

APPROVED ON 4-19-22

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – April 5, 2022

Present: Patricia D. Carlino, Chair and Sean Regnier and Bob Jones, Board of Selectmen.

Also Present: Christopher Brittain, Town Administrator

Chairperson, Patricia Carlino called the meeting to order at 6:00 PM and immediately convened in Executive Session in their office on the second floor for the purpose of discussing Contract Negotiations, because an open meeting would have detrimental effect. At 6:30 PM a second Executive Session meeting was called to order which was also convened in their office on the second floor for the purpose of discussing Litigation Strategy because an open meeting discussion would have a detrimental effect.

At 7:00 PM, upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to reconvene in open session in the former courtroom.

AYES

NAYS

*Patty Carlino
Sean Regnier
Bob Jones*

none

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of March 15, 2022.*

2. **Public Hearings:** Order for Joint or Identical Pole Locations – Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy – Job #1A5B6QX – George St.

Verizon New England Inc. and NStar Electric Company d/b/a/ Eversource Energy be and are hereby granted locations for and permission to erect and maintain poles and their respective wires and cable s to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary in the public way or ways hereinafter referred to as requested in the petition of said Companies dated the 30th day of September, 2021.

All construction under this order shall be in accordance with the following conditions: Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked—Verizon No. 1A5B6QX, dated September 30, 2021 filed with said petition.

There may be attached to said poles by said VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY wires and cables which shall be placed at a height of not less than 18 feet from the ground at highway crossings and not less than 8 feet from the ground elsewhere.

The following are the public ways or parts of way along which the poles above referred to may be erected and the number of poles, which may be erected thereon under the order:

GEORGE STREET: Place one (1) jointly owned pole numbers T. 3 ½ E.4M on the north side of George Street at a point approximately eight hundred forty-five (845) feet westerly from the center line of Stockbridge Road.

Reason: Place one (1) jointly owned pole on George Street to accommodate an electric company upgrade; and to provide for the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current.

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Upon a motion duly made and seconded, the Board members voted unanimously to grant the Order for Joint or Identical Pole Location to Verizon New England Inc. and NStar Electric Company d/b/a Eversource Energy.

3. **Public Comments:** Kathy Hall came before the Board and stated that the ice-skating frame has been removed from the Lee Athletic Field with the help of the following volunteers: Bill & Ariana Hall, Sean & Dawn Purcell, Aaron Aubin, Nick & Evan Arienti, Nick & Skylar Eccher and Maguire Roosa. With the end of that activity, the Lee Youth Commission has purchased some sports equipment and would like to offer a time to gather for some “Simple Fun” at the Lee Athletic Field on Wednesdays after school from 3:50 – 5:00 starting April 27th until the end of the school year. We have the following equipment and games: Pickleball nets, balls and paddles/Tennis rackets & balls/Basketballs (different sized for age-appropriate success) /Bocce court and balls/Nerf footballs/Playground balls/Frisbees. There will be an organized Kickball Game each Wednesday starting at 3:45. This will be geared toward children in grades 2-4 with several older students assisting the game. Stay tuned!

4. **General Business:** a) Wylie Goodman – BRCP Presentation - Ms. Wylie Goodman came before the Board to give an overview of their Comprehensive Economic Development Strategy (CEDS) for the region. The goals of the CEDS are Talent & Workforce/ Entrepreneurship & Innovation/Infrastructure, Site Readiness & Transportation/Collaboration/Industry & Occupational Clusters/Economic Resiliency. They track the economic conditions and trends/The Strength/Weaknesses/Opportunities and Threats (SWOT). The SWOT Analysis, the Strategic Action Plan based on SWOT, the Performance Measures to Evaluate CEDS Implementation and Impact and the Economic Resilience Assessment (Planning, Information Networks, Pre-Disaster Recovery Planning, and Resilience Measures. Some of their sample projects which represent the

greatest Regional Needs are Connecting Activities High School Internship Program (People) the Berkshire Compact for Education & Berkshire County STEM Pipeline Network (Community) and Broadband for All (Economy).

Some of their project that enhance the region are Growing the Future Food Economy of the Berkshires, Berkshire Skills Cabinet and Berkshire County Digital Economy Build-to-Scale.

Projects that enhance the region such as the Eagle Mill Redevelopment (Lee) and Kemble Street Studios. Crane Stationery Mill Redevelopment (Dalton) Berkshire Mall Reuse (Lanesborough) . Greylock Glen (Adams) and Greylock Works (North Adams).

The SWOT and Narrative Indicators are People (children/equity), Community (Climate change/Public transit) and Economy (Entrepreneurship/Industry Diversification).

The Action Items/Next Steps are Interview with Town Administrators, Presentation to Select Boards, Surveys of and Interviews with Regional Economic Representatives, Monthly Meetings of CEDS Committee, Monthly Meetings of CEDS Resiliency Working Group, Monthly Meetings with BRPC and 1Berkshire on Progress re: Technical Assistance to Business Initiatives, Drafting CEDS Report and Expanded Resiliency Section, Share Draft with Towns for Feedback.

Lee's Input: Compelling Environmental and/or Economic Resiliency Stories from the Last 1-2 Years. Locations that Represent Areas of Strength, Weakness, Opportunity, or Threat to your Town. Feedback on Priority Projects and How They will address Economic Challenges in your Town. Check-in on ARPA Allocation and Grant Management/Administration.

The Four Questions to ask ourselves are: What are the current strengths-weaknesses-opportunities and threats facing your town? How resilient are/were your town's People-Community-Economy – a) pre-pandemic b) during the pandemic and c) currently and in the next 5 years (2023-27)? What are your recovery-related concerns for your town and the county as a whole? What solutions do you think will best address those concerns?

Resiliency Framework: People-Community-Economy is the framework BRPC is using to organize the resilience section, informed by rural economy Brian Dabson.

b) Approval of Weights & Measures Rates - The Board received a Chart from the Building Dept. regarding their rates vs. rates of neighboring Pittsfield. The Town of Lee's rates were substantially lower. The Building Dept. offered their new rates which are somewhere in the middle of their current rates and the rates of Pittsfield. The Board reviewed this schedule of new rates, found their request to be fair and *by a motion duly made and seconded, voted unanimously to approve the request of the Building Dept's new rates as presented.*

c) ARPA – Revenue Loss - The Board members were presented with a Memo from Town Administrator Christopher Brittain and Town Accountant Lynn Browne stating that just over 1.6 million dollars was received by the Town of Lee in Federal American Rescue Plan Act (ARPA) monies. Recent changes to the ARPA regulations allow to declare up to 10 million dollars as lost revenue. This declaration will allow for discretionary deployment of all remaining funds outside

of the prescribed categories since our total allocation was under the 10-million threshold. The declaration of lost revenue is acceptable due revenue lost from local business taxes during the early portion of the pandemic. *Upon a motion duly made and seconded, the Board members voted unanimously to approve and recommended by Town Administrator Christopher Brittain and Town Accountant, Lynne Brown, that the remaining funds be declared as lost revenue.*

d) Entertainment & BYOB License – Antojitos Oaxoca - Hector Hernandez came before the Board to request an Annual Entertainment License for his new restaurant Antojitos Oaxoca located at 109 Railroad Street. The license would entail Dancing by Patrons, Disk Jockey and Live Vocalists. After a brief discussion regarding time frames, etc., *upon a motion duly made and seconded the Board members voted unanimously to grant an Annual Entertainment License to Hector Hernandez, d/b/a Antojitos Oaxoca to hold an Annual Entertainment License which includes dancing by patrons, disk jockey and live vocalists of 3 to (no more than 5 persons) on Saturday evenings beginning at 6:00 PM and to end at 10:00 PM.* This license would be subject to cancellation if the Board receives any complaints that the restaurant is not adhering to these regulations.

As Antojitos Oaxoca does not, as yet, have a liquor license, Mr. Hernandez also came before the Board requesting a special BYOB license so his patrons could bring their own beer & wine. *Upon a motion duly made and seconded, the Board members voted unanimously to grant a temporary 60-day BYOB (Beer & Wine Only) license, until such time as he is able to procure an All Alcohol License from the Alcoholic Beverages Control Commission (ABCC). At that time the BYOB would become null and void. If after 60 days, Mr. Hernandez has not yet received his license from the State, the Board members will take into consideration a renewal of the BYOB.*

e) Common Victualer License – Starbucks – *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Common Victualer License Application for Starbucks Corporation located at 145 Housatonic Street, Lee, MA.*

f) Hawker/Peddler License – Naquane Lamb - Mr. Lamb did not show up for the meeting. Therefore, this article was tabled for another time.

g) Test Well Access for Former Landfill - The Board members reviewed the “Consent For Access To Property For Inspection and Data Collection from Groundwater monitoring Wells and Non-Interference Agreement” which states that permission is voluntarily granted with knowledge of our right to refuse and without threats of any kind. They give their consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the General Electric Company (GE), the United States, and the Commonwealth of Massachusetts entering and having continued access to the referenced property for the following purposes, pursuant to a Consent Decree executed by those parties and entered by the United States District Court for the District of Massachusetts on October 27, 200, in United States et al. v. General Electric Company (Civil Action No. 99-30225-MAP et seq):

- Inspecting and obtaining groundwater elevation data from existing monitoring wells; and
- Overseeing the activities being performed by GE.

