

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

RECEIVED-POSTED
10 AUG 20 AM 10:10
TOWN CLERK
ADAMS MASS.

Wednesday, July 8, 2020, 6:00 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. The meeting was called to order at 6:00 p.m. by Board of Selectmen Chairman Hoyt. Present were Vice Chairman Bush, Members Duval, Blanchard and Nowak. Present in the room were Town Administrator Green, and Code Enforcement Officer Blaisdell, Interim Police Chief Bacon, and Patrolman J. Baker. On the call were: Attending by phone ESTIII and Prudential Committee Chairman Satko.

Chairman Hoyt 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 recording of the meeting is available to anyone who wishes. Governor expanded number of people but rule of 10 in this room due to square footage.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The meeting minutes for *June 10, 2020* and *June 11, 2020* were submitted for approval. *Motion made by Vice Chairman Bush to waive reading and approve the June 10, 2020 and June 11, 2020 minutes as submitted, second by Member Duval. Vote: unanimous.*

PUBLIC COMMENT:

Join Zoom Meeting:

<https://zoom.us/j/98857615458?pwd=aDI0dIJXdzFGK3IxeKtNHUVc0dm9xUT09l>

Meeting ID: 988 5761 5458; Password: BOS0708

Dial In: (929) 436-2866; Meeting ID: 988 5761 5458; Password: 8519421

Prudential Committee Chairman Satko gave an update on the water restrictions that were issued in Adams. He advised that on June 29th a letter was received from the Secretary of Energy and Environmental Affairs advising that Adams, in the western region was in a Level 2 Significant Drought. He noted that water restrictions have been posted on different websites. Non-essential outdoor water use is allowed Monday only before 9:00 a.m. or after 5:00 p.m. due to the water evaporation of the sun. Uses of water not allowed include watering lawns, plants, trees, use of sprinkler or irrigation systems, no washing vehicles, or fundraisers for car washes, no refilling swimming pools, washing patios or sidewalks. Washing vehicles are allowed if it is a safety issue or for agricultural reasons. Washing the outside of a house is allowed if the house is being painted.

Any use should be brought before the Fire District and Prudential Committee for approval. Tips for saving water are posted on the Adams Fire District website and Facebook pages and the Town of Adams website. He noted that the Massachusetts drought status is also posted on a website link at those locations. *Vice Chairman Bush* added that after talking with the Water District Superintendent John Barrett, there is a 65-gallon water limit per person. He noted that though it has been raining for days, with Covid-19 more people have been at home and using water. He pointed out that the fire pond on Route 116 is almost dry. *Prudential Committee Chairman Satko* advised that it takes a long time for a well to recharge and the water restrictions were issued due to the water withdrawal permit. He noted that the state restrictions could go to a Level 3 and if so the District may have to issue a drought notice. Enforcement is through self-monitored compliance currently. It was explained that there is a local and also a country-wide drought measuring system that is monitored. It is unclear whether the car wash recycles the water or not. It was clarified that Cheshire utilizes the same aquifer as Adams. He was thanked for bringing the information to the Board of Selectmen and asked to keep them informed as restrictions change.

NEW BUSINESS

Introduction to Interim Police Chief, Troy Bacon. *Interim Chief Bacon* advised that he arrived in town on Monday and today was his first day on the job. He reported that he met with Chief Tarsa and note there was a public event yesterday with Officer Crane and Kumar for young lady that raised over \$2,000. He stated he was welcomed to the team with his daughter. It was explained that Chief Tarsa will retire on Monday at 11:59 p.m. and remains in command of the department until that time. Interim Chief Bacon will be publicly sworn in. The Public Safety Sub-Committee requested that have a meeting to get started next week.

Ratifications:

DPW Working Foreman-Highway, Robert Wojcik. *Chairman Hoyt* read a letter from the Town Administrator recommending the ratification of Robert Wojcik to the position of DPW Working Foreman-Highway. *Town Administrator Green* advised that DPW Director Tober worked on revamping the job description and went through the interview process. He noted that he had worked with Mr. Wojcik during times that the Operations Supervisor was out and showed himself to be a good leader. He explained that there is no change to the number of staff but just the title for this person. The position was pointed out as having been vacated with the promotion of DPW Operations Supervisor Cota. The structure of the DPW was briefly reviewed. It was detailed that this position works directly with the crews and has more responsibility, including relieving the Operations Supervisor from some administrative responsibilities. Mr. Wojcik was described as innovative, experienced, knowledgeable, cooperative and great to work with. It was explained that he is a good face for the town and handles himself well. The difference between the Operations Supervisor and Working Foreman positions were outlined. It was clarified that there is a Working Foreman for Parks, Grounds & Cemeteries and another for Highway. It was explained that there is not a much-needed working computer at the Highway Department and there are additional administrative requirements taking the Operations Supervisor away from some of the field work due to state requirements. It was pointed out that this position has been budgeted and the shift is only \$2 per hour. It was noted that during the summer there are many large capital projects going on while blacktopping and providing vegetation management, and the Operations Coordinator will coordinate the crews and the Working Foreman will manage them. ***Motion made by Vice Chairman Bush to approve the ratification of Robert Wojcik to the position of DPW Working Foreman-Highway at rate of 23.97 per hour effective July 13, 2020, second by Member Duval. Vote: unanimous. Motion passed.***

