

APPROVED ON 5/20/14

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – May 6, 2014

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

The Chair, Gordon Bailey, called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Minutes of April 15, 2014.*
2. **Public Hearing:** None.
3. **General Business:** Willow Street Bridge Repairs, Construction – DPW Superintendant, Chris Pompei, P.E. came before the Board to discuss the Chapter 90 Project Approval Request in the amount of \$441,530.00 for the Willow Street Bridge Repairs. Chris stated that he has advertised for bids and is requesting that bids will be received back in mid June for this construction season. Dick Lindsay of the Berkshire Eagle, asked what types of repairs would be done and Chris reported that the repairs would be structural repairs due to deterioration on the trusses. Chris advised the Board that the bridge will basically be as it was. The repairs consist of taking off the sidewalk, doing deck repairs, addressing the drainage issues and repairs to the water line. There will be no designated sidewalk. *The Board members voted unanimously to sign off on the Chapter 90 Project Request and Environmental Punch List.*

Meadow Street Bridge Repairs, Design – Recalling that he had identified (February 18, 2014 meeting) Chapter 90 funding for Gill Engineering's additional service to prepare, if required by MassDOT, a Design Exception Report (Amendment #2), Mr. Nason reported that the \$15,420 fee did not appear on MassDOT's most recent Chapter 90 accounting report. Mr. Pompei reported that he had recently sent MassDOT's District I State Aid Section an e-mail requesting this increase in the Chapter 90 funding committed to engineering services for this project. Accordingly, no further action was required at this time.

Refuse Removal and Recycling Services Chris Pompei came before the Board to recommend awarding a two year contract to Daley and Sons, the lowest of three bidders, in the amount of \$11,338.00 for the first year and \$11,678.14 for the second year. This new rate for FY 15 equates to a savings to the town of 8.44%. (Daley's FY 14 price was \$13,418.26). David Consolati recused himself from this discussion and vote. *The Board members voted unanimously to award a two year contract to the low bidder, Daley & Sons, in the amount of \$11,338.00 for the first year and \$11,678.14 for the second year.*

Board of Public Works (BPW) - Members of the BPW presented the Board members with a memo stating that they met on Tuesday, April 29, 2014 to discuss the Chapter 90 funds in the amount of \$175,000.00 that would go towards a new purchase of a truck. The BPW has requested not to purchase the highway truck and to have the funds put towards the Towns Paving projects.

In support of this, Mr. Nason presented to the Board, a Motion from Town Counsel regarding Article 22 of the Warrant to be heard at the Annual Town Meeting to expend the sum of \$296,572 to be transferred from fiscal 2015 "Chapter 90" funds. Said amount consists of the \$121,572 requested in Article 22 and the \$175,000 requested in Article 24; and to transfer from available funds the sum of \$255,000 for a total expenditure of \$551,572 to repair and pave the town roads. If this motion is passed, Article 24 will be skipped.

Patty Carlino inquired of Chris Pompei about the use of the pothole dollars and if the repair of Marble Street is in place. Chris responded that various roadways would be repaired as needed, including a section on Greylock Street between the high school and East Center Street. Gordon stated that High Street has the same problems in the area of Pollard's old house. Chris stated that all these sections are on the list.

Monica Ryan came before the Board to congratulate the water department, stating that we appreciate the good job they do.

Time Warner Cable/Comcast Corporation Proposed Transaction - Steve Moritz of the Five Town Cable Advisory Committee came before the Board to discuss Comcast Corporations acquisition of Time Warner's 10 year license agreement. Patty asked if this would affect viewer rates and Steve responded that it would. Gordon Bailey reminded Steve about asking if they would keep the local office in Lee as it is conveniently located. Steve will call the department to see if we can get a waiver regarding the five public hearings. We need to finalize the Agreement soon.

Department of Telecommunications and Cable Dept. June 12, 2014 public hearing to investigate basic service tier programming, equipment and installation rates - Steve mentioned the hearing to be held in Boston. This is a yearly meeting to set the rates and we never attend it.

