

APPROVED ON 5/19/15

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – May 5, 2015

Present: David Consolati, Chairman, Patricia Carlino and Thomas Wickham, Board of Selectmen and Robert Nason, Town Administrator.

Chairman, David Consolati, called the meeting to order at 7:00 PM .

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Minutes of April 21, 2015 and April 28, 2015.*
2. **Public Hearings:** Golden Hill Properties (475 East Street) – Special Permit to convert the property into 9 one or two bedroom apartments – Chris Gerardi and his wife and business partner, Ann Hayes came before the Board to present their petition for a special permit to convert the 475 East Street property to 9 one or two bedroom apartments. He explained that they will use local contractors and vendors. He presented Jeremy Richardson's site plan is mostly interior work to be done. They are required to have 9 parking spaces and they will actually have 16 spaces. The garage will remain intact. The parking area will be gravel. They will do fencing or some kind of screening at the property bordering a residence. Patty Carlino asked about the rental fees and Mr. Gerardi commented that the apartments will be all inclusive. The two bigger apartments will rent for approximately \$1,300 - \$1,700 per month, the larger upstairs apartment will rent for approximately \$1,050 per month, the two medium apartments will rent for approximately \$800 per month and the two smaller apartments will rent for approximately \$650 - \$750 per month. When asked if he would be doing any painting of the exterior he replied that only the trim will be painted as the building is vinyl sided. David Consolati suggested that any lighting be downcast. Patty asked about the entrances and he responded that there will be three lower entrances, two entrances (main & rear) on the first floor and an emergency stairway. In response to Patty's questions regarding the size of the property, Mr. Gerardi explained that the property is on two acres and the building is approximately 10,900 square feet. When asked about a sprinkler system Mr. Gerardi explained that he will speak with the First Dept. regarding that when the time comes. Tom asked if they would consider more two bedroom units and Ms. Hayes responded they wouldn't.

Selectmen Meeting – May 5, 2015

Ed Forfa came before the Board to present a petition with 45 signatures of nearby residents and abutters who are opposed to the project. He explained that he had concerns about traffic and the type/quality of renters. Mr. Gerardi commented that they have two other apartment buildings in Pittsfield; they've been in this business for ten years. Mr. Forfa commented that the main concerns are the traffic with eighteen or more cars, the congestion and the devaluation of abutting properties.

Phil Skowron came before the Board stating that he lives within 300 feet of the property. His concern is if the permit is granted that Mr. Gerardi might sell the property in the future. Mr. Gerardi assured him that there is no immediate plan to sell the property. Ms. Hayes explained that their renters are submitted to background checks, credit checks and that the rent is on a month to month basis so that problems can be dealt with immediately. She explained that there is a strict selection process for their renters. Mr. Skowron explained that the whole project makes him skittish and Mr. Gerardi assured him that they were not in the "flipping" business.

George Kastrinakis of Sharon Drive asked about the square footage of the property and the possibility of the project being expanded. Tom Wickham assured him that they cannot expand beyond the footprint of the current building.

Fadi Nejaime also questioned the prospective renters and suggested the renters be asked to furnish first, last and a security deposit. Mr. Gerardi stated that they currently have 100% occupancy as they have a strict screening process. Mr. Nejaime also asked about handicap access.

Patty Carlino asked if we could get a copy of their rental application and perhaps some pictures of the rental properties currently owned by Mr. Gerardi. She also asked if the yard areas would be delineated between rental units. Tom Wickham commented that the Berkshire Regional Planning Commission has stated that there is a need for decent housing.

David Consolati proposed that the hearing be continued for two weeks until the next meeting on May 19th, at which time Mr. Gerardi is to provide the Board with a parking lot plan, downcast lighting plan, apartment outside living areas to be delineated and fencing or shrubbery to shield the property from bordering residences. *The Board members voted unanimously to continue the hearing until May 19, 2015 at 7:00 PM.*

Silverleaf Berkshires, Inc. (continued from 4/21/15 Select Board Meeting – Mr. Robert Fornier, Director of Civil Engineering, SK Design Group came before the Board on behalf of Silverleaf Berkshires, with a landscaping plan for the project as requested by the Board at the last meeting. The plan includes lower shrubs, a perennial garden area and a rock feature with ornamental grasses. He explained that the boxwoods should be maintained at approximately 3 feet height and the azaleas at approximately 6-8 feet

height. When asked the cost of maintaining these, he commented that Oak 'n Spruce has a substantial landscaping budget. The project entails expanding the number of parking spots for check-in time which should streamline the process of getting in and out. Having the extra spaces will curtail the pedestrians from crossing the street to check-in.

