

APPROVED ON 1/5/21

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – December 15, 2020

Present: David Consolati, Chairman and Patty Carlino and Sean Regnier, Board of Selectmen.

Absent: 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 December 1, 2020.*

2. **Public Hearings:** Spirtas Global – Special Permit Hearing under Section 199-9.11 Marijuana Establishments, 199-5 Intensity Regulations; 199-8 Off St. Parking; 199-12 Environmental Performance Standards from the Town of Lee Zoning Bylaws – 715 Columbia Street in the Industrial Zoning District (Assessor's Map 8, Lot 55).

Maureen Corcoran came before the Board representing Spirtas Global. She explained that Franz Chan (Zip Box), the former owner of the Special Permit dropped out of the picture and Eric J Spirtas, President of Spirtas Global LLC took the property back and would like to take over the operation using the identical plans and processes from Hill Engineers. A Host Community Agreement was signed by the Board on August 5, 2020 and their Community Outreach meeting was completed on December 3, 2020. She offered that they will deal with the smell with carbon filters using new technology that all indoor grow facilities are using. The Board discussed a few concerns regarding traffic and trees that may be taken down. Maureen offered that they will be doing standard landscaping. Their lighting plan is in place, along with a plan for water runoff. They are looking into solar. They have legally gone through the name change and the application was received, along with their site plan, security plan, etc., all the same as the former "ZipBox" facility. Patty stated concerns about the egress onto Greylock Street and expressed that the neighbors suggested a "left turn only" sign to be at the exit of the facility. Sean Regnier stated that there would be trucks weekly, some daily, which would probably be small vehicles or pickup trucks by the employees and asked that they be respectful to the neighbors. When asked if they would be doing retail sales Maureen stated that there would be no retail, only cultivation and manufacturing. Their growing would all be inside with no business be conducted outside (no

greenhouses etc.) Sean asked about the cultivation and Maureen replied that there would be manufacturing labeling, manufacturing of edibles, CBD, etc., and that medical was not part of their plan. Maureen added that there would be minimum impact on the neighborhood. When asked if they planned on taking down the overhead steam pipes, she responded that “they could look into it”.

Chairman Consolati added that he hoped they would get right on the work that needs to be done to open and not linger for over a year and Maureen responded that “sounds fair”. She also added that they are close to sending in their application to the State CCC (Cannabis Control Commission).

Berkshire Eagle reporter, Dick Lindsey added that he thinks there are already signs in the area that state “no heavy trucks” and for years most vehicles took a left turn out of the exit anyway. There has never been truck traffic through Greylock Street and said he would check on signs to make sure they are in place (as he lives in the area).

The Board then went through the five (5) findings that are required for the issuing of a Special Permit:

1. Is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose; by meeting all requirements of the Marijuana Establishment by law adopted at Town Meeting, with no exemptions sought by the applicant under the marijuana bylaw. The property is built for cultivation and manufacturing of cannabis and will continue in that fashion.
2. Is essential or desirable to the public convenience or welfare at the proposed location; the Town voted in favor of a marijuana bylaw and the location of the facility is in an appropriately zoned area.
3. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; because the facility is located amongst other retail uses in a commercial corridor. The mill was a manufacturing plant and the property use will be staying within those boundaries and creating no detriment to others.
4. Will not create undue traffic congestion or unduly impair pedestrian safety; as there will be significantly less traffic from Spirtas Global, LLC than there was during the time of the prior mill.
5. 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 the town will be unduly subjected to the hazards affecting public health, safety or general welfare. There has never been an issue in that area with water or sewer, therefore, it does not create a hazard.

*Upon a motion duly made and seconded the Board members voted unanimously to grant the Special Permit to Spirtas Global, LLC, with the following conditions:*

- i. *As a condition of this Special Permit, Spirtas Global LLC., shall abide by all requirements of the Host Community Agreement executed with the Town of Lee on August 5, 2020.*
- ii. *Spirtas Global, LLC., will comply with wishes of neighbors and suggestion of the Board of Selectmen to install a "Left Turn Only" sign at the exit of the property.*
- iii. *Spirtas Global, LLC will be respectful of the current "No Heavy Vehicles" sign.*

Upon her leaving the premises, Maureen Corcoran thanked the Board for their time and effort in granting this permit.

