



Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, November 15, 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 6:00 PM at the Adams Town Hall. Board Chair Christine Hoyt opened the meeting. Present: Chairman Christine Hoyt, Vice-chairman Howard Rosenberg, and Members Rick Blanchard, John Duval, and Joe Nowak. Also present were Jay Green, Town Administrator; Attorney Edmund St. John III, Town Counsel; Bri Hantman, Recording Secretary; K. Scott Kelley, Adams Chief of Police; Officer Kim Witek, Adams Animal Control Officer; Haley Meczywor, Town Clerk; Eammon Coughlin, Community Development Director; Jay Meczywor, Finance Committee Vice-chair; Lionel Vega; La'Chay Canada; Bruce Shepley; Dave Bisailon, Joshua Koch; Susan Marshall; Catherine Foster, Charles Foster; and residents of the Town of Adams.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

The November 1st, 2023 Meeting Minutes were submitted for approval.

Member Blanchard made a motion to waive the reading of the minutes accept the November 1st, 2023 Meeting Minutes as presented. Member Duval seconded the motion. The motion passed with 4 votes in favor and an abstention from Vice-chair Rosenberg.

PUBLIC COMMENT: Catherine Foster, Murray Street, approached the board. Ms. Foster asked if the board has been meeting to speak about the status of the Ambulance. *Chairman Hoyt* stated that the Board has not met regarding this matter. Ms. Foster also questioned the reasoning for the executive session. *Attorney St. John* stated that while there were a few words missing from the reason stated in the Agenda, it was an appropriate use of executive session. Charles Foster asked why the executive session reasoning wasn't fully stated. *Chairman Hoyt* stated that it was a Scribner's error.

Joshua Koch, resident of Dalton approached the board. Mr. Koch stated that he is an employee of Adams Ambulance. He sits on a committee that was formed roughly four days ago. Staff had gone to administration with financial concerns and were assured that everything was okay. Mr. Koch would not like to see the Town suffer due to a lack of emergency services.

Mr. Koch identified a number of issues that he wishes had been brought to the attention of the staff. Money has spent in places it doesn't need to be spent. There have been multiple discussions regarding funding. The situation has been mismanaged from the beginning. If it could be turned around, they feel that they will be able to make appropriate

changes within the Adams Ambulance Service. Mr. Koch stated that employees do not want to close and they are willing to fight for their ambulance service.

PUBLIC HEARINGS: 6:10pm

Dangerous Dog Order Compliance, 12 Philips Hill Road

Chairman Hoyt stated that the purpose of this hearing is to determine compliance with the order that was put in place.

Member Blanchard made a motion to move into a public hearing to determine compliance with an order made for the dog "Sully" who resides at 12 Philips Hill Road. The motion was seconded by Vice-chair Rosenberg. The motion passed unanimously.

The Board of Selectmen moved into Public Hearing at 6:11pm

Chairman Hoyt read the notice that was sent to Mr. Lionel Vega and Ms. La'Chay Canada. *Chairman Hoyt* inquired if Mr. Vega and Ms. Canada are represented by legal counsel this evening. Mr. Vega stated that they are not. *Attorney St. John* stated that the Town has the option to pursue a criminal case regarding compliance or lack thereof.

Chairman Hoyt stated that this is a compliance hearing to determine if the owners are in compliance or if other remedial actions should be ordered or if no other actions should be taken at all. *Chairman Hoyt* read into record the outline of the hearing process. All persons intending to give testimony were asked to stand and swear to tell the truth, whole truth, and nothing but the truth.

At the November 17th 2022 meeting, the Board determined that Sully is a dangerous dog. The Board ordered that Mr. Lionel Vega and Ms. La'Chay Canada install a fence/ provide plans to provide a fence, that Mr. Vega and Ms. Canada send Sully to obedience classes, That Mr. Vega and Ms. Canada have Sully neutered, that Mr. Canada and Ms. Canada comply with a muzzle and contained on a 3 foot leash and in control at all times that he is outside, including in his outdoor enclosure, that Mr. Vega and Ms. Canada keep Sully that Mr. Vega and Ms. Canada obtain a certificate of insurance in an amount no less than \$100,000, that the certificate of insurance be provided to the Board of Selectmen no more than six months after the date of the order, and that Mr. Vega and Ms. Canada return to the Board of selectmen to report on their progress with these orders 6 months after the orders were received.

