# TOWN OF HEATH

MASSACHUSETTS

SELECT BOARD

## MEETING MINUTES - TOWN OF HEATH SELECT BOARD

This meeting was held on Tuesday, October 13, 2026, at 4:30PM.

JACOBS ROAD MUNICIPAL CENTER – CAFETERIA - 18 JACOBS ROAD HEATH, MA 01346

**Called to order at 4:32PM** with Robyn Provost (Chair), Elissa Viarengo (Member), William Emmet (Member), and Mia Francesconi (Town Coordinator) present.

***Others present included Barbara Gordon, Tyson Howard (Highway Superintendent), Bill Fontes (Municipal Light Board), Ned Wolf (Municipal Light Board & Finance Committee), Alice Wozniak (Finance Committee), Art Schwenger (Municipal Light Board), and Douglas Mason (Planning Board).***

**R. Provost announced that the meeting was being audio recorded.**

***Review Agenda***

***Meeting Minutes: 09/22/2026***
Tabled pending completion.

***Meeting Minutes: 10/07/2026***
Tabled pending completion.

***Accounts Payable/Payroll Warrants***
Approved by signature.

***4:30PM: Tyson Howard, Highway Superintendent – General Highway Department Updates & Discussion; Review & Discuss Unpaved Road Assessment from the FRCOG for Underwood Hill Road & Sadoga Road***

***PLEASE NOTE:*** *The discussion summarized below is broken into topics for clarity but may not have been discussed in the order shown.*

***Number Nine Road***
T. Howard explained that the Highway Department has been completing patching work on Number Nine Road, weather permitting, in order of severity of surface damage. He estimated that there were approximately five days' worth of patching work remaining. He obtained two quotes from Northeast Paving for pavement overlay from the Vermont line to Stone Hill Road and decided that 2" of overlay will be ideal given that full-depth reclamation and paving may not occur over the entire roadway until the Spring of 2028. He will work on scheduling the work with Northeast Paving. He had requested that the FRCOG conduct a culvert inventory and assessment and will update the Board as necessary.

*Grading*
T. Howard explained that the Department has been grading unpaved roads in order of condition from worst to best, but the North end of Town should be complete by the end of next week.

*National Grid 3-Phase (1019W1) Project*
T. Howard explained that if property owner(s) don't remove the logs, the Department will remove any logs remaining on the roadsides within the project limits by the beginning of November.

*Highway Department Vehicles/Equipment*
T. Howard explained that the Ford F-550 is exhibiting electrical problems and will be taken to Greenfield for diagnosis and repair. All remaining vehicles are free from major mechanical problems, but it's possible that one of the larger trucks may need extensive work as one of the issues that the Department experienced with the truck previously is typically a recurring issue. R. Provost asked that this work, accompanied by a price estimate, be included in the maintenance log that she had previously requested but hadn't received. T. Howard stated that the work didn't need to be listed as the truck isn't exhibiting problems, but per the mechanic who had previously worked on the truck, it's possible that the truck will need the work done in the future. R. Provost stated that it should be listed regardless of the truck's status because if the work is important enough to discuss, it's important enough to list. R. Provost asked whether the Dodge truck will be brought back into service with the Ford F-550 out of service. T. Howard explained that it could be, but it needs a rear main seal, new tires, and front-end work. R. Provost emphasized the importance of having the primary trucks ready for Winter, especially given the lack of substitute trucks. T. Howard explained that the front-end loader needs a block heater, but the grader and backhoe don't need any major repairs.

*Roadside Mowing*
W. Emmet will be attempting to repair the roadside mower. If there's time before the snow starts, T. Howard stated that the Department will complete as much roadside mowing as possible.

*Route 8A Bridge Project Over West Branch Brook*
T. Howard stated that the bridge was expected to be complete by the end of the month. R. Provost asked that T. Howard speak with the contractor about the retaining wall on the South side of the bridge as it appears to be shifting.

*Road Maintenance*
If time and weather permits, T. Howard stated that the Department will be patching surface damage on Sumner Stetson Road and Jacobs Road. They moved the log that was in the roadway on Sadoga Road.

*Salt Shed*
T. Howard had no updates on having the fuel tanks moved to their final location.

***Snow/Ice***
T. Howard explained that the Department will be installing snow fence along sections of roadways where snow drifts frequently occur. They are working on getting the trucks ready for the Winter and will be using winged plows this year which are almost ready to be mounted to the trucks.

***Unpaved Road Assessment from the FRCOG for Underwood Hill Road & Sadoga Road***
Members present reviewed the unpaved road assessments for Underwood Hill Road and Sadoga Road prepared by the FRCOG. The Board tabled further review of the document to a future meeting.

***General Discussion***
R. Provost stated that she was beginning to conduct her own assessment of the roads in Town with notes that she will send to T. Howard. She explained that she would like to see the Highway Department focus on road maintenance as it prevents road repairs from becoming necessary. She explained that the Department only completing tasks as they become major problems means that many smaller issues that will soon become much larger problems are being neglected, so an updated road maintenance plan should be created. She noted that Royer Road will be lost if the ledge-side problems aren't addressed promptly. Members stated that if the Department can't, for whatever reason, complete something themselves, they need to admit that and come up with a plan to get the work done.

***Public Comment***
B. Fontes read aloud the attached document listed as *Public Comment from Bill Fontes.*

***Merit Increase for Bailey Cole, MLP Manager – Review Information from Municipal Light Board; Decide Whether to Vote to Authorize Merit Increase for Bailey Cole, MLP Manager, per the Municipal Light Board (MLB) – Vote Anticipated***
R. Provost summarized the discussions at the previous meeting on October 7, 2026, about the MLB and the merit increase for the MLP Manager. She explained that some of the questions and concerns raised left her questioning some things that she thought she knew, so she sent an email to the MLB, spoke with Town Counsel and reviewed information from one of the members of the MLB, David Gordon. In doing so, she found that the MLB can set the salary of the MLP Manager without the additional approval of the Select Board. R. Provost then addressed a question from the previous meeting asking why the Select Board can't "overrule" the MLB. She explained that the Select Board shares their authority with other elected boards/committees, meaning that different elected boards/committees hold authority over different functions of the Town, but little of that authority overlaps. The Select Board may attempt to facilitate communication between two boards/committees or between a board/committee and a resident, but in most situations, the Select Board cannot "force" an elected board/committee to do anything. A. Schwenger commended the Select Board for their research and for following the issue through to resolution. He explained that the Municipal Light Plant (MLP) and the MLB are relatively new entities that are doing things the way that they are because they were told to do them that way from the start. He went on to state that he welcomes and respects those asking questions because he is aware of the confusion that has surrounded the MLP from its creation and wants to help clarify things whenever possible.

***Verizon – Telephone Service Discontinuation; review "A Landline is a Lifeline" Article from the Greenfield Recorder & Town of Hawley's Letter to the FCC; Decide Whether to Send Similar Letter of Opposition – Vote Possible***

B. Fontes explained that the condition of the copper network has been constantly declining since Verizon stopped maintaining it in the 1990s, so even if Verizon chooses not to discontinue copper landline services, the network may fail due to its poor condition. Regardless, he stated that Verizon needs to come up with a viable plan to replace the copper landline services. Some residents will be able to switch to similar services offered by Verizon without much, if any, additional expense, but others may need to upgrade their devices such as fire and security systems to newer, more expensive models that are compatible with different types of connections. M. Francesconi explained that life alerts could be affected as well. M. Francesconi and W. Emmet explained that the Federal Communications Commission (FCC) has received many letters of opposition and is delaying a decision on Verizon's application to discontinue copper landline, and other services. E. Viarengo and R. Provost will research the matter further ahead of the next meeting.

***Boards Clerk Position – Next Steps***

D. Mason explained that since the resignation of the Boards Clerk, he had been struggling to complete the tasks associated with the posting and advertisement of Planning Board public hearings. He stated that he would like to see the Select Board fill the position as soon as possible. Members proposed ideas for the position including separating the Board of Health Clerk and Boards Clerk positions, hiring a temporary Boards Clerk, and combining the Boards Clerk position with the Fire Department Clerk position. In the meantime, M. Francesconi will speak with the Office Assistant to find out whether she'd be interested in temporarily taking on some additional tasks.

***Warrant for 2026 State Election – Sign & Approve Election Warrant for Posting – Vote Anticipated***

*A motion was made by W. Emmet and seconded by E. Viarengo to sign and approve for posting the warrant for the 2026 State election.*

**Vote: Unanimous**
**Motion Carries: 3-0**

***Designation of Surplus Property – 2016 Dodge Ram 5500, 2002 International 7400 DT530, & 1987 Case Tractor – Vote Anticipated***

R. Provost explained that T. Howard supplied M. Francesconi with a list of surplus vehicles/equipment that needed to be designated as surplus property to be disposed of. She suggested that the Board leave the Dodge out of this designation until the Highway Department is sure that they won't need to use it over the Winter.

