

TOWN OF LEE  
SELECT BOARD MEETING  
Tuesday June 6, 2023 @ 7:00PM  
Town Hall • 38 Main Street • Former Courtroom

Minutes

**Members Present:** Bob Jones, Gordon Bailey, Sean Regnier

**Members Absent:** None.

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

1. Minutes: Open Session Minutes of 05/16/2023

*Mr. Bailey made a motion to approve the 05/16/2023 minutes as submitted which Mr. Regnier seconded and was unanimously approved, 3-0.*

Minutes: Open Session Minutes of 05/24/2023

*Mr. Bailey made a motion to approve the 05/24/2023 minutes as submitted which Chairman Jones seconded and was approved, 2-0. Mr. Regnier abstained from the vote because he was not present at the 05/24/2023 meeting.*

2. Public Comment

Kathy Hall, Chair of the Lee Youth Commission, began by thanking the 9<sup>th</sup> grade students at LMHS for their community service day commitment sanding and painting the picnic tables at the pavilion, organizing the sports equipment in the shed, and trimming the grass along the fences at the Lee Athletic Field. She also thanked members of the DPW and the staff at LMHS for supervising this project.

Anne Langlais, 25 Union Street, began by stating she and thirteen other people from Lee went to Boston to be in person for the oral argument for HRI at the first circuit court against EPA and GE. She stated that one key thing she made note of was that Matt Pawa made a statement that there was no objection from Lee residents about the agreement. Mr. Pawa told Ms. Langlais after the hearing that he was unaware of the changes in Lee, and he hasn't heard from one Select Board member in the Town of Lee that he should stop backing the agreement. In light of that, Ms. Langlais asked the Select Board to reach out to Mr. Pawa and update him on where Lee stands. Ms. Langlais stated that Jeff Hammons also told the Judge that there was no protest at all from the townspeople and residents of Lee about having the dump in Lee. She stated that it blew her mind that these people could be on the stand and lie.

Chairman Jones stated that in light of the recent ruling by the State of the Supreme Judicial Court (SJC) on people's right to speak, it is incumbent upon the Select Board to thank you for your comments, but not respond further. If they respond to one person, they have to respond the same way to all who speak. He added that they may very well find a way to respond, but it will not be during public comment. Chairman Jones stated that if anyone has any concern in detail, they should try their best to get on the agenda and then there can be a dialog with the Select Board members.

David Forrest, acting Chair of the Board of Public Works, stated he had a few questions for the Select Board. He stated that his first question was regarding the water main that they were supposed to go out

to bid for and he wanted to know if a decision had been made to move forward. He stated that when he looked at the plans, they did not show what the Board of Public Works had been told. He asked if the funding for the dig will stay available. Chairman Jones stated that this is one of those issues where they shouldn't have a dialog during public comment. Admin Brittain quickly responded saying that ARPA money will not go away until 2025. Admin Brittain stated that he would reach out to Mr. Forrest tomorrow with a clearer answer. Mr. Forrest added that information is still not getting to the Board of Public Works.

Josh Bloom, 204 West Park Street, began by stating that he believes the Select Board's interpretation of the SJC ruling is wrong. He believes the Select Board members can respond to public comment if the topic of discussion is already on the agenda. He added that he does not believe it takes precedence for the other topics that may not be on the agenda. He asked the Select Board to look into that further.

Mr. Bloom stated that he wanted to take it a step further than where Anne Langlais did and say that Matt Pawa committed perjury in the courtroom today. Mr. Bloom stated that Bob Jones was very clear in meetings that Matt Pawa was present for as the RoR Committee attorney in expressing and voting in opposition for the Town of Lee. He would like to see the Town take a firm stance on Mr. Pawa's perjury and find that the legal representation of RoR is not representing the Town of Lee. Mr. Bloom asked to work to disband the agreement. Mr. Bloom stated that the EPA has stated that they would have meetings with the Town of Lee residents besides the CCC meetings, and has also stated that all of the Select Board members have rejected that offer. Mr. Bloom stated that we should take advantage of that offer so that the EPA's responses can be documented. Mr. Bloom stated that the RoR legal representation has failed to represent Lee and therefore we should be working to disband the agreement and dissolve the RoR Committee.

Robert Wright, 20 Pease Terrace, asked if he would be allowed to address certain issues on the agenda tonight as they come up or asked if he should he address them now. Chairman Jones stated that when the item comes up on the agenda, they should be able to have that conversation.

Judy Kerkimer, the Executive Director of the Housatonic Environmental Action League (HEAL), stated it has been a long time coming for ecoSPEARS to come to Town and that HEAL and HRI have been following ecoSPEARS for many years. She stated that she is looking for a data dump from ecoSPEARS at the sites they have been involved in such as Guam, Canada, and the Eastern US that she can put on the HEAL website and share on social media.

### 3. General Business

#### a. ecoSPEARS Presentation

Sergie Albino (CEO and Co-Founder of ecoSPEARS), Trevor Ludwig (Project Development Manager at ecoSPEARS), and John Omana (Director of Government Affairs and Land Use Entitlement for ecoSPEARS) were present for the presentation.

Mr. Albino began by stating he gave this presentation about three or four weeks ago at the Basel, Rotterdam, and Stockholm Convention at the United Nations. They were invited by the International Pollution Network to present their non-combustion/non-incineration type technologies. The ecoSPEARS technology that he will present today has been recognized by IPEN as a best available technology and best environmental plan for the international community for institutes and remediation.

Mr. Albino stated that PCBs are forever chemicals and they are everywhere. He stated that they started their company specifically on PCBs because they were regulated by US EPA as well as the World Health Organization. He stated that it is a global pandemic—it does not discriminate and it knows no borders. Mr. Albino stated that 14 million tons of global PCB contamination stockpiles remain to be eliminated. Mr. Albino pointed out that these toxins are threatening our health, our wildlife and our communities. He stated that some examples of impacts of PCBs on human health are liver disorders, failure of reproduction, risk of cancers, a suppressed immune system, and carcinogenic effects. Mr. Albino stated that the most at risk are underserved communities. He stated that the existing remedies are costly and environmentally damaging.

ecoSPEARS is the exclusive licensee of NASA-developed green technology to extract PCBs from the environment forever. ecoSPEARS is a cost-effective and sustainable treatment system – you don't have to transport far away and you don't have to burn it.

Mr. Albino stated that there are two categories of ecoSPEARS – extraction and elimination. ecoAINA is a patented ex-situ technology that extracts PCBs, dioxins, and PFAS from contaminated soil or dewatered sediment. The Sorbent Polymer Extraction and Remediation System (SPEARS) is a patented in-situ technology that extracts PCBs and dioxins from contaminated sediments. The ecoCUBE is part of the elimination and is a patented ex-situ system to destroy PCBs, dioxins, and PFAS from aqueous contamination utilizing proprietary ultraviolet technology.

When it comes to SPEARS sampling, Mr. Albino stated that they ask for the samples to be contaminated to have an understanding of how much they are absorbing over time. He stated that the SPEARS are set up in about a 3-foot diameter and then are laid down like carpet tiles. The more spikes there are, the more condensed it is, and the better it is. Mr. Albino stated that the spikes are placed into the ground for years, and over those years you are getting samples to show proof that they are absorbing contamination. Mr. Albino stated that the EPA's main concern is the first six inches of sediment. He stated that the spikes are about a foot in length and once they clear out the first foot of sediment, the deeper contaminated sediment will rise up and the spikes will continue to absorb. It keeps a safe barrier of the first foot of sediment.

As an example of cost, Mr. Albino stated if dredging is \$10 million and done in one year, and ecoSPEARS is \$10 million but done in many years, you are spreading out that \$10 million cost overtime and not needing to pay it all upfront. You also don't have the trucks and incineration with ecoSPEARS that dredging would require.

David Forrest, 660 Greylock Street, stated that this system seems very minute to him since we're talking about miles of the Housatonic River and miles of river bank. Mr. Forrest stated that it seems to make more sense to use these SPEARS in a landfill that the PCBs would be moved into first. Mr. Albino stated that if they were going to dig it up and put it into a UDF, they wouldn't just use the SPEARS. He stated that they would dewater it, and then treat the dried sediment with the ecoAINA system so that they can instantly dissolve it – and that's a better way of treating a large volume over time.

Josh Bloom, 204 West Park Street, stated that at the present time, the EPA has dismissed this technology and has told the Town of Lee that they do not recognize it as applicable. Mr. Bloom asked if they are trying to contract with the Town of Lee, or all five towns with the RoR and who

would be paying for it. Mr. