

# Town of Adams Massachusetts 01220-2087

## **BOARD OF SELECTMEN**

TOWN HALL BUILDING 8 PARK STREET TO

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Wednesday, July 22, 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 Members Blanchard, Duval and Nowak. Present in the room were Town Administrator Green, Code Enforcement Officer Blaisdell, Interim Police Chief Bacon, and David Irwin of Adelson & Company. Attending by phone were Vice Chairman Bush, Town Counsel St. John III, Tax Collector/Treasurer Rice, Brad Middlesworth and Joe Roman from GEI, consultants for National Grid.

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.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The meeting minutes for June 17, 2020 and June 24, 2020 were submitted for approval. Motion made by Member Blanchard to waive reading and approve the June 17, 2020 and June 24, 2020 minutes as submitted, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed.

### **PUBLIC COMMENT:**

Join Zoom Meeting: <a href="https://zoom.us/j/98017238441?pwd=OUpBMIRjSkg1b3crQVd4dmVYSUZwUT09">https://zoom.us/j/98017238441?pwd=OUpBMIRjSkg1b3crQVd4dmVYSUZwUT09</a>
Meeting ID: 980 1723 8441; Password: 874850. Dial In: 1 (929) 436-2866; Meeting ID: 980 1723 8441; Password: 874850. There were no comments from the public.

### **NEW BUSINESS**

National Grid Request for Access to Memorial Park for Monitoring Well Decommissioning: Bradford Middlesworth and Joe Roman, representing National Grid, reviewed the history of the property which had been investigated for soil contamination and it was explained that soil was replaced to resolve environmental conditions for MassDEP. Since then, work has been started to decommission the well. It was noted that there were once five wells in the park property, and this project would pull out the two-inch PVC piping and seal up the hole. It would be replaced with two feet of soil and reseeded as the last step for closing out the well-monitoring process. It was clarified that there was residual groundwater in the wells and no other contaminants like oil or tar so nothing triggered remediation of the groundwater. If there is damage to the property in this process National Grid will pay for repairs and have a meeting with the Town to ensure there was no unrepaired damage done and to make sure everything is reseeded to the Town's liking. A permit was submitted permit to DCR as this is along the rail trail by the rail car. The wells are flush-mounted in the park in coordination with approval from DCR as some pipes are sticking up in the area near the rail trail. Motion made by Member Blanchard to approve access agreement to Memorial Park as provided, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed.

Presentation of the FY19 Audit: David Irwin, Jr., CPA of Adelson & Company reviewed the data analytical information provided in an electronic copy of financial statements to the Board Members. He reviewed that Adelson & Company performed a Town audit for the year ending June 30, 2019. He reviewed the financial statements, read the letter independent of the auditor's report and reviewed the opinion on financial statements for the 2019 year. He noted that the financial statements are in accordance with financial requirements and explained that government standards are higher. He reported that there is a \$750,000 federal uniform guidance requirement due to expenditures and gave a summary of the opinions that were given. He explained the two bases of accounting and reviewed the government-wide financial statements. He reviewed assets and infrastructure, fixed assets, proportionate share, and liability for promise to employees in insurance and retirement. He reported that there was a clean opinion given and explained that one of the numbers on the sheet comes from the pension system in the Town of Adams. He pointed out that there has not been an audit through the pension system and without that information the AICPA and Governmental Standards Board do not have enough information to verify the validity of it and therefore cannot issue a clean opinion. He reviewed the fund financial statements including the balance and income statements and how it was budgeted. He noted that the firm issued an unmodified opinion on those statements as they are in conformity of general accepted accounting principles. It was explained that the Town of Adams, Adams Cheshire Regional School District and the Adams Fire District must qualify their statements and he stressed the importance of getting a retirement audit done. It was clarified that the root cause of the audit not being done for the retirement funds was a decision made by the independent retirement board, who has been asked to do it. It was noted that a letter had been provided by the Retirement Board outlining their reasons for not getting an audit. Mr. Irwin clarified that he didn't believe not having the audit would have an impact on the bond rating or OPEB liability but it would be included in notes to the financial statements. It was noted as a concern when pension funds were found to be underfunded. A change in leadership of the Retirement Board was explained and it was suggested that the Town of Adams help fund the audit to get it done. Other information referenced in the opinion were reviewed including the schedule of taxes and which bank holds it. Cash was reported as being \$7.1 Million, which is \$2 Million more than usual but it is due to the \$2.5 Million in borrowing due to storm damage. It was noted that \$2 Million carried over that had not been spent. Taxes receivable for real estate, property and excise taxes were reviewed and were reported to be consistent from one year to the next. Tax liens were outlined as \$1 Million and have a high balance. It was noted that the Town Treasurer/ Collector is doing a good job of cleaning up the receivable list, getting them into the tax title and making sure that delinquent people are aggressively pursued. It was detailed that \$239,000 has been added to the tax title process and the Tax collector worked at \$169,000 collection, showing definite effort. Other receivables were reported as showing no issues and were fully collectable. It was explained that Fixed Assets were \$17.3 Million and included the cost of buildings, improvements and vehicles, less the accumulated depreciation of wear and tear. The Fixed Assets that the Town made were reviewed and included the Town Hall Roof Project, the Visitors Center Parking Lot Project, the Greylock Glen, the Train Station Pavilion, and a number of grants to offset the costs. He noted that there was nothing unusual and they were all recorded properly. Liabilities were noted as normal. Long term debt was reviewed for borrowed funds for renovations to the Police Department, the Library and the Wastewater Treatment Plant. The obligation of the Adams Retirement System was discussed and the pension system was reviewed. It was noted that without an independent audit they were unable to put a clean opinion on it. Potential health insurance payout for retirees was reviewed. Two new categories, deferred outflows and deferred inflows were explained. Assets minus liabilities were discussed and it was noted that the Town had to put \$8 Million in net pension liability and \$13 Million in OPEB, which is why it is a deficit. It was noted that a few years ago the Town was told they must prepare for OPEB and has not done it. Health insurance is covered for regular employees and retirees in a pay-as-you-go method. There would be an independent auditor over the Retirement Board but not OPEB, which responsibility belongs to the Town. It was pointed out that Pittsfield, North Adams and Adams are the only towns with independent retirement systems in the county and that the pension systems are governed by Massachusetts General Law. It was reported that disclosure in financial statements were six months behind and total pension liability gross was actuarily determined to be \$50.3 Million, with an investment of \$32.4 Million. It was noted that there is not enough work done on pension liability, but only on the asset side. It was explained that the testing of internal controls was fine. The budgetary statement was reviewed and compared how the budget matched up with how money was spent. Expenses were looked at and it was noted that the Town does not allow for deficit spending with the exception of snow and ice. It was explained that departments kept spending under the limit and were able to return funds to Free Cash. Real Estate Taxes for 2019 were reviewed and showed a 96% collection rate. It was noted that there has been a very good rate of collection over last five years. Personal property taxes were \$655,000 and \$651,000 were collected. Motor Vehicle Excise Tax was reported to be collected at 85% which was noted as not being bad. It was explained that there was a single audit and no issues so a clean opinion was submitted to the Office of Management and Budget. The management letter was reviewed and it was noted that there was just one issue which was a comment, versus a finding. He clarified that the management letter comments are good and findings are bad. He explained that there could be some controls tightened and cash turned over sooner, but there was no missing cash. He recommended it being done more quickly and having a formal document in place for every department to use in a written policy. He noted that there is a standard that has been released which is going into effect during Fiscal Year 2021 and management is aware of dealing with leases on the balance sheet in anticipation of it. He pointed out there was a cyber-attack and a need to make sure backup processes are working fine. He explained there are no issues working with management, the Town Accountant does a very good job maintaining the books, and the Treasurer also does a very good job with no delays. He noted a delay only due to Covid-19 and reviewed the trend of Free Cash and its definitions. He explained that Free Cash would be better at a little higher level to get through rainy days but the Stabilization Fund is steadily increasing over the last five years and ideally would be between 5 and 15% for a town. He noted an improving position with what can be taxed and that the gap is widening. He noted that management has done a good job and the reevaluation process helps. He concluded with the summary that the audit was very good and the big issue is to see if there is a way to work with getting an audit of the retirement system. He noted without this being done it hinders the Town in getting a clean opinion. It was pointed out that the cost has a lot to do with why it has not been done, and it was estimated as costing around \$20,000. It was noted that the audit is a very good tool for management to assure the pension system is doing their job. Member Duval recommended that the Budget Sub-Committee review the information with the Town Administrator and come back with input and pros and cons regarding the auditing of the Retirement System.

Tax Collection Update: Tax Collector/Treasurer Rice gave an update on tax collections since Covid-19 and reviewed that there were extensions. She advised that collections are down just over 2% but demands didn't go out until July 10<sup>th</sup> and are due Monday. She noted that there were only fifteen calls from people who needed an extension. Taxes receivable were reviewed and it was noted that one individual is responsible for almost 80% of the total owed. She reported that Transfer Station stickers are down about 199 stickers from last year, but people are still coming in and averaging about ten sales a week. She noted that sales are doing better than anticipated and applications for stickers and bag tags are available on the Town website. They can be completed and mailed in or put it in the Drop Box in front of Town Hall with a self-addressed envelope. She explained that she has the Post Office self-stamp them for quicker turnaround. It was noted that it is approximately a \$15,000 decrease in revenue. The circumstantial changes due to Covid-19 from last year were noted. A suggestion was made to consider prorating the price each month for people that didn't get a sticker yet. It was explained that this was discussed with Northern Berkshire Solid Waste Management District and it was not felt to be a good idea because people will wait and get them later to get a reduced price. It was pointed out that people cannot keep refuse for long period of time. Vice Chairman Bush advised there are more people involved in a decision on this and it was determined to be more of a hassle to manage.

August 2020 Budget: Chairman Hoyt reported that the Town is moving forward with the August 1/12 budget. Town Administrator Green advised that the July budget was approved by the Department of Revenue after the Board approved it. He briefly reviewed the amount of money allocated for departments and explained this maintains the current level of staffing. He pointed out that the only other large item is the quarterly payment for Northern Berkshire Vocational Regional School District because Hoosac Valley Regional School District is not yet ready to invoice the Town. Motion made by Vice Chairman Bush to approve the August FY20211/12 budget as submitted, second by Member Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed.

Ratification of Special Police Officers: Chairman Hoyt advised there have been two recent retirements at the Police Department and both parties are interested in being appointed as Special Police Officers to assist with staffing. The letter written by the Town Administrator requesting the appointments of David Dean and Richard W. Tarsa, Jr. were read aloud. Motion made by Member Duval to appoint Richard W. Tarsa Jr as a Special Police Officer in accordance of provisions of section 86-5 of the Bylaws of the Town of Adams at the Special Police Officer Grade 5, Step 1 rate of \$16.64 per hour, second by Vice Chairman Bush. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed. Motion made by Member Duval to appoint David Dean as a Special Police Officer in accordance of provisions of section 86-5 of the Bylaws of the Town of Adams at the Special Police Officer Grade 5, Step 1 rate of \$16.64 per hour, second by Vice Chairman Bush. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed

Appointment of Traffic Commission Member, Interim Police Chief Troy Bacon: Chairman Hoyt provided information from the Town Code on the makeup of the Traffic Commission. She noted that Annual Appointments were done a few weeks ago and the vacancy is a representative of the Police Department, which is typically held by the Police Chief. Interim Chief Bacon advised he is interested in filling this position and it was recommended that he be appointed to the position. Motion made by Vice Chairman Bush to appoint Interim Police Chief Bacon to the Traffic Commission, second by Member Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed

Ratification of Council on Aging Administrative Assistant, Elizabeth Chapman: Chairman Hoyt read aloud the letter from Town Administrator Green recommending ratification of Elizabeth Chapman to the position of Part Time Administrative Assistant to the Council on Aging. It was explained that if ratified she will assume her duties on July 27th at the Grade 5, Step 1 rate of \$16.61 per hour. Council on Aging Director Girgenti reported that she is a viable candidate and a good fit. Town Administrator Green added that the position was filled with a preexisting van driver who has stepped back into the van driver position, so this was an expedited process. He explained that she has significant experience and will be a good asset to the Council on Aging. Motion made by Member Duval to ratify the appointment of Elizabeth Chapman to the Part Time Council on Aging Administrative Assistant position at the Grade 5, Step 1 rate of \$16.61 per hour on July 27, 2020, second by Member Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Bush, Members Duval, Blanchard and Nowak. Motion passed

2020 Tag Sales: Chairman Hoyt reviewed that the Board originally discussed whether to have the 2020 tag sales during the Reopening Phase II. She noted there has been an increase in people holding and wanting to hold tag sales. She reminded the Board that they had cancelled the Town-wide Tag Sale. She explained that since it has become a large discussion with residents and Code Enforcement with the Building Commissioner, it is appropriate to revisit the topic or get an update and review the time impact on Inspectional Services. It was noted that a review was needed on how tag sale permits are issued and there needed to be a conversation on health implications to look at whether to have them or not. Code Enforcement Officer Blaisdell explained that presently there is a moratorium on issuing tag sale permits but there have been several locations having tag sales and posting them and it is not clear if the parties are aware they have to get a permit. He noted that within the Town Bylaw there are language deficiencies and follow up with code enforcement. The present issue is whether to continue the moratorium or rescind it and educate the community on the proper protocols to have tag sales. It was pointed out that most people know they need a permit. It was explained that in the latter part of August there is a plan for a Ham Radio Flea Market which will charge admission and is not open to the public. They have been told to advertise and may have to cancel it. The state has allowed tag sales to resume but the Board can regulate them locally. The application and education process was reviewed and would require an amended form to include non-specific venue standards and guidelines to educate the public. He explained tag sales can be put in the paper and note on the Town website that tag sales have to be permitted. Permit guidelines were reviewed and it was pointed out that the zoning regulation outlines that permits are issued out of the Board of Selectmen's office. It was explained that if unpermitted tag sales are taking place they can be shut down. A request was made to amend the Bylaw to include removal of signs after tag sales.

It was explained that enforcement is a \$50 fine per issue, and currently there is no requirement to remove signs which is a deficiency in the wording of the Bylaw. It was requested that this be presented to a working group ahead of Town Meeting with a draft of the updated Bylaw encompassing the responsibility. The tag sale approval process was briefly discussed. Covid-19 protocols are in place and the Code Enforcement Officer can issue a Public Health Order to amend the Bylaw. The time impact on the Administrative Assistant of the Board of Selectmen, Code Enforcement Officer Blaisdell and Building Commissioner Garner, as well as the fee structure to cover administrative costs and regulatory action was considered. A recommendation was made to take a look at the fee structure to see if it sufficiently covers the costs in light of the demand on staff time. A recommendation was made that if allowed to have them be consistent with the other communities and the state. Concern was expressed about potential transmission of disease as other communities have seen numbers increase and tag sales frequently have people come from other communities. Enforcement was briefly discussed and it was noted that the Police Department would be asked to become aware of properties having them and communicate the moratorium. Chairman Hoyt explained that a few things were brought up regarding amendments to the bylaw and that on August 5th meeting Code Enforcement Officer Blaisdell and Building Commissioner Garner will present bylaw recommendations for the Board of Selectmen and to help the community know what may be coming with a healthy discussion before making this decision. It was clarified that the Town can craft a separate bylaw that regulates signage which could be part of zoning or separate. Town Counsel St. John III advised it is a zoning bylaw so amending it has to go through the Planning Board but a separate bylaw could be created under the Town Code to address procedural issues and permits. He noted that the Board of Selectmen has ultimate authority to issue the permits and can have it worded that public property cannot have signs on poles without permission. This information can be drafted and given to the applicant when they apply for the permit. Health and safety enforcement of masks and distancing was briefly discussed and it was noted that many people from Adams use tag sales to make extra income. It was recommended that there be a list of what can and cannot be sold at tag sales. Monitoring and enforcement on the weekends was noted as being complicated due to work schedules. A recommendation was made to have a separate meeting to talk through the permit costs. It was also pointed out that those with the internet may be able to continue selling things online and there are other avenues to sell items. No action was taken by the Board.

Plastic Bag Reduction Bylaw: Chairman Hoyt advised that the Governor lifted the suspension of plastic bag bans in communities. She reviewed that the Town of Adams has a Plastic Bag Reduction Bylaw, which has administration under the Board of Selectmen. She reviewed an article from the Massachusetts Municipal Association and highlighted that some communities have a delayed enforcement of their plastic bag ban to a later date to give local retailers time to adjust and deplete their supply. She noted that some communities put it off until September or October. She explained that the Town is also taking into consideration health issues. It was noted that it was up to the municipality whether to immediately return to enforcement or not. It was explained that restaurants with takeout were using bags in addition to the supermarket. Code Enforcement Officer Blaisdell reviewed that the order was rescinded on July 10th and there have been no complaints from the community and he has not gone out to establishments to see if they are using reusable bags or alternative means other than plastic bags. He explained that he is comfortable with a moratorium on enforcement to exhaust supplies and pointed out that other communities anticipate another surge. It was clarified that some store policies for staff safety include not handling reusable bags. Reservations on utilizing reusable bags were shared. Motion made by Member Blanchard to place a moratorium on enforcement of the plastic bag ban indefinitely, second by Vice Chairman Bush. Discussion took place about concern over the term "indefinitely" and it was noted that plastic bags are not biodegradable and harmful to wildlife. It was pointed out that there are no complaints or problems currently and no reason not to continue as is. It was explained that the supermarket offers free paper bags. It was explained that if a complaint is received the Town will have to investigate and enforce it. It was emphasized that just because there are no complaints if the Code Enforcement Officer goes into a store he has to enforce it through his job requirements and to cite them for using plastic bags. Vice Chairman Bush rescinded the motion and the Motion died. It was clarified that if an establishment does not allow reusable bags they must find an alternative. No action was taken by the Board.

#### DEPARTMENT REPORTS

Town Administrator: Town Administrator Green advised that he participated in the Massachusetts Police Training Council (MPTC) monthly meeting where they handle exemptions for training and the board voted unanimously to exempt Interim Chief Bacon. A thorough review was done and Interim Chief Bacon is getting ingrained as a certified police officer. He noted that he had a conversation with the State Representative Barrett who is advocating for the Town regarding the Greylock Glen. He explained that based on the finances, he is keeping aware of potential funds for the roadway and through the Metropolitan Planning Organization (MPO) process is getting it on the TIP. He encouraged Board Members to take time to read the proposed Tobacco Regulations and noted that the Board of Health has obligations on the public health of the community. He pointed out there is a pretty significant cross section between revenue and justifying business and to review them and ensure if there are businesses that come to town that want to sell tobacco they have a provision to allow the Board of Health to take that into consideration. He explained that he had scheduled a meeting with Cheshire Town Administrator St. John IV and Cheshire is potentially setting a September 15th Town Meeting date. He noted that it is impossible to predict what the funding reduction will be or what CARES Act funding will be for losses and the Town may have to move ahead with a Town Meeting. He encouraged the Budget Sub-Committee to meet to see where to cut and how much. He reviewed the latest ABCC Advisory which now allows any establishment licensed for on-premise consumption to sell for off-premise consumption with parameters. He reviewed that the Financial Assistant II position is going forward as a 19-hour position and is anticipated for ratification in August. He explained that Interim Chief Bacon is looking at the pool of Patrolman applicants as there are three vacancies which are currently being covered at the overtime rate. He explained the intent to fill the positions with lateral transfers and will be required to field train officers. Member Nowak advised that Pan Am Railway is up for sale and inquired whether it will have any effect on the Berkshire Scenic Railway. It was noted that it is not a concern at this time. Their agreement is with the Commonwealth of Massachusetts and unless that contract is terminated there are freight rights with Pan Am Railway but the state owns the property. It was explained that the Commonwealth of Massachusetts is working on the Adams Branch and Holland Company and Specialty Minerals depend on rail freight for their businesses so letters of support were written for them. The Grant Street Improvement Project was briefly discussed and there will be an opportunity to speak with the neighborhood on that soon. Vice Chairman Bush advised that the Board of Health had a special meeting concerning sale of tobacco products and encourages everyone to attend and to support the Town.

