

APPROVED ON 11/4/14

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – October 21, 2014

Present: David Consolati, Chairman, Patricia D. Carlino and Thomas Wickham, Board of Selectmen and Robert Nason, Town Administrator.

Chairman, David Consolati, called the meeting to order at 6:04 PM .

Upon a motion duly made and seconded and unanimously approved, the members voted to adjourn to Executive Session for the purpose of discussing litigation strategy, because deliberating in open session would have a detrimental effect. The roll call vote was as follows:

AYES

NAYS

*David Consolati
Patricia Carlino
Thomas Wickham*

None

The Chair announced that the members expected to return to open Session at 7:00 PM and they did.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the public Minutes of the Special Meeting of Sept. 23, 2014, the public Minutes of October 7, 2014 and the public Minutes of the Special meeting of October 14, 2014.*
2. **Public Hearing:** None.
3. **General Business:** 2014 Road Paving Project Contract Amendment - Superintendant of Public Works, Chris Pompei, P.E., came before the Board with Project Contract Adjustment for the 2014 paving of Prospect and West Park Streets. The original base contract was \$516,117.10 and the contract increase is \$8,780.57 or 1.7%. The overruns were as follows: Item AA binder total 1657 tons with a preliminary estimate of 1250 tons; Item D curbing total 8,420 linear feet with a preliminary estimate of 7,400 lf; Item M Loam & Seed 4,880 square yards with a preliminary estimate of 4,750 square yards; and Item 9 Structure Rebuild 37.5 vertical feet with a preliminary estimate of 10 vertical feet.

The Board members voted unanimously to approve the \$8,780.57 LB Corp. contract increase for a total price of \$524,897.67.

Tyringham Road Construction Changes - Since our Sept. 16th Select Board meeting, Mass DOT approved 2 additional changes bringing the number to 8. These tentatively approved changes cost \$454,860; \$343,120 due to designer error and \$111,740 resulting from subsurface latent conditions or changed field conditions. On Sept. 25th, Chris Pompei, and Mr. Nason met with the Project Design Engineer's (Fuss & O'Neill) Project Manager, John Dietrich, P.E., who subsequently provided a September 30th memorandum contending that the additional costs were not design errors but quantity or means and methods changes. Jon has offered to attend, without charge, a Select board meeting if necessary, to discuss these changes. *The Board members voted unanimously to accept the Change #8 for Modified Rock Fill in the amount of \$13,000.00.*

To accommodate Mr. Zoltek who was here from Adams on behalf of the Convenience, Inc. change of corporate name, the items were taken out of order.

ABCC Application – Change of Corporate Name – Convenience Plus – Mr. Zoltek, the licensed manager for Convenience Plus came before the Board to present their Application to the ABCC to change their corporate name so it is in line with the DOR. This will be a name change only; same business and owner as previously on ABCC documents. *The Board members voted unanimously to approve the corporate name change from Convenience, Inc. d/b/a Convenience Plus #5 to Convenience, Inc. d/b/a O'Connell's Convenience Plus, Inc.*

Cleanup Plan for Housatonic River - The Board members reviewed the final draft of the letter from six towns to the EPA with our recommendations and requirements as a group. They also reviewed the final draft letter emphasizing the particular concerns of the Town of Lee. *The Board members voted unanimously to approve both letters and to authorize the Chair to sign each letter.*

Town Administrator's Employment Agreement - The Board members considered Mr. Nason's draft employment agreement which he had offered at the October 7, 2014 meeting. The agreement memorializes the health insurance employee contribution changes adopted in FY 2014 and the approved FY 2015 salary and dues/subscriptions expense increases; and it extends the term of the agreement for two years or until July 1, 2017. *The Board members voted unanimously to accept the Employment Agreement for the Town Administrator, Robert Nason.*

State Sponsored Statewide Public Safety and Public Works Municipal Mutual Aid Agreements - The Public Safety Mutual Aid Law provides a comprehensive multi-discipline mutual aid system for cities and towns which are impacted and overwhelmed by a public safety incident or disaster to ask for and receive assistance from municipalities that may have resources to share. Bruce Augusti from MEMA encourages us to opt in. *The Board members voted unanimously to opt in to the State Sponsored Statewide Public Safety and Public Works Municipal Mutual Aid Agreement.*

Warrant for State Election - *The Board members voted unanimously to sign the Warrant for State Election to be held on Tuesday, November 4, 2014 from 7:00 AM – 8:00 PM at 21 Crossway, Crossway Village Gymnasium.*

Temporary Sign Permits - St. Mary's School - *The Board members voted unanimously to approve two 10-day temporary sign permits to St. Mary's School for the period of November 9th – 23rd for the St. Mary's Bazaar. The Board members also voted unanimously to waive the fee for said permit.*

Snap Fitness - *The Board members voted unanimously to approve three 10-day temporary sign permits to Snap Fitness for the period of October 24th – November 22nd for their grand opening. The banner will be in front of the door on the railing. Dick Lindsay from the Berkshire Eagle asked what the maximum size should be and Tom Wickham replied that the maximum size is 16 feet and their banner is 30 feet.*

Agreement for Town and School – Dept. of Education FY15 Reporting - The Board members were presented with the Agreement for Town and School from our Treasurer, Donna Toomey. The Agreement details the Town's financial support for education in addition to the School Department's operating budget. It is the same agreement as presented in the past. *The Board members voted unanimously to execute the Agreement for Town and School and authorize the Chair to sign the Agreement.*

Berkshire Gas Permit – Emergency Gas Repair – Water Street, near #156 - *The Board members voted unanimously to grant “nunc pro tunc” the Emergency Gas Repair for Water Street, near #165.*

4. Pending Business:

- a. Planning Board – Public Hearing – Kingdom Hall of Jehovah's Witnesses – Wednesday, October 29, 2014 at 7:00 PM in the Planning Board Office.

5. Town Administrator:

Mr. Nason announced that the long overdue demolition of the 25 School Street property will be commencing soon. Next Wednesday the utilities will be disconnected and notices will go out to the residents and property owners in the area. The asphalt work will be done on Thursday and around the first week of November the house will come down. He explained that it will probably take 3 days and notices will go out regarding that as well. David Consolati asked if the property was pinned so we can sell the property as a pre-existing non conforming buildable lot. Bob answered that it has been surveyed.

Chairman Consolati announced that we are searching for applicants for the Board of Public Works and anyone interested can send a letter of interest to the Selectmen's office.

David reminded everyone that Halloween and “Trick or Treat” will be on Friday, October 31st from 5:00 PM – 7:00 PM. He also encouraged everyone to be safe and careful.

6. Public Comments:

None

- 7. Next Regular Meeting:** The next regular meeting will be on Tuesday, November 4, 2014 at 7:00 PM in the Courtroom.

- 8. Motion to Adjourn:** *The Board members voted unanimously to adjourn the public session of the meeting at 7:30 PM.*

