

WEDNESDAY, DECEMBER 7, 2016 – 7:00 PM ADAMS TOWN HALL, 1st FLOOR, ADAMS, MA 01220

On the above date the **Board of Selectmen** and held a meeting at the **Adams Town Hall** at **7:00 p.m.** Chairman **Jeffrey Snoonian** presided the meeting. Present were **Vice Chairman**, **Arthur Harrington**, **Members Joseph Nowak**, **Richard Blanchard**, and **John Duval**. Also in attendance were **Town Administrator Tony Mazzucco** and **Town Counsel**, **Ed St. John III**.

The Select Board Meeting was called to order at 7:00 p.m. The Pledge of Allegiance was recited.

READING OF MINUTES

- October 19, 2016
- October 26, 2016
- November 2, 2016

Motion made by Member Blanchard to waive reading and approve the minutes for October 19, 2016, October 26, 2016 and November 2, 2016 as written

Second by Vice Chairman Harrington

Unanimous vote

Motion passed

PUBLIC COMMENT

Maple Grove Civic Club

Jeff Lefebvre advised Maple Grove Civic Club Christmas party is 1:00 to 3:00 p.m. Sunday, Dec 17, 2016

Retirements

Jeff Lefebvre congratulated Dick Kleiner, Stash, and Larry Roberts for their upcoming retirements.

School Consolidation

Jeff Lefebvre inquired where the Town stands in regards to closing one of the schools.

Chairman Snoonian advised the UMASS Collins Center report is due in January, 2017 and will go from there.

Recent Passing

Jeff Lefebvre noted Dave Shears, formerly of the Adams Ambulance Service passed away.

Rascals

Tom Rotolo of *Mak's Grill dba Rascals* noted that he understood he had six months to resolve Rascals being closed. He updated the Board that the Realtor had a rent-to-own property contract signed today. He advised he did a feasibility study to possibly reopen as a laundromat or as a bar, and with the amount of investment money required it is not viable. A party in Boston is interested, so he requested to renew liquor license until February 3, 2017, six months from the last meeting, as discussed. The signed contract allows only until January 31, 2016 to move forward. He advised he will to try to change over the Manager of the license. He pointed out that without the liquor license potential buyers are not interested. Renovation may be done to the dining room or kitchen but he is not sure of current plans. He advised he needs a Sprinkler Report for the Building Department. He showed Board Members a notice of intent for rent-to-own that he advised he would provide a copy of at a later date.



Town Counsel St. John III reviewed the show cause hearing to determine whether the license should be revoked for non-use was July 20, 2016, and was continued to August 3, 2016. Minutes show the vote was to wait six months prior to making a decision, which goes to February 3, 2017. He advised the Board cannot act to not renew the license because it would be a cancellation of the license prior to the Feb 3, 2017 date which would not give ample opportunity.

Member Nowak read aloud "Pocket License" laws for Massachusetts.

Town Administrator Mazzucco recommended holding a public hearing after Feb 3, 2017 to make a decision.

C.T. Plunkett School

Adams-Cheshire Regional School District Superintendent Robert Putnam updated the Board on the status of the C.T. Plunkett School boiler room. The engineer took a preliminary look and cannot complete work until the interior ceiling is removed. Someone is preparing the bid for the ceiling; staging, and getting a quote. There is no asbestos, which was abated in 1993. The entire ceiling must be taken down before making recommendations, and this will not happen until spring. There may need to be shoring up of the existing roof to be sure nothing collapses due to snowfall. He also verified that the UMASS Collins Center report is due by early January. The document will go to the Superintendent and the Town Administrator.

NEW BUSINESS

Presentation, Berkshire County Education Task Force (BCETF)

Dr. H. Jake Eberwein, of the Berkshire County Education Task Force, gave a presentation, handouts and a short summary of Phase One of the BCETF project. He noted there was a presentation from the Donohue Institute and encouraged the Board to check out full reports on www.berkshireeducation.org. A brief overview of BCETF and its history and goals was given and the group is now a collaborative task force of all Berkshire County to develop a plan of action and make informed recommendations to the communities. He explained that the intention is to provide the highest quality education system in the county that can be developed in a declining population. There is declining revenue and Chapter 70 funds will also decline as enrollment reduces, while costs continue to rise. More of the burden falls at local, not state level. He outlined 85% of the costs are being attributed to educator costs with salaries, health insurance, and special education. The formula may be able to be revamped. The Task Force is headed into Phase Two, and received \$150,000 for this portion of the study to look at four possible models for offering and delivering Kindergarten through Grade12 education differently. Being reviewed are reduction of staff, collaboration and sharing services across districts, combining districts that geographically touch each other and examining the possibility of the entire county being a single district with sub-regions of north, central, and south. Young people are leaving the county and the strategy is to create programs to connect kids with work experiences before they graduate to link them. All are welcome to attend the public meetings at Nessacus School in Dalton, which are posted on the www.berkshireeducation.org website.

Board Members gave input and asked questions. It was noted that in the last five years one of the largest impacts was the increase in health insurance costs, and Dr. Eberwein was asked for options. A suggestion was made to have high school and community college students prepared to work in their same county, as there are unfilled positions in the county due to lack of skill set. It was noted that having skilled workers may entice businesses to move into the area. Standardized testing and the connection with poverty were broached, as well as education equity. The Berkshire County Education Task Force was thanked for the work they are doing and Board Members expressed interest in the outcome.



Declaration of Surplus property, 20 East Street

Chairman Snoonian explained a Request for Proposals (RFP) went out about a year ago, and since there is some interest the Board is declaring the surplus property again. The same RFP issued last year will be issued again. Town Administrator Mazzucco explained the technicality of declaring surplus property.

Motion made by Vice Chairman Harrington to declare 20 East Street as surplus property Second by Member Blanchard Unanimous vote Motion passed

Facility Use Request: Visitors Center, Girl Scouts

Megan Middlebrook submitted an application to use the Visitors Center every other from Friday January 16, 2017 until September 17, 2016 for Girl Scout Brownie meetings and crafts. There will be approximately fifteen people who will clean up after themselves. The application was approved by both Erica Girgenti and Tony Mazzucco.

Motion made by Member Duval to approve the facility use request as submitted Second by Vice Chairman Harrington
Unanimous vote
Motion passed

Dog License Fees, Town Clerk

Chairman Snoonian read the changes in spay and neuter fees going from \$8 to \$10. Dog licenses are due April 1, 2017

Motion made by Member Duval to approve fees as presented Second by Member Nowak Unanimous vote Motion passed

Assignment of Street Number, 20 Wenzel Terrace

Chairman Snoonian read a Notice of Assignment of Street Number for Map 226 Parcel 9A to change the current address of 227 East Road to 20 Wenzel Terrace.

Motion made by Vice Chairman Harrington to approve the Street Number Assignment to 20 Wenzel Terrace Second by Member Blanchard

Unanimous vote Motion passed

Liquor License Policy

Chairman Snoonian reviewed the Liquor License Policy draft as compiled and presented by the Licensing Sub-Committee.

Vice Chairman Harrington and Member Blanchard gave some background on the creation of the draft. One approved, each licensee will get a handbook at their location to have all information and the policy will also potentially be posted on the Town website. Input was solicited from Board Members, and Chief Tarsa. It was outlined that the concern is to make community safer and to be sure that the Town has regulations in place to enforce laws. It was noted that this is preliminary work and further work will be done with other boards after this first portion is implemented.

Member Nowak thanked Vice Chairman Harrington and Member Blanchard for their hard work.



Motion by Duval to table the license policy until December 21, 2016 to allow Town Counsel review Second by Member Nowak Unanimous vote Motion passed

License Renewal Approvals

ALL ALCOHOL LICENSES WITH COMMON VICTUALER

Chairman Snoonian gave an overview of a report from Chief Goyette and Building Commissioner Torrico regarding the issuance of certificates of inspection. He noted that six establishments are issued a full certificate of inspection and approximately a dozen have minor issues to be completed by February 1, 2017. Temporary certificates shall be issued and a full certificate will be contingent upon their completion of these issues by the date outlined.

