

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – APRIL 2, 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 19, 2013 meeting were unanimously approved by the Board.
2. **Public Hearings:** None.
3. **General Business:** Memorial Hall Interior Painting Project - Dept. of Public Works (DPW) Superintendent, Chris Pompei, PE, came before the Board to present Change Order #1 cost estimate from B&B Painting in the amount of \$2,500.00, to paint the lower level basement common area/hallway in the Town Hall. This will complete the painting of all common areas in the Town Hall. The DPW recommends the change order. *The Board members voted unanimously to accept B&B Painting's change order #1 in the amount of \$2,500.00.*

Tyringham Road Water Main Replacement - Chris Pompei came before the Board to present the revised Engineering Scope of Services and Fee Estimate in the amount of \$24,500.00 from Foresight Land Services for the Water Main Replacement on Tyringham Road to replace approximately 1,000 feet of existing water main with a new 8" Ductile Iron Water Main. Gordon Bailey stated that we need to get this done before the construction of the new road. *The Board members voted unanimously to approve the award to Foresight Land Services in the amount of \$24,500.00 and to authorize the chair to sign the Contract.*

Chris also presented to the Board a proposal from Foresight Land Services for performing Surveying Services for the Tyringham Road Improvement Project. This service would include all office computations and drafting necessary to prepare recordable easement plans for the permanent drainage easements for the project. These easement plans would be suitable for recording in the Registry of Deeds. Their proposal for performing these services is a lump sum of \$2,900.00. *The Board members voted unanimously to approve Foresight's proposal in an amount not to exceed \$2,900.00.*

Anonymous Tree Donation – The Board members reviewed a letter from a town resident, asking to remain anonymous, offering to donate five trees to the Town of Lee to be planted on Main Street. The resident had already spoken to Chris Pompei, DPW for assurance of their planting and maintaining the trees. Mr. Nason and the Board discussed seeking Bob McIntosh's advice on the

best species to be planted. They discussed the placing of the trees and concurred that they not be near crosswalks or blocking lights.

Ferncliff Reservation Cleanup - As a follow-up on the cleanup project, Mr. Nason informed the Board the he spoke with our insurance carrier and the insurance is no problem. David Consolati commented that as long as the insurance company is okay with the project, he had no issues. Patty Carlino suggested that there should be a plan in writing submitted and we could place our own restrictions in it, as she is concerned about the burning and cutting down of trees. Mr. Nason said that he would follow-up on it.

Renewal of the Cable Franchise License with Time Warner Cable – Steve Moritz came before the Board to talk about our cable renewal and to introduce Linda Miller from Time Warner. Ms. Miller discussed the Highlights of the Renewal of the Cable Franchise License, beginning with the primary objectives in the negotiations which were to clarify the language and remove ambiguities throughout the agreement, to get the most advantageous terms possible for subscribers and CTSB and to provide for future technical and industry standards advancement over the course of the next ten years.

She discussed some of the highlights such as Section 1 – Definitions – refined and added additional definitions to clarify them and to eliminate ambiguities such as “Private Road”, “Service Area”, “Standard Cable Installation”, “Town” vs. “Towns”, etc. Section 2.8 – tightens the language to assure towns are not left holding the bag in case of abandonment. Section 3.2 – increases the standard installation definition from 200’ to include 250’ from the cable plant to a residence. Section 5.6 – increases annual support for CTSB. Section 5.7 – Provides up front capital funding in the amount of \$212,000 for new equipment vs. \$50,000.00 in the old agreement. Section 6.1 – helps assure Time Warner’s local office, should they wish to move it, stays local. Section 6.12 – clarifies subscriber responsibility should there be a voluntary disconnect and Section 7.5 – provides for full review of all aspects of the agreement at its 3<sup>rd</sup> and 6<sup>th</sup> anniversaries and opens the door for renegotiation of terms at those intervals.

FY 2014 Employee Health Insurance – Mr. Nason presented a memo from Treasurer, Donna Toomey containing the Insurance Advisory Committee’s (AIC) April 2, 2013 meeting recommendations for Town of Lee Health Insurance for active and retired employees: Change from Blue Cross/Blue Shield HMO Network Blue to Blue Cross/Blue Shield Network Blue New England Value Plus (Berkshire Health Group lookalike) – Change from Blue Cross/Blue Shield Blue Care Elect Preferred (PPO) to Blue Cross/Blue Shield Blue Care Elect Value Plus (PPO) (Berkshire Health Group lookalike) – The town shall not make any plan design changes to our HMO or PPO products for 3 years until renewal effective date July 1, 2016 – For Active employees – to change Town contribution calculation on the PPO from 75% of the PPO premium dollar contribution equal to 75% of the HMO New England Value Plus premium, not to exceed employee contribution of 50% - For Retirees – to change Town contribution calculation on the PPO from 60% of the PPO premium to a dollar contribution equal to 60% of the HMO New England Value Plus premium, not to exceed employee contribution of 50% - If permitted by statute, grandfather the retirees on the PPO at the current Town contribution of 60% of PPO premium for one year (7/1/2013 – 6/30/2014). The changes in the Plan design by going to the Value Plus plans on both HMO and PPO are: 1) from \$50.00 to \$75.00 Emergency Room co-pay 2) from \$0 to \$150.00 Outpatient/Day Surgery co-pay 3) From \$0 to \$250.00 Inpatient admission co-pay 4) From \$10/\$20/\$35 co-pay to \$20/\$40/\$70 mail order RX co-pays 5) From \$1,500 to \$1,000 maximum coverage on medical durable equipment per calendar year. By changing plans the Town will save about \$100,000 and the employee will also save on their 25% of the premium cost. *The Board members voted unanimously to accept the AIC recommendation.*

