



## ***Town of Adams Massachusetts 01220-2087***

**BOARD OF SELECTMEN**

**TOWN HALL BUILDING  
8 PARK STREET**

**Wednesday, September 21, 2022, 7:00 p.m.**

**TOWN HALL, 8 PARK STREET, ADAMS, MA 01220  
1<sup>st</sup> Floor, Board of Selectmen Meeting Room**

**CALL TO ORDER:** On the above date, the Board of Selectmen held a meeting at 7:00 PM. On the above date, the Prudential Committee held a meeting at 7:00 PM. Thomas Satko, Chair of the Prudential Committee called the meeting to order at 7:00 pm at the Adams Town Hall. Chair of the Adams Board of Selectmen, John Duval opened the meeting at 7:00 PM. Present: Chair John Duval, Vice-chair Christine Hoyt, and Members, Joseph Nowak and Howard Rosenberg; Town Counsel Edmund St. John. *Member Richard Blanchard was absent.* Also present were Jay Green, Town Administrator; Scott Kelley, Adams Police Department; Crystal Wojcik, Finance Director; Kelly Rice, Treasurer and Collector; Paula Wheeler, Assessor; Donna Cesan, Community Development; Bri Hantman, Recording Secretary; Thomas Satko, Adams Fire District Prudential Committee Chair and Members Allen Mendel and Richard Kleiner; Kathy Fletcher, Clerk and Treasurer for the Adams Fire District; Victoria Lassonde, Assistant Clerk and Treasurer ; Peter Gentile, NBCTC; Brian Rhodes, iBerkshires;

*The Pledge of Allegiance was recited.*

### **APPROVAL OF MINUTES:**

#### **September 7, 2022 Meeting:**

*Vice-chair Hoyt moves to waive the reading and approve the minutes as submitted. Member Rosenberg seconded the motion. No further discussion. Minutes are approved via unanimous vote.*

#### **September 13, 2022 Joint Workshop with Adams Board of Selectmen and Adams Fire District**

*Vice-chair Hoyt moves to waive the reading and approve the minutes as submitted. Member Rosenberg seconded the motion. No further discussion. Minutes are approved via unanimous vote.*

### **PUBLIC COMMENT:**

None

### **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### **Police Department Update, *Chief Kelley, Adams Police Department***

- Wants to let the public know the day-to-day operations of the PD outside of their work time over the last 2 months.
- Hoosac Middle School Cook Out
- Elizabeth Freeman Center walk
- St. Stan's School Safety Meeting
- Child Restraints and Car-seat workshop to install child restraints in vehicles.
- nbCC Backpacked for Success
- Bi-annual Range Quals
- Fall Foliage Day Parade
- Walk to School Day at St. Stan's
- Working with MCLA to create an internship with MCLA with Criminal Justice minor.

All of these are instances of great things that the Officers of the Adams Police Department have done outside of their work.

## **PUBLIC HEARINGS:**

### **Joint Tax Classification Hearing for Town of Adams and Adams Fire District for Fiscal Year 2023, 7:10 pm**

***Motion from Vice-Chair Hoyt to go into public hearing for tax classification hearing for town of Adams. Second Howard. Unanimous.***

Members of the Adams Fire District simultaneously vote to open their Tax Classification Hearing at 7:10p. Chairman Richard Kleiner makes the motion and Allen Mendel seconds the motion.

*John Duval:* There have been some changes in the Tax classification in the Fire District, so it is important for the people to know.

*Thomas Satko:* September 2019 Lawsuit served that challenged how the District was collecting. As a result, the Town must now collect the taxes for the district. Tax Rate is \$.91 per thousand.

*Jay Green:* As Chairman Satko stated, they are under a court order to do this. State law says how FD should tax and how the Town should collect.

Mass General Law requires that the Prudential Committee set the levy for the fire district. The Fire District has to be taxed. The Town Treasurer and Collector works to make sure that everyone in the district gets a bill. If you are outside of the district, you will see no change.

