

APPROVED ON 9/18/13

## Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – SEPTEMBER 3, 2013

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

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

1. **Approval of Minutes:** The Board members decided to table the approval of the Public and the Executive Session Minutes of the August 20, 2013 meeting, as they had not yet had a chance to read them thoroughly.
2. **Public Hearings:** None.
3. **General Business:** Debt Refinancing - Town Treasurer, Donna Toomey, came before the Board and introduced Financial Advisor, Clark Rowell, to speak about the proposed refunding bond issue. Mr. Rowell projected a town savings of approximately \$335,000 from issuing refunding bonds at a lower interest rate than on the 2003 bonds. Mr. Rowell recommended that we proceed as long as the following criteria are met: a) That there is at least five percent present value savings with the refunding issue, when comparing the refunding bonds with the refunded bonds, b) That present value savings is at least twice all issuance costs; and c) That there is savings (to the extent possible) in every year of the term of the refunding bonds. He stated that unless the market significantly deteriorates by the end of the month, we will be able to satisfy these criteria. *The Board members unanimously concurred that on meeting the criteria, they would want to go forward.* Patty Carlino stated that she thought it was a good thing to do and both Gordon Bailey and David Consolati agreed.  
  
MIIA Health Insurance/Revised Business Associates Contract - Treasurer, Donna Toomey, brought before the Board a Business Associate Contract update between Massachusetts Interlocal Insurance Agency (MIAA) Health Benefits Trust and the Town of Lee, due to recent changes to the regulations implementing Health Insurance Portability & Accountability Act of 1996 (HIPAA), which requires that our contract includes, among other things, reporting requirements regarding

improper disclosures of protected health information, as well as pledges regarding MIIA's compliance with the HIPAA Privacy Rule and the HIPAA Security Rule. This contract will authorize the Town of Lee to continue to share with the MIIA Trust the claims and other information necessary for the processing and payment of our subscribers' claims. Having read and reviewed the contract, Ms. Toomey recommended that we move forward with it. *Upon Ms. Toomey's recommendation, the Board members voted unanimously to sign the contract.*

Solar Update - Roger Scheurer came before the Board to update everyone on the Solarize Lee project. He stated that the deadline to sign up is September 30, 2013 and if anyone had any questions, to please contact him. He told the Board that there are 152 contacts with Real Goods of which there have been 133 desk analyses, 90 site visits and 20 contracted systems and everything is going well.

North Sewage Pump Station Emergency Generator Replacement - Chris Pompei, PE, Superintendant of Public Works came before the Board to recommend awarding of the North Pump Station @ Laurel Lake-Emergency Generator Replacement to Henry's Electric, the lowest of five bids in the amount of \$16,987.00. *The Board members voted unanimously to award the contract to Henry's Electric in an amount not to exceed \$16,987.00 and to authorize the Chair to sign the Agreement.*

#### Tyringham Road -

1. Water Main Replacement Project - Chris Pompei came before the Board to update everyone on the water line replacement. Caracas Construction will begin next week and will wrap up the project in approximately 3 - 4 weeks.
2. Improvements Project - Chris also reported that the Commonwealth had advertised the Federally funded project and that bids are due on October 22, 2013.

Road Paving Schedule Adjustment - Chris reported that the Commonwealth did not release the towns state aid for local road repairs (Chapter 90) until early August. Accordingly, we will shift the work to next spring, around March, 2014. He said we will start with Prospect Street up to the Parkview and Spring St. area and we will start at the top of Forest Street on the Tyringham end. Gordon Bailey stated that it is a good idea to shift the schedule in this way and we can now plan a little better. Gordon also gave a "heads up" to customers that now is the time if they're thinking of switching to gas, before we do road paving. He said that after roads are newly paved they will place stricter criteria on granting road cutting permits on newly paved roads in the future. David Consolati asked Chris when the big hole in the sidewalk on Fairview Street would be fixed. Chris said it's "on his list".

Role of The Board of Public Works (BPW) - Monica Ryan came before the Board wishing to discuss the BPW role and the Town Administrator's role. She stated that her letter to the Select Board dated April 24<sup>th</sup> has of yet, been unanswered. She wants the Board to rescind its December 2004 approval of the Town Administrator's reorganization which assigned the Board of Public Works responsibility for policy planning and budgeting and the staff's responsibility for day to day operations. Gordon Bailey stated after longstanding discussion they got a legal opinion from former

Town Counsel, Jerome Scully that they are following law. Gordon stated that he has no problem getting together to meet with the BPW and he is all for having a discussion. He stated, that in his opinion, the bottom line problem seems to be a communication issue. Gordon stated that he is willing to have a discussion with the full Board and revisit specific points, but we will take our lead from Town Counsel, Jeremia Pollard as to specific issues to be visited and he will get back to her with dates to meet. Monica then went on to ask if there have been any formal reviews of the current Town Administrator. She stated that when he was hired, the bond for the position was waived and in light of current events, we should reconsider that. Gordon Bailey stated that he saw no reason to ask for a bond. She asked about the invoices that were approved and asked what we were told they were for. Gordon replied that we were told they were for police use and that everyone had been misled. He reiterated that we knew nothing and we were kept in the dark by the FBI which is standard investigative practice. Patty Carlino stated that she wanted to clarify meeting dates and would they meet at a Select Board Meeting or a BPW meeting. When asked by Patty if the communication issues were better, Monica replied that they were not much better.

