

APPROVED ON 10/15/13

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – OCTOBER 1, 2013

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

The Chair, Gordon D. 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 September 18, 2013.
2. **Public Hearing:** Glass Bottom Brewery – Farmers Series Pouring Permit / Liquor License – Evan Williams and Ezra Bloom, owners of 95.24% of Glass Bottom Brewery, LLC., came before the Board to request a Farmers Series Pouring Permit. Gordon Bailey asked them how much space they were leasing in the Lee Industrial Park and Mr. Williams answered that they leased 2,000 square feet of which 320 sq. feet would entail their tap room. They have already met with the Planning Board and received approval and obtained their building permit. Their sample sizes will be 2 ounces and kegs will only be sold through a licensed victualler. Patty Carlino asked what their hours of operation would be and Evan stated that they would probably only operate 4 hours a week, which may include 1 weekend day. Patty asked them what type of advertising they were planning on and Evan stated that they may apply for a sign permit when they open approximately Jan. 1, 2014. They do not plan on any large advertising and will rely mostly on social media for advertising.

The Board members voted unanimously to grant a Farmers Series Pouring Permit Liquor License to Glass Bottom Brewery, LLC., pending the approval from the Alcoholic Beverages Control Commission.

3. **General Business:** Solarize Lee Program Update -. Roger Scheurer came before the Board to update everyone on the Solarize Lee Program. He commented that the State extended their deadline through October 30th as there was still a lot of interest. In fact, 60 to 70 people have been given proposals including several large contracts. The first installation of solar was completed a week ago at his personal residence. Gordon Bailey commented that he was glad they extended the deadline.

Lee Elementary School Debt Refinancing - Town Treasurer, Donna Toomey and Financial Advisor, Clark Rowell came before the Board to discuss refunding of the elementary school bond in the amount of \$7,120,000 of the \$12,600,000 school bonds issued on March 15, 2003. This is a

refunding of all the principal due between fiscal 2015 through 2023. Simultaneously, the Town is redeeming early the \$630,000 principal maturity payable on June 15, 2014. The Town received 12 bids with the winning bid being PNC Capital Markets, at an interest rate of 1.74% . Donna mentioned that the bond rating review resulted in an upgrade from AA- to AA.

Mr. Rowell explained that the following are the votes needed by the Select Board members to approve the sale:

Voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town's \$12,600,000 General Obligation Bonds dated March 15, 2003 and maturing on June 15, in the years 2015 through 2021, inclusive, and on December 15, 2022 in the aggregate principal amount of \$7,120,000 (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$7,065,000 General Obligation Refunding Bonds of the Town dated October 15, 2013 (the "Bonds"), to PNC Capital Markets LLC at the price of \$7,386,508.45 is hereby approved and confirmed. The Bonds shall be payable on December 1 of the years and in the principal amounts and bear interest at the respective rates as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|--------------------------|-------------|---------------|--------------------------|
| 2014 | \$890,000 | 2.00% | 2019 | \$775,000 | 3.00% |
| 2015 | 715,000 | 2.00 | 2020 | 800,000 | 3.00 |
| 2016 | 725,000 | 2.00 | 2021 | 825,000 | 3.00 |
| 2017 | 735,000 | 2.00 | 2022 | 850,000 | 3.00 |
| 2018 | 750,000 | 2.00 | | | |

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 19, 2013, and a final Official Statement dated September 30, 2013 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures in such form as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Dick Lindsay asked the Board what was left of the school bond and Mr. Nason answered that \$7,120,000 was remaining and that refunding saved the Town \$331,000 over the life of the bond.

The Board members voted unanimously authorizing the Clerk of the Board of Selectmen to sign the Agreement for refunding which includes all the votes noted above as read to the Board by Clark Rowell.

