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Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING

8 PARK STREET

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TOWN CLERK
ADAMS MASS.

CLERK

Wednesday, December 2, 2020, 7:00 p.m.

Meeting Minutes

CALL TO ORDER: On the above date the Board of Selectmen held a meeting on the first floor of Adams Town Hall and on Zoom. The meeting was called to order at 7:00 p.m. by Board of Selectmen Chairman Hoyt. Present were, Members Duval and Nowak and Interim Police Chief Bacon. Attending virtually were Vice Chairman Blanchard, Bernie Martin from The Elks, Town Counsel St. John III, Town Administrator Green, Town Clerk Meczywor and Tammy Daniels of iBerkshires.

Chairman Hoyt advised that “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 Town of Adams Board of Selectmen is being conducted via remote participation. 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 recording of this meeting is available for anyone who wishes. Rule of 10 in place according to Code Enforcement for the size of the room in accordance with the Governor’s order and NBCTC will post a link soon after the meeting.

The Pledge of Allegiance was recited.

PUBLIC CALL-IN:

Join Zoom Meeting

<https://zoom.us/j/98730397803?pwd=UTZkdYt0YmlVaEtITE9GUEprOGdYdz09>

Meeting ID: 987 3039 7803; Passcode: 290618

Dial In: 1 (929) 436 2866; Meeting ID: 987 3039 7803; Passcode: 290618

Member Duval advised he received a note from a concerned citizen regarding Memorial School having additional vandalism done to it. **Town Administrator Green** advised that Interim Chief Bacon had been asked to step up patrols and the DPW is taking care of the vandalism. Discussion ensued regarding the reason the classroom section of the building is being heated. It was noted that the entire building has to be heated because it has to have water and also to prohibit building deterioration. It was explained that the HVAC unit heats the gymnasium, lobby, restrooms and classrooms, but the project is not yet closed out. A request was made to have a Memorial School Sub-Committee Meeting in January.

Approval of Dog License Fees: **Town Clerk Meczywor** reviewed the fees, and noted there has been no increase of the fees for 2021. She was asked to look at the fees of other communities to see what they charge. She noted that Adams is in line with other local communities and the fees were raised

by \$2.00 six years ago. *Motion made by Member Nowak to accept the fees as presented, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

Holiday Home Decoration Contest: *Town Clerk Meczywor* announced that the Town of Adams was bringing back the Holiday Home Decoration Contest, which hasn't been done in over 8 years. Friday, December 11th is the last day for registrations and winners will be announced on December 22nd. Information is on the Town website under Town News and Calendar to find the rules. She noted there are no fees to participate, and the community will be judging. A map of all participating residences will be online so people can drive around and cast their votes online. Viewing will be exterior only from the vehicle in the street. Judging takes place on December 18th and December 19th from 5:00 to 8:00 p.m. The prizes are \$70, \$50 and \$35 to Adams Hometown Market. She was thanked for coordinating the event with Town Treasurer Rice, Chairman Hoyt and Mary Whitman.

License Renewals: *Chairman Hoyt* reported that the Licensing Sub-Committee met on Monday to pull together the renewal paperwork. Vice Chairman Blanchard reported that all renewals were reviewed and a few are still awaiting paperwork. Some will have insurance policies provided after the vote. Under the section for Inns and Lodging Houses he explained that Mt. Royal Inn would be tabled for the next meeting as paperwork is needed and it is not time sensitive before then. Clarification was made that as all establishments were listed on the agenda they did not need to be individually announced. *Motion made by Vice Chairman Blanchard to table the license renewal for Mt. Royal Inn until December 16, 2020, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

All Alcohol Package Store Licenses: It was noted that the deadline for Real Estate Taxes is December 3rd and taxes will not be able to be verified until then. Establishments do not get their licenses until they are up to date on their taxes. *Motion made by Vice Chairman Blanchard to approve the All Alcohol Package Store Licenses pending completed paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

Wine & Malt Package Store Licenses: *Motion made by Vice Chairman Blanchard to approve the renewal of the Wine & Malt Package Store Licenses upon completion of all paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

All Alcohol Establishments: *Member Duval* inquired about the reduction of Section 12 license fees by 25%, and noted that other communities had done it differently. *Member Nowak* asked for it to be looked at again and put on the next agenda. *Motion made by Vice Chairman Blanchard to approve the renewal of the All Alcohol Licenses for Section 12 Licensees upon completion of all paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

Wine & Malt Establishments: *Motion made by Vice Chairman Blanchard to approve the renewal of the Section 12 Wine & Malt licenses upon completion of all paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.*

Sunday Entertainment Licenses: *Motion made by Vice Chairman Blanchard to approve the renewal of the Sunday Entertainment Licenses pending completion of all paperwork, second by*

Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.

Weekly Entertainment Licenses: Motion made by Vice Chairman Blanchard to approve the Weekly Entertainment Licenses pending completion of all paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.

Common Victualer Licenses: It was explained that a review was done on what requirements indicated a Common Victualer License, and that seating was required to have a license. It was noted that Adams Hometown Market, Cumberland Farms, 7-Eleven, and Domino's would no longer be required to have a Common Victualer License as recommended by the Code Enforcement Officer. It was pointed out that there is no legal or financial impact to the Town. It was noted that Miss Adams' Diner was inadvertently left off the list for renewal and would be on the next agenda. **Motion made by Vice Chairman Blanchard to approve the renewal of the Common Victualer Licenses upon completion of all paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.**

Auto Sales Licenses: Motion made by Vice Chairman Blanchard to approve the renewal of the Auto Sales Licenses pending completion of all paperwork, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.

Inn Holders and Lodging Licenses: It was questioned whether an Inn on Country Club Ave that is for sale is active. **Motion made by Vice Chairman Blanchard to approve the Inn Holder, Boarding and Lodging Licenses for Haflinger Haus, Topia Inn, and Bascom Lodge, second by Member Duval. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.**

Change of Club Officers Application: Adams Lodge #1335 B.P.O. The Elks, 63 Center St., Adams, MA. A recommendation was made to table this application approval until December 16th to give more time to review the submitted amended paperwork. **Motion made by Member Duval to table the Change of Club Officers Application for the Adams Lodge #1335 B.P.O. The Elks at 63 Center Street, Adams, MA, second by Vice Chairman Blanchard. Roll Call Vote: Chairman Hoyt, Vice Chairman Blanchard, Members Duval and Nowak. Motion passed.**

Review and Recommendation of FY2021 Section 12 License Fees: Vice Chairman Blanchard reported that the Licensing Sub-Committee met and discussed the Section 12 Alcohol License Fees at length. He stated that the Sub-Committee felt it was in the Town's best interest to wait and stay with the 25% reduction to see what happens with Covid-19 and the upcoming vaccines and to revisit the topic at a later date. Member Duval reminded the Board that Don Sommer on behalf of the American Legion had asked for a \$0 fee for 2021. It was noted this will be a different year, and establishments found innovative ways to operate, however some bars were not able to open since March 2020. A couple had the opportunity to make and sell food and some may not have been able to utilize that option and have remained closed. It was noted that a discussion took place with Code Enforcement about how establishments were able to open, and some were not able to adjust to the model that would allow them to open. Member Duval requested the Board consider a 50% reduction on Section 12 license fees. It was noted that the budget was weighed with the full amount considered and when reducing the funding in the account the funds would have to be replenished from somewhere else. The establishments currently still closed were listed as being WOJO's, Adams Turners, The Elks, Mt. Club, American Legion and The Grille. Vice Chairman Blanchard advised that every establishment

has had the ability to open. *Chairman Hoyt* advised the kitchens would need to be inspected, have ServeSafe employees, and a menu to meet the needs of the state. Those without a kitchen could have a food truck to meet this requirement and the Town is willing to work with them to get everything in order. ***Motion made by Member Duval to reduce the fee for the closed establishments as listed by 50%. There was no second. Motion failed.*** *Member Nowak* advised he would like to see a 75% reduction in the Section 12 License Fees for these establishments as they lost a lot of money and it won't cover the money needed to pay the people running the establishments. It was pointed out with the restrictions on number of people allowed to into the establishment it was also difficult. It was explained that the Federal Government support for small businesses was a non-starter and some establishments rely on membership fees. ***Motion made by Member Duval to approve a 75% reduction in Section 12 Fees for the closed businesses WOJO's, Adams Turners, The Grille, Mt. Club, The Elks and American Legion for 2021, second by Member Duval.*** *Chairman Hoyt* advised that from the information derived from the Town Accountant and after discussion with the Licensing Sub-Committee, it was recommended that the fees be fair and equitable across the board. Discussion took place on how the businesses that did have the opportunity to open investing thousands of dollars in PPE's and plexi-glass, so it was unfair to give a larger break to those that did not put in the same effort. *Member Nowak* advised he had not heard this input in the past and requested more information. It was noted that the Licensing Sub-Committee Meetings are open to the public and this is the report from that meeting. It was explained that visits had been made to the establishments that are open and they are managing with creativity to uphold the Governor's phasing plan. *Member Duval* advised he looked at the financial balance of The Elks that has \$5,000 total and pointed out that some establishments have better means to invest in the PPE's and changes than others. *Vice Chairman Blanchard* advised that all establishments are hurting, and he noted that the Town could not afford to do it at this time but he recommended to revisit it during the budget creation for potential reduction in the FY2022 year. Further debate took place regarding the further impact on establishments while waiting for the vaccine, and whether the closed establishments had the means or ability to open with the current restrictions and extra requirements. ***Voted in Favor: Member Nowak, Member Duval. Voted in Opposition: Chairman Hoyt, Vice Chairman Blanchard. Motion failed.*** *Member Duval* noted that there is a limit on the number of Licenses the Town has to offer and recalled a request from the Board a few years back to petition the Massachusetts Legislation for additional licenses. He requested the License Sub-Committee look at it at their next meeting to find the way to appeal to the state for more licenses. *Chairman Hoyt* advised that in a 2017 vote former Town Administrator Mazzucco was directed to petition the state for an additional 6 licenses for Park Street and the Greylock Glen, but it never made it to Town Meeting. It must be put forth again and then go to the State Representative. *Town Administrator Green* advised he would have Town Counsel St. John III research it and the Administrative Assistant pull together any old paperwork on it. *Chairman Hoyt* reported that there are 2 Section 12 All Alcohol Licenses and one Wine & Malt Section 12 License currently available, as well as 2 Wine & Malt Section 15 Package Store Licenses.

DEPARTMENT REPORTS

Town Administrator: *Town Administrator Green* advised that there was a sudden rainstorm on Monday night that created significant flooding in the Grant Street and Lincoln Street area. DPW, Forest Wardens and Emergency Management were deployed and there was significant rain overflow in the drainage system currently being worked on. A water main broke at the same time. The responding departments were all thanked for their work on this issue. He noted the weather forecast shows a snow event for the weekend, and he does not anticipate activating the parking ban or requiring plowing but that the process will be tested as needed. He reported that the Community

Development candidates have been narrowed down to two candidates from a total of eleven. He noted that two candidates withdrew and the other two will meet with Board Members next week. He noted with the current Covid-19 numbers that the Town had a 14 day increase and had 12 positive cases. Today it was down to eight open cases, and holding steady. He noted that he hoped the Town could weather the two-week period after Thanksgiving, and reminded citizens to use masks, social distancing, and to look out for the vaccine coming in the next months. He noted that the CDC gives information to the States and to the Federal Government with a plan for review by the local Board of Health for implementation of the vaccines. *Chairman Hoyt* advised with the Covid-19 numbers on the rise she would like the Board Members to practice remote participation for meetings while the numbers are being monitored. *Member Nowak* inquired about whether construction had any impact on the 4" water main break, and it was noted that it was just bad luck. The Water District has to come out to move the water line and the repair did not hold. It was noted that Community Development Staff will research where the outflow goes, and whether it goes into the Hoosac River. It was noted that when the construction is completed it should alleviate the flooding issues. It was explained that different methods used in the past may have contributed to some of the issue and it has been engineered to correct it. *Member Duval* noted that the Chief of Police interviews will be totally remote access for the Board Members and inquired about the process to determine the Board's questions. *Town Administrator Green* advised the Screening Committee had carefully designed questions which will be provided to the Board so they are not repeated. *Chairman Hoyt* announced that the Chief of Police Candidates will be connecting remotely and that each Selectman will be required to have their own device, as she requests them all to be on camera. *Town Administrator Green* will follow up with meeting invitations to the candidates for Tuesday's public meetings and once they have confirmed the resumes will be released to the Board Members for review.

Town Counsel: *Town Counsel St. John III* advised that since his last report on November 18, 2020, he attended the November 19, 2020 Board of Health meeting, he reviewed and commented upon a boundary line issue, he reviewed and commented upon a litigation matter, he prepared witness summonses, spoke to prospective witnesses and prepared for the judicial review of the board's decision in the Dupee dog case on December 21. He also advised he reviewed and commented on an application to amend the liquor license to change the officers of a non-profit corporation.

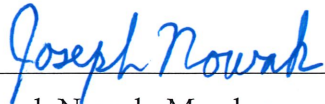
SUBCOMMITTEE AND LIAISON REPORTS: *Member Duval* reported that the Berkshire Regional Planning Commission Executive Committee is meeting tomorrow afternoon.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Member Duval* advised he was fielding questions on whether there will be a gazebo in the Town Common and confirmed that there will be one but the materials are backordered. He also noted that across from Standard Furniture there is a pothole by a parking space growing in size and asked to have DPW look at it. *Town Administrator Green* advised that there is a DPW reporting system as the crews are out and citizens can utilize that or call Town Hall extension 172 to speak with Marilyn to report issues. *Member Nowak* advised that on Summer Street where the work was done for the new gas line there is an issue with the pavement opening up and small potholes being created. He expressed concern with the pending storm and noted that the DPW will be clearing out leaves from the catch basins and asked residents to do the same if possible. *Chairman Hoyt* thanked Northern Berkshire Community Television because a call was placed to the North Pole to have Santa light the tree and it was captured on television on Channel 1301. She advised of the gathering restrictions that limited the number of people that could attend and thanked Peter Gentile from NBCTC and Tammy Daniels of iBerkshires for covering the event. She thanked the First Responders for escorting Santa, who arrived by train. She advised that there are

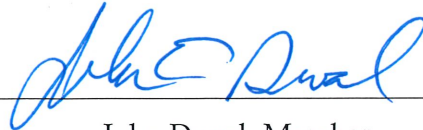
meetings scheduled next week to interview the two Community Development Director Candidates and Chief of Police Candidates. She noted a meeting will take place also regarding the Cumberland Farms Project. She noted that Wednesday, December 16, 2020 will be the last meeting of the calendar year.

ADJOURNMENT: *Motion made by Vice Chairman Blanchard to adjourn the meeting, second by Member Duval. Vote: unanimous. Motion passed. Meeting adjourned at 8:45 p.m.*

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary



Joseph Nowak, Member



John Duval, Member



Richard Blanchard, Vice Chair



Christine Hoyt, Chairman