

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

**TOWN HALL BUILDING
8 PARK STREET**

Wednesday, January 6, 2021, 7:00 p.m.

Meeting Minutes

CALL TO ORDER: On the above date the Board of Selectmen held a meeting via Zoom. The meeting was called to order at 7:00 p.m. by Board of Selectmen Chairman Hoyt. Present via video were Chairman Hoyt, Vice Chairman Blanchard, Member Duval, Town Administrator Green, Town Counsel St. John III, DPW Director Tober, Matt Singer of N.G. North America, Northern Berkshire Community Television, Jack Guerino of iBerkshires. Attending via telephone were Member Nowak and Administrative Assistant Dunlap.

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 this meeting is available for anyone who wishes. Rule of 10 in place according to Code Enforcement for the size of the room in accordance with the Governor's order.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The meeting minutes for December 23, 2020, December 9, 2020 and December 10, 2020 were submitted for approval. ***Motion made by Vice Chairman Blanchard to waive reading and to approve the meeting minutes for December 2, 2020, December 9+, 2020 and December 10, 2020 as submitted, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.***

PUBLIC CALL-IN:

Join Zoom Meeting:

<https://zoom.us/j/95886456522?pwd=VmpXMHpPTWJYSmZMYkIJcW1NNHAYZz09>

Meeting ID: 958 8645 6522; **Passcode:** BOS0106

Dial by your location: +1 929 436 2866 US (New York); **Meeting ID:** 958 8645 6522;

Passcode: 5045505; **Find your local number:** <https://zoom.us/u/amSEldss4>

OLD BUSINESS

Renewal of Motel License, Mt. Royal Inn, 99 Howland Ave, Adams, MA. Chairman Hoyt updated the Board that no additional paperwork had been received from Mt. Royal Inn, that Mt. Royal Inn had been served notice of non-compliance and they have been in touch with Inspectional Services this week. Code Enforcement Officer Blaisdell has set a date for a public hearing with the Board of Health to bring them into compliance for their Motel License. She noted that no action is needed at this time and clarified that what was still due to the Board of Selectmen is payment of the license fee, and the Board of Health still needed fees, paperwork and other items.

NEW BUSINESS

PILOT Agreement for the Adams Grove Street Solar Project: *Town Administrator Green* gave a brief overview of the project and stated solar fields are not taxable but require some level of oversight. It was explained that the project passed through a variety of ownerships and began negotiations in 2019 with a previous developer. It was sold to the current developer on this and the location is the Grove Street gravel bank. It was noted that this project has been in the works for several years and last year the Planning Board approved some items. It needs a Payment In Lieu Of Taxes (PILOT) agreement to be approved in order to advance it to Town Meeting. *Matt Singer* of N.G. North America advised he coordinated this with Donna Cesan and gave a brief overview of his background and that of N.G. North America. He noted the projects are heavily focused in Massachusetts and in a Solar Massachusetts Renewal Target (SMART) Program. The company has completed construction on two projects in the Commonwealth and hopes to break ground on this soon as it is currently under review. He noted the company is looking to be a long-term partner with Adams. He explained that he has worked closely with Donna Cesan and did the site plan approval with the Planning Board, and worked on a Stormwater Management agreement. In March, 2020 approval was received for property tax revenue for the Town and he reviewed the updates. The project would produce 5.6 MW of direct current generating approximately \$5,800 in annual payments. It has been updated from quarterly to fiscal payments which better aligns with how assessors prefer to receive payment. Town signatory and other wording was added to include the Town Meeting approval requirement. It was confirmed that the funds would be deposited into the General Fund. It was clarified that the vast majority of the gravel pit will be the solar array. *Town Counsel St. John III* advised he looked over the agreement, which is similar to past agreements, and noted he found no issues with it. The solar panels on the ground will be secured with ground screws on 25% slopes and anything more will be graded for a shallower slope as part of the construction and civil site prep operations. The energy will be distributed by National Grid, and the SMART Program, and it will be operating as both a community solar garden and with a subscriber named Arcadia who is looking for residential subscribers to receive bill credits without the physical attributes of having panels on their roof. Arcadia was noted as being a leading company for subscription space throughout the country and operating through N.G. North America with two previous projects to fill subscriptions to integrate utility bills so subscribers can see the credits. It was clarified that property abutters were notified and plans presented to the Zoning and Planning Boards so that process has already been completed. ***Motion made by Vice Chairman Blanchard to approve the Grove Street Solar Project PILOT, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.***

Review of Open Meeting Law Complaint filed by Patrick Higgins and referral to Town Counsel for response: *Chairman Hoyt* reviewed that a complaint had been received. ***Motion made by Vice Chairman Blanchard to refer the complaint to Town Counsel, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.***

TOWN REPORTS:

Town Administrator: *Town Administrator Green* advised that LC² expects to commence the cultivation facility in the late summer. They are filing with the state to extend the cultivation license to product manufacturing as well as to create an additional eight to ten jobs. The outreach meeting will be January 13th at 6:00 p.m., which will be put on the Town website. January is the targeted time to complete the site plan to be reviewed by the Planning Board. Mr. Babayan will attend a Board of Selectmen meeting to provide more details about it. The State is moving ahead with the vaccination plan and locally first responders will receive vaccines through the Northern Berkshire Emergency Management Center with a target date of Monday, depending on whether the vaccines are shipped and in place. He urged constituents to be patient as the vaccination plan is fluid. The first group will be first responders. He noted that the Covid-19 numbers are yellow, down from red two weeks ago, and may be back in the red by Thursday.

