

APPROVED ON 12/2/14

## Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – November 18, 2014

Present: David Consolati, Chairman, Patricia D. 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 the Meeting of November 4, 2014, the Public Minutes of the Meeting of November 12, 2014 and the Executive Session Minutes of November 12, 2014.*
  
2. **Public Hearing:** FY 2015 Tax Rate Classification - Dayton Delorme, Chairman of the Board of Assessors, reported that the Board had posted on the municipal website a report on the recently completed Fiscal Year 2015 revaluation of all real and personal properties within the Town as of January 1, 2014. Referring to that report he noted that the average increase in the median property values was about 2.5%; the media value of single family homes had risen 2.4% from FY 2014 to \$219,900; values were determined through consideration and analysis of all valid sales of property between July 1, 2012 and July 1 2014; new additions and remodeling were added factors; and, the required cyclical inspections were conducted. Noting that aggregate Commercial and Industrial property values were much less than the Residential property values, Chairman Delorme reported that the Assessors' recommend that the Select Board continue its past practice of a single tax rate for all property classifications without residential or small commercial exemptions. The Board members voted unanimously to approve the single tax rate, without exemptions and allow Bob Nason to sign off on the computer. Bob announced that the rate should be approved by the 24<sup>th</sup> and the bills will go you by December 5<sup>th</sup>, and payments due by January 5<sup>th</sup>.
  
3. **General Business:** Tyringham Road Reconstruction – 1) Construction Contract Changes - Willow Street Bridge Repairs - Superintendent of Public Works, Chris Pompei, P.E., and explained that Mass DOT District Engineer Mark Ringie, P.E. recently completed his review of Fuss & O'Neill's (John Dietrich, P.E.) responses to Mass DOT's determinations that changes 2,3,6 & 7 resulted from designer errors. In Mark's Nov. 3<sup>rd</sup> e-mail to Chris Pompei he states, "We disagree with Fuss & O'Neill's rebuttal on these issues." The changes are as follows: Change No. 2. Tree Trimming – Miscalculation of the amount of tree trimming required resulting in a construction contract cost increase of \$1,300. Change No. 3. Clearing & Grubbing – Miscalculation of the amount of clearing and grubbing required resulting in a construction contract cost increase of \$8,020. Change No. 6. Temporary Barrier – Miscalculation of the amount of temporary barriers required resulting in a construction contract increase of \$242,000. Change No. 7. Temporary Impact Attenuators – Miscalculation of the number of attenuators required resulting in a construction cost increase of \$9,000. Town Counsel has notified the Project Engineer that the Town will be looking to Fuss &

O'Neill to indemnify the Town on these additional design errors totaling \$260,320 if the \$436,500 contingency is exhausted. *The Board members voted unanimously to authorize Superintendent of Public Works Christopher Pompei, P.E. to sign the Resident Engineer's Reports of Changes 2,3,6 & 7.*

Engineering Construction Fee Reallocation - Fuss & O'Neill's \$38,500 Construction Services fee contains estimated costs for five tasks. Two tasks (Bid Stage Services and pre-construction Conference) were completed below their respective cost estimates. The third Task, Shop Drawing, has exceeded the estimate. Accordingly the Project Engineer has proposed reducing the funds allocated for Tasks 1 & 2 to their actual costs and to the extent necessary transferring from Task 4, Advise & Construction Field Visits, funds to Task 3. *The Board members voted unanimously to approve the Project Engineer's request to realign the construction service fee per task, as presented.*

To accommodate Chris Pompei, the items were taken out of order.

Winter Seasonal Truck Driver/Laborer Appointment - At the recommendation of Chris Pompei, Mr. Nason appointed, Wayne Palmer to the winter season truck driver/laborer position, which position takes effect on December 1<sup>st</sup> and ends of March 19, 2015. *The Board members voted unanimously to accept Mr. Nason's appointment of Wayne Palmer to the seasonal position of truck driver/laborer for the period of December 1, 2014 through March 19, 2015.*

2014 MassWorks Infrastructure Grant Application – Mr. Nason presented a letter to send to Gregory Bialecki, Secretary of Housing & Economic Development, urging further consideration of the Town's application. *The Board members voted unanimously to approve and sign the letter to be presented to Mr. Bialecki.*

Street/Sidewalk Blocking Permit – *The Board members voted unanimously approve the Street/Sidewalk Blocking Permit to Richard Briggs to block off a portion of School Street so he can re-roof the Subway Sandwich Shop with the condition that he commence the work on the School Street side of the building for Monday, Tuesday and Wednesday so as not to interfere with the Locker Room's busiest days of Thursday and Friday.*

ABCC – East Lee Package Store's Request for a Change of Hours - *The Board members voted unanimously to grant Robert Longgerato (East Lee Package Store) the option of opening at 10:00 AM on Sundays and to sign the Form 43 to be submitted to the ABCC for the change of hours.*

ABCC – Bombay Restaurant – Change of Manager - *The Board members voted unanimously to sign the Form 43 to be submitted to the ABCC approving the Change of Manager from the last approved manager, Girthar P. Gopal to the requested new manager, Pramod Warriar.*

Storage Tank Amended License Application – Lane Construction - *Having received written approval from Fire Chief Sparks, the Board members voted unanimously to approve the amended license to Lane Construction as presented for 1 Willow Hill Road, Lee (Map 2, Lot 4).*

Berkshire Gas Permits – *The Board members voted unanimously to approve the three Berkshire Gas Permits as follows: Installation of New Service for 25 Myrtle Street and 535 Summer Street and for a gas service repair at 110 Highfield Drive.*

Temporary Sign Permit – Zabian’s Jewelers / Zabian’s Clothing – *The Board members voted unanimously to grant to Zabian’s Jewelers and Zabian’s Clothing three (10 day) permits for each business to commence on November 28<sup>th</sup> through December 28<sup>th</sup>.*

4. Pending Business: None
5. Town Administrator: Winter Parking Ban - David Consolati read the November 10, 2014 News Release regarding the Winter Parking Ban. This parking ban is posted on our Town of Lee website.
6. Public Comments: David Consolati read a letter received from Chief of Police, Jeffrey Roosa, regarding a Special Olympics Law Enforcement Torch Run hosted by the Lee Police Dept. in the town of Lee on Sunday, November 16, 2014. This event included over 200 runners and more than 400 family members and spectators which raised over \$10,000 dollars for the Law Enforcement Torch Run charity to donate to local Berkshire County Athletes. The Board members commended the Police Department and the townspeople for their participation and suggested that next year they alert the Select Board and they would announce it at their meeting.

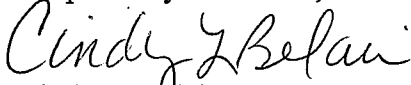
Mr. Nason announced that the 25 School Street property is in the process of coming down and he will discuss the property in more detail at our next meeting.

Patty Carlino stated the Laliberte Toy Fund is up and running. Donations may be mailed to Lee Bank, P.O. Box 559, Lee, MA 01238.

Tom Wickham wished everyone a Happy Thanksgiving.

7. **Next Regular Meeting:** The next regular meeting will be on Tuesday, December 2, 2014 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 7:49 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