

APPROVED ON 8/6/13

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – JULY 16, 2013

Present: Gordon D. Bailey, Chairman, David J. Consolati, Patricia D. Carlino, Board of Selectmen & Robert Nason, Town Administrator.

The Chair, Gordon D. Bailey called the meeting to order at 6:00 PM and the members immediately convened in executive session to discuss litigation strategy and the purchase and lease of real property, because deliberating in open session would have a detrimental effect. Upon a motion duly made, seconded and unanimously approved by roll call as follows:

AYES

David Consolati
Patricia Carlino
Gordon Bailey

NAYS

None

The Chair, Gordon Bailey, reconvened in public session at 7:00 PM.

1. **Approval of Minutes:** The Board members voted unanimously to approve the Executive Minutes of May 7, 2013 and the Public Minutes of July 2, 2013. Gordon Bailey abstained from the vote of the June 18th meeting as he was not present at that meeting. The remaining Board members, David Consolati and Patty Carlino voted unanimously to approve the Public Minutes of June 18, 2013.
2. **Public Hearings:** Richard Ladd, Contract Engineer for Verizon came before the Board with the Petition to replace two poles on public ways or parts of ways on Tyringham Road; one on the easterly side of Tyringham Road at a point approximately one hundred sixty-five (165) feet southerly from the center line of Third Street and one on the northeasterly side of Tyringham Road at a point approximately four hundred eighty (480) feet southeasterly from the center line of Meadow Street. *The Board members voted unanimously to approve the petition for Verizon to replace two poles on Tyringham Road.*

The Board members asked Mr. Ladd if he would look into a pole at the intersection of West Park and Fairview Streets and a double pole at the intersection of Prospect and Summer Streets. Mr. Ladd countered that he would look into these two poles and get back to the Board regarding their placements.

3. **General Business:** Entertainment License – Jazz Weekend - Rich Vinette, on behalf of Berkshire Gateway Preservation Inc/ Berkshires Jazz Inc., came before the Board to request an Entertainment License for the 2nd annual Jazz Weekend for concerts to be held on Friday and Saturday (7/26 & 7/27) at the First Congregational Church and for additional outdoor music in the alley and other locations on Friday and Saturday afternoon. *The Board members voted unanimously to grant the Entertainment License to Berkshire Gateway Preservation Inc/Berkshires Jazz Inc. for the Jazz Concerts to be held on Fri., July 26th and Sat., July 27th.*

Highway/Cemetery Division Worker Grievance, Step 3 Appeal - Mr. Ralph Galarneau, Teamsters Local Union No. 404 came before the Board to discuss the Step 3 Appeal of Richard Neales. He stated that this is the first Step 3 Appeal in 16 years. Mr. Neales contends that the town did not offer or post the ‘vacancy’ based on seniority. The Superintendent of Public Works, Chris Pompei, PE, explained that this is not a position, but an assignment and has never been based on seniority nor has it been a bid assignment and it is assigned pursuant to the management’s rights provision of the Collective Bargaining Agreement. Mr. Nason stated that there is no job description for the cemetery work. Gordon Bailey stated that what is in question is whether the cemetery work is an assignment or a vacancy. Mr. Galarneau presented to the Board members a notarized statement dated June 10, 2013 from former DPW employee, Paul Porrini, in which Mr. Porrini states that his knowledge of the process for filling the seasonal position of cemetery groundskeeper is that the position was available annually and was always awarded to the senior bidding employee. Assistant Superintendent, Dennis Kelly testified that during his 39 years of Department of Public Works Service, the seasonal cemetery work has never been assigned by seniority. *The Board members agreed to resolve this issue by August 30th and would put it back on the agenda for the August 20th Select Board meeting.*

Conservation Commission FY 2014 Wetlands Fees Budget - *The Board members voted unanimously to approve the Conservation Commission FY 2014 Wetlands Fees Budget in the amount of \$6,177.00.*

FY 2014 State 911 Emergency Communication Center Grant - Gordon Bailey recused himself from the discussion and the vote. *The remaining Board members voted unanimously to approve the FY 2014 State 911 Emergency Communication Center Grant in the amount of \$153,266.00 and to authorize the Clerk to sign the Contract.*

Excess Federal Property Program Agreements – *The Board members voted unanimously to authorize the Chair to sign the US Department of Defense Firefighting Program Cooperative Agreement and the Federal Excess Personal Property Cooperative Agreement.*

In-Town Transportation for Seniors Contract Award - The members reviewed Abbott’s Limousine & Livery Service, Inc., July 8, 2013 quote, the sole response to the June 18, 2013 Request for Quotations. *The Board members voted unanimously to award the work to Abbott’s Limousine & Livery Service, Inc. in the amount of \$14,400.00 and to authorize the Chair to sign the agreement.*

Temporary Sign Permits – St. Mary’s School Carnival – Aug. 22nd, 23rd & 24th – *The Board members voted unanimously to grant the Temporary Sign Permits to St. Mary’s School Carnival and to authorize the Chair to sign the Permit. All signs will be permitted from August 5th through August 25th.*

Berkshire Gas Company - *The Board members voted unanimously to grant to Berkshire Gas Company a permit to install new gas service at 110 Mill Street.*

4. **Pending Business:**

- a. 2013 Household Hazardous Waste Collections – Saturday, July 20th, 9:00 AM – Noon – Stockbridge Recycling Center.
- b. Summer 2013 Mini-site collections – Saturday, August 17th, 9:00 AM – 11:30 AM – Great Barrington Recycling Center .
- c. Planning Board – Special Permit – Public Hearing – Monday, July 22nd at 6:15 PM – Application of Ralph G. Sorley, Jr. for approval of a Special permit under Section 199-67.1(B) of the Town of Lee Zoning By-law.
- d. Planning Board – Special Permit – Public Hearing – Monday, July 22nd at 6:45 PM – Application of Cafua Realty Trust, VI for an amendment to a Special Permit Under Section 199.6.1 B of the Town of Lee Zoning By-law.
- e. Zoning Board of Appeals – Special Permit for construction in the – Public Hearing – Wednesday, July 24th at 7:00 PM - Dunkin Donuts/Cafua Management Co.

5. **Town Administrator:**

FY 2013 Revenue & Expense Reports through June 30th, Preliminary – Mr. Nason stated that the FY 2013 Revenue & Expense Reports through June 30th are on the Select Board’s work table for their review.

6. **Public Comments:** Bill Navin commented to the Board that someone should write a letter to the State regarding the construction on the Turnpike and the excessive wait time for vehicles; sometimes for hours on end.
7. **Next Regular Meeting:** The next regular meeting will be August 6, 2013 at 7:00 PM in the Courtroom.
8. **Motion to Adjourn:** *The Board voted unanimously to adjourn the public session of the meeting at 8:30 PM and to reconvene in Executive Session to discuss litigation strategy and the purchase and lease of real property, because deliberating in open session would have a detrimental effect. Upon a motion duly made, seconded and unanimously approved by roll call as follows:*


AYES

David Consolati
Patricia Carlino
Gordon Bailey

NAYS

None

Respectfully submitted,



Cindy L. Belair, Selectmen's Secretary

Notice of Website Posting Sent to:

Board of Selectmen
Town Administrator
Town Clerk
Town Collector
Planning Board

Board of Assessors
Board of Health
Conservation Commission
Police Chief
Building Inspector

Dept. of Public Works
Town Treasurer
Town Reps. District Chairmen
Superintendent of Schools
Town Accountant