

BOARD OF SELECTMEN  
MINUTES OF MEETING – JULY 7, 2009

Present: Patricia D. Carlino, Chairman, Gordon D. Bailey, David J. Consolati, Board of Selectmen.

Robert L. Nason, Town Administrator

Ch. Carlino called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** Executive Session June 2, 2009, Executive Session June 16, 2009, Regular Session June 16, 2009
2. **Public Hearing:** 7:00 PM – Jazzy Sadie’s – New wine only license – Ch. Carlino called the public hearing to order at 7 PM. Present was Laurie Walhovd, the applicant. Ms. Walhovd is seeking the Board’s approval of a new license, which became available when a license formerly held by Aficionado’s that was returned to the ABCC when the business closed. Her business is at Prime Outlets and she sells hand painted pottery and ceramic items, candles, baskets and items created by local artisans. She will have a smaller display of wines than at Aficionado’s and she will not keep a large inventory. Her cash register is at the front of the store and the back door has a security alarm. When asked, she said she might have wine tastings on weekends on a limited basis. There being no further discussion and no public comments, the Board voted, unanimously, to grant the wine only license to Jazzy Sadie’s and allow the store to sell wine on Sunday. The public hearing closed at 7:05 PM.
3. **General Business:**  
Chris Pompei, DPW Supt., came before the Board regarding several agenda items. The first was an amendment to the contract with SK Design Group to up-date plans and designs for the Washington Mt. Road water line replacement project. Mr. Pompei said this project has been dormant for three years. An additional fee of \$2,100 will be necessary for SK Design Group to do the needed work. The Board voted, unanimously, to increase SK Design Group’s fee by the amount of \$2,100.00.

Mr. Pompei told the Board that the floor in the rear of the Central Fire Station can no longer support the weight of the larger fire trucks and must be replaced. He said SK Design Group will provide the design services in amount not to exceed \$5,000. Mr. Pompei estimated the cost of the repair to the floor would be in the range of \$25,000. After the design is completed, he will go out to bid for the repair work. The Board voted, unanimously, to award the design services to SK Design Group in an amount not to exceed \$5,000.00.

The next item was the FY10 refuse removal and recycling services contract for the town. Mr. Pompei said this going out to bid yearly but he is trying to get in sync with the school that has a three year contract with Allied Waste of Pittsfield. Mr. Pompei received two bids, one from Daley & Sons Trucking in the amount of \$16,298.00 and one from Allied Waste of Pittsfield in the amount of 13,256.00. At the recommendation of the DPW, the Board voted, unanimously, to award the refuse removal and recycling services contract to Allied Waste of Pittsfield in the amount of \$13,256.00 for FY10.

The Board next voted, unanimously, to sign amendment #2 with Lenard Engineering, Inc. to extend the completion date for the water and sewer mapping and water distribution modeling project from June 14<sup>th</sup> to August 30<sup>th</sup>.

Mr. Pompei told the Board that the pump at the Laurel Lake north pump station is in need of repair due in part to the Laurel Lake Nursing Home. Solid waste has broken down the parts in the pump and a new control panel is also needed. Mr. Pompei said the pump is approximately 12 years old and it only has a life of approximately 15 years. Replacing the pump will save money in the long run because now a crew is there every week cleaning it out. Mr. Pompei stated that Blake Equipment was the only company to respond to a request for quotes. At his recommendation, the Board voted, unanimously, to award Blake Equipment the contract to repair the Laurel Lake North pump station in the amount of \$15,148.96.

The Board received a Recycling Materials Revenue Sharing Agreement with the Town of Lenox for FY10. Daley & Sons Trucking will provide the collection and transporting of the recyclables. Selectman Consolati recused himself as Nelson Daley, Sr. is his father-in-law. The agreement is the same as last year wherein Lenox will receive 35% of the revenue and Lee will receive 65%. The Board voted, unanimously, to approve the agreement. Selectman Consolati returned to the meeting.

The Board received correspondence from the Town Clerk stating that she learned at a recent class that state law says physicians must register in the municipality they work in and there is a fee involved. The fee is determined by the Town Clerk and approved by the Selectmen. In this case, the Town Clerk has asked that a \$20 one time fee be assessed to each practicing physician in town. The Board voted, unanimously, to endorse the state law and charge a fee of \$20 with the condition that they are not registered with the health department.

The Board received an application for a one day wine and malt license from the Evening Star Lodge for their annual event. Selectman Bailey recused himself because he is a member of the Lodge. The Board voted, unanimously, to approve the license. Selectman Bailey returned to the meeting.

The Board received a Temporary Sign Permit Application from The Grind at 62 W. Center St. to put up a sign for a one day event scheduled for July 11, 2009. The Board voted, unanimously, to approve the application.

The Board voted, unanimously to approve a Temporary Sign Permit Application from Saraswati Imports to have two events in the town park, one on July 18, 2009 and one on August 15, 2009. The Board voted, unanimously, to approve the application.

The Board voted, unanimously, to appoint John Kelly to the Cemetery Committee for a one year term for FY10.

Ch. Carlino read into the record a letter from Beverly Navin Trombly asking to be considered as a member of the Sandy Beach Access Committee.

Ch. Carlino next said that she attended a meeting at the Lee CDC last Thursday regarding Dr. McMammon's plans for the vacant Bookless Block on Main Street. The Board discussed having an all boards meeting so that everyone will hear the same information at the same time. Mr. Nason said he had looked into this and found that Monday evenings was the best for most boards. The Selectmen had no problem with a Monday night meeting.

The Board received an amendment to the agreement with Laurel Lake Water Power, LLC, owner of a portion of the Sandy Beach access road. The agreement shall now read "access to the public shall be for the hours of 10:00 am, Eastern Time, until 30 minutes after sunset". The Board voted, unanimously, to sign the amendment.

The Board next discussed a petition filed with the Attorney General's office stating that the right to access by foot or vehicles over access to Sandy Beach may be extinguished by the new property owner. Deidre Consolati came before the Board to explain that this has to be with the Public Trust Doctrine, the right to access the shoreline of a great pond. There will be a public hearing on this matter in the near future.

Ch. Carlino addressed the creation of a Sandy Beach Access Committee to look at alternatives to accessing the beach in the future. Ch. Carlino read a list of item possible alternatives from the Board's June 30<sup>th</sup> meeting. The Board felt that a maximum of nine member committee with two alternates would be a workable number. Discussion from members of the audience included funding for research, alternative ways to get people to the beach and the recently discovered zebra mussels in the lake. The Selectmen will address this matter again at their next meeting.

**4. Pending Business:**

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

**5. Town Administrator:**

Mr. Nason said that it will be necessary to schedule a special town meeting for the purpose of funding energy efficiency and renewable energy at the water treatment plant. It will be sometime before September 1<sup>st</sup>. He will have more information before the next Selectmen's meeting. Ch. Carlino asked Mr. Nason about the new hotel/motel tax. Should the town be implementing an increase? The town can increase the amount up to 2%. Mr. Nason will calculate and report the estimated additional revenue.

**6. Public Comments:**

Beverly Navin Trombly said there is no literature at Oak N' Spruce directing guests to downtown Lee. She spoke with the Chamber of Commerce to see if something can be done to correct this.

**7. Motion to adjourn:** The next Selectmen's meeting will be held on Tuesday, July 21, 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, Carlino, yes, Consolati, yes. The meeting adjourned in executive session at 8:50 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