

TOWN OF LEE
SELECT BOARD MEETING
Tuesday December 20, 2022 @ 7:00PM
Town Hall • 38 Main Street • Former Courtroom

Minutes

Members Present: Sean Regnier, Bob Jones, Gordon Bailey

Members Absent: None.

Chairman Regnier called the meeting to order at 7:00PM.

1. Minutes: Open Session Minutes of 12/06/2022

Mr. Jones made a motion to approve the December 6, 2022 minutes as submitted which Mr. Bailey seconded and was unanimously approved, 3-0.

2. Public Hearings:

a) Continued from 12/06/2022 – Alteration of Premise – Alpamayo Restaurant

Javier Fernandez was present to represent the business.

Chairman Regnier stated that the Board believes this is a reasonable request and in order to move forward, the Town will need a few insurance documents from Mr. Fernandez including public liability, property damage liability, and comprehensive general liability naming the Town of Lee as an additional insured.

Chairman Regnier opened the meeting up to the public. No one came forward.

Mr. Bailey made a motion to tentatively approve the alteration of premise for Alpamayo Restaurant including five outdoor tables, but only allow three outdoor tables until they receive all insurance policies which Mr. Jones seconded and was unanimously approved, 3-0.

b) Continued from 12/06/2022 - Special Permit Application - Canna Provisions [7:15pm]

Chairman Regnier stated that the Select Board received an email from Erik Williams of Canna Provisions stating that Canna Provisions would like to withdraw their special permit application.

Chairman Regnier opened the meeting up to the public. No one came forward.

Mr. Bailey made a motion that the Select Board allow Canna Provisions to withdraw their special permit application without prejudice at 905 Pleasant Street, which Chairman Regnier seconded and was approved, 2-0. Mr. Jones abstained from the vote.

3. Public Comment

Kathy Hall, Lee Youth Commission, asked that Admin Brittain share that the ice rink is set up and ready for skating. Ms. Hall wanted to thank all of the volunteers for setting up the ice rink, and thanked Lenny Tisdale, Zach Sorrentino, and Chief Brown for coordinating and providing teams to help complete the project.

4. General Business:

a) Berkshire Housing – Eagle Mill Update

Eileen Peltier of Berkshire Housing and Jon Rudzinski of Rees-Larkin Development, were present via Zoom.

Ms. Peltier began by stating in June of 2021 this project was funded by DHCD (Massachusetts Department of Housing and Community Development) but amid Covid-19 there was a funding gap and the Eagle Mill plus 19 other projects were stopped in their tracks. Ms. Peltier stated that in late summer of 2022, they were informed that they could reapply which they did, but they are now waiting to hear back. She stated she does not have any concern that they will not be funded, but she believes the state is in a back log.

Mr. Rudzinski added that they will receive the formal commitments any day now and the work will begin. Mr. Rudzinski stated that they appreciate everyone's patience.

b) Green Community's Update

Britney Danials and Sherdyl Fernandez-Aubert from BRPC were present.

Admin Brittain began by stating in June 2022, Mark Rabinsky of Green Communities Division in Massachusetts Department of Energy Resources, came in and talked about the stretch code, which was changing and they planned to revisit before Town Meeting. Admin Brittain stated that they also need to do an energy audit to be able to adopt it.

Ms. Danials began by stating the Green Communities program is funded by the state, and as part of their larger goals of decarbonization, they want to cut greenhouse gas emissions by 85% by the year 2050 and one way they're doing that is by going to the local level and helping provide grants to towns for their energy sufficiency and renewable projects. In order to qualify for the competitive grants, you have to be designated as a green community first, which comes with five criteria—one of them being the stretch code. The criteria includes: energy bylaws, the permitting process, the energy baseline and reduction plan, adopting a fuel efficiency policy, and the stretch code. The more robust criteria is developing energy baseline which involves collecting all the inventory for municipal buildings and their energy sources. BRPC will then put together an energy reduction plan.

Ms. Danials added that there are 14 municipalities in the Berkshires alone that are participating. Mr. Fernandez-Aubert added that there are two rounds of funding annually, and as long as the town has completed all reports, they would be eligible for both rounds of funding.

Admin Brittain stated between now and Town Meeting, they would need to add this to the Town Warrant.

Mr. Jones made a motion to have the Town Administrator take the next steps towards designating the Town of Lee as a Green Community which Mr. Bailey seconded and was unanimously approved, 3-0.

c) Change of Hours from One Eyed Cat Enterprises, Inc. d/b/a Locker Room Sports Pub

Rick Methe was present via Zoom.

Chairman Regnier confirmed with Mr. Methe that he is requesting the hours of 10am to 1am, seven days a week. Mr. Bailey stated they should make sure there are no past problems with the Police Department and it should be run by Chief DeSantis. Mr. Bailey confirmed that this request is only for the service of alcohol and does not change the hours of entertainment.

Admin Brittain confirmed he would reach out to Chief DeSantis to be sure the Police Department had no issues with serving until 1am.

Mr. Bailey made a motion to approve the change of hours contingent upon Chief DeSantis' approval which Mr. Jones seconded and was unanimously approved, 3-0.

d) Town Clerk Fee Schedule

The Town Clerk is seeking for the following fee changes:

Certificate	Current Fee	New Fee as of 01/01/2023
Death Certificate	\$5.00	\$8.00
Birth Certificate	\$5.00	\$8.00
Marriage Certificate	\$5.00	\$8.00
Business Certificate	\$10.00	\$25.00
Marriage Intentions	\$15.00	\$25.00
Courtroom Wedding	\$50.00	\$100.00

Admin Brittain stated that the Town Clerk's fees in Lee are significantly lower than other municipalities and the fees have not been updated in over a decade. He stated that these changes will put the Town at the State's average pricing.

Mr. Bailey made a motion to adopt the modified pricing as given by the Town Clerk which Mr. Jones seconded and was unanimously approved, 3-0.

e) Approval of 2023 Annual Alcohol License Renewals

AAA § 12 RESTAURANT

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Alpamayo Restaurant, Inc.	Alpamayo Restaurant	60 Main Street
Baja Charlies, Inc.	Baja Charlies	62A West Center Street
Buckys Tavern, Inc.	Buckys Tavern, Inc.	25 Frank Consolati Way
D&G Hospitality, LLC	Café Triskele	150 Main Street
FDR Food Group, Inc.	Rose's Restaurant	160 Housatonic Street
KJ Nosh Catering Company, LLC	KJ Nosh Catering Company, LLC	220 West Park Street
Moes Tavern, LLC	Moes Tavern	10 Railroad Street
Montra II Inc.	51 Park	51 Park Street
One Eyed Cat Enterprises, Inc.	Locker Room Sports Pub	232 Main Street
Robert L Consolini and Stephen E Gage	The 102 Tavern	1180 Pleasant Street
Shree Ganesh Restaurants, LLC	Mint Indian Lakeside Dining	435 Laurel Street
Silverleaf Resorts, Inc.	Oak N Spruce Resort	10 Meadow Street
Southern Berkshire Food Services, Inc.	Salmon Run Fish House	78 Main Street
The Avocado Café, Inc.	Avocado Café	5 Railroad Street
Timkev, LLC	Timothys Restaurant and Pizzeria	54 Main Street

Mr. Jones made a motion to approve the above AAA § 12 Restaurant License 2023 Renewals which Mr. Bailey seconded and was unanimously approved, 3-0.

AAA § 12 INNHOLDER

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Berkshire Restaurant Group li, Inc.	The Morgan House	33 Main Street
Waterside Resort Properties, LLC	Lakehouse Inn	615 Laurel Street

Mr. Bailey made a motion to approve the above AAA § 12 Innholder License 2023 Renewals which Mr. Jones seconded and was unanimously approved, 3-0.

AWM § 12 RESTAURANT

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Athenas Restaurant, Inc.	Athenas Restaurant. Inc.	20 Housatonic Street
Emmy Davis	Starving Artist Café	40 Main Street 2

Mr. Jones made a motion to approve the above AWM § 12 Restaurant License 2023 Renewals which Mr. Bailey seconded and was unanimously approved, 3-0.

AAA § 15 PACKAGE STORE

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Berkshire Liquors, Inc.	Berkshire Liquors, Inc.	130 Housatonic Street
Lee Pkg Store, Inc.	Lee Pkg Store, Inc.	10 Old Pleasant Street
JMADI Liquors, Inc.	East Lee Package	185 Water Street

Mr. Bailey made a motion to approve the above AAA § 15 Package Store License 2023 Renewals which Mr. Jones seconded and was unanimously approved, 3-0.

