

TOWN OF ADAMS, MASSACHUSETTS

ADAMS TOWN HALL BUILDING, 1st FLOOR, ADAMS, MA 01220

BOARD OF SELECTMEN MEETING MINUTES, SEPTEMBER 4, 2019

CALL TO ORDER: On the date above, a joint meeting with the Board of Selectmen took place.

The Board of Selectmen meeting was called to order by *Chairman Christine Hoyt*, 7:00 p.m. Present were *Vice Chairman James Bush*, *Members John Duval*, *Richard Blanchard*, and *Joseph Nowak*. Also present were *Town Administrator Jay Green*, *Town Counsel Ed St. John III* and *Building Commissioner Gerald Garner*.

The Pledge of Allegiance was recited.

The Board of Health meeting was called to order by *Chairman Peter Hoyt* at 7:01 p.m. Present were *Chairman Peter Hoyt* and *Vice Chairman David Rhoads*.

JOINT SESSION WITH THE BOARD OF HEALTH:

Review of Board of Health Member Applications: Board of Selectmen Chair *Christine Hoyt* gave a brief background of the resignation of *Bruce Shepley* from the Board of Health, and the process that was taken thereafter. She advised that there was one applicant to fill the position, and reviewed the voting process with both Boards.

At 7:02 p.m. Board of Selectmen Chair Hoyt recused herself from the joint meeting with the Board of Health.

Board of Health Chairman Peter Hoyt advised that *Laura Grandchamp* is the only applicant. *Vice Chairman David Rhoads* confirmed that no one had conversed with Ms. Grandchamp. **Motion made by Board of Health Chairman Peter Hoyt to appoint Laura Grandchamp to be a Member of the Board of Health until the May 2020 election, second by Board of Health Vice Chairman David Rhoads. Roll call vote in favor: Chairman Peter Hoyt, and Vice Chairman David Rhodes. Motion passed.**

Motion made by Board of Selectmen Member John Duval to appoint Laura Grandchamp to be a Member of the Board of Health until the May 2020 election, second by Board of Selectmen Member Richard Blanchard. Roll call vote in favor: Board of Selectmen Vice Chairman James Bush, Board of Selectmen Members John Duval, Richard Blanchard and Joseph Nowak. Motion passed.

Motion made by Board of Health Vice Chairman David Rhoads to adjourn the Board of Health Meeting, second by Board of Health Chairman Peter Hoyt. Vote: unanimous.

The Board of Health meeting adjourned at 7:04 p.m.

The Board of Selectmen meeting commenced at 7:05 p.m.

APPROVAL OF MINUTES: The August 21, 2019 minutes were presented for approval. **Motion made by Vice Chairman Bush to waive reading and approve the August 21, 2019 meeting minutes as presented, second by Member Duval. Abstention by Member Blanchard. Voted in favor were Chairman Hoyt, Vice Chairman Bush, Members Duval and Nowak. Motion passed.**

PUBLIC COMMENT: *Dr. David Rhoads, Vice Chair of the Board of Health* thanked Building Commissioner Garner and Town Administrator Green for providing a thorough job description of the Code Enforcement Officer position. He advised that the Board of Selectmen and Board of Health have overlapping roles and asked for a mechanism to be provided if the Code Enforcement Officer needs to have it addressed. *Kim Witek, Animal Control Officer* updated the Board Members of an ongoing cat complaint on Crotteau Street, and reported she removed five cats. She noted that she has contacted another agency to assist and is doing everything that can be done by the law. She advised Animal Dreams will try to catch the stray cats.

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Chairman Hoyt advised that residents are reaching out to the Town about animal complaints to contact the police station to notify the Animal Control Officer. It was noted that there have been an increase in raccoons making their way into local areas. *Animal Control Officer Witek* advised that several people are feeding them, which is against the law. She noted that when it is discovered who is doing it, it will be addressed as it is a "problem animal control" (PAC) issue. *Member Nowak* advised of feral cats on Hoosac and Summer Street areas. *Animal Control Officer Witek* advised she can do more patrols and see if Animal Dreams can catch them with their special license. She advised there are no cases of rabies confirmed.

