

BOARD OF SELECTMEN
MINUTES OF MEETING – OCTOBER 21, 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:** Executive Session Sept. 16, 2008; Oct. 7, 2008
2. **Public Hearing:** 7:00 PM – Silverleaf Resorts, Inc. – Special Permit amendment – Ch. Consolati called the meeting to order at 7:00 PM. Present: James Scalise, SK Design Group, Michael Brown, Silverleaf Resorts. Mr. Scalise asked the Board to approve an amendment to Condition No. 7 of the Special Permit dated June 30, 2004. He would like to extend the construction period for Buildings No. 32 and 38 for a period of one year. The current completion date for construction is Nov. 16, 2009. Mr. Scalise stated that he may have to apply for new building permits due to changes in the building codes. Ch. Consolati and Selectmen Carlino stated they had no problem with this extension request. Ch. Consolati asked for comments from the audience. Alice Collins, 100 Meadow Street, asked if other construction would still be going on. Mr. Scalise said just smaller projects. No other large ones. Ms. Collins was concerned about the noise and truck traffic during this extended period. Cornelia Kalasher, Bear Town Mt. Road, came before the Board and stated she would like to receive notice when the annual inspection is scheduled. The Selectmen discussed having another site visit at the resort for the benefit of any abutter who wished to participate. She also asked about the size of the outdoor pool. It is very small. No one had an answer to her question other than it was planned that way. There being no further discussion, Ch. Consolati asked for a motion. Selectman Bailey made a motion to amend Condition #7 entitled “Schedule for Staged Construction of Buildings, Roads and Infrastructure” to read “six (6) years of receipt of the first Building Permit”. Also change to read “Unless otherwise agreed unanimously in writing by the SPGA, all Building Permit applications must be submitted for all buildings within five (5) years of the recording of this Special Permit.” The Board agreed that the modification is not a substantial alternation to the condition of the Special Permit. Seconded by Selectman Carlino. Roll call vote: Selectman Bailey: No conflict. Vote in favor of the amendment. Selectman Carlino: No conflict. Vote in favor of the amendment. Ch. Consolati: No conflict. Vote in favor of the amendment. Unanimous. Mr. Brown said he had no problem scheduling another site visit. The public hearing closed at 7:15 PM.

7:15 PM – Board of Assessors – Tax Rate Classification Hearing – Present: Ch. William Derrick, Edward “Buddy” Briggs, Dayton Delorme, Board of Assessors. This is the annual tax classification rate hearing to determine whether or not the town should set one or more tax rates. One rate would include all real estate, residential, commercial and industrial. The Assessors felt that due to the small number of commercial properties and the decline in industrial properties, the town should set one tax rate for the whole town. Discussion on when the real estate tax bills would be mailed. The hope is on Nov. 4th. Selectman Carlino asked why the town never splits its tax rate. Ch. Derrick said there would need to be a substantial increase in commercial business. She asked if the Board could do a comparison to see what it would take to make a split rate possible in Lee and they said they would look into it. The Selectmen voted, unanimously, to approve the single tax rate recommended by the Board of Assessors. The hearing closed at 7:25 PM.

3. **General Business:**

Elton Ogden, President, Berkshire Housing Development Corp., came before the Board asking for their support in securing grant funds to renovate 57 Main Street. Ch. Consolati recused himself from discussion and voting and turned the meeting over to Selectman Carlino. Berkshire Housing Development Corp. recently acquired the building and is making plans to renovate it to make it handicapped assessable and energy efficient. Berkshire Housing plans to invest \$2M in the building. All apartments will remain and rents will be kept affordable. There should be no permanent displacement of tenants. Selectman Bailey made a motion to write a letter of support for the project and have Selectman Carlino sign it. Seconded. Unanimous. Ch. Consolati returned to the meeting.

Richard Brittain, Vice Chairman, Zoning Board of Appeals, came before the Board to ask them to make the following appointments: Move Keith Herren, presently an alternate member, to the permanent position vacated by Becky Brunnel for a term to expire June 30, 2010; reappoint Francine Larson for a term to expire June 30, 2010; reappoint Ed Handberg for a term to expire June 30, 2011 and reappoint Matthew Carty as Alternate for a one year term to expire June 30, 2009. He is comfortable with the present members. Selectman Bailey stated he knew of someone who was interested in an appointment on the ZBA and he will check with that person to see if they are still interested. The Board voted, unanimously, to approve the appointments as submitted. Mr. Brittain stated the ZBA is looking to compose a booklet that would give people a tool to use when applying for a variance. He also hoped to get something like that on the town’s website.

Neil Clarke came before the Board to ask them to support a no vote on Questions 1, the abolition of the state income tax. Mr. Clarke is a retired teacher and this would be devastating to the town. It would mean a 69% decrease in state revenue just

for the schools. It would mean that property taxes and sales taxes would rise. Selectman Bailey disclosed he is an employee of the state. Selectman Bailey said it was an ill conceived plan and Ch. Consolati urged a no vote on the question. The Board voted, unanimously, to adopt a resolution to oppose Question 1, a ballot that would eliminate the state income tax. That Question 1 would cut the state budget by 40%, cause massive reductions in local aid to cities and towns and result in drastic reductions in school programs.

The Board next discussed the appeal of a decision by the EPA to reduce the percentage of phosphorus currently allowed in the discharge water at the new wastewater treatment plant. The figure the EPA is now proposing will cost the town a great deal to bring the new plant up to the new standards. It was felt that the town should appeal this decision. It will give the town time to negotiate with the EPA and perhaps reverse their decision. The Board voted, unanimously, to file an appeal.

The Board, Ch. Consolati recused himself, voted to sign a contract with J. H. Flynn, Inc. to tree service for the town.

The Board received an up-dated version of the agreement for services with MassDevelopment with the blank schedules removed. The Board voted, unanimously, to sign the agreement.

The Board received a letter from Hill Engineers for additional compensation for additional design review of the proposed Moose Drive subdivision. The additional compensation will be \$1,500.00 paid by the developer. The Board voted, unanimously, to approve the additional services contingent upon receipt of the required funding from the developer.

The Board voted, unanimously, to enter into a Recycling Materials Revenue Sharing Agreement with the Town of Lenox to dispose of recycled materials at the Springfield Municipal Recycling Facility. The Town of Lee will be credited with 65% of the delivery and the Town of Lenox will be credited with 35%.

The Board voted, unanimously, to write a letter to Daley & Sons Trucking giving them 50% of the proceeds collected on behalf of the Town of Lee and will be paid directly to Daley by the Springfield Municipal Recycling Facility. The Board authorized Mr. Nason to sign the letter on the town's behalf.

The Board voted, unanimously, to approve permits submitted by Berkshire Gas Co. to install new service at 50 Silver St., 35 St. Mary's Ave. and 80 S. Prospect St. They also approved emergency repairs at Margerie Street.

4. Pending Business:

The wastewater treatment plant will hold a dedication/open house on Oct. 25th from 9 AM to 11 AM.

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.

The Zoning Board of Appeals will hold a meeting on Nov. 5th at 8:15 PM

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

5. Town Administrator:

Mr. Nason received a letter from Police Chief Ronald Glidden recommending the appointment of Ryan Lucy as full-time police officer, filling the vacancy left by the retirement of James Loring. Mr. Lucy is currently a full-time police officer in the Town of Great Barrington with over two years experience. The Town of Great Barrington has approved this transfer and the Board thanked them. The Board voted, unanimously, to approve Mr. Nason's appointment of Ryan Lucy as full-time police officer subject to his successful completion of both a medical and psychological examination.

Mr. Nason next discussed some budget guidelines with the Board. He stated that the Social Security Cost of Living Adjustment has been set at 5.8%. Rounded upward, this could mean a possible 6% increase in salaries for FY10, or approximately \$140,000.00 added to the budget. Mr. Nason felt this may not be doable based on the current economic climate. He stated that on average, the COLA is approximately 3% per year. Selectmen Carlino suggested looking into putting a cap on the COLA to prevent these drastic swings.

6. Public Comments: The Board congratulated Coach Thomas Cinella on his recent retirement as head coach of the girls' basketball team. The Board thanked him for his many years of dedicated service to the children of the town.

7. Motion to adjourn:

The next regular meeting of the Selectmen will be held on Tuesday, Nov. 4, 2008 at 7 PM.

The Board voted, unanimously, to go into executive session for the purpose of discussing litigation and not returning to public session. Roll call: Bailey, yes; Carlino, yes; Consolati, yes. The meeting adjourned in executive session at 8:55 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