

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – DECEMBER 4, 2012

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

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

1. **Approval of Minutes:** The public minutes of November 20, 2012 were unanimously approved.
2. **Public Hearings:** None.
3. **General Business:** Sullivan Station – Entertainment License – continued modification of annual license through Dec. 31, 2012 - Attorney Don Hunter came before the Board on behalf of Darlene Zradi to thank them for the opportunity to have entertainment on Saturday, Nov. 24, 2012. He stated that the event went well and there were no complaints. There was no amplification of the instruments, only acoustic. They moved the band to the back of the restaurant and that seemed to alleviate a lot of the noise problem. He stated that the police did periodic checks on the noise level and according to the Dec. 3<sup>rd</sup> letter received from Chief Buffis, it was not problematic. Attorney Hunter asked the Board to allow the Sullivan Station to go forward under the current conditions as they have demonstrated the ability to comply. The events scheduled for the 1<sup>st</sup>, 8<sup>th</sup> and 21<sup>st</sup> of December have been cancelled. Mr. Hunter went over their requests for their annual 2013 Entertainment License and the Board suggested he come back with a cleaner Entertainment License Application which states more clearly what they are asking for and the Board will reconsider the application on the next meeting on December 18<sup>th</sup>.

Joe Toole again spoke on behalf of the Chambery Inn stating that for 22 years there were no problems until it seemed that the restaurant was turning into a nightclub. He informed the Board that Bob Healey and his counsel will vigorously oppose any change and/or expansion of the current license and that they want the sound amplification to be off at 10:00 PM.

Beth Mateurvich, Dickie Neales and Randy Cormier all spoke on behalf of the Sullivan Station. They stated that the Sullivan Station is trying to comply and they don't want the negative undertone as it is a restaurant and not a nightclub.

*The Board voted unanimously to continue their decision on the Sullivan Station's annual entertainment license pending receipt of a clearer, more concise application.*

Library Air Conditioner Replacement Project – Chris Pompei, Dept. of Public Works Superintendant, came before the Board to recommend the lowest of 4 bids for the air conditioner replacement at the Library. The low bidder was Leprevost Plumbing and Heating in the amount of \$44,000.00. *The*

*Board voted unanimously to award the bid from Leprevost Plumbing and Heating in the amount of \$44,000.00 and to authorize the Chair to sign the agreement.*

Loader Procurement – Chris Pompei presented a quote for the purchase of a Cat 930K Loader, including the cost of options, from Southworth-Milton, Inc. in the amount of \$151,357.00. *The Board voted unanimously to authorize the purchase of the Cat 930K Loader from Southworth-Milton, Inc., in the amount of \$151,357.00 and to authorize the Chair to sign the agreement.*

Second Winter Season Truck Driver/Laborer – Mr. Nason announced that the DPW may be hiring a second winter season truck driver/laborer due to the injury of an employee and John Curtin's retirement.

Sign Bylaw Review Committee – Mr. Nason presented a memo from Don Torrico regarding the formation of a Sign Bylaw Review Committee to review the current bylaws and bring forward to the Planning Board an updated Sign Bylaw proposal. Planning Board member, Tom Wickham and members of the Chamber of Commerce, Mohamed Zabian, Paul Face, Garth Story and Franck Tessier have volunteered for this committee. The Planning Board is looking for two individuals from the public to volunteer for the Sign Bylaw Review committee, with letters of interest directed to the Lee Planning Board.

Massachusetts Dept. of Revenue Financial Management Consulting Services - Mr. Nason presented the Board with the "Financial Management Assistance Program Brochure for Municipal Officials". This program provides financial management consulting services that are of direct and practical benefit to the participating municipalities and other local government jurisdictions. The chief executive officer(s) of any city or town may request financial management assistance. All services and training provided to local officials by the Division of Local Services are offered without charge. Mr. Nason offered to draft a letter for the Chair to sign, requesting the consulting services. *The Board voted unanimously to seek the consulting services and to authorize the Chair to sign the letter requesting the services.*

Massachusetts Dept. of Environmental Protection Sustainable Materials Recovery Program Grant – Mr. Nason presented the Board with Massachusetts Department of Environmental Protection (MassDEP) award to the town of Lee a Sustainable Materials Recovery program Municipal Grant. The Town of Lee will receive up to \$750.00 for composting bins for town events. *The Board voted unanimously to accept the notice of the grant and to authorize the Chair to sign the contract.*

