



BOARD OF SELECTMEN

TOWN HALL BUILDING  
8 PARK STREET

MINUTES

Wednesday, October 16, 2019, 7:00 p.m.  
TOWN HALL, 8 PARK STREET, ADAMS, MA 01220  
1<sup>st</sup> Floor, Board of Selectmen Meeting Room

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**CALL TO ORDER:** On the date above, the *Board of Selectmen* held a meeting. The meeting was called to order by *Chairman Hoyt* at 7:00 p.m. Present were *Vice Chairman Bush*, *Members Duval, Blanchard*, and *Nowak*. Also present were *Town Administrator Green* and *Town Counsel Ed St. John III*.

*The Pledge of Allegiance was recited.*

**APPROVAL OF MINUTES:** The September 11, 2019 and September 18, 2019 minutes were presented for approval. *Motion made by Member Blanchard to waive reading and approve the September 11, 2019 meeting minutes as presented, second by Member Duval. Abstention by Vice Chairman Bush. Vote: unanimous. Motion made by Member Blanchard to waive reading and approve the September 18, 2019 meeting minutes as presented, second by Member Bush. Vote: unanimous.*

**PUBLIC COMMENT:** *No citizens came forward with public comment at this meeting.*

**PUBLIC HEARING:** *Show Cause Hearing: Zing Financial, LLC dba Adams Ale House, 8-10 East Hoosac Street, Adams regarding Pocket License, 7:10 p.m.: Motion made by Member Bush to go into Public Hearing, second by Member Duval. Vote: unanimous.*

*Chairman Hoyt* reviewed the reason for the letter and its intent to review the status of the license and the property. *Town Counsel St. John III* reviewed the letter that requested Mr. Girard to review the status of the license which was created by Special Legislation, pertaining to the property at 8-10 East Hoosac Street. It was noted that the Alcohol License must remain at that location and cannot be transferred to another property and the Town has right to reissue only at same property. *Mr. Girard* advised he found a new tenant, and endured a legal battle with a prior tenant but then the new tenant was no longer interested. He explained that he put it on the market for sale and lease currently both nationally and locally, and he has met with a dozen parties but nobody has restaurant experience. He noted that there are business expenses to be fronted to get started, and he is not in a position to front it. He explained that he has put \$560,000 into the business and has to hold liquor liability insurance to keep the license while he waits for a good tenant. He noted that this is a tough business, and from a business standpoint it is not viable as he can make triple the amount of money in South County. He explained that it is being marketed at \$349,000, and that he has installed sprinklers to bring the building up to code. He told the Board that he personally cannot run the business as he is stretched thin in Pittsfield, owns other multi-family and other properties, in addition to providing property management. He explained that he looked into putting a Dave & Buster's in the building for kids under 16 but could not find a manager to operate it. The size of the property was noted as being a big building for a public gathering space. *Board Members* noted the new "Roadmap for Ribbon Cutting" in the Town of Adams and asked Mr. Girard to provide some input. He noted that when he closed the doors of the business he paid back those with gift cards out of pocket in the amount of \$10,000. *Board Members* noted that it has been ten months that the business has been closed and not operating with the "Pocket License". *Mr. Girard* advised he got into restaurant business before he had children and he knows it requires a 60 to 80 hour work week. He advised it requires \$15,000 a year for liquor liability insurance as required by the state to hold the license. Discussion took place about whether it makes sense to give the license back to save Mr. Girard money. It was noted that if a business arrangement took place the license could be applied for by the new tenant or owner as it would be available only in that location.

Mr. Girard advised he is willing to forego lease payments so someone else may operate the building and business. The renewal process was reviewed. It was explained that the other Special Legislation license issued will go back to the state if the business closes due to its parameters. The building structure and possibilities for its use were discussed at length. It was noted that the second floor of the building used to be a banquet hall, and once open to the public the building must cross ADA thresholds. He noted there is an area preplanned for a limited use handicap accessible elevator, there are fire escape issues and if open the building will have to have additional bathrooms. He outlined that the cost of this work would be around \$100,000. He pointed out that there is new steel throughout the building to hold the building frame together, and he had plans drawn up. He advised of a conversation with Wilco to do 500 person concerts there. He explained that if a business prospect was willing to make improvements in the building he would knock down the price. He noted that the building is permitted for use and he can have a certain amount of events. He stated he tore out the old stage, put in a chandelier and boxed HVAC units, and explained how insurance costs are calculated. He explained that the only benefit of keeping the license is it will save time and be more expedient with the Board of Selectmen. He stated he paid for the full year and if the license is revoked it would not give him a few more weeks to bring someone forward. He asked the Board for consideration to allow him to bring someone interested to the board within the next few weeks. It was clarified that a revocation of the license would end the license immediately whereas a suspension could go until Mr. Girard brings forth someone interested and would allow an application for renewal. If the license was revoked he would still be able to apply for a One Day Liquor License. It was explained to Mr. Girard that there is a responsibility upon the establishment holding the license as explained in the Liquor License Policy and Regulations to notify the Local Licensing Authority of changes and updates. It was explained that the Licensing Sub-committee met in August and another establishment also received a letter regarding license issues. It was further explained that the ABCC notified municipalities of staying on top of "Pocket Licenses", and upon issuance, a six month timeline for review was discussed. The benefit of the Town taking the license was outlined as putting the Local Licensing Authority in good standing with the ABCC. It was expressed that the Local Licensing Authority must set parameters on "Pocket Licenses". Mr. Girard advised by keeping the license the Town gains revenue, but it didn't matter to him because the Town just becomes the holder of license if someone else comes along. Town Administrator Green advised that the Town is working to empower building owners and he would like an update on what in the building is ready for operation. It was noted that this is not the same situation as Rascals, which had a license issued in the quota system which was available to be transferred to another applicant in a different location. Mr. Girard expressed that he is willing to meet to set timelines with the Board. It was pointed out that the building with the license is more marketable. **Motion by Member Duval to come out of the Public Hearing, second by Member Blanchard, Vote: unanimous.** No action was taken. It was noted that the License will remain with Ale House for the remainder of year and be up for renewal and Mr. Girard was recommended to meet with the Licensing Sub-Committee.

#### **OLD BUSINESS:**

**Designation of Special Municipal Employees, Council on Aging Board of Directors:** Chairman Hoyt reviewed the process for designating Special Municipal Employees. It was clarified that this is required to appoint someone who is a member of a Board, and it is the position, not the person being designated. The necessity of designating the Special Municipal Employee was explained. **Motion made by Vice Chairman Bush to designate the Council on Aging Board of Director position as a Special Municipal Employee, second by Member Duval. Vote: unanimous.**

**Ratification of Per Diem Council on Aging Van Driver, Bruce Shepley:** Chairman Hoyt read a letter from Town Administrator Green recommending ratification of Bruce Shepley and it was clarified that the start date changed as this item was tabled. **Motion made by Member Blanchard to put this item back on table, second by Vice Chairman Bush. Vote: unanimous. Motion made by Member Blanchard to ratify Bruce Shepley to a Per Diem Council on Aging Van Driver position, second by Vice Chairman Bush. Vote: unanimous.**

## NEW BUSINESS:

**Approval of Placement of Temporary Sign on Town Property:** The Youth Center requested to place a temporary sign on the Town Hall Lawn from October 17, 2019 through October 26, 2019 to highlight the online Youth Center Chair Auction. The size and type of sign parameters were reviewed. *Motion made by Member Nowak to approve the placement of a temporary 12" x 18" sign from October 17, 2019 through October 26, 2019 by the Youth Center on the Town Hall lawn, second by Member Blanchard. Vote: unanimous.*

**Facility Use Request: Visitors Center Building and Parking Lot.** The Adams Lions Club requested use of the Visitors Center Building and Parking Lot for the annual Halloween Parade on October 27, 2019 from 4:00 p.m. to 5:00 p.m. The use of Town Insurance for a Town Event was noted as authorized for covering activity on Town property, and Lions Club is supplying food for the event. *Motion made by Member Duval to approve use of the Visitors Center for Adams Lions Club for the Halloween parade on October 27, 2019 from 4:00 p.m. to 5:00 p.m., second by Member Nowak, vote: unanimous.*

