

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – DECEMBER 18, 2012

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

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

1. **Approval of Minutes:** The public minutes of November 15, 2012 and December 4, 2012 were unanimously approved.
2. **Public Hearings:** None.
3. **General Business:** Sullivan Station – Entertainment License – Annual Entertainment License Review – Attorney Don Hunter came before the Board to speak on behalf of his client, Darlene Zradi, d/b/a Sullivan Station Restaurant. He presented the revised application for the annual entertainment license along with an attachment. The application requests no more than two performers with one speaker and amplified vocals only from 6:00 PM to 9:00 PM daily as well as 12:00 PM to 3:00 PM on Sundays. They are also requesting that no more than four performers with two speakers be allowed twice each calendar month from 8:30 PM to 11:30 PM with instrumental accompaniment to be acoustical only (not amplified). The applicant will have an employee both at the door and outside the premises at the time of these performances to monitor and ensure compliance with all Town and State regulations and ordinances. Attorney Hunter spoke of the Sullivan Station's continued endeavors to comply by moving the location of the players, adding monitors inside and out and by being cognizant of the 55 decibel sound limit. Chair, Patty Carlino stated that she was not against giving them a chance by issuing a license, but wanted to impose a three month probationary license. Selectmen, David Consolati agreed with issuing a license under those conditions. He also stated that their needed to be more dialog between the parties.

Joe Toole came before the Board to speak on behalf of Bob and Olga Healey, the owners of the Chambery Inn. He commented that they must purchase a very expense sound level monitor that keeps track of the sound with computer printouts as to times and decibel levels.

Bob Healey came forward and commented that he has tried to work it out with the Inn to no avail. The Board responded by saying that it will be different going forward or their entertainment license will be shut down. Bob stated he "was not willing to give it a try". Joe Toole commented that the issue is clouded without Gordon Bailey's input and he would like to continue this until the 1st meeting in January. The Board responded that technically they don't have to wait and David Consolati stated that he was comfortable with his vote. David also commented that the police department will monitor the situation and if there are issues they will shut the entertainment down; taking it out of their hands.

The Board voted unanimously to grant the Entertainment License to The Sullivan Station as written on the attachment by Attorney Hunter with the condition that The Sullivan Station will notify the Lee Police Department of all of the upcoming events with more than 2 performers so they can monitor the sound. The Board also imposed a three month probationary period of the license; and, with the exception of any incidences, will review the situation after the three months.

Bob Healey wanted it in the record to the Board that he was uncomfortable with the fact that Gordon Bailey was not in attendance for the vote.

Meadow Street Temporary Bridge Over Powder Mill Brook - Chris Pompi presented the Board with Change Order #1 from LB Corporation with a net increase of \$9,849.80. The reasons for the change order were adjustments for additional services, which included extra length for the easterly approach, transom blocks due to soils and bridge loads and deduction for asphalt deck. *The Board voted unanimously to approve change order #1 in the amount of \$9,849.80.*

Water Treatment Plant Modification - Chris Pompi came before the Board and presented the Agreement for Provision of Limited Professional Services from Foresight Land Services for the injection pit bypass piping at the Lee Water Treatment Plant in the amount of \$14,050.00 for design, procurement and construction services. The work is needed because the chemical injectors are leaking at the Water Treatment Plant and require piping modifications to insure uninterrupted water supply when the injectors are replaced. *The Board voted unanimously to award Foresight Land Services the contract for the Pit Bypass Piping in the amount of \$14,050.00, with the amount of \$4,500.00 for the construction phase subject to appropriation.*

Disposition of Surplus 1988 Ford F350 Truck - Mr. Nason stated that John Curtin, the original high bidder for the truck has withdrawn his offer, so the truck will go to the next highest bidder, Mike Curtin, in the amount of \$509.26. *The Board voted unanimously to grant the surplus 1988 Ford F350 Truck to Mike Curtin in the amount of \$509.26.*

Municipal Health Insurance Plan Changes - Mr. Nason presented the Board with the Highlights of the Municipal Health Care Reform Legislation. The primary changes allow a governmental unit to include in its non-Medicare health plans co-payments, deductibles, tiered provider network co-payments and other cost-sharing plan design features up to the dollar amounts of those plan design features in the GIC's most subscribed non-Medicare health plan. It allows a governmental unit to make similar plan design changes to its Medicare health plans up to the dollar amount for those plan design features in the GIC's most subscribed Medicare health plan and allows a governmental unit to transfer its subscribers to the GIC provided that it can demonstrate that its savings by that transfer will be at least 5% greater than the savings it would realize by making the maximum allowable changes to plan design. Mr. Nason recommended consideration of adopting Section 21-23 of 32B to start invoking the elaborate procedure to make changes if we're unable to negotiate cost saving plan changes.

Ginger Armstrong, President of the Lee Education Association came before the Board to speak on behalf of the teachers asking the Board to postpone the vote and to work with them until January, leaving time to make any deadlines. The timeline was discussed and Patty Carlino wanted to know what the harm would be to accepting now. Mr. Nason presented the Summary of the Reform to the Board for their review. Mr. Nason suggested that we need to start now as the budget process is under way. Neil Clarke was not convinced that we need to adopt this tonight. He commented on the good relationship between the teachers and the town and that we need to continue to work for a balance for all the parties concerned. He stated that more communication may alleviate some of the anxiety that

people are having and postponing the adoption so people could enjoy the holiday season would be a good faith gesture.

The Board discussed the scheduling of January's meetings as the first Tuesday of the month is New Year's Day. The schedule for January's meetings will be January 8, 2013 as the first meeting of the month and January 22, 2013 as the second meeting of the month.

After a discussion on the rescheduling of January's Select Board meetings the Board decided to wait until the second meeting in January which is now scheduled to be on January 22, 2013.

Evening Star Lodge – Temporary Sign Permit – *The Board voted unanimously to grant the temporary sign permit to the Evening Star Lodge their Christmas Tree Recycling Project in conjunction with the Boy Scouts from December 27th through January 26, 2013.*

Goodwill Industries of the Berkshires - Mr. Nason presented a letter from Goodwill Industries stating that they are expanding their presence in Southern Berkshire County by opening a new store in Lee in the Joe's Diner block. As a non-profit 501(c) (3) organization they are requesting a waiver of application and/or permit fees to bring their services to the Town of Lee. *The Board decided to table this issue and act on it at their next Select Board meeting on January 8, 2013, giving them time to find out more about what Goodwill Industries is planning.*

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, Limousine/Taxi licenses and amusement devise licenses. (see attached list).*

Zoning Board of Appeals – Alternate Board Appointment - The Zoning Board of Appeals has one vacancy for an alternate board member and have received two applicants. *After reviewing the letters of interest from the two applicants, the Board voted unanimously to appoint, Peter Bluhm as the alternate Zoning Board of Appeals Board member.*

4. **Pending Business:** 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:** - Truck Driver/Laborer Appointment - Mr. Nason recalled that Superintendant of Public Works, Christopher Pompei, P.E., asked Assistant Superintendant, Dennis Kelly and the Board of Public Works Chairman, Robert Bartini to join him on the Selection Committee which, together with Mr. Nason, interviewed 14 of the 22 applicants to succeed John Curtin who is retiring on January 1, 2013. Whereupon, at the recommendation of the Selection Committee, Mr. Nason appointed Richard Tart to the Truck Driver/Laborer position and the Board voted unanimously to approve the appointment.
6. Revenue & Expense Reports, FY 2013 through November 30, 2012 - Mr. Nason announced that the Revenue and Expense Reports for FY 2013 through November 30, 2012 are on the Select Board's work table for their review.
7. **Public Comments:** Bill Navin came before the Board to discuss the Mass DOR Consulting Service that was discussed at the December 8th meeting. Mr. Nason explained that the program is a free consulting service from the DOR. Mr. Navin asked if it had anything to do with anything done

wrong and Mr. Nason explained that it had nothing to do with wrongdoing it's just to help better our services.

David Consolati wished everyone a safe and happy holiday!

8. **Next Regular Meeting:** The next regular meeting will be January 8, 2013 at 7:00 PM in the Courtroom. .
9. **Motion to Adjourn:** *The Board voted unanimously to adjourn the meeting at 8:15 PM.*

Respectfully submitted,

Cindy L. Belair
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