

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, July 7, 2021, 4:00 p.m.

BOARD OF SELECTMEN MEETING MINUTES

CALL TO ORDER: On the above date the Board of Selectmen held a joint meeting with the Board of Health at the Town Hall Board of Selectmen Room. The Board of Selectmen meeting was called to order at 4:01 p.m. by Chairman Duval. Present from the Board of Selectmen were Chairman Duval, Vice Chairman Hoyt, Members Nowak and Rosenberg. Present from the Board of Health were Chairman Rhoads, Members Brewer and Hoyt, Code Enforcement Officer Blaisdell, and DPW Parks & Grounds Foreman Skrocki. Also present were Town Administrator Green, Town Counsel St. John III, and Administrative Assistant Dunlap. *Board of Selectmen Member Rosenberg arrived at 4:08 p.m.*

PUBLIC HEARING: *Review and adoption of regulations pertaining to regulations prohibiting dogs from town athletic fields.*

Motion made by Board of Health Member Hoyt to open the public hearing, second by Board of Health Member Brewer. Roll Call Vote: Chairman Rhoads, Member Hoyt and Member Brewer. Motion passed. It was verbally noted that there were no callers attending the meeting via Zoom. *Board of Selectmen Vice Chairman Hoyt* inquired what the difference was between two versions of the proposed order that were provided. *Board of Health Chairman Rhoads* advised it was reviewed whether the Police Department was empowered to enforce the order, which is still up in the air. He advised that there was a need to confer with the Police Department and Animal Control, but Section 6 was the only change noted. *Board of Selectmen Vice Chair Hoyt* noted she found a redundant word on Section 2, Letter D. *Board of Health Chair Rhoads* advised he cut out the redundancy and referred to a copy that Code Enforcement Officer Blaisdell had provided five minutes before the meeting started. *Code Enforcement Officer Blaisdell* advised when the Board of Health decided to adopt the proposal a first draft was sent, but the freshest draft was just provided. *Board of Selectmen Vice Chair Hoyt* advised she got the new version five minutes before the meeting started and wanted a full accounting of all changes that were made to the document. *Board of Health Chair Rhoads* advised that wording was suggested by Administrative Assistant DeRose. *Parks & Grounds Foreman Skrocki* advised the intent was to keep dogs off of the athletic areas where there are competitions, but not out of outlying areas. *Board of Health Chair Rhoads* advised he received input from one individual regarding Reid Field and the park around there. Valley Street field is for soccer and baseball, and Russell Field was just done over. It was explained that Corey Bishop had conferred with Code Enforcement Officer Blaisdell and as a coach pointed out that dogs defecate on the field and get frisky during games, which poses a distraction to the game and the referees. *Board of Selectmen Vice Chair Hoyt* asked for clarification on Quality Street, Sierra Street, Bowe, Beaver Bard parks and fields, and it was noted requested to be only athletic fields where games are played. She requested it be defined under Section A of the document. *Board of Selectmen Member Rosenberg* inquired how the situation is worsening. *Parks & Grounds Foreman Skrocki* advised when mowing the field there are dog feces on the tires and when weed whipping feces get on the workers' faces and fly around, creating sanitary concerns. *Board of Selectmen Chair Duval* inquired what the impact was to the employees of the Town and whether it was a nuisance or a health impact. It was explained that it has been a problem for years and that employees have reported it being an issue for them. Input was received from the Coach and the Code Enforcement Officer talked with the Coach. *Code Enforcement Officer Blaisdell* reported that various people approached him before the Parks Commission and the Parks Commission did not endorse it so it did not get brought forward to the Board of Health but it came around again. It was clarified that the Parks Commission