Mass In Motion Grant Continuation – Request for Letter of Support - Jim Wilusz from the Tri-Town Health Department came before the Board to discuss the municipal participation in the Mass in Motion program. Tri-Town has been funded for Mass in Motion through the Centers for Disease Control since 2009 which the Selectmen supported at that time. They were subsequently awarded a five year contract through 2016 but due to budget cuts on the federal level, the program will end September, 2014. Now there is an opportunity to secure new funding for some communities and Tri-Town is asking for the Selectmen's support. There is no financial commitment but rather the need to have support so Tri-Town can continue to promote healthy dining and opportunities for physical activity in the communities. In support of this, Jim provided to the Select Board members pamphlets regarding "Be Well Berkshires" and the Mass In Motion Healthy Dining Program. *The Board members voted unanimously to support the Mass In Motion Grant Continuation and for the Chair to sign the letter of support.*

Hawker & Peddler License Application - Kevin Leach came before the Board to present his application for a Hawker & Peddler License to sell his hand made sun catchers at the corner of Railroad and Main Street and at the corner of Main and Franklin Street at the Library area, during the upcoming tourist season. Patty Carlino stated that for him to set up a booth or table with racks to hang his wares could impede pedestrian traffic. David Consolati stated that a concern to him is that this practice would attract others to do the same. Gordon asked if he had a Massachusetts State Peddler & Hawker license to which Mr. Leach responded that he did not. Gordon also mentioned that if he were to be allowed to do this on town property, the town would need separate insurance waiving liability to the town. Gordon also suggested that he speak with the police chief. We would also need more detail of the hours of his operation. It was suggested that he jump in on the Farmers Market. Patty stated that she is not in favor of his setting up on a corner of Main Street as she could envision more people trying to do the same. The Board members concurred that this application should be put on the next agenda in order to give them time to look at the laws and by-laws.

Temporary Sign Permit – Park Place/Farmers Market – Peter Bluhm came before the Board to present his application for a temporary sign permit for the Lee Farmers Market. He is requesting 2 signs which are 12 sq. ft. each on posts. The Board stated that they would look into the flexibility to allow the signs for 2 weeks before June 5th. When asked about lawn sign, the Board concurred that they are not a good idea for business advertisement. Mr. Bluhm stated that they would like to start setting their temporary signs approximately May 23rd for 1 month. *The Board members voted unanimously to approve for 1 month a temporary sign permit (3 continuous - 10 day permits). The Board also noted that they would look into how much flexibility and the scope of their powers in granting to non-profits.*

Temporary Sign Permit – Jacob’s Pillow – Gregory Hughes came before the Board to present his application for a temporary sign permit for Jacob’s Pillow, stating that this is the 8th consecutive year that they have participated in this collaboration with the Town of Lee. He is requesting their signs to be hung early June through August as they have done in the past, stating that the signs have increased their audience, which ultimately brings more patrons into Lee. *The Board members voted unanimously to grant the temporary sign permit to Jacob’s Pillow (Gregory Hughes). They also stated that as they are looking more in depth at their boundaries in granting temporary sign permits that they would get back to him if they had, in fact, overstepped their bounds.*

Benches at Veteran’s Park - Lee VFW Post 893 – The Board members reviewed a letter from William Basinait regarding permission to utilize all five benches in the park to honor local veterans who might be worthy of being honored for exceptional valor or service with a plaque on one of the benches, similar to their request granted at our Jan. 7, 2014 Select Board meeting to honor Aldo Pascucci. This honor will be determined by a committee within the VFW Post 893. *The Board members thanked the VFW and voted unanimously to grant approval for the VFW Post 893 to refurbish and maintain the five benches in the Veteran’s Park and to mount plaques on benches honoring local veterans for their exceptional valor or service.*

Entertainment License – St. Mary’s School – Shaun Hall – *The Board members voted unanimously to grant an Entertainment License to St. Mary’s School for an 80’s Parents Dance located at the St. Mary’s School gymnasium on Saturday, May 31, 2014 from 6:00 PM – 10:00 PM.*

