

TOWN OF ADAMS, MASSACHUSETTS

ADAMS TOWN HALL BUILDING, 1st FLOOR, ADAMS, MA 01220

RECEIVED-POSTED

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BOARD OF SELECTMEN MEETING MINUTES 08/15/2018

CALL TO ORDER: The meeting was called to order by Chairman Duval at 7:00 p.m. Members Hoyt, Blanchard, Nowak and Bush as well as Interim Town Administrator Cesan and Town Counsel St. John III.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The minutes for the **March 18, 2015 Meeting, September 14, 2016 Workshop, May 8, 2018 Meeting, May 8, 2018 Workshop, and August 1, 2018 Meeting** were submitted for approval. *Motion made by Member Blanchard to waive reading of the minutes for March 18, 2015, September 14, 2016, and approve as submitted, second by Vice Chairman Nowak. Voted in favor were Chairman Duval, Vice Chairman Nowak and Member Blanchard. Abstention by Members Hoyt and Bush. Motion carried. Motion made by Member Hoyt to waive reading of the minutes for May 8, 2018 Meeting, May 8, 2018 Workshop, August 1, 2018 Meeting and approve as submitted, second by Member Blanchard. Vote: Unanimous. Motion carried.*

PUBLIC COMMENT: William Kolis gave the Board an update on the results of the Nashville in the Berkshires that took place July 13th and July 14th. The proceeds over the cost of the event on Friday were earmarked to go to the Susan B. Anthony Statue Fund, and the proceeds from Saturday were for the Berkshire Jazz Day Camp 2018. He announced that there would be a \$4,000 donation to the Susan B. Anthony Fund. Volunteers that helped with the event were thanked and he expressed appreciation for their time and efforts. He gave Board Members copies of a letter signed by the volunteers announcing the donation. He advised that five world class jazz musicians are at Hoosac valley High School teaching jazz to thirty students from all over Berkshire County from 4:00 to 8:00 p.m. On Friday, August 17, 2018 Bounti-Fare will be hosting a Jazz Cabaret by these musicians and the students at 6:30 p.m. Tickets are \$25 and the cost goes to underwrite the program. He announced that the Painted Piano Project by the Berkshire Music School was created to celebrate the 100th birthday of Leonard Bernstein. The pianos have been distributed around the county and two are here in Adams, decorated by Henry Klein and Richard Haskins. They are on display at the Firehouse Café daily from 1:00 to 4:00 p.m. Thursday, August 16th at 1:00 p.m. a world-famous keyboardist will play one of the painted pianos. On Thursday, August 23rd, the President and Publisher of the Berkshire Eagle will be at the Firehouse Café from 9:00 a.m. to 10:00 a.m. to speak to Adams residents, and all are invited to attend. He gave the Board an update on the progress of the Susan B. Anthony Statue. He advised that the contract has been completed and is awaiting execution by the Town. Mr. Hanlon had completed clay model and a picture of it was published in the local media. The contract is for \$130,000 and fundraising is currently at \$80,000. If \$100,000 is raised a second grant by Adams Community Bank kicks in for \$25,000, leaving \$5,000 left to raise. Additional funds raised will be for the parade, fireworks and other events. February 15th is Susan B. Anthony's birthday and August 18th is when the 19th Amendment was adopted. 2020 is the 100th anniversary of the adoption of amendment and also the 200th birthday of Susan B. Anthony. At Ramblefest Brian Hanlon will be available for press appearances.

NEW BUSINESS:

Discussion with Art Babayan, LC²: Art Babayan, Principle owner of LC² introduced himself and a security consultant. Mr. Babayan briefed the Board on his plans and advised that he is in the process of applying for a cannabis cultivation license for a building located at 173 Howland Avenue. The lease is signed and LC² will close on it within the next few days. Mr. Babayan provided his background and explained that he personally participates in education about drug abuse in Natick and surrounding areas. He explained his reasons for choosing Adams, and that he is looking for a long-term successful relationship with shared values where he can build a relationship with the community and become an active member. He noted that the building needs work, and he will start winterizing the building, working on the roof and siding, and clean up.

