

**Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in person & via Zoom
September 24, 2024**

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell, Chris Tirone, Wayne Lemoine, Lloyd Crawford, Dean Desmarais,
Maria Desmarais, Greg Rowehl, Nate Russell, Steve Shutta,
and via Zoom Magnus Thorsson

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

1. **King Corner was first on the agenda.** Will noted that the group had been working on the culvert issues there for about five years. He explained that the Selectboard hoped to file a Notice of Intent with the Conservation Commission. The NOI would be the first step in getting ready to do the work. Nate Russell from the engineering firm GZA explained that the NOI would take care of the issue from a regulatory standpoint; more steps would be needed before work commenced. The NOI would not permit the work, but would put the project in front of the Conservation Commission for approval from a wetlands standpoint. He shared a copy of the NOI with Dean and Maria Desmarais, whose property abutted the area where work would be done, assuring them that nothing had changed in the plans since his previous conversation with them. Dean noted that the plan affected the couple's land. Nate agreed that the plan did involve some temporary incursion on the Desmarais property, including work on a culvert and the cutting down of two small trees, which would entail some repairs at the end of the project. He added that the work might also have some impact on the Fire Department's dry hydrant at King Corner. The notice involved co-applicants: the town, the state Department of Conservation and Recreation, and the Desmaraises.

Dean observed that the sheet from the NOI in front of him looked blank. Nate explained that what Dean was looking at was the signature page, which had been separated out from the rest of the NOI to be signed but would be uploaded along with the whole notice. Dean requested that Nate send him a copy of the final NOI. Nate agreed, saying the whole thing would be online. Once the NOI was filed, a file number would be issued, and the town would hold a hearing to determine whether the project was permissible as designed and to attach any conditions it might deem proper. Dean signed the page for himself and his wife. Hussain moved that Will be authorized to sign it as a representative of the Selectmen, Bob seconded the motion, all voted in favor, and Will signed. Lloyd explained that Rosalie Starvish of GZA was working on additional signatures.

2. **The group turned to common-driveway issues on East Road and Middle Road.** Tinky explained that Jon Schaefer of Berkshire East was out of town for a family medical emergency and couldn't be present to discuss the East Road project.

She read aloud an email she had received from Jon's colleague Katrina O'Brien, stating that Katrina believed that the issues at the site had been resolved. Will suggested that the group perform another site visit the following day to confirm this. He, Lloyd, and Hussain agreed on a time for the site visit.

Magnus Thorsson joined the group via Zoom to discuss his project on Middle Road, which had hit a snag a couple of weeks earlier when a contractor had pitched an estimate that was way more than he and his fellow owners could pay. Magnus reported that he had found another excavator/landscaper, who had put in a bid that worked for the budget and would follow all the conditions imposed by the ZBA. The work might start as soon as November, and the contractor hoped that it would be 80 percent complete before frost set in. Will and Hussain congratulated Magnus, who thanked the board members for their help.

3. **Discussion moved to the spotty internet around town.** Will said that he sympathized with townspeople's woes. That morning, he had had a frustrating download speed of 1 megabyte per second at home. Hussain noted that it didn't seem as though the groups looking into the problems with Hawley's connectivity were coordinating their efforts and knowledge very well. In general, it seemed that Hawley's internet worked ... for some people some of the time. The Fire Station still had Wi-Fi calling issues, he added.

Greg Rowehl observed that there was an issue with static IP addresses on which GONETSPEED was working. He added that he had probably spent 40 to 50 hours trying to get help with internet problems. He said he had talked to service people, to the CEO of GONETSPEED, and to people at MBI. He added that one of the people at GONETSPEED thought the problem was located at Holyoke Gas and Electric, which that company denied. He noted that Starlink had permanently reduced its hookup fee to \$300 and was currently offering a partial rebate for the first month or so.

Discussion became a bit scattered. Virginia said she had received an email about repair work GONETSPEED was planning. Others confirmed that the company seemed to be trying to communicate better. Will opined that in taking on WiValley's obligations in Hawley, GONETSPEED had bought a pig in a poke. He said that the town wasn't in the business of providing broadband, that it was in many ways just another frustrated customer of GONETSPEED. Hussain stressed the relevance of MBI's middle mile. Greg said he was trying to get in touch with someone in charge at the parent company of GONETSPEED. Will noted that some of the issues with local internet might have originated with the tower on Savoy Mountain.

Lloyd wondered aloud why he was having troubles with Verizon and Google. Hussain suggested that the outages seemed to affect some websites disproportionately. Will said that he had had to reload the Gmail app on his phone several times. Lloyd said he had questions about Starlink. Wayne said he would be happy to help Lloyd with them. (Wayne had recently acquired Starlink.) Greg said that GONETSPEED was no longer billing him because of the many service outages. He encouraged others so ask for similar treatment. Tinky said she would share this idea in the e-news.

Lloyd suggested that perhaps GONETSPEED really wanted all its Hawley customers to switch to Starlink. There was some discussion about how and where to position a Starlink receiver.

Hussain reminded the group that it was supposed to revisit the quality of the internet at the Town Office at the current meeting. After some side discussions about receivers and splitters of signals, Tinky told the group that the Town Office seemed to be doing better than it had during the previous week. Virginia said she would bring her laptop in the following week for the assessors' meeting to see how it worked.

Hussain noted that the town was still waiting to hear whether it had received a cyber-security grant from the state. Will said that in the meantime he had received a proposal from Mike Ciulla, whom the state had brought in to analyze Hawley's situation, for purchasing new laptops and desktops.

