

**AGENDA
LENOX SELECT BOARD
WEDNESDAY, DECEMBER 7, 6:00PM
TOWN HALL**

6:00PM Regular Meeting

Announcements from the Chair

Acceptance of Minutes of November 16 and 22

Citizen's Open Forum

Consent Agenda

- Donations Acceptance, Police Department
- Donations Acceptance, Fire Department
- Donation Acceptance, Lenox Ambulance
- Donations Acceptance, Community Center
- Clarifying Amendment to MCOP (Police) union contract (overtime for details)

General Business

- Public Hearing for a New Annual All Alcoholic Restaurant License
21 Housatonic Street, LLC d/b/a Belvedere Lenox
- License Requests – 21 Housatonic Street, LLC d/b/a Belvedere Lenox
Common Victualler, Entertainment, Outdoor Dining
- Change of DBA, Pledge of License and Inventory, Dare Bottleshop & Provisions
- FY23 Tax Classification Public Hearing (Presentation by Board of Assessors)
- Special Town Meeting Discussion/Motions
- Upcoming Meeting Schedule for December, January, February

Calendar

Next Regular Meeting: Wednesday, December 21, 6:00pm

MEMORANDUM

TO: SELECTMEN
FROM: MARY ELLEN DEMING
DATE: DECEMBER 4, 2022

RE: Wednesday, December 7, 2022
6:00PM Regular Selectmen's Meeting
Selectmen's Meeting Room

Citizens Open Forum:

Consent Agenda:

Donations Acceptance: Police Chief Steve O'Brien is seeking your approval to accept monetary donations.

Donations Acceptance: Fire Chief Chris O'Brien is seeking your approval to accept monetary donations.

Donation Acceptance: EMS Director Larry Morse is seeking your approval to accept a monetary donation.

Donations Acceptance: Community Center Director Darlene McCauley is seeking your approval to accept monetary donations.

Clarifying Amendment to Police Union Contract: The overtime schedule for details was omitted in the original contract, and now needs to be included in the contract.

General Business:

Annual A/A Restaurant License for 21 Housatonic Street, LLC d/b/a

Belvedere Lenox: 21 Housatonic Street, LLC d/b/a Belvedere Lenox is seeking an annual A/A Restaurant license for property located at 21 Housatonic Street.

The clerk shall read the legal notice as it appeared in the newspaper, followed by a Motion to open the public hearing. Attorney Jeff Lynch will be present to answer any questions. Once the discussion is over, a Motion is necessary to close the public hearing. Following that, a Motion to approve/disapprove the issuance of an annual A/A Restaurant license to 21 Housatonic Street, LLC d/b/a Belvedere Lenox for property located at 21 Housatonic Street is in order.

License Requests from 21 Housatonic Street, LLC d/b/a Belvedere Lenox:

21 Housatonic Street, LLC is seeking a common victualler license and an entertainment license for amplified live and recorded music indoors; acoustic music with and without vocals not amplified, inside and outside, dancing by patrons. They are also seeking an Outdoor Dining License, year-round, weather permitting.

Dare License Changes: Dare Wine, Beer and Provisions is seeking to amend their liquor license with a change in d/b/a to Dare Bottleshop & Provisions and a Pledge of their license and inventory to Adams Community Bank.

FY23 Tax Classification Hearing: A Motion to open the Public Hearing is required. After the presentation, you will need a Motion to close the public hearing, followed by a Motion to approve the residential factor.

Special Town Meeting Discussion: There will be a copy of the Motions for tomorrow night's meeting.

Meeting Schedule: It would be helpful to know when the Board would like to meet over the next few months so that I have an idea as to when I could schedule any upcoming public hearings.

Minutes of Meeting –November 16, 2022; meeting called to order at 6:00pm. Present: Ed Lane; Warren Archey; Neal Maxymillian; Marybeth Mitts. Absent: Dave Roche.

MOTION by EL, seconded by NM to approve the Minutes of November 9. 4/0 vote.

