

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, March 17, 2021, 7:00 p.m.

Meeting Minutes

CALL TO ORDER: On the above date the Board of Selectmen held a Zoom meeting. 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, Police Chief Kelley, Building Commissioner Garner, DPW Director Tober, K-9 Officer Crane, Police Detective Cunningham, Howard Rosenberg, Robert Pytko of Adams Hometown Market, Northern Berkshire Community Television, Jack Guerino of iBerkshires, Scott Stafford of Berkshire Eagle, and Administrative Assistant Dunlap. Attending via telephone was Member Nowak.

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 can be made available for anyone who wishes.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The March 3, 2021 minutes were submitted for approval. *Motion made by Member Duval to waive reading and to approve meeting minutes for March 3, 2021 as submitted, second by Member Nowak. Roll Call Vote: Chairman Hoyt, Member Nowak and Member Duval. Abstention by Vice Chairman Blanchard. Motion passed.*

PUBLIC CALL-IN:

Join Zoom Meeting

<https://zoom.us/j/94163426637?pwd=ZWhtUjRQdCVlJ6azhVVGxVcjB5UT09>

Meeting ID: 941 6342 6637; Passcode: 133287

One tap mobile: +13017158592,,94163426637#,,, *133287# US (Washington DC)

+13126266799,,94163426637#,,, *133287# US (Chicago)

Dial In: 1 (929) 436-2866 US (New York); Meeting ID: 941 6342 6637; Passcode: 133287

Public Comments: *Police Chief Kelley* reported that Bob Pytko of Adams Hometown Market reached out to Officer Crane regarding a program that donates payment to K-9 programs to include the dog, training and five years of maintenance on a dog. He noted that Kumar has worked 8 years and it is a pleasure to have this announcement. *Bob Pytko of Adams Hometown Market* explained that the Market is all about community, and are here for the town. *Police Officer Crane* advised that this is unheard of, and the Department is very lucky. Adams Hometown Market was thanked and appreciated for the generous donation. *Chief Kelley* acknowledged that in the short time he has been here, Kumar has been a huge community asset.

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TOWN CLERK
ADAMS MASS.
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NEW BUSINESS

Annual Nomination of Inspector of Animals for the term of May 1, 2021 to April 30, 2022, Kim Witek. Motion by Vice Chairman Blanchard to nominate Kim Witek as Inspector of Animals for the term of May 1, 2021 through April 30, 22, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Member Duval, Member Nowak. Motion passed.

Presentation by Chief of Police Kelley regarding Adams Police Department Social Media Neighborhood Watch Program. Chief Kelley and Detective Cunningham outlined a new Neighborhood Watch program for citizens which is accessible by phone or ring device applications to support law enforcement public safety. It was noted that if there is an incident the Police Department can send out alerts through the ring application. Additionally, if the Police Department is looking for surveillance information in a certain area they could pull data from people in certain areas and information can be provided anonymously. It was explained that people can contact the Police Department through their request to provide information so they would not feel targeted. It was noted that the application has a message for investigations, alerts or other emergencies. The application will help the Police Department to facilitate investigations and as a social media tool it helps the Department reach out to the community. It was noted that there has been positive feedback and appreciation from the community. It was further explained that the applications are all free and people can log on and join the virtual neighborhood watch and put an alert through ring application to notify the Police to investigate situations. Chairman Hoyt reported that she had added the Neighbors application two weeks prior and there was a water main break on Howland Ave that Water District Superintendent Barrett spoke on an hour and a half later, so it was very helpful. It was explained that the community has to be engaged and the Police Department will continue with Facebook and social media to get information out for direct safety and to post pictures of animals walking through yards for neighbors to be aware of. It was pointed out that there will not be daily updates but it will provide suggestions regarding locking vehicles and preventative measures. The tool was identified as the Ring.com\Neighbors Application, which is completely free. Adams is one of 26 communities that use the application as a tool to engage the community, and the only one in Berkshire County. Bots and malware on applications were briefly discussed and it was noted that verification must meet criteria of public safety or a criminal element and people commenting have strong filters in the limited access forum. The strength of the comment section on the application was reviewed and it was noted that there are stronger controls than video postings. The importance of getting the word out about locking cars, garages and sheds was discussed and it was noted that securing them cuts down on the need for department investigations. Member Nowak noted that as a Selectman, safety is one of his main concerns, and asked to clarify information that is provided potentially through social media anonymously or under false pretenses. It was noted that due diligence is done by the Police Department to validate the tips received and follow up based on facts. It was noted that anonymous tips may be requested through the Ring.com/Neighbors application and video may be supplied voluntarily from the user end or denied through the application. Video sharing provides evidence for Police investigations. It was pointed out that social media tends to provide false and valid tips and the Police Department cannot ignore tips or the suggestion of a crime in a neighborhood but can follow up and ascertain if it is a credible issue. The question of anonymity was discussed and it was noted that all parties in the group are anonymous. If an identity must be ascertained it would be done through a search warrant, which would be under extreme circumstances. The necessity of providing an identity would be an unusual circumstance.