Chief Kelley, Adams Police Department approached the Board. *Chief Kelley* stated that he would like to bring *Officer Witek*, Animal Control Officer, approach the board to go over which orders have been complied with and which have not.

Officer Kimberly Witek, Animal control officer in the Town of Adams approached the board. She stated that at this time the dog is not neutered. There has been some obedience training. There is not currently a fence. There has not been the construction of a fence.

Mr. Lionel Vega and Ms. La'Chay Canada approached the Board. Mr. Vega stated that he didn't receive the letter until June. He also stated that he was not aware of the insurance order. He stated that he has followed the muzzle and restraint order. He stated that he would like to construct a kennel.

Chairman Hoyt stated that Exhibit A is the letter sent on April 20. Exhibit B is the signed receipt. *Chairman Hoyt* asked for proof of the vet record stating that neutering sully would not be helpful. The Vet, Carrie Phelps of Berkshire Vet in Pittsfield provided an informational letter regarding the castration of the Sully. *Chief Kelley* stated that he has a medical record with similar language regarding the castration of dog. The letter states that Castration of both dogs (Sully and Neighbor dog) may change the interaction with that dog, but it may not change the interactions with other dogs (October 25, 2023). This letter was entered as Exhibit C.

Mr. Vega stated that he does not have a copy of the estimate for the insurance.

The minutes from November 17th 2023 Meeting were entered as Exhibit D.

Ms. Canada stated that she has been in contact with her current insurance agency as of a couple of months ago inquiring about the insurance. It was clarified that she was in contact with the insurance company on October 18th 2023. Ms. Canada stated that she has not heard back.

Chairman Hoyt asked for documents confirming Sully's enrollment in obedience training.

Chairman Hoyt opened up the discussion to the board.

Member Blanchard asked if the quote of \$20,000 was the cost of fencing in the whole property. Mr. Vega confirmed that that is true. *Member Blanchard* asked if it would be possible to create a fenced in section of the property. *Vice-chair Rosenberg* stated that he believes the intent to be a kennel. *Chairman Hoyt* stated that the notice does not give specifics regarding the size of the fence.

Member Nowak asked what the delay was in delivering the compliance order. Attorney St. John stated that the information was not presented to him until a few weeks before the compliance order went out. *Member Nowak* stated that Mr. Vega and Ms. Canada had ample time to bring their information forward to Town staff. Mr. Vega stated that he has been in consistent contact with Officer Witek. Mr. Vega stated that he walks his dog on the other side of the property.

Member Duval stated that he wanted to go through each of the orders as outlined in the letter that Mr. Vega and Ms. Canada received following the November 17, 2023 Meeting. *Member Duval* asked if the fenced in area could be made smaller. *Member Duval* noted that obedience training has been complied with. Neutering has not. Muzzled and leashed at all times has been complied with. Insurance has not.

Exhibit E was entered as the letter dated October 17th stating the Board of Selectmen would be hosting a compliance hearing. Exhibit F was entered as the signed receipt of letter dated October 17th.

Member Duval asked if officer Witek could approach the podium. In regard to the dog cage 6ft kennel. An outdoor kennel would be considered fine. Chief Kelley stated that each of the Adams Police Department houses dogs in an 8ftx12ft run, so 8ft by 8ft would be considered adequate.

Mr. Vega questioned if he has the ability to appeal the neutering of Sully now. It was clarified that that appeal window expired on April 30th.

Susan Marshall approached the board. She stated that she would like to ensure that all orders are complied with.

Chairman Hoyt asked if any other evidence is to be presented.

