

TOWN OF ADAMS

SELECT BOARD WORKSHOP MINUTES

Board of Selectmen Meeting

April 8, 2015

On the Above date the Board of Selectmen held a Workshop Meeting at Town Hall at 7:00 p.m. **Chairman Arthur Harrington** presided. Present were **Vice Chairman Richard Blanchard**, **Members John Duval, Joseph Nowak, Jeffrey Snoonian** and **Town Administrator Tony Mazzucco**.

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

OFFICAL BUSINESS

April 30, 2015 Special Town Meeting Warrant

A Special Town Meeting has been scheduled at **C.T. Plunkett Auditorium at 7:00 p.m., April 30, 2015**. There are three articles proposed for the Warrant.

Article 1

To see if the Town will vote to grant an easement and a declaration of a restrictive covenant to Massachusetts Electric Company with respect to property off Columbia Street in Adams, Massachusetts and to record a Notice of Activity and Use Limitation in regard to said property, or take other action in relation thereto.

This references the little park in front of the Memorial School, which holds a Veterans' Memorial. This is due to potential contamination that has leached from a substation.

Article 2

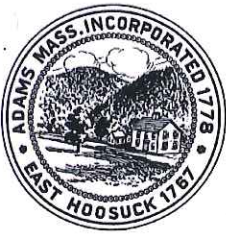
To see if the Town will vote to accept, acquire or take by eminent domain several easements necessary for the construction and maintenance of the Ashuwillticook Rail Trail Extension Project (from Hoosac Street to Lime Street), or take any other action in relation thereto:

- A. To see if the Town will vote to authorize the Board of Selectmen to accept, acquire or take by eminent domain easements to a parcel of land from ARC RAADMMA001, LLC, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No. 608071), prepared by Nitsch Engineering for MassDOT, dated March 16, 2015, under terms and conditions that the Board of Selectmen deems in the best interest of the Town, or take any other actions in relation thereto.*



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- B. *To see if the Town will vote to authorize the Board of Selectmen to accept, acquire or take by eminent domain easements to a parcel of land from Northern Berkshire Electric Company, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No. 608071), prepared by Nitsch Engineering for MassDOT, dated March 16, 2015, under terms and conditions that the Board of Selectmen deems in the best interest of the Town, or take any other actions in relation thereto.*
- C. *To see if the Town will vote to authorize the Board of Selectmen to accept, acquire or take by eminent domain easements to a parcel of land from MountainOne, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No. 608071), prepared by Nitsch Engineering for MassDOT, dated March 16, 2015, under terms and conditions that the Board of Selectmen deems in the best interest of the Town, or take any other actions in relation thereto.*
- D. *To see if the Town will vote to authorize the Board of Selectmen to accept, acquire or take by eminent domain easements to a parcel of land from Joseph Biros, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No. 608071), prepared by Nitsch Engineering for MassDOT, dated March 16, 2015, under terms and conditions that the Board of Selectmen deems in the best interest of the Town, or take any other actions in relation thereto.*
- E. *To see if the Town will vote to authorize the Board of Selectmen to accept, acquire or take by eminent domain easements to a parcel of land from Daniel Saliba, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No.*



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- I. *To see if the Town will vote to authorize the Board of Selectmen to accept, acquire or take by eminent domain easements to a parcel of land from Melissa I. Murphy, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No. 608071)," prepared by Nitsch Engineering for MassDOT, dated March 16, 2015, under terms and conditions that the Board of Selectmen deems in the best interest of the Town, or take any other actions in relation thereto.*
- J. *To see if the Town will vote to authorize to convey easements to a parcel of land from the Inhabitants of the Town of Adams, at no cost to the Town, for the purpose of construction and maintenance of the Ashuwillticook Rail Trail Extension Project in accordance with plans entitled "Ashuwillticook Rail Trail in the Town of Adams, Berkshire County, Preliminary Right of Way," (Federal Aid Project No. 608071)," prepared by Nitsch Engineering for MassDOT, dated March 16, 2015, under terms and conditions that the Board of Selectmen deems in the best interest of the Town, or take any other actions in relation thereto.*

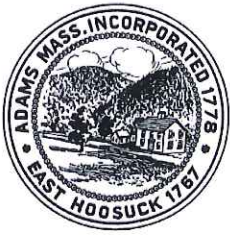
This includes the Scenic Rail Trail, and the construction project has expanded due to the need for a wider Right of Way for the Railway, which is designed to be separate from the walking and biking section.

Community Development Director Donna Cesan is meeting with property owners and is in various stages of discussion regarding the easement process. Most of the easements are temporary and would be good for 3 years, or when the project is completed. If appraisal of property is needed the Town would have to procure the appraiser and also have a review appraiser, which is required by Federal Highway and MassDOT.

Article 3

To see if the Town will vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and



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WHEREAS, citizens of Adams have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of Adams hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Adams hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.

A vote on this article initiates the process but individuals are able to opt out at any point.

Motion was made by Member Snoonian to suspend the rules in order to vote

Second by Member Duval

Unanimous vote

Motion passed

Motion made by Member Snoonian to accept Articles 1, 2 and 3 for the Special Town Meeting on April 30, 2015

Second by Vice Chairman Blanchard

Unanimous vote

Motion passed



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Motion made by Member Duval to close the Warrant Article for the Special Town Meeting on April 30, 2015

Second by Vice Chairman Blanchard

Unanimous vote

Motion passed

Fire District Service Agreement Discussion

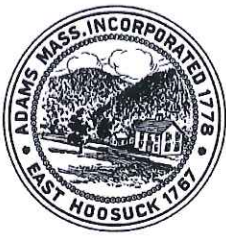
Discussion took place regarding Fire District Service for those within Town limits but outside of the current Fire District.

Attorney Jeff Grandchamp explained that the Fire District is part of the Town of Adams, but there is also an area outside of the Fire District that is within Town, and is part of Forest Wardens' district. An Intermunicipal Agreement is proposed to have both fire services operating throughout town, which would reduce wear and tear on equipment and gas costs. Those outside of the current Fire District would have the Town pay 25% of what those in the district would pay. The annual fee is \$60, and those outside of the Fire District would have a reduced fee of \$15, which would amount to \$275,000.

Town Counsel, Ed. St. John III advised this agreement is being revisited since the new Town Administrator is now on board. He said he had been approached to find out if this could be on Town tax bills, which was a conflict of interest. There was a communication disconnect, which initiated this meeting. The Intermunicipal agreement has not changed since last August.

The last time the topic was discussed, it was proposed that the Town collect money on taxes and then pay the Fire District. An agreement was not put in place. Currently proposed is that the taxpayers outside of the Fire District will pay $\frac{1}{4}$ of the full fee. At 145 residents paying \$15 is \$2,175 per year, which is the 25% of the \$60 per year. This will add a half a cent to the tax bill. Houses outside of the Fire District are taken care of by the Forest Wardens, but the Fire District responds too, so nothing changes and there will be the same response.

Attorney Grandchamp advised people outside of the Fire District expect the fire service to come when there is a fire, but no payment is made which causes unfairness to people in the District. Outside of the Fire District there are no fire hydrants so a 25% charge of the annual fire protection fee is reasonable. The Fire District is not looking to tax or expand the district, but only to provide services and enter into an agreement with the Town to pay the fee. He said it is an imperfect system, but is a solution.



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The Intermunicipal Agreement would be for 25 years, but either side can terminate it with a 6 month notice. Billing would be once a year, beginning July 1, 2015. Putting this agreement in place does not require Town Meeting.

Alert Hose has a Ladder Truck and 2 Engines. The Tanker provides water for structure fire outside the Fire District to draft out of reservoirs or brooks and shuttles the water. Currently there are agreements between Alert Hose Fire District and the Forest Wardens where Alert Hose has control of the fire, because they are more qualified. The Water District is defined by Town Water, not by the Fire District. The Enabling Act sets the definition. The Intermunicipal Agreement might help residents with insurance rates. Legally the Alert Hose Fire District doesn't have to respond to a structure fire, but morally will respond.

Forest Wardens Chief, Richard Kleiner expressed a desire to work together, and to have more meetings with the Board of Selectmen. It was suggested that it is time to combine the Alert Hose Fire District and the Forest Wardens departments.

Town Administrator Mazzucco requests to table the vote until the next meeting to give time to modify wording on the agreement.

Motion made by Member Snoonian approve Intermunicipal Fire Agreement

Second by Vice Chairman Blanchard

Motion withdrawn by Member Snoonian

Second withdrawn by Vice Chairman Blanchard

Motion made by Vice Chairman Blanchard to table the vote until next meeting

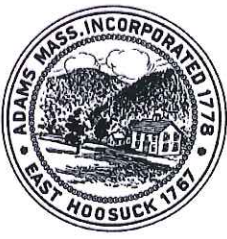
Second by Member Snoonian

Unanimous vote

Motion passed

Solar Pilot Agreement

The Solar PILOT (Payment In Lieu Of Taxes) Agreement deals with the other East Road Project that is currently being constructed. The landowner would still pay property taxes. These types of agreements are common throughout the Commonwealth. This agreement needs to be approved by Town Meeting. The rate is competitive to other communities, but assessing it as personal property becomes complex due to the property value decline. The Assessor's Office has been working on evaluating the RFP for Revaluation, but projecting out 25 years is a gamble.