DPW FY23-25 Contract: The TM presented the Board with the DPW FY23-25 contract which was approved by the union, and now needs to be ratified by the Board. MOTION by MM, seconded by NM to ratify the Teamsters 404 DPW FY23-25 contract as presented. 4/0 vote.

STM Draft Warrant: The TM briefly went over the draft warrant articles with the Board. He stated that the Planning Board plans to finalize the cell tower by-law on Monday, November 21. He went on to state that there were very minor changes made to the CPC article and to the bond authorization articles by bond counsel. The Board discussed the order of the articles. It was questioned if the sale of the land to the Town should go before or after the Public Safety Complex, in case the public safety article does not get approved. They then went through the articles, determining the new order. MM then suggested that a Code Red alert be sent out closer to the meeting date. It was also mentioned that the article regarding the WWTP stated a new building rather than an upgrade.

It was agreed to hold a working meeting on Tuesday, November 21 to approve, sign and post the STM warrant.

Meeting adjourned at 6.33pm.

Minutes Taken By: _____	Minutes Accepted By: _____
Mary Ellen Deming	Clerk
Director of Administrative Services	Board of Selectmen

Minutes of Meeting –November 22, 2022; meeting called to order at 3:00pm. Present: Ed Lane; Warren Archey; Neal Maxymillian; Marybeth Mitts. Absent: Dave Roche.

MOTION by EL, seconded by NM to approve and sign the warrant for the December 8 Special Town Meeting. 4/0 vote. The Board went through each article. MOTION by EL, seconded by NM to approve the union contract with the Lenox Patrol Association, MCOP Local 362 for fiscal years 2023-25. 4/0 vote.

Meeting adjourned at 3:05pm.

Minutes Taken By: _____ Minutes Accepted By: _____
Mary Ellen Deming Clerk
Director of Administrative Services Board of Selectmen

Lenox Police Department

To: Board of Selectmen
From: Chief Stephen E. O'Brien
Date: November 8, 2022
Re: Donation Acceptance

Bishop Estate Association
Donation in Appreciation
\$150.00

Lenox Fire Department

To: Board of Selectmen
From: Chief Christopher P. O'Brien
Date: December 2, 2022
Re: Donation Acceptance

Judith and Robert Decker
Donation in Memory of A. J. Howie
\$500

Bishop Estate Association
Donation in appreciation
\$150

Cassandra Barry
Donation in Memory of Pierre Levesque
\$100

Lenox Police Department

To: Board of Selectmen
From: Chief Stephen E. O'Brien
Date: November 15, 2022
Re: Donation Acceptance

Richmond Educators Association
Donation in memory of Pierre Levesque
\$35.00

Lenox Ambulance

To: Board of Selectmen
From: Larry Morse, EMS Director
Date: November 8, 2022
Re: Donation Acceptance

Robert "Rusty" Wehner
\$100

LCC Donations

Darlene McCauley <CommunityCenter@townoflenox.com>

Mon 11/21/2022 11:57 AM

To: Christopher Ketchen <cketchen@townoflenox.com>

Cc: MaryEllen Deming <selectmen@townoflenox.com>

Hi, below is a list of donations for the Community Center. Please ask the Select Board to accept on behalf of the Community Center. Thank you so much!

Peter Arment - \$1,000 to be used for a Tunes for Tots preschool class in honor of Katie Ketchen

Michelle (Lagarce) Bowman - \$10,000 to be used to sponsor LCC programs - **Verify with Ed if this is anonymous and if we need to put the restrictions in. Chris, do you want to talk with Ed, or should I call him?**

In memory of Anne Lagarce: No restrictions

Lagarce grandchildren	\$2,500
William & Lisa Colvin	50
Dorothy Winsor	50
Elizabeth & Richard Mordaszewski	100
Barbara & Neil Clarke	15
Sally Bliss	50
Kathleen Piretti	100
Mark McKenna	50
Faith Parker	50
Edward & Robin Lane	50
Paula & Richard Rivers	35
Joanne & Dennis Carpenter	50
Thomas & Lorita Bosworth	50
Robert & Mary Ann Coakley	25
Denise Huggins	50
Piretti Real Estate	50

Thank you!

