

**BOARD OF SELECTMEN
TOWN OF LEE MEMORIAL (TOWN)HALL – 32 MAIN ST., LEE, MASSACHUSETTS 01238
MEETING AGENDA POSTING**

DATE: September 20, 2022

TIME: 7:00 PM

PLACE: Former Courtroom

Zoom Hybrid

<https://us02web.zoom.us/j/85350273091?pwd=VXJVVHprdWpsVG5OVTIUUUFHT2t0Zz09>

Meeting ID: 853 5027 3091

Passcode: 409779

1. Minutes: Open Session Minutes of 9/6/2022 and 9/1/2022
2. Public Hearing: 200 Laurel Street – Vote to accept applicant's withdrawal without prejudice.
3. Public Comments:
4. General Business:
 - a. App Trail Committee – POSTPONED to October 18
 - b. LED Light Replacement – Paul Vesel
 - c. LYA Discussion
 - d. Appropriate \$200,000 in 40R Funds for Paving Projects
(Upon recommendation of Board of Public Works and Town Administrator)
 - e. EPA FOIA Request
- F. – BOARD AND COMMITTEE APPOINTMENTS.*
5. Next regular meeting: October 4, 2022
6. Motion to adjourn
And any topic the Chairman could not reasonably anticipate.

The Town of Lee is not responsible for any technical issues resulting from any and all types of remote or hybrid meeting attendance and/or participation

REC'D LEE TOWN CLERK
SEP 16 '22 4:50

RBA

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REC'D LEE TOWN CLERK
SEP 12 '22 PM 3:33



TOWN OF LEE
BOARD OF SELECTMEN MEETING
Tuesday September 20, 2022 @ 7:00PM
Town Hall • 38 Main Street • Former Courtroom

Minutes

Members Present: Sean Regnier, Bob Jones, Gordon Bailey

Members Absent: None.

Chairman Regnier called the meeting to order at 7:00PM.

1. Minutes:

Open Session Minutes of 09/01/2022

Mr. Bailey made a motion to adopt the open session meeting minutes from September 1, 2022 as proposed, which Mr. Jones seconded and was approved, 2-0. Chairman Regnier recused himself from the vote because he was not present at the September 1, 2022 meeting.

Open Session Minutes of 09/06/2022

Mr. Jones stated the only change he would suggest is to provide the correct spelling of Anne Langlais' name.

Mr. Bailey made a motion to approve the open session meeting minutes from September 6, 2022 with the spelling adjustment, which Mr. Jones seconded and was unanimously approved, 3-0.

Chairman Regnier stated that the Board was given a draft of the executive session meeting minutes from September 6, 2022 but the Board agreed those minutes are approved at the executive session.

2. Public Hearing:

200 Laurel Street – Vote to accept applicant's withdrawal without prejudice.

Chairman Regnier began by stating the Board has a letter in front of them from Nicholas Arienti, Esq., that states the petitioner, Ecos Properties, would like to formally request a withdrawal of the special permit application, July 2022, without prejudice.

Chairman Regnier stated that this was really a formality at this time and that there was nothing to be heard since the Board did not have a permit in front of them to hold a hearing. Chairman Regnier stated he would take public comment now, however, since there were members of the community who wished to speak. Mr. Jones agreed he had no issue with the public speaking as long as they understood the Board had absolutely no standing on the matter. Mr. Jones stated the Board originally thought they would be involved with the special permit applied for, but found out later that they legally did not have to be involved.

Catherine Hibbard, 250 Laurel Street, began by stating it was her understanding that there were some discussions about the legal aspect of this application, and she wished to know when those discussions were had. Chairman Regnier stated there was some discussion when the original application came before them in July 2022, but the extent of the conversation was that the Board did not have purview. Mr. Jones stated that the Board had a joint meeting with the Planning Board where they discovered the Board of Selectmen's approval was not required for the special permit. Ms. Hibbard stated she did not understand that that was the end of the Board's involvement. Chairman Regnier stated that the Planning Board continued their hearing for the special permit at a later date, and now the Board of Selectmen has the withdrawal letter in front of them.

