

**Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
(including a board-of-health hearing)
in person & via Zoom
June 28, 2024**

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Randy Crochier, Gary Mitchell, Chris Tirone, Dean Desmarais, and Tedd White

The meeting was called to order at 6:31 p.m.

- 1. The evening began with a Board of Health hearing about proposed changes to Hawley's septic regulations.** Will moved to open the hearing, Bob seconded the motion, and all voted in favor. Hussain, the chair of the board, confirmed with health agent Randy Crochier and with Tinky that the hearing had been properly advertised. Hussain then opened the floor for comments.

Tedd said he was worried about the fines referred to in the septic regulations. He noted that building a house was expensive even without additional costs. He questioned why a small town, where people led relatively simple lives, would adopt such rules

Tinky noted that most of the septic regulations were already in place, that the changes being proposed were quite minor and didn't involve fines. Tedd said the regulations were still a problem for him. He saw them, like building codes, as government overreach.

Hussain asked Randy to provide an overview of the septic situation. Randy noted that 99 percent of the material in the proposed regulations had already been adopted by the town's Board of Health a decade earlier. He pinpointed the two changed sections. Section 8A had formerly said that people should pay for septic inspections at the time of inspection. That practice had been changed; people were now expected to pay in advance. Section 8D had been changed to stipulate that septic systems would receive a conditional pass if a water quality test were needed. (Such tests were mandated by the state for wells located less than 100 feet from a septic system.) Once the test results came in, the applicant was all set.

Randy agreed that the fines were steep. However, he also noted that much of the material in the regulations was already in the State rules and that local boards could only make regulations more strict, not less strict, than the State ones. He observed that his department had never issued any calls for fees.

Dean asked what the purpose was of the town's having regulations if they just mirrored state regulations. He suggested that this just created additional bureaucracy. Hussain said he shared this concern but reminded those present that most of the town's septic regulations had been adopted before the current Board of Health was in office. He added that although the board could of course consider anything in the regulations, the main issue at hand was the proposed changes, with which he saw nothing wrong.

Randy opined that he didn't see local regulations as duplicating state ones but rather as helping to ensure consistency. The regulations spoke to some ambiguities in Title V that created confusion. However, there were a few added rules, like requiring a two-compartment septic tank (which was not mandated by Title V, but prolonged the life of the system).

Tedd asked when the regulations would go into effect and how. Hussain suggested that the intention was not to adopt the changes that evening but rather to have a hearing on the draft. He said he wished more people had turned out and added that voting on the changes would be put on a future agenda.

Dean said he would like to know more about the conditional-permit change, related to private wells. Randy reiterated that if a house were to go on the market and have a Title V inspection, the test was mandated for a leach field within 100 feet from a well. Dean asked whether the test looked for contaminants in the well, and Randy said it did. Randy added that treatments were available for the well; a new septic system was seldom needed. After the treatments, a hearing and retest were scheduled.

Hussain suggested that the language in the proposed changes, specifically "any private well," seemed a bit vague and suggested clarifying it to make the regulation more specific about intent, and only applicable when a water test would otherwise be required. Randy and Hussain agreed to work on the language together.

Hussain asked whether there was anything else. Tedd referred to dormant systems and protested that if someone was trying to build a house, the town shouldn't make the process more difficult and expensive. He asked the board to consider saying no to making building more complicated and costly. Will reminded him that the regulations dealt with a safety issue and protected the community. Randy stated that even if Hawley were to scrap all three pages of the regulations, testing of wells near leach fields would still be needed. He agreed that the process could be a bit confusing but asserted that it didn't cost a lot.

Hussain thanked everyone, including Tedd, who had come to the hearing. He returned briefly to the well discussion, noting that there had been a great deal of constructive community input when the body of the rules had been adopted. He said Hawley had not put in some regulations common in larger communities in the region but rather had adopted rules that considered people's concerns and that worked for the town. He said he believed that Hawley's regulations were better than some of those in other towns. Dean said he would encourage language that mirrored but did not exceed Title V, but he asked what the purpose of rules that only mirrored it would be. Randy said that ideally the proposed language did mirror Title V but also made some information clearer.

