

APPROVED ON 5/21/13

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – MAY 7, 2013

Present: Patricia D. Carlino, Chairman, Gordon D. 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 April 2, 2013, April 16, 2013 and April 23, 2013 were unanimously approved.
2. **Public Hearings:** None.
3. **General Business:** Drinking Water Quality Alert – Superintendent of Public Works, Chris Pompei, P.E. and Mike Towler, Chief Plant Operator/Water Division Supervisor came before the Board to discuss the public outreach regarding the tests showing Coliform Bacteria in the Town's drinking water. Chris assured everyone that the incident was not an emergency and there was no indication of E-coli present. Chris indicated that they think the test was in error, but they err on the side of caution. The next round of samples for the Town will be next week.

Solarize Lee – Roger Scheurer came before the board to announce the Solarize Massachusetts – Lee program Solar 101 Presentation at the High School Auditorium on Monday, May 13, 2013 at 7:00 PM. The presentation will be provided by the Massachusetts Clean Energy staff. Roger encouraged everyone to attend. Roger passed out handouts to the Board members regarding the Program Overview, who from Lee is involved, pricing, solar installer information and Solarize Mass Program timeline. Lee's designated municipal representative is Bob Nason, who will offer municipal support for the program and Roger Scheurer, the community solar coach, will coordinate the community outreach process, answer questions from residents and business, and be the main point of contact for community members looking for more information on the program. Roger hopes we get enough interest to reach the Tier 5 level, which offers approximately 10% savings, along with tax incentives. Roger passed out tee shirts to the Board members and Bob Nason and encouraged them to wear them in the Memorial Day Parade.

In order to accommodate members of the public waiting to be heard on various issues, the Board members conducted the General Business portion of the agenda out of order.

Henry's Electric - Temporary Sign Permit - Scott LePrevost came before the Board to discuss his application for a temporary sign permit. He is asking to be allowed to attach an 8 ft. x 3ft. high banner and another 4 ft x 3 ft banner to be used on a monthly basis for special events, stating that it would rarely last more than 2-3 days at a time. His justification for the request is because of their buying group going to a new format on circulars and they never have more than 5 days notice on their specials, making it almost impossible for them to forecast events within a reasonable amount of time. Patty Carlino asked if both banners would be up at the same time, to which he stated that maybe sometimes they would. Gordon Bailey reminded Scott that he can have a window sign without a permit. Gordon suggested that the Board put off making a decision at this time and would look into the bylaw to see if they could work on the language of such a permit in order to comply with the bylaw and in anticipation of future businesses asking for the same.

Jacob's Pillow - Temporary Sign Permit - Gregory Hughes, in collaboration with the Town of Lee and the Lee Chamber of Commerce, came before the Board to request a waiver of the 3- 10 day limit per year on temporary signs for Jacob's Pillow as they have done for the past 7 years. An installation company will hang the 5 signs along Water Street. One sign features the Congregational Church spire and another promotes the Lee Chamber of Commerce. They are requesting the signs be hung early June through August and they will be removed by a professional service contracted by Jacob's Pillow. As there have never been any complaints regarding these signs, *the Board members voted unanimously to allow the Temporary Sign Permit for 5 signs to be hung on Water Street from June 1st – August 31, 2013.*

Entertainment License – Leonard Michael Johnson, representing “Pathways to Peace” , came before the Board on behalf of Richard Cleaver, of 322 Landers Road, to discuss the requirements for an Entertainment License for a fundraising event on May 25, 2013 from 3:00 – 7:00 to be held on Mr. Cleaver's property on Landers Road. The Board asked him how many people would be attending and if they had sufficient acreage for parking. Mr. Johnson answered that there would be approximately 75-100 people and there was plenty of space for parking. He said that he would need an Entertainment License for a band. The Board advised him to also contact the Tri-Town Board of Health in case there were other requirements. Mr. Johnson said that he would get the entertainment application from the Select Board office and would present it to the Board at their next meeting on May 21st along with other written informational material.

School Medicaid Reimbursement Agent

Mr. Nason explained that in May of 2012 the School Department engaged Lower Pioneer Valley Educational Collaborative (LPVC) to process school-based Medicaid claims, because they had grown dissatisfied with the service provided by the UMASS Medical School (UMMS). The members reviewed the April 12, 2013 letter from UMMS (Marc Thibodeau) to School Superintendent Jason McCandless acknowledging the contract termination and LPVC Executive Director Dr. Anne S McKenzie's May 7, 2012 letter to Mr. Nason setting forth the terms of the new agreement. *The Board members voted unanimously to affirm the termination of UMMS, to approve nunc pro tunc May 7, 2012 the letter agreement with LPVC, and to authorize the Chair to sign the LPVC agreement.*

Rest of (Housatonic) River Clean-up

Proposed Amendments to Wetland and Waterway Regulations - As the members reviewed the letter composed by the Berkshire Regional Planning Commission (BRPC) for the six “Rest of River” Communities to send to the Massachusetts Department of Environmental Protection (DEP), Mr. Nason explained that the community representatives were fearful that DEP’s proposed changes to the Wetland and Waterway Regulations would open the door to a polychlorinated biphenyls/PCB landfill at the Lane Construction Company’s site in Lee, which is located in the Upper Housatonic River Area of Critical Environmental Concern (ACEC).

The Board voted unanimously to authorize the Chair to sign the letter to DEP expressing opposition to any wetland/waterway regulations that could allow disposal within the Upper Housatonic ACEC of contaminated sediments from the Rest of (Housatonic) River clean-up.

Special Counsel for the Six “Rest of River” Communities - As the members reviewed BRPC’s report on the procurement process and the April 12, 2013 proposal from the Pawa Law Group, the firm recommended by the participating “Rest of River” representatives, Mr. Nason reiterated the groups’ belief that a Special Counsel was needed to successfully negotiate reasonable compensation from the General Electric Company (GE) to mitigate damages during GE’s clean-up of the Housatonic River. Mr. Nason recalled that each community would be contribute \$10,000 to establish a legal defense fund and Mr. Consolati, noting the firm’s hourly rates, opined that the final cost would greatly exceed the initial investment. Acknowledging the risk of there being no return on the investment, Mr. Nason reported that, if successful, the communities planned to use the settlement to repay the legal expenses before distributing the balance in a method to be determined.

Brownfields Area-Wide Planning Program Grant - The Chair, Patricia Carlino received a letter on behalf of the U.S. Environmental Protection Agency (EPA) confirming that the proposal from the Town of Lee was selected for an award under the Brownfields Area-Wide Planning Program. Berkshire Regional Planning was instrumental in the preparation of the grant application which was a very competitive grant and well written. There was no action taken at this time as the contract will be forthcoming.

Southern Berkshire County Regional Household Hazardous Waste Collection Program for FY 2014 (July 2013 – June 2014) – The February 11, 2013 letter from Arlene Miller, So. Berkshire County Regional HHW Program noted that the goal of the program is to increase the opportunities for residents in South County to properly dispose of household hazardous waste while minimizing the cost to each participating municipality. The letter included a proposed budget spreadsheet and the Letter of Intent for approval. *The Board members voted unanimously to authorize the chair to sign the Letter of Intent to Participate in the household hazardous waste collection program.*

Temporary Sign Permit - Son's of Italy – Toll Stop of 6/15/13 - The Board members voted unanimously to grant a temporary sign permit to the Sons of Italy for their road toll sign on June 15, 2013 and to waive the filing fee.

Annual Entertainment License - Perigee Restaurant – The Board members voted unanimously to grant an annual entertainment license to Perigee Restaurant with the specific condition that there would be no outside entertainment without first getting Select Board approval.

Berkshire Gas Permits - The Board voted unanimously to grant to Berkshire Gas Company a permit to install new gas service at 35 Richmond Avenue and to grant a permit for emergency gas service repair at 115 Hartwood Road.

4. **Pending Business:** There will be a Spring 2013 Mini-site collection on Saturday, June 1, 2013 at 9:00 AM – 11:00 AM at the Lenox Department of Public Works.

A reminder of the May 9, 2013 Special (FY 2013) and Annual (FY 2014) Meeting will be held at the Lee Middle and High School auditorium on Thursday, May 9, 2013 beginning at 7:00 PM.

Mr. Nason reminded everyone again of the Solarize Massachusetts Program on Monday, May 13, 2013 at 7:00 PM at the High School auditorium.

5. **Town Administrator:** - Seasonal Appointment – Mr. Nason presented a recommendation from Chief Buffis for the appointment of Amber Newton of Lee, as the Beach Parking Attendant. *The Board members voted unanimously to support the appointment of Amber Newton as the Beach Parking Attendant.* Mr. Nason also noted that there are positions available for seasonal lifeguards at the Lee Sandy Beach and anyone interested should call DeeDee Consolati at 243-2318.

Willow Street Bridge Traffic Signs - Mr. Nason stated that after meeting with Cornelia Kalischer, Steve Moritz, Jerry LePrevost, Dennis Kelly, Chris Pompi, John Healey and Don Zukowski, flashing solarized signs were placed on both sides of the bridge. The day after the signs were installed, the signs were found in the river. They were fished out of the river, are in working order and back in place. At this time the area is under surveillance and the sign problem should be resolved.

FY 2013 Revenue & Expense Reports through April 30th - Mr. Nason announced that the FY 2013 Revenue & Expense Reports through April 30th are on the Select Board's work table

Mr. Nason extended condolences to the family of Aldo Pascucci and that he will be greatly missed. Mr. Nason stated that the Memorial Day Parade will take place on May 27th and that hopefully he would be able to provide more details at our next meeting. Anyone interested in helping organize the parade should call the Select Board office at 243-5500.

6. **Public Comments:** Tom Casey of The Berkshire Record asked about the Lee – Lenox jointly held property. Mr. Nason replied that it did not pass the Lenox Town Meeting and we will re-visit it next year.

7. **Next Regular Meeting:** The next regular meeting will be May 21, 2013 at 7:00 PM in the Courtroom.

The Chair, Patricia D. Carlino announced the reorganization of the Board. *Upon motion duly made and seconded the Board voted to elect Gordon Bailey as chairman and Patricia D. Carlino, as Clerk.*

David Consolati thanked everyone for participating in the Town and Special State Primary elections.

8. **Motion to Adjourn to Executive Session:** *At 8:00 PM roll call and upon agreement of the members, the Board adjourned the regular meeting to go into Executive Session to discuss litigation strategy and the purchase of real property, because deliberating during an open session would have a detrimental effect. The members will not return to public session.*

Upon a roll call, the vote was as follows:

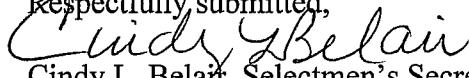
AYES

NAYS

David Consolati
Patricia Carlino
Gordon D. Bailey

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