

APPROVED ON 8/2/16

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – July 19, 2016

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

The Chair, Thomas Wickham, called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Session Minutes of July 5, 2016.*
2. **Public Hearing:** None
3. **General Business:** Medical Marijuana Facility – Don Hunter, Attorney appeared for Mass Alternative Care Inc, (MAC) a non-profit with anticipated businesses in Chicopee and Amherst. Attorney Hunter stated that MAC has signed a letter of intent with the CDC for the purchase of two lots. They have contacted all the businesses at the park and conducted an open house meeting with no opposition to their proposal. He went on to say they went door to door at CHP, CTSB, Ray Murray, Inc. and BARC and all fully supported their plans. The project being built would bring construction jobs, real estate tax and other benefits with a Host Community Agreement. By law they are allowed three provisional licenses and this would be the third. He said that he has read Chief Roosa's oppositional response and disagrees with many of the points made. Sam Tracy, Forefront's Advisor and Management Consultant to MAC stated that to date they have secured 38 licenses throughout the US. David Consolati asked him who prescribes the dosage amount and if it is FDA approved. Mr. Tracy answered that it is not FDA approved and their patient consultants decide on dosage amounts. Chair Wickham asked how long the medical marijuana cards are good for and Mr. Tracy replied they are good for a minimum of one year with a renewal fee of \$50.00 paid to the state, along with their doctor's information. Patty Carlino asked if a patient consultant meets with a client to decide dosage and need, do they check background and do they have experience working with patients Mr. Tracy replied that licensed pharmacists manage the staff and oversee

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the facilities with 1 – 4 available at each facility. He stated that they have gone through the formal review with Chicopee and Amherst and are still in the appeal period. Patty asked if the ballot question gets approved would they be ready to apply for retail operation. David added that they would have their infrastructure in place and what would stop them? He stated that he had many concerns. Tom stated that we don't allow retail in an industrial zone and it would have to be reviewed by the Planning Board. Attorney Hunter stated that in his opinion this qualifies for health services not retail service. The product is not manufactured onsite and is not an allowed use and would need a variance. The business model is not based on retail sale; it is a regulated medical dispensary. Mr. Tracy stated that CHP is wholeheartedly for it and support the issuance of a letter of non-opposition.

Chief Roosa came before the Board with his rebuttal. He stated that CHP and the doctors at Suburban Medical are opposed to the facility. Chief Roosa stated that he is not arguing that there may be medical benefits to the use of medical marijuana but more research must be done, especially regarding the dosage required for each individual person and who would be writing the prescription.

Michael Hopsicker, President and CEO of Ray Murray Inc. (RMI) submitted a letter stating that RMI is opposed to the facility dispensing in a retail business park. They are concerned about the potential criminal element, the security of the Industrial Park and the amount of additional traffic in and out of the park. He stated that this facility puts his business at risk and that the future of the facility is a "short leap" to a retail business. His belief is that it will impact the business climate in the region and will attract the wrong crowd. To that end, future business may not want to open businesses in the park.

Sal Angelo a Lee resident said that he just heard of the project. He stated that he has two sons in the police department in Bangor, Maine that have several dispensary facilities. The doctors who refer patients to them get a \$500.00 referral fee. He is concerned that there is no control over the project.

Kathy Hall, a retired school teacher and Chairperson of the Lee Youth Commission commented that she understands the benefits of medical marijuana, but is concerned about the potential misuse. She stated that she is "scared for our kids". She is concerned that there is no way to determine who gets what. Her final recommendation is that this not be allowed in town.

David Consolati asked if they had a building plan, how many parking spaces would be required, how many patients per day, etc. The response was 30 – 35 parking spots would be required with approximately 100 patients per day or 1,095 people in a year. The average for a patient is to come in approximately 2 ½ times per month. David responded that he has a problem with the numbers; they don't compute.

Chair, Tom Wickham asked if they've done a traffic study and the response was "no". Tom suggested that make an effort to have that done by our next meeting. Tom also

asked that as a Host Community “what’s in it for Lee?” He asked that they come back at our next meeting with a Host Community Offer.

