

**Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in person & via Zoom
August 27, 2024**

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell, Chris Tirone, Ken Rocke, Donna Lemoine, Wayne Lemoine,
Brandon Root, Nicole Parker, Bernie Barnhart, Doug Hoyt, Dan Hoyt, and Jeffrey Hoyt;
and via Zoom Gina Barnhart

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

1. **Hussain opened the discussion with a Board of Health matter.** Nicole Parker of West Hawley Road had filed a complaint alleging that her neighbors the Hoyts (at 340 West Hawley Road) were burning toxic substances (including animal carcasses, tires, and insulation materials) in their yard, making her sick. Hussain prefaced the conversation with some ground rules: people should speak one at a time, should be polite and respectful, and should address their comments to the board. He also noted that although the Board of Health was a civil entity, there was the possibility that certain admissions could subject individuals to criminal liability. People had the right to remain silent and were presumed innocent.

He explained that the board had forwarded the email with the allegation to the FRCOG health agent, Randy Crochier. He read aloud Randy's letter of response, which noted that no burning had been taking place when he had visited the Hoyt home but that it seemed that burning had recently taken place involving metals. The letter suggested that if what seemed to be illegal burning took place again, the complainant should call the Fire Department.

Doug Hoyt stated that his family didn't burn animal carcasses and offered to show the board where the family pets were buried. He denied that the family burned tires, although he said they had a stack of tires in their yard. He stated that the family did burn wood in its firepit, which was allowed.

Nicole Parker then spoke. She said that both she and her mother suffered from migraines, for which they took multiple medications. She estimated that the two women's conditions were made worst by 80 percent of the Hoyts' burned materials. She added that she had asthma and had found ashes on her property – and that her granddaughter had recently been born. She explained that she had complained to the fire chief, Greg Cox, who had said he would call the Hoyts, but she had seen them burning things the following day. Bernie Barnhart, Parker's father, said that the burning took place frequently and smelled like trash.

Will asked whether the Hoyts needed to obtain a burn permit for burning wood in their fire pit. Hussain said that if the wood was being burned for cooking, no permit was needed. Hussain summed up the situation by saying that two different stories had been told and that the board was unlikely to get at the truth with any certainty during the current meeting. He warned that burning wood for cooking was acceptable but that many substances could not be burned, including plastic and tires. Mostly, people should use their common sense. If the neighbors were concerned in future, they should call 9-1-1 but should be careful that such a call was only made with good cause, not just because of a campfire. The Fire Department would respond to the calls and Hussain noted that the firefighters would probably find evidence of anything being burned unlawfully. This could result in a future meeting.

- 2. The group moved on to the preliminary application of Ken Rocke for a special permit** on behalf of the Mahasiddha Nyingmapa Meditation Center on East Road. Ken explained that the group had a cabin near the temple that was falling apart. The group had decided that it made sense to replace the structure rather than repair it. The new building would occupy nearly the same footprint and serve the same purpose. He showed the plans for the new building by architect Brian DeVries. He noted that the group also planned to install a new septic system for the temple.

The building inspector had informed Ken that under existing Hawley bylaws the rebuilt cabin would require a special permit from the ZBA. The inspector had also told Ken that the Affordable Homes Act recently passed by the State Legislature allowed small accessory dwelling units to be constructed on the same lot as main buildings. Unfortunately, the new law would not take effect until six months after its passage. Ken explained that the group would like to get started on construction sooner. He added that they liked to be good neighbors so they were asking the board for help.

Hussain said that he wasn't sure the board could authorize the Meditation Center to build the cabin without going through the special-permit process. He noted that it seemed unfortunate to make someone jump through hoops to comply with rules that would be obsolete in less than six months. He wondered aloud whether the building inspector would accept a memo asking him to issue the permit at once in light of the new law. The issue was, in the final analysis, in the inspector's hands.

