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ANDREW T. CAMPOLI  
OF COUNSEL

\* Also admitted in CT  
\*\* Also admitted in NY

November 5, 2025

**VIA CERTIFIED MAIL [7021 2720 0002 4302 9809]**  
**& VIA E-MAIL [town.administrator@hinsdalema.gov]**

Town of Hinsdale  
Attn: Robert Graves, Town Administrator  
39 South Street  
Hinsdale, Massachusetts 01235

Re: My Clients: Paul Nichols and Nichols Sand & Gravel, Inc., a Massachusetts  
business corporation (“NSG”)

**Notice and Presentment**  
**Pursuant to M.G.L., c. 258**

Dear Mr. Graves:

Pursuant to the provisions of Massachusetts General Laws, Chapter 258, Section 4 and on behalf of Paul Nichols and NSG (NSG and Paul Nichols are herein referred to together as “Mr. Nichols”), notice and presentment of a claim is hereby made against the Town of Hinsdale (the “Town”) for economic damages sustained by Mr. Nichols due to the wrongful conduct of Raymond Huntoon (“Mr. Huntoon”), a public employee, acting within the scope of his public employment for the Town as set forth herein.

Mr. Huntoon is an elected member of the Hinsdale Select Board and Hinsdale Conservation Commission. As set detailed herein, while in the scope of his public employment, Mr. Huntoon has caused Mr. Nichols economic damage due to Mr. Huntoon’s defamation, negligence, negligent interference with prospective economic advantage, tortious interference with advantageous business relations, tortious interference with contractual relations, fraud (deceit), negligent misrepresentation, commercial disparagement (injurious falsehood) and violation of M.G.L., c. 93A. Mr. Huntoon’s wrongful conduct concerns the three distinct, but related, issues: 1) conduct

CAMPOLI, MONTELEONE & MOZIAN, P.C.

NORTH ADAMS OFFICE: 33 MAIN STREET, NORTH ADAMS, MASSACHUSETTS 01247 • (413) 663-9501 • FAX (413) 663-9564  
GREAT BARRINGTON OFFICE: 268 MAIN STREET, GREAT BARRINGTON, MASSACHUSETTS 01230 • (413) 528-5522 • FAX (413) 644-0182

concerning Mr. Nichols' earth removal permit, 2) conduct concerning Mr. Nichols' business activities in the Town and 3) conduct concerning real estate Mr. Nichols owns in the Town.

Mr. Huntoon's Conduct Concerning Mr. Nichols' Earth Removal Permit

Paul Nichols is the principal of a sand and gravel business named Nichols Sand & Gravel, Inc. Mr. Nichols has owned and operated a gravel pit located at 318 Maple Street in Hinsdale, Massachusetts<sup>1</sup> pursuant to a permit issued by the Town since 2008. See Permit attached as Exhibit 1. Each year Mr. Nichols applies for the permit renewal to the Select Board secretary in April. Each year, since 2008, the permit has been automatically renewed by the Town without Mr. Nichols needing to attend the Select Board (the "Board") meeting.

This year, at the April 23, 2025 Board meeting, the Board approved the permit renewals for Mr. Nichols' competitors (Windsor Land Clearing, Berkshire Concrete, DR Billing, Duquette Excavation, and William Tatro) but not Mr. Nichols. Mr. Huntoon recused himself from the DR Billings renewal vote as he is employed by DR Billings. The Board held off on Mr. Nichols's permit renewal because "they were confused about a potential change of use" and sought "clarification" on the use of NSG's license. See minutes attached as Exhibit 2.

Mr. Huntoon asked Town Manager, Robert Graves ("Mr. Graves"), to call Mr. Nichols and tell him his permit renewal was denied because he uses a stump grinder and is crushing blacktop without a permit. These allegations are false as Mr. Nichols has the necessary permit for these activities. Moreover, the other Town gravel pits, whose permits were renewed, also have blacktop and concrete onsite and the Town did not consider this when renewing their permits. The applicable regulation states a permit holder cannot have blacktop/concrete on site unless they are crushing it down to six inches. See email from Massachusetts DEP citing 310 CMR 16.03(2)(b)(5) attached as Exhibit 3. A permit holder cannot simply store blacktop/concrete onsite without crushing it. NSG has a crusher onsite to perform the required crushing; many of the other gravel pits in Town do not have a crusher onsite but store blacktop/concrete in violation of the regulation.

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<sup>1</sup> Note Mr. Nichols holds the real property located at 318 Maple Street, Hinsdale, Massachusetts in an entity named PBN Realty, LLC, a Massachusetts limited liability company.

Mr. Nichols forwarded this information to the Town on June 20, 2025 (see Exhibit 3) but the Town has taken no action to date.

At the Board meeting on May 5, 2025, another competitor of Mr. Nichols', White Wolf, had its permit renewed while Mr. Nichols' permit continued to be wrongfully held up. Significantly, Mr. Nichols was not notified he should attend this May 5<sup>th</sup> meeting. Mr. Graves subsequently requested Mr. Nichols attend the May 29, 2025, meeting, but due to a personal issue Mr. Nichols was unable to attend. On May 29<sup>th</sup> Mr. Graves asked the Board to table consideration of Mr. Nichols' permit as Mr. Nichols would not be able to attend. See minutes from May 5 and May 29 attached as Exhibit 4.

On June 11, 2025, Mr. Nichols went to the Board meeting with copies of his permit. At this meeting Mr. Nichols, frustrated that his permit was not issued, stated the Board was toying with his family's livelihood and he had still not received his permit renewal. Members of the Board stated they thought it had already been issued. The Town Manager then stated that ***Mr. Huntoon directed him to withhold the permit renewal until Mr. Nichols came in to answer questions.*** Mr. Nichols then handed the Board copies of his permit, which they admitted to never seeing before. The permit provided by Mr. Nichols states he may operate Monday through Saturday from 7am - 6pm and cannot run the crusher on Saturdays. See 2019 permit that Mr. Nichols provided the Select Board as Exhibit 5; see also Exhibit 1 (this permit has the same requirements for operation). On June 11<sup>th</sup> Mr. Nichols also provided the Board with photos of stockpiles of blacktop at other pits in Town that had their permits renewed without issue at the April 23<sup>rd</sup> Board meeting. See photos attached as Exhibit 6.

The Board ignored the issues raised by Mr. Nichols. Instead, Mr. Huntoon questioned Mr. Nichols' right to use a stump grinder and crusher under his permit. Mr. Nichols explained that per the Massachusetts Department of Environmental Protection regulations, he had the right to use a stump grinder and crusher as he has an active gravel permit. See Exhibit 3. Mr. Nichols still did not have his permit issued to him in hand at the June 11<sup>th</sup> meeting. See minutes at item three attached as Exhibit 7. Rather, Mr. Huntoon single handedly created confusion, wrongful suspicion and defamed Mr. Nichols concerning his business activities.

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On or about June 24, 2025, Mr. Nichols caused Mr. Huntoon and his brother, Peter

Huntoon, to be served with no trespass notices preventing them from coming onto Mr. Nichols' real property at 318 Maple Street, Hinsdale, Massachusetts. See No Trespass Notices (with returns of service) attached as Exhibit 8. Both Mr. Huntoon, and his brother Peter, drive commercial trucks and Mr. Nichols does not want either of them driving onto his gravel pit.

The day after receiving these notices, June 25, 2025, Mr. Huntoon redoubled his efforts to use his position on the Board to retaliate against Mr. Nichols. More particularly, at the June 25<sup>th</sup> Board meeting, Mr. Huntoon brought up, for the first time in Mr. Nichols' seventeen years doing business in Town, "concerns" about Mr. Nichols' business operations and "how [Mr. Nichols'] permit was initially approved". See item eight of the meeting minutes attached as Exhibit 9.

Mr. Huntoon did not raise concerns regarding any of the other gravel companies in Town. Moreover, no such "concern" had ever been raised regarding Mr. Nichols in the prior seventeen years he has operated in Town. Inexplicably, Mr. Huntoon expressed a desire to meet with Mr. Nichols, the Board of Health, the Earth Removal Inspector and other relevant department heads on-site at Mr. Nichols' gravel pit at an unspecified later date. Importantly, Mr. Huntoon has no direct supervisory role with the Town regarding Mr. Nichols' business operations and is also still subject to the No-Trespass Notice attached as Exhibit 8.

Mr. Nichols did not receive his permit renewal from the Town until early July.

