

Town of Adams Massachusetts 01220-2087

BOARD OF SELECTMEN

TOWN HALL BUILDING

8 PARK STREET

Wednesday, November 18, 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. The meeting was called to order at 7:00 p.m. by Board of Selectmen Chairman Hoyt. Present were Members Duval and Nowak. In the room were Town Administrator Green, Town Counsel St. John III, Interim Police Chief Bacon, DPW Director Tober, Community Development Program Manager Ferguson, and Peter Gentile of NBCTC. Attending remotely were Don Sommer representing the American Legion Post #160, Tammy Daniels of iBerkshires, Attorney Jeff Grandchamp, Building Commissioner Garner, Michelle Aubin, Christine Champeau from VHB, Kathy Keeser and M.J. Downing.

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. 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 after the meeting.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: The minutes for the November 4, 2020 meeting was presented for approval. *Member Duval noted an item in the minutes, licensing sub-committee was supposed to meet and discuss license fees and have an agenda item but it is not on the agenda. Could not meet due to CH schedule. Motion made by Member Duval to waive reading and approve the minutes for November 4, 2020 as presented, second by Member Nowak. Vote: unanimous. Motion passed.*

PUBLIC COMMENT:

Join Zoom Meeting

<https://zoom.us/j/91016220746?pwd=Vk9zZzhEZ1BhZDZFNWZjQmQ1WURFZz09>

Meeting ID: 910 1622 0746; Passcode: 922792

Dial In: 1 (929) 436-2866; *Meeting ID:* 910 1622 0746; *Passcode:* 922792

Don Sommer, representing *The American Legion*, advised that the licensed establishment had to shut down due to the Governor orders and could not reopen because they could not provide food. He requested the Board of Selectmen to waive the fee for next year as they cannot open or reimburse the fee from last year. *Member Duval* asked to have information available for next board meeting.

Chairman Hoyt advised that the Licensing Sub-Committee wanted to be sure it was fair and equitable and to honor what Mr. Sommer would like would amount to approximately \$20,000.

PUBLIC HEARING

Transfer of All Alcohol License Application: Red Carpet Restaurant, Inc., 69 Park Street, Adams, All Alcohol On-Premises License to KEE Food Group, LLC dba Savory Store, 69 Park Street, Adams, 7:10 p.m.

Motion made by Member Duval to enter into Public Hearing for the Transfer of All Alcohol License Application: Red Carpet Restaurant, Inc., 69 Park Street, Adams, All Alcohol On-Premises License to KEE Food Group, LLC dba Savory Store, 69 Park Street, Adams, second by Member Nowak. Vote: Unanimous. Motion passed.

Attorney Grandchamp advised he reviewed the application which needed to have two items modified and corrected paperwork was provided. He reviewed the updated information and advised that the paperwork now matches up. Ed Groner, the proposed Alcohol Manager was introduced with his wife Emily and daughter Corey Thompson, the Production Manager. Mr. Groner of KEE Food Group, LLC, explained the business plan and noted that he needed a commercial kitchen to produce and sell items. He described the building as being an excellent facility with an appropriate kitchen, right in town and close to Savoy. He explained the four business areas as being wholesale, online retail sales, retail traveling sales, and a retail store front which will include sampling with a limited breakfast and lunch menu made from the products. Dinners will have local beers, ciders and wines. Taking bar out, and will be serving drinks with the food. He advised staff will be TIPS Certified and the manager will hold a Crowd Manager certification. It was noted that there is a similar named business in Amherst. It was pointed out that Adams needs to have a different type of niche and this is a great business plan. It was opened up for public comment, and no comments from the public were received.

Motion made by Member Duval to exit the Public Hearing, second by Member Nowak. Vote: unanimous. Motion passed.

Motion made by Member Nowak to approve the Transfer of the All Alcohol License from Red Carpet Restaurant, Inc. at 69 Park Street, Adams to KEE Food Group, LLC dba Savory Store located at 69 Park Street in the Town of Adams, second by Member Duval. Vote: unanimous. Motion passed.

Ratification of Sergeant, Adams Police Department: Gregory Onorato. Chairman Hoyt read the letter from the Town Administrator recommending the ratification of Gregory Onorato to the position of Sergeant. ***Motion made by Member Nowak to ratify the appointment of Gregory Onorato to the position of Sergeant to the Adams Police Department at the Step 7 Sergeant Rate of \$30.66 upon ratification, second by Member Duval. Vote: unanimous. Motion passed.*** It was noted that Sergeant Onorato will be sworn in by the Town Clerk in the hallway.

Ratification of Sergeant, Adams Police Department: Dylan Hicks. Chairman Hoyt read the Town Administrator's letter recommending ratification of Dylan Hicks to the position of Sergeant. Interim Chief Bacon outlined Officer Hicks' professionalism and commitment to the community. ***Motion made by Member Duval to ratify the appointment of Dylan Hicks to the position of Sergeant to the Adams Police Department at the Step 5 Sergeant Rate of \$29.49 upon ratification, second by Member Nowak. Vote: unanimous. Motion passed.*** It was noted that Sergeant Hicks will be sworn in by the Town Clerk in the hallway.

Public Shade Tree Hearing: Request to remove select trees as part of Commercial Street rehabilitation, 7:20 p.m.

Motion made by Member Duval to enter into the Public Shade Tree Hearing for the request to remove select trees as part of the Commercial Street rehabilitation, second by Member Nowak. Vote: unanimous. Motion passed.

Community Development Programs Manager Ferguson and Christine Champeau from VHB advised that the design firm put together plans for construction but MassDOT does the construction portion. Background on the removal of trees from a public way was given and it was noted that the plans have been reviewed by Town staff and the Board of Selectmen. It was explained that approximately 53 trees will be removed, many of which are not in good shape. The Town will be planting over 30 trees and installing 14 retentions to help with stormwater runoff. It was noted that the trees were marked accordingly with red tape. It was explained that there were over 70 easements and property owners that had a tree were made aware. Member Nowak noted that roadway trees are part of new England and helpful for carbon sequestration. He explained that the replacement trees need to be salt tolerant along the highway. Christine Champeau advised the trees were selected based on aesthetics, size and tolerance and a variety of trees were chosen such as maples, city sprite Little-leaf Lindon. Concern was expressed about protecting an Elm Tree by the old Episcopal Church. It was noted that Town trees in the project layout are marked and none are personally owned. More information was requested on the retaining basins and plantings. Christine Champeau explained the design of the retaining basins and she will be meeting with the DPW and Town staff to review how to maintain them. It was explained that the project indicated also taking down some poles. The public was invited to offer comments. M.J. Downing from East Street advised to get rid of the Crab Apple Trees and some need pruning as the drought could adversely affect the trees. She noted the number of trees on the plan and expressed concern. She inquired how it would impact the visual presentation of the town through the main thoroughfare. She pointed out that Little-leaf Linden is a cute tree and Lilac is messy and distracting to the town and more flowering trees are needed. She asked where the Town is getting the trees as suppliers offer vastly different quality. She asked how many trees the Town wants and whether there is a desire to have seasonality. It was explained that the tree variety would withstand disease and take time to look fuller. It was noted that the species of lilac selected holds flowers longer and leaves less mess. Larger trees planted in riverfront areas have a requirement to use native species which determined the species of maple selected. It was pointed out per the contract and the contractor selects the supplier. As a special provision of the contract the Town sends a landscaper with them and tags the trees. If trees are unhealthy other trees may be chosen. M.J. Downing expressed concern about the Town taking out 50 trees and putting back in only 14 but it was clarified that there should be thirty and some were added on to the plans that are not shown due to an oversight totaling 32 plus 14 bioretention swales, which will be a mixture of grasses, flowers, active plants and shrubs. Further discussion took place on the species of trees being used and it was noted that the bid is done and the trees are in the contract. It might be possible to switch out trees or it may incur an additional cost. M.J. Downing will provide a list of trees to run by the contractor.

Motion made by Member Duval to exit the Public Shade Tree Hearing, second by Member Nowak. Vote: unanimous. Motion passed.

Motion made by Member Duval to remove select trees and replace with plantings, second by Member Nowak. Member Nowak requested a letter from the Board of Selectmen be drafted on this. Vote: unanimous. Motion passed.

NEW BUSINESS

Notice of Street Number Change: *Map 101, Parcel 3 – Louison House Properties, Inc. from 395 Old Columbia Street to 395 Old Columbia Street Unit A and 395 Old Columbia Street Unit B.* Building Commissioner Garner advised within the transitional housing there are two apartments and there is a need for independent units in the building. He noted there are approximately 22 beds and the two apartments and the 22 beds do not need additional numbering. ***Motion made by Member Nowak to approve the number change of Map 101, Parcel 3 – Louison House Properties, Inc. from 395 Old Columbia Street to 395 Old Columbia Street Unit A and 395 Old Columbia Street Unit B, second by Member Duval. Vote: unanimous. Motion passed.***