Hussain said that he had done some closings as a lawyer at which buyers only conducted such tests as they were required to and then lamented the outcome later. He did say that the issue could get complicated if the buyer rented out property. So, in a way, some of these regulations protected people. Dean asked whether the testing was restricted to one piece of property, or if it would apply to a well on an abutting property within 100ft of a septic system. Randy noted that if anyone's septic system was too close to a well, regardless of ownership of the system, the well would need testing. He said he had not come across a case like that to date, however. Hussain noted that with current zoning and regulations, this would be unlikely to occur on any new construction; it might be a situation with an old grandfathered property.

Tedd said he would talk to some other people about the issue, and Dean said he felt a little more comfortable after what he had heard that evening.

Hussain asked about the next step. There was consensus to take the matter up at the next meeting. Will moved to close the evidentiary portion of the hearing. Bob seconded the motion, and all voted in favor. Bob moved to continue the hearing at the board's next meeting, at 7 p.m. on Tuesday, July 2. Will seconded the motion, and all voted in favor.

2. **At 7:08, the Selectboard meeting opened. Minutes were approved, and warrants were signed.**
3. **Will brought up a change order for the Ashfield Road contract with GZA.** The town had hired GZA earlier to refine the estimates for the work and to work as the engineer for the culvert work on Ashfield Road. He suggested signing a change order that would authorize the firm to continue working as the town moved from pre-construction to actual construction. GZA would work for the next three months or so overseeing Davenport Construction. The cost would be about \$4000 to 5000, all of which would be paid for by the grant funds. GZA would serve as clerk of the works. Hussain moved to authorize the chair to sign the change order, Bob seconded, the motion, and all voted in favor. Tinky was asked to send the contract to GZA.
4. **In other road news,** Will reviewed the King Corner grant application. He reminded the board that if that grant were approved, the town would still need \$1,800,000 to finish the work. He added that the town had also applied for what might be the final Ashfield Road funding from the STRAP program. Davenport's bid for the original work had been low so there might be leftover funds to help finish the project, however. He expressed gratitude to Arlene LaValley and her son Miles for letting Davenport store materials on their property. He also commended the road crew for its work on cleaning up the ditches. He said there was no news at present about the guardrail on Route 8A, which was all that remained of that project.

Will asked Gary whether the town would keep the East Road/Labelle Road connection open again during the following winter. Gary said it depended on the weather. If the ground froze early, it would work. Tinky was asked to tell James Heroux that the process was weather dependent. Hussain recalled Kimberly Orzechowski's complaints about the connection and observed that it was hard to figure out how to keep everyone happy. Will noted that getting a grant for that area would be ideal but might be hard to justify.

Virginia said she had received the form for closing out the Sears Road project. Will said the project was finished as of the end of June and that it had cost \$725,039.50, under budget. At Will's request, Hussain moved to have Will sign the completion document, Bob seconded, and all voted in favor. Chris asked whether the town was allowed to spend the extra money. That would be nice, said Will, but the state had strict rules about the process and any leftover funds were returned to the State.

5. **Discussion next focused on what to do about the old Hawley files of town counsel Donna MacNicol.** Hussain he had spoken with her office and had been told that the paperwork wasn't ready. He suggested that when it was ready he and Tinky could look at the files and report to the board. Will said that sounded fine. Hussain said the pair could make a summary and flag anything that held historic value or was still under the statute of limitations. He also noted that the town could digitize the files if it wished to.

- 6. The group moved on to the ambulance situation.** Hussain reported that the Massachusetts Department of Public Health had rejected Adams Ambulance's most recent plan of correction. He was not optimistic about their reopening anytime soon. Therefore, he argued, Hawley needed to identify another primary ambulance provider and would probably need to provide compensation to that service. He asked the board's permission to talk to Colrain, Shelburne Falls, and Highland. (He said Charlemont was unlikely because it had a staffing problem.) Shelburne Falls and Colrain didn't seem to want to expand and would need to set up a fee-for-service program. He said he and Greg Cox had told them they would have to provide a proposed figure if they wanted a fee-for service agreement. He added that the good news was that Hawley had paid Adams for only half a year (June through December of 2023) and therefore had not expended funds for the period when the Ambulance was not in operation.

