

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN

MINUTES OF MEETING – APRIL 10, 2012

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

Selectman, David J. Consolati, Chairman, opened the meeting at 7:00 PM.

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board voted unanimously to approve the Minutes of March 20, 2012 and March 23, 2012.*
2. **Public Hearings:** None
3. **General Business:**

Ambulance Service Upgrade Option. As the members of the Board reviewed the power point and spreadsheet handouts detailing their proposal, Ambulance Service Director, Lisa Michaud, and EMT, Jesse Briggs, presented the benefits and costs of upgrading the service from the intermediate to paramedic level. Currently a private service responds from Pittsfield when paramedic services are required. Consequently, there is a 15 to 20 minute delay before a patient can receive life-saving medications and procedures. If the upgrade plan is approved locally and by the state licensing authority, the service will initially provide paramedic services daily from 6:00 am to 6:00 pm, when most of the paramedic service calls occur. In the fourth year paramedic services will be offered 24 hours a day seven days a week. The estimated \$68,000 added personnel expenses for the first year (FY 2013) will be offset by a substantial reduction in contracted paramedic services and higher fees associated with the higher level of service.

David Consolati read a letter of thanks from Jason P. McCandless to express the School Department's gratitude for the work for the Lee Ambulance Service, the Lee Fire Department and the Lee Police, when one of their school buses was struck by a truck at the intersection of West Park Street and Prospect Street.

MassBroadband – Point of Interconnection & Ambulance Garage.

Herb Nickles from Massachusetts Broadband Institute came before the Board to talk about the Mass Broadband 123 Service Area and Network Points of Interconnection. He stated that the connection would be at a secured site in the basement of the Ambulance Garage at MassBroadband's cost. The License Agreement reviewed by Town Council, was presented to the Board. The initial license term will be 5 years and the initial term will terminate on the 5<sup>th</sup> anniversary of the Effective Date and will automatically renew for 4 additional 5 year terms. Each 5 year term shall be defined as an "Extension Term". One of the advantages of being a critical hub is that it is the first area attended to when there are problems. Lisa Michaud, Ambulance Service Director, confirmed that the space being used is an unutilized area. The installation would consist of 1 day to install the equipment, after the required wiring. The area would have a separate entrance from the outside. Gordon Bailey asked about the timing and

Mr. Nickles responded that the hub would be ready by the end of the calendar year, upon expiration of their grant in June 2013. *A Motion was duly made and seconded, allowing the Chair to sign the contract.*

#### Solar Power Generation on Town-Owned Land.

Tom Wickham came forward to Request that the Select Board include the Lee Solar Photovoltaic Project on the May 10, 2012 Town Meeting Warrant. The three properties involved are the former Landfill, the Wastewater Treatment Plant and Stockbridge Road. Broadway Electric donated 4 solar panels to the Elementary and the Middle High School, along with grants in the amount of \$5,000.00 to each school.

The members reviewed the April 19, 2012 draft of the "Town of Lee Photovoltaic Project" prepared by its agent, Beth Greenblatt, Managing Director of Beacon Integrated Solutions for the April 19, 2012 Public Forum to be held at the Lee Middle and High School. The first year savings to taxpayers for the solar project would be approx. \$65,000, with net metering credits. Net metering allows Lee to achieve credits from WMECO for the electricity provided to the grid in an amount great than the payments made to Broadway for the electricity generated. Mr. Wickham acknowledged that the Energy Efficiency Advisory Committee has worked diligently with the neighbors of Stockbridge Road and that the majority of them, after many negotiation sessions, have agreed to the project. Gordon Bailey asked Mr. Wickham about an escrow agreement for the cost to remove the panels, etc., if the company goes "belly-up", etc. Mr. Wickham assured him that that language is in the contract. DeeDee Consolati stated that she still thought it was a "poor use" of the Stockbridge Road property and that the increase in traffic was a major concern. She feels that big business will be taking the land, giving a small amount back to the town, while keeping a large portion for themselves. She stated that there should be a public hearing. Tom Wickham said that there would be no paving and the parking lots would be grass parking lots. He disagreed that there would be a 100% increase in traffic and that making such statements was a "scare tactic".

Gail Ceresia wanted to know who was on the Energy Efficiency Advisory Committee and Mr. Nason responded that the information was in the annual report, and that he recommended the committee members; namely, Tom Wickham, Chair, Bill Maroney, Roger Scheurer, Jerry LePrevost and Bill Enser, who were selected because of their interest and expertise. Mr. Nason informed Ms. Ceresia that all the information on the projects are on the Town of Lee website, have been on televised Selectmen Meetings and that the plans have been in the Selectmen's office, as well as being brought to various Selectmen Meetings. David Consolati also informed her that all postings were available in a book at the front door of the Lee Town Hall and that the two forums; one in Lenox and another in Lee will be very informative.

Tom Wickham confirmed that only 3 acres were being used for the solar and 3 acres for the soccer fields. There would be minimal tree cutting, consisting of overgrown brush, etc. He also stated that the project is "all or nothing" regarding the use of the three properties, as they are all tied together.

Patty Carlino wanted to know about the buyback provision after 15 years and the assessment of the arrays if we wanted a buy back. Gordon Bailey stated that questions regarding the Solar Project would be fully discussed in detail at the Lenox and Lee Forums.

Massachusetts Cultural Council – Response to former Lee Cultural Council Member.

Sharon MacDonald came before the Board to discuss the April 3, 2012 letter she received from Jennifer Lawless at the Massachusetts Cultural Council. She stated that her concerns were discussed but not validated. David Consolati stated that there was no good resolution. Gordon Bailey thanked Sharon for her past help on the council and that her stepping down was a loss to the Town.

DeeDee Consolati stated that the Reading Program at the Lee Library has not been funded by the Cultural Council. The Board told her that the Reading Program has been re-instituted and was paid by a Lee family that has been an “advocate” of the program for many years. Mary Theresa Valliere, a teacher at St. Mary’s School, made comment that placing people on the council with experience is crucial and that inexperience is problematic.

Gordon Bailey said that mistakes may have been made and that there is a lot to reflect on. Ms. MacDonald said that since 1970 the local agency’s sole purpose is to appropriate funds and initially it was for funding musicians, etc. Patty Carlino responded that different councils think differently.

Turnpike, Fire, Ambulance & Hazmat – Contract with Mass DOT.

The Turnpike Fire, Ambulance & Haz-Mat 4 year Contract with Mass DOT was brought before the Board for their approval. *Upon a motion duly made and unanimously approved, the members voted to authorize the Chair to sign the contract.* A Massachusetts Department of Transportation Settlement and Release for Fire, Ambulance and Haz-Mat response services and accidents along I-90 from January 1, 2009 to February 29, 2012 for \$7,400.00, was presented to the Board. *Upon a motion duly made and seconded, allowing the chair to sign, the Board voted unanimously to accept the Settlement and Release.*

Dispatch Center Air Conditioning Award.

The Members reviewed Police Chief, Joe Buffis’, February 9, 2012 Procurement Report and Recommendation to award the work to Berkshire Heating and Cooling, the lower of two prices received. The quotations for the Air Conditioning of Dispatch and 911 areas were brought before the Board. *Upon a motion duly made and seconded, the Board voted unanimously to award the work to Berkshire Heating and Cooling for the price of \$6,820.00 and to authorize the Chair to sign the Agreement.*

In-Town Transportation for Seniors Contract Award.

The members reviewed Abbott’s Limousine & Livery Service, Inc., March 15, 2012 quote, the sole response to the March 7, 2012 Request for Quotations. *Upon a motion duly made and seconded, the Board voted unanimously to award the work to Abbott’s Limousine & Livery Service, Inc. for the price of \$14,400.00 and to authorize the Chair to sign the agreement.*

### Trench Backfill and Pavement Repair Standard.

The members reviewed Superintendent, Chris Pompei's, April 2012 proposed Trench Backfill and Pavement Repair Standard. A permanent pavement patch shall be completed within 4 weeks after the trench work has been completed. The edges of the trench shall be saw cut back and excavated to a well compacted sub-base surface. Exposed edges and base shall be tack coated and a minimum 3 inch binder course shall be placed and compacted. A minimum 1 ½ inch top course shall be placed and rolled flush with the existing road surface. All asphalt shall meet the Mass Highway Class I Bituminous Concrete Spec. The cold weather repair: If work is done when hot-mix asphalt is not available, the contractor will be responsible to maintain trench surfaces with cold patch. Cold weather repairs shall be permanently patched as soon as hot mix is available. Road opening shall be plated over night while the flowable fill hardens. The Highway Dept. shall be notified of the exact location. *Upon a motion duly made and seconded the Board voted unanimously to accept, Mr. Pompei's Trench Backfill and Pavement Repair Standard proposal.*

### Health Insurance FY2013.

The members reviewed Treasurer, Donna Toomey's, 4/3/12 memo recounting the Insurance Advisory Committee's Health Insurance recommendation, which includes a 4.72% increase from FY12 rates. This includes a \$22,968.00 federal subsidy we received from the Early Retiree Reinsurance Program. The life insurance is currently with Standard Insurance. Our broker, Jean Stone from TrueNorth was successful in obtaining a zero percent increase for FY13. *Upon a motion duly made and seconded the Board voted unanimously to accept the Health Insurance Advisory Committee's recommendation.*

### Signatory Designation for various programs administered by Berkshire Housing Development Corp.

The Signatory Designation for various programs administered by Berkshire Housing Development Corp. was brought before the Board. This was basically a "housecleaning" issue from 2002, in which the Town of Lee authorizes any Officer of Berkshire Housing Development Corporation to act as signatory for any of the Community Development Block Grant Programs, Septic System Repair Loan Program and the Massachusetts Housing Finance Agency Programs, for the purpose of servicing existing rehabilitation loans given to homeowners by the Town and originally administered by Berkshire Housing Development Corporation. This authorization will allow authorized signatories to sign all discharges and subordinations of mortgages and liens and any insurance reimbursement checks as the Agent of the town. This refreshes the authorization that is a decade old issue. *Upon a motion duly made and seconded, the Board voted unanimously to designate Berkshire Housing Development Corp as a signatory and to allow the Chair to sign the Consent Form.*

### 1 day Wine & Malt license – St. Mary's School – 5/19/12 - 5:30 PM – 8:30 PM.

A one-day Wine and Malt Beverage license was granted to St. Mary's School; for an event to be held at the St. Mary's School Library on Orchard Street, Lee, MA on May 19, 2012 from 5:30 PM – 8:30 PM. *Upon a motion duly made and seconded, the Board voted unanimously to approve the license, waiving any fees.* Gordon Bailey stated for the record, that there is a limit to the amount of one-day licenses any

organization can apply for in a calendar year, and although the school is nowhere near the limit, we should look into the exact number and keep track.

#### Temporary Sign Permit for Road Toll – Lee High Baseball Booster Club.

A temporary Sign Permit for the Road Toll was granted to Lee High Baseball Booster Club for Saturday, April 21, 2012. *Upon a motion duly made and seconded, the Board voted unanimously to grant the permit, waiving any fees.*

#### Beach Committee Appointment Request.

Monica Ryan sent a letter to the Board requesting to be on the Sandy Beach Committee. *Upon a motion duly made and seconded, the Board voted unanimously to appoint Ms. Ryan to the Sandy Beach Committee.* Gordon Bailey and Patty Carlino stated that they had some concerns and David Consolati stated that he had some of the same concerns as Patty and Gordon and spoke to Ms. Ryan about this. Ms. Ryan assured the Board that any of their issues were unfounded.

#### Meadow Street Temporary Bridge Over Powder Mill Brook

The Agreement between Town of Lee, Massachusetts and Foresight Land Services for The Meadow Street Temporary Bridge over Powder Mill Brook design was brought before the Board. *Upon a motion duly made and seconded, the Board voted unanimously to accept the Agreement for Design, allowing the Chair to sign.*

#### Pending Business:

##### District Rep Vacancies.

There is one vacancy for a 3 year term for District 3 Rep, a vacancy for a 3 year term for District 4 Rep and two vacancies for District 5 Rep; one being a 1 year term and the other being a 3 year term.

##### Household Hazardous Waste Spring Collection

The Spring 2012 Mini-Site Collection schedule was read at the meeting. Saturday, May 5<sup>th</sup>, 9:00 am – 11:30 am at the Great Barrington Recycling Center. Saturday, May 19<sup>th</sup>, 9:00 am – 11:00 am at the Lenox Public Work and Saturday, June 9<sup>th</sup>, 9:00 am – 11:30 am at the Great Barrington Recycling Center.

##### Solar Power Purchasing Forums

The Solar Power Purchasing Forums were announced, being April 12<sup>th</sup> – Lenox Town Hall @ 7:00 PM and April 19<sup>th</sup> – Lee Middle/High School Auditorium @ 7:00 PM.

#### **4. Town Administrator:**

Draft Annual Town Meeting Warrant. The Draft Annual Town Meeting Warrant was presented to the Board, with the Zoning Bylaw Re-Writes included. There have already been edits. Articles 3 through 11 are the operating budgets. The Draft Warrant has been reviewed by Town Counsel and will be sent to the Town Representatives. Article 52 has been withdrawn. Patty Carlino asked if the appropriations would be discussed at Baby Town Meeting.

## Revenue and Expense Reports through March 30, 2012

The Town Administrator reported that the revenue and expense reports through March 30, 2012 were on the members table for their review.

### 5. **Public Comments:**

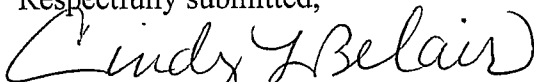
Bill Navin wanted to know if the town employees could increase, at their expense, the amount of life insurance offered to them.

Monica Ryan came before the Board to thank the members for her Beach Committee appointment, to request that listings of streets within each Town Meeting District be posted on the municipal website, and to comment on two Energy Efficiency Advisory Committee electricity generation initiatives. With respect to the Wind Power Feasibility Request for Proposals (RFP), she faulted the Committee for its lack of concern for the health impacts of wind turbines. With respect to the proposed project to generate electricity from solar arrays on town-owned land, she objected to the use of a portion of the 127 acres on Stockbridge Road which the Town had acquired to develop a municipal golf course or for other recreational use. In response to her question about the Town's expense on its agent (Beacon Integrated Solutions/Beth Greenblatt) and Special Counsel (Grinnell Partners/Jeff Grandchamp) for the project, she was informed that the Vendor, Broadway Electric, had provided funding for the Towns of Lee and Lenox to pay for consultants and attorneys of the Town's choosing. Patty Carlino stated that she wanted to walk the Stockbridge Road property, and Energy Efficiency Advisory Committee Chairman Tom Wickham offered to show her where the proposed arrays and playing fields would be located.

7. **Next Regular Meeting:** The next regular meeting is scheduled for April 17, 2012 at 7:00 PM.

8. **Adjournment of Meeting:** *Upon a motion duly made and seconded, the Board voted unanimously to adjourn the meeting.* The Chair, David Consolati adjourned the Meeting at 9:20 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