Seasonal Laborer, Brandon Schwarzer. *Chairman Hoyt* read the letter from the Town Administrator recommending the ratification of Brandon Schwarzer to the position of Seasonal Laborer. *DPW Director Tober* advised that Parks, Grounds & Cemeteries Working Foreman Skrocki interviewed Mr. Schwarzer and found him to be a qualified candidate. It was noted that the Town struggled to fill the Seasonal Laborer positions because people are making more on unemployment due to Covid-19. An inquiry was made whether the Army Corps of Engineers will be involved with taking care of the banks along the river. It was noted that it has been a long time since there has been cleanup done there and the Army Corps of Engineers are much more cooperative than in the past. It was stated that a large amount of seasonal laborer hours is utilized to handle this and there are new plantings and other areas falling by the wayside and getting weed infested. It was pointed out that it is not anyone's fault because the DPW doesn't have the manpower and the more that is invested in plantings and landscaping the more upkeep is needed. It was explained that the Trackless machine has been restored, will make labor more efficient and will be able to free up staff to work on these projects. It was further pointed out that the DR Trimmers are utilized for the flood control. ***Motion made by Member Nowak to approve the ratification of Brandon Schwarzer to the position of Seasonal Labor on July 13, 2020, second by Vice Chairman Bush. Vote: unanimous. Motion passed.***

Reopening Update: *Code Enforcement Officer Blaisdell* advised there has not been much change with the implementation of the newest phase except for the allowance for entertainment. It was pointed out that Bascom Lodge has been approved and they are open. It was reported that the athletic fields had four organizations that applied and were approved for use the same day with some Phase III allowances. Some listed games and were emailed of the changes. It was explained that the Tattoo shop moved to Summer street. The tanning salon is not open yet due to an equipment failure and the Rainbow Shack has not opened by choice. It was explained that another restaurant is going in on Commercial Street, and the Tobacco and Vape Shop is not opening at this time. It was noted that changes take place in August that will eliminate that permit permanently. It was explained that there is a possible take-out only bakery going in on Summer Street, a possible convenience store pending on East Hoosac Street, and a possible restaurant on Park Street as well. *Chairman Hoyt* reported that Bascom Lodge was issued a Temporary Amended Alcohol License by the Licensing Sub-Committee and signed by the full Board of Selectmen. There were eight establishments approved for Temporary Outdoor Dining and all have food permits. It was clarified that there are no guidelines for how long patrons can sit outside and drink but in order to partake in alcoholic beverage establishments must have food service. It was noted that through state inquiry the consensus is that pretzels and popcorn are not considered food, but nachos and hot dogs will satisfy the food requirement. Code Enforcement Officer Blaisdell and Building Commissioner Garner were thanked for all of their efforts, and it was explained that many of the Covid-19 related changes required them to operate outside of their normal purview. An example was given of limiting woodwind instruments due to state parameters causing them to regulate and enforce atypical things. It was noted that Phase III was announced to begin on Monday but the guidelines were not provided from the state until Monday afternoon, which was further complicated by the holiday. From a health standpoint the reopening plan is working well but it is more complicated from a business and regulatory standpoint. Establishments are asked to contact the Code Enforcement Officer to let him know what the proposed entertainment is for the latest guidance. Due to staffing constraints a few businesses have slipped through and get a visit from Code Enforcement. An inquiry was made on the plan to reopen Town Hall, and it was noted that staff requests not to open to public as is the consensus of most municipalities in the Commonwealth. There is a significant sanitizing and financial impact to reopening. A sign in sheet and sanitizer station has been instituted and staff is taking appointments on a month by month basis.

It was explained that the Town could open under the Governor's guidelines at 40% of the maximum occupancy of the buildings. It was noted that it is understandable that the employees are concerned but it is the Board of Selectmen's decision when Town Hall reopens and it needs further discussion in the future. It was pointed out that there should be a discussion of the Board of Selectmen with the Town Administrator's input on whether the Town buildings should reopen, and employee feedback should be solicited. *Chairman Hoyt* explained that it would be under purview of the Town Administrator for his decision. It was noted that allowing the public into the buildings comes with a level of risk and Code Enforcement and DPW input is needed on it first. Currently, the procedure is to sign in by regulation for contract tracing and there is a requirement to wear a mask and provide 6-foot distance in offices or meeting areas. It was noted that Department Heads can still have conversations by phone. The Council on Aging at the Visitors Center is taking constituents by appointment only. It was noted that the Ashuwillticook Rail Trail is closed and a request was made for a tent to be erected but bathrooms have to be accessible and would require the building to be open. Currently it is open for Council on Aging users only and there is limited use. *Member Duval* asked Town Counsel St. John III to research whether the Town Administrator or Board of Selectmen has the authority to reopen Town Buildings.

Recruitment Notices: *Chairman Hoyt* advised that the Board approved a number of annual appointments and there are still a number of vacancies on the Zoning Board of Appeals and the Parks Commission. It was noted that the Parks Commission has two seats available and it they are elected positions. The vacancies were explained as due to one resignation and one member that did not run for election. It was explained that two applications have come in and they will be put forward at another meeting. The Zoning Board of Appeals was explained as having three available positions, one full and two alternate member positions. A recruitment notice is being posted from Community Development and the Parks Commission notice is being posted from DPW. She explained that the Town Clerk will post the Fence Viewer and Measurer of Wood and Bark positions that were not included on the Annual Appointment list. It was reported that the Town Clerk reached out to the past Measurer of Wood and Bark, Walter Slosek, and she will post the position if he turns it down. She explained that the Town does not currently have a Fence Viewer and there are typically two so that position was posted. It was clarified that the Board of Selectmen appoints Zoning Board of Appeals members but the Parks Commission is elected. *Chairman Hoyt* clarified that the appointments by the Board of Selectmen was clarified last fall when the Board of Health and McCann School Committee was given the authority to appoint them for a one-year term and have member run for reelection. It was noted that the Finance Committee Members are appointed by the Town Moderator, and there are a few vacancies there as well.

DEPARTMENT REPORTS

Town Administrator: *Town Administrator Green* advised that the Capital Improvement Plan for the Wastewater Treatment Plant is underway and Tighe & Bond is meeting with DPW Director Tober and Wastewater Superintendent Rumbolt to go over the next steps. He reported that the Town Common Rehabilitation Project has been awarded at \$256,000 and contracts are being signed this week. He noted that the Police Officers' Union contract is solidified and he reached out to the Clerical Union to resume negotiations next week. He reported that no state budget numbers are out yet and any owed funds are at the Fiscal Year 2020 level and still in a holding pattern. He pointed out that this includes the Chapter 70 school aid number. He noted that if the numbers from the state don't come in and the state doesn't pass a budget with the cherry sheet a decision may have to be made with a sense of direction from the legislative delegation for budget cuts as September is coming soon.

He advised that he asked for the Town Accountant to bring that forward asked for July 22nd. He reported that he has informally implemented a spending freeze and Department Heads must have a conversation with the Town Administrator and the Town Accountant before spending. It was clarified that a conversation has taken place with the Superintendent of the School District and Cheshire Town Administrator St. John IV regarding coordinating with Cheshire on the school budget and setting a date. It was explained that the Chapter 70 and state aid numbers should come out about the same date. It was noted that the Finance Committee was uncomfortable moving ahead without a school budget. It was pointed out that there may be a collective decision to not go ahead, though there is no restriction on the month to month budgeting process but the Town cannot do things going forward. It was outlined that the Commercial Street Project has annual authorizations and the Police Union contract requires Town Meeting to create an account, as examples. It was stated that the Town could have a Town Meeting without the school budget but it would be impractical, but with the start of school coming soon decisions will have to be made. It was noted that there are impacts for both the kids and parents regarding work and daycare needs. Investigation is being done with the Cares Act as to whether it can be used for reimbursements and it was reported that the Town submitted over \$100,000 on it. It was explained that smaller municipalities that moved ahead don't rely on state aid as much as Adams does. *Chairman Hoyt* advised she got a copy of the authorization of Hoosac Valley School District and McCann to move forward with the 1/12 budget. She noted it was approved until Fiscal Year 2021 is adopted or until December 31, 2020. The 1/12 budget amounts approved monthly for each school district were read aloud. Town Administrator Green will inquire from Superintendent Dean if the assessment is based on those numbers. A request was made to invite Superintendent Dean to a meeting to outline the plan for the fall once it is decided. *Town Administrator Green* advised he will have Library Director Jayko and Council on Aging Director Girgenti at the next publicized meeting to report out on their programming.