If you live in the district, you will see two changes. 1) there will be a seal of the Williamstown Fire District as a visual indication that you live in the district. 2) "Special assessment" is the line item that shows the amount of money you will pay a fire district. This is not going to the town of Adams. The town is just a pass through. If you have question on what this tax is, please call the FD directly. If you have questions on how to pay, that is our Treasurer's office in the town. The fire district does not have the tools and apparatus to be able to collect these funds. When you receive your bill, you will also see a cover letter explaining this in detail.

*Paula:* Total Valuation increased 14.3% over last fiscal year. Total New Growth, increased 1.88% Tax rate of \$19.73 per thousand including the Hoosac Valley School Debt exclusion. Any decision made by the board needs to be approved by the department of revenue, but the Board of Selectmen are being asked to vote on a shift for the tax burden.

If we stay with the same shift as last year, there will be approximately +\$169 to last tax bill. For commercial and industrial, if we stay with the same 20% shift, the bill will increase \$566

*John:* BOS do not set tax rate. It is based on a number of factors, growth, levy, budget, etc. Tax rate has been set. We are just here to determine the percent shift, as we do every September or October.

*Jay:* For the first time in Jay's tenure, that we have empirical data that shows new growth (6.9 million). You can also see that the value of properties is included. This has been a great year for the Town of Adams. The Tax Levy has only gone up by 2.7%. These show our community is improving and Town Staff has done well at being responsible and fiscally mindful.

A shift is a percentage shift of burden from individual/ residential to Commercial or industrial.

No questions or comments from the audience. No comments from the board. Prudential Committee will be voting on if they will be doing a single rate tax or a tax shift.

With that, we will come out of public hearing. ***Vice-chair Hoyt makes the motion for the BOS to come out of public hearing. Motion is seconded by member Nowak. No further discussion. Motion is unanimous.***

***Member Kleiner makes the motion to come out of public hearing. Motion is seconded by member Allen Mendel. Decision is unanimous.***

BOS Deliberation and vote:

*Joe Nowak:* Wants to commend the Assessor for the work she has been doing. The tax rate has to do with the economy as a whole, not just locally. We need to be careful with what we do and who it is going to hurt. Housing sector receives the most impact. Vote would be in favor of helping the residents deal with this potential burden.

*Town Assessor:* If we stay with the 10% shift, commercial would receive a reduction and residential homeowners would pay more.

*Chairman Duval:* 250k of free cash was being put toward defraying the tax rate. There are discussions with the financial committee about reducing that and slowly eliminating that. It does not make good financial sense to continue that practice.

*Vice-chair Hoyt* would be inclined to look at a tax rate shift between 25 and 30%. *Member Rosenberg* agrees that a 25-30% shift would lessen the burden on home owners but would still be competitive compared with North Adams and Pittsfield.

*Jay Green:* North Adams has shifted as much as 50% in the past .7% new growth is unprecedented. It may not be there next year. Whatever we are doing so far, we have been doing it right. How we treat our residential payers and how we treat our business base is important.

Water rate went up by about \$1.60 per thousand, but it appears lower because Fire is no longer on that bill. Water rate is \$8.60.

***Vice-chair Hoyt makes a motion to shift the tax rate at 130% (30% Shift). Motion is seconded by Member Nowak.***

Discussion: Motion on the floor would put the residential Tax rate at \$18.55. For commercial side, a 30% shift would make the tax rate \$25.64 based on average commercial value of 721k. Increase of \$824.64 split by two bills.

*Member Nowak* noted that tax decisions are difficult to make, but Select Board members are residents too. They have a vested interest in making good choices because they are affected by those choices.

Howard is leaning toward the 125% shift (25% shift). Business owners would jump up by about \$700 for a \$40 savings on homeowners (at the 30% shift).

***Town Council noted that the board must act on the motion on the floor. 3 Affirmatives votes in favor of the motion. 1 opposed. Motion carries.***

*Chairman Satko:* Single tax rate for the Adams Fire District would set the rate at \$.91 per thousand. ***Motion to adopt a single tax rate of \$.91 per thousand for FY 23 made by member Kleiner. Motion is seconded by member Mendel. Motion passes unanimously.***

Motion made by *Member Mendel* to adjourn. Motion is seconded by member Kleiner. Motion passes unanimously. Meeting is adjourned at 7:56.

Vice-Chair Hoyt noted that it would be great to have members of the fire district say in the room for the discussion of the MOU with the Water District.

## **NEW BUSINESS:**

### **Appointment of Megan Bantle to Agricultural Commission**

*Jay:* We are trying to re-populate the commission so it is a functioning commission.

***Member Nowak makes the motion to appoint Megan Bantle to the agricultural commission. Motion is second by Vice-chair Hoyt.***

*Vice-Chair Hoyt* wonders if there is a process to determine term limits? Once a board is established, term limits will be set at a staggered rate.

***Motion passes unanimously.***

**Approval of One Day Liquor License for Adams Turners Inc, September 24th 2022, 1pm-6pm at 36 Richmond Ln, Adams MA**

Event will take place in the back of the Adams Turners parking lot.

***Motion by Vice-Chair Hoyt to approve the one-day liquor license for September 24<sup>th</sup> from 1-6 at 6 Turners Ave. Motion is seconded by Member Rosenberg. Motion passes unanimously.***

**Review and Approve Shared Services Agreement with Town of Cheshire for Animal Control Services, Chief Kelley, Adams Police Department:** Background on this is that a couple of months ago, Savoy and Cheshire approached Chief Kelley about doing shared services with Animal Control. *Chief Kelley* wanted to make sure that he went about this the right way. There are trainings and certifications needed in this. APD animal control officer is well versed and happens to have all of the necessary trainings and certifications. The average number of calls for Animal control that cannot be handled by a police officer is 7 in a year in Cheshire.

*Jay:* The town of Adams operates like a small city. We have full services that we offer where other small communities do not have. We have been approached before about shared services. We want to try this without stressing our staff and that we are recovering costs or making money as we have the resources that other communities want.

*Jay* discussed the terms of the agreement as outlined to demonstrate how costs will be recouped including time, fuel, mileage, phone usage. Chief established that the Adams ACO would have access to the Cheshire Animal control budget if need be.

*Chief Kelley* clarified that his priorities are the town of Adams and the people therein. If this agreement would ever create a hardship, chief would act to pull the plug on this agreement.

Member Nowak asked questions about what happens when there is roadkill. He also asked about barn inspections. Chief Kelley Clarified that barns must be inspected no matter what kind of livestock or poultry you have in order to make sure you are following agricultural guidelines. Kim is certified in this where other communities hire inspectors from outside communities. That is not under the department of agriculture. That decision is up to the town. Kim, as the Barn inspector, can choose to call the DoA.

*Member Rosenberg:* Is the \$45 rate of pay recover the town's cost of insurance and other costs? \$45 an hour is time and a half and is considered in line with her clerical union rate.

*Chief Kelley* stated that this will run from year to year. This is a pilot program and we will review it at the end of this year.

***Motion made by Vice-chair Hoyt to approve the shared services agreement as presented. Motion is seconded by Member Rosenberg.*** Discussion: Member Nowak wants Town Council to look it over. *Town Council* has a conflict of interest as he also represents Cheshire in certain matters. Joe would like someone with that same level of certification. Jay stated that he has looked it over many times and it is good.

Howard wanted to make sure that Kim would be protected by insurance. Chief Kelley stated that it is the same with mutual aid agreement. She would still be covered even outside of town lines.

***Motion passes unanimously.***

### **Review and Approved Memorandum of Understanding w/ Adams Fire District for Greylock Glen Water System, Jay Green, Town Administrator**

Greylock glen project requires water service in a high elevation area. This is one of the more complicated aspects of this job. The following agreement has been made with the Fire District. The water system has been partially constructed. Fire hydrants and water lines have been stated. Finished water will be delivered to a metered vault. That water will go into a back-flow preventer to stop water to stop back-flow in the case of a breach.

