

APPROVED ON 2/15/22

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN  
MINUTES OF MEETING – February 1, 2022  
(ZOOM MEETING)

Present: Patricia D. Carlino, Chair and Sean Regnier and Bob Jones, Board of Selectmen.

Also Present: Christopher Brittain, Interim Town Administrator

Chairperson, Patricia Carlino called the meeting to order at 7:00 PM, stating that pursuant to the Open Meeting Law, this is an audio recording with a roll call vote of members present by ZOOM.

<i>Patty Carlino</i>	<i>here</i>
<i>Sean Regnier</i>	<i>here</i>
<i>Bob Jones</i>	<i>here</i>

1. **Approval of Minutes:** *Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve the Open Session Minutes of January 4, 2022 and January 18, 2022.*

<u><i>AYES</i></u>	<u><i>NAYS</i></u>
<i>Patty Carlino</i>	<i>none</i>
<i>Sean Regnier</i>	
<i>Bob Jones</i>	

2. **Public Hearings:** None.

3. **Public Comments:** None.

Chair, Patty Carlino brought a letter before the Board that was received from Pastor Doug Mann of the Berkshire Hills Baptist Church located at 190 Pleasant Street. Pastor Doug Mann is requesting from the Board a waiver of the Church's inspection fee, as they have done in the past. This item was not on our agenda, but as we have always approved this and the Board members all agreed, after a brief discussion and *upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve a Waiver of the annual building inspection fee to the Berkshire Hills Baptist Church at 190 Pleasant Street.*

AYES

NAYS

*Patty Carlino*  
*Sean Regnier*  
*Bob Jones*

*none*

**4. General Business:**

- a) Common Victualer License – Joe’s Diner - *Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve the Common Victualer License for Joe’s Diner, located at 85 Center Street, Lee, MA.*

AYES

NAYS

*Patty Carlino*  
*Sean Regnier*  
*Bob Jones*

*none*

- b) Tri-Town – Intermunicipal Agreement for South Berkshire Collaborative - Jim Wilusz, Executive Director of Public Health / Regional Sanitarian came before the Board to discuss the Intermunicipal Agreement (IMA) for the Public Health Excellence for Shared Services Grant for South Berkshire Collaborative. The agreement is between the municipalities of Alford, Great Barrington, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, Sheffield and Stockbridge, individually as a “Municipality and Tri-Town Health District/Town of Lee in its capacity as Host Agent of Southern Berkshire Public Health Collaborative. Jim explained that Tri-Town Health District/Town of Lee was awarded a Public Health excellence for Shared Services grant by the Commonwealth of Massachusetts to create a cross-jurisdictional public health services sharing program consistent with the recommendations of the Special Commission on Local and Regional Public Health’s (SCLRPH) June 2019 Report.

The scope of services the Tri-Town Health District/Town of Lee shall provide the following services in coordination with member municipalities:

- a. Public Health Nursing services to be shared among the ten (10) municipalities. These positions are hired by Tri-Town Health District/Town of Lee or contracted out through a third-party nursing vendor and services will include, but may not be limited to infectious disease surveillance, preventative care, immunizations, education and outreach and emergency planning activities or any other activity as requested by the Advisory Board.
  - i. All member towns will have direct access to nursing services and its staff.

- ii. The Shared Nursing Agreement will be developed and negotiated by the Tri-Town Health District/Town of Lee in coordination with member municipalities.
- b. Other shared services may be offered if approved by member towns and the advisory board and subject to funding availability.

The Board members reviewed the IMA and after a lengthy discussion, *upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve and execute the Agreement.*

AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

c) Grant Application – Massachusetts Historical Commission (Susan Stone) - Susan Stone came before the Board and stated that the grant application is for a grant in the amount of \$16,000.00. It is a matching grant to upgrade and improve the historic property inventory as required by the State. At this point Susan Stone handed over the discussion to Bill Mathew. Mr. Mathew stated that we do have inventory but it is 40 years old and seriously out of date and the inventory requirements have changed. We currently have a description of 329 properties that include the Golden Hill Bridge and other structures of historical importance. In a recent cross check against the Assessor's data base, we missed about 25% of the oldest properties and 50% of the newer (100 years or older) properties. We need to have a current inventory to keep on par with other towns that receive grants. Any kind of improvements, federal or state grants are required to have a current inventory. This is another reason it is very important to have a current inventory.

The Chair, Patty Carlino asked, "have we already appropriated our \$16,000.00 in the Warrant for 2022?" Susan Stone stated that we have to pay the \$32,000.00 and will get reimbursed the \$16,000.00. So essentially it is a wash. Interim Town Administrator, Chris Brittain stated that it is in the draft budget at this time. Bob Jones stated that this is a benefit to the Town and in the interest of history and culture of the Town of Lee.

*Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to sign off on the Grant Application of the Massachusetts Historical Commission.*

AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

d) Eagle Mill Refinancing - Jeff Cohen came before the Board stating first that working with The Historical Commission has been fabulous and so helpful. He thanked Susan and Bill for all their help. At the groundbreaking, the Dept. of Historic Development & Housing gave approval in excess of 16 million. Phase 1 which consists of the construction and renovation of the Eagle Mill, the Union Mill and the machine shop. The approval was based on the estimate of DEW which took a long time to complete. By the time it was done, COVID-related supply-chain issues and increases in the cost of both materials and labor were estimated to be 19% above the original construction for this Project.

Mass Dept. of Housing and Community Development (DHCD) has indicated its willingness to help fill the funding gap by allocating an additional \$2,500,000 to the Project, on top of its existing \$16.3 million commitment. DHCD expects the Residential Developer to fill the remaining \$1.0 million gap through a combination of solutions, which involves a request of an increase in the funding commitment from the Town of Lee to help fill the development funding gap. The Town will qualify for a total of \$568,000 in Incentive Payments from the Commonwealth due to the creation of the Smart Growth Overlay District (SGOD). The Town is also eligible for a Zoning Incentive Payment of \$200,000 and the Town will be eligible for a Density Bonus Payment equal to \$3,000 per unit upon the issuance of building permits for the Project, which amounts to \$384,000, by incorporating the SGOD into the Town's Zoning Ordinance. The Town has been allocated over \$1,600,000 in ARPA funding. Taking all this in consideration the Town believes that increasing the funding provided the Town of Lee to the Project from \$50,000 to \$150,000 would be appropriate.

After a lengthy discussion about funding sources, etc., and *upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to commit \$100,000.00 from the ARPA funds towards bridging the gap in the Eagle Mill Project.*

AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

Also, on another note, Jeff Cohen had some other news for the Select Board. He stated that he has a lease that will be signed in the next few days for Lucia's Latin Kitchen building. A new owner (Albany) restaurant will be going opening in sometime in March.

e) Water Staffing DEP (Dept. of Environmental Protection) Agreement - Interim Town Administrator, Christopher Brittain addressed the Board regarding the DEP's approval of the plan in motion regarding our water staffing at the Water Department. We had lost two licensed employees in the water dept. and we have 1 new person in the process of getting a license. We have a staffing plan for coverage which has been approved by the DEP for the time being. The Town agrees that within 365 days of the effective date of the Consent Order they shall submit a System Staffing and Comprehensive Operations Plan providing the name and certification number of an appropriately licenses individual to serve as a full-time Primary Distribution Operator.

*Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve and execute the Consent Order as presented.*

AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

- f) Fair Share Amendment – Neil Clark - Neil Clarke came before the Board to request their endorsement of the Fair Share Amendment. The Chair, Patty Carlino asked that Neil explain the Fair Share Amendment. Neil's responded that his understanding of it is that anyone reporting an income of \$1,000,000 or less or would not be affected at all. All income over the \$1,000,000 would incur a surtax of 4 cents per dollar (not impacting that first million, just the amount over a million). The amount of money raised by that surtax has been estimated by various groups to be between 1 and 2 billion dollars annually which is earmarked to be expended on public education and infrastructure. The legislature would decide how the funds would be applied each year to those specific areas depending on needs and the amount raised. This is basically the same amendment as two years ago and although it was approved for the ballot then by the AG, it was disallowed by an SJC 5-4 vote and had to go through the process of being approved for the ballot by the legislature, rather than a citizens' petition. It still polls favorably with over a 70% acceptance rating and will be on the November 8<sup>th</sup> ballot. The Board members thanked Neil for his explanation of the "Fair Share Amendment. *Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to endorse the Fair Share Amendment and place on the Town Meeting Warrant as a resolution pending Town Counsel (Jeremia Pollard's) approval.*

AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

- g) Appointment of Part-Time Firefighter/Paramedic - At the recommendation of Fire Chief/Ambulance Director, Ryan Brown and *upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to support Mr. Brown's recommendation of Sean Duma for a part-time position of Firefighter/Paramedic for the Town of Lee.*
- h) Special Town Meeting Discussion - After a brief discussion in which the Board members agreed that it was in order to have a Special Town Meeting before the Annual Town Meeting. The Board members looked over the three dates (3/10, 3/17 or 3/24) presented by Interim Town Administrator Christopher Brittain, and decided that the date farthest out (March 24, 2022) would be the best and gives time for preparation. *Upon a motion duly*

*made and seconded and by roll call vote, the Board members voted unanimously to set the date of March 24<sup>th</sup>, 2022 for a Special Town Meeting.*

AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

5. **Pending Business:** None.

6. **Town Administrator:** Interim Town Administrator Christopher Britain informed the Board that he will discuss the ARPA funding at our next meeting which will reflect the Eagle Mill contribution.

The Revenue and Expense Reports for the period ended January 31, 2022 are available for review in the Selectmen's office.

The Master Plan will be a topic for the Special Town Meeting Chris has expressed an interest in the State's One step grant process of up to \$75,000.00 additional for the Master Plan which is in progress. The application is to be submitted in the Spring and a determination on that will be sometime in the Fall.

A couple of months ago they approved the monies from the Cannabis Impact Fee to be used for a study for Public Safety with a draft to go out to the Police and Fire for review of the RFP and will go to the Procurement Officer by the end of February and out for proposed bids in March for \$75,000.00 for a Public Safety Study.

7. **Next Regular Meeting:** Our next regular meeting is scheduled for Tuesday, February 15, 2022 at 7:00 P.M.

8. **Motion to Adjourn:** *Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to adjourn the meeting at 8:10 PM.*

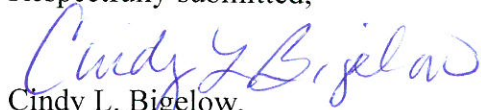
AYES

NAYS

*Patty Carlino  
Sean Regnier  
Bob Jones*

*none*

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