Member Blanchard moved to conclude the public hearing. The motion was seconded by Vice-chair Rosenberg. The motion to conclude public hearing passed unanimously at 6:59pm

The Board's action this evening is to determine if the order of April 4th 2023 has been complied with. Additionally, the Board may vote in favor of additional orders, up to and including the humane destruction of the dog.

Chairman Hoyt opened the floor to the board for deliberation.

Member Nowak stated that he does not feel that a physical fence needs to be constructed around the entire property.

Member Duval stated that a smaller fenced in area would be adequate. *Member Duval* also stated that an end date should be chosen. Officer Witek stated that 8x8, 8x12, and 8x15 are all acceptable sizes for a dog the size of Sully. Officer Witek stated that 6ftx8ft or 6ftx12ft would be sufficient. Officer Witek also recommended that there be a top on the enclosure.

Chairman Hoyt summarized that what she is hearing is a motion to amend the initial order regarding the fence, to an order of a minimum of a standard size kennel, minimum of 6ft by 8 ft with a covering or secure top as well as

protection on the bottom, whether it be a fenced bottom of buried fencing with the minimum of a plan in hand to the board of selectmen by November 29th and installation by December 21st, 2023.

Member Nowak made a motion to enact the planning that was read by chairman Hoyt. The motion was seconded by Member Blanchard. The motion passed unanimously.

The next order was the obedience training. Ms. Canada stated that she will send the obedience information to Ms. Hoyt.

A motion was made by Vicechair Rosenberg that the owners provide the board with documentation of the training including an assessment of the dog relevant to the animal including an adequate amount of training and a certificate of completion of obedience classes.

Chief Kelley Recommended that the board seek confirmation of enrollment of obedience classes. Chairman Hoyt suggested that a document of enrollment in obedience training as well as credentials of the trainer and assessment of sully be provided to the Board by November 29th and a certificate of completion to be provided upon completion of the obedience courses.

Vicechair Rosenberg amended his motion to include the recommendations of chairman Hoyt and chief Kelley. Member Duval seconded the motion. The motion passed unanimously.

Regarding the matter of Sully being neutered, Member Nowak stated that he believes there may be conflicting views regarding who is spoken with.

Chairman Hoyt stated that she does not have a strong opinion in one direction or another. It is a provision in state law that allows for the Board to require a dog be altered. Member Nowak stated that he believes it is a matter of removing the potential of reproduction.

Vice-chair Rosenberg made a motion to receive proof of appointment to have Sully Neutered within two weeks, November 29th. The motion was seconded by Member Nowak. The motion passed unanimously.

Regarding the Muzzel order and restraint on the three-foot leash. The owners have been found to be complaint. No further action is required by the board.

Regarding the certificate of insurance, Ms. Canada stated that she contacted the insurance company on October 18th. The person having ownership of Sully have a certificate of insurance for no less than \$100,000 for personal injuries that may be caused by Sully to be provided to the Board of Selectmen no later than November 29th. ***A Motion was made by Member Duval. The motion was second by Vice-chair Rosenberg. The motion passed unanimously.***

Town Administrator Green suggested that all of these requested compliance orders be funneled through Officer Witek. Officer Witek stated that she is comfortable collecting all appropriate documentation.

Member Duval made a motion to formalize the role of Officer Witek's in that she be responsible to collect all of these materials and get them to Mrs. Bri Hantman by November 29th. The motion was seconded by Vice-chair Rosenberg. The motion passed unanimously.

Chairman Hoyt stated that she will work personally with Town Council to get these orders out in a timely fashion.

Chairman Hoyt called for a five-minute recess at 7:31pm

Chairman Hoyt called the meeting back into session at 7:36pm

PUBLIC COMMENT CONTINUED: Katherine Foster approached the board again. She reiterated that the Chair must state when they get to executive session she must declare that deliberating in a public meeting would be a detriment to the bargaining position of the Public Body.

NEW BUSINESS:

Ratification of Brendan Scott, Skilled Laborer for the Department of Public Works

Memorandum regarding Mr. Scott has been appointed to the position of Skilled laborer.

