

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, July 21, 2021, 7:00 p.m.

BOARD OF SELECTMEN MEETING MINUTES

CALL TO ORDER: On the above date the Board of Selectmen held a meeting at the Town Hall Board of Selectmen Room. The meeting was called to order at 7:00 p.m. by Chairman Duval. Present from the Board of Selectmen were Chairman Duval, Vice Chairman Hoyt, Members Blanchard, Nowak and Rosenberg. Also present were Town Administrator Green, Town Counsel St. John III, Community Development Director Coughlin, Administrative Assistant Dunlap, NBCTC via Zoom, Police Sergeant Onorato, Jeffrey Snoonian and Michael Steuer of Fall Run Corp, Jeff Randall, Luke Distefano and Peter Yeskey representing Cumberland Farms, Rachel Tomkowicz of the St. John Paul II Parish, and Greg Fournier from iBerkshires.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The minutes for the *June 16, 2021, July 7, 2021* meetings were submitted for approval. ***Motion made by Member Blanchard to waive reading and approve the minutes for the June 16, 2021 and July 7, 2021 meetings as submitted, second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

PUBLIC COMMENT: *No public comments were made at this meeting.*

PUBLIC HEARING: *Pursuant to Massachusetts General Law, Chapter 148 § 13, the Adams Board of Selectmen will hold a public hearing regarding the application for a new underground storage tank for Cumberland Farms, Inc. for the property at 95 Commercial Street, Adams, MA, 7:10 p.m.*

At 7:10 p.m. Motion made by Member Blanchard to enter the Public Hearing, second by Vice Chairman Hoyt. Vote: unanimous. Motion passed. Attorney Tom Reidy from Bacon & Wilson, Luke Distefano and Peter Yeskey, represented Cumberland Farms. Attorney Reidy noted that this is the last approval needed to go forward. He briefly reviewed the steps taken with the Planning Board, Conservation Commission and Traffic Commission and advised that approvals have been received. He went over the application for the Underground Storage Tank License and noted approval was received from the Fire Chief. Luke Distefano of Bowler Engineering reviewed the tank construction and design. He pointed out that product piping will be double walled with overfill protection, spill containment systems and 24-hour per day and 365-day per year monitoring. He advised that the tanks and entire fuel system will exceed federal and state regulations. He confirmed that the composite is sandy soil for less possibility of rupture. He briefly reviewed the dry chemical fire suppression system above the canopy and noted that Massachusetts requires self-serve fire suppression. He explained that at 210 degrees the heat system will automatically trigger the dry suppression system of the chemical, which may also be activated by the attendant. The effective life of the tanks is expected to be 40 years, but the warranty is for 30 years. A brief explanation was given about the traffic pattern to fill the tanks. It was explained that the process is for the Fire Chief to sign off, then the Board of Selectmen, before going to the State Fire Marshall and Department of Environmental Protection.

It was confirmed that no mail was received from notified abutters. There were no questions or comments from the audience in attendance. ***Motion made by Member Blanchard to come out of the public hearing, second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

Motion made by Member Blanchard to approve the new license for an Underground Storage Tank at 95 Commercial Street, Adams, MA for Cumberland Farms, Inc., second by Member Rosenberg.

It was explained that the estimated time of construction is the end of March, 2022. VHB is working with them so there will not be new roadway being cut up. The closing is scheduled in a couple months and construction will start thereafter. It was clarified that the old building demolition will take place at the same time as the construction and all remediation needs will be taken care of. ***Vote: unanimous. Motion passed.***

NEW BUSINESS

Report on Susan B. Anthony Celebration: *Vice Chairman Hoyt* advised she is working with the Police Department to shut down Park Street from East Maple to the traffic light with activities to take place between School Street and Rail Trail from 12:00 p.m. to 8:00 p.m. She reviewed the list of events that will take place, including Fireworks which will be launched on Valley Street Field. Applications are available for food, craft or retail vendors for the entire day and applications can be found at www.celebratesusanbanthony.org or info@celebratesusanbanthony.org. The vendor fee is \$40. She emphasized that food vendors need to complete food vendor permit paperwork through the Board of Health and food vendor permit fees are being waived. All parties that had originally been contracted to be part of the event have committed to the event. She noted that the neighborhood will be notified of the fireworks on the evening of the 21st so nobody is startled. Notification will be made of the road closure. Valley Street Field will be fire off location for the fireworks but it will not be open to spectators.