Ms. Hibbard stated it was her understanding that most of that discussion took place after the applicant got their permit in hand from Christopher Brittain. Mr. Bailey stated that there was a question sent to the Town Attorney prior to the day they had the joint hearings. Mr. Bailey continued stating that the advice given was that it was more appropriate for the Planning Board to go forward under their position of preexisting nonconforming and that if the Planning Board issued a permit to give sixteen units, any hearing the Board of Selectmen would have would have been handcuffed to twelve units, and the Board of Selectmen's votes would have been unnecessary. Mr. Bailey stated if the applicant was denied the sixteen units by the Planning Board, the Board of Selectmen would continue their hearing to potentially give approval for twelve units.

Ms. Hibbard stated the sixteen before the twelve seems like the "cart before the horse" to her, and this process has been very confusing for the public. Ms. Hibbard stated it was not disclosed that if the permit was approved for the sixteen by the Planning Board, it would not go before the Board of Selectmen. Ms. Hibbard stated that they all agree they need the housing, but this application would also include disturbance of the natural ecology and harmony and character of surrounding development. Ms. Hibbard stated that the process has been disappointing for her and that the Planning Board had made concluding remarks at the hearing before public comments were able to be made. Ms. Hibbard stated she understood the Board of Selectmen could not overturn the decision, but she hoped they could at least have a second look that would be more comprehensive. Ms. Hibbard stated she accepts the decision, she hopes for the best, and she hopes that the town forest that abuts will be protected.

Mr. Jones made a motion to accept the applicant's withdrawal without prejudice which Mr. Bailey seconded and was unanimously approved, 3-0.

3. Public Comments:

Kathy Hall, Chairperson of the Lee Youth Commission, began by stating the recent approval from the Lee School Committee for use of the school area behind the football field at Lee Middle and High School for a fitness center will be a great asset to the school's physical education program and to the townspeople for use after school hours. Ms. Hall also stated that Founders' Weekend was a huge success and thanked the town for supporting the Lee Youth Commission's children and adult activities at the Lee Athletic Field.

Mr. Jones stated to Ms. Hall that the potential community center was still on the table for discussion, and he wondered if she would organize her group and they could come forward to a Select Board meeting to get some wheels turning and discussion flowing about using the former Price Chopper to the Eagle Mill. Ms. Hall stated that Chris Brittain stated at the last meeting that they did receive a grant for \$25,000 to hire a consultant to investigate the development of 300 Stockbridge Road. Mr. Bailey stated there are a number of properties available in the town that have not been talked about yet. Mr. Jones and Mr. Bailey agreed the conversation needs to keep going.

4. General Business:

a. App Trail Committee- POSTPONED to October 18, 2022

Chairman Regnier stated that the update from the App Trail Committee has been postponed to the October 18, 2022 meeting.

b. LED Light Replacement – Paul Vesel

Chairman Regnier stated that Chris Brittain brought forward some information regarding the LED Light Replacements in town at the last meeting and invited Paul Vesel of Realterm Energy to give a presentation at this meeting.

Paul Vesel, Realterm Energy, began by stating Realterm Energy has been managing LED municipal conversions in Massachusetts for about eight years. Mr. Vesel stated it goes back to legislation that was passed that gives municipalities the opportunity to take ownership of their streetlight assets. Mr. Vesel stated that there were some compelling reasons to do this including the municipality saves a tremendous amount of money and energy, there is

better and safer lighting, and it exercises the municipality's right to own assets.

Mr. Vesel stated that this process began with the former Public Works director, Alan, and stated that they performed a GIS audit where they physically audited each of the town's lights and collected about 17 different data points to give the town a proper lighting design.

Mr. Vesel went through potential opportunities for telecommunications such as WIFI, video surveillance, air quality sensors, and traffic control run through the street light infostructure. Mr. Vesel stated that the town's lighting needs to be upgraded and the town has two options; continue to allow the utility to own the infostructure and at some point, they'll upgrade it for the town but the town won't save any money and they'll continue to pay high street light fees, or the town can own the asset and upgrade it on their own.

Mr. Vesel provided a packet to each Board member with the latest estimates of cost and savings for the town. Mr. Vesel stated as of July 6, 2022, it was estimated that it would cost the town \$92,274 to upgrade the streetlights and \$143,430 to acquire the streetlights, giving a total cost of \$235,704. Mr. Vesel stated that today the town is spending about \$56,000 annually on their streetlights, but after they acquire the streetlights and convert them to LED that cost goes down to about \$16,000 annually, saving about \$39,000 a year; a drop of 70%. Calculated over twenty years (the average streetlight life), the savings is about \$833,000 which gives a simple payback of 5.6 years.

Mr. Vesel stated that he was told the town does not currently have money budgeted for this project, so they ran an analysis for TELP (Tax Exempt Lease Purchase) Financing where the town would generate enough savings which would generate positive cash flow of about \$142,000 under a lease option.

Mr. Vesel stated that Realterm Energy is based out of Maryland and is one of the leading smart light integrators in North America, and they have completed about twenty projects in Massachusetts including Pittsfield, West Springfield, and Agawam.

Chairman Regnier asked if the town would have to have some sort of maintenance budget for the conversion. Mr. Vesel stated that in this model, the approximate maintenance cost for the town would be \$9,624 annually and likely would actually be lower. Mr. Vesel stated that the failure of LED lights is low which makes the cost of maintenance low.

Mr. Bailey asked what exactly has to be maintained. Mr. Vesel stated that smart control allows the town to dim the lights as needed and detects automatically when a light is out, so the maintenance costs are for labor since they will not be paying for any equipment. Mr. Vesel stated the other part of maintenance is an administrative platform.

Mr. Bailey asked how Realterm Energy makes any money off of this project. Mr. Vesel stated that they have a 20% markup in the realm of maintenance. Mr. Vesel stated there would also be about a \$300 a month charge for Lee for the software program for 401 units.

Mr. Bailey also asked about the color of the LED lighting. Mr. Vesel stated that 95% of their projects have all been 3000 kelvin color temperature or lower. Different areas of the town can have different kelvin color temperatures as well. Mr. Vesel stated most of the towns and cities want to keep their skies dark and Realterm Energy designs all of their photometrics based on the International Dark Sky Reserve Designation Guidelines.

Mr. Vesel stated that there are revenue and service generated opportunities for WIFI to be added to the streetlights as well but none of those numbers are in front of the Board because they'll need to have a consultation first regarding what service is like in the area to begin with and what the town wishes to add.

The Board agreed the conversion sounds like a great plan. Mr. Vesel stated since the last numbers were run in July 2022, they'll go through with current rates and give updated numbers. Mr. Vesel stated that the number one benefit is to be proactive.

Mr. Vesel stated that decorative lights are considerably more expensive to convert. In Lee, the payback would be a twenty-year net project savings of \$693,008, and 8.9 years if the 160 decorative units were also converted.

Chairman Regnier stated he would like to move forward in some fashion with this, and they'll need to discuss with Chris Brittain which avenue they'd like to take. Mr. Vesel stated that they could have updated numbers for the Board by the end of the week.

Mr. Vesel added, when the town is buying the assets, they are buying the mast arm out to the fixture and Eversource continues to own the pole. Mr. Bailey asked if the town would pay rent to Eversource then for the use of the pole. Mr. Vesel stated that the new tariff includes all of that and whatever their reduced maintenance is by just having to maintain the pole is included in that reduced cost. Mr. Vesel stated the one thing the town will have to do is to have a rider on their existing insurance for the cost of replacing the fixtures if the poles are knocked down.

