

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, May 19, 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 Chairman Duval. Present from the Board of Selectmen via Zoom were Chairman Duval, Vice Chairman Hoyt, Members Blanchard and Rosenberg. Also present were Town Administrator Green, Town Counsel St. John III, Forest Warden Kleiner, Community Development Director Coughlin, Ray Gargan, Eugene Michalenko, and Administrative Assistant Dunlap, NBCTC, Greg Fournier from iBerkshires, DPW Director Tober, Community Development Special Projects Coordinator Cesan, John Moyer Sr., and Gwynn Miller. On phone is Board of Selectmen Nowak.

Chairman Duval 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.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The meeting minutes for the *May 5, 2021 Meeting*, were presented for approval. *Motion made by Member Hoyt to waive reading and approve the meeting minutes for May 5, 2021, as presented, second by Member Blanchard. Roll Call Vote: Chairman Duval, Vice Chair Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.*

PUBLIC COMMENT:

Join Zoom Meeting

<https://zoom.us/j/96581639827?pwd=eXlvcG5xV3djVmllOGVqVnQvbkkF5UT09>

Meeting ID: 965 8163 9827; Passcode: 253760

One tap mobile: +19294362866,,96581639827#,,, *253760# US (New York)

Dial In: 1 (929) 436 2866 US (New York); Meeting ID: 965 8163 9827; Passcode: 253760

No public comments.

NEW BUSINESS

Update on the "Explore Adams History Interpretive Signs" project: *Ray Gargan* advised this project originated from before 2019. Materials are being finalized with the sign maker this week and are ready for installation as soon as possible. He explained that the style and fabrication of the signs are similar to those to Armory Court and Adams Station with poles and brackets and produced by the same company. There are five sets of signs which are two-sided with different content on each side. The locations of the intended sign installation were reviewed. An explanation was given about each banner and sponsorship was acknowledged.

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TOWN CLERK
ADAMS MASS.

An inquiry was made about whether additional signs would be added in the future and it was noted that there are potentially one or two in mind for the future, possibly for the town common to make the circle complete and to include the Quakers and Baptists. It was pointed out that all signs would be installed on town property so there should not be much of a zoning issue. Board Members thanked Mr. Gargan and Mr. Michalenko and any others who brought this project together and expressed that the nature, quality and experience it will give people walking around Adams brings to light the uniqueness and historic depth of Adams. Signs should be ready for June 1st and once they are up, an installation event with the press to thank sponsors will take place.

