

APPROVED ON 1/15/19

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – December 18, 2018

Present: Patricia D. Carlino, Chair, David Consolati and Thomas P. Wickham, Board of Selectmen and Christopher Ketchen, Chief Administrative Officer (CAO). Also present, Town Counsel, Jeremia Pollard.

Patty Carlino 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 potential litigation strategy, because an open meeting discussion would have a detrimental effect. The roll call vote was as follows:

AYES

NAYS

*David Consolati
Patricia Carlino
Thomas Wickham*

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

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of November 20, 2018.*
2. **Public Hearings:** Sling, LLC – Application for Special Permit for a marijuana establishment for the cultivation and manufacturing of cannabis to be sold at wholesale to other licensed marijuana establishments. (Applicable Section 199-9.11 Marijuana Establishments, 199-5 Intensity Regulations, 199-8 Off Street Parking, 199-12 Environmental Performance Standards – 815 Pleasant Street, Lee, Massachusetts. To speak on behalf of Sling, LLC was Blake Mensing, Attorney for Nathan Girard and Benjamin Girard. He stated that the Planning Board recommends the Special Permit upon their conditions of a lighting plan (which the Board has received) and agreeing that the dumpsters would be screened. He presented the Board with a state required Host Community Agreement Certification Form which the Board authorized Town Counsel, Jeremia Pollard to sign on their behalf, to which Mr. Pollard agreed. Attorney Mensing

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stated that the facility would be subject to all state regulations and the strict regulations regarding waste control. Abutter, Gordon Bailey came before the Board with three concerns; truck traffic, lighting and odor and was assured that these items would be addressed. Mr. Bailey asked if the Board would put a condition on the permit to have a one (1) year review to make sure all requirements were followed (similar to what was done for a Special Permit for Oak N' Spruce) and for any final adjustments and follow-up for unknowns. Attorney Mensing was agreeable to any and all requirements that the Board may required and stated that they want to be "good neighbors". Sara Delsignor, an abutter, wanted to know how this will affect their property values. Attorney Mensing stated that it would not affect the values detrimentally. Patty Carlino stated that the Board had received a letter from an abutter, Rose Fragala, who was not in favor of the business. (Said letter was read by Ch. Carlino and is attached and becomes a part of these minutes).

The Board stated that deliveries shall be restricted between the hours of 8:00 AM – and 8:00 PM.

District 4 Representative, Arthur Mack, came before the Board and asked where abutters/citizens, etc. should direct any complaints about the business, if any, and he was advised that any complaints should be directed to the Board of Selectmen.

After discussion regarding water, state guidelines, phosphorus levels, employees (to be vetted by Cannabis Control Commission (CCC), delivery vehicles, hook-up to Town water, etc. Attorney Mensing stated that the company will have robust record keeping and will readily share with the Town.

Upon a motion duly made and seconded, the Board members voted unanimously to grant the Special Permit upon a motion by the Special Permit Granting Authority after making the following finds that the proposed use:

- 1. Is in compliance will all provisions and requirements of this chapter and in harmony with its general intent and purpose; by meeting all requirements of the Marijuana Establishment bylaw adopted at Town Meeting, with no exemptions sought by the applicant under the marijuana bylaw.*
- 2. Is essential or desirable to the public convenience or welfare at the proposed location; the Town voted in favor of a marijuana bylaw and the location of the facility is in an appropriate area where other retail businesses are located.*
- 3. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; because the facility is located amongst other retail uses in a commercial corridor.*
- 4. Will not create undue traffic congestion or unduly impair pedestrian safety; as there is not much pedestrian traffic in the area as the business will be located in an industrial park with limited delivery trucks. The applicant has satisfactorily addressed concerns with a*

Host Community Agreement for the siting of a retail marijuana establishment in the Town of Lee.

5. *Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare. It was noted that the Town needs as many enterprise customers as we can add to the system, which is currently under capacity. The business has a required waste control plan to dispose of biological waste and will reclaim most of its water.*

This Special Permits is granted with the following conditions:

- i. *The Board of Selectmen will conduct a one-year review to address any concerns that may arise.*
- ii. *Deliveries will be done between the hours of 8:00 AM and 8:00 PM.*
- iii. *As a condition of this Special Permit, Higher Purpose Corporation, Inc., shall abide by all requirements of the Host Community Agreement executed with the Town of Lee on November 6, 2018.*

3. **General Business:** a) 2019 Liquor License Approvals – *Upon a motion duly made and seconded the Board members voted unanimously to renew the liquor licenses as follows: Alpamayo/51 Park/Athena's Pizza/Baja Charlies/Berkshire Liquors/Bucky's Tavern/Chez Nous/Convenience Plus/Cork N' Hearth/East Lee Package/D Spoon, LLC. d/b/a Post Eatery/KJ Nosh Catering Co. LLC. (Greenock)/Lake House Inn/Lee Package Store/Locker Room/Mint Indian Lakeside/Lee Citgo/Morgan House/Moe's Tavern/Oak N' Spruce/Rt. 102 Package/Salmon Run/Sandri Stop Smart/The 102 Tavern/Starving Artist Café/Timothy's.*

b) Misc. License Approvals - *Upon a motion duly made and seconded, the Board members voted unanimously to renew/grant the following: 1) Common Victualer licenses: 51 Park/Lake House Inn/Bucky's Tavern/Starving Artist/Alpamayo/Athena's/Salmon Run/Chez Nous/Baja Charlies/Moe's Tavern/Timothy's/Locker Room/102 Tavern/Mint Indian/Oak N'Spruce/Morgan House/Cork N' Hearth/K.J. Nosh (Greenock)/Belden Tavern/D Spoon, d/b/a Post Eatery/Big Y/Big Y Express/D'Angelo's/Papa Gino's/Friendly's/Joe's Diner/Chef's Express/Lee Subway/Orientaste3/Panda Garden/Red Apple/Rose's Restaurant/Vivaldi's Pizza/New England Wrap/Federal House.*

2) Innholder's: Applegate Inn/Devonfield/Jonathan Foote 1778 House/Ramsey House/Lake House Inn/Federal House/Morgan House/Oak N' Spruce.

3) Class II & III Licenses: Drake's Used Cars/Drakes Auto Parts/ Rt. 102 Auto Sales/R.W.'s Inc./Schmidt Motors.

4) Entertainment Licenses - 51 Park/Baja Charlies/Bucky's Tavern/Cork N' Hearth/KJ Nosh Catering (Greenock)/The Lake House Inn/Oak N. Spruce/ Starving Artist Café/Timothy's/Locker Room/Morgan House.

5) Amusement Licenses: Bucky's Tavern/102 Tavern/Oak N'Spruce

6) Taxi Licenses: Taxico (Park Taxi)

c) "Thank You" from Jacob's Ladder Scenic By-Way Trail – Chair Patty Carlino read a "thank you" letter from Jacob's Ladder Scenic By-Way Trail – for the donation of \$100.00 by the Town of Lee.

d) Special Olympics Law Enforcement Torch Run – Recognition Letter – Lee Police Dept. – Chair Patty Carlino read a recognition letter from Police Chief Jeffrey Roosa regarding the 5th Annual Special Olympics Law Enforcement Torch Run which was held on Sunday, November 18th and raised \$10,600.00. Officer Roosa wrote in his letter that he hoped the Board would take the time to recognize the effort put in by our Berkshire County police community and especially our Lee Officers and would like to recognize officer Bob Wood for planning and running the entire event this year.

e) Appointment of Tobacco Awareness Program Grant Funded Part Time Position – Tri Town Health Dept. - *The Board members supported Jim Wilusz's appointment of Ed Sedarbaum to the Tobacco Awareness Program grant funded part time position for the Tri Town Health Dept.*

f) Ambulance Debt Write-Offs - The Board members reviewed the 2015-2016 Ambulance Debts Write-Offs submitted to Town Accountant Lynn Browne in the total amount of \$129,523.00. *Upon a motion duly made and seconded the Board members voted unanimously to accept the write-offs for 2015 in the amount of \$51,215.16 and for 2016 in the amount of \$78,307.84 for a total write off in the amount of \$129,523.00 for bills uncollectible due to age. This should be our last write-off for a long time.*

g) Steve Seltzer – Proposed Plan for 160 High Street - Steve Seltzer came before the Board to get their input on his proposed conversion of the church to a two-family and new construction of eight apartments. The Board listened to his proposal and gave some feed back but explained that until he first goes through the Planning Board and has a site plan review they really can't say how it would be received. Patty said she was not against it and Tom seemed to think he may have to scale down from eight apartments to six.

h. Berkshire Gas Permits - *Upon a motion duly made and seconded, the Board members voted unanimously to grant two permits: 1) 5-7 Fuller Street for a retirement of gas services (nunc pro tunc – Dec. 14, 2018, and 2) Bradley Street (near #148) for a gas repair.*

i. One Day Beer & Wine License – *Upon a motion duly made and seconded, the Board members voted unanimously to grant a One Day Beer & Wine License to the Lee Fire Company for their Holiday Party.*

4. Pending Business:

None.

5. Chief Administrative Officer:

The Preliminary Revenue and Expense Reports for the period ended November 30, 2018 are available on the Selectmen's Table for their review

6. Public Comments:

Patty stated to Christopher Ketchen, CAO, that she would like to settle the subject of the post office one way or another, as soon as possible.

The Board members wished every one a Merry Christmas, Happy Holidays and a very Happy New Year!

7. Next Regular Meeting: Our next regular meeting is scheduled for January 15, 2019 at 7:00 PM.

8. Motion to Adjourn: *By a motion duly made and seconded the Board members voted unanimously to adjourn the meeting at 8:17 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

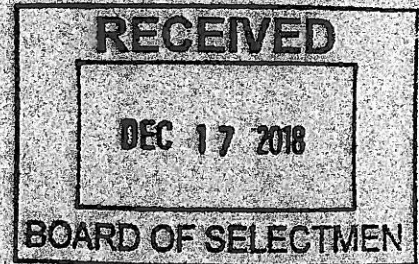
Board of Assessors
Board of Health
Conservation Commission
Police Chief
Building Inspector

Dept. of Public Works
Town Treasurer
Town Reps. District Chairmen
Superintendent of Schools
Town Accountant

Mrs. Rose A. Fragala
800 Pleasant St.
Lee, MA 01238

800 Pleasant Street
Lee, Massachusetts 01238
December 13, 2018

TO:
Lee Board of Selectman
32 Main Street
Lee, Massachusetts 01238



Dear Selectman,

This letter is in response to a notice I received regarding a public hearing on the proposal to locate a Marijuana establishment on a property located at 815 Pleasant Street in the town of Lee.

As an abutter and resident of Lee, I strongly oppose and have serious concerns about such an establishment. To locate such a business in a small town with families with children, seniors and reputable businesses would be detrimental. The town is already a passageway from Springfield to Pittsfield for drug traffic. Our law enforcement personnel can attest to this and it is difficult to believe that they would favor such a proposal. On this concern, we are opening the door to possible criminal activity. What about possible break-ins to steal marijuana? What kind of security would it have? There is also the concern of a major impact on traffic in the area. Such a facility opens the door to too many dangerous and unwanted possibilities that are of genuine concern to abutters and the people of Lee, in general. Lastly, I believe it will have a negative effect on property values abutters and other Lee homes, as well.

Respectfully submitted, Rose A. Fragala