

## Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – SEPTEMBER 4, 2012

Present: Patricia D. Carlino, Chairman, Gordon D. Bailey and David J. Consolati, Board of Selectmen, Robert L. Nason, Town Administer.

Chairman, Patricia D. Carlino, called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** The public minutes of August 21, 2012 were unanimously approved.
2. **Public Hearings:** Baja Charlie's Liquor License – Nicholas Parsenios, Attorney for Kelly DeVarennnes came before the Board to request the Board's approval for an all alcohol license for Baja Charlie's, (formerly "The Grind"), on 62A West Center Street, Lee. Attorney Parsenios stated that the business will compliment the town. They've had a soft opening and were well received/ At the moment they are in the process of doing some repairs to the kitchen per the Board of Health. The restaurant will be in the same footprint as The Grind, with 22 seats inside. Gordon Bailey commented that he had no problem granting a license to Ms. DeVarennnes. Mr. Dan Sullivan, a neighbor of 62A West Center Street, who shares the driveway, said he was concerned about the seating, toilet facilities and about parking, especially in the winter time as they lose about 4 spaces near the house due to snow banks. He also had concerns regarding the placement of the liquor where patrons could not reach it. Attorney Parsenios agreed that Mr. Sullivan had valid concerns and was confident that his client will work diligently with the neighbors for a smooth transition. Patty Carlino stated that the parties need to keep the lines of communication open. David Consolati suggested that they may have to mark the parking spaces and also suggested they check with the Planning Board to see if there is a parking plan on file. Gordon Bailey asked about the outdoor deck seating to which Attorney Parsenios replied that there would be 10 outside seats on the deck. Gordon suggested that perhaps they could erect signs on the deck that read, "No drinks off deck area". David Consolati suggested there be a cutoff time for alcohol to be served on the deck and the parties came to agreement that 9:00 PM seemed to be an appropriate time. Patty also asked Ms. DeVarennnes if she had been TIPS certified to which Ms. DeVarennnes stated that she was in the process of being certified. *The Board voted unanimously to approve the all alcohol liquor license for Baja Charlie's with indoor seating for 22 patrons and outdoor seating for 10 patrons, with a liquor serving cutoff time of 9:00 PM on the outdoor deck.*
3. **General Business:** Baja Charlie's – Founders Weekend – One Day Beer & Wine License – Sept. 22, 2012 – Ms. DeVarennnes came before the Board to request a one day beer & wine license for Saturday, Sept. 22, 2012 from 12:00 PM to 12:00 AM for Founders Weekend. *The Board voted unanimously to grant a one day beer & wine license to Baja Charlie's for Saturday, Sept. 22, 2012 during Founders Weekend.*

Chamber of Commerce – Temporary Sign Permit – Danielle Mullen came before the Board to request a temporary sign permit for Founder's Weekend activities sponsored by the Chamber. *The Board voted unanimously to grant a temporary sign permit to the Chamber of Commerce beginning on September 18, 2012 through the end of Founder's Weekend and to authorize the Chair to sign the permit.*

At this point in the meeting topics were taken out of order to accommodate those persons already waiting and those that weren't yet available.

Berkshire County Hazard Mitigation Plan - Chief Buffis came before the Board to present the Resolution Adopting the Berkshire County Hazard Mitigation Plan and the Resource Manual which will be available by link on the Town of Lee website. *The Board voted unanimously to adopt the Hazard Mitigation Plan "nunc pro tunc" and to authorize the Chair to sign the Resolution.*

At this time, Mr. Nason, at the recommendation of Chief Buffis, appointed two new full-time police officers. Jason Hopkins will succeed Officer William Tierney and Chad Cummings will serve upon Officer Phil Skowron's retirement on September 22<sup>nd</sup>. Both will be enrolled in the full-time Recruit Police Academy in Springfield in February 2013 and will graduate in May/June of 2013. *The Board voted unanimously to support the police officer appointments of Jason Hopkins and Chad Cummings and offered their congratulations.*

Meadow Street Bridge Over Powder Mill Brook - Chris Pompi came before the Board to present the contract for the permanent bridge replacement design with Gill Engineering Associates, Inc. *The Board voted unanimously to accept the permanent bridge replacement design Professional Services Agreement with Gill Engineering in the amount of \$115,760.00.* With respect to the temporary bridge replacement he reported that bids are due on September 27<sup>th</sup>. Chris reported that the work will start by November 16<sup>th</sup>.

