

Meeting Minutes

Town of Adams Board of Selectmen

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TOWN CLERK
ADAMS MASS.

Board of Selectmen Meeting

CLERK
July 16, 2014

On the Above date the Board of Selectmen held a meeting at Town Hall at 7:00 p.m. Chairman Harrington presided, and present were members **Arthur Harrington, Joseph Nowak, Richard Blanchard, Jeffrey Snoonian and John Duval**. Also in attendance was Town Administrator Jonathan Butler, and Town Counsel, Edmund R. St. John III.

Meeting called to order at 7:00 p.m. by Chairman Harrington.

The *Pledge of Allegiance* was recited.

Reading of the minutes:

Motion by Member Blanchard to approve the minutes as they read for

- *May 28, 2014*
- *June 4, 2014*
- *June 6, 2014*
- *June 9, 2014*
- *June 18, 2014*
- *June 25, 2014*

Second by Member Snoonian

Unanimous vote

Motion passed

Motion made by Member Blanchard to approve the meeting minutes for July 2, 2014 as they read

Second by Member Nowak

Abstention by Member Duval

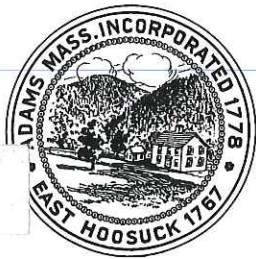
Vote in favor by Members Harrington, Nowak, Blanchard, and Snoonian

Motion passed

Citizen's Conference:

Emergency Warning System

Barbara Meczywor of Precinct 1 requests the Town look into a warning system to support the changing weather patterns. She noted that fire whistles in Town had been discontinued and that many people with plug-in phones or Time Warner Cable did not get the latest *Code Reds* that were initiated.



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This issue had been looked into in the past and found changing the system was very costly. The *Code Red* system tries to contact people on the data list twice. In the instance of a power outage, if people don't have rotary phones or cell phones, they probably won't get the message. Cordless phones require power, and if the power is out, the phone does not work. To be prepared, and to successfully use the *Code Red* system, have a working rotary phone or a cell phone on the system.

Building Permit Costs

Roland Remillard of North Summer Street expressed dissatisfaction with the \$35.00 building permit fee he would have to pay to replace a window in his home and would like the code changed. He wanted to see the code and inspection regulations, and wanted to know how to change them.

Mr. Remillard was invited to come to the Town Administrator's office to get a listing of all of the Town's permit fees and inspection requirements.

In order to change the fee and inspections, a request to make the change would have to come before the Board of Selectmen, who would then decide if they want to make the change, and approve it. The approved change would then go to Town Meeting to be voted on. The State Code can only be changed at through State Legislature, and would have to go through Gail Carriddi or Senator Downing.

Agenda Change

Motion by Member Snoonian to move up the One Day Beer & Wine License Request for Adams Turners on the agenda to before Old Business

Second by Member Duval

Unanimous vote

Motion passed

Approval:

One Day Beer & Wine License

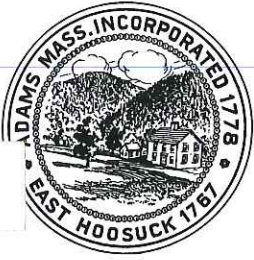
Adams Turners at 6 Turners Avenue requests a *One Day Beer & Wine License*, for a Member's Picnic from 12pm to 9pm on August 9, 2014, with anticipated attendance 40 - 50; servers have been trained. No officers required.

Motion to approve the One Day Beer & Wine License for Turn Hall on August 9, 2014 by Member Duval

Second by Member Blanchard

Unanimous vote

Motion passed



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Old Business:

Forest Land Advisory Board

Member Nowak requests to remove the Forest Land Advisory Board Appointee topic from the table for discussion.

Select Board Member John Duval was nominated to be the Forest Land Advisory Board Appointee due to being the Berkshire Regional Planning Committee Liaison. Member Duval respectfully declined.