Town Counsel: *Town Counsel St. John III* reported that since his last report he assisted the Town Clerk in responding to a request for public records. He responded to a request made by a citizen for executive session minutes. He reviewed and signed contracts for construction services and for the visiting nurse. He attended the Board of Health meeting on July 1, 2020 and during the meeting advised the Board concerning pending open meeting law complaint and provided the Board with a summary of the complaint and his response to the complaint. The response was thereafter sent to the complainant and to the Attorney General's office. He also advised the Board about voting on minutes and adding last minute agenda items without proper posting, and of strategies to avoid open meeting law complaints. He also had a discussion concerning the protocol for handling hearings and appeals of enforcement orders. He provided the Attorney General's office and the complainant with his response to the open meeting law complaint. He reviewed the Interim Police Chief's proposed contract, and responded to a request by a citizen for a copy of the recording for the July 1st Board of Health meeting.

SUBCOMMITTEE AND LIAISON REPORTS: *Vice Chairman Bush* reported that the Mobile Food Bank distribution on Tuesday at the Council on Aging was very busy and accommodated almost 300 people. The next one will run from 9:00 a.m. to 11:00 a.m. next Tuesday. He thanked the volunteers. He reported that the Bulky Waste collection went well and was very busy. He thanked the volunteers for that also. He advised that the Banners for the Banners for Fallen Heroes are being printed currently and will be ready for hanging over the next week. He noted he is waiting for Callahan to get back to him on the hangers and their cost. He thanked the hard-working committee and reported the project is turning out successful.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Member Nowak* requested Treasurer/Tax Collector Rice come to the next meeting to report on the tax collection. He reminded the Board that he is waiting to get the auditing company to come in to give their report. *Chairman Hoyt* advised that the audit was finalized in the beginning of April and the Town Accountant advised she would reach out and set it up. She noted that Covid-19 has been an impact. *Member Nowak* expressed concern about finding another tag sale sign hanging on Randall Street and requested it be taken down before there is a snowball effect on tag sales. *Chairman Hoyt* advised that Treasurer/Tax Collector Rice will attend the July 22, 2020 meeting to provide updated information. *Member Duval* reported that the Park Street flowers look fantastic and thanked the DPW crew for their work and attention to them.

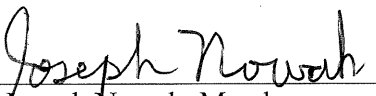
EXECUTIVE SESSION:

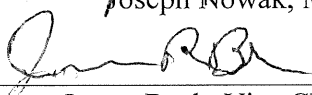
#3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Massachusetts Coalition of Police, IUPA, AFL-CIO, LOCAL 367 (Police Officer's Unit). *It was explained that the Executive Session was no longer needed and it did not take place.*

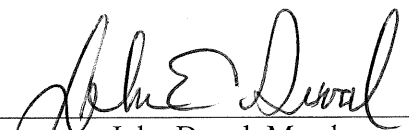
CONTRACT APPROVAL: It was explained that Member Blanchard served on the negotiations team with Town Administrator Green, and the process went well. It was explained that a Public Safety Sub-Committee meeting will be scheduled to address some issues brought up during negotiations. Updated sections of the contract were briefly reviewed and are now consistent with other communities in the Berkshires. It was pointed out that the Detective compensation was done separately and holidays were outlined. The section on special detail work identified a need to create a revolving fund, and the union brought this to the Town's attention. It was clarified that details are paid by a third party hiring the officers and other communities charge a surcharge which goes into a revolving fund. The Detective currently does this work, and it was pointed out that his time is better placed investigating crime. The negotiating team was thanked for their professionalism, and it was explained that labor counsel reviewed the contract for consistency and legality. Patrolman J. Baker read aloud a letter regarding the negotiations of the union contract, and noted that \$1700 was provided for fitness equipment from Berkshire Health Group. Town Administrator Green was thanked for providing information about the Interim Police Chief being accredited. The exemption process for the transfer from Indiana to Massachusetts was outlined briefly. ***Motion made by Vice Chairman Bush to ratify the contract of the Massachusetts Coalition of Police, IUPA, AFL-CIO, LOCAL 367 (Police Officer's Unit) contract as submitted July 1, 2020 to June 30th 2021, second by Member Duval. Vote: unanimous. Motion passed.***

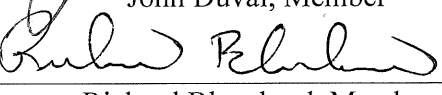
ADJOURNMENT: ***Motion made by Vice Chairman Bush to adjourn the meeting, second by Member Duval. Vote: unanimous. Motion passed. Meeting adjourned at 7:31 pm***

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary


Joseph Nowak, Member


James Bush, Vice Chairman


John Duval, Member


Richard Blanchard, Member


Christine Hoyt, Chairman