

BOARD OF SELECTMEN
MINUTES OF MEETING – MAY 9, 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 6:30 PM.

The Board voted, unanimously, to go into executive session to consider the value of real property and to discuss litigation strategy and return to public session at 7:00 PM. Roll call: Bailey, yes; Carlino, yes; Consolati, yes.

1. **Approval of Minutes:** April 25, 2006 and Executive Session April 25, 2006
2. **Public Hearings:** None
3. **General Business:**

Luci Leonard came before the Board to introduce a new program called Healthy Communities Access Project. It is located in Great Barrington and is a federally funded project to improve accessibility to healthcare for uninsured and underinsured families and individuals living in Western Massachusetts. She explained that the program is designated to offer public insurance eligibility and enrollment services, health screenings and referrals to needed support services including follow-up referrals to local primary care medical providers. They are looking for a location in Lee to provide these services. The Board suggested the new Council on Aging office at Crossway Village, the ambulance building and the library. In the meantime, they have scheduled their first screening in the town hall courtroom. Selectman Carlino asked how they were getting the word out about the program and she said they will provide posters, pamphlets will be distributed and they will be using local media. When asked if this program will be available to seniors, Ms. Leonard said that they are a separate issue and seniors would be referred to agencies specific to their needs. The Board stated they were definitely in favor of such a project and thanked her for coming in.

Next the Board addressed the issue of a bid protest filed by LB Corp. with the Attorney General's office against the town regarding the Reservoir Road drainage repair project. The Attorney General's office findings were in favor of LB Corp. Atty. Michael Hinkley of the law firm of Donovan & O'Connor came before the Board representing LB Corp. Atty. Hinkley read a letter addressed to the Board outlining how they felt the bid process was flawed. He also read a proposal from LB Corp. that included a public apology from the town, recognizing LB Corp. had done nothing wrong relative to its bid protest, that there would be no bias against LB Corp. relative to future bid protests, and compensation of \$2,500 for costs relative to the bid protest. In return, LB Corp. would release the town from all causes of action, suits, damages and any and all claims, demands and liabilities whatsoever both in law and equity which LB Corp. has against the town. Chairman Consolati stated that the Board would take this matter immediately under advisement and forward it to Town Counsel.

The Board received a letter from Richard Vinette, Executive Director of the Lee Community Development Corp., asking the Board to reappoint two members of the CDC Board of Directors. Ch. Consolati recused himself. The two members are Frank Consolati and John Philpott. Upon motion made by Selectman Carlino and seconded by Selectman Bailey, they voted, unanimously, to approve the reappointments. Ch. Consolati returned to the meeting. Mr. Vinette then up-dated the Selectmen on the downtown project initiated at a past Selectmen's meeting. He will be coming before the Board at their next meeting to discuss the formation of a downtown task force. He will be meeting with the Chamber of Commerce on May 15th for the same purpose. He felt there should be one member from the Selectmen, Assessors and Planning Board. He would also welcome citizen participation. The Board stated they will follow-up on this and thanked him for coming in.

Mr. Nason told the Board that the town had received all pertinent documents needed for Hamid Circus to bring the Shriner's Circus to Lee on May 26th and May 27th. The insurance had been reviewed and approved by the Toole Agency. The police will provide details for both days, the town ambulance service will provide EMT's and an ambulance and the building inspector has signed off on a temporary sign permit and a tent permit and electrical inspection. There is also an agreement to hold the town harmless from any loss, damage or expense arising from any claims or demands. Mr. Nason asked the Board to consider waiving the fees for the sign permit, tent permit and electrical inspection fee totaling \$95.00. The Board voted, unanimously, to approve the temporary sign permit. The Board voted, unanimously, to approve the entertainment permit. The Board voted, unanimously, to sign the hold harmless agreement. The Board voted, unanimously, to waive the fees.

Mr. Nason asked Don Torrico, Building Inspector, to review the plans for the new wastewater treatment plant to determine an estimated cost of permits and inspection fees for electrical and gas/plumbing inspections. Mr. Torrico recommended a total estimated cost of \$31,500. A portion of these fees will be paid outside the inspectors' annual stipends and we will need

to process this proposal with the Personnel Board and town meeting. Selectman Bailey recused himself from the vote. The Board voted, unanimously, to accept the Building Inspections recommendation for permit and inspections fees for the new wastewater treatment plans. Selectman Bailey returned to the meeting.

Bids for the new wastewater treatment plant will be opened on May 18th at 2:00 PM. They will then be given to the project engineer, Metcalf & Eddy for review and recommendation. Because of the short time frame between the bid opening and the next Selectmen's meeting, Mr. Nason asked the Board if they would meet the following week to go over the bid recommended by Metcalf & Eddy. If the Board approves the recommendation, a package will be sent to the Dept. of Environmental Protection who will authorize a contract award. The Board agreed to meet on May 30th at 5:00 PM. Mr. Nason was told that it takes approximately two weeks for the DEP review the documents and to authorize a contract award. Mr. Nason was hoping to have this for the Selectmen's June 13th meeting so they can approve the contract award.

The Board received a memo from the Dept. of Public Works stating they received two quotes for an over the rail mower. A third vendor was unresponsive. The vendors were Dalton Tractor for \$11,464.42 and Tri-County Tractor for \$15,985.00. The DPW recommended Dalton Tractor. The Board voted, unanimously, to accept the recommendation of the DPW and award the mower purchase to Dalton Tractor in the amount of \$11,464.42.

Mr. Nason received a letter from the police chief regarding the purchase of a new work station in the dispatch center. Previously, the chief had received three written responses and the Selectmen awarded a contract to New England Dispatch of Tuftonboro, NH in the amount of \$8,682.00. Subsequent to that, New England Dispatch stated they required a 50% deposit which is prohibited by municipal finance law. The chief then located a company who has a state contract for dispatch furniture and Write-Line of Worcester MA submitted a proposal for \$6,071.89. The police chief recommended this vendor. The Board voted, unanimously, to approve the purchase of a dispatch work station from Write-Line in the amount of \$6,071.89 as recommended by the police chief.

The Board received a letter from Berkshire Regional Planning Commission asking for their support to transfer them to the state retirement system. They are presently included in the City of Pittsfield retirement system. This would actually save money. The Planning Commission asked the Board to write a letter to the chairman of the House Ways and Means Committee in support of Senate Bill 1570. The Board voted, unanimously, to write a letter.

The Board received two Temporary Sign Permit Application from Boy Scout Troup 3 to advertise their Camporee on May 19th, 20th and 21st. The permit was approved by the Building Inspector. The Board voted, unanimously, to approve the permits.

The Board received a permit application from Berkshire Gas Co. to repair service at 94 East Center Street. Chris Pompei, DPW Supt., approved the work. The Board voted, unanimously, to approve the permit.

Mr. Nason informed the Board that the DPW is looking to dispose of a 1995 dump truck with plow and sander. It has already been advertised and bids will be received until 2:00 PM on Friday, May 12th. Mr. Nason asked if the Board would approve of this disposition. The Board voted, unanimously, to approve the disposition of the dump truck.

Because of repair work being done to the façade of the Bookless Building at 40-50 Main Street, a street/sidewalk blocking permit was required. The police department was providing a detail officer and the DPW signed off on the permit. The Board voted, unanimously, to approve the permit.

The Board received a memo from Berkshire Regional Planning Commission regarding the Berkshire Metropolitan Planning Organization. Selectman Bailey is a member of that organization representing southeastern Berkshire County. The memo states that Regional Planning is organizing a Transportation Advisory Committee of municipal representatives appointed by town Select Boards/Mayors. The TAC will be reviewing and approving large scale street and road changes and are looking for volunteers.

4. Pending Business:

Planning Board meeting 5/15 @ 6:15 PM – Rodeway Inn

Zoning Board of Appeals meeting 6/7/ @ 7:00 PM – F.L. Roberts & Co., Inc.

Ch. Consolati congratulated Elder Services of Berkshire County for a fine job they did of converting a portion of the Central School to affordable low income senior housing.

Annual Town Meeting 5/11 @ 7:30 PM

Annual Town Elections 5/15

Ch. Consolati announced that Sandy Beach will be open on June 22nd, the last day of school. The schedule may be posted on the town’s web site.

Ch. Consolati welcomed back Kathy Borden, Town Accountant, from an extended medical leave.

5. Town Administrator:

Mr. Nason told the Board that the House Ways and Means Committee recommended no increase in state funding for local schools (Ch. 70). After much urging, Rep. Pignatelli was able to be \$55,000 reinstated. This still left a large shortfall. He urged all residents to contact State Senator Andrea Nuciforo to ask that the senate increase state aid for education to at least what the governor had recommended, \$140,000.

Mr. Nason received a memo from the Dept. of Public Works recommending four candidates for seasonal positions. They are Scott Abderhalden, Water Dept. Intern, and Donald Wuertz, Cemetery worker, both returning from last year. New candidates are Matthew Griffin, highway worker, and Lyndsey Shook, Main Street beautification. All are Lee residents. Mr. Nason will make the appointments subject to the Board’s approval. The Board voted, unanimously, to approve the appointments for seasonal employees in the DPW.

6. Public Comments: Brian Thorne came before the Board to ask why Town Counsel was not present during the presentation by Atty. Michael Hinkley regarding the L.B. Corp. matter. Selectman Bailey said there was no indication that Atty. Scully should be present. Atty. Scully advised the Board before their regular meeting in executive session.

Jim Nolan, District 6 representative, came before the Board to discuss the traffic problems on Laurel Street. It is particularly bad with the construction being done near Cranwell Resort. It is almost impossible to make a turn against traffic. Why can’t there be an alternate route through Stockbridge. The Board agreed but said there is no easy solution to this problem.

Deidre Consolati came before the Board to ask questions regarding the L.B. Corp. matter. Ch. Consolati said that because this is pending litigation, but Board could not comment at this time. She then directed her questions to Atty. Hinkley, but he also declined comment for the same reason. Ch. Consolati stated that when the matter is settled, there will be full disclosure.

7. Motion to adjourn:

The Board voted, unanimously, to adjourn at 8:15 PM. Their next regular meeting will be Tuesday, May 23, 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