



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the City Clerk

North Adams City Council Meeting

Tuesday, July 28, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the North Adams City Council will be conducted via remote, no in-person attendance of members of the public will be permitted, This meeting can be viewed live on the Northern Berkshire Community Television station and will be posted to their website as soon as possible

I hereby notify that at twelve noon today, July 22, 2020, the following items of business have been filed with this office and will be acted upon at the regular meeting in the City Council Chambers at City Hall, Tuesday Evening July 28, 2020 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.

Deborah M. Pedercini
City Clerk

Zoom Link: <https://us02web.zoom.us/j/88959657706>

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

July 28, 2020

AMENDED JULY 24, 2020

Roll Call
Moment of silent remembrance
The Pledge
Approval of the minutes of July 14, 2020
Hearing of Visitors on Agenda

11,790 Communication submitted by Councilor Bona regarding short term rentals and the requirements of the City which was postponed at the meeting of May 26, 2020.

- 11,811** Communication submitted by Councilor LaForest requesting a process for appealing to the City Solicitor which was postponed at the meeting of July 14, 2020.
- 11,840** An Order authorizing a study in regards to the restoration of children's pillar art located at Route 2, bridge Veterans Memorial Drive which was postponed at the meeting of July 14, 2020.
- 11,860** Communication from the North Adams Traffic Commission recommending stop signs at the intersection of East Main, Pleasant and Miner Streets which was postponed at the meeting of July 14, 2020.
- 11,883-a** Mayor's communication #38 presenting the spending plan for August 2020.
- 11,883-a** An Order authorizing the Mayor under MGL Chapter 44, Section 32 to submit a continuing appropriation budget commencing August 1, 2020 and ending August 31, 2020.
- 11,569-b** Mayor's communication #39 requesting transfer from Sale of Land account regarding 227 and 246 Ashland Street.
- 11,569-b** An Order authorizing the Mayor to appropriate the sum of \$33,925.04 from the Sale of Land account to Public Services, reimburse remediation cost.
- 11,889** Mayor's communication #40 requesting time for the City website presentation.
- 11,890** Mayor's communication #41 requesting time for an update on the City's property disposition strategy.
- 11,891** Communication submitted by Councilor Harpin regarding parking concerns on Protection Avenue.
- 11,892** A Resolution submitted by Council President Paul Hopkins, Vice President Jason M. LaForest and Councilor Benjamin J. Lamb, Coordinator of the Working Group on Diversity, Equity and Inclusion, to Censure Councilor Robert R. Moulton, Jr.

LICENSES

OPEN FORUM

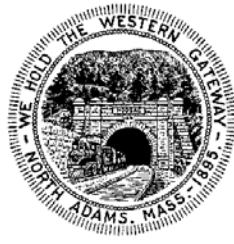
MAYOR'S CONCERNS

COMMITTEE REPORTS AND MINUTES

LIAISON UPDATES AND COUNCILOR CONCERNS

CORRESPONDENCE

ADJOURNMENT



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Thomas W. Bernard

Communication #	Subject	Date
38	City of North Adams Spending Plan for August 2020	July 28, 2020

Honorable Members of the City Council
North Adams, Massachusetts

Dear Honorable Councilors:

Enclosed with this communication is an Order presenting the spending plan for August 2020. I request City Council approval of this order as presented.

Respectfully submitted,

Thomas W. Bernard
Mayor

TWB/me



City of North Adams

In City Council

July 28, 2020

Ordered:

Under M.G.L. c. 44, § 32 due to circumstances beyond its control, including those related to the COVID – 19 pandemic, the mayor is submitting a continuing appropriation budget on a month to month basis. The amounts which the several departments and officers may expend through a continuing appropriation budget during the month commencing August 1, 2020 and ending August 31, 2020, be and hereby appropriated as follows:

1. GENERAL GOVERNMENT	\$135,737.00
2. PUBLIC SAFETY	\$430,631.00
3. PUBLIC SERVICES	\$272,700.00
4. SCHOOL DEPARTMENT	\$1,480,756.00
5. PENSIONS	\$512,978.00
6. UNCLASSIFIED	\$742,859.00
7. CAPITAL	\$69,250.00
8. INTEREST	\$0
9. DEBT	\$0
TOTAL	\$3,644,911.00



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Thomas W. Bernard

Communication #	Subject	Date
39	Transfer from Sale of Land account	July 28, 2020

Honorable Members of the City Council
North Adams, Massachusetts

Dear Honorable Councilors:

Submitted for your consideration is an Order to transfer \$33,925.04 from the city's Sale of Land account in order to reimburse Cumberland Farms for fifty percent of the cost of environmental remediation at 227 and 245 Ashland Street as agreed upon in the purchase and sale agreement dated October 11, 2017.

3. Environmental Cost Estimate - Pursuant to Section 3.2. of the Purchase Agreement, within thirty (30) days of completion of any required remediation, Seller shall reimburse Purchaser for one half of the cost incurred by Purchaser in performing such remediation, up to a maximum of \$287,500.00.

I request that the Council adopt this Order as presented.

Respectfully submitted,

Thomas W. Bernard
Mayor

TWB/me



City of North Adams

In City Council

July 28, 2020

Ordered:

That the sum of **thirty-three thousand nine hundred twenty-five dollars and four cents** (\$33,925.04) be and is hereby appropriated from the Sale of Land account and appropriated as follows:

3. Public Services

Reimburse Remediation Cost

Account # 002-1210-5781	\$33,925.04
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CFI - N. ADAMS, MA
Tracking updated 12-18-19

Abatement
Hazardous waste
Contamination

For the money contributed by town of N. Adams, held in escrow.

CONTINUATION SHEET

AIA DOCUMENT G703

APPLICATION NO: 1
 APPLICATION DATE: 20-Sep-19
 PERIOD TO: 20-Sep-19

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE 43,708 RATE
			D FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)		
1	Site Work <i>total of Site work</i>	27,500.00		2,500.00		2,500.00	9.09%	25,000.00	125.00
2	Hazardous Material Abatement <i>406-4052</i>	35,000.00		35,000.00		35,000.00	100.00%	0.00	1,758.00
3	Demolition <i>406-4062</i>	134,000.00				0.00	0.00%	134,000.00	0.00
4	General Conditions <i>total of general</i>	8,000.00				0.00	0.00%	8,000.00	0.00
GRAND TOTALS		\$204,500.00	\$0.00	\$37,500.00	\$0.00	\$37,500.00	18.34%	\$167,000.00	\$1,875.00

Users may obtain validation of this document by requesting of the Licensee a completed AIA Document D401 - Certification of Document's Authenticity

APPLICATION AND CERTIFICATION FOR PAYMENT AIA DOCUMENT G702

TO CONTRACTOR: PROJECT: 227 Ashland Street APPLICATION NO: 1 Distribution to:
 Cumberland Farms North Adams, MA 01247 ABW Job # 2019158 OWNER
 165 Flanders Road ARCHITECT
 Westborough, MA 01581 PERIOD TO: 20-Sep-19 CONTRACTOR
 FROM SUBCONTRACTOR: Architect:
 Associated Building Wreckers Inc.
 352 Albany Street
 Springfield, Massachusetts 01105

CONTRACT FOR: CONTRACT DATE:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$	204,500.00
2. Net change by Change Orders	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	204,500.00
4. TOTAL COMPLETED & STORED TO DATE (Column G)	\$	37,500.00
5. RETAINAGE:		
a. 5 % of Completed Work (Column D + E on G703)		1,875.00
b. 0 % of Stored Material (Column F on G703)		0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	1,875.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	35,625.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	
8. BALANCE DUE	\$	35,625.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	168,875.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By:

[Signature] Date 9-23-19

State of Massachusetts

County of: Hampden

Subscribed and sworn to before me this 23rd

day of September, 2019

Notary Public:

[Signature]

My Commission expires:

12/19/19

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect states to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in substantial accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT indicated.

AMOUNT \$ _____

CITY OF SPRINGFIELD:

BY:

Date

ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT indicated is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS	\$0.00	\$0.00
OWNER CHANGES by Change Order	\$0.00	

By _____

1

INVOICE

Invoice No 1002968509



42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

REMIT TO:
Cyn Environmental Services
PO Box 3442
Boston, MA 02241-3442

OFFICE:
Cyn Oil Corporation - Cyn Environmental
100 Tosca Drive
Stoughton, MA 02072
(781) 341-1777

If you have any questions regarding this invoice, please contact your customer service representative at the telephone number listed above.

Mary Giusti
Cumberland Farms
165 Flanders Road
Westborough, MA 01581

JOB SITE/GENERATOR:
Cumberland Farms
245 Ashland Street
North Adams, MA 01247 - 0000

EIN: 04-2547364

Job Description: AST tank services and Lift pit pumpout

**** Payable in USD funds ****

Last Service Date	Invoice No	Customer	Branch	Sales Order	Purchase Order	Terms
08 Aug 2019	1002968509	CU14649	EST	1904096094	1021	Net 30 Days

Last Service Date	Task	Task Type	Description	Total
07 Aug 2019	1904096094-002	GENERAL	Task 1: 3-man crew with split vac - pump tanks/pit	\$6,050.00
09 Aug 2019	1904096094-003	GENERAL	Task 3: OWS cleaning	\$3,960.00
08 Aug 2019	1904096094-004	DISPOSAL	Unit Rates: Disposal oil/water to Cyn Oil	\$1,099.47
08 Aug 2019	1904096094-005	DISPOSAL	Unit rates: Disposal bulk gas/water to EPS, VT	\$550.00

SUBTOTAL \$11,659.47

TAX \$0.00

PLEASE PAY THIS AMOUNT → INVOICE TOTAL \$11,659.47

REMIT PAYMENT BY → DUE DATE 26 Sep 2019

Interest will be charged at a rate of 1.5% per month for all past due amounts

INVOICE
Invoice No 1002968509



42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

TASK 1904096094-002 - Task 1: 3-man crew with split vac - pump tanks/pit

Item ID	Description	Fixed Price Amount	Percent Complete	Billable Amount
07 Aug 2019				
FIXD	Task 1: 3-man crew with split vac - pump tanks/pit	5,500.0000	100%	\$5,500.00
FEE	Energy & Insurance Fee	0.1000		\$550.00
SUBTOTAL				\$6,050.00
TAX				\$0.00
TASK TOTAL				\$6,050.00

TASK 1904096094-003 - Task 3: OWS cleaning

Item ID	Description	Fixed Price Amount	Percent Complete	Billable Amount
09 Aug 2019				
FIXD	Task 3: OWS cleaning	4,500.0000	80%	\$3,600.00
FEE	Energy & Insurance Fee	0.1000		\$360.00
SUBTOTAL				\$3,960.00
TAX				\$0.00
TASK TOTAL				\$3,960.00

TASK 1904096094-004 - Unit Rates: Disposal oil/water to Cyn Oil

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
08 Aug 2019								
015944825JJK 1	DISPSL / A32	OIL AND WATER SOFA32	1,596	GAL	1,596.000	GAL	0.6200	\$989.52
	EMANIFEST	E-Manifest Fee			1,000	EA	10.0000	\$10.00
	FEE	Energy & Insurance Fee			999.520	EA	0.1000	\$99.95
SUBTOTAL								\$1,099.47
TAX								\$0.00
TASK TOTAL								\$1,099.47

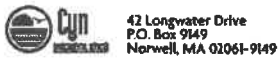
TASK 1904096094-005 - Unit rates: Disposal bulk gas/water to EPS, VT

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
08 Aug 2019								
293956CHS3 1	DISPSL / A23	CYN DIRECT SHIP TO EPS OF VERMONT (SYRACUSE) - GAS/WATER DS-EPS-CU14930	54	GAL	1,000	MIN	500.0000	\$500.00
	FEE	Energy & Insurance Fee			500.000	EA	0.1000	\$50.00
SUBTOTAL								\$550.00
TAX								\$0.00
TASK TOTAL								\$550.00

#2

INVOICE

Invoice No 1002969497



REMIT TO:
Cyn Environmental Services
PO Box 3442
Boston, MA 02241-3442

OFFICE:
Cyn Oil Corporation - Cyn Environmental
100 Tosca Drive
Stoughton, MA 02072
(781) 341-1777

If you have any questions regarding this invoice, please contact your customer service representative at the telephone number listed above.

Mary Giusti
Cumberland Farms
165 Flanders Road
Westborough, MA 01581

JOB SITE/GENERATOR:
Cumberland Farms
245 Ashland Street
N Adams, MA 01247 - 0000

EIN: 04-2547364

Job Description: Initial inventory and labpack service - per day

**** Payable in USD funds ****

Last Service Date	Invoice No	Customer	Branch	Sales Order	Purchase Order	Terms
07 Aug 2019	1002969497	CU14649	EST	1904094356	1022	Net 30 Days

Last Service Date	Task	Task Type	Description	Total
07 Aug 2019	1904094356-001	GENERAL	Inventory and Labpack - 3 man crew, 2 day project	\$8,690.00
07 Aug 2019	1904094356-002	GENERAL	Unit pricing: Materials and analysis	\$2,929.30

SUBTOTAL \$11,619.30

TAX \$0.00

PLEASE PAY THIS AMOUNT → INVOICE TOTAL \$11,619.30

REMIT PAYMENT BY → DUE DATE 26 Sep 2019

Interest will be charged at a rate of 1.5% per month for all past due amounts.

INVOICE
Invoice No 1002969497



42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

TASK 1904094356-001 - Inventory and Labpack - 3 man crew, 2 day project

Item ID	Description	Qty	Units	Unit Price	Amount
06 Aug 2019					
FIXD	Day	1.000	Day	3,950.0000	\$3,950.00
07 Aug 2019					
FIXD	Day	1.000	Day	3,950.0000	\$3,950.00
FEE	Energy & Insurance Fee	7,900.000	EA	0.1000	\$790.00
SUBTOTAL					\$8,690.00
TAX					\$0.00
TASK TOTAL					\$8,690.00

TASK 1904094356-002 - Unit pricing: Materials and analysis

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
05 Aug 2019								
	HAZSCAN	Haz Scan			3.000	EA	200.0000	\$600.00
	OILEDXRF	Oil Analysis (EDXRF)			2.000	EA	150.0000	\$300.00
07 Aug 2019								
	DM85STL	Drum - 85 Gallon Overpack			2.000	EA	184.0000	\$368.00
	DM95POLY	95 Gal Poly Drum 1H2/Y318/S (Overpack)			9.000	EA	150.0000	\$1,350.00
	DM20COPACK	20 Gallon Lab Pack Container			1.000	EA	45.0000	\$45.00
	FEE	Energy & Insurance Fee			2,663.000	EA	0.1000	\$266.30
SUBTOTAL								\$2,929.30
TAX								\$0.00
TASK TOTAL								\$2,929.30

3

INVOICE
Invoice No 1003023632



42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

REMIT TO:
Cyn Environmental Services
PO Box 3442
Boston, MA 02241-3442

OFFICE:
Cyn Oil Corporation - Cyn Environmental
100 Tosca Drive
Stoughton, MA 02072
(781) 341-1777

If you have any questions regarding this invoice, please contact your customer service representative at the telephone number listed above.

Mary Giusti
Cumberland Farms
165 Flanders Road
Westborough, MA 01581

JOB SITE/GENERATOR:
Cumberland Farms
245 Ashland Street
N Adams, MA 01247 - 0000

EIN: 04-2547364

Job Description: Initial inventory and labpack service - per day

**** Payable in USD funds ****

Last Service Date	Invoice No	Customer	Branch	Sales Order	Purchase Order	Terms
27 Sep 2019	1003023632	CU14649	EST	1904094356	1022	Net 30 Days

Last Service Date	Task	Task Type	Description	Total
27 Sep 2019	1904094356-002	GENERAL	Unit pricing: Materials and analysis	\$161.70
27 Sep 2019	1904094356-003	GENERAL	T&D pickup	\$6,771.61
27 Sep 2019	1904094356-005	GENERAL	TPAKS OF NON HAZ PAINT INTO CYN	\$2,013.00

SUBTOTAL \$8,946.31

TAX \$0.00

PLEASE PAY THIS AMOUNT → INVOICE TOTAL \$8,946.31

REMIT PAYMENT BY → DUE DATE 03 Nov 2019

Interest will be charged at a rate of 1.5% per month for all past due amounts.

INVOICE

Invoice No 1003023632



42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

TASK 1904094356-002 - Unit pricing: Materials and analysis

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
27 Sep 2019								
	DM85STLR	85 Gal / 320 Litre Steel Drum, Recycled 1A2/X400/S			1.000	EA	147.0000	\$147.00
	FEE	Energy & Insurance Fee			147.000	EA	0.1000	\$14.70
							SUBTOTAL	\$161.70
							TAX	\$0.00
							TASK TOTAL	\$161.70

TASK 1904094356-003 - T&D pickup

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
27 Sep 2019								
006092433GBF 1	DISPSL / D23	EMPTY DRUMS 1890847	12	55DM	12.000	55DM	35.0000	\$420.00
006092433GBF 2	DISPSL / A32	OIL AND WATER MU6	1	30DM	1.000	30DM	105.0000	\$105.00
006092433GBF 2	DISPSL / A32	OIL AND WATER mu6	4	55DM	4.000	55DM	140.0000	\$560.00
006092433GBF 3	DISPSL / B26B	Groundwater and rainwater CH1751108-SOF	1	15DM	1.000	15DM	51.0000	\$51.00
006092433GBF 3	DISPSL / B26B	Groundwater and rainwater CH1751108-SOF	5	55DM	5.000	55DM	85.0000	\$425.00
006092433GBF 3	DISPSL / B26B	Groundwater and rainwater CH1751108-SOF	12	30DM	12.000	30DM	63.7500	\$765.00
006092433GBF 4	DISPSL / CNO	Non RCRA solids and debris CH1746135	1	30DM	1.000	30DM	67.5000	\$67.50
006092433GBF 4	DISPSL / CNO	Non RCRA solids and debris ch1746135	1	85DM	1.000	85DM	130.5000	\$130.50
006092433GBF 4	DISPSL / CNO	Non RCRA solids and debris CH1746135	2	15DM	2.000	15DM	54.0000	\$108.00
006092433GBF 4	DISPSL / CNO	Non RCRA solids and debris CH1746135	4	55DM	4.000	55DM	90.0000	\$360.00
006092433GBF 5	DISPSL / B35	Spent Glycol Solution CH1751418-SOF	1	85DM	1.000	85DM	203.0000	\$203.00
006092432GBF 1	DISPSL / FB1	CONCRETE CURING SEAL 1910409	1	30DM	1.000	30DM	60.0000	\$60.00
006092432GBF	FEE-TRAN	Massachusetts Transporters Fee			30.000	G	0.2640	\$7.92
006092432GBF	TRAN	TRANSPORTATION			1.000	EA	1,040.0000	\$1,040.00
006092428GBF 1	DISPSL / LCCRD	Labpack Flammables For Incineration LCCRD	1	FBIN	1.000	FBIN	875.0000	\$875.00
	FEE-DISP	North Carolina Hazardous Waste Fee			1.000	T	4.7500	\$4.75
	FEE-TRAN	Massachusetts Transporters Fee			1.000	Y	52.8000	\$52.80

3,1

INVOICE
Invoice No 1003023632



42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

TASK 1904094356-003 - T&D pickup

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
006092428GBF 2	DISPSL / LCCRB	Labpack Basic & Basic Compatibles For Incineration LCCRB	1	30DM	1.000	30DM	206.2500	\$206.25
	FEE-DISP	North Carolina Hazardous Waste Fee			0.125	T	4.7500	\$0.59
	FEE-TRAN	Massachusetts Transporters Fee			30.000	G	0.2640	\$7.92
006092400GBF 1	DISPSL / LCCRQ	Labpack Aerosols For Incineration LCCRQ	1	30DM	1.000	30DM	187.5000	\$187.50
	FEE-TRAN	Massachusetts Transporters Fee			30.000	G	0.2640	\$7.92
006092400GBF 2	DISPSL / A22K	HAZARDOUS LIQUIDS 1910425	1	30DM	1.000	30DM	150.0000	\$150.00
006092400GBF 2	DISPSL / A22K	HAZARDOUS LIQUIDS 1910425	1	85DM	1.000	85DM	290.0000	\$290.00
	FEE-TRAN	Massachusetts Transporters Fee			115.000	G	0.2640	\$30.36
	EMANIFEST	E-Manifest Fee			4.000	EA	10.0000	\$40.00
	FEE	Energy & Insurance Fee			6,156.010	EA	0.1000	\$615.60
SUBTOTAL								\$6,771.61
TAX								\$0.00
TASK TOTAL								\$6,771.61

TASK 1904094356-005 - TPAKS OF NON HAZ PAINT INTO CYN

Manifest Info	Item ID	Description	Manifest Qty	Manifest UOM	Billing Qty	Billing UOM	Unit Price	Amount
NONHAZ103 1	DISPSL / CNO	Non RCRA solids and debris CH1746135	2	FBIN	2.000	FBIN	315.0000	\$630.00
	EXPENSES	Drum Loading			1.000	EA	1,200.0000	\$1,200.00
	FEE	Energy & Insurance Fee			1,830.000	EA	0.1000	\$183.00
SUBTOTAL								\$2,013.00
TAX								\$0.00
TASK TOTAL								\$2,013.00

27 Sep 2019



28 State Street
Boston, MA 02109-1775
p: 617-345-9000 f: 617-345-9020
hinckleyallen.com

Peggy A. Pappas, Esq.
ppappas@hinckleyallen.com

September 11, 2018

BY EMAIL

The City of North Adams
City Hall
10 Main Street
North Adams, MA 02147
Attn: Mayor Thomas W. Bernard
Email: tbernard@northadams-ma.gov

Lisa G. Aguilar, Underwriting & Closing Counsel
National Commercial Services
First American Title Insurance Company
601 Travis, Suite 1875
Houston, Texas 77002
Email: LGAguilar@firstam.com

**Re: North Adams, MA
Purchase and Sale Agreement; 227 and 245 Ashland Street, North Adams, MA (the
"Property");**

Ladies and Gentlemen:

Reference is made to that certain Purchase and Sale Agreement dated October 11, 2017 (the "Purchase Agreement") by and between The City of North Adams, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts ("Seller") and Cumberland Farms, Inc., a Delaware corporation ("CF"). All defined terms used in this letter shall be given the meanings ascribed to such terms in the Purchase Agreement, unless otherwise noted.

CF's inspection of the Property has indicated the presence of Hazardous Materials, and as such, this letter shall serve as Purchaser's Contamination Notice pursuant to Section 3.2 of the Purchase Agreement.

I enclose herewith copies of the following documents for your review:

1. Phase II Environmental Site Assessment prepared by ATC Group Services LLC dated December 19, 2017;
2. Soil & Groundwater Management Plan prepared by ATC Group Services LLC dated December 18, 2017; and


▶ ALBANY ▶ BOSTON ▶ HARTFORD ▶ MANCHESTER ▶ NEW YORK ▶ PROVIDENCE

3. Environmental Cost Estimate.

Pursuant to Section 3.2. of the Purchase Agreement, within thirty (30) days of completion of any required remediation, Seller shall reimburse Purchaser for one half of the cost incurred by Purchaser in performing such remediation, up to a maximum of \$287,500.00.

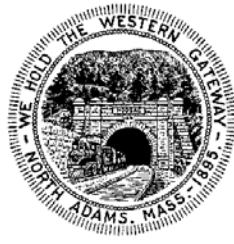
Please feel free to contact me should you have any questions

Very truly yours,



Peggy A. Pappas
Enclosures

cc: Cumberland Farms, Inc. *(via email)*
First Hartford *(via email)*



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Thomas W. Bernard

Communication #	Subject	Date
40	City Website presentation	July 28, 2020

Honorable Members of the City Council
North Adams, Massachusetts

Dear Honorable Councilors:

I request time on the July 28, 2020, City Council meeting agenda for staff from the IT department to provide a brief demonstration of the new city website.

Respectfully submitted,

Thomas W. Bernard
Mayor

TWB/me



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor
Thomas W. Bernard

Communication #	Subject	Date
41	Property disposition strategy presentation	July 28, 2020

Honorable Members of the City Council
North Adams, Massachusetts

Dear Honorable Councilors:

I request time on the July 28, 2020, City Council meeting agenda for staff from the Office of Community Development to present and update on the city's property disposition strategy.

Respectfully submitted,

Thomas W. Bernard
Mayor

TWB/me



Office of the City Council
City of North Adams
10 Main Street Room 104
North Adams, Massachusetts 01247
(413) 662-3000, Ext. 1

July 28, 2020

Dear North Adams City Councilors,

This communication is written on behalf of residents in the Greylock area who have concerns regarding parking on Protection Ave. This issue has been with the Traffic Commission since at least July 2019 where I located city council meeting minutes with an update from Councilor Buddington.

The Traffic Commission meeting minutes from February 12, 2020, (see attached) indicate the issue next action step is to take measurements. Due to COVID-19 limits on meetings and schedules, I request a written update and timeframe from Commission to communicate back to the neighbors in that area.

Sincerely,

Councilor Harpin

North Adams Traffic Commission

10 Main Street

North Adams, Ma. 01247

Minutes for February 12, 2020

Members in Attendance:

- David Sacco
- Jessica Sweeney
- Ian Wilson
- Amanda Chilson
- Paul Markland

Members Absent:

- Jonathan Beaudreau
- MaryAnn King

Meeting Start Time: 6:02

1. **Accept the minutes of the December 2019 meeting: Motion, Motion Seconded, All In Favor, Motion Passed.**
2. **Update on Protection Ave., measurements and proposal.** 1,107 feet from fence to State Road. Paul and Dave will do follow up site visit to Protection Ave to measure a section to keep parking on easterly side in a wider section of straight away. Put this back on agenda for March meeting. Paul and Dave will make fine tune measurements
3. **Sign placement on Franklin Street, Underwood letter.** Being winter challenges putting signage in. When speed limit sign goes in it will be 25, thickly settled area. Follow up in Spring.
4. **Further discussion on Forrest St. Info from City Yard follow up.** Table until spring when can have a clearer vision
5. **Discussion wording and sign design for T-T Units on side streets and forward to City Yard for ordering and placement.** Recommendation to place Right Turn for T-T Units Only Sign on utility pole on the bottom of Bradley if approved by National Grid. Dave will get pole number and follow up with National Grid. Check in at March meeting. A no T-T units sign at Mohawk Forest entrance may be too late of notice for driver to

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Deborah M. Pedersen
City Clerk

change route. Placement of sign directing T-T Units on Route 2 to Rt. 8 would make the most sense. Amanda will follow up with MaryAnn to contact Pat Tierney, MA DOT, about location for sign on Rt. 2 for directing T-Ts.

6. **Introduce a letter from Christopher Thomas pointing out a potential pedestrian safety issue on Church Street by the college.** Discussed Chris's letter. **Motion:** Remove single parking space that was included in Chris's request along Church St., after following through of specific procedures to do so. Motion seconded, all in favor. **Motion passed.** Check back in March Agenda
7. **Discussion on Pedestrian safety and street safety in general in the city- Concern submitted by Ellen Janis**

Concerns shared at meeting:

How can the community support what the City is doing to make the community safer?

Past concern- speed on Church-

Obstructed sidewalks- snow/ice, tree limbs, etc.

Feels unsafe as pedestrian in City

Scary intersections

Culture change/shift- bigger conversation about behaviors

Speed

Wants enforcement- City Hall, NAPD and neighbors

Ellen has ideas about pulling people together and having conversations, include City Hall, NAPD, and Traffic

How often are people getting ticketed on different streets?

Include a feedback loop tool that community can directly post on and be aware of outcomes, include ped. safety safe on streets

Feedback Loop

Potential Suggestions

Complete Streets/SRTS/Traffic and community have combined conversation- Amanda initiates-Follow up with Ellen

Community Walks/Bike Rides

East Main One Way- certain times/speed bumps

nbCC- Forum about transportation/safety in the City

Forward this concern to Public Safety-How get on that agenda

Vision 2030 Comp Plan how is safety included in this plan? Work with community to help set this

Further Discussion of Agenda #7 Shared:

Shannon Santelli- here to support Ellen's agenda item-City has all these working groups i.e Complete Streets, SRTS, Traffic etc. and community is unaware

Speed on East Main

Joanna Gobler- Support Ellen's agenda item-4 way stop at every intersection-specifically at the East Main St., Pleasant St. and Miner St. Intersection

Speed on East Main

Set up radar to determine if people are speeding?

Pete Milasi- question about crosswalks, specifically East Main St. When streets are redone and paved- who is responsible to see project through, from repaving to painting? Shannon Toye- because the crosswalk not repainted on East Main St. the driver that hit her son was not cited for hitting pedestrian. Can there be temporary markings to represent crosswalk?

The process when concern submitted to Traffic Commission: Request in writing by community member, recommending body, forward to Council, Council has final vote, important to have community with concern at the Council meeting for public/open forum

Can the be an active member from NAPD consistent attendance for Traffic Commission

Check in with Complete Streets how does a road project start and end?

Questions from audience oh how and where to submit agenda items, specifically

Safe Streets Pledge-include speed, shoveling, reflective gear, road painting

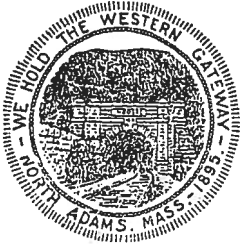
Motion: Recommendation for a temporary crosswalk and signage to be put in place at pre-existing crosswalk at the top of East Main at intersection, along with creating a four way stop that would include 2 additional stop signs heading easterly and westerly on East Main, and a Stop Ahead sign coming West on East Main St., Motion Seconded, All in Favor.

Motion passed. Dave will draft communication for Jess to submit to City Council.

