

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, June 3, 2020, 7:00 p.m.

Meeting Minutes

CALL TO ORDER: On the above date the Board of Selectmen held a meeting on the first floor of Adams Town Hall. It was announced that Board of Selectmen Vice Chairman Bush, Members Nowak, Blanchard and Duval, were attending the meeting remotely for COVID-19 emergency purposes under 9410 CMR 29.10(5). The meeting was called to order at 7:00 p.m. by Town Administrator Green. Present in the room were Town Administrator Green, Board of Selectmen Chair Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak.

Town Administrator Green advised that "pursuant to Governor Baker's March 12, 2020 *Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18*, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Adams Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to view this meeting while in progress may do so by tuning into Channel 1303, thank you to Northern Berkshire Community Television OR by calling (929) 436-2866, Meeting ID: 995 3173 3181, Password: 570403.

Asked for brief moment of silence for pandemic, challenges of first responders and challenges faced by the nation.

The Pledge of Allegiance was recited.

REORGANIZATION OF THE BOARD: *Town Administrator Green* advised he opened the meeting for the Reorganization of the Board and recognized the national upheaval. *Member Hoyt* advised she would like to continue on as the Chair as we are still in the Pandemic, and in the midst of reopening the businesses. *Motion made by Member Blanchard to nominate Christine Hoyt for Chair, second by Vice Chairman Bush. Abstention by Member Hoyt. Voted in favor by Members Bush, Duval, Blanchard and Nowak. Motion passed. Motion made by Member Duval to nominate Jim Bush for Vice Chair, second by Member Blanchard. Abstention by Member Bush. Voted in Favor were Chairman Hoyt, Members Duval, Blanchard and Nowak. Motion passed.*

APPROVAL OF MINUTES: The meeting minutes for May 7, 2020 and May 13, 2020 were submitted for approval. *Motion made by Member Blanchard to waive reading and approve the meeting minutes for May 7, 2020 and May 13, 2020 as submitted, second by Vice Chairman Bush. Vote: unanimous.*

PUBLIC COMMENT:

Join Zoom Meeting: <https://zoom.us/j/99531733181?pwd=V0t5TytaSUF4alg1RloyN2NCNFVLa209>, Meeting ID: 995 3173 3181, Password: BOS0603; *Dial by Telephone:* (929) 436 2866, Meeting ID: 995 3173 3181, Password: 570403.

RECEIVED-POSTED
20 JUN 05 AM 10:56
TOWN CLERK
ADAMS MASS.

OLD BUSINESS

Approval of Revised Community Choice Power Supply Program Aggregation Plan: *Town Administrator Green* reviewed the changes to the Aggregation Plan to allow for the opt-in plan. The Towns in the aggregation were listed. A review of how citizens can opt in was outlined. ***Motion made by Vice Chairman Bush to approve the aggregation plan as revised, second by Member Blanchard. Vote: unanimous. Motion passed.***

FY21 Budget Process Update and Action: *Town Administrative Green* outlined three ways to approach the budget process. One way outlined was to make cuts now. Another option was to move forward knowing the budget will need to be cut. A third options is possibly the best course of action and providing a 1/12 budget which would allow the Town to spend each month the amount of money based on last year's budget. This option would have to be approved by the Department of Revenue and capital repair and project work will not be able to be done. The Town would also not be able to have discretionary spending. It was estimated that half of the communities are choosing this method of going forward. School District assessments were reviewed and need to be considered in the current fiscal situation. If passed the budget will be retroactive to July 1st. It was explained that all options had been considered at length and Town Counsel is on board. It was pointed out that time was spent on arrangements for Town Meeting to be outside. *Member Nowak* inquired about budget sub-committee meetings to review the data. It was explained that personnel and services were reviewed with the Town Administrator and Town Accountant and if this information was discussed in a public meeting it would instill fear in the employees and citizens. Board Members were invited to review the data individually with the Town Administrator. Open Meeting Law was discussed and concern was expressed about it not being a democratic process if Selectmen are not able to review what is being cut. It was clarified that throughout the process questions about the budget were reviewed and because the data is not known it was appropriate for cuts to be ready to be presented for recommendation when ready. It was explained that some information from the school districts was received on Monday which solidified the 1/12 recommendation for approval. Board Members individually gave supportive thoughts to adopting the 1/12 budget plan but concern was expressed about contracts and other items where costs have just increased. Some large purchases from the budget were briefly discussed. Department Heads will be working on their month to month budgets. It was explained by the Town Moderator and Town Clerk that Town Meeting Members expressed they are not willing to attend if COVID-19 is still a factor. Verification of the process was requested and a Department of Revenue bulletin was referenced. Town Counsel pointed out that the Town Meeting Warrant has not been approved. ***Motion made by Vice Chairman Bush to go forward with a 1/12 Budget Plan, second by Member Duval. Vote: Unanimous. Motion passed.***

NEW BUSINESS

COVID-19/Town Operations Update: *Town Administrator Green* advised he is collaborating with North Adams and Cheshire to be consistent with changes. He noted a possibility of curbside service for the Library. He explained that he does not expect any significant changes through June and is looking at furloughed staff. He recommended the businesses and citizens look at the [ReopeningMassachusetts.gov](https://www.ReopeningMassachusetts.gov) website for the best source for information and guidance. He pointed out that Phase II is imminent and he anticipates that restaurants will have outdoor table dining and curbside service. Inspectional Services is reviewing procedures and parameters for this. He noted that the Town will approve and establish what has not yet been permitted. He explained there is not a bylaw for outside seating and the Board will be approving the process for this. Liability issues for the use of a Town sidewalk or property was noted. This process will be expedited so the Town can move forward. The Board of Selectmen will meet on Monday to review the process on opening outdoor dining and alcohol service expected Tuesday or Wednesday of next week. It was explained that the Town is allowing a business to utilize Armory Court. Any permitted outdoor dining will have an expiration date of November 1st. It was pointed out that a few restaurants will not be able to have outdoor dining due to their property situations. *Member Duval* advised that youth sports are limited it was explained that though the state says youth sports can carefully go forward it may not be the best situation for the local community. Concern was expressed about conflicting information that has been given about touching the ball, practice and drills.

Playground concerns were noted as well as far as sanitation and the items that are a priority for DPW staff. If playgrounds open up they will be tasked with sanitizing playground equipment.

Approval of Town Meeting Warrant: *Motion made by Vice Chairman Bush to table the Approval of the Town Meeting Warrant, second by Member Duval. Vote: Unanimous. Motion passed.*

Set Annual Transfer Station Fees for Fiscal Year 2021: *DPW Director Tober and Treasurer/Collector Rice* addressed the fees for Transfer Station stickers and bag tags. It was explained that the Town of Adams is a member of Northern Berkshire Solid Waste Management District (NBSWMD), which negotiates rates for the Transfer Station. The economic downturn due to the pandemic was noted and the Town was in the middle of negotiations of the contract. *DPW Director Tober* provided 2019 data and the charges associated with the operations of the Transfer Station. Tonnage rates and recycling costs were reviewed and challenges faced with cutting costs were outlined. The current permit cost is \$50 and a brief comparison of costs associated with other towns was made. He explained that he is not making a recommendation to increase to \$75. *Treasurer/Collector Rice* gave her opinion that if the fee did go up to \$75 she would recommend giving 5 bag tags with each sticker to encourage those using the Transfer Station just for recycling to use it for trash as well. She noted that this would help to increase sales as well for trash removal and stickers. Board Members noted that North Adams takes mattresses and other items for \$85. A recommendation was made to leave it for the fiscal year until it is known what the budget will be. Concern was expressed about raising the fee to \$75 and then possibly having to raise it again. It was noted that the contract is pushed out to September 30th. The total cost to operate the Transfer Station was reviewed and it was explained that there is a revolving account which is funded by bag sales and scrap metal that helps to pay for it. Concern was expressed that after looking at numbers provided by Ms. Cernik if the Board holds off on setting the rate people will buy permits now and funds will not be recovered and the Town may not be able to afford it and have to close transfer station. It was noted that the Transfer Station is something the Town does for the people as a service. Consideration was given to raise the rate to \$75 and it was noted that Cheshire's rate is \$100 for the fiscal year. It was explained that the revolving fund was spent down for the majority of the FY20 budget. Funds were analyzed for the possibility of leaving the rate at \$50 and increasing it in September or October and whether this was financially doable. It was pointed out that without knowing what the new contract is yet it may not be advisable to increase the rate yet. The North Adams CHARM program and what could be dropped off were outlined. It was pointed out that without further data it would not be well received if there is an increase that has to be increased again. Installation of cameras, Brush acceptance and removal were briefly discussed. *Motion made by Member Blanchard to increase the Transfer Station sticker to \$75 to include 5 bag tags effective the next fiscal year, second by Member Nowak. Voted in opposition were Vice Chairman Bush and Member Duval. Voted in favor were Chairman Hoyt, Members Blanchard and Nowak. Motion made by Member Blanchard to set the additional car sticker at \$10 and for the cost of bag tags to stay same, second by Vice Chairman Bush. Vote: unanimous. Motion passed.*

Ratification of DPW Seasonal Laborers: Mike Durant, David Holt, Shawn Marko. *Chairman Hoyt* read the letter from Town Administrator Green recommending ratification. *Motion made by Member Nowak to ratify Mike Durant, David Holt, and Shawn Marko to the positions of Seasonal Laborers, second by Vice Chairman Bush. Vote: Unanimous.*