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He explained that he is preparing the package for the state and hopes to apply before Labor Day. Once interior work is done he advised he hopes to start operation in the first few months of 2019. Mr. Babayan advised in the proposed Host Community Agreement the first year there would be a voluntary \$5,000 donation for drug abuse programs and the amount will increase with the business growth. He advised LC² would make every effort to hire local businesses, contractors, suppliers. The expected employment in the first year would be five to ten and would in good faith to hire locally when possible to continue to invest in the local economy and its residents. It was explained that the 173 Howland Avenue building is 40,000 square foot former Berkshire Outdoors building and has been used as motorcycle repair shop but has not recently been renovated. *Chairman Duval* noted that he is unable to ask questions or vote due to his employment restrictions. *Member Hoyt* thanked Mr. Babayan for coming to meet with the Board. *Steve Chaisson*, a consultant from AC³ LLC gave some background on the security aspect and noted that he has been responsible for improving the security of other facilities in Massachusetts. Medical Marijuana has a robust security plan, and the security plan mirrors that. Cameras are utilized inside and out, as well as in the parking areas. Any place that marijuana can be will be under camera surveillance, including the doors. State requirements were discussed. There will be panic alarms, and the product will be stored in a vault. It was explained that the State and the business will also do extensive background checks to eliminate diversion. There will be policies in place where uniforms with no pockets will be worn. Transportation from the facility to wholesale establishments will require panic alarms and communication in the vehicles and will be fully GPS monitored by state law. Mountains could be an issue in this part of the state and satellite phone may be needed due to dead spots. A brief discussion had taken place with the Chief of Police and the plan is to work together in the future to be very security focused. He advised the other facilities he has provided security for included Amesbury, Brockton, Ayer, Franklin, Lowell, Fitchburg and Georgetown. It was confirmed that this will be a strictly cultivation facility with no direct retail sales. Member Nowak expressed concern about the Federal Government potentially eliminating the legality of marijuana in the future, and that federal banks won't take money for marijuana businesses creating a cash only business. Mr. Babayan addressed the concern and noted there is a small, calculated risk factor but a significant investment is being made with the calculated risk and he believes it will be up to the states to regulate it. It was noted that the amount of money required would not be invested if there was more than a small risk. He explained that it would be a cash business for now but he has researched that credit unions are making changes in the near future. Information shows that banking systems will start supporting it in some ways, possibly within the next twelve to twenty-four months. It was additionally pointed out that signage will be low profile regarding the product and it what is being transported will be obscure. The business will be from seed to sale. THC content was briefly discussed and different strains will be tested in the facility to identify the THC percentage and chemical structure of the product which will dictate quality, and therefore price. There is specific software that will be able to identify how much money the business has made. Mr. Babayan advised he has traveled to different states to do research and put together the business plan for the company, which is friends and family funded. Waste handling at the facility was outlined. Some will be stored for a period of time, then destroyed with a chipper/shredder and mixed with organic material to make it into compost. The nutrient rich material could be sold locally to individuals and farmers. Solid waste would be recycled or taken out by dumpster. The application process for cultivation through the State was reviewed and the differences between cultivation and medical marijuana were noted. Cultivation requires a host community agreement instead of a letter of non-opposition. A community outreach meeting will be posted in the paper with abutters notified. Once the plan is created to go forward, the application is reviewed by the Cannabis Control Commission. There is a maximum 90-day turnaround for a provisional license. The CCC then connects with the Town, a certificate of occupancy is awarded and the business is then eligible for the final license to start operating.

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Traffic Commission Recommendations: *Additional signage on Phillips Hill:* Chairman Duval read the letter from Chief Tarsa from the Traffic Commission. It was noted that a complaint was heard at the Traffic Commission meeting and measures taken by Mullen Moving Company showed positive results, including signage attached to the building. The Traffic Commission recommended additional signage stating "unattended vehicles shall be subject to fines" be installed on Phillips Hill in the area of Mullen Moving Company's loading dock. The location of the signage was outlined and it was noted that enforcement mechanisms are already in place. It was explained that signs will be on Town property. *Motion made by Member Blanchard to approve the recommendation by Traffic Commission to have two signs placed on Phillips Hill stating "unattended vehicles will be subject to fines", second by Member Bush. Vote: unanimous.*

Appoint Board Liaison for Berkshire Regional Transit Authority Advisory Group: Member Hoyt attended the first meeting and represented Adams. A request was made for a permanent appointment from Adams to be provided by the Board as it is an important position and should have a representative. Meetings are on Thursdays once a month at 4:00 p.m. Member Hoyt advised if another Board Member is unable to take this position she would request one of her liaison positions be taken by another Board Member to allow her to be able to take this position. The shifting of liaison positions will be discussed at the next meeting. *Motion made by Member Nowak to appoint Member Hoyt as liaison to the Berkshire Regional Transit Authority, second by Member Blanchard. Vote: unanimous.*

Facility Use Request: Visitors Center, Hoosac Street - Adams Police Community Night, August 16, 2018: Chief Tarsa advised this event is being cancelled due to logistics. The Police Department was thanked for the work that was done to try to put this together but the weather was not cooperative.

