

APPROVED ON 3/2/21

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – January 26, 2021

Present: David Consolati, Chairman and Sean Regnier (in person) and Patty Carlino (virtually)
Board of Selectmen.

Absent: Christopher Ketchen, Chief Administrative Officer (CAO).

David Consolati called the meeting to order at 7:00 PM, stating that “pursuant to the Open Meeting Law this is an audio recording”. The meeting is closed to “in person” attendance and will be conducted as a “ZOOM” meeting. Patty Carlino will be participating virtually.

1. **Approval of Minutes:** *Upon a roll call vote and upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of January 5, 2021.*

AYES

NAYS

David Consolati

none

Patty Carlino

Sean Regnier

2. **Public Hearings:** None.

3. **General Business:** a) Discussion – Proposal – Citizens to Stop the PCB Dump (“Citizens”) - Attorney Judith Knight came before the Board stating that the group is waiting on the response to her letter, where she states that the Board had no authority to sign to allow the dump and at their October 1, 2020 meeting it was voted to rescind and put \$50,000.00 aside to do so.

Town Counsel Jeremia Pollard responded as to why the Town is/was allowed to do it and the Board was authorized to enter into that agreement. When Atty. Knight asked Jeremia “what is your position?” He responded, “the Board acted properly. Attorney Knight’s position is that the Board was not authorized to sign the agreement. That we are saving G.E. money and \$25 million to the Town of Lee is not a lot of money. Dredging is not the way to go, it will stir it up into the air. There is no reason to create a landfill. It is a huge deal and worth the fight. It is a bad choice. She added that this is not their (the Select Board) job. She thought she gave them an “out” to admit that mistakes happen and digging in their heels is not good. This is not only a bad call; it is also the wrong call and not good for Lee. Attorney Knight added that they we proceed and start immediately to stop the process. She said she was disappointed and added that she hoped the \$25 million would remain in escrow.

Chairman Consolati states that this was the best solution for the town and he's sorry that people don't agree. There is no "personal gain" for any of the Board members, there never has been. David added that they did their job and believe it was the right thing. They were given a job to do something and they did.

Attorney Knight again said she was disappointed in the Board's decision and is sorry that they can't work it out between themselves.

Board member, Sean Regnier stated that he researched the technology to remediate and will continue to research it. He said that he can't do what you want him to do. The Settlement Agreement is already in place; we have to accept the decision and move forward. He would like to have a committee to oversee the activities and research, etc. We need to make sure this is built to the highest standards

Bob Jones stated to the Board that Attorney Knight "summed it up". He remarked to Sean that he ran opposed to the dump and was elected because of it. He asked Sean if he had even talked to the "Housatonic River Initiative" (HRI) scientists. Sean replied that he hasn't reached out to HRI. Sean stated he is taking inquiries to create an oversight committee.

Sean said he did go to informational meetings 4 or 5 years ago and agrees the PCBs have to come out and can be done safely.

Clare Lahey and Ed Lahey came before the Board stating they have been through everything with this town and are disappointed that Sean Regnier backed away and agreed to put a dump in their backyard. Their property value will go down. What about the danger? The area for the dump is a sandpit, it will leak and this is on you (the Select Board) Clare stated that this is not right; people have protested these things through the years.

Cornelia Kalischer read a letter she sent to the Board (see attached letter).

Ann Langlais encouraged people to see the Facebook Page "No PCB" and encourages people to be active. The group is going forward to litigate. They have an account at Lee Bank for donations to help the litigation process.

Nicole Kasiorek came before the Board. She lives on Washington Mtn. Road. She is a mother and educator and is against the dump which will be within 3 miles of her home.

Janice Braim stated she is really disappointed and this "breaks my heart". They will fight this.

Steve Handel asked the Board, "Why did you let this happen?"

Gail Ceresia stated she is also disappointed that Sean Regnier is not joining with them and not taking a position to stand with them. They need the Select Board to stand with them. She understands that Board member Patty Carlino may be influenced, but should stand with the townspeople. Science does not support this dump.

