

APPROVED ON 4/2/13

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – MARCH 19, 2013

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

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

1. **Approval of Minutes:** The public minutes of the March 5, 2013 meeting were unanimously approved by the Board.
2. **Public Hearings:** None.
3. **General Business:** Sullivan Station – Review of Annual Entertainment License - Don Hunter, Attorney for Darlene Zradi (Sullivan Station) came before the Board and stated that during the three month probationary period for the special entertainment license there have been no complaints about noise or otherwise and that report was verified with the police department. Chair, Patty Carlino stated that she had no problem granting the permit for an annual entertainment license, with the same conditions as the special entertainment license. She commented that if there were subsequent problems the Board still had the authority to suspend or revoke the license. *The Board members voted unanimously to grant the annual entertainment license to the Sullivan Station subject to the same conditions imposed on their special entertainment license.*

Ferncliff Reservation Clean-Up – Valerie Bluhm came before the Board to discuss the revitalization of the Ferncliff Reservation. An entrance to Ferncliff is adjacent to her Orchard Street house lot and she indicated that prior to her purchase of the property in 2011, the entrance was barely passable due to a storm taking down trees. She wants to clean up the property and cleared her plan with the Conservation Commission and other town officials. She will enlist the help of Boy Scout Troop #3 to help with the clearing of the brush. Her husband and Garth Story will take a chain saw to some of the bigger downed trees prior to the Boy Scouts clearing. The date of the clean-up is scheduled for April 13, 2013 with a rain date of April 20th, 2013. Valerie has scheduled an information meeting on Monday, March 25th at 6:30 PM at the Lee Library and has invited anyone who wants to help revitalize Ferncliff and hopes to get her neighbors interested in the project and provided a copy of the invitation of the information meeting to the Board members. Patty Carlino commended her and stated that it's a big undertaking and she should probably notify the Lee Land Trust. Patty asked and was informed that they are planning on removing the dead wood from the property. Patty suggested that the Board look into the liability aspect of the project and would get back to her at the next Select Board meeting scheduled for April 2nd, which is almost two weeks prior to the planned clean-up day. She also commented that the Board should discuss this with their insurance agent. Gordon Bailey

reminded Valerie about obtaining a burn permit and this can be obtained on line @ bcburnpermits.com.

Ambulance Billing Service Agreement - Lisa Michaud, Ambulance Director brought before the Board the service contract with Comstar. She indicated that the new paramedic service offered by the Town was going very well and it has saved the town money on intercepts and has made the town more money. She also stated that she has been informed that the paramedic service is making a difference in that there are at least 3 residents that probably wouldn't be here had the Town of Lee not had the paramedic level of service. The Comstar Agreement offers a newer and more favorable rate than in the past. The amount of the reduction in their fee has decreased from 6.5% to 5% beginning on the date they receive the signed agreement back. It is a three year agreement from March 1, 2013 through February 29, 2016, which automatically renews each year with a 60 day notice required to terminate the agreement. Comstar agreed to a reduction in their fee in order to keep the Lee Ambulance Service as their customer. Comstar does the billing and they do the collecting from Medicare. *The Board members voted unanimously to sign off and allow the Chair to sign the Agreement with Comstar.*

Willow Bridge Repairs Scope of Work – Bob Nason informed the Board members that on March 8th, Chair, Patty Carlino and he met with Onyx Specialty Paper Owner/Operator Pat Begrowicz and Operation Manager John Healy to discuss the traffic calming suggestions that were brought up at the March 5th Select Board meeting. They all agreed that the problem was traffic traveling toward 102 and both Pat and John were amenable to trying a "Stop Ahead" warning sign(s), a solar powered LED blinking stop sign and a crosswalk like those installed along Main Street. Onyx agreed to purchase the blinking stop sign. When weather permits they will meet with Public Works Superintendent, Chris Pompei, Jerry LePrevost, Traffic Commission and Chief Buffis on site to discuss the location of the signs. Chris will speak with Gill Engineering and confer with Bob. *The Board members directed DPW Superintendent Pompei to instruct the Project Engineer (Paul Moyer, P.E./Gill Engineering) to proceed with the design of the truss repairs, but not with the replacement of the sidewalk. Include in the base scope of work fencing or other method to prevent the sidewalk from being used, and design an add alternate for removing the sidewalk and securing the water main under it.*

Disposition of the 1977 Caterpillar Loader – As the members reviewed his March 19, 2013 procurement report and recommendations for the sale of the 1977 Caterpillar Loader, Chris Pompei reported that DiCioccio Brothers, Inc., of Wethersfield, CT submitted the highest of three bids in the amount of \$26,501.00. *The Board members voted unanimously to sell the surplus equipment "as is, where is" to DiCioccio Brothers, Inc. for \$26,501.00.*

"Rest of River" Communities Collaboration Update – Ms. Carlino reported that she and Mr. Nason had attended several meetings with representatives of Pittsfield and the four other downstream communities to Sheffield that will be impacted by the General Electric Company's "Rest of River" cleanup of its PCB (Polychlorinated Biphenyls) contamination in and around the Housatonic River. She noted that the group has met with state and federal legislators and/or their staff to discuss General Electric's responsibility to help the communities to mitigate economic damages that will occur during the cleanup; and to express their united and unequivocal opposition to any remedial plan that would store the contaminated soil in the region.

