

APPROVED ON 10/20/2020

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – October 6, 2020

Present: David Consolati, Chairman and Patty Carlino and Sean Regnier, Board of Selectmen and Christopher Ketchen, Chief Administrative Officer (CAO).

David Consolati 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 15, 2020.*

2. **Public Hearings:** Post Eatery – Dragonetti to Stone – Transfer of All Alcohol License – 5 Railroad Street - Micah Stone came before the Board stating that Lance Dragonetti has transferred the All Alcohol License he possessed for Post Eatery, along with Mr. Stone's purchase of the business. He stated that he has passed a TIPS Certification Course and intends for his employees to also be TIPS certified. The business will run pretty much the same as its former use. He will sell food and when approved alcohol to be purchased with food. He asked about instituting a BYOB for the time-being until his license is approved by the ABCC. The Board members were in favor of the business, which offers outside seating and reminded Mr. Stone that while liquor can be served at the outside seating, patrons cannot leave their seats with their drinks in hand. Mr. Stone said he will try to do the business a bit different from the former Post (maybe homestyle, ethnic) along with take-out and a lunch special menu. He wants to keep the food "top notch". His business will be open Tuesday through Saturday from 8:00 AM. Monday through Friday until 8:00 PM and weekends until 9:00 PM. He intends to offer a Sunday brunch menu and will be closed on Mondays. After brief deliberation *and upon a motion duly made and seconded, the Board members voted unanimously to approve the Transfer of the All Alcohol Liquor License at 5 Railroad Street (Post Eatery) from Lance Dragonetti to Micah Stone, subject to final approval from the Alcoholic Beverages Control Commission.*

3. **General Business:** a) Warranty for 2020 State Election - The Board members were presented with the Town of Lee Warrant for the State Election on Tuesday, The Third Day of November, 2020 from 7:00 AM to 8:00 PM to cast their votes in the State Election for the candidates for the following offices: Electors of President and Vice President (for these United States) -- Senator in Congress (for this Commonwealth) -- Representative in Congress (First District) -- Councilor (Eighth District) -- Senator in General Court (Berkshire, Hampshire, Hampden, Franklin District) -- Representative in General Court (Fourth Berkshire District) and Register of Probate (Berkshire County). The Warrant also includes three Questions. Question 1: Law Proposed by Initiative

Petition (This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair) Question 2: Law Proposed by Initiative Petition – “Ranked-Choice Voting”, in which voters rank one or more candidates by order of preference. Question 3: Shall the Town of Lee accept sections 3 to 7, inclusive of Chapter 7, inclusive of Chapter 44B of the General Laws. *By a motion duly made and seconded, the Board members voted unanimously to accept the Warrant for 2020 State Election.*

b) Discussion, review and potential action on an open Entertainment Permit granted on August 18, 2020 to Sean Curley - Sean Curley came before the Board to discuss the Entertainment Permit granted on August 18, 2020. He stated that he wants to work together to maintain COVID-19 restrictions and practices by operating up to 50% of the maximum cap of 250 people. The layout would be similar to what was previously presented. There will be no more than 6 people to a car, with masks (except while eating). They will be tracking individuals and will keep a log with a COVID check list and adhere to all regulations of Order #51 & #52. All alcohol will be consumed inside the vehicles and they will assign a liaison to work with the Police Department. The laser light show will be in the field and there will be a hard stop at 10:00 PM. He wants to incorporate everyone’s feelings. Chairman Consolati stated that he should make a concerted effort to comply and not to “screw it up” or it will be done...period. Patty Carlino asked if the 250 participants were people in cars or outside cars, to which Mr. Curley stated it was all attendees, not including any staff, band, security, etc. They will include the last 3 weekends in October or as long as Interim Chief Desantis and Health Dept. Adm. Jim Wilusz are okay with it. Mr. Curley said that as long as they are 100% confident, they won’t do it. When asked about movies, he said that there was not enough time left for movies. He will try to keep consistency in the rules. Berkshire Eagle Reporter, Dick Lindsay asked if this was a different state or an independent stage company. Mr. Curley replied that it’s the same as originally planned. They will sell tickets on line and as of yet, they have no one booked. After brief consultation, *by a motion duly made and seconded, the Board members voted unanimously to allow the license plan as submitted.*

c) “Rest of River” – Oversight Committee Discussion - As the EPA will be issuing responses soon, the “Rest of River” committee wished that each town would have an “Rest of River” Oversight Committee. They will decide what it will look like and its goals and will need a committee to look at the contract or something else. The EPA is overseeing the project but will need someone local to oversee the EPA and to help in the decision making of “what is going to happen going forward?”. If anything changes, we won’t know for a while and what the committee will do and what they’re working on. Chairman Consolati stated that anybody interested with background should send a letter with their resume’ and the Board will pick 5-7 persons to be on the Committee. David also stated that Sean can run it...to which Sean agreed that he would. Letters/Resumes can be sent to the Selectmen’s Office in c/o Sean Regnier.

d) Treasurer Items - i) FY 20 and FY 21 Agreements of Reporting from Town to School - CAO, Christopher Ketchen stated that this is a reporting structure to formulate town activities between the town and school for the State to logistically collect data to calculate costs. *Upon a motion duly made and seconded, the Board members voted unanimously to accept the Agreement of Reporting from the Town to School for FY 2020 and FY 2021.*

ii) Short Term Borrowing – Paving Re-issue - Treasurer/Collector Donna Toomey provided the Board with her memo regarding her bid to short term borrow a total of \$428,083.00 on October 5, 2020. This represents renewal of previous note and a FY21 paydown of \$116,280.80. Short term notes are issued for one year only and must be reissued yearly. Each year, per annual town meeting, we pay down a portion of the note. Ms. Toomey awarded the bid to TD Bank for a rate of .62%, showing bid participants and all rates attached. The bidding was very competitive. Last year's rate was 1.74 so we received a great rate this year. *Upon a motion duly made and seconded, the Board members voted unanimously to accept and sign the documents for Ms. Toomey to process through the state house.*

e. Berkshire Gas Permits - 140 E. Center Street – install new gas service – *Upon a motion duly made and seconded, the Board members voted unanimously to grant this permit to Berkshire Gas.*

27 Academy Street – install new gas service - *Upon a motion duly made and seconded, the Board members voted unanimously to grant this permit to Berkshire Gas.*

530 Stockbridge Road – retire 300' gas main and replace two services at 530 & 560 - - *Upon a motion duly made and seconded, the Board members voted unanimously to grant this permit to Berkshire Gas.*

195 Theresa Terrace – install new gas service - *Upon a motion duly made and seconded, the Board members voted unanimously to grant this permit to Berkshire Gas.*

31 School Street – install new gas service - *Upon a motion duly made and seconded, the Board members voted unanimously to grant this permit to Berkshire Gas.*

f. Lee Youth Commission Update - Kathy Hall came before the Board to update the Board and show them a conceptual drawing by Kerry Bartini (volunteer architect) of the potential Community Center. This drawing shows a pool, a diving pool, therapy pool and splash pad and sauna. Another section of the building contains a reception desk, lounge area, 2 offices and 2 conference rooms. There is also commercial space, kitchen and bathroom. Another area has 2 regulation size basketball courts. They are looking at the survey results, locations and opportunity cost. At this time, they are only in Phase 2 of the feasibility study, which should conclude by December. Chairman Consolati asked if she had a ballpark figure for this and Kathy replied that she does not. The cost of the pool alone would run approximately 17.1 million and David stated that the whole project would run somewhere in the amount of 35 million. Kathy replied that anything is possible and Sean Regnier stated that perhaps our eyes are bigger than our stomachs. Kathy stated that she would concede and not pursue the hockey rink. David advised that at some point, reality must set in, because on top of the initial costs that are also costs to maintain i.e. staff, heat, electricity parking, etc. Kathy said that she is hoping to have a public meeting and David reminded her that this has to be reality based, to which Kathy said it's a matter of "quality of life". She also reminded everyone that there will be a Lee Youth Commission meeting on October 19<sup>th</sup> and anyone interested can check at the Town website for the Zoom link. Chairman Consolati asked if Kathy had thought about getting the community involved and she said that she had thought about it. She is hoping the Berkshire Regional Planning Commission would also help out. She admitted that she is very cognizant about the amount of money that this would entail.

4. **Pending Business:** None

5. **Town Administrator:** a. FY 2020 Revenue and Expense Reports for the period ended September 30, 2020. The reports for the period ended September 30, 2020 are on the Selectmen's Table for their review.

6. **Public Comments:** Kathy Hall came before the Board with a question regarding the all alcohol license that was granted at the beginning of the meeting regarding liability with the business running with a BYOB until their license is granted by the State and David explained that the liability is the same as a regular license and the BYOB is only in effect until the State license is issued from the State.

Patty Carlino stated that she wanted to clear the air from the Town Meeting; where it was stated that "Rest of River" committee was aware that Matt Powa had been an employee of G.E. Patty said that that is not true and is a completely wrong statement.

7. **Next Regular Meeting:** The next regular meeting is scheduled for Tuesday, October 20, 2020 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 8:00 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 Chair  
Superintendent of Schools  
Town Accountant