Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in person & via Zoom
October 29, 2024

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday, and Chris Tirone

The meeting was called to order at 7 p.m. Minutes from previous meetings were signed.

1. **The main order of business was the ongoing work on Ashfield Road.** Will said that the contract amendment had been approved by the state so that remaining funds could be used to complete the road.

   Hussain noted that he had a couple of questions. First, he wanted to know whether the earlier plan to put the in culvert before the road surface was completed was still in place. Will said that unfortunately the culvert design was not yet complete so that phase could not move forward yet; it would probably take place in late summer or early fall of the following year, when conditions were dryest. He said that putting in the culvert first would have been ideal but probably couldn't be managed. He added that it was going to be a less complicated culvert than the one at Sears Road. Bob said he assumed the culvert area on Ashfield Road was not deemed a stream crossing. Will said it was not.

   Hussain said he also had questions about the material for the road moving forward, particularly the smaller stones to be used on top of the roadway. Will said that Davenport, the construction company, was working on obtaining supplies and with luck would be able to do the road work by Thanksgiving, although that timing was by no means certain. He said he was waiting for GZA, the engineering firm, to approve of the current plan. Hussain asked whether the increased costs in the new plan fell under the 25-percent rule of thumb. Wil said perhaps the cost was closer to 35 to 45 percent more. Hussain observed that 25 percent was the general presumption. He was also concerned that not only the price but also the materials to be used had changed.

   Will asked what would make Hussain happy. Will said that the work could of course stop, and the town could give back the money to the state. Hussain stated that no one—not the contractor, not the grantors at the state—seemed willing to give Hawley an interpretation of the bidding laws that would make the changes justifiable without putting the job back out to bid. He reminded Will that Lloyd and Virginia had been concerned about anything over a 25 percent increase at the previous meeting. Will asked who would complain, and Hussain countered that any dissatisfied contractor might. Will said that Lloyd had called the Attorney General's office but had received no response.

   Hussain said he wanted reassurance from the state. Will suggested that the project just wait until spring. By then, Hawley would either have approval or could put the project out to bid.

The group looked at Davenport's current estimate of costs and noted that although the materials for the base of the road had not gone up in price, the stones on the top had. There was a brief exchange about whether the new stones could be called the same as the old ones (they had the same code number on the estimate, but several different item descriptions had that same code). Hussain reminded everyone that he didn't want a repetition of Hawley's problems after Tropical Storm Irene, when the town had had to pay fines for disregarding state law.

Bob then suggested that the board empower Davenport to go ahead and install the road base but leave the top coat until the new stones were either approved by the state or put out to bid again. Hussain and Will approved of this idea.

The group briefly discussed whether the road surface should be finished with oil and stone. Bob argued that it would be best to let the new surface settle in for a season before trying that. The group also briefly discussed whether the large stones on the already repaired part of the road were indeed the problem. Will said that people driving fast might have taken off some of the top coat; but Bob felt it was unlikely driving too fast could have removed several inches. Will said that he had learned after the fact that having the road crew grade and rake the road had only made matters worse. Hussain noted that everyone was learning in this situation.

Hussain moved that Davenport finish the road with the same base and at the same cost it had used in the original contract. Bob seconded the motion, and all voted in favor. Hussain said he would keep on working on the Attorney General's office. If authorization were not forthcoming, the last bits of work could be put out for bid in the spring.

On the topic of construction, Tinky noted that Mark Bigelow had asked about the culvert near his house. Will said that the situation at King Corner was very complicated and that construction there would not take place anytime soon.

In other business, the group signed a note thanking Scott Purinton for his work on the Mohawk Trail Regional School Committee.

Tinky asked what she should put on the agenda for the following week. The group had several possibilities but no certainties to offer.

There being no other business, the meeting adjourned at 8:06 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

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Williams Cosby	Hussain Hamdan	Robert MacLean