

APPROVED ON 1/26/21

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – January 5, 2021

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 15, 2021.*

2. **Public Hearings:** None.

3. **General Business:** a) Hawker & Peddler License – Robert Scott (Trinity Solar) – Robert Scott from Trinity Solar came before the Board presenting his application for a Hawker & Peddler License to canvas the Town of Lee offering solar programs to residents. Mr. Scott explained that he is the first point of contact for customers. Chairman Consolati offered that “no means no” and if a potential customer says they’re not interested that should be the end of discussion. Mr. Scott agreed to that. He also stated that he is aware that before he goes out to go “door to door” he must go to the Police Dept. with his license, registration and make and model of his vehicle. *Upon a motion duly made and seconded, the Board members voted unanimously to grant a Hawker/Peddler License to Mr. Robert Scott of Trinity Solar.*

b) Miscellaneous License Renewals – *Upon a motion duly made and seconded, the Board members voted unanimously to grant the following licenses:*

*Common Victualer License
Entertainment License*

*Amusement License
Class II & Class III Licenses*

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

c) Lee Cultural Council – Appointment – Brandon Boule – *Upon a motion duly made and seconded, the Board members voted unanimously to appoint Brandon Boule to the Lee Cultural Council.*

d) Lee Historical Commission – Susan Stone – Proposed By-Laws for CPA. – Bill Matthews came before the Board on behalf of the Lee Historical Commission. He handed the Board a sample Historical Inventory of Items as a discussion document. He also provided proposed by-laws to the Board. He talked about establishing a committee to oversee projects by adoption of a bylaw at Town Meeting. There are 3 modifications that need to be addressed, 1) we have 4 members but the by-law provides for 5. We need a Parks & Recreation entity (The Lee Youth Commission) serves this purpose. 2) We need an odd number and could even go to a committee of 7. 3) Terms of 3 years have been established with staggered start dates. This will go before Town Meeting. Patty remarked that we would need time to look through this and to pass it on to Town Counsel for review. Bill stated that we need to update and maintain the Inventory as it is a prerequisite for funding and tax credits. All this work needs to be done and their annual budget is \$450.00, which is not even close to enough to get everything done. The inventory needs to be complete by 2022 due to a mandate proposed by the Government.

e) Follow-Up Discussion – re: Judith Knight (On behalf of the Citizens to Stop the PCB Dump (“Citizens”)) - Attorney Judith Knight came before the Board to speak regarding their position on appointing the Select Board Chair sign the Agreement pursuant to Chapter 43- Section 2. She stated that this power is only for small amounts to serve quickly and efficiently. This PCB dump was after months of negotiation behind closed doors. You can’t put a number on it. She believes this needed Town Meeting consent. She said, “Why was there a “secret deal? Why? It doesn’t make sense”. She also stated that she thinks this was a “blatant abuse of discretion which opens up the town to a lawsuit”. She added that the towns people have a right to hear about this and no amount of dollars will be worth it. She also believes that though it was a “good faith belief” to appoint the Chair to sign, that you have to see you were not authorized and the Board need to “self-correct”. She stated that the Board has a mandate now to look into this and that you “have a way out”. This is not the Will of the people and one attorney to represent five towns is not prudent. Lee should have had its own Attorney.

Board member, Patty Carlino replied that the “Rest of River” Committee was one entity made up of five towns. Atty. Knight answered that the Town should have had its own attorney which would have property advised for the Town of Lee. She is hoping that “upon reflection the town would agree that the obvious conclusion is to move forward” and she has a number of ways to attack the agreement. Her belief is: 1. The Chair was unauthorized to sign 2. The Settlement Agreement was poorly written giving power to G.E., was ambiguous and won’t hold up in Court as a matter of law. 3. Litigation could happen quickly 4. The five towns were not represented individually (they are not 1 entity). The states that the Agreement is too vague and there are so many problems with the Agreement with no protection and that she can defeat this agreement.

She also is hopeful that after January 20th with a new President who is more science friendly different strides can be reached. She claims that this is a bad agreement on every level and not good for the Town. “We have to get out of it”.

If the Town would like to work with her, she would provide a scope of the work involved.

Member Sean Regnier replied, “this is a lot to digest and the Board needs time to discuss this further”. Attorney Knight thanked the Board for their time.

Robert Jones, 150 Greylock Street (town rep) came before the Board speaking as a voter, taxpayer citizen of Lee stated that he is hoping that the group that has hired Judith as a courtesy, for the Board to see the “error in their ways” gives the Board an opportunity to “save face”. They are throwing you a lifeline. He stated, “was it moral, ethical, okay for three people to impose a PCB dump with no input from the town reps, citizens, etc.? How can three people make this decision to put toxic waste dump in a population of 6,000? Why Lee? Great Barrington has stated “no regarding toxic waste in their town. The answer is not to put in a dump. What about dumps that have leaked? G.E. has a history of lies, deception and not keeping their word. It will take decades to undo this. But you have an opportunity to fix this. If you do nothing, it will not be taken well. He goes on to say, “You have no business in making this decision”. Regardless of the decision – they will make certain no dump will be in Lee.