Town Counsel was asked about the wording of contingency voting.

Vice Chairman Harrington requested to hold Mak's Grill, dba Rascals

All Alcohol Licenses with all items completed included AJ's Trailside Pub, Haflinger Haus Restaurant and Inn, LLC. Commercial Street Café dba The Viking Pub, Zing Financial, LLC dba Adams Ale House.

Motion made by Member Duval to approve all that have all items complete as listed Second by Member Nowak Unanimous vote
Motion passed

All Alcohol Licenses with items still to complete prior to December 29, 2016 include TAWJRW, Inc. dba WOJO's, The Grille, Inc., Red Carpet Restaurant, Densue Inc., dba Chick's, and Nicholas Enterprises, dba Bounti-Fare.

Motion made by Member Nowak to renew annual licenses for WOJO's, The Grille, Red Carpet Restaurant, Chick's and Bounti-Fare, contingent on payment of taxes, providing liquor liability insurance, and completing structural needs to their establishments

Second by Member Duval

Unanimous vote

Motion passed

Discussion ensued regarding *Maks Grill, dba Rascals* having a re-open date. It was noted that by February the establishment will have been closed for a year. A hearing can be scheduled after February 3, 2017 as long as there are no legal ramifications for issuing a yearlong license and then revoking it after February.

Town Counsel St. John III advised on the nature of the "pocket license". He noted that according to MGL Chapter 138, Section 77, the Board may cancel a license when a business has ceased to operate. The Policy with the ABCC was covered and he noted that if the Board cancels the license, the non-renewal violates Section 77 due to no notice and the ability for Rascals to defend this aspect. Due process must be given because the Board gave six months to give notice.



Motion made by Member Blanchard to approve the All Alcohol and Common Victualer Licenses for Mak's Grill dba Rascals pending completion of all paperwork

Second by Member Nowak

Voted in opposition was Vice Chairman Harrington

Voted in favor were Chairman Snoonian, Members Nowak, Duval, and Blanchard

Motion passed

ALL ALCOHOL CLUB LICENSES

All completed Club Alcohol Club Licenses for renewal were listed as Gebirgs Verein, dba Mt. Club, Adams Post #160 Inc., The American Legion of MA, and Forest Park Country Club.

Motion made by Member Duval to approve the All Alcohol Club Licenses with all items completed, as listed Second by Member Blanchard

Unanimous vote

Motion passed

ALL ALCOHOL CLUB LICENSES WITH INCOMPLETE ITEMS

The All Alcohol Club Licenses with incomplete items were Adams Turners, Inc., Adams Lodge #1335 BPO Elks, and Juljusza Slowackiegi Society/Julius Slowacki Society dba Polish National Alliance

Motion made by Member Duval to approve All Alcohol Licenses for Adams Turners, Inc., Adams Lodge #1335 BPO Elks, and the Juljusza Slowackiegi Society/Julius Slowacki Society dba Polish National Alliance contingent upon completion of applications of new officers and complete payment of fees Second by Member Blanchard

Unanimous vote

Motion passed

WINE AND MALT LICENSES WITH COMMON VICTUALER LICENSES

Wine and Malt Licenses with Common Victualer Licenses with all items completed for renewal were James S. Varellas dba Pizza House, Chee's Chinese Cuisine. Bascom Lodge, LLC needs payment of fees and completion of a Certificate of Inspection prior to May 20, 2017.

Motion made by Member Duval to approve Wine and Malt Licenses with Common Victualer Licenses for Varellas dba Pizza House, Chee's Chinese Cuisine and Bascom Lodge, LLC contingent upon all items complete

Second by Vice Chairman Harrington

Unanimous vote

Motion passed

ALL ALCOHOL PACKAGE STORE LICENSES

All Alcohol Package Store Licenses are Lampiasi, Inc., dba Val's Pipe & Package Store, O'Geary's Package Store, Inc., and Oasis Liquor Store, Inc. and payment of fees are incomplete for all.

