

BOARD OF SELECTMEN
MINUTES OF MEETING – JANUARY 17, 2012

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

Selectman Carlino, acting as Chairman, opened the meeting at 7:00 PM.

1. **Approval of Minutes:** Jan. 3, 2012; Executive Session Jan. 3, 2012
2. **Public Hearing:** 7:00 PM – Trader Moe's – New wine and malt packaged goods license – Continued from Dec. 6, 2011. Selectman Carlino opened the public hearing at 7:00 PM. Atty. Nicholas Parsenios, representing the applicant, came before the Board to explain that in order to hold two liquor licenses in the town, a new entity must be created and Atty. Parsenios asked the Board for another continuance in order to achieve this. After a brief discussion, the Board voted, unanimously, to continue the public hearing until Tuesday, Feb. 21, 2012 at 7:00 PM
3. **General Business:** Selectman Carlino introduced Cindy Belair, the new Selectmen's Secretary, and welcomed her.

Alan Sparks, Fire Chief, came before the Board to announce that burning permits can now be obtained on line. He stated that this will save the dispatchers time. If you do not have access to a computer, the permits can still be obtained through the dispatch center. Chief Sparks said 12 towns are now participating in this. The permit can be obtained on the town's website at www.lee.ma.us. Selectman Bailey asked the Chief about the fire hydrants on Railroad Street in response to an anonymous derogatory comment in the "Berkshire Record". The Chief said there are three types of hydrants in town and all are color coded depending on how many gallons of water they produce. Unfortunately the hydrants on Railroad Street are color coded black that indicates they are the lowest gallons per minute flow. He said none of the hydrants on Railroad Street were frozen. The Chief further stated that no time was wasted in fighting the Dresser Hull fire and that a plan had been in place for just such an incident. The Board congratulated the fire department on the excellent job they did in containing that fire. Selectman Bailey stated that the town's infrastructure is in desperate need of up-grading but the cost has been beyond what the town has been able to budget for.

Chris Pompei, DPW Supt., came before the Board to present Change Order #6 for the east side parking lot and alleyway improvement project. Mr. Pompei said this would be the last change order which represents the final unit price adjustments in the amount of \$811.58. The Board voted, unanimously, to approve Change Order #6 in the amount of \$811.58.

The Board next addressed a bid for contracted snow removal requiring additional manpower and equipment when needed. The single bidder was L.B. Corp. of Lee, MA. This is now a three year contract from Jan. 1, 2012 to Dec. 31, 2014. Mr. Nason explained that previously the town had entered into a two year contract for this service. He felt that a three year contract would be economically beneficial in light of constantly rising costs. A motion was made and seconded to award the contract to L.B. Corp. Robert Bartini, Chairman of the Board of Public Works, came forward to state that the Board of Public Works was unaware of any changes in the bidding process until their last meeting. He felt it should have been voted on by his Board. Selectman Carlino said that at the least, she felt it should have been brought up at the Board of Public Works meeting. The Selectmen voted, unanimously, to award the bid to L. B. Corp. and have the Chairman sign an agreement.

The second bid involved water and sewer line emergency repairs as needed. This is also a three year term. Mr. Pompei said there were two bidders and the low bidder had to be rejected on a technicality. That bidder did not include a non-collusion affidavit in its bid package. Mr. Nason sought the advice of Town Counsel on how to handle this situation and Town Counsel contacted the Attorney General's office for a ruling. The Attorney General's office ruled that the burden of producing a non-collusion affidavit is on the bidder not the awarding authority. This mandates rejection of the bid. Mr. Bartini once again came forward to say that the Board of Public Works was not informed of this matter. He also said that water and sewer revenues are both running a deficit. Selectman said that in the future extended contract terms should be discussed with the Board of Public Works because the funds to pay for this service come from water and sewer rate payers. The Board voted, unanimously, to award the bid to L.B. Corp. and authorized the Chairman to sign an agreement.

Mr. Pompei next went over a list of quotes for chemicals for the water treatment plant. There were four bidders for four different products and no bidders for zinc orthophosphate. Mr. Pompei said it is not unusual for there to be only one bidder for these chemicals because of their specialized nature. The Dept. of Public Works recommended Slack Chemical Co. for chlorine gas and sodium bicarbonate; Holland Chemical for polyaluminum hydroxylchlorosulfate; Borden & Remington Corp. for sodium hydroxide; and there were no bids for zinc orthophosphate so they will continue to purchase it from Carus

Chemical Co. The Board voted, unanimously, to award the bids based on the recommendation of the Dept. of Public Works as written and allow the chairman to sign an agreement.

Mr. Pompei next told the Board that the Mass. Dept. of Environmental Protection has required the town to repaint the South Lee water tank. Mr. Pompei reported that he had solicited prices for design, bidding and construction services from four firms; and, that Foresight Land Services' price of \$31,000.00 was the lower of the two prices that were received. Mr. Pompei noted that the Water Department had \$11,500.00 available for the design and bidding tasks; and, that further appropriation would be required for the \$19,500.00 construction services task. The Board voted, unanimously, to award this work to Foresight Land Services, to authorize the designing and bidding tasks, to approve the construction services task subject to town meeting appropriation; and to authorize the Chairman to sign a professional services agreement for this work.

Mr. Pompei next explained that Mass. DOT has recommended the closure of the Mill Street/Washington Mt. Brook bridge due to severe section losses in the exterior beam. Mr. Pompei has consulted an engineering firm who said that the beam can be protected until it is replaced but the bridge will be brought in to the white line. Because this is a narrow road, it may cause a traffic hazard. Discussion on whether or not to close one lane completely and put up stop signs. This will not work because Mill Street is a main road. Discussion on putting up traffic lights. Mr. Pompei will check into all of this and report back to the Selectmen.

The Board once again opened discussion on the solar power generation on town owned land. Mr. Nason had a new plan of the Stockbridge Road property showing where stakes have been put in to indicate where the solar panels will be. Mr. Nason said that after consulting with Town Counsel, because the property was purchased for a specific purpose, it will take town meeting approval and an act of legislation for reusing it for the generation of electricity. The Board invited comments and Sal Angelo said he saw the stakes and felt they were too close to his property line. He also stated that his property value would decrease \$75,000 to \$150,000. He felt solar panels should not be in a residential area. He also had concerns about the disposal of the panels at the end of their use. Kevin Bartini stated he was bothered by the scale of the project. He felt the proposed dog park could be situated on another piece of town property. Robert Bartini, an abutter to the solar panels on the Turnpike, said that the Town of Montague voted down the same type of project. He felt the property solar panels could be relocated to property owned by the Community Development Corp. on Route 102. He said that he knew of property for sale abutting the sewer plant. Jeff LePrevost would like to see more stakes on the property especially for the athletic fields. He is especially concerned about the driveway and fields. Diana Wellington stated she did not want to see the pristine nature of the property ruined. Selectman Bailey stated that athletic fields have been in residential areas for years. The Board has never received any negative feedback from residents on Route 102. The town has to do something to accommodate youth programs. Robert Newton had concerns about the athletic fields. He felt that they would eventually evolve into more than just being used for youth programs. Robert Gutman, owner of property in Lee, had the same concerns as the neighbors.

The Board next discussed a District Local Technical Assistance application for FY12 that will provide assistance from Berkshire Regional Planning Commission to obtain and utilize funding from General Electric to offset the Housatonic River cleanup. This would be for the towns of Lee, Lenox, Stockbridge, Great Barrington and Sheffield. The Board voted, unanimously, to sign off on the District Local Technical Assistance application for FY12 from the Berkshire Regional Planning Commission and authorize the chairman to sign an agreement.

The Board voted, unanimously, to approve a one day wine and malt license from St. Mary's School for an event to be held on January 21, 2012 at the school.

The Board voted, unanimously, to approve a one day wine and malt license from Lee Sportsmen's Association for a fund raising event to be held on January 29, 2012.

The Board voted, unanimously, to approve a one day wine and malt license from Lee Sportsmen's Association for an ice fishing derby to be held on February 12, 2012.

4. **Pending Business:** Selectman Carlino announced that the deadline for toll stop applications for 2012 is February 21, 2012.
5. **Town Administrator:** Mr. Nason announced that there is a vacancy in the Dept. of Public Works for truck driver/laborer.

Mr. Nason explained that Todd Morin was an advisor on the Energy Efficiency Committee but has not served in that capacity since Oct. of 2009. Thomas Wickham, Planning Board member, has been serving in that capacity. Mr. Nason recommended that Mr. Wickham be formally appointed as a member of the Committee. The Board voted, unanimously, to appoint Thomas Wickham as a member of the Energy Efficiency Committee.

The Board thanked their secretary, Suzanne Alderman, for her many years of service to the town.

6. **Public Comments:** Beverly Trombley, District 5 representative, came before the Board to commend the fire department on the job they did with the recent fire at Dresser Hull. Ms. Trombley felt that the access road to Sandy Beach should be paved. She expressed her concern that more respect should be shown at committee meetings. She was specifically speaking about the Sandy Beach Committee. She felt that the committee and the Scheurers, owners of the access road to the beach, should come to a mutual understanding and that there should not be any more animosity.
7. **Motion to adjourn:** The next regular Selectmen's meeting will be held on Tuesday, Feb. 7, 2012 at 7:00 PM. The meeting adjourned at 9:15 PM.

Respectfully submitted,

Suzanne M. Alderman, Selectmen's Secretary

cc:	Board of Selectmen	Board of Assessors	Dept. of Public Works
	Town Administrator	Board of Health	Town Treasurer
	Town Clerk	Conservation Commission	Town Reps. District Chairmen
	Town Collector	Police Chief	Superintendent of Schools
	Planning Board	Building Inspector	Town Accountant