Will asked about the ongoing discussions put together by Rowe for a collaboration with Hawley and Charlemont. Hussain noted that the group had agreed to meet again, but that he had so far heard nothing. Will moved that Hussain and Greg be empowered to talk with nearby ambulance groups about an EMS coverage solution or Hawley, and Bob seconded the motion. All voted in favor.

- 7. The group discussed the possibility of writing a letter of support to legislators for paint-disposal legislation.** Hussain said that he found the legislation referred to in the sample letter from the Solid Waste District vague, with a lot of unanswered questions, including about costs the legislation might create and whether it would pass costs on to consumers. Will reminded the group that he was on the board of the district and said that paint disposal was a pressing issue. Hussain said perhaps a letter could be devised talking about the problem without endorsing specific legislation. He suggested that he and Tinky work on a letter and asked Tinky to email him the sample letter in digital form.
- 8. The group looked at the revised agreement for a shared conservation agent.** Hussain moved to approve the agreement, Bob seconded the motion, and all voted in favor. Will signed the letter for Tinky to send along.
- 9. The group briefly discussed Board of Health trainings.** Given recent correspondence from MAPHCO, Hussain said that it looked as though someone was indeed paying attention to local BOH training.
- 10. The matter of Hallockville Road work by the DCR came next.** Will said it did appear that one could get to the South Hawley Cemetery by going up Middle Road. Tinky said that she had heard from the DCR that the state was on top of the problems with Hallockville Road. She added that she had been contacted by a newly hired liaison at the DCR. Will and Hussain asked her to share that person's contact information.
- 11. The group formally appointed election workers.**
- 12. The group discussed the possibility of providing a locked mailbox for the tax collector.** Tinky explained that some of Betty's mail had disappeared briefly but then reappeared so perhaps the issue was settled. Hussain said he felt it was important to indicate when mail arrived. Later, Virginia gave Tinky information about possible lock boxes, and Tinky said she would ask Betty how she wanted to proceed.

13. **The group pondered a possible time to meet with Meg Ryan and others from the Age and Dementia-Friendly Communities group for an update.** The group agreed on July 30

In other business, Virginia noted that the town's Zoom account was up for renewal. She asked about continuing. Will said the account seemed valuable. Virginia said the cost would go up marginally, perhaps \$10. There were new features available, she said, but no one seemed to think they would be used.

Virginia also observed that she had been notified about reporting requirements for ride-share services like Uber. She said that 10 cents per ride went to the communities, information that was unlikely to be of use in Hawley..

She also brought up fair-share funding. She said that the DOT wanted to pay the town by June 30. She said she was working on information about this. Will said he was going to a meeting the following week that might supply some details.

Hussain cited the crash of the statewide 9-1-1 system earlier in the day, noting that new technology didn't always work. He reported that several firefighters had been at the Fire Station to field calls during the emergency. He called the event a wake-up call.

The group discussed the roll-call sign in front of the Hawley Meeting House. The Sons & Daughters had written to say that they would be delighted to have the town fix it. Will said it should probably be rebuilt; it was in terrible shape. Figuring out a budget would be necessary. Tinky was asked to get in touch with the Veterans' Services group in Greenfield to ask whether those folks knew of any sources of funding. Hussain said maybe Negus and Taylor in Greenfield could eventually be contacted to produce a monument made of stone, which would be less vulnerable than the current one.

Tinky brought up renewing the MOU with the solid waste district. Hussain moved to approve the renewal, Bob seconded the motion, and all voted in favor.

Will brought up the question of repairing the front step at the Town Office. Will said he was considering a four-foot-square platform with a step and railing, either freestanding or affixed to the building. He worried that if something like a plow hit the step, it might damage the building if attached. He asked Gary and Chris which might work better. Chris talked about a project he had done that involved columns. Hussain said that if the structure were not affixed, concrete underneath might help; alternately, it could be affixed with plates that would allow it to break away if struck by a plow.

Tinky asked about the cemetery recently photographed by Christian Drake of the DCR. Although some in the Sons & Daughters of Hawley hadn't known about it, she was told, many others in town had. In any case, it was not an active cemetery and no new plots were being sold there.

Virginia asked about fuel bids. She was told that the deadline for them was the next meeting, July 2.

There being no other immediate business, the meeting adjourned at 8:27 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean