

APPROVED ON 5/3/22

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – April 19, 2022

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

Also Present: Christopher Brittain, Town Administrator

Chairperson, Patricia Carlino called the meeting to order at 6:30 PM and immediately convened in Executive Session in their office on the second floor for the purpose of discussing negotiation strategy, because an open meeting discussion would have detrimental effect

At 7:00 PM, upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to reconvene in open session in the former courtroom.

AYES

NAYS

Patty Carlino
Sean Regnier (by phone)
Bob Jones

none

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 April 5, 2022.*

2. **Public Hearings:** None.

3. **Public Comments:** Kathy Hall came before the Board and stated that at our last meeting we spoke about the Open Space & Recreation Plan. On May 27, 2016 Bob Nason was sent a letter stating the acceptance of the Open Space and Recreation Plan, which would allow Lee to participate in DCS grant rounds through November 2022. In the last two weeks, Melissa Cryan, the Grant Programs Supervisor and Kathy Hall have emailed her to clarify the expiration date. The town can apply for a DCS loan, which is the Park Grant, prior to the expiration date of November 2022. The deadline for this grant is July 14, 2022, at 3:00 PM. There are many related grants: conservation, parks, etc. Kathy will send a copy of the grants to Town Administrator, Chris Brittain.

The second item Kathy wanted to mention was a reminder to every one of the activities at the Lee Athletic Field starting on Wednesday, April 27th and every Wednesday until school ends. The event will be from 3:30 PM to 5:00 PM.

Rob Wright came before the Board with questions regarding the paving of the town roadways and how the selection was made as to which roads to pave. Chair, Patty Carlino stated that they have a list which is derived from a street scan where we can look at the conditions and the DPW comes up with a list based on the worst conditions being taken care of first. This is done with funding from Chapter 90 funds from the state.

4. **General Business:** a) Approval of Personnel Handbook – Lyndsay Broom, HR - The Board members were provided with a copy of the updated Personnel Handbook. Chair Carlino asked about unused sick time and if it could be accumulated, to which Lyndsay explained that each employee gets 15 days of sick time per year and can carry over unused sick time for a maximum of 180 days. Lyndsay also offered that she changed the Family Leave for bereavement to include everyone. The Employer maintains the health insurance. Bob asked about social media and Lyndsay said she did include a social media policy which we did not have before. The only new sections in the handbook are the bereavement and social media sections. The vacation leave is based on a five (5) day work week. There have been no changes to benefits. The Town Hall hours have been changed. The Personnel Board has given their approval to the newly revised Handbook. The Unions have their own/different contract. *After a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve/accept the Personnel Handbook for 2022.*

AYES

NAYS

Patty Carlino
Sean Regnier (by phone)
Bob Jones

none

b) Textile Recycling Program - Town Administrator Christopher Brittain brought a Textile Recycling Program before the Board. This would include the disposal of textiles (clothing, blankets, fabric recycled or reused). The recycling bin would for the town and would be located near/at the Airolldi Building. It would be town property with the Town Seal on it. The Town would receive 7¢ per pound of recycling. We would receive a QR code for tax purposes recording. There would only be one in Lee to start, though we could have more if the need arises. We can end our Contract at any time and go with another company if we wish. We would get a reimbursement of the bin fee within 30 days of termination and we can terminate at any time. *Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to sign the Contract with CMRK and to allow the Chair to sign said Contract.*

AYES

NAYS

Patty Carlino
Sean Regnier (by phone)
Bob Jones

none

c) Town Administrator Contract - The Board members met in Executive Session with Christopher Brittain to discuss the contract and can now become public knowledge. The Contract includes a regular forty (40) hour work week, benefits the same as all other employees, a 3-year contract with the 1st year ending June 30th. The salary will be \$98,000.00 yearly pro-rated from when he started (Feb. 18th). There will be the standard 2% COLA for the next 2 years. Chair Carlino stated that they all read the Contract and found it to be fair. *Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to approve and execute the 3-year Contract between the Town of Lee and Christopher Brittain, Town Administrator.*

AYES

NAYS

Patty Carlino

none

Sean Regnier (by phone)

Bob Jones

d) Review of Annual Town Meeting (ATM) Draft Warrant - Town Administrator, Christopher Brittain presented the Board with a Draft Warrant for the Annual Town Meeting, which included the following:

Article 1 – Town Reports: Will be available for the Town Meeting

Article 2 – Salary of Elected Officials: This includes the fixed salaries of elected officials, wages for the Select Board and Moderator.