District Local Technical Assistance Applications (DLTA) – The Board was presented with the Berkshire Regional Planning Commission's 2013 request for district local technical assistance applications. *The Board voted unanimously to apply, separately or in conjunction with another town, for assistance to update the sign bylaw; and, to authorize the chair to sign the application.*

Recalling the previous DLTA assistance to the town and the other "Rest of "River" communities, *the Board voted unanimously to apply for additional assistance.*

Council on Aging – Board Member Appointments - The Select Board has received two letters requesting to be on the Council on Aging from Brigitte White of Crossway Tower, Lee and from Sandra Hayes of Franklin Street, Lee. *The Board voted unanimously to appoint both as members of the Council on Aging for whatever terms may be applicable.*

Berkshire Gas Permit – *The Board voted unanimously to sign off on the installation of new gas service at 145 Old Pleasant Street.*

2013 License Renewals– *The Board voted unanimously to accept as read the liquor licenses, common victualer's licenses, innkeeper's licenses, entertainment licenses, class II licenses and amusement devise licenses. (see attached list).*

4. **Pending Business: Planning Board** - Special Permit Application – Marble Street, Case No. 21-23 – Monday, December 10, 2012 at 6:15 PM.

Planning Board - Special Permit Application – 335 Forest Street, Case No. 21-24, Monday, December 10, 2012 at 6:45 PM.

Planning Board – Special Permit Application – 215 Laurel Street, Case No. 21-25 – Monday, December 10, 2012 at 7:15 PM.

Zoning Board of Appeals – Public Hearing – Appeal of decision on 8/22/2012 opinion of the Building Commissioner – property at 1395 Pleasant St. – Wednesday, January 16, 2013 at 7:00 PM.

5. **Town Administrator:** - Mr. Nason presented the recommendation from Building Commissioner, Donald Torrico, of Nick Fredsall for the position of Alternate Electrical Inspector. Having an alternate electrical inspector will decrease the delay in review of permitting. *The Board voted unanimously to allow the Administrator, Mr. Nason, to appoint Mr. Nick Fredsall as the alternate electrical inspector.*
6. **Public Comments:** Earlier in the meeting while Chris Pompei was still present, Bev Trombly came before the Board to comment on the condition of Main Street after the gas company's digging. Her complaint was that the dirt was not cleaned up and she wanted to know if the gas company could be required to clean up the road when they are finished. Chris commented that the gas company will be completing their temporary patching and they will make the permanent patch in the spring. At that time, Chris said that he would make sure they cleaned up any debris left.

Bill Navin came before the Board to air his complaint regarding the \$40.00 fee for paying his real estate taxes on line. Patty Carlino explained to him that it was a credit card fee and the Town is not allowed to pay credit card fees.

Monica Ryan had a questions regarding one of the Innholder's license and was informed by the Board that any issues were settled and the Board was comfortable with the issuance of an innholder's license.

Monica also presented two handouts to the Select Board and Administrator regarding the history of the Board of Public Works and the Selectmen-Administrator Form of Government.

Dee Dee Consolati came before the Board to express her concern about the reported indictment of the Eagle Mill developer for nonpayment of federal taxes and the recent search of the police station by the FBI. It was noted that the indictment of the developer has nothing to do with the Town. In regard to the ongoing inquiry, it was reported that the Administrator and the Board would take whatever action they deemed necessary at the conclusion of the investigation. Dee Dee wanted to know if the

Chief would be put on administrative leave and Mr. Nason and the Board responded that they had not received any information to warrant such action.

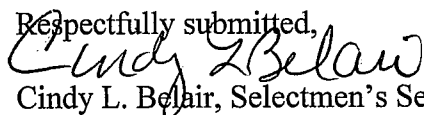
Bera Duneau from the Berkshire Beacon asked the Board if they could furnish any additional information and the Board responded that there was no new information.

Monica discussed the Energy Efficiency Advisory Committee's minutes and she was told that the minutes were in the works and would be presented in a reasonable time frame. She also thought that the Committee should provide extra copies of materials presented at their meetings.

Bill Navin discussed the jointly owned Laurel Lake property and commented that he knows people that are interested in purchasing the property.

Bev Trombly was concerned about high paying officials residing out of town. Patty Carlino responded that the policy is that emergency response employees must be within 15 miles from town. Patty said that we like to hire from town, but ultimately we hire the best person for the job.

7. **Next Regular Meeting:** The next regular meeting will be December 18, 2012 at 7:00 PM in the Courtroom. .
8. **Motion to Adjourn:** *The Board voted unanimously to adjourn the meeting at 8:30 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

Liquor Licenses:

Sullivan Station Restaurant  
Lee Package Store  
East Lee Package Store  
Athena's Restaurant, Inc.  
Locker Room Sports Bar  
Chez Nous, Inc.  
Bombay Bar & Grill  
Pho Saigon  
Federal House Inn  
Oak N Spruce  
Salmon Run Fish House  
Moe's Tavern  
Trader Moe's

Bucky's Tavern  
Timothy's Restaurant & Pizzeria  
Cork N' Hearth  
Alpamayo Restaurant  
Perigee Restaurant  
Daily Stop  
Arizona Pizza  
Pauline's @ Greenock  
Convenience Plus  
Bannun & Boo (Lee Citgo)  
Baja Charlie's  
The Morgan House

Common Victualler's Licenses:

Sullivan Station Restaurant  
Athena's Restaurant  
Locker Room Sports Bar  
Chez Nous, Inc.  
Bombay Bar & Grill  
Red Apple  
New Belden Tavern  
Papa Gino's/D'Angelos  
Starving Artist Café  
Pho Saigon  
Orientaste  
Pomelos Real Fruit Italian Ice, LLC  
Oak N Spruce  
The Morgan House

Friendly's  
Salmon Run Fish House  
Panda Garden  
Moe's Tavern  
Lucky's Ice Cream & Grill  
Bucky's Tavern  
Cork N' Hearth  
Alpamayo Restaurant  
Perigee Restaurant  
Arizona Pizza  
Pauline's @ Greenock  
Baja Charlie's  
Dunkin Donuts

Innholder's Licenses:

The Inn at Laurel Lake  
Historic Merrill Inn  
Crabtree Cottage  
Federal House Inn  
Applegate Inn

Hoplands Guesthouse  
Jonathan Foote 1778 House B&B  
Oak N Spruce  
The Morgan House

Entertainment Licenses - Annual:

Locker Room Sports Bar  
Sullivan Station  
Bucky's Tavern

Cork N Hearth  
Arizona Pizza  
Oak N Spruce

Class II Licenses:

Route 102 Auto Sales and Service

JFJ Sales and Service

Limousine/Taxi Licenses

Amusement Devise

Oak N Spruce

## LIST OF DOCUMENTS

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1. The Minutes of November 20, 2012
2. Public Hearings: None – no documents
3. General Business:
  - a. Sullivan Station - 1) Nov. 14<sup>th</sup> letter from Sullivan Station 2) copy of Special Entertainment License issued 3) Dec. 3<sup>rd</sup> letter from Chief Buffis 4) Sullivan Station application for annual Entertainment License, with narrative attached.
  - b. Library Air Conditioner Replacement Project – Chris Pompei’s memo with attachments: scope of work, quote dated 11/29/12 & bid opening results.
  - c. Sign bylaw Review Committee – e-mail memo from Don Torrico.
  - c. Massachusetts Dept. of Revenue Financial Management Consulting Services - Mass DOT Brochure for Municipal Employees
  - d. Massachusetts Dept. of Environmental Protection Sustainable Materials Recovery Program Grant – November 15, 2012 letter to SelectBoard Chair.
  - e. i) District Local Technical Assistance Application – Application Form ii) Rest of River – letter of November 8, 2012.
  - f. Council on Aging – 2 letters of interest (Brigitte White/Sandra Hayes)
  - g. Berkshire Gas Permit – Copy of Application for Permit
  - h. 2013 License Renewals – List of Renewals
  - j. Loader Procurement – e-mail memo from Chris Pompei with quote attached
4. Pending Business:
  - a. Planning Board – Special Permit Application – Copy of Notice of Public Hearing
  - b. Planning Board – Special Permit Application – Copy of Notice of Public Hearing
  - c. Planning Board – Special Permit Application – Copy of Notice of Public Hearing
  - d. Zoning Board of Appeals – public hearing – Notice of Public Hearing
5. Town Administrator:
  - a. Alternate Electrical Inspector Appointment – copy of letter of interest / back side-recommendation of Donald Torrico
  - b. Second Winter Season Truck Driver/Laborer
6. Public Comments: Handouts from Monica Ryan – history of Board of Public Works / Selectmen-Administrator Form of Government