

Town of Adams • Massachusetts 01220

LICENSING SUB-COMMITTEE MEETING MINUTES

TOWN HALL
8 PARK STREET – Room 210
TEL. (413) 743-8300 EXT 170
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Wednesday, July 28, 2021 at 4:00 p.m.

CALL TO ORDER: On the above date and time the Licensing Sub-Committee held a meeting in the first floor Sun Room of Town Hall. In attendance were Members Hoyt and Blanchard, Town Counsel St. John III, Community Development Director Coughlin, Town Administrator Green, Todd Fiorentino of Poseidon Coffee, Greg Fournier of iBerkshires and Administrative Assistant Dunlap. The meeting was called to order at 4:00 p.m.

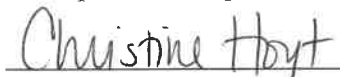
Review Poseidon Coffee Seasonal License Application: *Town Administrator Green* gave some background on the interest of Mr. Fiorentino about putting in a coffee kiosk at the rear of the Visitors Center. He advised he looked at procurement and it is exempt from bidding. He noted the business will probably want to have a lease outlining a monthly rental amount and parameters to hook into the electrical system. He advised that Building Commissioner Garner had reported that there was no electrical concern. He outlined that today the implications of having a liquor license would be looked at. *Committee Member Hoyt* inquired if Mr. Fiorentino would open in September on his target date with just coffee at first while the liquor license portion is being worked out. *Mr. Fiorentino* explained that liquor has a higher profit margin and longer sustainability for his product, and having alcohol will keep people in the community on the weekends. He noted that the area is ideal due to parking, restrooms, the ability to have an outdoor venue and having electrical service readily available. He explained that he had been in touch with Sean Walsh of the ABCC regarding his business model and was advised to create bannister tapes for the alcohol consumption area and also discussed caffeine in the drinks. *Member Hoyt* noted that it was just semantics about adding alcohol to coffee, not adding caffeine to alcohol and inquired if alcohol would be a separate menu item or if there would only be coffee-related beverages. *Mr. Fiorentino* advised of other areas providing home-based farm products, local-based coffees, artisan farm products and ciders. He noted that his intent is to file for an all-alcohol license, and if the state dials it back that would be fine. He clarified that it would have to be a seasonal license as the machines would freeze up in winter. He explained that he would feature craft products from Massachusetts and had interactions with Sean Walsh of the ABCC regarding the model provided by Wandering Star Craft Brewery in Pittsfield. He pointed out that he was adding limoncello and espresso drinks to his potential menu to explore those. *Member Blanchard* inquired if a full alcohol license required a permanent structure. A picture of the structure that he would be using was brought up on Facebook for review and it was explained that the kiosk would be enclosed. *Mr. Fiorentino* offered to donate outdoor seating. *Member Blanchard* explained that the kiosk would need to be locked up and secured, and it was pointed out that in Pittsfield Mr. Fiorentino had not experienced any issues with vandalism, theft or break-ins. He advised that motion-activated cameras can be put in inexpensively, with video sent to the cell phone if activated. *Member Blanchard* expressed concern about the liability to the Town, and it was explained that there would be a “hold harmless” clause in the agreement. It was emphasized that most people would be pedestrians or arriving by bicycle. The hours of operation would likely be 9:00 a.m. to 1:00 p.m. on Thursday through Sunday, to maximize morning, lunchtime and weekends. Further discussion took place about cordoning off the area to the fence with retractable tape to enclose the alcohol consumption area. It was noted that the main waiting room area of the Visitors Center could be expanded for this use as well. *Mr. Fiorentino* advised he was told by the Code Enforcement Officer that he could use the dishwasher in the building for wine glasses and access to the Visitors Center was discussed. Concern was expressed that if the kiosk was busy it would be

difficult to monitor people who are consuming alcoholic beverages. He explained that he was planning a 6-person seating area; two tables with 3 seats each, but a special event like Ramblefest could create lines. It was noted that there is enough room on the concrete skirt to put two picnic tables. Location of the kiosk and the picnic tables was discussed so they could be monitored. The dumpster location was also clarified. A drawing for the proposed area was briefly reviewed, and it was noted that the electrical conduit location will avoid a trip hazard by running electricity under the kiosk. It was explained that other community groups are interested in the overhang area of the Visitors Center being built out for performances and events. Liability to the Town for alcohol being served on the Town property was expressed as a concern. The proposed menu and product sourcing were briefly discussed. It was explained that with a lease agreement Mr. Fiorentino could open the coffee portion of his business model right away. Discussion took place on whether a Common Victualer License was required. *Community Development Director Coughlin* advised that a Temporary Structure needs to go before the Zoning Board of Appeals. *Mr. Fiorentino* advised his intent would be to lock up the structure and leave it for the winter unless the Town wanted it removed at the end of the season. Snow load and plowing in the winter were briefly discussed. The location of the upcoming installation of a historical sign was noted and it was pointed out that the kiosk proposed area would have to avoid blocking the sign. It was pointed out that a One Day Liquor License could be issued for special events to allow for alcohol during that time until the Seasonal License was operational. Brief discussion took place on the Special License law that disallowed a One Day License being issued while a full license application was pending, and Mr. Fiorentino was told to work directly with the ABCC on that and bring the information back to the Local Licensing Authority. It was noted that the kiosk will be a positive location for people getting off of the train. *At 4:42 p.m. Town Counsel St. John III arrived.* A brief review was made of the previous discussion, and *Member Hoyt* advised Town Counsel St. John III that he was needed to weigh in on the lease agreement, addressing liability, open container issues and the One Day License for special events. *Mr. Fiorentino* advised of the conversations with Sean Walsh of the ABCC and noted the delineation of the alcohol consumption area with retractable tape and signs. *Town Counsel St. John III* advised that he was concerned about Town liability and that the Town must be additionally listed as being insured for the general and liquor liability, in addition to the "hold harmless" clause in the lease before the license request comes before the Local Licensing Authority for approval. *Community Development Director Coughlin* and *Town Counsel St. John III* will look for lease templates for this purpose. *Mr. Fiorentino* briefly reviewed his monthly rental agreement with Pittsfield which included half of the electrical costs and additional money for trash pickup and cleaning. It was clarified that the Kiosk would connect in to the Visitors Center electrical service and Building Commissioner Garner will talk to the electrician directly about what is needed, as it will need a higher grade due to multiple outlets. *Town Administrator Green* noted that there could be an expansion for a full license rather than seasonal and sales of wine and local beers and products could take place in addition to the coffee. Sunday hours were noted as not being able to begin until 10:00 a.m. because of the adoption of Massachusetts General Law Chapter 138 Section 33B in June of 2016 at Town Meeting. There was no further discussion on this topic.

Approval of Minutes: The meeting minutes for November 30, 2020 and June 9, 2021 were presented for approval. *Consensus was reached by Members Blanchard and Hoyt to approve the meeting minutes as presented.*

ADJOURNMENT: *The meeting adjourned at 9:33 a.m.*

Respectfully Submitted by
Deborah J. Dunlap, Recording Secretary


Christine Hoyt, Member


Richard Blanchard, Member