



Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, May 5, 2021, 7:00 p.m.

BOARD OF SELECTMEN 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 Town Administrator Jay Green. Present from the Board of Selectmen were Chairman Hoyt, Vice Chairman Blanchard, Members Duval, and Rosenberg. Also present were Town Administrator Green, Town Counsel St. John III, Administrative Assistant Dunlap, NBCTC, Jack Guerino from iBerkshires, Wastewater Treatment Plant Superintendent Rumbolt, Wastewater Treatment Plant Operator I Doolittle and Jim Fassell, Linda Cernik, Carol Cushenette, Kristin Doolittle, DPW Director Tober, Code Enforcement Officer Blaisdell, Town Clerk Meczywor. On phone is Board of Selectmen Meczywor and Pastor Dave Anderson, Jacob Schutz, Catherine Foster, Molly McGuire. David Rhoads.

The Pledge of Allegiance was recited.

Town Administrator Green advised that Adams is currently at the yellow level for Covid-19 cases and "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 upon request.

REORGANIZATION OF THE BOARD: *Town Administrator Green* took over the meeting for the reorganization of the Board. *Member Hoyt* thanked her colleagues for allowing her to serve as Chair for the last two years and appreciated their support. She advised she was not looking to serve as Chair this year as it takes a lot of time that she is unable to give at this time. *Motion made by Member Hoyt to nominate Member Duval as Chair of the Board of Selectmen, second by Member Blanchard. Roll Call Vote: Members Blanchard, Duval, Hoyt, Nowak, and Rosenberg. Motion passed. Motion made by Member Blanchard to nominate Member Hoyt as Vice-Chair of the Board of Selectmen, second by Member Rosenberg. Roll Call Vote: Chairman Duval, Members Hoyt, Duval, Nowak and Rosenberg. Motion passed. Chairman Duval assumed control of the meeting.*

APPROVAL OF MINUTES: The meeting minutes for the *April 7, 2021 Meeting, April 13, 2021 Workshop, April 15, 2021 Workshop, April 20, 2021 Workshop, April 21, 2021 Meeting, April 26, 2021 Workshop and April 27, 2021 Meeting* were presented for approval. *Motion made by Member Blanchard to take off the table the approval of the meeting minutes for April 13, 2021 and April 15, 2021 and April 20, 2021, second by Member Duval. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard and Nowak. Abstention by Member Rosenberg. Motion passed. Motion made by Member Blanchard to waive reading and approve the meeting minutes for April 7, 2021, April 13, 2021 and April 15, 2021, April 20, 2021, April 26, 2021 and April 27, 2021 as presented, second by Vice Chair Hoyt. Roll Call Vote: Chairman Duval, Vice Chair Hoyt, Members Blanchard and Nowak. Abstention by Member Rosenberg. Motion passed.*

Motion made by Member Blanchard to waive reading and approve the meeting minutes for April 21, 2021 Meeting as presented, second by Vice Chair Hoyt. Roll Call Vote: Vice Chairman Hoyt, Members Blanchard, and Nowak. Abstention by Member Rosenberg and Chairman Duval. Motion passed.

PUBLIC COMMENT:

Join Zoom Meeting:

<https://zoom.us/j/94294585006?pwd=cUw3QjlnVFZUQ29aYkJCOEtTL0V1dz09>

Meeting ID: 942 9458 5006; *Passcode:* 429992

One tap mobile: +19294362866,,94294585006#,,, *429992# US (New York)

Dial In: 1 (929) 436-2866 US; *Meeting ID:* 942 9458 5006; *Passcode:* 429992

There were no comments made at this meeting by the public.

NEW BUSINESS

Approval of Common Victualer License Application: *Rainbow Shack, 85 Summer Street, Adams: Town Administrator Green* explained common victualer requirements and noted this is a routine application. *Member Nowak* advised he was happy to see them open and noted they are one of the better businesses in town in summer months. ***Motion made by Vice Chair Hoyt to approve the Common Victualer License for Rainbow Shack at 85 Summer Street, Adams, second by Member Blanchard. Roll Call: Chairman Duval, Vice Chair Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.***

