

APPROVED ON 3/7/17

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – February 21, 2017

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

Chairman, 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 February 7, 2017.*
2. **Public Hearing:** None.
3. **General Business:** Brownfields - The members reviewed Berkshire Regional Planning Commission (BRPC), Brownfields Program Manager, Melissa Provencher's February 21, 2017 report and recommendation on the responses from three firms solicited under the master blanket Purchase Order for Environmental Engineering, Diagnostics and Testing. The three proposals were from Tighe & Bond, Weston & Sampson and TRC Environmental Corporation (TRC). *At the recommendation of Melissa the Board members voted unanimously to award the work to TRC in an amount not to exceed \$268,000, which fee is funded by a \$300,000.00 Brownfields Assessment Program Grant from the US Environmental Protection Agency and to authorize the Chair to sign the professional services agreement.*

The Board was also reviewed the Berkshire Brownfields Program Agreement with BRPC for services relating to the implementation of the Berkshire Brownfields Program. Lee's share of the cost is \$2,000 which was funded by the May 12, 2016 Annual Town Meeting (Article 43) Appropriation. *The Board members voted unanimously to approve the interagency agreement with Berkshire Regional Planning Commission and authorize the Town Administrator to sign it.*

District Local Technical Assistance Awards - Berkshire Regional Planning Commission has selected the Lee Chapter 40R Smart Growth Overlay District project and the regional application related to the Rest of River Municipal Committee to receive technical assistance under the 2017 District Local Technical Assistance (DLTA) program. *The*

*Board thanked BRPC for selecting the Town of Lee and the Rest of River Municipal Committee Communities for these technical assistance awards.*

Plastics Bylaws Update - Peter Hofman, Lee Greener Gateway Committee Chairman, came before the Board with his update of the Plastics Bylaws. He encouraged people to use re-usable bags whenever possible. He did state, however that businesses can apply for exemptions under certain conditions. He has met with business and restaurants at the outlets stores and encourages everyone to have a plan as the bylaw will go into effect in less than 90 days (5/12/17). He has been educating the community and welcomes any suggestions and is hoping to put reminders in the water-sewer bills and will post on the town website. He is also working on a slide show for the town's website and possibly CTSB. He is preparing a blog for 1Berkshire and the Chamber Information Booth and will have a display at the Lee Library. He also hopes to have some coverage from the Berkshire Eagle and the Berkshire Record. Patty Carlino suggested having some flyers posted at the school also. Peter also reminded everyone that the town-side clean up will be on March 25<sup>th</sup> and starts at 9:00 AM at the gazebo. If that date is cancelled due to weather the make-up date will be April 29th at 1:00 PM.

Extension of Special Permit – Sarah Stiner came before the Board requesting an extension to her special permit issued by the Select Board on December 15, 2014 for property at 850 Summer Street. David Consolati asked if she intends to do the project to which Sarah replied that she does intend to complete the project and proposed to break ground in the spring. When asked if it will be a stand alone building, Sarah replied that it will be a stand alone building. *The Board members voted unanimously to extend the special permit through December 15<sup>th</sup>, 2017 with the stipulation that she would not come back again for another extension.*

Recreational Marijuana - Mr. Nason presented Town Counsel's response to questions asked at the February 7<sup>th</sup> meeting. With regard to a moratorium Town Counsel's opinion is that the moratorium would have to be adopted at town meeting. The town can issue zoning regulations, but they are limited to "reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with the voter initiative or with regulations made pursuant to the initiative. Mr. Nason stated that he would work with Town Counsel to draft the warrant articles.

Ambulance Service – Mr. Nason reported that the estimated receipts for the Ambulance Service was \$400,000 from May 12, 2016 Town Meeting to May 11, 2017 town Meeting. He also presented the request for write-offs for the period of 7/1/2011 through 12/31/2011 in the amount of \$22,775.81. *The Board members voted unanimously to write off the uncollectable billing in the amount of \$22,775.81*

One Day Beer & Wine License - *The Board members voted unanimously to grant a One Day Beer & Wine License to St. Mary's School for a School Fundraising (Auction for Education) to be held on Saturday, March 25, 2017 from 5:00 PM – 10:00 PM.*

Dispatcher's Collective Bargaining Agreement - Amendment No. 1 to the agreements consists of the following: Extends the three year agreement ended June 30, 2016 to June 30, 2017; increase the hourly rates by 1.5% and increase the milestone longevity payments by \$50.00. *The Board members voted unanimously to approve and sign the amendment.*

Toll Booth Announcement - Chairman Tom Wickham briefly discussed the issues with the Toll Booth Program in that the program has grown substantially and the process of promising those that are not chosen with a spot the following year is not viable as we now have more applicants left over than we have openings. Therefore we will need to revamp the program. That being said, Tom announced that applications are available at the Selectmen's office during the month of February only.

**4. Pending Business:**

- a. Planning Board – Public Review on Monday, March 13, 2017 at 6:00 PM on the application of Community Health Program for approval of a Site Plan under Section 199-13.3 of the Town of Lee Zoning Bylaw. The property affected is located at 11 Quarry Hill in the OPLI (Office Park Light Industrial Zoning District).

**5. Town Administrator:** None.

**6. Public Comments:** Congratulations to Katy Retzel for scoring 1,000 points for the Lee High School Basketball Team.

**7. Next Regular Meeting** The next regular meeting will be Tuesday, March 7, 2017 at 7:00 PM.

**8. Motion to Adjourn:** *At 7:40 PM the Board members, by roll call, voted unanimously to adjourn to Executive Session to discuss and collective bargaining strategy, because deliberating in open session may have a detrimental effect on the Town's bargaining position.*

*The Chair announced that the members will not be returning to open session.*

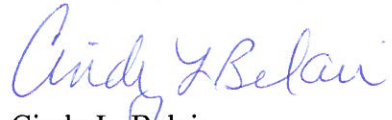
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NAY

Patricia Carlino  
David Consolati  
Thomas Wickham

None

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