Gail Cerecia, present on the Zoom Hybrid, asked Mr. Vesel if they would keep all of the light poles on main street, which she feels is overkill. Mr. Vesel stated that if the town thinks there are areas that are over lit or underlit, those areas will be addressed.

c. LYA Discussion

Sam Sorrentino, 140 Via Maria, Treasurer of the Lee Youth Association (LYA), began by thanking the Board of Selectmen for the opportunity to speak at the meeting and reintroduce the town to the LYA. Mr. Sorrentino stated that the LYA was started in 1981 as a drop-in center for teens. Since then, Mr. Sorrentino stated that the LYA has grown tremendously from a one-person operation and through the course of the year will now employ sixty people. The LYA now services one hundred and twenty kids a day.

Sharon Terry, LYA Executive Director, began by stating the LYA is a nonprofit organization that is run by a Board of Directors. Ms. Terry stated that the LYA's pre-k class room prepares children academically and socially/emotionally for kindergarten. Ms. Terry continued stating that some of the programs the LYA currently runs are:

- *Busy Lee Learning Center (year round with five classrooms: 1 infant room, 2 toddler rooms, one preschool room, and one pre-k room)
- *LYA After School (located now at the school itself and runs until 5:30pm)
- *Summer Camp (1st graders through 7th graders)
- *Counselor in Training Program (CIT) (8th graders)
- *Basketball Camp & Basketball Program
- *T-Ball Baseball, Rookie League Baseball, and Girls' Softball
- *LYA/LMHS Career/College Fair

Ms. Terry stated that the LYA also accepts state vouchers for their program which allows low income families to attend programming, and they have two programs licensed by the Mass Dept of Early Education and Care (EEC) and one program licensed by the Tri-Town Health Department. The LYA has also recently hired a behavioral specialist. Ms. Terry stated that LYA is not specific to Lee residents.

Mr. Bailey stated he would like to have some representation from the town at the job fairs that the LYA holds to make students aware of municipal job opportunities. Ms. Terry stated they usually hold the fair in the spring and they have had police, fire, and ems organizations present at these fairs, but she would be happy to have more organizations from the town present. Ms. Terry stated they also have mock interviews for the students to help train them for upcoming job interviews.

Ali Zabian, President of the LYA, stated that the LYA is presently located in the building on Route 102 owned by Berkshire Corporate Reality. Berkshire Sterile Manufacturing has been generous in leasing the LYA a space, but they are growing, and will be needed to reclaim the space the LYA uses in the future. Mr. Zabian stated that the LYA has a five-year lease and a five-year renewable option which they exercised, so the LYA is currently six years away from the

end of their term at the Route 102 location. Mr. Zabian stated they wanted to let the public know their present circumstance and are looking for any help, ideas, or some sort of assistance.

Chairman Regnier asked if there was some sort of ideal facility that the LYA is looking for. Mr. Zabian stated they are looking for anything in the range of 7,000 sq.ft. to 10,000 sq.ft. Ms. Terry stated they could probably go as low as 7,000 sq. ft., but they are looking for land too to continue their outdoor play area and nature-based learning. Ms. Terry added that they would like to stay in Lee.

d. Appropriate \$200,000 in 40R Funds for Paving Projects

Chairman Regnier began by stating the Board of Public Works is requesting the Board of Selectmen to appropriate \$200,000 from 40-R money for highway paving projects. Chairman Regnier stated that the 40-R money is money that they got from the state for the special overlay district and has to be used for capital projects, and this would fit that criteria.

Mr. Bailey asked if anyone knew if they had more than \$200,000 or if that was all they had to work with. No one was aware of the answer. Mr. Bailey stated that since this was a request from the Board of Public Works, he did not see a problem with it. Chairman Regnier stated he was sure Chris Brittain would not make the recommendation unless it was covered.

Mr. Bailey made a motion to appropriate \$200,000 from 40-R money for highway paving projects as requested by the Board of Public Works which Mr. Jones seconded and was unanimously approved, 3-0.

e. EPA FOIA Request

Chairman Regnier began by reading a draft of a letter from the Board of Selectmen to the National FOIA Office requesting any records in written, electronic, audio/video or any other format including but not limited to: studies, data, correspondence, presentations or any other records related to removal and transportation of pcb laden material from the area identified in the RCRA Corrective Action Permit Modification for the "Rest of River" portion of the GE-Pittsfield/Housatonic River Site by rail-road transportation.

