Fitzroy had received approval for her shed from the building inspector. Hussain suggested that that would be the end of the matter as far as the ZBA was concerned but asked Tinky to make sure that Kim checked in with the Conservation Commission.

Tinky said that Sarah Reynolds in Charlemont had called her to ask whether Hawley would like a contribution toward a new mower. Gary explained that the two towns had had an agreement to share certain equipment and that the mower had returned from Charlemont recently pretty much dead. There was a discussion about the merits of continuing the equipment sharing arrangement. Will asked whether Hawley could exit the deal, which Hussain said could be done. However, Hussain said it would be worth seeing what Charlemont was offering. Historically (prior to the current year), there had been no issues, and Charlemont might be trying to make the situation right. Tinky was told to ask Sarah what sort of contribution Charlemont was suggesting.

Will brought up the STRAP grant for Ashfield Road, saying that the town would need to engineer a culvert to run past number 17. He suggested giving GZA the task; if there were an intermittent stream, the work would come to \$70,000 or \$80,000. Bob asked whether, if there were found to be a stream there, there would be enough money left in the grant for all the other necessary work. Will explained that there was extra money in the grant, although things could always get more complicated. Hussain expressed concern about the fact that the same firm that was looking for a wetland (which didn't show up on any maps) would also be tasked with engineering the solution to it. He said he didn't want to create a wetland where none existed, noting earlier discussions with a DEP rep who had felt the current maps were adequate. Will stressed the importance of ascertaining whether there were any issues.

Hussain moved to permit the chair to sign the contract if needed, Bob seconded the motion, and all voted in favor. On a separate subject, Hussain moved to extend the King Corner contract to the end of the year, Bob seconded the motion, and all voted in favor.

Gary said that he had five surplus pieces of equipment he wanted to get rid of during the current fiscal year. These included the 1995 Ford L8000, the 2015 Chevy plow with all equipment, a stainless-steel sander, the old generator from the Town Office, and a couple of military vehicles (a dump truck and a backhoe). Hussain questioned whether the new civilian dump trucks should be used in the State Forest, as the old military truck was suited for this. Gary said he would prefer to use the new trucks. At Hussain's request, the backhoe was removed from the list, as the Fire Department still used it. Gary asked whether he should set a reserve or just take what was offered. Hussain suggested bringing the offers back to a Selectboard meeting – that is, having the auction end on a Tuesday in four weeks. Will moved to have Gary list the items on Municibid, Bob seconded the motion, and all voted in favor.

There being no other immediate business, the meeting adjourned at 9:29 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean