

APPROVED ON 2/7/17

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – February 7, 2017

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

Chairman, Thomas Wickham, called the meeting to order at 6:00 PM.

Upon a motion duly made and seconded and unanimously approved, the members voted to adjourn to Executive Session for the purpose of discussing litigation and collective bargaining strategy, because an open meeting discussion may have a detrimental effect on the town's bargaining position. The roll call vote was as follows:

AYES

NAYS

*David Consolati
Patricia Carlino
Thomas Wickham*

None

The Chair announced that the members expected to return to open Session at 7:00 PM and they did.

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Public Session Minutes of December 20, 2016, January 3, 2017 and January 17, 2017.*
2. **Public Hearing:** None.

In order to accommodate a large number of people in attendance for the appointment of the new Fire Chief/Ambulance Service Director, Mr. Nason's appointment of Ryan Brown was taken out of order.

(5-a) After recalling the process of assessing the candidates for the position, Mr. Nason appointed, subject to the Selectmen's approval, Ryan Brown as Fire Chief/Ambulance Services Director.

Before voting on the appointment, the Chair Thomas Wickham asked if anyone would like to speak and several persons came forward. Jeff Leprevost came forward, congratulated Ryan on his appointment and spoke. He said the entire department thought highly of Paul Giarolo, a 38 year veteran firefighter who dedicated himself to the department. He felt that no one listened to the thoughts and opinions of the volunteers and does not feel that the town needs a full time chief.

Paul Giarolo came forward and congratulated Ryan and stated there is definitely a need for change, but also felt the department's concerns were ignored.

Pete Sorrentino came forward, congratulated Ryan and subsequently handed in his resignation, stating that he felt that they were given no respect from the Board or the Administrator.

Bill Brunell came forward and spoke of his pride in the heritage and tradition of the fire department. He also stated that this is a step forward and he encouraged all of his fellow firefighters to stand behind Ryan.

The Board asked Ryan if he would like to come forward; he did and he thanked the Select Board and everyone for their support, especially the firefighters for laying the groundwork.

Chairman Wickham stated that the decision was made for the betterment of the Town and felt that hiring a full time Fire Chief/Ambulance Service Director would be beneficial to everyone in the long run.

David Consolati extended his gratitude and admiration to the department. He commented that we do appreciate their service and dedication.

Patty Carlino reiterated what the others said adding that she understands that change is hard and she is sorry for the loss of those who feel they cannot stay.

The Board members voted unanimously to support Mr. Nason's appointment of Ryan Brown as our new full-time Fire Chief/Ambulance Service Director. Welcome Ryan Brown!!

3. **General Business:** Removal of Land from MGL, Chapter 62 - Attorney Ann Deely came before the Board to request the Board to vote on waiving or exercising their right of first refusal to purchase the property. The owner of the property at 2 Teel Road (Leisure Lee) has received an offer to purchase the property for \$635,000.00. The property is currently being taxed pursuant to the forestry program under MGL Chapter 61 and comprises approximately 13.08 acres as reflected in Forest Plan Certificate No. 150-8569. Ms. Deely commented that they have already paid back their rollback taxes in the amount of \$2,040.59 and are ready to close this in February of 2017, if the Board waives

their right of first refusal. *The Board members voted unanimously that they did not wish to exercise their right of first refusal to purchase the property located at 2 Teel Road (Leisure Lee), Lee, Massachusetts.*

Pipe Line Tax - Uli Nagel came before the Board requesting they sign a letter to the leaders of the Massachusetts Senate and House urging their opposition to new natural gas pipelines. *The Board members reviewed and voted unanimously to sign the letter as requested.*

Sewer Infiltration/Inflow Analysis - Superintendent of Public Works Chris Pompei, P.E. presented David Prickett Consulting's engineering services proposal for the Phase I - State I/I Requirements Project. *The Board members voted unanimously to engage David Prickett Consulting to perform the Phase I Sewer Infiltration/Inflow Analysis required by the state Division of Water Pollution in the amount of \$28,610.00, to authorize the expenditure of Sewer Mitigation Funds to pay for the service and to authorize the Chair to sign the engineering services agreement.*

Water Treatment Plant Boiler Repair/Replacement- Superintendent of Public Works, Christopher Pompei, P.E., came before the Board with the results of the bids for the replacement of the boiler at the Water Treatment Plant. VanZandt Plumbing, in the amount of \$26,236.23 was the lowest bid. *The Board members voted unanimously to award the Water Treatment Plant Boiler Replacement work to VanZandt Plumbing & Heating and authorize the Chair to sign the engineering services agreement.*

Berkshire County Regional Shelter Plan - The Board members reviewed Berkshire Regional Planning Commission's Addendum to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement. *The Board members voted unanimously to accept the Berkshire County Regional Shelter Plan Addendum to the Western Massachusetts Intergovernmental Emergency Mutual Aid Agreement and authorize the Chair to sign the addendum.*

Recreational Marijuana - The Board members discussed the lack of zoning and/or guidelines in place in the town or the state in regard to the sale of recreational marijuana. Currently under the Zoning Bylaw, Recreational Marijuana establishments and marijuana retailers are not a permitted use in the town. Tom informed the Board that we can set our own zoning as long as we do not unduly regulate the sale of recreational marijuana. As of yet, the state has no zoning in place and regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance in regulating Recreational Marijuana Establishments and Marijuana Retailers. Bob stated that he would engage town counsel to look into the moratorium time for setting our Bylaws regarding Recreational Marijuana. We would like to have our zoning in place before hand. We have until our calendar year 2018 May town meeting. *The Board members unanimously agreed to Mr. Nason contacting town counsel to get his opinion on a moratorium and zoning for recreational marijuana.*

Selectmen Appointments – *The Board members voted unanimously to appoint the following:*

Lee Housing Authority - Jennifer Heath (to fill the unexpired term), which would make her available to fill the required tenant seat in 2018.

Council on Aging - Barbara Scolforo
Lee Recycling Committee - Ann Sterlin

2017 License Renewals - *The Board members voted unanimously to approve a Common Victualer License to Villa Pizza as read from the 2017 License Renewals List and attached as part of these minutes.*

4. Pending Business:

None.

5. Town Administrator:

- a. (Personnel) See above - immediately following the Public Hearing section).
- b. 2016 Audit Reports - Mr. Nason announced that for the second year in a row we received a favorable Audit Report, with no comments or recommendations. Bob thanked the finance team for getting everything done in a timely fashion. Great job to everyone involved! Anyone interested in may view the report on our Town of Lee website.
- c. FY 2017 Revenue and Expense Reports for the period ended Jan. 31, 2017 - The FY 2017 Revenue and Expense Reports for the period ended January 31, 2017 are available on the Selectmen's Worktable.

6. **Public Comments:** Peter Sorrentino came before the Board to talk about the Shared Administrator and hopes we would work with the State for start up funds. He understands it comes down to the town meeting vote but urged everyone to give it a try; we are not locked in.

Patty stated that she wants to clear up a rumor that Bob has signed on for another three years. Bob responded that that was not true and he may only stay a few months after his contract is up to help in the transition period.

7. **Next Regular Meeting** The next regular meeting will be Tuesday, February 21, 2017 at 7:00 PM.

8. **Motion to Adjourn:** *At 8:10 PM the Board members, by roll call, voted unanimously to adjourn to Executive Session to discuss and collective bargaining strategy, because deliberating in open session may have a detrimental effect on the Town's bargaining position.*

The Chair announced that the members will not be returning to open session.

AYE

Patricia Carlino
David Consolati
Thomas Wickham

NAY

None

Respectfully submitted,



Cindy L. Belair,
Selectmen's Secretary

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 Chairmen
Superintendent of Schools
Town Accountant