

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

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**Wednesday, March 11, 2020, 6:00 p.m.
MEETING MINUTES**

CALL TO ORDER: On the above date the Board of Selectmen held a meeting in the Mahogany Room of Adams Town Hall. The meeting was called to order at 6:00 p.m. by Vice Chairman Bush. Present were Members Duval, and Nowak. Also present were Town Administrator Green, Building Commissioner Garner, Code Enforcement Officer Blaisdell, and Tighe and Bond staff. Chairman Hoyt arrived at 6:17 p.m. Member Blanchard arrived at 7:50 p.m.

NEW BUSINESS

Information and Discussion on M.G.L. Chapter 40U and M.G.L. Chapter 40, § 21D: *Building Commissioner Garner and Code Enforcement Officer Blaisdell* explained the purpose behind utilizing M.G.L. Chapter 40U. It was explained that there are three forms of ticketing; for parking violations, a 21D non-criminal violation ticket supported by Section 40 of MGL used for Board of Health; and the 304 Fire and Building Code violations. The Town of Adams is using the 21D Ticket but needs a more robust system as items slide through the cracks. It was explained that tickets are sent out but fines are difficult to collect. It was noted that there is a pile of 200 uncollected tickets in the amount of \$2,000. It was further explained that people receive tickets, don't pay them and then may go to court for collection but it takes time and the court may issue fines. The court then takes the funds and pays for the court time, many times reducing the Town funds to nothing. Under 40U the Town can ticket the individual, and if they do not comply within 21 days the Town can start fining them if it is not appealed. A 30-day notice is then sent, which goes forward until after the first day of the calendar year when it then attaches to the taxes. This option would need to be written into the bylaw and the Town can structure as desired. It was noted that once Pittsfield put 40U in place they were able to bring in \$40,000 which would be a lower amount in Adams. This would bring in more revenue and provide a good tool for code enforcement, zoning bylaws enforcement and for the Building Commissioner. Examples were given of larger fines that had been collected. It was noted that 40U gives the Town more ability to control slum and blight and to streamline the process. It was explained that it is especially difficult to collect fines from out of state banks and property owners, so this would make it an automatic collection process. Fire and Building Codes violations require a municipal officer for hearings and the Town pays a stipend of \$200 annually for that person to hear appeals. The Municipal Hearings Officer is already in place, and can hear the first level of appeals for 40U as well. This process inserts the Municipal Hearing Officer instead of sending them to court. It was noted that court fees may cost more than the amount and the court takes it all. The other option is to record a lien on the property, which costs a recording fee as well as a lien removal fee. Housing Codes, Town Codes, Bylaws, Board of Health Regulations, and 780 CMR are some examples of what could be included in this process. 40U would need to be adopted at Town Meeting. The appeal process was briefly reviewed. The Building Commissioner will draft something and have it reviewed before it is added to the warrant. It was explained that the payment of fines goes into a revolving account that pays for training and other items. The draft will be brought back for the Board to review for approval.

Update on Slum & Blight: *Building Commissioner Garner* advised he sent out boards of survey for demolitions of property. 219 West Road came down at no cost to the Town. The Town took down 117 Summer Street. 8-10 Depot Street is in process, has asbestos removal and the bank will be paying the bill.

It will hopefully be demolished within the next month. The owner of 80 Grove Street would like to give it to the Town and then the Town can demolish it, as he does not have the funding to do so. It was noted that this property may be of interest to the Division of Fish and Wildlife for a parking lot for fly fishermen. It was suggested that Trout Unlimited may be a good resource for 80 Grove Street. At 54-58 Maple Street communication has happened with the bank to get the roof, chimneys, fire escapes, reconstruction and other repairs accomplished. They will be getting permits soon. It was pointed out that the building had been condemned years ago and the Town had sent the Board of Survey before they started working on it. The Bank wishes to auction it off. The strategy on how to go forward with it was discussed. Porch structures are being addressed in town and notices are being sent out to repair porches. Individual porches that have been addressed were outlined for the Board. It was explained that sending out orders for demolitions takes away from the tax base so it is not a preferred method of action. The Code Enforcement Officer is working to get a receivership program going to identify receivers to take the properties down. It was explained that there are two receivers found to do two projects in town, which were in non-compliance with correction orders and resulted in a court complaint. The court was asked to approve a receivership. The many dispositions of receivership were reviewed. It was explained that after the receiver corrects the violations and manages the property, they report to court and seek reimbursement of costs. The court can order it sold or put to auction, order demolition, or to be sold as-is to a third party to justify its financial status. Another option is to work with responsible parties to dispose of the property. The main goal is to get the property rehabilitated and reduce slum and blight. Work is being done with Community Development to get structures put back to residential status and to fix porch structures on individual buildings. Concern was expressed about rental properties not being maintained. Pre-occupancy inspections were outlined and in the future there will be an updated regulation with the request of the tenant to notify the Board of Health. The Board of Health is identifying discrepancies and starting to do multi-family inspections which had fallen by the wayside in prior years. A brief review was made of the inspection and compliance timelines. Work is being done with individuals to get bigger items fixed which can be up to \$25,000 to repair. It was noted there were several notices for CO detection, railings, non-compliant gas and water heaters, and the Fire Chief is also involved as part of the team doing compliance inspections. It was noted that the Town has no authority over Section 8 housing, but Housing Code does. Inspections are a different code compliance. It was pointed out that short-term rentals, bed and breakfasts, or Airbnbs have not been addressed yet, but there is a regulation and the Town has jurisdiction but problem is identifying them.

Review of proposal from Tighe & Bond regarding WWTP Capital Improvement Plan & User Rate: Miles Loffett and Mike Trager, representing Tighe & Bond were present. The Wastewater Treatment Plant is showing significant age and 20 years ago renovation was put in the capital investment plan. Superintendent Rumbolt expressed concern about updating the plant, which was built around 1970. It was determined that it is not something that can be done by the Town internally, as staff does not have the skill set. There is a need to determine what needs to be done, identify the costs and create a plan. It was noted that Adams is only one of about two or so communities that fund their Wastewater Treatment Plant off the tax rate, and the majority have a sewer user fee in an enterprise fund. If it is changed over, \$2.75 to \$3 will come off the tax rate. It was noted that having the sewer included makes the tax rate look artificially high. Tighe & Bond has experience in the field, knowledge of the plant, was responsible for an update a few years ago, and gave the Town a proposal. Tighe & Bond reported that in 2002 there was a full assessment of motors, concrete, valves and items critical to meet permit requirements and to keep the Town running. It was noted that staying proactive in planning is less expensive than an emergency contract. It has been eighteen years since the study was done and there were two upgrade projects presented to the Town; electrical and structural. The upgraded equipment is running and well maintained. \$23,000 would provide this recommendation, the rate structure, and the grant application. It can be done by Tighe & Bond and a portion of the cost would be reimbursed. There is an asset management grant through MassDEP for towns and there is a good chance of the Town being awarded for up to 60% of the cost reimbursed from the state.

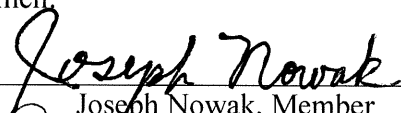
Cash layout from the Town and the percentage of costs were outlined. It was noted that the costs are needed to maintain the facility, to fund the full cost of service including full staffing, maintaining reasonable repair and maintenance activities, and reinvesting in capital. It was noted that the desire is to get this off of the tax rate and to look at a user fee. Customarily the assessment uses drinking water as a proxy for sewer use as they cannot use sewer fluids, and the Fire District has the data. The concept is to institute an enterprise fund and that the cost and revenues are separated from the general fund. It would be separate but still part of it to allow for redistribution as a fee for services for those that use it, and cost causation. It was noted that the easiest way to do it is to have usage rates. A brief explanation was made on how to create the data into bills using the payment of a fee reflective of usage. It was explained that a non-usage-based billing method would also be looked at to be sure it isn't something needing to be changed all the time so it is stable, fair and manageable. It was noted that getting the Fire District data for a year and a partial database from the town to include the list of all addresses on the sewer system and matching it with water usage and codes of land use would be required. They would look at transitioning to something for a fixed fee, and could be done by a mail merge. It was noted that capital improvements would be looked at for inclusion in user costs. A rate structure using the latest economic indicators would be put in place to be inclusive of how it relates to the economic burden. An assessment will need to take place to determine who is going to change as right now the cost is distributed by assessed value. Some people pay more and some pay less so this will show the inconsistencies. In looking at the next ten years of cost, there is approximately \$380,000 needed which does not include labor for the upgrades. A determination of individual costs for expenses and indirect costs to include Town benefits on labor would be done and charged back to the Enterprise Fund. It was noted that the workflow will change if the Town starts to issue bills. A suggestion was made to ask the Fire District to do the billing as they have the billing software already. The Accounting Department would have to identify any indirect and administrative costs. Abatements will have to be dealt with and need to be thought about now. Tighe & Bond will help support workshops or public meetings as needed. The data can be broken down to daily costs. Having the Wastewater Treatment Plant take in septage was discussed as there is a large capacity of the capabilities not being used at the plant. Grease acceptance was noted as being a lucrative enterprise. Research will be done on the return on investment for accepting septage and what the Town can charge. It was explained that there is 2.5 million gallons per day for usage right now. Prioritization of the piping and amount of usage will be outlined as well as the ability to expand. It was explained that investing in the plant will justify the user rate change but it will also be attracting third party commercial investment into the plant because will have the capacity. Distributing the cost and requirements of hookup was outlined. Sewer mains, interceptors and requirements of septic failures to hook into the system were discussed. Adjustment on the whole town paying in versus half the town was discussed, and the benefit to the community was outlined. Betterments were noted as added value to property but generally only for new structures, but if there was a lot of growth they could have system betterment charges. Data discovery will need to take place, including outlining the sewer maps. It was recommended that the bills be broken down to show dollars and cents for the citizens and that it must make economic sense for people to understand it. It was pointed out that Walmart pumps south into the Adams sewer line and the Town of Adams bills back to the city of North Adams. Grease was discussed at length. The Asset Management Grant for MassDEP is for sewer and water systems. Route 8 Commercial Street project clay piping was noted as not being paid for and that most communities pay for it out of their enterprise funds as it cannot be paid for with Chapter 90 funds. It was explained that an enterprise fund would need \$30,000 to \$40,000 to start it. Tighe & Bond will train staff and provide the Town support. It was pointed out that properties with agricultural use including livestock will not go through the sewer system. It was explained that water usage can be looked at for seasonal use. The use of wells was discussed and could be a metered well or assessed by an estimated fee. *Consensus was reached by Board Members to move forward on gathering more information.*