did not endorse it because the language of the proposed regulation stated parks and it was not specific to athletic fields. *Board of Selectmen Member Nowak* inquired how it would be enforced. It was noted that there would be a learning period and the Town would have the right to refuse dogs being on the field. *Code Enforcement Officer Blaisdell* advised there are signs at every field prohibiting dogs but he was not sure under what authority or when they were installed. There were signs noted on all four fields restricting dog access. He advised that the presentation for the Parks Commission was for prohibition of all pets, subject to enforcement. If they were observed as a violation it would be reported to the Code Enforcement Officer unless the Police Department was deputized. Photographic evidence to identify the individuals would be used to address it. Concern was expressed about people having the information before enforcement. *Board of Health Chair Rhoads* advised that information was put up and there were two public notices published to make people aware that the Board of Health was dealing with this issue. *Board of Selectmen Member Nowak* suggested it would have been advantageous to have had the issue brought up at a Board of Selectmen Meeting to televise it and bring the information to the public. He noted this would require a ban of all dogs from Valley Street, and pointed out that Russell Field has a playground that would be concerning if children were around feces. It was reiterated that each field has signage that have been installed for some time, but it was pointed out that people are not reading the signs and enforcement is an issue. *Board of Health Chairman Rhoads* noted the ban would be made immediate but would postpone fines for thirty days, which is still in discussion with Town Counsel. He recommended a violation in a thirty-day period with no fine but any subsequent violation would be considered a second violation. An inquiry was made about how this would impact service dogs, and it was noted that service dogs are allowed as long as they are properly muzzled. *Board of Selectmen Chair Hoyt* noted that there were no regulations on the website posted with the agenda to provide content for the public hearing. *Board of Health Chair Rhoads* countered that when the Board of Selectmen votes on hiring positions the job descriptions are not posted with the agenda. *Board of Selectmen Vice Chair Hoyt* explained that this is a public hearing and the information on the proposed regulation has not been made available to the public for the public hearing. She pointed out that comments were made that there were signs posted, and inquired if regulations were already in place that may not need to be redone. *Town Counsel St. John III* advised he was not aware of any regulations but he has not yet exhausted his research on the matter. It was noted the Board of Health is addressing health issues, which is different than putting up signs. He advised he has issues with the language, definitions and the Police Department being involved. He noted it needs to define with enough specificity that Code Enforcement knows what action to take. *Code Enforcement Officer Blaisdell* stated that the public was well informed in spite of the signs there. He advised the coaches were all notified twice, were provided a draft of the regulation and only one provided input and was in favor of it. He explained that the meeting was to get other input on this, and he went above and beyond with the spring and summer coaches who were informed and invited to submit responses in writing. *Board of Health Chair Rhoads* advised it was using a sledge hammer to push in a tack as there are few violators that are the offenders, but the benefits outweigh the draconian nature of the regulation. *Board of Selectmen Member Nowak* inquired whether banning dogs from all fields would make it easier to enforce, as Valley Street Field and Russell Field would have an enforcement issue and it would be confusing where dogs can go and where they cannot. *Code Enforcement Officer Blaisdell* advised it was presented as parks inclusively because people complain about the entirety of where children will be playing. The document could be amended to include all parks. *Board of Selectmen Vice Chair Hoyt* requested a list of all of the signage locations. An inquiry was made as to who originally put up the signs. *Board of Health Chair Rhoads* advised it would be put in as a formal regulation instead of just putting up signs so it will have official backing. It was questioned again whether there was enough research done to definitively say there is no regulation in place and the signs were put up in error. It was pointed out that the Parks and Cemeteries Commissions cannot put in regulations, and bylaws are a separate statute. There are no such Board of Health regulations in Adams. It was noted that since signs are in place already there must have been some discussion on it and a decision in place in the past. *Code Enforcement Officer Blaisdell* noted there are Board of Health trash regulations and trash hauling bylaws but if Town Counsel St. John III finds a bylaw the Board of Health could revisit it and amend it. He inquired if the Board would consider assigning a sub-committee to look into it, work on it, draft the proposed regulation and come back with it. *Board of Selectmen Member Nowak* pointed out that if the Parks Commission has not endorsed it, he would prefer to have it go back before

