

APPROVED ON 12/17/13

## Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – NOVEMBER 5, 2013

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

The Meeting was opened at 6:30 PM and immediately convened in executive session to discuss collective bargaining and litigation strategy, because deliberating during an open session would have a detrimental effect and to reconvene in public session at 7:00 PM. Upon a motion duly made, seconded and unanimously approved by roll call as follows:

AYES

David Consolati  
Patricia Carlino  
Gordon Bailey

NAYS

None

The Chair announced that the members expected to reconvene in open session in a half hour and they reconvened in open session at 7:00 PM.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Minutes of October 15, 2013 and October 22, 2013. The Board members voted unanimously to approve the Executive Minutes of October 15, 2013 and October 22, 2013.*
2. **Public Hearing:** None.
3. **General Business:** Tyringham Road Reconstruction, Construction Phase - Superintendent of Dept. of Public Works, Chris Pompei, P.E., reported that Baltazar Contractors, Inc.'s \$4,365.003 price was the apparent lowest bid of the 11 received by the Massachusetts Department of Transportation (MassDOT) on October 22, 2013. MassDOT will execute a construction contract with the lowest bidder, provided that the Town accepts a "Municipality 110% Agreement" with MassDOT, which makes the Town responsible for construction costs that exceed the base contract by more than 10%. *The Board members voted unanimously to authorize the Chair to sign the Municipality 110% Agreement between MassDOT and the Town of Lee.*

Chris Pompei also presented to the Board the Project Engineer's Fuss & O'Neill's, Contract Amendment No. 8, in the amount of \$38,700 for the Construction Stage Engineering Services. The costs are: Task 1/Bid Stage Services-\$2,800 ± Task 2/Pre-Construction Conference-\$1,800± Task 3/Shop Drawing Reviews-\$5,200± Task 4/Advice & Construction Field Visits-\$25,000± Task 5 /Final Inspection-\$3,900± for a total of \$38,700.00±. *The Board members voted unanimously to accept, with upset limits, Fuss & O'Neill's Contract Amendment, No. 8, Scope of Services as listed in the amount of \$38,700.00.*

*The Board members voted unanimously to accept the \$38,700.00 Chapter 90 Project Approval Request to fund the Construction Engineering Services.*

Oak N' Spruce Resort Sales Center Alterations - Robert Fournier, of SK Design Group, along with Cindy Coach, General Manager of Oak N' Spruce, came before the Board to present their Plan and to state why the proposed alterations do not, in their opinion, constitute a substantial change requiring an amendment to Silverleaf Resorts, Inc.'s July 30, 2004 Special Permit. Mr. Fournier stated that they will be replacing carpets, no impact lighting, new stairway off the porch, they may re-stripe handicap parking. There proposed sign is not a freestanding sign, but will be arrows on the road. Gordon Bailey asked if they would be creating any new units and Mr. Fournier replied that they would not be. Mr. Fournier asked that the Board accept the plan dated October 18<sup>th</sup>, 2013 as it does not create any substantial changes. There will be no added time share units, the signage will be markings on the asphalt, no change to exterior and parking lot lighting. *The Board members voted unanimously that the alterations brought before the Board by SK Design do not constitute a substantial change requiring an amendment to Silverleaf Resorts, Inc.'s July 30, 2004 Special Permit.*

Community Innovation Challenge Grant – Tri-Town Health Dept. – Director, Jim Wilusz came before the Board to present the Berkshire on-line Municipal Permits Program, 2014 Expansion for overview and to ask for the Board's support. The program contains all the standard forms utilize by the Board of Health Departments in Massachusetts including soil testing, septic testing and renewals, food service establishments, sewer, and disposal systems and will enable better tracking. *The Board Members voted unanimously to sponsor the application and authorize the Chair to sign the Local Support Documentation Form.*