Approval of Sunday Entertainment License: *Pastor Dave Anderson, First Baptist Church, North Adams at 161B Spring Road (Burnett Farm), May 30, 2021 from 1:00 p.m. to 6:00 p.m. Town Administrator Green* advised that the state is opening up to having events again. He explained that the event is on private property but town related permits are needed, including a Sunday Entertainment License for live music. *Pastor Dave Anderson* gave the details of the event to include five musical performers and one speaker, a stage, a meadow for people to spread out on and a food truck on site to facilitate meals. Social distance spacing will be adhered to, and porta potties will be available. He noted that eight volunteers will help with parking, security, general hospitality, and meeting any needs that require attention throughout the event. The event will take place at the top end of Spring Road and letters will go out to residents of Spring Road regarding the event. Tickets will be pre-sold online for \$25 per carload and not available per person. A crowd of 200 to 250 people is anticipated. It was noted that the current outdoor cap on gatherings is at 250. ***Motion made by Member Blanchard to approve the Sunday Entertainment License for the First Baptist Church of North Adams conditional upon receipt of insurance and payment for the license, second by Member Rosenberg. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak, and Rosenberg. Motion passed.***

Review of 2021 Town Election and Open Positions: *Town Clerk Meczywor* thanked those who helped at the election, and congratulated all that won. She noted that there are vacancies on the Board of Health and Parks Commission. She reviewed the process to fill the vacancies by having the Parks Commission and Board of Health notify the Board of Selectmen that there are vacancies to be filled. If the Board of Selectmen wants to fill them, a notice is given out and the Board of Selectmen meet jointly with the Commission or the Board to do the appointment. It was noted that the Board of Health can still meet but the Parks Commission has five Members and is down three members so they are unable to hold a meeting because they do not have a quorum. *Town Counsel St. John III* advised that without a quorum, necessary items would be handled by statute through the Board of Selectmen to make decisions that the Parks Commission cannot make by reasonable lack of a quorum. *Parks Commission Member Fassell* noted that fields. It is important to function and that the Commission regularly discusses the usage and quality control of the fields. He noted that the Commission needs members to fill the positions, and acknowledged the difficult process to get 50 signatures to qualify to run for office due to the pandemic and people not being willing to come close enough to sign papers. He recommended the Board of Selectmen make these appointed positions rather than elected. *Chairman Duval* advised the Board would appoint parties this year so there is a quorum and could hold a meeting with consultation by Mr. Fassell until a quorum is identified. The Town is working on water for Renfrew Field, and Russell Field is on turf hold. There are no facility use requests pending for fields currently. *Parks Commission Member Jake Schutz* advised that Paul Nowicki had a write-in campaign but did not have enough write-in

signatures to go forward. *Town Clerk Meczywor* read aloud both recruitment notices for the Board of Health and the Parks Commission Members to fill the seats until May 2022. The process was reviewed for the Board of Health vacancies, which would also be filled until May 2022. *Town Administrator Green* reviewed that the provision to appoint Members, along with how elect the Treasurer, Tax Collector, Town Clerk and Assessor cannot be modified alone by Town Meeting but also must go through a Home Rule petition through the legislation. It was noted that recruitment in past practice was done for two weeks but the minimum time requirement is one. ***Consensus was reached by Board Members to recruit for two weeks on both positions.*** *Town Clerk Meczywor* advised that only 14.7% of registered voters actually voted in the elections. *Member Nowak* expressed concern that voting at Town elections is way below par throughout all communities. Brief discussion took place about the Federal Census and it is not clear when the data will be available to the Town. It was noted that information provided from the Federal Census may require the precinct lines to be drawn differently due to number of people within the precinct. Once it is determined the Town will have only a month to redraw it. It was noted it is currently drawn by landmarks. It was stated that with the population drop in the western part of state, both State Representatives Barrett and Mark may have their districts made larger, and congressional district may also be expanded.

Ratification of Wastewater Treatment Plant Operator I: *Kristin Doolittle.* *Town Administrator Green* advised there are two vacancies at the Wastewater Treatment Plant, and requested the Board ratify Kristin Doolittle to the position of Operator I. *Wastewater Superintendent Rumbolt* stated he was impressed with Ms. Doolittle during her interview and noted her enthusiasm. He advised that her references gave him confidence and when he took her around the plant and let her experience what was going on at the plant he found she was the best fit of all the candidates. ***Motion made by Member Blanchard to ratify the appointment of Kristin Doolittle to the position of Wastewater Treatment Plant Operator I, at the Step 1 rate of \$18.67 per hour effective May 10, 2021, second by Vice Chairman Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.***