the Parks Commission to get their endorsement first. *Board of Health Chair Rhoads* advised there is an urgency in the matter as the town athletic fields are where out-of-towners are invited but parks are just for people to show up. He explained that out-of-town guests grants the Board of Health the urgency of the request and parks can come along later. *Code Enforcement Officer Blaisdell* noted that the smaller Parks Commission were notified and newly appointed members were notified today. The agenda was posted and amended for this meeting. He noted that different people were providing different drafts, including the Chair and another member that was invited a month ago. *Board of Selectmen Chair Hoyt* noted that she had reviewed the agenda of the Parks Commission and it was not on their agenda. *Code Enforcement Officer Blaisdell* reviewed how the Parks Commission Members were notified, and recommended this move forward. It was confirmed that the same problem is happening on the non-athletic fields, and there was concern about both employees and out-of-town people. It was explained that Pittsfield has a similar ordinance, which has been tailored for the use in Adams. *Board of Selectmen Chair Duval* inquired about enforcement if the regulation is passed beginning tomorrow. *Town Counsel St. John III* advised that the Animal Control Officer is under the Police Department, which is under the Town Administrator and Board of Selectmen jurisdiction and the Board of Health authority does not extend to the Animal Control Officer. Their designated agent is the Code Enforcement Officer. An inquiry was made of Code Enforcement Officer Blaisdell on how he will handle enforcing the regulation if it passes. *Board of Health Chair Rhoads* noted that signs were discussed and Building Commissioner Garner said he would not pay for signs, so it would not be advised to hunt down people until signs are in place. It was asked if there would be a check list provided by the Board of Health to follow. It was explained that this issue is not new to the Board of Health and if violations happen overnight and after hours they will be addressed the next day. It was pointed out that Pittsfield deputizes the Police Department to enforce tobacco regulations in the parks, and during the pandemic discussion took place about deputizing the Police Department to help address violations as the Board of Health was burdened with additional enforcement. It was explained that people will call the Police Department and signage is in place. If the Police Department assess that the situation is urgent, the Code Enforcement Officer would be called out. It was further clarified that most complaints come through email, photographs or social media. It was noted that the Board of Health cannot identify enforcement officers on their own except the Code Enforcement Officer and the Town doesn't want Police Officers chasing dogs around fields. It was pointed out that enforcement may take weeks, and if constituents report it and nothing happens they will be upset. The question was posed how enforcement will happen immediately or whether it is better to hold off and get everyone to agree on it. *Code Enforcement Officer Blaisdell* advised that enforcement is not a big deal, as it would be only one more thing to manage. *Board of Selectmen Vice Chair Hoyt* advised that Section 7 outlined fines at the first offense of no less than \$50, second offense at \$100, and third offense at \$200 but in another area of the document it was listed as \$300. She also noted that feces not being picked up is outlined in the Town Codes and asked if that could be incorporated in it. *Parks and Grounds Foreman Skrocki* pointed out that the cemeteries are also posted with no dogs allowed, and there is a bylaw that is enforced by the Police Department. *Board of Selectmen Vice Chair Hoyt* advised that there is no cemetery bylaw so there must be a parks bylaw. It was stated that the legal language is possibly being confused. A brief discussion took place on how bylaws are created. An inquiry was made why cemeteries are not included in the regulations, and if there are signs in place and it is being enforced there and at the fields then there must be some regulation in place. It was further pointed out that cemeteries invite in out-of-town and out-of-state guests. It was explained that if people are approached about the violation they usually accommodate it. *Board of Health Chairman Rhoads* inquired from Town Counsel St. John III if the Board of Health has the authority to put the regulations in place with the Code Enforcement Officer enforcing it or whether it requires the Board of Selectmen approval. *Town Counsel St. John III* advised that through Chapter 111, Section 31 the Board of Health does not need approval from the Board of Selectmen, but he urged caution because it needs more definition. ***Motion made by Board of Health Member Hoyt to close the public hearing, second by Member Brewer. Vote: unanimous. Motion passed.***

Board of Health Chairman Rhoads asked for a motion from the Board of Health Members to adopt the prohibition of dogs on public fields. Section 2A would list the core fields of Valley, Russell, Renfrew and Reid. He noted that the second citation would be deleted and he would add town employees wording.

