

BOARD OF SELECTMEN
MINUTES OF MEETING – SEPTEMBER 12, 2006

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

1. **Approval of Minutes:** August 22, 2006
2. **Public Hearings:** 7:00 PM – Henry’s Restaurant, Inc. d/b/a Pho Saigon – New Wine and Malt Restaurant License – Ch. Carlino called the public hearing to order at 7:00 PM. Present were Henry Chung, owner of the establishment and Atty. Anthony Doyle. Atty. Doyle stated Mr. Chung is a naturalized citizen and has worked in the restaurant business for several years. Mr. Chung has signed up for the TIPS program but the one he was to attend was cancelled. He will attend the next available class. There being no questions from the Board, they voted, unanimously, to approve the wine and malt license.
3. **General Business:**
Mary McGinnis and Pam Loring of the Lee Chamber of Commerce came before the Board to discuss the activities during Founders’ Weekend. The event will be held from Sept. 29th to Oct. 1st. Friday night will be the “Taste of Lee” on Main Street; Saturday will be the parade, the Italianfest and the Festival Latino. During this time, there will be many activities going on in the Main Street area. Sunday will be the pancake breakfast and the duck race. The town will celebrate the 150th anniversary of the Lee Fire Department and Sullivan Station Restaurant will be celebrating their 25th anniversary. Ms. McGinnis explained that the entire weekend has been posted on two web sites, www.townoflee.com and info@leechamber.org. There will also be announcements in the local newspapers and pamphlets are also being distributed. The Selectmen thanked Mary McGinnis and all those who make Founders’ Weekend successful. The Board voted, unanimously, to approve an entertainment license for the various events during Founders’ Weekend. The Board voted, unanimously, to approve a Common Victuallers License for the food being presented during Founders’ Weekend. All fees were waived.

The next item involving Founders’ Weekend was a one day wine and malt license for Arizona Pizza at 51 Park Street. Robert Trask, owner of the establishment, came before the Board to explain that a tent will be put up on the parking lot behind the restaurant and that area will be roped off. There will be several live bands playing during the event in this area. Ch. Carlino asked Ms. McGinnis if the police details for Founders’ Weekend included any events outside her jurisdiction. She responded that they did not. Ch. Carlino told Mr. Trask he should contact the Police Department before his event. The Board voted, unanimously, to approve the one day wine and malt license on the condition that Mr. Trask contact the Police Department for their approval.

The Board next reviewed a one day wine and malt license for The Grind on East Center Street. No one was present representing The Grind so the Board voted, unanimously, to approve and application with the condition that the owners of the establishment contact the Police Department for any conditions they may have. Mr. Nason was asked to contact the owners and let them know of this stipulation.

The next item, not in conjunction with Founders’ Weekend, was a one day wine and malt license for Lee Sportsmens Association. They will be holding an outdoor women’s event with a dinner on Oct. 1st and would like to serve beer and wine from 4 PM to 9 PM. Representatives from the Sportsmens Association were present and explained that some of the activities were archery, kayaking, working with basic power tools, etc. This event has been held in the past with no problems. The Board voted, unanimously, to approve the one day license.

Robert Fournier of SK Design Group came before the Board regarding the annual inspection of Oak N’ Spruce Resort as required by their special permit issued in 2004. The Board was provided with a summary of projects that are either completed or in progress. Mr. Fournier explained that four of the eight buildings in the final phase have been completed. Selectman Consolati suggested the Board do another visual inspection of the premises and will come up with a mutually agreeable date and time. Mr. Fournier said once a date is agreed upon, someone from his company could meet the Selectmen at the resort.

With Chris Pompei, DPW Supt. present, the Board addressed several items on the agenda. The first was an agreement with Tyler Equipment Corp. for repairs to a backhoe/loader. The Selectmen approve the repair at their Aug. 22nd meeting. The Board voted, unanimously, to sign the agreement.

The Board received an agreement between the Town and Fuss & O'Neill for the design of the reconstruction of Tyringham Road in the amount of \$94,300.00. The Board voted, unanimously, to sign the agreement. When asked, Mr. Pompei hoped that the design would be completed by March of 2007 and this project would still be on the TIPS list for financing.

The Town received an additional \$83,447 in Chapter 90 funds from the state. Ch. Carlino stated that this funding had to be accepted at a town meeting. Mr. Nason explained that the Board would only be voting to sign the standard contract form. The Board voted, unanimously, to sign the contract.

