

APPROVED ON 8/16/16

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – August 2, 2016

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

The Chair, 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 July 19, 2016.*
2. **Public Hearing:** Lipton Energy – Amended License Regarding Underground Fuel Storage License – Ronald Fortune came before the Board with the request for Lipton Energy with a business at 1140 Pleasant Street, Lee, MA to amend the current Underground Storage License at the existing gas station and convenience store as follows: 1) The removal of a 30,000 tank of fuel oil, 2) the removal of a 20,000 tank of diesel fuel and 3) the installation of a new 20,000 gallon tank consisting of 15,000 diesel, 5,000 gasoline. When asked about the amendments he stated that they are changing the orientation of fueling and configuring new tanks. The new storage amount will be considerably less than the current amount of 70,000 stored. The new quantity of flammable liquids to be stored is 15,000 and the new total quantity of combustible liquids to be stored is 25,000 for a total of 40,000. *The Board members voted unanimously to allow the amendment to their current license as requested.*
3. **General Business:** Medical Marijuana Facility – Attorney Don Hunter appeared for Mass Alternative Care Inc, (MAC) a non-profit with anticipated business in Chicopee and Amherst for the third and final meeting on their request for a letter of approval or non-opposition from the Board of Selectmen for their proposed facility at Quarry Hill Business Park. Attorney Hunter stated that he has met with Michael Hopsicker, President & CEO of Ray Murray, Inc., an abutter opposed to the business being located next door and discussed at length the issues and have reached an agreement. Mr. Hopsicker has presented a letter to the Select Board withdrawing is opposition to the property sale under the conditions of an agreement entered into by DKRV Commercial Properties, LLC (DKRV) and Ray Murray, Inc. (RMI). Since our last meeting Mass Alternative Care (MAC) and DKRV has agreed not to use the facility for selling or distributing marijuana or Cannabinoids for any recreational or non-medicinal purposes. They have agreed to

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enter into an agreement with RMI to that end. The Lee CDC has also agreed to sell the property to DKRV subject to 1) a deed restriction that would also restrict the facility from sales for recreational and non-medicinal use and 2) The Town of Lee issuing a letter of support or non-opposition. Attorney Hunter stated that in response to the last meeting's concerns about the width of the roadway and multiple vehicles going in and out, he has determined that the roadway is 28 feet wide; ample room for traffic. As the retail aspect is off the table, he urged the Board to follow the State's referendum approving the sale of marijuana for medical purposes and address the issue of a letter of non-opposition.

Gordon Bailey, an abutter at 734 Pleasant Street stated that he has no problem with the facility being located in the OPLI District, as the purpose of it is to create jobs. His only concerns would be with the lighting and traffic.

Bev Trombley, a District 5 Rep stated her concerns to the town as being increased crime, and her belief that the use of marijuana is a first step leading to the increased crime element.

Kevin Roosa stated that he has no problem with the use of marijuana for medicinal purposes.

Kathy Hall stated she doesn't have a problem with medical marijuana, but we don't have to have a dispensary in our municipality. She stated her main concern is for the children in our community and we need to make sure our children are safe.

Kathy Gallenberger of Devon Road stated that in 1973 she bought a house in Lee and moved here full time in 2006. Her major concern is about property values.

Ellen Mary Dagostino of Crossway Village stated the family values should prevail.

Mark Patel of Sunshine Avenue stated that there are so many questions that are unanswered at this time and we need to support our Police Chief. He added that the state needs to get doctors able to prescribe and pharmacies that can monitor the prescriptions. In his mind this is not a financial issue, but a moral issue.

Police Chief and District 5 Rep Jeff Roosa stated that he feels majority rules and in the weeks between meetings the majority of letters he received from the public were against the facility being in Lee.

Chairman, Tom Wickham stated that at this point the vote is non-opposition or opposition. There is a long road ahead and they have to get their state license first. Tom moved that the Select Board issue a letter of non-opposition and Patty Carlino seconded the motion. Patty then stated that they needed to have a discussion on the vote and stated that she has gone back and forth on the issue and she spoke with people in Northampton. This is a legal business and they have agreed and committed to no retail sale at the site. They will be creating approximately six jobs. Ultimately the state will

decide if they locate here and we need to respect their opinion. The medical profession recognizes the benefits and there are doctors that will recommend marijuana for medicinal purposes if needed. You don't go into a medical marijuana dispensary to buy "joints". There is a difference between legal and illegal activity. Having this facility in our town will not bring the property values down.

David Consolati vehemently stated that he is against it. He has watched kids get into drugs and try to get out. He believes that granting this facility takes a step backwards. Drugs are not the answer and everyone experiences pain in life that they need to deal with. He has a problem with the whole set up and the minimal five days of training. He feels that this belongs to pharmacies and that medical marijuana needs to be prescribed by a doctor and distributed through the pharmacy

Chairman Tom Wickham stated that while he respects our Police Chief Jeff Roosa and agrees with him and David Consolati on quite a lot of issues he feels that if we can't regulate it, we are allowing people to suffer. By giving up on trying to form any sort of regulations for medical marijuana, we are failing those that need it. Therefore, his conscience tells him that he can't vote against it. He stated that they still have to go through the Planning Board process. *Upon the motion duly made and seconded, the Select Board members voted to submit a letter of non-opposition. Mr. Consolati voted against the motion.*

The Board took a five minute recess to let the room clear out and re-group.

2016 Paving Project – Superintendent of Public Works, Chris Pompei, P.E. came before the Board to obtain their approval of the Chapter 90 – Project Request and Environmental Punch List in the amount of \$450,000 for the proposed work to resurface High Street and a portion of Marble Street. Patty Carlino asked about Forest Street as she has been fielding calls and concerns for some time. She is concerned about a stretch of the road is and how bad it will be this winter. Chris replied that they may try some patching if they have some extra money. *The Board members voted unanimously to approve and sign, "nunc pro tunc" July 28, 2016, the Chapter 90 Project Request and Environmental Punch List in the amount of \$450,000.00.*

Valley Street Bridge Replacement Design Public Hearing - Bob announced that there will be a public hearing on the Valley Street Bridge Replacement on Thursday, August 11, 2016 at 7:00 PM, to be held in the former courtroom in Town (Memorial) Hall.

Recognizing that there was a large contingent of people in the room waiting on a certain topic, Chairman Wickham invited Jessica Tisdale to come forward to discuss an issue regarding her chickens, even though the item was not on the agenda.

Ms. Tisdale stated that she has chickens on her property on East Center Street and has had them for years. A complaint was filed and she received a notice from our Building Commissioner and Zoning Enforcement Officer, Don Fitzgerald, that she was in violation

and must remove her chickens. Patty Carlino explained that zoning states that 5 acres of land is required to have and raise chickens on your property. She was advised to appeal the Building Inspector's decision and go before the Planning Board to request a zoning change. Patty explained to her that this needs to get voted by Town Representatives at a Town Meeting and that they, as the Select Board, do not make the rules. She was advised that at this time she should keep her chickens off the street, to not have a rooster and to remove her "chicken crossing" sign.

Ms. Tisdale then asked what she should do about her petition with signatures. Patty advised her to bring it to the Planning Board and to call Land Use Assistant, Jaimy Messana at 243-5517.

Net Metering Credits Purchase Agreement and Estoppel Certificate - Mr. Nason presented the First Amendment to the Utility Credit Sales Agreement and the Estoppel Certificate. Special Counsel Jeffrey Grandchamp has reviewed and approved the Amendment and edited the Estoppel Certificate. Mr. Nason reported that he had reviewed the proposed Amendment with energy consultant, Beth Greenblatt who had described it as clarifying but not altering the terms of the Agreement. *The Board members voted unanimously to approve the Amendment and to authorize the Chair to sign; and, subject to Special Counsel's final review, to approve the Estoppel Certificate and to authorize the Chair to sign it.*

MIIA Property and Casualty Group, Inc. Membership Agreement - *The Board members voted unanimously to sign the Membership Agreement and authorize the Chair to sign it.*

Temporary Sign Permits – 1) First Congregational Church – *The Board members voted unanimously to approve a temporary sign permit to the Congregational Church for the annual Movies in the Park "nunc pro tunc" July 15, 2016.* 2) Elizabeth Freeman Center – *The Board members voted unanimously to grant Elizabeth Freeman Center three (3) continuous 10-day temporary sign permits (30 days) to the Elizabeth Freeman Center on roads leading in and out of town to promote the "Walk a Mile in her Shoes" Take a Stand. Stop the Violence drive.*

Utility Cut Permit – *The Board members voted unanimously to grant a Utility Cut Permit to Desposito's Utilities, Inc., for the installation of cable t.v. service at the intersection of Paul Drive and Sharyn Drive on the condition that they will not cut but will bore under the road or come back and speak to the Board.*

Berkshire Gas Permits - *The Board members voted unanimously to grant a permit two permits for the installation of a new gas service to Berkshire Gas for 150 Via Maria and 1210 Pleasant, both on the condition that they bore under and not cut the road.*

One Day Beer & Wine License – *The Board members voted unanimously to grant a One Day Beer & Wine License to the Masonic Lodge, for their event to be held on Saturday, Sept. 17, 2016 from Noon – 8:00 PM.*

Hawker & Peddler License - *The Board members voted unanimously to grant a Hawker & Peddler License to Dustin Viands, working for Solar City. He was advised to speak with Chief Roosa in the morning and to make sure he gets the "No Call" list and adheres to it.*

Selectmen Appointments – *The Board members voted unanimously to appoint Steve Moritz to the Cable Television Commission and to appoint Ulrike (Uli) Nagel to the Recycling Committee.*

4. Pending Business:

- a. Valley Street Bridge Replacement Design Public Hearing – former courtroom – 7:00 PM, Thursday, August 11, 2016
- b. 2016 Mini-site Collection – Saturday, August 6th – 8:30 AM – 10:30 AM – Lenox Dept. of Public Works
- c. Lee School Committee Vacancy – Letter of Interest/Resume by August 5, 2016 to Lee Public Schools, Superintendent's Office, 300A Greylock Street, Lee, MA 01238

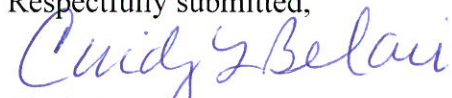
5. **Town Administrator:** Mr. Nason announced that the FY 2017 Revenue and Expense Reports for the period ending July 31, 2016 are on the Selectmen's worktable for their review.

6. **Public Comments:** None.

7. **Next Regular Meeting:** Our next regular meeting will be on Tuesday, August 16, 2016 at 7:00 PM.

8. **Motion to Adjourn:** *The Board members voted unanimously to adjourn the meeting at 8:30 PM.*

Respectfully submitted,



Cindy L. Belair,
Selectmen's Secretary

Notice of Website Posting Sent to:

Board of Selectmen	Board of Assessors	Dept. of Public Works
Town Administrator	Board of Health	Town Treasurer
Town Clerk	Conservation Commission	Town Reps. District Chairmen
Town Collector	Police Chief	Superintendent of Schools
Planning Board	Building Inspector	Town Accountant

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