Ken said that the building application had been submitted in March and that he wasn't sure why it had taken until so long to get a ruling on the matter. The group explained what would be needed to hold a special-permit hearing, which could not take place until September 24. The town would have to advertise the hearing twice in ads two weeks apart (at the applicant's expense) and would have to notify abutters. Even after the hearing, construction could not take place right away; the decision had to sit for 20 days before it could be filed with the county.

Ken said that he hadn't started fundraising for the project yet because he wanted to wait for the building permit. Tinky pointed out that he could go ahead and raise funds because one way or another, the project would be legal within six months.

Hussain asked Ken to confirm that the project would not be completed before the new law took effect. Ken did so. Will asked to look at the well and the new septic system on the plans to make sure that they would comply with regulations. They did. He said that applying for a special permit might save Ken only a couple of months. Ken said that the expense and bother would still be worth it.

Hussain asked whether the board would agree to his drafting a letter to the building inspector. Will moved to ask Hussain to develop language asking the building inspector to consider issuing a permit immediately to allow the project to go forward. Bob seconded the motion, and all voted in favor. Ken thanked the board and added that people in his community were eager to get moving on this issue.

3. **Virginia explained that she had kept two bills off the warrant** that she deemed worthy of investigation. Suburban Propane had delivered propane (and billed the town for it) during the current fiscal year, after the end of its contract. And the Ford dealership in Greenfield had issued an unclear invoice (one that moreover charged tax) for a tail light. She said she would investigate the next day and would put the bills on the next warrant.
4. **The group moved on to discuss the questions of appointing a poll constable and possibly getting a vote-tabulating machine.** Town Clerk Donna Lemoine stated that she would like a poll constable for the two upcoming fall elections. She was concerned about happenings about other polls and wanted a plan in place. Her husband Wayne Lemoine planned to be at the polls those days as a worker anyway and had volunteered to serve in that position. She said she was concerned about liability. Hussain said that the position of poll constable was part symbolism and part election work. He said that liability would be minimal and suggested that, if Wayne saw anything untoward in his position as poll constable, he summon law enforcement. He added that he could send Wayne some literature about the post. Will asked whether being the constable was separate from being an election worker and whether the constable oversaw the ballot box. Donna explained that the election warden was in charge of the ballot box. Hussain suggested that Wayne or Donna call the State Police before the election to remind its officers that the election was taking place and to note that they might be called in on Election Day.

Hussain asked Donna to disclose her relationship with Wayne for the record. She said that they had been married for 44 years. Hussain moved to appoint Wayne poll constable for the current year, Bob seconded, and all voted in favor.

In a related election matter, Donna reported that she had learned of a grant that would cover the cost of a vote-tabulating machine. The town would have to pay for the machine, but it would be reimbursed. Hussain asked whether the grant had been awarded to Hawley. Donna said that the town would have to apply; she had talked to someone at the state in charge of the program who had suggested getting the application in soon. Tinky offered to help her with the grant application. She was asked how big the machine would be, and it did not seem too large for the room. Hussain and Will asked about the annual maintenance and licensing fee, as well as the costs for coding and ballots.

Hussain noted that the AutoMARK machine had come with fees. He also asked whether, considering the issues about voting security raised in recent elections, the machine might potentially be subject to new security standards in the future. Donna said she would investigate the questions of fine print and hidden costs. She added that the state was pushing these machines – and that her list of volunteers to work at the polls was not large so hand counting could be difficult.

Will noted that in off years not a lot of voters turned out; counting by hand wasn't too onerous then.

Gina Barnhart chimed in that perhaps volunteers needed rides to the polls. Will said that with few volunteers in general, he didn't think it made sense to have some of them transport poll workers.

The board asked Donna to send further information about the grant application to the Selectboard for perusal.

Virginia suggested that if finding volunteers was difficult, perhaps Donna could try instituting a third shift of people whose only job was vote tabulation after the polls closed. Donna expressed concern that these people would need to be trained. Tinky suggested trying to institute half of that shift in November; the group could learn from their fellow counters, as she (Tinky) had learned when she first became a poll worker.