There is no direct epidemiology from a restaurant or event but from private gatherings. He reminded citizens to please wear masks, practice good hygiene, wash their hands, and to heed CDC advice. He reported that he followed through with the hiring of a Community Development Director coinciding with the Police Chief hiring and anticipates at the next public meeting the Board will have information on that day regarding the ratification. Concern was expressed regarding the Jordan Street Culvert and it was reported that it is stabilized for now. There are a couple small options and the Town is working with FEMA and MEMA regarding grants for that process. He noted that nothing is in danger right now and there are water flow problems but it is being monitored. *Town Administrator Green* clarified that the vaccination site for first responders is one selected site for the region which is undisclosed at this time and will include Adams Police Department, Adams Fire District, the Forest Wardens and Adams Ambulance. Sign-ups will be online for first responders to log on to the site to get the date, time and place to show up. *Member Duval* requested the Town Administrator provide the Board with information regarding the funding the Town has received from the Federal and State Governments to help with the Covid-19 crisis, as well as the payment process, amounts and rules. *Town Administrator Green* advised that the only bucket of money available for the private sector were funds available for the Community Development Block Grant (CDBG) program that Adams had to apply for, in which Donna Cesan partnered with Berkshire Regional Planning Commission (BRPC) to apply for that program. He noted disappointment with the amount of paperwork businesses are asked to provide to them, but there is still a pot of money available. He explained that the Town did outreach and two businesses have taken advantage of it. He noted that some businesses said no to it as the amount was small for the amount of work required. The Cares Act is a second funding source which is an omnibus legislation that passed at a federal level and provided a municipal relief fund. \$712,000 was authorized for Adams but the Town did not get that amount of money. It was extended until December of 2021 and the Town is able to use the funds, unbudgeted, for expenses related to Covid-19. He noted that the uses are very limited for the funds and he is hoping the use allowances will be expanded. He explained that Adams has not had to use it much. The School Districts have been helped and he will follow the legislation to cushion the budget from Covid-19 related expenses. The CDBG funds are up to \$10,000 thru BRPC and on the Community Development page on the Town website. He pointed out that it is equal to or exceeds the amount of paperwork for PPE Loans. Clarification was requested on the status of the medical marijuana business intended to go in at the Ronnie's Cycle building. It was explained that it is moving forward with only adult retail marijuana through Mission Massachusetts, which has transitioned into Mission Adams. After LC² is up and running Donna Cesan will be reaching out and pursuing them. It was explained that the Mobil Station environmental investigation is completing and the findings will be reported at a workshop to look at the formal transfer of the property. *Member Nowak* thanked Town Administrator Green for keeping citizens abreast of covid-19 and hoping vaccination available for people who want it. *Member Nowak* asked for continued Animal-Parking Control Officer weekly reports, which have fallen through the cracks. It was noted this position reports to the Chief of Police, and Chief Bacon is Acting Chief from a distance, so a way will be found to report back on these activities. *Member Nowak* advised he has received a few calls regarding on-street parking and asked if there was any feedback from the storm. It was noted that no complaints were received from the public. Only a couple streets had cars in the way and the DPW tried to work around them but will work collaboratively with the Police Department if necessary for removal. *Member Nowak* thanked Town Administrator Green for giving out Friday reports and requested that continue.

Town Counsel: *Town Counsel St. John III* advised he had discussions and email exchanges with the Assessor regarding a proposed PILOT agreement; he reviewed and provided advice concerning an alleged Open Meeting Law violation against the Board of Selectmen, he made an appearance in Superior Court concerning a motion to dismiss certain charges in a pending litigation matter; he reviewed and provided comment concerning issues regarding possible Open Meeting Law violations involving a Town board.

Member Duval requested Town Counsel St. John III provide specifics to the public once his review of the Open Meeting Law complaints is completed.