Peggy Biron came before the Board with her concerns asking that the Board of Health weigh in. She asked if the letter of no opposition would be a majority vote from the Board or a super majority.

Patty Carlino stated that the Board is not prepared to vote this week.

Sal Angelo also stated that a major concern is the wrong people obtaining a medical marijuana card. Lee resident Mark Patell stated that it is “not about who is helped by it, but who may be hurt by it”.

Athletic Field Improvements Update – Kathy Hall came before the Board and read a letter to them regarding the Athletic Field, as follows:

“I’m here to give an update on the Lee Athletic Field.

First of all, the Lee Youth Commission is happy to say that the ice skating rink at the field in February was a great success thanks to the Lee Department of Public Works, the Department of Transportation, The Lee Fire Department, Onyx Specialty Paper, the Lee Police Department, the Sons of Italy, the Lee Lions Club, Dresser Hull, Michael Kelly, Peter Brown, and Chris Hayden. Mike, Pete, and Chris are ready to do this project again this winter!

Second! Have you seen the transformation of the Lee Athletic Field? Thanks to Cintas Corporation, the Lee Police Department, Meadow Farm, Lane Construction Corporation, the Lee Water Department, and the Lee Department of Public Works, we now have seven new picnic tables (one of which is handicapped accessible), newly painted playground equipment, sand and fill for under the playgrounds equipment, new nets for the basketball hoops, painted lines for the basketball area, a new water faucet, and a handicapped accessible porta potty. A special thanks to Janet Warner, who when asked by Cintas Corporation what project they could do for Lee, suggested help with the Lee Youth Commission’s projects at the Lee Athletic Field.

Incidentally, if anyone is interested in reserving the pavilion for parties, please call the DPW at 243-5520.

There is still more to come! The Lee Youth Commission is now working on procuring new playground equipment which we hope to have installed by fall.

And last but not least, a whole-hearted thank you to the tax payers of Lee for getting all of this started! ”

Lee Youth Commission Appointment - *The Board members voted unanimously to appoint Clare Lahey to the Lee Youth Commission.*

Tyringham Road Reconstruction – Superintendent of Public Works, Chris Pompei, P.E., came before the Board with Change No. 17, for additional work in the amount of \$11,630.33. *The Board members voted unanimously to approve the change and authorize the Superintendent of Public Works to sign it.*

Chris also presented the Project Completion for the Tyringham Road Reconstruction. As the state forgave the cost of the temporary barriers, we came in under the contingency amount. *The Board members extended a thank you to Francisca Hemming, District One Highway Director, for recommending to MassDOT Headquarters in Boston that the Town not be responsible for the large temporary barrier overrun that would have required the town to fund changes in excess of the 10% contingency. Also thank you Mark Ringie, District One Construction Engineer, for supporting that recommendation and for overseeing the \$5 million dollar reconstruction project. A special thanks to State Representative Smitty Pignatelli, who once again advocated for the people of Lee.*

When asked about paving projects, Chris responded that the priority projects will be High Street and Marble Street to West Park Street to the bridge. Patty asked if that included all of High Street and Chris replied “yes” and that the sidewalks would be replaced. Patty commented that she took a ride on Forest Street and that a band-aid on it would be better than nothing.

Water Division Pickup Truck Purchase – The Water Division is replacing their 2007 Ford Ranger Pickup up with 120,000 miles with a 2017 Ford F150 Pickup. *The Board members voted unanimously to approve the purchase through the Plymouth County Commissioners Cooperative Contract of a 2017 Ford F150 Pickup truck, all as described in MHQ’s July 15, 2016 quote of \$26,981.00, and to authorize the Chair to sign the purchase agreement.*

Police Cruiser Purchase – *The Board members voted unanimously to approve the purchase, through the Plymouth County Commissioner’s Cooperative Contract, of a 2016 Ford Police Interceptor Sedan, all as described in MHQ’s July 11, 2016 quote of \$30,640.00 and to authorize the Chair to sign the purchase agreement.* When asked about the old cruiser, Police Chief Roosa replied that that car was going to the Fire Department, complete with console and radio.

Vacant School Committee Position – Mr. Nason presented a memo regarding the vacant School Committee Position as follows: Recently Andrea Wadsworth resigned her School Committee position to pursue appointment to the position of School Business Manager. More recently, she was appointed to succeed Tiffany Morawiec, who is relocating to Houston, Texas. In response to Interim Superintendent Al Skrocki’s inquiry about the process for filling the School Committee vacancy, I asked Town Counsel for guidance. Citing M.G.L. Chapter 41, Section 11 he described the following procedure:

Ms. Wadsworth submits her letter of resignation to Town Clerk

The School Committee notifies the Select Board of the vacancy in writing.

The members of the School Committee and the Select Board hold a joint meeting to appoint someone to fill the vacancy. Notice must be posted a week in advance of the meeting. A quorum of 5 will be required; a majority of special committee composed of 6 School Committee and 3 Select Board members.

One Day Beer & Wine Permit - *The Board members voted unanimously to grant a One Day Beer & Wine License to the Masonic Lodge (Evening Star Lodge) for an event to be held at the Lodge at 195 Laurel Street on Saturday, August 13, 2016 from 12:00 Noon to 8:00 PM.*

ZBA – Alternate Member Resignation/Vacancy – *The Board members accepted (with regret) the resignation of Arthur Mack as an alternate member of the ZBA, effective July 14, 2016. This creates an opening as an alternate member of the ZBA for anyone who may be interested to fill this position which term expires on June 30, 2017.*

Planning Board-Berkshire Regional Planning Commission Delegate – *The Board accepted the Planning Board's election of Peter Bluhm as their delegate to the Berkshire Regional Planning Commission.*

**4. Pending Business:**

- a. 2016 Mini-site Collection – Saturday, August 6<sup>th</sup> – 8:30 AM – 10:30 AM – Lenox Dept. of Public Works

- 5. **Town Administrator:** a. Personnel Appointment – In August, 2015 Timothy left to move to Connecticut to be with his family and now wants to rejoin the force, commuting 35 miles from Connecticut to Lee. *The Board members voted unanimously to support Mr. Nason's appointment (at the recommendation of Police Chief Roosa), of Police Officer Timothy J. Kelly, to fill a vacancy created by the resignation of Mike Silver. They also voted to credit him for prior service when calculating vacation leave.*

*The Board members voted unanimously to support Mr. Nason's appointment of Brenda Church as Building Commissioner, subject also to her appointment by the Town of Lenox. She will work with outgoing Building Commissioner Don Fitzgerald who will be relocating to Houston, Texas.*

Bob also announced that the Council on Aging is desperately seeking volunteers for drivers needed for out of town services for Monday – Thursday, 9:00 AM – 12:00 Noon. Volunteers need not work every day.



Mr. Nason announced that the FY 2016 Preliminary Revenue and Expense Reports through June 30, 2016 are available on the Selectmen's worktable.

6. **Public Comments:** Pete Sorrentino came before the Board to inquire on the status of the Fire Chief Appointment Committee and how long before it will get started. Mr. Nason responded that we now have a full list of contact information and an e-mail will be sent out to kick off the meetings.

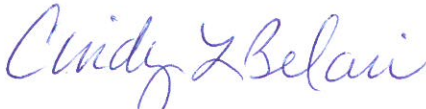
Pete also made comment as a District 5 representative, that he has been asked why the DPW guys were seen working on a Saturday. Mr. Nason responded that as their priority has been getting twenty hydrants active and there was no time during normal working hours, other duties have had to be done on a Saturday.

Pete also commented on a tree that has been hanging in the road for almost a year and nothing has been done about it. Mr. Nason responded that he would look into it.

David Consolati sent out condolences to the Finnegan family on the loss of former Police Chief Edward Finnegan.

7. **Next Regular Meeting:** Our next regular meeting will be on Tuesday, August 2, 2016 at 7:00 PM.
8. **Motion to Adjourn:** *The Board members voted unanimously to adjourn the meeting at 8:55 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