*A motion was made by W. Emmet and seconded by E. Viarengo to designate the 2002 International 7400 DT530 and the 1987 Case Tractor as surplus property.*

**Vote: Unanimous**
**Motion Carries: 3-0**

***RIDGE Program – Participation in Proposed Franklin County Sheriff's Office (FCSO) Mental/Behavioral Health Follow-Up Program (RIDGE) – Vote Possible***

E. Viarengo explained that she had listened to Tucker Jenkins' explanation of the proposed RIDGE program at the previous meeting on October 7, 2026, and was in full support of requesting inclusion in the initial six-month trial period. M. Francesconi will email T. Jenkins.

***2D8T Educational Visioning – Review Report from BERK-12***

Members reviewed the report from BERK-12 entitled *2D8T Educational Visioning.*

***Town Coordinator Updates***

M. Francesconi presented the attached document entitled *Town Coordinator Updates, October 13, 2026.*

***Mail***

- FRCOG re. Underwood Hill Road & Sadoga Road Assessment
- Municipal Light Board re. Merit Increase for MLP Manager
- T. Howard re. Highway Department Surplus Vehicles/Equipment
- RIDGE Program Flyer (Badly Scanned; **See Part 3**)
- G. Garland re. Comments/Updates for Boards Clerk Position
- Boards Clerk Job Description
- BERK-12 re. 2D8T Educational Visioning Report
- C. Clark (A Foragers Trade) re. Letter of Interest
- MassEOED re. MassWorks STRAP Grant Award
- Franklin Land Trust re. Stone Mountain Celebration Invitation
- E. Bouchard (FCTS) re. Special Election Thank You
- J. Ameen (FCSWMD) re. September Recycling Costs
- T. Jenkins (Shelburne Police Department) re. RIDGE Program Flyer

***New business that could not be anticipated 48 hours prior to the meeting***

None.

***Next Meeting:*** Tuesday, October 27, 2026, 5:00PM

***Meeting Adjournment***

*A motion was made by E. Viarengo and seconded by W. Emmet to adjourn the meeting of the Select Board at 7:31*PM.
**Vote: Unanimous**
**Motion Carries: 3-0**

Respectfully submitted,

# TOWN OF HEATH

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Mia Francesconi, Town Coordinator
*Town of Heath*

**ATTACHMENTS NOT INCLUDED IN MAIL:**

- *Sign-In Sheet, October 13, 2026*
- *Highway Department Update & Meeting Request from Robyn Provost*
- *Estimate from Northeast Paving for 1" Overlay on Section of Number Nine Road*
- *Select Board & Municipal Light Board (MLB) Powers & Duties by Robyn Provost*
- *Response to Concerns About the MLB by David Gordon w/ Attachments*
- *Public Comment from Bill Fontes*
- *Letter to the FCC re. Copper Landline Discontinuation by the Town of Hawley*
- *Greenfield Recorder, A Landline is a Lifeline Article*
- *Correspondence w/ MLP Manager re. Copper Landline Discontinuation w/ Attachment*
- *Casey Clark (A Foragers Trade) re. Lease of Former Library Space in Sawyer Hall*
- *Town Coordinator Updates, October 13, 2026*

**Heath**
**Select Board Meeting**

DATE: October 13, 2026

**Please Sign In**

**Name (please print)**

| PRINT NAME | SIGN |
| --- | --- |
| Barbara Gordon | Barbara Gordon |
| Tyson Howard | |
| Bill Fontes | |
| Ned Wolf | Ned Wolf |
| Alice Wozniak | |
| Art Schwenger | |
| Douglas Mason | |

Outlook

## HIghway Dept Update and Request for Meeting

**From** Robyn Provost <robyn@townofheath.org>
**Date** Thu 10/8/2026 10:48 AM
**To** Heath Highway <Highway@townofheath.org>
**Cc** BOS <BOS@townofheath.org>

HI Tyson,

I know that Will was going to see you today, but I also agreed to send out an email to check in on a handful of items.

First, the SB would like to include you on the agenda for next Tuesday's SB meeting. We are hoping to meet at 4:30pm on Tuesday, October 13. We would include a one hour time slot for you from 4:30 - 5:30 pm. Are you available at that time?

The items we would like to review include the following.

**Number 9 Road Progress**

- Schedule of work for the next couple of months. We have your October daily schedule and would like to review that some as a group.
- Review costs for the overlay and the schedule for that work.
- Review your progress on the culvert replacement plan (costs, schedule, etc).
- Review any other road related concerns.

**Winter Prep for Trucks/Equipment**

- Review status of trucks and equipment.
- Review any truck/equipment related concerns.

**Salt Shed Project Close-Out**

- Review any final items to close-out salt shed project, work and funding.

**Bridge Project Update**

- Please check in and have an update on the status of the completion schedule for the bridge project on 8A up from Jacobs Road.

**Road Care/Review**

- Please plan to update us on highway department plans for road work required before winter. Road side clearing, ditching, pothole filling, etc.
- We are starting to hear growing concerns from folks that there are roads that require attention to make the roadway safe for winter. Concerns about potholes, ditching that is not complete, fallen

trees in ditches, vegetation overgrowth on roadsides, overhanging branches in driving lanes, etc. We see a short period of time between now and snow fall. Let's plan to discuss how the highway department will address these issues. We have limited time and need to be clear with a path forward.

- Please plan to review the Underwood Hill and Sadoga Roads assessment with the SB as well.

I am certain more will come up, but I think this is the bulk of the requested discussion, and I think the most important at this time.

Thank you, Tyson.

Robyn

Job: **6281.371353 - FRCOG HEATH PAVING 2026**

Estimate # **1 - NUMBER 9 RD**

Date: **10/13/2026**

Contract # **H15A**

| Item | Description | Bid Quan. | Unit | Unit Price | Bid Amount |
|---|---|---|---|---|---|
| 100.000 | PAVING ROADWAY | 400.00 | TON | $ 99.40 | $ 39,760.00 |
| 200.000 | TACK | 330.00 | GAL | $ 7.67 | $ 2,531.10 |
| 300.000 | HANSWORK | | TON | | $ - |
| 400.000 | BERM | | TON | | $ - |
| 500.000 | STRUCTURE ADJUST | | EA | | $ - |
| 600.000 | STRUCTURE REBUILD | | EA | | $ - |
| 700.000 | AC ADJUST (BASE PRIDE $640.00) ** APPROX AMT ONLY ** | 1.00 | LS | $ 2,174.31 | $ 2,174.31 |
| 800.000 | FUEL ADJUST (BASE PRICE $3.141) ** APPROX AMT ONLY ** | 1.00 | LS | $ 1,382.23 | $ 1,382.23 |
| | | | | | $ - |
| | | | | | $ - |
| | | | | **Totals =** | $ 45,847.64 |

NOTES : 1" OVERLAY COURSE 9.5mm SSC W/ 15%RAP = 400 TONS - STONE HILL RD TO VERMONT STATE LINE
NEP would highly recommend not going with this option. The currant condition of the road is very poor and would need a lot more work in order for it to hold up. The town would all most for certain seen cracks and issues with this in the spring. If this is the only option for repair NEP would higly recommend 12.5mm mix at a depth of 1 1/2"-2" on this road.
*** This is a quantity only estimate for work to be performed under the FRCOG H15A Contract

*** All work performed by northeast paving crews will be paid by the unit prices in the contract based on the quantities completed. Quantities will be based on field measurements and acual quantities delivered to the project.
*** AC & FUEL Adjustments will be calculated based on acual adjustments period prices and quantities.

In Massachusetts, the Select Board (formerly Board of Selectmen) serves as the primary executive body of a town, with powers and responsibilities defined across the Massachusetts General Laws (MGL), local bylaws, and special acts.

**Core Powers and Duties**

- **Town Meeting Warrants:** Authority to call town elections and annual or special town meetings, and to publish the official warrants.
- **Appointments:** Power to appoint key town officials, department heads, and members of various advisory or special-purpose committees (subject to open meeting laws and local charters).
- **Licensing and Permits:** Acting as the local licensing authority to issue and regulate business permits, alcohol licenses, and public event permits.
- **Financial Administration:** Power to sign warrants for the payment of all town bills and oversee general budget preparation before it goes to Town Meeting.
- **Administrative Oversight:** General supervision over all matters affecting the town's welfare and interests that are not specifically assigned by law to other elected boards (such as the School Committee, Board of Health, or Planning Board).
- **Contracting and Personnel:** Authority to employ professional administrative staff, town counsel, and town managers or administrators where applicable.
- **Consolidation of Board Duties:** Under MGL Chapter 41, Section 21, a town meeting vote can authorize the Select Board to act as or perform the duties of other specific local boards (such as water, sewer, or health commissioners).

**Structure and Limits**

- **Composition:** Typically consists of 3 or 5 members elected at-large for staggered 3-year terms.
- **Shared Power:** They share executive authority with independently elected bodies like the School Committee and Board of Health; they do not hold total control over all municipal operations.
- **Ethics and Conflicts:** Members are bound by the Massachusetts Conflict of Interest Law, restricting them from voting or deliberating on matters that directly or indirectly benefit themselves, immediate family members, or private business interests.

In Massachusetts, how a Select Board (SB) interacts with a Municipal Light Plant (MLP) depends entirely on which of the two statutory governance options the town has adopted under **MGL Chapter 164**.

The Select Board cannot simply overrule a Municipal Light Board. Under Massachusetts case law, because the legislature explicitly defined the duties of utility oversight, a general municipality cannot exercise direct control over those statutory responsibilities.

**An Independent Municipal Light Board Exists**

Under MGL c. 164, § 55, a town meeting and subsequent ballot vote can separate these entities by creating an independently elected or appointed 3- or 5-member Municipal Light Board. Once separated, the interaction changes dramatically:

- **Operational Autonomy:** The newly independent Light Board absorbs all exclusive policymaking and managerial oversight. They directly appoint the MLP Manager and set consumer rates without needing approval from the Select Board.
- **Procurement Flexibility:** A primary reason towns choose this split is that independent Light Boards are legally exempt from Chapter 30B procurement rules. This allows them to execute utility contracts and purchase equipment much faster and cheaper than general town departments.
- **Financial Separation vs. Treasury Integration:** While the MLP operates as an independent commercial enterprise, state law requires its revenues to be deposited into the town treasury. The Town Treasurer and the Select Board retain a ministerial role—processing the MLP's financial warrants and signing off on invoices. The Select Board may disallow a claim only if it appears fraudulent or excessive.
- **Inter-Municipal Transfers:** The Select Board and the independent Light Board must negotiate if the utility generates surplus revenue. The Light Board determines whether "excess revenue" can be transferred back to the town's general fund to lower town loan payments or reduce taxpayer burdens.

It is a common misconception in New England town government that because the Select Board (SB) is the "chief executive board" of the community, it holds ultimate veto power over all other local bodies. However, under Massachusetts law, **the Select Board cannot overrule a decision made by an independent Municipal Light Board (MLB)**.

When a town votes to establish an independent, elected, or appointed MLB under **MGL Chapter 164, Section 55**, the Massachusetts State Legislature explicitly divests the Select Board of its authority over utility operations and vests it entirely within the Light Board.

The legal boundaries that protect the MLB from being overruled by the SB rely on specific statutory framework and case law:

**1. The Principle of Specialized Statutory Autonomy**
In Massachusetts, the Select Board shares executive power; it is not a centralized authority over independent boards established by state statute (such as the School Committee, Board of Health, or Municipal Light Board).

- **The Legal Precedent:** In cases like *Golubek v. Westfield Gas & Electric Light Board (1992)*, Massachusetts courts have affirmed that MGL c. 164 delineates distinct, specialized powers to light boards that cannot be usurped by general town officials. Because the legislature created a separate statutory box for municipal utilities, a town's general executive branch cannot interject or overrule policy decisions that fall strictly within that utility's purview.

**2. Complete Separation of Operations and Rates**
The independent MLB has exclusive statutory power to:

- Appoint and direct the Municipal Light Plant (MLP) Manager.
- Set utility rates for consumers (which must legally remain "just and reasonable" and tied strictly to utility operating costs, rather than general town expenses).
- Enter into commercial contracts for energy distribution and grid infrastructure.
- The Select Board has zero jurisdiction to alter utility rates, cancel MLP contracts, or dictate personnel changes within the light plant.

**3. Separation of Public Funds**
Town members often believe the SB can overrule the MLB because utility revenues are physically held by the Town Treasurer. However, state law commands that **utility funds must be kept strictly separate from the town's general fund**.

- The Select Board's role in signing off on MLP financial warrants is purely **ministerial** (checking for fraud, typos, or clear illegality).
- The SB cannot refuse to pay an MLP invoice or payroll just because they disagree with a policy decision or a project the MLB chose to pursue. Doing so would violate the financial segregation rules mandated by MGL c. 164.

**Where the Select Board *Does* Retain a Say**
While the SB cannot overrule MLB decisions, the two bodies must interact on a few specific friction points:

- **The Town Charter:** In some unique communities, a consolidated Town Charter (approved by the State Legislature) might create minor overlaps, such as allowing a Town Manager to recommend budget presentations, but it still cannot strip the MLB of its core statutory powers.
- **Surplus Fund Transfers / PILOT Agreements:** If the MLP brings in a surplus and wants to transfer money to the town's general fund to lower tax rates (Payment in Lieu of Taxes, or PILOT), both the MLB and the SB must mutually negotiate and sign off on that policy. Neither can force the other's hand unilaterally.

Outlook

## Response to concerns about the MLB expressed at the 10/7/26 SB meeting

From [redacted]
Date Sun 10/11/2026 6:54 PM
To BOS <bos@townofheath.org>

3 attachments (184 KB)
Letter to the Select Board regarding 10-7-26 SB meeting.pdf; MLB response to Fin Comm -6-21-2026.pdf; WiredWest legal guidance on MLP.docx;

Dear Select Board members,

Please see my attached letter, "Letter to the Select Board regarding 10-7-26 SB meeting". As I state in the letter, I am responding as an individual member of the MLB. No other members of the MLB have reviewed my responses. The facts presented are to the best of my understanding. The opinions are my own.

I've also attached two documents that I refer to in that letter that may be of interest to you.

I appreciate you taking the time to read this overly long letter.

Best Regards,

David Gordon

To: The Town of Heath Select Board
From: David Gordon
Subject: Concerns about the MLB expressed at the October 7, 2026 Select Board Meeting
Date: October 11, 2026

Having listened to the recording of the October 7 Select Board meeting, I would like to address some of the concerns, misunderstandings, and misinformation expressed regarding the Heath MLP and the Heath MLB. To be clear, I am responding as an individual member of the MLB. No other members of the MLB have reviewed my responses. I feel that it is important to provide this information to the Select Board ASAP. Since the MLB is not scheduled to meet until November, I decided to respond as an individual. The facts presented below are to the best of my understanding. The opinions are my own.

Q: Why do we have an MLP Manager. That job was supposed to disappear several years ago. (Remembers it being a finite job per the original warrant.)

Response: The language of M.G.L Chap 164 regarding municipal electric, gas and telecommunications operations is vague at times. Sec. 56 states

> "The mayor of a city, or the selectmen or municipal light board, if any, of a town acquiring a gas or electric plant shall appoint a manager of municipal lighting who shall, under the direction and control of the mayor, selectmen or municipal light board, if any, and subject to this chapter, have full charge of the operation and management of the plant, etc.... His compensation and term of office shall be fixed in cities by the city council and in towns by the selectmen or municipal light board, if any;

I interpret this as meaning that an MLP manager is required. It does not address how much the MLP Manager should be paid. There are towns where someone has volunteered their time to be the MLP Manager. I think that it is in the best interest of the MLP operation to fairly compensate the MLP Manager to retain a qualified individual. There are regular concerns related to the operation of the Broadband network that need to be addressed by the MLP Manager for reliable and fiscally sound operations.

Q: We recently did a survey. Some towns just have the MLP Manager, some just the MLB. Not both.

Response: I would be interested and surprised if any towns choose not to have an MLP Manager. Could whoever did this survey please provide the MLB with the results?

Per MGL Chap 164, a town does not have to have an elected MLB. In those towns the Select Board oversees the MLP. According to guidance prepared by the WiredWest attorney, "In some municipalities, the BOS may serve as the light board. (In others, there are elected light boards.) But in those instances where the BOS serves as the "light board," it still must act in accordance with G.L. c. 164 and the interests of the light department and its ratepayers, and not general town interests." FYI, I have attached the guidance on MLPs prepared for WiredWest by Diedre Lawrence.

Q: Doesn't seem right to get a merit increase after a year. Why?

Response: As Robyn pointed out, many people receive a merit increase after a year. Some after 3 months depending on the agreement [at the time of hiring?]. The current MLP Manager was hired at the lowest end of the pay range set by the town. The first review by the MLB was at about 6 months, and a merit increase was implemented based on the rapid progress in learning the position. The second review by the MLB was done about 14 months later (August 2026). At that time, the manager had demonstrated increasing value in the position. A merit increase was recommended by the MLB members who performed the review, and that increase was approved by the MLB. Note that with the increase, the rate is still below mid-point of the range (98% of mid-point). The rate is also below the rate of the previous MLP Manager, even though two COLA increases have occurred since then.

Q: Why does Heath MLP Manager get paid twice what other towns pay?

Response: I assume this refers to total annual pay, not hourly rate. I would be interested in seeing Fin Comm's data. I would note that the Heath MLP Manager gets paid by hours worked. The annual amount budgeted by the MLB for MLP Manager has not increased over the past 4 years, and the amount actually paid has been well under budget.

Q: Robyn asked if the questioner had asked the MLB (Why the manager gets paid twice what other towns pay). They responded they had (asked) and the answer was "We'll get back to you."

Response: As far as I know, no one has asked this question of the MLB either directly or by email. I don't know if someone asked an individual MLB member. It certainly has not been brought up at an MLB meeting. Members of Fin Comm have asked for a number of documents, including MOUs with other MLPs, WiredWest and Whip City Fibler, and the MLB has provided requested documents. At the June 2026 MLB meeting, Ned reported to the MLB that Fin Comm was wondering how much it cost to be a member of WiredWest. Since there is no annual fee to being a member of WiredWest, I researched what part of WiredWest's administrative cost are covered by Heath MLP as part of the expense sharing agreement. I emailed the information to the Fin Comm chair. I've attached a copy of that

email. The MLB tries very hard to respond to all questions in a timely manner. Possibly, questions that individuals have do not always make it to an MLB meeting.

Q: Our town pays more than most towns [presumably for service?]

Response: If this is referring to broadband customer fees, this is not true. The MLB did a survey of Western Massachusetts towns in February 2026. At $75/mo for 1 gb service, Heath was below the average cost. (seven nearby towns average $78/mo; 30 towns Western Mass towns average $81/mo)

Q: One MLB member is on Fin Comm. We gave him a slew of questions to ask.

Response: Ned shared a DRAFT copy of minutes of the July 15, 2026 Fin Comm meeting with the MLB. The MLB discussed the questions in the August MLB meeting, but felt it was inappropriate to respond to draft questions and wanted to be able to have follow up discussion with Fin Comm. So, the MLB asked the MLB Chair to contact Fin Comm.

(Robyn said in the SB meeting that it would be a good idea for Fin Comm to request meeting with MLB. Someone stated, "We have and they refused" and complained that MLB requested a list of questions. I don't know who "they" is, but that request did not make it to an MLB meeting.)

At the August meeting, the MLB asked the MLB chair to contact Fin Comm and ask for a list of their questions which would presumably be reviewed and approved by Fin Comm. At the September meeting, Art reported that he spoke with the chair of the Finance Committee about scheduling a joint meeting of Finn Comm and the MLB. He said that he asked for some dates that would work for Fin Comm and to have questions in advance so that the MLB can be prepared to answer their questions. As of the October MLB meeting, the chair of Fin Comm had not gotten back to Art.

Many of the concerns and questions that Fin Comm has are related to finances. Since MLB finances are handled through WiredWest, it can take time to research some of the details to ensure the information is presented clearly and accurately. (WiredWest finances are straightforward, but, because, as a cooperative, many expenses are shared by WiredWest members it can take some work to understand how expenses directly impact an individual MLP.) The MLB fully expects that there will be follow up questions and dialog to help the members of Fin Comm understand the finances and operations of the broadband operation.

A few other points in the Select Board meeting:

- Robyn stated that the general consensus in room (but not of necessarily in town) is that MLB is not representing the town.

Response: I appreciate that Robyn recognizes that views of the attendees are not necessarily those of the entire town or even a majority of the town.

- Some attendees complained that MLB holds its meetings during the day when they cannot attend.

  Response: Like most groups that meet regularly, the MLB has tended to schedule meetings on a day and time that has generally worked for the members. However, over the years the MLB has met in the evening several times for the convenience and at the request of non-members. That is why the MLB chair asked Fin Comm for times to meet. I would hope that the Fin Comm members, or anyone else in Heath, would not be shy about asking for an alternative time if they are interested in attending a meeting.

- Robyn stated that money from business of the plant helps to offset loan.

  Response: I do not claim to fully understand this process, but it is my understanding that money transferred to the town from the MLP only directly helps offset the loan if town voters vote to use the money in that way. (CAF II money is an exception. That money goes directly to the town and, by law, must be used for Broadband.) My understanding is that money that is transferred to the town from the MLP must be certified as free cash. Town voters can vote to use that money to pay down the loan. Otherwise, free cash is used to reduce the amount of revenue raised to meet the budget approved by town voters at town meeting, and thereby, I suppose, indirectly helps to offset the loan. I would like to understand this process better.

Finally, there seemed to be frustration that the "town" does not have control or a say in how the MLP is operated. I would like to remind everyone, as Robyn did, that members of the MLB are elected by the town. Town residents have control over the MLB: residents can vote to throw the bums out. In fact, two positions were contested in the 2026 elections. In any event, I personally welcome questions regarding MLP operations. As always, I will answer questions directly and immediately, if I can. Whether I can answer them or not, I will continue to try to faithfully present concerns expressed to me to the entire MLB at our regular meetings.

Gmail David Gordon <djgordon@gmail.com>

# Draft of MLB response to Fin Comm

**David Gordon** [redacted] Sun, Jun 21, 2026 at 5:46 PM
To: [redacted]
Cc: Art Schwenger [redacted], [redacted], David Peterson [redacted] Bill Fontes [redacted], "heathbroadband@gmail.com" <HeathBroadband@gmail.com>

Hi Dena,

At the June MLB meeting, it came to our attention that members of Fin Comm would like to know how much it costs Heath MLP to be a member of WiredWest. I volunteered to put together some information to answer that question.

There is not a set fee for belonging to WiredWest. WiredWest is a cooperative, and the six member MLPs share expenses and revenue according to Appendix A of the Network Operations and Services Agreement between Heath MLP and WiredWest, which I think Bailey sent to you. Heath MLP's percentage share varies from year to year, but it has stabilized at about 12% since each town's customer base (and, therefore, revenue) has stabilized.

Shared expenses include both administrative overhead expenses and operational expenses (primarily maintenance and repair costs). I think that the cost to Heath MLP that you'd be interested in is Heath MLP's share of WiredWest administrative overhead expenses.

I pulled together Heath MLP's share of WiredWest's administrative overhead expenses for FY 2022 through FY 2025. I also estimated Heath MLP's 2026 share using the FY 2026 WiredWest budget. (FY 2026 actuals will be available in July after the close of the fiscal year.)

Here are the results:

| | WiredWest Administrative Overhead | Heath MLP's Percentage | Heath MLP's Share |
|---|---|---|---|
| FY 2022 | $ 65,915 | 14.4% | $ 9,463 |
| FY 2023 | $ 54,166 | 13.5% | $ 7,296 |
| FY 2024 | $ 101,786 | 12.1% | $ 12,279 |
| FY 2025 | $ 98,572 | 12.0% | $ 11,876 |
| FY 2026 Budget | $ 106,730 | 12.0% | $ 12,808 |

A few notes:

- FY 2023 expenses were lower due to a delay in the billing of the annual audit expense.
- Some variability is due to legal fees from year to year
- Increases are due mostly to a combination of increased insurance fees and increased payroll.

I hope this helps. If you have further questions, please let us know.

Regards,

David Gordon
Member, Heath MLB

# Municipal Light Plant (MLP) Authority

Prepared by Diedre Lawrence
Duncan & Allen N.E., LLC
35 Braintree Hill Office Park
Suite 201
Braintree, MA 02184
(617) 435-2546

## Overview of Municipal Light Departments

- Municipal light departments generally are not governed by the same laws that govern cities and towns. Rather, General Laws Chapter 164 governs the management and operation of municipal light departments.
- In several cases, the state's highest court has recognized Chapter 164 as the primary and, in most instances, exclusive statutory authority governing municipal light department operations.
- Under this statutory scheme, municipal light departments operate and are managed as commercial enterprises, separate and independent from general city or town governmental departments (with the exception of incurring debt) and subject to some general oversight by the Department of Public Utilities ("DPU"). See Holyoke Water Power Co. v. Holyoke, 349 Mass. 442 (1965) (light departments not subject to rate regulation but claims of rate discrimination should go to the DPU before they are taken to court).
- G.L. c. 164, § 56 vests exclusive managerial power over the municipal light department in the Board of Selectmen ("BOS"), the mayor, or the municipal light board, if any, and their appointee, the general manager.
- As the courts have recognized on numerous occasions, "a municipality can exercise no direction or control over one whose duties have been defined by the legislature."
- In some municipalities, the BOS may serve as the light board. (In others, there are elected light boards.) But in those instances where the BOS serves as the "light board," it still must act in accordance with G.L. c. 164 and the interests of the light department and its ratepayers, and not general town interests.
- Although light departments operate independently from the town, under Chapter 164, light department funds are deposited into the town or city treasury, and therefore, the treasurer and certain other officials necessarily will have some involvement or interaction with the light department. But the municipality's role in the operations of the light department is largely ministerial, *i.e.*, processing warrants and payments.
- The treasurer is responsible for managing funds deposited in the general treasury, which includes the light department's general receipts. But they can only be spent for light department purposes under c. 164.
- No one else in the town may make independent evaluations of the necessity or wisdom of any such payments, or in any way exercise a business judgment with respect to such payments. In terms of the process of paying bills, once the BOS acting as the light board approves payment of a bill placed on the warrant, it then goes to the town for payment. Where the BOS is the light board, then some other officer in the town (having duties

similar as auditor- perhaps the treasurer or accountant) can only refuse to process the payment if that officers believes it to be "fraudulent, unlawful or excessive."

- As the Supreme Judicial Court ("SJC") specifically recognized in Municipal Light Commission of Peabody, v. Peabody, 348 Mass. 266 (1964): "This in terms is an unrestricted power in the manager and the commission. There is in

  [G.L. c. 164] an implication that their determination as to what should be expended for the efficient operation of the business is not subject to change by other public officers or the legislative department."

- In the Peabody case, the SJC also clarified that a municipal light plant is not dependent upon appropriations from the city or town for its operations, and that the budget and operations is determined in accordance with c. 164 and not c. 44 governing control of municipal departments.

## Manager, Board Structure

- As mentioned, a town may establish an elected light board with three or five members. (G.L. c. 164, § 55). It is not required to establish such a board and in the absence of an elected board, the role of the light board is assumed by the BOS.
- L. c.164, § 56 also provides for the appointment of a manager by the BOS, who "under direction and control of the… Board…[shall] have full charge of the operation and management of the department, the manufacture and distribution of…electricity, the purchase of supplies, the employment of attorneys and of agents and servants, the method, time, price, quantity and quality of the supply, the collection of bills, and the keeping of accounts."

## Board Duties Versus Manager Duties

- As set forth above, the manager has "full charge of the operation and management of the department." This includes:
  - 
    - hiring and firing of employees, attorneys, consultants, and independent contractors (this power is exclusive to the manager, see Golubek v. Westfield Gas & Elec. Dept., 32 Mass.App.Ct 954, 955-56 (1992));
    - purchasing supplies;
    - managing all aspects of the distribution system;
    - preparing and submitting annual budgets to the Board; and
    - managing billing and accounts (in accordance with statutory and regulatory requirements).
- In turn, the BOS acting in the role of a light board typically performs the following duties:
- approves personnel and other general light department policies, consistent with their roles in establishing policy for light departments (see discussion below on the Golubek case);
- approves the light department's rates under G.L. c. 164, §58, and terms and conditions for electric service, upon recommendation of the manager;

- decides whether to accept the lien laws (see 58B), participate in self-insurance funds (see § 130);
- reviews annual financial reports from the manager (see§ 56, 57) and votes on the annual budget submitted by the manager;
- determines when and how depreciation funds should be appropriated in accordance with the statute (§ 57);
- files annual reports with the DPU; and
- acts as the Chief Executive Officers (under G.L. c. 150E) for the purpose of collective bargaining in those systems that have unions. See Town of Marblehead and AFSCME, Council 93, MCR-2955, slip. op. at *4-5 (1980).
- In our representation of municipal light departments over the past 20 years, we have observed different customs in different systems regarding the signing of contracts, etc. However, one constant remains: the manager is responsible for the operation of the light department and the decisions that go into such operation. This is because most light boards (and in those instances where BOS operate as light boards) are comprised of individuals without extensive technical experience in light plant operations. In its wisdom, the Legislature created a system whereby the boards establish policy and their appointed managers possess the technical ability to run the daily operations of the light department.
- In the Golubek case, the Court of Appeals addressed the scope of the light board's authority and the "division of duties" between the board and the manager. The Golubek case involved a dispute between the manager and board over the hiring of a consultant. The Court held that only the manager had authority to decide which firm was to be hired. This precedent applies with equal force where the BOS acts as the light board, because of the dictates of G.L. c. 164.
- In resolving the dispute, the Court described the relationship between the manager and the board as follows: "[T]he management and operation of the department is in the board ... by virtue of G.L. c. 164, § 55, and in the manager acting under them as their executive officer by virtue of § 56." Id. By reason of that subordinate relationship, the board "could frame such general regulations concerning the exercise by ... [the manager] of his statutory powers as were found to be reasonably required, and as did not violate the statute."' Id. (citations omitted). The Court reasoned that the power to give "direction" means the power to give "general instructions as to the manner of doing" a required act. See , citing Berkshire Woollen Co. v. Day, 12 Cush. 128, 130 (1853). "Control" means the authority to "regulate, direct or dominate." See id., quoting *The American Heritage Dictionary of the English Language* 290 (1969 ed.).
- The Court concluded that the words "under the direction and control ... of the board" mean that the board has the power to give the manager general directions with regard to the operation of the department." See at 955-56. The board might, for example, direct that a national search be undertaken, or that the consultant possess particular qualifications. See id. at 956. But the board cannot tell the manager who to hire.
- The court held that a broad policy that merely requires the approval of the board for the manager to take a particular action is invalid as it encroaches on the manager's powers under G.L. c. 164, § 56. See at 956. This means that the board must adopt genuine policies, setting out specific guidelines and standards.

- The Golubek case indicates that the role of municipal light boards–and BOS acting in the role of light boards, generally is to establish policy and not to engage in the actual mechanics of operating light departments, consistent with G.L. c. 164.
- When a board undertakes a responsibility specifically granted by law to the manager, the board exceeds its authority and such action is invalid.
- In Larch v. Mansfield Mun. Elec. Dept., 272 F.3d 63, 69-71 (1st 2000). the manager of the Mansfield Municipal Electric Department ("MMED") brought an action against the light department under the Massachusetts Whistleblower Statute alleging his employment was terminated because he refused to obey a board member's order to hire a particular individual because he believed to do so would be illegal under G.L. c. 164, § 56. See id. Subsequently, the board (in this case the board was the BOS) undercut the manager's authority to manage the light department, by constantly questioning the manager about payments, interfering with purchases, the hiring of outside consultants, and personnel matters. See id. at 70-71. The board then voted not to renew the manager's contract for employment. Id. at 71.
- The Court determined that, in light of the plain language of Chapter 164 and the Golubek decision, the manager reasonably believed that following the board member's order would be illegal under G.L. c. 164, § 56. See at 69. The Court found that the board's subsequent interference with the manager's duties and failure to renew his employment contract constituted retaliation because the manager would not hire an employee that a board member ordered him to hire. Thus, the Court held that the board violated the Whistleblower Statute. See id. at 75.

My Name is Bill Fontes, I am a sitting board member of the MLB. I wanted to come tonight to address some things that were said last week at the Select board meeting. I am not here representing the MLB. I just wanted to respond to statements made. As a private citizen I will answer any questions the Select Board may have. However I will not get into a back and forth with anyone else. I do not feel like this is the appropriate time or place for that. Anyone with questions or concerns about the workings of the MLB is encouraged by me to attend MLB meetings or send a request for a joint meeting to the chair of the MLB.

Since Broadband came into town and the Town voted to take out a loan to help pay for (along with state money) the construction of the fiber plant there has been a vocal section of town that is expecting the profits that are generated from the Broadband to pay the loan payments. The MLB has always returned as much money as possible to the town to help with the loan. In fact the MLB has been very clear from the beginning that the revenue would not be enough to pay the loan in full. Additionally, once the loan is paid off (in 9 years I believe) the town will continue to get the bulk of profits from the Broad band.

Some statements were made last week that I wanted to address.

1) The MLB was accused of "double dipping" because the MLP manager gets paid and the board receives stipends.
   I would only say that stipends are not controlled by the MLB. Speaking for myself, I do not do this this job for the stipend. If the stipends were eliminated, I would continue to serve on the board.

2) The qualifications of the MLB were called into question.

   After that someone rightly said "You could say that about any board in the town of Heath" We are all volunteers.
   I would ask though, did the person who questioned our qualification ever bother to find out what our backrounds are? Personally, I spent 25 years working for a major telecommunications company. 15 years of which were working directly with fiber optics.

3) Someone made the assertion that Bailey makes "more than double of the other towns"

I looked the average MLP part-time Early stage MLP manager in Western Mass. It is between 12 and 15,000 Dollars per year. In Fiscal year 26 Bailey was paid 11,263.76 according to the accountants report.

4) A statement to the effect of "We need to find a way to get these people under our thumb"

To this I would just say, the town voted to have a separate MLB. So that is not how the system is currently set up. If that changes in the future that would be the will of the town.

