

TOWN OF LEE
SELECT BOARD MEETING
Tuesday October 4, 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 7:03PM.

1. Minutes:
Open Session Minutes of 09/20/2022

Mr. Bailey made a motion to approve the September 20, 2022 meeting minutes as submitted which Mr. Jones seconded and was unanimously approved, 3-0.

2. Public Hearing: None.

3. Public Comments:

Kathy Hall, Chairperson of the Lee Youth Commission, began by stating she would like to say thank you to Colleen Korte, Jack McKeon, Joey Brackett, and Bill Hall, Sr. for their help at the Lee Youth Commission's Children's Activities at the Lee Founders' Weekend. Ms. Hall added that the EZ Ice Rink has arrived and she wanted to give a thank you to the Lee DPW for helping to unload the truck and store the equipment until it was time to make ice. Ms. Hall stated that the fitness center equipment has also arrive, however the installation date is to be determined. Town Administrator, Chris Brittain, stated that the concrete may be poured in this winter, but it's likely the process will begin in the Spring. Ms. Hall added that Pickleball is still going strong on Mondays from 5:00pm to 6:30pm at the athletic field, however, this Monday the nets and equipment will be available for use at 4:00pm.

4. General Business:

- a. Lee Police Department Officer Appointments – Kenneth Retzel, William Zeininger, Matthew Tietgens, and Michael Kahn

Town Administrator, Chris Brittain, stated that all of the officers have been given conditional employment and they will start at the academy later this month to be ready for service of the town this Spring. Admin Brittain stated that this will fill all of the town's vacancies, making it fully staffed including the school resource officer.

Mr. Bailey made a motion to approve the four Lee Police Department Officer Appointments which Mr. Jones seconded and was unanimously approved, 3-0.

b. Board & Committee Appointments – MVP/HMP Committee – Gail Ceresia, Robert Heinzman, Katherine Miller

Chairman Regnier stated that the committee stands for Municipal Vulnerability Preparedness and Hazard Mitigation Plan. Chairman Regnier stated the Board has letters of request from the three listed above. Admin Brittain stated that after these appointments, the MVP/HMP Committee would be filled.

Mr. Jones made a motion to approve the three MVP/HMP Committee Appointments which Mr. Bailey seconded and was unanimously approved, 3-0.

c. DPW Contract Adoption

Mr. Jones began by confirming with Admin Brittain that there was a total of 10% over three years, but they chose to take 6% the first year, 2% the second year, and 2% the third year. Mr. Jones stated he is concerned with a big pay boost within the first year and then they are out looking for another job. Admin Brittain stated if a person were to quit, whoever would take their place would come in at that same rate as well. Admin Brittain stated that that was not their original intention, but there were several failed votes to make it more even each year.

Mr. Bailey asked Admin Brittain if the reason for the large increase in the first year was due to the surrounding towns and cities maybe making more. Admin Brittain stated that the comparison is apples and oranges since some towns/cities use step systems, which Lee does not use. Admin Brittain stated that a first-year employee could be making less in some towns or more than in others. Admin Brittain stated that someone who has been working for Lee for twenty years could be making less than someone in a town that follows the step increase because it's just set that way. Admin Brittain stated that the step increase was brought up for the contract but failed with a vote.

Admin Brittain stated that this contract went to mediation twice and the whole process began back in March 2022. Admin Brittain stated that all of the unions got into the 9%-10% range but were just split up differently in this case. Chairman Regnier asked if the town ended up giving more rights to their management. Admin Brittain stated that there were 53 changes made to the contract and some managements rights were added. Admin Brittain stated many clarifications were made that will help with union grievances they have had in the past. Admin Brittain stated that they also had a labor lawyer involved with the contract to help bring things up to date. Admin Brittain also confirmed for Chairman Regnier that the contract now clarifies the list of who qualifies to be called in when someone is out for whatever reason. Admin Brittain also confirmed the DPW just got a steward.

Mr. Bailey made a motion to have the Board sign off on the DPW Union Contract which Mr. Jones seconded and was unanimously approved, 3-0.

d. Purchase and Sale Agreement – The Mount

Chairman Regnier began by stating that the agreement was between the Mount, Lee, and Lenox. Chairman Regnier stated that at last year's Town Meeting, the Town decided to sell a portion of the Edith Warton Park at Laurel Lake and the building on about 1.2 acres of land.

Admin Brittain stated that Town Council recommended the Board sign the agreement contingent upon a 50/50 split between Lenox and Lee, dividing \$170,000 equally between the two towns. Admin Brittain added that there are four documents to sign – the purchase and sale agreement, the conservation restriction document (which has already gone through the State Legislature), a first right of refusal, and the deed.

Mr. Jones made a motion to have the Board sign the purchase and sale agreement contingent on clarification of payment which Mr. Bailey seconded and was unanimously approved, 3-0.

Mr. Bailey made a motion to approve the conservation restriction document, the first right of refusal document, and the quit claim deed which Mr. Jones seconded and was unanimously approved, 3-0.

e. LED Streetlights Discussion

Chairman Regnier began by stating he liked the idea of the Town owning the infrastructure and updating to LED lighting, and thought it may be appropriate to bring it to the Town Meeting in May 2023. Chairman Regnier added he would like to see the updated proposal before the Board act on anything. Admin Brittain stated that the company has not provided the updated numbers yet, and he reviewed the previous numbers that the Board was given at the last meeting.

The Board agreed to wait to see the updated proposal before they made any action.

f. Trick or Treat

Mr. Jones made a motion to set the date for Trick or Treat to Monday October 31, 2022 which Mr. Bailey seconded and was unanimously approved, 3-0.