Hussain suggested that the tax collector might be able to use the town clerk's old printer and noted that even if the grant didn't come through the collector's computer should be replaced. Will observed that it would help de-clutter the office if computer equipment that was no longer in use could be taken away and disposed of. Hussain suggested that first it would be important to find out who was using the old computers and whether any unique information remained on them. Tinky said she would ask Cass, her predecessor, whether all the information on Cass's old desktop had been moved to what was now Tinky's laptop.

4. **The group discussed Ashfield Road.** Will noted that the contracted work there was substantially complete. As soon as GZA and the state formally approved that substantial completion, he hoped to move on to upgrade the surface of the remaining quarter of the road. A large culvert replacement near the homes of Donna Sumner and Arlene Lavalley would have to await a future grant, but at least most of the road would be finished. He added that Davenport, the construction company, had removed its crew but had left equipment on site that could be used for the next phase of the project.

Virginia expressed concern that Davenport had removed its crew, an action that might make it difficult for the company to come back to work without going through the rebidding process. Will countered that the state seemed fine with going forward. Virginia nevertheless expressed discomfort, wondering whether moving forward without rebidding could be defended. Hussain agreed that this was a grey area. Virginia suggested that a smaller company than Davenport, which hadn't been able to bid on the larger job, might feel shut out of the smaller remaining job. She recalled that after Tropical Storm Irene in 2011 the town had almost lost out on being reimbursed for some of its repair work because it had done permanent rather than emergency work. She recalled that the town had had to go through "a lot of finagling" to get repaid.

Hussain suggested once again that getting the state to agree in writing with moving forward was crucial. Lloyd said that it might be helpful to revisit the contract and the grant paperwork.

The group moved to a related topic. Will stated that the Fire Department had come to the rescue of the town and the residents of Ashfield Road. Abutters had complained of the health hazards posed by construction dust. Firefighters had come by on **six** different days to water the dust so that it would sink into the ground rather than fly up and get into people's lungs. Will said that he believed that the problem had died down between that watering and the eventual resurfacing of the road by Davenport. Tinky confirmed that she had heard no new complaints from residents. Will expressed his gratitude to the firefighters and his apologies to the residents.

Wayne suggested that in future contracts a clause be inserted about dust-control measures.

Lloyd asked whether the highway department could handle watering in future, perhaps with some borrowed small tanks from the Fire Department. Hussain remarked that those tanks might be bit small for that purpose and might need to make multiple trips.

Will asked about the work that had been done by the firefighters; Hussain said that they had put in 20 man hours (actually 19.5 as half an hour had been performed by a firefighter as part of his highway work). Virginia asked about the rate. Hussain said he was recusing himself from discussion. Will read aloud an email from fire chief Greg Cox about pay. Greg noted in his missive that he believed that the watering was a highway-department issue. He suggested that although the firefighters received only \$15 per hour for their rescue work, it seemed unfair not to pay more for highway work; they were doing this work in addition to their regular nine-to-five jobs. He added that he believed that the funds for this should come from the highway department budget and he asked that the firefighters be paid in a timely manner.

Virginia stated that the pay for the town's three-quarter-time highway worker was \$22.60 per hour. After brief discussion about whether the watering constituted overtime work (the group decided against this), Bob moved that the Fire Department receive \$440.70 (19.5 hours at \$22.50 per hour) in compensatory wages for labor watering Ashfield Road, with those funds coming from the highway department. Gary assented to the use of those funds from his budget. Will seconded the motion. Hussain abstained, but the motion passed with Will's and Bob's votes.

5. **The group moved on to the stabilization of the riverbank behind the town garage.** Will reported that the scientist Nick Miller would be retained by the town to work on this. Will said that permitting work would begin very soon, and work would (he hoped) start in the spring. Funding would come from an escrow account related to Tropical Storm Irene. Lloyd brought up the issue of how the plantings would be watered, noting that any system for taking water out of the Chickley River would have to be temporary. He said that the mechanism for doing the watering would have to be carefully planned as volunteers (perhaps even Lloyd himself) would be working on it. Chris suggested a form of sump pump, and Lloyd said he welcomed ideas.

6. **The group turned to the question of supporting FRCOG in its bid for HUD funds.** Hussain couldn't find the email about this so Tinky said she would put it on the agenda for the next meeting, which would come a couple of days before support letters were due.

In other business, Tinky read a letter the board had received from the Shelburne Falls Fire District saying it would no longer respond to calls to Hawley after November 25. Hussain said he had not heard of this and promised to bring a copy to Fire Chief Greg Cox the next day. Tinky was instructed to ask Sarah Reynolds in Charlemont about the status of planning any sort of regional ambulance. Hussain suggested Tinky might also reach out to Rowe. Meanwhile, she was asked to share the letter with state legislators.

Tinky brought up a concern someone on the STAM mailing list had expressed about the possible retirement of diesel vehicles. Will said he had investigated this, and that the only vehicles that would not be able to be purchased under the new rules would be ones that weighed under 8500 pounds. He observed that the highway department's most recent purchase, a pickup truck, weighed more than this. Practically any equipment the DPW would buy going forward would be at least that size, if not larger.

Lloyd asked about paper copies of the NOI discussed earlier in the meeting. Tinky said she would look in the office for a paper copy; if she didn't find it, she would ask Nate from ZBA to provide one.

There being no other business, the meeting adjourned at 8:52 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean