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Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

**TOWN HALL BUILDING
8 PARK STREET**

Wednesday, April 05, 2023, 6:00 p.m.

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

CALL TO ORDER: On the above date, the Board of Selectmen held a meeting at 7:00 PM at the Adams Town Hall. Chairman John Duval opened the meeting. Present: Chairman John Duval, Vice-Chair Christine Hoyt, Members Howard Rosenberg, Rick Blanchard, and Joseph Nowak. Also present were Jay Green, Town Administrator; Bri Hantman, Recording Secretary; Attorney Ed St. John III, Town Counsel; Crystal Wojcik, Town Finance Director, Eammon Coughlin, Community Development Director; Haley Meczywor, Town Clerk; Todd Fiorentino, owner of Poseidon Coffee; Carol Cushenette and Carrie Burnett of the Adams Finance Committee; NBCTC; Tammy Daniels, iBerkshires Reporter; Eammon Coughlin, Community Development Director; Cathy Foster, Gene Baker, Steve Melito, and other residents of the Town of Adams. Denise Allard and Mark Cappadona of Colonia Power Group participated via Zoom. Aaron Dean, Superintendent of the Hoosac Valley Regional School District arrived at 6:38pm.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

A motion was made by Member Blanchard to waive the reading of the November 17, 2022 minutes and approve them as submitted. The motion was seconded by Vice-chair Hoyt.

Member Nowak asked why there was a delay in the minutes being presented. Recording Secretary, Bri Hantman, stated that guidance was requested.

The motion passed unanimously.

A motion was made by Member Blanchard to waive the reading of the March 9, 2023 minutes and approve them as submitted. The motion was seconded by Vice-chair Hoyt. The motion passed with an abstention from Howard Rosenberg and 4 yes votes.

A motion was made by Member Rosenberg to accept the March 15th, 2023 workshop meeting minutes as presented. Motion was seconded by Member Nowak. Motion passed with 3 yes votes and abstentions from Member Blanchard and Vice-Chair Hoyt.

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS:

Update on Berkshire Municipal Electric Aggregation Program

Jay Green, Town Administrator gave a brief overview of what a municipal power aggregation is and how it works for the Town of Adams. Jay introduced Denise Allard and Mark Cappadona of Colonia Power Group, who joined the meeting via Zoom at 6:00pm.

Colonial Power Group is currently working to secure the next contract as this contract will be ending in November of 2023.

Mark stated that while the last contract was a three-year contract, that timeframe may not be beneficial as the market is currently “quite choppy”.

Member Rosenberg asked if the demand for electric vehicles will create too much of a load demand on the grid.

Mark stated that we may be able to see power production from off-shore wind as early as 2025. Residents will not necessarily notice the savings that they have been experiencing. Mark recommended a 24- or 36-month contract if the Town feels comfortable. Mark stated that this program is an opt out program. Anyone who doesn't want to participate can opt out at any point without fees. People have the ability to opt in again as they please.

Catherine Foster, Town Resident asked that the board turn the Zoom monitor and for Mark to shares his screen so that the Audience has the opportunity to review the spreadsheet that the board was reviewing.

Vice-Chair Hoyt asked if the Town has chosen a specific product? The Town has yet to choose a product.

Member Nowak asked Mark if his brokerage sells energy back to the grid when there is an overage. Member Nowak also asked if Colonial Power Group did anything to lobby the state government to encourage them to lower prices. Mark clarified that the Power Group doesn't generate power. They attempt to broker a contract with power providers. Additionally, Mark stated that Department of Public Utilities controls the power and the Utility Companies (National Grid in this case) sets the rate.

Jay Green, Town Administrator stated that the numbers provided are indicative pricing. April 11th is the date that we will receive the pricing. The rates will be going up but we will be attempting to lock in a price that is favorable. The aggregate group is leaning toward a 24 month.

Vice-Chair Hoyt made a motion to authorize the town administrator to sign the aggregation contract. The motion was seconded by Member Blanchard. The motion passed unanimously.

Review and approve seasonal liquor license renewal application for Poseidon Coffee, 3 Hoosac Street, Adams Ma 01220

Vice-Chair Hoyt reminded the board that the seasonal Liquor License was approved last year. This is a renewal of that license.

Last year, there were conditions placed on the renewal including an updated lease, parameters wherein the alcohol would be contained, TIPS certification would be completed, and Crowd Control certification would be completed. The conditions of the seasonal liquor license were incorporated into his lease.

Member Nowak stated that Todd was service coffee at Thunderfest and asked if he was serving alcohol at this time. A reminder was sent to Todd prior to Thunderfest. Vice-chair Hoyt also reminded Todd that he does need to serve alcohol within the parameters of his license which states that liquor must be consumed in a roped off area.

Vice-chair Hoyt made the motion to approve the seasonal liquor license for Poseidon Coffee, 3 Hoosac Street in Adams, under the condition that all provisions of the lease agreement are adhered to. The motion was seconded by Member Blanchard. The motion passed with 4 yes votes and 1 no vote.

Open Town Meeting Warrant: Citizen Petitions need to be submitted before April 19th, when the warrant will be closed. Citizen petitions need 10 valid signatures.

Vice-chair Hoyt made the motion to open the Town Meeting Warrant that will remain open until 5pm on April 19th. The motion was seconded by member Blanchard. The motion passed unanimously.

Set Annual Town Meeting date:

Wednesday, June 7th, 6:00pm, Adams Memorial Building, 30 Columbia Street Adams MA

A motion was made by Vice-Chair Hoyt to set the Town Meeting Date for Wednesday, June 7th 6:00pm. The motion was seconded by Member Rosenberg. The motion passed unanimously.

Approve Town Election Warrant

Haley Meczywor, Town Clerk reviewed the open positions that will be voted on in the next Town Election. Town Election will be Monday, May 1st, from 7am-7pm.

Member Blanchard made the motion to Approve the Town Election Warrant. The motion was seconded by vice-chair Hoyt. The motion passed unanimously.

Member Nowak asked what position don't currently have folks running. There is an open parks commission seat, and open Library Trustee seat, various Town Meeting Member seats in precincts 1-5. If anyone is interested in any of those positions or what a Town Meeting Member does, please feel free to contact Haley at the Clerk's office.

The election ballots are on order and should be in by the end of the week. You can come to the memorial building between 7am and 7pm and vote in person. You can also request an absentee ballot or vote by mail. You can access these through the Secretary of States office as well.

The last day to register to vote is Friday, April 21st. The Town Clerk's office will be open from 8am to 5pm. Absentee ballots and vote by mail applications need to be in April 24th.

Adoption of Town Website as official public meeting posting location: Chairman Duval stated that the Town has been provided with notice of an open meeting law violation. We provided the information to Attorney St. John who provided an adequate response. Attorney St. John stated that the posting was done on the website, at the Police Department, and at the Clerk's office. This will not change our practice, but the Attorney General's office has not received official notification of the website as being the accessible location. Agendas must be available 24/7. The police station is the only Town Building with 24/7 access. As of right now, all agendas are visible outside 24/7. Additionally, there is wall-mounted equipment that will allow for agendas to be posted in an accessible location.

Vice-chair Hoyt stated that not everyone has internet access, so she is happy to hear that there will be another location wherein agendas are posted 24/7. She is also concerned about potential outages on the website, so is it possible to name a secondary official posting location? Attorney St. John advised that there is no need to officially state the secondary exterior board as another 24/7 location.

Catherine Foster approached the Board and stated that the law requires that meetings be postponed if the website goes down for a certain period of time.

Vice-chair Hoyt made a motion that the Board of Selectmen adopt the Municipal website which is www.town.adams.ma.us as the official method of posting notices. The motion was seconded by member Blanchard. The motion passed unanimously.

Update on proposed Fire District legislation

Chairman Duval stated that at our last meeting several residents approached the board with concerns about the legislation that was filed. Residents as well as members of the Board of Selectmen attended the last Prudential Committee meeting wherein the matter of the legislation was tabled.

Chairman Duval also sent a letter to the Chair of the Prudential Committee requesting that they attend this meeting, but it was declined due to Prudential Committee's legal counsel's recommendation.

Steve Melito, resident of West Road spoke about the piece of legislation that was recently filed. He stated that it is unfair that West Road and parts of East road have their own wells on property. There is no talk of a water line or sewer line for those communities. This is an unfair attempt for them to recoup revenue due to their recent lawsuit. The Prudential Committee is an antiquated group.

Gene Baker asked why it was that Representative Barrett wasn't present at this meeting? *Member Nowak* stated that Representative Barrett told him personally that he believes the Prudential Committee took the necessary steps prior to this legislation being filed. Representative Barrett informed Town Administrator Green that the legislation was being put forward, but no members of the Prudential Committee have come forward to discuss this legislation with the Town of Adams. *Mr. Miller* stated that he is concerned that this circumvents Mass General Law and the water district bylaws. There is no plan to provide water to the affected neighborhoods. The Adams Fire District is not equipped to deliver water outside of the district. They do not have a tanker truck nor do they have a plan to deliver water. If this legislation were to go through, it would take effect on day one of adoption.

John Duval stated that there is already an agreement with the Fire District to respond to calls to property outside of the district. The matter of the legislation being fired with a process that appears to be incorrect, which is the matter that should be discussed. Town Counsel and the lawyers of the Water District are in discussions that representative Barrett is also in.

Member Blanchard stated that there are mutual Aid agreements with most communities throughout the county as well as a tanker trunk mutual aid agreement. Additionally, the Adams Forest Wardens do have a tanker trunk that will respond.

Mr. Baker stated that should the legislation pass, the Adams Fire District will assume the legal responsibility of the primary agency to respond to fires.

Catherine Foster stated that the Fire District has never been authorized, by law, to fight fires. Ms. Foster spoke about the two pieces of legislation which would expand the borders of the district and would set up an enterprise fund. Ms. Foster believes that should the Fire District is attempting to continue to maintain free cash.

Jay Green stated that a missing piece of this conversation is “Prudential Committee”. There are three individuals elected to run the Fire District. At the meeting last week, there was no forum provided for citizens to voice those concerns. These questions and concerns should be directed toward that body. The management of the fire district is separate from the Town and there is little that the Board of Selectmen are able to do/ authority over the fire District.

Vice-chair Hoyt stated that unfortunately, decisions are being made by the prudential committee that unfortunately have an effect on folks who are not given the opportunity to vote. *Vice-Chair Hoyt* stated that she will continue to stand with these citizens as a neighbor. She is curious what the Prudential Committee’s process was to get the legislation to the point that it is at thus far.

Vice-chair Hoyt also stated that sewer fees are not actually a part of water services, but are a part of the tax rate. It is an ongoing conversation with the board to establish an enterprise fund and establish a sewer user fee, which would take that off of the tax rate.

Update on Greylock Glen Outdoor Center and water system project: Eammon Coughlin stated that the project is roughly 48% complete. The project team meets every Tuesday morning to discuss the progress on the build. The Town cannot say enough good things about the architecture firm, design firm, and program managers. The building is a net-zero energy structure. Next week, we should be seeing a mockup of the fireplace stone layout. The project is expected to wrap up in December of this year and have the building open officially in Spring of 2024. A priority of the Community Development Department is to release the RFPs for the café operator and retail operator.

Donna Ceasan was hoping to be present this evening, however she was unable to attend due to a personal matter. Donna is more familiar with the information regarding the construction of the Water System, so Eammon asked that the conversation regarding the water system be postponed until Donna is able to be present and speak to the matter.

Member Nowak expressed his enthusiastic support of the Outdoor Center Building.

Member Rosenberg recognized that according to invoicing we are 48% complete, but what the percentage of completion is based on construction deadlines. Eammon stated that they are still on track for the anticipated opening date, but that can change rapidly based on uncontrollable factors such as weather and supply chain issues.

Approval of Clerical Union contract for fiscal year 2024-2026: *Jay Green* stated that the Clerical Union has ratified the contract and there have been no changes to the contract from the last time that it was presented. Jay Green provided a brief overview of the memorandum of understanding.

Member Nowak offered his support of the contract.

Vice-chair Hoyt made the motion to approve the Local 204 State Council Number 93 American Federation of State, County, and Municipal Employees AFLCIO Clerical Unit Contract for FY24-26 as presented. The motion was seconded by Member Blanchard. The motion passed unanimously.

Review and approve fiscal year 2024 Town Capital program: *Jay Green* stated that the Town began their budget process earlier this year than in years past. As such, the free cash certification was not available until recently. The finance committee spoke last year about what the free cash policy is and what the stabilization fund policy will be. The auditor of the Town stated that we are doing well and budgeting appropriately.

When Crystal and Jay meet with department heads, they are essentially asked for priorities for capital projects. We have roughly \$550,000 available for appropriation.

Cemetery, parks, and Grounds: \$10,000. Generally, they are funded at \$3500-\$5000 but they need a new walk-behind mower.

Community Development: There is a need for a New Software SAMIS, to do a study on what the state of roads and sidewalks are in the Town. This is the same software that is being used for storm water so they will be easy to integrate. There is also a line item for demolition with the priority of the Red Barn at Cook Street Park as well as the Mobile station. Other items include new equipment for the DPW in order to replace some equipment that is more than 20 years old and is no longer serviceable, a new cruiser for the police department, minor building repairs for the Library, and a \$160,000 reserve to handle capital building projects for the town, but to be as flexible as possible with reserve funds.

