

BOARD OF SELECTMEN
MINUTES OF MEETING – MARCH 13, 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:** none

2. **Public Hearings:** None

3. **General Business:**

Jerome Scully, Town Counsel, came before the Board at their request to consider his replacement upon his retirement on July 1, 2007. Atty. Jeremia Pollard is an associate of Hannon Lerner and has experience with municipal law. The Selectmen asked him questions as to his experience. He stated he was admitted to the Mass. Bar in 1999 and has been working directly with other municipalities for five years. Ch. Carlino ask him if he would be willing to keep the same arrangement the town now has with Atty. Scully. Atty. Pollard said he has had extensive conversations with Atty. Scully about this and was willing to make himself available in the same manner as Atty. Scully has. Selectman Bailey ask if he had any experience with building code enforcement and he said he had and was familiar with the Housing Court. He spent several years working as counsel representing the City of North Adams and MassMOCA. The Board asked him if he had a problem with different town employees contacting him for information and he said he was more than willing to continue the arrangement the town has with Atty. Scully. Ch. Carlino asked Atty. Pollard if he was willing to become an employee of the town and he said he was. After discussion, the Board agree to wait until their meeting of April 10th to make any decision and to give anyone interested a chance to voice their opinion. Neither attorney had any problem with this.

Ronald Glidden, Police Chief, came before the Board on several issues. The first was to get the Board's approval for the disposition of a 2003 police vehicle with over 106,000 miles. This is required by the town by-laws to deem the vehicle surplus property in order to seek bids from the public. The Board voted, unanimously, to approve the disposition of the police vehicle.

The chief next brought before the Board a draft amendment to the heavy commercial vehicle exclusion by-law. The new by-law would contain a list of fines including the operator of a vehicle that causes property damage, an operator who violates the regulation but does not cause property damage and any owner who knowingly allows operation of a heavy commercial vehicle in violation of this regulation. The Selectmen discussed certain aspects of this amendment and Selectman Bailey suggested raising the fine for the vehicle owner from \$100 to \$300. The streets targeted are Fuller, Maple, Orchard and East Center Streets that all connect to streets already under the heavy commercial vehicle exclusion by-law.

The chief and the Selectmen next discussed Sandy Beach and whether or not alcohol should be prohibited. The current by-law regulating alcohol consumption pertains only to town owned property, public ways and sidewalks. Although Sandy Beach is operated by the town, the property is privately owned. Discussion on whether alcohol was a big problem and what procedures the beach staff should carry out if there is a problem. The chief will consult with Town Counsel to come up with language that can be used as a tool when there is a problem. The Selectmen suggested the chief come to their next meeting with that language so they can review it and make a decision.

The Board voted, unanimously, to appoint Police Sargeant Joseph Buffis to the Traffic Commission. This came after research discovered that the Traffic Commission is not regulated by any town by-law and there is no limit to the number of members it can have.

The Board received a recommendation from the fire department for the purchase of a trailer. The fire department received four quotes and recommended Atlantic Coast Trailer Sales in the amount of \$8,078.00, the lowest quote. The Board voted, unanimously, to approve the recommendation.

The Board received a recommendation from Dennis Kelly, Asst. DPW Supt., for various roof repairs on town buildings. Mr. Kelly solicited four roofing companies and received only one response from Fairview Roofing in the amount of \$13,950.00. The Board voted, unanimously, to approve the award.

The Board received a copy of a memo from Chris Pompei, DPW Supt., regarding the Leahey Dam. The state has mandated that the dam be inspected and an emergency action plan developed. Mr. Pompei contacted three engineering firms and only Tighe & Bond responded with a quote. Mr. Pompei recommended the Board award the project to Tighe & Bond in the amount of \$20,500.00. Selectman Bailey made a motion to approve the recommendation and it was seconded. Discussion

on problems the town has had before with this firm regarding accessibility of plans and extra costs. Selectman Bailey stated that no extra costs would be paid without written authorization and withdrew his motion. Mr. Nason explained that these are not building plans but a procedural plan to be carried out in the event of an emergency. It will be a written, bound document that will be available just like all the other town's emergency plans. Selectman Bailey once again made a motion to approve the recommendation, it was seconded and approved unanimously.

The Board received Amendment #1 to the L.B. Corp. non-snow related emergency work contract. The change is necessary because of the work done on the broken fire hydrant on Fuller Street. Even though Werner Trucking paid \$6,135.40, the total cost of the project exceeds the original \$15,000 stated in the contract. The new figure will increase to \$30,000 for water line repairs. The Board voted, unanimously, to approve the amendment.

At their last meeting, the Board received a recommendation from Dennis Kelly to award the Memorial Hall exterior door replacement to David J. Tierney, Jr., Inc. in the amount of \$6,395.00. An agreement has been drafted by Town Counsel and Board voted, unanimously, to sign it.

The Board voted, unanimously, to sign a Letter of Intent to participate in the Southern Berkshire County Regional Household Hazardous Waste Collection Program for FY08.

The Board voted, unanimously, to approve a Temporary Sign Permit Application from KB Toys at Prime Outlets for three consecutive ten day periods.

The Board received an Entertainment Permit application from Panayioti's Grill & Pizzeria at 54 Main Street. The permit asks for live vocalists, acoustic only, for Thursday, Friday and Saturday nights from 8 PM to 12 AM. The Board voted, unanimously, to approve the application.

The Board next addressed the matter of the town's annual toll stop fund raisers. Five organizations are vying for three openings for 2007. Picked at random were April 21st Lee High Band Parents; Sept. 22nd Lady Wildcats Basketball booster Club; Oct. 20th Lee Elementary PTO.

The Board received Amendment #3 to the agreement between Hill Engineers Architects Planners and the town for additional review of the F.L. Roberts Draft Environmental Impact Report. The request for this additional work was made by the Conservation Commission and F.L. Roberts has agreed to pay the additional fee. The amount for the additional work is \$86 per hour with an upset limit of \$1,634.00. The Board voted, unanimously, to approve the amendment.

The Board received a request from the chairman of the Five Town Cable Advisory Committee to submit a letter of intent from the town to the Dept. of Telecommunications & Energy to participate in a hearing regarding Time Warner Cable's basic service tier programming. Malcolm Chisholm, Lee's representative on the committee, has endorsed this action. The Board voted, unanimously, to write the letter.

The Board received a letter from Berk. Regional Planning Commission inviting the Board to appoint representatives to participate in a Lee Area Traffic Study work group, together with Lenox, Becket, Stockbridge and West Stockbridge. Gerald LePrevost, Chairman of the Traffic, has agreed to be the primary representative and Chris Pompei, DPW Supt., has agreed to be the alternate. The Board voted, unanimously, to make the appointments.

4. Pending Business:

The Board received a letter from Peter Niles, P.E., that he has been appointed the new MassHighway District Highway Director in District One.

The Mass. Municipal Association will hold a regional meeting in Lee on March 29th at 6 PM in the Town Hall courtroom.

Planning Board meeting – April 16th at 6:30 PM – By-law amendment – Signs and sign illumination

The Board received a memo from the Board of Assessors stating they have released \$50,000 from the FY03 overlay surplus account into the town's undesignated fund balance.

Ch. Carlino stated she was approached by Linda J. Morin as a possible member on the Golf Course Committee. Ch. Carlino said Ms. Morin is an avid golfer and would be a valuable addition on the committee. The Board voted, unanimously, to make the appointment.

5. Town Administrator:

Mr. Nason announced that with the addition of the \$50,000 from the Assessors, the town's undesignated fund balance is now \$1,653,148. He stated that the deadline for capital outlay requests was last Friday. The Capital Outlay Committee met this afternoon and meet again next Tuesday to make their recommendations.

6. Public Comments:

The Board congratulated the Lee Lady Wildcats basketball team on their great showing in the finals.

7. Motion to adjourn:

The next regular meeting will be Tuesday, March 27, 2007 at 7 PM. The meeting adjourned at 8:15 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