

BOARD OF SELECTMEN
MINUTES OF MEETING – NOVEMBER 17, 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: Nov. 3, 2009, Executive Session Nov. 3, 2009

- 2. Public Hearing:** 7:00 PM – Tax classification public hearing – Ch. Carlino called the hearing to order at 7:00 PM. Present were William Derrick, Dayton Delorme and Edward Briggs, Board of Assessors. Mr. Delorme spoke for the Assessors and said that this is their annual appearance to set the tax classification for the up-coming year. The Assessors are asked to recommend a single or multiple tax rate for the town. Mr. Delorme said that the Assessors have always opted for a single tax rate because of the small number of commercial properties in town. It would be unfair to tax them at a different rate. The Assessors therefore recommended a single tax rate which, at this time, looks like it will be \$12.61 per thousand of evaluation if it is approved by the Department of Revenue. The Selectmen voted, unanimously, to accept the Assessors recommendation of a single tax classification. The public hearing closed at 7:05 PM.

7:15 PM – 2010 Community Development Strategy public hearing – Ch. Carlino called the hearing to order at 7:15 PM. Present were Thomas Matuszko, Asst. Director, and Sarah LaValley, Community Planner, from Berkshire Regional Planning Commission. Mr. Matuszko came before the Board to outline an FY2010 Community Development Strategy for an FY2010 Community Development Block Grant Application. Mr. Matuszko explained that this is a federally funded grant with the funds disbursed to the municipalities. This funding is offered once a year. Mr. Matuszko submitted a draft community development strategy that summarized the town's recent plans and strategies and its present goals and objectives for future development. Mr. Matuszko next went over a municipal community development priority list that listed the town's highest priorities as the "pursuing and encouraging" redevelopment of the town's Chapter 43D priority development sites; a mix of uses in downtown's Eagle Mill and manufacturing and industry in Route 102's Laurel Mill; the advance of the East Side Development Project by providing needed off-street public parking in the rear of the Bookless Block. This will encourage redevelopment and job creation within this long vacant commercial building. To develop a strategic, mixed-use project on the west side by relocating the Dept. of Public Works garage and municipal annex; and unlocking the economic potential of the Housatonic Riverfront area. To maintain public access to Laurel Lake by working with landowners and state and regional groups. To design and construct a new water line and sewer main in the central business district to serve short and long term economic development needs in the downtown. All this information has been posted on the town's website as well as the website for the Lee Community Development Corp. Any public comments should be sent to the Selectmen's office. Mr. Matuszko said any sent to his office will be forwarded to the Selectmen office. All public comments must be submitted by Nov. 24th. Mr. Chris Collins came before the Board to outline a project he has started to highlight the town. It is called the Lee Cultural Development Committee and he and others have been working to promote recreational and educational events in the town based on others held in municipalities in Berkshire County. He hoped these ideas could be worked into the Community Development Strategy. There being no further discussion, Ch. Carlino closed the public hearing at 7:30 PM.

3. General Business:

Neil Clarke, Chairman of the Laurel Lake Access Committee, came before the Board to make their recommendations. A large portion of the road and the dam on Laurel Lake is now privately owned. The Committee recommended that the town continue its agreement with the Scheurers, the property owners, on the short term, and suggested a long term contract with them be negotiated and attempt to incorporate strategies that lessen access costs which satisfy both legal and historic concerns identified during this transition period. The Committee also recommended the town use the time resulting from a contractual agreement to identify and quantify the legal, environmental and fiscal implications of developing an access from Summer Street and well as those associated with the development of the Edith Wharton parcel for beach access. Mr. Clarke stated this recommended was a unanimous vote of the members eligible to vote. Ch. Carlino said she and the Board appreciated the work that went into this conclusion. Ch. Carlino opened the meeting for public comments. A question was asked about when the Attorney General's office will make a determination on access to Laurel Lake. There were several people who expressed concerns about the make-up of the access committee. They felt there were too many people on the committee that were already involved in other town committees and boards. Mr. Clarke said the committee acted in the most democratic way possible. Ch. Carlino said that the people chosen were done so to make a neutral committee without any ties to Sandy Beach. Several people questioned the agreement with the Scheurers. Ch. Carlino said the Board will be negotiating the second year option in the agreement. This will insure the beach road is open for another summer season. There being no further comments, the Board thanked the access committee members for their time and efforts on behalf of the town.