8. Confirm meeting date and time for March meeting. March 11th, 6pm, City Hall

Meeting Adjourned: 7:57

Submitted By: Amanda Chilson, Secretary



City of North Adams In City Council

..... July 28, 2020

Whereas: the North Adams City Council; the residents of the City of North Adams, the Commonwealth of Massachusetts, and the United States of America; and all people of good will; have endeavored to mend the historic prejudices and systemic injustices suffered by African Americans, and all who have been diminished and marginalized on the basis of their mental health, age, race, national origin, religious beliefs, gender, gender identity, sexual identity, disability, veteran status, or other differential characteristic; in recognizing diversity, equity, and inclusion, as common rights, and working to codify those rights in the Rule of Law;

Whereas: the residents of the City of North Adams, the Commonwealth of Massachusetts, and the United States of America, continue to suffer through the COVID-19 pandemic in unity with the global community—with untold casualties in our community and around the world, and with devastating effects on the vitality of our economy and way of life, that will be felt for generations;

Whereas: in Two Thousand Nineteen, Robert R. Moulton, Jr., was duly elected to the North Adams City Council, and in Two Thousand Twenty, swore an oath to discharge faithfully the duties of that office of City Councilor according to the Ordinances and Charter of the City of North Adams, the General Laws and Constitution of the Commonwealth of Massachusetts, and the Laws and Constitution of the United States;

Whereas: the honorable members of the North Adams City Council are obligated under reasonable conscience and the laws of the Commonwealth to show undivided loyalty as public servants and employees of the City of North Adams, and to protect the city and its residents from liability, and those who wish to do us harm;

Whereas: on July twenty-first, Councilor Moulton appeared on his long-standing local public access television program Let's Talk About It;

Whereas: Councilor Moulton made repugnant personal statements minimizing the work of civil rights reflected in the Black Lives Matter movement, and the work of this body, our city, commonwealth, and nation, in creating a diverse, equitable, and inclusive society, as “this month’s flavor,” and by misrepresenting all supporters of Black Lives Matter as “moronic” and terrorists who want to get rid of the family;

Whereas: Councilor Moulton minimized inequalities in education, home ownership, employment, wealth, and leadership, rooted in our country’s history of slavery and systemic racism;

Whereas: Councilor Moulton suggested individuals striving to do the work of racial equality generated the recent economic recession for political manipulation, rather than appropriately attributing it to the COVID-19 pandemic and ensuing safety guidelines;

Whereas: Councilor Moulton declared the loss of human life as a result of the COVID-19 pandemic as “minuscule” and “overblown,” and attributed the loss of life to “China and those places;”

Whereas: Councilor Moulton in his comments mislead the people and set an example dangerous to the public safety by dismissing COVID testing, evidence-based use of personal protective equipment, mocking evidence-based social distancing practices, and encouraging the commingling of positive cases in his home and business;

Whereas: Councilor Moulton undermined evidence- and science-based guidelines and the Rule of Law in our city and commonwealth, mocking “politicians” including the Mayor of North Adams, and the Governor of Massachusetts; and labeling the Governor of New York a “killer;”

Whereas: Councilor Moulton maligned his fellow councilors, accusing the administration and council of financial impropriety;

Whereas: Councilor Moulton discussed personnel matters privy to the executive office publicly, commenting on the professional performance and personal integrity of a city employee—protected by three class distinctions, thereby creating liability for the City of North Adams—by name on live television;

Whereas: Councilor Moulton impugned the professional performance and personal integrity of the police officers, firefighters, and educators, of the City of North Adams, and their unions, during a period in which all three unions are in the midst of collective bargaining with the city;

Whereas: Councilor Moulton mocked the role of mental health support and crisis de-escalation by first responders; and,

Whereas: the aforementioned comments and conduct of Councilor Robert R. Moulton, Jr., are found to be false, hateful, discriminatory, and racist, by many in our community and a majority of this Council: Now, therefore, be it

Resolved: that the North Adams City Council—

- (1) *Reprimands and Censures* Councilor Robert R. Moulton, Jr., for his comments of 21 July 2020, as unbecoming the dignity of our honorable office and inconsistent with the collegial efforts of this body’s efforts in matters of diversity, equity and inclusion; insensitive and dangerous to the people; and imposing the possibility of liability on the City of North Adams in matters of administration, personnel, and contractual obligations;

- (2) Calls on Councilor Moulton to correct his misrepresentations of medical and scientific fact as it pertains to the safety and well-being of our residents during the COVID pandemic; and
- (3) Calls on Councilor Moulton to apologize to the African American community and their allies; his fellow councilors; the Mayor of the City of North Adams, the Governor of the Commonwealth of Massachusetts, and the Governor of the State New York; the police officers, firefighters, and educators of North Adams, and their respective unions; Director of Tourism Suzy Helme; the non-contractual employees of the City of North Adams; and the residents of the City of North Adams whose trust we hold.

In Council Chambers, Tuesday, July twenty-eighth, Two thousand twenty.