Textile Bin and Transfer Station: *Northern Berkshire Solid Waste District.* *Town Administrator Green* reviewed the Town's membership in the Northern Berkshire Solid Waste Management District and the benefits to membership. *Linda Cernik* reported that the Waste Ban parameters will put the Town in compliance with MassDEP's ban on textiles and mattresses before the regulation starts and the Town would also be providing resources for citizens to bring textiles. She explained the partnership with Apparel Impacts out of New Hampshire, and reviewed the items accepted in the bins. She noted they are repurposed and 30% stay within the United States, but the rest are recycled. She reviewed locations in town that expressed interest in having bins and advised that last year over 700 pounds of clothing were received. This new parameter will divert thousands more pounds this year. She described the Transfer Station as a "one stop shop" for tire recycling, universal waste, compost recycling, paper and cardboard, plastic and glass and a shed for deposit cans for the Boy Scouts. The bins are cleaned out periodically and monitored. The safety design of the bins was reviewed so people cannot climb in. *Linda Cernik* thanked Town Administrator Green, Code Enforcement Officer Blaisdell, DPW Director Tober and the Board of Selectmen for approving this to come forward.

Field and Park Usage: *Code Enforcement Officer Blaisdell* advised there were seven organizations requesting to use Reid, Valley and Renfrew fields. Six went before the Parks Commission and five requested use of restroom. It was explained that the Public Health Order is an overwrite of the state health standard, and restrooms and concessions would be used by special request. It was noted that the Public Health Order was updated and indicated that other activities, festivals, and road races must submit a Covid-19 Safety Plan ten days prior to the event. He advised that Superintendent Dean reported that Plunkett Field will be closed for events out of school use and restroom use is through special request. He noted that previously the fine for violations was \$300 and the state now allows for a \$1,000 fine. He advised that the applicants were given copies of the Order as well as the Order from the Department of Energy and Environmental Affairs, which will be amended again on May 10th. An inquiry was made about leagues playing at Russell Field, as nobody has been authorized to use Russell Field. It was explained that as numbers diminish into the grey category the Town will lift restrictions and make modifications to the Public Health Order, which was reviewed.

It was pointed out that each organization has submitted an attestation that they will ensure their players and spectators would adhere to state and local standards, and primary enforcement is by the event organizer. *Vice Chairman Hoyt* inquired whether the process goes through the Board of Health before orders are issued and it was clarified that Code Enforcement Officer Blaisdell is an authorized agent of the Board of Health and information was put before the Parks Commission in draft form for discussion before modifications were made and it was finalized to put on the Town website. A copy was then sent to the six organizations. *Board of Health Chairman Rhoads* advised that Code Enforcement Officer Blaisdell has kept the Board of Health informed and have not needed to provide oversight on this. It was emphasized that it is public health related and the Board of Health doesn't have to approve the order and as long as it follows state and public guidelines, and Code Enforcement Officer Blaisdell is well within his authority. *Code Enforcement Officer Blaisdell* advised he contacts the Chairman with drafts, makes necessary adjustments, and as required by statute within two days to notify Board Members.

DEPARTMENT REPORTS

Town Administrator: *Town Administrator Green* advised access to public buildings remains limited. He noted the Library is browsing by appointment and is controlled to a limited number of people in the building. He reported the Council on Aging is open by appointment and is offering no programming and Town Hall is open by appointment. By July 1st the expectation is to be back to fully open with some limitations, such as sign ins and having a volunteer reader to do temperature checks. Concern was expressed that as long as the community is classified in the red or yellow category it indicates the presence of Covid-19 that could promote community spread. Though other communities are opening up, Adams is operating with caution and being conservative. He noted that he would like to see the community categorized in the grey for two weeks to protect work force before opening. Most of the first-floor offices are already protected, and the second-floor offices will have plexiglass barriers and mask requirements for the public. Boards and Commissions will begin to meet in person and for a period of time will watch room capacity. Zoom Carts will continue to allow for remote access. Boards can meet in person and people with items to go before the Boards may present in person, once vaccines are administered and herd immunity achieved. Work is being done in Adams Memorial building to move the Council on Aging over. Currently there is a plan for a tent and there is hope to get indoor programming over at the Council on Aging. He reported that Howland Avenue has not escaped attention of the and they are waiting for MassDOT to apply for funds for significant resurfacing, which will cost around a million dollars. He noted the DPW has begun discussing the line painting program which will take place and he is continuing to monitor what comes out of the Federal Government for funding. He reported that the legislation passed and \$2.3 Million is coming but there is no guidance yet on how to spend it. He will come forward with information for a robust conversation. He explained that the Infrastructure Bill is being debated at the legislative level and the Town is moving ahead with limited funds as they are available. *Chairman Duval* set the goal to meet in person again in two weeks with Zoom access supporting the meeting. Logistics in the Board of Selectmen room will be looked at and it was noted that there had been complaints from constituents about NBCTC audio not being strong but through Zoom it was stronger. *Member Nowak* requested having the Board of Selectmen meetings at the Memorial School gymnasium where people could socially distance and attend in person. *Vice Chairman Hoyt* advised it would be a logistical challenge with public meetings and live feeds and the setup does not allow for a meeting in room with speakers, television and the media cart. She noted logistical issues with internet access. *Member Nowak* advised that despite the importance of having meetings on public television it was not mandatory and was a public service. He suggested meeting there for a few weeks before until the Covid-19 reports allowed to be in Town Hall again. *Member Nowak* inquired about the status of the Valley Street project work. It was noted that there is some remaining work to do, pipe to be installed and patching work on the road cuts. Areas are being sodded. The water outflow destination is not clear but it was reported that there were no complaints now. *Member Nowak* inquired about fencing repair being done by the Ashuwillticook Rail Trail and train tracks by Cook Street. It was noted this was storm damage and taken care of through insurance. He also inquired about the Town Common being riddled with Japanese Knotweed, which came in with the soil and is now overrunning the Common, as well as attention being needed to cut away rust in plantings. Information will be provided to Community Development on this.

Member Nowak inquired about the celebration and unveiling of the Susan B. Anthony Statue and noted he needs at least a month advanced notice for arrangements for people to come. It was noted that a plan for the event was being formed for June, when the Town Common would be presentable. It was noted by Vice Chairman Hoyt that she was requested to arrange it and is solidifying dates with state officials. A repair to the Statue was completed and looks fine.

Town Counsel: *Town Counsel St. John III* reported that he spoke with a member of the Zoning Board of Appeals regarding the suit for judicial review of the use variance granted to a marijuana cultivator. He also had conversations with the attorney for the cultivator and the attorney for the objector. He spoke with the Northern Berkshire District Court about a Covid-related continuance of the dog hearing. At this time, the District Court is unable to conduct trial proceedings on civil cases until it receives permission from the state Trial Court's office. He prepared for a hearing on a Board of Health Code Enforcement matter. He researched a question concerning what the Board of Selectmen may do if vacancies exist on other boards caused by a failure to elect. He advised that in accordance with Massachusetts General Laws, Chapter 41, Section 11, the Selectmen are allowed to appoint persons to fill vacancies in collaboration with existing Board Members. He discussed the proposed purchase and sale agreement of the 26 Commercial Street property with the attorney for the seller. He discussed a boundary line matter with staff and with the attorney for the property owner.

SUBCOMMITTEE AND LIAISON REPORTS: *Vice Chairman Hoyt* reported she represented the Town of Adams at a meeting of Berkshire County Selectmen's Association as invited by Andy Hogeland with the Governor's Western Massachusetts Director, Jose Delgado regarding economic development and upcoming programs. She reported that a deadline is coming up for Shared Streets and Space. She reported the LLRP public meeting will be held soon to talk about survey results. She noted there were only a few Selectmen on the call that got time with the new representative for the Western Massachusetts office.


ANNOUNCEMENTS AND GOOD OF THE ORDER: *Members Blanchard and Nowak* congratulated Chairman Duval, Member Rosenberg and the other elected officials in town. *Vice Chairman Hoyt* announced that those that may not have computers or the ability to register for online vaccination appointments, there are now walk in appointments in Great Barrington, and tomorrow from 12:00 p.m. to 5:00 p.m. at North Adams and 4:00 p.m. to 7:00 p.m. in Pittsfield. She requested people bring their identification and health insurance. *Member Rosenberg* reported he is happy to be serving with the Board.


ADJOURNMENT: *Motion made by Member Blanchard to adjourn, second by Vice Chair Hoyt. Roll Call Vote: Chairman Duval, Vice Chair Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed. Meeting adjourned at 8:37 p.m.*

Respectfully Submitted,

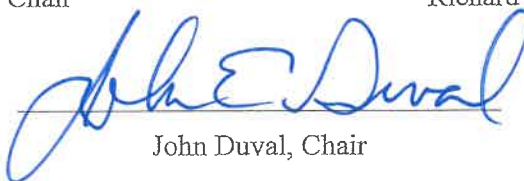
Deborah J. Dunlap, Recording Secretary


Joseph Nowak, Member


Howard Rosenberg, Member


Christine Hoyt, Vice Chair


Richard Blanchard, Member


John Duval, Chair