One Day Beer & Wine License – St. Mary’s School – Shaun Hall – *The Board members voted unanimously to grant a One Day Beer & Wine License to St. Mary’s School for an 80’s Parents Dance located at the St. Mary’s School gymnasium on Saturday, May 31, 2014 from 6:00 PM – 10:00 PM.*

Common Victualer’s License Application – The Inn at Laurel Lake - *The Board members voted unanimously to grant a Common Victualer’s License to Thomas Fusco (The Inn at Laurel Lake), 615 Laurel St., Lee, MA.*

Innholder’s License Application – The Inn at Laurel Lake – *The Board members voted unanimously to grant an Innholder’s License to Thomas Fusco (The Inn at Laurel Lake), 615 Laurel St., Lee, MA.*

Berkshire Regional Planning Commission (BRPC) – Jacob’s Ladder Trail Scenic Byways Trail Linkages Advisory Group – Lee Representative to Route 112 – Recommendation of Joan Angelo – *On the recommendation of BRPC, the Board members voted unanimously to appoint Joan Angelo as a town representative to the advisory group.*

Berkshire Gas Permits – *The Board members voted unanimously to grant six (6) permits to Berkshire Gas Company for the following upon receipt of a re-submission using the old forms:*

New Gas Services: Greylock St., 100 St. James Avenue & 187 West Park St.

Retire Inactive Gas Services: 387 Greylock St. & 35 Railroad St.

Gas Main Repair: Devon Road

4. **Pending Business:** a) Spring 2014 Mini-Site Collection – Saturday, May 31, 2014 from 9:00 AM – 11:00 AM at the Lenox Dept. of Public Works.

b) From Art Reilly – Lee Middle and High School – On Friday, May 16 at the 9:30 AM there will be a panel to present the problems associated with prescription drugs and heroin in our community. The panel will have someone from the Berkshire County Drug Task Force, a medical doctor, a parent of a recovering addict (from Lee), a recovering addict and hopefully someone from the DA’s office. This will be for the 9th – 12 graders and open to the public.

5. **Town Administrator:** FY 2014 Revenue and Expense Reports through April 30, 2014 – Mr. Nason stated that the reports are available on the Selectmen’s work table.

Mr. Nason stated regarding the Annual Town Meeting, that the article pertaining to public access has, at the request of the property owner, been tabled for future consideration.

6. **Public Comments:** Bob Bartini, Board of Public Works (BPW) came before the Board and stated that all they are asking is for a written opinion from Town Counsel regarding the Town Administrator Act. Dave Forrest stated that at this point all they are asking for is a response of Number 13 on the ‘History – Board of Public Works’ that was submitted on May 6, 2014. Number 13 requests a written legal opinion from the Board of Selectmen by our next BPW meeting May 13 2014,

professionally citing sections of the Acts to support your opinion, just as three previous lawyers have supporting the BPW's opinion that the Town Administrator Act does not supersede the State Law Chapter 438 governing the BPW's duties. Monica Ryan, BPW, stated to the Board that she appreciates what Bob Bartini said and it should be taken at face value.

7. **Next Regular Meeting:** Our next regular meeting will be May 20, 2014 at 7:00 PM in the Courtroom.

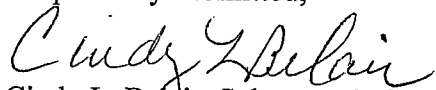
Gordon Bailey stated that tonight is his last Select Board meeting and he appreciates the support from all the staff and employees of the Town.

David Consolati reminded everyone of the Town Meeting on Thursday, May 8th @ 7:00 PM and the election on Monday, May 12th. David also congratulated Gordon on his years as Selectmen.

Patty Carlino stated that perhaps we can get Gordon on another Board.

8. **Motion to Adjourn:** *The Board members voted unanimously to adjourn the public session of the meeting at 8:30 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