Approval of Hanging Sign Over Public Way in accordance with Town of Adams Zoning Bylaws (125§16 C (3) and as required by MGL c. 85, § 8: *66 Park Street, Adams.* Chairman Hoyt read a letter from Building Commissioner Garner requesting approval because it hangs over a public way. Building Commissioner Garner advised this was requested by the business owner for a projecting sign as a flat sign won't get the effect desired. He noted that the Board of Selectmen must approve the sign hanging over a public way but how it is affixed and designed is handled by the Zoning Board. It was explained that the Red Carpet and the former gift shop had hanging signs over Park Street. It was noted that another application is coming in but the sign will be projecting over the sidewalk of private property of the building owner and not on a public way. It was explained that it is public safety and the Board deems whether it a hazard or aesthetically pleasing to have a sign over a public way. It was pointed out that this sign is so small it is not felt to be a hazard. It was pointed out that as businesses are added to Park Street it may become more popular and the Town may need a base sign style to look decent. Concern was expressed that once an exception is made caution must be exercised going forward to maintain a standard that is safe and follows height restrictions. It was explained the current design is for a sign three feet away from the building. ***Motion made by Member Duval to approve a sign hanging over a public way in according to Town of Adams Zoning Bylaws Section 125 and Section 15 with Section 8 as provided at 16 Park Street, Adams, Second by Member Nowak. Vote: unanimous. Motion passed.***

Update on Town Construction Projects: *Community Development Programs Manager Ferguson* advised that the Grant Street Project is on time and on budget. She noted some digging and overages but the Valley Street section drainage is completed, and drainage was laid down on Lincoln Street, connected to Grant Street and lined. She explained that roadways were not mapped so there were a lot of surprises. She explained that Russell Field is almost complete and waiting on delivery of equipment and supplies. Once installed, wires and conduit will be run for the lights. The project will be completed in the spring with reseeding and repainting the fence posts. She reported that the Town Common project is doing a final walk-through tomorrow morning. One delay was the gazebo which will be delayed until the middle of summer due to a hold on the manufacturer's end. She noted that the Town had to change the location of the gazebo and switch it out with the tree being installed because the original location was not stable enough. Turf planting will take place in the spring and is otherwise essentially complete. She reported that the Route 8 Project is moving along and is in MassDOT's hands. She noted they have been very responsive and will continue going as long as the weather holds. She advised she anticipates it going through next summer. She advised that the Davis Street project is ongoing. The Town just got the plans back from Hill Engineers. She noted it was difficult to determine what would be put in and what kind of wingwalls will hold. Plans will be reviewed and then next steps outlined. It was explained that Davis Street is part of the flood mitigation. Jordan Street is pending and the culvert failed. The DPW stabilized the site and

communicated with MEMA, who communicates with FEMA and it still has to go through engineering and design. An inquiry was made on where the outflow goes from the pipes being replaced by Valley Street when coming to Columbia Street and it was thought to go to the river. It was pointed out that the Town Common looks devoid in the middle and there is not much shade. A suggestion was made to plant a tree and name it the Susan B. Anthony Tree. Once the gazebo is in and trees and grass are in place it will be evaluated for how it looks. It was clarified that LED lighting is planned for Russell Field when the Town can purchase the lights. New adult fitness equipment is coming in but not a new playground. A Christmas Tree has been planted in the Town Common. Flood areas on Valley and Grant Streets were brought to the Board by the community and it was noted that the Town leadership is fixing the problems. Crotteau street was noted as having only one pending item to take care of and the project is very close to being done. It was explained that new signs were destroyed by a microburst and they are an insurance issue. A question on the pavement quality has been resolved. Community Development and DPW staff were thanked for getting through all of these projects.

DEPARTMENT REPORTS

Town Administrator: *Town Administrator Green* reported increasing Covid-19 within Massachusetts and this region, including four open cases in town. He noted that numbers are on an upward climb. He pointed out that Code Enforcement Officer Blaisdell and Board of Health Chairman Rhoads are monitoring the numbers and trying to keep businesses open and watching out for public health. He reminded citizens to wear masks, socially distance, wash hands and practice good hygiene. He noted that the Board of Health will act as necessary. There are personal protective equipment (PPE) supplies for staff and communication channels are strong. An inquiry was made regarding a demolished building on Depot Street and it was explained that it was ordered to be demolished and paid for by the property owner. *Member Nowak* requested ACO reports to continue being provided and thanked Town Administrator Green for sending out short informational updates on Fridays. He inquired how L.L.Bean chose Adams and it was explained that L.L.Bean emailed a variety of Town officials and provided information on what they wanted to do. Town Administrator Green assembled department heads and saw the opportunity and took advantage of it. Feedback of the company staff was noted as being positive, a good use of space, and L.L.Bean donated \$2,500 to the Town of Adams for allowing them to come in.

