

**TOWN OF ADAMS, MASSACHUSETTS**  
**ADAMS TOWN HALL BUILDING, 1<sup>st</sup> FLOOR, ADAMS, MA 01220**

**BOARD OF SELECTMEN MEETING MINUTES, MAY 2, 2019**

**CALL TO ORDER:** The meeting was called to order by Chairman Duval at 7:00 p.m. Present were Vice Chairman Nowak, Members Blanchard, Hoyt, Bush, Town Administrator Green, and Town Counsel St. John III. Also in attendance were Daniel Paciorek from The Grille, Peter Prieto from the Polish National Alliance (PNA), and Attorney Brennan representing the PNA.

**NEW BUSINESS**

***Public hearing concerning whether there is sufficient cause to support revocation or suspension of Entertainment Licenses or the revocation, modification or suspension of the All Alcoholic Beverages Licenses issued to The Grille, 77 Summer Street, Adams and to the Juljusz Slowackiego Soc. Grp1365 Polish Nat. All. Db a Julius Slowacki Society d/b/a Polish National Alliance, 13 Victory Street, Adams***

Chairman Duval advised the Board has been informed by the Chief of Police regarding some issues that had taken place and noted that the Board of Selectmen also held a past discussion on these concerns. Police Chief Tarsa reviewed what was provided to the Board and outlined incidents that took place on April 20, 2019 as reported by Officers Baker and Rossi. He explained that large crowds were reported, requiring additional agencies to assist, and physical altercations were described as having taken place. He noted that there were up to 150 people in a crowd observed, some wearing gang colors and one person wearing a bullet resistant vest. He referenced a report of a male with firearm, and a fight breaking out inside The Grille where a firearm was displayed and another was reported to be in a backpack. Video clips that show the incident and images were obtained from the entrance and area north of the doorway of The Grille. It was noted that patrons were seen leaving the bar being unsteady on their feet, and some patrons exited the bar with drinks in their hands. He reported that a fight took place, and the incident resulted in a subject being taken into protective custody. He pointed out obvious overcrowding of the space with the capacity of 70 people, overconsumption, and people bringing drinks outside of the bar, in addition to obvious illegal activity. He explained that both bars use live entertainment, and have in common DJs and patrons. The followers of the DJs allow for drug and gang activity, which generates a number of complaints referencing these patrons. He explained that on Sept 6, 2017 he brought the same issue to the Board, requesting a uniform closing time for all bars. He advised that there were reports of hand to hand drug transactions at the PNA, a shooting report where a vehicle and building were struck and an underage person inside the bar. He explained that the PNA locks their doors at 12:30 a.m. and some patrons go to The Grille, but others congregate in front of the building resulting in public order, code violations, and other complaints. He asked the Board of Selectmen to take this information into consideration and suggested earlier closing times and entertainment license action. He referenced a Notice of Violation letter dated May 1, 2019 from Fire Chief Pansecchi regarding overcrowding, and Mr. Paciorek acknowledged receipt. He reviewed Section 6 of the Liquor License Policy and Regulations. He stated that on April 22<sup>nd</sup> he spoke with Mr. Paciorek, who acknowledged the issues and stressed a willingness to work with the Town to make adjustments. He noted that the live entertainment clientele presents conduct that is not conducive to well-being and public order and also creates numerous safety concerns. Other concerns were presented to both establishments, and the PNA is taking steps by deciding to eliminate live entertainment. In 2017 both organizations came before the Board for the same issues, agreed the information was correct, and there are still the same issues. Chairman Duval noted that the PNA and The Grille were hand delivered notices of the show-cause hearing for this evening, and it was confirmed that all alcohol establishments received a copy of the Liquor License Policy upon receipt of their license. Minutes from the September 6, 2017 meeting were read aloud regarding this issue. It was pointed out that the PNA had limited entertainment at that time and Mr. Paciorek had stated he would no longer have DJs. Concern was expressed about patrons bringing backpacks into the organization which could be related to concealed weapons or drug activity. Grave concern was expressed and it was noted two videos have been given to Chairman Duval as public record. The videos were reviewed in detail to show the issues outlined.

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Police log entries were read to explain officers being flagged down for an altercation. Chief Tarsa acknowledged his friendship with Mr. Paciorek but that it is not clouding his judgment in the seriousness of the situation. He expressed that Mr. Paciorek and his doorman are not enough for the crowd and there was a lack of crowd control.

*Mr. Paciorek* explained that in 2017 the situation was regarding the congested area of Victory and Summer Streets, and that he did not expect other bars to have uniform closing time when that was the area of the problem. He noted that the undesirable DJs between PNA and The Grille have been weeded out and that both establishments have been working together. He explained that there has been a very bad "element" around for about six months and both The Grille and the PNA have been cancelling the DJs. He explained that the problems are on Fridays. He stated that there is now a counter at the door and he agreed there were times when the establishment was over limit. It was noted that having over seventy people in the establishment is a violation. Violations of Section 6 of the License Rules and Regulations of the Board of Selectmen were noted as having taken place and it was explained that there must be complete control of the establishment. *Mr. Paciorek* advised he has closed doors at 12:30 and has patrons out at 1:00 a.m. without being told he had to do that. It was noted that in the past there have been over 100 people fighting in the street. One Board Member advised *Mr. Paciorek* is an outstanding person in the community helping out causes but expressed that as a bar owner he should have seen that the patrons were not there to hear the music. He inquired who the bartender was, and was given the Bartender's first name but *Mr. Paciorek* was unable to recall his last name. *Mr. Paciorek* advised that bartenders shut off a lot of people and don't over serve people. Board Members inquired how the bar was allowed to get over capacity and to escalate to put everyone in the bar and the police officers in danger. It was expressed that a call should have been made to the police, the doors locked and everyone shut off from the bar. *Mr. Paciorek* offered to close Sunday through Thursday at 11:00 p.m. It was clarified that the evening of the incident there were two bartenders, *Mr. Paciorek* and a doorman. It was noted that all bartenders must be TIPS certified, must show certificates and that Chief Pansecchi is requiring a Crowd Manager certificate. It was outlined that there was a larger issue regarding the quality of life in that neighborhood and public safety as there were reports of firearms, fights, drugs, bottles outside of both establishments and people leaving with bottles. *Mr. Paciorek* was thanked for sharing the video. It was clarified that the Doorman must also receive a Crowd Manager certification. *Mr. Paciorek* acknowledged that the major problem is on Friday night around 12:25 a.m. He explained that when there was no entertainment at the PNA or The Grille on a Friday, it was quiet and the DJ is bringing them in. He noted that when the PNA has a live band it is different. He expressed the desire to work to the satisfaction of the Chief and the Board to resolve this. On the night of the incident the DJ was from Adams and a lot of people were stopped at the door because they had no identification. It was explained that this "element" found a location with two bars close together, and when he locks the doors people bang on the doors and have broken glass in the past. Section 7, Sub-Section C of the Board of Selectmen Liquor License Rules and Regulations was reviewed and it states Licensees shall maintain a list of employees and have it available for inspection.

*Attorney Brennan*, representing the PNA explained that after watching the videos and speaking to the members of the PNA there is a problem at The Grille and there is no connection on that night to the PNA. He listed the PNA staff and bartender and noted that ten people are Crowd Manager certified. He stated there is always security with clearly marked shirts to be easily identified. He noted radio use, and that PNA closes earlier so to say everyone came in a group is speculation. He pointed out low income from the bar that evening from and that security staff left early. He explained that backpacks are not allowed, nor beer going in and out of the establishment but it is commonplace for people to get a head start before they go to a bar by bringing in nips. He explained that the incident on this particularly evening had nothing to do with the PNA. *Peter Prieto*, Manager of Security at the PNA gave his extensive background in security and education.

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He said he communicates with the person who wrote the Rhode Island Night Club Fire Law and he has managed security for the last several years. An inquiry was made whether there had been any reports or complaints against the PNA to the police department and it was clarified that once in a while there were noise complaints, and he is very adamant about no open containers and no cups of water leave the building. It was clarified that this was a problem in 2017 and there have been several complaints from neighbors of the two establishments. Fights by The Grille and the Victory Street area were noted and Mass State Police had to be called in to help local police with what was estimated to be over 100 people out on Summer Street. It was noted that it was addressed then, and is still a problem occurring close to three years later. It was explained that due to this history, reports and documentation, the Board has to decide on a solution to be sure this ends as it is a threat to public safety and to the safety of the officers. Mr. Prieto advised he could identify the trained security professionals at the PNA and noted that there are two dedicated security staff for entertainment. He explained that the PNA practices strict alcohol compliance and at least one person spends the majority of the time outside to prevent congregation in front of the PNA, to only allow for small numbers and a low noise level. He advised there is no smoking in front of building and communication between staff. He explained that patrons approach staff with complaints and concerns are investigated and mitigated. He stated if there is a report of drugs, the PNA will ask the person to leave. He noted that there is one person on the video that is barred for life from the PNA and was supposed to be barred from The Grille. He explained that people on the list are barred for life because of inappropriate behavior at the PNA but cannot control if they are allowed to enter The Grille. He said that the PNA music stops at 12:30 a.m. and last call is between 12:45 a.m. and 1:00 a.m. He explained that if there is a hostile potential he will not let his security personnel go, but at midnight on the night in question he let a person go home early, and noticed no issues down the street.

*Chairman Duval* advised the discussion was closing and the Board would begin deliberations. The contact persons for both the PNA and The Grille were identified as being the Vice President and Treasurer of the PNA and Daniel Paciorek of the Grille. It was clarified Mr. Prieto was Crowd Manager certified in Maryland and New York but not in Massachusetts. *Attorney Brennan* advised that ten other security personnel at the PNA are Crowd Manager certified. It was noted that the ten people will be on a list to be provided as well as TIPS certified employees. Clarification was given on the number of people who are barred from PNA, and it was explained that a few have No Trespass orders but others are on an internal bar list. *Attorney Brennan* advised that he was not aware of any other warnings or letters issued to the PNA. *Chairman Duval* reminded *Attorney Brennan* that there was a meeting on September 6, 2017 which was outlined earlier in the meeting and what was agreed upon that night was not followed, which brought forth this evening. Board Members discussed the time of day that the trouble has been reported to start, and that over serving is an issue. It was noted that consideration needed to take place about closing the establishments earlier and to cut entertainment. One Board Member noted that the PNA information was hearsay and that police files would show issues that the police department responded to. It was noted that the videos showed neglect on part of The Grille, and a suggestion was made for the revocation of the liquor license to allow for the owner to get the name of his bartender, instead of trying to solve it himself and putting himself in danger. It was noted that a license revocation would allow for time to get the situation corrected because the establishments are dealing with different people than past times and have to do things differently. It was noted that both establishments admitted they recognized there is a problem. Concern was expressed about the statement that it is common to bring in nips into establishments. The PNA was praised for attempts to limit entertainment and issues, and for their policy to limit backpacks. It was recommended that The Grille adopt a similar policy. Mr. Paciorek was thanked for being forthcoming with the videos, and appreciation was expressed for his cooperation with law enforcement and the Board of Selectmen. It was noted by one Board Member that the PNA may not have influenced the situation on the night outlined, but there have been previous problems.



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It was seen as an issue with The Grille getting flooded suddenly by patrons because the PNA closes earlier and the problem flows down the hill, and that entertainment seems to be the problem. It was noted that if The Grille closes at midnight the problems would head uphill to the PNA and they would have an extra hundred people there. *Mr. Prieto* advised it was not complicated and that the PNA would shut down and shut the music down at 12:00 p.m. He noted that 99% of people leave when the music shuts off, and they change the style of music to thin out the crowd. He advised another alternative is to deny entry. *Chief Tarsa* noted that based upon what was said earlier, if the crowd comes and the second security person was sent home there would be an issue. Members expressed discomfort with one place closing earlier and the other staying open. *Attorney Brennan* advised that those under the influence are denied entry.