Tim Gray, HRI (Housatonic River Initiative) states that EPA says we’re getting a low-level dump. EPA has made so many mistakes. There were 3,000 barrels in the side of the river in Pittsfield after a clean-up was done. 36,000 gallons of PCB were pumped out of the Newell Street parking lot. There are red dots all over the map. They don’t care about the river. There are no safe levels of PCB’s. G.E. has dumped everywhere in this county. Studies were done along the Hudson River and G.E. stifles everything about this.

Tim advised the Board to talk to health experts. They will teach you that the EPA is not always right. They don’t tell you the truth. Anyone within a couple of miles is in harm’s way. He said he is totally shocked about what is going on.

Phil Leahey came before the Board and stated that he had just bought a house on Sturgis Ave., in Lee and insulted by the actions taken by the Board regarding the PCB Dump.

Neil Clarke, District 2 Rep came before the Board and regarding starting the process to rescind the Agreement asked the Board what steps they have taken. Patty answered that as of yet, none had been taken when Judith first got in touch with the Board, so now they’ve got other questions from Judith.

David Consolati informed the attendees that Sean has started the process of a group and has asked for anyone interested to get in touch with him. Sean publicly thanked Lisa Sloan for sending him a letter requesting to be included. This is the realty and there is no tool to stop the dump.

Janice Braim stated we do have tools to stop the dump and she will post it on the “Stop the Dump” website. The PCB’s have to come out of the system.

Neil Clark stated that the February 3rd deadline is looming and Sean replied that it is a valid use of the money to invest the consequences of getting out of the deal. It is a good idea to get the facts and consequences of the avenues available. The wheels are in motion.

Patty asked Neil if he availed himself of all the information on the website. He stated that he has no background to go against G.E. or EPA but it is fair to say in hindsight we should have had a referendum and if we can't stop the process, use the money to make people whole.

Judith Knight addressed Sean saying that he ran his campaign "against the dump" and now he has the opportunity. This gives you a "way out" and she stated that on behalf of the town ("our town") we will fight what is wrong for Lee. Step back from the defeated attitudes and rescind this agreement for our town.

Tim Gray (HRI) said we can fight or sit back and let G.E. walk all over us and the town. We saved G.E. \$250 million with nothing for the people. HRI is looking at a way to challenge. We can appeal the permit. He said that G.E.'s responses are laughable. HRI is, right now, filing this appeal. Three Boston law firms (one big firm and two medium sized firms) called him and asked if they could represent the people, "pro bono". Tim called it a gift from the environmental Gods. When they appeal, everything stops at the site. We may lose, he's scared to lose but we could win a catapulting clean-up in to the future.

There are better ways and new technology. You could take a new position in the courts right now or do nothing. You should respect your townspeople and take ownership by going ahead with the fight or ignore it.

David Talbert from October Mtn. came before the Board, stating that he is approximately 2 miles from the dump site and feels that the Board did not give the advantage to their constituents, but to G.E.

Janice Braim wanted to know how long it would take for the Board to make a decision. Patty replied that they may have a decision by their next meeting.

f) Lee Youth Commission Update – Kathy Hall came before the Board with little to add this week. The Commission has settled down from the 2020 holiday and will start again on January 11th. They will be working on getting the Town Report pulled together for the Selectmen's Office and discussing their budget requests (what do we need? Look at the parks...the potential Community Center, etc.) Kathy said she would report on this the first part of February.

g) "Thank You letters" - The Board read two letters that were received by the Selectmen's Office thanking them for waiving the liquor license renewal fee. The letters were from Locker Room Sports Bar (Don Lucy & Dave Eisenberg) and Salmon Run (Paul & Dawn Face).

4. Pending Business: None.

5. Town Administrator: a) CAO, Christopher Ketchen informed the Board that the Revenue & Expenses Reports for period ended December 31, 2020 are available for their review in the Selectmen's Office.

b) *Upon a motion duly made and seconded, the Board members voted unanimously to support CAO, Christopher Ketchens support of Chief Ryan Brown's recommendation to appoint Austin White to the position of Ambulance/EMT/Firefighter.*

6. **Public Comments:** Kathy Hall came before the Board stating that she would like to thank Town Clerk, Christopher Brittain for the meeting postings and that she is "very impressed that he added a button to the right of the posting, to click into ZOOM meetings automatically.

She also wanted to remind everyone that the Open Space & Recreation Plan is due in 2022 and they will need members to update the plan.

David Consolati expressed condolences to the family of Dayton Delorme. Over the years he had been involved as an Assessor to the Town, a Town Representative, a member of the Finance Committee, etc. He was very responsible and basically a "good guy". He will be sorely missed.

Patty Carlino expressed her desire to not come to anymore meetings and would like to be accommodated somehow (Zoom, etc.). She explained that her family is concerned for her health due to the Covid situation. So, until the vaccine is available, she will not attend public meetings.

7. Next Regular Meeting - Our next regular meeting will be held on Tuesday, January 19, 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 8:30 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