Motion for Member Nowak to serve as the Forest Land Advisory Board Appointee by Member Duval

Second by Member Blanchard

Abstention by Member Nowak

Vote in favor, Members Harrington, Blanchard, Duval and Snoonian

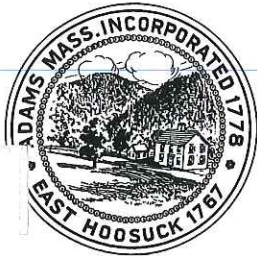
Motion passed

Library Renovation Project

Pre-Construction Meeting took place last Friday with the Architect, the General Contractor, Allegrone Construction, and Library and Town Hall staff. Community Development is preparing the agreement which will be going to Attorney St. John III, signed by Town Officials and forwarded to the Contractor by the end of the week. The notice to proceed on the project is expected to be issued by next week. Three sets of stamped plans have been provided to the Town's Building Commissioner for review, and the Building Permit for the proposed work is expected to be issued in one to two weeks. A number of possible options were discussed at the meeting. Staging is a big concern, and it is likely that parking spaces will be utilized in front of the Library as needed for a few days. On days of heavy construction the building may be closed as needed for a few days to ensure public safety during construction. All sub-contractors report directly to the General Contractor, Allegrone, and Donna Cesan is the Project Manager. Don Fitzgerald, the Building Commissioner, will be routinely on site. There will be weekly meetings with workers.

Park Street Project

There was a pre-construction meeting Monday with JH Maxymillian, Tighe and Bond, the Engineer, and Officials from the DPW including our new Director, who starts on August 4th, but attended to start with the project from the beginning. Also there were representatives from the Adams Fire District and staff from Town Hall. Town Counsel will review the agreement for signing. As soon as the contract is executed, the tentative construction date is Wednesday, July 23rd. Preliminary work will be done, so measurements will be taken. The DPW will take down some components of infrastructure along Park Street, which is temporary, but it will look better about this time next year.



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During the meeting on Monday the Contractor discussed ideas designed to minimize the level of disruption along Park Street. The emphasis is to keep traffic moving, to keep parts of Park Street open for parking, and being as public-friendly as possible while staying on schedule. The time frame is three months with the heaviest construction taking place in the first six to eight weeks. The project is intended to be done before the end of 2014, and minor portions of the project such as planting may happen until the Spring.

There will be a Public Meeting on Tuesday, July 22nd, at 6:00 p.m. at the Adams Visitor's Center. The Contractor and Engineer will be present, as well as Town Officials including the Town Administrator. Board Members are encouraged to attend. A mailing went out to all Park Street and nearby residents and businesses of the meeting.

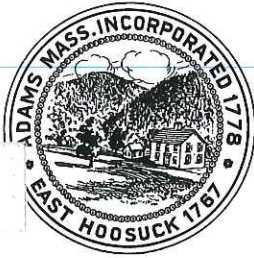
Greylock Glen Project Updates

The Department of Conservation and Recreation (DCR), who manages the site and Division of Capital Asset Management (DCAM) who control all State-owned properties, are in negotiation with the Town. A final draft represents the Town's interests as well as the State's stakeholders and their concerns. A contractor-friendly lease is being negotiated, which will bring private development, the lodging and conference center, and the campground components into this project. The Board of Selectmen will be approached with this draft in the near future to review and approve.

\$1.75 Million in the State's Transportation Bond was signed into Law last month for the Greylock Glen for the other half of the infrastructure project. \$2 Million was expended prior to do work through Thiel Road to bring Water, Gas, Electric up and do a complete resurfacing, restructure, and re-facing of the road. That was approximately 55% of the project. The other 45% is hopefully funded by this \$1.75 Million in the Transportation Bond.

In the Senate version of the Environmental Bond Bill, there are \$5 Million for the Town of Adams which will be used to construct the Welcome and Educational Visitor Center. This major component of the project would create the "stopping off" area of the Glen, with parking lots. This would put the Town in a good financial position for this project. The credit is due to Senator Downing's office; it was a pretty big thing to do for the community of Adams.

The Greylock Glen footprint doesn't change the area where people interface with it, such as the green area by the gazebo which will be maintained better and may even expand. The pond will be better kept, and the informal use of that area as a dog park, which it technically is not, will not change too much with this design. If it needs to, having a dog park there may need to be part of the plan.



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New Business

Resignation

The Board of Selectmen received a resignation letter from Town Administrator Butler, with a final work date of August 23, 2014. The transition is already happening with Donna Cesan stepping up into the Interim Town Administrator position and doing an exceptional job.

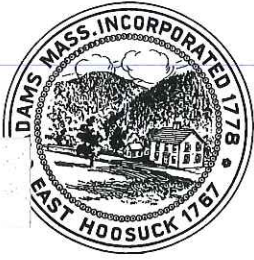
Town Administrator Search Committee

Chairman Harrington gave a history of the process of the Town Administrator Search Committee to date, including the strategy used to select the Search Committee Members. He explained that the Board Members had not yet taken a vote to accept and appoint those chosen. A formal vote needs to be done to accept and appoint seven people as the Town Administrator Search Committee.

During the week following the selection process information was sent to the selected candidates to assess meeting time availability prior to posting the first meeting. It was determined the first organizational meeting would be July 22, 2014, and the meeting was posted on Monday, July 7th. On Monday, the 7th of July, selected committee candidate Jeff Lefebvre called Town Counsel directly to state the Town was in violation for not posting a proposed meeting on July 8th, though the meeting was determined to be held July 22nd. He went around the appropriate process, continuing a concerning behavior pattern. Town Counsel advised that since the Committee Members are appointed and not elected, the Board of Selectmen can appoint and also remove members from the committee. The suggestion is that the Select Board vote on whether to appoint the Committee Members as originally chosen or to have the next highest vote recipient from the original list as a replacement should the Board decide to replace this one candidate.

Board Members expressed a desire to be more informed of "shenanigans" like this prior to the Select Board meeting to have the opportunity to get both sides of the situation and confront Mr. Lefebvre with the information to verify what happened. Jeff Lefebvre does good things for the townspeople, especially for the Maple Grove Civic Club. However, there were reservations when Jeff Lefebvre was nominated to the Committee, because he is a wildcard and shows a continuing pattern of behavior that may inhibit Committee Members from being able to fully express themselves during the search process.

Chairman Harrington didn't want to postpone the vote until after the Search Committee met because he felt it was vital to have the Committee begin with a full slate of members to be fair to the Committee. He advised he made the decision to bring it up to the Board today. He decided it was the right thing for the Town and the right thing for the Search Committee, which is a group of very talented people willing to spend their time to do this task.



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Motion to approve the slate as voted in the Blind Vote by Member Blanchard
Second by member Snoonian
In favor: Members Nowak and Blanchard
Opposed: Members Duval, Harrington, and Snoonian
Motion failed

Motion to replace Jeff Lefebvre with the next finisher on the list, Steve Melito, by Member Snoonian
Second by Member Duval
In favor: Members Blanchard, Duval, Harrington, Snoonian
Opposed: Member Nowak
Motion passed

Chairman Harrington advised Mr. Melito will be contacted to see if he will serve on Tuesdays with the Committee.

A packet of information was assembled for the Board of Selectmen to review by Donna Cesan and the Administrative Assistant including a number of items: a proposed Town Administrator Advertisement, the charge to the Search Committee, the Residency Requirement, the topic of Applicant Expenses, and previously used interview questions for the Board to review and make recommendations

Advertisement

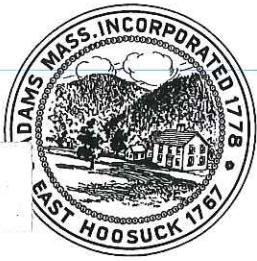
Advertisement copy example for the Town Administrator position was reviewed. Residency requirement is currently on the copy, but may eliminate candidates that live locally or a town away from Adams. Reply by date is set for 4:00 pm September 26, 2014.

Most candidates will go through the Mass Municipal Association website. People looking for jobs in the public sector will do a daily check and is likely where most of the Candidates for Adams will come from.

Residency Requirement

Suggestion to use the wording from the Town Charter in the advertisement, which states "...shall become a resident of the Town during the first year of his appointment unless otherwise provided by the Board of Selectmen..." Town Counsel reviewed the wording of the Town Charter and wanted to think about the wording and to consider the statutory construction of the wording, since "shall" is mandatory language.

A Town Administrator living in town will take ownership, will be in the community and not just a figure head to the community. Every Adams Town Administrator has been a resident of Adams so far.



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Consensus was reached on leaving the wording in the advertisement as is, with the residency requirement wording.

Advertisement costs were compiled and reviewed by the Board.

Member Nowak inquired who would make the decision about how much money would be used for advertising, and where the money would come from.

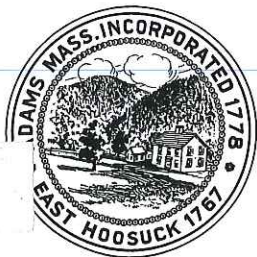
The Search Committee would be given the information, be requested to put together a proposal and submit it to the Board of Selectmen for approval. There is money in the budget already for advertising. On the initial search the Committee would be given the freedom to decide where to advertise, but if a second advertisement were to take place the Board of Selectmen would help more financially.

Review the Charge to the Search Committee

Duties and responsibilities of the Committee including Search Committee Meetings, reviewing applications, determining candidates to be interviewed, and presenting the committee's top three candidate recommendations. The Search Committee will need to conduct portions of its meetings in Executive Sessions in order to preserve the confidentiality of the applicants, following the guidance of the Attorney General's Office. *MGL Chapter 38 Sections 18 – 25, and section 21 #8 is to consider or interview applicants for employment, or appointment by a preliminary screening committee if the Chair so declares that an open meeting will have a detrimental effect in obtaining the qualified applicants, provided, however, that this clause shall not apply to any meeting including meetings of a preliminary screening committee to consider an interview of applicants who have already passed a prior preliminary screening.* There are some limitations of what the Committee can do and it will be up to them to make sure they conduct business in accordance to the Open Meeting Laws.

Town Counsel pointed out Purpose #8 of the Open Meeting Law deals with Preliminary Screening Committees but the purpose defines exactly why you can go into Executive Session. Early on to review qualifications in the early stages they can move to go into Executive Session almost immediately. They can start the meeting, move to go into Executive Session citing Purpose #8, conduct all their business, do minutes, and then when they conclude their business, come out of Executive Session, go back into Open Session and either conduct further business they need to do or adjourn.

Consensus was reached on the charge for the Search Committee.



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Applicant Expenses

Applicant Expenses would come out of Administrative Funds. No expenses would be paid for during the preliminary screening. If the applicant is called back for a second or third interview, if they request assistance with travel it will be considered.

Consensus was reached on the Applicant Expenses.

Review Previously Used Interview Questions and Make Recommendations

Past questions and grading system used from prior Adams Town Administrator Search Committees were included for review. Some of the questions are dated, and the Committee will make up their own questions. When the Committee develops the list of questions, the same questions must be asked of all candidates but follow-up questions may be asked for clarification. The Committee may or may not want to have a scoring sheet. The old information will be given to them as a guide.

Member Nowak advised the Board of Selectmen he felt confident in who was chosen on the Selection Committee, they are given a big responsibility, and the Committee should go forward the best way they can.

Consensus was reached on the Committee using past information as a guide and deciding how they will go forward in the process.

Sub-Committee and Liaison Reports

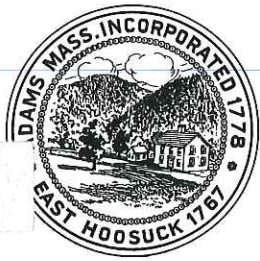
School Budget

Member Blanchard is no longer the liaison for the School but received an email from Kristen Gordon about a meeting on July 29th, and wishes to attend as he has been part of the process of this project. This project was started some time ago and is just coming to fruition now, and he would like to continue to be part of it.

The nature of the meeting is to go through the budget, but must stay under quorum and have only two members present. If the Towns and the School Committee were to form a Task Force they could have public meetings to discuss the model if it is really going to be addressed.

Chairman Harrington will contact the Superintendent to see what the intended outcome of the meetings will be.

Member Duval, though he has been part of this project for a long time and understands the workings of it, will abdicate his attendance in this meeting to Member Blanchard.



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BArT School

Member Nowak stopped over to the BArT School and the school building is right on target and don't foresee any problems.

Park Commission Meeting

Member Nowak attended the Park Commission Meeting and they feel there is a need for better communication; they need to learn how things work and how to bring things to the forefront.

Town Administrator Report

Special Town Meeting

The Town met with Right of Way officials from MASS DOT regarding the completion of the redesign for the Ashuwillticook Rail Trail extension from Hoosac Street to Lime Street. The project is moving quickly toward a 2015 construction, but the Town will likely need to have a Special Town Meeting to authorize the Board of Selectmen to accept additional easements. This meeting would likely need to take place before the end of September. This redesign was done to accommodate the inclusion of the Berkshire Scenic Rail.

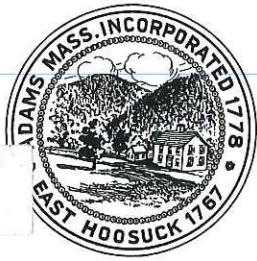
If a Special Town Meeting takes place, other warrants can be placed on it, if residents do a Citizen's Petition for a special town meeting, but 150 signatures are needed for submission. The Board will identify when the warrant is open, and if there is question about the process the Town Clerk can advise.

Power Outages

The Town is taking recent power outages very seriously, as they cause public safety concerns in addition to the impact had on residents and businesses. The Town Administrator's office has been in regular dialogue with Mayor Alcombright's Office, and is in the process of setting up a meeting with representatives from National Grid to get an overview of the issues they are dealing with, and necessary upgrades.

50 Commercial Street

Berkshire Brownfields Meeting had \$32,000 approved for the preparation of a Phase II environmental site assessment for 50 Commercial Street. TRC Solutions, Inc. completed a geophysical survey of the site along with test borings of the soil last week. The assessment work will be completed in the next month or two. The information derived from the assessment work is necessary to understand what remediation is needed to return the site to productive use, whether demolition cost, or if federal money is needed to take care of it.



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Department of Public Works

Police Department

Code Red

The complaints that Chief Tarsa received regarding Code Red were Time Warner related.

Route 116 Detour

Due to the recent 116 road closing, a detour was created over Burlingame Hill down to Walling Road. A temporary solution was put into place at Walling Road and Burlingame, where a white stop line with two stop signs were put up. While considering options, three near mishaps were observed, and it has been noted as a public safety issue. Chief Tarsa would like the Board of Selectmen to take a look at this location, and make this temporary solution permanent. The DPW has been asked to put the signs back in place temporarily pending a final determination by the Board of Selectmen. If the Board of Selectmen acts upon this it goes into the traffic regulations and makes it enforceable for the Police Department.

Elm Street/Enterprise Street

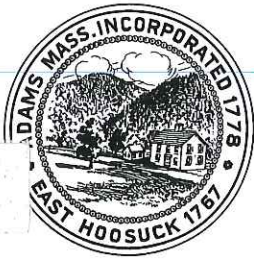
South side is posted no parking. There used to be three signs there; one motor vehicle accident took one out and it was never replaced. The other two signs are missing. It has always been designated "No Parking" however it has never officially gone into the traffic regulations by an official vote on the Board of Selectmen and a letter sent to the Town Clerk. The request is for the Board of Selectmen to look at this, have a formalized vote to put it into the traffic regulations so the three signs can be replaced. It has always been enforced by the Police.

Enterprise Street has always been "No Parking" because the road is not wide enough to support both sides of the street. Through road reconstruction, some of the signs were posted inappropriately on telephone poles. One was on a fence line of a house on Enterprise, and when that fence was replaced the sign came down. The Police have enforced "No Parking" there, and have ticketed cars. This was never put in the traffic regulations of the Town. Years ago the Town did a formal survey and it was on the old DOS system, which was never updated onto the new Windows System so the information did not come over.

Thompson Street

Thompson Street has two signs missing at the bottom but has always been "No Parking". A letter has formally been sent to the Traffic Commission to address that.

Member Nowak requested Chief Tarsa give the Board of Selectmen something in writing outlining his concerns



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Chairman Harrington requests this subject be placed on the Agenda for the next Select Board meeting.

Farmers and Artisans Market

Tourism Director Sam Talora did a job well done with the Farmers Market, and had a great turnout.

Community Development

Town Departments

Council on Aging

Request for Amendment to Council on Aging By-Laws

Advisory Board for Council on Aging meets new programming is brought in or if changes to programming is considered. It is an active Board that meets monthly. Historically they have had members that don't have strong attendance, who have been asked to step down if they are unable to attend more frequently, but the members have declined. The Advisory Board identified this as a problem over the years and discussed changing their By-Laws, which have to be approved by the Board of Selectmen. The change would include that termination of a member shall be considered and voted on by the Board in the result of three unexcused absences. The Advisory Board is trying to hold members accountable.

Member Blanchard inquired three absences in how long of a period, and who decides what is an excused or unexcused absence? What was the vote of the Board of Directors on this? Does this include special meetings and committee meetings?

Motion to table the request to change the By-Laws for the Council on Aging by Member Nowak

Second by Member Blanchard

Unanimous vote

Motion passed

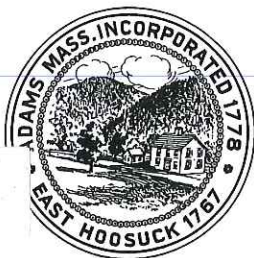
Request for Ratification of Pam Wildes as Board Member of Council on Aging

Motion to add the ratification request of Pam Wildes as a Board Member of the Council on Aging to tonight's agenda by Member Nowak

Member Snoonian

Unanimous vote

Motion passed



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Motion to ratify Pam Wildes as a Board Member of the Council on Aging by Member Snoonian

Second by Member Nowak

Unanimous vote

Motion passed

Town Counsel Report

Town Counsel appeared in the Housing Court concerning a Board of Health matter. He began review of the executive session minutes from March of 2011 forward. He drafted proposed Article 97 legislation as voted on by the Annual Town Meeting. He researched and provided a reply to questions concerning the applicability of the Open Meeting Law to preliminary screening committees, and consulted with the Attorney General's Office regarding that issue, and provided advice to staff regarding that.

Approvals

One Day Beer & Wine License Request

Polish National Alliance requests a *One-Day Beer & Wine License* for Sunday, July 27, 2014 for 12pm to 5pm, for 200 people. A Polka Band will play, and the PNA will do the beer and food concession.

Motion to approve the One-Day Beer & Wine License for the PNA at Polonka Grounds on Mill Street on Sunday, July 27, 2014 for 12pm to 5pm by Member Nowak

Second by Member Snoonian

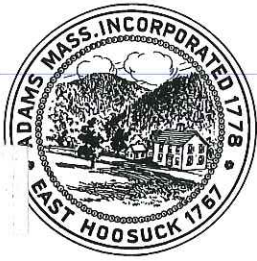
Unanimous vote

Motion passed

Permit to Place Signs on Public Ways

Request by Town of Adams Tourism Department to place 5 lawn signs to advertise the Farmers and Artisans Market for two months on Sundays. This is for a Town-run event, and the signs will just promote it is happening.

Member Blanchard suggests an additional approval of a sign for East Road, not included with the rest of the requests as well, at their discretion.



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Motion to approve six signs for the Town of Adams Tourism Department to advertise the Farmers and Artisans Market by Member Nowak

Second by Member Snoonian

Unanimous vote

Motion passed

Other Business

Letter to the Selectmen

Letter received by the Board of Selectmen from **Sheila Lyon of 17 Grove Street** in Adams, MA concerning the traffic hitting the metal plates left on Route 8 in Adams, causing noise and cracks in the wall of her home.

If there are cracks in the ceiling, the party noting the damage should notify the contractor in writing, have a paper trail, and take pictures of the damage. The bulk of the project should be completed by the end of the Construction Season this year, or around the last week of October to the second week of November as an estimate.

Time Warner Cable

Letter received by Board of Selectmen from **Time Warner Cable** to inform the Town of developments changing service for Cable Customers.

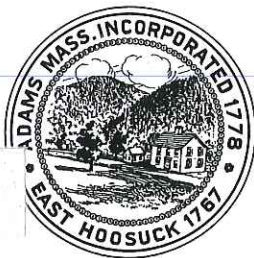
Good of the Order

Solarize Mass

Member Nowak advised ***Solarize Mass*** has come to an end, and Lynette Bond gave highlights in a letter indicating that the Town of Adams reached a Tier 4 Status, of 5 total tiers, and 18 systems or 100.6 kw of electricity. Of the 15 communities, Adams produced the highest average of kw of electricity for any round of the program. For anyone who would still like to go solar, many of the state and federal incentives continue to exist. For information contact Community Development at (413) 743-8317. Thanks to all for participation in reaching Tier 4, and to Diane Cutillo and Mike Ouellette for all the work they did on this program. Additional thanks to Lynette Bond, Member Joe Nowak, and Sarah Hebert from CET.

Adams Agricultural Fair

Member Nowak hopes that Townspeople will support the ***Adams Agricultural Fair***. The Adams Agricultural Fair is proud to be the only Agricultural Fair left in Berkshire County, and would like to continue to grow so he asks for the townspeople to support the fair and to tell friends to come as well. It is a great family event.



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Dog Complaints

Member Nowak received several complaints about people not cleaning up after their dogs.

Flooding Concern

Member Duval expressed concern about flooding of the brook by the Bridge off of Lime Street and inquired of the status of the bridge.

Town Administrator Butler advised it will be a Fall construction. A public meeting took place 5 weeks ago about it, and had one person in attendance. Community Development is hoping to have the project started in the Fall, and should be a quick construction, estimating about a month.

Cell Phones and Hats During Meetings

Chairman Harrington requests people turn off cell phones and do not wear hats during meetings as they distract people from the meeting.

Executive Session

No Executive Session took place

Motion to adjourn by Member Blanchard

Second by Member Nowak

Unanimous vote

Motion passed

Meeting adjourned at 9:36 p.m.

Respectfully Submitted by Deborah Dunlap
Recording Secretary

Deborah Dunlap
John E. Duval

Butler
Joseph J. Nowak