Cornelia Kalischer, a District 4 Representative for "The Citizens for the Preservation of South Lee" came before the Board to object to the necessity for 30 more parking spots. As this is a residential neighborhood she urged the Board to deny the special permit. Cornelia commented on the setback requirement and Mr. Fornier stated that they did respect the setback requirements.

Alice Collins, an abutter came before the Board to discuss her issues with the project. Her main concern is the lighting and the taking down of substantial size trees.

Deborah Simms, another abutter came forward and stated that she has the same concerns; namely, lighting, the abundance of pavement and the tree removal.

The Board members discussed the findings required for making the decision for a Special Permit as follows:

1. The Project is in compliance with all the provisions and requirements of this chapter and in harmony with its general intent and purpose; because the resort has people checking in and out and the project falls in harmony with the current business.
2. Is essential or desirable to the public convenience or welfare at the proposed location because the people who own the timeshare are those who would benefit.
3. Will not be detrimental to adjacent uses or the established or future character of the neighborhood because the property is already established as a resort.
4. Will not create undue traffic congestion or unduly impair pedestrian safety because it will reduce the frequency of pedestrians from crossing the road and will produce the same amount of traffic as is currently there with a different approach.
5. Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare because this doesn't apply and will not overload any water, drainage or sewer system.

The Board members voted unanimously to approve the project as presented with the updated landscaping. Thomas Wickham voted aye and stated that he had no conflict,

Patricia Carlino voted aye and stated that she had no conflict and Chairman, David Consolati voted aye and stated that he had no conflict.

- 3. General Business:** Willow Street Bridge Repairs - Paul Moyer, PE, Vice President of Gill Engineering Associates, Inc. came before the Board to discuss the change orders for the Willow Street Bridge Repairs. These include Change Order #7 in the amount of \$3,475.74 which serves as a final accounting for actual costs incurred in Change Orders 2 through 6. They do not anticipate any additional costs of Traffic Police Services, so the remaining unspent balance of \$8,529.70 will more than offset the additional cost of this change order. Change Order #8 in the amount of \$2,300.00 for painting of sewer line which was not in the original contract. is for Sewer Line Painting in the amount of \$2,300.00. Also, the Residential Engineering Services effort was greater than expected due to the additional work that was performed under the Change Orders to the construction contract and the postponement of the painting work from the fall of 2014 to the present. This increases the Residential Engineering Services by \$6,450.00 or from \$29,850 to \$36,500 (22% increase). Mr. Nason stated that he was disappointed that when Change Order #1 was submitted that no one explained that there would be more expenses added. David Consolati added that we have never signed an open-ended contract and would never knowingly or willingly sign one. *The Board members voted unanimously to approve Change Order #7 in the amount of \$3,475.74 and to approve Change Order #8 in the fixed amount of \$2,300.00 and authorize the Chair to sign these documents. The members also voted to approve the \$6,450.00 increase for Resident Engineer Services and to authorize the Chair to sign the Engineering Eservices Contract Agreement.*

Winter Recovery Assistance Project (WRAP) - *The Board members voted unanimously to award the pot hole repair work to CG Blacktop & Construction, Inc., for their price of \$500.00 per ton, which amount shall be less than \$10,000.00, and to authorize the Chair to sign the contract.*

Sale of Surplus Ambulance – *The Board members voted unanimously to sell the 2006 McCoy Miller Medic 163SE ambulance to Sayers' Auto Wrecking, the sole bidder, for the amount of \$501.00.*

Electricity Supply Purchase Procedure – As the members reviewed the February 8, 2012 Electricity Supply Procurement 2012, Procedure for Recommending Acceptance of Price and for Executing the Agreement, Mr. Nason proposed that a similar process be followed for the May 2015 procurement. Once the Energy Efficiency Advisory Committee (EEAC) members and the School Department representative sign off, Mr. Nason will initiate the purchase. Select Board Chairman David Consolati will sign the agreement, and Mr. Nason will co-sign.

25 School Street Cleanup – Mr. Nason presented the Board with a letter from the TRC Environmental Corporation of the Notice of Permanent Solution with No Conditions
Selectmen Meeting – May 5, 2015

Statement for the 25 School Street, Lee, Massachusetts property. The members agreed to discuss what to do with the property at their next meeting on May 19th.

