

TOWN OF HINSDALE E-NEWSLETTER – NOVEMBER 2017

FROM THE TOWN ADMINISTRATOR:

Hi Everyone:

I write from the Town Hall with two months of experience as your Town Administrator. I am meeting loads of residents, reading and studying up on Town and State policies and regulations, and have learned what pancake breakfast in Berkshire County not to miss. The Hinsdale Firemen's Association pancakes were delicious! I appreciate people's patience as I learn all the policies, procedures, forms and protocols so I can be of more help when you visit the Town Hall. And I thank my Town Hall colleagues for their generous help and support as well.

What have I been doing, you may wonder? In the past 60 days, I have attended:

- The State's Town Administrator Boot Camp
- The Massachusetts Municipal Association's Best Practices conference,
- The Federal Government's 2020 Census/LUKA training,
- The MassDOT-MapIT training,
- The Berkshire Town Administrators and Managers Meeting,
- The Northern Berkshire Solid Waste District's monthly meeting,
- The Berkshire Regional Planning Commission's Annual Meeting and Dinner,
- The Massachusetts Select Board Members meeting, and
- Various Hinsdale meetings of both standing and ad hoc committees.

So, I have been meeting lots of residents, colleagues from other towns, and state officials, and getting to know more about how Hinsdale and other similar towns support their communities. I have also been reading plenty of documents, letters, and handouts, and digesting lots of different information.

Some of the specific projects that the staff and I have been working on or supporting include:

- The Complete Streets Project—the streets and sidewalks of the Goodrich, Church, and Curtis neighborhood are looking great. Kudos to all who helped make this happen.

- The Community Center column replacement work is to start within two weeks, and we are in the preliminary stages of replacing the entry doors on the Town Hall, making them easier to access and weatherproof.

- The Plunkett Reservoir Gate Valve project is out to bid, and we are handling a high volume of vendors interest in the project, which is encouraging. We will complete that project in the spring

- Hinsdale's application to become recognized as one of the Commonwealth's Green Communities, a designation that could bring us additional funds to reduce the Town's overall energy use, has been submitted. We should hear back on that in January.

- The Firemen's Association pancake breakfast was a great event, and should not be missed in the future.

- At a Select Board's Association Dinner last week, I spoke with the Lt. Governor and her staff about the slow progress by Charter on the internet wiring. The next day, her staff made inquiries with both Eversource and Charter and this week I have heard from three different Charter and State Officers, explaining the challenges and saying that they are doing all they can to complete the project. While they do not have a clear sense of when that will be, they know we want a realistic completion date. I am doubtful it will be finished until early next year but will keep you posted on any new

developments. Charter and their subcontractors are working with the DPW and Police and agreed to continue to do so. I ask that all vehicles be identified and that work parties check in with the HPD daily.

I know there is so much more, but hope these highlights suffice for now. I wish you all the best as we look forward to colder weather. And, even though it is a few weeks away, I wish you and yours a Happy Thanksgiving.

Sincerely,
Bob

WINTER PARKING RULES NOW IN EFFECT

The Town of Hinsdale would like to remind residents that parking on a public way or from any private way open to the public, obstructing snow removal from November 1 to April 15 during the hours of 12 midnight to 8am is **prohibited**.

Towing costs and fines will be the responsibility of the vehicle's registered owner as stated in the Town of Hinsdale By-Laws.

SPECIAL TOWN MEETING SCHEDULED FOR WEDNESDAY, NOVEMBER 29

There will be a Special Town Meeting on Wednesday, November 29 at 7pm. Originally slated to be in the Community Room at Town Hall, the venue has been changed to Kittredge School Gymnasium.

License to Carry (LTC) and Firearms Identification Cards (FID) Appointments Scheduled at Police Department November 8

Applications for renewals can be found at the following URL:

<http://www.mass.gov/eopss/firearms-reg-and-laws/frb/firearms-forms-and-applications.html>

Completed applications must be turned in to the Hinsdale Police Station, where applicants can schedule a subsequent appointment with the Chief of Police to review their application. This month appointments are being held from noon-6pm on November 8 at the Police Station at Town Hall. Call 413/655-0201 or stop by and make an appointment.