#### Mr. Huntoon's Conduct Concerning Mr. Nichols' Business Activities in Hinsdale

Mr. Nichols' gravel pit in Town abuts another gravel pit, owned by Berkshire Concrete Corp. ("BCC").<sup>2</sup> For decades Mr. Nichols has enjoyed a beneficial business relationship with BCC. From 2008 to 2014, NSG had a contract with BCC where NSG sold 100,000 yards of bank run gravel per year to BCC. From 2014 to June, 2025 NSG did various jobs for BCC in exchange for material. For example, NSG stripped BCC's gravel pit so BCC could access the clean product under it; NSG lent BCC a loader when BCC's loader broke and NSG loaded BCC trucks for months in 2023 and 2024 because BCC did not have a loader during that time. Recently, Mr. Nichols has been clearing some of BCC's land that abuts Mr. Nichols' land in Town and in

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<sup>2</sup> It is important to note that BCC is an affiliate of a one of Berkshire County's largest employers, the construction company Unistress Corp. Mr. Nichols' business relationship with BCC and, by extension, Unistress Corp. has been a very important business relationship to Mr. Nichols for many years.

exchange BCC had been compensating Mr. Nichols with material from the gravel pit. Additionally, Mr. Nichols has historically (since approximately 2016) permitted BCC and its agents to enter and exit its gravel pit using Mr. Nichols' roads that abut the public way.

In late June, 2025 Mr. Huntoon went onsite to BCC's gravel pit and met with BCC agent Steve Harwick ("Mr. Harwick"). At this meeting Mr. Huntoon wrongfully accused BCC of working in the buffer zone and taking down trees on Town property. Mr. Huntoon asked Mr. Harwick if Mr. Nichols had done this clearing for BCC? Mr. Harwick stated that Mr. Nichols had done this clearing as part of BCC's business relationship with Mr. Nichols. Mr. Harwick also told Mr. Huntoon that he was mistaken, and this work is outside of the buffer zone and fifty feet away from Town land. Mr. Harwick then gave Mr. Huntoon the telephone number of his supervisor at BCC. Mr. Huntoon called the supervisor and said that the Town will approve access out of BCC's gravel pit when Mr. Nichols doesn't let BCC use his roads.

At the July 23, 2025, Board meeting, BCC's use of Mr. Nichols' access road was put on the agenda. This item was put on the agenda by Mr. Huntoon. At the meeting Mr. Huntoon stated that BCC no longer was allowed to use Mr. Nichols' property to enter or exit its gravel pit. See minutes at item number six attached as Exhibit 10. ***This statement was false and Mr. Huntoon knew it was false when he made this statement.*** Mr. Huntoon went on to say that BCC's now needs another place to exit their gravel pit. ***These statements by Mr. Huntoon were false and specifically designed to injure Mr. Nichols' business relationship with BCC and its affiliates.*** Mr. Nichols was at the meeting and asked to speak to rebut this falsehood. Board Member Margaret Gregory ("Ms. Gregory") told Mr. Nichols he could not speak, despite the matter being discussed at a public hearing.

The next Board Meeting was August 13<sup>th</sup>. Prior to this August 13<sup>th</sup> meeting, Mr. Nichols asked the Board secretary to put him on the agenda. Ms. Gregory again denied Mr. Nichols his right to speak, claiming she "...thought [Mr. Nichols] was just going to bash Ray Huntoon". At the August 13, 2025 Board meeting, BCC's access to Mr. Nichols' road was again put on the agenda. At the meeting Mr. Nichols was again not permitted to speak. The Board voted to allow BCC to use a town road between a school and the fire station to access their gravel pit, thus eliminating BCC's need to use Mr. Nichols' road. See minutes at item eight attached as Exhibit 11. This action by the Town was completely unnecessary as BCC has permission to use Mr.

Nichols' roads. Moreover, the newly granted access road has always been problematic due to school children being in the vicinity where the trucks drive. This matter was discussed in 1998 at a Board Meeting. See Exhibit 12.

At the August 27, 2025 Board meeting two residents spoke on the record stating, without mentioning Mr. Nichols' name, that the Board needs to permit people to speak at meetings and should not silence people. Ms. Gregory responded that "I realize we need to rectify that and not let it happen again." Mr. Nichols was present at this meeting and addressed the Board stating that BCC has the right to use his road and this should never have been an issue. Mr. Nichols also indicated that Mr. Huntoon lied about this issue and Mr. Nichols will be taking legal action. See meeting minutes at item three attached as Exhibit 13.

As outlined above, Mr. Huntoon has used his public office to engage in a campaign of deception and lies to damage Mr. Nichols' reputation and business relationships.<sup>3</sup> Since Mr. Huntoon has spoken with BCC, and the Town has given BCC use of its access/exit to the gravel pit, BCC (and its affiliates) has ceased all business with Mr. Nichols. As a direct result of Mr. Huntoon's wrongful conduct, for the first time in 17 years, Mr. Nichols is not doing any business with BCC and its affiliates.

Importantly, Mr. Huntoon's has also stopped the Town's business relationship with Mr. Nichols. Historically, Mr. Nichols has accepted blacktop, concrete and other spoiled materials from the Town. Mr. Nichols' accepts these same materials generally, but charges for accepting these materials. As a courtesy to the Town, Mr. Nichols has never charged the Town for accepting these materials. At the June 25, 2025 Board Meeting, Mr. Huntoon asked Town Department of Public Works superintendent Jamie Callahan ("Mr. Callahan") why he brings the Town's blacktop and concrete to Mr. Nichols' pit? Mr. Huntoon stated the Town should not bring these materials to Mr. Nichols as Mr. Nichols is "making money off of us". Within the past month Mr. Nichols asked Mr. Callahan why the Town has stopped bringing materials to Mr. Nichols? Mr. Callahan responded that he does not want to get Mr. Nichols "in trouble with Ray".

Additionally, Mr. Huntoon has, without prompting, approached at least one residential abutter to Mr. Nichols' gravel pit to ask if they are experiencing any issues with Mr. Nichols'

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<sup>3</sup> It is unclear what authority Mr. Huntoon was acting under when he went to BCC's gravel pit. As a general matter, the Town has a gravel pit inspector that would conduct any onsite investigations.

operation of his gravel pit? This conduct is further evidence of Mr. Huntoon's actual malice toward Mr. Nichols.

#### Mr. Huntoon's Actions as a Member of the Hinsdale Conservation Commission

On or about October 2024, Mr. Nichols went to the State Highway Department (the "Department") to get approval on widening the driveway for his gravel pit. The Department approved his request, and Mr. Nichols completed the work. Three months later the Hinsdale Conservation Commission issued a cease and desist, claiming Mr. Nichols also needed approval by the local Conservation Commission.

On or about June 11, 2025, the Conservation Commission representatives took photos of the pit entrance from the side of the road but did not enter the property as they are not allowed to do so without invitation. Thereafter, Mr. Nichols met with the Conservation Commission at the gravel pit. Agent Celeb Mitchell ("Mr. Mitchell") and Commission member Ken Bodreau ("Mr. Bodreau") arrived there first. They told Mr. Nichols he was outside the buffer zone. Mr. Nichols showed them the blue tape demarcation and stated that he was not.

At this point Mr. Huntoon arrived at the meeting. Mr. Mitchell told Mr. Nichols he needed to do a restoration plan which involves planting and Mr. Nichols stated he would prefer to wait until after the second phase of widening the entrance was complete, as would have to dig up the new plantings and then hope they survive before replanting. Mr. Nichols again stated he was unaware he had to obtain approval from the local Conservation Commission and thought he was covered by following the Department's process.

At this point Mr. Huntoon exploded at Mr. Nichols; getting in his face, shouting at him, and pointing his finger at him and demanding "you are going to restore this section first!" Mr. Nichols replied that he was aware Mr. Huntoon has something against him though he doesn't know what it is. Mr. Huntoon did not reply to Mr. Nichols' comment.

#### Conclusion

As detailed above Mr. Huntoon has used his public office to engage in a campaign to defame Mr. Nichols and interfere with his business interests. Mr. Huntoon has used his offices on

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November 5, 2025

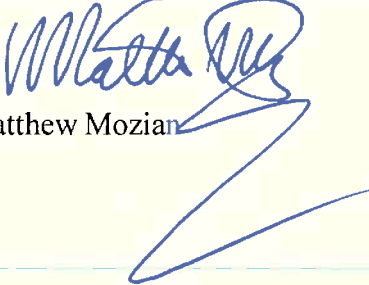
Page 8

the Selectboard and Conservation Commission to bully Mr. Nichols and persuade other people and businesses not to work with Mr. Nichols. Mr. Huntoon's actions in violation of the law have, in fact, caused Mr. Nichols' economic damages.

If you have any questions, please feel free to contact me.

Sincerely,

CAMPOLI MONTELEONE & MOZIAN, P.C.



Matthew Mozian

NZ/jmw

Enclosures

cc: Paul Nichols (via email)

# **EXHIBIT 1**

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TOWN OF HINSDALE, MASSACHUSETTS  
ZONING BOARD OF APPEALS

**NOTICE OF DECISION**

(To be mailed forthwith to the petitioner, abutters, and owners of land within 300 feet of the property line, the Board of Selectmen, Building Inspector, Planning Board, the planning boards of every abutting municipality and to persons present at the hearing who requested that notice be sent to him/her and stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.)

Applicant or Petitioner

Date December 22, 2008

**Paul Nichols**

Case No. 1906

Appeal

Premises Affected

Variance Petition

**374 Maple Street**  
**Map #109 Lot No. 6**

**Special Permit Application**

Referring to the above appeal, petition or application so as to permit: Paul Nichols wishes to operate a gravel, loam, sand and stone removal operation. The property is located in an R-5 zone. Mr. Nichols will be putting up trees to reduce the noise level and will also run a berm along the back. The hours of operation will be Monday – Saturday from 7am – 6pm. The one stipulation is that the gravel operation will not run the crusher on Saturday. The trucks will enter and exit on Route 8 only and not onto Maple Street.

After a public hearing given on Monday, December 22, 2008.

The Zoning Board of Appeals at its meeting on Monday, December 22, 2008

**VOTED TO GRANT A special permit under Section 6-E of the Zoning By-Law of the Town of Hinsdale**

The decision of the Board together with detailed record of its proceedings stating the reasons for the decision shall be filed within 14 days after hearing in the office of the Town Clerk.

**IMPORTANT:** Any appeal from the decision of the Zoning Board of Appeals must be made pursuant to Section 17, Chapter 40A (Massachusetts General Law) ~~as~~ amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

ZONING BOARD OF APPEALS

## **EXHIBIT 2**

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## Hinsdale Select Board Meeting Minutes

April 23, 2025, at 6:30 PM  
Downstairs Community Room

Present: Ray Huntoon; Margaret Gregory; Bartholomew Collins; TA Bob Graves; Admin. Asst. Clarissa Mitchell

At 6:30 PM, Chair Huntoon opened the meeting, recited the Pledge of Allegiance, and stated the recording notice.

Review of Meeting Minutes 4-9-25: Collins motions to accept minutes as written, Gregory seconds, Vote 3-0.

Approve Annual Town Meeting Warrant: The warrant is pending legal review.

Approve Gravel Permits: Bart motions to approve gravel permits from Windsor Land Clearing, Berkshire Concrete, DR Billings, Duquette Excavation, William E. Tatro, and Margaret seconds. All said, Aye. Huntoon recused himself from accepting DR Billings' application. The Select Board is holding off on approving the Nichols Sand and Gravel permit because they were confused about the potential change in use for the license, and the board wants clarification. The Select Board is holding off on approving Noco Enterprises because there was no backside of the application to sign.

### Communications & Reports

TA Graves reports the following:

- Submitted a \$1 million grant for the spillway. The spillway project will have to be done in phases.
- Scott Rodman has taken over Green Communities. He proposes that electric charging stations be presented to the board. Installing the stations will not cost the town anything, but the small poles will cost minimally.
- I spoke to Mass DOT, who suggested keeping the bridge closed. The Select Board agrees.

DPW Sup Jamie Callahan

- Grading around town
- Cleaning filter beds
- I took classes on gravel roads and proper drainage.
- Berkshire Engineering came and took samples of the town's water.
- Trailer Park- The Head of Maintenance at the trailer park wants the blowouts subtracted from usage costs. The water is metered at the trailer park to account for water going out at the end of the pipe. The Select Board agrees with Jamie's explanation.
- DPC Engineering- The gatehouse needs to be done. The engineering firm recommends installing a Clearwell as a secondary water source because it requires little to no maintenance.
- The State approved my emergency permit for a temporary T-2 license.
- I have not heard anything from Williams Paving since early April.

Shaun Galliher- Finance Committee

- We approved the tentative budget. Our next meeting is on May 1, 2025, at 6:30 PM.

Dave Stuart- School Committee

- There was a lengthy discussion about putting last year's proposed regional agreement on town warrants this year, and only have the towns that voted it down last year re-vote. The school's
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legal counsel said it is okay to do it this way. DESE thinks you can do it this way because it was already presented. Bob says our lawyer, Jay Talerman, strongly suggests not doing it this way. All of the member towns need to re-vote on the regional agreement.

Sgt. Dom Crupi- Police Department

- The lockers are up.
- Chief Boyne is working on new policies.
- The new CBA is signed.

Other New Business: Chair Huntoon reports that the beach house has been torn down and all materials have been cleared. I have to ask Paul about the slab we can have for the pavilion.

Public Comment: None

At 7:57 PM, Bart motions for adjournment, and Margaret seconds. All said, aye.

Respectfully submitted,  
Clarissa Mitchell, *Administrative Assistant*

**Approved on 6/25/25 by the Select Board**

**EXHIBIT 3**

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**Matthew Mozian**

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**Subject:** FW: Hinsdale - ABC and natural wood recycling

----- Forwarded message -----

**From:** Paul Nichols <nsgpnichols@gmail.com>  
**Date:** Monday, June 30, 2025  
**Subject:** Hinsdale - ABC and natural wood recycling  
**To:** Select Board Assistant <Select.Board@hinsdalema.gov>

Thank you

On Monday, June 30, 2025, Select Board Assistant <Select.Board@hinsdalema.gov> wrote:

Thank you for sharing this information. I will pass it on to Bob and the board.

**From:** Paul Nichols <nsgpnichols@gmail.com>  
**Sent:** Monday, June 30, 2025 5:16 AM  
**To:** Select Board Assistant <Select.Board@hinsdalema.gov>  
**Subject:** Fwd: Hinsdale - ABC and natural wood recycling

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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----- Forwarded message -----

**From:** Paul Nichols <nsgpnichols@gmail.com>  
**Date:** Fri, May 9, 2025 at 3:43 PM  
**Subject:** Re: Hinsdale - ABC and natural wood recycling  
**To:** Scheffler, James (DEP) <james.scheffler@mass.gov>

thank you very much

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On Tue, May 6, 2025 at 11:16 AM Scheffler, James (DEP) <james.scheffler@mass.gov> wrote:

Hi Paul,

Sorry for the delay in getting back to you. In our call, you stated that you are interested in recycling asphalt, brick, and concrete (ABC) rubble and natural wood (stumps and other natural wood) at your location in Hinsdale. The ABC rubble would be crushed and the wood would be ground up for bark mulch. It's my understanding that your location is an active sand or gravel pit. As described, these proposed activities appear to be conditionally exempt from Site Assignment and permitting under the Massachusetts Solid Waste Regulations at 310 CMR 16.00 and 19.000.

310 CMR 16.03(2)(b)5 contains a conditional exemption for ABC recycling for unpainted/uncoated ABC processed at an active sand/gravel pit:

5. Asphalt Pavement, Brick and Concrete Recycling Operation. An asphalt pavement, brick or concrete rubble processing (crushing) operation when:

a. the operation is located at:

- i. an active quarry or active sand and gravel pit where any asphalt pavement, brick and concrete rubble that is transported to the operation is presorted, so it contains only asphalt pavement, brick or concrete rubble; or
- ii. the site of a demolition and/or construction project where all the asphalt pavement, brick and concrete rubble processed is generated at the site;

b. the material consists solely of asphalt pavement, brick and concrete rubble that is not mixed with or contaminated by wastes;

c. the asphalt pavement, brick and concrete rubble is processed so the maximum length of the largest dimension of any piece of rubble is less than six inches;

d. all rebar is removed in the process and is recycled or disposed in an approved facility;

e. there is no accumulation of the asphalt pavement, brick and concrete rubble or rebar prior to or after processing whether in its as-received, in-process or processed condition for more than six months from the date of receipt;

f. at least 30 days prior to commencement of operation, the owner or operator notifies the Department and the board of health in writing using a form provided by the Department; and

g. the owner or operator maintains accurate records for at least three years to demonstrate compliance with 310 CMR 16.03(2)(b)5.

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Asphalt Pavement, Brick, and Concrete Rubble means rubble that contains only weathered (cured) asphalt pavement, clay bricks and attached mortar normally used in construction, or concrete that

may contain rebar. The rubble shall not be painted, coated or impregnated with any substance. The rubble shall not be mixed with or contaminated by any other wastes or debris.

310 CMR 16.03(2)(c)7. contains a conditional exemption for handling and use of clean wood:

7. Handling of Clean Wood. The handling and use of clean wood as defined in 310 CMR 16.02.

Clean Wood means discarded material consisting of trees, stumps and brush including, but not limited to, sawdust, chips, shavings, bark, and new or used lumber. Clean wood does not include:

- (a) wood from commingled construction and demolition waste;
- (b) engineered wood products; and
- (c) wood containing or likely to contain:
  - 1. asbestos;
  - 2. chemical preservatives such as, but not limited to, chromated copper arsenate (CCA), creosote or pentachlorophenol; or
  - 3. paints, stains or other coatings, or adhesives.

Please be aware that ABC rubble and wood recycling activities that do not comply with the above may require Site Assignment and/or permits issued under the solid waste regulations. This email only covers the MassDEP solid waste regulations, and there may be other local, state, or federal requirements that apply to the proposed activity. Please contact Tom Speight (copied) or me if you have any questions.

Thanks,

Jim

Jim Scheffler, Environmental Engineer

Solid Waste Management

Massachusetts Department of Environmental Protection

436 Dwight Street, Springfield, MA 01103

857-276-7037 (mobile)

(Former land line number is no longer in use)

[James.Scheffler@mass.gov](mailto:James.Scheffler@mass.gov)

# **EXHIBIT 4**



**Hinsdale Select Board  
Business Meeting Minutes**

Date: May 5, 2025

Time: 5:00 PM

Place: Hinsdale Town Hall  
Town Administrator's Office

**Agenda**

Meeting opened at 5:45 pm

Present: Ray Huntoon, Select Board Chair  
Margaret Gregory, Member  
Bob Graves, Town Administrator

1. 2025 ATM Warrant – Approved
2. Sand and Gravel Permit Review
  - a) NOCO (White Wolf) – Approved
  - b) Nichols Sand & Gravel – Pending a discussion at next Select Board meeting, May 28, 2025
3. Other Business – none

Meeting Adjourned at 5:45 pm

Respectfully,

Bob Graves  
5/6/2025

## Hinsdale Select Board Meeting Minutes

May 29, 2025, at 6:30 PM  
Downstairs Community Room

Present: Ray Huntoon; Margaret Gregory; Bartholomew Collins; TA Bob Graves; Admin. Asst. Clarissa Mitchell

At 6:30 PM, Chair Huntoon opened the meeting, recited the Pledge of Allegiance, and stated the recording notice.

The Select Board did not have the opportunity to read the minutes from the previous meeting, so they could approve them at the next meeting.

**Reorganization of the board:** Bart makes a motion to make Margaret Gregory the chair, and Ray seconds. All said, Aye.

Next, Jamie asks the board to appoint Anthony Talora as a part-time DPW laborer for the summer. Bart makes a motion to appoint him, and Margaret seconds it. All said, Aye.

Then, Vivian Mason is requesting that the following members be appointed to the Library Board of Trustees: David Mickenberg, Elizabeth Mottor, and Thomas Butler. Ray makes a motion to accept the three new members, and Bart seconds. All said, Aye.

TA Graves asks the board to table the discussion of Paul Nichols' gravel permit because Paul was unable to attend tonight. He plans on attending the next meeting.

**Water Line on Robinson Road:** The water line on Robinson Road is a private line originally maintained by Walter Ulmer. There was a water leak near the Casey's residence on Friday. Technically, it is not our responsibility to fix it, but with a holiday weekend coming up, we didn't want all that water leaking. Next time there's a leak, we will shut off the water. DPW Superintendent Jamie Callahan informed the board that an updated policy is needed to clarify responsibilities. The board agreed to hold a water and sewer meeting to discuss updating the policy, and residents will be sent a letter with the updates. We will also be charging them for labor and work done on the water line.

**Plunkett Gatekeeper:** Ray brought up a letter dated April 16, 2025, from Lake Management expressing concerns about the water levels on Plunkett Lake and the role of the Conservation Commission. Ray informed the board that Conservation discussed the letter at their last meeting. Lake Management seeks to appoint a person to handle this task and provide training. There have been no complaints regarding Conservation's management of the drawdown. Ultimately, the Select Board decided to maintain the Conservation Commission's role as the gatekeepers of Plunkett Lake.

**Host Community Agreements:** TA Graves is still awaiting confirmation from the legal department. I hope the renewal agreements will be ready to sign on June 11<sup>th</sup>. Bart made a motion to table the item on the agenda, and Ray seconded it. All said, Aye.

### Communications & Reports

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TA Graves:

- Bob is requesting permission to act on behalf of the town to negotiate and sign paperwork from Mass DEP. The Select Board signed the authorization document.
- Lynne is on vacation next week. She will try to conduct a test run for quarterly billing when she returns.
- The culvert grant representatives called us back requesting additional paperwork.
- Mike Viner has visited a few times this week. The town voted to start negotiations with him regarding his solar field agreement. Mr. Viner was unclear about the PILOT Agreement. He believed it would be resolved at the Select Board meeting. According to Mr. Viner, the contract was never finalized. The solar field is already in place. Laura mentioned that Harald has been reviewing the paperwork, and we plan to meet at the next Board of Assessors meeting to inform the Select Board of our recommendation on how to proceed.
- Eversource notified us today that they are starting work in June to clear trees.

Shaun Galliher- Finance:

- The Finance Committee is meeting next Thursday. We have to do inter-departmental transfers.

DPW Sup Jamie Callahan:

- Topsy's shutoff broke.
- Belmont projects have been initiated. I have started to order parts.
- A lot of grinder pump calls.
- Washout on Pittsfield Rd. I have reached out to Conservation to determine if I need an emergency permit.
- Tree work, Mowing, and road maintenance.
- I had a potential candidate interested in working for us, but he said he would lose money coming here because he pays less in insurance for the City of Pittsfield.
- Berkshire Engineering won't get involved with the town until all of the upgrades are done at the plant.
- I fixed the drainage issue in the vault at Belmont.
- Foresight has been marking wetlands on Old Windsor Road.

Dave Stuart- School Representative

- The new district superintendent, Michael Henault, has signed his contract. He will start on July 1<sup>st</sup>. He plans to visit each town and introduce himself to the residents.
- Peru has the regional agreement on their warrant. Cummington is having a special town meeting at the end of June to vote on the regional agreement.

**Other Business:**

- Ray noted that we had a lot of volunteers on Sunday start working on the pavilion at Plunkett.

**Public Comment:** None

At 7:21 PM, Bart motions for adjournment, and Ray seconds. All said, aye.

Respectfully submitted,  
Clarissa Mitchell, *Administrative Assistant*

---

Margaret Gregory- Chairperson

---

Bartholomew Collins- SB Member

---

Ray Huntoon- SB Member

## **EXHIBIT 5**

Town of Hinsdale  
39 South Street  
Hinsdale, MA 01235

Office of the  
Select Board



Phone: (413) 655-2245  
Fax: (413) 655-8807  
TTY: 7-1-1

May 10, 2019

Paul Nichols  
190 Cleveland Road  
Dalton, MA 01266

The Hinsdale Board of Selectman has approved your application for an Earth Removal Permit on your parcel (Map 318 Lot 10, 374, 382, 318) with the following conditions:

- 1) You shall adhere to conditions outlined in the Town of Hinsdale By-Law #37 (enclosed) regulating gravel, loam, sand and stone removal, and to any conditions placed on the project by a town board or commission, or town official which required input on this project.
- 2) Operation will be limited to Monday – Saturday from 7am – 6pm. The one stipulation is that the gravel operation will not run the crusher on Saturday. The trucks will enter and exit on Route 8 only and not onto Maple Street.
- 3) This permit is valid for one year from the date of issue, May 1, 2020.
- 4) You may begin work immediately.

If you have any question, please call the Selectmen's office.

Sincerely,

A handwritten signature in cursive script that reads 'Lynne Baumgartner'.

Lynne Baumgartner  
Administrative Assistant

Enclosures

# **EXHIBIT 6**

























# **EXHIBIT 7**

## **Hinsdale Select Board meeting minutes for the June 11, 2025 meeting**

Meeting: June 11, 2025

Location: Hinsdale Town Hall Community Room

Time: 6:30 PM

### **Present**

Margaret Gregory, Select Board (SB) Chair; Ray Huntoon, SB Member; Bart Collins, SB Member Town Administrator Bob Graves; Police Chief Shawn Boyne; DPW Super Jamie Callahan; Finance Chair Shaun Galliher; Assessors Chair Laura Galliher, Emergency Management Director Ray Bolduc; Bonnie

1. **Meeting Opened** at 6:31 PM. Chair welcomes attendees, explains meeting norms, and leads the pledge.

2. **Review/Approve Pervious Meeting Minutes:** Clarissa Mitchell, the Admin Assistant, is currently on vacation. As a result, the minutes from April 23, May 5, and May 29 will be reviewed and approved during the SB meeting scheduled for June 25.

3. **Gravel Permit Request** review: Paul Nichols is present. It appears the SB approved it weeks before, but he confirmed his crushing business. The original permit application from Nichols will be requested from Admin Assistant Mitchell when she returns. SB and Agent K. Boudreau will review all permit annual reviews.

4. **HCA Renewals:** After requesting rapid Host Community Agreement (HCA) for their Marijuana operations, TA-Graves is still awaiting FFD Enterprises and Green Patriot, LLC to agree with our terms, so that the Select Board may to act on them. We have tabled the review and approval of the HCA to the June 25, 2025, SB meeting.

### **5. Communication & Reports**

#### **a. Town Administrator Bob Graves**

- i. The Town has been granted the first right of refusal regarding the Epstein Trust property located at 0 Longfellow Avenue (132104000000480). Following a thorough review of the materials, maps, and pertinent details, the SB has reached a decision not to proceed with the purchase of the lot. Graves will notify the owners.
- ii. Clothing is now eligible for recycling at the Transfer Station, in collaboration with a group from Northborough, MA, aimed at minimizing waste. The program was initiated by the Hinsdale membership of the Northern Berkshire Solid Waste Municipal District.

#### **b. Police Chief Shawn Boyne**

- i. The Chief is in search of a replacement for Officer Jose Gonzales, who voluntarily resigned last week. He expressed gratitude to Gonzales for his service and then indicated that there were three candidates interested in the position. Further details will be provided in the upcoming weeks.
-

- ii. Boyne is now in the procurement process for a new cruiser. The 2025 ATM authorized the acquisition. Another vendor installs the vehicle's telecommunications equipment.
- c. DPW Super Callahan
  - i. Williams Paving will complete Phases II and III of the Schnopp Roads Project by mid-July. Williams Paving anticipates that approximately three days of reclaiming and paving will be completed within the next three weeks. The project is progressing satisfactorily.
  - ii. Jamie convened a meeting with representatives from Elm Electric and Tensile Water to deliberate on the forthcoming installation of a new water computer system and testing equipment later this summer. Jamie is attempting to ensure that all parties are in agreement regarding the scheduling and specifics.
  - iii. His crew is utilizing the new tractor to mow, repair washouts caused by the abundance of rain, and fill potholes asap.
- d. EMD Ray Bolduc
  - i. MEMA visited town earlier that day to learn about and see the Fire Department's rehabbed Rehab Bus.
  - ii. *To Ray's surprise:* MEMA Director Dawn Brantley and Deputy Director Pat Carnevale commended Ray Bolduc for all his work for the Town of Hinsdale and MEMA over the years.
  - iii. **Congratulations, Ray!**
- e. Finance Chair Shaun Galliher
  - i. The Finance Committee (FC) convened last Thursday evening to assess the current budget status and conclusion of FY2025 on June 30.
  - ii. The FC approved the allocation of funds from the reserve account to cover excess expenditures in Veteran's Aid, Property and Casualty Insurance, and Audit expenses.
  - iii. The Finance Committee currently has a vacancy and is in the process of identifying potential candidates for the open position. This opportunity will be posted on the website next week (see below for more info).

If anyone has questions about this or any other open committee seats, please contact Town Administrator Bob Graves at 413-655-2300, x355 or at [town.administrator@hinsdalema.gov](mailto:town.administrator@hinsdalema.gov) about how to learn more on becoming a committee member.

- 6. Other Business – none
  - 7. Public Comment: None
  - 8. Meeting adjourned at 7:29 pm.
-

Respectfully,

Bob Graves  
Town Administrator

---

# **EXHIBIT 8**



CAMPOLI ▪ MONTELEONE ▪ MOZIAN  
ATTORNEYS AT LAW

27 WILLIS ST, P.O. BOX 1384  
PITTSFIELD, MASSACHUSETTS 01202  
PHONE: (413) 443-6485 · FAX: (413) 448-6233  
WWW.CAMPOLILAW.COM

THOMAS L. CAMPOLI  
J. PERI CAMPOLI  
ROBERT A. MONTELEONE, JR.  
MATTHEW MOZIAN \*\*

SCOTT W. ELLIS \*  
NICHOLAS M. ZARICKI

\* Also admitted in CT  
\*\* Also admitted in NY

ANDREW T. CAMPOLI  
OF COUNSEL

June 12, 2025

Raymond Huntoon  
52 Curtis Street  
Hinsdale, MA 01235

Re: **No Trespass Notice**

Dear Mr. Huntoon:

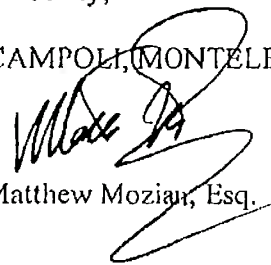
This letter is to inform you that as of today June 12, 2025, you are no longer allowed in or around the Property (including, but not limited to, the yard and all exterior areas) at 318 Maple Street in Hinsdale, Massachusetts for any reason whatsoever.

If you are seen in or around the above referenced locations you will hereafter be considered as a "TRESPASSER" and the police will be called to ARREST you. This notice will serve to comply with the M.G.L., c. 266 §120, in that you have been given written notice. A copy of this letter is being sent to the Hinsdale Police Department for their information.

Please direct any and all future correspondence to my attention.

Sincerely,

CAMPOLI, MONTELEONE & MOZIAN, P.C.

  
Matthew Mozian, Esq.

MM/jmw  
cc: Hinsdale Police Department

CAMPOLI, MONTELEONE & MOZIAN, P.C.

NORTH ADAMS OFFICE: 33 MAIN STREET, NORTH ADAMS, MASSACHUSETTS 01247 · (413) 663-9501 · FAX (413) 663-9564  
GREAT BARRINGTON OFFICE: 268 MAIN STREET, GREAT BARRINGTON, MASSACHUSETTS 01230 · (413) 528-5522 · FAX (413) 644-0182



**Office of the Sheriff • 264 Second Street • Pittsfield, MA 01201 • (413) 443-6841**  
**Berkshire, ss.**

June 26, 2025

I hereby certify and return that on 6/24/2025 at 3:40 PM I served a true and attested copy of the Trespass Notice in this action in the following manner: To wit, by leaving at the last and usual place of abode of Raymond Huntoon, 52 Curtis Street Hinsdale, MA 01235 . Flat Fee Service (\$60.00) Total: \$60.00

Deputy Sheriff, Russell Moody

---

**Deputy Sheriff**



CAMPOLI ■ MONTELEONE ■ MOZIAN  
ATTORNEYS AT LAW

27 WILLIS ST, P.O. BOX 1384  
PITTSFIELD, MASSACHUSETTS 01202  
PHONE: (413) 443-6485 · FAX: (413) 448-6233  
WWW.CAMPOLI.LAW.COM

THOMAS L. CAMPOLI  
J. PERI CAMPOLI  
ROBERT A. MONTELEONE JR.  
MATTHEW MOZIAN \*\*

ANDREW T. CAMPOLI  
OF COUNSEL

SCOTT W. ELJIS \*  
NICHOLAS M. ZARICKI

\* Also admitted in CT  
\*\* Also admitted in NY

June 12, 2025

Peter Huntoon  
48 Curtis Street  
Hinsdale, MA 01235

Re: No Trespass Notice

Dear Mr. Huntoon:

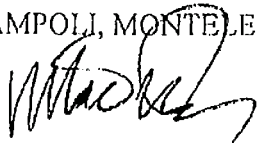
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If you are seen in or around the above referenced locations you will hereafter be considered as a "TRESPASSER" and the police will be called to ARREST you. This notice will serve to comply with the M.G.L., c. 266 §120, in that you have been given written notice. A copy of this letter is being sent to the Hinsdale Police Department for their information.

Please direct any and all future correspondence to my attention.

Sincerely,

CAMPOLI, MONTELEONE & MOZIAN, P.C.

  
Matthew Mozian, Esq.

MM/jmw  
cc: Hinsdale Police Department

CAMPOLI, MONTELEONE & MOZIAN, P.C.

NORTH ADAMS OFFICE: 33 MAIN STREET, NORTH ADAMS, MASSACHUSETTS 01247 · (413) 663-9501 · FAX (413) 663-9564  
GREAT BARRINGTON OFFICE: 268 MAIN STREET, GREAT BARRINGTON, MASSACHUSETTS 01230 · (413) 528-5522 · FAX (413) 644-0182



Office of the Sheriff • 264 Second Street • Pittsfield, MA 01201 • (413) 443-6841  
**Berkshire, ss.**

June 26, 2025

I hereby certify and return that on 6/24/2025 at 3:40 PM I served a true and attested copy of the Trespass Notice in this action in the following manner: To wit, by leaving at the last and usual place of abode of Peter Huntoon, 52 Curtis Street Hinsdale, MA 01235 . Flat Fee Service (\$60.00) Total: \$60.00

Deputy Sheriff, Russell Moody

---

**Deputy Sheriff**

# **EXHIBIT 9**

## **Hinsdale Select Board meeting minutes for the June 25, 2025 meeting**

Meeting: June 25, 2025

Location: Hinsdale Town Hall Community Room

Time: 6:30 PM

### **Present**

Margaret Gregory, Select Board (SB) Chair; Ray Huntoon, SB Member; Bart Collins, SB Member; Police Chief Shawn Boyne; DPW Super Jamie Callahan; Finance Chair Shaun Galliher; Assessors Chair Laura Galliher, Lake Management Members Monica Montferret & Duane Bruce

1. The meeting opened at 6:30 PM. Chair Gregory welcomes attendees, explains meeting norms, and leads the pledge.
2. **Review/Approve Pervious Meeting Minutes:** Bart motions to approve meeting minutes from April 23, 2025; May 5, 2025; May 29, 2025; June 11, 2025 as written, and Ray seconds it. All said Aye.
3. **FY26 Appointments:** Chair Gregory made a motion to re-appoint the following people, and Ray seconded it. All said, Aye.

**Accountant-** Charles Browne

**Administrative Assistant & Accountant Assistant-** Clarissa Mitchell

**Administrative Assessor-** Mary Gelinis

**ADA Coordinator & Building Inspector-** Paul Greene

**Animal Control Officer –** Jessecah Gower

**Beautifications Committee –**Candace Galeucia-Chair, Sue Robert, Karen Balardini, Jim Balardini, Brigitte Reed, Mardi Goldman, Kathy Marran

**Berkshire Metropolitan Planning Organization –** (appointed by the Select Board) Ray Huntoon

**Berkshire Regional Transit Authority Representative –** Margaret Gregory

**Berkshire Regional Transportation Improvement Program (TIPS)-** Ray Huntoon

**Berkshire Regional Planning Commission Delegate –** Keith Harrison (appointment by Planning Board) & Vacancy, Alternate (appointed by Select Board)

**Board of Health –** Fred Sears – Health Agent, Ken Boudreau

**Earth Removal Inspector –** Ken Boudreau

**Board of Registrars –**Holly Adams, Marylou Galliher, Erin Frissell-Filiault (Assistant Registrar), Michael Galliher (Assistant Registrar)

**Cemetery Committee –** Daniel Kaufman

**Community Center Coordinator-** Richard Eastland

**Conservation Commission –** Caleb Mitchell-Conservation Agent, Ken Boudreau-Chair, Raymond Huntoon, Richard Litchfield

**Council on Aging –** Janet Verge-Co-Chair, James Alden- Co-Chair, Marion Tinney, Jill Cole, Eve Grippaldi, Jennifer Stark, Joanne Larmon, Margaret Roussin, Linda Schermerhorn,

**Crossing Guard –** Carole Forward

**Dalton Communications Liaison –** Chief Shawn Boyne

**Hinsdale/Peru Cultural Council** – (Hinsdale Residents selected by the Select Board) Marjorie Filkins-Chair, Thomas Butler, Rima Sala

**Emergency Management Agency**- Raymond Bolduc (Director), Chief Shawn Boyne (Deputy Director), Shaun Galliher (Public Affairs Officer), Dave Foley

**Election Workers** –Candace Galeucia, Michael Galliher, Holly Adams, Michael Ciaburri, Dion Douglas, Terry Douglas, Cynthia DiPierro, Russell Parks, Daniel Thornton, Marylou Galliher, Lois Murray, Judy Quail, Suzanne Robert, Richard Scialabba, Stephen Lampear, Osvaldo Macedo, Margaret Roussin, Kim Trova, Thomas Butler, Nancy Crane, Vivian Mason, Margherita Hoffman, Mary Lamke, Marjorie Filkins, Laura Galliher, Susanne Robert, Lorinda Smith Keith Avalle, Jessecah Gower (*sworn in as needed by Town Clerk*)

**Fire Department Chief** – Ralph Cormier

**DPW Superintendent**- James Callahan

**Highway Crew**- Lawrence Kowalczyk, Barton Wappes, James Fox, Justin Sullivan

**Historical Commission** – Mary Rice-Chair, Carole Forward, Judy Casey, Phil Collins, Richard Eastland, Tom Butler

**Lake Management Committee** – Monica Montferret, Duane Bruce, Cynthia Grippaldi, Matthew Goggin, Heather Moser Lee, Brian Diorio

**Interim Library Director**- Osvaldo Macedo

**Library Assistants**- Chloe Juliano, Destiny Tetlow, Hannah Perkins, Susan Shelsy, Sarah Welch (Asst. Director)

**Massachusetts Emergency Response Commission**- Chief Shawn Boyne

**Municipal Light Plant** – Richard Eastland, Russell Parks

**North Berkshire Solid Waste Management Representative** – Barry O'Keefe

**Plunkett Lake Gatekeeper** – Conservation Commission

**Plunkett Lake Beach Committee**- Jim Ouimette-Chair, Marie Cole-Secretary, Craig Walton, Brian Diorio, David Stuart, Stanley Walczyk, Marlene DeAngelus

**Plumbing & Gas Inspector**- William Zeitler

**Police Chief**- Chief Shawn Boyne

**Police Officers – Full Time** –Dominic Crupi (Sergeant), Nicholas Feld, Jeffrey Spratt **Part-Time** – Keith Avalle, Jessecah Gower

**Town Treasurer/Collector**- Lynne Baumgartner

**Town Counsel** – Kopelman & Paige; Mead, Talerma & Costa (Special Counsel), Law Office of Iris Leahy (Special Counsel- Tax Title)

**Transfer Station Attendant & Tree Warden**- Barry O'Keefe

**Veteran's Agent** (Under contract at City of Pittsfield) – Robin Scafe

**War Memorial Committee** –Bill Basilere, Richard Eastland, Ken Kirchner, Thomas Butler, Wayne Walton

**War Memorial Curator**- Richard Eastland

**Water & Sewer Clerk**- McKenzie Doyle

**Water & Sewer Committee**- Russell Parks-Chair, Mary Rice-Secretary, Laura Galliher, Richard Eastland, Monica Montferret

**Web Master**- Boris Basora

**Wired & Electrical Inspector**– Dana Spring

**Zoning Board of Appeals** –Jeffrey Viner-Chair, Bruce Alexander, Daniel Thornton, Dion Douglas- Alternate, Terry Douglas-Secretary

5. **Road bumps on Old Dalton Rd:** Chair Gregory expressed concern about the increased speed on Old Dalton Road. She is asking if the town can put a road bump on the road to reduce speeding. We would use Old Dalton as a test road before we put road bumps on other roads in town. Chair Gregory recommends doing a study of the roads in town. Chief Boyne recommends rumble strips because you are not digging into the road. He also gave Margaret more information on the subject matter. Jamie is concerned about digging into the road to install speed bumps because water can seep underneath the road. You would also need to consider the longevity of the road if you did that.

6. **Camp Updates:** Lake Management has met with several camp representatives (excluding Danbee and Berkshire Lake Camp) over the past two months. At our last meeting, it appeared that Romaca and Emerson are collaborating to create a boating pattern that will be safer for all. However, they will update us this week if that theory converts to reality. The Plunkett Lake Association (PLA) leaders seem cautiously optimistic, and the camps were open to sharing schedules and contact information with them. Camp Taconic had a Zoom representative for both meetings, but neither person was able to suggest or commit to changes or even partial solutions at Ashmere. We will be inviting them to attend our July meeting.

