

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – February 4, 2020

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

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 January 21, 2020.*
2. **Public Hearings:** 1) Green Theory Cultivation – Special Permit under section 199-9.11 (Marijuana Establishments) Section 13.3 (Site Plan) and 13.4 (Special Permit) from the Town of Lee Zoning Bylaws for the construction of a Marijuana Cultivation and Marijuana Product Manufacturer facility, to be located at 845 Pleasant Street (Assessors' Map 30, Lot 84). James McMahon and Harsh Patel came before the Board to present their application for a Special Permit. They stated that they had their Community Outreach Meeting at the Black Swan on January 7, 2020. They have met with the Police Department and got their approval of their Security Plan, have met with the Conservation Commission regarding wetland areas and received their approval. Their Site Plan has been approved by the Planning Board. They will continually monitor for odors and comply with all town regulations. The biggest concern of the Board would be the phosphates and Mr. McMahon stated that their system is 100% closed loop with nothing being discharged into the environment. *Upon a motion duly made and seconded, the Board members voted unanimously to sign the Host Community Agreement with Green Theory Cultivation and upon a motion duly made and seconded, the Board members voted unanimously to approve the Special Permit for a Marijuana Establishment for the cultivation and manufacturing of cannabis. The cannabis will be sold to licensed marijuana establishments in Massachusetts. The Special Permit is conditional on the following five findings:*
 - a. *Is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose: Yes, because it is located in the zoning district that meets the requirements.*
 - b. *Is essential or desirable to the public convenience or welfare at the proposed location: Yes, because the public approved this use at our town meeting.*

- c. *Will not be detrimental to adjacent uses or to the established or future character of the neighborhood: Because it is in an Industrial Zoning District, with very few neighbors.*
- d. *Will not create undue traffic congestion or unduly impair pedestrian safety: only during the initial phase of construction there will be large trucks, after that it should be a well-run facility.*
- e. *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 town will be unduly subjected to the hazards affecting public health, safety or general welfare: will not affect any public water, drainage or sewer system because very little water will be used and the Cannabis Control Commission will monitor everything. We have a large water capacity*

Therefore, based on the above-motion and the reading and acceptance of the five findings, and upon a motion duly made and seconded, the Board members voted unanimously to approve and grant the Special Permit to Green Theory Cultivation for a Marijuana Product Manufacturer and to located a Marijuana Establishment for the cultivation and manufacturing of cannabis at 845 Pleasant Street, Lee, MA in the Industrial Zoning District (Assessor's Map 30, Lot 84).

3. **General Business:** a) Host Community Agreement – Green Theory Cultivation - *Upon a motion duly made and seconded, the Board members voted unanimously to execute the standard Host Community Agreement with Green Theory Cultivation, in order that they can proceed with the State Cannabis Control Commission.*
 - b) One Day Beer & Wine Licenses - 1) *Upon a motion duly made and seconded, the Board members voted unanimously to grant a One Day Beer & Wine License to Marconi Lodge for an Annual Spaghetti Fundraising Dinner to be held at St. Mary's School gymnasium on Saturday, May 2, 2020 from 5:00 PM – 11:00 PM.*
 - 2) *Upon a motion duly made and seconded, the Board members voted unanimously to grant a One Day Beer & Wine License to Lucia's Latin Kitchen for a Valentines Dinner to be held on Friday, February 14, 2020 from 4:30 PM – 11:30 PM.*
 - c) Berkshire Hills Baptist Church – Waiver of Annual Building Department Inspection Fee - *Upon a motion duly made and seconded, the Board members voted unanimously to grant a waiver of the Annual Building Department Inspection Fee to the Berkshire Hills Baptist Church.*
 - d) Lee Youth Commission – Member Appointment - *The Board received a letter from Maguire Roosa requesting appointment to be a member of the Lee Youth Commission. Upon a motion duly made and seconded and upon a recommendation from Janet Warner, the Board members voted unanimously to appoint Maguire Roosa as a Board Member of the Lee Youth Commission.*

e) Misc. License Renewals - *Upon a motion duly made and seconded, the Board members voted unanimously to grant the following licenses: Class II License – Drake's Used Cars / Drake's Auto Parts -- Taxi & Limousine License - Abbott's Taxi & Limousine Service.*

f) Presentation of the Final Report of the Special Act / Charter Review Committee - Janet Warner, the Chair of the Special Act/Charter Review Committee, came before the Board to discuss the experience of the Board and their recommendations to the Select Board regarding their review. Janet stated that per their appointment in September, the Board met five (5) times to review the town's current special act (Chapter 471 of the Acts of 1990). She admitted that there was a huge learning curve and the members are all thankful to be chosen.