Questions about PD-related business should be directed to Susan Rathbun, Police Chief, either in person or by email (police.chief@hinsdalema.gov).

ELDER SERVICES "MEALS ON WHEELS" MENU AVAILABLE

The Elder Services of Berkshire County "Meals on Wheels" menu for the current month is available on line at www.esbci.org/mow/current.pdf and on the Town Hall Bulletin Board.

HOLIDAYS ANNOUNCED FOR NOVEMBER AND DECEMBER

The Town Hall and all Town Service will be closed on the following days November and December:

Saturday, November 11 Veterans Day (observed Wednesday, November 22)

Thursday, November 23 Thanksgiving

Friday, November 24 Day after Thanksgiving

Tuesday, December 25 Christmas Day

The DPW will operate in event of a snowstorm*

POLICE DEPARTMENT FUNDRAISING FOR SPECIAL OLYMPICS

Over the next couple of months this Department will be participating in several Special Olympic fundraisers. The Department is proud to be part of the following events:

Holiday Sweater 5k Run	November 19, 2017
Super Plunge	November 24-25, 2017
Poultry Plunge	November 25, 2017
Cop on Top	December 2-3, 2017

Anyone interested in getting involved can:

Visit www.MassTorchRun.org

Email TorchRun@SpecialOlympicsMA.org

"Like" on Facebook @letrberkshire

Call 508-485-0986 x225

BUILDING COMMISSIONER'S SPECIAL OFFICE HOURS NOVEMBER 15

Hinsdale Building Commissioner's office hours for Wednesday, November 15, 2017 will be from 4:30-6:30pm. These hours will be for this day only.

PLEASE NOTE RESTRICTED AND PROHIBITED PARKING

The Select Board and the Hinsdale Police Department would like to remind all citizens who will, shall, and do park on the roadways within the Town of Hinsdale of a few parking prohibited practices:

720 CMR 9.03 Parking

Restricted Places:

Within an intersection

Within a crossover

Upon any sidewalk

Upon any crosswalk

Upon the roadway in a rural or sparsely settled district

Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12' wide in each direction for passing traffic

Upon or in front of any private road or driveway without the consent of the owner of said road or driveway

Please note that these are only a few of the PROHIBITED places

GUN SAFETY COURSE OFFERED SATURDAY, JANUARY 20, 2018

Sign up at the Hinsdale Police Department, Town Hall for this one-day course. Class will run from 9am-1pm and includes gun safety, MA gun laws, fingerprinting, passport photos—the complete package in one day.

\$70.00: MA LTC/FID course

\$125.00: Utah course (permit covers 31 states)

\$150.00: Utah combo with MA

EVERSOURCE ENERGY WORKING IN HINSDALE THROUGH END OF 2017

Eversource Energy has notified the town that..."Eversource Transmission Maintenance will be performing structure inspections in the Towns of Northfield, Deerfield, Erving, Greenfield, Montague, Ashfield, Deerfield, Conway, Shelburne, Plainfield, Peru, Windsor, **Hinsdale** and Ludlow.

"The work is scheduled to begin in October and continue until the end of 2017.

Work hours are Monday-Saturday 7 am to 7 pm as follows;

“Ashfield, Plainfield, Windsor, Peru, **Hinsdale**–Inspect transmission structures on the 312, 1231 and 1242 lines. This work will take place in the right-of-way from Watsons Springs Rd., Ashfield to **Hinsdale Rd., Hinsdale.**”

Note: This work is not related to the Spectrum/Charter buildout.

IMPORTANT CHANGES TO OPEN MEETING LAW

Important amendments have been made to the Open Meeting Law (“OML”) regulations at 940 CMR 29.00-29.11, which may be found in their entirety at the Attorney General’s website at <https://www.mass.gov/the-open-meeting-law> and are currently in effect. **The following is only part of the new regulations.**

940 CMR 29.02 - Definitions

The definition of “intentional violation” has been revised to remove reference to reliance on advice of the public body’s legal counsel. However, reliance on the advice of legal counsel remains a defense to a claim of intentional violation if the body made a “good faith attempt at compliance [with the OML] but was reasonably mistaken.”

