

APPROVED ON 10/6/20

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING –Sept. 15, 2020

Present: David Consolati, Chairman and Patty Carlino and Sean Regnier, Board of Selectmen and Christopher Ketchen, Chief Administrative Officer (CAO).

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

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of July 21, 2020 and September 1, 2020.*

2. **Public Hearings:** None

3. **General Business:** a) Forest Wilde, LLC – Host Community Agreement (HCA) - Attorney Pete D’Agostino came before the Board to discuss their pending Host Community Agreement. He explained that this was their 4th or 5th time in front of the Board. He said their Community Outreach Meeting can be done virtually with a 14-day notice. They have submitted their traffic study and need to file with the Planning Board to which Chairman Consolati stated that it needs to be done prior to filing for the Special Permit. The HCA is the exact HCA that everyone else has already signed with the exception of the removal of the \$5,000.00 for the School Resource Officer (due to court actions taken).

Sean Regnier asked Mr. D’Agostino if they had made Lenox aware (as a courtesy) because of the proximity of their beach. He stated that they are required by the Cannabis Control Commission (CCC) to give notice to all within 300 feet of the proposed location. The amusing nuance is that the Lenox Beach is actually in Lee. Kathy Daoust stated that she had concerns about the traffic in that area and Patty Carlino explained that Forest Wilde had a traffic study done. *Upon a motion duly made and seconded, the Board members voted unanimously to grant permission to Forest Wilde, LLC to hold a Virtual Community Meeting and to approve the Host Community Agreement for Forest Wilde, LLC.*

b) Lee Youth Commission Update - Kathy Hall gave a “huge shout out” to Jen Carlino and Colleen Korte for their help with the LYA rock decorating, etc.

Kathy also wanted to update on the potential Community Center map which Bill Arnold helped with the Plans from BRCP. Tons of work was done before ever asking for dollars for the feasibility study. They have done research with engineers and architects to help determine a location that would work best. They notified Stockbridge Road abutters and had a meeting to listen to any advice or concerns regarding the location being on Stockbridge Road. Matt Puntin of SK Design did the rendering with a 130-car parking lot. The big question is “what about compensatory storage at this location? They will need a field survey to determine the topography, a site plan and as this would be a new building the parking, drainage, utilities, etc., needs to be looked at.

Cornelia Kalischer came before the Board. She stated that she filled out the survey and said that her wish is not to have the Community Center in this area and she’s checked with others and said that 85% of those surveyed stated “this is an area that should not be disturbed and that the proposed center should be more centrally located to town”. Sean Regnier asked if she were aware of any other areas similar that are closer to town and Kathy stated that there were none with enough room for parking. Cornelia stated that she “loved the idea – just not the location”. She urged people to come to the meetings which are posted on the Town’s website under ‘public notices’.

c) Annual Town Meeting Discussion – CAO, Christopher Ketchen stated that he and the staff have prepared the Warrant, which includes time sensitive articles, finances, budgets, etc., along with relevant articles approved by the Finance Committee and the general fund is in order. The date fixed for Town Meeting is October 1st. The warrant has been condensed to the Intermunicipal Agreement for Shared Services, the BPW article, Valley Street and the infrastructure surcharge, with all others being put off for the time being. Articles not on the Warrant are Planning Board Zoning Articles, and the Special Act Charter Review. The Community Preservation Act will be on the November ballot and needs to be voted on and will go into effect for the next fiscal year. Patty Carlino stated that we will do what we “have to” do for an “in-person” meeting. CAO Ketchen stated that he has taken state guidance regarding gatherings, although Town Meeting is exempt and we will keep the meeting as short as possible. We should be able to distance – the Representatives and Select Board members will be in the Auditorium and the general public will be in the cafeteria with remote access. The Board members and Chris are working with the school to facilitate the meeting. If at the meeting, the Reps could defer the citizen petitions if they want. Patty Carlino said that she spoke with the Planning Board and they are okay with the deferment of their article and she spoke with Janet Warner regarding the deferment of the Charter Review and she also was okay with waiting.

Upon a motion duly made and seconded, the Board members voted unanimously to approve the Warrant and to set the Town of Lee – Annual Town Meeting for Thursday, October 1st at 7:00 PM at the Lee Middle/High School Auditorium/Cafeteria (hybrid model – taking into consideration mask wearing and social distancing per regulations.

d) Berkshire Gas Permit - 51 Park Street – *Upon a motion duly made and seconded, the Board members voted unanimously to grant a permit to Berkshire Gas to retire gas service at 51 Park Street for the demolition of the building (behind the restaurant).*

4. Pending Business: None.

5. Town Administrator: a) Approve Operating Budget for month of October - *Upon a motion duly made and seconded, the Board members voted unanimously to approve the operating budget for the month of October in the amount of \$\$2,177,398.00.*

b) Authorize Chair to sign one month extension of Intermunicipal Agreement (IMA) with Lenox for Shared Chief Administrative Officer (through Oct. 31, 2020) – *Upon a motion duly made and seconded, the Board members voted unanimously to authorize the Chair to sign a one month extension of the IMA with Lenox for Shared chief Administrative Officer through Oct. 31, 2020.* money items.