The next item involved the option to take under advisement the second year of the agreement with Roger Scheurer to continue access to Sandy Beach. The Board voted, unanimously, to notify Laurel Lake Water Power LLC (the Scheurers) that the Board intends to enter into an agreement to access Sandy Beach for the 2010 summer season.

Chris Pompei, DPW Supt., came before the Board to ask that the town's contract with LB Corp. be increased due to the number of water line repairs needed for this year. There is a possible major repair needed on Fairview Street that requires equipment the town does not have. The increase will be \$5,000. This will be taken from the water portion of the DPW budget. The Board voted, unanimously, to increase the contract with LB Corp. by \$5,000 from \$50,000 to \$55,000.

While Mr. Pompei was present, the Board discussed the hiring of a truck driver/laborer winter seasonal employee. This has been done for several years and from all the applicants, Mr. Pompei recommended, and Mr. Nason will appoint with the Board approval, Richard Neals for the position. Mr. Neals held this position the previous winter season. The Board voted, unanimously, to approve Mr. Nason's appointment of Richard Neals as the truck driver/laborer for the winter season.

After receiving a letter of explanation from Atty. Philip Heller regarding the Conservation Restriction from Sawmill Realty, Inc. for property located on Pine Street stating that the state had revised their forms and new ones had to be signed by the Board, they voted, unanimously, to sign the new forms for a Conservation Restriction from Sawmill Realty, Inc.

The Board received a letter and up-dated report from SK Design Group regarding the progress of improvements at Oak 'N Spruce Resort. A condition of the resort's special permit is to have the Selectmen make an annual inspection of the property to see that they comply with the conditions of the special permit. The Board members will check to see when they will be available to make this inspection and their secretary will set up the appointment.

The Board voted, unanimously, to approve a temporary sign permit from First Congregational Church to place two signs for seven days at Kelly's Funeral Home and the Masonic Temple pending proof the property gave permission for the signs.

The Board voted, unanimously, to approve a temporary sign permit for St. Mary's School for their annual holiday bazaar.

The Board received a letter from the Conservation Commission chairman asking the Board to approve the appointment of Anne Langlais as a new member. Ms. Langlais also sent the Board a letter asking to be appointed. The Board voted, unanimously, to approve the appointment of Anne Langlais as a member of the Conservation Commission.

4. **Pending Business:** The Chamber of Commerce will hold a tree lighting ceremony in the Town Park on Dec. 6th from 3 PM to 5:30 PM. All are invited to attend.

Ch. Carlino announced that there are vacancies on several town boards including the Finance Committee, Recycling Committee, Personnel Board, Cultural Council and the Energy Efficiency Committee. Anyone interested in serving on one of these committees should contact the Selectmen's office.

5. **Town Administrator:** Mr. Nason up-dated the Board on the status of a special town meeting that was tentatively scheduled for Dec. 10th. He said that the question of reimbursement to Hartwood Road residents who felt their properties were unfairly evaluated was given to Town Counsel for review. Town Counsel has consulted with the Dept. of Revenue and has been told that the only recourse a resident has in disputing a property's valuation is through the abatement process available in the Assessor's office. Mr. Nason will forward a copy of Town Counsel's letter to Joanne Koivisto, spokesperson for the Hartwood Road residents. Mr. Nason also advised that Board that the 75% completion plans for the Tryingham Road reconstruction project will not be available until the first week in December. This does not allow enough time to set up a special town meeting for Dec. 10th, as previously suggested. He suggested a January 2010 meeting be scheduled depending on when the plans become available.

Mr. Nason reminded the Board that the town's contract with Constellation New Energy for electricity load reduction services expires on May 10, 2010. The Energy Efficiency Committee meets tomorrow to consider service provider proposals for the new "forward capacity" load reduction program which begins on June 1, 2010. Mr. Nason asked the Board to authorize the committee to commit the town of a "forward capacity" load reduction provider. The Board voted, unanimously, to authorize the Energy Efficiency Committee to select the "forward capacity" service provider, subject to Town Counsel's review of the agreement, and authorized the Chairman to sign the agreement on behalf of the Board. He also stated that due to falling energy prices, he would like to have the committee negotiate for the supply of natural gas. Although the town is not a large user, the school is. He would like to get the town on the same supply cycle as the school.

- 6. Public Comments:** Karen Melino asked about the sign at the Turnpike exit heralding the Town of Lee. It is no longer there. She was told the sign was the property of the Chamber of Commerce and they were working on having it reinstalled.
- 7. Motion to adjourn:** The next regular Selectmen’s meeting will be held on Tuesday, Dec. 1, 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 9:40 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