Article 3 - The transfer of 50% of the sale of cemetery lots (\$4,100 for FY 23) in to the Perpetual Care Account - requires a majority vote of town meeting.

Article 4 - FY 23 General Operating Budget: Contains a total increase of 3.2%, as follows:

Information Technologies: The majority of this increase is to cover the cost of new/updated software used for employee payroll, time and attendance for both the school and all other town depts. It will replace our current outdated and obsolete paper-based tracking system.

Elections: FY 23 funding is increased to cover 3 elections compared to only 1 election for FY 22.

Police: The majority of this increase is to fund communications and broadband upgrades in town hall. The speed of the current service is no longer adequate for processing certain police and town hall functions.

Fire: In 2021 the career firefighters formed a collective bargaining unit (union) . The increases account for additional compensation per contract related to overtime, wages and training.

Building Dept.: This department is shared with the Town of Lenox and was recently restructured with a new commissioner and a full-time inspector (inspector was formally part-time).

School: The 3.9% increase fully funds the requested appropriation from the superintendent and school committee. It also takes in consideration the potential use of special education reserve funds to offset the overall increase.

Snow/Ice/Highway: These increases are driven directly from fuel and supply costs that have continued to increase over the past few months.

Sandy Beach: This increase funds additional gate staffing during all days of operation. The gate was formerly only staffed during peak times. This additional staffing will ensure that only individuals that have obtained a pass will be provided access and that the requests of the landowners have been fulfilled.

Article 5 – Capital: This article includes several capital purchases to be made from the town’s free cash. Below are summaries of certain projects proposed for FY23.

Security Cameras: Replaces the existing system that covers the interior and exterior of town hall.

Youth Commission: This capital appropriation was increased for this year to cover

Paving Plan: FY 23 will include a total of 1,000,000 in paving and is funded by multiple sources including available cash, Chapter 90 monies and the remainder of the bond approved at the 2021 Annual Town Meeting. Streets currently include: Navin Ave., Navin Hgts., Circular Ave. and sections of East St., West Rd. and Summer St.

High School Bleachers: This additional school capital expenditure is required to replace the current bleachers which no longer meet minimum safety standards. Failure to replace the bleachers would prohibit any use for the 2022-2023 school year and beyond.

Memorial Hall: This appropriation is to replace office carpeting that is approximately 30 years old. This is the second phase of an overall flooring project that also included hallways and common areas funded through grant money.

Library: This new appropriation has been added to cover anticipated repair costs of the building’s front steps.

Article 6 & 7- Water & Sewer Enterprise – The water and wastewater departments appropriations (debt, operating and capital) are fully funded through separate enterprise accounts.

Article 8 - Blanket Grant Authorization - This article replaces the need to hold a town meeting before any grant application is submitted.

Article 9 - Chapter 90 – This article allows the town to accept money from the Commonwealth for road paving. This year’s appropriation is estimated to be \$278,340.

Article 10 - Omnibus Non-Departmental Budgets include several annual expenditures. There are also a number of new and one-time appropriations that are summarized below:

Bonds – This appropriation provided debt service payments for the 2 bonds approved at last year’s town meeting which included a fire truck, ambulance and road paving.

MEMA Study - The town contribution of these funds covers 30% of the MEMA study will in turn allow the town to receive additional state funding for emergency related equipment identified by said study.

Historical - This is the second and final contribution to the historical inventory. This year's amount will be fully reimbursed by state upon completion of the inventory.

Bike Path Legal work for land acquisition - While the state is funding much of the design and construction of a bike path, all land acquisition is the responsibility of the town. This article funds title work necessary for future acquisition of the land needed for the path.

VFW – The VFW in Lee will be celebrating 100 years in 2023. This appropriation is towards a memorial for the Veteran's Park near the Library.

Article 11 - Community Center - This article is to approve a borrowing of 12.5 million dollars for the construction and design of a community center. If town meeting approved by a 2/3 majority, a question will be placed on the next election ballot to approve the borrowing as a debt exclusion from proposition 2 ½. The project will need to receive an affirmative vote at town meeting AND at a town wide election to proceed. Please see additional information from the Youth Commission and a summary of tax impacts included. The full feasibility study is also available online at lee.ma.us.

