

BOARD OF SELECTMEN
MINUTES OF MEETING – DECEMBER 15, 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 6:30 PM. The Board voted, unanimously, to go into executive session for the purpose of discussing litigation strategy and the possible lease and purchase of real property and to return to public session at 7:00 PM. Roll call: Consolati, yes; Carlino, yes; Bailey, yes.

The Board returned to public session at 7:00 PM.

1. Approval of Minutes: Dec. 1, 2009

2. Public Hearing: 7:00 PM – Morgan House Restaurant and Inn – Transfer of all alcoholic beverages license – Ch. Carlino called the meeting to order at 7:05 PM and read the public notice. Present were Atty. Emil George, representing the applicants Real London Partners, Inc., and James and Pamela Loring, the present owners. Atty. George told the Board that his clients have a contract to purchase the business and they are working with immigration to secure their visas. The manager, who is an American citizen, will remain with the business after the license is transferred. Atty. George said the business will continue to operate in the same manner as it is at present. Selectman Bailey about the 304 Certificate. Mr. Loring said the inspection has been done. Ch. Carlino asked about the TIPS course and the Lorings said the manager has completed that course. There being no further discussion or comments, upon motion duly made and seconded, the Board voted, unanimously, to approve the transfer of the all alcoholic beverages license to Real London Partners, Inc. contingent upon the Selectmen receiving a completed 304 Certificate for the premises. The public hearing closed at 7:10 PM.

3. General Business:

Ronald Fortune came before the Board to discuss the issue of a license for underground storage tanks at 240 Housatonic Street. The Board received an opinion from Town Counsel that only one member of the Board had read and none were prepared to make a decision at this time. The members told Mr. Fortune that their next regular meeting will be January 5th. They could be meeting on Dec. 22nd and may have a decision at that time.

Chris Pompei, DPW Supt., came before the Board to address the Washington Mt. Rd. water line project with Bob Fournier, of SK Design Group who oversaw the project. There were three change orders brought before the Board. The first was for the reconfiguration of a water line tie at the intersection of Washington Mt. Rd. and Bradley St. in the amount of \$5,051.55. The second was for the removal and replacement of a leaking 1” corporate service line at house #255 in the amount of \$962.50. The last, to balance unit priced items, was in the amount of \$7,314.03. All of the change orders represent about 5% over the original contract. All of the work is completed and \$5,000 is being held for spring clean-up. Mr. Fournier said the contract did a very good job. Mr. Pompei was asked his opinion of the work done and he said it was extremely well done. The road in is excellent condition. The Board voted, unanimously, to approve the three change orders as presented.

Mr. Pompei discussed the electrical sub-bids for the water treatment plant renewable energy and energy efficiency improvement project. The sub-bids were opened on Dec. 8th by Mr. Pompei. The general bids are due on Dec. 22nd at 2 PM. Ch. Carlino disclosed that one of the sub-bidders, Collins Electric, is owned by her brother-in-law. She was not aware of this until after the bids had been opened. The Selectman will hold a special meeting on Dec. 22nd at 4 PM to make a conditional award on the general bids.

Ch. Carlino read an advertisement for a 1989 International Dump Truck the DPW is looking to dispose of. It will be sold in “as is” condition. The truck is not road worthy. The Board voted, unanimously, to approve the disposal of the truck.

Richard Vinette, Executive Director of the Lee Community Development Corp., came before the Board to discuss the Chapter 43D Technical Assistance Grant and the EDA grant scopes. Mr. Vinette explained proposed up-dates to these grants. The first thing is to mend the two grants into a single scope. The first revision would be to clarify the work items that will comprise the remaining work to be accomplished by the consultant team under the 43D grant and provide for specific work items under the companion grant from EDA. The second will be to make slight revisions in the scope to cover analysis of additional site conditions at Eagle Mill. When these have been completed, the materials will be submitted no later than Dec. 23rd to the Interagency Permitting Board, the 43D grant oversight agency. After a brief discussion, the Board voted, unanimously, to accept the proposed up-dated revisions to the 43D/EDA scope.

Mr. Vinette next addressed the application for the FY2010 Community Development Block Grant. Mr. Vinette said that he felt sending the application in for the next grant cycle in December 2010, would give the town a better chance of securing

funding. Several of the downtown projects that are presently ineligible for funding, will be considered for inclusion and will allow for the development of a very competitive application. Mr. Vinette has consulted with the Berkshire Regional Planning Commission and they are in agreement with this strategy. The Selectmen agreed to wait until December 2010 to submit this application.

Mr. Vinette turned the discussion over to Deborah Garry, Chairman of the Conservation Commission, who has taken the lead on up-dating the town/s open space and recreation plan. Ms. Garry told the Board that she, Mr. Vinette and Mr. Nason have been meeting for the past three months to put together a new committee to up-date this plan. The goal is to complete the plan so it can be included in future grant applications. A list has been compiled of different organizations in town who might be interested in joining in this endeavor and the Selectmen were asked to write a letter asking them to join in the effort. The Board voted, unanimously, to authorize the Chairman to sign a letter from the Selectmen seeking volunteers to up-date the town's open space and recreation plan. The Board thanked Ms. Garry for her time and efforts in making this possible.

The Board voted, unanimously, to approve a permit from Berkshire Gas Co. to repair a gas main on E. Center St.

The Board voted, unanimously, to approve annual license renewals for Class II licenses and taxi and limousine licenses. Alcoholic beverage licenses were approved subject to the receipt of a 304 certificate from the Building Inspector.

Ch. Carlino and Selectman Consolati discussed the annual inspection at Oak 'N Spruce Resort. This is done to satisfy a Special Permit that was granted by the Board. Ch. Carlino and Selectman Consolati walked the property with Steven Spiewak, the resort's manager, and they found everything to be in good condition. Selectman Consolati said that railings and walkways were in compliance. There were new shingles on some of the buildings and other repairs and renovations had been made. Overall, they both felt the conditions of the special permit had been met. Selectman Bailey was unable to attend the inspection but planned to schedule one in the near future.

4. **Pending Business:** The Planning Board will hold a meeting on Jan. 4, 2010 at 6:15 PM on a proposed zoning by-law change for parking.
5. **Town Administrator:**
Mr. Nason told the Board that he has still not received the plan for the Tyringham Road project but hopes to have it by Dec. 22nd. A date for a special town meeting could be set at that time. Selectman Bailey said that even if those plans do not come in a timely manner, a special town meeting still needs to be scheduled to vote on an increase in the sales tax. A meeting will be scheduled no matter whether the plans come in or not to satisfy other issues.
6. **Public Comments:** None
7. **Motion to adjourn:** The next regular Selectmen's meeting will be held on Tuesday, Jan. 5, 2010 at 7:00 PM. The Board voted, unanimously, to adjourn at 8:05 PM.

The Selectmen wished everyone happy holidays.

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