

APPROVED ON 11/15/16

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – November 1, 2016

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

Chairman, Thomas Wickham, called the meeting to order at 6:30 PM.

Upon a motion duly made, seconded and unanimously approved, the members voted to adjourn to Executive Session for the purpose of discussing litigation strategy, because deliberating in open session would have a detrimental effect. The roll call vote was as follows:

AYES

NAYS

*David Consolati
Patricia Carlino
Thomas Wickham*

None

The Chair announced that the members expected to return to open Session at 7:00 PM and they did.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Session Minutes of October 18, 2016.*
2. **Public Hearing:** Convenience Plus – Liquor License Transfer, Change of Manager and Change of D/B/A - Leslie St. Germaine and Cindy Hickey from the corporate office came before the Board with their application to the ABCC for a transfer of the Convenience Plus §15 Package Store, Wine and Malt Beverage Liquor License to Global Montello Group Corporation, d/b/a Convenience Plus #5 and the new manager to be listed as Ronald Keesey. Ms. St. Germaine stated that there would be no operational changes to the business; that they train all employees in the process of identifying and carding customers and that any employee who fails to do so, will be immediately terminated. *The Board members voted unanimously to approve the Liquor License Transfer, Change of Manager and Change of D/B/A, subject to the ABCC approval of the license as presented.*

3. **General Business:** Trench Backfill and Pavement Repair Standard – As Superintendent of Public Works, Chris Pompei, P.E., was unable to make the meeting, the Board members agreed to put this item on the next meeting agenda for November 15, 2016, when Chris would be available to speak on this matter.

Municipal Water Infrastructure Investment Fund Nov. 8th Ballot Question – Mr. Nason explained the ballot question regarding the surcharge of 1% on the annual property tax assessed on real property starting in fiscal year 2018 which begins on July 1, 2017. The surcharge will be calculated by multiplying the real estate tax on the parcel by 1%. Real estate parcels that are fully exempt from property taxes are not subject to a surcharge. In addition, taxpayers who receive partial exemptions of the real estate taxes assessed on their domiciles, including seniors, veterans, blind persons and surviving spouses, are fully exempt from the surcharge. Taxpayers who receive other exemptions or abatements of their real estate taxes will receive a pro rata reduction in their surcharges. The reasoning for the surcharge is that at the FY 2017 rate of operating budget subsidy, the Sewer Enterprise Fund balance will be depleted in about eight years or by 2024, resulting in an estimated \$617,700 shortfall over the final three years of the loan. It is estimated to cost \$6,000,000 to upgrade our primary water main to secure investment in the reuse of the closed Greylock, Columbia and Eagle mills as well as the west side of downtown. Without additional revenue from all who benefit direct or indirectly, the burden will fall solely on water and sewer rate payers.

Based on the current Fiscal Year tax levy, the average single family would be \$37.00 for improvements and investments to municipal drinking water, wastewater and storm water assets. All spending from the fund must be approved by Town Meeting. The ballot question and explanation, together with a supplemental explanation is posted on the Town Clerk's website page.

Bev Trombley, District 5 representative stated that it is a good thing to pay ahead because you never know what's going to happen.

Brownfields Assessment Grant Management Services - Through the efforts of Berkshire Regional Planning Commission (BRPC) Senior Planner/Brownfields Program Coordinator Melissa Provencher, we applied for and received a \$300,000 U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grant. Melissa wrote the application for and managed our EPA Brownfields Area-wide Planning Grant to facilitate the reuse of the Eagle, Columbia, Greylock and Niagara Mills. We retained BRPC to manage that grant through an intergovernmental service agreement and we anticipated that we would contract BRPC to manage the new assessment grant. However, new federal regulations required us to seek quotations. Accordingly, we sent a request for quotations to BRPC and four regional engineering firms. Weston & Sampson, Tighe & Bond and TRC declined citing their interest in providing qualified environmental professional services rather than grant management services. Foresight Land Services declined, because of current workload staffing limitations. BRPC's \$30,000 (10%) quotation was the sole response. *The Board members voted unanimously*

to accept Berkshire Regional Planning commission's proposal and authorize the Chair to sign the agreement for grant management services.

Property Assessment Software - Our Community Software Consortium (CAMA) Software has reached the end of its life and we need to make a decision on a conversion. The Board of Assessors is recommending a conversion to Tyler Technologies ias World and the State will pay the conversion and implementation costs involved. *The Board members voted unanimously to accept the Board of Assessors recommendation to convert to Tyler Technologies ias World and to accept a yearly subscription price of approximately \$3,875; and to authorize the Chair to sign.*

FY 2017 Average Single Family House Tax Bill – Mr. Nason reported that our tax rate has been approved and our tax bills will be sent out a week ahead of schedule on November 9th and will be due on December 9th. The new tax rate is 14.72 which is \$0.16 (1.1%) more than the FY 2016 rate of \$14.56. The Single Family Average home value for Lee is \$253,492, with an average tax bill of \$3,676.

Shared Services – Draft Implementation Plan for a Shared Chief Administrative Officer - The Board members looked over the Implementation Plan and gave their responses to the Plan. Thomas Wickham stated that he has reservations but likes the idea and will give the plan consideration. He stated that he needs to read more about it. Patty responded that there will be meeting with the State on November 9th and she is imploring the other Selectmen to attend the meeting to have their questions and concerns addressed. Patty responded that the State is not pushing this implementation; we asked for the State to look at the possibility and help us. She stated that there is not a lot of savings off the bat but we will be receiving start up dollars. David Consolati stated that he's not completely on board at this time, but he would be happy to attend the meeting on November 9th. His belief is that we need someone in Town Hall on a day-to-day basis.

Cable Provider Transition - Chairman, Thomas Wickham stated that Spectrum Cable will be charging \$7.00 a box to descramble channels. Chairman of the Five Town Cable Advisory Committee, Linda Miller reported that we have had no response from Charter/Spectrum but it would appear that the transition from Time Warner Cable to Spectrum is not going to be smooth or easy. We will likely need our legal counsel and cable Specialist, Bill Hewit of Kopelman & Paige for guidance. In speaking with him she felt that an aggregate of \$5,000 (\$1,000.00 per town) be allocated to cover fees should we need his help. She is asking that each town approve the legal expense, should it become necessary.

He informed everyone that the contract with Spectrum includes a hardship clause and he believes this constitutes a hardship on the customers. Tom thinks it is prudent to fight with the other towns to explain why a 25% increase on a monthly bill is not a hardship.

Agreement for Town & School-Department of Education - The Board members reviewed the Agreement for Town & School-Department of Education Fiscal Year 17 Reporting.

As it is virtually the same agreement as has been in effect for the past ten years, *the Board members voted unanimously to allow the Chair to sign the agreement.*

Berkshire Gas Permit – *The Board members voted unanimously to grant a permit to Berkshire Gas Company for the installation of new gas service at 161 East Center Street.*

One Day Beer & Wine Permit - *The Board members voted unanimously to grant a One Day Beer & Wine Permit to the St. Mary's School for a Paint & Sip Fundraiser on Saturday, November 12, 2016 from 6:00 PM – 8:00 PM.*

Forest Street Reconstruction - Mr. Nason presented a letter from the Executive Office of Housing & Economic Development regarding our application for the 2016 Mass Works Infrastructure Program Grant, in which the Town of Lee has been awarded \$1,000,000 for the reconstruction of Forest Street. Mr. Nason also stated that to date, our Department of Public Works has expended \$28,341.05 to repair Forest Street for winter. A heartfelt “thank you” goes out to Smitty Pignatelli for all of his help in obtaining this much needed grant.

4. **Pending Business:**

- a. ZBA – Appeal of a decision rendered on 6/27/16 by the Town of Lee Building Commissioner – poultry raising in an R-20 Zoning District with less than 5 acres – Continued to Wed., Nov. 9, 2016 at 7:00 PM
- b. Holiday Sweater Fun Run – Sunday, Nov. 13th
- c. Planning Board – Site Plan Review – Prospect Village, LLC – Mon., Nov. 14, 2016 at 6:00 PM
- d. ZBA – Public hearing on a Request of Variance. – Wed., Nov. 30, 2016 at 7:00 PM
- e. ZBA – Public hearing on the appeal of a decision rendered to the Big Y Express – regarding proposed freestanding sign exceeding the size and height allowed in the zoning district – Wed., Nov. 30, 2016 at 7:30 PM
- f. Early Voting Announcement

5. **Town Administrator:**

Personnel:

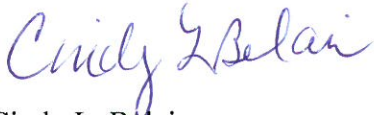
- a. Mr. Nason announced that he has met with Chief Sparks and they hope to have a plan and assessment group ready for November.
- b. Mr. Nason also thanked Jim White from the DPW for taking the initiative to reach out to Lenox to share Public Works equipment.
- c. Mr. Nason announced that the FY 2017 Revenue and Expense Reports for the period ending October 31, 2016 are on the Selectmen's worktable for their review.

6. **Public Comments:** Bev Trombley came before the Board to discuss the use of cell phones and for people to consider etiquette when using their phones.

David Consolati discussed his opinion on the marijuana question on the ballot and urged everyone to watch a segment of “60 Minutes” regarding the legalization of marijuana in Colorado and the effects and consequences of marijuana use. He asked that everyone vote responsibly on November 8th.

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

Respectfully submitted,



Cindy L. Belair,
Selectmen's Secretary

Notice of Website Posting Sent to:

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