

BOARD OF SELECTMEN
MINUTES OF MEETING – OCTOBER 7, 2008

Present: Ch. Frank A. Consolati, Patricia D. Carlino, Gordon D. Bailey, Board of Selectmen.
Robert L. Nason, Town Administrator
Ch. Consolati called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** Sept. 2, 2008, Sept. 16, 2008, Sept. 23, 2008

2. **Public Hearing:** None

3. **General Business:**

Nathanial Karns and Allison Church, Transportation Program Manager, Berkshire Regional Planning Commission, came before the Board to bring them up to date on the current traffic study primarily concerning traffic congestion on Lee's Main Street. When the project first began, the governing bodies of Lenox, Stockbridge and Lee signed a letter agreeing to this problem. This was the first time the three towns mutually acknowledged this fact. Mr. Karns stated that the study identified 27 possible alternatives including the towns of West Stockbridge, Stockbridge, Lenox, Lee and Becket. That number had been reduced to six possibilities. He next went over the length of time it takes to make a left turn onto Main, Park and Housatonic Streets. This problem is mainly caused by the fact that almost 16,000 vehicles travel through that corridor every day, almost 2,000 are trucks and 50% of those have three or more axels. This is an extremely high volume for a two lane road system that includes an entrance/exit for the Mass. Turnpike. Mr. Karns explained that for every alternative, extensive studies were done to assess the impact on the environment, residential areas and the reduction of vehicles. He also said that for the first time, the Mass. Turnpike Authority was invited to participate in these discussions. Of the six alternatives being considered, all but one involve manipulating traffic in different configurations in Lee itself. There was much discussion involving the Selectmen, members of the Planning Board, a member of the Zoning Board of Appeals and the Chairman of the Conservation Commission as to why alternatives outside of Lee were not studied more closely. One in particular was a turnpike interchange in Becket that would direct traffic north on Route 8 to Pittsfield and points north. Although part of that plan was looked at in the study, it was felt that a closer look at an improved Route 8 could be a solution. Mr. Karns and Ms. Church said they will look into that further. Mr. Karns said that ultimately the Berkshire Metropolitan Planning Organization would make the final decision as to what alternative they feel should make the final cut. A meeting of that organization's subregional caucus is being held in the Lee Torn Hall on Thursday, Oct. 9th at 5:30 PM. The Selectmen thanked everyone for coming to this presentation.

Chris Pompei, DPW Supt., came before the Board with several items to discuss. The first was the water distribution and sewer collection system mapping and sewer system modeling. This would put the water and sewer maps on GIS. The Selectmen voted to award the contract for this service to Lenard Engineering at their September 23rd meeting. The Board voted, unanimously, to approve the agreement with Lenard Engineering, Inc. in the amount of \$47,800.00.

The next item was tree removal services. Ch. Consolati recused himself from the discussion and vote. Mr. Pompei stated that he received three bids for this service and John H. Flynn, Inc. was the low bidder at \$18,605.00. The Board voted, unanimously, to award the bid to John H. Flynn, Inc. per the bid form not to exceed the amount of \$18,605.00.

The last item was the National Pollutant Discharge Elimination System permit. The new wastewater treatment is currently discharging phosphorous at a rate of .4mg/l. The U.S. Environmental Protection Agency has now determined that that figure should be .2mg/l from April 1st to Oct. 31st. Mr. Pompei said that in order to meet that number, the plant would need additional equipment. He said the City of Pittsfield was appealing a similar decision and he felt the town should do the same. It would give the town time to look into what options are available to it. The Board agreed to appeal the state's new criteria.

The Board received a draft of the Intergovernmental Memorandum of Agreement for Services with Mass. Development Finance Agency. After Mr. Nason, Rep. Pignatelli and Richard Vinette, Jr., Executive Director, Lee CDC, met at the Mass Development office. The scope will be limited to Chapter 43D related services and economic development assistance grants. Town Counsel and Richard Vinette, Executive Director, CDC, also an attorney, have reviewed it. Mass Development will act as the town's coordinating agent for the \$100,000 grant agreement.

The Board received a letter from Daley & Sons Trucking stating that they would be happy to resume hauling recycling from Lee and Lenox to the MRF in Springfield if the town was willing to split the proceeds it receives for those recycled materials. The Recycling Committee is in favor of this. Center for Ecological Technology has asked the SMRF if they will pay Daley their share of the proceeds directly but have not received an answer as yet. The Board is in favor of the concept.

The Board next discussed billboards in town. The Planning Board has received numerous requests from Lamar to restore billboards on Housatonic Street and Center Street. The Board discussed the financial hardship a property owner who is leasing land to the billboard company may encounter. The town by-laws state that no new billboards can be erected in town but existing ones can be repaired through the Planning Board. If the Planning Board turns down the request, the company can appeal the decision. The Planning Board will seek legal advice from Town Counsel and the Selectmen will wait to make a determination until they hear from the Planning Board.

In lieu of the Local Hazard Mitigation Plan approved for the town at the Selectmen's September 16th meeting, the Board voted, unanimously, to approve a regional plan being developed by Berkshire Regional Planning Commission and to have the Chairman sign a letter of commitment for same.

The Board received a letter from the Police Chief asking them for permission to apply for a grant for seasonal foot patrols for next summer. Selectmen Bailey recused himself from discussion and voting. The Board voted, unanimously, to approve the grant application.

The Board received a request to create a Bike Path Committee to investigate the possibility of linking a bike path with the Town of Lenox. Mr. Nason recommended a list of nominees provided by John Toole who would head the committee. The nominees are John Toole, Rich Vinete, Chris Pompei, Bernard Collins, Helen Gasparian and Richard Aldrich as Advisor. The Board voted, unanimously, to approve the appointments.

The Board received a Municipal to School Reporting Agreement from Susan Kelley, Treasurer, required by the Mass. Dept. of Education. The new agreement would increase the allocation of employee benefits administration from 25% to 45%. The Board voted, unanimously, to approve the agreement.

The Board voted, unanimously, to approve a one day wine and malt license for the Berkshire Theatre Festival for rides on the Scenic Railroad from Stockbridge to Lenox and back.

The Board voted, unanimously, to approve a Utility Cut Permit for Lenox Construction Co. to install water service at 640 Devon Road.

The Board voted, unanimously, to approve Berkshire Gas Co. permits to install new service at 15 Main St., 139 W. Park St., 130 Mill St. and 42 E. Center Road.

The Board voted, unanimously, to approve a one day wine and malt license and an entertainment to The Grind for Oct. 11th in lieu of ones they had for Sept. 27th. That event was rained out. The Board's vote included new paper work being filled out that the new event.

4. Pending Business:

The Board discussed their annual inspection of Oak 'N Spruce Resort. All three members participated and were impressed by the improvements made. They felt that management was working diligently to meet the goals presented to them and have been maintaining and putting money back into the property.

The Berkshire Metropolitan Planning Organization will meeting on Oct. 9th at 5:30 PM in the Town Hall courtroom.

The Upper Housatonic River Area of Critical Environmental Concern will meet on Oct. 28th at 7 PM in the Town Hall courtroom.

The Planning Board will hold a meeting on Nov. 3rd at 8:15 PM on a special permit for repair of a billboard at 194 Center St.

Trick or Treat night will be Oct. 31st from 5 PM to 7 PM.

5. Town Administrator:

Mr. Nason asked the Board to approve his appointment of William Thornton as second alternate Building Inspector. Selectmen Bailey recused himself from discussion and voting. This appointment was recommended by Donald Torrico, Building Inspector. The Board voted, unanimously, to approve the appointment.

The Board received letters of resignation from James Loring, Police Officer, and Paul Jakacky, Plumbing/Gas Inspector. The Board accepted their resignations with regret.

The Board next discussed police details. The Police Chief recommended that the police bargaining agreement be modified to read that any town related details be billed at the current reduced rate and all other details either requested by or bill to an outside contractor be charged at the normal rate. The Board voted, unanimously, to approve and sign an amended agreement to reflect these changes.

Mr. Nason announced that there would be a household hazardous waste collection in Great Barrington on Oct. 18th from 9 AM to 1 PM.

6. Public Comments: None

7. Motion to adjourn:

The next regular meeting of the Selectmen will be held on Tuesday, Oct. 21st at 7 PM. A special meeting with the Board of Public Works will be held on Oct. 9th at 4 PM. The meeting adjourned at 9:20 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