First Meeting: Sept. 12, 2019 - involved the voting of a chair person and reading the entire special act aloud section by section, placing a "hold" on items any of the members wanted to revisit with a brief explanation as to why.

Second Meeting: Sept. 26, 2019 – the Board met and reviewed documents requested at their last meeting which included Town Clerk Records related to appointed positions, The Intermunicipal Agreement with the Town of Lenox for Shared Chief Administrative Officer (CAO) as well as Shared Assistant Chief Administrative Officer (ACAO), Chapter 155 of the Acts of 1991, and the DLS Guidance Documents Related to Governance.

Third Meeting: October 17, 2019 – The Board continued to review and started to make recommendations for any changes we thought appropriate to the Special Act.

Fourth Meeting: November 21, 2019 – The meeting involved careful recommendation, review and preparation to present to the Selectmen.

Fifth (Final) Meeting: December 5 2019 – The committee met one final time to give more input on Section 4. It is this committee's recommendation that the Selectmen review the wording of Section 4 with town council if the Select Board choose to make or consider this change.

Janet stated that the Committee understands that they are making recommendations to the Board for their review and know that any final decisions lie with the Board and the Town of Lee Representatives.

Their Recommendations are as follows:

Replacing references of "Board of Selectmen" to "Select Board" in the full document.
Replacing references of "he" to "they" and/or other appropriate pronouns.

Section 4: A member of the Select Board, Finance Committee or any other town employee shall be precluded from serving in any elected position in the town with the exception of town meeting representative. Rationale: Conflict of Interest.

Section 5: Regarding any Town Administrator Search: Replace ICMA Newsletter with The Beacon and MMA website.

Section 9: Delete all wording after “mailing address”. Rationale: As per contract.

Section 10: Regarding permanent positions made by the town administrator shall become effective on the FIFTH business day instead of fifteenth business day.

Section 11: See side notes on 11 a-q on report.

Regarding town administrator shall be chief “financial” officer, eliminating the word “fiscal”

Section 11d: Change to 7 days’ notice

Section 11e: Remove (redundant)

Section 11g: In reference to rental procedures: give authority solely to Select Board

Section 11i: Remove (redundant)

Section 11m: Town administrator accessibility and availability: add “or designee”

Section 11n: Delete quarterly reporting requirement

Section 11p: Remove

Sections 13-17: Remove (not applicable)

Member, David Consolati thanked the Board for their considerable amount of time invested in cleaning up the language.

4. Pending Business:

- a. Public Review on Monday, February 10, 2020 at 6:30 PM on the application of Lee Bank for approval of a Site Plan Under Section 199-13.3 of the Town of Lee Zoning Bylaw (Site Plan Review)

5. Chief Administrative Officer:

- a. The FY 2020 Revenue and Expense Reports for the period ended January 31, 2020 are available for review on the Selectmen’s Table.

6. **Public Comments:** Kathy Hall came before the Board to announce that there is ice at the Lee Athletic Field rink. She explained that they look at it every day and put signs up if they
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feel it is not safe. With February vacation coming up she is hoping for cold weather. She stated that seeing everyone enjoy the parks and skating rink is a pleasure to see.

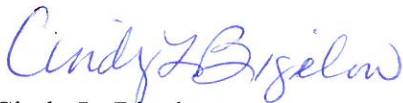
Dave Forrest came before the Board stating that since we no longer have a traffic committee, he is requesting four (4) street lights on Greylock Street. He said that on the end of his driveway he's like them to accommodate a 2nd and 3rd house is will be building on his property. He would like a new pole to replace the existing pole.

Mr. Forrest also stated that he thinks the town should look into LED replacements, stating that Pittsfield replaced all of their lights with LED's.

Mr. Forrest stated that he thinks the Board of Public Works board members should be involved in all construction projects. He states that the Board should be involved in discussions with the work to be done on Main Street. He is waiting on Foresight to come back with information regarding the project.

7. **Next Regular Meeting:** Our next regular meeting is scheduled for February 18, 2020 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 8:15 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