

BOARD OF SELECTMEN  
MINUTES OF MEETING – FEBRUARY 27, 2007

Present: Ch. Patricia D. Carlino, Gordon D. Bailey, Frank A. Consolati, Board of Selectmen.  
Robert L. Nason, Town Administrator

Ch. Carlino called the meeting to order at 7:00 PM

1. **Approval of Minutes:** February 13, 2007

2. **Public Hearings:** None

3. **General Business:**

John Philpott, Lee's representative for the Goose Pond Maintenance District, and Timothy Puntin, Chairman of the Goose Pond Prudential Committee, came before the Board to present a draft feasibility study for a Goose Pond area sewer system. Ch. Carlino had asked members of the Planning Board and Board of Public Works to attend and David Durante of the Planning Board was present. At their annual town meeting, the Maintenance District discussed the feasibility of having a sewer system around the pond. Mr. Philpott explained that Goose Pond is one of the cleanest ponds in the area but there are some problems and they would like to prevent larger problems in the future. He said there are approximately 270 parcels around the pond. Mr. Puntin explained that he was instrumental in organizing the Goose Pond Maintenance District. It was established in 1994 and one of his goals was to have sewer around the pond in 20 years. He said one of his particular concerns is the Chanterwood area. The parcels are very small and the dwellings are very close together and very old. Mr. Puntin discussed the various ways the sewage could be dealt with. He then pointed out the various sections around the pond including Changerwood and Leisure Lee, which are entirely in Lee, and other sections that are in Tyringham. Mr. Puntin discussed some of the options that would keep sewage out of the pond, including tying into the town's sewer system. His next discussed how this project might be funded. He contacted the DEP, USDA, the Clean Water act and others and funding would most probably come from low interest loans and/or grants. The District has made this same presentation to the Town of Tyringham and is now looking for input from Lee. Selectman Consolati stated that the town has used Goose Pond as an emergency water supply in the past and it could happen again. The quality of the water is important. Selectman Bailey wasn't so concerned about future development around the pond but rather how much of the extra capacity built into the new sewer plant will be used up. The number of homes, 80 to 100, is a significant number and would create a large amount of flow. Mr. Puntin said he spoke with Peter Kolodziej, Tri-Town Health, and Chris Pompei, DPW Supt. Mr. Pompei said they looked at every potential parcel of land in town that could make use of the sewer plant when it was being designed. Mr. Pompei's immediate reaction was that the impact would be minimal. Ch. Carlino asked when this is discussed at the District's annual town meeting and it is voted on favorably, they would be coming back to the town for further discussion. Mr. Philpott said that would be the case. Selectman Bailey suggested that more research be done as to how much capacity the new sewer plant has. He would not like to see all development stopped because this project has taken all the extra capacity the plant has. The Selectmen thanked Mr. Philpott and Mr. Puntin for coming in. David Durante, Planning Board member, asked the men if they were aware of a similar project on Richmond Pond at Richmond Shores wherein they tied into the Pittsfield sewer system. They were vaguely aware of it and will look into it further.

Phil Smith, Director of the Lee Chamber of Commerce, came before the Board to discuss a Mass. Turnpike Tourism Grant Application to provide a performing arts series in Lee during the last week in June. All performances will be free. The project will be entitled "Berkshire Summer Begins in Lee". Mr. Smith said that he already has a firm commitment from Jacob's Pillow and a verbal commitment from Shakespeare & Company. He will also be contacting the Norman Rockwell Museum, Berkshire Theatre Festival and Tanglewood. On nights when there is no major performance, entertainment will be provided by local talent. The performances would be held in the town park for seven nights. Mr. Smith has already received permission from the First Congregational Church to use the park. A large tent seating 200 people, similar to the town used during Founders' Weekend, will be erected in the part. Mr. Smith ran down the list of expenses and the total grant application came to \$30,547.71. Discussion on parking. Rich Vinette, Lee CDC Executive Director, felt this type of program fit in well with promoting downtown Lee. Mr. Vinette said he spoke with Laurie Norton-Moffet from the Norman Rockwell Museum and they were very interested in the project. Discussion on having enough handouts from various venues in the area and also on restroom facilities. Motion to approve the grant application. Seconded. Unanimous vote. Mr. Smith told the Board that Jacob's Pillow would like to put up signs on light poles. These would be banner types and would be up for longer than the 30 days a temporary sign permit would allow. He has spoke with the building inspector and the Planning Board. The Planning Board said they had no problem with this if the Selectmen approve the idea. Mr. Smith will be coming back to the Board with a specific proposal. The sign would promote the Pillow's 75<sup>th</sup> anniversary and may also include the Chambers event.

Gerald LePrevost, Traffic Commission Chairman, came before the Board to update them on some concerns they had. Mr. LePrevost said the Commission met on Feb. 13<sup>th</sup> and strongly recommends an addition to Article 246-46 of the Zoning By-

laws. This article amendment would include heavy vehicle exclusion on Fuller, Maple, Orchard and East Center Streets. Ch. Carlino asked about past truck exclusion on East Center Street. Mr. LePrevost said the signage is there but the steps were never taken to get approval from Mass. Highway. The Commission further recommends crosswalks on Main Street and other heavily traveled streets be painted bright blue or green. The crosswalks on Housatonic St. are governed by MassHighway and they will only paint them yellow or white. No solid crosswalks are permitted. Selectman Bailey had an issue with the colored sidewalk on Main Street. You can't see it at night. He felt using reflective silver and white would work better. The Board discussed using the same textured paint the state would be using. It would keep the crosswalks uniform. The last issue was the stop sign from Price Chopper to Consolati Way. The sign is faded and needs to be replaced. Discussion on why that sign is often ignored. The sign at Elm and Main Streets also needs to be replaced. Selectman Consolati asked if there was any progress on changing the bus stop in front of the Dresser Hull showroom on Main Street. Mr. LePrevost said that is still a work in progress. One alternative that is being look at is before the Pamula Loring store going southbound, however, it's a long distance from where the tickets are sold. Another alternative is to remove the bumpout across from Town Hall and have the bus stop run to the Price Chopper planter. Mr. LePrevost said the Chamber of Commerce has been actively looking into parking for the local businesses.

Malcolm Chisholm, Lee's representative on the Five Town Cable Advisory Committee, came before the Board to discuss the changes in the basic line-up provided by Time Warner Cable. The Committee is working with Pittsfield and North Adams to have some of the channels reinstated. He also told the Board that a bill has been filed that would take local cable franchise authority away from communities. Verizon is the bills chief proponent and is seeking ways to avoid negotiating cable franchises with each community. Mr. Chisholm does not support this bill. He feels each community should have control over their public access channels. Mr. Chisholm explained to the Board, that in the agreement with Adelphia, which Time Warner Cable took over, a clause regarding cable installation was included. The clause stated that if you lived in an area that had poles for electricity and telephone, the cable company had to install cable to your home at their standard rate, no matter how far away you were from the nearest cable connection. Time Warner Cable has quoted a fee of \$1,000 to run a cable line to a residence at Leisure Lee. Mr. Chisholm discussed this matter with Time Warner and they rejected his interpretation of the clause. He went on to show the Board the differences between the old agreement with Adelphia and latest one where the changes were made. Mr. Chisholm proposed that he once again contact Time Warner Cable asking them to change their policy regarding installation back to what is in the agreement they took over from Adelphia within 30 days. After that 30 day period the company will be in violation of the agreement and fines can be imposed. He is willing to take them to court but hopes it doesn't come to that. Mr. Chisholm asked the Selectmen, if they were in agreement, to make a motion on his proposal. Selectman Bailey moved the motion and Selectman Consolati seconded it. Ch. Carlino asked for discussion and verification of what section of the agreement Time Warner Cable was referring to. Atty. Chisholm explained that the cable company was referring to Section 3.4 of the old agreement and he is referring to Section 3.4 of the current agreement. The road in question is not a town road but an "approved road" as stated in the agreement. The Board voted, unanimously, to go with Mr. Chisholm's proposal regarding cable installation. Selectman Bailey initiated further discussion regarding losing control of the local cable franchises. He felt this was a very important issue and asked Mr. Chisholm to contact our state representative and senator.

The new owner of Juice n' Java came before the Board to get approval of a Common Victuallers License. The transaction has not been completed but they would like to keep the business open to continue to sell Peter Pan bus tickets. Town Counsel has no objections. The Board had no problem with the situation and voted, unanimously, to approve the license.

The DPW received two quotes to replace the exterior doors in the Town Hall courtroom. The doors were deemed beyond repair by the Historical Commission. One quote was from David J. Tierney, Jr., Inc. for \$6,395.00 and the other from Restorations, Inc. for \$9,604.00. Dennis Kelly, DPW Supt., recommended David J. Tierney, Jr., Inc. Selectmen Consolati and Bailey commented that this project is costing more than it should because of the mandatory payment bond and prevailing wage rates that are required by law. Mr. Nason stated that he didn't think the prevailing wage rate law was going to change any time soon but the one requiring a payment bond has been petitioned over and over again and he has been assured that the Mass. Municipal Association is striving to change that law. Mass. Historical Commission must give their permission to proceed with the project before it is done. The Board voted, unanimously, to approve the recommendation subject to the approval of the Mass. Historical Commission.

The next item was the appointment of the 2007 Capital Outlay Committee. The Committee consists of one member from each district, usually the chairman, and a member of the Planning Board, Board of Assessors and Finance Committee. Ch. Carlino read the list of appointees: District 1 Elizabeth Leahey; District 2 William Noonan; District 3 Mary McDarby; District 4 Arthur Mack (designated Stephen Cozzaglio); District 5 Pauline Pollard; District 6 Dr. Raymond Grogran (designated Dorothy Fraser); Finance Committee Edward Finnegan; Board of Assessor Dayton Delorme; Planning Board David Durante. The Board voted, unanimously, to make the appointments.

The Board received an application for a temporary sign permit from Maidenform at Prime Outlets. The permanent sign for the store was broken. The Board voted, unanimously, to approve the permit.

The Board received an application for a temporary sign permit from the Lee Library Association celebrating their 100<sup>th</sup> anniversary. They would like to have the banners up for one year. The Board voted, unanimously, to approve and give permission to the Lee Library Association to install and maintain the banners for one year.

**4. Pending Business:**

Zoning Board meeting – 3/21/07 @ 7 PM – B Safe Storage

Ch. Carlino read a letter from Jerome Scully, Town Counsel, announcing his decision to retire effective July 1, 2007. Atty. Scully recommended a new member of his law firm, Jeremia Pollard who is familiar with municipal law. Atty. Scully included Atty. Pollard's resume with the letter. Ch. Carlino opened up discussion as to what the town should do about legal representation. The Board voted, unanimously, to accept Atty. Scully's letter, with deep regard. Selectman Bailey would be more than happy to meet with Atty. Pollard. He has dealt with many large law firms that deal in municipal law through his job and would like to keep local representation, if possible. Selectman Consolati concurred with Selectman Bailey's feelings. Contact will be made with both Atty. Scully and Pollard to see if they can be available to come to the next Selectmen's meeting on March 13th or, if not, a Selectmen's meeting in April.

**5. Town Administrator:**

Mr. Nason discussed the subject of the wastewater treatment plant access road easement and lighting upgrade. There are currently five lights on the right side of the access road leading into the wastewater treatment plant from Route 102. Five of the lights are on the road and a sixth light is at the WMECO substation. The electric company does not use their property to get to their substation but uses the towns access road. The electric company has asked for an easement to get to their substation and Mr. Nason asked them if they would be willing to exchange the easement, the replacement of the access road lights. The electric company has agreed to replace the old lights and provide power to them. This proposal has been reviewed by the WWTP Oversight Committee and Project Manager Chris Pompei who recommend the replacement. Mr. Nason said that if the Selectmen approve the proposal, Town Counsel will draft an article for the annual town meeting warrant to grant the easement or whatever else is necessary to grant the easement. The Board voted, unanimously, to approve the proposal. On another lighting matter, Ch. Carlino said she felt there was something wrong with the lights on Main Street. Mr. Nason stated that the lights on Main Street came on and went off at random. He feels it is a timer issue and is working with a local contractor to find the problem.

Regarding the Senior Citizen Property Tax work-off Program increase in participants, Town Counsel has determined that the increase does not require town meeting approval.

Mr. Nason announced that the Town Moderator has appointed Marylou Antoniazzi to the Finance Committee. The Finance Committee now has a full compliment.

**6. Public Comments:**

Gerry LePrevost, Traffic Commission, announced that the Commission had a vacancy and Police Sargeant Joseph Buffis has agreed to serve. The Selectmen will make the appointment at their next meeting.

**7. Motion to adjourn:**

The next regular meeting will be Tuesday, March 13, 2007 at 7 PM. The meeting adjourned at 9:15 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