Approval of Job Description: DPW Working Foreman – Highway. *Community Development Director Cesan* explained that she had worked on updating job descriptions that were vague and had limited detail. She noted that the intent of the overall effort was to make sure that job descriptions reflected what individuals actually do. *DPW Director Tober* explained that there is a Working Foreman for the Cemeteries, Parks and Grounds already and there is a need for one for Highway. Brief discussion took place regarding the need for communication between DPW staff. The unacceptable status of the cemeteries for Memorial Day noted and there are usually seven or more Seasonal Laborers to handle that work but due to the Covid-19 situation they were not on board. It was noted that the intent was for Parks and Grounds staff to spend less time on the fields and shift to cemeteries but Seasonal Laborers were still needed. It was pointed out that the Town may not be able to maintain the current infrastructure and the budget amount for Seasonal Laborers needed to be reviewed.

Motion made by Member Duval to remove the Approval of the DPW Working Foreman – Highway job description from the table, second by Member Blanchard. Vote: unanimous. Motion passed. Motion made by Member Blanchard to approve the DPW Working Foreman – Highway job description as presented by the Personnel Sub-Committee, second by Vice Chairman Bush. Vote: unanimous. Motion passed. It was clarified that the position is not filled but was budgeted for the year and could be posted and filled and it would not change the head count of the department.

Tag Sales: *Chairman Hoyt* noted that there have been a number of phone calls asking for tag sale permits and the Town is still dealing with the health crisis. *Treasurer-Collector Rice* asked for guidance on whether to move forward with the Town Wide Tag Sale in August. *Motion made by Member Nowak to forego the allowance of Tag Sales to include the Annual Town Wide Tag Sale due to the pandemic, second by Vice Chairman Bush. Vote: unanimous. Motion passed.*

DEPARTMENT REPORTS

Town Administrator: *There was no further report given.*

Town Counsel: *Town Counsel St. John III* advised since his last report he spoke with a bankruptcy trustee and attended a bankruptcy meeting with the trustee concerning MJD. He reported he prepared for an oral argument scheduled for tomorrow before the Massachusetts Appeals Court via zoom concerning the Gaines case. He responded to an inquiry regarding the legality of tag sale permits. He reviewed and commented on the latest draft of the tobacco regulations. He researched and provided comment concerning the Town's budgetary options. He responded to two open meeting law questions. He reviewed and commented on a public records request and attended and participated in a Board of Health meeting. *Chairman Hoyt* updated the Board that David Rhoads is the new Chair of the Board of Health.

SUBCOMMITTEE AND LIAISON REPORTS: *Vice Chairman Bush* advised that he met with Casella Waste and discussed the Northern Berkshire Solid Waste Management District contract which was drafted with Casella. He announced that June 27th is the Bulky Waste Collection. He pointed out that the Food Bank put on by the Council on Aging was a success. He advised he attended the Prudential Committee where water overheating was discussed. He reported that the Banners for fallen heroes are out for approval. *Member Nowak* advised there was a MS4 webinar and they reviewed and revamped the language on it. He noted that most of the questions were from developers and there were modifications regarding the money involved.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Chairman Hoyt* reported there was a CDBG Covid-19 public hearing on Monday that went well. Follow ups with information on it with businesses defined as micro enterprises will be going out shortly. A letter was note as having been received to thank the Town for reinstituting small parades for loved ones in the community. Praise was given to Police Officers Dabrowski, Cunningham and Morse as well as firefighters, ambulances and forest wardens who participated.

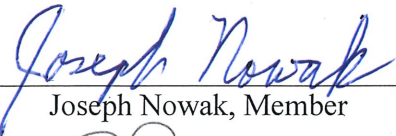
EXECUTIVE SESSION

#3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

At 9:29 Motion made by Member Blanchard to enter into Executive Session for Reason #3 as read aloud, second by Vice Chairman Bush. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Blanchard, Duval and Nowak. Motion passed.

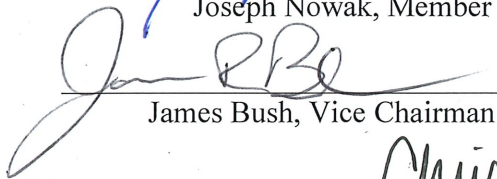
Minutes were taken by someone other than the Administrative Assistant for the Executive Session.

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary

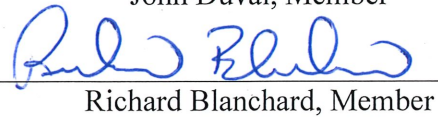


Joseph Nowak, Member

John Duval, Member



James Bush, Vice Chairman



Richard Blanchard, Member



Christine Hoyt, Chairman