

BOARD OF SELECTMEN  
MINUTES OF MEETING – NOVEMBER 3, 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. 16, 2009, Executive Session Oct. 16, 2009, Oct. 20, 2009, Executive Session Oct. 20, 2009
2. **Public Hearing:** None
3. **General Business:** Ronald Fortune, Consulting and Design, LLC, came before the Board representing Mick Callahan, Inc., owner of property at 240 Housatonic Street. The subject for discussion was the status of permits for underground fuel storage tanks that were located on the property but removed for environmental clean-up. The permits for the tanks have not been renewed since 1995. Mr. Fortune said the property owner would like to have the permits in place so tanks could be installed if the property were to be sold to a buyer requiring them. Ch. Carlino said the question of the permits has been turned over to Town Counsel and the fire chief for a determination. The Board hopes to have an answer to him by their next meeting on Nov. 17<sup>th</sup>.

Richard Vinette, Executive Director, Lee Community Development Corp., came before the Board to talk about submitting a “White Paper” to Congressman Olver’s office for funding to develop a greenway trail along the Housatonic River. This comes from recommendations from the Lee Master Plan, the Lee Open Space and Recreation Plan, the Lee Community Development Plan and the draft Jacobs Ladder Trail corridor Management Plan. Mr. Vinette said that a possible proposal is the creation of a loop off a proposed bike path that would run from Vermont to Connecticut through Berkshire County. He said Congressman Olver’s aid said this might be successful. He will send this plan to the congressman’s office with the Board’s approval. He is working with the Berkshire Regional Planning Commission on it. Selectman Consolati ask about designs for this plan being made available to the public. Mr. Vinette said the whole process is about public input and everything will be made available. The Board voted, unanimously, to support this funding application.

Mr. Nason told the Board that Chapter 90 funding will be made available for easements on the Tyringham Road project that may require professional appraisals and purchases. Mr. Nason said that the town did not get Round 2 ARRA funding but the project is still on the TIPS list. The town will need to take \$35,000 from Chapter 90 funds for this phase of the project. The Board voted, unanimously, to approve access to \$35,000 from Chapter 90 funds.

The Board voted, unanimously, to sign a contract with J. Donovan and Sons, Inc. for winter sand delivered in an amount not to exceed \$10,000.00.

The Board received two Temporary Sign Permit applications from Zabians. These signs do not meet the requirements of the sign by-laws. The Board voted, unanimously, to approve the use of the existing signs for a 30 day period. It was pointed out that former Selectman Frank Consolati made a point of stating that as long as the existing sign are in use they will be approved but not any new ones. The Board amended their motion to include securing the dates that signs would be up.

The Board received notice that a prior member of the Personnel Board did not return his reappointment papers before the beginning of the new fiscal year. He has indicated his willingness to be reappointed. The Board voted, unanimously, to reappointment Thomas Unsworth to the Personnel Board for a term of one year.

The Board received a request from Atty. Philip Heller to sign new forms for a conservation restriction on Pine Street for Sawmill Realty, Inc. The Board asked why the forms they signed previously had not been filed. They also discussed if the conservation restriction was already in place without the forms being filed. The Board tabled their vote on signing the new forms until they received answers to their questions from counsel.

The Board voted, unanimously, to approve a permit from Berkshire Gas Company to install new service at 160 West Road contingent upon approval from the DPW.

4. **Pending Business:** Ch. Carlino read a memo from the police chief regarding the winter parking ban for 2009/2010. The Ban will begin on November 1<sup>st</sup> and run until April 1<sup>st</sup> between the hours of 1 AM and 6 AM. More information can be obtained from the police department office.

- 5. **Town Administrator:** Mr. Nason reviewed a draft letter to all municipal department heads which contains the proposed FY11 budget guidelines. At this time he proposes that not only expenses be level funded but salaries also be level funded. He said he should have some numbers from the state by the end of January. The Board voted, unanimously, to adopt the FY2011 budget guidelines as proposed.

Mr. Nason said there was nothing new to report on the date for the date for the special town meetings. He is still waiting to hear from the engineer regarding the 75% completion plans for the Tyringham Road project.

Mr. Nason told the Board the town has been asked to form a Green Communities Task Force. Suggested members would include a Selectman, Planning Board, School Committee, Building Department, Energy Committee and Town Administrator. Volunteers include Gordon Bailey, Selectmen; Tom Wickham, Planning Board; Don Torrico, Building Dept.; Bill Enser, Energy Committee and Mr. Nason. The Board had no objection to the members suggested.

Mr. Nason up-dated the Board on the electricity load response program provider procurement contract and process report to be sent to the state DPU, Division of Energy Resources and Office of the Inspector General stating the town has engaged in the program. The town will receive payment for standing by to use its emergency generators for electricity to power the wastewater treatment plant. The town may receive up to \$6,000 for participating through May 31, 2010, when the program ends.

Mr. Nason reviewed pending requests for additional engineering services and construction costs for the Washington Mt. Road water main replacement project. Nevertheless, he estimated that the project will be about \$26,000 under budget. That savings, which resulted from the lack of ledge removal expense, is available to pave the road which has been substantially damaged by the waterline replacement project.

Selectman Bailey said he will be attending a seminar on hydroelectric power on Friday, Nov. 6<sup>th</sup>.

The Selectmen have received complaints regarding incidents at an establishment selling alcohol in town. They would like to have Mr. Nason ask the Police Chief about this.

- 6. **Public Comments:** None
- 7. **Motion to adjourn:** The next regular Selectmen’s meeting will be held on Tuesday, Nov. 17, 2009 at 7:00 PM. The Board voted, unanimously, to go into executive for the purpose of discussing litigation strategy and 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