

APPROVED ON 7/5/22

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – June 21, 2022

Present: Sean Regnier, Chair, Bob Jones and Gordon Bailey, Board of Selectmen.

Also Present: Christopher Brittain, Town Administrator

Chairperson, Sean Regnier 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 June 7, 2022.*

2. **Public Hearings:** Special Permit Hearing – Cannabis Provisions-Amendment to the Special Permit under Section 199-9.11 Marijuana Establishments from the Town of Lee Zoning Bylaws. The amendment is to change their hours of operation from their present hours of 8:00 AM – 10:00 PM to extend the hours by opening at 7:00 AM – 10:00 PM at their Marijuana Location of 220 Housatonic Street. The property affected is located in the CBC (Commercial Business Corridor) Zoning District (Assessor's Map 19, Lot 11.)

Erik Williams, C.O.O. of Canna Provisions came before the Board to formally ask for their vote to change their hours of operation by opening one hour earlier in the morning. He stated that he is asking this as mornings when he or staff arrives to open at 8:00 there are persons waiting for them to open.

Bob Jones stated that he works part time at Canna Provisions, but as this is a Special Permit and requires a unanimous vote, he assured the Board members and the townspeople that he can make a fair and impartial decision regarding the request.

Gordon Bailey commented to Erik Williams that he would have to persuade him as to how/why one hour would make a difference and how would this be advantageous to the town.

Erik stated that it is more about customer service and would not interfere with other businesses in the area as they are also open at 7:00 AM (Starbucks/McDonalds'/Convenience Stores, etc.) This is not for competition or real profit as he will have to pay more for employees, etc.

Bob Jones stated that he works there on weekdays and Erik is spot on...there are people there at 7:00 AM waiting. He also agreed that any inference of competition to a liquor store is not a valid concern.

Sarah Nichols a property owner on Fuller Street came before the Board asking them to deny the permit, as she could see no real reason for opening an hour earlier. She spoke about odor coming from the facility, trash, etc.

Erik said that he was unaware of any of the issues that she was talking about as any and all complaints go to him immediately. He also stated that he has good relations with neighboring businesses and has not received any complaints.

After brief discussion and *upon a motion duly made and seconded the Board members voted unanimously by roll call vote to approve and allow the Special Permit request from Canna Provisions (Erik Williams) of extending their hours which will now be from 7:00 AM – 10:00 PM.*

AYES

*Sean Regnier
Bob Jones
Gordon Bailey*

NAYS

none

3. **Public Comments:** Kathy Hall came before the Board and stated as follows: The Lee Youth Commission is recommending that Chris Brittain move forward with applying for a grant to acquire the Natural Fitness Program for an area to be determined later.

We are working with the DPW to set a date for volunteers to spread safety surfacing at the Lee Athletic Field. A tentative date would be July 2nd or 3rd.

Because the Summer Fun program was so successful, the Lee Youth Commission is working on activities at the athletic field which would include pickleball on Monday evenings starting at 5 pm.

In addition, the Lee Youth Commission is moving forward with discussions concerning a community center. Thank you!

Peg Biron came before the Board regarding the proposed dump site concerned about the number of cubic yards to be dumped, how much weight there would be, the cutting of trees and how many, the root water and where it would be going. She spoke about a toxic dump facility in Warren town, North Carolina approximately 10-15 years ago, the amount of water used and drainage problems. If this were to happen here, who monitors that besides GE-EPA. She said it need sot be monitored very carefully.

4. **General Business:** a) One Day Beer & Wine License - Steven Schmitter (Masonic Lodge) – *Upon a motion duly made and seconded the Board members voted unanimously to grant a One Day Beer & Wine License to Steven Schmitter (Mason Lodge) for their annual gathering*

b) Temporary Sign Permit -Garth Story (1st Congregational Church – Church Craft Fair - *Upon a motion duly made and seconded the Board members voted unanimously to grant a Temporary Sign Permit to Garth Story for the First Congregational Church's Annual Church Craft Fair and to waive the fee. .*

c) Greener Gateway Update - EP Grant – Peter Hofman – Valerie Bluhm came before the Board for Peter Hofman with an update on activities of the Committee:

- They applied for the grant as discussed at that last meeting and the full application has been accepted.
- The annual clean-up will be held on Saturday morning. They will meet at the Quonset Hut.
- They will be receiving more butt collectors
- A second water bottle filling station will be in town within the next 30 days.
- There will be more promoting of composting and compost pails will be sold. They will work with Meadow Farm and residents of Lee can drop off 24/7/365 days a year.
- Zero waste efforts under way – 2019 had the lowest percent of trash.
- The Peaker Plant is committed to conversion storage.
- Memorial Day will have signs and bins.
- They will be meeting with similar committees in other towns.
- They continue to welcome new members

d) Green Communities – Mark Rabinsky - Mark Rabinsky, came before the Board to discuss the Town partnering with the Green Communities Division Partnering with Massachusetts Cities and Towns. The Green Communities Division is the energy hub for all Massachusetts cities and towns, not just designated Green Communities. Green Communities Designations reach 280, with nine new designations in April of 2021. There is up to \$20M/yr. in grants and loans to qualifying communities. The grants fund energy efficiency initiatives and renewable energy, innovative projects. Examples of nearby Green Communities Designation and Grant Program amounts are Lenox/\$732,983 --- Stockbridge/\$270,076 --- Becket/\$172,926. The Designation Grant equals \$125K plus population & per capita income formula. Lee's estimated grant amount would be \$135,000 (based on 2020 figures). There are competitive grants available annually, up to \$200,000 per applicant, for Green Communities that have expended all prior grant funds and are in good standing. The Qualification Criteria – Designation are as follows: 1) Adopt as-of-right siting for RE/AE generation, R&D, or manufacturing 2) Adopt expedited permitting process 3) Create an Energy Reduction Plan to reduce energy use by 20% in 5 years 4) Adopt fuel efficient vehicle purchase policy 5) minimize life cycle cost in new construction – adopt the Stretch Code. Criteria 1 & 2 – As-of-Right siting and expedited permitting. For at least one of the following: 1) Renewable or Alternative Energy Generating Facilities or; 2) Renewable or Alternative Energy Research and Development (R&D) Facilities or; 3) Renewable or Alternative Energy Manufacturing Facilities in designated locations. Criteria 3: Energy Use Baseline and Energy Reduction Plan – Identify all energy use (electric, gas, oil, vehicle fuel, propane solar) and upload use or account information to MassEnergyInsight online tool ---Schedule energy audits for all

municipal and school buildings---Conduct building audits and identify energy efficiency measures to achieve 20 percent reduction---Complete energy use baseline in MassEnergyInsight – organize data, ensure accuracy. Town’s baseline should include all municipal schools & buildings, all vehicles, municipally owned street & traffic lights, water & wastewater facilities --- Draft and Complete Energy Reduction Plan --- Select Board approve Energy Reduction Plan --- Superintendent and/or school committee approve energy reduction plan --- Finalize documentation for submission to DOER. Criteria 4 Fuel Efficient Vehicles – 1) Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable 2) Police cruisers and other emergency vehicles are exempt **until commercially available**. 3) Heavy duty vehicles such as Fire Trucks, Ambulances and some DPW trucks are exempt (TVW of 8,500 lbs., or more) Criteria 5 – Minimize Life Cycle Costs – Stretch Energy Code – Documentation of the city council or town meeting vote adopting 780 CMR 115.AA,MA Board of Building Regulations and Standards (BBRS)Stretch Energy Code.

e) Hearing Request Discussion – Lee Housing - Brown Memorial Court has asked for the Board to call a public hearing on alleged issues during COVID. The Board briefly discussed this and came to the conclusion that a hearing is not warranted as this concerns abuse of authority regarding “no mask wearing”. The Board offered that they have trouble finding validity in holding a hearing and that the Board shouldn’t second guess the Health Dept.’s authority. *Upon a motion duly made and seconded, the Board members voted unanimously that they can find no validity in holding a hearing.*

f) Acceptance of Board & Committee Members Guide - After a brief discussion *the Board members voted unanimously to table this discussion until our next meeting.*

g) Annual Reappointment of Board Members - *Upon a motion duly made and seconded, the Board members voted unanimously to appoint the three (3) year and one (1) year appointments (contingent on their acceptance) as noted in the attached list and made a part of these minutes.*

h) ROR -Site Visit / Public Forum Date Discussion - The Board members went individually for site visits of the ROR dump site in order to not violate the open meeting law. Each went with their individual questions and concerns. Bob Jones came back with his question of cutting of trees and what that would look like. He described it as a large bowl with the entire area where the dump is to be clear cut. The height would be approximately 40 feet high. Truck routes – from Rising Dam to Pittsfield – south to Sheffield not touched. They did not discuss actual truck routes as yet, but are open for discussion. The EPA will always be on sight. Bob commented that the GE and EPA hold no credibility with him for what they did in Pittsfield and the Hudson River.

Gordon Bailey spoke about the traffic concerns with the removal of the PCBs. Gordon suggested to them that they no travel on our streets and travel by rail. This is the same suggestion that was given to the Eagle Mill project. As far as the agreement he is still wanting to stop the permit and we need to talk about this with out legal dept. He said he saw elevation issues and it is more of a pit than he imagined. G.E. needs to clean-up.

Sean Regnier spoke about them using trucks and the railroad company willing to help for the removal of materials. This will be a decade long project. This will be capped and not all PCB’s

will be removed. The clean-up is totally inaccurate and it will take decades to remove 1 million yards. The remediation is necessary. The river has to get dredged and it has to go somewhere. We have to work towards making it better. The EPA will allow a tech to test it out. We need to take the monitoring of this seriously. At the end of the day we need to keep our eyes on it and if and where we can we need to hold EPA accountable.

Gordon Bailey stated that *if* this goes through only 1/3 of the contaminates will be out of Woods Pond. GE is requiring dewatering on the site for a clean use of the property. They also agreed to encourage citizen scientists.

Gordon wondered if it is possible to find a way to work with HRI. With the amount of PCB we will never be able to remove it all. HRI (Tim Gray) said the best case scenario.....look at G.E.'s record....look at Pittsfield.....look at the Hudson River.

Others stated that there are so many unknowns. Neil Clark suggested an oversight group mechanism in place as the technology may change in the future. Gail Ceresia made a comment about the Board members being the only ones that can have a site visit. She suggested we reach out to legislators. We need a plan. Rachelle Walker asked if there would be a public forum.

Gordon Bailey stated that we should reach out to Tim Gray and we need a high-powered attorney to be there. We don't want to damage the neighborhood and town. We need to know what the ramifications and potentials are.

Gail Ceresia said we need an organized system to approach representatives. We need to get a list of people to write letters. Let's not be naysayers. People in Lee don't want this dump. 2 ½ years have been wasted on "attacking" the Select Board.

Patty Carlino asked if she could read a statement she wrote with clarification to statements that were made at the 6/7/2022 Selectboard meeting. The Board allowed this and the copy of what she wrote and read to the Board is attached the end of these minutes and made a part of these minutes. (See attached)

CPA Committee – The committee is working on the Community Preservation Act. They are close to having the approval of the by-laws for the CPA. Now we need committees. They will start posting on line for memberships needed for an at-large member.

5. **Pending Business:** None

6. **Town Administrator** - a) Eagle Mill – Permits are pending for the housing/urban development to start the demolition by the end of summer/beginning of fall. Right now there is a funding gap holdup. Jeff will come to a meeting if we would like him to.

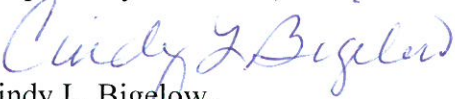
b) Fire Contract – The Fire and Police contracts have been finalized and the Board can sign them soon.

c) Cannabis Impact - There are additional items to be funded and they are working out the details.

7. **Next Regular Meeting** - Our next regular meeting will be on Tuesday, July 5, 2022 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 10:45 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

ATTACHMENT TO SELECT
BOARD MEETING
June 21, 2022

To the Honorable Board of Selectmen

I was unable to attend your 6/7/22 meeting but was able to watch it after. This note is in response to some of the statements made at that meeting under the "Public Comments" time. It is not meant to be argumentative or open to public disagreement. As I was the ROR committee representative up until June 6, 2022, I felt I should share these clarifications..

1. A statement was made that the ROR committee was "suing" HRI. This is not true. Not happening. Never was.
2. A statement was made that the ROR committee was "raiding" the monies that were negotiated with GE to pay for this suit. Not true. The \$1.5 million that was voted upon by all five Select Boards was what I would call "proper financial responsibility". Once the final appeal is settled, and assuming it stands as it is, the ROR committee will be taking some sort of back seat, and let the towns' oversight committees take over, but if there should be problems during the clean up requiring legal expenses, I certainly would feel more comfortable with monies set aside for this possibility, rather than not have any funds to fall back on. And funds that come from the settlement, not from the taxpayers. If its never needed, great. It will go back to the towns when the project is finished.
3. A statement was made that originally one of the sites for a proposed dump site was up near Goose Pond. The committee was also aware of this as it was in the public news at various times over the years. But for the life of me I can't figure out who the Selectboard member was that lived near there. As David Consolati and I live on Fairview St., and Tom Wickham lives on Davis St., I don't see how that would mean anything.
4. Love Canal. A tragic story, one that began in 1893. In 1970 Richard Nixon created the **EPA (77) years after** Love Canal was first constructed. And in 2004 Love Canal was deleted from the NPL site and was no longer considered a threat to human health and environment.
5. And lastly, this last statement goes back to June of 2021. It was told to the town representatives during the annual town meeting that the ROR committee lawyer was once an employee of GE. While that is not true, no one has ever clarified that statement or said they were incorrect. I needed to document that this statement was wrong.

In closing, I have no problem with the public speaking out about anything, including the ROR project, but when incorrect statements are made without any credible back up it's just very frustrating.

Thank you.

Pat Carlino