Report on National Night Out: *Adams Police Department Sergeant Onorato* advised that National Night Out is August 3rd at the Visitors Center from 5:00 p.m. to 8:00 p.m. to provide an opportunity for the community to know their first responders better and the Police Department is organizing the event. Hoosac Street will be closed down for the Touch a Truck portion of the program and Sgt. Hicks, who is a Captain of the National Guard will bring a gigantic inflatable obstacle course. There will be free hot dogs, chips and water and train rides on the Berkshire Scenic Railway will be available. Work is being done on emergency preparedness packets for people to help prepare for major issues. There will be a car seat station and car seats will be given away with free installation. The lot is the only thing needing. There will be four porta potties provided from A-1 Septic, and there will be attendance from the Adams Fire Department, Adams Ambulance and Forest Wardens. A game or activity will take place to help the Fire Department with recruiting and the Elizabeth Freeman center will have free giveaways. Northern Berkshire Community Coalition (NBCC) is helping to organize the event and provided funds for food and designed the flyers. There are arrangements being made to try to get an outdoor movie for the kids. It was noted that last year the event did not take place and two years ago it was rained out. Officer Onorato was thanked for leading the effort.

Application for Conservation Commission Appointment: *Jeff Randall. Town Administrator Green* advised that there has been turnover in some of the Boards and recruitment has been done to have a quorum. He noted that Mr. Randall's application highlights his education, interest and skillset. *Jeff Randall* gave his background and noted he has been a lifelong Adams resident. He explained that he reviewed the Cumberland Farms Project for Adams and is an employee for Hill Engineers.

Member Nowak reported that he has known Mr. Randall for a long time and that it is ideal to have someone of his caliber to come on board. *At 7:24 p.m. Member Hoyt left the room for approximately five minutes.* It was noted that Mr. Randall has been doing this for quite some time and is highly knowledgeable of the Wetlands Regulations. *Member Blanchard* inquired about how a conflict would be handled for his role with Hill Engineering, and it was explained that Mr. Randall would recuse himself if anything by Hill Engineering was put forth. *Town Administrator Green* noted that the provisions of a position being under a "Special Municipal Employee" status would apply for Mr. Randall to be able to utilize his expertise and skills. ***Motion made by Member Nowak to approve Jeffrey Randall as a Member to the Conservation Commission, second by Member Blanchard. Voted in favor were Chairman Duval, Members Blanchard, Nowak and Rosenberg. Member Hoyt was absent from the room. Motion passed.***

Appointment of Acting DPW Director: *Jay Green.* *Chairman Duval* reviewed that the Town did not fund the DPW Director position but must have a DPW Director, so this appointment would identify the Town Administrator as the Acting DPW Director. *Member Nowak* inquired about timing on overseeing projects for the community and it was clarified that in the past when the Town did not have a DPW Director it had been done in a shared capacity with the Community Development Director. It was verified that the salaries of the Town Administrator would stay the same while holding these duties. ***Motion made by Member Nowak to appoint Jay Green as the Acting DPW Director effective immediately, second by Member Blanchard. Vote: unanimous. Motion passed.***

Report on Greylock Glen: *Member Nowak* reported that Wednesday, July 14, 2021 the announcement by Governor Baker and Lieutenant Governor Polito took place at the gazebo at the Greylock Glen with Secretary of Energy and Environmental Affairs Theoharides, Senator Hinds, and State Representatives Barrett and Pignatelli and was a culmination of the hard work and effort put forth by so many people. He pointed out that the community had doubted this going forward because it has been through so many iterations. He explained that the Town brought in the environmental community and 62 acres are leased and the rest stays in perpetuity in development, of which the Town will be good stewards of the property. He noted that this is the first stage of the funding given for the Outdoor Center that Town and local officials worked hard on. He stated it is a grassroots effort that has ushered this along and can be a building block for the culmination of what will be seen as lodging, an amphitheater, and outdoor recreation opportunities.