Review and Approval of a 268A Section 19 Disclosure of Financial Interest Determination by Appointing Authority for Zoning Board of Appeals Member, Wayne Piaggi. Building Commissioner Garner noted that the form is from the Ethics Commission regarding Wayne Piaggi's potential conflict of interest as an abutter for the Cumberland Farms project regarding possible financial gain. He noted that the form would show the Board of Selectmen allowing Mr. Piaggi to act as a participant of the Zoning Board of Appeals and to conduct himself on the Board with the facts of the interest with the assessed value of financial gain. He pointed out that if the assessed value of his property went up there would be financial gain, but the possibility was slim to none. It was noted that Mr. Piaggi wants to be an active member of the Zoning Board of Appeals and has expressed that he has no conflicts regarding this application. The form is just taking appropriate steps to protect the Town. *Town Counsel St. John III* advised that it has to be determined under the Conflict of Interest Law that the interest is not so substantial that it would affect the integrity of the decision and whether family members would benefit or if would be a benefit shared by a substantial segment of town and put that in writing. *Chairman Hoyt* clarified the instructions for disclosure were presented for review. *Town Administrator Green* explained that the matter that was anticipated to come before the Zoning Board of Appeals (ZBA) in which Mr. Piaggi would have a role was the Cumberland Farms special permit to operate 24 hours a day, which had a narrow scope. *Chairman Hoyt* explained that the Board has been making several appointments to the ZBA, which has had minimal participation from the community and is a small Board. Even with matters on the agenda the appointments would bring the ZBA membership up to five full members, leaving two alternate seats available. It was noted that Mr. Piaggi is going forward to continue to serve on the ZBA, and there are only so many members able to operate on the Board. *Vice Chairman Blanchard* expressed concern that Mr. Piaggi lives in the neighborhood and could object to the special permit, so taking that into consideration he could step aside for that matter but he doesn't believe he will gain from sitting on the ZBA for the decision. *Member Duval* expressed he had no problem with Mr. Piaggi continuing to serve on the ZBA and sees no issue with financial gain or loss. A question was raised as to whether abutters have to be touching the property in question or within a geographical location and it was clarified they are within 300 feet of the property. *Member Nowak* expressed concern that Mr. Piaggi stated in the iBerkshires that he was for the Cumberland Farms locating to the site, and made his feelings known publicly and if that makes a difference. *Building Commissioner Garner* advised that with a 24-hour application for a special permit it doesn't have anything to do with the location or construction of the business, as it is only a small part of the entire application. It was explained that the business still has to go to the Planning Board for approval. It was noted that if passed at the ZBA it is an easier process for the Planning Board because that decision is already been made. *Town Counsel St. John III* advised that he saw no conflict of interest, but had concerns about partiality. He noted that since the issue is not over the approval of the location, but whether it will be operating on a 24-hour basis he was not so concerned. ***Motion made by Vice Chairman Blanchard to approve the disclosure and state that the financial interest is not so substantial, if at all, to affect the integrity of the decisions that the Town of Adams would expect from Mr. Piaggi, second by Member Duval.*** Further discussion took place regarding concern about whether there will be a public hearing and it was confirmed there will be. It was explained that there are trainings, documents and resources available for Zoning Board members. Mr. Piaggi added that when meetings happen, the likelihood of there being five members present is very strong and if he steps aside from the meeting only four people could vote, which would then be required to be unanimous. If this is the case, Cumberland Farms may continue it until later. ***Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*** *Chairman Hoyt* advised she would draft something in writing to Mr. Piaggi and send it to State Ethics after Town Counsel review.

Appointment as Alternate to Zoning Board of Appeals, David Rhinemiller. Chairman Hoyt advised that the Town has been trying to fill positions on the Zoning Board of Appeals. David Rhinemiller has been doing the Town a favor for more than the 3 months he agreed to be a Member on the ZBA. **Motion made by Member Nowak to appoint David Rhinemiller as an Alternate Member of the Zoning Board of Appeals, second by Vice Chairman Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Member Duval and Member Nowak. Motion passed.**

Application for Appointment to Zoning Board of Appeals, Raymond Gargan. Chairman Hoyt advised this position's term would carry through June 30, 2022. Read letter from Mr. Gargan. Member Nowak praised Mr. Gargan and noted he was sure when given the opportunity he will serve the Town well on the ZBA. **Motion made by Vice Chairman Blanchard to appoint Raymond Gargan, Jr. as a Member to the Zoning Board of Appeals, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Member Duval, Member Nowak. Motion passed. It was noted that there are now five full Members and one Alternate Member.**

