

BOARD OF SELECTMEN
MINUTES OF MEETING-April 1, 2008

Present: Gordon D. Bailey, Chairperson, Patricia Carlino, Frank A. Consolati
Also present was Robert Nason, Town Administrator
Meeting was called to order by Chairman Bailey at 7:00 PM.

1. **Minutes:** March 7, 2008, Public and Executive Sessions approved
2. **Public Hearings:** Crossway Tower, Special Permit Hearing (continued from March 4th meeting) Chairman Bailey called the hearing to order at 7:02 PM. Presenting on behalf of the applicant, Elder Services of Berkshire County/ Crossway Tower, Inc., were Stephanie Talanian, Project Manager and Gregory Zorzi, of Studio One, Inc, the Project Architect. Chairman Bailey recalled that the March 4, 2008 public hearing had been continued to give the applicant time to address questions that had arisen about the proposed use of the existing front entrance, the design of the rear entrance ramp, maintenance and emergency vehicular access to the Town's abutting playing fields through the premises; and, to produce floor plans and elevations needed for a special permit. Mr. Zorzi presented his March 13, 2008 conceptual plans for the reuse of the 1894 Hyde Building portion of the former Central School. The plans included elevations illustrating the design of the rear entrance ramp, floor plans for the proposed 12 one bedroom apartments and one studio apartment, and a site plan indicating the ramp location and access to the town's adjacent playground. Noting that the front entrance would be used only as an exit, Mr. Zorzi reported that a front door ramp was neither proposed nor required. Chairman Bailey recalled that the Planning Board had reviewed and endorsed the proposed site plan, recommending that special attention be given to the adequacy of the proposed parking and to the maintenance of the landscaping. Ms. Talanian reported that she had reviewed the adjoining Crossway Village parking utilization, current and projected; and, she had shared the proposed parking plan with Council on Aging (COA) Director Norman Maroney and Lee Youth Association (LYA) Executive Director Sharon Terry. She reported their conclusion that the Crossway Village parking spaces, together with the existing Hyde Building spaces and the 10 proposed additional spaces, would be adequate to support the additional 13 apartments, as well as the LYA's use of the gym and the COA's use of the Senior Center, both of which are located in Crossway Village. Ms. Talanian noted that Elder Services would be responsible for maintaining the landscaping, including those Hyde Building portions that it had previously landscaped, but over which it currently has neither responsibility nor control. When the Chair opened the hearing to public comment, there was one question and it concerned the cost of the project. Ms. Talanian responded that the US Department to Housing and Urban Development had awarded \$1.8 Million and that an application for an additional \$1.4 Million had been submitted to the state Department of Housing and Community Development.

Whereupon by a motion duly made and unanimously approved, the members voted to accept the May 13, 2008 site plan as presented. The members then considered the special permit; and, by separate motions duly made and unanimously approved, they made the following findings:

1. The project is in harmony with the purpose and intent of the Adaptive Reuse Overlay District, because it provides housing with services for seniors as is provided in the adjacent, recently reused, former school structures;
2. The building is eligible for conversion under Section 199-20A(B) of the Zoning Bylaws, because the building was a municipal building that was used for school purposes for not less the 15 years.
3. The site plan is drawn in accordance with Section 199-35 of the Zoning Bylaws;
4. The proposed use of the building, senior housing, is specifically allowed by special permit under Section 199-20A(D)(2)(b) of the Zoning Bylaw;
5. The Development Standards under Section 199-20A(E)(1) have been waived because the building meets the eligibility requirements of the Adaptive Reuse Overlay District, the reuse of the building necessitates enhancements, which are not designed to increase the building capacity, but are required to make the building functional for the intended new use, and the converted premises will be adequately landscaped in a way that promotes harmony with the neighborhood;
6. The Development Standards under sections 199-20A (E0(2)-(3) have been met;
7. The redevelopment project is desirable, because it comports with the town's master plan

8. The redevelopment project will not be detrimental to adjacent uses or to the established or future character of the neighborhood;
9. The redevelopment project will not create undue traffic congestion or unduly impair pedestrian safety;
10. The redevelopment project will not overload any public water, drainage, or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of town will be unduly subjected to the hazards affecting public health, safety or general welfare.

Based upon these findings, and upon a motion duly made, the members voted unanimously to grant, in accordance with the Lee Zoning Bylaw for adaptive reuse of public buildings, a Special Permit to Crossway Tower, Inc., for the purpose of converting the 1984 Hyde Building portion of the former Lee Central School into 13 units of elderly housing. The vote was as follows:

Frank Consolati – No conflict, voted in favor of the special permit
Patricia Carlino – No conflict, voted in favor of the special permit
Gordon Bailey – No conflict, voted in favor of the special permit.

The public hearing closed at 7:35 PM.

3. **General Business:**

Robert Scherpf, P.E., V.P., Metcalf & Eddy, and Kevin Anderson, P.E. Construction Manager, explained the Project Engineer's February 15th request for an additional fee of up to \$41,689 to continue their Resident Representation Services through May 28, 2008, the Contractor's extended completion date. Noting that he had provided additional information on March 25th, Mr. Scherpf lowered the request to \$31,024 to cover the period April 14th to May 28th and he offered to provide two additional days of services at no cost. The Town's Project Manager, Chris Pompei, DPW Supt., recommended that the Board approve the additional services. Upon motion duly made and seconded, the Board voted, unanimously, to extend the Resident Representation Services to up and including May 6, 2008 and to pay M&E up to \$16,481.00 for those services when rendered at the rate of \$112 per hour, but not to exceed \$896 per day, plus \$73.40 per day for travel. The Chairman advised the Project Engineer that the Board would, at a later date, consider extending the services beyond May 6th.

In May of 2007, the Project Engineer, Metcalf & Eddy, (M&E) agreed to review the reported slope movement at the water treatment plant access road and recommend a course of action for a fee not to exceed \$3,000. After explaining that his firm had inadvertently exceed the \$3,000 fee by \$649.29, M&E V.P. Robert Scherpf withdrew his October 7, 2007 request for additional compensation.

Chris Pompei, DPW Supt., came before the Board and reported that extraordinarily wet winter conditions compelled the department to purchase more sand than they anticipated in October 2007 when they contracted with J. Donovan & Son, Inc. Specifically they established a contract limit of \$7,000 and they have spent \$10,200. Contract amendments are normally limited by the Uniform Procurement Act (Chapter 30B) to 25% of the base contract, or in this case a total of \$8,750. However, the statute make provision for emergency procurements, and in this case, the amount purchased was less than advertised, the unit price remained constant and the product was needed for public safety. Upon motion duly made and seconded, the Board voted, unanimously, to approve the emergency procurement and to increase the contract price from \$7,000 to \$10,200.

The Board received a Utility Cut Permit from Berkshire Gas Co. to replace gas service at Academy Street. This emergency work had been approved by the DPW Supt. The Board voted, unanimously, to approve the permit.

As the Board reviewed the Agreement Between the Commonwealth of Massachusetts Dept. of Environmental Protection and the Town of Lee, Mr. Nason recalled that he had signed the agreement valued at \$794.00 after consulting with Ch. Bailey about the March 2008 deadline for remitting the signed document. The grant provides consumer education materials for junk mail and waste reduction, and idling reduction campaign toolkit and 25 rain barrels. Upon motion duly made and seconded the Board voted, unanimously, to approve the agreement and to authorize Mr. Nason to sign it on behalf of the Selectmen.

Mr. Nason told the Board that the town had come to an agreement with the police union to adjust longevity payments to union members equal to that of other municipal employees. These longevity payments will start after 20 years of service. The Board voted, unanimously, to sign an amendment to the police union contract to include the longevity adjustments.

Mr. Nason explained to the Board that an Energy Efficiency Advisory Committee has been created to collect and analyze information and make recommendations regarding reducing both supply costs and use of energy. Mr. Nason recommended four town residents and one member of the Finance Committee who have volunteered to participate in this ad hoc committee: William Enser, William Maroney, Gerry LePrevost, Roger Scheurer and Todd Morin, Finance Committee member. Their first meeting is scheduled for April 14th. Selectmen Carlino asked if there was a statute or town by-law that regulated the creation of this committee and Mr. Nason said no. There being no further discussion, the Board voted, unanimously, to make the appointments as recommended. The Selectmen thanked them for their participation.

The Board voted, unanimously, to approve a Temporary Sign Permit for the Lee Youth Association for a fund raiser that was held on March 29th and March 30th and to waive the filing fee.

The Board voted, unanimously, to approve a Temporary Sign Permit for St. Mary's Church for "Parents in Prayer" to be held on Tuesday at 8 AM and to waiver the filing fee.

The Board received a revised application for a poker Tournament from the Lee Lions Club changing the date from May 4th to May 18th. The Board voted, unanimously, to approve the application.

4. Pending Business:

Ch. Bailey announced a Planning Board hearing for April 7th at 6:15 PM to amend Sections 199-80 and 199-81 of the Zoning By-laws.

Ch. Bailey announced a household hazardous waste collection in Lee on July 12th from 9 AM to 12 PM. He also announced a mini-site collection in Gt. Barrington on April 30th from 4 PM to 6:30 PM.

A presentation by the General Electric Co. on the Housatonic River clean-up was held last week at the high school and Ch. Bailey asked if that website could be put on the town's website as a link for any interested in looking at it.

5. Town Administrator:

Mr. Nason had rough drafts of the FY08 special and FY09 annual town meeting warrants before the Board for discussion. First, he asked the Board where they felt comfortable placing an article creating a new five hour per week position to process paperwork for a new trench safety law. Ch. Bailey recused himself from discussion regarding this article. Mr. Nason said that the article could go on either warrant but he felt it might be better placed on the special because it had to do with new compensation and then, if passed, an appropriation would go on the annual town meeting warrant. He also said this new position could be in any department having an interest in the trench safety law, Building, DPW or Fire Departments. This position would not be created until January of 2009. The Board discussed where they felt the best placement for the article was and decided the special town meeting warrant was more appropriate. As for the new position, the Board felt the Building Department was the most appropriate place for it. Mr. Nason and the Board went over the remainder of the articles on the special town meeting warrant. Next they discussed the articles on the annual town meeting warrant. Mr. Nason said a final draft of both warrants would be mailed to the town representatives on Wednesday or Thursday for the baby town meeting. Mr. Nason asked if any of the Selectman would be available to look at the final draft and Selectman Carlino said she would.

Mr. Nason up-dated the Board on the hanging plants on Main Street. He said the program was proceeding and would not exceed 20 plants. The Chamber of Commerce will provide the device for setting the plants on the light poles.

Mr. Nason told the Board that Fire Chief Driscoll is out for an extended period after surgery. He also said that Deputy Chief Alan Sparks is on vacation. He would like to appoint, with the Board's approval, First Assistant Paul Giarolo to the position of Acting Fire Chief from March 27th to April 13th and Deputy Chief Sparks to that position from April 14th to April 30th. The Board voted, unanimously, to approve the appointments.

6. Public Comments:

Ch. Bailey apologized for not doing this sooner, but congratulated the Lee Lady Wildcats basketball team for winning their division.

7. Motion to adjourn:

The next regular meeting will be Tuesday, April 15, 2008 at 7 PM. The meeting adjourned at 9:10 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