

BOARD OF SELECTMEN
MINUTES OF MEETING – SEPTEMBER 1, 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:** July 7, 2009, Executive Session July 7, 2009, July 21, 2009, Executive Session July 21, 2009, July 27, 2009, August 4, 2009, August 13, 2009, Executive Session August 13, 2009, August 18, 2009. Also approved July 1, 2008, July 15, 2008 and August 5, 2008.
2. **Public Hearing:** 7:00 PM – Perigee – New All Alcoholic Beverages License – Ch. Carlino opened the public hearing at 7:00 PM by reading the public notice. Atty. Vicki Donahue came before the Board representing Dawn LaRochelle, the applicant. Ms. LaRochelle is looking to open the former Sweet Basil Grille on Route 102. There will be no changes to the floor plan or the number of seats. Ch. Carlino asked if Ms. LaRochelle had any experience running a restaurant and she stated no but she is the owner of a catering business in Great Barrington and is aware of alcohol service. She stated her bartenders will all be TIPS certified. Ms. LaRochelle stated she is hoping to open for business in October. Selectman Bailey said if Mr. LaRochelle wanted to do any alterations to the business, she would have to come back to the Selectmen for a change in the liquor license. She understood that. There being no public comments, the Board voted, unanimously, to approve the license for Dawn LaRochelle d/b/a Perigee. The public hearing closed at 7:05 PM.
3. **General Business:**
Mary McGinnis, organizer of the Founders' Weekend, came before the Board with applications for permits for the event which will take place on Sept. 25, 26 and 27. Ms. McGinnis outlined some of the events taking place during the weekend including the ever popular Taste of Lee, sidewalk sales both downtown and at Prime Outlets, Italian American supper, Festival Latino, pancake breakfast at St. Mary's School, the rubber duck race, along with music, tours and other events on and around Main Street. The Board first looked at the Temporary Sign Permit Application and noted that it asked for three laminated signs to be post at the Lee Chamber office, the post office and in the Town Hall information area along with a banner for the Festival Latino to be placed on its tent. The Board voted, unanimously, to approve the permit. The next was an entertainment license for the various activities taking place during the three day event. The hours for the events were Friday, 2 PM to midnight, Saturday 9 AM to midnight and Sunday noon to midnight. The Board voted, unanimously, to approve the license for the hours listed. The last was a Common Victuallers License for the events involving food during the weekend. The Board voted, unanimously, to approve the license based on a list of vendors that Ms. McGinnis will provide to the Board and waive the filing fee.

The Board next addressed the Sandy Beach Access Committee. Seven of the ten people picked by the Selectmen were present and Ch. Carlino read a list of the eight topics the Selectmen felt were viable and also some received from the public at a prior meeting and gave the list to the members. Ch. Carlino asked if the members felt the Board should appoint a chairman or if the group wanted to elect one themselves. The members agreed that they would like to appoint a chairman. The group then discussed what they felt would be a reasonable timeline to return with opinions and suggestions for access to the beach. All agreed that the end of November would be reasonable. The members agreed to contact the Selectmen's office with any questions and also to have the Selectmen's secretary post their meetings. The Selectmen will contact the members who were not present to up-date them on what was agreed and thanked everyone for their time and efforts.

The Board received a notice from Susan Kelley, Town Treasurer, regarding the sale of property at 25 School Street and 1460 Cape Street. Both properties were taken by the town for nonpayment of real estate taxes. The Treasurer will accept sealed bids for both properties no later than 11:00 AM on Friday, Sept. 25, 2009. Ch. Carlino asked for a discussion on the School Street property. She received information from the Building Inspector regarding how many parking spaces would be available if the building were demolished and how much it would cost the town to do so. Her thought was to create a municipal parking area at that end of Main Street. She said the town is owed approximately \$23,000 in real estate taxes and it would cost \$20,000 to create the parking area which would accommodate 16 vehicles. Selectman Consolati said he felt that the only ones to benefit from such a parking area would be the Locker Room, Henry's Electric and the Subway/Lee Tile store. Ch. Carlino said she spoke with Rich Vinette, Exe. Director of the Lee Community Development Corp., who felt that type of parking area was important to the downtown. Ch. Carlino felt it might be important if the Eagle Mill is ever developed. Selectman Bailey was not sure if that parking area would affect the Eagle Mill. He would like to have more time to think about the possibilities of the town using that area. An audience member suggested that the new parking spaces might be rented to the residents in the area as there is very little parking now. Also metered parking was suggested. The Board will discuss this at a later date.

The Board voted, unanimously, to approve and sign an agreement with Borges Construction for the water line replacement project on Washington Mt. Road in an amount not to exceed \$253,330.50.

The Board voted, unanimously, to approve and sign Amendment #2 to the consulting agreement with SK Design Group, Inc. to increase the contract price by an additional \$11,450.00,0 from \$11,765.00 to \$23,215.00 for additional engineering service for the water line replacement project on Washington Mt. Road.

The Board received a Temporary Sign Permit application from the Lee Youth Association for a consignment sale at the Lee Corporate Center on Sept. 19th and 20th. Selectman Consolati recused himself. The Board voted to approve the temporary sign permit for the LYA.

The Board received a Temporary Sign Permit application from Garden Grove Pottery of Wethersfield, CT to hold a craft fair in the town park on Sept. 5th and 6th. This application asked for five signs, one at the Turnpike exit, one at the Lenox/Lee line and three to be placed on the fence bordering the park. The Board agreed that they could not allow the signs at the Turnpike and the town line. They also agreed that this vendor should pay the \$35 permit fee for each of the signs. The Board also asked that the Congregational Church, owner of the park, needs to give them something in writing verifying the use of the park. The Board voted, unanimously, to approve the temporary sign permit for three signs for a total fee of \$105.00.

The Board voted, unanimously, to approve an application from Berkshire Gas Co. to install new service at 193 Washington Mt. Road.

4. Pending Business:

Household hazardous waste mini-site collection will be held on Sept. 12th from 9 AM to 11:00 AM at the Lenox DPW.

5. Town Administrator:

Mr. Nason said discussions involving the electricity load response program were still on-going. He met with Al Zerbato and Chris Pompei regarding the generator at the wastewater treatment plant and will be meeting with Gig Wellington from the school next week.

Mr. Nason said the lighting efficiency project with Western Mass. Electric Co. has changed wherein WMECO will be picking up only 50% to the cost of this project. He is looking to DOER to see if additional funds are available. The Energy Efficiency Committee will be looking at the details of this project and Mr. Nason will report back to the Board with their findings.

The Board received a letter from the Dept. of Housing and Community Development announcing that the town has received a \$231,506 grant. This grant is through the Community Development Block Grant program with funding from the American Recovery and Reinvestment Act. It is for site improvements to the Brown Memorial apartment complex.

Mr. Nason said that the prospective buyer requires a fire flow test for the Baird Benton building (formerly the Bookless Block) on Main Street. The proposed dates for this test are Sept. 14th or Sept. 15th and when this is finalized, notification will be sent to all affected property owners.

Mr. Nason announced that MassHighway will be holding a public meeting regarding the reconstruction of Tyringham Road. The tentative date for this meeting is Sept. 22nd. Then the date is set, a notice will be sent to all property owners.

6. Public Comments: Deidre Consolati, Sandy Beach Committee Chairman, came before the Board to announce that the beach will be open until Labor Day. She hoped everyone would come and enjoy the last weekend of the beach season. She also encouraged all residents to attend a meeting on Sept. 14th with the Attorney General's office to discuss access to Laurel Lake, a great pond.

The Board next discussed staffing at the Dept. of Public Works. Mr. Nason told the Board that John Curtin will be out until Sept. 21st. Jim Salise of the Water Dept. is still out and he is not sure when Dennis Kelly, Asst. DPW Supt., will return to work. Mr. Nason said the seasonal employees completed their employment on Aug. 31st. Ch. Carlino stated she was told there were funds available to keep some of the seasonal employees on. Mr. Nason will check on that. Discussion on adding one position to the DPW roster. That department is definitely shorthanded.

Paul Porrini came before the Board to ask how long executive session minutes are held. The Board stated that they review those minutes only when they are asked to release them for a specific item and then it has to be done by a vote of the Board. Mr. Porrini also asked about property in front of the Lee Travel Plaza. The grass looks like the grass has never been mowed and looks terrible. Mr. Nason will call F.L. Roberts, owner of the property, to see what can be done.

7. **Motion to adjourn:** The next Selectmen’s meeting will be held on Tuesday, Sept. 15, 2009 at 7:00 PM. The Board voted, unanimously, to go into executive session to discuss the purchase of real property and not return to regular session. Roll call: Bailey, yes; Consolati, yes; Carlino, yes. The meeting adjourned at 8:30 PM in executive session.

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