DEPARTMENT REPORTS

Town Administrator: Town Administrator Green reported that there will be a Traffic Commission meeting tomorrow at 3:30 p.m. via Zoom for the Cumberland Farms traffic study. He reported that public health is in a lull for receiving vaccines from the state. The ability to execute and vaccinate has caught up to supply. There are three active and viable vaccines with the Johnson & Johnson vaccine, and the clinic was the first in the county to issue the Johnson & Johnson vaccine. There was a small clinic yesterday, but there are no clinics scheduled until March 25th. Clinics will be added if vaccines become available. The Governor offered eligibility dates for March and April, and unvaccinated citizens were urged to check out the website for online resources for eligibility and to secure an appointment at an available clinic. He noted that 10,000 people were vaccinated in Northern Berkshire County, averaging fifty people per hour and up to 1,125 people per day. Clinics will increase and vaccinate as many people as possible and will require volunteers. He noted that the federal Congress passed the Federal Rescue Plan involving government. Adams will possibly receive \$2.5 Million from the federal government, and is awaiting guidance which will dictate how the Town will use the money. Once the money is determined with use restrictions, more conversation will take place about what to do with it. Ideas are being considered, and it was noted that back in 2008 or 2009 funding was then passed through existing previously established chains. Adams was reported to be in the grey coding for Covid-19, and case numbers are low. It was pointed out that continued work is needed to stay with low numbers as it is still an active virus which spreads easily. Citizens are asked to mask up and use proper hygiene to keep it from being in the School District. If another month passes and the Town is still in the grey hopefully it will indicate the Town is coming out of it. Expectations on receipt of the funding from the government was briefly discussed. It was noted that the Town may not see it for a year or so and it can be used until Fiscal Year 2024. Member Nowak inquired about the status of the Mobil Station, Memorial School RFPs and what the Board's thoughts are on opening Town Hall. It was noted that Memorial School has had no RFPs received yet so the Town may extend the deadline. There has not been a lot of criticism regarding opening Town Hall and it is premature right now to open it. If the Town stays at the grey level for Covid-19 doors could be opened a little at a time. Currently, the building is open by appointment if people are willing to call the office they wish to visit to arrange it. There is no information yet regarding the Mobil Station and the total cost to demolish the building is being figured out.

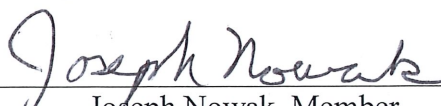
Town Counsel: *Town Counsel St. John III* advised that since his last report on March 3, 2021, he received and examined an inquiry from staff concerning a Public Records Act request. After asking and receiving answers to a few questions, he responded to the records request. He reviewed the filing by Mr. Piaggi regarding a potential conflict of interest, he reviewed a proposed amendment to regulations promulgated by the Board of Health and responded to the Board Chair.

SUBCOMMITTEE AND LIAISON REPORTS: *Member Duval* reported that next week Berkshire Regional Planning Commission is having a full meeting, a Metropolitan Planning Organization meeting and a budget meeting. *Chairman Hoyt* reported she attended the School Committee public hearing on the budget. There was a request to sit with the Board of Selectmen Budget Sub-committee and she will schedule it for next week. She noted they will vote on it March 29th. She advised she attended the Zoning Board of Appeals meeting where they reviewed an "at home occupation" on upper Lindon Street, a permit for Shire Cottage Bakery, and a cannabis cultivation facility in the Industrial Park.

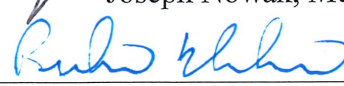
ANNOUNCEMENTS AND GOOD OF THE ORDER: *Member Nowak* advised that the Town received \$60,000 for rapid recovery funds on bettering the downtown area and he expressed concern about the spokesman for group who provided quotes in iBerkshires using terms like "financial apocalypse". He noted additional concern about Mausert Block being purchased by the same party ten years ago and it still has no stores in it so being the spokesman and advising how business should be is not a good example. He recalled the last time a presentation by the spokesman came before the Board for a wellness business proposal and signs in the windows are still there. *Chairman Hoyt* advised she has talked to Town Administrator Green, Special Projects Coordinator Cesan and Community Development Program Manager Ferguson, and Ms. Ferguson will be the point person for the Town. Berkshire Regional Planning Commission is assigning someone for the grant and will meet with the Board of Selectmen to give more information on the grant to provide better information on the steps. It was noted that the grant application was a collaborative effort between ProAdams, Town of Adams and Downtown Adams and it was set up by Stephen and Holly Stenson as a grassroots application from the business community asking for Town endorsement to apply for the group. The funds are not going to the group or the Town but for technical assistance and Berkshire Regional Planning Commission will execute it. It was pointed out that the narrative in the future will be more in line with the goal to have a thriving, economic downtown. The Town will host a forum for community input. *Chairman Hoyt* announced that next week there will be no workshop or meeting for the Board of Selectmen so it is a good week for Sub-committee meetings. She advised that the next meeting will be a workshop on March 31st at 6:00 p.m. *Member Nowak* asked for a workshop regarding the MVP program on the private land owners for carbon sequestration program.

ADJOURNMENT: *Motion made by Member 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 8:27 p.m.*

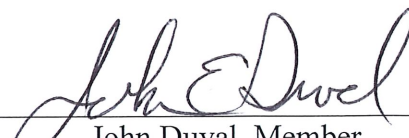
Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary



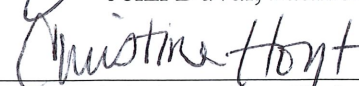
Joseph Nowak, Member



Richard Blanchard, Vice Chair



John Duval, Member



Christine Hoyt, Chairman