Darlene

Darlene McCauley, Director
 Lenox Community Center
 65 Walker Street
 Lenox, MA 01240
 413-637-5530



TOWN OF LENOX
6 Walker Street, Lenox, MA 01240
www.townoflenox.com

Christopher J. Ketchen,
Town Manager

MEMORANDUM

TO: Board of Selectmen
FROM: Christopher J. Ketchen, Town Manager
DATE: December 5, 2022
SUBJECT: Clarifying Amendment – Weekend/Holiday Details

It has come to our attention that important language was accidentally omitted from the final contract between the Town and the Patrolman's union (MCOP). The language was relative to time-and-a-half rates for details performed on weekends and holidays. It was not our intention to omit this language and, as a matter of good faith bargaining, I am asking that the Board approve the following amendment:

Amend Article III, paragraph A. by inserting the following sentence at the end of the paragraph:

"For hours worked on Saturdays, Sundays, or legally recognized holidays, officers will earn 1.5 times the hourly detail rate."

TOWN OF LENOX
NOTICE OF PUBLIC HEARING
SELECT BOARD

Notice is hereby given that a hearing will be held by the Select Board in their capacity as Licensing Board on an application for a new annual All Alcoholic Restaurant license which has been filed with the Local Licensing Board by 21 Housatonic Street, LLC d/b/a Belvedere Lenox, Frank Evan Hughes IV, Manager for premises located at 21 Housatonic Street, Lenox which is part of tax parcel Map 43, Lot 178, 51 Church Street, and is also directly accessible from 17 Housatonic Street, tax parcel Map 43, Lot 178-1, and consisting of a two story building, built into the hillside with both levels at "ground level". The upper floor will be one open flexible space, approximately 1798 s.f. The lower level will house a bar area and cocktail tables. The lower level is also approximately 1798 s.f. They anticipated an approximate 898 s.f. addition for a kitchen, washrooms, additional entrances/exits, etc. Additionally, there will be an outdoor patio outside of the "upper level" of approximately 1400 s.f. The Board will act on said application on Wednesday, December 7, 2022 at 6:00pm in the Select Board's Meeting Room, Town Hall Building, Lenox, MA

Dave Roche, Chair
Lenox Select Board

Please advertise on Tuesday, November 22, 2022 and submit the invoice to:

Lynch Scrimo
Village Center – 68 Main Street
P.O. Box 1787
Lenox, MA 01240
Attention: Jeff Lynch
Account #137660



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Town of Lenox

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other | <input type="checkbox"/> Change of DBA |

APPLICANT INFORMATION

Name of Licensee 21 Housatonic Street, LLC

DBA Belvedere Lenox

Street Address 21 Housatonic Street, Lenox

Zip Code 01240

Manager Frank Evan Hughes IV

Granted under
Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Annual

All Alcoholic Beverages

If Yes, Chapter
of the Acts of (year)

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Two-story building, built into the hillside with both levels at "ground level". The upper floor will be one open flexible space, approx. 1798 s.f. The lower level will house a bar area and cocktail tables. The lower level is also approx. 1798 s.f. They anticipate an approx. 898 s.f. addition for a kitchen, washrooms, additional entrances/exits, etc. There will be a patio outside of the "upper level" of approx. 1400 s.f.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

November 1, 2022

Time

2:27pm

Advertised

Yes ☒ No ☐

Date Published

November 22, 2022

Publication

The Berkshire Eagle

Abutters Notified:

Yes ☒ No ☐

Date of Notice

November 22, 2022

Date APPROVED by LLA

December 7, 2022

Decision of the LLA

Approves this Application

Additional remarks or conditions
(E.g. Days and hours)

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

**TOWN OF LENOX
APPLICATION FOR LICENSES OR PERMITS**

LIQUOR LICENSES (check permit desired)