Mr. Bailey made a motion to sign the FOIA letter to the EPA which Mr. Jones seconded and was unanimously approved, 3-0.

f. Board and Committee Appointments

Mr. Bailey stated he had a letter from Robert Wright stating his interest in submitting his name for consideration for the open position available as a member of the Board of Public Works and a position as a member of the MVP/HMP Committee (of which they need three people from the public). Mr. Bailey stated he has had several discussions with Mr. Wright over the past few months and he thinks Mr. Wright would bring an interesting mindset, and would be a valuable member to the Board of Public Works and the MVP/HMP Committee.

Mr. Bailey made a motion to appoint Robert Wright to the Board of Public Works and the MVP/HMP Committee which Mr. Jones seconded and was unanimously approved, 3-0.

Gail Cerecia, present on the Zoom Hybrid, wanted to confirm with the Board that she was appointed as a member of the MVP/HMP committee at a previous meeting. Chairman Regnier stated that they appointed Ms. Cerecia to the Agricultural Commission, but not the MVP/HMP Committee. The Board stated that they would need Ms. Cerecia to submit a letter of interest for the MVP/HMP Committee to be considered.

Ms. Cerecia asked if she could make a public comment. Chairman Regnier informed Ms. Cerecia that that portion of the meeting already passed, but she could use this time for public comment. Ms. Cerecia asked if the Board knew anything happening on Woodland Road where there is asphalt broken up and sitting in the middle of the lot, although

it is a residential, not industrial lot. Ms. Cerecia wanted to know why it has been allowed to stay there with a petroleum base to it, where there are wetlands leading right up to the lot. Ms. Cerecia stated she is trying to get the asphalt out of there.

Chairman Regnier stated that he knows the DEP from the state issued an order of noncompliance to the owners of that site, so they're not allowed to operate, and he assumes they would be required to remove the asphalt. Ms. Cerecia stated she did not care about DEP and wants to know about the town's bylaws. Chairman Regnier stated that the town was going to issue a cease and desist, but the DEP got to it first and the state overrides any town bylaws. Ms. Cerecia stated if it was just asphalt there would be no harm, but she saw them put it through a conveyer belt of some sort to break it up. Mr. Bailey stated that he believes this is already being addressed through zoning enforcement, and it's just a matter of time to get all of that out of there, but wanted to confirm for Ms. Cerecia that it is already on the radar of the town.

g. Any other topic the Chairman could not reasonably anticipate:

Gas Permits:

Mr. Jones made a motion to approve the gas permit to replace the gas main on meadow street, which Mr. Bailey seconded and was unanimously approved, 3-0.

Mr. Bailey made a motion to approve the gas permit to repair a gas main leak on Landers Road near #50 which Mr. Jones seconded and was unanimously approved, 3-0.

Utility Permits:

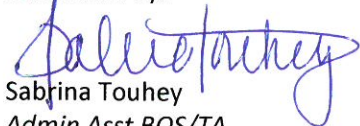
Mr. Bailey made a motion to approve the utility permit to install a sewer line at 34 School Street which Mr. Jones seconded and was unanimously approved, 3-0.

Master Plan Meetings:

Chairman Regnier stated that he wanted to report that they have had two master plan meetings since their last Board of Selectmen meeting and they were very encouraging. Chairman Regnier stated he would like to have the Select Board at a specific meeting to have a discussion and bring in the Board's input. Chairman Regnier stated that they mentioned having a meeting for each department head to come in, and wondered if the Select Board would be interested. The Board agreed to attend a meeting in the future.

5. **The next regular meeting was set for October 4, 2022.**
6. ***Mr. Jones made a motion to adjourn the meeting at 8:50pm which Mr. Bailey seconded and was unanimously approved, 3-0.***

Submitted by:



Sabrina Touhey
Admin Asst BOS/TA

Approved on 10/04/2022