

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – AUGUST 21, 2012

Present: Patricia D. Carlino, Chairman and David J. Consolati, Board of Selectmen, Robert L. Nason, Town Administer.

Chairman, Patricia D. Carlino, called the meeting to order at 6:00 PM, at which time the Board voted to adjourn to Executive Session to discuss litigation strategy and the lease of real property.

Upon a roll call, the vote was as follows:

AYES

David Consolati
Patricia Carlino
Gordon Bailey

NAYS

None

The members reconvened in open session at 7:00 PM.

1. **Approval of Minutes:** The public minutes of August 7, 2012 were unanimously approved.
2. **Public Hearings:** None.
3. **General Business:** Campaign for our Communities – Neil Clarke - Neil Clarke came back before the Board to revisit the Resolution in support of investing in our communities. He informed the Board that the School committee has passed the resolution. Patty Carlino was concerned about the last paragraph of the Resolution because it did not delineate how they proposed to raise revenue. Gordon Bailey commented that he could not find the language for the Bill on line. He stated that, though he wants equitable distribution of revenue, he is not comfortable with the wording at this time. David Consolati's concern was that he did not think teachers should set up the tax code. Gordon Bailey will not give his support, until he sees the final language, which he will obtain from Neil. Patty Carlino suggested we table the issue and revisit at a later date. Mr. William Navin commented that he is retired and finds it tougher and tougher to make ends meet.

Jazz Weekend Entertainment License(s) Application – Rich Vinette, Esq. Lee CDC – Mr. Rich Vinette came before the Board to present the Lee CDC's application for Entertainment Licenses for the "Berkshire Gateway Jazz Weekend" for the period of September 14th – 16th, 2012. These events are to be held at the Spectrum Playhouse, the 1st Congregational Church and the Town Gazebo and hopefully will show interest generated by the new infrastructure from church to church. The events will be ticketed excepting the outside stages at the Town Gazebo. *The Board voted unanimously to grant the Entertainment License(s) for the weekend of Sept. 24 – 16, 2012.* DeeDee Consolati

responded that she is all for the jazz event and wanted to remark favorably about the alleyway improvements and the re-use of the marble found on the property.

57 Main Street – Rehabilitation

The Board unanimously approved the Application for Street or Sidewalk Blocking presented by AJ Schnopp Jr. Construction, Inc. for the 57 Main Street Rehabilitation Project for the period of September 3rd – November 30th, for the purposes of painting windows in front of the building.

The Temporary Trailer Permit Application also submitted by AJ Schnopp Jr. Construction, Inc. for the 57 Main Street Rehabilitation Project was not needed as a Temporary Trailer Permit is only required if it is to be used as an office and this trailer will only be used as a storage for tools and equipment.

2012 Paving Project - Chris Pompei came before the Board to announce the DPW's recommendation to award the Fairview Street paving project to LB Corp., as the lowest of three bidders, in the amount of \$721,432.00. Patty Carlino asked how long the project and Chris reported that it should take approximately 3 weeks starting on 9/1/12 with a completion date towards the end of September. *The Board voted unanimously to award the Fairview Street Paving Project to LB Corporation in the amount of \$721,432.00; and to allow the Chair to sign the Agreement.*

Ditch Cleaning Award - Chris Pompei came before the Board to announce the DPW's recommendation to award the Ditch Cleaning contract to LB Corp, as the only bidder in the amount of \$20,450.00. *The Board voted unanimously to award the Ditch Cleaning contract to LB Corporation in the amount of \$20,450.00; and to allow the Chair to sign the Agreement.*

Meadow Street Bridge Over Powder Mill Brook – Chris Pompei came before the Board to announce the DPW's recommendation to accept the Proposal for Design, Permitting and Construction for the Engineering Services replacement of the bridge on Meadow Street over the Powder Mill Brook from Gill Engineering in the amount of \$115,760.00. Patty Carlino inquired about the time-line of the project and Chris responded that it could take a year. *The Board voted unanimously to accept the Gill Engineering Proposal for Design, Permitting and Constructing Engineering Services for the Replacement Bridge on Meadow Street over Powder Mill Brook in the amount of \$115,760.00; and to allow the Chair to sign the Chapter 90 – Project Request.*

West Park Street Bridge Repair Award – The town received a Critical Structural Deficiency report on the West Park Street Bridge that requires immediate corrective action. The work is to be completed by September 6, 2012. The only quote received was from LB Corp in the amount of \$8,450.00. Chris Pompei came before the Board to announce the DPW's recommendation to award the contract to LP Corp. *The Board voted unanimously to award the West Park Street Bridge Repair contract to LB Corporation in the amount of \$8,450.00; and to allow the Chair to sign the Agreement.*

Berkshire County Hazard Mitigation Plan – Police Chief, Joseph Buffis - Chief Buffis brought the Certificate of Adoption of the Berkshire County Hazard Mitigation Plan before the Board for their adoption of the Resolution. As the Board had not had sufficient time to read this document they asked to table this issue and mark it up for the next meeting on Sept. 4, 2012.