Hussain said he might be able to volunteer to work on elections in which he was not a candidate and might be able to recruit other poll workers. The town just needed to let people know that workers were needed. Hussain asked whether there had been outreach to recruit additional volunteers; there apparently hasn't been much lately. Donna said she was all set for the September primary but would need more volunteers for the general election in November. Tinky said she would put in a request in the enews.

5. The group moved on to a possible Emergency Management Performance Grant.

Brandon Root, the Emergency Management Director, explained that this grant came through FEMA. He and his colleagues had a few ideas for qualifying equipment. He noted that Hussain had recommended purchasing a couple of GPS-equipped satellite messengers, which would preserve some communication if the power went out for days. Brandon also said that he was considering purchasing some cones and temporary signage for emergencies. Hussain showed off his Garmin satellite messenger device, explaining that it was less expensive than a satellite phone but very handy in emergencies. He pointed out that it would require a subscription. There were three tiers of subscription; he thought the lowest level (\$11.95 per month) would suffice. It had a limited number of messages it could send, but additional messages could be sent for 50 cents each, and since it wouldn't be in use very often the lower fee would pay off. Will asked what else Brandon was considering purchasing with the grant money. Brandon suggested an accountability board to keep track of personnel and resources in emergencies.

Hussain asked whether the other board members thought the satellite devices sounded worthwhile. Virginia noted that although the monthly cost wasn't fully covered in the current year's budget, it would take a while to get the grant and then purchase the devices so funding would probably work out; Brandon could ask for a larger budget the following year. Hussain briefly discussed a scenario in which the devices would help when someone was lost in the woods. He explained that they could work anywhere because they talked to satellites, not ground-based infrastructure; and they could transmit their exact location with a message. Bernie Barnhart said it sounded like a good idea to him considering his past experiences in the state forest.

6. **Gary reported on progress on Ashfield Road**, which was almost completely prepared for Davenport Construction. He said that Davenport was getting to work putting fabric in, and characterized the project as "moving right along." He said there was a stockpile of leftover materials, which might help the road crew do some work on the Fire Station parking lot.

Will said that he would not know until the work under contract was finished whether there were sufficient funds to finish the road. In response to a question from Virginia, he noted that the State did not have any legal issues with expanding the project.

7. **The group discussed the recent damage to a couple of headstones in the South Hawley Cemetery** from a falling tree. Hussain explained that he had consulted with the Historical Commission and had developed a plan to build a slab that would rest on the ground. He planned to mortar the broken gravestone pieces to the slab. It couldn't be set upright, but the information on the stones would be preserved.
8. **The group discussed the possibility of having some kind of presences at the Franklin County Young Professionals' "Know Your Impact" event** on September 18. Unfortunately, none of them could go. Tinky briefly filled them in on another teen project in which they might be involved. In the spring, the Mohawk Trail Regional School was going to host the Smithsonian exhibit "Museum on Main Street: Votes and Voting." Tinky was the project director. She and the teachers were tasked with creating programming to supplement the exhibit. She promised to share more information soon.

In other business, Will reported on a site visit to the common-driveway project on East Road the previous Saturday. He explained that the ZBA was currently reaching out to the project engineer about the requirements of the ZBA and the Conservation Commission that still needed to be implemented. Most of those involved drainage.

Tinky explained that her family would like her to visit them for a few weeks in Florida at Christmas. She said she would probably miss one Selectboard meeting (which she could attend via Zoom) and could keep up with voice messages and emails. She wouldn't be able to hold office hours, however, or take care of the mail. Hussain offered to help with the mail. The group said that she was giving them plenty of notice so she should enjoy that visit.

Tinky wondered aloud whether the front-door key was in too many hands. She proposed changing the lock and distributing new keys to people who needed them.

Virginia said that this had been done five years ago, with a list made of who had keys. Tinky said she had never seen the list but would look for it. Hussain note that if the lock were changed, an awful lot of keys would need to be replaced.

Donna said that she had found a laptop computer in a file cabinet that might come in handy. Virginia said that it was the town clerk's old computer and was probably too old and/or slow to be of use.

There being no other business, the meeting adjourned at 8:46 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean