

APPROVED ON 1/7/14

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – DECEMBER 3, 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 Minutes of November 5, 2013 was tabled until the next Select Board meeting on December 17, 2013. *The Board members voted unanimously to approve the Public Minutes of November 19, 2013.*
2. **Public Hearing:** Scarafoni Associates – Special Permit – Bob McIntosh, Architect and David Carver, Managing Partner came before the Board to present their application for a special permit to amend the original Special Permit (6/12/78) and subsequent modifications to allow for the construction of two single-story duplex dwellings, as illustrated on the plans brought before the Board. Each new duplex building will have a footprint of 2,072 square feet. The primary purpose of the application is to provide two dwelling units that comply fully with accessibility requirements as defined by 521 CMR (MA Architectural Access Board).

The owners then proposed an amendment to their Application submitted, to request two, two-story buildings on the same locations with 4 units (one up / one down). The 1st floor units would be one bedroom, handicapped accessible and the 2nd floor units would be two bedroom units. The benefits of these units would be smaller roofs and foundations, no parting wall, more natural light, better ventilation, with somewhat bigger square footage.

Because the amendments were not vetted by other Boards for comment, Chairman Gordon Bailey suggested that they ask permission of the Board to withdraw their application, without prejudice, and resubmit revised plans for review.

The Board members voted unanimously to allow Scarafoni Associates to withdraw their application, without prejudice.

The Board announced that they would be taking the agenda out of order at this point to accommodate those in attendance to hear Mr. Nason's personnel announcement.

5. **Town Administrator**

- a. Personnel – Mr. Nason, at the unanimous recommendation of the Police Chief Search Committee, appointed, subject to the Select Board's approval, Police Sergeant Jeffrey D. Roosa to serve as

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our Chief of Police. One of 70 candidates for the position, Jeff was recommended by the committee on November 26th following public interviews and thorough deliberation. An agreement was reached on the terms of his employment contract, which was presented to the Board for their consideration.

Mr. Nason thanked the members of the Police Chief Search Committee who met on four occasions before offering their recommendation. The 9 individuals representing a cross section of the community who served on the committee are as follows:

Neil Clarke, Personnel Committee Chair and Town Meeting Representative.
Ann Deely, Local Attorney and Former Planning Board Member
Buck Donovan, Lee Youth Assoc. President, Planning Board Member and Town Meeting Representative
Ronald Glidden, Interim Police Chief
Marilyn Hansen, Local Businesswoman and Conservation Commission Member
Norma Maroney, Retired Council on Aging Director
Marcia Slaminsky, Lee Business Owner
Alan Sparks, Fire Chief
Joseph Turmel, Lee Middle and High School Principal

Mr. Nason presented the Police Chief Contract to the Board for their approval. He stated that it is the standard contract except for a revision to the termination and severance provisions. Patty Carlino asked if the Emergency Management Director duties was in the contract and Bob responded that it was and it is under Section 5-F. *The Board members voted unanimously to approve the Contract between the Town of Lee and the Police Chief.*

Mr. Nason also presented the Contract for the Police Consultant, Ronald Glidden on a 20 day basis to permit Ron to assist Jeff during the transition period. *The Board members voted unanimously to approve the Contract between the Town of Lee and the Police Consultant.*

3. **General Business:** Remediation Plan for 25 School Street – Town of Lee USEPA Brownfields Cleanup Grant - Melissa Provencher, Senior Planner/Brownfields Program Coordinator of Berkshire Regional Planning Commission and Tom Biolsi, project manager with TRC Environmental Corporation, an environmental firm hired to oversee the cleanup of the 25 School Street Property, came before the Board. The residential property consisting of 1/10 acre which has been vacant for a number of years was foreclosed on in 2007. The oil tank on the property leaked into the ground and the soil has been dug up and tested. The property needs to come down and there are three options in cleaning up the property, all which include taking down the building...1) Take down the building and nothing else to be done, 2) Take down the building and take additional samples by digging up the soil, 3) Take down the building and treat the soils chemically on site. The third option is what is being recommended by Melissa Provencher and Tom Biolsi. After the cleanup there could be a use restriction required on the property. Gordon Bailey asked when this would happen and if it would possibly be in the spring and Tom responded that it would absolutely be in the spring. Patty Carlino asked if the grant would cover the cost of the clean up and Melissa

responded that it probably would and that we could request additional funds if needed. Bill Navin asked what we would do with the lot and Gordon stated that we were not sure at this time.

Federal Emergency Management Assistance - Gordon Bailey recused himself from the discussion and vote on this subject. The Board members reviewed the FEMA grant for the February 8-9, 2013 blizzard in the amount of \$30,013.01. *The Board members voted unanimously to approve the Commonwealth of Massachusetts Standard Agreement in the amount of \$30,013.01 and to authorize the clerk to sign it.*

FY 2014 License Renewals - *The Board members voted unanimously to approve the License Renewals for 2014 for Liquor Licenses (27) , Common Victualer's Licenses (37), Annual Entertainment Licenses (10) Innholder's Licenses (10), Class II Licenses (1), and Amusement Devises (3) as read into the record by Chair, Gordon Bailey (see attached sheet).*

Gordon noted that, the total fees collected for Liquor Licenses is \$16,750.00 and other fees in the amount of \$2,010.00, for a total of \$18,770.00 to date.

Wastewater Treatment Plant Construction Completion Certificate – The Board reviewed the Project Completion Certificate which needs to be signed by the Chairman. By signing this document DEP can complete the project and put it into its archives. DEP is required by program requirements to have this signed form, otherwise the project remains open.

Since the Chairman has changed, a new Certifying Authority to File is also needed. This certifies that the Board of Selectmen appointed the Chairman as the Authorized Representative and the current Chairman is Gordon D. Bailey.

The Board members voted unanimously to approve the Construction Project Completion Certificate and adopt the resolution appointing Chairman Gordon Bailey to act as the Certifying Authority to file the completion certificate.

Mass State Lottery - M.G.L.c 10, Section 27A notification - The Board members reviewed a letter from the Massachusetts State Lottery Commisison which stated that it is offering existing non-pouring agents a new product KENO To Go, a transaction which is identical to the already existing on-line games, such as Megabucks and Mass Cash. In accordance with M.G.L. c 10, section 27A, as amended, we are hereby notified that there are existing agents in our community that are qualified to apply for KENO To Go, which is the Big Y Express, 320 Housatonic St., Lee, MA. If any one objects to this agent selling KENO To Go, they must do so, in writing, within twenty-one (21) days of receipt of the letter received on Nov. 14, 2013.

Berkshire Gas Permits - *The Board members voted unanimously to grant the permits for installation of new gas services at 20 & 22 Stockbridge Terrace.*

Utility Cut Permit Application & Trenching Permit Application – GS4 Technology – Mass Broadband Fiber Optic Network - *The Board members reviewed and unanimously approved the Utility Cut Permit Application for GS4 Technology for the Mass Broadband Fiber Optic Network to*

the Town Hall Building with the stipulation that there will be no final patching during the winter. The final patch shall be made after the frost is off the ground in the Spring.

4. Pending Business: None

- a. Planning Board – Rodney Clark – Special Permit – Dec. 23, 2013 at 6:15 PM at 32 Main Street, under Section 199-4.2 G(5) (o) Permitted Uses (Club conducted for profit) of the Town of Lee Zoning Bylaw to operate a leased commercial kitchen – 189 Water Street.
- b. Planning Board – Oak N’ Spruce – Special Permit – Dec. 23, 2013 at 6:45 PM at 32 Main Street, under Chapter 164-1 the Scenic Road Bylaw of the Town of Lee – Meadow Street.
- c. Winter Parking Ban - The “Winter Parking Ban” is in effect from November 1st to April 1st between the hours of 1:00 AM and 6:00 AM for all streets in Lee. Violations of this ban may result in a \$20.00 fine for parking in prohibited areas, or a \$50.00 fine for impeding snow removal. In addition, if the vehicle is impeding snow removal, it may be towed at the owner’s expense.

The Municipal parking lots off of Railroad Street and Franklin/High Streets may be used for overnight off street parking. However, vehicles in those lots must be moved by 8:00 AM to allow the Department of Public Works to manage snow and ice removal.

Persons having questions about off street parking or the Winter off-street parking ban can call the Lee Police Dept. at 243-5530.

5. Town Administrator: (con’t)

- b. FY 2014 Revenue and Expense Reports through October 31, 2013 – Mr. Nason stated that the reports are available on the Selectmen’s work table.
- c. Mr. Nason announced the resignation of Officer Todd Briggs effective Dec. 1, 2013. Officer Briggs will be joining the Sheriff’s Dept. working on the Drug Task Force Unit. Mr. Nason read a letter from Chief Glidden congratulating Officer Briggs. *The Board members accepted, with regret, the resignation letter of Officer Todd Briggs.*

d. Public Comments:

None.

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

- f. **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 because deliberating in open session may have a

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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

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