Report on Berkshire Regional Planning Commission (BRPC) / Metropolitan Planning Organization (MPO). *Chairman Duval* explained that each community in the county has a Delegate and Alternate Delegate for BRPC. The Town Planning Board determines the Delegate and the Board of Selectmen determines the Alternate Delegate. He pointed out that Mike Mach of the Planning Board is the current Delegate, and Alternate Delegate is himself. He outlined that BRPC has a Chair, Vice Chair, Treasurer and Clerk, and he was elected as Chair. He noted that he is also a Delegate to the MPO, and has worked on the current Route 8 project to make it a reality. He noted that in August he will invite the Executive Director and others from the organizations to discuss what they do for the communities and to answer any questions. Organizational meetings have taken place to elect officers.

Facility Use Request, Greylock Glen Gazebo and surrounding area: *Laura Williams*, for a Wedding on September 5, 2021 from 11:00 a.m. to 4:00 p.m. ***Motion made by Member Blanchard to approve the use of the Greylock Glen Gazebo and surrounding area by Laura Williams for a wedding on September 5, 2021 from 11:00 a.m. to 4:00 p.m. contingent upon receipt of updated insurance to include coverage of the Town of Adams, second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

Facility Use Request, Adams Visitors Center Property: *Todd Fiorentino*, Poseidon Coffee Kiosk from July 22, 2021 for a Coffee Kiosk. A request was made to have this item tabled.

Common Victualer License Application: *Todd Fiorentino*, Poseidon Coffee Kiosk from July 22, 2021, for a Coffee Kiosk. A request was made to have this item also tabled. ***Motion made by Member Blanchard to table both the Facility Use Request and Common Victualer License Application, second by Member Nowak, Vote: unanimous. Motion passed.***

Sunday Entertainment License Application: *Fall Run Corp., Bowe Field, Columbia Street, Adams, September 19, 2021 for the Fall Run.* Jeffrey Snoonian and Mike Stuer explained that the event will take place on Sept 19th at Bowe Field. It was explained that the Fall Run is a ride that goes throughout the hill towns of Western Massachusetts for motorcycle enthusiasts. It was noted that the Fall Run stopped in 2017 and it has been now revitalized. The event is working in conjunction with American Legion Riders for fundraising, it is well represented by two local American Legions which will be beneficiaries of some of the revenue. Preregistrations can be made at www.adamsfallrun.com and more volunteers are needed. The day will have on-site event registration, the blessing of bikes at 11:00 a.m., conversations on safe riding, information as well as instructions and directions before embarking on the ride for and returning to Bowe Field. It was hoped that the local merchants will benefit from having the additional people in Adams. There will be a band and alcohol sales. Bikes will arrive around 7:00 a.m. and by 8:00 p.m. everyone will be gone. It is hoped this will start new tradition, and be all about veterans. The event managers are working closely with the American Legion, Police Chief Kelley, and have provided alcohol safety, bike and traffic plans. Porta potties will be in place and work is being done with the Code Enforcement Officer. It was clarified that the majority of the funds after expenses and some funds to kick off next year's run, will be going to veteran services. It was pointed out that no alcohol will be served before the ride, and alcohol sales will cease an hour before the end of the event. It will be self-policed but also with the help of the Chief and his staff. The event will be free but a \$5 donation is suggested. It was confirmed that the event organizers are working directly with the Agricultural Fairgrounds. ***Motion made by Member Blanchard to approve the Sunday Entertainment License Application for Fall Run, Corp to be held at Bowe Field, September 19, 2021 from 2:00 p.m. to 7:00 p.m., second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

One Day Wine & Malt License Application: *Jeffrey Snoonian on behalf of Fall Run Corp., for Fall Run on Bowe Field, September 19, 2021 from 7:00 a.m. to 9:00 p.m.* ***Motion made by Member Blanchard to approve the One Day Wine & Malt License for Fall Run Corp on September 19, 2021 from 1:00 p.m. to 6:00 p.m. for pouring hours, second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

Sunday Entertainment License Application: *Fr. Barrent Pease c/o St. John Paul II Parish, at Polanka Grounds, Mill Street, Adams, on September 12, 2021 from 12:00 p.m. to 5:00 p.m.* *Rachel Tomkowicz*, Chairperson for Polish Picnic advised that the last picnic was in 2019 because of the pandemic. The Polish food and American faire and Dave Nicholas will help with polish food. Beer, wine, and soda will be provided and a Polka band will perform between 1:00 p.m. and 5:00 p.m. The fee will be \$5 at the gate. Liquor Liability Insurance was received today for the event. She noted that the event will use the tent and people will not be allowed under the pavilion. ***Motion made by Member Blanchard to approve the Sunday Entertainment License for Fr. Barrent Pease c/o at Polanka grounds on September 12, 2021 from 12:00 p.m. to 5:00 p.m., second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

One Day Wine & Malt License Application: *Fr. Barrent Pease* c/o St. John Paul II Parish, at Polanka Grounds, Mill Street, Adams, on September 12, 2021 from 12:00 p.m. to 5:00 p.m. *Member Blanchard* stated he approved that one person will be walking around the crowd to monitor people for alcohol consumption. ***Motion made by Member Blanchard to approve the One Day Wine & Malt License for Fr. Barrent Pease for Sept 12, 2021 from 12:00 p.m. to 5:00 p.m., second by Vice Chairman Hoyt. Vote: unanimous. Motion passed.***

DEPARTMENT REPORTS

Town Administrator: *Town Administrator Green* advised there has been quite a bit of rain and there have been no significant reports of flooding or damage. He advised that both the DPW and the Emergency Management Director reported that the storm systems worked as designed and he thanked citizens for keeping drains clear of debris to help to keep water flowing through. He noted that Superintendent Barrett of the Water District reported the drought restrictions have been lifted and the town is now operating normally. He pointed out that July 14th was a good day at the Greylock Glen. He explained that he spoke with the Lt. Governor and the administration wants to come back to visit us. He thanked everyone who attended the last-minute event. He advised that before the next event the Town is still working on bid documents and emphasized that construction costs are dropping, to the Town's advantage. He advised he will keep the Board and townspeople informed.

Town Counsel: *Town Counsel St. John III* advised he researched and wrote a legal memorandum relating to the Foster v. Board of Health Superior Court case. He reviewed proposed language changes in the Board of Health regulation banning dogs from athletic fields. He reviewed the application for a coffee kiosk at the Visitors' Center, and he reviewed two very recent Public Record Act requests and is working on responses to those requests. *Vice Chairman Hoyt* inquired whether there was a decision from Judge Vrabel and it was noted that hopefully the decision will come in by next week. *Member Nowak* advised he was stopped by someone today regarding the Curtis Fine Paper building on Howland Avenue and the old owner still parking construction equipment there. He inquired what the status of the property was. It was explained that just before tonight's meeting he found out the court is looking at the docket and land court acted favorably on three motions filed in 2019 which were key motions to getting it underway for Town ownership. Town Counsel St. John III advised that the original complaint had been amended to state certain suggested language and needed the judge's approval, and there were three separate tax foreclosure takings filed that are underway for the Town to hopefully acquire possession of the property. *Chairman Duval* inquired if the Town has the right to take over the perimeter to ensure that people are not parking and storing things on the property and it was explained that the Town doesn't have the legal title to the property. It is under tax taking, but the owner has the right to redeem by paying taxes. It was noted that this could be looked at as blighted property and the Code Enforcement Officer could act on sanitary code issues. It was noted that there is interest in the property and the Town would hate to see damage done where the buildings could not be recovered.

SUBCOMMITTEE AND LIAISON REPORTS: *Member Nowak* reported that he attended a Zoom meeting for the Executive Committee of the Mohawk Trail Woodlands Partnership and noted that the administration made a decision to put Randy Moore, the Chief of the Forest Service in place. He reported they have been working in partnership with the federal government to provide technical assistance to land owners for proper harvesting and carbon sequestration. Information is going out and plans are being made at the auditorium at Hoosac Valley Regional School District. He noted that it is going well and the partnership has been a great asset to the 21 communities involved. He reported that \$20,000 grants will be announced soon, and the Town of Adams had applied for it.