We have been working to ensure that all controls are the types of controls that the FD uses in their systems so that the super-intendant can monitor. Because we will have another water tank, we will need maintenance. The fire district has said that they do not want to maintain it. The fire district has stated that they will provide the finished water. The town will maintain the system (pumping, storing, fire suppression, and drinking water).

There are certain parameters that the town must follow. Our engineers have worked with the fire district to make sure that the Glen would not adversely affect the neighborhood with waterflow, pressure, and this study and engineering has taken years.

The majority of this MOU is routine. There are two aspects in the MOU that the board should be aware of. There will be a charge, the district will charge the town a bulk water rate at 40% of the prevailing rate for commercial rate.

Yearly maintenance fee of \$1500 a year for the SCATA system. The fire district will be responsible for maintaining SCATA.

Fire district is reviewing designs to make sure that designs are in line with their needs. This MOU is outside of that. This is just the operation of the system. We will work out the bugs with the engineering and maintenance side of things afterward.

*Town Council:* There is a tremendous amount of detail that goes beyond his understanding of water systems, but there is a resolution process that is covered that is an administrative process.

*Jay Green:* The load demand on the outdoor center is not high. Fire suppression, 2 bathrooms with water efficient stalls. The fire district is concerned that if there is a fire event in the neighborhood and a hydrant needs to be tapped, that there will be a decrease in water service to the outdoor center.

We have been thinking about water services being needed at the Glen since we started thinking about development (1950s).

If development takes off at the Glen, the soft costs have already been taken care of by the town at over 1 million dollars. A developer will not have to take on that load as we have already handled it. We need to get the system up and operating so we can understand how the system works and how it operates under load.

*Vice-Chair Hoyt:* Question for the Fire District. Jay mentioned the rate that we would be charged. How was the 40% rate determined? Committee deferred to Treasurer. Treasurer stated that the super intendant set the rate.

*Vice-Chair Hoyt:* What is the timing for this? Town could contract with the fire district to do the work. The water demand analysis report was done a long time ago and the numbers have not changed as those numbers have been finalized. Engineers are handling all of that.

*Member Rosenberg:* One of the concerns is that there may not be enough water pressure to service the community in the event of a fire event. Are there sufficient technologies in place to shut down all non-essential water usages in the case of a fire event?

*Prudential Committee members* noted that that is the case. Superintendent, Fire Chief, and Jay will all have access to the pump station and the ability to shut it down in the case of a fire event so that the station is no longer pumping. It is a gravity feed station, similar to our own water treatment plant.

*Member Rosenberg:* Do we have a budget of what it will cost the town to operate at completion? 100k a year, give or take, depending on the bid for the Operator.

*Donna Cesan* noted that the funding from the project will be used to continue to pay those operating costs. It is revenue neutral to the town. Entities (lodge, conference center, amphitheater, café, camp ground) will be making a payment to the town and those will be used over time to provide a sustainable revenue source for the Glen, including the trails, walkways, water systems, and more.

*Jay:* stated that every 5 years the MOU will be reviewed. Once the full build-out is accomplished, the water district will recover the costs associated with maintaining the system. That is why we are spending the time and money up front, so that the fire district will be able to take over the maintained when it is a financially sound idea to do so.

*Thomas Satko* noted that the MOU in front of everyone is a draft. This was done with Jay, Donna, and the engineers for town and FD. The FD still needs to review and approve the draft.

***Motion made by Vice-chair Hoyt to approve the MOU with the AFD for the Greylock Glen water system. Seconded by Member Rosenberg.***

Discussion: If this is time sensitive, does the AFD have a time frame? Tomorrow.

Unanimously passes.

