

.BOARD OF SELECTMEN
MINUTES OF MEETING – FEB. 17, 2009

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: Feb. 3, 2009, Feb. 5, 2009

2. Public Hearing: 7 PM – Barela, Inc. d/b/a Lee Bowling Lanes – New All Alcoholic Beverages License – Ch. Consolati recused himself from this hearing and turned the hearing over to Selectman Carlino. She opened the public hearing at 7 PM. Bruce March, the applicant, came before the Board to answer any questions they may have. The 2009 license renewal for the Lee Bowling Lanes was denied by the Selectmen due to the failure of the Bowling Lanes to comply with Ch. 304 of the Acts of 2004. This is a joint inspection by the Building Inspector and Fire Chief. The Bowling Lanes is now in compliance and a Certificate of Inspection has been issued but, after several complaints, the Health Department is now involved and more improvements need to be done to the facility. A letter to the Board from Peter Kolodziej, Director/Sanitarian, Tri-Town Health Dept., explained that most of the improvements had been completed and he had no objection to the Board approving the new license subject to his office conducting a final inspection of the bar area prior to the release of the liquor license. Selectman Bailey asked Mr. March if there would be any changes to the operation of the business and Mr. March said no. Selectman Carlino asked if any one serving alcohol at the establishment had completed the TIPS program and Mr. March said he had. Selectman Carlino recommended anyone servicing alcohol on the premises should take the program. There being no further comments or questions, upon motion duly made and seconded, the Board voted, unanimously, to approve the new license subject to the condition stated in the letter from the Tri-Town Health Department. The public hearing closed at 7:05 PM and Ch. Consolati returned to the meeting.

3. General Business:

Donald Torrico, Building Commissioner, came before the Board to explain the new excavating and trenching safety laws that will be in force on March 1, 2009. Mr. Torrico read a brief outline of what this new law entails. A trench is defined as an opening more than three feet deep and no more than 15 feet wide. A permit will be needed for work on both public and private lands and ways. The DPW will be in charge of permits for public lands and ways, and the Building Dept. will be in charge of private lands and ways. A \$35.00 fee will be charge for each permit. Mr. Torrico said a detailed explanation of the new law is on the Dept. of Public Safety website at www.mass.gov/dps or contact his office at 243-5518. Ch. Consolati asked about private contractors doing work on public ways. Mr. Torrico said the DPW will be responsible for these permits. If a contractor is working on both public and private land, only one permit will be required. Upon motion duly made and seconded, the Board voted, unanimously, to appoint Chris Pompei, DPW Supt., and Donald Torrico, Building Commissioner, as the permitting authorities for the town and to adopt the \$35.00 permit fee.

Next, Richard Vinette, Lee Community Development Corp., Executive Director, came before the Board to discuss the draft version of the downtown strategy. He asked for a longer time period to keep it available to the public for review and comment. Mr. Vinette would like to have the consultants for the Eagle Mill at the Selectmen's March 17th meeting. Mr. Nason asked if the Board would like to have this meeting at a larger venue and invite the town representatives. The Board said yes. Sarah LaValley, Berk. Regional Planning Commission, came before the Board to ask for an extension of time to March 31, 2009 on the Memorandum of Agreement for MGL Chapter 43D technical planning services. The Board voted, unanimously, to sign the Amendment to the Memorandum of Agreement for the extension of time. She next addressed the procedure outline and step-by-step guide and asked if the Board had any questions on this. She would like to distribute this document in the next two to three weeks. The Board thanked her for coming in.

The Board received a memo from Chris Pompei, DPW Supt., asking for an increase limit from \$7,000 to \$12,000 on the winter sand purchase agreement with Donovan & Son, Inc. The increase is due to the extraordinary amount of sand used this winter season and the amount available to town residents at the WWTP. After discussion, the Board voted, unanimously, to approve the increase not to exceed \$12,000.

Mr. Nason next asked the Board to consider options for purchasing heating oil for FY10. He has been working with the Berkshire Region Group Purchasing Program who has contracted with Brown Oil Company to make the best price available to the town. There are three options available. Option A is buying oil on a non-fixed price basis, Option B fixed price future program locking in the price as of January 2010 and Option C block group purchase where you buy a specific amount and pay for it whether you use it all or not. Mr. Nason recommended Option B basing his opinion on what the market price has been doing for the past few months. After discussion, the Board voted, unanimously, to authorize Mr. Nason to enter the town into the Option B plan with the Berkshire Regional Group Purchasing Program.

The Board voted, unanimously, to sign a letter of intent with the Southern Berkshire Regional Household Hazardous Waste Collection Program for FY10.

The Board voted, unanimously, to sign a Lease Amendment with Lee Central Enriched Housing, Inc. to relinquish all the town's responsibility for the Hyde Wing of the Central School which is now Crossway Village affordable senior housing.

The Board voted, unanimously, to authorize the Police Chief to sign a Standard Contract Form with the Commonwealth for a Regional Communications Center Grant in the amount of \$111,407. The funding will go to up-grade two-way radios for the police, fire and ambulance departments to eliminate trouble spots and increase communications coverage.

The Board voted, unanimously, to appoint the following to the Capital Outlay Committee: District 1, Elizabeth Leahey; District 2, William Noonan, or his designee; District 4, Arthur Mack; District 5, Robert Boynton; District 6, Dorothy Fraser; Finance Committee, Edward Finnegan; Board of Assessors, Dayton Delorme; Planning Board, David Durante. There is a vacancy in District 3 and anyone from that district interest in serving on this committee, please contact the Selectmen's office. Mr. Nason will also canvas that district to see if any representatives are interested.

Selectman Carlino pulled the names for the 2009 toll stops. There were nine applicants for three vacancies. The winners were: Lee Echo Yearbook Committee; Lee Gridiron Football; St. Mary's School PTO. The remaining six applicants will be guaranteed a toll stop in 2010.

4. **Pending Business:**

Mr. Nason announced that the Dept. of Telecommunications and Cable is proposing to open a regional investigation of Verizon Massachusetts' basic service quality in Berkshire, Hampden, Hampshire and Franklin Counties. The Department has determined that there is significant concern about Verizon's service quality among telephone customers in many towns in Western Massachusetts. Comments can be made in writing or on a website available until March 9, 2009.

5. **Town Administrator:**

Mr. Nason reported that Lee, Lenox and Stockbridge have been selected to receive District Local Technical Assistance support from the Berk. Regional Planning Commission. This support will help the towns assess the potential of and develop a strategy for shared service arrangements.

6. **Public Comments:**

Cathy Corbett came before the Board to ask that the DPW do a better job of cleaning the town sidewalks. She also asked if "No Parking" signs could be installed at the bus stop in front of Dresser Hull on Main Street. She also asked if store owners could make sure the handicapped ramps in front of their stores are cleared of ice and snow.

Sybil Machado, a resident of Brown Court, came before the Board to object to the way the housing project is being maintained. She stated windows leak, carpets need shampooing and apartments need to be repainted from time to time. She wants to put an article on the annual town meeting warrant for funds to do these needed improvements. Selectman Carlino told Ms. Machado that Brown Court is funded by the state and not town funds. Mr. Nason told Ms. Machado that the new Stimulus Act may have funding available for public housing. She also said that street lighting on that area is very poor.

7. **Motion to adjourn:**

The next regular Selectmen's meeting will be Tuesday, March 3, 2009 at 7 PM. Upon motion duly made and seconded, the Board voted, unanimously, to go into executive session for the purpose of discussing collective bargaining strategy and not return to public session. Roll call vote: Carlino, yes; Bailey, yes; Consolati, yes.

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