

Regular Meeting of the City Council

November 10, 2020

A meeting of the North Adams City Council was held at 7:30 p.m. in City Council Chambers.

COUNCILORS PRESENT: Councilors Blackmer, Bona, Harpin, Hopkins, LaForest, Lamb, Oleskiewicz, Sweeney, Wilkinson.

Council President Hopkins read the following statement regarding COVID-19. 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 limitations on the number of people that may gather in one place, this meeting of the North Adams City Council is being conducted via remote participation and in City Council Chambers. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

A moment of silent remembrance was held remembering Evelyn Hyndman who worked 42 years in the North Adams Assessor Office and Francis "Frank" Merrigan, a longtime English teacher at Drury High School and first president of the North Adams Teachers Association.

The President called for a motion to approve the minutes for the meeting of October 27, 2020.

On motion of Councilor Blackmer, duly seconded by Councilor Wilkinson, it was VOTED: to approve the minutes.

The President called for hearing of visitors, hearing none.

The President opened the Public Hearing.

8,717-39 The President presented Mayor's communication #64 Public Hearing to set Tax Classification for FY 2021.

Without objection, the President filed the Communication.

The Mayor stated that the tax rate needs to be set as the ending to the City's budget and requested that Ross Vivori, Assessor, proceed with the presentation.

Mr. Vivori stated that the goal of the meeting was to determine the tax classification for Fiscal Year 2021 for the City of North Adams. He began his presentation to adopt the tax levy percentages.

Councilor Harpin thanked Mr. Vivori for his efforts in putting the presentation together and inquired if the commercial property values included new properties. Mr. Vivori stated it was not related to any specific properties; he stated that recertification, cap rates, as well as income and expense rates drove that number up.

Councilor Wilkinson inquired what cap rate the City was using. Mr. Vivori stated he thought it was 9. Councilor Wilkinson stated he felt that was a high number, standard is 7.5. Mr. Vivori stated he would check the rate and get back to the councilor.

Councilor Lamb inquired why the personal property increased so significantly. Mr. Vivori stated the locally assessed utilities, such as Berkshire Gas, New England Power and Massachusetts Electric were somewhat underassessed, therefore, they were mandated by Supreme Judicial Court to include much more detailed information which is calculated in a new way. He stated this was the reason why you saw such a large growth, further stating that this is happening throughout the state.

Councilor Blackmer inquired if the utility companies would be able to ask for reevaluation or abatements since it was through judicial court. Mr. Vivori stated that they could technically challenge the City as to how the assessments are calculated, but he is hopeful that this will not happen.

Councilor LaForest inquired about taxing the smaller mom and pop commercial properties at a different rate. Mr. Vivori said they have to be taxed as a group at the same rate.

City Auditor, David Fierro gave a brief report on the revenues to the City, stating the deficit is due to circumstances surrounding COVID-19.

Councilor LaForest inquired if there is a sense of what the budget deficit has been in recent years and how it compares. The Mayor stated he was unsure. Mr. Fierro stated that there was not a deficit in FY 2017 through FY 2019.

Councilor LaForest pointed out that the Council had lowered the commercial shift last year to 1.71. He inquired why the choice of shifts was in the 1.6 range rather than 1.7 as it had been before. Mr. Vivori said the choice of shifts was the result of calculations done with the DOR, there were four options from 1.65 to 1.68; the difference between the smallest to the largest shift was \$36.00 on the average tax bill.

The Mayor stated that based on conversations in past years, he felt it was important to bring the commercial tax rate below \$40.00; acknowledging what that meant psychologically and

competitively. He stated it was an important year, as everyone is struggling, to achieve the goal of going under the \$40.00.

Councilor Harpin's concerns were that it would not only be small businesses benefitting from the drop in taxes, but larger corporations as well, like Cumberland Farms and Walmart.

Councilor Harpin stated "at this point in time, I think this shift, to give a break to the commercial side is difficult to vote yes for. We have been very generous with the shift to the commercial and based on the information that I'm seeing and the taxes that are not being paid, it seems like the residents are having a difficult time."

Councilor LaForest stated that he was one of the advocates last year to move the shift in the direction that the Council did, but stated "there is such a thing as a slippery slope" He stated that he felt it was unfair to shift to the property owners and agreed with Councilor Hairpin's point about giving excess cuts to the bigger taxpayers, the bigger industries, is more than valid. He felt that the shift should be closer to the shift last year.

Councilor Bona stated that he would support the shift, stating that the smaller businesses should not be punished for the larger businesses. He stated that residents were able to take advantage of the \$600 to get them over the hump. Larger businesses were able to access federal plans and loans that many small businesses were unable to apply for. He also stated that businesses also pay much higher rates for utilities and obligations that homeowners do not have. He stated the he felt businesses were hit the hardest, far more than the residents, stating that a number of them closed and some are just hanging in there, especially with the uncertainty of what still may come.

Councilor Blackmer thanked Mr. Vivori, the Mayor and Mr. Fierro for their hard work and requested to move on with the presentation.

Councilor Wilkinson stated if the City wants to build the commercial tax base there is a need to keep the rate under \$40.00.

Councilor Harpin stated that the City helps in many ways to the commercial side, such as, TIF agreements that the residents are not able to access.

Councilor Lamb stated that the more businesses that are not viable or close, means the tax impact will be larger in the following year. He mentioned that the amount of \$40.00 truly has an impact and is a determining factor on businesses as to whether they come to our community or a neighboring community. If you want businesses to employ our residents, we need to be keeping a long-term outlook; he stated he was totally in favor of this shift.

The Mayor thanked the finance team and Mr. Vivori for their hard work. He clarified that the Order that the Council is considering is based on the recommendation of the entire team.

Councilor Harpin stated that she calculated over the last five years that residential rates had risen higher percentagewise than commercial, even though the commercial annual rate was higher. She

stated, “it’s just really hard for me to put the priority on the businesses right now”

Considerable discussion ensued amongst several Councilors in regard to the residential and commercial tax rate.

Councilor LaForest stated that he was concerned about the City’s 6-year capital outlay plan and stated “you cannot level fund departments year after year.” He stated that the residents are having a difficult time as well and now we are asking them to pay more.

Councilor Sweeney stated that she understands the points in attracting businesses to the community, but agreed with Councilor Harpin and LaForest about the impacts our residents are facing right now. She stated that she had a hard time supporting the raising of taxes on our residents right now.

Councilor Bona brought up points that commercial businesses pay much more for utilities and such. He stated that the small mom and pop businesses struggled as well as the residents and felt that the rate has a big impact on who the City attracts for business if the rate goes over the \$40.00 then they could go to other communities.

Councilor Lamb spoke on the small business loan programs that have been difficult for the smaller operations. He stated that the funding for the microenterprise grant requires a very low combined household income; which makes many businesses ineligible.

Councilor Wilkinson wanted to clarify, “we are talking about raising the residential rate .02 cents.”

Council President called for a motion to close the public hearing.

On motion of Councilor Blackmer, duly seconded by Councilor Sweeney, it was VOTED: to close the public hearing.

8,717-39 The President presented an Order authorizing the Mayor to establish the Fiscal Year 2021 tax levy for Residential, Open Space, Commercial, Industrial and Personal Property.

On motion of Councilor Blackmer, duly seconded by Councilor Wilkinson, it was VOTED: to adopt the Order.

The Order was adopted by ye and nay vote as follows, ye, Councilors Blackmer, Bona, Hopkins, Lamb, Oleskiewicz, Wilkinson, nay, Councilors Harpin, LaForest and Sweeney. Motion passes.

Assessor, Ross Vivori thanked the Councilors and requested their signatures for the submission by Thursday. Councilor Harpin inquired if all Councilors needed to sign regardless of their vote, Mr. Vivori replied, yes.

11,911 Mayor’s communication #65 introduction of City Administrative Officer, Angie Lopes Ellison.

Without objection, the President filed the Communication.

The Mayor stated that he was looking forward to working with Ms. Ellison and gave a brief background of her credentials and introduced her to the Council.

Ms. Ellison spoke to the Council and stated she looked forward to working closely with the Council on upcoming issues in these challenging times.

Several Councilors welcomed Ms. Ellison to the City.

Councilor Bona inquired if Ms. Ellison's role would be similar to the previous administrative officer. The Mayor stated that it is too soon to say at this point and will most likely change as time goes on.

11,826 The President presented an Ordinance amending the Revised Ordinances of the City of North Adams regarding the various fees established in the City Code which was postponed at the meeting of September 8, 2020.

On motion of Councilor Blackmer, duly seconded by Councilor Bona, it was VOTED: to postpone to the meeting of February 23, 2021.

11,876 The President presented communication submitted by Councilor Lamb addressing speed limits and safety concerns in the Autumn Drive and Birchwood Terrace area which was postponed at the meeting of October 13, 2020.

On motion of Councilor Lamb, duly seconded by Councilor Sweeney, it was VOTED: to postpone to the meeting of December 22, 2020.

11,912 The President presented communication submitted by Council President Hopkins appointing Kathy Hartman and Houa Ziong as members of the Inclusion, Diversity, Equity and Access working group.

On motion of Councilor Lamb, duly seconded by Councilor Blackmer, it was VOTED: to confirm the appointments.

There were no licenses to come before Council.

The President called for Hearing of Visitors.

James Gyurasz, Pattison Road, spoke on the rifle range, regarding violations of the City's regulations, he stated that a communication from Mr. Lyons stated that there were not any problems, but the Council should have the facts and opinions. He stated that Mr. Meranti was appointed ranger and did not comply. He stated there were many concerns that need to be addressed.

Thomas Ryan, Notch Road, spoke about the trash in his neighborhood and is requesting the City remove the debris in a timely manner.

The President called for Mayor's Concerns.

The Mayor thanked the Council for their discussion around the tax rate stating that it is never an easy decision.

The Mayor thanked the City Clerk and election staff on a job well done on the election process for the September and November elections.

The Mayor gave a report on COVID-19, and stated how important it was for residents to get a flu shot and continue social distancing and the use of face coverings. He spoke about the skateboard park and the difficulty in distance control in this area and asked residents to comply with COVID safety regulations.

The Mayor recognized the Veterans and praised the volunteers that place the flags, he mentioned that if anyone would like to pick up their loved ones' flags that they could do so after Wednesday through Saturday.

The President called for Committee Reports, hearing none.

The President called for Liaison Updates and Councilor Concerns.

Councilor LaForest echoed the Mayor's concerns about COVID-19, and asked to please wear a mask, stating this is a real thing, it is not the flu. He stated that he is a nurse and has seen several deaths due to COVID-19.

Councilor Harpin mentioned that next week is National Hunger and Homeless Awareness Week, she asked to remember the less fortunate.

Councilor Blackmer stated that there is an MMA meeting as well as several other workshop opportunities for Councilors to attend coming up in the next month.

Councilor Sweeney mentioned the Artist Impact Coalition on anti-racism in conjunction with Wendy Red Star's "Indian Summer - Four Seasons" that is currently at Kids Space at Mass MoCA.

The President called for a motion to adjourn. On motion of Councilor Lamb, duly seconded by Councilor Wilkinson, it was VOTED: to adjourn at 9:37 pm.

A True Record
Attest,

City Clerk