

APPROVED ON 8/5/14

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – July 15, 2014

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

The Chair, David Consolati called the meeting to order at 6:30 PM.

Upon a motion duly made and seconded and unanimously approved, the members voted to adjourn to Executive Session for the purpose of discussing litigation strategy, because deliberating in open session would have a detrimental effect. The Chair announced that the members expect to return to open session at 7:00 PM. The roll call vote was as follows:

AYES

David Consolati
Patricia Carlino
Thomas Wickham

NAYS

None

The members returned to public session at 7:00 PM.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Minutes of July 1, 2014.*
2. **Public Hearing:** Verizon/WMECO Joint Pole Location Hearing – John O'Donnell, a contractor hired by Verizon, came before the Board to present a petition for a new joint pole located on Spring Street. The Board asked Mr. O'Donnell what the purpose of the pole is and was informed that the pole is to provide for the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current. After a brief discussion regarding the pole number and the depth of the new pole, the Board members agreed that they had no opposition to the pole being placed. The Board members stated that although they had no issues with the pole, before the pole was put in place, a trench permit needed to be issued for the work to commence. They suggested that Mr. O'Donnell contact our building inspector, Don Torrico to apply for a trench permit on the following Monday. *The Board members voted unanimously to grant to Verizon New England Inc. and Western Massachusetts Electric Company, permission to locate poles, wires, cables and fixtures, along and across the Easterly side of Spring Street at a point approximately one thousand fourteen (1,014) feet southerly from the center line of Mandalay Road.*

3. **General Business:** Eagle Mill Re-Use - The Developer, Jeff Cohen, along with his consultant, Rich Vinette, came before the Board to update them on the Eagle Mill Re-Use project. Mr. Cohen stated that he is negotiating with two architectural firms to complete the design process and in 6-8 weeks it will be "ready to go". We can then apply for the Mass Works grant for the water main work. Mr. Cohen commented that he was concerned about the inaccuracies in the Berkshire Record about his project taking retailers away from Main Street, when his primary concern is to take care of the people, businesses and tenants of Lee first and foremost. His plan entails 20% residential market rate units, which may or may not be condos. At this point he is compiling a list of interested parties to rent and still has a deal with Roger to buy the dam.

Rich Vinette stated that he is hard at work with the town and the state applying for the Mass Works grant, which, along with the tax credits, is a very important piece. It is a very competitive grant and is due by the end of August.

Jeff Cohen stated that he is meeting with Secretary Bilecki next week. He also mentioned that he intends to meet with the historic review board, not only in Boston, but here as well. He stated that his message tonight is that there has been a lot of progress and the numbers are working. If all goes as planned he would hope to begin in the next eighteen months.

Mr. Nason stated that two engineers have submitted proposals to prepare a hydraulic analysis and preliminary design of improvements to the water distribution system serving the former Eagle Mill site and downtown; Tighe & Bond and CDM Smith. Mr. Nason said that he had conversation with Jeff Cohen and Rich Vinette on how to fund these services which are necessary to compete for MassWorks Infrastructure grant.

The estimated cost of these services is not to exceed \$22,400.00 and Jeff is willing to front this amount if the Board will ask the next Town Meeting to reimburse him at no interest. Rich also stated that Jeff is paying him to help get the grant for the town and that we have a great team to move forward.

Willow Street Bridge Repairs Construction – Mr. Nason updated the Board on the status of the LB Corporation Contract of \$460,500 Conditional Award at the July 1, 2014 meeting, stating that he spoke with the contractor, LB Corp, and they have not heard back yet on whether or not the painter is a prequalified MassDOT painter.

