

**Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in person & via Zoom
August 13, 2024**

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell, Chris Tirone, John Sears, Mike Schofield, Todd Dewkett, Mark Mizula;
and via Zoom Lloyd Crawford, Leanne Mizula, and Ben Vargas

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 discussion with John Sears and Mike Schofield about cemetery mowing.** John explained that the Historical Commission had met the previous evening to discuss the budget for mowing. They were hoping to have Mike mow the East Hawley and Doane Cemeteries only one more time during the calendar year. Mike said that he had already mowed once more, to get the cemeteries ready for Hawley Day. John responded that the commission would have to rethink its position. Meanwhile, he requested that the budget for cemetery mowing be moved from the Highway Department to the Historical Commission; technically, the Historical Commission had charge of cemetery maintenance. He said the commission would like to talk with Mike to figure out how much mowing it would take to keep the cemeteries minimally maintained. Mike said minimalism was hard in 2024 because it had rained so much and that if he skipped a mowing, the next one would take longer. He added that other people doing this job had taken more time to do it in the past.

Hussain asked about how much time each cemetery took. Mike responded that each averaged four hours for him and his helper or eight man hours, with Doane perhaps taking a little more time and East Hawley a little less.

Hussain noted that in their earlier discussions the Historical Commission had agreed it was important to have the cemeteries looking good for Memorial Day, July 4, and Hawley Day. Beyond that, mowing would have to be done as needed. He added that Mike had been doing a great job.

Mike said normally he expected to have to mow about three times a month. He added that, unfortunately, the volunteers didn't get all the leaves picked up. John asked whether it would help to have a second yearly volunteer clean up, perhaps in the fall to take care of the leaves. (The regular clean up was in the spring.) Mike observed that the question was complicated. The volunteers sometimes cleaned up by moving broken stones away from their original locations, making it difficult to see where those stone pieces belonged.

Will suggested perhaps doubling the current mowing budget from \$2000 to \$4000. He asked whether the budget should include stone repair. Hussain and John noted that stone repair was generally taken care of with grants. John recalled that a few years earlier a consultant had given the commission some repair information and had taught them how to clean the stones safely.

Hussain suggested that the Historical Commission and Mike prepare a budget plan for the future. Virginia observed that that left the question of the rest of the current fiscal year in limbo. Lloyd, the Finance-Committee chair, said he didn't know where the budget for more mowing would come from. Virginia observed that the board would either have to call a Special Town Meeting or raid the cemetery trust fund. The latter was not designed for routine maintenance.

John asked whether the trust fund could be used and then reimbursed out of free cash when the latter became available. Hussain said he believed in future years the amount to be spent would have to be made clear to the voters. He said there would probably be at least two more mowings in 2024 and some would be needed in the spring prior to June 30. He favored John's idea of going into, and then (if the voters were willing), reimbursing, the trust fund, as opposed to having a Special Town Meeting. He thought the voters deserved to see the full amount they would be paying for cemeteries as an article at Annual Town Meeting the following year. Lloyd asked how the money could be taken out of the trust fund. Virginia said that the supervising body (in this case the Historical Commission) should take the money out. John said perhaps it could take the money out a little at a time.

After a brief discussion of how much more mowings might cost, Hussain moved to authorize the Historical Commission to spend up to \$2500 of the cemetery trust fund to cover mowing for the rest of the fiscal year. Bob seconded the motion. John said that the Historical Commission would work with Mike to figure out the mowing schedule; Brandon Root would be the liaison. All voted in favor of the motion.

- 2. The board spoke with Todd Dewkett of Ashfield Road about his concerns about construction in the area.** Todd explained that he believed that while the road crew had been working on Ashfield Road, it had worked on a private driveway. Gary explained that the crew members had made a mess while transporting gravel for storage on that driveway so they had felt obliged to fix the mess. Todd said he was concerned that the work had exceeded repairing the damage and asked whether this work had been paid for with the MassWorks grant. Will explained that the ditch cleaning involved had been part of normal town road activity and was not funded by the grant. Hussain asked whether any of the work was part of the Town's grant match. After some discussion, Will clarified that while the ditch cleaning was unrelated, the removal of existing surfacing was part of the match. Todd expressed another concern, noting that his wife had recently been blocked by construction. He said that it would be helpful to have signs or people indicating when the road was blocked. He also wondered whether the culvert work would include erosion control. Tinky noted that she was hoping to send a construction schedule to people living on Ashfield Road soon, and Gary said that the erosion control was now in place. Todd said that he was grateful for the information and was comfortable with Gary's explanation.

Will explained that recent bad weather had cause the construction company for Ashfield Road to go elsewhere. He hoped the work would commence in earnest in late August or early September and that the road would remain open throughout construction, which should take between a month and six weeks. Todd asked about subdrainage, and Gary and Will explained some of the details of the project. The group briefly discussed whether streams on Ashfield Road could be called "intermittent," which gave the town more leeway in dealing with them than it would have with permanent streams. Will added that he hoped Ashfield Road wouldn't need to be closed during mud season. Todd responded that he enjoyed having the road closed as the closure kept away high-speed traffic.

He noted that he ran the road crew in Goshen and asked how the town had gotten the grant for Ashfield Road. Will promised to fill him in at another time.

Other attendees of the meeting were asked whether they had any input. Mark Mizula observed that traffic could go very quickly along Ashfield Road and suggested that speed bumps might help. Ben Vargas, who was attending via Zoom and resided at the location where the driveway work had been done, said he hadn't heard everything that had been said. The main points of discussion were repeated for his benefit.