Open Space and Recreation Plan Update – Mr. Nason presented the Board with a letter dated April 27th, from the Executive Office of Energy and Environmental Affairs of the acceptance of Lee's application to the Fiscal Year (FY) 2015/16 Conservation Assistance for Small Communities grant program. *The Board members voted unanimously to enter into an agreement with Energy and Environmental Affairs (EEA) grant program for 2015 Parkland Acquisitions for Natural Diversity (PARC) in the amount of \$8,000.00 and to authorize the Chair to sign the Agreement.*

Temporary Sign Permits – *The Board members voted unanimously to grant the road toll temporary sign permits for the following: Nunc pro tunc for the LYA Road Toll on 5/2/15 and for the VFW road toll on 5/23/15.*

Entertainment License – *The Board members voted unanimously to grant an Annual Entertainment License to the Spectrum Playhouse, subject to Chapter 140, Noise Ordinance Sec. 140-4 to maintain decibel level with the designated Use District.*

One Day Beer & Wine License - *The Board members voted unanimously to grant one day beer & wine licenses for the following: Nunc pro tunc for Spectrum Playhouse on 5/2/15 and Spectrum Playhouse on 5/9/15.*

Utility Cut Permit – *The Board members voted unanimously to grant a utility cut permit to Modern Excavation representing Jedro Properties for the repair of a sewer line at 18 Park Street.*

Berkshire Gas Permits – *The Board members voted unanimously to grant permits to Berkshire Gas for the installation of new gas services at 320 West Park Street and 250 Fairview Street.*

Community Health Program (CHP) - *The Board members voted unanimously to sign a letter of support for CHP's proposal to the U.S. Health Resources and Services Administration for a Health Infrastructure Investment grant to expand and improve CHP's Lee Family Practice.*

4. Pending Business:

- a. Planning Board – Public Hearing – Monday, May 11, 2015 at 6:15 PM on the application of Matthew D. Carlino & Jennifer M. Carlino for approval of a Definitive Subdivision Plan of approximately 58,780 sq. ft.
- b. Spring 2015 Mini-Site Collections – Saturday, May 30th, 8:30 – 10:30 AM – Lenox Dept. of Public Works.

- c. May 14, 2015 Special (FY 2015) and Annual (FY 2016) – Thursday May 14, 2015 at 7:00 PM at the Lee Middle & High School.
- d. The Town election will be held on Monday, May 18th.

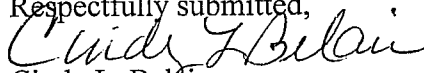
5. Town Administrator:

Seasonal DPW Workers - At the recommendation of Superintendent of Dept. Public Works, Chris Pompei, P.E., Mr. Nason announced his seasonal reappointments of Matt Kelley as Water Distribution Aide and Lucas Withers as highway groundskeeper. He also appointed Chris Babcock as a seasonal cemetery groundskeeper. *The Board members voted unanimously to support Mr. Nason's seasonal appointments.*

The FY 2015 Revenue & Expense Reports through April 30, 2015 are on the Selectmen's worktable.

- 6. **Public Comments:** Bill Navin commented that he has received mostly positive feedback regarding the proposed gas tax. Tom Wickham announced that the construction of the new pavilion at the Lee Athletic Field will begin shortly. David Consolati announced the Berkshire Community Diaper Project in collaboration with The Erikson Institute of the Austen Riggs Center and the Berkshire Psychoanalytic Institute is collecting diaper donations (and monetary donations for diapers) for families in need in our community. Diapers will be distributed to and be available at the South Congregational Church Food Pantry, Pittsfield, the Community Health Programs in Great Barrington, WIC office and at the Lee Food Bank. Checks may be mailed to the Austen Riggs Center earmarked to the Berkshire Community Diaper Project (BCDP) to The Erikson Institute, Austen Riggs Center, 25 Main Street, Stockbridge, MA 01262. Drop off diaper donations at: Berkshire Nautilus, 42 Summer Street in Pittsfield (off North Street) / Lee Food Pantry from 10:00 A.M. – noon, / St. Paul's Church, Stockbridge / and the Stockbridge and West Stockbridge Post Offices. The information will also be posted on the Town of Lee website.
- 7. **Next Regular Meeting:** The next regular meeting will be on Tuesday, May 19, 2015 at 7:00 PM in the Courtroom.
- 8. **Motion to Adjourn:** *The Board members voted unanimously to adjourn the meeting at 9:15 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 Cha Chairmen
Superintendent of Schools
Town Accountant