Food Truck Permit (Hawkers & Peddlers License) - The Board asked Jim Wilusz to comment on the public health aspect of this request. Mr. Wilusz stated that they meet all the requirements and he has no issues with the applicant. Mike Seward, owner of Amanda's on Wheels came before the Board with an application for a Hawker & Peddler License for the Town of Lee. He stated that he has been invited by Josh Cohen, owner of Moe's Tavern to occasionally park in front of Moe's or nearby to sell food from his truck for special events. *The Board members voted unanimously to grant the Hawker & Peddler License, contingent on receipt of a copy of Amanda's on Wheels State Hawker & Peddler License and that they would be primarily in the general vicinity of Moe's Tavern.*

FY 2014 Massachusetts State 911 Training Grant Application – Gordon Bailey recused himself from the discussion and vote only on this item. Interim Police Chief Glidden made available to the Board the completed the FY 2014 Training Grant Application in the amount of \$10,000.00. The funding is

to meet training and certification requirements for enhanced 911 and medical dispatchers. The specific training listed within the grant application can be modified at any time to meet the needs of the Town with advance approval from the State 911 Department. *The Board members voted unanimously to accept and approve the grant application and to authorize the Clerk, Patty Carlino to execute the application.*

Sustainable Materials Recovery Program Municipal Grant – The Massachusetts Department of Environmental Protection (MassDEP) awarded the Town of Lee a Sustainable Materials Recovery Program Municipal Grant in amount up to \$750.00 for a Targeted Small Scale Initiative earmarked for one or more pre-approved expenses, which include compost bins, recycling bins, public space and outdoor event recycling containers, recycling outreach and educational materials, mercury, paint, automotive waste collection equipment and/or purchase and testing of green cleaning products. *The Board members voted unanimously to sign the acceptance of the grant and to authorize the Chair to sign the Agreement.*

Temporary Sign Permit – Jim Wood presented the Board with an application for a Temporary Sign Permit for Protek out of Troy, New York for all towns to an electronic recycle day at the Lee Congregational Church on Saturday, November 9, 2013 from 9:00 AM – 2:00 PM. They will be accepting all electronics to include monitors, computers, computer games, stereo equipment, copy and fax machines, printers and TV's. They are also accepting any appliances, such as washers, dryers, stoves, refrigerators as well as lawn mowers, snow blowers with the gas removed, exercise equipment and grills. The recycle event will have low fees of \$5.00 for each computer, \$10.0 for any monitor or small TV less than 19", \$15.00 each TV between 19" and 26" and \$20.00 each TV over 26" wide and wood console TV's projection TV's \$25.00 each. Appliances are \$10.00 each. Any cell phones, car, truck batteries are free. Mr. Wood will be contributing a portion of his proceeds to the Lee Congregational Church. *The Board members voted unanimously 'nunc pro tunc' October 31, 2013 unanimously to grant the Temporary Sign Permit to Jim Wood for his electronic recycle day at the Lee Congregational Church from 9:00 AM – 2:00 PM.*

One Day Beer & Wine – Starving Artist Café/Good Purpose Gallery – Gordon Bailey recused himself from all discussion of this item. The Board was presented with a One Day Beer & Wine License request by the Starving Arties Café/ Good Purpose Gallery for a party with dancing from 5:00 PM to midnight on Saturday, November 30, 2013. The Board had no issues with granting this License but tabled the vote until their next meeting pending the question of the sound level of the music they intended.

Berkshire Gas Permits - *The Board members voted unanimously to grant to Berkshire Gas Company the installation of new gas services for the following ten properties: 66 Railroad Street, 300 Summer Street, 470 Summer Street, 320 Summer Street, 110 Laurel Street, 555 Greylock Street, 55 Cliffwood Street, 190 East Street, 210 Greylock Street and 65 Golden Hill Road. The Board members voted unanimously to grant to Berkshire Gas Company the installation of new gas services at 90 Orchard Street and 321 Housatonic Street on the condition that there would be no open cuts to the road and the installation shall be bored under the road.*

