



# Meeting Minutes

## Town of Adams Board of Selectmen

**Board of Selectmen Meeting**

**October 15, 2014**

On the Above date the Board of Selectmen held a meeting at Town Hall at 7:00 p.m. **Chairman Arthur Harrington** presided. Present were **Members John Duval, Joseph Nowak, Jeffrey Snoonian, and Richard Blanchard**. Also in attendance were **Interim Town Administrator Donna Cesan** and **Town Counsel Edmund 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**

- **October 1, 2014**
- **October 8, 2014**

***Motion made by Member Snoonian to waive the reading of the minutes and approve as written***

***Second by Member Duval***

***Unanimous vote***

***Motion passed***

### ***Release of Executive Session Minutes***

**The Select Board approved Executive session minutes for release, as advised by Town Counsel, as follows:**

- |                   |                  |                  |
|-------------------|------------------|------------------|
| • <b>5/26/10</b>  | • <b>2/1/12</b>  | • <b>5/1/13</b>  |
| • <b>6/22/11</b>  | • <b>5/16/12</b> | • <b>5/10/13</b> |
| • <b>7/13/11</b>  | • <b>8/2/12</b>  | • <b>7/10/13</b> |
| • <b>10/19/11</b> | • <b>9/5/12</b>  |                  |
| • <b>1/4/12</b>   | • <b>10/3/12</b> |                  |

**All executive session minutes must be approved for content or release in executive session. Once approved for release the records become public.**

### **CITIZEN'S CONFERENCE**

RECEIVED-POSTED  
14 OCT 20 PM 12:02  
TOWN CLERK  
ADAMS MASS.  
CLERK



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### ***Electric Rates***

Jeff Lefebvre asked about what the Select Board was doing about the electric rate hike due in November. He asked to have Senator Downing or Representative Cariddi regulate the electric rates.

### ***War Memorial***

Jeff Lefebvre thanked the Town for cleaning the War Memorial.

### ***Executive Minutes***

Jeff Lefebvre thanked the Select Board for releasing Executive Minutes.

### ***Voting***

Jeff Lefebvre encouraged people to get out to vote on November 4<sup>th</sup>

### ***Maple Grove Civic Club***

Jeff Lefebvre advised Donna Cesan had been asked to speak at the Maple Grove Civic Club regarding the projects going on in Adams, at the Polish National Alliance on Sunday, October 19<sup>th</sup> at 3:00 p.m.

### **PUBLIC HEARINGS**

*There were no public hearings.*

### **OLD BUSINESS**

#### ***Proclamation for Adams Lions Appreciation Day on November 1, 2014***

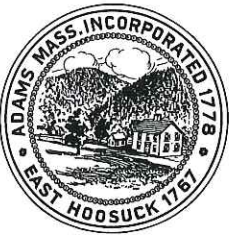
A proclamation was created by the Board of Selectmen to present to the *Adams Lions Club* at their 750-Year Celebration November 1, 2014 Celebration, and read aloud.

#### ***Electric Power Bulk Purchase***

**Lynnette Bond**, Grant Coordinator for the Community Development Department gave a report on the Municipal Aggregation Program. She advised there still may be an opportunity for other communities to join the program, and Adams may still join if they choose.

There are several steps to be taken in order for Adams to join. First, it must be approved at Town Meeting. Then, Colonial Power Group (CPG) or another Energy Consulting Company will work with the Town to develop its aggregation plan, which is required to be presented to the Department of Energy Resources (DOER) for approval, and then to the Department of Public





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Utilities (DPU). The earliest the Town would be able to join would be by spring of 2015, when rates are expected to go down, and the Town may be able to lock into a rate with the other communities. If the Town chooses not to join the current agreement with the other communities, there are a couple of options which will require support through Town Meeting. The first option is to contract directly with CPG, or the Town can issue a Request for Proposal (RFP) to select another company to manage the aggregation program. Chapter 3B allows an exemption for this, but either way the selected energy company would have to prepare an aggregation program presented to the DOER and DPU. It is important for residents and customers of National Grid to know that participation in the program is voluntary, and a Public Hearing would need to be held prior to the implementation.

Mark Cappadonna of Colonial Power Group will be coming in to speak with the Select Board within the next couple weeks to provide further information. The meeting will be a Public Meeting to go through the process.

**Interim Town Administrator Cesan** advised there have been mixed views on this program. The rates could go up or down. It is likely that a decision had been made in the past not to participate. Communities like North Adams have been working on this for about a year. She advised even with the Consortium, it was her understanding that there would be about a 24% increase in rates. The Town participated in a Hampshire Consortium in the past and at one point the rates suddenly rose higher than what original National Grid rates were. There were also restrictions so the Town couldn't opt out, which caused Town Leadership to be discouraged from entering into another such agreement.

**Member Nowak** drafted a letter to send to the congressmen to express the displeasure of the Select Board regarding the 37% National Grid rate increase due to impact in November.

**Interim Town Administrator Cesan** advised she had been working on the letter, and wanted to fine tune it so it could be presented at the next meeting and sent out. The rate increase was approved by the State.

**Chairman Harrington** asked Lynette Bond to invite Mark Cappadonna from Colonial Power to come on October 29, 2014. If he cannot meet, the alternate date will be November 5, 2014. This will allow the Public to air their concerns.

### ***Memorial School Use for Holiday Market***

**Interim Town Administrator Cesan** advised the Building Inspector Don Fitzgerald got a quote from Adams Plumbing and Heating to make the Memorial School bathrooms on the first floor operative. The quote was \$1,200 to install proper shut-off valves to separate the first floor bathrooms from the rest of the system, with an additional \$600 to re-winterize the system after the event. This will include putting stops in the piping, which would be useful for future events. This would serve the water sources around the gymnasium. If Adams Plumbing and Heating finds





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more work to be done it will be given to the Town itemized, and the Visitor's Center or Porta Johns will be the next option.

If the event is held at the Visitor's Center there will only be 10 to 12 vendors instead of around 40. They would be assessed a small application fee. The Community Development Staff will investigate the cost of porta johns, but at the last meeting the Select Board expressed they were more comfortable with a cost of around \$2,000. Interim Town Administrator Cesan asked the Board to give her a budget to comply with and she will make the event happen. If agreements are made with parties to occupy the kitchen or gymnasium space, the piping would be available for use. The main goal is to get the building back into use. The Board is interested in finding out if other events can be held in the building this fall so this work would not be done for just one event.

Money set aside for events and promotions would be used for this event. Another possible source of funding is the Memorial School budget for heating and maintenance of the building. Additional progress has been made to identify additional funding sources for the heating project in the building. It is already on the Comprehensive Economic Development Strategy for Berkshire County which makes it eligible for EDA Funding, and can be matched by CDBG funding. EDM has worked on similar projects, and have had success getting Berkshire Gas or utility companies to cover up to 40% of a heating system. EDA funding is for job creation, which would fit into Ooma Tesoro's and the Youth Center's potential use of the building.

**Ooma Tesoro's** is interested in getting into the building, but will need heat and hot water. The Town will have to negotiate a lease for this use. A committee is working on getting the information together about designing the reuse of the building.

***Motion made by Member Snoonian to approve up to \$1,800 for Adams Plumbing & Heating to work on the 1<sup>st</sup> floor water system at Memorial School to support the Holiday Market event***  
***Second by Member Duval***

***Unanimous vote***

***Motion passed***

### **NEW BUSINESS**

#### ***Greylock Glen Lease Agreement***

**Interim Town Administrator Cesan** outlined the Greylock Glen Lease Agreement for a 4-Season resort for outdoor recreation. The project was developed back in 2004 with DCR, MCLA, MA MoCA, Mass Audubon, and Appalachian Mountain Club. The formal designation as Master Developer was received by the Town in December 2006. The Town completed detailed planning and permitting, and the project was approved by MEPA in March of 2010. By July of 2011 the Adams Planning Board approved a special permit for the project. Earlier this year the Adams Conservation Commission issued an *Order of Conditions* for the approval of the multi-use trail



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system. The project is shovel-ready, and phased over time for a 6 to 10 year build-out. The project will showcase green building design and renewable energy. The six major components include the multi-use trail system, the environmental education/outdoor center which includes a Nordic ski facility, a performing arts amphitheater, outdoor environmental art, camping, lodging and meeting facilities, and conservation lands. Under the proposed lease, the Town will lease 56 acres of the 1063 acre parcel, in the area of Gould and Thiel Road. If implemented the following will be accomplished:

1. economic development while protecting the environmental features of the Glen property
2. it will strengthen existing institutions
3. provide economic benefit to the Town and the entire Northern Berkshire region
4. create strong linkages with Downtown Adams
5. reinforce the Town's efforts for Downtown revitalization and will build a stronger customer base for the Downtown businesses

This will expand outdoor recreational opportunities for the public while permanently protecting all but a small portion of Greylock Glen as Conservation Lands.

The State provided the Town with a Lease Plan. They surveyed the lease areas, and the Town will be able to issue requests for proposals (RFPs) for the components, and will allow the Town to move forward to the development phases of the project. This is a three-way 99 year lease agreement. The Division of Capital Asset and Management will sign, the Commissioner of the Department of Conservation and Recreation, and if the Board approves this document the Chairman of the Board of Selectmen will sign.

Phase 1 will be to put out RFPs for the Campground and the Trail System. Additional permitting would be required to put in snowmaking machines, for underground piping. Feedback from developers was that it is still difficult to get lending, and the Town was encouraged to first develop some of the less-expensive components, like the campground, first. The Lodge and Conference Center is half of the over \$40 Million project.

**Interim Town Administrator Cesan** proposes to move forward with the Campground RFP and the Trail System. The State has \$2 Million set aside, and if the Town matches that dollar for dollar with non-state money that will go forward

Marketing can be done through colleges looking for marketing projects. To date, it has been done only by Community Development staff. There will be an opportunity to build a summer jobs program for the youth with projects for this agreement.

Special acknowledgement went out to former Town Administrator Jonathan Butler who worked very hard with Donna Cesan to champion the project, as did George Haddad and the committee. The signing ceremony will be held on **Friday, October 17, 2014 at 2:00 p.m.** and the public will be invited.

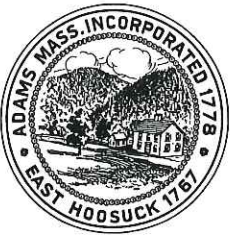
***Motion made by Member Snoonian to approve the lease***

***Second by Member Blanchard***

***Unanimous vote***

***Motion passed***





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### **SUBCOMMITTEE/LIAISON REPORTS**

#### ***Berkshire Regional Planning Commission***

**Member Duval** reported he attended the Berkshire Regional Planning Commission Executive Committee meeting and there was a release of the EPA draft on Municipal Stormwater Permit Regulations. Dalton, Lanesborough and Pittsfield have been dealing with the earlier version for years; Hinsdale and Lenox have gotten waivers for compliance, as they had small areas of impact. The regulations will affect Adams, Cheshire, Dalton, Hinsdale, Lanesborough, Lenox, North Adams, Pittsfield, and Richmond, and will be final as early as the end of the year. The commission will work together with these communities as a regional player to see if there can be savings in working together.

**Interim Town Administrator Cesan** advised that in 2003 or 2004 the Town of Adams the Town made motions to be in compliance. An application for a grant was made to DEP and the Town received approximately \$70,000 in funding, which the Town used to prepare compliance documents for this program. A Stormwater Management Strategic Plan was created that included a draft by-law and an elicit discharge detection elimination system which separates sanitary and storm sewer water. These items were in place and the Town never had to comply, so it was never implemented. DPW Director Joe Bettis has been advised that this is in place, and the work that was done may only need to be changed in minor ways in order to position the Town for compliance.

#### ***BaRT School***

**Member Snoonian** spoke with Leah Thompson and advised the expansion project is going well. They are gathering steam and are a viable alternative for education in the area.

#### ***BRPC Dinner Meeting***

**Chairman Harrington** reminded the Select Board Members of the BRPC Dinner Meeting at Pittsfield Country Club on October 16<sup>th</sup> at 6:30 p.m.

### **ADMINISTRATOR'S REPORT**

#### ***Park Street Project***

The Park Street Project is going well. Milling will start on Monday. Milling and paving are the most disruptive processes, and Maxymillian will try to get the work completed in one day. Interim Administrator Cesan is working with the Police Department to reroute traffic during that time period through Pleasant and Depot Streets.



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### ***Adams Station Project***

The Adams Station Project is moving rapidly. The concrete is complete, the black chain link fence is installed, new trees are ready to be installed and conduit and foundations for new decorative lighting are ready to be installed.

### ***Library Project***

*No progress report for this project.*

### ***50 Commercial Street***

The Town was awarded up to \$64,800 for the removal of the underground storage tanks at 50 Commercial Street. The Phase 1 assessment was done at the property and some material was removed at that time. This work will include the disposal of the tanks and any residuals, disposal of piping, asphalt and concrete plus the collection and analysis of confirmatory samples and preparation of all EPA and DEP documentation. As soon as the Town has a date for the work to be done the Board will be advised. The Town does not own this property, but has easements to do the work. The Town is authorized to take it for taxes owed over the past 5 years, but is hesitant to take it due to the contamination.

### **PUBLIC WORKS DEPARTMENT**

*There were no items for this meeting.*

### **POLICE DEPARTMENT**

#### ***Ramblefest***

**Chief Tarsa** commended the ProAdams organization for the hard work they did on the Ramblefest on Sunday. It was an excellent turnout with roughly 3,000 participants.

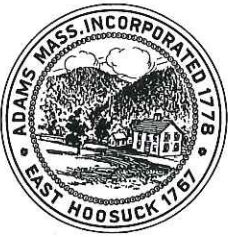
#### ***Compliance Checks***

Two weeks ago the Police Department did compliance checks and was happy to note that there was 100% compliance in all locations.

#### ***Telephone Scams***

There have been numerous complaints received about the **IRS Scam**, which indicates if people fail to give money either they or a family member will be thrown in jail. The IRS, FBI, Secret Service don't operate that way. This is an old scam using high pressure tactics, but has resurfaced lately. Chief Tarsa advises that if you don't know who the person is, don't answer the phone; if





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they are asking for money, don't give it to them; if an opportunity sounds too good, it is too good to be true. This group is preying on all ages, all groups. Some of the calls are coming from outside of the United States, so they are impossible to track. It is outside of the United States' authority. If you give up your money, there is no way to recoup your losses.

An additional scam is the **Green Dot Money Card**, where the person is requested to purchase the money card and wire money to an address

### ***Trick or Treat***

In two weeks is Trick or Treat. Safety tips are to walk in groups, wear light clothing, use flashlights, and go to neighborhoods you know. When the kids get home, have parents check out the goodies.

There is a Teal Pumpkin initiative for kids with allergies and health issues, where the Teal Pumpkin is displayed to indicate that no food will be given out. Instead, other fun items like stickers, toys, stamps or something.

### **COMMUNITY DEVELOPMENT**

*There were no items to present at the meeting.*

### **OTHER DEPARTMENTS**

#### ***Tax Collector/Treasurer***

**Interim Town Administrator Donna Cesan** wrote a letter to the Select Board asking to have Tax Collector/Treasurer Kelly Rice be appointed to the position of Tax Title Custodian. This position shall have care, custody, management, and control of all property heretofore and hereafter so acquired by said Town, and shall serve at the pleasure of the Board of Selectmen and may sell at public auction any such property.

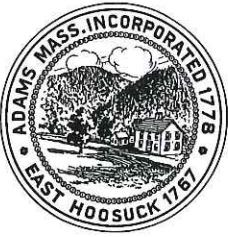
Tax Collector/Treasurer Rice indicated that she would like one Select Board Member and one Finance Committee Member to participate when the properties are actually auctioned. There are approximately 16 properties to be auctioned and if she is approved as the Tax Title Custodian the next step is that she would work to do RFPs from Auctioneers and do the best proposals.

The last time a property was taken for tax purposes was a couple of years ago.

The intention is to get the taxes that are owed, and the sale may be restricted if the bidder does not meet requirements. The properties will be sold to the highest bidder otherwise. Properties are placed in a payment plan and Kelly Rice keeps all properties monitored and acted upon. In the past it has been a problem, and now the necessary steps are being taken to keep properties up to date.

If there are any questionable properties, the Board hopes Ms. Rice will work with them regarding the auction of their properties before they are too far into the process.





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***Motion made to appoint Kelly Rice of Tax Title Custodian by Member Blanchard***

***Second by Member Nowak***

***Unanimous vote***

***Motion passed***

### **DPW Department**

#### ***Ratification of Operator I position***

**David Jardine** has been appointed to the position of Operator I, at a rate of \$15.47 per hour. There were 9 applications for the position, and the top 6 candidates were interviewed by DPW Director Bettis and DPW Deputy Director Nuwallie.

**Member Nowak** expressed that he would like Adams residents to be given priority over applicants of other areas.

***Motion made by Member Blanchard to ratify David Jardine to the position of Operator I***

***Second by Member Snoonian***

***Unanimous vote***

***Motion passed***

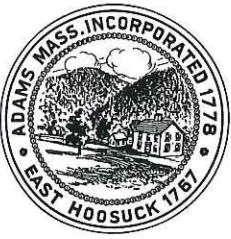
### **TOWN COUNSEL REPORT**

**Town Counsel St. John III** reported he reviewed executive session minutes, had conversation and email exchanges with the Tax Counsel and Town Staff regarding tax takings. He advised the Board of Health regarding fee assessments and late fees, and researched whether a Town Meeting was needed for the execution of the lease with the Commonwealth and provided a response to the Town Administrator concerning that.

### **ANNOUNCEMENTS**

#### ***Poppy Drive***

A letter was received from the American Legion Post 160 about the Poppy Drive to be held from November 1-9, 2014. This tradition is for the American Legion Members to thank the local community for support throughout the years by giving away poppies. There will be no solicitation by Legion Members, but donations are always gratefully accepted. The locations of the Poppy Drive will be at the Post Office from November 5-8, 2014, from 9:00 a.m. to 3:00 p.m.; November 8, 2014 at the Pope John Paul the Great Church at 3:30 p.m.; November 8, 2014 at the Adams Recycling Transfer Station from 9:00 a.m. to 12:00 p.m.; November 9, 2014 at Pope John Paul the Great Church at 9:30 a.m.; November 9, 2014 at St. Stanislaus at 7:30 a.m.



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**Jeffrey Lefebvre** announced that Tony Donovan of the American Legion recently lost his sister-in-law. The Select Board offered their condolences.

### **APPROVALS**

**Lampiasi d/b/a/ Val's Pipe & Package** requested change of Sunday hours to open at 10:00 a.m. instead of 11:00 a.m. All paperwork was in order and submitted to the Local Licensing Authority.

***Motion made by Member Nowak to accept the change of hours for Val's Pipe & Package Store***  
***Second by Member Duval***

***Unanimous vote***

***Motion passed***

### **OTHER BUSINESS**

*There were no Other Business items at this meeting.*

### **AGENDA ITEMS**

#### ***Workshop on October 22, 2014***

**Interim Town Administrator Cesan** will bring to the October 22<sup>nd</sup> workshop both Council on Aging issues regarding the Geothermal System in the building, and the Time Warner Cable renewal agreement information for Select Board discussion. A signing ceremony for the agreement is tentatively scheduled for October 29<sup>th</sup>.

The Select Board Regular Meeting will be held on October 29, 2014.

### **GOOD OF THE ORDER**

#### ***Mausert Building***

**Member Nowak** inquired what the status of the Mausert Building is.

Interim Town Administrator Cesan advised the owners have hired Bergeron Construction to get their water line. The Town Building Commissioner has had no further discussions with them in a couple months since the stop work order has been lifted. She suggested once they complete the water line to invite them to speak with the Select Board to explain their timeline.

#### ***Downtown Economic Development Plan***

**Member Nowak** expressed disappointment in the Firehouse Café closing, and suggests having the Downtown Economic Development summit soon to create a strategy for downtown businesses. The Carlow Building has been sold, a gas line is put in and a coffee shop is coming.





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### ***Ramblefest***

**Member Nowak** and Chairman Harrington commended those who ran the Ramblefest, and ProAdams for all their hard work. Thunderfest planning is underway for January or February 2015. The Youth Center also did a great job with the kids, the entertainment was well received and the vendors did well.

### ***ADA Compliance Officer***

Member Blanchard inquired who the ADA Compliance Officer is in Town. Building Commissioner Don Fitzgerald holds that capacity currently.

### **EXECUTIVE SESSION**

*#6 - To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;*

***8:30 p.m. Motion made by Member Blanchard to enter into Executive Session***

***Second by Member Snoonian***

***Roll Call Vote – Members Nowak, Blanchard, Duval, Harrington, and Snoonian***

***Motion passed***

***8:45 p.m. Motion made by Member Blanchard to exit Executive Session***

***Second by Member Snoonian***

***Roll Call Vote – Members Nowak, Blanchard, Duval, Harrington, and Snoonian***

***Motion passed***

***Motion to Adjourn made by Member Snoonian***

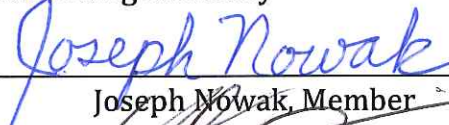
***Second by Member Blanchard***

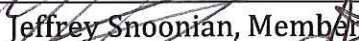
***Unanimous vote***

***Motion passed***

***Meeting adjourned at 8:45 p.m.***

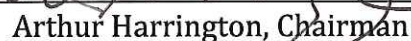
Respectfully Submitted by Deborah Dunlap,  
Recording Secretary

  
\_\_\_\_\_  
Joseph Nowak, Member

  
\_\_\_\_\_  
Jeffrey Snoonian, Member

  
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John Duval, Member

  
\_\_\_\_\_  
Richard Blanchard, Vice Chairman

  
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Arthur Harrington, Chairman