

APPROVED ON 11/19/19

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – October 1, 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 7:00 PM

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of September 17, 2019.*
2. **Public Hearings:** i) **Columbia** Growth, Inc. – Special Permit for establishment and operation of a Marijuana Cultivation Facility under (9.11 [B] [6] and a Marijuana Product Manufacturer (9.11 [B] [7]) from the town of Lee Zoning bylaws to locate a Marijuana Establishment for the cultivation and manufacturing of cannabis. The cannabis will be sold to licensed marijuana establishments in Massachusetts. The property affected is located at 157 Columbia Street in the Industrial Zoning District (Assessor's Map 13, Lot 1).

Jeff Shapiro came and addressed the Board that they are still working on their renderings and pulling together the package for distribution to the various boards.

Kathy Hall came before the Board stating that she has talked with Mr. Shapiro regarding her concerns about odor.

Upon a motion duly made and seconded, the Board members voted unanimously to continue the hearing to our November 5, 2019 meeting, at which time the Site Plan Review will have been completed.

3. **General Business:** a. Green Theory Cultivation - Harsh Patel & James McMann came in to introduce themselves to the Board. Their intent is to establish both marijuana cultivation and marijuana product manufacturing, pending Site Plan and Special Permit approval. Harsh Patel introduced himself as a "family bred" entrepreneur in adult use cultivation. Their product is designed as sustainable cannabis, all-natural growth using no pesticides, etc. His desire is to keep the community involved during the entire process. James McMann, Attorney introduced himself as their cannabis and business consultant. He described their process as a "hybrid greenhouse structure". It is an environmentally carefully manufactured building with minimum impact much like a "Butler Building" with opaque sides and an open roof which it pitched so you can't see in, but still open to the

elements, which cuts the heating and cooling costs. They use a light deprivation system which controls the night and day cycles. When it is light out you want it as bright as possible and when it is dark you want it pitch dark. This process has been used for decades in Europe and used in the Netherlands to grow their tulips. They will use a system of grow chambers with a "head house" a traditional 380 sq. feet. They will compost waste and utilize every part of the plant. This process is small like a "microbrewery" in the way to grow is in a deep-water cultivation watering system inside nutrient solutions. This is an incredibly efficient system which used 250 gallons of water per week. They are able to recapture the water used and re-use it. Patty asked if they had a property in mind and Mr. McMann stated that it would be located at 845 Pleasant Street, right next to the Rt. 102 Trading Post. Tom asked about the number of employees to which Mr. McMann stated approximately 8 – 12 with a preference to Lee residents.

Kathy Hall came before the Board and stated her concerns and questioned the number of licenses.

b. Key Capture Energy – Battery Storage – Waste Water Treatment Plan – Lease Agreement - Key Capture Energy is looking for properties with a substation for battery storage and have made an offer at our Waste Wastewater Treatment Plant which has a substation and want to explore this option with the Town. The initial payment would be \$5,500 with a 1st year extension option off \$4,000, a 2nd year extension option for \$7,500 and a 3rd year extension option for \$10,500.00. If, after their study of the battery storage and they find that this works for them, this could be potential for even greater revenue in the future.

CAO, Christopher Ketchen reminded everyone that the Town Representatives voted to approve and authorized the Selectmen to approve and sign this lease.

Upon a motion duly made and seconded the Board members voted unanimously to sign the Notice of Option and Land Lease to Key Capture Energy.

c. Discussion of DPW Grievances - Chairman Wickham stated that the Board has been made aware of grievances by two members of the DPW. CAO, Christopher Ketchen stated that grievances have been filed by two members of Local 404 Teamsters in Springfield. The dispute is over call-in for overtime. A provision in the contract dictates who gets called in cases where a position has to be filled. Management's interpretation is that the Superintendent may call in members of Highway/Cemetery Division in rank order. Union's interpretation is that all membership is eligible in rank order. The incident that occurred is that two Highway/Cemetery workers were called in. Two Water Division employees feel they rank ahead and want to be compensated. The paragraph in question makes no mention of the Water Division. Going with the Highway/Cemetery was an appropriate call by the Superintendent and CAO, Christopher Ketchen rejected the grievances without prejudice offering remedy and the Union elects not to pursue the remedy and to go directly to the Board of Selectmen (B.O.S.) On Sept. 9th the appeal was made and the B.O.S. have 30 days to resolve from the date of the appeal in favor of - //management or the Union. They will have until Oct. 8th. In accordance with the Contract

they were presented with a copy of both grievances and the Superintendent's rejection and the CAO's rejection which upholds the Superintendent's position.

David Consolati stated that he believes the DPW Superintendent as well as the CAO acted responsibly and Patty Carlino agreed that the language is specific and Tom Wickham stated that the contract does say Highway/Cemetery in Article 9.

CAO, Christopher Ketchen will notify the Union representative now so they can make a decision on additional steps, if any, they wish to take.

Upon a motion duly made and seconded, the Board members voted unanimously to notify the Union Representative of their negative opinion against the grievance and to follow the process they want to follow.

d. Berkshire Gas Permits - *Upon a motion duly made and seconded, the Board members voted unanimously to grant permits to Berkshire Gas Permits for the following: Paul Drive @ Sharyn Drive, 40 Leonard Avenue, 105 Davis Street and 245 Fairview Street for gas repairs and one permit for installation of new gas service at 182-184 Center Street.*

e. Selectmen Appointments - *Upon a motion duly made and seconded, the Board members voted unanimously to appoint William Mathews, Iris Bass & Patricia Johnston to the Cultural Council.*

f. Discussion of Electrical Inspector Fee Increase - Will be discussed at our next meeting.

g. Borrowing Authorization for Paving - Treasurer/Collector Donna Toomey, took bids to short term borrow a total of \$535,104.00 on Sept. 23, 2019. This includes a renewal of \$223,354.00 (FY19 borrowing) and \$311,750.00 in new borrowing authorized by May 9, 2019 Annual Town Meeting Article #11. She was also authorized to paydown \$338,396.83 per ATM Article #12. She awarded the bid to TD Bank at a rate of 1.74%. Short term borrowing bids were taken to pay off paving. *Upon a motion duly made and seconded, the Board members voted unanimously to accept the new borrowing as read.*

h. Disposition of Surplus Equipment - Lee Highway Department - Superintendent of Public Works, Alan Zerbato came before the Board to discuss the disposition of surplus equipment. They received three bids and JSSJR Enterprises was the high bidder on both pieces of equipment; namely a 1997 International #4900 DT Truck with Frame (67,995 miles) - bid of \$4,269.00 and a 1959 Austin Western Grader Serial #3462748 - Bid of \$1,390.00. *Upon a motion duly made and seconded the Board members voted unanimously to approve the disposition of the surplus equipment as described.*

i. Sarah Stiner - Sarah Stiner came before the Board to relay an incident at Fox hollow where they missed an inspection and the garage got sheet rocked prior to the wiring inspection. She placed a number of calls in to the wiring inspector and heard nothing so she called the electrician and he told her that the wiring inspector doesn't speak to

contractors. There was an area where they could open up the wall to inspect the wiring, but she was told the inspector does not climb ladders. She felt that he didn't have a productive attitude. She wasn't looking for a pass just a way that they could get the inspection without taking the garage down to the studs; though that is ultimately what had to occur. She is just asking for a more professional attitude and open communication directly with the inspector. Tom Wickham responded that it was the inspector's decision on how they moved forward. To which Sarah replied that she understood that. She just wanted the Board to know that she felt that she received "poor, poor customer service.

Her second issue was the garbage left on her street. It has become "like a dump on her road". She just wanted the Board to be made aware of the litter problem.

j. Hawker & Peddler License – Trinity Solar – Amy Ross - Amy Ross came before the Board with her application for a Hawker & Peddler License. The Board asked her what exactly she would be going door to door to discuss and wanted to make sure she had received the "No Call" list. Ms. Ross explained that she would be offering a no-cost home assessment to qualified homeowners for state and federal incentive to go solar. She also informed the Board that she already has the "No Call" list and has the approval of the Police Dept. *Upon a motion duly made and seconded, the Board members voted unanimously to grant a Hawker & Peddler License to Trinity Solar (Amy Ross) to go door-to-door offering free assessments to homeowners.*

k. Lee Associates (Rite-aid/Walgreens) Temporary Banner Permit to Announce Change - *Upon a motion duly made and seconded the Board members voted unanimously to grant a Temporary Banner Permit to Rite-aid/Walgreens for a banner to announce the change to "Walgreens" for the period of October 3, 2019 through November 3, 2019.* The Board stated that they wanted to make it clear that this permit is only for the banner and their permit for a new sign must go through the Building Department in order to make sure they are in compliance.

4. Pending Business:

- a. Hearing on the application of Rian Dowd and Travis Cabral for a Special Permit for proposed automotive repair business at 165 Water Street, Lee, in the Commercial Business Corridor (CBC) Zone – the Public hearing will take place in the Planning Board Office, Lee Town Hall on October 28, 2019 at 6:00 PM.

5. Chief Administrative Officer:

- a. The FY 2020 Revenue and Expense Reports for the period ended September 30, 2019 are available on the Selectmen's Table.

6. Public Comments:

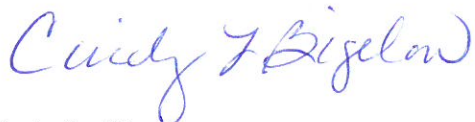
Kathy Hall came before the Board with a few items to mention: 1) Community Outreach for Columbia Growth @ 3:00 at the Morgan House tomorrow. 2) Tennis Courts at the Athletic field have been repaired. 3) The bocce court is in and they're hoping to get people to teach kids how to play and maybe get some tournaments lined up. David Consolati suggested Pete Scolforo or Ron Nickerson (who play in Bocce leagues in Pittsfield) to teach the kids how to play 5) Two

articles in the Berkshire Eagle; one about the odor of marijuana and the second about our carpentry students and the shed they built at the Athletic Field.

7. **Next Regular Meeting:** The next regular meeting is scheduled for Tuesday, October 15, 2019

8. **Motion to Adjourn:** *Upon a motion duly made and seconded, the Board members voted Unanimously to adjourn the meeting at 8:30 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