The Board received an Application and Pole Attachment License from Verizon New England, Inc. to install street lights on Park Street as part of the Housatonic Street Gateway Project. Mr. Nason explained that after almost two years of negotiating with Verizon, an agreement had been reached whereby lights on six poles on the west side of Park Street to the corner of West Park and Main Streets will be placed overhanging the sidewalk rather than the street due to their height and the concerns of large trucks hitting them. There is a \$425 Verizon fee to process the town's application to attach the town's fixtures to Verizon's poles. The Board voted, unanimously, to approve the \$425.00 payment to Verizon.

The Board next addressed an Application for Utility Cut Permit from B & B Landscaping Excavation to install water service at 610 Devon Road. The Board voted, unanimously, to approve the permit.

The Board received a memo from Mr. Pompei regarding the purchase of a new sidewalk plow. He explained that three bids were received and one was rejected as it did not meet the specification. The other two were from the same company, Tri County Contractors Supply, Inc., for a Holder C9.88 in the amount of \$91,985 and a Holder C4-74 in the amount of \$83,935. The Holder C9.88 was the preferred model but the budget limit for this item was only \$85,000. Mr. Pompei contacted the company with this information and with the elimination of the air conditioning unit, the cost for the C9.88 model was reduced to \$84,998. Mr. Nason discussed the matter with town counsel and was advised it was permissible to negotiate down when there is only one responsive bidder. At the recommendation of the DPW, the Board voted, unanimously, to award the bid to Tri County Contractors Supply, Inc. for a Holder C9.88 sidewalk plow in the amount of \$84,998.

James Nolan, District 6 Representative, came before the Board to discuss a water main break that happened two weeks ago by the Black Swan Inn. The town was making a repair and subsequent to that repair, a large boulder was disturbed and caused the main to fail. Mr. Nolan stated that the affected area was without water for 14 hours and during that time there was no fire protection. Mr. Pompei explained that while replacing the hydrant, the gooseneck was broken and in trying to fix that problem the backhoe hit the water pipe. It was soon discovered that the water pipe was buried 16 feet in the ground. This required more equipment and Mr. Pompei stated that he felt the repair crew did a remarkable job. As for the fire department being notified of the break, he stated he did not know what the protocol was in a situation like that. Mr. Pompei said a police officer from the town did stop at the work site. When asked by Mr. Nolan why the water couldn't be shut off somewhere by the state police barracks, Mr. Pompei said the plans for the water system are old and not very helpful. Some students from the high school are being recruited to map out the town's water system as part of a school project and he is hoping for completed drawings by the end of the school year. Mr. Nolan asked if the town had an emergency contractor to make these kinds of repairs. Mr. Pompei said the town had one but the contract expired. He said the town would be advertising for a new emergency contractor. Discussion on a protocol when such an incident like this happens. Mr. Pompei stated the DPW does have a list of people to contact in an emergency. Mr. Nolan then asked about an article he read in the newspaper about a new \$1M DPW garage. Ch. Carlino said she also read the article and called Mr. Nason. Apparently, the reporter who wrote the story did not have his or her facts correct. Paul Porrini, DPW highway employee, came before the Board to say he took exception to some of Mr. Nolan's remarks regarding the amount of pay it took to make the repair. Mr. Nolan stated he was simply stating comments he had heard from his constituents.

The next item was the renewal of the police chief's contract. It is a three year contract that expired on July 1, 2006. The only addition to the contract is a \$1,500 stipend for his duties as Emergency Management Director. The Board voted, unanimously, to hold on voting on this contract until their next meeting on Sept. 26th when Selectman Bailey is expected to be present.

The Board voted, unanimously, to sign a Surety Bond Release with Adelphia Cable. The town has a new bond with Time Warner Cable.

The Board voted, unanimously, to approve a temporary banner permit from Callahan Sign Co. for the Village at Laurel Lake. It has been approved by the Building Inspector.

The Board voted, unanimously, to approve a Common Victuallers License for Panayiotis Grill & Pizzeria.

4. Pending Business:

The Board received a letter from Dennis Kelly, Asst. DPW Supt., thanking Protective Armored Systems, Inc. of Lenox Dale for replacing basketball hoop backboards vandalized at the Lee Athletic Field at no cost to the town. The Board also thanked Protective Armored Systems.

The Board received a copy of a letter to Police Chief Ronald Glidden from School Supt. Jason McCandless thanking him and the police force for their dedication to the Lee Public Schools.

The Board received a letter from Berkshire Trailriders informing them of their annual Recreational Trail Ride on Sept. 17th through the town of Otis, Tolland, Sandisfield, Lee, Tyringham and New Boston.

Ch. Carlino announced a one day comprehensive household hazardous waste collection on Saturday, Oct. 14th from 9 AM to 1 PM at the Great Barrington Recycling Center. Pre-registration is mandatory.

Planning Board meeting – 9/25/06 @ 7:15 to convert the Pizza Hut building to an office for the South Adams Savings Bank.

Planning Board meeting – 9/25/06 @ 8:15 PM – South Adams Savings Bank

ZBA hearing – 9/27/06 @ 7 PM – South Adams Savings Bank

5. Town Administrator:

Mr. Nason received a letter from the police chief recommending the appointment of Todd O'Neil and Richard Tart, II as special police officers. Mr. O'Neil was in the audience. Mr. Nason would appointment them subject to the Selectmen's approval, with the condition that they successfully complete a physical examination by a town appointed physician. The Board voted, unanimously, to approve the appointments.

Discussion on moving the DPW office to the Airolidi to free up space in Town Hall. Ch. Carlino stated that the most logical department to move was the DPW. They had office space in that building before and the town garage is right next door. Mr. Nason provided the Board with a list of expenses both for initial start-up and on-going expenses. Start-up costs amount to approximately \$4,770 and on-going expenses are approximately \$1,250. Ch. Carlino asked Mr. Nason if there was \$6,000 available and he said no. They were looking for a reserve fund transfer from the Finance Committee. Ch. Carlino asked if the expenses could be split between the different departments within the DPW. Mr. Nason said the DPW budget is stretched very thin because of the increase in energy costs and he felt a reserve fund transfer was the best way to proceed. The Board agreed with the suggestion of going to the Finance Committee for a reserve fund transfer request. Selectmen Consolati reiterated his opinion that moving the DPW office to the Airolidi Building was the best solution for freeing up space in Town Hall. He asked Mr. Pompei how he felt and Mr. Pompei had no reservations about moving. The Board voted, unanimously, to bring the proposal of moving the DPW office to the Airolidi Building to the Finance Committee.

Recycling Materials Revenue Sharing Agreement with Lenox. Recycling materials from both towns taken to the Springfield Municipal Recycling facility and it is estimated that 75% comes from Lee and 25% come from Lenox. Last year the Town of Lee received approximately \$5,000. The Board voted, unanimously, to approve and sign the agreement.

Mr. Nason next brought up the subject of the ambulance fee for service write-off policy that was discussed at the previous Selectmen's meeting. This would include immediate family members of the squad and there was discussion about others who would qualify based on their means. Mr. Nason suggested that members of the Elderly and Disabled Taxation Fund Committee make the decision on whether or not an individual qualifies for the write-off policy. Ch. Carlino was looking for a way to avoid having to go through a committee every time this situation presents itself but rather have a policy in place that would establish a criteria for who qualifies. Discussion on whether the new health insurance coverage that will be in place on July 1st will cover such a situation. Mr. Nason explained that historically the decision on who qualified for this policy was made solely by the Ambulance Director. There are usually only two or three cases per year. The Board agreed to have Mr. Nason ask the Elderly and Disabled Taxation Fund Committee members if they would agreed to take on this policy management until the new universal health care plan comes out.

Mr. Nason presented to the Board a schedule for the preparation of the FY08 budget for the May 10, 2007 annual town meeting. Discussion on the need for a special town meeting. Mr. Nason felt one would be necessary to approve funding for increased IT management in Town Hall and also some housekeeping matters regarding the new wastewater treatment plant. Ch. Carlino asked if there was a better way to get information to the town representatives rather than have a baby town meeting. Selectmen Consolati felt that last year's baby town meeting was effective because it was televised.

6. **Public Comments:** Ch. Carlino stated that Trick or Treat night is Oct. 31st no matter what night it falls on.

7. **Motion to adjourn:**

The next regular meeting will be Tuesday, Sept. 26, 2006 at 7 PM. The meeting adjourned at 9:00 PM.

Respectfully submitted,

Suzanne M. Alderman, Selectmen's Secretary

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