April 30, 2013 Town Election Warrant – Mr. Nason presented the April 30, 2013 Town Election Warrant to the Board for their review. This will be posted in five public places within the Town of Lee, seven days at least, before the day and hour of holding said election. This will also be posted on the Town of Lee Website. *The Board members voted unanimously to accept the April 30, 2013 Town Election Warrant.*

Moe's Tavern – Special Entertainment License - *The Board members voted unanimously (nunc pro tunc) to grant the special entertainment license to Moe's Tavern for a 2 man band to be held on April 1, 2013 from 8:00 PM – 9:30 PM.*

Berkshire Gas Company - *The Board members voted unanimously to grant 5 permits to Berkshire Gas for the following: 1) Install new gas service at 355 Devon Road, 2) Retire gas service at 137 Center Street, 3) Retire a gas main at Academy Street, 4) Replace a gas main at Cliffwood Street and 5) Install new gas service at 100 Meadow Street.*

Lee Boys Wildcat Soccer – Temporary Sign Permit - *The Board members voted unanimously to grant a temporary sign permit to the Lee Boys Wildcat Soccer team for their road toll sign on April 20, 2013 and to waive the filing fee.*

Lee Lacrosse Association – Temporary Sign Permit - *The Board members voted unanimously to grant a temporary sign permit to the Lee Lacrosse Association team for their road toll sign on May 4, 2013 and to waive the filing fee.*

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).

Ann Langlais came before the Board to announce that approximately 40 people she spoke with are very interested in the public hearings regarding signage. She feels that people should come to the meetings to see the process.

The Board members announced that a member of the Zoning Board of Appeals (ZBA) may have a conflict of interest and wanted the Board's determination. Tony Caropreso is requesting a variance and Mathew Carty filed a disclosure of appearance of conflict of interest. Three ZBA members, Richard Brittain, Francis Larson and Shaun Mahoney have recused themselves. Patty Carlino suggested that maybe a retired ZBA member could be an alternate. Berkshire Eagle Reporter, Dick Lindsay, asked if there is any state mandated training necessary and although there is not, a person would need to understand the rules and guidelines, not just the merits of the case. *The Board*

*members determined that it is a conflict of interest for Matt Carty to act on the request, and since 4 out of 5 affirmative members' votes are needed announced that two short term alternative members are needed.*

5. **Town Administrator:** - At the recommendation of Mike Towler, Dennis Kelly and Chris Pompi, Mr. Nason made the following Seasonal Employee Appointments:

John Kelly – Water Distribution Aide  
Matt Larson, Jr. – Cemetery/Playing Fields Groundskeeper  
Lucas Withers - Highway Department Groundskeeper

*The Board members voted unanimously to support Mr. Nason's seasonal appointments as listed.*

Mr. Nason presented to the Board the items for the May 9<sup>th</sup> Special and Annual Town Meeting.

Mr. Nason announced that the FY 2013 Revenue and Expense Reports through March 31, 2013 are on the Select Board's work table for their review.

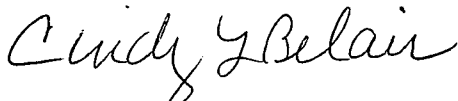
6. **Public Comments:** During the discussion of the Tyringham Road Water Main Replacement, Bill Navin came before the Board to comment that we need to expend the dollars for the three side street's water pressure.
7. **Next Regular Meeting:** The next regular meeting will be April 16, 2013 at 7:00 PM in the Courtroom.

The Board announced that there would be a Lacrosse Fundraising Spaghetti dinner at Greenock Country Club on Wednesday, April 3, 2013 from 5:00 PM – 7:00 PM.

Mr. Nason reported that a gentleman stopped by his office to compliment the Lee Police Dept. for their quick response as first responders when the Lee Ambulance was out on another call. He commented that he would not be here if not for them responding and administering to him until an ambulance could get to him.

8. **Motion to Adjourn:** *The Board members voted unanimously to adjourn the meeting at 8:50 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