



Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING
8 PARK STREET

Wednesday, January 4, 2023, 7:00 p.m.

TOWN HALL, 8 PARK STREET, ADAMS, MA 01220
1st Floor, Board of Selectmen Meeting Room

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TOWN CLERK
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CLERK

CALL TO ORDER: On the above date, the Board of Selectmen held a meeting at 7:00 PM at the Adams Town Hall. Chair John Duval opened the meeting. Present: Chair John Duval, Vice-chair Christine Hoyt, Members Howard Rosenberg, Richard Blanchard, and Joseph Nowak. Also present were Jay Green, Town Administrator; Town Counsel Edmund St. John; Bri Hantman, Recording Secretary; NBCTC; Brian Rhodes, iBerkshires; Pamela Sherman, Resident; and residents of the Town of Adams.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

The minutes from the December 14th 2022 meeting were submitted for approval.

Motion from Vice-chair Hoyt to waive the reading and approve as submitted. Motion is seconded by Member Rosenberg. Motion passes with four yes votes and one abstention from member Blanchard.

The minutes from the December 21st 2022 meeting were not submitted for approval. Minutes will be tabled until the next meeting.

PUBLIC COMMENT: *Pamela Sherman*, came forward regarding her issues with the Community Development Program. Prior to COVID, she applied for a grant through CDBG but was held up by COVID. She claims that the contractor has been inconsistent in his work and availability.

Ms. Sherman claims that Rebecca Ferguson of the Community Development office has not communicated and has said that the attorney has to be involved.

Ms. Sherman is upset with the quality of the work that is being done but has now been notified that the contractor has not returned to do the project and has no backed out.

Ms. Sherman stated that three different contractors have bid on the project but none of the ones that *Ms. Sherman* had wanted took the job.

Jay Green stated that *Ms. Sherman* is participating in the housing rehabilitation program through the Community Development Office and has been awarded grant funds through the Community Development Block Grant program. *Jay* stated that the amount of the work needed well exceeds the

amount of money that is allowable, however the Community Development team went back to CDBG and advocated on behalf of Ms. Sherman.

The work has been inspected multiple times by Mr. Gardner. The CDBG format requires that Ms. Sherman pay the contractor which she has failed to do as she is displeased with the work that is happening.

Attorney St. John had a lengthy meeting with Eammon Coughlin, Ms. Sherman, and Rebecca Ferguson.

Chairman Duval would like to have this matter added to the Agenda for the second meeting in February in order to put this issue to bed.

OLD BUSINESS:

Review and Approve Renewal of Common Victualer License for James 4:10, LLC McDonalds, 2 Commercial Street, Adams MA; Bri Hantman stated that the establishment has not responded to correspondence nor have they made payment on their taxes. Attorney St. John stated that the Town can vote to revoke the license and seek an injunction from the court. Despite the receipt of certified letters, they have chosen not to follow through. As of right now, they are operating without a license.

Member Rosenberg asked if there is a financial remedy for this. The Town of Adams does not have a fine system in place to penalize the business.

Member Nowak stated that he feels that it is concerning that he has not paid his taxes. *Member Nowak* also asked for confirmation that the business had paid its meals taxes to the state.

Chairman Duval stated that he would think that the certified letter would have inspired them to come in. The next step is to put them on our next agenda and go down the road of closing them down.

Member Rosenberg asked what liability the Town would have should someone get a food-born illness. Attorney St. John stated that he doesn't necessarily think the Town has liability, but it is not a road that he wants to go down.

Jay Green stated that he is more than willing to go over to speak with the management along with Chief Kelley and Attorney St. John.

Review and Approve Application for Common Victualer License for Dunkin Donuts, 177 Columbia Street, Adams MA; Vice-chair Hoyt stated that all of the paperwork had been brought in and she feels confident that the license can be approved.

Motion from Vice-chair Hoyt to approve the Common Victualer License for Dunkin Donuts. Second by Member Blanchard.

Chairman Duval stated that the payment had not actually been received yet, although it was in the mail.

Vice-chair Hoyt amended her Motion to include “pending receipt of payment”. *Member Blanchard* stated that he will amend his second of the motion in order to include the edit.

“Motion from Vice-chair Hoyt to approve the common Victualer License for Dunkin Donuts, pending receipt of payment.” Motion is still seconded by Member Blanchard. *Vice-chair Hoyt* noted that this business is under new ownership and this was their first time going through the licensing process. As such, this constituted a learning process for the group.

Motion passes unanimously.

Review and Approve Renewal of Auto Sales License for Alternative Motors of Adams, Inc., 69 Columbia St., Adams, MA: Vice- chair Hoyt stated that taxes have been paid which was the last item needed.

Motion is made by vice-chair Hoyt to approve the Renewal of Auto Sales License for Alternative Motors for Adams, Inc 69 Columbia St., Adams MA. The Motion is seconded by Member Blanchard. The motion passes unanimously.

Review and Approve Renewal of Inn Holder’s License for Mount Royal Inn, 99 Howland Ave, Adams MA: Vice-Chair Hoyt stated that she has received a request from Attorney Grandchamp to request a continuance or that the matter be tabled. Or that the license be issued pending a successful inspection with Mr. Garner and Chief Pansecchi.

A Motion was made by Member Blanchard that the board table to approval and renewal of Inn Holder’s License for the Mt. Royal Inn. The Motion is seconded by Vice-Chair Hoyt.

Attorney Grandchamp attended the Selectboard on behalf of Mr. Bokhari who was out of the country at the time of the meeting. Attorney Grandchamp stated that Mr. Bokhari wishes to be present for the inspection of his property and was therefore asking that the inspection happen after January 11th when he returns to the country.

Vice-chair Hoyt: This should allow enough time for the inspection to take place and will allow for him to complete the inspection.

Attorney Grandchamp stated that he will inform Mr. Bokhari that an inspection needs to be completed prior to the Board of Selectmen Meeting on the 18th of January.

Chairman Duval asked for clarification from Attorney St. John on what would happen if there were an incident as they are currently operating outside of their license, considering that the Mt. Royal Inn was currently operating outside of their license.

Member Rosenberg asked what were the reasons that the location was not inspected. *Vice-chair Hoyt* recapped some of the reasons that were discussed at the last meeting including Mr. Bokhari’s lack of submission of paperwork, lack of scheduling of inspection, etcetera.

Member Rosenberg raised the same concerns regarding life-safety that we discussed at length at the December 21st Board of Selectmen meeting.

Vice-chair Hoyt asked if there was any structure in place that would allow the board to impose fines.

Attorney St. John clarified that an injunction is filed with Superior Court that would request an immediate shutdown of a business due to an emergency or a number of factors including failure to take the appropriate steps to renew the license. The next step would be a two-party hearing. An ex parte injunction would be issued as an emergency step.

Jay noted that Mr. Bokhari has applied for his appropriate paperwork but the inspection would need to be completed and it would need to be completed to show that the issues that were raised in the last meeting have been resolved. Jay also stated that the inspection is needed to approve him to be an Inn keeper and make sure that he is not exceeding his license.

Chairman Duval stated that the Board has been in the situation in the past. With the town acting as the licensing board, it is unclear how the Board can move forward with allowing McDonald's and Mt. Royal Inn to continue to operate without a license.

Chairman Duval stated that it is of his opinion that the injunction process begins with McDonald's and the Mount Royal Inn until all payments and all licenses are received by the Town of Adams.

Member Hoyt asked for a point of order in that there is already a motion on the table to table the approval of the license. ***There has already been a motion and a second. Motion passes unanimously.***

Member Rosenberg made a motion to initiate the injunction process on McDonald's at 2 Commercial Street in Adams Ma, and on the Mount Royal Inn located at 99 Howland Ave, Adams MA to be followed through until all licenses are filed and all taxes and payments are collected. The Motion is Seconded by Chairman Duval

Member Nowak asked if the individuals at the Mt. Royal Inn who are managing the property would be able to facilitate the inspection process. Attorney Grandchamp stated that he can only state that Mr. Bokhari wants to be present for the process.

Member Rosenberg stated he hopes that this will begin moving the process forward.

Motion passes unanimously.

NEW BUSINESS: None

SUBCOMMITTEE AND LIAISON REPORTS

Member Rosenberg: None

Vice-chair Hoyt: None

Member Duval: None

Member Blanchard: None

Member Nowak: The Northwest Woodland Partnership has received funds through the omnibus bill, which is exciting because it will give them traction to move forward!

ANNOUNCEMENTS AND GOOD OF THE ORDER

Member Rosenberg complimented the DPW for their hard work during these storms and for keeping the roads clear.

Vice-chair Hoyt: none

Chairman Duval: none

Member Blanchard: none

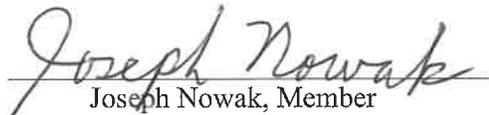
Member Nowak asked what the time parameters are on the CDBG funds and project. Jay Green stated that while the work would ideally be completed within the fiscal year of the grant, but it often takes two or three cycles for it to be complete.

Member Nowak asked if there are milestones that are necessary for the development of buildings sold by the town, such as 20 East Street and the Memorial Building. Jay Green stated that yes, there are. The sale of the Memorial Building has not gone through yet, but the sale of the 20 East Street Building has, and the developer has a number of milestones which they must meet, which were outlined by Mr. Coughlin, Director of Community Development, in his presentation to the board.

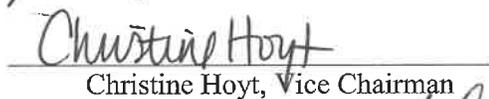
ADJOURNMENT

A Motion was made by Member Blanchard to adjourn. The motion was seconded by Vice-chair Hoyt. The meeting was adjourned at 7:57pm.

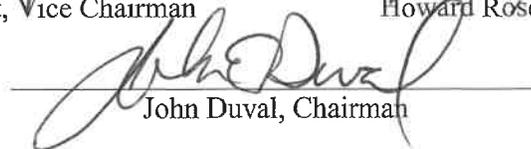
Respectfully Submitted by Bri Hantman, Recording Secretary.


Joseph Nowak, Member


Richard Blanchard, Member


Christine Hoyt, Vice Chairman


Howard Rosenberg, Member


John Duval, Chairman