

APPROVED ON 12/3/13

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – NOVEMBER 19, 2013

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

The Chair, Gordon Bailey, opened the meeting at 7:00 PM.

1. **Approval of Minutes:** The approval of the Public and Executive Minutes of November 5, 2013 was tabled until the next Select Board meeting on Dec. 3, 2013.
2. **Public Hearing:** None.
3. **General Business:** Medical Marijuana Dispensary - Elizabeth Quinlan and Mike Kulig came before the Board to discuss their request for a letter from the Select Board stating their non-opposition to the site location of the proposed dispensary on 80 Runway. The dispensary will be operated from a secure commercial building located in the industrial park. The letter will state that the Select Board has taken no action with regard to the site and understands that the approval is awarded by the state. They are a business with Berkshire Engineers with 20 years experience. They comply with all Board of Health requirements. They will be located the 2nd floor of a multi-level building with security cameras, lighting and fencing. They will provide vehicle delivery with product on the shelf, ready for market. Their product will consist of oils, pills, and more scientific growing and processing. They will be carefully regulated and crafted.

The Board asked Jim Wilusz, Tri-Town Health Director to speak before the Board regarding the dispensary. Jim stated that the local boards are not that involved as they haven't been approached and that they do have their concerns. He stated that he couldn't put together a letter of support at that time, to which Ms. Quinlan responded that she wasn't looking for letters of support.

The Board asked Planning Board member, Tom Wickham to speak to the Board regarding the dispensary. Tom stated that the Planning Board is not opposed, though they missed getting the issue before Town meeting as they had publication problems. Gordon suggested that they present their proposed zoning by-law at the May, 2014 Town Meeting.

Ms. Quinlan said that she discussed the issue with the town attorney and approval is due on the 21st. As a non-profit they are required to have readily available cash in the amount of \$500,000 and \$30,000.00 for the application fee.

The Board members voted unanimously to draft a letter of no opposition to the site located of the proposed dispensary on 80 Runway and to authorize the Chair to sign the letter.

Conservation Commission Representative – Kathy Arment, Chair of the Conservation Commission and Stuart Dalheim, Co-Chair, came before the Board to increase awareness of their work and to explain what their Commission does.

The role of the Conservation Commission is to protect wetland environments and enforce the Scenic Mountain Act. She explained that they are a busy Board of 5 members that have been involved in the Big Y, bridge on Tyringham Road, the Solar Power on Town-Owned Land Project, the turnpike, the boat ramp reconstruction and the boat wash and they still have NOI's (Notice of Intent) coming in. They have a new on-line permitting process, a new mapping system and a new tracking system. Stuart Dalheim explained that with the mapping system they can view any spot in town on the computer. Gordon asked if they could use more help. Kathy explained that a full Board consists of seven members and they need two new members. There is no college background needed. They meet on the 1st and 3rd Wednesday of each month. They encourage prospective members to come to a meeting and sit and watch to see if this is something they would be interested in. Gordon asked if they can have associate members and Kathy responded that they can. The Board thanked Kathy and Stuart for coming and explaining what it is that they do and anyone interested should attend a meeting.

One Day Beer & Wine License – Starving Artist Café - Gordon Bailey recused himself from the discussion and the vote. This issue was carried over from the last Select Board meeting as the Board had questions about the decibel level of the music. Freda Grim came before the Board to explain what they were doing and to discuss the noise level. She stated that they were just going to have a stereo with and I-Pod. The party will be on Saturday, Nov. 30th from 6:30 – 10:30 and everyone will be out by midnight. *The Board members voted unanimously to grant a one day beer and wine license to The Starving Artist Café for a party on November 30, 2013.*

Winter Sand Contract - The Board reviewed a memo from Department of Public Works Superintendent, Chris Pompi, P.E. regarding bids received for the purchase of washed winter road sand. The only bid received was from Donovan & Son in the amount of \$13.50/ton delivered, which bid for FY 2014 is the same amount as their bid for FY 2013. *The Board members voted unanimously to accept the recommendation for the bid from Donovan & Son in the amount of \$13.50/ton delivered.*

FY 2015 Operating Budget Guidelines - The Board reviewed the FY 2015 Operating Budget Guidelines presented by Bob Nason, which proposed a 1.5% increase equivalent to the COLA Social Security increase as of January 1, 2014. This would be the same increase afforded the school department employees. Bob noted that the proposed guidelines once again, aim to level fund non-personnel expenses.