FY 2014 School – Municipal Agreement – Town Treasurer, Donna Toomey presented to the Board the FY 2014 contract between the Town and the School for the Department of Education's reporting requirements, which is the same agreement that has been in effect for the past 10 years. *The Board members voted unanimously to approve the Agreement as received and to authorize the Chair to sign the Agreement.*

Police K-9 Unit Implementation – Mr. Nason presented to the Board a Draft Memorandum of Agreement with the Town of Lee – Memorandum of Agreement Concerning Implementation of K-9 Unit. The Agreement contained language concerning the hours worked, training and duties and responsibilities. Patty Carlino voiced her concern about the costs involved and hoped that there was enough to get through into next year. *The Board members voted unanimously to accept and sign the Memorandum Agreement as presented.*

Bill Navin commented to the Board that upon meeting the dog he was impressed with how well-mannered he was.

Housatonic River cleanup Socio-Economic Impacts – Mr. Nason presented to the Board for their review a draft Agreement between six municipalities and Berkshire Regional Planning Commission. This is a draft only and should be finalized and presented to the Board for execution at our next meeting on October 15, 2013.

Brownfields Area-Wide Plan Project – Mr. Nason presented to the Board the Agreement By and Between The Town of Lee and The Berkshire Regional Planning Commission to conduct the Area-Wide Plan Project for the services of Agreement Oversight, Community Involvement, Conditions Research, Brownfields Site Reuse Planning, Develop Brownfields Area-Wide Plan and Finalize the Brownfields Area-Wide Plan. The total cost shall not exceed \$165,500.00. Patty Carlino asked how long the agreement was for and Gordon stated that the services are to be completed no later than September 30, 2015, which would make it a two year project. *The Board members voted unanimously to approve the Agreement in the amount of \$165,500.00 and to authorize the Chair to sign the Agreement.*

State Aid for Local Transportation (Chapter 90) Reimbursement Request - Mr. Nason presented to the Board the Chapter 90 Reimbursement Requests. The three projects are: a) the Meadow Street Bridge Engineering in the amount of \$32,406.90 b) the Willow Street Bridge Engineering in the amount of \$39,515.00 and c) the Tyringham Road Engineering in the amount of \$26,853.55 -- for a total Reimbursement Request of \$98,775.45. *The Board members voted unanimously, nunc pro tunc September 26, 2013, to sign off on and apply for the Chapter 90 Reimbursement Requests.*

Application for Street or Sidewalk Blocking - An application from Berkshire Housing Development Corp. (BHDC - Elton Ogden, President) was presented to the Board. BHDC seeks to block an area of the sidewalk and street by use of a tent on Railroad Street on Friday, October 11, 2013 from 8:00 AM – 2:00 PM for the Ribbon Cutting Ceremony for the 57 Main Street Project. *The Board members voted unanimously to grant the blocking of the street or sidewalk on Railroad Street on the contingency that there are no attachments of the tent by way of metal spikes inserted into the pavement or sidewalk. This is also contingent on any recommendations as set forth on the Application by the Police Chief and Superintendent of Public Works.*

Berkshire Gas Permits – *The Board members voted unanimously to approve and grant the permits for Berkshire Gas Company for new gas service at the following locations: a) 230 Stockbridge Road b) 285 Mandalay Road c) 560 Greylock Street d) 360 Devon Road e) 125 Fairview Street f) 137 Center Street g) 51 West Center Street h) 57 West Center Street i) 850 Summer Street.*

4. Pending Business:

- a. Summer 2013 Mini-site Collection – Wednesday, Oct. 2, 2013 – 4:00 PM – 6:30 PM at Great Barrington Recycling Center.
- b. 2013 Household Hazardous Waste Collection – Saturday, Oct. 19, 2013 at 9:00 AM – 1:00 PM – Great Barrington Recycling Center.

5. **Town Administrator:** Mr. Nason updated the Board in regard to the Police Chief Search, He stated that we are on track and next week a meeting of the committee would be organized to look at the applications.

Mr. Nason announced to the Board members that the FY 2013 Revenue and Expense Reports for the period ended September 30, 2013, wouldn't be available until the next day as our Town Accountant has been out of the office.

6. Public Comments:

Bill Navin asked Mr. Nason if any locals had applied for the police chief position and Mr. Nason responded, "yes".

7. Next Regular Meeting: The next regular meeting will be October 15, 2013 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 7:40 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 or litigation position. The members will not reconvene in public session.*

Upon a motion duly made, seconded and unanimously approved by roll call as follows:

AYES

Patricia Carlino
Gordon Bailey
David Consolati

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