Forest Wardens Department Update: *Chief Richard Kleiner* noted that the present forest fire is out but there is another brush fire in Stamford Vermont that is calling out other agencies. *Town Administrator Green* explained that the services of the Forest Wardens are unsung, and gave a list of services they provided beyond responding to brush fires. He explained there was a mechanical problem with the ATV that failed in the middle of fighting the brush fire and the Forest Wardens Department is looking at a replacement vehicle which will probably come before the Board of Selectmen and Finance Committee for a Reserve Fund transfer to replace it. It was noted that the Forest Wardens donate time, materials and equipment to the town and the surrounding areas. *Forest Warden Kleiner* explained that the quad is not functioning and is no longer safe. He explained it is used to bring equipment and people closer to the fire, and it is a safety issue especially when the weather is warm. He explained the situation at the fire scene in which the responsibility was to get people and equipment closer to the fire. He pointed out that when they got there the brush truck was overheated and could not go up the road and firefighters had to walk a mile with backpacks and hand pulls to the site. He noted that they removed one person from the site who was not feeling well, and other people on site exited a different way and had to be retrieved a different way. People were shuttled three miles to the fire scene and one person on the quad when it failed then wouldn't start had to walk. The quad was put on trailer not functioning, not safe, and is over thirty years old. The fire was put out essentially with helicopter drops, and covered 940 acres. He explained that the quad is over 30 years old, cannot be repaired and he cannot get parts for it. He pointed out that he cannot get a service manual and Ronnie's won't fix it because it is so old it cannot be repaired and they don't want the liability. He advised he got quotes from Ronnie's Cycle and South Side Sales and neither one has that vehicle, which is backordered for two months. He noted that his recommendation would be for a Ranger, built by Polaris because many agencies are using these and they have a record of being reliable and sturdy, are gasoline driven and liquid cooled. He noted the bed holds 1,000 pounds, it has a towing capacity of 1,200 pounds, it is a three-seater, 61 horse power and automatic transmission. He expressed that the Forest Wardens requested the Board to help them to achieve their goal in purchasing this vital piece of equipment. It was pointed out that the mechanics at the DPW assist with fixing the majority of equipment issues. *Town Administrator Green* advised this would have to go through the Board of Selectmen and the Finance Committee to approve it through a Reserve Fund transfer as it happened too late to put it on the warrant for town meeting. *Vice Chairman Hoyt* noted that at the last fleet review during the budget process the vehicle was reported to be in good condition. It was confirmed that at that time it was in good condition, but it had been repaired a few times and was over thirty years old. *Member Blanchard* inquired about why a three-seater and not six-seater was being requested and it was explained that it must go into narrow areas on the trails and needs the bucket in back as it goes on search and rescue missions with equipment. The vehicle was chosen for its size and unique features. *Member Nowak* expressed concern about why the brush truck overheated. It was explained that the vehicle was donated and one electric fan works and the other one failed so it does not put out enough to cool it and keep it from getting hot. It was pointed out that this is currently being addressed at the DPW which hopefully will take care of the problem. *Member Nowak* pointed out that the area that the fire was located encompasses a lot of pitch pine and scrub oak and a naturally occurring fire as long as it is not endangering homes, except for smoke, is healthy for the ecosystems. *Member Rosenberg* advised that with climate change there may be more fires. He inquired if the mission for the Forest Wardens has changed with more people hiking the trails at the Greylock Glen and potentially needing more rescue operations. He also asked if the Forest Wardens have the right equipment for their mission. *Forest Warden Kleiner* explained that the current equipment does not have the capability to carry personnel and equipment safely. The mission has changed and there are more needs for search and requests for recovery missions and lost people there.

It is anticipated that the Forest Wardens will provide more services. It was pointed out that the quad carries people and equipment and when it was not available people had to carry a 45-pound backpack and hike the mountain for a mile before getting to the fire. Using the quad people can be shuttled three at a time to make it safer, and reduce heat exhaustion and injuries. It was emphasized that people should not be drained by the time they get to the scene and this vehicle will help. It was noted that this topic will be put on a workshop agenda and the Board and Finance Committee can take the opportunity to look at the failed machine before moving too far in the process.

Discuss Memorial Day Parade: *Town Administrator Green* advised that the Governor is ending the Emergency Order from Covid before Memorial Day weekend. John Moyer gave details of the Memorial Day Celebration being put together at the cemetery to include the Gettysburg Address, an Honor Guard with a Firing Squad on Memorial Day, on Monday, May 31st with setup at 9:00 a.m.

Ratification of DPW Seasonal Laborer: Dylan Lemieux. Chairman Duval read the letter from Town Administrator Green requesting ratification of Dylan Lemieux as a Seasonal Laborer for the DPW. ***Motion made by Vice Chairman Hoyt to ratify the appointment of Dylan Lemieux as a Seasonal Laborer for the Department of Public Works to begin immediately at \$13.50 per hour, second by Member Blanchard. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.***

Ratification of Community Development Director: Eammon Coughlin. *Town Administrator Green* advised that Community Development Director recruitment went through the first round, had a candidate who backed out. Eammon Coughlin was in the second pool and comes highly recommended from his current employer. He noted that Mr. Coughlin has the right mix of skills, education and experience that is needed in Adams. He explained that Mr. Coughlin is currently employed by Berkshire Regional Planning Commission as a Transportation Planner but his interests and skills go far beyond that. *Chairman Duval* read the letter from Town Administrator Green to the Board recommending ratification of the appointment of Eammon Coughlin. *Mr. Coughlin* introduced himself and noted his excitement for the immense opportunity to get involved in land use planning and development, long term planning, working on the Master Plan for the community and more. Board Members expressed congratulations and excitement to have Mr. Coughlin as part of the team in a critical position for the future of the town. ***Motion made by Vice Chairman Hoyt to ratify the appointment of Eammon Coughlin effective on or about July 6, 2021 at the Grade 14, Step 8 salary of \$80, 058 to the position of Community Development Director, second by Member Blanchard. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.***

Set Transfer Station Permit Fees: *Town Administrator Green* advised that it was recommended by staff to leave the permit fee at \$75, and to increase the fee for road tires at the Transfer Station as the company that removes them is going up in costs. The recommended increase in fee is for 19" passenger tire \$2 to \$4, and 19.5" passenger tire from \$5 to \$7. An inquiry was made on how the Transfer Station is faring economically as the recycle business not doing well. It was explained that the Transfer Station doesn't pay for itself unless fees increase substantially, and it will be subsidized by the amount put in the budget each year. ***Motion made by Vice Chair Hoyt to keep the fee for Fiscal Year 2022 at \$75 for the annual Transfer Station Permit, bag tags at \$1.25 per tag, and a second permit or replacement permit at \$10, second by Member Rosenberg. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed. Motion made by Vice Chairman Hoyt to increase the fee of passenger tires up to 19" with or without rims from \$2 to \$4 and passenger tires up to 19.5" with or without rims from \$5 to \$7, second by Member Blanchard. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.***

Fiscal Year 2022 Annual Town Meeting Warrant Review and Approval: *Chairman Duval* reviewed the process of approving the Town Meeting Warrant to go forward to the Finance Committee. He noted there is an opportunity for motions to be made to change articles on the floor at Town Meeting, and encouraged holding a Town Meeting Member workshop for educational purposes. He reviewed and explained the warrant articles.

DPW Director Tober asked to review DPW Operating budget. *Chairman Duval* explained the budget process and reductions made, which were discussed and approved by the Board and to go forward to be approved at Town Meeting. *DPW Director Tober* read a statement to the Board. No articles were held for discussion by the Board Members. *Chairman Duval* noted he would be abstaining from Article 20 as he is working for a defense contractor and the article deals with marijuana. ***Motion made by Member Blanchard to approve the warrant articles as provided and to forward them to the Finance Committee for recommendations for Town Meeting on Monday, June 21st at 6:00 p.m., second by Vice Chairman Hoyt. Abstention by Chairman Duval on Article 20. Roll Call Vote: Chairman Duval (abstention on Article 20), Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg abstained. Motion passed.***

DEPARTMENT REPORTS

Town Administrator: *Town Administrator Green* advised that the Northern Berkshire vaccine clinic is winding down. June clinics will be second dose only, so people are urged to get vaccines now. He noted the clinics will be transitioning to smaller locations for dosing. He advised that Governor Baker is making changes to business restrictions, and many will be abolished and removed on May 29th, subject to change. He noted that he anticipates reopening Town buildings to the public on June 1st and there may be some restrictions, such as facial coverings as cases are still elevated currently but they could drop. The Council on Aging will be opening up programming. Boards will start meeting in person safely and smartly. The Governor's Emergency Order will be rescinded on June 15th. *Vice Chairman Hoyt* noted that as the Declaration of the State of Emergency for the Commonwealth is rescinded in June, she was issuing a reminder that the Chairman will need to rescind the Town of Adams State of Emergency for the municipality and suggested it be coordinated with other local communities. It was explained that the mask mandate may be lifted but there are going to be businesses still requiring them and citizens are asked to be patient and kind and to comply with the rules set by businesses and organizations regardless of what is happening statewide as there may be reasons for them requiring those restrictions. *Member Nowak* noted that at the school the children were very good at wearing masks and taking care of each other. He noted that the more people that get vaccinated the quicker this will be successful.