940 CMR 29.03 - Notice Posting Requirements

The principal change to this section concerns the “alternative posting location” for meeting notices. Notices must still be filed with the city or town clerk’s office. However, Section 29.03(2)(a) now states that the clerk shall post notice in a location “in, on or near” the municipal building that houses the clerk’s office and that is visible at all hours (an exterior bulletin board, for example).

Importantly, the regulations now expressly provide that a municipality may use its official website to satisfy the “all hours” requirement. It is no longer necessary to post meeting notices in two locations. The decision to use the website as the official posting location must be made by the “chief executive officer,” generally the Mayor in a city and the Board of Selectmen in a town, although reference should be made to a municipal charter if applicable. Municipalities that previously designated the municipal website for this purpose need not repeat the process. Be aware, however, that notice of the designation of the website as the official posting location must itself be posted on or adjacent to the city or town hall, with instructions as to how to locate the website. Copies of posted meeting notices must be accessible at the clerk’s office during normal business hours.

If the website is the official posting location, the Attorney General’s regulation requires “every effort” to insure that the website is accessible at all times. If a website becomes inaccessible for any reason within 48 hours of a meeting, the clerk or other person responsible for the website must restore access to the website posting within 6 hours of when the problem is discovered. If this cannot be accomplished, then the meeting notice will be considered to be insufficient and “the public body must re-post notice of its meeting for another date and time.” [emphasis added]. This could have significant implications for public hearings that have been advertised, etc., making a functioning website meeting calendar very important.

Finally, the regulations expressly provide that the date and time of a meeting notice posting must be recorded “thereon or therewith”. If the meeting notice is amended, the date and time of the amendment must also be conspicuously recorded in the same manner.

940 CMR 29.04 – Certification

The municipal clerk remains responsible for providing any new public body member with copies of the OML, the Attorney General's regulations, and the Attorney General's "Open Meeting Law Guide" located on the Division of Open Government's ("Division") website. The member must submit a certification of receipt to the clerk within two weeks.

Importantly, however, the regulations now require the municipal clerk to provide new members with all Division OML determinations of violation issued to that public body within the previous five years. While this also appears to be the clerk's responsibility, be reminded that the municipal clerk does not receive these determinations when issued by the Division. Therefore, a public body that receives any such determination must maintain its own file and provide copies to the clerk's office.

Another new provision states that individuals that serve on multiple public bodies must submit a certification for each body, and further that members that are reappointed or reelected must sign a new certification.

940 CMR Section 29.10 - Remote Participation

This section has been revised by deleting the five "permissible reasons" for participating remotely. Instead, a member of a public body may participate remotely if that member's attendance would be "unreasonably difficult". The new regulation also recognizes that a commission on disability may allow remote participation at its discretion, and further that unlike other public bodies using remote participation, it is not mandatory for a quorum to be physically present in the meeting room.

940 CMR 29.11 - Meeting Minutes

The new regulations resolve uncertainty as to the time frame for approval of meeting minutes. Approval of open and executive session meeting minutes must now occur within the next three meetings or 30 days, whichever is later. If approval takes longer, the public body will need to demonstrate to the Attorney General that good cause exists for the delay.

In summary, the new regulations add several new provisions of which public bodies must be aware. If you have any questions about these new regulations, or any other aspect of the Open Meeting Law, please contact Attorneys Brian W. Riley (briley@k-plaw.com), Lauren F. Goldberg (lgoldberg@k-plaw.com) or any other member of the firm's Government Information and Access Group at [617.556.0007](tel:617.556.0007).

Berkshire VNA Blood Pressure Clinic Monday, November 20

The monthly Blood Pressure/Wellness Clinic will be held Monday, November 20 at the Hinsdale Community Center, 95 Maple Street, from 9:45-11:15am.

WE ARE ON FACEBOOK, THE WEB AND HAVE AN E-MAIL ADDRESS

Town of Hinsdale has Facebook page ("Town of Hinsdale, Massachusetts") that can be accessed at the following web link: www.facebook.com/HinsdaleMA
Also check out the Town's official website (www.hinsdalemass.com).

Questions, comments, suggestions, or upcoming events are welcomed and can be sent to: hinsdaleweb@gmail.com.