

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – MARCH 20, 2012

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

Selectman, David J. Consolati, Chairman, opened the meeting at 7:00 PM.

1. **Minutes:** The Board unanimously approved the Minutes of March 6, 2012 and March 8, 2012.
2. **Public Hearing:** None.
3. **General Business:** Chris Pompei came before the Board to discuss the Meadow Street Bridge that was closed to the public on March 15, 2012. A temporary bridge has been offered by the Commonwealth. We have two bids to design the temporary bridge; one from Foresight Land Services in the amount of \$21,050.00, although they are not on the intermediate design list as the bridge is over 60 feet long. The other bid is from Gill Engineering in the amount of \$53,990.00. An exemption to being on the intermediate design list was discussed for Foresight and Chris would look into this. LB Corp. gave an estimate of \$30,000 - \$35,000 to install the temporary bridge. As the lifespan of a bridge is approximately 70 years, it was discussed how we can extend the life of our bridges by maintenance planning, keeping an eye out for deterioration. The time-frame for the installation of the temporary bridge was also discussed. Chris gave a “best case scenario” of approximately 4 – 5 months minimum. Chris will contact the State regarding the procurement of the bridge which will come in as parts. Mr. Navin asked if the temporary bridge would have a weight limit. He also commented that the repair on our bridges should be in cycles. David Consolati concurred that this is how repairs are being planned.

David also asked Chris about the utility road cuts on Fairview Street. That at the moment there is a temporary patch that needs to be finished and he wanted to know from Chris when that repair was expected to be completed. Chairman Consolati asked Chris if he had reviewed other town’s policies for repairing utility road cuts. Chris reported that he hadn’t had time to do that as yet.

Chris also spoke about the Sludge Removal and Disposal. Bids for this contract were solicited, obtained and read aloud on March 14, 2012 at 2:00 PM. The three bids were... a) Veolia Water in the amount of \$0.124/gallon...b) Waste Water Services, Inc. in the amount of \$0.1038/gallon.....and c) Yankee Septic in the amount of \$0.1069/gallon. The lowest price equates to a decrease of 14.3% per gallon over the previous contract. The Board commended Chris Pompei and Alan Zerbato for their diligence in obtaining competitive interest in this endeavor. A motion was made to accept the superintendents proposal of accepting the bid form from Waste Water Services, Inc. in the amount of \$.1038 and for the Chair be

allowed to sign the bid contract. The motion was seconded and it was unanimously voted to accept the bid from Waste Water Services, Inc.

David asked Chris about the painting of the water tower. Chris said that the cost of painting the water tower is \$250,000.00. It would have to be drained and David commented that the water pressure would need to be checked to see how it would affect the flow.

David spoke to Chris about the Board of Public Works (BPW) and commented that only the Chair has the authority to cancel meetings and that information must be brought to the Board in a timely manner. David's final comment on the matter was that the BPW needs advice from Chris and that the meeting goes on unless the Chair cancels. Chris said that he has never cancelled a meeting and that David has been misinformed about such cancellation.

The FEMA / MEMA contracts for the August 28, 2011 Tropical Storm Irene and the Oct. 2011 Severe Storm and Snowstorm were brought before the Board for their approval. Selectmen Gordon Bailey recused himself from participating on this matter. The federal assistance for Tropical Storm Irene is \$24,268.43 and the assistance for the Snowstorm is \$18,654.59. Upon a motion duly made and seconded, the Board voted to approve the respective Standard State Contracts and to authorize the Chair to sign the Agreements.

Chris Collins came forward for the Lee Cultural Council to clarify the recent misinformation regarding the council. He asked the Select Board for support in utilizing the Massachusetts Cultural Council as a resource to help further clarify this information. He spoke of his actions in trying to establish a track record and how the negativity towards the council has been detrimental. He read letters of commendation of the Cultural Council to the Board.

Monica Ryan came forward and questioned the logic of Chris Collins billing the council for his time in coming before the Select Board.

Shaun Mahoney spoke of her wish for more feedback and said they were happy to make changes. She asked if they could get an endorsement from Town Counsel and get his advice in writing. She concurred with Chris Collins that the disparaging comments are hurtful to the Committee and that she is eager to find solutions. Patty Carlino said she could check with Town Counsel and would pass along any information. Shaun also expressed that things weren't true about the discussion between her and Beverly Trombley at a Council meeting and that she gave Beverly more than ½ hour of meeting time.

Peter Putman spoke about the alleged campaign to discredit the new council and his eagerness to help and support Lee culturally.

Linda Elbrecht also spoke in favor of the Lee Cultural Council and commented that the negative publicity is very distressing. She read a letter to the Board from Patricia Strauch of Otis, commending the wonderful job that the Council was doing.

Bev Trombley spoke of the en masse resignation of the former Cultural Council members. She expressed what she perceived as negativity towards her, from Shaun Mahoney at a Cultural Council meeting. Both David and Gordon spoke to her of the benefits of the MCC coming to clarify the monetary issues surrounding the Council.

A Motion was made by Gordon to approve the Temporary Trailer Permit application by WMECO for the Woodland Substation, for not more than 6 months pending the approval of the Building Inspector. Patty seconded the motion and it was unanimously voted to approve the Temporary Trailer Permit.

4. **Pending Business:** The Board announced that Michael Bullock submitted his resignation, with one year remaining on his fourth term in office, from the Lee School Committee after 11 years of serving. A motion was made and seconded to accept his resignation, with much regret by all.

The Conservation Committee is adding two Associate members to their commission and asked if we would announce that all interested parties submit a letter of interest to Kathy Arment, Chair of the Conservation Commission for their next meeting scheduled for Monday, April 2, 2012.

The Spring 2012 Mini-site Collection will be held on Saturday, May 5 from 9:00 AM – 11:30 AM at the Great Barrington Recycling Center, Saturday, on May 19 from 9:00 AM – 11:00 AM at the Lenox Dept. of Public Works and on Saturday, June 9 from 9:00 AM – 11:30 AM at the Great Barrington Recycling Center. The acceptable materials are – Used motor oil, oil based paints, turpentine, stains, thinners (no latex paint). Pre-registration is mandatory: (888) 577-8448 ext 20 or 30 or [amanda.town@cetonline.org](mailto:amanda.town@cetonline.org).

5. **Town Administrator:** Mr. Nason presented to the Board the FY 2013 Initial Requests Budget and Property Tax Impact sheets. The Finance Committee is meeting on Wednesday, March 21, 2012, regarding ambulance, beach and Special Articles.

Mr. Nason also presented to the Board the 2013 Special Articles Requests. The initial requests total \$2,649,118.00.

Mr. Nason spoke about the property at 135 Laurel Lake Cross Road, currently owned by Lee and Lenox. The Finance Committee approved a \$2,500.00 transfer from the reserve fund. Monica Ryan commented on the property. David said the house is in disarray as it has been vacant for 5 years, but is structurally in good shape. The ¾ acre property needs to have a Title 5 certification. It is connected to the Lenox Water. Upon sale of the property, the proceeds, after all costs, would have to be split 50-50 between Lee and Lenox.

6. **Public Comments:** The Board was commended for their help and consideration of the Hyde Place neighbors regarding the BRTA bus route. The Board was also notified that in back of Hyde Place the crosswalk is only partially painted and needs to be repainted and responded that they would look into this.

Monica Ryan asked about the sale of the 135 Laurel Lake Cross Road property. The Board informed her of the steps required to sell the property as it is owned by two towns. Proceeds would need to be split, 2 sets of Boards would have to be involved, etc. She also wanted to clarify that in regard to the Board of

Public Works Meeting, Chris did not cancel the meeting; that it was a matter of human error and the Board met 1 week later. She mentioned to the Board that she was unable to get the Energy Efficiency Committee Minutes and wanted to know who was in charge of those. Mr. Nason informed her that he has the Minutes, that they haven't been adopted as yet, but she could come in and get a copy of the draft Minutes if she wanted. She stated she does not want the town owned land to be used for the purpose of sports fields. She doesn't agree with the mixed use of the property and, in her opinion, doesn't think we need all these sports fields. David commented that he and Mr. Nason went over the stats regarding sports fields and came to the consensus that we did, in fact, need these fields. Monica wanted to know why we were having 5 fields built and whose idea was it? Mr. Nason told her that the initial Plan for 5 fields was part of Broadway's Master Plan which has since been altered.

Mr. Navin commented that he didn't know why we were adding new sports fields. David replied that the new fields would replace the fields at the Wastewater Treatment Plant which would be displaced by the solar arrays.

Mr. Navin said we should stop spending money. The Board reminded him that they are not the ones spending the money; that they just make recommendations. The reps spend the money.

Beverly Trombley came forward and stated that she was remiss at the last meeting as she failed to mention that during the extremely harsh winter of 2010 – 2011, the DPW kept the roads in marvelous condition. She also made a public apology to Dickie Neales about her remarks directed towards the DPW. Patty Carlino stated that perhaps she shouldn't wait for a Select Board meeting to communicate her issues with any organization, but should take it up with those specific organizations.

Rosemary Tirrell wanted to thank the Board for their assistance in the changes with the bus route.

David Consolati read a letter received from Margaret Gaughan of 13 Paul Avenue, Ludlow, MA commending the Lee Police Dept. and the "great people in Lee" for helping her when she became stranded in Lee without any money.

**7. Next regular meeting:** April 3, 2012 at 7:00 PM.

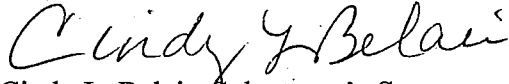
**8. Motion to Adjourn:** At 9:15 PM the members voted to adjourn to Executive Session to discuss collective bargaining and the purchase or lease of real property and not to return to public session. Upon a roll call, the vote was as follows:

AYES

NAYS

David Consolati  
Patricia Consolati  
Gordon D. Bailey

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