Temporary Sign Permit – St. Mary’s School - *The Board members voted unanimously to grant a Temporary Sign Permit and waive the fee to St. Mary’s School for their Annual Holiday Bazaar on Sunday, Nov. 24<sup>th</sup>, 2013 from 9:00 AM – 3:00 PM. The signs to be in place on November 10<sup>th</sup> – November 24<sup>th</sup> (2 weeks prior to the event).*

#### 4. Pending Business:

Resignation of Mary J. Palmer – The Board members were given a copy of a letter from Mary Palmer resigning from the Board of Registrars. The Board announced that anyone interested in being on the Board of Registrars should contact Peg Biron or Sue Scarpa.

Acquisition of Agricultural Preservation Restriction by Dept. of Agricultural Resources – The Board members received notice of proposed acquisition of an agricultural preservation restriction by the Dept. of Agricultural Resources for property on Golden Hill Road, which is required to be read into the record as follows:

“ In compliance with G.L.c. 7, Section 401, the Commonwealth of Massachusetts, acting by and through its Dept. of Agricultural Resources, hereby gives notice that it proposes to acquire an agricultural preservation restriction (“APR”) on the real property indentified herein for the purpose of protecting in perpetuity it superior and productive agricultural resources by preventing their conversion to other uses.

The application received by MDAR indicates that the property is owned by Schweitzer-Mauduit International, Inc. and consists of parcel (s) located at Golden Hill Road and Lenoxdale Back Road as approximately represented on the maps attached. The APR may encompass all or part of the area shown.

The current use of the property is an active hay operation.

Following the recording of the APR, the use of the subject property is limited to agricultural use as more particular set forth in the APR documents, the General Laws [Chapter 184, Sections 31] and the Regulations of the Department [ 330 CMR 22.0 et seq].”

*The Board members voted unanimously to consent to the reduction of public notice from 120 days to 60 days as read into the record.*

5. **Town Administrator:** Seasonal Truck Driver/Laborer Appointment - Mr. Nason announced his appointment of Anthony Giarolo for the Seasonal (Dec. 2, 2013 – March 20, 2014) Truck Driver/Laborer position for a second season. *The Board members voted unanimously to approve Anthony Giarolo’s appointment to the Seasonal Truck Driver/Laborer position.*

Police Chief Search Update - The Police Chief Search committee met on October 28<sup>th</sup> and after considering responses to its questionnaire from 10 (of 11 sent the questionnaire) candidates, invited five candidates for initial interview. Those interviews will not be held in public. It is expected that one or more candidates will be offered a second interview which will be held in public,

notwithstanding the Assistant Attorney General's October 29<sup>th</sup> confirmation the committee is not a public body subject to the open meeting law.

FY 2014 Tax Rate and the Impact on the Average Single Family Home Tax Bill - Mr. Nason announced that the DOR approved the 2014 tax rate of \$14.15 per \$1,000 of property valuation which is a \$0.06 (0.4%) increase. The average single family house valued at \$245,219 will receive a \$5.00 increase. The tax bills were mailed on Monday, Nov. 4<sup>th</sup> with the payment due Wednesday, December 4<sup>th</sup>.

FY 2014 Revenue and Expense Reports through October 31, 2013 – Mr. Nason stated that the reports are available on the Selectmen's work table.

Mr. Nason extended condolences to the family and friends of long serving School Department employee and Ambulance Service volunteer Emergency Medical Technician, Neil Merwin, who passed away on Tuesday, October 29<sup>th</sup>. David Consolati mentioned how that it was nice that he was so honored at the last Lee High Football game and also extended condolences to the family.

Mr. Nason reminded everyone that there are two openings on the Conservation Commission. Anyone interested should contact Kathy Arment at 243-5511.

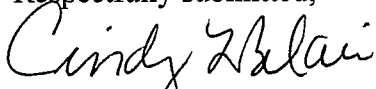
#### 6. Public Comments:

No comments from the public.

7. **Next Regular Meeting:** The next regular meeting will be November 19, 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 8:24 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