

APPROVED ON 3/15/16

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – March 1, 2016

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

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

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Session Minutes of February 16, 2016.*
2. **Public Hearings:** None.
3. **General Business:** Lee Bikeway – John Toole, Chair of Lee Bike Path Committee and Steve Mack, Project Engineer for Foresight Land Services, came before the Board to discuss the 2<sup>nd</sup> phase of the Bike Path project beginning at Big Y and ending at Lee Bank. We have received a MassDOT contract to fund the design and the regional transportation improvement plans include funding for construction. Steve needs to get the sign offs from landowners to get on the sites to do the surveys and test borings and he assured that the properties would be restored to their original conditions. He explained that there will be a meeting held at the Town Hall on March 10<sup>th</sup> for the public to attend. Mr. Toole responded when asked about the responses from homeowners, that he has had mostly positive responses. Mr. Mack presented the Board with a sample letter of Right of Entry/Easement Agreement asking if we could put it on the town letterhead to present to the homeowners for their permission to enter their properties. *The Board members voted unanimously to approve as presented the sample letter to notify all affected property owners.*

Tyringham Road Reconstruction – Change Order #14 – Superintendant of Public Works, Chris Pompei, P.E., came before the Board and explained that Baltazar Construction had to remove and rework two drainage trench locations that had settled. The reinforced concrete pipe was removed, the pipe bedding was adjusted, gravel and bituminous pavement were placed. The settlement caused two road depressions that impacted the ride quality tests. The two trenches settled in this area because of excessive water build up in the drainage pipes due to inaccurate design elevation at the pipe outlets. Lower elevations could not be achieved at the pipe outlets based on the existing topography. The area surrounding the pipe outlet has been cleared slightly more but is still expected to be a problem. This design error occurred due to two numbers being transposed on the invert

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elevation. The total extra for this work order is \$3,780.71. *The Board members voted two to one to approve Change Order #14 in an amount of \$3,780.71, and to authorize Chris to sign it once he has received full summary from Baltazar of overruns and under runs.*

Valley Street Bridge Repairs - Chris Pompi presented a letter from MassDOT dated January 25, 2016, but not received until February 29, 2016, regarding the 45 day notice to post signs on the Valley Street Bridge. He explained that we are trying to delay the posting as it adversely affects a business owner. This is the same bridge that we and Lenox together spent about \$15,000.00 to repair a year ago. Patty Carlino asked how long the repair would take and Chris responded, "About a week". No action was required at this time. Chris will report back.

ABCC – Temporary Increased Resident Population – Although this item was taken off the agenda as we are still in the process of compiling numbers, James Finnegan was present to speak on this matter. He informed the Board that according to the Alcoholic Beverages Control Commission (ABCC) it is up to the Local Licensing Authority (LLA – The Select Board members) to decide the residential population as of July 10<sup>th</sup>. Mr. Finnegan's understanding of the law differs from the LLA and Attorney Nicholas Parsenios who, on behalf of clients, filed for a Seasonal All Alcohol Package Store License for a client. The Board members informed Mr. Finnegan that we would look into the matter and this would be tabled until our next meeting on March 15, 2016.

Berkshire Brownfields Program - Mr. Nason presented the Agreement between the Town of Lee and the Berkshire Regional Planning Commission dated February 9, 2016 for professional services relating to the implementation of Berkshire Brownfields Program to assist the region in achievement of the brownfields redevelopment objectives. *The Board members voted unanimously to approve the agreement between the Town of Lee and the Berkshire Regional Planning Commission in the amount of \$2,000.00 and to authorize the Town Administrator to sign the contract.*

Audit Services Agreement, FY 2016-FY 2018 Audits - *The Board members voted unanimously to approve the agreement between the Town of Lee and Adelson & Company, PC for fiscal years ended June 30<sup>th</sup> in the amount of \$24,500 for 2016, \$25,250.00 for 2017 and \$26,000.00 for 2018, plus an additional fee of \$1,500 for each year in which the Client is required to have a Single Audit to meet Federal Uniform Guidance requirements for federal awards expended and to authorize the Chair to sign. (Subsequent to adjournment of the meeting, the members were made aware that the Agreement required the Town Administrator's signature and they unanimously agreed that he would sign).*

Capital Outlay Committee Appointments and Revised Meeting Schedule - *The Board members voted unanimously to appoint the following to the Capital Outlay Committee: Buck Donovan, District 1, Nelson Daley, District 2, Kathleen Bort, District 3, Arthur Mack, District 4, Deidre Consolati, District 5, Frank Consolati, District 6, Harold*

*Sherman, Planning Board, Anthony Caropreso, Board of Assessors and Edward Finnegan, Finance Committee.*

The Board members were also made aware of a minor change in the Meeting Schedule. The Capital Outlay meetings originally scheduled for February 29<sup>th</sup> and March 7<sup>th</sup> have been changed to March 7<sup>th</sup> and March 14<sup>th</sup>.

Common Victualer License – *The Board members voted unanimously to grant a Common Victualer's License to Aiello Restaurant, LLC, located at 87 Main Street (formerly Otto's Restaurant).*

Toll Stop Drawing - The Toll Stop Drawing continues to be a financially successful event for non-profit organizations in Lee. Its success has resulted in many more applicants than in the past. We have seven dates available of which three were granted to last year's applicants that weren't chosen and the weekend closest to Memorial Day is secured by the VFW every year. That left three available dates with ten entries. The applicants drawn this year were the Lee Lions Club, the Lee Elementary School PTO and the Lee High Girls Basketball.

Because of the popularity of the Toll Stops the Board members briefly discussed how to revamp the rules for the Toll Stops as it is virtually impossible to secure spots in the following year, for all of those organizations not chosen.

### 3. **Pending Business:**

- a. Zoning Board of Appeals – public hearing on an appeal by Stockbridge Terrace, LLC. – continued to Wednesday, March 9, 2016 at 7:00 PM in the Planning Board Office.
- b. Planning Board – Special Permit for Kristin O'Brien – continued to Monday, March 14, 2016 at 6:15 PM in the Planning Board Office.

### 5. **Town Administrator:** Personnel – Mr. Nason announced that this Friday (3/4/16) initial interest will be assessed to fill the position of Assistant Collector/Treasurer vacated by Karen Fink. This position will remain open until filled.

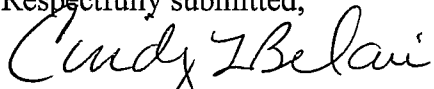
Mr. Nason also announced that Friday, March 11, 2016, the resumes for the position of Council on Aging Director will be assessed. This position will remain open until filled.

Mr. Nason informed the Board members that the FY 2016 Revenue and Expense Reports through February 29, 2016 are on their worktable.

### 6. **Public Comments:** None. David Consolati, on behalf of the Board members, expressed their condolences to the family of Gail Rothwell, our Council on Aging Director. The Board members also extended best of luck to Karen in her new position.

7. **Next Regular Meeting:** The next regular meeting will be on Tuesday, March 15, 2016 at 7:00 PM, in the Courtroom.
8. **Motion to Adjourn:** The Board members voted unanimously to adjourn the meeting at 7:55 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