**Town Counsel:** *Town Counsel St. John III* advised that he began working on pilot agreement for the Barrett House, reviewed and signed town contracts, responded to a request for advice from the Code Enforcement Officer, and reviewed and commented on the National Grid access agreement.

SUBCOMMITTEE AND LIAISON REPORTS: Member Nowak attended via telephone the Mohawk Trail Woodlands Partnership (MTWP) meeting where they are putting together a Sub-Committee to tweak the bylaws and subcommittee to pick a nonprofit group to administer the funds. He noted that he was asked to serve on the board to choose the nonprofit organization. He reported that eight out of sixteen communities put in for grants and MTWP will be awarding \$20,000 late next week. He expressed hope that Adams will be on the list. Member Blanchard thanked Interim Chief Bacon for quickly setting up a ride-along with Officers Sorrel and Hicks. Member Duval reported he attended the Berkshire Regional Planning Commission (BRPC) Executive Committee meeting and also the BRPC full committee meeting. He advised that the Executive Committee dealt with end of year items and are reviewing Executive Director Matuszko. The BRPC full commission voted on officers and he reported that he will still remain the Vice Chair of the commission. He advised that there will be a Metropolitan Planning Organization meeting on Tuesday. Vice Chairman Bush reported that the Banners for Fallen Heroes are up and that it was a lot of hard work. He thanked the designer, Callahan's, John Moyer, John Bordeau, and George Haddad. He reported that the citizens have been very receptive and making positive phone calls and comments. He thanked Interim Chief Bacon for putting up the pedestrian crossing signs again.

**ANNOUNCEMENTS AND GOOD OF THE ORDER:** *Member Nowak* reported that the Banners for Fallen Heroes look great and there have been many compliments received on them. He advised there are empty poles for rotations to be made for other people to be put up alphabetically. He noted that it is unfortunate that people will continue to be added to this list. He advised that the Town Common Project is progressing at a nice rate and the statue of Susan B. Anthony will be put into place on or around August 23rd. He noted there is a donation of concrete for the footing where the statue will be placed and it saved \$900 in funds that can be put toward other things. He noted the project completion will spruce up the town. Member Duval thanked Vice Chairman Bush, the volunteers of the American Legion and George Haddad, as well as those that provided funding for the project, Adams Cooperative Bank and Callahan's for putting up the Banners for Fallen Heroes, and the Town Administrator for approving the project to go forward. He advised the vegetation at the solar field by the Transfer Station is growing though not as bad as last year. It will be looked into. Chairman Hoyt advised that the memorial service for Skip Harrington will take place on Friday and she asked Board Members to attend. She noted that she had ordered flags to be lowered on the day of the service and it was also done at the time of his passing. Those entering the building are asked to sign in. Town Administrator Green advised that next week he will be going to the Pittsfield sewer plant and he is looking to network and see what can be done.

ADJOURNMENT: Motion made by Member Blanchard to adjourn the meeting, second by Member Duval. Vote: unanimous. Motion passed. Meeting adjourned at 8:22 pm

Respectfully Submitted by Deborah J. Dunlap, Recording Secretary

Joseph Nowak, Member

Yames Bush, Vice Chairman

John Duval, Member

Richard Blanchard, Member

Christine Hoyt, Chairman