NEW BUSINESS:

Approval of Code Enforcement Officer Job Description: *Chairman Hoyt* advised that last week the Personnel Sub-Committee met and reviewed the Code Enforcement Officer Job Description. She expressed appreciation for Tom Romaniak's service to the Town. The job description was reviewed by the Building Commissioner and brought into compliance with the law and the Health Code Enforcement position. Sanitation and blight issues within the community were discussed. *Building Commissioner Garner* explained that the previous job description had incorporated both Board of Health and Building, which was incorrect, and noted that Local Inspector Mark Kruzel covers if the Building Commissioner is out. Discussion took place about the status of blighted buildings in the community. Input was requested about the role of the Code Enforcement Officer for blight, what the plan is for the problem and whether funding is in place to take down buildings. Notices of unsafe conditions have been issued and those that do not respond will be addressed by the Board of Survey. He noted that there are four primary and three secondary buildings in question, and he is looking at two priority buildings to take down. He explained that he will be checking on one building expected to come down in the next few days. Additional discussion took place about what the Code Enforcement Officer can do with landlords that do not attend to their buildings or have criminal activity on their property. It was explained that the Code Enforcement Officer teams up with the Building Commissioner and other parties as needed to inspect buildings. It was noted that multi-family dwellings are required to be inspected every five years, and the intent is to get the properties upgraded to standard. It was pointed out that limited money can cause delays and a list of items would be issued for the landlord to achieve and goals set. It was explained that it may be possible to get grant money or to direct them to resources for funding to improve the properties. It was clarified that crime is a police issue, and if seen will be reported. Clarification of job roles took place between the Building Commissioner, the Code Enforcement Officer, and Plumbing and Gas Inspectors. Additional responsibility of the Adams Fire District was noted and the Building Commissioner and Fire Chief Pansecchi are creating a collaborative team with the Code Enforcement Officer. It was further explained that the Code Enforcement Officer fits in with the Town's goals to improve the aging housing stock. *Building Commissioner Garner* advised of the creation of a database for the registration of properties with contact information that is appropriate and up to date to ensure there is a comprehensive log of activities and property ownership. It was explained that there is a great demand for housing for young professionals moving into the county, and there is an opportunity for improvements to be made so they come to this community. It was pointed out that there are more rentals than home owners, and the same landlords purchase low priced properties for income despite not being in proper condition to be rented. Some houses are well-kept but others around them are sub-standard and causing them to lose value. It was also explained that some homes in the community are tax-delinquent and the Town takes them and auctions them off. It was noted that public transit is important as the concentration for sub-standard housing is in the downtown. It was suggested that landlords should reinvest funds back into the properties, which Code Enforcement can assist with.

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It was pointed out that this community has no areas open for development as most farms are in agricultural preservation. The Code Enforcement Officer will be responsible for sidewalk shoveling and snow issues. The wage grade and pay scale for this position were reviewed. ***Motion made by Member Duval to approve the Code Enforcement job description as provided, second by Member Blanchard. Vote: unanimous.***

Facility Use Request: Town Property, Alex Zeldin, French Mustache LLC, September 8, 2019 to September 10, 2019 for video work. Town Administrator Green gave the Board some background information on this request. He noted that www.Buzzfeed.com was doing a documentary which included some small towns across America for their online social media news magazine and they wanted to come to Adams to do select filming in the Park Street area. There was no specific area outlined but it may include the use of sidewalks and possibly the utilization of a parking space. It was noted that if they impede a public way they will notify the police department. It was noted that the subject of the documentary is a person from Adams coming back to the area. It was explained that as there was no specific town property needed a vote from the Board was not required.

Approval of Application to Amend All Alcohol Package Store License – Pledge of Collateral, Vivek Sharma and Vandana Kumari Sharma, Ambnik, LLC dba Val's Variety, at 5 Columbia Street, Adams. Vivek Sharma attended, and the Pledge was briefly explained. ***Motion made by Member Nowak to approve Application to Amend All Alcohol Package Store License – Pledge of Collateral, Vivek Sharma and Vandana Kumari Sharma, Ambnik, LLC dba Val's Variety, at 5 Columbia Street, Adams, second by Member Blanchard. Vote: unanimous.***

OLD BUSINESS:

120 Day Review, Evaluation and Determination of the suspension and/or modification of Entertainment Licenses and modification of closing hours 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 Hoyt gave some background of the May 2, 2019 meeting and concerns, and the complaints that were addressed which prompted the modification that took place on May 3, 2019 for a period of 120 days. The Local Licensing Authority was meeting again with both establishments to review the current status and determine next steps. *Tom Prokopowicz, PNA Manager* advised that the PNA has followed the Board's modifications and instructions and have made several attempts to contact the Police Chief and have visited the Police Department to be sure there were no issues. It was suggested that both the PNA and The Grille close at 1:00 a.m. He noted that the PNA would end entertainment at midnight and close the doors at 1:00 a.m., having the jukebox available from 12:00 a.m. to 1:00 a.m. to keep people from going down to The Grille. Board Members reviewed a report of police calls made to the establishments before May 2nd and after, and noted from May 2nd to present there were no calls to the PNA. *Mr. Prokopowicz* explained the PNA hopes to keep patrons local by shutting down at 12:00 a.m. *Chairman Hoyt* noted that there was a request for reports of Police Calls for all establishments that serve alcohol, not just PNA and Grille, to keep tabs on any brewing issues. *John Paciorek, of The Grille* advised that he has lost over \$40,000 due to the modifications made. He noted that since April 19th the "undesirable element" is now concentrated in Pittsfield and North Adams. He noted that the PNA has a good following from 4:00 p.m. to 8:00 p.m. but The Grille does not and during the week he has mostly local business people so he has to stay open later than 12:00 a.m. He thanked the Board for allowing him to have karaoke, as without it he would have had to close. He explained that there have been no police calls and it has gone smoothly.

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He requested that the Board allow him to have regular hours back for at least Sunday through Thursday, and he is working with PNA Manager Prokopowicz for hours on Fridays and Saturdays. He noted that if the PNA closes at 1:00 a.m. on Friday he will go along with it, and Saturday nights he only has bands and karaoke but no DJs. He explained that the capacity is 70, including bartenders, and he has two counters assigned to provide stamps and to keep the capacity to 70. Board Members discussed the benefits and detriments of the businesses being open until 2:00 a.m. *Mr. Paciorek* amended his request to be open until 1:30 a.m. if he cannot have the regular license hours back on Friday and Saturday. Discussion took place on the amount of business that takes place between 1:00 a.m. and 2:00 a.m. and whether it would be monetarily beneficial. *Mr. Paciorek* explained that if he closed between 12:00 a.m. and 1:00 a.m. it would drive people out at 11:30 p.m. Board Members discussed the license rules and regulations and whether a permanent restriction is necessary. It was clarified that the establishments are responsible for the immediate area outside of their businesses. The elimination of issues that resulted from the modification was weighed and it was noted that the establishments need to be proactive and contact the Police Department if needed. Board Members expressed a desire for the establishments to be successful. *Mr. Paciorek* advised he would mind the rules and regulations and keep in close contact with *Mr. Prokopowicz*, the PNA Staff and the Police Department should any issues arise. The availability of security camera footage for the Police Department was noted. Coordination of closing times on the Thanksgiving holiday weekend and other high attendance days with both organizations was discussed. *Peter Prieto, PNA Security Manager* advised of the PNA security strategy the night before Thanksgiving to reduce incidents, and that patrons are asked to leave if they overconsume. He advised The Grille how to handle security and stated he would resort to calling the Police Department as a last measure. A brief review was made of the changes made during the time of the license modification including creative for use of the juke box, karaoke, trivia and the reduction of hours. Recommendations were made for a uniform closing time until the end of the year, and for a 1:00 a.m. closing time on Fridays and Saturdays. Concern was expressed that the situation will revert back to the way it was if the PNA closes at 1:00 a.m. and The Grille closes at 2:00 a.m. ***Motion made by Member Blanchard to remove the restrictions on the licenses of The Grille and the PNA and to allow both establishments to operate within the confinement of the alcohol licenses, second by Member Nowak. Voted in opposition were Vice Chairman Bush and Member Duval. Voted in favor were Chairman Hoyt, Members Blanchard and Nowak. Motion passed.*** Both establishments were advised to work together to have a uniform closing time on Fridays and Saturdays, and were encouraged to close at 1:00 a.m. It was noted that this will be helpful especially on special days and holidays and if there are any issues they will be brought back and the Board of Selectmen and the Police Department will be monitoring.