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Once the property is developed the value of the land won't change, but the panels are different. The use does not change zoning, so it is taxed as personal property. A flat fee over time is more beneficial to the Town. The value of the property will increase but the bill will go to the property owner. This is a Lease Agreement, and with the sale of the property, there is a change in the lease of equipment and the Town has input.

Town Administrator Mazzucco advised that Town Counsel reviewed the agreement and had no problems with it. He will get more specifics from the Town Assessor for the Board. It will be on the Warrant for the June Town Meeting, and no action is needed tonight.

Town Owned Solar Facility Maintenance Concerns

Town owned solar is on the old, capped landfill but posts cannot be installed there because wind will take them away. Information was requested to clarify responsibility for maintenance and cleaning when the snow stays on the panel, and whether it is force majeure, or if there is a way to give the Town financial consideration when it cannot be done. The Town based the budget on the solar production, and this issue will likely recur. The Town is seeing higher electric rates because it cannot draw off that source during adverse weather conditions.

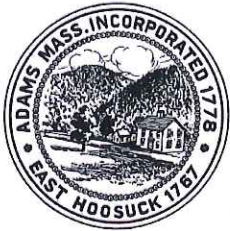
Ultimately the company is responsible. They came out and cleaned panels before but the challenge is when the snow is at a level where it is hard to get between the panels to shovel them out. The company is at a financial loss when the panels are not generating electricity also. The panels at the school district are much easier to get in and around.

The Wastewater Treatment Plant usage exceeds the other Town building usage combined. Town Hall, the Visitor's Center and the Library all have surpluses. The Town cannot take a surplus from one account and move it to another, but it can reallocate credits. The Town will sign a power purchase agreement for the Wastewater Treatment Plant to avoid a spike in cost in January, which is a high usage month. The Wastewater Treatment Plant uses a G3 electric rate, which is large commercial, and most of our other buildings are small commercial. The plan is to lock in a stable rate.

Green Communities

Town Administrator Mazzucco gave a brief overview of the Green Communities Initiative.

The next step is to have Jim Barry come back, and invite other community members, contractors, developers and real estate agents to answer questions.



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Green Communities opens up quite a bit of grant money for improvements, helps to reduce energy usage, and the cost to taxpayers. This money comes from energy utility companies, and this program allows the community to benefit from money already paid into this program. The biggest issue in previous times was the difference in the stretch code and how much more expensive it would be to build a house, but that is resolved. The Town meets 4 out of 5 of the criteria already and this is a great opportunity to get State funds.

Consensus was reached by all Board Members to go forward with a meeting for builders, developers, and real estate agents.

Donate Life Proclamation

There was a flag raised in support of the *Donate Life* campaign, coordinated by Denise Swistak. A proclamation was read by Chairman Harrington to dedicate April 2015 to be *Donate Life Month* to urge citizens of Adams to observe accordingly.

***Motion made by Vice Chairman Blanchard to adopt the Proclamation for Donate Life
Second by Member Snoonian***

Unanimous vote

Motion passed

Motion made by Vice Chairman Blanchard to adjourn the meeting

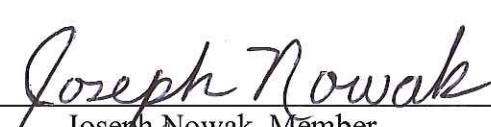
Second by Member Duval

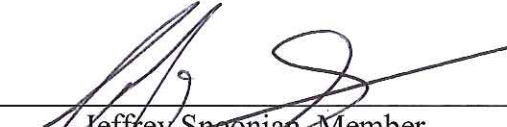
Unanimous vote

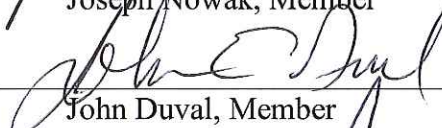
Motion passed

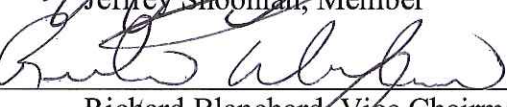
Meeting adjourned at 8:12 p.m.

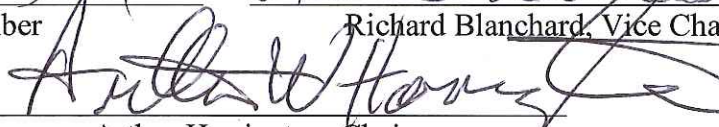
Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary.


Joseph Nowak, Member


Jeffrey Snoonian, Member


John Duval, Member


Richard Blanchard, Vice Chairman


Arthur Harrington, Chairman