

APPROVED ON 7/2/19

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – June 4, 2019

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

Chairman, Thomas Wickham called the meeting to order at 6:30 PM.

Upon a motion duly made and seconded and unanimously approved, the members voted to adjourn to Executive Session to discuss strategy with respect to contract negotiations with union personnel (Public Works Police) because deliberating in open session may have a detrimental impact on the Town's negotiating strategy. The roll call was as follows:

AYES

NAYS

*Thomas Wickham
Patty Carlino
David Consolati*

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 Open Session Minutes of April 30, 2019, May 7, 2019 and May 21, 2019.*
2. **Public Hearings:** *Salmon Run – Application for Amendment – Change or alteration of Licensed Premises to include/incorporate the all alcohol license for outdoor seating. - After a brief discussion, and by a motion duly made and seconded, the Board members voted unanimously to grant the Amendment to the current All Alcohol License granted to Salmon Run Fish House to include/incorporate the all alcohol license to include outdoor seating to accommodate four tables, each accommodating four chairs along the side of the restaurant. Five feet off the side of the building by thirty feet in length is owned by the license holder which is adjacent to the public sidewalk.*
3. **General Business:** a. Host Community Agreement – Canna Provisions Inc. – Construct of Marijuana Cultivation and Extraction Facility - Erik Williams, COO of Canna Provisions, Inc., came before the Board to ask the members to sign a Host Community Agreement (HCA) for the marijuana establishment to operate at 160 Quarry Hill Road in Lee. An application for a Special Permit for the construction of a marijuana cultivation and extraction facility has been submitted to the Board. The HCA is the standard

agreement that has been signed by Canna Provisions for their retail operation and by other marijuana establishments applying for special permits in Lee. Mr. Williams has asked the Board if they would extend a break in lieu of the fact that they already pay the 3% from their other establishment. He stated that he is asking for relief from the manufacturing aspect to the Lee retail operation. The only change would be to "Section 2 – Annual Payment" regarding the Annual Payments of 3% of gross revenue from marijuana and marijuana product sales at the Establishment ("transfers"). Mr. Williams stated that their commitment to the town is very strong. After discussion, the Board stated that they would contact town counsel and ask him to prepare the language for the agreement.

The Board accepted the application for a new Special Permit from Canna Provisions for the construction of a marijuana cultivation and extraction facility.

Upon a motion duly made and seconded, the Board members approved the Host Community Agreement with the modifications as discussed and to be prepared by Town Counsel, Jeremia Pollard.

Berkshire Eagle reporter, Dick Lindsay, inquired about the cultivation and was told by Erik Williams that it will be located in the Quarry Hill Industrial Park for cultivation on 20,000 square feet. There will be a canopy, hybridized screen house with full black-out shades on all ancillary buildings.

b. Melissa Provencher (BRPC) - Brownfields Assessment Grant - Melissa Provencher came before the Board to update the Board of the EPA grant awarded to the town in the amount of \$300,000 for four assessments which include the Eagle, Greylock, Columbia and Niagara mill properties owned by Schweitzer-Maduit. At this point we are nearing the end of the grant or they would like to extend the grant for another year. She explained that there is approximately \$80,000.00 left of the petroleum funds. David Consolati asked if they had any evidence of petroleum found and Mr. Thomas Biolsi, Senior Project Manager for TRC offered that no tanks were found but they did find evidence of petroleum. Melissa stated that there was evidence of asbestos, lead based paint and PCB's in the Greylock and Columbia Mills. When David asked if the new owners had been notified Melissa stated that she didn't know. TRC would like to reduce their contract by \$5,000.00 and transfer that \$5,000.00 to BRP in order to facilitate their working together. Melissa reminded the Board that the grant concludes at the end of September.

c. Borrowing Authorization – The Board reviewed the Borrowing Documents that were prepared for them by Town Treasurer, Donna Toomey. Ms. Toomey took bids to short term borrow a total of \$368,783.00. This represents School Boilers (\$79,727 third paydown – FY20), Dump Truck and Sander (\$114,056 third paydown FY 20) and Dump Truck (\$175,000 first paydown FY 20). After a brief discussion and *upon a motion duly made and seconded the Board members voted unanimously to accept Ms. Toomey's recommendation of awarding the bid to TD Bank at a rate of 2.10%.*

d. Berkshire Regional Transit Authority (BRTA) Advisory Board designee - The BRTA (which meets approximately four times a year) is still looking for a volunteer from the Town of Lee to be on their Advisory Board. Andrea Wadsworth, a Lee resident, volunteered and David Consolati gave her the sign-up sheet. *Upon a motion duly made and seconded, the Board members voted unanimously to appoint Andrea Wadsworth as the Lee designee to the Berkshire Regional Transit Authority.*

e. Temporary Sign Permit – Marcia Slaminsky (Post Eatery) – Sandwich Board Sign - *Upon a motion duly made and seconded, the Board members voted unanimously to grant a Temporary (Sandwich Board) sign permit to Marcia Slaminsky (property owner) for “Post Eatery” on 5 Railroad Street. Said Sandwich Board Sign Permit is valid for one-year of today’s (6/4/19) date.*

f. Berkshire Gas Permit - *Upon a motion duly made and seconded the Board members voted unanimously to grant a permit to Berkshire Gas Company to retire an inactive gas service at 725 Columbia Street.*

g. Peter Hofman (approval request to apply for grant) - Peter Hofman came before the Board to ask for the Board’s authorization to submit a grant application on behalf of the “Lee Greener Gateway Committee” in the amount of \$750.00. *Upon a motion duly made and seconded, the Board members voted unanimously to authorize Peter Hofman to apply and submit a grant application on behalf of the Lee Greener Gateway Committee in the amount of \$750.00.*

4. Pending Business:

- a. Zoning Board of Appeals – 51 Park Street – Montra II., Inc. – special Permit Hearing - for work in the floodplain district for proposed building renovations temporary parking area and related site work – Wednesday, June 26, 2019 at 7:00 PM.
- b. Planning Board – Leprevost - 58 Canal Street – Special Permit Hearing – Monday, June 10, 2019 at 6:00 PM.

5. Chief Administrative Officer:

- a. The FY 2019 Revenue and Expense Reports for the period ended May 31, 2019 are available on the Selectmen’s desk.

6. Public Comments:

Andrea Wadsworth came before the Board and asked about the Charter Special Act Commission. She stated that she had requested to be on that board. This would be a five-member board appointed by the Board of Selectmen to re-evaluate the Special Act. The creation of this Charter

is to review the special act which has not been looked at in 30 years. Andrea is also requesting the Selectmen to endorse disability insurance to school employees through UNUM Ins.

At this point in the meeting Andrea began quoting contract law, sections, language, MGL Sections etc. to which the Chair, Tom Wickham stated that without Town Counsel present we would not entertain any questions or concerns regarding interpretation of law.

Andrea then went on to ask about the receipt of grants for Shared Services and what was left of those funds. CAO, Christopher Ketchen responded that a substantial amount of the grant money remains untouched.

7. **Next Regular Meeting:** The next regular meeting is scheduled for Tuesday, June 18, 2019 at 7:00 PM.
8. **Motion to Adjourn:** *Upon a motion duly made and seconded, the Board members voted unanimously to adjourn the meeting at 8:10 PM.*

Respectfully submitted,



Cindy L. Bigelow,
Secretary to the Board of Selectmen

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