Chairman Regnier added that the Town will also hold a Trunk or Treat event by civic organizations in the community parked at the high school. Trunk or Treat will be held on Saturday October 29, 2022 at Lee High School.

g. November 8th Election

Chairman Regnier stated that the early voting will take place in the Town Court Room on:

Saturday October 22nd 10:00am-2:00pm
Monday-Wednesday October 24th-26th 12:00pm-3:00pm
Thursday October 27th 2:00pm-5:00pm
Friday October 28th 10:00am to 12:00pm
Saturday October 29th 9:00am-5:00pm
Monday October 31st 2:00pm-4:00pm
Tuesday November 1st 2:00pm-5:00pm
Wednesday November 2nd 1:00pm-4:00pm
Thursday November 3rd 2:00pm-5:00pm
Friday November 4th 10:00am-12:00pm

Mr. Bailey made a motion to approve the early voting hours which Mr. Jones seconded and was unanimously approved, 3-0.

Mr. Bailey added that the last day to register to vote will be Saturday October 29th.

Mr. Jones made a motion to appoint Jennifer Gagnon, Allan Ni, and Stephen Tracy as election workers which Mr. Bailey seconded and was unanimously approved, 3-0.

Mr. Bailey made a motion to approve a sufficient number of police officers for the Tuesday November 8, 2022 election, but not less than one at the polling location at every election therein to preserve order, to protect the election officers and supervisors from any interference from their duties and to aid and enforce the laws relating to elections as required by MGL Ch 54 §72. Mr. Bailey further moved to designate the Police Chief the authority to assign specific police officers according to scheduling and availability and the Town Clerk to advise the Police Chief on the time and location a police officer is needed. Mr. Jones seconded the motions which were unanimously approved, 3-0.

Mr. Jones made a motion for the Board to sign the warrant which Mr. Bailey seconded and was unanimously approved, 3-0.

h. Agreement for Town and School-Dept of Education FY22 and FY23 Reporting

Admin Brittain began by stating this was for State reporting and was about agreeing on how much percentage of time is used for school business of certain positions in Town Hall. Admin Brittain stated that the School Committee will sign this document as well.

Mr. Jones made a motion to approve the agreement of reporting for Town and School- Dept of Education FY22 and FY23 which Mr. Bailey seconded and was unanimously approved, 3-0.

i. RoR Forum follow up

Mr. Bailey began by stating one of the things he thinks the people need to know is that the Board did vote and sent a detailed request to the National FOIA Office requesting records in regards to rail transportation.

Mr. Jones stated that there is an appeal going on in Superior Court by a private group of citizens, an appeal going on with HRI, and the local Board of Health is looking into facts of the actual dump site. Mr. Jones stated that some time back he reached out to the three Select Board members in Stockbridge, MA who all agreed that they were willing to have a conversation about RoR without committing to anything. Mr. Jones suggested the Select Board in Lee tries to get on the agenda for the Select Board in Stockbridge to discuss the agreement with them since the people of Stockbridge are in the same boat as the people of Lee.

Mr. Bailey made a motion to authorize the Town Administrator to reach out to the Select Board in Stockbridge and request a joint meeting to discuss issues of the RoR which Mr. Jones seconded and was unanimously approved, 3-0.

Gail Cerecia, 161 West Park Street, began by stating she understood the Board sent a letter to the FOIA Office, but wondered if they would consider also reaching out to DEP to obtain records on the DEP's recommendations or non-recommendations on the actual dumpsite and how the site may or may not meet the state regulations. The Board agreed that they were willing to send a letter once Ms. Cerecia could list the specific information she was looking to receive.

5. Town Administrator: RoR Updates

Admin Brittain began by stating he received an update today that the sixth INTERA baseline monitoring plan surface water sampling event was completed on September 27, 2022. Admin Brittain stated that GE collected surface water samples from eight locations as a part of INTERA baseline monitoring and the EPA collected split samples from one location for quality control purposes. Admin Brittain stated that the sampling results will be used to refine the two-year pre-remediation baseline sampling program scheduled to begin in 2023.

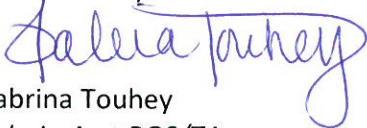
Admin Brittain stated that he also had an update on the CPA (Community Preservation Act) Committee. Admin Brittain stated that at this point all Boards have done their appointments but they are still seeking three more public members that are not affiliated with another Board. Admin Brittain stated that the CPA Committee would be recommending at the Town Meeting what to spend the CPA funding on which has to be spent on things such as historical preservation, cultural recreation, affordable housing, etc.

Admin Brittain added that road paving on East Street, Spring Street, West Road, and Summer Street has all been finished. Admin Brittain stated that they are looking to maybe get more paving done this Fall, but will likely continue in the Spring. Admin Brittain stated that they can do 25% more on the existing contract before going out to bid again, but it's a matter of whether the contractor has time to do it. Admin Brittain confirmed for Mr. Bailey that the Town is doing patchwork this Fall as well. Admin Brittain confirmed for Mr. Jones that the crosswalk lighting can be done on Housatonic Street but since it is a state-owned road, only specific fixtures can be used that the State approves.

The next regular meeting was set for October 18, 2022.

Mr. Jones made a motion to adjourn the meeting at 7:55pm which Mr. Bailey seconded and was unanimously approved, 3-0.

Submitted by:



Sabrina Touhey
Admin Asst BOS/TA

Approved 10/18/2022