3. **General Business:** a) Discussion – Liquor License Fees - The Board members discussed that the Restaurants and Bars have been "hit hard" by the pandemic and in order to give some relief, *upon a motion duly made and seconded, the Board members voted unanimously to refund the liquor license portion of their alcohol renewal fees.* This refund is for restaurants and bars only and does not include Package Stores or Convenience Stores with liquor licenses, as they have been able to remain open and have done well during this period of time. Patty stated that the total refund of these establishments will cost the town \$14,000.00 and Patty read the list of recipients. All but two will receive \$750.00 (All alcohol license) for their refund and two will receive \$250.00 (wine & beer only license). The refund checks will be processed by Tax Collector Donna Toomey and will go out to the owners in the next week or so. Sean Regnier stated that he has spoken with these business owners who all admit that they are struggling and a refund and/or small concession to help would be appreciated.

b) Liquor License Renewals - *Upon a motion duly made and seconded, the Board members voted unanimously to grant the liquor licenses as read (see sheet attached and made a part of these minutes).*

c) Misc. Selectmen Licensing Renewals – *Upon a motion duly made and seconded, the Board members voted unanimously to grant the following licenses:*

*Class II & II Car Sales  
Innholder License  
Common Victualer License*

*(See sheet attached and made a part of these minutes)*

d) Sandy Beach Committee Resignation – Linda Cysz - Pursuant to an e-mail letter received from Linda Cysz resigning from the Sandy Beach Committee, *the Board members accepted, with regret, her resignation.*

e) Gail Ceresia - Pursuant to a request from Gail Ceresia to be appointed to a Town Committee, the *Board members made no decision on this request as Gail was not present at the meeting.*

f) Follow-up Discussion – re: Judith Knight – on Behalf of the Citizens to stop the PCB Dump (“Citizens”). - *This discussion was tabled until the next meeting pursuant to a conversation between CAO, Christopher Ketchen and Judith Knight as Attorney Knight has requested more time to be prepared.*

g) Lee Youth Commission Update – Kathy Hall came before the Board to update them on the “potential” Community Center. She stated that she is working on getting a subcommittee together. She has spoken with Pam Morehouse regarding marketing and Gabe Maroni regarding grant writing. They discussed the proposed basketball court and the costs involved. They will need more information for the grant writing and are working diligently on this. They will have a new member to be appointed at their January 14, 2021 meeting. Matt Puntin with SK Design will work on the Stockbridge Road portion and will a report on this “mid-January”.

**4. Pending Business:** None.

**5. Town Administrator:** *Upon a motion duly made and seconded, the Board members voted unanimously to support CAO, Christopher Ketchen’s appointment of Mr. Matthew Wilson as a full-time Firefighter/Paramedic at the request and recommendation by Fire Chief/Ambulance Director, Ryan Brown.*

**6. Public Comments:** There were no comments from anyone attending the meeting, but Board member, Patty Carlino wished everyone a “Merry Christmas” and to “be safe and continue to social distance”.

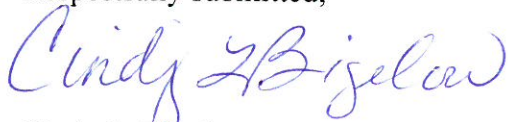
Patty also stated that she would like to discuss their meetings and how they’re conducted. She said the vaccine (for Covid-19) is here but it will take time before everyone gets it. In the meantime, she wanted to bring up the idea of holding their meetings via “ZOOM” and wanted the other board members’ input; perhaps by the new year until everyone is more comfortable. David stated adamantly that he is “not in favor” of doing meetings via “ZOOM” and that he is comfortable the way they hold their meetings. Sean indicated that he hears her concern and knows that there are some individuals who don’t feel comfortable and some people can’t participate. He said he is aware that you can run meetings effectively by doing them virtual. David also stated that we need some level of normalcy in town. CAO, Christopher Ketchen stated that he is aware some staff is committed to in-person while others are okay with “ZOOM” meetings. Patty added that the infrastructure is present and there are hybrid (in-person or virtual) options available, but they would need time to put together a hybrid version. Patty stated she is not against a hybrid version. Dick Lindsey came before the Board and said that it is very cumbersome to do a “ZOOM” meeting. Though he did state that the Planning Board does well with it. Patty asked Chris Ketchen if Lenox does “ZOOM” meetings and Chris responded that they do. David added that he thinks its not that big of an issue if everyone is property distanced. David asked some audience participants if they feel compromised. Kathy Hall said she does not and Dick Lindsay also said that he even though he has health issues, he feels comfortable. It is a bigger setting here than in Lenox. Cheshire has a large area and Lanesboro holds their meetings in the Selectmen’s office.

David added that we have done meetings the same way for years and its not a big issue; people turnout. Sean commented that he doesn't want to prevent people's participation if they're uncomfortable. That would be his only concern to go "ZOOM" or hybrid. Patty said she would look into a hybrid model to discuss at our next meeting. Kathy Hall stated that she prefers to be here, but if we have to "ZOOM" she would be fine. David said that he wants to sit at the table. Kathy Hall suggested that maybe we could set specific times on our agenda for conversations; similar to what the Planning Board does on their agenda. Sean suggested that we should explore options to allow those who wish to participate that ability without being present. Christopher Ketchen stated that we have to find a solution, and also have to post that solution as part of the agenda. It's not something that can turn around in 3 weeks. David asked if we'd have to vote on it and Patty responded that she isn't sure. David suggested we contact Jeremia about it.

7. Next Regular Meeting - Our next regular meeting will be held on Tuesday, January 5, 2021 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 7:55 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



# 2021 Liquor License Renewal List

Establishment		Address
1	Alpamayo	60 Main Street, Lee
2	51 Park	51 Park Street, Lee
3	Athena's Pizza House	20 Housatonic St., Lee
4	Baja Charlies	62A West Center St., Lee
5	Berkshire Liquors, Inc.	130 Housatonic St., Lee
6	Bucky's Tavern, Inc.	25 Frank Consolati Way
7	Chez Nous	150 Main St., Lee
8	Convenience Plus	241 Main St., Lee
9	Cork N' Hearth	635 Laurel St., Lee
10	East Lee Package Store	185 Water St., Lee
KJ Nosh Catering Company, LLC - (@		
11	Greenock) Michael Mongeon	220 West Park St., Lee 339 Tyler St., Pittsfield, MA
12	The Lake House Inn	615 Laurel St., Lee
13	Lee Citgo	55 Housatonic St., Lee
14	Lee Package Store	10 Old Pleasant St., Lee
15	Locker Room Sports Bar	232 Main St., Lee
16	Lucia's Latin Kitchen	109 Railroad Street, Lee
17	Moe's Tavern	10 Railroad Street, Lee
18	Morgan House	33 Main St., Lee
19	Oak N' Spruce Resort	190 Meadow St., P.O. Box 237, South Lee, 01260
20	Post Eatery	5 Railroad St., Lee
21	Rt. 102 Package Store	35 Old Pleasant St., Lee
22	Salmon Run Fish House	76-78 Main St., Lee
23	Sandri Stop Smart	15 Park Street, Lee
24	The 102 Tavern	1180 Pleasant St., Lee
25	The Starving Artist Café	40 Main St., Suite 2, Lee
26	Timothy's Restaurant	54 Main St., Lee
27	Mint Indian Lakeside Dining	435 Laurel St., Lee

# MISCELLANEOUS OTHER LICENSES

## CLASS II & CLASS III CAR LICENSES

II	Drakes Used Cars	Gerald Drake, Jr.
III	Drakes Auto Parts	Gerald Drake, Jr.
II	Route 102 Auto Sales	Peter Rathbun
II	R W's, Inc.	Robert Brunell
	Euro Motors, LLC d/b/a	
II	Schmidt Motors	Dr. Erich Schmidt
II	Fraser Auto Service, Inc.	Peter Sorrentino

## INNHOLDER'S LICENSE

IH-3	Applegate Inn, LLC	Leonard & Gloria Friedman
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## COMMON VICTUALLER'S LICENSES

Big Y Foods, Inc.	10 Pleasant Street
Big Y Express #98	320 Housatonic Street
D'Angelo	Turnpike
Papa Gino's	Turnpike
Prado's Café	85 Main Street
Orientaste	Outlet
Panda Garden	95 Main Street
Red Apple Garden	23 Park Street
Rose's Restaurant	160 Housatonic Street
Vivaldi's Pizza	33 Park Plaza-Unit 4
Subway	236 Main Street
Subway	Outlet (food court)
New England Wraps	Outlet (food court)
Pizza Bar	Outlet (food court)