## 7. Communication & Reports

1. Lake Management Committee- Monica Montferret
    - a. Camp Romaca is exploring how to build the two signage boards for Plunkett Beach and the boat ramp. Everyone is very concerned about the risk of zebra mussel infestation. We were informed that the zebra mussel sign is now missing from the boat launch at Plunkett. Romaca understands that we need to coordinate with the town and the Conservation Commission. I will share our thoughts on signage at the upcoming meeting.
    - b. Monica asked if there would be a meeting for the spillway project, as the meeting last June had been canceled. Bob still hasn't posted the reports online. The board stated that we are waiting to hear whether we have received the funding before holding a public meeting.
    - c. Monica asked what the town plans to do about aerators. She mentioned that Ray brought up the idea of holding a public meeting to see if residents want them or want to ban them.
    - d. Monica reviewed the survey results from the herbicide treatments applied to the lakes.
  2. Chief Shawn Boyne
    - a. Reviewing candidates to fill the full-time vacancy within the department.
    - b. The new cruiser is available for pickup.
  3. Shaun Galliher- Finance
    - a. We are considering meeting on July 2 instead of July 3 due to the holidays.
  4. DPW Sup James Callahan
    - a. Williams is finishing the paving of Schnopp Road and will apply a topcoat in a couple of weeks.
-

- b. The town's water report shows we have 38,000 gallons of treated water unaccounted for. The state believes it's related to our meters. We check them once a month. They recommend upgrading our meters.
- c. The crew has been mowing and grading throughout the town.

8. Other Business:

- a. Ray Huntoon expressed concerns about Paul Nichols' business in town and wants to meet with the owner, Board of Health, Earth Removal Inspector, and other relevant department heads. The meeting will be at a later date. Questions were raised about how his permit was initially approved.
- b. John Bilotta mentioned an increase in trash near the business since Hinsdale Food Mart opened. A lot of garbage and nip bottles have been tossed on the ground. He is requesting that the board send a letter to the business.

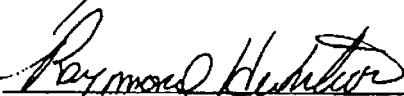
9. Public Comment: None

10. Meeting Adjournment: At 8:25 PM, Bart motioned for adjournment, and Margaret seconded it. All said, Aye.

Respectfully submitted,  
Clarissa Mitchell, *Administrative Assistant*

N/B  
Margaret Gregory- Chairperson

  
Bartholomew Collins- SB Member

  
Ray Huntoon- SB Member

# **EXHIBIT 10**

## **Hinsdale Select Board meeting minutes for the July 23, 2025 meeting**

Meeting: July 23, 2025

Location: Hinsdale Town Hall Community Room

Time: 6:30 PM

### **Present**

Margaret Gregory, SB Chair; Ray Huntoon, SB Member; Town Administrator Bob Graves; Finance Chair Shaun Galliher; Assessors Chair Laura Galliher; DPW Sup. James Callahan, Admin Assistant. Clarissa Mitchell; Bonnie Connor; Asst. Town Clerk Marylou Galliher, Bonnie Connor, Mike Viner, Katey Bolger

### **Absent**

Bartholomew Collins

1. The meeting opened at 6:30 PM. Chair Gregory welcomes attendees, explains meeting norms, and leads the pledge.
2. **Hearing for Heramba Corp:** Due to technical difficulties with Zoom, the board tabled the hearing until a later date. The Select Board would like the applicants or the lawyer to attend in person.
3. **Review/Approve Previous Meeting Minutes:** The meeting minutes will need to be approved at the next Select Board meeting, as Bart is absent and Margaret was not present at the last meeting.
4. **Discuss PILOT Agreement for Global Construction Services** - The purpose of the PILOT agreement is to lower the taxes now and raise them over time. Fixed amounts bind you; you cannot appeal this agreement in court. Mike Viner is requesting that the contract be extended to 2039 instead of 2045 because his agreement with the utility company is set to expire in 2039, and if it is not renewed, he will not make a profit from the solar field. He would probably close the field. Assessor Laura Galliher suggests holding a board meeting with Harald when he returns to discuss the contract further. The board agreed to table this to a later date.
5. **Discuss potential movie nights at the community center-** Resident Katey Bolger is asking the board if she could explore the possibility of having teen movie nights at the community center. Katey would look into what equipment and supplies would be needed. She would get parents and teachers to volunteer. The town would need to investigate what our liability insurance does and does not cover. The board instructed her to develop a proposal for the movie night.
6. **Discuss Access Road-** Berkshire Concrete was exiting their gravel pit from Paul Nichols' property, but no longer has permission to do so. They need another place to exit. Berkshire Concrete has a right-of-way between the fire department and the highway garage; however, there is now a communication tower, sewer lines, and other infrastructure. The right-of-way is no longer an option. At one point, they used the road closet at Kittredge School. There was a chain-link fence to keep children out of it. Ray Huntoon said there are approximately five to six trucks a day hauling material. Questions were raised about dust control and safety concerns due to the elementary school playground located near the access road. The board agreed to have a public meeting to discuss problems with Petricca and other department heads.
7. **Communications & Reports**

TA Graves reports the following:

---

- Water and Sewer Bills will go out next week.
- I am working on budget paperwork with the State for the Schnopp Project.
- Mass DEP was in town for a site visit and stopped at the transfer station. The person from DEP said we had violations at the town dump. The hazardous waste sign on the shed was still visible, even though we do not have an active hazardous waste storage shed. We will take the materials to a hazardous waste event to dispose of everything. The DEP rep noted a few other things that are easily fixable.

**DPW Sup Jamie Callahan**

- I received our audit from the State, and we produced 34 million gallons of water last year; however, 10.4 million gallons were not billed. Mass Rural Water is going to revisit the hydrants and hire a third-party vendor to assess our system. They think it is a software issue.
- Turbidity meters should be here tomorrow. They cost around \$12,000, and our budget is \$30,000.
- I met with Jared, who is interested in working as the water and sewer operator in Hinsdale.
- Williams Paving will be paving Schnopp's next week on Monday and Tuesday.

**Shaun Galliher- Finance Chair**

- We closed the books for fiscal year 2025.

**8. Other Business**

- Wendy Casey received the bill for the sewer line break on Robinson. We told her to split the bill with the other users.
- There is a geese problem at the pavilion on Plunkett Beach.

**9. Public Comment- None**

**10. Meeting Adjournment-** At 8:42 PM, Margaret motioned for adjournment, and Bart seconded it. All said, Aye.

Respectfully submitted,  
Clarissa Mitchell, *Administrative Assistant*

---

Approved at Select Board meeting on 8/13/25

# **EXHIBIT 11**

## Hinsdale Select Board Meeting Minutes

Meeting: August 13, 2025

Location: Hinsdale Town Hall Community Room

Time: 6:30 PM

### Present

Margaret Gregory, SB Chair; Ray Huntoon, SB Member; Bart Collins, SB Member; Police Chief Shawn Boyne; Finance Chair Shaun Galliher; Assessors Chair Laura Galliher; DPW Sup James Callahan; Monica Montferret, LMC Chair; Christopher Montferret, PB Chair

### Absent

Robert Graves, Town Administrator

1. The meeting opened at 6:30 PM. Select Board Chair Gregory welcomes attendees, explains meeting norms, and leads the pledge.
2. Chair Gregory resumes the hearing from July 23, 2025, for the application for an amendment regarding the pledge of collateral for Heramba Corp., located at 521 Old Dalton Road. The hearing was postponed due to technical difficulties, and the board requested representation at the meeting. The pledge of collateral is standard for many businesses, as they often use their alcohol license as collateral for their inventory. If the company closes, the license stays with the state, and the board approves the new ownership of the license. Margaret motions to approve the pledge of collateral for Heramba Corp. Bart seconds, and all say aye.
3. Ray approves minutes from July 9, 2025, July 16, 2025, July 23, 2025, and August 6, 2025 as written, and Bart seconds it. All says, aye.
4. **Public Comment**
  - Chris Montferret (23 Henry Dr) spoke on behalf of the Skyview Grove association regarding the speeding around the cove. Chief Boyne said he will look into it.
  - Laura Galliher asked whether the issue with the master key and a specific employee had been addressed. Chair Gregory stated that the employee has had a master key for a long time and needs to access certain offices or let people into their offices for specific reasons. Chair Gregory told Laura that this matter should not be discussed during public comment, but Ray and Bart told her to continue. Laura expressed her ongoing concern about people having access to the assessor's office because of the confidential information involved. When residents apply for exemptions, they are required to submit tax information. Laura said she plans to rekey the office. Ray approved the request for the assessors to key the door, and Bart seconded the motion.

**The board's vote is invalid because the item regarding door rekeying was not on the agenda.**

5. Bart motioned to appoint Jared Genzabella as the water and sewers operations manager, and Ray seconds it. All said, Aye.
-

6. Margaret motioned to appoint Kelly Wright as part-time library assistant, and Ray seconds it. All said, aye.
  
7. Margaret motioned to approve the renewal of the host community agreement for Green Patriot, LLC, and Bart seconded it. All said, Aye.
  