Section 6 would be updated on enforcement and a sentence added, and sections B and C would be deleted as they are dealing with Adams Police Department. Section 7 would be updated to say no less than \$300. He noted that the Effective date on today's date would take effect one week from today, on July 14th, to allow for the making of signs. He noted that fines would be waived for the subsequent two weeks until July 28th, but waived fines would be included in future violation fines. *Board of Health Member Hoyt* requested adding the definition of athletic fields as recommended by Town Counsel St. John III. *Board of Health Chairman Rhoads* reviewed the section on the athletic fields outlining the four fields. *Code Enforcement Officer Blaisdell* noted that Reid Field has a playground, and Valley Street Field is fenced in but it needs to define Renfrew and Russell fields as sports playing surfaces of fields, including tennis courts, football, baseball, soccer, and basketball surfaces. Valley Street needs to be outlined in its entirety and Reid Field is fenced in for softball. *Board of Health Chair Rhoads* noted he will put that under a separate definition. A request was made to outline the athletic fields before the uses. *Board of Health Member Hoyt* advised he was uncomfortable voting on it without the stamp of approval of Town Counsel, and asked for the document to be read aloud with the changes. *Board of Health Chairman Rhoads* read the definition of playing surfaces of athletic fields and noted that playgrounds would not be covered in this. Discussion took place on playgrounds being included and enforcement of dogs being leashed, with enforcement by Adams Police Department. He advised of the decision to restrict it to athletic fields. ***Motion made by Board of Health Member Hoyt to approve the regulations prohibiting dogs from town athletic fields as amended, second by Member Brewer.*** Town Counsel St. John III was asked for his input and it was noted that he was satisfied with the changes made and the enforcement strictly by Code Enforcement. *Board of Health Chair Rhoads* read the definition of athletic fields again. ***Vote: unanimous. Motion passed.***


Motion made by Board of Health Member Brewer to move up the New Business of Discover Books Donation Bin higher on the agenda, second by Member Hoyt. Vote: unanimous. Motion passed.

Discover Books – Donation Bin: It was noted that this initiative was through Northern Berkshire Solid Waste Management District. Information was passed out to Board Members. *Board of Health Chairman Rhoads* advised he wanted to include the Board of Selectmen on this information to weigh in on it. He noted that as with the textile bin, it would be a second recycle. *Code Enforcement Officer Blaisdell* advised this is another measure to reduce waste going to landfills. Books are recycled in various forms and would not be taking up space in landfills. It was noted that no Board of Health Members had reviewed the Discover Books website. *Board of Health Chairman Rhoads* advised he is asking the library what they do with books. He went to Discover Books and they harvest and resell what they can. Paperbacks went to Amazon and they are charging Amazon prices. He noted he was dubious about throwing weight behind it without learning more about it. *Board of Health Member Brewer* asked to get more information from the library. *Board of Selectmen Vice Chair Hoyt* advised that the Berkshire United Way House has a give and take library program in all 32 communities with a Grade 3 reading level, and only Pittsfield is doing this particular program in Berkshire County. She inquired if there are communities where libraries are not taking books and if there is a cost to the individual. *Board of Health Chairman Rhoads* advised there is no charge for books, otherwise they are going in a recycle bin in the Transfer Station. This is an alternative to improper disposal at the Transfer Station. It was noted that it needs more exploration. The paper recycle bin was noted as having an entire set of Encyclopedia Britannica at one point. *Code Enforcement Officer Blaisdell* requested this topic continue at another meeting.

Town Facilities Request Form – Food Vendor Notice: *Board of Health Chairman Rhoads* advised that the Board of Health would like to have some notification of food service events, preferably a two-week notice. He noted that there has not been notice in a timely fashion and looking at the form it was pointed out that the Board of Health has no signature area. *Code Enforcement Officer Blaisdell* gave his input on where the Board of Health information should be on the form, and suggested the entire form be put in the Board of Health online Permit Eyes system. He explained that on Permit Eyes the information is shared with eight other communities and the Code Enforcement Officer would instruct the different departments for approval. *Board of Selectman Chair Duval* advised the Board of Selectmen will have the Facilities Use Request Form as an agenda item for discussion.

ADJOURNMENT: *Motion made by Board of Selectmen Nowak to adjourn the Board of Selectmen portion of the meeting, second by Vice Chair Hoyt. Vote: unanimous. Motion passed. The Board of Selectmen portion of the meeting adjourned at 5:44 p.m.*

Respectfully Submitted,
Deborah J. Dunlap, Recording Secretary



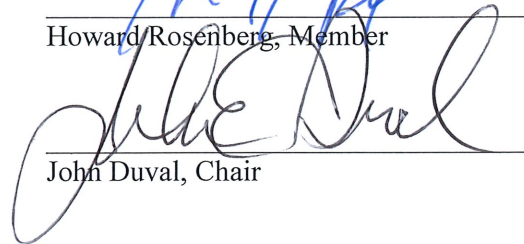
Joseph Nowak, Member



Christine Hoyt, Vice Chair



Howard Rosenberg, Member



John Duval, Chair