

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – APRIL 17, 2012

Present: David J. Consolati, Chairman, Gordon D. Bailey, Patricia D. Carlino, Board of Selectmen.

Robert L. Nason, Town Administrator

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

1. **Approval of Minutes:** The Board voted unanimously to approve the Minutes of April 10, 2012.
2. **Public Hearings:**

The Ponds Association Special Permit.

Bob McIntosh from Bradley Architects on behalf of Scarafoni Associates came forward to present their special permit request. They are looking to make small additions to 3 residential buildings. This would be a minor project, with no increase of units, bedrooms or occupancy. There are 36, 1-bedroom units with tiny kitchens, 2 bathrooms and an L-shaped living room. Their proposal is to eliminate a bathroom to expand the kitchen thereby allowing full size appliances. The outdoor patio would become part of the living room. All renovations would be at the back of the building. A 6x10 addition on the side of each building would be added to store the new sprinkler system equipment.

David Consolati asked if there would be a new slab for the patio area and Mr. McIntosh told him it would. Gordon Bailey asked about the usage of the units, i.e. short or long term rentals, time share or condominiums. Mr. David Carver explained that the original use of the property was for short-term, weekender type of rental, but their plan is for more conventional full-time rentals. Gordon asked about past special permits due to the fact that there is a restriction on the property for only short-term rentals and this would restrict their intended use. This restriction is in a 1978 document as Condition I and restricts the entire property. Although Gordon sees no problem with signing off on the project, he feels that we need to look into the restriction, and if needed, get a recordable document drawn up by an attorney that strikes the restriction. Mr. Carver stated his intent to have their attorney look into this and make sure there isn't something that was missed in looking through old documents and special permits. Gordon stated that modifying and getting rid of the restriction would be beneficial to The Ponds Association. Gordon suggested that we don't close the public hearing but continue it for 2 weeks and conclude at the next Selectmen's Meeting on May 1, 2012. Gordon said he had no objections to the project and David Consolati concurred that as the project was on the same footprint that he was willing to sign off as soon as the matter of the restriction was settled. Patty Carlino had no problem with the renovations. She asked what kind of apartments they would be and Mr. Carver stated that the 36 units would be rented as market rate quality apartments, which are hard

to find. The members voted unanimously to continue the hearing until 7:00 P.M., on May 1, 2012. Upon a roll call, the vote was as follows:

AYES

NAYS

David Consolati
Patricia D. Carlino
Gordon D. Bailey

None

3. General Business:

East Side Parking Lot Development & Alleyway Improvement Project

The members reviewed a Contract Amendment to the East Side Parking Lot Development & Alleyway Improvement Project, to include the period from Dec. 31, 2011 through January 17, 2012, extending the contract by 17 days. *The Board voted unanimously to authorize the Chair to sign the Contract Amendment.*

The second part of this East Side Parking Lot Development & Alleyway Improvement Project concerns a Settlement and Release for the period of January 1, 2012 to January 17, 2012 in the amount of \$7,678.00, reviewed by the members. *The Board voted unanimously to authorize the Chair to sign the Settlement and Release Document.*

25 School Street

The members reviewed the Proposed Scope of Work and Cost Estimate for the 25 School Street, Lee, MA property (pending approval from EPA and MassDEP if using Petroleum funds). Richard Vinette announced that \$32,400.00 was awarded from Brownfield funding through the EPA to prepare for the clean-up of the property. There is also the possibility of a clean-up grant in the amount of \$100,000.00. Mr. Nason confirmed that the \$32,400.00 expense does include the cost to demolish the property. Patty Carlino stated that we would know about the grant possibly in as little as 4-5 weeks.

South Lee Water Tank Painting

Steve Mack, Principal Engineer from Foresight Land Services came before the Board with the results of the South Lee Water Tank Painting bidding. Marcel A. Payeur, Inc. offered the lowest of 7 bids in the amount of \$297,000.00. Having contacted references and gotten positive feedback regarding Marcel A. Payeur, Inc., Foresight recommended to the Board that the project be awarded to Marcel A. Payeur, Inc., as the lowest qualified bidder. David Consolati asked why it is so expensive to paint a storage tank and Mr. Mack explained that a special coat of paint is used and it is an expensive procedure. The process involves emptying the tank a week in advance, which the timeline could be affected by humidity, rain, too hot, too cold, etc. Mr. Bailey wanted to know if we use the water that has been already treated and Mr. Mack said he would speak with Chris Pompei to address that issue.

The Board voted unanimously to award the contract to Marcel A. Payeur, Inc., for the base bid of \$297,000.00 and to authorize the Chair to sign the contract.

Steve Mack also brought before the Board an amendment to the agreement for engineering services for the South Lee Water Storage Tank project to include work related to fire flow evaluation, all as discussed in his April 7, 2012 proposal at a total cost of \$950.00.

The Board voted unanimously to approve the additional service and to authorize the Chair to sign Foresight's amendment.

Beverly Trombley asked Mr. Mack about the high cost of this project and Mr. Mack responded that they design and oversee the project and that the majority of the dollars spent is in the construction phase. They took bids and he brought this before the Board for their decision.

Berkshire Gas Company – Navin Heights gas main repair. – Berkshire Gas Company brought before the Board an Application for a Permit to do emergency gas main repairs on Navin Heights, near #12. *The Board voted unanimously to grant this Permit, and to authorize the Chair to sign it.*

St. Mary's School Application for Entertainment License – Andy Miller came before the Board to request an Entertainment License for the annual carnival put on by St. Mary's School. The carnival this year will be on August 23rd, 24th and 25th, 2012 (Thursday, Friday & Saturday) from 6:00 PM – 10:PM. and will be located at the Lee Athletic Field. He stated that he has already spoken to the police department for a police detail on Housatonic Street for the children crossing the street. *Gordon Bailey recused himself from this issue. The Board voted to grant the Special Entertainment License, and to authorize the Chair to sign it.*

Time Warner Cable – Utility Cut Permit - Cable Care a contractor for Time Warner Cable presented to the Board an Application for Utility Cut Permit for RunWay (off Rt. 102), to install cable TV service. *The Board voted unanimously to grant the permit and to authorize the Chair to sign it.*

4. Pending Business:

Household Hazardous Waste Spring Collection – The Spring 2012 Mini-Site Collection schedule was read at the meeting. Saturday, May 5th, 9:00 am – 11:30 am at the Great Barrington Recycling Center. Saturday, May 19th, 9:00 am – 11:00 am at the Lenox Public Works and Saturday, June 9th, 9:00 am – 11:30 am at the Great Barrington Recycling Center.

Solar Power Purchasing Forum - The Board announced the Solar Power Purchasing Forum on April 19th at the Lee Middle/High School Auditorium @ 7:00 PM.

5. Town Administrator:

Draft Annual and Special Town Meeting Warrants

Robert Nason presented to the Board the Draft Annual and Special Town Meeting Warrants. Mr. Nason requested a meeting with the Select Board on April 24, 2012 @ 7:00 PM to finalize the warrants after the April 19, 2012 Baby Town Meeting.

Mr. Nason also brought to the Board new plans for dividing 135 Laurel Lake Crossroad from the Edith Wharton Park jointly owned by the Towns of Lee and Lenox. Jim Wilusz of the Tri-Town Health Department walked the property as there are no clear perc records. This is a one acre site ±. Gordon Bailey stated that this will be a long process with a lot of steps along the way as there are two towns involved in every step. DeeDee Consolati came forward and asked if this was, in fact, the Edith Wharton Park land and was informed that it was. She asked about deed restrictions. She opined that there should be no subdivision on open land and that the land should be kept "as is".

One of the decisions to be made is whether to tear down the house. David Consolati stated that the original plan to the property which is in the Select Board's office shows tennis courts where the house is located.

Annual Appointments

As required by State Law, Mr. Nason presented his annual re-appointments, subject to the Board's approval for the several appointees. Those personnel are Doug Mann - Veterans' Agent / Gerry Cahalan - Sealer of Weights and Measures / Michael Sullivan - Animal Control Officer. *The Board voted unanimously to accept the appointments.*

Public Works – Summer Help Positions Available

The next personnel matter involved seasonal employees for 2012. Mr. Nason presented the Town of Lee Public Works Summer Help Wanted Notice. The Town of Lee, Department of Public Works is looking for temporary full time employees to work from May 14th through September 1st, 2012 in the following two departments: One person is needed as A Water Department Intern and two people in the Highway, Cemetery & Parks department. Workweek Monday through Friday 7:00 am – 3:30 PM, no holidays. Applications or resumes to be submitted to the Dept. of Public Works, 45 Railroad Street, Lee, MA 01238. These positions are for persons 18 years of age or older with the ability to operate power equipment.

DeeDee Consolati came forward to announce that there is also a beach job opening as a maintenance aide, with carpentry skills a must.

6. **Public Comments:** Beverly Trombley came forward to reference that the Select Board meeting of March 20, 2012 made more confusion, not clarity regarding the present Cultural Council and said that we need to address the problem. Gordon Bailey and Patty Carlino both confirmed to her that the Massachusetts Cultural Council sent a letter of resolution to Sharon McDonald and that Beverly's questions were all answered in that letter; to which Ms. Trombley requested a copy of that letter and

was told she could get one at our office. Ms. Trombley still infers that local dollars were misappropriated. Gordon Bailey stated that Cultural Council Committee members are not required by law to be managers, event planners, etc. Patty Carlino again stated that different groups have different opinions. David Consolati warned Beverly that she should be careful when talking about people and their reputations in open forum.

Beverly also spoke of the Reading Program at the Library and said it is imperative that this program remains in place, though she said she knew it was being funded by a local family. The Board suggested she bring it to the attention of the Cultural Council.

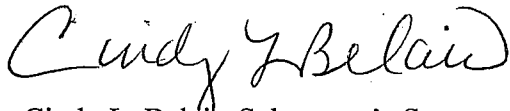
Beverly spoke of her issues concerning the Department of Public Works' sanding and salting of roads that, in her opinion, did not need to be done. Gordon Bailey told her these were contract issues and that we have a very experienced assistant superintendent managing the effort and we place our faith in his expertise. Mr. Bailey informed her that she could speak with the assistant superintendent for specifics. David Consolati replied that the initial call comes from the police department. Patty Carlino thanked her and said we would take her concerns under advisement.

Beverly also had issues regarding every department asking for "radical" increases. Gordon Bailey said these will all be discussed at the Baby Town Meeting.

7. **Next Regular Meeting:** The next regular meeting is scheduled for May 1, 2012 at 7:00 PM.

8. **Motion to Adjourn:** *The Board voted unanimously to adjourn the meeting at 8:35 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