Motion made by Member Blanchard to approve All Alcohol Package Store Licenses for Lampiasi, Inc., dba Val's Pipe & Package Store, O'Geary's Package Store, Inc., and Oasis Liquor Store, Inc. contingent upon completion of all payments, fees, and paperwork

Second by Vice Chairman Harrington

Unanimous vote

Motion passed



WINE AND MALT PACKAGE STORE LICENSE

The only Wine and Malt Package Store license is J.P. Rose, Inc. dba 7-Eleven, and all renewal items are complete.

Motion made by Member Duval to approve the Wine and Malt Package Store License for J. P. Rose, Inc. dba

Second by Vice Chairman Harrington

Unanimous vote

Passed

COMMON VICTUALER/LODGING HOUSE LICENSE

Topia Inn is the only Common Victualer/Lodging House Licensee, and all renewal items are complete.

Motion made by Member Duval to approve the Common Victualer/Lodging House License for Topia Inn Second by Vice Chairman Harrington

Unanimous vote

Motion passed

COMMON VICTUALER LICENSES

Common Victualer License renewal applicants with all items completed are Jason Donuts, dba Dunkin Donuts, Original Submarine Corporation, dba Angelina's Submarine Shop, Daily Grind, James 4:10 LLC, dba McDonalds, Corner Variety & Luncheonette, Martin & Martin Enterprises, Inc. dba Subway, Las Pizza, Inc. dba Domino's Pizza, Chaput News & Variety, Inc., Pizza Jim's, and Coffee Liberation Front.

Motion made by Member Nowak to approve Common Victualer Licenses for Jason Donuts, dba Dunkin Donuts, Original Submarine Corporation, dba Angelina's Submarine Shop, Daily Grind, James 4:10 LLC, dba McDonalds, Corner Variety & Luncheonette, Martin & Martin Enterprises, Inc. dba Subway, Las Pizza, Inc. dba Domino's Pizza, Chaput News & Variety, Inc., Pizza Jim's, and Coffee Liberation Front Second by Member Duval

Unanimous vote

Motion passed

COMMON VICTUALER LICENSES WITH INCOMPLETE ITEMS

The Common Victualer License renewal applications that are incomplete are Izzy's Diner and JB's Broasted Chicken, who may have moved.

Motion made by Member Duval to approve Common Victualer License to Izzy's Diner contingent upon payment of taxes on FY16

Second by Member Harrington

Unanimous vote

Motion passed

USED CAR DEALERS LICENSE CLASS I

Used Car Dealers License Class I renewals were submitted by Ronnie's Cycle at 150 Howland Avenue, Ronnie's Cycle at 63 Alger Street, McAndrews-King, Buick, GMC, Inc., and Maple Grove Equipment and all items are complete.



Motion made by Vice Chairman Harrington to approve Used Car Dealers Class I Licenses to Ronnie's Cycle at 150 Howland Avenue, Ronnie's Cycle at 63 Alger Street, McAndrews-King, Buick, GMC, Inc., and Maple Grove Equipment Second by Member Blanchard Unanimous vote Motion passed

USED CAR DEALER'S LICENSE CLASS II

Gene's Sales & Service submitted a Used Car Dealer's Class II license that was complete.

Motion made by Vice Chairman Harrington to approve a Used Car Dealer's Class II for Gene's Sales & Service Second by Member Duval Unanimous vote Motion passed

USED CAR DEALER'S LICENSE CLASS II WITH INCOMPLETE ITEMS

Alternative Motors of Adams, Inc. at 69 Columbia Street and Alternative Motors of Adams, Inc. at 74 Columbia Street had incomplete tax payments.

Motion made by Member Duval to approve Used Car Dealer's Class II Licenses for Alternative Motors at 69 Columbia Street and Alternative Motors at 74 Columbia Street contingent on payment of taxes of FY16 and FY17 by December 29, 2016 Second by Member Nowak Unanimous vote Motion passed

Commercial Street Auto Sales is not renewing their Used Car Dealer's Class II license for 2017.

Brief discussion ensued between Members regarding tax payment requirements and it was noted that next year taxes must be paid by the time of the renewal vote or the Tax Collector must provide a payment arrangement in writing.

PUBLIC ENTERTAINMENT LICENSES

All items completed on applications for Public Entertainment Licenses without alcohol by Polanka Grounds c/o St. John Paul II Parish, Adams Agricultural Fair, Inc., Youth Center, Inc.

Motion made by Harrington to approve Public Entertainment Licenses for Polanka Grounds c/o St. John Paul II Parish, Adams Agricultural Fair, Inc., Youth Center, Inc. Second by Member Blanchard Unanimous vote
Motion passed

ALCOHOL ESTABLISHMENTS WITH ENTERTAINMENT LICENSES MONDAY THROUGH SATURDAY FROM 8:00 A.M. TO 2:00 A.M.

All Entertainment Licenses for Licensed Alcohol Establishments on Monday through Saturday from 8:00 a.m. to 2:00 a.m. with complete applications for renewal are AJ's Trailside Pub, Forest Park Country Club, TAWJRW Inc., dba WOJO'S, The Grille, Adams Turners, Inc., Commercial Street Café dba The Viking Pub, Julius Slowacki Society dba Polish National Alliance, Gebirgs Verein dba Mt. Club,



Nicholas Enterprises dba Bounti-Fare, Bascom Lodge, Zing Financial, LLC dba Adams Ale House, Haflinger Haus Restaurant & Inn, LLC, Adams Post #160 Inc., The American Legion of MA, Adams Lodge #1335 B.P.O. Elks and Mak's Grill, Inc. dba Rascals. It was noted that *Mak's Grill dba Rascals* has special entertainment parameters to be listed on their license as done historically.

Motion made by Member Nowak to approve Entertainment Licenses for AJ's Trailside Pub, Forest Park Country Club, TAWJRW Inc., dba WOJO'S, The Grille, Adams Turners, Inc., Commercial Street Café dba The Viking Pub, Julius Slowacki Society dba Polish National Alliance, Gebirgs Verein dba Mt. Club, Nicholas Enterprises dba Bounti-Fare, Bascom Lodge, Zing Financial, LLC dba Adams Ale House, Haflinger Haus Restaurant & Inn, LLC, Adams Post #160 Inc., The American Legion of MA, Adams Lodge #1335 B.P.O. Elks and Mak's Grill, Inc. dba Rascals.

During authorized hours between Monday through Saturday 8:00 a.m. to 2:00 a.m. Second by Member Blanchard Unanimous vote Motion passed

ALCOHOL ESTABLISHMENTS WITH ENTERTAINMENT LICENSES ON SUNDAY
The Alcohol Establishments/Entertainment Licenses with completed applications for Sunday 1:00 p.m. are
WOJO'S, The Viking Pub, Julius Slowacki Society dba Polish National Alliance, and Rascals.

The Alcohol Establishments with completed Entertainment License applications for Sunday before 1:00 p.m. are The Grille, Adams Turners, Inc., Gebirgs Verein dba Mt. Club, Zing Financial, LLC dba Adams Ale House, and Bascom Lodge (specifically on July 16, 2017 for a Jazz Festival 12:00 to 6:00 p.m.)

Motion made by Member Duval to approve all Entertainment Licenses for Sunday for WOJO'S, The Viking Pub, Julius Slowacki Society dba Polish National Alliance, Mak's Grill, Inc. dba Rascals, The Grille, Adams Turners, Inc., Gebirgs Verein dba Mt. Club, Zing Financial, LLC dba Adams Ale House, and Bascom Lodge Second by Vice Chairman Harrington Unanimous vote

Motion passed

CLUB LICENSE CHANGE OF OFFICERS

The American Legion submitted a *Club Change of Officers* application to update their latest officers for their renewal.

Motion made by Vice Chairman Harrington to approve the Change of Officers for the American Legion Second by Member Nowak
Unanimous vote
Motion passed

SUBCOMMITTEE/LIAISON REPORTS

MEPA Meeting

Member Duval advised there was a meeting with state officials and *Berkshire Regional Planning Commission*, where environmental concerns were discussed regarding the effects of putting in train tracks. There was nothing to prohibit the construction of the project, but minor hazardous waste exists from the beams to hold the rail. Soil was removed and found to be below the limit level of hazardous waste. There was a walk-through with Berkshire Scenic Rail and other officials and no problems were identified.



School Committee

Member Nowak attended school committee as was already discussed.

DEPARTMENT REPORTS

Town Administrator's Report

Building Demolition

The building on Summer Street and Winter Street will be coming down this week in slum and blight removal. Remediation and preliminary work has been done.

Pavement Management Plan

The Town received the completed pavement management study from Berkshire Regional Planning Commission (BRPC). Staff is currently reviewing and finalizing it with BRPC and a workshop is anticipated in January to review this information with the Board.

Sludge Removal

Bid documents are being prepared and the engineering firm is reviewing them to go out to bid for sludge removal.

Assessor's Report

Assessor's report for November shows arm's length transactions sold above assessed value.

Dug-Out Motel

The Dug-Out Motel has sold to a new owner and hopefully the property will get upgrades in the new year.

MJD Property

The Town has completed the tax title on the MJD property and is now able to proceed in land court sometime next year, however liens are on.

Building Department/Clerk's Office

At the next Board Meeting there will be building statistics and some from the Town Clerk's office. Next year or so there will also be some from the Police Department

Adams Free Library

Adams Free Library statistics were read aloud and included Story Time attendance, circulated materials, e-materials downloaded, session on public computers, new patron registrations, new titles added and number of people that entered the Library.

Greylock Glen Requests for Proposals (RFP)

The RFP for the Greylock Glen closes at the end of the month. The Town will go ahead with the lodge portion right away and just signed contracts.

Murray Street Bridge

The Murray Street Bridge is in the engineer pipeline and the Town is analyzing it as a three-part project.

Member Nowak inquired about information that the Town is updating its website.

Town Administrator Mazzucco advised that the website update is ongoing and will be complete potentially by the end of the calendar year.



Town Counsel Report

Town Counsel St. John III advised he continued work regarding a litigation matter, provided advice concerning an ethics issue, and researched questions concerning licensing issues involving Mak's Grill dba Rascals. He advised that the Gebirgs Verein dba Mt. Club hearing was held in September however no decision has been received.

ANNOUNCEMENTS AND GOOD OF THE ORDER

Susan B. Anthony Committee

Member Nowak advised the Susan B. Anthony Centennial Celebration Committee is recruiting. He gave a background of Susan B. Anthony's work and that the 100th year celebration will be in 2020. He noted they are planning a celebration during the summer that coincides with the ratification of the amendment. Anyone interested in being on the Committee should contact the Town Administrator, and the Chair is Pam St. John.

Berkshire Scenic Rail

Member Duval thanked Chairman Snoonian for sending a letter to Matthew Beaton, Secretary, Executive Office of Energy and Environmental Affairs identifying the Hoosac Valley Rail Service.

Holiday Events

Member Duval thanked the Adams Community Bank, the Adams Police Department and the Lions' Club for the events they put on for the Holidays.

Christmas Village

Member Nowak thanked Vice Chairman Harrington, Jerry Jette and Dan Paciorek for setting up the display of Christmas Village in Town Hall in the Sun Room. Vice Chairman Harrington noted approximately 100 people came in to view it on the day of the Tree Lighting.

ADJOURNMENT

Motion made by Member Nowak to adjourn Second by Member Duval Unanimous Vote Motion passed

The Board of Selectmen Meeting adjourned at 8:52 p.m.

Respectfully Submitted by Deborah J. Dunlap,

Recording Secretary

John Duval, Member

Arthur Harrington, Vice C

Jeffrey Snoonian, Chairman