Member Rosenberg stated his concern with the way in which Capital projects are selected. He believes that the Town should have a Capital Management Plan. *Member Nowak* asked for more detail on what that would encompass.

Vice-Chair Hoyt clarified that this is the first year where there is a single individual responsible for facilities. We have a fleet schedule that is updated yearly that is planned on.

Member Blanchard stated that had previously been a Capital Management Advisory committee in the past that categorized the needs, ranked them, and reviewed them.

Chairman Duval invited *Member Rosenberg* to take on a leadership role in developing a Capital Improvement Plan.

Carol Cushenette, member of the Finance Committee approached the board. She stated that she agrees that a plan is needed.

Jay Green stated that the Town has begun using ClearGov which allows us to plan for the lifetime of our boilers, for example.

Member Nowak stated that he believes the Town is doing a good job of putting their money where their mouth is. He appreciates the emphasis that has been put on building upgrades.

At 8:28pm *Member Rosenberg* requested a 5-minute recess.

The Board meeting was called back into session at 8:34pm. *Chairman Duval* stated that he would like the Board to hold off on approving the Capital Overlay until after the budget approval went through.

Approve Fiscal Year 2024 Budget *Jay Green* provided a general overview of the process thusfar. \$263 increase to the average single-family household.

General Government

1. *Town Assessor*
2. *Tax Collector/ Treasurer*
 - a. Debt Service
3. *Town Clerk*
 - a. Elections
 - b. Registrations
 - c. Codification

No members indicated that they wanted any of the items held.

A motion to approve the budget for General Government was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Executive

1. *Selectmen*
2. *Town Administrator*
3. *Town Counsel*
4. *Moderator*
5. *Town Report*

No members indicated that they wanted any of the items held.

A motion to approve the Executive Budget was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed with 4 votes in favor and one abstention from Member Nowak.

Finance and Technology

1. *Finance Committee*
2. *Reserve Fund*
3. *Employee/Retiree Benefits*
4. *Accountant*
5. *Technology*
6. *Property & Liability Insurance*

Vice-chair Hoyt Recused herself during the Finance and Technology portion.

Member Rosenberg made the motion to approve the Finance and Technology budget. The motion was seconded by *Member Blanchard*. The vote passed unanimously with 4 votes.

Community Development

1. *Community Development*
2. *Greylock Glen Operating Budget*
3. *Conservation Commission*
4. *Planning Board*
5. *Zoning Board*
6. *Historical Commission*

Member Nowak made a comment that he was disappointed that there were not funds appropriated for the agricultural commission. *Member Nowak* clarified that this was not a motion, just a comment.

No members indicated that they wanted any of the items held.

A motion to approve the budget for Community Development Budget was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Department of Public Works

1. *Tree Warden*
2. *DPW Administration*
3. *Highways*
4. *Snow & Ice Control*
5. *Flood Control*
6. *DPW Garage / Equipment Maintenance*
7. *Transfer Station*
8. *Wastewater Collection*
9. *Cemeteries, Parks & Grounds*
10. *Celebrations – Seasonal*

No members indicated that they wanted any of the items held.

A motion to approve Department of Public Works Budget was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Waste Water Treatment Plant

No members indicated that they wanted to hold this budget

A motion to approve the Waste Water Treatment Plant Budget was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Public Services

1. *Council on Aging*
2. *Veterans Services*
3. *Memorial Day Remembrances*
4. *Library*

No members indicated that they wanted any of the items held.

A motion to approve the Public Services Budget was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Norther Berkshire Regional Vocational School District

No members indicated that they wanted any of the items held.

A motion to approve the Northern Berkshire Regional Vocational School District Budget was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Hoosac Valley Regional School District

Vice-chair Hoyt stated that there is a discrepancy in what was outlined in the budget book (.9%) and what the school district presented, 3.6%

Aaron Dean stated the school district was initially interested in requesting a roughly 10% increase. That number has been brought down by a large amount of state aid that was received. Aaron Dean asked that board support the budget that he presented to the board.

Chairman Duval asked what the influx of funding was that the district received. Chapter 70 was increased by 870,000.

Chairman Duval clarified that the school first intended to request a .9% increase, then experienced a surprisingly large influx of grant funds, and yet moved to increase the budget by 3.3% rather than .9%

Mr. Dean stated that he is hopeful that this will make the district more solvent down the road.

