

BOARD OF SELECTMEN
MINUTES OF MEETING – FEBRUARY 28, 2006

Present: Frank A. Consolati, Chairman, Gordon D. Bailey, Patricia D. Carlino, Board of Selectmen
Robert L. Nason, Town Administrator
Ch. Consolati called the meeting to order at 7:05 PM.

1. Approval of Minutes: February 14, 2006

- 2. Public Hearings:** 7:05 PM – Lee Scenic Mountain Act – Ch. Consolati opened the public hearing at 7:05 PM. Stuart Dalheim, Chairman of the Conservation Commission, came before the Board and introduced Rob Hoogs, of Foresight Land Services, who would make the presentation. Mr. Hoogs began by stating that the town adopted the Scenic Mountains Regulations at the May 10, 2001 annual town meeting. Mr. Hoogs stated that the regulations are intended to regulate removal, filling, excavation, clearing of vegetation or other alteration of land within mountain regions designated by the town which is likely to have a significant adverse effect on watershed resources or natural scenic qualities because of the pollution or diminution of ground or surface water supply, public or private; erosion; flooding; substantial changes in topographic features; or substantial destruction of vegetation on steep slopes. With a map displaying the areas affected by the regulations, he first indicated Region A, the southwest corner of the town and includes portions of Beartown State Forest. Region B is located in the southeasterly corner of the town and includes the Goose Pond area and Appalachian Trail Corridor. Region C is located in the northeasterly corner of the town and includes large areas of October Mountain State Forest and Town Water Supply lands. Mr. Hoogs explained what criteria must be met to go before the Conservation Commission with a Notice of Intent. The regulations are very similar to the Wetlands Protection Act but only includes flora, not fauna. A question was asked about logging. Mr. Hoogs said there were exemptions and logging was one of them. Selectman Carlino asked if they could hold off on any vote until the Board's next meeting to see if there are any comments generated by this presentation. There being no objections, the Board voted, unanimously, to continue the public hearing until March 14, 2006 at 7:00 PM.

8:00 PM – Kerry Casey – Special Permit Application – Continued from Feb. 14, 2006 - Ch. Consolati opened the public hearing at 8:00 PM. Mr. Casey was not present at this time and the Board voted, unanimously, to continue the hearing to March 14, 2006 at 8:00 PM with a letter sent to Mr. Casey advising him that if he has not provided the Board with any further plans, they will deny the special permit and he will not be able to resubmit another application for this project for two years.

3. General Business:

Martin Deely, Planning Board member, came before the Board to discuss possible changes in the zoning by-laws. One involves cluster housing which would require a developer to plan a project with more open space. Right now cluster housing is an option and not used. The next is permanent signs. Should it be in the zoning or the town by-laws. Mr. Deely felt there was an advantage to having it in the town by-laws. Next was a discussion on how the zoning by-laws affect the town's position in receiving grant and other funding. There was also discussion on giving the Selectmen more authority during the special permitting process. Mr. Deely stated that the documents should be ready in approximately one month. Discussion on creating a sign committee. (At this point, Ch. Consolati opened the Kerry Casey public hearing) The Board next discussed an adult entertainment regulation. As it stands, an adult entertainment establishment can open anywhere in town. There is no law to prevent it. The town must create a by-law that will protect areas from the unwanted intrusion of this type of establishment. The Selectmen asked if they could have something in writing before their next meeting. The Board thanked Mr. Deely for coming in.

The Board next met with members of the Lee Fire Company to address an issue regarding the Founders' Weekend parade. The fire department will be celebrating its 150th anniversary this year and they would like the town to contribute \$5,000 to increase the number of bands in the parade. They would also like to hold a muster and have a fireworks display. The fire company is working with Aldo Pascucci, who was present, in coordinating these efforts. Mr. Pascucci told the Board it is very difficult to raise funds for this event. The fire company would be a co-sponsor of the parade. The Board said they should submit a special article for the representatives to address at the up-coming annual town meeting. The Board voted, unanimously, to have the Lee Fire Company create a special article with their request for the annual town meeting.

Chris Pompei, DPW Supt., came before the Board to address several issues. The first was the water meter installation project. He stated that 1,800 of the 2,200 residential meters have been installed. There are 110 commercial meters. Mead Westvaco

and Schweitzer-Mauduit are the two largest water users in town. To date, they have not been able to read those meters. Mr. Pompei is working with the mills to correct this problem. The first meter generated water bills are expected to go out on July 1st but the commercial rate needs to be set before that can happen.

The next subject was the water treatment plant access road. Mr. Pompei told the Board that MassHighway and Metcalf & Eddy do not agree on why the slope failed and if any further work is needed to keep it from failing again. Sheeted wall protection will be installed as a compromise. Mr. Pompei and the Board discussed what will need to be done in the spring. Mr. Pompei will provide Selectman Bailey with the newest set of plans to give the Leaheys.

The next issue was the sewer rates. The total cost of the new wastewater treatment plant project will be \$22,300,000 with an operating budget of \$2,057,200 per year. Therefore, the sewer rates need to be increased by 25% for the next two years to raise enough revenue to meet the cost of the operating budget.

The Board received a letter from the police chief regarding the installation of a closed circuit video monitoring system. Selectman Bailey recused himself because he is an employee of the Mass. Executive Office of Public Safety which funded this project through a grant. Ch. Consolati stated that the chief received five bids, all within a reasonable range. The chief has recommended the Board award the project to the lowest bidder, Lee Audio N' Security, Inc. of Lee, MA in the amount of \$11,489.00. The Board voted, unanimously, to approve the recommendation of the police chief.

Selectman Bailey returned to the meeting. The Board received a request from the Household Hazardous Waste Steering Committee to write a letter of intent to participate in the southern Berkshire County regional household hazardous waste collection program for FY07. The town has done so in the past with excellent results. The town's participation is subject to an appropriation passing at the annual town meeting. The Board voted, unanimously, to send the letter of intent.

The Board received a revised fee schedule from the Fire Department. Two new inspections were added to the list in accordance with a state mandate. They are carbon monoxide detector/inspection per single dwelling \$25.00; combination smoke/carbon monoxide detection/inspection per single dwelling \$25.00. The Board voted, unanimously, to approve the new fees.

The Board next went over their performance evaluation of the Town Administrator. The Chairman stated these were only the compilation of the Selectmen and not the other departments. He also stated that these documents are not public record as determined by Town Counsel and the Secretary of State's office. On a scale of one to five, the Board gave Mr. Nason high marks in such areas as his communication skills, dealing with the public, budgetary skills and keeping the Selectmen informed of current events. They gave him somewhat lower marks for his ability to delegate work. Overall, the Board was extremely pleased with Mr. Nason's performance. Deidre Consolati came before the Board to state she felt there was a vacuum in leadership in Town Hall. Monica Ryan questioned the increase in Mr. Nason's weekly hours. Mr. Nason thanked the Board for the time they took to complete this process.

4. Pending Business:

None

5. Town Administrator:

Mr. Nason up-dated the Board on the progress being made on the Shriners Circus. It will be held on May 26th and May 27th at the soccer field on Route 102. Mr. Nason stated that they are reaching out to St. Mary's school with a portion of the ticket sales going to the school.

Mr. Nason provided the Board with copies of the latest budget summary and impact analysis. The town is still over the levy limits of Proposition 2 1/2. There will be a budget summit on March 21, 2006 at 7 PM in the Airolidi Building with the School Committee, Finance Committee, Selectmen and town representatives.

6. Public Comments:

Selectman Bailey stated he is now the representative for southeastern Berkshire County at the MPO meetings.

Ch. Consolati noted that the Council on Aging is now moving over the Crossway Village on March 20th. This is a definite date.

7. Motion to adjourn:

The Board voted, unanimously, to adjourn at 9:45 PM. Their next regular meeting will be Tuesday, March 14 , 2006 at 7 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