

BOARD OF SELECTMEN  
MINUTES OF MEETING – JUNE 16, 2009

Present: Patricia D. Carlino, Chairman, absent, Gordon D. Bailey, David J. Consolati, Board of Selectmen.  
Robert L. Nason, Town Administrator  
Selectmen Bailey called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** June 2, 2009
2. **Public Hearing:** None
3. **General Business:**

The first order of business was an application for a Common Victuallers License from the Abdalla family for a new business called Lucky's Ice Cream & Grill at 300 Center Street. Two members of the family were present and explained that besides ice cream, they will be selling hotdogs, hamburgers, salads and other light fare. There being no further discussion, the Board voted, unanimously, to approve the application.

Rich Vinette, Executive Director, Lee Community Development Corp., came before the Board to address the Economic Adjustment Assistance Strategy Grant Application. He stated the town has received a \$100,000 grant from the Commonwealth to undertake activities to expedite permitting procedures and develop site analysis for reuse on two priority development site, the Eagle and Laurel Mills. This is the 43D Grant. Phase one of this project has been completed. A financial analysis and on-site mapping are the next components. In order to qualify for a new grant from the U.S. Dept. of Commerce, Economic Development Administration, the town must have unexpended funds. He would like to temporarily stop work on the 43D grant project in order to meet this new grant criteria. If the town receives funding for this new grant, it will mean an additional \$50,000 to be used for this project. Mr. Vinette asked the Board to approve a hold on the work on the 43D until there is an award of an EDA grant to the town or August 15, 2009, whichever comes first. The Board voted, unanimously, to approve the hold on the 43D grant.

Jamie Cahillane, Center for Ecological Technology, came before the Board to read an annual report of accomplishments achieved by the Recycling Committee and CET over the past year. Selectman Consolati disclosed that his father-in-law is Nelson Daley. The Board will hold the agreement between Lenox and Lee for sharing recycling revenue with Daley and Sons Trucking until the next Selectmen's meeting. Mr. Cahillane said that the school is recycling more material. He also stated that there will be no grants for this coming fiscal year because of lack of funding. Mr. Cahillane said that rain barrels and compost bins have sold briskly. Ann Sterlin of the Recycling Committee informed the Board that seasonal activities will continue including the spring sale of rain barrels, the fall Founder's Weekend informational table and the winter wrapping paper education campaign. She thanked everyone for their efforts. Mr. Cahillane thanked Ms. Sterlin and Monica Ryan and the Recycling Committee for over five years of service to the town. Mr. Cahillane is a consultant to the town through the Center for Ecological Technology and its contract with the town is due for renewal. Some of Mr. Cahillane's duties will include working with the town's Recycling Committee, assisting with grant applications and attending town meetings when necessary. The Board voted, unanimously, to enter into a contract with CET for consulting services not to exceed \$1,980.00.

The next recycling item is an extension of the town's agreement with the Southern Berkshire Regional Household Hazardous Waste Collection Program. Every year they sponsor hazardous waste collections in 15 member towns in Berkshire County. This is the ninth year of the program. Mr. Cahillane said there will be nine collections, seven for paint and motor oil only and two for comprehensive collections. The fee for FY10 will be \$2,738 plus a fee based on disposal participation. Mr. Cahillane said the total fee will not exceed \$4,000. The Board voted, unanimously, to approve the extension agreement in an amount not to exceed \$4,000. The Selectmen thanked Mr. Cahillane for his service to the town.

The Board received a Temporary Sign Permit Application from Organizing for America, to provide materials regarding the president's health care reform movement. It will be held in the church parking lot on June 27<sup>th</sup> from 10 AM to 6 PM. The church has given permission to use their space. The Board voted, unanimously, to approve the application and waive the filing fee.

The Board received a request from Lenard Engineering to extend their contract for water and sewer line mapping to August 30, 2009. This should be the last request for an extension. The Board voted, unanimously, to extend the contract with Lenard Engineering to no later than August 30, 2009.

The Board received a proposal from Abbott's Limousine & Livery Service for FY10 transportation service for the elderly on Tuesday and Thursday from 8:30 AM to 2 PM in the amount of \$14,400.00. This proposal was submitted to the Council on

Aging and was the only one submitted. The funding for this transportation was approved by the annual town meeting. The board voted, unanimously, to accept the proposal from Abbott's.

The Board received a Temporary Sign Permit from the Lee Youth Association advertising their annual barbeque on June 26<sup>th</sup> at 5 PM. Selectman Consolati disclosed he was a former Director of the LYA. The Board voted, unanimously, to issue the permit.

The Board received a letter from the Berkshire Regional Transit Authority asking them to appoint a member to the BRTA's Advisory Board. Arthur Snide has once again graciously accepted the appointment. The Board voted, unanimously, to appoint Arthur Snide to the BRTA Advisory Board.

The Board received an agreement from Melanson Heath for services for the FY09 audit. The proposal is recommended by the Town Accountant. The fee has increased only \$500 from last year. The Board voted, unanimously, to enter into an agreement with Melanson Heath for FY09 audit services.

The Selectmen voted, unanimously, to make the following reappointments for FY10: For one year – Jeremia Pollard, Town Counsel; Gerald LePrevost, Edward Forfa, Traffic Commission; Matthew Carty ZBA Alternate Member; Robert Boynton, Margaret Biron, Donna Toomey, School Building Commission; Rebecca Riordan, Personnel Board; Malcolm Chsiholm, Five Town Cable Advisory Board; Millard Eckert, Bruce Forbes, Cemetery Committee; Dorothy Fraser, Linda Csyz, Jacob's Ladder Trail Scenic By-way Commission. For three years – Joseph Dupont, Historical Commission; Richard Brittain, ZBA; Sandra Cozzaglio, Board of Registrars; Stuart Dalheim, Conservation Commission; Helen Botto, Council on Aging; William Derrick, Board of Assessors; Linda Csyz, Sandy Beach Committee.

The Board next looked at the FY10 fee budget for the Conservation Commission. Only \$700 of their budget is appropriated the rest is paid for with fees. Mr. Nason said that they have more than enough funding to support a \$5,887.00 budget. The Board voted, unanimously, to approve the fee budget.

4. **Pending Business:** The Laurel Lake Preservation Association will hold a meeting on June 22<sup>nd</sup> at 7 PM in the Lenox Community Center. This Association looks into such topics as weed control, Zebra Mussel infestations and improvements to the Route 20 boat ramp. They are encouraging people from both towns to participate in these discussions.

Household hazardous waste comprehensive collection will be held on July 11<sup>th</sup> from 9 AM to noon at the Stockbridge Recycling Center

A special town meeting will be held on Thursday, June 18<sup>th</sup> at 7 PM at the Lee Middle and High School Auditorium.

5. **Town Administrator:**

Mr. Nason reported that a truck driver/laborer is needed in the DPW to fill in for an employee who is out on medical leave. The Finance Committee has approved a reserve fund transfer to fund the position until June 30<sup>th</sup>. Mr. Nason has appointed Richard Neales to the position.

Mr. Nason told the Board the town received an Emergency Management Grant in the amount of \$2,500. Mr. Nason signed the grant application on behalf of the town. The police and fire chief will be working together to best use the funds. Mr. Nason also reported that the town is getting designs to repair the fire station floor. The cost will be approximately \$5,000. He will keep the Board informed as to the progress of this project.

6. **Public Comments:**

Selectman Bailey opened the floor to comments regarding access to Sandy Beach over a road now owned by a private individual. The first to speak was Susan Clark whose husband is a lifelong resident of Lee. She asked if the \$6,400 suggested in the agreement signed by the town and Roger Scheurer, access road owner, would be prorated if the beach did not open on June 26<sup>th</sup> as proposed. Selectman Bailey said he hoped to have an answer to that question on Thursday, the date of the special town meeting. Ann Langlois said she felt the lake drawdown was an important concern. George Wheeler asked why there was no agreement with Lenox. Selectman Bailey said Lenox is not involved in the road access issue. Kathy Hall asked what was the town paying for and Selectman said for legal vehicular access to the beach. She thought volunteers should be used to fix the road. Beverly Trombly said the town should be looking at another way to get to the beach. She felt the property should be taken by eminent domain. Cornelia Kalesher, Dist. 4 rep., read a letter that said she was torn by the decision to have access. Selectman Bailey said he has spoken with High Lawn Farm about another access to the beach but nothing can be done this year. There is 15 acres owned by Lee and Lenox at the other end of the lake that can be used as a beach. Monica Ryan said she felt the property should be taken by eminent domain. Charlene Richards of Los Angeles is looking to purchase property in Berkshire County. Said she thought a ferry service to the beach might be possible. Frank Consolati, Dist. 6 rep.,

said that the question is do we want a beach and do we want to pay for it. It's only for the one beach season. Gail Cercecia wanted to know why the price went from \$5,000 to \$6,400. Selectman Bailey said negotiations. Chris Collins, Dist 1 rep. asked his constituents to contact him and let him know how they feel about the issue. Roger Scheurer, property owner, said the Selectmen have worked hard to get access to the beach. He has been working with the town and the Beach Committee to come to an amicable agreement. He said he would welcome calls from the town representatives and gave his home phone number. Frank Consolati came back to the podium to say that the Town Report states that there are 5,250 people in the town. That comes out to \$1.02 per person. There being no further discussion, Selectman Bailey closed the public comments portion of the meeting.

7. **Motion to adjourn:** The next Selectmen's meeting will be held on Tuesday, July 7, 2009 at 7:00 PM. The Board voted, unanimously to go into executive session for the purpose of discussing collective bargaining matters and not return to public session. Roll call: Bailey, yes, Consolati, yes. The meeting adjourned in executive session at 9:50 PM.

Respectfully submitted,

Suzanne M. Alderman, Selectmen's Secretary

cc:	Board of Selectmen	Board of Assessors	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