Article 12 - A late citizen's petition was received to consider putting the 50,000.00 back for legal counsel regarding the PCB.

Patty stated that she was not in favor as the language is different than it was two years ago. Direct action could be an opening to a breach of contract. Sean said this could create another legal challenge. It won't stop what's going on now. He stated that he "can't vote for it". Bob Jones stated that the process, from the beginning, was full of skepticism and anger; the people are angry. "You can't ask others to play by the rules when rules weren't played in the beginning". He thinks it should be on the Warrant. Patty replied that she respected his decision. Sean agreed with Patty. He is fearful of being found in breach of contract. It is a dangerous path to take and he can't endorse the Article. Bob Jones stated, "Let me remind both of you that it is our job to represent the majority of the voters in the Town of Lee, who will want us to do anything possible to demonstrate opposition to the agreement."

Chris Brittain asked the Board if it could be resubmitted at a later date for a Special Town Meeting or a Town Meeting. Patty stated that it could with 10 signatures for a regular Town Meeting and 100 signatures for a Special Town Meeting.

Sean made a motion to remove the Article from the Warrant. *Upon the motion duly made and seconded and by roll call vote, the Board members voted as follows:*

AYES

NAYS

Patty Carlino

Bob Jones

Sean Regnier (by phone)

Article 13 - Political Sign Bylaw. The Planning Board proposed this amendment to our political sign by-law as a result of recent issues related to freedom of speech through political signage. This bylaw seeks to amend the current bylaw by relaxing regulations that could interfere with first amendment rights.

Article

14 & 15 - Citizen's Petitions that are required to appear on the warrant. Any town meeting Member may make one or more of these motions or defer action relative thereto. "Act Providing for a recall of elections in the Town of Lee.

Offices are listed on the ballot. There are vacancies on the School Committee/ could be a "Write In".

- e) Berkshire Gas Permits – i) 26 Crossway – Install Test Station & Anodes to Gas Main on Crossway Street
ii) 55 Davis St. – Anode Installation, in grass on left side of driveway
iii) 460 Spring St. – In the Road-Edge of Road in Front of #460

Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to grant all three of the above Berkshire Gas Permits.

AYES

NAYS

Patty Carlino

none

Sean Regnier (by phone)

Bob Jones

f) Birthday Announcement - Patty Carlino, Chair announced that we received notification from the Village at Laurel Lake that one of their residents, Barbara Broderick will be 109 years old on April 22nd. The Board members and the Town of Lee wishes Barbara Broderick a very "Happy Birthday".

g) Master Plan Committee Discussion - At a prior meeting we decided to go with Berkshire Regional Planning Commission (BRPC) to prepare our Master Plan and Open Space and Recreation Plan. We now need to decide whether the Select Board or the Planning Board will take the reins in this matter. The Board members all agreed that it was probably something that should be in the hands of the Planning Board. *Upon a motion duly made and seconded and by roll call*

vote, the Board members voted unanimously to have the Planning Board in charge of the Steering Committee for the Master Plan and to defer to the Planning Board and any other act in regard to the Master Plan.

AYES

NAYS

*Patty Carlino
Sean Regnier (by phone)
Bob Jones*

none

5. **Pending Business:** None

6. **Town Administrator:** Town Administrator Christopher Brittain announced the follows:

- a) In regard to the Board of Health Appointments, Chris wanted to confirm that there had been clerical errors in the terms. In order to clarify and set the record straight, he proposed the following revised three-year appointments:

Clarissa Vincent-----Her term will end on 7/1/22

JoAnn Sullivan-----Her term will end on 7/1/23

Robert Wespiser-----His term will end on 7/1/24.

Upon a motion duly made and seconded and by roll call vote, the Board members voted unanimously to accept the above terms for the three Board of Health Appointments in order that we can get back on track with their appointments.

AYES

NAYS

*Patty Carlino
Sean Regnier (by phone)
Bob Jones*

none

- b) A reminder that the Baby Town Meeting will be held at the Senior Center (Crossway Street) on Thursday, April 28th at 6:00 PM.
- c) Our new Town Accountant will start working in tandem with our current Town Accountant on Monday, May 9th.
- d) We did contract with a company for a Safety Feasibility Study on April 28th and will meet with the police and the Fire Chief.

7. **Next Regular Meeting:** Our next regular meeting is scheduled for Tuesday, May 3, 2022 at 7:00 PM. This will be an In-Person Meeting.

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 (by phone)
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