Member Blanchard made a motion to ratify Mr. Scott as a skilled laborer for the DPW at an hourly rate of \$18.34 an hour. The motion was seconded by Mr. Duval. The motion passed unanimously.

Update on Former Curtis Paper Property

Town Administrator Green stated that the Former Curtis Paper Property on Howland Ave now belongs to the Town of Adams due to default of taxes. It is a large complex with multiple points of entry, so the DPW, Police Department, and Facilities department have all been notified and will work to ensure the security of the property.

Town Administrator Green stated that the property will be disposed of via Request for Proposal (RFP) once the study is done.

Member Nowak asked if there are Brownfields funds that can be used on the property. Town Administrator Green stated there may be funds that can be used for the purposes of cleaning up and securing the property.

Discussion of Adams Ambulance and Community Emergency Medical Services

Chairman Hoyt stated that there is a joint public meeting on November 20th at 6pm held jointly with the Towns of Savoy and Cheshire. The meeting will take place in Cheshire. Management from Adams Ambulance Service, Board Leadership of Adams Ambulance Service, Northern Berkshire EMS, and the Selectboard of Adams, Cheshire, and Savoy have all been invited to attend.

Town Administrator Green stated that this has been a critical topic for Town staff. Since the Berkshire Eagle article was published back in September. The number one concern of the group has been continuity of emergency services for the towns of Adams, Cheshire, or Savoy. Adams Ambulance Service (AAS) has met with staff members but at no point in time was a date given to Town Staff. 105 CMR 170 requires a provider to communicate with Towns regarding closure or anticipated changes in service. Despite numerous attempts to communicate with AAS, Adams has not received notice. The Office of Emergency Medical Services (OEMS) and Department of Public Health (DPH) have received notice from AAS that they intend to close on December 31st or sooner. There was a press release issued yesterday. As of right now, Northern Berkshire EMS (NBEMS) will be taking over primary coverage of our communities. OEMS and DPH have received the transition plans and given their approval.

Two locations have been identified, one in Adams and one in Cheshire. A request for approval has been submitted to OEMS and we are awaiting approval.

One of the biggest issues that the Town of Adams is facing is the lack of communication from AAS. The three communities (Adams, Cheshire, and Savoy) as well as NBEMS cannot be put in a place to respond immediately. There are mutual aid agreements put in place with other communities. Those agreements will remain in place. The long-range plan is yet to be determined. It has been a lot of work.

A far smoother transaction was attempted, but it has been unsuccessful. Town Administrator Green stated that "official notice" is defined as written communication.

Vice-chair Rosenberg asked for clarification that the date of closure for AAS is December 31st. The location in Adams will be the Forest Warden's station. They are making room and being gracious hosts. Chief Meaney and

Deputy Chief Tobin (NBEMS) are pleased with it. NBEMS immediately filed the paperwork with DPH and DPH has confirmed receipt and that they are reviewing.

NBEMS would like to interview and onboard AAS employees who are interested in applying.

Member Nowak stated that he has not been privy to the conversations and that he has only received information through the media. Member Nowak asked how much it will cost for the Town of Adams to be a part of NBEMS.

As of right now, NBEMS does not require any subsidy. There are no cost implications. NBEMS has a robust grant program and transport program in addition to their EMS program.

Town officials have not received an official budget or a formal request for funding. The numbers continue to change. While numbers have shifted, projected roughly 1.4 million dollars. We would not be able to adopt that funding burden, it would require a proposition 2 ½ override.

Member Duval stated that his son works at Adams Ambulance. While we would love to see Adams, Ambulance prosper for the next 50 years. The Town Administrator and the other communities are ready to move forward.

Reminder, there will be a meeting on Monday.

Member Blanchard asked if the Town of Adams has reached out to the Town of Hawley. NBEMS and DPH have reached out to Hawley, but unfortunately the burden on notification falls on the Adams Ambulance Service.

