

OBOARD OF SELECTMEN
MINUTES OF MEETING – JUNE 27, 2006

Present: Ch. Patricia D. Carlino, Frank A. Consolati, Gordon D. Bailey, Board of Selectmen
Robert L. Nason, Town Administrator, absent
Ch. Carlino called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** June 13, 2006; Executive Session June 13, 2006

2. **Public Hearings:** None

3. **General Business:**

Atty. Anthony Doyle came before the Board to introduce his client, Henry Chung, who wishes to open a Vietnamese restaurant in the building that housed the former Paradise of India. Mr. Chung is looking for a Common Victuallers License and plans to open in mid-July. He will also be coming before the Board for a new wine and malt restaurant license. Ch. Carlino told Atty. Doyle that the Board asks every new license holder to be sure to complete the TIPS program for proper alcoholic beverage service. Atty. Doyle said Mr. Chung is aware of the program and will be taking it. There being no further discussion, the Board voted, unanimously, to approve the Common Victuallers License.

The Board next addressed an Application for a Hawker and Peddler License submitted by Brandon Fahlman. Mr. Fahlman was present for discussion. The Board told Mr. Fahlman that they had received a letter from the police chief recommending denial of this application based on the fact that he had no local address and his vehicle registration was not on file. Mr. Fahlman explained that Southwestern Books, the company he is working for, sends college students out to all parts of the country to sell their educational books. He has already canvassed several towns in Berkshire County. The books are for children from toddlers to teens. As far as his vehicle is concerned, it is legally registered. The Board agreed that they did not feel comfortable overriding the chief's recommendation. The Board asked Mr. Fahlman to go back and speak to the chief to see if he could convince the chief to sell door-to-door, the Board would readdress the issue. There being no further discussion, the Board voted, unanimously, to deny the application.

The Board received a letter of support written by Richard Vinette, Lee CDC Executive Director, asking the Executive Office of Environmental Affairs to consider a Smart Growth Technical Assistance Grant for the Town of Lee. This grant will be used to implement changes and create economic opportunity in the downtown corridor. The Selectmen agreed this was a worthwhile effort and voted, unanimously, to have Ch. Carlino sign the letter on behalf of the Board.

Chris Pompei, DPW Supt., came before the Board to discuss several topics. The first was the disposition of an old dump truck. A new one was purchased and the dealer offered the town \$3,500 for a trade-in. However, the town needed to keep the truck through the winter until the new one arrived. In the meantime, the Board of Public Works felt the truck was worth more than that and Mr. Pompei put it out to bid. He received two bids for the truck, both under \$3,500. Selectman Consolati stated that he felt the two bidders, Jim Morawiec at \$2,260 and John Coty, Sr. at \$2,700, bid in good faith. After discussion, the Board voted, unanimously, to award the bid for the dump truck to John Coty, Sr. in the amount of \$2,700.

The Board voted, unanimously, to sign an agreement with M-H-Q Municipal Vehicles to purchase a 2007 Ford Ranger pickup truck.

The Board received a letter from Fuss & O'Neill, the original design engineers for the reconstruction of Tyringham Road, explaining that they would now be willing to readdress the project for a sum of \$94,300. Fuss & O'Neill had completed the 25% design submission to MassHighway but later learned there was no funding available left in the TIP to complete the project. Selectman Bailey said this project is back on the TIP list for FY07. Selectman Bailey asked if the scaled down version of the project would work for the long term. Mr. Pompei said yes. Selectman Bailey also questioned whether the town could legally go back to Fuss & O'Neill without going out to bid again. Mr. Pompei said that would be very time consuming and may endanger the TIP funding. After discussion, the Board voted, unanimously, to enter into an agreement with Fuss & O'Neill but check with Town Counsel as to the legality of it and at a price of no more than \$94,300.

The Board received authorization from the Mass. Dept. of Environmental Protection to award the contract for the construction and up-grade of the town's wastewater treatment plant to C.H. Nickerson & Company. All the documents are in place. Mr. Pompei said they wanted to break ground on July 10th. Upon motion duly made and seconded, the Board voted, unanimously, to award the contract for the construction and up-grade of the wastewater treatment plant to C.H. Nickerson & Co. in the amount of \$18,611,280.00.

The Board voted, unanimously, to sign agreements for the purchase of chemicals for the water treatment plant with Slack Chemical Co., Inc., Calciquest, Inc. and Holland Company, Inc.

Mr. Pompei was asked to explain a letter sent out by the Dept. of Public Works explaining the new water rates. The Board said the letter was very confusing. Mr. Pompei said that the Board of Public Works had set a water rate but reneged on it and a new rate would not be sent until the Board's next meeting on July 11, 2006. He also stated that the original letter he drafted had been altered by the Board of Public Works and the paragraph in question had been added. The last paragraph in the letter refers to commercial users only.

The Board was informed that the Boston Symphony Orchestra is sending out bulletins regarding alternate routes to get to Tanglewood during the construction at the intersection of Routes 7 and 20.

James Nolan, town representative, asked the Board how long the project on Housatonic Street was going to take. Mr. Pompei told him that an extension was received in order to address drainage problems. Mr. Nolan was also very upset that he received a cease and desist letter from the Building Inspector regarding a tag sale he was having on his front lawn. He explained that he received tag sales two weekends in a row but it rained on those weekends. He is doing this to benefit an old friend who died and did not have enough money to be buried. He said now, any of the items left would be given away. He understood the Building Inspector was only doing his job but he is angry at the people who complained about the tag sale. He felt they should have come to him for an explanation.

The town was finally able to negotiate a lease agreement with the U.S. Postal Service for the space they occupy in South Lee. The term is for five years beginning on Dec. 1, 2006 and ending on Nov. 30, 2011. The rent will be \$11,580 annually ending Nov. 30, 2009 and \$12,470 beginning Dec. 1, 2009. The Board voted, unanimously, to sign the agreement.

Selectman Bailey recused himself from this item. The Board received a letter to Tara Jones, EMT, who applied for a grant from the Executive Office of Public Safety stating that the town was awarded \$4,300 to purchase child passenger safety equipment. The Board voted, unanimously, to sign the Standard Contract Form for these funds. They thanked Ms. Jones for her efforts on behalf of the town.

The Board received applications for a one day wine and malt license and an entertainment license from the Lee Sportsmen's Club for their annual steak roast to be held on July 15, 2006. The Board voted, unanimously, to approve both licenses.

At the recommendation of the Zoning Board of Appeals, the Board voted, unanimously, to appoint Keith Heeren as an Alternate Member.

The Board received a memo from the Town Administrator recommending a vacation carryover to FY07 for Todd Briggs, a police officer who has been on extended job injury leave. A provision for this is in the police department's collective bargaining agreement. Mr. Nason explained that in 2003 the Selectmen approved a similar request for a DPW employee. The Board voted, unanimously, to approve the recommendation. The Board then discussed vacation carryover for all employees. It was eliminated some years ago because of a few incidences of abuse. The Selectmen felt this should be addressed again by the Personnel Board putting limitations on the number of days and a time limit to use them.

The Dept. of Public Works received three quotes for refuse removal and recycling from Daley & Sons Trucking at \$10,608, Allied Waste Services at \$10,126 and C & C Disposal at \$6,615.54. C & C Disposal won the contract last year and Selectman Bailey asked Monica Ryan, Recycling Committee member who was in the audience, if they had experienced any problems. She said no. They were very cooperative. The Board voted, unanimously, to award the refuse removal and recycling to C & C Disposal and to sign an agreement with them.

The Board received another Amended Standard State Contract for repairs to Fernside Road due to the October 2005 rains. Previously, FEMA had disqualified Fernside Road from reimbursement but upon further investigation, it now qualified. The Board voted, unanimously, to sign the contract.

Ch. Carlino read a list of FY07 one and three year reappointments. The Board approved them unanimously. She also stated that there were still a number of people who had not returned their reappointment letters. If they are not received by July 1st, they are no longer a voting member of that committee.

The Board voted, unanimously, to approve Special Municipal Employee status to Dr. Thomas Consolati who provides medical services to the Lee Public Schools.

4. Pending Business:

- ZBA hearing – 7/12 @ 7 PM – Patricia Nguyen
- ZBA hearing – 7/12 @ 7:30 PM – Pamela Morehouse
- ZBA hearing – 7/26 @ 7 PM – Bart Collins

5. Town Administrator: None

6. Public Comments: Deidre Consolati came before the Board to ask if they had any information on the widening of Routes 7 and 20. Selectman Bailey, who is a member of the MPO, said he had not heard of any such project. She also commented on the number of signs on the street lights on Main Street and elsewhere in town. She also said that the road to Sandy Beach had been washed out by the recent heavy rains so people should use caution when using the road.

Paul Porrini came before the Board to ask if there was any section of Sandy Beach where he could bring his dog. Ms. Consolati said that although she had no objection to dogs being at the beach, the Beach Committee has prohibited it.

7. Motion to adjourn:

The Board voted, unanimously, to adjourn at 8:25 PM. Their next regular meeting will be Tuesday, July 11, 2006 at 7 PM.

Respectfully submitted,

Suzanne M. Alderman, Selectmen’s Secretary

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| cc: | Board of Selectmen | Principal Assessor | Dept. of Public Works |
| | Town Administrator | Board of Health | Town Treasurer |
| | Town Clerk | Conservation Commission | Town Reps. District Chairmen |
| | Town Collector | Police Chief | Superintendent of Schools |
| | Planning Board | Building Inspector | Town Accountant |