**Review and Approve, Modified Agreement with Todd Fiorentino, DBA Poseidon Coffee, Located at 3 Hoosac Street, behind the Adams Visitor Center, Jay Green, Town Administrator**

Todd operates Poseidon Coffee at the Visitor Center. We lease the space to him. He has been popular. He asked the town for a liquor license to serve coffee cocktails. ABCC has issued the license. Now that he has that, the town wants to make some amendments to his lease. There are a few changes. Rent increased rate to \$750. He may use the dish washer at the AVC as he will be using glass. He has also volunteered to purchase a dish washer should they need one or when the move. He will cover the increase in cost from his use. Todd has liquor liability to ensure that the town of Adams is insured. Todd has indicated that he is TIPS certified. He has to have a dedicated area to serve. Chief has been named reviewing authority to make sure that open container laws have been met appropriately. Town Council has reviewed these changes to make sure that they are satisfactory.

*Town Council:* Has attached as exhibits original lease and conditions as well as the license.

*Member Nowak:* Wants to vote against it as he has done in the past. He doesn't believe that it is appropriate for the placement. It is preferred that food be served with liquor and liquor doesn't seem family friendly.

*Vice-Chair Hoyt:* The ABCC did come out and look at the space on a number of occasions. They discussed the outdoor location and the police chief also discussed and looked at it. This one took some extra time with the ABCC. They took their time to approve the seasonal license. Her personal feeling is that business owners should be given the change. What is before us is a revision to the lease as a provision of the alcohol license. License will be reviewed if there are issues observed by the board, Town Hall, police chief, or ABCC.

*Member Nowak* asked for clarification based on the reading of "extension of a license" wherein the discussion was regarding the initial issuance of the license.

***Motion made by Vice-chair Hoyt to approve the modified lease agreement for Poseidon coffee. 3 in favor, one in opposition. Motion carries.***

**Review Liaison and Subcommittee Assignments**

Joe is comfortable with his assignments.

Chairman Duval suggested that this take place during a workshop. Member Rosenberg agrees that this would be a good workshop topic and that is also important for the full board to be present.

**SUB-COMMITTEE AND LIAISON REPORTS:**

*Member Nowak:* went to park commission meeting. Youth league families are not happy about the position of the bleachers. 2 people called and they are hoping to get new bleachers. Joe believes that this would be an easy fix. The discussion went back and forth without resolution.

*Member Nowak* also attended Prudential committee regarding shared services.

Attended General Government Review Committee and we will see where it goes from there.



*Vice-Chair Hoyt:* Also attended the parks commission meeting. Resolution was that the Chair will explore other options. Constant movement of the bleachers causes damage to the baseball field and the DPW did assess the costs of that.

Licensing standpoint: Renewals are coming together. Please be patient.

*Member Rosenberg:* also attended government review committee. Committee will be giving out a questionnaire to get the views of the BOS on the executive function.

*Jay:* General Government Review Committee is on schedule. Taking on some tough tasks. The topics are complicated and important.

#### **ANNOUNCEMENTS AND GOOD OF THE ORDER:**

**L.L. Bean Pop-up Shop at Adams Visitor Center, September 24th and 25th from 10:00 am- 5:00 pm:** Jay LL Bean is coming back and they will be on the grounds of the visitor's center! This is great the LL Bean will be back. Staff at LL Bean have all said that they have enjoyed coming to Adams. This Saturday and Sunday!

Howard: None

Christine: None

Joe: Good news from Yina at the Adams Theater that is not yet ready to be announced! Stay tuned.

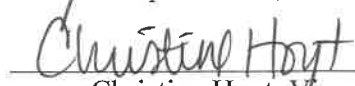
#### **ADJOURNMENT:**

Motion made by Vice-chair Hoyt to adjourn. Motion is seconded by member Rosenberg. Adjourned 9:04

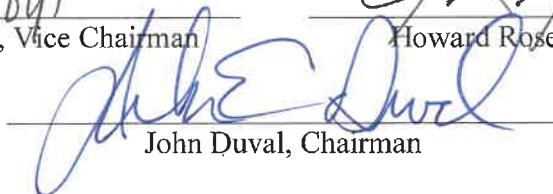
Respectfully Submitted by Bri Hantman, Recording Secretary.

  
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Joseph Nowak, Member

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Richard Blanchard, Member

  
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Christine Hoyt, Vice Chairman

  
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Howard Rosenburg, Member

  
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John Duval, Chairman