Additionally, I would refer everyone to the Municipal Light Authority Document that states,

- "Under this statutory scheme, the municipal light departments operate and are managed as commercial enterprises, separate and independent from general city or town governmental departments (with the exception of incurring debt) and subject to some of the general oversight by the Department of Public Utilities (DPU).

- "As the courts have recognized on numerous occasions, a municipality can exercise no direction or control over one whose duties have been defined by the legislature".

With all of that said, I would always listen to the concerns of the town, but ultimately the MLB is responsible for the decisions about the broadband.

5) It was stated that if there was not a separate MLB i.e. If the Select board was operating as the MLB. Then the Select Board would have more control.

According to Mass General Law in that scenario the Select Board would have to operate with the business, not the town in mind.

To wrap this up. I would again encourage anyone to attend MLB meetings. The chair of the MLB has already (prior to last weeks Select board meeting) asked the Fin Cm for dates for a joint meeting to answer any questions. Trying to be efficient we asked for questions ahead of time in writing as some of the answers would likely require research. Rather than saying "we will get back to you" It would give us time to try and have those answers at the meeting.

TOWN OF HAWLEY
MASSACHUSETTS 01339

8 PUDDING HOLLOW ROAD
TELEPHONE: 413-339-5518
FAX: 413-339-4959
WWW.TOWNOFHAWLEY.COM

September 22, 2026

Federal Communications Commission
Wireline Competition Bureau
Competition Policy Division
Washington, DC 20554

**RE: SECTION 63.71 APPLICATION OF VERIZON TO DISCONTINUE POTS TELEPHONE SERVICE (IN MASSACHUSETTS) (FILED 9/9/2026 AND POSTED 9/10/2026)**
**CONCERNS AND OBJECTIONS OF THE TOWN OF HAWLEY SELECTBOARD**

Dear Commissioners:

The Selectboard of Hawley, Massachusetts, strongly opposes Verizon's proposal to discontinue copper landline service in our region in favor of what it calls "modern" technology. We believe this transition will adversely affect our townspeople, for whom a landline is often a lifeline. Verizon's proposal appears to call not for eliminating home phone service but instead for replacing copper with other systems such as fiber and wireless. To its credit, Verizon assures us it will not charge customers more and supposedly will continue to support legacy systems like faxes and alarms. It also claims its systems will have battery backups for power outages. Its literature indicates these backups last approximately eight hours. These reassurances are better than nothing, but they do not put our minds at ease.

Hawley, like much of western Massachusetts, is very rural with low population density and many elderly residents. Copper landlines are not some bygone convenience here. They are a necessity, still popular with both older and younger families. Cell service is marginal—in many cases, nonexistent—in our mountainous landscape. (Note: major wireless carriers often overstate coverage in our area so we ask you to approach coverage maps with skepticism.) We are also prone to severe weather, which, with our abundance of trees, results in frequent power outages. The 2008 ice storm, Tropical Storm Irene in 2011, and a storm in February 2025 all led to outages lasting several days. During these outages, residents relied on landlines to check on neighbors and contact emergency services. Local government, including those emergency services, relied on the lines for continuity of operations as other systems failed.

Copper is an older technology, yet it continues to outperform the alternatives in important ways. Landlines are more dependable than wireless connections, which are sporadic at best here. Verizon does not currently offer fiber in most of western Massachusetts so we suspect that these unreliable wireless systems will be the alternative they offer. One advantage copper has over both wireless and fiber is that copper lines carry their own power so hardwired phones work during outages. In our experience, falling trees often break power lines, but the phone lines, lower on the pole, typically survive. We lose power several times a year, often for hours or even days. Widespread landline interruptions occur once a decade or less often. We also want to point out that an independent phone network that does not rely on the internet is a valuable backup in an increasingly vulnerable cyber environment.

Unfortunately, in a place like Hawley, an eight-hour battery backup or a wireless system that sometimes works just isn't good enough and certainly isn't as good as what we have now. We hope that you will give our concerns consideration in weighing Verizon's proposal and that you will find that the public interest necessitates maintaining the existing telephone infrastructure, at least for now.

Respectfully,

Williams Cosby

Hussain Hamdan

Robert MacLean

# ‘A landline is a lifeline’: Hawley urges FCC to reject Verizon’s plans to end landline service

HAWLEY — Jody Stewart does not have a cellphone, nor does she want one.

But if the Federal Communications Commission (FCC) approves Verizon’s plans to end copper landline service, the 80-year-old Hawley resident fears she may have to.

“I don’t really want a cellphone,” said Stewart, a longtime poet who has lived in town since 1994 and is also known as Pamela Stewart and Jody Cothey. “I feel like I’m being bullied.”

Earlier this month, Verizon filed a proposal with the FCC to end Plain Old Telephone

Service (“POTS”) in portions of California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Michigan, New York, Pennsylvania and West Virginia, effective Nov. 30. Verizon said copper landline service is expensive to maintain, too slow to meet modern needs and not as many people use the service as the system could support.

“Currently, Verizon’s network could serve over 28 million locations in these states with POTS. However, the overwhelming majority of consumers from these states who could subscribe to POTS service from Verizon do not — only approximately 750,000 residential and business locations, or 2.7%, still subscribe to legacy voice services,” Verizon wrote in the FCC filing. “Copper infrastructure is too slow to

meet modern needs, many decades old, costly to maintain, and vulnerable to damage and theft."

The filing states that current POTS subscribers will be transitioned to fiber-based service, or other wireless alternatives. Letters the company sent to residents state that they can keep their existing phone numbers and that 911 calls would continue "seamlessly" in the transition. The company notes that the transition would "free up billions" that could be reinvested into improving and expanding modern systems across the nation.

"Because it makes no sense to maintain a ubiquitous, costly legacy network that consumers have largely abandoned, we seek to transition customers to modern services provided by Verizon or another provider," the FCC filing reads. "We will work to ensure that this is a smooth transition for copper-based POTS customers in the discontinuance area."

An earlier filing from August requested to end the service in portions of Arizona, Delaware, New Jersey, New Mexico, Ohio, Rhode Island, South Carolina, Utah and Virginia.

In rural western Massachusetts, community members are raising concerns about the proposal and its impact on people living in areas where cellular infrastructure is still insufficient.

Stewart said cell service in Hawley and neighboring communities is spotty, and the push to remove landline service could leave many residents, particularly older people, in a lurch.

"We rely on landlines. Cell service is OK where I live, but if you drive half a mile down the road, there's no service," Stewart said. "It's horrifyingly insulting. ... A landline is a lifeline for a lot of people."

Stewart's sentiments were echoed by members of the Hawley Selectboard, who voted unanimously Tuesday night to send a letter urging the FCC to reject the proposal.

"Copper landlines are not some bygone convenience here. They are a necessity, still popular with older and younger families," the Selectboard's letter states. "Cell service is marginal — in many cases, nonexistent in our mountainous landscape. ... We are also prone to severe weather, which, with our abundance of trees, results in frequent power outages. The 2008 ice storm, Tropical Storm Irene in 2011 and a storm in February 2025 all led to outages lasting several days. During these outages, residents relied on landlines to check on neighbors and contact emergency services."

Selectboard Chair Will Crosby said Tuesday night that he does not think the letter will make much of a difference to the FCC, but with more than a dozen homes in town that do not have cell service, the town has to try.

"All of the major carriers are delusional about their coverage out here," Selectboard member Hussain Hamdan said. "And it's because what you get in February is very different than what you get in July, and it's all about the leaves. ... Cell service here, it's very sporadic."

According to the service coverage map on Verizon's website, the company claims to provide 5G coverage throughout most of Franklin County and 4G in the rest. The map only notes a small section of Ashfield Mountain Road and an area near Lake Wyola as having no service whatsoever.

Verizon's coverage map showing 5G (dark red) and 4G (light red) service areas.

However, independently sourced maps — such as CoverageMap.com, which builds its service maps using crowd-sourced signal strength data — show much sparser coverage. CoverageMap.com's map shows large gaps in the region with no coverage, such as almost the entirety of the Kenneth Dubuque Memorial State Forest in Hawley. BroadbandMap.com agrees that coverage around Hawley, Heath and Wendell is limited.

A CoverageMap.com map shows Verizon cell service is limited in western Franklin County.

The Selectboard wrote that Verizon's promises to provide battery backups are "better than nothing" but do not fully assuage concerns, as a battery with a lifespan of eight hours cannot hold up in a town where power outages can, sometimes, last for multiple days.

"In our experience, falling trees often break power lines, but the phone lines, lower on the pole, typically survive. We lose power several times a year, often for hours or even days," the board wrote. "Widespread landline interruptions occur once a decade or less often. ... Unfortunately, in a place like Hawley, an eight-hour battery

backup or a wireless system that sometimes works just isn't good enough, and certainly isn't as good as what we have now."