Town Counsel: *Town Counsel St. John III* advised he spoke with Marlene Ayash regarding the status of the MJD tax case. It remains in essentially the same posture it did a year ago and awaits further court action. He reported that Mr. Dupee appealed the clerk/magistrate's findings to the judge of the District Court and a hearing was scheduled for November 23, 2020 but upon Mr. Dupee's request the Court continued the hearing until December 21st at 11:00 a.m. He advised he is summoning witnesses and working with the Chief to prepare for this hearing. He advised that he conducted a mediation with staff and private citizens concerning State Sanitary Code Enforcement issues. He reported that he attended today's Board of Health meeting, which covered Specialty Minerals awaiting information and weighing out plans for restoring the quarry. He noted it was a lengthy and thorough explanation on the permitting process and they expect to be coming back in 2021 requesting Board of Health approval on the aspects of the plan. He explained that the Board of Selectmen has no jurisdiction over what they were talking about and the Zoning Board of Appeals may have an impact on the open space area and industrial zone, and to talk about safe water drainage of the site to keep from impacting ground water. He pointed out it was MassDEP generated but the Board of Health had a say in some of it. It was noted that a Federal Agency deals with mining. Today exclusively dealt

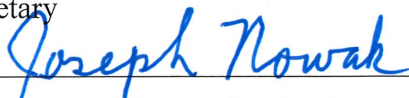
with MassDEP, quarry, materials, and where they were getting materials from. *Chairman Hoyt* advised that the Board of Health conducts meetings via Zoom, which will be posted on YouTube and the Board of Health page on the Town website has a link directly to their recorded meetings.

SUBCOMMITTEE AND LIAISON REPORTS: *Chairman Hoyt* reported that the Licensing Subcommittee was unable to meet last week and will meet November 30th in advance of December 2nd meeting. She gave a brief review of the Section 12 on-premises license fees and noted that the fee has not been raised in 12 years. She pointed out that the Board of Selectmen approved a 25% reduction in this fee, and noted the fee difference between All Alcohol and Wine & Malt licenses. A list of the licensees that remain closed took place and it was stated that Mt. Club put forth a plan to provide food. *Member Duval* reported that Berkshire Regional Planning Commission is holding a meeting tomorrow night at 7:00 p.m. *Member Nowak* reported that he attended virtual meetings of the Executive Board of the Mohawk Trail Woodland Partnership (MTWP) where they discussed choosing an administrative agent and selected New England Forestry Association (NEFA). He read the NEFA mission aloud. He noted the Federal Government has agreed to partner with the MTWP.

ANNOUNCEMENTS AND GOOD OF THE ORDER: *Member Nowak* expressed concern about Covid-19 being at a serious stage right now. He noted his disgust with the country not allowing the President-Elect to get information needed to help the people of this country and over 250,000 people have lost their lives. He pointed out the importance of keeping guards up and requested Town employees to wear masks as one employee could become a super-spreader to other staff. *Member Duval* advised that he noticed on Harding Ave and upper East Orchard Terrace land is cleared for additional lots to be sold. He noted that he talked to the Town Assessor a few weeks ago about areas of developments and people choosing there and Kingsmont Lane to put in a home. *Chairman Hoyt* thanked Code Enforcement Officer Blaisdell, Town Administrator Green and Board of Health Chairman Rhoads who met via Zoom with restaurants yesterday. She noted ten businesses joined the call, asked about Covid-19 protocols and dispelled rumors, as the industry has been targeted due to outbreaks. She pointed out that our community is being vigilant. She reported this is the last meeting before Thanksgiving and wished everyone a happy, healthy safe celebration, remotely if possible. Information is on the Town website regarding the Community Development Micro-Enterprise Grant. Eligibility requirements are cumbersome and businesses are encouraged to apply if eligible to do so as they are generous grants. She clarified that the grant just came available a couple weeks ago and the preliminary application was put in over the summer and was just released. Workshop scheduling was briefly discussed. She noted there is talk about a spike in Covid-19 numbers and the Town may need to change protocols and do business differently with personnel searches.

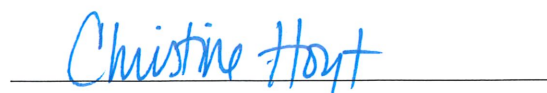
ADJOURNMENT: *Motion made by Member Duval to adjourn the meeting, second by Member Nowak. Vote: unanimous. Motion passed. Meeting adjourned at 9:10 p.m.*

Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary


Joseph Nowak, Member


John Duval, Member

Richard Blanchard, Vice Chair


Christine Hoyt, Chairman