EPA Clean-up Grant for 25 School Street – The Board was presented with the EPA Clean-up Grant Award Document for an amount up to \$100,000.00. *The Board voted unanimously to authorize Robert Nason to sign the Award Grant for an amount up to \$100,000.00.*

Lee Sportsmen's Assoc – 100 Year Anniversary Fund Raising Dinner – One Day Beer & Wine License - *The Board voted unanimously to grant a one day beer & wine license to the Lee Sportsmen's Association for their 100 year anniversary fund raising dinner on September 29<sup>th</sup>, 2012 from 4:00 PM to 12:00 AM.*

Berkshire Gas Company Permits - *The Board voted unanimously to grant to Berkshire Gas Company permits for the following: a) installation of gas service on 1185 Pleasant Street, b) installation of new gas service on 64 St. James Avenue, and c) installation of new gas service on 285 Prospect Street.*

Time Warner – Utility Cut - *The Board voted unanimously to sign off on an application for a utility cut permit for Time Warner for property on #60 to #40 Maritta Avenue.*

Property & Casualty Insurance – Town Treasurer, Donna Toomey, and insurance agent Mike Diaz from Wheeler & Taylor came before the Board to discuss their investigations into dam insurance. Ms. Toomey said that they checked around and learned that the majority of communities do not carry insurance against downstream dam claims. Mr. Diaz said that most carriers don't want take the risk and those that do are specific to the nature of the dam. Our report on the condition of the dam came back as "fair". Mike Diaz stated that it is difficult to obtain insurance in its "fair" condition. Donna Toomey stated that to insure it at a pro-rated amount for FY 13 from the day after town meeting through next June will cost \$36,700.00.

4. **Pending Business:** 2012 Household Hazardous Waste Collection – – The next 2012 Household Hazardous Waste Collection will be held on Saturday, September 8<sup>th</sup> - 9:00 am – 11:00 AM at the Lenox Department of Public Works.

The Town of Lee Recycling Committee announced a Free Composting workshop being held at the Lee Library at 100 Main Street, on Tuesday, September 11<sup>th</sup> @ 6:30 PM. This is also on the Town of Lee website.

The Planning Board is having a public hearing on Monday, 9/24/2012 at 6:45 PM in the Planning Board Office regarding proposed Amendments.

5. **Town Administrator:** - Mr. Nason presented the items for the October 4, 2012 Special Town Meeting as follows: a) Replacement Fire Truck Appropriation b) Property/Liability/Auto Insurance Supplemental Appropriation c) FY 2013 Operating Budget Corrections d) Planned Commercial Village Center District Bylaw Amendment.
6. **Public Comments:** Anthony Mohl, of 78 Franklin Street, came before the Board to discuss a letter he presented to the Selectmen regarding his high water/sewer bills and problems of the water conditions over the last couple of weeks. Mr. Nason explained to him the situation of the water line break and that the whole town suffered the same effects. Mr. Mohl was concerned that even though he conserves his rates keep going up. Mr. Nason suggested that he have his system looked into for leaks to which he replied that he already did all the checks. Patty Carlino assured him that we would look into the situation.

Chris Pompi came before the Board with the schedule of the Fairview Street paving situation. The grinding of the road will be through Friday then they will pave on Monday, with raised structures. In approx. three weeks the total will be done. Patty Carlino asked about the area near 605 Fairview Street to which Chris responded that they replaced the drainage near that address.

Mr. Nason wanted to remind everyone of the primary which is Thursday, September 6, 2012. The voting hours are from 7:00 AM until 8:00 PM at the Senior Center gym near the back of the school.

7. **Next Regular Meeting:** The next regular meeting is scheduled for September 18, 2012 at 7:00 PM.
8. **Motion to Adjourn:** *The members voted unanimously to adjourn the meeting at 8:15 PM.*

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