Town Counsel: *Town Counsel St. John III* advised he spoke with staff, the Housing Court and the property owner concerning a pending matter. This resulted in the agreed upon filing of a petition in the Housing Court for enforcement of the State Sanitary Code. He reviewed revisions of the proposed purchase and sale agreement of the 26 Commercial Street property with the attorney for the seller and with staff. He reviewed a proposed warrant article for a Home Rule petition to increase the town's quota of liquor licenses by six. He also reviewed the entire town meeting warrant. He reviewed and responded to a question from the Board of Health concerning an evidence issue at a public hearing. He prepared for a hearing concerning a judicial review case in Superior Court. He examined a proposal to have town meeting accept a private way and advised staff as to the process our bylaws require before it is presented to town meeting. He reviewed and commented upon a Public Records Act request. He advised he is continuing to contact land court regarding MJD and waiting for a call back. It was noted that there may need to be a Special Town Meeting in the fall for items not ready to proceed in June.

SUBCOMMITTEE AND LIAISON REPORTS: *Chairman Duval* advised that at the next workshop discussion will take place on subcommittee and liaison assignments. *Vice Chairman Hoyt* advised she attended the Planning Board meeting regarding changes to the Marijuana Bylaw. *Member Nowak* advised there were Mohawk Trail Woodland Partnership Meetings. The Executive Board talk centered on getting the Federal Government more involved in the partnership. They are working to get the head of the Forest Service to come to the Annual Meeting in June to rehash the agreement. A sub-committee meeting for education, research and outreach reviewed the main goal and administrative aid through the New England Forestry Foundation to put aside funds for a website for the Mohawk Trail Woodlands Partnership.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Vice Chairman Hoyt* inquired if the posting for the available appointments for the Parks Commission and Board of Health were for two weeks. It was noted that applications are still coming in, will be compiled and sent to the Board for review. *Member Nowak* expressed disdain about not being informed he could attend the meeting for the Greylock Glen announcement in person and felt slighted. He thanked State Representative Barrett III for his hard work and noted that there is a need to work out traffic flow on the narrow roads and other issues. He expressed that he has a lot of thoughts and concerns about how to get there and some logistical items. He suggested hiring a crew from the DPW to keep up the area. Chairman Duval advised Member Nowak that he will be depended on heavily for the Greylock Glen. He noted there will be a workshop next week, liaison and subcommittee meetings. He explained there may be a Forest Warden request and if so the meeting will be planned to be in person at this time. He advised that in June the Board of Selectmen meetings will be held in Town Hall on Park Street with Board Members present and the Emergency Order will be looked into to be rescinded, and whether other stipulations need to be abided by. Public calling in via Zoom needs to be worked out by state legislature and the Town will wait to hear about that regarding Open Meeting Law.

EXECUTIVE SESSION

#6: *To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;*

- 26 Commercial Street, Adams

#3: *To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;*

- Local # 204, State Council # 93, American Federation of State County and Municipal Employees, AFL-CIO, DPW Union

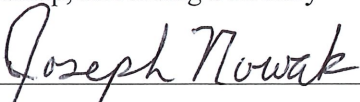
At 8:56 p.m. Motion made by Member Blanchard to go into Executive Session for #6 as read aloud and #3 as read aloud, second by Member Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.

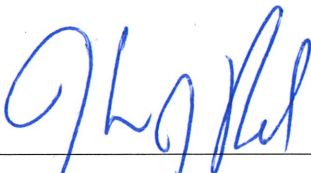
At 9:38 p.m. Motion made by Member Nowak to come out of Executive Session, second by Member Blanchard. Roll Call Vote: Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed.

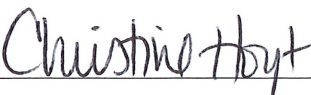
ADJOURNMENT: *Motion made by Member Blanchard to adjourn, second by Vice Chair Hoyt. Roll Call Vote: Chairman Duval, Vice Chair Hoyt, Members Blanchard, Nowak and Rosenberg. Motion passed. Meeting adjourned at 9:39 p.m.*

Respectfully Submitted,

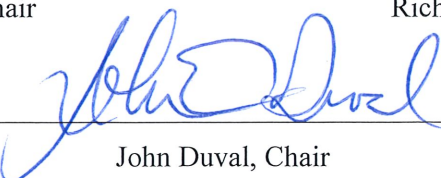
Deborah J. Dunlap, Recording Secretary


Joseph Nowak, Member


Howard Rosenberg, Member


Christine Hoyt, Vice Chair


Richard Blanchard, Member


John Duval, Chair