***Motion made by Member Hoyt to establish a close time for The Grille and the Juljusz Slowackiego Soc. Grp1365 Polish Nat. All. Db a Julius Slowacki Society d/b/a Polish National Alliance at 12:00 a.m. effective May 3, 2019 for a period of 120 days and to have hearing at the end of the time period to reevaluate the hours, second by Member Blanchard. Abstention by Vice Chairman Nowak. Voted in favor were Chairman Duval, and Members Blanchard, Hoyt and Bush. Motion passed.***

***Motion made by Member Hoyt to suspend the Entertainment License for live entertainment, defined as a live band and/or recorded music played by a DJ for The Grille from May 3, 2019 for period of 120 days, second by Member Bush. Abstention by Vice Chairman Nowak. Voted in favor were Chairman Duval, and Members Blanchard, Hoyt and Bush. Motion passed.***

***Motion made by Member Hoyt to suspend the Entertainment License for live entertainment, defined as a live band and/or recorded music played by a DJ except for private functions in the banquet hall for the Juljusz Slowackiego Soc. Grp1365 Polish Nat. All. Db a Julius Slowacki Society d/b/a Polish National Alliance effective May 3, 2019 for 60 days, second by Member Blanchard. Abstention by Vice Chairman Nowak. Voted in favor were Chairman Duval, and Members Blanchard, Hoyt and Bush. Motion passed.***

*Attorney Brennan* advised that when the PNA appeals they do not want this to be in affect and he was putting the Board on notice. Concern was expressed that this would transfer the problem to another bar that is still open, and it was noted that other bars choose to close earlier but have the right to stay open until 2:00 a.m. It was expressed that if patrons go to another bar, it may encourage them to stay open later, but if there is a midnight closing overflow from bars in Pittsfield may stay there. It was outlined that the common denominator is the entertainment and its customer base and though entertainment has always been part of the bar business and it is tougher to make a profit with strict laws for operating while intoxicated. It was noted that this incident was possibly gang related, which is a public danger and bringing safety issues to local neighborhoods.

***Motion made by Member Hoyt that The Grille and the Juljusz Slowackiego Soc. Grp1365 Polish Nat. All. Db a Julius Slowacki Society d/b/a Polish National Alliance provide to the Local Licensing Authority a list of employees, including roles and titles, a list of TIPS certified and Crowd Manager certified employees by Juljusz Slowackiego Soc. Grp1365 Polish Nat. All. Db a Julius Slowacki Society d/b/a Polish National Alliance, a list of TIPS certified employees by The Grille and the date in which employees from The Grille will be taking their Crowd Manager certification by Monday, May 6, 2019, second by Member Blanchard. Vote: unanimous. Motion passed.***

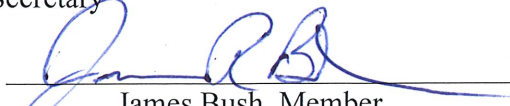
***Motion made by Chairman Duval that no backpacks be allowed in The Grille, second by Member Bush. Vote: unanimous. Motion passed.***

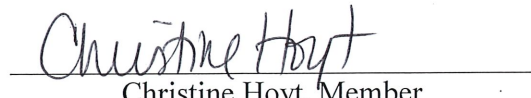
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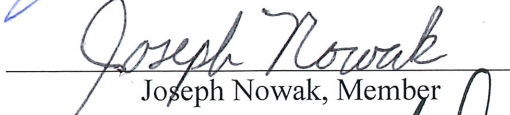
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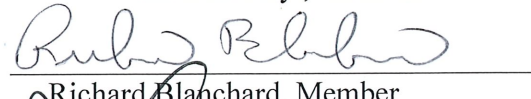
**ADJOURNMENT:** *Motion made by Member Blanchard to adjourn the meeting, second by Member Hoyt.*  
**Vote:** *Unanimous. Meeting adjourned at 9:32 p.m.*


Respectfully Submitted by Deborah J. Dunlap,  
Recording Secretary

  
James Bush, Member

  
Christine Hoyt, Member

  
Joseph Nowak, Member

  
Richard Blanchard, Member

  
John Duval, Member