SUBCOMMITTEE AND LIAISON REPORTS

Member Blanchard: None

Member Nowak: Attended Adams Cheshire Regional School District Meeting. Member Nowak felt disheartened when he saw the MCAS scores. Member Nowak also presented the Board with the Hoosac Valley Regional School District Improvement Plan. Member Nowak reminded the board of the importance of a good school system when it comes to attracting new families to the Town. Member Nowak also stated that superintendent Dean received a raise.

Member Duval: Berkshire regional planning commission finance committee meeting to approve the rate charged to communities. The amount was raised by 2.5% (to be approved on Thursday evening).

ANNOUNCEMENTS AND GOOD OF THE ORDER

New England Power Company Asset Condition Refurbishment Project Update

For the last several years, there has been planning and development for upgraded power lines to pass through Savoy, Adams, and North Adams. The public comment period is currently open. The project management team is tentatively happening on December 7th in Town Hall.

Holly Days Event Announcement, Sunday, November 26th, 2pm-5pm

Chairman Hoyt: This is the ceremony that takes place annually at the Adams Town Common. Santa will be arriving around 3pm with festivities starting at 2. There will be free carriage rides, coffee, hot cocoa, and donuts. Tree lighting to happen at 5. Sponsored by Adams community bank with goodies provided by the Adams Lions Club.

Member Nowak: Announced the retirement of Adams Community Bank President Charlie Obrien who is retiring in 2025.

Vice-chair Rosenberg: Happy to hear about the willingness of NBEMS to service the Town of Adams.

Member Duval: Stopped in to see Eammon Coughlin regarding the Howland Ave project. There are several streets in the Zylonite area that are unaccepted streets. Member Duval requested a workshop that identifies all Town-owned

streets. Town Administrator Green and Mr. Coughlin clarified that that list exists. *Chairman Hoyt* stated that we can take that up as an agenda item in early 2024.

Chairman Hoyt stated that the Board will be going into executive session. The board will only come out of the Executive Session in order to adjourn.

Member Duval asked if this would be improper to take up this evening due to the potential Scribner's error on the agenda.

Attorney St. John stated that his worry is that if the Board of Selectmen is found to be in violation of open meeting law, then any action that was taken will be overturned which will ultimately affect the transfer of these properties. Mr. Coughlin inquired of Attorney St. John if the release of these liens is a matter that can be delegated to the Town Administrator. Attorney St. John advised against that.

As such the Board did not go into executive session.

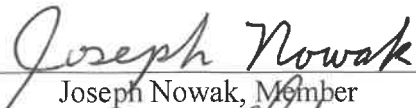
ADJOURNMENT

A motion to adjourn was made by Member Blanchard. The motion was seconded by Member Duval. The meeting was adjourned at 7:34pm.

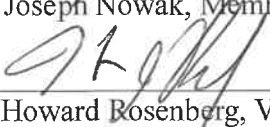
List of Materials Referenced:

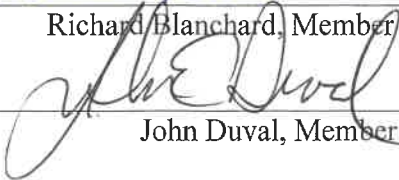
- November 1, 2023 Meeting Minutes
- Hearing Process Outline
- Exhibit A: April 20th letter regarding Board orders to Mr. Lionel Vega and Ms. La'Chay Canada
- Exhibit B: Signed Receipt of April 20th Letter
- Exhibit C: Email from Berkshire Vet regarding efficacy of Neutering Sully
- Exhibit D: November 17th 2023 Meeting Minutes
- Exhibit E: October 17th, 2023 Hearing Notice sent to Mr. Lionel Vega and Ms. La'Chay Canada
- Exhibit F: Signed Receipt of October 17th, 2024 Letter
- Ratification Memo, Brendan Scott
- Holly Days Flyer

Respectfully Submitted by Bri Hantman, Recording Secretary.


Joseph Nowak, Member


Richard Blanchard, Member


Howard Rosenberg, Vice Chairman


John Duval, Member


Christine Hoyt, Chairman