SUBCOMMITTEE AND LIAISON REPORTS: *Member Duval* reported that the BRPC Executive Committee Meeting is tomorrow. He advised he is serving as a backup delegate for the Metropolitan Planning Organization (MPO), which switches with Williamstown every two years. The MPO sent out the request for projects to go on the TIF for MPO to review with BRPC to identify projects. He noted that it goes through the engineering process and gets ranked. The Route 8 Project is active and the Ashuwillticook Rail Trail Extension Project is moving forward to Hodges Cross Road. He reviewed that Howland Avenue needs discussion regarding when to bring it forward. He pointed out that projects take five to seven years and it is time to think about that project next to be reviewed by MPO. It was explained that the Route 8 Improvement Project, Quality Street, and the Ashuwillticook Rail Trail are next up. He explained that it has been high on the list to have the Howland Avenue project taken a look at to be the next major project. Town Administrator Green was asked to work with Donna Cesan to assess whether to put it forward in the next year. *Member Duval* advised that the Memorial Sub-Committee met and discussed that now is a good time to put out the RFP again for Memorial School since there is still interest in the building. It was noted that it is not clear whether the Board needs to review again because it was paused by Covid-19 and needed 40R on the books. It has not changed substantially enough to have it reviewed again. Donna Cesan will be consulted to see if it needs to be reviewed again. The East Street project was briefly reviewed and was also stalled by Covid-19. The new HVAC system at the Memorial School was reviewed and it was noted that it will help to move the project forward. It was reported that the HVAC was installed and the project is concluding. Brief discussion took place on use of the building and a potential reopening expectation. It was noted that the Board needs to review a new policy for oversight and rules prior to use of the building. The HVAC system and project have not yet been signed off on by Community Development. The Inspectional Services Department and Code Enforcement need to sign off, and DPW Director Tober will need to determine how to operate building as it is too large to be unmonitored and to enforce Covid-19 restrictions. *Member Duval* requested a Memorial Sub-Committee meeting to determine uses in order to generate policy and will bring forward information to a workshop in February. It was clarified that the heating system did not extend into the auditorium, which has gas heaters, and it was suggested that Town Meetings could be held there. *Member Nowak* advised that Brian Hanlon, the sculptor of the Susan B. Anthony statue, had workmen come to finalize work on statue. He recommended talking about the statue dedication celebration for setting a time and date for planning purposes. He noted that the gazebo is moving along nicely. *Chairman Hoyt* advised that Berkshire Regional Transit Authority (BRTA) has released their annual report and everyone will get a copy.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Member Duval* advised that there is a State Board of Selectmen meeting on Friday. *Member Nowak* reported that he had received calls and personally ran into people that were disappointed in the Board's decision on liquor license fees. He noted that Great Barrington reduced fees to 50% and others had no fees. He stated that the opinion was that the Board could have done a better good will gesture. He reported that today was one of the most shameful episodes in American history; like a banana republic and a rogue nation. He noted that on January 27, 1838 Abraham Lincoln gave his Lyceum Address and quote "*There is no grievance that is a fit object of redress by mob law.*" He expressed he hoped that the country can get back on track. *Chairman Hoyt* announced that there is no workshop next week but there will be a Community Outreach meeting for LC² by Zoom and encouraged Board Members to attend at 6:00 p.m. She announced that the next meeting will January 20th at 7:00 p.m. January 27th will be a workshop to discuss the projects to apply to CDBG for, and the new Community Development Director will be on board. There will be a regular meeting on February 3rd and the following week there will be a workshop with Tighe & Bond on either February 9th or February 11th. There will be a Meeting on February 17th and a workshop after that. She noted that the meetings may be remote or partial in-person, dependent upon Covid-19 numbers in the community.

EXECUTIVE SESSION:

#2 To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

i. Police Chief K. Scott Kelley

At 8:16 p.m. Motion made by Member Nowak to go into Executive Session for Reason #2, second by Vice Chairman Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.

At 8:25 p.m. Motion made by Member Nowak to exit the Executive Session to go forward with the final agenda item then adjourn, second by Vice Chairman Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.

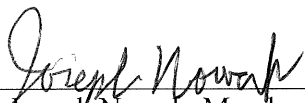
At 8:25 p.m. Jack Guerino of iBerkshires re-entered the Zoom call.

CONTRACT APPROVAL:

Contract approval of police chief contract for K. Scott Kelley: *Motion made by Vice Chairman Blanchard to approve the employment agreement between the Town of Adams and Chief Scott Kelley, second by Member Duval.* It was noted that Chief Kelley's tentative start date is January 19, 2021, and he already has a Sergeants' meeting scheduled. The contract is for three years, and was described as a standard contract, which has been reviewed by labor counsel. It was pointed out that the contract is not set to auto-renew, and in three years negotiations will begin for another three-year contract. Salary and the compensation plan were outlined and have been broken down to \$88,317 annually. **Roll Call Vote:** *Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

ADJOURNMENT: *Motion made by Vice Chairman Blanchard to adjourn the meeting, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed. Meeting adjourned at 8:30 p.m.*

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary



Joseph Nowak, Member

Richard Blanchard, Vice Chair



John Duval, Member



Christine Hoyt, Chairman