AWM § 15 PACKAGE STORE

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Route 102 Package Store, Inc.	Route 102 Package Store, Inc.	35 Old Pleasant Street
Bannun and Boo, LLC	Lee Citgo	55 Housatonic Street
Jw Sandri, Inc.	Sandri Stop Smart 127	15 Park Street
Global Montello Group Corp.	Convenience Plus #2750	241 Main Street

Mr. Jones made a motion to approve the above AWM § 15 Package Store License 2023 Renewals which Mr. Bailey seconded and was unanimously approved, 3-0.

f) Approval of 2023 Common Victualler, Innholder, Entertainment, Amusement Device, Class II and Class III Auto Dealer, and Taxicab/Limo License Renewals

COMMON VICTUALLER

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Bannun and Boo, LLC	Lee Citgo	55 Housatonic Street
Big Y Foods, Inc.	Big Y Express	320 Housatonic Street
Big Y Foods, Inc.	Big Y	10 Pleasant Street
FDR Food Group, Inc.	Rose's Restaurant	160 Housatonic Street
Heather Earle	Joe's Diner	85 Center Street
Langeron, LLC	Prado's Café	85 Main Street
LuJohns Auction Group, LLC	New Belden Tavern	2130 Cape Street
New England Authentic Eats, LLC	Papa Gino's	370 Stockbridge Road
New England Authentic Eats, LLC	D'Angelo's	370 Stockbridge Road
McBee Enterprises, LLC	Fresh City	370 Stockbridge Road
McBee Enterprises, LLC	McDonald's	370 Stockbridge Road
McBee Enterprises, LLC	Pretzel Gourmet	370 Stockbridge Road
Red Apple Garden, Inc.	Red Apple	23 Park Street
Starbucks	Starbucks	145 Housatonic Street
Triple A, LLC	Lucky's Ice Cream and Grill	30 West Center Street
Vivaldi Lee, LLC	Vivaldi's	33 Park Street, Unit 4
Wen Qing Zhing	Panda Garden Restaurant	95 Main Street

Mr. Bailey made a motion to approve the above Common Victualler License 2023 Renewals which Mr. Jones seconded and was unanimously approved, 3-0.

ANNUAL ENTERTAINMENT (WEEK DAY)

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Baja Charlies, Inc.	Baja Charlies	62A West Center Street
Berkshire Restaurant Group li, Inc.	The Morgan House	33 Main Street
Buckys Tavern, Inc.	Buckys Tavern, Inc.	25 Frank Consolati Way
Emmy Davis	Emmy Davis	40 Main Street 2
KJ Nosh Catering Company, LLC	KJ Nosh Catering Company, LLC	220 West Park Street
Moe's Tavern, LLC	Moe's Tavern	10 Railroad Street
Montra II Inc.	51 Park	51 Park Street
One Eyed Cat Enterprises, Inc.	Locker Room Sports Pub	232 Main Street
Silverleaf Resorts, Inc.	Oak N Spruce Resort	10 Meadow Street
Timkev, LLC	Timothys Restaurant and Pizzeria	54 Main Street
Waterside Resort Properties, LLC	Lakehouse Inn	615 Laurel Street

Mr. Jones made a motion to approve the above Annual Entertainment (Week Day) License 2023 Renewals which Mr. Bailey seconded and was unanimously approved, 3-0.

CLASS II AUTO DEALER

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Euromotors, LLC	Schmidt Motors	785 Pleasant Street
Gerald Drake	Drake's Used Cars	985 Meadow Street
R.W.'s Inc.	R.W.'s Inc.	35 Runway Street

Mr. Bailey made a motion to approve the above Class II Auto Dealer License 2023 Renewals which Mr. Jones seconded and was unanimously approved, 3-0.

CLASS III AUTO DEALER

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Drake's Auto Parts	Drake's Auto Parts	987 Meadow Street

Mr. Jones made a motion to approve the above Class III Auto Dealer License 2023 Renewals which Mr. Bailey seconded and was unanimously approved, 3-0.

AMUSEMENT DEVICES (POOL TABLE/JUKE BOX & VIDEO GAME)

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Buckys Tavern, Inc.	Buckys Tavern, Inc.	25 Frank Consolati Way
Robert L Consolini and Stephen E Gage	The 102 Tavern	1180 Pleasant Street
Silverleaf Resorts, Inc.	Oak N Spruce Resort	10 Meadow Street

Mr. Bailey made a motion to approve the above Amusement Device (Pool Table/Juke Box & Video Game) License 2023 Renewals which Mr. Jones seconded and was unanimously approved, 3-0.

INNHOLDER

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Berkshire Restaurant Group li, Inc.	The Morgan House	33 Main Street
Bes Hospitality, Inc.	Devonfield Inn	85 Stockbridge Road
Chambery Inn, Inc.	Chambery Inn	199 Main Street
Silverleaf Resorts, Inc.	Oak N Spruce Resort	10 Meadow Street
Waterside Resort Properties, LLC	Lakehouse Inn	615 Laurel Street

Mr. Jones made a motion to approve the above Innholder License 2023 Renewals which Mr. Bailey seconded and was unanimously approved, 3-0.

TAXI CAB/LIMO

<u>Business Name</u>	<u>d/b/a</u>	<u>Premise Address</u>
Abbotts Limousine + Livery Service, Inc.	Abbotts Limousine + Livery Service, Inc.	435 Greylock Street

Mr. Bailey made a motion to approve the above Taxicab/Limo License 2023 Renewals which Mr. Jones seconded and was unanimously approved, 3-0.

g) Approval of the 2022 ABCC Annual Report

(see report attached)

Mr. Bailey made a motion to have the Select Board sign off on the 2022 ABCC Annual Report which Mr. Jones seconded and was unanimously approved, 3-0.

h) Approval of the 2023 Seasonal Population Increase

(see population increase form attached)

Mr. Jones made a motion to have the Select Board sign off on the 2023 Seasonal Population Increase which Mr. Bailey seconded and was unanimously approved, 3-0.

i) Discussion on Non-Retail Marijuana Licenses Bylaw

Chairman Regnier stated that the Town has issued two retail permits, three cultivation permits and three manufacturing permits. The Town has the ability to issue up to fourteen non-retail permits plus the two retail permits. Admin Brittain added that the Town did have more special permits issued, but some have expired.

Mr. Bailey stated that he requested this discussion be put on the agenda. He stated that there is one grower in particular that is very close to where he lives, and there are times of the day where there is horrific smell. He stated he has reached out to the owner, but he'll reach out again because he hasn't heard back in over a month. Mr. Bailey stated he has received a number of complaints from other residents about the smell. Mr. Bailey stated he wanted to bring this up now for the town's people to decide if they wanted to take any type of action at Town Meeting. He added he did not want to impose this issue onto any other neighborhood.

Mr. Bailey stated if they do allow the same number of permits to be issued, maybe they need to bring the businesses in sooner for updates.

Mr. Jones stated as a Board member he will be recusing himself from this discussion, but wanted to add as a resident, he did go to the establishment Mr. Bailey is speaking of and witnessed the smell. He added that he has heard from other residents that farms and mills also have horrific smells, so that is something the Board will have to find balance on. Mr. Bailey added that the zoning bylaws point out that cannabis is not considered to be an agricultural product at this time, so they can't hide behind the "right to farm" issue.

The Board agreed to table the discussion until a meeting later in January 2023.

j) BPW Appointment - Jim Eithier

Chairman Regnier stated they have been working through some BPW changes and a couple members resigned, so the current BPW requested to add another member to the Board so their quorum wasn't so tight. Admin Brittain stated this would give the Board some flexibility if a member could not attend a meeting to approve abatements that are required by bylaw.

Mr. Jones made a motion to appoint Jim Eithier to the BPW which Mr. Bailey seconded and was unanimously approved, 3-0.

5. Any topic the Chairman could not reasonably anticipate.

Mr. Bailey stated that he attended a Zoom MPO meeting to discuss transit issues. He stated he was annoyed because the survey they had to fill out was clearly put together by DOT people based in eastern Massachusetts. He added that they gave a lot of input but he did not believe it was thought through very well for western Massachusetts. Mr. Bailey added that the ZBA has a special permit fee, but they haven't discussed the issue of what fee needs to be charged if a citizen wants to appeal a zoning enforcement, and he doesn't want the conversation to drop. Admin Brittain stated they haven't had a meeting in a while, but he could reach out and suggest a meeting for this purpose.

Admin Brittain confirmed for Mr. Bailey that the School Committee and the Board of Assessor's will be scheduled to come in for updates in the new year. Mr. Bailey stated the Cable Committee needs bodies and if anyone would like to be the voice of Lee and get active, they can join the committee. Admin Brittain stated that the website does have a page for Board and Committee vacancies right on the homepage.

Mr. Jones stated that he did meet with Melissa Provencher and they'll meet again Thursday.

6. Town Administrator – RoR Update, LED Update, Budget Update

For RoR, Admin Brittain stated that this week they'll be doing continued ground water monitoring at the UDF site and they expect less activity as it goes into the winter months, so he may not have biweekly RoR updates until the springtime.

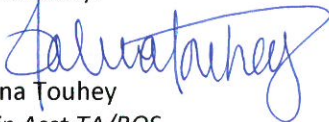
Admin Brittain added they are beginning the next phase for LED lighting which is investment-grade audit. He added there will be an article at Town Meeting for phase three of the project.

Admin Brittain stated that the proposed budget should be available to the Select Board and Finance Committee by the end of this week. He added that the Finance Committee will have their first meeting on January 10, 2023.

The next Select Board meeting is scheduled for January 3, 2023.

Mr. Jones made a motion to adjourn at 8:10pm which Mr. Bailey seconded and was unanimously approved, 3-0.

Submitted by:


Sabrina Touhey
Admin Asst TA/BOS

Approved on: 01/03/2023