8. **Access Road for Berkshire Concrete:** Mark Dzbenski, the operations manager of production for Berkshire Concrete, said they have a couple of years left for digging at their gravel pit. They have approximately five trucks a day. We are willing to help with dust control near the road. We subcontract the drivers. As soon as everything freezes, we close the pit for the winter. The number of buses has decreased because parents drop off their children. After a lengthy discussion, everyone agreed that the best course of action is to have the trucks come through their driveway by Topsy's, then come out loaded by the school and fire station. The town will be installing a chain-link fence near the playground.

Margaret motions to allow Berkshire Concrete to use the access road, and Ray seconds the motion. All said, Aye.

9. **Communications & Reports**

1. Shaun Galliher- Finance Chair
    - Charlie is working on certifying the free cash
  
  2. DPW Sup James Callahan
    - Turbidity meters will be installed tomorrow
    - Analyzers are in
    - A resident just bought a lot that is located on Calvin Rd. and at the end of Ashmere Rd. It is a paper street, treed in, with wetlands, and not accepted by the town. She is wondering how she gets sewer. The board stated that she is responsible for obtaining her sewer.
    - Berkshire Engineering should hopefully notify us of a start date.
  
  3. Chief Shawn Boyne
    - I have sent you a draft of an animal control officer job description as a starting point for updating our current one.
  
  4. Monica Montferret- Lake Management Chair
    - An environmental police officer was on Ashmere Lake, camps were closing for the season, and no violations were found.
    - Camp Taconic will be attending our next meeting.
    - At one of the previous meetings, Ray said we would have a public forum to see whether residents are interested in having a bylaw article put on the annual town meeting warrant. What is the status of this? The board said no date has been set for this yet. We will review previous meeting minutes to recall the discussion on this matter, as it was so long ago.
    - I am requesting that the camps and Lenore Development be added to the water and sewer meeting agenda.
  
  5. Chris Montferret- Planning Board Chair
-

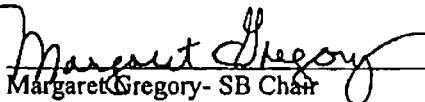
- The planning board is supposed to be a five-person board, which means we need at least three people to have a quorum. We have been operating as a two-person board, which I believe is not a legal structure. One of the Select Board members can be temporarily appointed to serve on the board until the next election.

Administrative Assistant Clarissa Mitchell said she would contact legal on this matter and report back to the planning board.

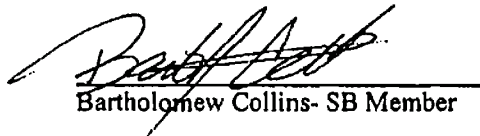
10. **Other Business:** None

11. **Meeting Adjournment:** At 8:01 PM, Bart motioned for adjournment, and Margaret seconded it. All said, Aye.

Respectfully submitted,  
Clarissa Mitchell, *Administrative Assistant*

  
Margaret Gregory- SB Chair

  
Raymond Huntoon- SB Member

  
Bartholomew Collins- SB Member

# **EXHIBIT 12**

Town of Hinsdale - Board of Selectmen

Minutes of Public Hearing for Earth Removal Permit by Berkshire Concrete  
February 18, 1998

Present: Bruce Marshall, David Quail, John Genzabella

Also Present: Michael Ciaburri, William Dufour, Mary Lou Galliher, Katherine Kirchner, Millington, Audrey Tiska, Adam & Lisa Trachier, Larry Turner

The Public Hearing to consider an application by Berkshire Concrete was called to order at 7:30 PM. Appearing for Berkshire Concrete were Perri Petricca and Ron DeAngelus who outlined the scope of the project. Berkshire Concrete will remove gravel, grade and restore the area which is being donated to the town for the school. Access to the site will be from Route 143. The project will last for four years, however the permit being applied for is good for only one year and must be renewed annually. In the first year a maximum of three acres will be worked on. The hill that screens the site from Route 8 will not be disturbed. They will begin the project with the area closest to Kittredge School as soon as the site is dry. The area could be fenced in order to keep children out of it. Four trailers with covered loads, working on twenty minute rounds, will be working at the site hauling material. Work hours at the site will be 7 AM to 3:30 PM. Work will be done only in the spring, fall and summer.

Concerns were expressed by meeting attendees. Larry Turner expressed concern that the egress road beside the fire station be maintained. Mr. Petricca assured the Selectmen that they would repair any damage done by truck traffic. Drainage under the right of way will also be maintained by Berkshire Concrete. Concern over weekend operation was addressed when Mr. Petricca said that they would not work on Saturday, Sunday or holidays. He will supply a list of their holidays. There will be no processing on the site, only removal of material. They will work north to south and reclaim as they go. The only thing visible from the road will be the hill and the trucks exiting the site. The plan will be updated on a yearly basis. Truckers will be highly aware of the school children and will pull out slowly. All complaints about trucks speeding should be referred to Mr. Petricca.

The consensus of abutters was that they operation sounded like something they could live with if it proceeded as outlined. Some spoke in support of getting the area done and reclaimed so that the school can have its soccer field.

The Selectmen voted unanimously to grant the permit on the following conditions: the operating hours will be 7AM to 5 PM, with no work being done on Saturday, Sunday or holidays. All damage to the road or drainage will be repaired by Berkshire Concrete. Calcium will be used to prevent dust. Safety of school children will be of the utmost concern and all measures to insure their safety will be employed by Berkshire Concrete. A bond of \$20,000 per acre will be required.

The Public Hearing was closed at 8:10 PM

Respectfully Submitted by Abby Kramer Mayou

# **EXHIBIT 13**

## Hinsdale Select Board Meeting Minutes

Meeting: August 27, 2025

Location: Hinsdale Town Hall Community Room

Time: 6:30 PM

### Present

Margaret Gregory, SB Chair; Ray Huntoon, SB Member; Bart Collins, SB Member; Finance Chair Shaun Galliher; Assessors Chair Laura Galliher; DPW Sup James Callahan; Harald Scheid (RRG)

### Absent

Robert Graves, Town Administrator

1. The meeting opened at 6:30 PM. Select Board Chair Gregory welcomes attendees, explains meeting norms, and leads the pledge.
2. **Review/Approve Previous Meeting Minutes:** Ray motioned to approve the meeting minutes from August 13, 2025, as written, and Bart seconded. All said, Aye.
3. **Public Comment**
  - The meeting began with a discussion on public comment procedures. It was decided to increase the public comment time to 3 minutes per person, with a request that speakers provide their names and addresses. A further discussion will be necessary to determine whether people can comment on agenda items during the meeting.
  - Bonnie Connor (122 Main St) raised concerns about the current public comment process and questioned the legality of a recent vote on rekeying an office, which was not on the agenda.
  - Laura Galliher (19 Taylor St) defended the practice of voting on unlisted agenda items and questioned the decision to rescind the previous vote on rekeying the office, noting that Ray and Bart were not informed of the rescission. Laura also discussed security concerns regarding office keys and cabinet locks in the Assessor's office, and expressed frustration about spending taxpayer money on new locks that may need to be rekeyed. The discussion revealed that only three windows in the building had key locks, and some confidential information was being left unsecured on desks.
  - Paul Nichols (318 Maple St) addressed the board about harassment related to a road issue and his business. Mr. Nichols told the board that Select Board Member Ray Huntoon is a liar. Nichols mentioned he gave Petricca a right-of-way to leave his driveway. He says he will be taking legal action, and he recorded this conversation.
4. **BRPC Alternate Delegate:** The board is holding off on appointing an alternate delegate because Kore Longdyke is interested in being appointed to the Planning Board until the May election.
5. **PILOT Agreement- Global Construction Services LLC**

4. Laura Galliher- Board of Assessor's Chair

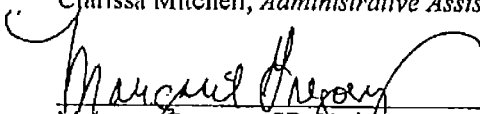
- Laura asked the board why this rekey issue was not on the agenda again for a revote. Maggie explained that all town offices would be rekeyed ~~within~~

the next year as part of a larger building security update. *Shawn Galliher*  
*Agreed as there was no money in the budget for year*

8. **Other business:** Justin Spagnuolo (305 Buttermilk Road) expressed frustration that his road receives inadequate maintenance compared to Watson Road, which is receiving a "Taj Mahal treatment." People are constantly speeding on it and ripping it up. It never gets rolled.

9. **Meeting Adjournment:** At 7:32 PM, Bart motioned for adjournment, and Margaret seconded it. All said, Aye.

Respectfully submitted,  
Clarissa Mitchell, *Administrative Assistant*

  
Margaret Gregory- SB Chair

  
Raymond Huntoon- SB Member

  
Bartholomew Collins- SB Member