Patty Carlino asked when the Capital Outlay and Special Articles Requests are due and Bob responded that the Capital Outlay Requests (requests over \$10,000) are due by February 28, 2014 and the Special Article Requests (requests \$10,000 or below) are due by March 21, 2014.

Bob stated that he hopes to get the Budget Sheets out by the end of the week.

The Board members voted unanimously to accept the Administrator's Guidelines as presented.

Temporary Sign Permit - The Board members reviewed the temporary sign permit application submitted by the First Congregational Church for their Holiday Fair on Dec. 7, 2013. There will be two signs; one to be placed at the Masonic Lodge and the other on Housatonic Street. *The Board members voted unanimously to grant, effective immediately, the temporary sign permit to the First Congregational Church for two signs and to waive the permit fee.*

Rest of River Communities Technical Assistance Request - The Berkshire Regional Planning Commission's Request for Technical Assistance, District Local Technical Assistance Program, 2014 was presented to the Board for their approval. The grant will support Berkshire Regional Planning Commission's assistance for the "Rest of River" communities efforts to ameliorate the socio-economic impacts of General Electric Company's cleanup of the Housatonic River, with Pittsfield being the lead city. *The Board members voted unanimously to sign the letter of application and to authorize the chair to sign the Application.*

Board of Registrars Appointment - Mr. Nason presented to the Board a letter of recommendation from Suzanne Scarpa, Town Clerk and Board of Registrars for the appointment of Rosemarie Borsody to be appointed to the position recently vacated by Mary Palmer. This recommendation was also endorsed by Margaret Biron, Chairman of the Democratic Committee. *The Board members voted unanimously to support the recommendation of Rosemarie Borsody to the appointment to the Board of Registrars to fill the vacancy left by Mary Palmer.*

Temporary Sign Permit - The Board members reviewed the Temporary Sign Permit Application presented by Zabian's Jewelers for their annual Sale through December 31, 2013. *The Board members voted unanimously to grant the Temporary Sign Permit to Zabian's Jewelers for their annual sale.*

4. Pending Business: None

- 5. Town Administrator:** - Police Chief Search - Mr. Nason announced to the Board that the Search Committee for the Police Chief has been narrowed down from 70 applicants to 2 applicants after the committee reviewed their resumes and questionnaires and had an initial interview. The two finalists are Brian Reseter from New Jersey and Jeffrey Roosa, an internal applicant.

The second interviews will be held on Tuesday, November 26th at 6:15 PM in the former courtroom. Mr. Nason stated that we would be contacting CTSB to televise the interviews. The public is invited to listen to the interviews and will be given sheets to hand in with any opinions or notes on any given applicant.

Mr. Nason stated that he hopes to make the Police Chief appointment at our next meeting on December 3, 2013.

Acknowledgment – Mr. Nason acknowledged the cost savings efforts in the National Pollutant Discharge Elimination Permit Application achieved by Al Zerbato and Chris Pompei who completed the application, rather than pay a consultant \$14,900.00 to prepare the application.

Gordon Bailey inquired about the status of the Tyringham Road Water Line replacement project. Mr. Nason said that he is happy to announce that the job is complete and we should have the final documents next meeting.

6. Public Comments:

There were no comments from the public. David Consolati announced that at their Installation and Awards Dinner on Tuesday, November 19, 2013, the Lee Chamber of Commerce honored the following community leaders for their contributions to the Town of Lee:

- **Citizen of the Year (Tie):** Henry's Electric / Lee Bank
- **Lifetime Achievement:-** Richard Francis "Dick" Shields – President, Dresser-Hull
- **Distinguished Service:** Porchlight VNA/Home Care
- **Volunteer of the Year:** Joan Wickham, Visitor Information Center

The Board Members extended their congratulations and thanks.

7. **Next Regular Meeting:** The next regular meeting will be December 3, 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 7:55 PM and to convene in Executive Session for the purpose of discussing strategy with respect to collective bargaining and litigation strategy 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

NAYS

Patricia Carlino
David Consolati
Gordon 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