"911" Training Grant Application – Board member, Gordon Bailey, recused himself from the discussion and the vote. *The Board members voted unanimously to approve the application in the amount of \$7,619.00 and authorize the Chair to sign it.*

St. Mary's School – One Day Beer & Wine License - *The Board members voted unanimously to grant a One Day Beer & Wine License to St. Mary's School for a fundraiser to be held at the St. Mary's School Library on April 6, 2013 from 5:30 PM – 8:30 PM.*

Correction on date of Road Toll for VFW – *The Board members announced a correction on the date of the Road Toll for the VFW. The correct date for their road toll is May 25, 2013.*

April 30, 2013 Special Primary and Town Election Warrant – Bob Nason presented to the Board a draft of the Warrant for the Special State Primary Election of United States Senator and Town officers and Town Meeting Representatives and the Warrant from the Commonwealth for the Special State Primaries for the candidate of political parties for the office of Senator in Congress.

Berkshire Gas Company - *The Board members voted unanimously to grant a permit for new gas service work to be done at 100 Columbia Street.*

Special Counsel for ("5 Town Cable Committee) for Cable Television License Renewal – Bob Nason presented to the Board a letter from Kopelman and Paige, P.C., asking the Board to sign off on their consent for their firm to multi-represent the towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge for Cable Television License Renewal Negotiations. *The Board members voted unanimously to approve and sign the letter from Kopelman and Paige, P.C.*

4. **Pending Business:** a) The Planning Board is holding a public hearing on Monday, March 25, 2013 at 6:15 PM on the application of Jay Wise, DDS for approval of a Site Plan under Section 199-13.3 of the Town of Lee Zoning Bylaw (Site Plan Review). Property affected is located on 480 Pleasant Street, Map 30, Lot 67(f) in the OPLI (Office Park Light Industrial) Zoning District.
- b) The Planning Board is holding a public hearing on Monday, April 8, 2013 at 6:15 PM – re: Amendments to Section 199-7.4 General Regulations / Amendment to Section 199-10.2 Planned Commercial Village Center / Amendment to Section 199-10.2 Planned Commercial Village Center.
- c) The Planning Board is holding a public hearing on Monday, April 8, 2013 at 6:45 PM – re: Amendment – MGL, Chapter 40A, § 7 Signs, 199-7.7 General Standards E(1).
- d. The Planning Board is holding a public hearing on Monday, April 8, 2013 at 7:00 PM – re: Section 4.1 Use Regulations, Section 4.2 List of Permitted Uses, G(5) and H(4).

5. **Town Administrator:** - a) Personnel Appointments - Mr. Nason made the following Personnel Appointments:

EMT- Paramedics:

Part Time – David Owen & John Hannum

Occasional – Robert VanBramer, Jon Johnson, Daniel Harrington, Christine Humason and James Scolforo

EMT/Custodian:

Full-Time – Pete Willey

At the recommendation of the Ambulance Director, Lisa Michaud, the Board members voted unanimously to accept Mr. Nason's appointments to the Ambulance Service as listed.

Reserve Police Officers:

Blake Middleton, Kirk Nichols & Michael Anthony

At the recommendation of Chief Buffis, the Board members voted unanimously to accept Mr. Nason's personnel appointments as listed.

b) FY 2014 Initial Requests Budget and Property Tax Impact – As the members reviewed the March 17, 2013, Mr. Nason commented that the FY 2014 Initial Requests Budget and Property Tax Impact is a work in progress.

c) Capital Outlay Committee's Recommendations – Mr. Nason stated that the Committee's recommendations are not completed.

Mr. Nason also commented that he received another unsolicited compliment for the DPW from a resident regarding the great job of taking care of the snow and ice during the March 8th snowstorm.

6. **Public Comments:** During the discussion of the Willow Bridge Repairs Scope of Work: Steve Moritz came before the Board to thank them for their flexibility and working diligently with Chris Pompei. He commented that he had one issue and that was puddles on the bridge. He stated that he had to walk in the middle of the bridge to avoid the puddle. Chris stated that the DPW is aware of the problem and will address it so the water doesn't stand. Mr. Moritz also stated that the stop signs are placed too far back from the bridge. Chris informed him that he will get everyone, including Jerry, Bob and Chief Buffis on site to determine the best places for the signs. He also commented that most of the people are driving at 40 mph instead of the posted 25 mph.

Cornelia Kalischer also thanked the Board for all their help and handed the Board her record of the neighborhood's responses regarding suggestions for the bridge. She also suggested solar lights to be put on the bridge. She informed the Board that all persons she spoke to are in favor of keeping the road open and most felt the sidewalk should be replaced.

Wilbur Hunt came before the Board with concerns that if the road were closed, emergency vehicles would have a hard time maneuvering. He suggested that we put in lower speed limit signs instead of stop signs.

During the discussion of the Pending Business – Planning Board Public Hearings: Ann Langlais came before the Board to say that she is against changing the sign by-laws and the Outlets should not get special privileges. She feels that the business community needs to get the word out to everyone to attend the public hearing on April 8th. She asked if the Planning Board were going to have the hearing televised and the Board advised her that they could talk to CTSB. Ann stated that the community needs to be made aware.

7. **Next Regular Meeting:** The next regular meeting will be April 2, 2013 at 7:00 PM in the Courtroom.

David Consolati congratulated the Lee Boys & Girls basketball teams.

8. **Motion to Adjourn:** The Board members voted unanimously to adjourn the public session at 8:15 PM and to reconvene in EXECUTIVE SESSION to discuss collective bargaining and litigation strategy, because deliberating during an open session would have a detrimental effect. The members will not be returning to open session. Upon a motion duly made, seconded and unanimously approved by roll call as follows:

AYES

David Consolati
Patricia Carlino
Gordon Bailey

NAYS

None

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