Winter Rapid Road Recovery Program (WRRRP) - Mr. Nason reported that the more than 5 inches of rain that fell on the June 25th – 26th storm washed out the Devon Road culvert. We received permission for an emergency procurement for repairs. LB Corp. was hired to do the repairs and by the 4th of July, the road was reopened and the repairs were completed except for the guardrails. To finance this emergency repair, we contacted MassDOT to see if we could reprogram the funds in the amount of \$44,486 awarded to us for emergency pothole repairs. Mr. Nason reported that MassDOT had approved that request. *The Board members voted unanimously, "nunc pro tunc" on July 10,*

2014, to request to reprogram the \$44,486.00 WRRRP grant to pay for the Devon Road Culvert Emergency Repairs.

Library Boiler Replacement - Mr. Nason stated that the Department of Public Works (DPW) received bids for the library boiler replacement. The DPW recommended awarding the contract to LePrevost Plumbing, the lowest of four bidders, in the amount of \$47,600.00. *The Board members voted unanimously to award the contract to LePrevost Plumbing in the amount of \$47,600.0, and to authorize the Chair to sign the contract.*

Housatonic Rest of River Remedy Plan - Mr. Nason spoke of the Rest of River Remedy Plan and he stated that he wants to make sure that there is no interruption to Onyx's ability to run their business. Patty stated that she is concerned that there is no definite plan for the dam. The Board members asked that people give their feedback on this project and if anyone has any concerns or ideas, for them to communicate those concerns to us. Mr. Nason asked that people respond by our next meeting on August 5th. Mr. Nason also stated that on September 23rd, the EPA will conduct a public hearing for formal comments at 6:30 PM at the Lenox Memorial Middle & High School. The EPA has extended the comment period until October 1st. Mr. Nason stated that this is going to be a long process. *The Board members voted unanimously to send a letter to ask EPA to further extend the comment period until October 27th and to permit the chair to sign the letter.*

Solar Generation of Town-Owned Land – Mr. Nason presented to the Board the Owner's Agent Technical Assistance Grant Application in the amount of \$12,500.00 per community. He explained that we are currently in the process of asking for a determination regarding teaming up with Lenox again or if we should apply individually. *The Board members voted unanimously to apply for the Owner's Agent Technical Assistance Grant and to authorize the Chair to sign.*

Berkshire Gas Permits - *The Board members voted unanimously to grant the permits to Berkshire Gas Company to install new gas service at 35 High Street, 500 Marble Street and 49 Lois Street.*

4. Pending Business:

- a. Summer 2014 Household Hazardous Waste Collections – Saturday, July 19, 2014 – 9:00 AM – Noon – Lee Waste Water Facility
- b. 2014 Mini-Site Collections – Saturday, August 16, 2014 – 9:00 AM – 11:30 AM – Great Barrington Recycling Center
- c. Farmers Market – Every Thursday through September – 2:00 PM – 6:00 PM in the Park.

5. **Town Administrator:** a. Housatonic Street Speed Limit Sign and Crosswalk Lining - Mr. Nason reported that he met and spoke with Peter Niles, Mass DOT District Highway Manager who stated that they are planning to re-line the crosswalks from Housatonic Street to Park Street on their regular

maintenance schedule. Mr. Nason had informed Mr. Niles that the speed limit sign was obscured by trees and Mr. Niles said he would look into that matter.

b. Street Closings - Chair, David Consolati read the following announcements regarding street closings:

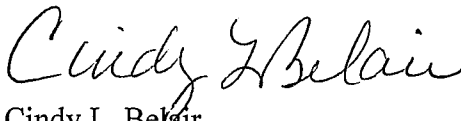
Prospect Street will be closed on Thursday (7/17) and West Park Street will be closed on Friday (7/18) for paving.

Beginning Wednesday (7/16) MassDOT plans to close Tyringham Road from Route 102 to Meadow Street each workday from 7:00 AM to 3:30 PM for main line drainage work. The road closings are expected to last about two weeks, but they may be extended depending upon the subsurface conditions.

These road closings are also listed on our Town of Lee website.

6. **Public Comments:** None.
7. **Next Regular Meeting:** Our next regular meeting will be August 5, 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 7:58 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