

APPROVED ON _____

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – November 15, 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 7:00 PM.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Session Minutes of October 27, 2016 and November 1, 2016.*
2. **Public Hearing:** Prospect Village, LLC – Special Permit Hearing to allow for the adaptive reuse of 170 Prospect Street from the existing use as storage (prior use as Berkshire Hills North Nursing Home) for use as 21 living units - Harris Aaronson, Attorney for Prospect Village, LLC came before the Board to present their request for a Special Permit. He stated that their re-use of the premises shows no change to the original footprint. Their intention is to build 21 living units on two levels within the building. There will be 13 small two-bedroom units and 8 one-bedroom units of which two of the eight will be handicap accessible units, all with dedicated parking.

The contractor and co-developer, David Slomin, presented the conceptual lighting plan as required by the Planning Board's Site Plan Review on Nov. 14th. He is willing to work with the Planning Board and the Select Board with any changes that may be required. They have agreed to downcast the lighting. When asked what their construction schedule was, he responded "approximately eight months". Their plan is to do the roof first and then to gut the inside. They agreed to keep most of the dumpsters in the back, though at first there may be a dumpster in the front of the building for a short period of time. They will be using the existing sprinkler system, repairing anything that needs to be repaired.

The Board inquired about the rents and was informed that they would be charging "market rates". There would be a manager "on site". Though that may be on site at their West Park Village facility less than ½ mile down the road on West Park Street. The on-site manager would be available 24-7.

Jill Cashman, an abutter directly across the street from the facility on 165 Prospect Street came before the board to discuss her many misgivings about the property being used as apartment units. She stated that she has lived there since 2008 and observes quick

moving traffic and when Main Street is closed off for parades, Taste of Lee, etc., Prospect Street gets even busier. Chairman Wickham stated that the Board would speak with the Police Department to address the concerns regarding speeding traffic and to request more and/or better signage.

Casey Hickey, another abutter who resides at 155 Prospect Street stated that he has the same concerns as Jill about the extra traffic, though he would be happy to see the eyesore of the current condition of the building disappear. He inquired about the parking and suggested that they direct most of the parking in the back of the facility, but was informed by the contractor that that may create a hardship for any elderly persons.

Tom Laskey, an abutter who resides at 200 Prospect Street, stated that, although he is only here on the weekends, he enjoys the quiet and serenity and this apartment complex would alter the character of the neighborhood. The volume of cars will increase and their quality of life will be changed. He stated that "This is totally unacceptable. How does this serve the neighborhood?"

The contractor was asked by another (who failed to state her name) if they had an alternate proposal if the Special Permit was denied and he stated that they did not.

Bettina Zumdick of 210 Prospect Street seconded the opinions of the abutters and stated that there are just "too many units" and is concerned about the number of added cars to the neighborhood.

In response to the number of people who would need parking, David Slomin, President of Andover Properties stated that the maximum number of people residing in the apartments would be two people in a one bedroom apartment and three people in a two bedroom apartment. They are mostly looking to rent to empty nesters and retirees. The apartments are not marketed to families with children as they are small apartments. They would also manage the number of cars through a rental lease which would state the number of cars per apartment and there would be no overnight parking for visitors. The parking spaces would be dedicated to apartments by numbers.

David Consolati stated that this hearing is reminiscent of the hearing for the Special Permit for the old Veterans' Home on East Street a little over a year ago. The neighbors had many concerns and since the project has been completed there have no complaints.

Jill Cashman came back before the board and stated that this project will disrupt an entire neighborhood and will change the dynamic of the neighborhood. Tom Wickham stated that most of the concerns were based on speculation. The problems of lighting and parking will be addressed. Ms. Cashman said she is afraid the housing values will go down.

Contractor, Lou DiGrigoli came before the board and reminded everyone that the nursing home was there from 1965 – 1995 with ninety persons living there with ninety or more

loved ones and visitors coming in and out on a daily basis and the neighborhood survived. He commended the contractor for taking on this project and wished them well.

Mr. Slomin commented that the existing parking spots would be labeled with the apartment numbers and the visitor parking would also be clearly labeled as such.

Chairman Wickham concurred with David Consolati that we need to deal with the blight and find use for buildings.

The Board members voted unanimously to waive the strict Site Plan Requirements and voted unanimously to accept the Site Plan as presented with the lighting modifications as requested.

As the Special Permit Granting Authority, the Board members voted unanimously to grant the Special Permit upon the following motions and findings that the proposed use:

- 1. Is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose; because the original nursing home contained multiple living units and this special permit has the same intent and purposes.*
- 2. Is essential or desirable to the public convenience of welfare at the proposed location; because a multiple unit dwelling returns the property to its original use. The currently derelict property will be adaptively reused as market rate housing.*
- 3. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; because the property's use won't be changed as it is being used for much of the same purpose as already established and will not change the nature of the residential community.*
- 4. Will not create undue traffic congestion or unduly impair pedestrian safety; because although Prospect Street is heavily used, the conversion won't create additional congestion as there is a parking area behind and in front of the building with the required number of parking spaces.*
- 5. Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare; because the adaptive reuse of the property is residential housing and will not overload the public water, sewer or drainage systems which already exist or any other municipal facility.*

Having no conflict, the Board members voted unanimously to approve the project as presented.

3. **General Business:** Berkshire County Education Task Force - Neil Clarke came before the Board to update them on the current status of the work of the Tax Force. He stated that the schools in Berkshire County are faced with an overall decline in student enrollment, rising operational costs, declining revenues leading to additional financial burden on towns and municipalities and reductions in the diversity and range of educational programs available to students in response to rising costs that are outpacing state aid and local contributions.

With the support of the Berkshire Regional Planning Commission, the Central Berkshire Regional School District subcommittees assembled a comprehensive, first stage, data set that includes enrollment, financial, choice and personnel markers. The findings include:

- Public schools in Berkshire County have experienced a 22.1% enrollment decline since 2000 and this trend is anticipated to continue over the next ten years with an additional 11% decline.
- The enrollment has been impacted by the significant decrease in young adults – the demographic that have children
- Berkshire County has 19 school districts organized into a combination of 13 independent, charter and school unions with a total enrollment of 15,904 in 2015.
- Over the past 2 years state funding has increased 5% (FY15) and 1.3%(FY14) and at the same time budgets have increased 1.6% (FY15) and 2.6% (FY14). This results in a need for increased local contributions for school budgets.
- Benefits are inflating at rates that significantly outpace the growth of district budgets. The net result is a reduction in total personnel, and corresponding elimination of programs.
- The diversity of students and state regulatory requirements require increasing and new investments that raise financial demands upon county school district.

The intent of the Berkshire County Education Task Force is to develop and recommend solutions that address these problems by being aware and engage in the problem. The Berkshire County Tax Force recommends that 1) we assemble a county-wide ad hoc tax force that is composed of cross district/sector representation to advance research, propose solutions and recommendations, communicate with and broker stakeholder input, mobilize legislative/governance processes and recommend preferred solutions 2) Secure funding and project researcher to work with the task force on developing specific models as related to the problem statement and project goals 3) Current and past findings from other consolidation and collaborative research inside and outside Berkshire County 4) Review models and develop recommendations that are shared with stakeholder groups and the general public 5) Legislative and governance support will be mobilized in support of preferred recommendations 6) Proposed recommendations may be reflected in district budget models as early as FY17.

Hawker & Peddler License – Bronwyn Niece came before the Board to present her application for a Hawker & Peddler License in the Town of Lee as a Financial Advisor
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with Edward Jones Investments. After satisfying the Board that she has Chief Roosa's sign-off, has received the "No-Call" list from the Town Clerk and has read the rules and regulations given to her and her agreement to abide by all of the requirements of the Town of Lee, *the Board members voted unanimously to grant a Hawker & Peddler License to Bronwyn Niece.*

New England Grassroots Environmental Fund Grant Acceptance – Chairman of the Recycling Committee, Peter Hofman, applied for and was awarded a Seed grant to the Recycling Committee in the amount of \$1,000.00 to be used for the purchase of high-quality, reusable, all-natural, cotton shopping bags to support the Town of Lee's transition to implementing the thin-film plastic shopping bag reduction bylaw (\$900.00) and to joint Mass Green Network (\$100.00). *The Board members voted unanimously to accept the \$1,000 grant and to authorize the Chair to sign the Agreement Letter.*

Retiree Health Insurance Premium Rates for CY 2017 – The Board received a Memo from Treasurer/Collector Donna Toomey conveying the Insurance Advisory Committee's recommendation that the Board of Selectmen accept MIIA Blue Cross and Blue Shield's new Medex and Managed Blue for Senior rates which will be effective January 1, 2017. These two plans had been changed on July 1, 2016 and now run on a calendar year cycle. Her memo states that we had budgeted for a 10% increase and the actual increase was under 3%. *The Board members voted unanimously to move the recommendation and to authorize the Chair to sign the Acceptance of Rates.*

Shared Services – Implementation Plan for A Shared Chief Administrative Officer – Board member Patty Carlino spoke to the Board regarding the meeting with the State and Smitty Pignatelli regarding the proposal of a Shared Chief Administrative Officer. She stated that we have to do something as population is decreasing and costs keep rising. She reminded everyone that we asked the State for a report and they provided one; now it is ours to discuss with other towns. She asked that the other members review the Plan and get back to her with any recommendations they may have. Patty asked Mr. Nason if the proposed Plan could be available on the website and Mr. Nason said he would do that. Chairman Wickham said he is willing to look at it again. There may be small savings because of grants that may be available for the start up costs. Patty stated that she will keep everyone informed as to the status. Mr. Nason stated that the beauty of an intermunicipal agreement is that if it doesn't work, we can get out at any time.

Selectmen Appointments - *The Board members voted unanimously to approve the School Committee Chairman, Robert Lohbauer's recommendation and appoint Susan Harding to the Lee Commission. The Board members voted unanimously to approve Council on Aging Chairman, Stephen Cozzaglio's recommendation and appoint Rose Mary Wirtes and Mary L. Puleri to the Lee Council of Aging.*

Temporary Sign Permit - *The Board members voted unanimously to grant the two temporary sign permits to Zabian's Jewelers; one for the jewelry side and the other for*

the clothing side. This is for their annual Christmas Sales signs on the front of the store from November 23, 2016 to December 23, 2016.

4. Pending Business:

- a. ZBA – Public hearing on a Request of Variance from the intensity regulations of the zoning by-laws in order to construct a second means of egress with the required side yard setback - Wed., Nov. 30, 2016 at 7:00 PM
- b. 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

5. Town Administrator:

Personnel:

- a. Mr. Nason announced that our Building Safety Clerk, Rebecca Slick has tendered her resignation as of Friday, Nov. 25th. Becky has accepted an opportunity in Dalton in the Planning Dept. We are looking at her position being a shared position with the Town of Lenox. Mr. Nason said he would report back on this position.
- b. The Department of Public Works has a position open for a winter truck driver for the period of November 28th through March 17, 2017. We are hoping to make an appointment prior to December 6th.
- c. Mr. Nason announced a position as Custodian/EMT to fill a position previously filled by Pete Willey who has served on the Ambulance Service for over 37 years.
- d. We are still working on the position of Fire Chief/Ambulance Service Director and have placed ads in three local newspapers (The Berkshire Eagle, The Berkshire Record and The Shopper's Guide). We will be accepting applications and will review the application on Friday, December 2, 2016. He also announced that we will review the application with an Assessment Panel composed of four fire chiefs on December 8th. The Panel will compose a test to re-administer on December 15th.

6. Public Comments: None.

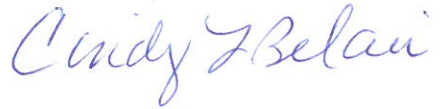
David Consolati stated that the Board sends out their condolences to the friends and family of Gary "Pole" Zatorski who passed away.

David Consolati wished everyone a safe holiday.

7. Next Regular Meeting: Our next regular meeting will be on Tuesday, December 6, 2016 at 7:00 PM.

8. Motion to Adjourn: *The Board members voted unanimously to adjourn the meeting at 8:45 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