Stewart said that receiving the letter from Verizon felt like "being bullied" into purchasing new systems and that her current copper-based landline works perfectly fine. She added that the November date does not give residents enough time to consider their options.

The Verizon filing states that replacement service options do not cost more than existing landline services.

"Verizon's fixed wireless POTS voice replacement services are available for as little as

$20 per month, plus taxes, surcharges and fees, and Verizon's post-paid mobile wireless subscriptions are available for $30 per month, plus taxes, surcharges and fees. Prepaid mobile wireless service through Visible by Verizon is available starting at $19 per month," the filing reads. "Additionally, voice service over Verizon's fiber, where available, costs $30 per month plus taxes, surcharges and fees, in addition to the cost of Verizon fiber broadband."

In a statement to WWNY TV, a Watertown, New York-based television network, Verizon officials said the company would not end service for customers where there is no suitable alternative to copper landlines.

"As we transition from legacy copper to modern networks, we are committed to ensuring no customer is left behind. Our customers' home phone service is not going away. Receiving an initial notice simply marks the beginning of a multi-step regulatory process and does not mean immediate service disconnect. Furthermore, if a

suitable replacement is not yet available, we will not discontinue a customer's copper voice service."

FCC's Wireline Competition Bureau is currently accepting public comment on the filing. To submit a comment, visit fcc.gov/ecfs/search/docket-detail/26-252. The docket number is 26-252.

Outlook

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**Re: Verizon disconnect letter**

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**From** Heath Broadband <heathbroadband@gmail.com>
**Date** Tue 10/13/2026 10:03 AM
**To** [redacted]
**Cc** [redacted]; BOS <bos@townofheath.org>

Hi all, it has been a busy week. I would like to include that this widespread community issue will increase the need & reliance on cooperative organization while we navigate this. I have already received calls from the Senior Citizens group in town to resolve issues & provide customer service related communications.

Separately but related, I will not be able to attend this evenings select board meeting but wish I could. I have been refraining due to other commitments as well as to keep my hours & priorities focused only on essential tasks. I will be able to review the recording which I appreciate very greatly.

Thank you all,

***Bailey Cole***
Heath MLP Manager
HeathBroadband@gmail.com
+1 857 526 2007

On Tue, Oct 13, 2026 at 9:16 AM David Gordon [redacted] wrote:

> Thank you for sending this letter.
>
> Residents in Rowe have also been receiving notice from Verizon, and this issue has been brought up at recent WiredWest meetings. WiredWest is concerned about the impact on residents in the hill towns. WiredWest is also concerned whether this will impact obligations of MLPs to provide phone service.
>
> Note that the letter says that Verizon's actions are "subject to Federal Communications Commission (FCC) approval." The FCC has not yet approved this action. In fact, in late September, the FCC paused its consideration of similar Verizon applications in a number of other states due to the large number of complaints received from residents (particularly rural residents) in those states. However, no one knows what the FCC will ultimately decide.
>
> It is unclear to me whether the Massachusetts DTC would also have to approve Verizon's actions.
>
> Thanks.
>
> David

On Tue, Oct 13, 2026 at 8:57 AM William Emmet <[redacted]> wrote:

> Hello David-
>
> I'm attaching a scanned copy of the letter that Heath residents have been receiving from Verizon regarding discontinuance of landline service.
>
> Regards,
>
> Anne Emmet

verizon

**220 Anderson Avenue**
**Moonachie, NJ 07074**

September 8, 2026

L2-******AUTO**ALL FOR SCF 015 T57 P1 PAL 3 13464
[redacted]
Colrain, MA 01340-9646

Telephone Number: 413-337-[redacted]

**Important Update About Your Home Phone Service**

Dear [redacted],

**This letter is informational only, and requires no customer action at this time.**

We're pleased to inform you about updates to our home phone service. As part of our ongoing network improvements, we are planning to discontinue traditional copper-based home phone service for certain customers in your area. If your service will be discontinued, you will have the opportunity to switch to service delivered using fiber, cable, or modern wireless technology.

We're here to support you through this transition.

**What's Changing and When**

On or after **November 30, 2026**, subject to Federal Communications Commission (FCC) approval, Verizon will have authority to discontinue traditional copper-based home phone service.

**What This Means for You**

Rest assured, you don't need to take any action right now, and there is no change or interruption to your service at this time. We'll contact you with next steps to ensure a seamless transition. Meanwhile, if you have questions, please visit us at verizon.com/copper.

If your service will be discontinued, you will receive advance notice by letter with your specific disconnection date. Again, there is no change or interruption to your service today and you don't need to take any action at this time.

**Service Affected**

Traditional Home Phone Service: copper-based dial tone base home phone service, services offered as "Residence Dial Tone Service," "Basic Service Access Line," and "Individual Line".

**Your Options**

When it's time to make a change, you'll have several options – including moving to a modern solution that:

- Lets you keep your current phone number
- Supports essential services like 911, many legacy alarm systems and faxes, and many medical devices

- Delivers a reliable, modern service

If your services will be discontinued, you will have at least one fiber, cable, or mobile wireless voice option available. Many customers will be able to choose modern Verizon voice service over wireless or fiber. You can see options available at your home based on official FCC data by visiting https://broadbandmap.fcc.gov/home and then typing in your home address.

**Additional Information**

- Verizon's Fios and wireless services, where available, are not affected and will continue without interruption.
- All changes are subject to any applicable contractual obligations and regulatory approvals.
- If you've already received a different disconnection notice with an earlier date, that date will still apply.

Thank you for being a Verizon customer. Whether you stay with us or transition to another provider, we're committed to making this transition as simple and smooth as possible.

Sincerely,

**Verizon Support Team**

On behalf of

| State | Company | Address |
|---|---|---|
| New York | Verizon New York Inc. | 140 West Street, New York, NY 10007 |
| Pennsylvania | Verizon Pennsylvania LLC | 900 Race Street, 6th Floor, Philadelphia, PA 19107 |
| | Verizon North LLC | 900 Race Street, 6th Floor, Philadelphia, PA 19107 |
| Connecticut | Verizon New York Inc. | 140 West Street, New York, NY 10007 |
| Maryland | Verizon Maryland LLC | 12 West Street, Annapolis, MD 21401 |
| Massachusetts | Verizon New England Inc. | 6 Bowdoin Square, 9th Floor, Boston, MA 02114 |
| The District of Columbia | Verizon Washington, DC Inc. | 1300 I Street NW, Suite 500 East, Washington, DC 20005 |

Note for Massachusetts Customers

Massachusetts customers can also contact the MA Department of Telecommunications and Cable Hotline at 800.392.6066.

# TOWN OF HEATH

MASSACHUSETTS

TOWN COORDINATOR

# TOWN COORDINATOR UPDATES

October 13, 2026

## JACOBS ROAD MUNICIPAL CENTER ROOF LEAK

*Last Update - 09/28/2026* – As you all probably saw, Tim sent us a video last Monday of the roof leaking again in the same spot. He sent the video to Titan Roofing, and I haven't heard from him since.

## GREEN COMMUNITIES GRANT

*Last Update - 09/30/2026* – JAMROG came this morning and made the adjustments to the heating zones. I have not received an email about scheduling an inspection, but I should be receiving one soon.

## DEERFIELD RIVER WATERSHED ASSOCIATION, WILD & SCENIC INITIATIVE

*Last Update* - Chrisopher Curtis from the DRWA will be at the Select Board meeting on October 27th at 5:00PM. I still have not heard from the Conservation Commission as to whether any of their members plan on attending.

## TOWN CENTER ACCESSIBILITY IMPROVEMENTS

*Last Update - 10/06/2026* – Trevor from Mack Brothers Elevator informed me that the mechanic who they believe may be able to help us was out for the last two weeks due to a family emergency. He spoke with the mechanic this morning and he will be getting back to Trevor when he is able.

*10/08/2026* – I had Olivia come up with a list of materials (with prices) that we will need to make the small accessibility improvements at the JRMC. I will be giving this list to Tim and will ask him to purchase the materials. Once the materials are in, we can schedule a work bee.

## HEATH SALT SHED RETAINING WALL

*Last Update - 10/02/2026* – I emailed W. R. Hillman about the invoices but have not heard back.

*10/08/2026* – I received the invoice last night and submitted it for payment this morning.

***** Update Closed *****

## ROLLER

*Last Update - 09/30/2026* – I spoke with David Stokes, and he had a couple of different ideas. I will update this again when I have a chance to make the phone calls that he suggested.

## BURNT HILL-CATAMOUNT TRAIL ENFORCEMENT ORDER

*Last Update - 09/28/2026* - I spoke with David Cameron of Fleetwood Environmental Solutions who informed me that he had been under the impression that the Conservation Commission was going to

inform the Select Board of the Commission's approval of the Restoration Plan. I sent him an email back asking what he recommends for next steps and I have not heard back.