DEPARTMENT REPORTS:

Town Administrator's Report: *Town Administrator Green* announced that the Town is looking for a DPW Director, Animal-Parking Control Officer, Temporary Transfer Station Attendant/Custodian, and Council on Aging Part Time Van Drivers. He thanked April Varellas for putting on the Movies under the Stars and offering a great community activity. He advised that the Town received \$800,000 for the Community Development Block Grant for Russell Field work. He reported that the Town Hall roof work is completed and the scaffolding is starting to be taken down. He reported that the DPW is continuing structure repair for stormwater and is starting sidewalks and surfaces across town. They are continuing blacktop and line painting, and some line striping will be done by a contractor. *Member Nowak* advised he was pleased at the removal of scaffolding and that the dome was not put back on the Town Hall clock tower as it had architectural significance when the building was built.

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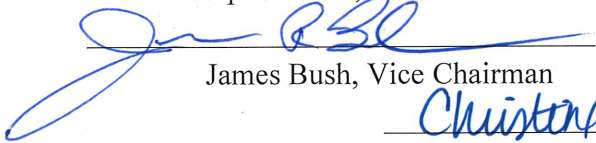

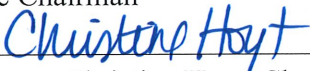
Town Counsel Report: *Town Counsel St. John III* advised since his last report he has researched and met with the Chair of the Cemetery Commission regarding findings concerning an issue with an easement. He advised that he provided advice concerning a meeting to fill a vacancy on the Board of Health, provided advice concerning the reinstatement of the entertainment licenses to the PNA and The Grille, and reviewed the Pledge of Collateral application.

Sub-Committee and Liaison Reports: *Member Nowak* advised that the Adams Suffrage Centennial Celebration Committee is moving forward with planning the 2020 celebration. He noted they are meeting consistently and have an exuberant and experienced parade committee but are still looking for people to volunteer to help. *Vice Chairman Bush* advised he attended the Council on Aging monthly meeting and the Council on Aging needs more drivers for long distance medical programs. He reported that there is an upcoming Wellness Exposition and Alzheimers Walk. He noted that he also attended the Lions Club meeting at the Council on Aging which was well attended. He advised that there is expanded medical transportation to Cheshire which includes Baystate Medical Center, Albany, and other areas. He advised that he attended the Prudential Committee meeting which covered emergency repairs, and also attended the Board of Health meeting. He advised that he attended the 5th Thursday Dinner at Berkshire Regional Planning Commission where 5G was discussed. A review was made of tower replacement and what 5G is. The sub-committee with Northern Berkshire Solid Waste Management District (NBSWMD) met and is meeting with North Adams regarding joining the district. *Member Duval* advised the Berkshire Regional Planning Commission meeting will be held tomorrow. *Chairman Hoyt* advised she and Vice Chairman Bush attended the Opening Day Ceremony with Adams-Cheshire Regional School District which welcomed back teachers and administrators as well as welcoming Superintendent Dean to the District. She advised that the Personnel Sub-Committee reviewed the job description put forth at this meeting.

Announcements and Good of the Order: *Member Nowak* commended the Parish Pantry of St. John Paul II church for their hard work and noted that the dedication of a few can make a big difference for those that need help. *Chairman Hoyt* announced that Nashville in the Berkshires will be held on September 7th at Bowe Field. She reminded citizens that school is back in session, and to remember to stop for school buses and watch for children crossing the street.

ADJOURNMENT: *Motion made by Member Blanchard to adjourn the meeting, second by Member Bush. Vote: Unanimous. Meeting adjourned at 8:37 p.m.*

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary

 _____ Joseph Nowak, Member	 _____ Richard Blanchard, Member
 _____ James Bush, Vice Chairman	 _____ John Duval, Member
 _____ Christine Hoyt, Chairman	