6. Public Comments: Kathy Hall came before the Board and expressed here concern about finding open space for the proposed Community Center. She has an Open Space and Recreation Plan approved by the State.

Bill Matthews came before the board representing the Lee Historical Commission came before the Board to announce that the Lee Kiwanis helped people with food insecurity with supplemental food during the year with the food pantry and “stuff the trailer”. The Lee Elementary Staff delivered food every day to approximately 80 children and seniors. He thanked the endless dedication of the elementary school staff with their non-contact delivery. With all the unknowns they are supporting whatever is needed and continue to do so.

Mr. Matthews also reiterated his past meeting discussions regarding the Community Preservation Act-Warrant Article and how it could help the town.

Kathy Daoust read into the record a letter from Janice Braim (see copy attached and made a part of these minutes).

She also read into the record a letter from Cindy Mathias (see copy attached and made a part of these minutes).

David Consolati commented about the letters written, stating, “You don’t have to be disagreeable to disagree”. He stated that Patty Carlino has been in town government for 16 years – and it is unfortunate that many have no idea what she does and how much she does for this town. Kathy Daoust replied that she knows where Patty’s heart is.

Sean Regnier stated that “we can’t scratch each other’s eyes out---things that have been said are not necessary”.

7. Next Regular Meeting: The next regular meeting is scheduled for Tuesday, October 6, 2020 at 7:00 PM.

8. **Motion to Adjourn:** *Upon a motion duly made and seconded, the Board members voted unanimously to adjourn the meeting at 8:20 PM.*

Respectfully submitted,



Cindy L. Bigelow,
Administrative Assistant

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 Chair
Superintendent of Schools
Town Accountant

Thank Kathy Daoust for doing her job and
for the people in her district. You need to keep the
people in the Rest of the river settlement. You
are supposed to be representing the people. You can have our
people outside like Gl. Barrington did!!! You are all
pushing the River Cleanup through and you do not want
the people. We the people will keep fighting. No one
wants the dump. We should have had a vote on this. This
dump had not been done behind close doors. I am sure if the
dump was in your backyard there would not be one. There are
ways to clean up the river without having a dump. If I
made a mistake, I would say I made a mistake. Do your job and
stop this nonsense right now. Do the right thing and stand up
for the people you are supposed to be representing.

Janice Castegnaro Braim

From: Cindy Mathias moriah5@aol.com
Subject: comment from Cindy Mathias
Date: Sep 15, 2020 at 5:17:50 PM
To: Kdaoust1950@gmail.com

To the selectman of the town of Lee,

Since you are holding your meeting at the same time as the most important EPA meeting tonight, I have asked Kathy to represent me and read my statement tonight to all of you.

I would like my comments to go into the official record. Under the current administration there have been at least 90 EPA clean air and water act regulations overturned. That is not acceptable and that is why we must wait for a new administration with a new head of the EPA, one that is not on the side of the corporate polluters.

The EPA is notorious for being a revolving door for corporate lobbyists. So the corporation in question for polluting always has a leg up.

The EPA has numerous failures in cleanups, unsatisfactory failing plans that can't be executed properly and litigation lawsuits leaving a bigger mess than when they started, example the Hudson.

The comment period and open hearings have been rushed through during an unprecedented Covid- 19 pandemic. The citizens wanted in person hearings so that we can face you. We asked for an extension in order to do so. We already waited 70 years what's another few months.

Governor Baker courts GE to move their headquarters to

Boston, after they pollute the entire Housatonic River and have over 90 super fund sites across the United States. GE is not a welcome neighbor. The Governor uses our tax payer dollars to subsidize GE so they do not have to pay any federal or state taxes.

The EPA , GE and town selectman have conducted secretive back room negotiations over a 2 year period. The EPA in cahoots with GE and their lawyers pitted the selectman of each town against each other using scare tactics. The least educated selectman from LEE got the short end of the stick, (The Toxic PCB Dump), after you dangled a golden carrot in from of them. Great Barrington no longer gets a dump, but instead 149 acre park on top of polluted land. Pittsfield gets land donated to them and a take down of buildings. The citizens that live in these towns did not get to vote on putting a dump in the Berkshires and in their backyards. The EPA estimated the clean up cost in 2016 to be 600 million, now that would be 700 million. But GE is now getting a bargain for only 400 million, a 200 million dollar discount! They only have to clean up a portion of the Housatonic 20 -30 percent and dump the PCBs in a beautiful town and gateway to the Berkshires, scarring the landscape forever. GE must be held fully accountable. We demand a vote.

What I don't understand is if we are first having a virtual hearing and comment period now, how could the 5 Berkshire towns