Todd thanked the group for listening to and informing him. Following up on that conversation, Hussain said he had a couple of questions for Gary. He said he had heard two separate narratives during the present discussion: first that the driveway work was because town equipment had damaged the property, and second that the town was giving away gravel it had pulled up and didn't need. These were different situations. If any damage was done, he agreed the Town should certainly repair it. However, if gravel was also being given away, it needed to be made available fairly to any resident who wanted it.

Gary confirmed that the crew had indeed cleaned up its own mess. He said there might eventually be surplus gravel but that there was no surplus yet. Will said that this would be clearer at the end of the project. Gary said that when that time came, the excess gravel would have to be stored on town property. Perhaps it could be used on roads in the forest.

3. **In other road news, Will said that there might be an opportunity to do more work on Ashfield Road.** The initial bid request had said that the town would work on 4000 out of the road's 5200 feet because that was all the town thought it could afford. Because the contractor, Davenport, had provided such a reasonable bid, it would probably be possible to finish the road. Hussain asked whether the state would confirm in writing that the money could be used for this expanded purpose. Virginia asked whether the additional work would need to go out for bidding. Will stated that the state was fine with the expanded work and promised to talk to FRCOG and the state about the bidding question. Hussain noted that it would also be important to get an estimate for the cost of the extra feet. He also said the question should be addressed again with the State in the context of the bidding laws. Tinky was asked to put Ashfield Road on the agenda for the next meeting.
4. **The next topic was garage-bank stabilization.** Will reminded the group that after the erosion and threat of Tropical Storm Irene in 2011, the town had tried reengineering the bank with plantings. The plantings had not done well. A couple of years before the present meeting, the Department of Environment Protection had presented a plan by fluvial scientist Nick Miller. The new plan involved replanting the bank with more plants to create a strong root system. It also required irrigating the bank as needed with water pumped from the river. The Conservation Commission would have to determine whether a Notice of Intent was needed for the project, which would be paid for with funds in an escrow account set aside after Irene for similar projects. Hussain asked whether the pump for the irrigation would be in the river, expressing concern about damage during storms. Will said it would be in the river but wouldn't be permanent. It would be put in when needed. He promised to share more news when it became available.
5. Tinky asked that the next issue, the question of putting tags at the end of town emails, be put off until she heard back from Ken Wedge at the state, whose advice she had sought.

The group agreed to do this, although Hussain observed that earlier that day someone had tried to impersonate the Emergency Management Director via email.

- 6. The group revisited fuel bids.** Tinky explained that this year's bidding had been complicated by the fact that Dead River, the contractor for both diesel and propane, raised its prices (by very little but still raised them) at 2 p.m. so that the bids received the previous week at 5 p.m. had been slightly out of date. She also noted that she and Virginia were concerned because Dead River required that its customers commit to purchasing a set number of gallons of fuel. Hussain asked how much propane the town had used the previous winter. Virginia said the figure was between 1200 and 1300 gallons. Will noted that propane use had been a bit higher than usual the previous winter because the mini-splits had not been working. At Dead River's suggestion the town had asked for a bit less than the previous usage, about 1100 gallons. Tinky suggested that the town might be better off going with a higher bidder that didn't require any specific amount of fuel to be used, or going through FRCOG's bid process, which required paying a fee but might result in lower prices. Hussain asked Tinky to find out what the FRCOG process had cost and yielded recently. He observed that he thought the 2 p.m. rule was unfair, since Dead River was aware the bids were to be opened later in the day. Virginia explained that Dead River was likely only just getting used to municipal contracts. Hussain said perhaps more specifics could be put in a future request for bids. He noted that if the Town hadn't used its bid quota by the end of the fiscal year, it should just refill all its tanks before June 30 to make up the surplus.

In other business, Hussain expressed grave concern about his recent discovery that old Town Reports had been moved from the file cabinets in the Town Office to the building vestibule, where they had been eaten and contaminated by mice. He explained that he and Brandon Root had moved them back to their cabinets and felt strongly that they should stay there. Virginia said that the Town Clerk had control over records, which included Town Reports. Nevertheless, Hussain argued, the Town Reports needed to be in a mouse-free, climate-controlled environment. He said that he and Brandon had also brought old copies of the Edge of Hawley back into the building. He wasn't concerned about the law books in the entryway, which were duplicated elsewhere (although he would like to see them moved back inside), but he argued that the Town Reports held valuable and unique information and needed protection. He gave an example of a time in which the school committee had been trying to nail down amendments to the Hawlemont School agreement; only the Town Reports had had that information. He said he was concerned that the reports might have been moved after the board's conversation with the Town Clerk asking her not to move things around in the office without checking with the Selectmen. Will initially suggested there was no way in which to know when the reports had been moved; but then Hussain pointed out that he had found the reports still in their prior location within the past several months.

Lloyd explained that he was concerned that Berkshire East was not living up to the requirements of its common-driveway agreement. He asked that the ZBA visit the site. The board agreed to conduct the visit the following Saturday at 10 a.m.

Tinky said that the digital-security consultants had asked her to go through the town's current official email addresses and determine what more needed to be added. She asked whether the Selectmen wanted official addresses. Hussain said his personal address had been used in so much town correspondence that it didn't make sense to change it. After some discussion, the board agreed to leave the working addresses as they were but to have Tinky eliminate the ones that were never used. Hussain asked her to keep the police-chief email address in case it was needed at some point.

There being no other business, the meeting adjourned at 8:57 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean