

APPROVED ON 3/4/14

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – FEBRUARY 18, 2014

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

The Chair, Gordon Bailey, opened the meeting at 7:00 PM.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Minutes of February 4, 2014.*

2. **Public Hearing:** a) 7:00 PM Scarafoni Associates – Special Permit (Continuation) Hearing - Bob McIntosh of Bradley Architects came before the Board to address the Special Permit Hearing that was continued from January 21, 2014 in order for the applicant to get a Site Plan Review from the Planning Board. The Planning Board, at their meeting on January 27, 2014, reviewed the site plan for the construction of the two, 2 story duplex units at 850 Summer Street and voted unanimously in favor of the site plan for the project as presented. The DPW Board also voted unanimously to approve the two, 2 story buildings as submitted by Bradley Architects dated December 10, 2013. Their view was that there will be no negative impacts on either of the town's utilities, sewer or water.

Chairman, Gordon Bailey took a vote of the members as to any conflict of interest in their voting capacity and there were no conflicts of interest among any of the members. Gordon stated that he had attended the site plan review. Patty Carlino asked if the units were condos or rental units and Mr. McIntosh stated that they were rental units.

The Board upon motions duly made and unanimously approved, made the following findings to grant the Special Permit, after making the following 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 it has met the requirements to provide handicap accessibility as defined by 521 CMR (Ma Architectural Access Board).
2. Is essential or desirable to the public convenience or welfare at the proposed location; because it is in line with already existing units in the same location.

3. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; because the units are in line with the construction and with the look of the existing units.
4. Will not create undue traffic congestion or unduly impair pedestrian safety; because they are not adding any traffic flow, and
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 after review by the Department of Public Works (DPW), it was determined that there is more than enough water as the Town has a new Waste Water Treatment Plant facility, new pipes, etc. and the DPW deemed that there would be no problems to the public water, drainage or sewer system.

Upon a roll call, the Board members voted unanimously as follows:

AYES

*David Consolati
Patricia Carlino
Gordon Bailey*

NAYS

None

Gordon Bailey reminded Mr. McIntosh that upon the posting of the Board's decision, there will be a twenty (20) day appeal period before they can start any work and after appeal period he must come by the Town Clerk's office and pick up the decision to record at the Registry of Deeds.

b) 7:30 PM -Fiddleheads Grille, Inc. – All Alcohol License Hearing – David Pullaro and Cynthia Joyner came before the Board to discuss their application for an All Alcohol License for their business "Fiddleheads Grille, Inc." at the Greenock Country Clubhouse. Mr. Pullaro stated that they would be open for lunch and dinner during the golf season and in the winter for special functions. The area consists of a function room and bar.

Each Board member stated that they had no conflict of interest in their discussion of the application for the All Alcohol License.

Patty Carlino asked Mr. Pullaro if he had any prior experience and he stated that he was management of the liquor license at the Lenox Club in Lenox for 10 years and his restaurant experience is as a chef at Perigee Restaurant, Roseborough Grill and the Black Swan Inn. He also stated, in response to Patty's question, that both he and Cynthia are TIPS certified.

Gordon Bailey asked if there were any other questions and Dick Lindsay of The Berkshire Eagle asked about the former liquor license at Greenock and was told that the owner of the former license

did not renew her license in December and turned it back to the ABCC. Gordon asked Mr. Pullaro when their anticipated opening would be and Mr. Pullaro responded that they hope to open on March 17th for St. Patrick's Day, but may be asking for a one day beer and wine license prior to that date, if their full liquor license was not granted in time. The Board and Mr. Pullaro also had a brief discussion about him applying for an annual entertainment license.

The Board members voted unanimously to grant the All Alcoholic License to Fiddleheads Grille, Inc., pending approval from the ABCC.

3. **General Business:** G4S – MBI Fiber Optic Project – Curtis McManaman – Chris Rizzuto (for Curtis McManaman) came before the Board to discuss the allowance of G4S and its subs to continue and complete the excavation of conduit on Main Street and Franklin Street in order to bring the MBI Fiber Optic Network to the Town Hall and Berkshire Center. They would like to perform this work as soon as possible. Superintendent of Public Works Chris Pompei, P.E. suggested waiting for 1 month. Gordon Bailey wanted to know how this would affect the Main Street and its businesses. Gordon asked how long the project would take and Mr. Rizzuto responded that their estimate is 6 – 7 days. They would work 4 days for 10 hours (1st week) and 2-3 days for 10 hours (2nd week). They would backfill with flowable fill and seal as necessary with an asphalt sealant and would come back in the spring to mill it out and repave as per specification.

Patty Carlino asked why we need to jump at this now and Mr. Rizzuto responded that they are trying to close out their contracts. Patty asked him if they are prepared to pay for an outside detail and he responded that they would. Patty suggested that they confirm with Chief Roosa as to the detail. Patty asked if the sealant would last until the spring and Mr. Rizzuto answered yes. David Consolati stated that we've already had problems with the Gas Company with digging up our roads and he doesn't see a reason to do this job now as we are dealing with bad weather and it won't get done well. He thinks that it would probably be best to wait for a month. David Consolati asked why it would take 6 – 7 days to complete when originally they stated it would be 3 -4 days. Mr. Rizzuto responded that they were over optimistic with the time frame at the beginning and are more prepared at this time. Patty asked if there was any kind of a performance bond to make sure the project gets done. Chris Pompei responded that we are additionally insured through the road cut permit we issued them. Chris asked if Curtis McManaman would be on site during the work and Chris Rizzuto stated that someone from G4S would be there continually.

After much deliberation, the Board members decided that the project should reconvene no earlier than March 10th, no work on a Friday or through the weekend or on a Monday holiday. The Board also required G4S to speak with our Police Chief regarding the detail for the project and to work with Chris Pompei about a supervisor on site.

Tyringham Road Water Main Replacement Project Completion - Chris Pompei came before the Board and presented Change Order #1 from Foresight Land Services for the Tyringham Road Water Main Replacement Project. The Change Order represents a summary of overruns and underruns which decreases the original contract price of \$176,315.00 by \$3,729.80 for a total owed of

172,585.20. *The Board members voted unanimously to accept the Change Order #1 for a reduction in price from \$176,315.00 to a new amount of \$172,585.20.*

Meadow St. Bridge over Powder Mill Brook - Chris Pompi presented to the Board Gill Engineering's Proposal for Professional Engineering Services for the Meadow Street Bridge over Powder Mill Brook to prepare Design Exception Report for the lack of pedestrian and bicycle accommodation as required by MassDOT. They Will prepare a Design Exception Report in accordance with the process outlined in Chapter 2 of the "2006 MassHighway Project Development & Design Guide" to support a 24' wide (measured from bridge rail to bridge rail) proposed Meadow Street bridge cross-section at a cost of \$15,420.00. *The Board members voted unanimously to approve the increase to the professional services agreement from Gill in the amount of \$15,420.00 and authorize the Chair to sign, provided that the Project Engineer explained to the Chairman's satisfaction why this service was not included in the basic services.*

Zoning Board of Appeals Member - ZBA member, Rich Brittain came before the Board to speak about the Zoning Board of Appeals, what goes on, their purpose and to gain interest. He stated that it is a volunteer position and they issue variances on town by-laws; though they have to meet the requirements for granting a variance. He said that there last two variances were building permits in flood plains and he stated that one should always check before doing anything. There are not many hearings anymore due to the costs involved. They are always looking for new members and/or alternate members. They are a judicial board and must abide by the laws of the Commonwealth. They are a five member Board and they need four out of five votes for an approval. Mr. Brittain stated that there are "no variances on sign bylaws". The postings are on the Town of Lee Website. Some of the determinations for a variance are topographical problems, hardship and an unusual or unique situation. It is up to the petitioner to prove their point, though the purpose of the Board is to help people. Mr. Brittain parted by saying, "You have to give something back to the town, you can't just take. It's our town".

One Day Wine Only License - *The Board members voted unanimously to grant a One Day Wine Only License to The Good Purpose Gallery, for a Benefit Art Show for the Rudolf Steiner School on Saturday, March 15, 2014 from 5:00 PM – 7:00 PM.*

One Day Wine Only License – *The Board members voted unanimously to grant a One Day Wine Only License to The Good Purpose Gallery, for a Reception for Parents on Friday, February 21, 2014 from 2:00 PM – 6:00 PM.*

Council on Aging – Mr. Nason announced that the Council on Aging is seeking the Board's approval for the disposition of town property; a 1999 Ford Taurus with over 105,500 miles. The process for this disposition included an advertisement in the Berkshire Eagle to request public bids. All bids will be closed on the date listed in the ad and the highest bid will be selected. *The Board members voted unanimously to allow the 1999 Ford Taurus to go out to bid.*

Drinking Water Treatment Plant Energy Improvements – Mr. Nason brought before the Board a Project Completion Certificate and a Contract Completion Certificate that require his signature to

close out this project. *The Board members voted unanimously to allow Mr. Nason to sign the Project Completion and Contract Completion Certificates.*

4. Pending Business: None.

- 5. Town Administrator:** Personnel – Treasurer/Collector Clerk Appointment – . Mr. Nason stated that there were 36 applications submitted for the position of which 13 applicants were interviewed. All five Lee applicants were offered an interview. Mr. Nason, at the recommendation of the hiring committee, announced his appointment of Heather Ketchen for the position of Treasurer/Collector Clerk, subject to the Selectmen's approval. She is a Lee High School Graduate, a Lee resident with extensive experience and an Associates Degree from BCC in 2009. The hiring committee consisted of Treasurer/Collector, Donna Toomey and Assistant Treasurer/Collector Clerk, Karen Fink who were unanimous in their decision to recommend Heather Ketchen. Her appointment will become effective on March 10th and she will be working 32.5 hours weekly. Her position classification is Class 2 – Step 4. *The Board members voted unanimously to support Mr. Nason's appointment of Heather Ketchen for the position of Treasurer/Collector Clerk.*

- 6. Public Comments:** None. Gordon Bailey announced a reminder that applications for the Toll Stops are available at the Selectmen's office.

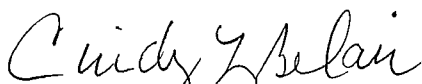
Mr. Nason announced that the past week has been a difficult one for all, particularly the public works employees and though we all want instantaneous pristine streets, they worked 30 hours straight to clean up the streets. Mr. Nason thanked the DPW for their diligent and hard work. Patty Carlino stated that she thought they did a good job with the amount of snow they had to deal with and David Consolati agreed.

Gordon Bailey announced that on a sad note he wanted to mark the passing of long time, former DPW employee, Stan Daoust. Gordon sent out his condolences to his family, stating that Stan was a great person and he will be missed.

- 7. Next Regular Meeting:** The next regular meeting will be March 3, 2014 at 7:00 PM in the Courtroom.

- 8. Motion to Adjourn:** *The Board members voted unanimously to adjourn the public session of the meeting at 8:10 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