Member Nowak asked what the positions are that superintendent Dean is hoping to add back into the budget. Superintendent Dean outlined some positions that are being included. Member Nowak stated that he believes that the positions are credible, but theory and reality are not always one in the same. Member Nowak stated that he isn't sure that this will be a successful program. *Member Nowak* questioned the ability of the students in the district to participate in curriculum-based programming, or "pathways". *Member Nowak* stated that he sees the work that the teachers do in motion. *Member Nowak* stated that a lot of the students in the school system have learning deficiencies and he sees it first hand through his work in the school system as substitute teacher. Member Nowak stated that in his experience in working at the Hoosac Valley Regional School District, there seems to be a bigger need for disciplinary solutions in the school district.

Vice-chair Hoyt asked if Chapter 70 funds end up exceeding what the governor has put it, would funds be returned to the Town or would that be put into E&D.

Vice-chair Hoyt made a motion to approve the HVRSD budget as presented to the Board of Selectmen by the School District. The motion was seconded by Member Blanchard. The motion passed with a yes vote from Member Blanchard, Rosenberg, and Vice-chair Hoyt. Opposed by Member Nowak. Chairman Duval abstained.

Inspectional Services

1. *Inspectional Services*
2. *Weights / Measures Inspector*
3. *Board of Health*

No members indicated that they wanted any of the items held.

A motion to approve the budget for General Government was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Public Buildings / Facilities

1. *Public Buildings*
2. *Registry of Deeds*
3. *Town Hall*
4. *Adams Memorial*
5. *Adams Visitors Center*
6. *Police Station*

No members indicated that they wanted any of the items held.

A motion to approve the budget for General Government was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Public Safety

1. *Emergency Management*
2. *Forest Warden*
3. *Police Department*
4. *Animal Control Officer*
5. *Parking Management*

No members indicated that they wanted any of the items held.

A motion to approve the budget for General Government was made by Vice-chair Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

Return to Review and approve Town Capital Program: Vice-chair Hoyt made the motion to approve the capital outlay for FY24 for 550,000 as presented. The motion was seconded by Member Blanchard. Member Nowak stated that he didn't know much about the capital outlay but would still vote in favor. The motion passed unanimously.

SUBCOMMITTEE AND LIAISON REPORTS:

Member Rosenberg: None

Vice-Chair Hoyt: Beacon Hill conference was put on a couple of weeks ago. She is thankful for the opportunity to learn more about the Chapter 70 funds.

Thanks to everyone who came out and participated in the March 23rd public forum on the Greylock Glen Eco village and to Shared Estates for being a good neighbor.

Member Blanchard: None

Member Nowak: Asked who hosted the forum for Shared Estates. It was clarified that Shared Estates hosted it. *Member Nowak* expressed concern about the lack of handicap accessibility at the space.

Member Nowak also attended a Planning Board meeting and was disappointed that the Youth Center wasn't discussed

Chairman Duval: The MMA Breakfast was great!

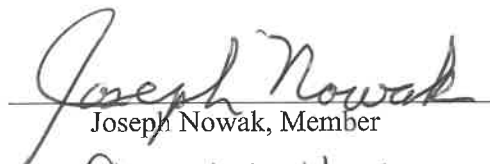

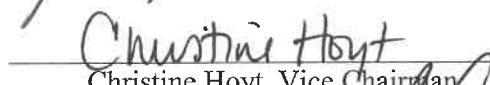
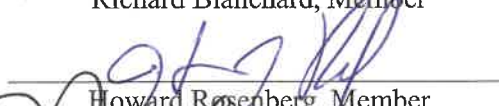
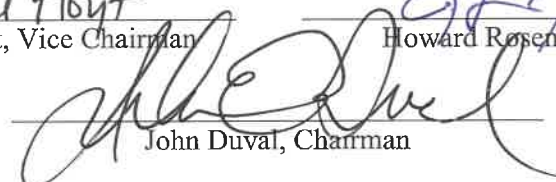
ANNOUNCEMENTS AND GOOD OF THE ORDER:

None

ADJOURNMENT

A motion was made by Member Blanchard to adjourn. The motion was seconded by Vice-chair Hoyt. The motion passed unanimously. The meeting was adjourned at 9:24pm

Respectfully Submitted by Bri Hantman, Recording Secretary.

 Joseph Nowak, Member	 Richard Blanchard, Member
 Christine Hoyt, Vice Chairman	 Howard Rosenberg, Member
 John Duval, Chairman	