## TOWN NURSE POSITION

*Last Update - 10/06/2026* – Rachel came and toured the JRMC today. I introduced her to Claire and gave her the employment paperwork. She is very excited for her first day in a couple of weeks.

## TOWN CENTER KIOSK

*Last Update* – The Town Center Kiosk was removed by the Highway Department and was placed in one of the storage containers at the Jacobs Road Municipal Center until a more suitable location for its placement is agreed upon.

## JACOBS ROAD MUNICIPAL CENTER SIGN

*Last Update – 10/06/2026* – Jason sent me the invoice today. I will be placing it on Thursday's warrant for payment from JRMC Expenses.

*10/08/2026* – I submitted the invoice for payment this morning and Jason will be picking up his check on Wednesday.

**** Update Closed ****

## SAWYER HALL RAMP

*Last Update - 10/01/2026* – Tyson called Sonam again and he will be grinding down the uneven slabs on the Sawyer Hall ramp within the next two weeks. He has not given Tyson a definitive date/time.

## #2 HEATING OIL FOR TOWN BUILDINGS

*Last Update - 09/28/2026* – The thousand gallons of heating oil was delivered today.

*10/08/2026* – I went to go request a quote for the Town of Heath for FY '27 off the State contract and the new contract "ENE58" hasn't opened yet. I'll check back at the beginning of next week and I'll call if it isn't open as it was supposed to open on October 1st.

## ROUTE 8A (JACKSONVILLE STAGE ROAD CULVERT PROJECT)

*Last Update* - I met with Counsel before I went on vacation to go over the easement process and review the draft cover letter. I will be making some revisions to the letter before we send out the waivers of appraisal and damages. The STRAP and Rural Development Fund awards will be announced in October. The Municipal Small Bridge awards should be announced in November or December.

*10/07/2026* – The Town of Heath received $500,000 from the MassWorks STRAP program for this project. I should be receiving the contract and acceptance documents soon. Separately, MassDEP's

Waterways Regulation Program determined that no further review of the proposed work or authorization is required pursuant to M.G.L. c. 91 and 310 CMR 9.00. That's the first of many approvals that we will need to carry out this project as proposed.

## FLAGG HILL ROAD BRANCH

*Last Update* – The Select Board reviewed the estimate from J. H. Maxymillian and will continue discussion, possibly with the Finance Committee, at a later date.

## NATIONAL GRID 3-PHASE PROJECT

*Last Update* – National Grid was working to remove the logs from Avery Brook Road. Some logs were removed before the Heath Fair, but the remaining logs had been claimed by property owners who will be given a set period in which they must remove them before they will be removed by National Grid.

*10/07/2026* – Robyn asked National Grid if/when they planned on removing the remaining logs that had been claimed, but not removed, by property owners. National Grid responded that the logs were there because of storms, not because of the project. Robyn asked Tyson if he agreed with National Grid. Robyn has not heard back.

## CULTURAL FACILITIES GRANT

*Last Update* – Robyn and I will work on the procurement for the storm windows.

## SAWYER HALL HEATING SYSTEM

*Last Update* – Robyn will reach out to Tim for an update.

*10/07/2026* – Tim will be requesting a quote for the electrical work that wasn't included in White Heating's proposal.

## BOARDS CLERK POSITION

*Last Update* – The Boards Clerk job advertisements were taken down at the request of the Select Board after there was no interest in the position for a considerable length of time. The Board planned on revisiting the position at a later date.

***** This Update is on the Agenda *****

## ANNUAL TOWN REPORT LAYOUT & PRINTING

*Last Update - 10/05/2026* – I sent an email to the Small-Town Administrators of Massachusetts (STAM) listserv to see if anyone had any recommendations of companies in the area that do the layout for their annual town reports. The Town Administrator from Becket recommended a company out of Pittsfield that seems to do exactly what Liz Canali did, so I put in a request for a quote from them. I haven't heard back yet.





## MONITORING WELL

*Last Update - 09/28/2026* – Tyson emailed me to let me know that he found a piece of PVC pipe that he thinks will work as a "cap" for the damaged monitoring well pipe. He will be attempting to install this when the weather is better.

## WEST COUNTY EMS REGIONALIZATION INITIATIVE

*Last Update - 09/30/2026* – The meeting today didn't produce any new information.

## MEETING WITH MOHAWK ESTATES

*Last Update - 09/23/2026* – I emailed the President of the Mohawk Estates board to invite them to a meeting and have not heard back.

## FIREWALL REPLACEMENT & SERVER WARRANTY EXTENSION

*Last Update - 10/01/2026* – Northeast IT called to let me know that the server warranty was extended for another two years and that the firewall replacement will be completed when our Client Success Manager is back from vacation.

## NEW EMAIL ADDRESSES

*Last Update - 09/29/2026* – Charlene and Brian DeVriese were able to log into their new email accounts for the Town. I posted Brian's new Conservation Commission email address on the website and informed the Charlemont Post Office that Charlene now has her own email address for advisories, training, etc. I gave Alice the temporary login information for the Zoning Board of Appeal's email address and haven't heard that she had any issues accessing the account. Doug hasn't had the chance to attempt to access the Planning Board's email account yet.

*10/07/2026* – Alice hasn't tried to access the Zoning Board's new email account yet, but will soon.

## HOME RULE PETITIONS FOR FIREFIGHTERS & POLICE OFFICERS

*10/07/2026* – Senator Paul Mark's office confirmed that another representative will take the lead on the firefighter's bills in the House. At the request of Sen. Mark's staff, I overnight shipped local approval documents to Boston, and they will be marked priority when they are submitted. Separately, the Police Department has a Police Officer that will be turning 65 in April and will need separate legislative approval to continue serving the Town of Heath as a Police Officer after that date. I will ask around to see whether it will make a difference if we hold a Special Town Meeting in the Fall, or if we wait until the Special Town Meeting in early 2027 to request local approval for submission to the legislature.

Outlook

## Re: DRAFT License to Enter & Use Real Property

**From** Casey Clark <[redacted]>
**Date** Fri 10/9/2026 12:15 PM
**To** BOS <BOS@townofheath.org>
**Cc** Robyn Provost <robyn@townofheath.org>

Hi Mia,
Thank you for the opportunity to rent the Sawyer Hall space but I dont think it's the right fit for me.
I appreciate all your time and energy.
Be well.
Casey

Get Outlook for Android

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**From:** BOS <BOS@townofheath.org>
**Sent:** Thursday, 08 October 2026 16:05:53
**To:** Casey Clark [redacted]
**Cc:** Robyn Provost <robyn@townofheath.org>
**Subject:** Re: DRAFT License to Enter & Use Real Property

Hey, Casey!

The Select Board reviewed the DRAFT License last night and made some revisions to the License. I have attached the new DRAFT with revisions in red text.

Again, If you have any comments and/or suggestions for revisions, let me know and I will communicate them to the Select Board and if you could let me know what type of entity *A Foragers Trade* is and what you'd like me to put for a mailing address and legal business address, that would be awesome.

TIA.

**Mia Francesconi**
Town Coordinator

Email bos@townofheath.org
Phone (413) 337-4934 Ext. 000
Address PO Box 35, 18 Jacobs Road Heath, MA 01346
Website www.townofheath.org

Please be advised, the Secretary of the Commonwealth has determined that all email messages and attached content sent from and to this email address are public records, unless qualified as an exemption under the Massachusetts Public Records Law (MGL c.4 § 7(26)).

**From:** BOS <BOS@townofheath.org>
**Sent:** Thursday, October 1, 2026 10:15 AM
**To:** Casey Clark <[redacted]>
**Cc:** Robyn Provost <robyn@townofheath.org>
**Subject:** DRAFT License to Enter & Use Real Property

Hey, Casey.

Attached you will find a DRAFT license to enter and use real property for you to review. The Select Board won't discuss this until the 7th, but I wanted to give you the chance to make comments/suggest revisions ahead of the meeting to save time.

I'm not sure what type of entity "A Foragers Trade" is (corporation, LLC, etc.) or what its legal business address is. I usually get this information from the Secretary of the Commonwealth's website, but I couldn't find it, so if you could let me know what to put there, that would be great.

Also, just so you are aware, we require a Certificate of Insurance that has the Town of Heath named as an additional insured to execute leases and licenses. This requirement is described in more detail in the DRAFT license.

If you have any comments and/or suggestions for revisions, let me know and I will communicate them to the Select Board when they discuss this on the 7th.

I hope all is well.

Best,

**Mia Francesconi**
Town Coordinator

Email bos@townofheath.org
Phone (413) 337-4934 Ext. 000
Address PO Box 35, 18 Jacobs Road Heath, MA 01346
Website www.townofheath.org

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