

APPROVED ON 2/5/19

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – January 15, 2019

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

Patty Carlino called the meeting to order at 6:00 PM.

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of December 18, 2018.*
2. **Public Hearings:**
 - 1) D & K Affordable Auto Sales - Kaitlyn Rathbun came before the Board to present her application for a Class II License to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereon in accordance with the provision of Chapter 140 of the General Laws. Her business would be located at 1435 Cape Street, Lee, Massachusetts. After a brief question and answer discussion regarding the business, *upon a motion duly made and seconded, the Board members voted unanimously to approve the Class II License application as presented by Kaitlyn Rathbun.*
 - 2) Verizon New England, Inc. and WMECO d/b/a Eversource Energy – A Petition for Joint or Identical Pole Locations on East Street, Lee was submitted by Verizon New England, Inc. and WMECO d/b/a Eversource Energy to place one jointly owned pole numbered T. 1 ½ /E 1M on the northeasterly side of East Street at a point approximately one hundred ninety-one (191) feet southeasterly from the center line of Bradley Street. This Petition was to place one jointly owned pole to provide mid-span support to the existing pole line; and to provide for the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current. *Upon a motion duly made and seconded, the board members voted unanimously to approve the Petition for Joint or Identical Pole Locations on East Street.*
3. **General Business:** a) Erik Williams – Canna Provisions – discussion – minor changes to plan - Operational Manager, Erik Williams came before the Board to discuss minor changes to the building design previously approved by the Board at a Special Permit Hearing on August 7, 2018. The change involves the exterior of the property; specifically, the installation of the 5 foot canopy on the front of the building. They had opted for a flat façade because the permitting process for the cement footings would extend the time line.

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Selectmen Tom Wickham suggested using a techno metal post instead of cement which can be loaded immediately after installation. Tom stated, "You can put them in the ground at 8:00 AM and start building at 9:00 AM." Mr. Williams stated that he would touch base with the Selectmen the next day. The other minor changes consisted of recommendations from the Building Inspector to keep the front door where it currently is which is approximately 20 inches away from where they had planned to put it. The inspector also asked them to move the location for the bathroom. *Upon a motion duly made and seconded the Board members voted unanimously to approval all changes with an allowance for the canopy.*

Erik also stated that the plan to open on or about March 15th and will be sponsoring a job fair Saturday, February 2nd from Noon till 5:00 PM at the Morgan House, Main Street, Lee.

b) Council on Aging – Formula Grant - *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Council on Aging Formula Grant in the amount of \$18, 407.58 and to authorize the Chair to sign the contract.*

c) 2019 Seasonal Population Increase Estimation Form - *Upon a motion duly made and seconded, the Board members voted unanimously to approve the 2019 Seasonal Population Increase Estimation Form which is submitted to the ABCC stating that the seasonal population as of July 10, 2019 will be 5,052.*

d) Report from Mike Sullivan- Animal Control Officer - Animal Control Officer Mike Sullivan and Animal Inspector James Leahey came before the Board to discuss two dog bite/attack situations.

The first situation concerned a dog owned by John Burns of Lee and an attack made on Jennifer Carlino while she was walking her dog on Via Maria. This is the same dog the Board had made strict restrictions on in 2012 after a very serious attack on a smaller dog causing great suffering to the dog. After a lengthy discussion and reviewing their 2012 recommendations and noting that none of them were followed, the Board members initiated new restrictions on Mr. Burns' dog, as follows:

- The dog, when outside of the house for any reason, just be controlled by a double restraint and be muzzled. (Same as prior order)
- A Kennel-run must be placed on the property and whenever the dog is outside, he must be in said kennel-run, until such time as stockade fence (per prior order) is in place on the property.

The conditions are a "Last Chance" for the family to keep the neighbors, their pets and your dog safe and if any of these conditions are not met by January 31, 2019 and kept in place through the life of the dog a "Dangerous Dog Hearing" will be set by the Board and no further contingencies will be offered.

The second situation concerned a dog owned by Steven Bankert of Lee and numerous attacks made on people throughout Berkshire County. One dog bite in particular was made while the dog was under a "quarantine" order. CAO, Christopher Ketchen stated that he

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would call Boston and find out the protocol to a “Dangerous Dog Hearing” and what the town’s options are regarding.

e) Misc. License Approvals - *Upon a motion duly made and seconded, the Board members voted unanimously to renew/grant the following licenses: 1) Common Victualer licenses: Subway (Outlets) 2) Taxi License: Abbott’s Limousine & Livery Service, Inc. 3) Class II – Used Car Dealer: Southern States Used Cars, Inc.*

f) One Day Beer & Wine Licenses: *Upon a motion duly made and seconded, the Board members voted unanimously to grant the following One Day Beer & Wine Licenses.*

- *Lee Sportsmen’s Assoc – Sunday, Jan 27, 2019 – 3:00 PM – 10:00 PM – Annual Fundraising Dinner*
- *St. Mary’s School – Fundraiser – 1/19/19 – 5:00 PM – 7:30 PM*
- *St. Mary’s School – Fundraiser – 1/23/19 – 5:00 PM – 10:00 PM*
- *St. Mary’s School – Fundraiser – 1/26/19 – 5:30 PM – 8:30 PM*

4. Pending Business:

- a. Planning Board – Public Hearing – Monday, January 28, 2019 at 6:00 PM – regarding an addition to the Lee Zoning Bylaws Section 10.4, Section 14 Definitions 9.12, amendment to Section 13.3 (d) and 6.1 Solar Photovoltaic Installations Bylaw.
- b. Zoning Board of Appeals – Public Hearing – Wednesday, January 30, 2019 at 7:00 PM., Special Permit for Canna Provisions, Inc., for construction in the Floodplain District

5. Chief Administrative Officer:

The Preliminary Revenue and Expense Reports for the period ended December 31, 2018 are available on the Selectmen’s Table for their review.


6. Public Comments:

Kathy Hall came before the Board to announce that the Lee Youth Commission has Ice Skating at the Athletic Field! Everybody seems very happy and she extended her thanks to all involved in making this happen.

Patty Carlino thanked everyone’s generosity in donating to the Laliberte ToyFund. She stated that they also have a healthy starting balance for next year.

7. **Next Regular Meeting:** Our next regular meeting is scheduled for February 5, 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 7:56 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