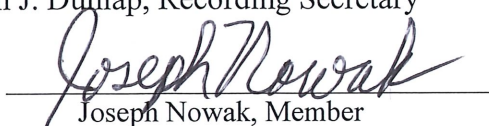
He reported that he attended the Zoning Board of Appeals (ZBA) meeting on signage for Cumberland Farms and was very impressed with the ZBA members who asked good questions. He noted that the height of the main sign will be reduced by four feet and one sign on the south side of the building would not have been able to be seen. There will not be placards allowed on the pumps. He pointed out that the Town bylaws on signage are really archaic and don't make much sense. He explained that it is incumbent upon the Planning Board to work with Community Development Director Coughlin to review the bylaws to upgrade them for signage and other areas. He noted that the *Right to Farm* and *Solar* are recent bylaw changes that have been made. *Member Rosenberg* reported that Community Development is working with Carol Cushenette and others to have community groups meet on a regular basis to collaborate together. The groups include the Arts Advisory Board, the Trail Runners, the Downtown Association, Thunderbolt Ski Runners, and ProAdams so every can be informed and team up on grants. *Chairman Duval* noted that it is good to see Cumberland Farms here and since they went through the process they are now ready to begin construction in March 2022, which shows that the Town of Adams is business-friendly. He advised that more things are coming in the next few months. He emphasized that events that have taken place in the past are all coming back and there is a great sense of community. Volunteers are encouraged.


ANNOUNCEMENTS AND GOOD OF THE ORDER: *Vice Chairman Hoyt* thanked those who organized the coffee hour in the downtown, and coffee was provided by downtown businesses. She noted that the Town Clerk's office asked for a reminder that Movies Under Stars will take place on July 23rd showing Tom and Jerry at dusk. The rain date is July 24th. On Tuesday, July 27th at 6:30 p.m. at the Adams Visitors Center there is a free concert with Brian Benlien. She announced that the Adams Fire District has an upcoming meeting about the organizational assessment and review. Materials for strategic planning and the organizational assessment are on their website with the Zoom link and information for people to participate remotely. *Member Nowak* noted there are new funding opportunities for air quality sensors for communities, which are needed for the schools and he will give the information to the Town Administrator. *Town Administrator Green* reported that the Route 8 construction continues and he asked everyone for their patience. He noted that the goal is for the area from the intersection of Center Street to Grove Street to be paved with a smooth surface to the Grove Street Bridge. Underground drainage is causing bumps, and sidewalk work is continuing in good partnership with the contractors. Tables at Armory Court were obtained by a MassDOT grant through Community Development and the Town was awarded additional funds for a bump-out. He noted that it will have to be conceptualized and it will be another venue for some gatherings.

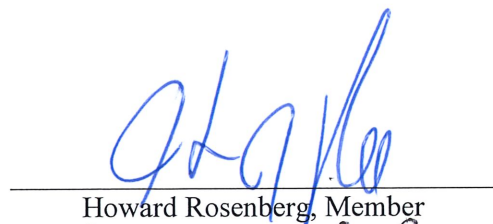
ADJOURNMENT: *Motion made by Member Blanchard to adjourn, second by Vice Chairman Hoyt. Vote: unanimous. Motion passed. Meeting adjourned at 8:25 p.m.*

Respectfully Submitted,

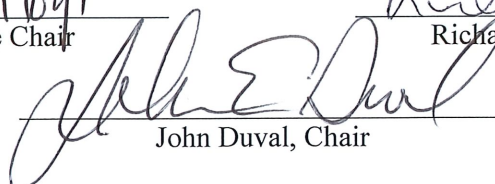
Deborah J. Dunlap, Recording Secretary


Joseph Nowak, Member


Christine Hoyt, Vice Chair


Howard Rosenberg, Member


Richard Blanchard, Member


John Duval, Chair