

APPROVED ON 12/16/14

BOARD OF SELECTMEN
MINUTES OF MEETING – December 2, 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 7:00 PM.

1. **Approval of Minutes:** The Board members voted unanimously to approve the Public Minutes of the Meeting of November 18, 2014.
2. **Public Hearing:** Blackwater Realty Trust, LLC – Amendment to Special Permit grant in 1978 & amended in 1983, 1994 and 2012 to allow for the construction of a two story single family dwelling and a two car garage - Sarah Stiner (Blackwater Realty Trust, LLC) came before the Board to present the plans for the construction of a two story single family dwelling condominium at Meadowwood Condominiums, 850 Summer Street. David Carver stated that though this is a single family dwelling, like other condos this requires no maintenance. He stated that the roads are private; some are paved and some are gravel. Dave Durante, a Planning Board member came before the Board to state that the information presented to the Board purports to make recommendations that are not from the Planning Board and this needs to be removed from the Board members packages. He stated that these are concerns by one specific member and this is not a Planning Board document. David Durante stated that this property should have its own Zone, same as the outlets. Patty Carlino said that she had no problem with the project and Tom Wickham stated that they could approve the square footage, not to exceed 2,200 square feet in the location as noted on the site plan. Tom concurred that the property should be re-zoned, to which Patty asked what zone it would be. Dave Durante answered that they would have to create a new zone. Dave Carver told the Board that they have zero interest in subdividing the property which consists of 220 acres. Patty asked about the yard area and the re-sale value. David Carver replied that as this is a condo all the outdoor areas are considered common areas. *Upon a Motion made and duly seconded, the Board members voted unanimously to approve the Special Permit to construct a two story single family dwelling and a two car garage on an area not to exceed 4,200 square feet, plot 76 ft. x 67 ft. and conditional on the paving of the existing road area in front connecting pavement to pavement on the end of Lakeside driveway from Unit M-13 to M-6 with an 18 foot wide paved area. This approval is conditional on the payment of the capacity fees to the Town of Lee forthwith.*

To accommodate persons in the courtroom, the items were taken out of order.

3. **General Business:** Disposition of 25 School Street - Elizabeth Masiero, a resident on School Street came before the Board to discuss her concerns about the disposition of the 25 School Street property and the possibility of it becoming a parking lot. Her main concern is the safety of the neighborhood as there are young families with children residing on the street. She commented that much the bar patrons linger outside to party in the parking lot after leaving the bar, oblivious to the fact that it is

also a residential area where people live and at times are trying to sleep. She is concerned about the real estate values and ability for resale of properties. She is asking that the Board consider the concerns of the residents and use the site as a building lot or open lot in an effort to keep the neighborhood intact. Mr. Nason stated that there will be testing of the property at the northeast corner of the structure. They will update and drill for soil samples on December 17th, with the results on December 29th at which time an evaluation will be done the first week of January. When Ms. Masiero commented about rumors of exorbitant costs of cleaning up the property, Mr. Nason stated that we have sufficient grant funding for the cleanup.

Remote IT Support Services - The Board members were presented with a Memorandum of Understanding between the town of Lee and Community Software Consortium for IT Support Services. This is a free service between now and July financed by a state grant. It is an experiment for back up off site services. *The Board members voted unanimously to approve the Memorandum of Understanding between the Town of Lee and Community Software Consortium and authorized the Chair to sign the Memorandum.*

Housatonic River Cleanup, Rest of River Municipal Committee - The Board members were presented with the Rest of River Communities – Technical Assistance Request 2015. This enables Berkshire Regional Planning to provide technical, legal and administrative assistance. The City of Pittsfield will submit the application on behalf of the governing Housatonic Rest of River Municipal Committee. *The Board members voted unanimously to approve the Technical Assistance Request 2015 for the Rest of River Communities and to authorize the Chair to sign the grant.*

Smart Growth Zoning Overlay District - The Town of Lee seeks technical assistance to support investigating a Chapter 40R Smart Growth Overlay District to facilitate the redevelopment of the former Eagle (paper) Mill situated at the northern end of downtown Lee. *The Board members voted unanimously to apply for the District Local Technical Assistance Program Request for Technical Assistance (DLTA) grant and to authorize the Chair to sign the grant.*

Uniform and Mat Rental - *At the recommendation of the Dept. of Public Works, the Board members voted unanimously to award a two and one-half year contract for Uniforms/Mat Rentals to Cintas Corp, the lowest of three bidders in the amount of \$2,474.67 for the remainder of FY 15 (6 months), \$6,024.70 for FY 16 and \$6,205.44 for FY 17.*

FY 2016 Budget and Town Meeting Preparation Schedule, Revised - Mr. Nason presented a revised FY 2016 Budget and Town Meeting Preparation Schedule to the Board noting that he had the wrong date for the Town Meeting which in turn shifted some of the other dates. *The Board members voted unanimously to accept the revised schedule as amended by Mr. Nason.*

Berkshire Gas Permit – *The Board members voted unanimously to approve a gas permit to install new gas service at 215 High Street “nunc pro tunc” on November 20, 2014.*

Cultural Council Appointment – *At the recommendation of the Cultural Council Chair, Shawn Mahoney, the Board members voted unanimously to appoint Rhonda Tremblay to fill a term through 2017 vacated by Robert Lohbauer.*

FY 2015 License Renewals – *The Board members voted unanimously to approve the FY 2015 License Renewals for the following: 26 Liquor Licenses, 18 Common Victualer Licenses (with alcohol), 1 Common Victualer License (without alcohol), 9 Entertainment Licenses, 3 Innholder's Licenses and 3 Amusement Licenses (See Sheet Attached).*

One Day Beer & Wine - *The Board members voted unanimously to grant a One Day Beer & Wine License to St. Mary's School for their Annual Italian Dinner fundraiser on Saturday, Jan. 31, 2015 from 5:00 PM – 10:00 PM.*

One Day Beer & Wine – *The Board members voted unanimously to grant a One Day Beer & Wine License to St. Mary's School for their Annual Auction fundraiser on Saturday, March 21, 2015 from 5:00 PM – 10:00 PM.*

Council on Aging – Formula Grant Agreement – *The Board members voted unanimously to approve the annual Formula Grant Agreement in the amount of \$7,130.01 and to authorize the Chair to sign the Agreement.*

4. Pending Business: None

- 5. Town Administrator:** FY 2015 Property Tax Rate, Billing Schedule and Taxpayer Assistance Programs – Mr. Nason announced that the 2015 tax rate has been approved by the State. The assessed values have increased by 2.5%, thereby increasing the tax burden of the average single family property by approximately \$72.00 per taxpayer. The tax bills will go out on Dec. 5th, which will include a letter explaining the Taxpayer Assistance Programs. Mr. Nason also reported that the excess capacity is up from 1,546,079.28 to 1,627,074.28.

FY 2015 Revenue and Expense Reports through November 30, 2014 - Mr. Nason stated that the Revenue & Expense Reports through November 30, 2014 are available on the Selectmen's work table

- 6. Public Comments:** Julie Ruth from the Berkshire Record asked about the status of the Board of Public Works (BPW). Mr. Nason reported that one of the current members has re-applied and two of the current members have resigned. We are now waiting to hear from the others before the deadline of December 12, 2014. At that time we will reorganize the BPW. Mr. Nason also commented that any interested parties may send a letter of interest to the Board of Selectmen. Ms. Ruth asked if we had any new applications and Mr. Nason replied that we did.

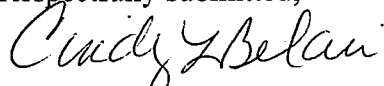
David Consolati extended his thanks on behalf of the community for their fine job of clearing the roadways during the recent Thanksgiving Eve through Thanksgiving snow storm. He stated that they should be commended for their work. Mr. Nason noted that our public safety was out in full force and the whole team did a great job.

Patty Carlino asked about an update on the park fence that was taken out by a truck driver. Mr. Nason stated that the truck driver was stopped by Lee Police Dept. and that a claim has been made against the truck driver's insurance.

Patty also asked about street lights that are out on Main Street. Mr. Nason replied that the Police Chief assigns an officer to regularly check on the lights.

7. **Next Regular Meeting:** The next regular meeting will be on Tuesday, December 16, 2014 at 7:00 PM in the Courtroom.
8. **Motion to Adjourn:** *The Board members voted unanimously to adjourn the public session at 8:16 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

Approved at Selectmen's Meeting – 12/2/14

Liquor Licenses:

Alpamayo Restaurant
Athena's Pizza House
Bucky's Tavern, Inc.
Daily Stop, Inc.
Federal House Inn
Pho Saigon
Sandri Stop Smart
Moe's Tavern
The 102 Tavern
Lee Citgo
Oak N' Spruce Resort
Cork 'N Hearth
Lee Package Store

Arizona Pizza
Bombay Bar & Grill
Chez Nous
East Lee Package Store
Locker Room Sports Bar
Salmon Run Fish House
Timothy's Restaurant
Trader Moe's
Baja Charlies
Sullivan Station
Morgan House Inn & Restaurant
Berkshire Liquors
Convenience, Inc.

Common Victualer's Licenses (with alcohol):

Alpamayo Restaurant
Athena's Pizza House
Bombay Bar & Grill
Chez Nous
Locker Room Sports Bar
Salmon Run Fish House
Moe's Tavern
Baja Charlies
Oak N' Spruce Resort
Cork 'N Hearth

Arizona Pizza
Baja Charlie's
Bucky's Tavern
Federal House Inn
Pho Saigon
Timothy's Restaurant
The 102 Tavern
Sullivan Station
Morgan House Inn & Restaurant

Common Victualer's Licenses (without alcohol)

Panda Garden

Entertainment Licenses - Annual:

Arizona Pizza
Bucky's Tavern
Baja Charlies
Oak N' Spruce Resort

Bombay Bar & Grill
Locker Room Sports Bar
Sullivan Station
Morgan House Inn & Restaurant
Cork 'N Hearth

Innholder's Licenses:

Federal House Inn
Morgan House Inn & Restaurant

Oak N' Spruce Resort

Class II Licenses:

Limousine/Taxi Licenses

Amusement Devise

Bucky's Tavern
Oak N' Spruce Resort

The 102 Tavern