Glass Bottom Brewery, LLC – Evan Williams and Ezra Bloom, Managers and Owners of a 95.24% interest in the company known as Glass Bottom Brewery, LLC came before the Board to discuss their business and their anticipated application for a Farmer Brewery (Malt Beverages Only) License. They had hoped to have their hearing at the Sept. 17<sup>th</sup> meeting, but publication requirements and abutter notification time requirements can't be met before that meeting, so their hearing will be scheduled for the October 1<sup>st</sup> Select Board meeting. They discussed their practice of packing the brew into kegs and serving samples on site. They explained that the Farming Brewery Pouring License is a 3 Tier system – production/distribution/retail. Ezra makes the beer and Evan is on the business end and they are operating out of the old KB building at 480 Pleasant Street. They will be working with the Selectmen's Secretary to get the application filled out and to be ready for the hearing at the October 1<sup>st</sup> Select Board meeting.

Chamber of Commerce – Temporary Sign Permit - The Chamber of Commerce presented to the Board a Temporary Sign Permit Application for Founder's Weekend to place a 3x6 foot banner/sign in the park tied between two trees. Gordon Bailey stated that he didn't like the idea of it being tied to two trees but that he wouldn't oppose the permit. He stated that perhaps posts should be placed in the park and people requesting sign permits could prepare their signs accordingly. *The Board members voted unanimously to grant the Temporary Sign Permit to the Chamber of Commerce for Founder's Weekend, effective September 4<sup>th</sup> for 30 days and to waive the \$35.00 Temporary Sign Permit Fee.*

#### 4. Pending Business:

- a. Summer 2013 Mini-site Collection – Saturday, Sept. 7, 2013 at 9:00 AM – 11:00 AM at Lenox Dept. of Public Works.
- b. 2013 Household Hazardous Waste Collection – Saturday, Oct. 19, 2013 at 9:00 AM – 1:00 PM – at the Great Barrington Recycling Center.

- c. Planning Board -- Public Hearing -- Mon., Sept. 9, 2013 at 6:15 -- Special Permit -- Installation of Solar Energy System at 385 Pleasant St. (Wastewater Treatment Facility)

5. **Town Administrator:** Police Chief Search - Mr. Nason announced that he will be putting together a Selection Committee to recommend a new Police Chief and that he spoke with some of the former Selection Committee members who are willing to continue on the committee. He is expecting to have a committee of 7 – 9 people formed sometime next week and will discuss the Selection Committee tomorrow with Chief Glidden.

Bill Navin came before the Board stating that he has spoken with a lot of people who have strong feelings regarding the selection process. He stated that we should approach and appoint recently retired officers; namely, Bill Tierney, Jim Loring and Phil Skowron. Mr. Navin was adamant that any of these three would be assets to the Committee. Gordon Bailey stated that they will take that information into account.

Berkshire Eagle Reporter, Dick Lindsay came before the Board to ask if the search committee had been formed and Mr. Nason stated that it had not and he would be working on it tomorrow. Mr. Lindsay asked about the time frame estimate for hiring a new chief. Mr. Nason stated that the time frame would be approximately 4 – 8 weeks.

FY 2014 Revenue and Expense Reports through August 31, 2013 – Mr. Nason stated that the reports would be on the Selectmen's work table tomorrow as the Town Accountant was not in the office today.

## 6. Public Comments:

Bill Navin announced a meeting at the High School to discuss the turnpike tolls. David Consolati made mention that there would be no more blasting on Fridays. Mr. Navin commented that he was not happy with the fact that any money for tolls was not spent out this way and Patty Carlino told Bill that he was "preaching to the choir". Bill ended with saying that the taxes have to stop somewhere.

7. **Next Regular Meeting:** The next regular meeting will be September 17, 2013 at 7:00 PM in the Courtroom.

8. **Motion to Adjourn:** The Board voted unanimously to adjourn the public session of the meeting at 8:20 PM and to convene in Executive Session for the purpose of discussing strategy with respect to collective bargaining, because deliberating in open session may have a detrimental effect on the town's bargaining position. The members will not reconvene in public session. *Upon a motion duly made, seconded and unanimously approved by roll call as follows:*

AYES

David Carlino  
Gordon Bailey  
Patricia Carlino

NAYS

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