Phil Leahey “broke into” the closed meeting with his daughter, stating “you’re going to listen” He instructed his daughter to read a letter. (Audio is muffled and not discernable).

Tim Gray (HRI) came before the Board. He agreed with all that has been said against the dump. At every meeting against the dump, the Board could have said no to remediation. He explained that Patty always refers to the “science”. Tim said you don’t put dumps near people. The information the Board was given is not true. Dioxins are an extremely harmful toxin. He said the people are being misinformed. The dump is in the worst place for the Berkshires (a wellness community). He inferred that the town could lose any new development or any in process (Eagle Mill project). HRI will be going to court to appeal. There is a chance to beat the dump. They are not stopping; people will be accountable. A dump is the dumbest idea.

b) Lee Youth Commission Update – Kathy Hall came before the Board to update on the commission. She states that the Commission has been quite busy. There is new equipment at the South Lee playground, repairs of two slides that were damaged in the storm. A swing set was damaged and taken out to be replaced with new equipment. There is new equipment at the Bradley Street playground as it was not attractive to all. There were only 2 small toddler pieces and they needed something for the older group. The Community Center sub committee meeting will be on Thursday at 6:30 on ZOOM to talk about funding.

c) Thank You Letter – Chairman Consolati read a letter from Don Lucy & Dave Eisenberg (The Locker Room Sports Bar) thanking the Board for waiving the liquor license fees for calendar year 2021.

d) 2021 Seasonal Population Increase Estimation Form – *Upon a motion duly made and seconded, and upon a roll call vote, the Board members voted unanimously to approve the 2021 Seasonal Population Increase Estimation Form.*

AYES

NAYS

*David Consolati
Patty Carlino
Sean Regnier*

none

e) Berkshire Baptist Church (Waiver) - – *Upon a motion duly made and seconded, and upon a roll call vote, the Board members voted unanimously to approve the Waiver of the Yearly Inspection Fee for the Berkshire Baptist Church.*

AYES

NAYS

*David Consolati
Patty Carlino
Sean Regnier*

none

4. Pending Business: None.

5. Town Administrator: None.

6. Public Comments: Ann Langlais came before the Board commenting on the quality of the sound at the meeting. Jeremia, Dave and Sean were hard to hear. She also said, "Shame on the Board for refusing the Olive Branch to do the right thing that was offered. You let the citizens of this town down. How dare you decide to not follow "the will of the people". How do you sleep at night? Do you just pick and choose warrant articles to follow?"

Monica Ryan said, "you should jump ship-be willing to fight. And get the ZOOM business in order.

Cornelia Kalischer stated she works during Select Board meetings. She thanked Patty for answering questions and making an effort. She also asked, "Why didn't the Board act before a decision was made? Chairman Consolati replied, "we made the proper decision".

Neil Clarke came before the Board, unfortunately much of what he said was "muffled" due to sound quality.

Amanda Borsotti – She asked for clarity anything legally binding Lee to the ROR Agreement. She wanted to know where each of them stands: Patty Carlino – we were legally bound by the terms of the settlement and intermunicipal agreement. Sean Regnier – we were legally bound. David Consolati - it was a legitimate contract.

Public Comments from the Board: Chairman Consolati extended the Board's condolences to the family of Bob Nason. He was the longest serving Administrator in Massachusetts. He spent a lot of time here and did a lot for the community. He was a very good man.

Chief Roosa has officially retired and stepped down. We hope he realizes how much we appreciated him and all he did.

7. Next Regular Meeting: Our next regular meeting will be on Tuesday, Feb. 2, 2021 at 7:00 PM.

8. Motion to Adjourn: *Upon a motion duly made and seconded, and upon a roll call vote, the Board members voted unanimously adjourn the meeting*

AYES

NAYS

David Consolati

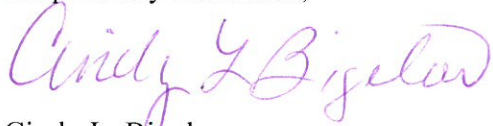
none

Patty Carlino

Sean Regnier

The meeting was adjourned at 10:15 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