Date: _____

All Alcoholic ☒

Wine and Malt ☐

Other _____

Common Victuallers ☒

Innholders ☐

Package Store ☐

Club ☐

REGULAR LICENSES (check permit desired)

Common Victuallers ☒

Innholders ☐

Seasonal B&B ☐

Taxi or Limo ☐

Amusement Device ☐

Entertainment ☒

**I hereby certify that I have registered with the Commonwealth of MA for payment of local room occupancy tax.*

Information needed to act upon request: _____

Name of Establishment: 21 Housatonic Street, LLC d/b/a Belvedere Lenox

Name of Owner: 21 Housatonic Street, LLC (Scott Shortt)

Signature: [Signature] PVI Lenox Village LLC

Address: c/o Lynch Scrimo Attorneys, 68 Main Street, PO Box 1787, Lenox, MA 01240

Telephone Number: (413) 637-1300

Zoning District: _____

MUNICIPAL REVIEW
(Please Initial)

	APPROVED	DISAPPROVED	REASON
PLANNING BOARD			
ZONING BOARD OF APPEALS			
HISTORIC DISTRICT COMMISSION			
POLICE DEPARTMENT			
FIRE DEPARTMENT	<input checked="" type="checkbox"/>		
DEPARTMENT OF PUBLIC WORKS	<input checked="" type="checkbox"/>		
ASSESSOR			
TOWN COLLECTOR	<input checked="" type="checkbox"/>		
HEALTH DEPARTMENT			
BUILDING INSPECTOR	<input checked="" type="checkbox"/>		
COMMENTS:			

Continuation Sheet

Entertainment License

21 Housatonic Street, LLC

d/b/a Belvedere Lenox

Describe Business:

The business plan is to operate a restaurant focused on serving customers seeking to host celebrations and gatherings of family and friends. These may include rehearsal dinners, business meetings, baptisms, bar mitzvahs, or weddings. The business will have a commercial kitchen for receipt and final preparation of caterer provided offerings; or on-site preparation and full service of meals by guest/celebrity chefs or pop-up restaurant partnerships. The business will hold an annual all alcohol license.

Outdoor seating:

*The occupancy number for the Business based upon square footage is 220. The outdoor patio is complimentary to the occupancy limit, meaning the space will be available for diners who would like to be outdoors. At all times the occupancy of the indoor and outdoor spaces in the aggregate will not exceed the occupancy number of 220.

The variety of entertainment will include:

Amplified live and recorded music indoors; acoustic music with and without vocals not amplified, inside and outside, dancing by patrons (not entertainers).

The entertainment hours are limited to:

Inside – Entertainment will be offered during the operating hours Sunday through Saturday 8:30 am through 1:00 am, but limited to booked, scheduled events.

Outside – the outdoor patio will be open during the hours of operation, but there will not be music after 10:00 pm.



TOWN OF LENOX
MASSACHUSETTS

Outdoor Dining License Application

Applicant's D/B/A: Belvedere Lenox

Applicant's Name: 21 Housatonic Street, LLC

Applicant's Address: 21 Housatonic Street

Applicant's Telephone Number: 203 430 5978

Applicant's E-Mail: scott@scottshortt.com

Owner of Building: PVI Lenox Village LLC

Owner's Telephone: 413 847 1961

Street Address of License Activity: 17+21 Housatonic Street and 51 Church Street

Assessors Map & Parcel # for License Activity: Map 43 Parcel 178 1
43 178 0

Zoning District: C

Fee: \$125

Number of Seats: approx. 70 Number of Tables: 6

*Proposed Dates for Outdoor Dining: year round weather permitting

*Proposed Times for Outdoor Dining: 8:30 am - 10:00 pm

Do you propose to locate Outdoor Dining on Town owned property: Yes ___ No X

Does the Location Hold on Alcoholic Beverage License: Yes X No ___ pending
The serving or consumption of alcohol on any public property that is the subject of an Outdoor Dining License is expressly forbidden. The holder of the liquor license shall provide a detailed alcohol control plan/strategy as part of their Outdoor Dining application packet.

Width of the Sidewalk: Any outdoor dining use must maintain at all times sufficient width on the sidewalk for unimpeded pedestrian and wheelchair passage.

I certify under penalties of perjury, that the above information is true and that named applicant has complied with all laws of the commonwealth relating to tax on reporting of employees and contractors, and withholding and remitting child support.

Signature: [Signature]

Date: 10-19-2022

Continuation Sheet

Entertainment License

21 Housatonic Street, LLC

d/b/a Belvedere Lenox

Describe Business:

The business plan is to operate a restaurant focused on serving customers seeking to host celebrations and gatherings of family and friends. These may include rehearsal dinners, business meetings, baptisms, bar mitzvahs, or weddings. The business will have a commercial kitchen for receipt and final preparation of caterer provided offerings; or on-site preparation and full service of meals by guest/celebrity chefs or pop-up restaurant partnerships. The business will hold an annual all alcohol license.

Outdoor seating:

*The occupancy number for the Business based upon square footage is 220. The outdoor patio is complimentary to the occupancy limit, meaning the space will be available for diners who would like to be outdoors. At all times the occupancy of the indoor and outdoor spaces in the aggregate will not exceed the occupancy number of 220.

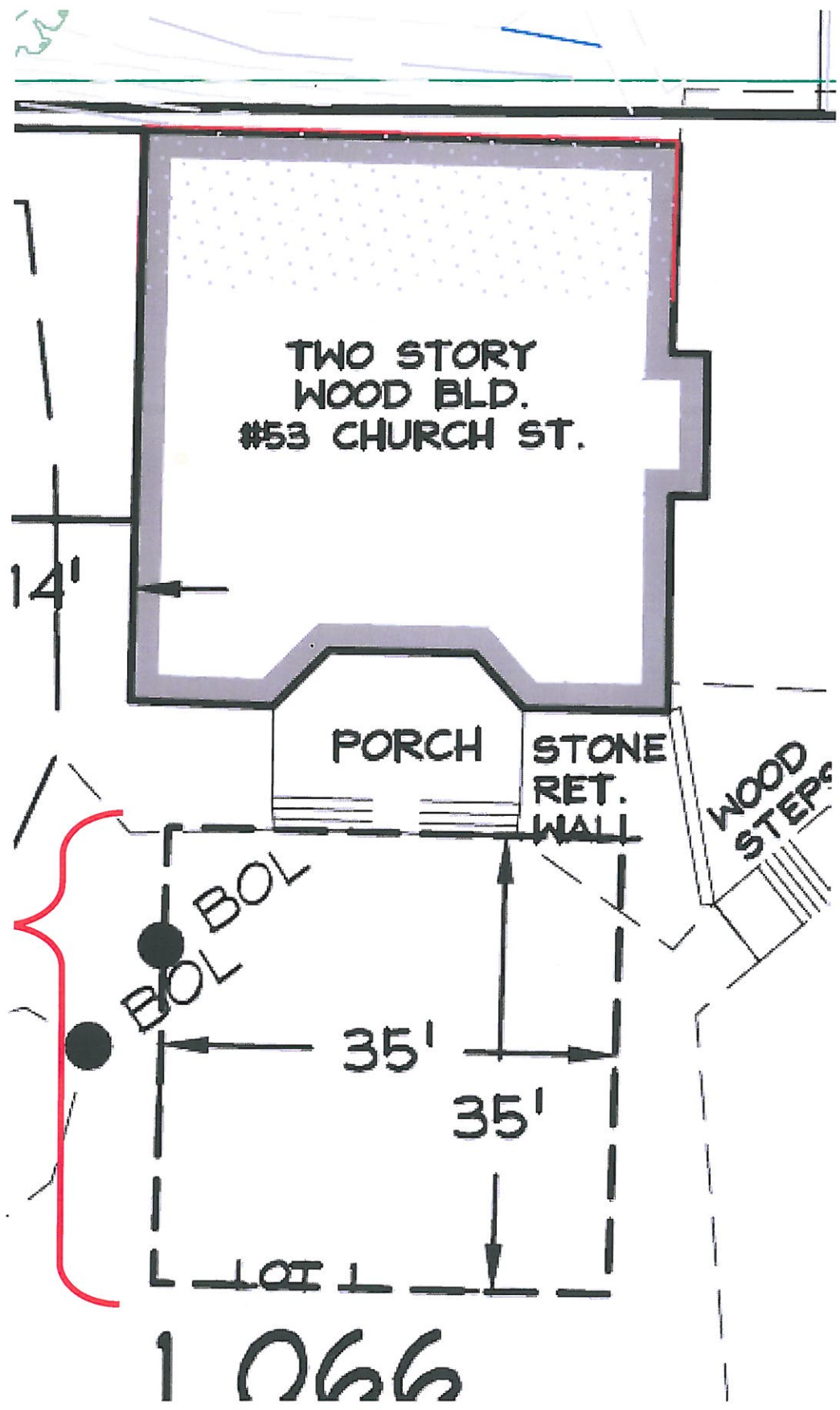
The variety of entertainment will include:

Amplified live and recorded music indoors; acoustic music with and without vocals not amplified, inside and outside, dancing by patrons (not entertainers).

The entertainment hours are limited to:

Inside – Entertainment will be offered during the operating hours Sunday through Saturday 8:30 am through 1:00 am, but limited to booked, scheduled events.

Outside – the outdoor patio will be open during the hours of operation, but there will not be music after 10:00 pm.



TWO STORY
WOOD BLD.
#53 CHURCH ST.

PORCH

STONE
RET.
WALL

WOOD
STEPS

35' x 35'
licensed
outdoor
patio area

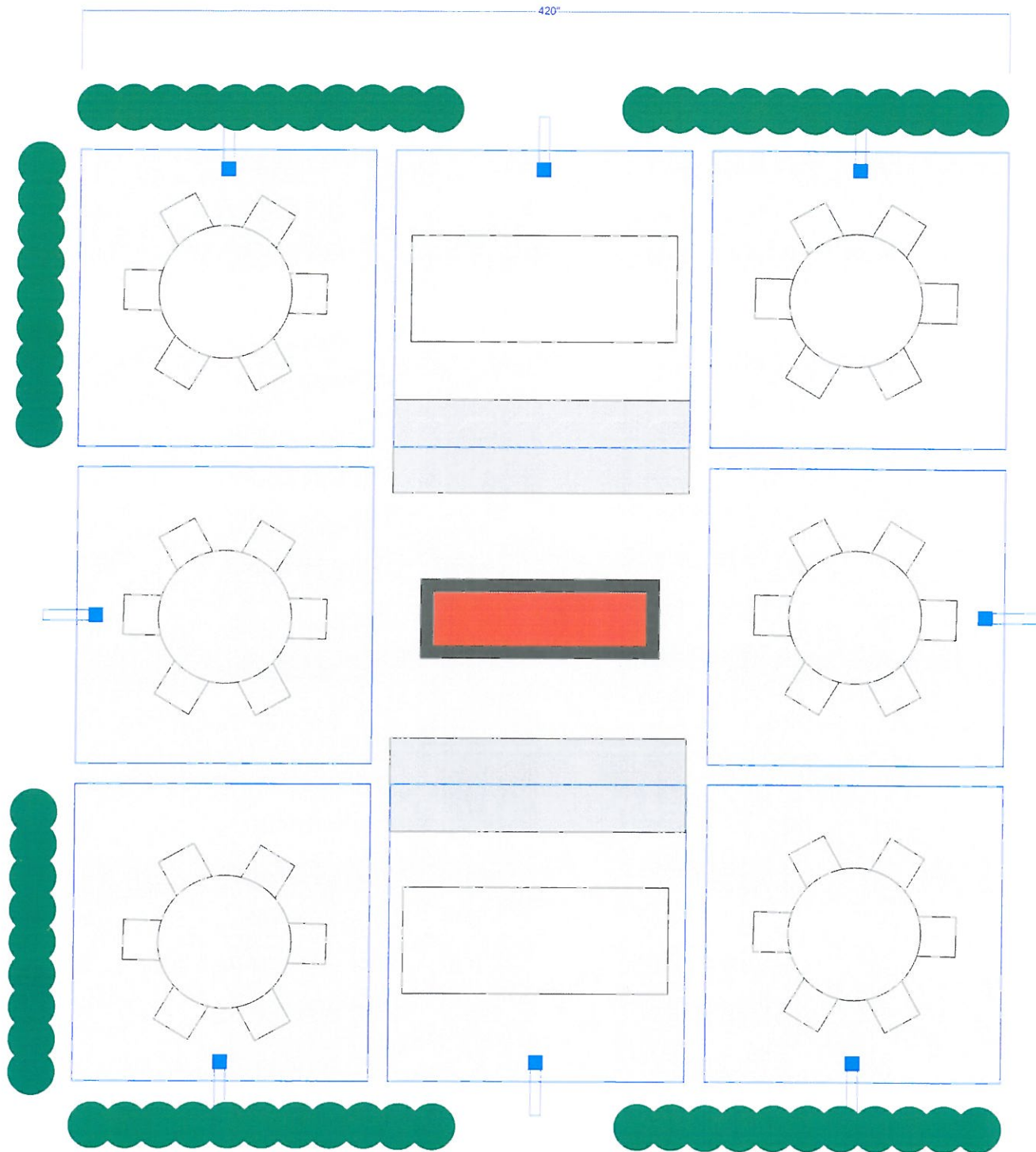
BOL BOL

35'

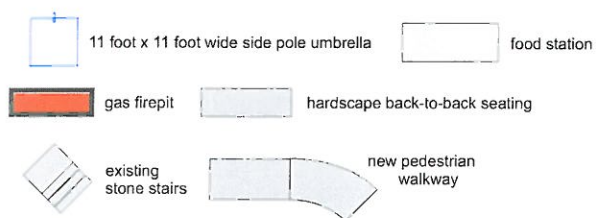
35'

LOT

1 066

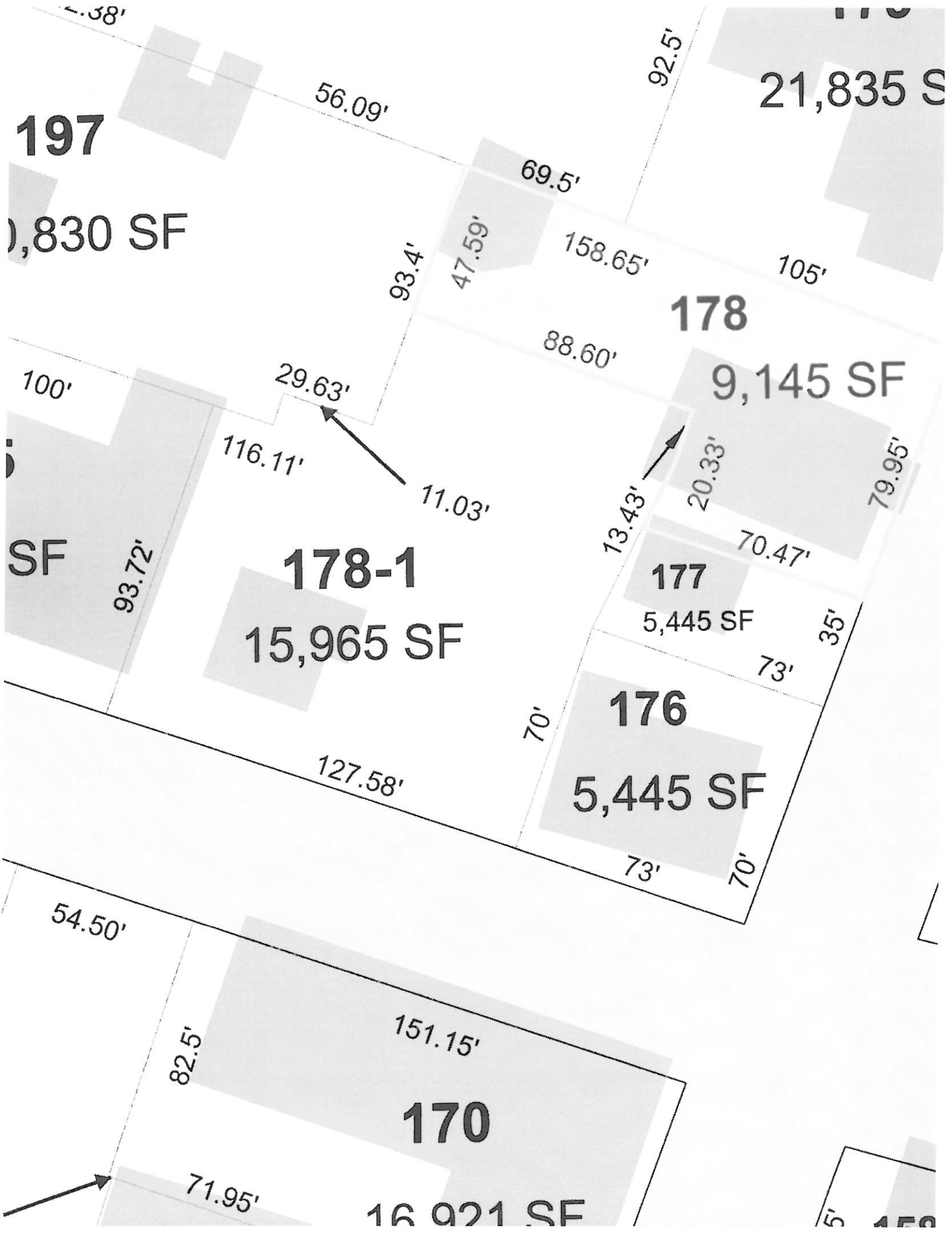


BUILDING

LEGEND:

sample of tables and chairs shown above
 exact configuration of tables/chairs may vary depending on day
 minimum 42" sidewalks for pedestrian / wheelchair passage will be maintained







The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Town of Lenox

City /Town

90084-PK-0602

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input checked="" type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | <input checked="" type="checkbox"/> Change of DBA | |

APPLICANT INFORMATION

Name of Licensee	<input type="text" value="Mod Inc."/>	DBA	<input type="text" value="Dare Bottleshop & Provisions"/>
Street Address	<input type="text" value="11 Housatonic Street, Lenox"/>		Zip Code <input type="text" value="01240"/>
Manager	<input type="text" value="Mary Daire"/>		Granted under Special Legislation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="text" value="\$15 Package Store"/>	<input type="text" value="Annual"/>	<input type="text" value="Wines and Malt Beverages"/>	If Yes, Chapter <input type="text"/>
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	of the Acts of (year) <input type="text"/>

DESCRIPTION OF PREMISES Complete description of the licensed premises

11 Housatonic Street - a 1625.s.f. ground level space with 500 s.f. of storage space in the basement. The ground level is accessed by two exits. Ground level floor is one room, basement is one.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	<input type="text" value="November 17, 2022"/>	Time	<input type="text" value="10:53am"/>	
Advertised	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date Published	<input type="text"/>	Publication	<input type="text"/>
Abutters Notified:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of Notice	<input type="text"/>		
Date APPROVED by LLA	<input type="text" value="December 7, 2022"/>	Decision of the LLA	<input type="text" value="Approves this Application"/>		
Additional remarks or conditions (E.g. Days and hours)	<input type="text"/>				
For Transfers ONLY:					
Seller License Number:	<input type="text"/>	Seller Name:	<input type="text"/>		

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director