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Chairman Hoyt* advised that on Sunday communication took place regarding taking the precaution of closing down the Visitors Center and Council on Aging programs for three days for cleaning and training. She noted there was a conversation today with the Director of the Council on Aging and a conference call held with the Department of Public Health. The recommendation is to continue to suspend the lunch program due to number of people that gather for the meal, but to provide for more social distancing. *Town Administrator Green* advised he is monitoring all federal, regional and state communications with the Board of Health and Building staff. A State of Emergency was declared to allocate resources if needed. He advised the intent is to mitigate COVID-19 and treat it the same way as the flu with hand and surface sanitizing, to stay away from large groups of people and to institute social distance. He noted that the people using that building and bathrooms are mostly comprised of an older population. This would reduce the large number of people gathering at the same time. Arrangements can be made for people who need the lunch prepared for them through Meals on Wheels and Elder Services. It is not clear when programs and meals will be resumed. Custodial Services have been briefed well and are operating. Vans are cleaned on a regular basis and screening has been put in place for Emergency Medical Services for transport in order to avoid contaminating the vans, staff and others as precautionary steps. Conversations have taken place with BART School and Hoosac Valley School District Superintendent Dean to put them at ease. The rate of infection in China is diminishing, and as information is provided it will be put out as it comes in. Northern Berkshire Health Services is sharing information and collaborating with Emergency Management Director Kleiner, Adams Ambulance Director Gleason, Code Enforcement Officer Blaisdell, Building Commissioner Garner, Board of Selectmen Chair Hoyt, Board of Health Chair Hoyt, and Town Administrator Green. *Member Nowak* advised that a company was coming in to fog the schools on Sunday to clean the buildings, and teachers are doing their best to keep up with sanitation. It was noted that disinfectant products are not available and are backordered. He also reported that Hoosac Valley Girls are moving on to the State Finals on Saturday at the DCU Center.

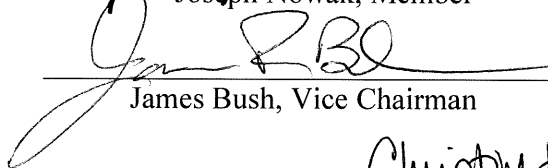
ADJOURNMENT: *Motion made by Member Nowak to adjourn the meeting, second by Member Bush.*
Vote: Unanimous. Meeting adjourned at 8:14 pm

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary

Board of Selectmen:



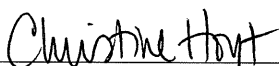
Joseph Nowak, Member



James Bush, Vice Chairman

John Duval, Member

Richard Blanchard, Member



Christine Hoyt, Chairman