

BOARD OF SELECTMEN  
MINUTES OF MEETING – OCTOBER 20, 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:** Oct. 6, 2009
2. **Public Hearing:** 7:00 PM – Great American Hot Dog & Hamburger Company – New All Alcoholic Beverages License – Continued from Sept. 15, 2009. Ch. Carlino opened the hearing at 7:00 PM. The applicant has withdrawn his application for the new license and the Board voted, unanimously, to accept the withdrawal of the application without prejudice and closed the hearing at 7:02 PM.

3. **General Business:**

Suzanne Scarpa, Town Clerk, came before the Board to explain to them the new legislation involving the State Ethic Commission's Conflict of Interest Law. This new law requires state or municipal employee, full or part-time, who receives compensation to take a test on-line. Ms. Scarpa has compiled a packet that she will give to all persons this new law applies to. She has also created a form that acknowledges proof of receipt of the packet and proof that the test has been taken and successfully passed. She said the deadline for completing the test is April 2, 2010. Ch. Carlino asked about costs related to this new law and Ms. Scarpa there would be some involving postage to mail the packets to various employees and board, committee and commission members. She is waiting to hear from Town Counsel to determine whether all volunteers and vendors doing work for the town are included in this mandate. Ch. Carlino suggested that because this is an unfunded mandate and no penalties are being invoked if the test is not taken at this time, Ms. Scarpa should, at this point, wait to send out packages to see if the state will be modifying its procedures. The Board thanked Ms. Scarpa for coming in.

The Board next discussed with Mr. Nason the FY08 CDBG funding for the Lee Housing Authority. This funding will run through the town and the town will hire Berkshire Regional Planning Commission to administer the grant. Thomas Mattuszko, Berkshire Regional Planning Commission Assistant Director, came before the Board to explain that he and Mr. Nason are working on a 34 page agreement that should be ready for the next Selectmen's meeting. Mr. Mattuszko said that the grant required that a town official be designated as an Environmental Certifying Officer and recommended Mr. Nason. After discussing more specifics of the agreement with BRPC, the Board voted, unanimously, to designate the Town Administrator as the Environmental Certifying Officer for the purpose of applying for the CDBG grant.

The Board discussed a FY10 Commonwealth Capital application. They had previously discussed looking into a forestry plan that would have increased the town's point score. Mr. Nason looked into this and told the Board that the provisions were much more complicated than it looked at first and resulted in only a one point gain. The Board voted, unanimously, to submit the application dated October 5, 2009 as written.

The Board and Mr. Mattuszko discussed an intermunicipal agreement with Berkshire Regional Planning Commission to assist in preparing a grant application for CDBG funding for downtown development and community development strategy in the amount of \$8,000. Mr. Mattuszko explained that \$6,000 would be paid to BRPC on a contingency fee basis and \$2,000 would be guaranteed by the town. The Board voted, unanimously, to enter into an intermunicipal agreement with Berkshire Regional Planning Commission for preparing a CDBG grant application.

The Board discussed increasing the room occupancy and meals taxes in accordance with the new authority granted by the state. Mr. Nason downloaded a spreadsheet from the Dept. of Revenue showing what the increase in revenue would be if the meals tax was increased by .75% and the occupancy tax was increased by 2%. This was discussed previously as a possible warrant article for the up-coming special town meeting. After discussion, the members felt comfortable putting this increase on the special town warrant.

The Board received a memo from Chris Pompei, DPW Supt., regarding washed winter road sand procurement for the 2009-2010 season. Only one bid was received from Donovan & Son and was compared with the Berkshire Regional Group Purchasing Program. Donovan & Son was \$14.50 per ton delivered while the BRGPP was \$16.35 per ton delivered. Mr. Pompei recommended Donovan. The Board voted, unanimously, to accept the bid of Donovan & Son at 14.50 per ton delivered.

The Board received the warrant for the special state election for U.S. Senator from the Town Clerk and will sign it so it can be posted in accordance with state regulations.

The Board voted, unanimously, to approve a permit application from Berkshire Gas Co. to install service at 165 Prospect Street.

The Board received a letter from SK Design Group regarding their annual inspection at Oak N’ Spruce Resort. The Board will wait for the list of improvements from SK Design before their schedule their annual inspection tour.

The Board received a Temporary Sign Permit Application from Prime Outlets for a banner at Reebok Shoes. The permit was approved by the Building Inspector. The Board voted, unanimously, to approve the permit.

**4. Pending Business:**

The Lee High School National Honors Society will be available to rake leaves for the community on Oct. 24th from 10 AM to 3 PM. Anyone interested can contact the Middle and High School library at 243-2781 Ext. 2100.

**5. Town Administrator:**

Mr. Nason and the Board discussed a list of seven possible special town meeting warrant articles. Mr. Nason said that the 75% completion plans for Tyringham Road will not be ready until Nov. 20<sup>th</sup>. They then discussed a possible date for the special town meeting and are looking at Dec. 10<sup>th</sup>.

Mr. Nason also said that there is Chapter 90 monies available for taking portions of Tyringham Road for easements for the road’s reconstruction, if the easements were not donated.

Ch. Carlino reminder everyone that Trick or Treat will be held on Saturday, Oct. 31<sup>st</sup> from 5 PM to 7 PM.

**6. Public Comments:** Beverly Trombley, District 5 representative, came before the Board asking about the possible expansion of the Board of Selectmen from three to five. The members told her this issue was brought up in the past and there was no need to change it. She also felt the matter of the Sandy Beach access was not handled well by the Selectmen. She asked why no representatives were asked to discuss this matter. The Board said they were not aware of the sale of the property to a private individual until at least 30 days after the transaction had taken place. She was also upset by the attitude of the Attorney General’s representatives at the meeting held on the issue of access to the lake. She felt they did not take the matter of Sandy Beach seriously enough. She said she will continue to pursue this.

**7. Motion to adjourn:** The next regular Selectmen’s meeting will be held on Tuesday, Nov. 3, 2009 at 7:00 PM. The Board voted, unanimously, to go into executive for the purpose of discussing considering the purchase of real property and not return into regular session. Roll call: Bailey, yes; Consolati, yes; Carlino, yes. The meeting adjourned at 8:25 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