Ratification of Community Development Financial Assistant, Carla Thomas: Chairman Duval read the letter provided by Interim Town Administrator Cesan. She advised that she is looking forward to working with Ms. Thomas with the multiple grant programs her background will be extremely helpful. *Motion made by Member Bush to ratify Carla Thomas to the position of Financial Assistant to Community Development, second by Member Hoyt. Vote: Unanimous.*

Ratification of DPW Skilled Laborer, Bruce W. Bump: Chairman Duval read the letter provided from Interim Town Administrator Cesan requesting the ratification. *Motion made by Member Blanchard to ratify Bruce Bump to the position of DPW Skilled Laborer, second by Member Bush. Vote: Unanimous.*

Ratification of DPW Maintenance Technician/Operator I, Tristan D. Frieri: Chairman Duval acknowledged the letter provided by Interim Town Administrator Cesan requesting the ratification of Tristan Frieri. *Motion made by Member Blanchard to ratify Tristan Frieri to the position of DPW Maintenance Technician/Operator I, second by Member Hoyt. Vote: Unanimous.*

DEPARTMENT REPORTS:

Town Administrator Report: The Town issued the Request for Proposals to design a new park at the former Hoosac Valley Coal & Grain property at 1 Cook Street. Proposals are due to the Town by September 6, 2018. A project steering committee will be formed to work with the design team, once it is selected. The Town was awarded \$200,000 in EPA clean up funds to remediate the contamination on the site and permit redevelopment of the property for new uses. The Town will work with an architect to identify potential new uses for the grain elevator. The visibility of the property along the bike trail and the rail line makes this an important property for rehabilitation. The staff has been working with the Town's engineer, VHB, for the past year on the design of improvements to Route 8, involving Commercial Street and Grove Street segments. In early spring, VHB completed 25% design documents which were provided to and reviewed by MassDOT. The next step in the design process is a Design Public Hearing to be conducted by MassDOT.

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The hearing will be held on Tuesday, August 21, 2018 at 6:30 p.m. at Town Hall. The proposed project will consist of rehabilitating the roadway to include new pavement and sidewalks, a bicycle lane, new landscaping, and minor widening to improve the roadway alignment to accommodate on-street parking north of Prospect Street. The estimated cost is \$5.8 Million, which will be funded by Federal Highway Funds. Abutters along Route 8 have been notified and hopefully there will be a good turnout at the public hearing. An inquiry was made about the Town Hall Roof Project, and it was explained that the invitation to bid has not yet been reissued but work is being done with the architect with hopes to rebid next week. The estimated length of the Route 8 Project was noted as being from McDonalds to north of Mullen Moving Company. The area south of Mullen Moving Company and other areas need to be kept in mind for future budgeting. An inquiry was made about painting the bridge in that area, and it was noted this would be a great question for the design hearing. It is not part of the project but it is good to let the state know how important it is. It was explained that it is a State owned bridge which is not ready to be replaced or fixed at this time, but the railings should be painted. The bridge painting is a complicated project, due to the need to enclose it.

Town Counsel Report: Discussions were had with the insurer pending a claim. A review was made of the HCA template and the MOA concerning the DPW contract. A review of an agenda was made for compliance with Open Meeting Law. A letter of No Trespass was prepared against a private citizen. Discussions took place with staff and opposing counsel concerning a potential claim. A review of communication from the Treasurer was made regarding a bankruptcy filing and its impact on the Town. Communication with staff took place regarding compliance with an order from the Department of Industrial Accidents. A review of a drainage easement issue was made and communication with staff took place concerning the same. Communications took place with opposing counsel concerning the MJD matter.

SUBCOMMITTEE AND LIAISON REPORTS: *Member Hoyt* advised that she participated in Legislative Sub-committee meetings where the HCA template was reviewed, the Community Compact was discussed in preparation for the upcoming meeting with the Lieutenant Governor and a potential agreement with Cheshire for use of the Fallon Health vehicle with the Council on Aging was reviewed. She advised she attended a meeting to review the maintenance of CT Plunkett and there were twenty-three items on the list. Work will be done to develop a scope of work on the projects and the Board will be updated on this. A Ribbon Cutting Event took place for the grand re-opening of the Adams Ale House. *Member Nowak* advised he also attended the Legislative Sub-committee Meetings. *Member Bush* attended the Parks Commission meeting, where concern was expressed about the backstop being a safety hazard. A temporary repair will be done to eliminate the issue. He noted that the Commission is waiting on funding for additional work needed. He advised there are not enough fields and parks to meet the need. Member Bush was thanked for representing the Board at the rededication of the War Memorial on top of Mt. Greylock. *Member Bush* attended the kickoff ceremony for the Painted Pianos and expressed that the Wave Piano was definitely worth seeing. The display will run until August 25th and voting on the pianos will be held on August 26th. *Chairman Duval* advised that Berkshire Regional Planning Commission will meet again in September.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Member Hoyt* announced that Hijinx will be held on Monday at 6:00 p.m. on Park Street. *Member Nowak* announced he was pleased that the Board was receiving interest from younger people to serve on boards. He read some details from an applicant for the position to the Agricultural Commission. He asked the candidate to see if she could get people together to get the Commission back up and running. It was noted that this appointment will be put on the next agenda. *Member Bush* reminded Members of a need for liaison appointments to the Traffic Commission and Ad Hoc Committee on Solid Waste. These will also be on the next agenda with the change of Zoning Board liaison. *Member Nowak* announced the passing of Stanley Paciorek yesterday, and gave Mr. Paciorek appreciation for taking care of the Polish Cemetery for years. He wished blessings to Mr. Paciorek and his family.

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EXECUTIVE SESSIONS

#3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

#7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

At 8:09 p.m. a Motion was made by Member Blanchard to enter into Executive Session for Reason #3, second by Member Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Nowak, Members Blanchard, Hoyt and Bush. Motion carried.

At 8:09 p.m. a Motion was made by Member Blanchard to enter into Executive Session for Reason #7, second by Member Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Nowak, Members Blanchard, Hoyt and Bush. Motion carried.

8:48 p.m. a Motion was made by Member Blanchard to exit Executive Sessions #3 and #7, second by Member Bush. Roll Call Vote: Chairman Duval, Vice Chairman Nowak, Members Blanchard, Hoyt and Bush. Motion carried.

At 8:48 p.m. a Motion was made by Member Bush to reconvene the regular meeting, second by Vice Chairman Nowak. Roll Call Vote: Chairman Duval, Vice Chairman Nowak, Members Blanchard, Hoyt and Bush. Motion carried.

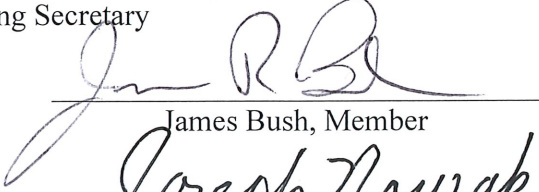
REVIEW AND APPROVAL OF AGREEMENTS

Host Community Agreement Template: Vice Chairman Nowak and Member Hoyt were thanked for reviewing the HCA template thoroughly. *Motion made by Member Hoyt to approve the HCA Template, second by Vice Chairman Nowak. Voted in favor were Vice Chairman Nowak, and Members Blanchard, Hoyt and Bush. Abstention by Chairman Duval. Motion passed.*

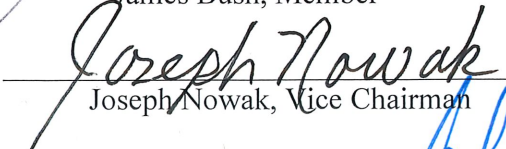
Memorandum of Agreement with Local #204, Council #93, American Federation of State, County, and Municipal Employees, AFL-CIO (DPW Unit): Interim Town Administrator Cesan, Town Accountant Beverly and Town Counsel St. John III were thanked for their work on this agreement. *Motion made by Member Hoyt to approve the Memorandum of Agreement with Local #204, Council #93, American Federation of State, County, and Municipal Employees, AFL-CIO (DPW Unit) retroactive to July 1, 2018 to June 30, 2021, second by Member Bush. Vote: Unanimous.*

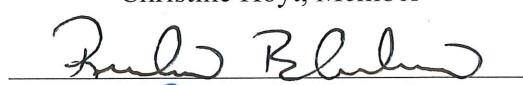
ADJOURNMENT: *Motion made by Member Blanchard to adjourn the meeting, second by Member Hoyt. Vote: Unanimous. Meeting adjourned at 8:51 p.m.*


Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary


James Bush, Member


Christine Hoyt, Member


Joseph Nowak, Vice Chairman


Richard Blanchard, Member


John Duval, Chairman