- And agree not to take any action, or allow any of its employees, agents, independent contractors, lessees, sublessees, or assigns to take any action at the referenced property that would interfere with or adversely affect the implementation of their activities.
- Their signatures confirm that they have authority to grant access to this property (201 Woodland Road, Lee, MA) and that no other party needs to be consulted.

h) Memorial Day Parade - Town Administrator Christopher Brittain advised the Board that he spoke with the VFW and Tri-Town Health Dept. and they are both on board with a “normal” Memorial Day Parade this May. The Select Board gave their approval and agreed that there was no need to cancel this event. Chris Brittain stated that he has already reached out to Mark Michaud and spoke with the Police Department regarding the parade which will be held on Monday, May 30, 2022.

i) Master Plan - After a brief discussion regarding the proposal from BRPC or putting out to bid, we would need to start now at BRPC or hold off and the grant awarded in the spring would pay entire thing if we apply now. Sean Regnier stated that he is for it and Bob Jones supports moving ahead with it. After a brief discussion and *upon a motion duly made and seconded, the Board members voted unanimously to accept BRPC for the Master Plan and the Open Space and Recreation Plan.*

j) Baby Town Meeting - After a brief discussion and *upon a motion duly made and seconded, the Board members voted unanimously to schedule a Baby Town Meeting for Thursday, April 28th.* We will look into whether to hold it at the Senior Center or at the School.

k) Warrant Article – Youth Commission: Community Center - The Board discussed the Warrant Article of the Lee Youth Commission/Community Center. After discussion, and *upon a motion duly made and seconded, the Board members voted unanimously to put Warrant Article 11. Community Center (2/3 VOTE) on the ballot. The Article reads as follows: “To see if the Town will vote to appropriate \$12,500,000 or any other amount for the purpose of designing, engineering and constructing a community center including all incidental and related costs by borrowing said sum. And further to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to pay costs for the design, engineering, construction, equipping, and furnishing of a new community center; or take any other action relative thereto.”*

5. **Pending Business:** None

6. **Town Administrator:** Town Administrator Christopher Brittain announced the follows:

a) The FY 2021 Revenue and Expense Reports for the period ended March 31, 2022 are available in the Select Board’s office for their review.

b) Our next meeting will be a hybrid meeting.

c) Starting next week the Town Hall would have new hours effective April 4, 2022, as follows:

Monday/Wednesday	8:30 am – 4:00 PM
Tuesday/Thursday	8:30 am - 5:30 PM
Friday	8:30 am - 12:30 PM

d) Chris had a meeting with a Textile Recycling Company through a new law the Commonwealth passed - though he doesn't think Lee has a large enough quantity. He will look into this further.

e) The asbestos removal at the Bull's Eye has been finished and the demolition will be starting soon.

f) Chris gave an update from D.O.T. on the potential rotary on Main St./W. Park Street. We look to be on the 5-year plan pending a hearing. The consultant is working on this and it will be a couple of years before starting.

g) He will share a summary with the Board for our ballot. As a reminder the Legislature approved legislation to change from a representative town meeting to an open town meeting which passed at the last town meeting in 2021 pending a referendum vote. That vote is on the May 16th ballot. They did the wording for us but asked that Town Counsel prepare a summary to be approved by the Board.

The wording for the summary is as follows:

“The special act is the result of a citizens' petition at the 2021 Annual Town Meeting to repeal existing legislation governing the Town of Lee's town meeting format and replace it with open town meetings. Currently, the Town of Lee operates as a Representative Town Meeting form of government, with membership consisting of nine (9) members from six (6) districts, for a total of fifty-four (54) potential district representatives, depending on vacancies. Additionally, there are currently at large members of the town meeting, namely, the moderator, town clerk, the board of selectmen, chairperson of the finance committee and any member of the Massachusetts state legislature who is a registered voter of the town. Under the current town meeting form of government, only representatives and at large members can act on and vote on articles before the town meeting. The Special Act would change the Town of Lee's representative form of government to open town meetings. In an open town meeting, any registered voter is a legislator at annual and special town meetings. In an open town meeting, any registered voter may act on articles before the town meeting and vote at annual and special town meetings.”

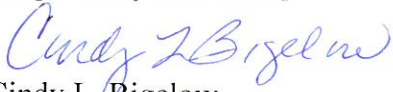
After a motion duly made and seconded, the Board members voted unanimously to accept the summary language to be on the ballot for the Town Meeting.

Patty asked Chris if there were any plans for the Bull's Eye Lot. Should we talk about it, form a committee, etc. Chris said for now it would be to extend the current parking at the Airolodi Building.

7. **Next Regular Meeting**: Our next regular meeting is scheduled for Tuesday, April 19, 2022 at 7:00 PM. This will be an In-Person Meeting.

8. **Motion to Adjourn**: *Upon a motion duly made and seconded, the board voted unanimously to adjourn the meeting at 8:15 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