**Adams Memorial School Usage, Restriction:** An update was given on the HVAC Project. The Town did receive CDBG grant funding to do work on the HVAC system, and bids are due November 15<sup>th</sup> for HVAC work. The Town is being asked to restrict usage of Adams Memorial School during the time that contractors are doing work for safety so groups will not be allowed to be around the area during that timeframe. The gymnasium, locker rooms, passageways, and other general spaces are commissioned under the project. The ventilation system is archaic and the heating system was steam heat. The contractor will install rooftop units and must remove ceiling panels, scaffolding, and do drilling once the project is completed the Town allow use again. *Member Blanchard* noted that everyone approved to use the Memorial School gymnasium had been warned that this was coming and that they may not be able to use it. Interested bidders will do a walk through tomorrow and once bids come in and awarded the Town will work with the contractor on a safety plan and timeline. Asbestos abatements of the building in the past were noted. It was noted that the HVAC project will make the building more efficient for reuse but there are not enough funds to do the auditorium. Updating the process on building use and approvals in the future was discussed. *Motion made by Member Blanchard to restrict use of Memorial School during the HVAC installation beginning November 1, 2019, second by Vice Chairman Bush. Vote: unanimous.*

**Northern Berkshire Vocational School District Vacancy, Adams Seat:** *Chairman Hoyt* announced that one seat from the Northern Berkshire Vocational School Committee is vacant with the hiring of Aaron Dean as Superintendent of ACRSD. She noted the Town did receive his resignation letter last week and part of the process is to announce the vacancy. The position is open to anyone in the community wishing to apply to serve until the May 2020 election. It was noted that this position is similar to the Board of Health seat that was filled through this process. The Board of Selectmen will review applications on November 6, 2019. It was noted that this process is not the same as that of the ACRSD School Committee and there is an agreement that was provided by the Town Clerk outlining how to fill the position. Both boards will vote to put the person on the board and this is a good opportunity to try out the position. *Member Nowak* announced a 94% score on math testing for McCann and gave the school praise.

## DEPARTMENT REPORTS:

**Town Administrator's Report:** *Town Administrator Green* advised that the DPW is preparing for wet weather, and the area is expecting up to 6 inches of rain. The DPW is mobilizing with a small crew overnight. Due to dry conditions widespread flooding is not expected but there could be localized urbanized flooding. It was noted that there are 1594 catch basins, thirteen DPW staff and not all of the team go out on the road. Only a small crew is on overnight so there is a good chance the structures may become clogged with debris. It was noted that National Grid is not expecting widespread outages but citizens are advised to call the Police Department to mobilize response personnel if issues arise. Road crack sealing preventative maintenance is being done by the DPW to prevent potholes from developing and extends the life of the road. Prior success with this product was noted and the locations being treated were outlined.

The DPW is doing sidewalk work and applying asphalt where possible while the season lasts. They are also picking up leaves until after Thanksgiving, which is a service that most communities do not offer. It was explained that all of the catch basins were entered into the GIS system by Community Development and the data has been transferred to the MS4 Stormwater Management system for reporting. *Member Duval* asked to receive the metrics on the number of catch basins, what shape they are in and whether they have been cleaned. It was noted that this data is part of the MS4 program, and a new DPW Director will be able to bring up data regularly for the Board. An inquiry was made on how many roads were paved this year and it was explained that at full depth there were none. Only standard patchwork and black topping was done due to the cost. It was noted that the more overlay there is, the proper way to do it is to mill it down to a lower the grade and fill it back up with asphalt. Currently the Town is looking at how to lengthen the life of the roads. The next area being looked at is Crotteau Street which should be bid on over the next few months. Chapter 90 funds were discussed and it was noted that there is a database ranking of streets. The Route 8 Project will be taking place. *Member Duval* advised he would like the Board to see the number and the status of the streets. Micro-processing was discussed to lengthen the life of the streets. It was noted that the Town is looking at the most cost effective way to deal with the roads as money is limited. A suggestion was made for the Town to put aside money to handle road paving. It was noted that the pavement technique is being evaluated to determine whether roads are worthy of milling or using a preventative technique instead. Clay collapsing sewer lines under the roadway were noted as being an issue and an expense to consider. A moratorium not to open roadway after it was paved was outlined to keep road heaving from occurring. It was explained that if the Town applies engineering costs the investment is getting a \$7 Million to \$8 Million cost benefit. It was suggested that cement be added to the road to get longer life where large trucks travel since heavy traffic causes indentations of the surface. It was noted that the Town of Adams has the State Route 8 networking corridor and Specialty Minerals and Holland Company use large trucks and are on the industrial rail corridor. Freight carriers cause the asphalt to be worn down. The upcoming DPW Director will look at what issues there are and what can be done. It was pointed out that the rail option is viable for and East/West direction and Holland Company added a 4<sup>th</sup> track. It was explained that because the rail corridor has been rehabilitated there have been inquiries from a few businesses looking to open parcels because the tracks are there. If numbers match up with right party it is an attractive corridor.

***Town Counsel Report:*** *Town Counsel St. John III* advised he prepared and mailed letters to Zing Financial, LLC and 7-Eleven regarding the status of their alcoholic beverages licenses. He noted that a Show Cause Hearing for 7-Eleven has been continued to November 6th. He advised that he prepared petitions to foreclose tax liens on the MJD property and entered an appeal to the Massachusetts Appeals Court. He reported that he met with staff and reviewed documents concerning easement acquisitions for the Route 8 Project and that he appeared in the Housing Court on a matter. *Member Nowak* inquired about the length of the process with the MJD property and the full process was explained.

***Sub-Committee and Liaison Reports:*** *Member Nowak* advised that the Adams Suffrage Centennial Celebration Committee is planning the 2020 celebration events for the community. November 7<sup>th</sup> is Women's History Trivia night at Bass Water Grill in Cheshire. Tickets are still available for a \$10 donation. *Vice Chairman Bush* attended the Northern Berkshire Community Coalition (NBCC) meeting where they discussed housing in the area and 40R. He noted they will meet once a month. He reported that this afternoon there was a "meet and greet" with the NBCC at the Daily Grind in Adams. *Member Duval* advised that the Metropolitan Planning Organization (MPO) part of the Berkshire Regional Planning Commission (BRPC) meeting will be held Tuesday and he will bring back information on the Route 8 Project and the Bike Trail section from Lime Street to Hodges Cross Road. *Chairman Hoyt* and *Town Administrator Green* met with the Finance Committee to discuss the purchase of a fire truck. *Chairman Hoyt* attended the Adams-Cheshire Regional School District Maintenance Sub-Committee meeting where there was discussion about doing a full building evaluation on the Hoosac Valley Elementary School (HVES) and putting together a bid package for the gutters. There was discussion about replacing the cafeteria flooring where the children eat and waiting on the kitchen section until project costs are available. *Member Duval* asked for a breakdown of the funds appropriated and spent on HVES maintenance.

*Chairman Hoyt* advised the appropriation was \$235,000, approximately \$45,000 has been spent thus far, and the whole building evaluation will come out of that amount as well. It was noted that there is a significant portion of the money left, and there have been roof repairs and cafeteria floor work done. The School District paid for the chimney, air conditioning and first floor restroom for ADA compliance. She noted there are some areas where the Town can help with efficiencies. A leak was found to be a plugged drain. Adams Fire District cleaned out the gutters, which to be found off pitch so water was pooling. EDM looked at it and it is going out to bid for quotes. A Member of the School Committee was noted as having building and maintenance experience.

**Announcements and Good of the Order:** *Member Nowak* thanked Chief Pansecchi and the Adams Fire Department for cleaning Hoosac Valley Elementary School gutters on Tuesday. He advised the Board of Selectmen made a promise to continue to fund money for Hoosac Valley Elementary School and will continue to do so. He noted that Halloween is forthcoming and requested chaperones and children wear reflective clothing for safety purposes, to take their time and not run across the road. *Vice Chairman Bush* advised there is a meeting on Monday, October 21, 2019 at Town Hall at 4:00 p.m. to discuss putting flags on poles for fallen soldiers throughout the wars and invited anyone interested to attend. *Chairman Hoyt* advised that Tuesday, October 22<sup>nd</sup> at the Adams Visitors Center there will tentatively be a Community Forum regarding 40R with speakers which will be formally announced once it is confirmed. She noted that Halloween is coming up and Trick or Treat will be held from 5:30 to 7:00 p.m. on October 31<sup>st</sup>. She noted that she, Vice Chairman Bush and Town Administrator Green attended a ribbon cutting for Adams Community Bank at 93 Park Street and welcomed citizens to see the changes to the branch, which is celebrating 150 years of operation.

**ADJOURNMENT:** *Motion made by Member Bush to adjourn the meeting, second by Member Duval.*  
*Vote: Unanimous. Meeting adjourned at 8:53 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