Socioeconomic Impact Study by skeo SOLUTIONS – Lauren Gaherty – Lauren Gaherty came before the Board to discuss the Cleanup of the Housatonic “Rest of River” Socioeconomic Impact Study. She brought before the Board a letter for the six communities to get together to address that the data and calculations presented by the Impact Study underestimate the socioeconomic impacts that can be expected to be experienced by our communities during cleanup activities, which include the following: Traffic impacts and road damages underestimated; Critical data gaps persist in the areas of tourism and outdoor recreation impacts; Multiplier effects have not been calculated for the economic impacts to outdoor recreation and the loss of Lane Construction Corporation (in the event that the site become an on-site disposal area); and assumptions that serve as illustrative examples should be passed on previous research. She is asking for all the communities to sign the letter which will be permanently inserted into the Study immediately aft the Executive Summary so that readers are easily aware of the comments and next steps being proposed by the Rest of River communities. *The Board voted unanimously to approve the attachment to the Study; and to allow the Chair to sign the letter*

Council on Aging Formula Grant Application – Recalling that he had presented a grant amount of \$8,090.00 at the last meeting, Mr. Nason noted that the correct amount is \$10,801.00. *The Board voted unanimously to accept the amount of the grant as \$10,801.00.*

Berkshire Gas Company Permits – *The Board voted unanimously to grant to the Berkshire Gas Company; and to allow the Chair to sign the following permits: Retire gas service @ 140 Silver Street 2) Install new gas service at 70 Pease Terrace 3) Repair maintenance on gas main at 97 Old Pleasant Street 4) Repair maintenance on gas main at Water Street, near 165.*

4. **Pending Business:** 2012 Household Hazardous Waste Collection – – The next 2012 Household Hazardous Waste Collection will be held on Saturday, September 8th - 9:00 am – 11:00 AM at the Lenox Department of Public Works.

The Town of Lee Recycling Committee announced a Free Composting workshop being held at the Lee Library at 100 Main Street, on Tuesday, September 11th @ 6:30 PM. We will also post this on the Town of Lee website and will issue it to The Berkshire Eagle and The Berkshire Record for a press release.

5. **Town Administrator:** - Property & Casualty Insurance – Dam Insurance Update – Mr. Nason stated that he had learned that the insurer of the Goose Pond Dam will not issue a policy for our dam because of its size and the amount of water that it holds.

Al Zerbato’s Presentation to the National Water Environmental Federation - Mr. Nason announced to the Board that Al Zerbato will be making a presentation to the National Water Environmental Federation in New Orleans, Louisiana on September 29th to October 3rd regarding the “Field Validation of Sequencing Batch Reactor and Cloth Media Filtration Technologies to Attain Ultra-Low Nutrient Levels. Mr. Nason is authorizing the trip and will seek reimbursement from Aqua-Aerobic systems, Inc.

Veteran’s Property Tax Work-off Abatement Program - Mr. Nason presented to the Board an e-mail from Doug Mann, our Lee Veteran’s Agent regarding a program for Veteran’s similar to the tax

work-off program implemented by the Town for elderly residents. Mr. Nason stated that we would look into it in more depth.

FY 2013 Revenue and Expense Reports through July 31st - Mr. Nason stated that the FY 2013 Revenue and Expense Reports through July 31st are on the work table in the Selectmen's office for their review.

6. **Public Comments:** Ann Langlais came before the Board to discuss concerns she had about her attendance at an Energy Efficiency Advisory Committee meeting and the manner in which the Board addressed her questions. She also asked the members about giving their e-mail addresses to the public to which Gordon Bailey and Patty Carlino gave their e-mail addresses to her. Ann also mentioned that she spoke to Tom regarding clarity on the Wind Feasibility Study and the cost of \$4,250.00. Her concern was that they were now talking about more than that amount being spent and that accruing more costs throws up a red flag. The Board assured her that Cadmus would not receive any compensation without the application being submitted and no application will be submitted without the Select Board's approval. Patty Carlino asked if we were looking at removing the sodar wind measuring device and Mr. Nason responded that it was strongly recommended by the Efficiency Committee to move it to a higher level as peak areas are optimal. Ann also commented that she didn't understand how Cadmus got chosen as they were not the top five vote getter and Mr. Nason explained that at first blush they were not at the top, but after all the criteria were looked at, they were at the top. The members all responded that they have not read the proposals. Ann was critical that, in her opinion, Cadmus had no experience with wind turbines.

Monica Ryan came before the Board to express her dissatisfaction with the Energy Efficiency Advisory Committee's July 27, 2012 Agenda posting for the meeting on August 2, 2012, to which she presented a copy of said posting to the Board. She wanted to know who issues the meeting postings. She was also critical of the minutes being taken by other than one of the volunteer members. Ms. Ryan was also unhappy about Mr. Nason's answer to her questions about exposure for the Mass Save Energy Conservation Program. Her question was "Is there any place to get high visibility", to which Mr. Nason responded that "Founder's Weekend" and the Building Dept. would be high profile spots. Ms. Ryan asked why she could not get the Energy Efficiency Advisory Committee's minutes from the Town Clerk subsequent to April 4th and Mr. Nason responded that they are available in his office. Gordon Bailey asked Mr. Nason to speak with the Chair of the Energy Efficiency Advisory Committee regarding how they format their meetings regarding public comments.

Ann Langlais brought up the conversation from the last meeting about outdated tag sale signs left out long after the tag sale is over.

DeeDee Consolati wanted to know if the Feasibility Study for the wind turbines would include a survey regarding the Agreement with Mr. Leahey to cross his property. She also commented on her concern of the turbine being next to a water supply source.

7. **Next Regular Meeting:** The next regular meeting is scheduled for September 4, 2012 at 7:00 PM.

8. **Motion to Adjourn:** *The members voted unanimously to adjourn the meeting at 9:10 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