

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – NOVEMBER 6, 2012

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

Chairman, Patricia D. Carlino, called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** The public minutes of October 10, 2012, October 16, 2012 & October 23, 2012 and the Executive Minutes of October 16, 2012 were unanimously approved.
2. **Public Hearings:** Mr. Michael Behn, Chief Operating Officer, of J.W. Sandri, Inc., d/b/a Sandri Stop Smart #127, came before the Board with his application for a Wine & Malt Package Store License for the property at 15 Park Street (Lee Sunoco), Lee, MA. He stated that formerly they were leasing the property and they have now taken back control and would like to resume the use of the premises as a package store. Mr. Jeff Kocsis is the manager of the property. Ms. Carlino stated to Mr. Behn that the Board received a letter from the Lee Police Chief, Joseph Buffis in which he states that he believes that the approval of an additional license would be detrimental to both those current license holders and to the residents of Lee. Ms. Carlino gave a copy of said letter to Mr. Behn for his records. Selectmen Bailey commented on the layout of the store and was concerned that the cashiers are quite a distance away from the door. *The Board voted unanimously to continue the application until the next Selectmen's meeting at 7:00 PM on November 20 in order to allow Mr. Behn to go back to the designer to allow for a better layout and to name an on-site manager*
3. **General Business:** Mosquito Control Discussion – Tri-Town Health Director, Jim Wilusz came before the Board to discuss the Eastern Equine Encephalitis and West Nile Viruses, how they are spread and how we can protect ourselves by wearing long pants and reducing outdoor exposure. He also discussed questions about spraying and mosquito control and commented that, in his opinion, spraying gives a false sense of security. Members expressed concern about the \$31,961.00 estimated cost for the program offered by the Berkshire County Mosquito Control Project.

Web Based Tobacco Retailer Training Grant Proposal– Jim Wilusz recalled that Tri-Town Health Dept. staff created a Retailer Training Program without any grant or seed funding and its current format is a power point presentation. Training is offered at least twice monthly in each community requiring the certification as well as evening classes to accommodate others. The certification is valid for three years at which point the clerk must become re-certified. The overall objective is to reduce access to tobacco products to minors and to train retail store clerks in additional communities. The Tri-Town Health Dept. in collaboration with local boards of health and the Berkshire Health System is seeking funding to expand and convert the existing “Certified Tobacco Retailer Clerk” training to an innovative, interactive and user friendly web-based program. *The Board voted unanimously to approve and support the Tri-Town Health Department's application for 2013 Community Innovation Challenge grant application for the Tobacco Retailer Certification proposal and to allow the Chair to sign the Grant Application.*

Grant Application for Funds for Regional Sharps Collection – Jim Wilusz came before the Board to present a Solicitation of Interest in participating in a grant application to create a regional sharps collection program. Currently there are no sharps collections in Lee. *The Board voted unanimously to allow the Chair to sign off on the Application of the Berkshire County Regional Sharps Collection Program.* Chris Pompei, Superintendent of Public Works stated that he thinks the program is a good idea as they have had sharps put into the sewer collection system.

Brownfields Clean-up – Melissa Provencher presented to the Board the intermunicipal agreement with Berkshire Regional Planning Commission (BRPC) for Environmental Protection Agency (EPA) cleanup grant management and subcontracted Licensed Site Professional Services for the 25 School Street Cleanup. The Agreement does not include the demolition of the building which will be separately contracted. Funding for the project includes a \$100,000.00 EPA grant, the town's \$20,000.00 contribution and BRPC's revolving loan fund hazardous grant of \$69,576.00. That \$185,585.00 is enough to do budgeted clean up and includes demolition. *The Board voted unanimously to enter into an Agreement with Berkshire Regional Planning Commission and to conduct the Cleanup Project at 25 School Street and to allow the Chair to sign the Agreement, contingent on TRC putting the specifications together.*

Bridge Repairs – Chris Pompei came before the Board to discuss the repairs to the Willow Street Bridge. Pursuant to MassDOT's inspection, it was recommended that the bridge sidewalk be closed to pedestrian traffic, because of the web crippling and buckling due to section loss. The cost estimate to replace the sidewalk is \$200,000.00 and the estimate to do all the bridgework is \$400,000 - \$500,000. Chris explained that at this time they are only evaluating the top 10 bridges with repairs needed and the cost of those repairs is an estimated 7 million.

Winter Sand Purchase Award– Chris Pompei came before the Board to announce the bids received for the purchase of washed winter road sand. The only bid received which included delivery was from Donovan & Son at \$13.50/ton. The Berkshire Regional Purchasing Group received a price of \$11.50/ton but it did not include delivery. The DPW cannot pick up winter sand because of the sanders on the trucks which makes it difficult to do so. *The Board voted unanimously to award the contract for winter road sand to Donovan & Son at \$13.50/ton, delivered, and to allow the chair to sign the contract.*

Woodland Road/Washington Mountain Road Repairs – Chris Pompei came before the Board to present the quotes received to repair Woodland Road and Washington Mountain Road damage caused by Tropical Storm Irene in August of 2011. Quotes were received from LB Corp and James Leahey Excavating. Leahey offered the lower price on both projects. *The Board voted unanimously to award James M. Leahey Excavating a \$4,000.00 contract to repair Washington Mountain Road and a \$9,930.00 contract to repair Woodland Road, both awards subject to Massachusetts Emergency Management Agency's approval of the project funding; and, to authorize the Chair to sign the agreements.*

Council on Aging FY 2013 Formula Grant Application– *The Board voted unanimously to approve and authorize the Chair to sign nunc pro tunc October 25, 2012, the Council on Aging FY 2013 Formula Grant Standard Commonwealth of Massachusetts agreement.* Mr. Nason announced that Gail Rothwell, the new Council on Aging Director, will be at the next meeting to introduce herself to the Board.

57 Main Street Rehabilitation - *The Board voted unanimously to approval and to the Chair to sign nunc pro tunc October 25, 2012, the Community Development Block Grant/Economic Development Fund Grant Loan and Master Subrogation Agreements.*

FY 2014 Operating Budget Guidelines – Mr. Nason presented the November 5, 2012, draft FY 2014 budget guidelines stipulating, provided that state aid is not reduced and the Town is able to achieve health insurance premium reductions through plan design changes, non union personnel expense increases of 1.5%, an adjustment similar to the 1.7% cost of living adjustment to be afforded Social Security recipients in 2013. Non personnel expenses are to be level funded. Mr. Nason clarified that the non union personnel expense guideline includes a 1.5% increase for those at or above the top step (12). *The Board voted unanimously to approve and accept the memo for the FY 2014 Operating Budget Guidelines.*

Application for Entertainment License – Sullivan Station – Darlene Zradi – 10/19/12 – Cancer Fundraiser – *The Board voted unanimously to approve the Entertainment License for Sullivan Station nunc pro tunc October 19, 2012.*

Application for Entertainment License – Sullivan Station – Darlene Zradi – 11/9/12 – Fundraiser for Lee Ambulance - Darlene Zradi came before the Board to request an Entertainment License for a Fundraising event on Nov. 9, 2012 for the Lee Ambulance. Ms. Zradi stated that they would have a band with 1-5 persons and would like the license to be from 9:00 PM – midnight. Bob Healey and his wife, Olia Healey, came before the Board to air their grievances. They own the Chambery Inn across the street from the Sullivan Station. Mr. Healey stated that their last fundraiser's band "Whiskey City" was too loud and played way too late into the morning hours. He stated that there were 6 members of the band, not the five that was stated on the application for the entertainment license. He also told the Board that as patrons were leaving the parking lot, they were loud and lingered. He stated that his patrons complained of the noise as they were trying to sleep and this loud entertainment hurts his business. *The Board voted unanimously to grant the entertainment license to Sullivan Station and to allow the Chair to sign the license.* The Board stated that they should try to start shutting down around 11:30 PM and to send an employee out to the parking lot to keep the people moving. Mr. Bailey said that we would have to keep an eye on it and to alert our Police Chief to also keep an eye on the situation.

Berkshire Gas Permits - *The Board voted unanimously to grant to Berkshire Gas Company permits to install new gas service at the following locations: 440 Spring Street, 768 East Street, 80 Pease Terrace, 175 Marble Street and 270 Summer Street.*

St. Mary's School – Temporary Sign Application – St. Mary's Bazaar – Heather Lorance Ralph – *The Board voted unanimously to grant the temporary sign permit to St. Mary's School for their Bazaar, for the period of November 8th – November 18th.*

4. Pending Business: Reverse 911 Options - Mr. Nason reminded the Board that at the next meeting on Nov. 20th, the Board is tentatively scheduled to consider the Reverse 911 Options. To date, there has been a 50-50 split on feedback. Mr. Bailey stated concerns with Blackboard Connect in that it has 10,000 minutes/yr. and he wanted to know what that means exactly and what would the cost be if we went over 10,000 minutes/yr. The Board agreed to re-visit this issue at the meeting on November 20th.

Zoning Board of Appeals Hearings - (i) Wednesday, Nov. 14, 2012 @ 7:00 PM – Variance application for a Hearing on the application of James Bewick for a variance from the Zoning Bylaws

(Table of Dimensional Requirements) in order to construct an addition to an existing deck. (ii) Wednesday, Nov. 14, 2012 @ 7:30 PM – Variance application for a Hearing on the application of Anne Hutchinson Guest for a variance from the Zoning Bylaws (Table of Dimensional Requirements) in order to construct a tram within the side yard setback.

5. **Town Administrator: - Personnel** – Mr. Nason asked Chris Pompei to comment on a seasonal truck driver/laborer appointment. Chris Pompei stated that he and Dennis Kelly conducted three out of seven applicants, and they recommend James White as the Truck Driver/Laborer for the winter season. Whereupon Mr. Nason appointed Mr. White as the seasonal truck driver/laborer for the period of December 3, 2012 through March 21, 2013; and, the *Board voted unanimously to support the appointment.*

Mr. Nason announced the retirement of Public Works truck driver/laborer, John Curtin, as of January 1, 2013. John has been with the town for more than 15½ years. Mr. Nason informed the Board that we would advertise in the Berkshire Eagle and The Berkshire Record to fill his position. *The Board accepted, with regret, John Curtin's retirement and wished him well in his future endeavors.*

Mr. Nason brought before the board a memo from Chief Buffis reporting that the Berkshire County Retirement Board requires retired police employees to be re-appointed after they retire in order to work outside details. The Police Union contract, section 4.8 also has a clause that refers to retired officers being appointed as Traffic Officers. Whereupon Mr. Nason appointed retired police officers, Henry Smachetti, John Winters, James Loring, Philip Skowron and William Tierney, as Special Officers. *The Board voted unanimously to support the appointments.*

FY 2013 Property Tax Rate Approval and Billing Payment Schedule - Mr. Nason presented to the Board the FY 2013 Property Tax Rate Approval and Billing Payment Schedule. DOR has accepted the re-cap and the real estate tax bills have gone out and are due on December 7, 2012. It was noted that the Senior Citizen Property Tax Write-Off Abatement Program and the Elderly and Disabled Taxation Fund Assistance Program are available to assist seniors and the disabled to pay their local property taxes.

Hyde Place Parking, Temporary Problem Resolution - Mr. Nason presented a memo that he wrote in response to a request from a Hyde Place resident, regarding designated municipal parking for the residents of Hyde Place. We currently have designated seven parking places along the north side of the Airolti Building and two places in the middle of the municipal parking lot for residents of Hyde Place. A request was made that in lieu of those spaces we assign the area diagonally across from the Hyde Place entrance. That area extends from the end of the new BRTA bus stop to the southerly corner of the Bully's Eye Pub and it is currently used for municipal parking. After reviewing the requested space with Public Works Superintendent, Chris Pompei, and discussing the request with Berkshire Housing Services' Property Manager, Tina Gonzalez, Mr. Nason told Ms. Gonzalez of our plans to develop the area which might eventually displace some municipal parking, including the parking currently designated for the use by the residents of Hyde Place. Mr. Nason encouraged her to pursue a long term solution, but in the interim, with the Board's approval, we could temporarily accommodate the parking space request. This is offered as a short term solution and should have minimal impact on other residents and commerce. *The Board agreed to allow these specific parking spaces on a temporary basis to Berkshire Housing Services Hyde Place Residents.*

Friday, November 16th Memorial (Town) Hall Office Closing from 10:00 AM to Noon for a Municipal Staff Meeting - Mr. Nason announced that there will be All Staff Meeting on Friday, November 16, 2012 from 10:00 to 12:00 in the Courtroom and in order that all employees may attend, we will be closing all Town Offices **with the exception of the Town Collector's Office.**

The Agenda will include: i) FY 2014 Revenue and Expense Discussion ii) Presentation by the Berkshire county Retirement System to review benefits and changes iii) Introduction to our new representative from Nationwide (deferred compensation) and iv) Presentation on our new Employee Assistance Program.

Revenue & Expense Reports, FY 2013 through October 31, 2012 - Mr. Nason announced that the Revenue and Expense Reports for FY 2013 through October 31, 2012 are on the Select Board's work table for their review.

6. **Public Comments:** Ann Langlais came before the Board to announce a free seminar at Cranwell Resort on Thursday, Nov. 8, 2012 by Wise Choices for Lee hosting Canadian health expert Carmen Krogh. "Wind Turbines Learn the Truth" discussion will involve health issues and property values.
7. **Next Regular Meeting:** The next regular meeting will be November 20, 2012 at 7:00 PM in the Courtroom.
8. **Motion to Adjourn to Executive Session:** *At 8:55 PM roll call and upon agreement of the members, the Board adjourned the regular meeting to go into Executive Session to discuss collective bargaining strategy regarding the Lee Police Association, because a public discussion would have a detrimental effect. The members will not return to public session.*

Upon a roll call, the vote was as follows:

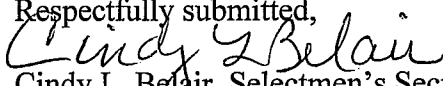
AYES

NAYS

David Consolati
Patricia Carlino
Gordon D. Bailey

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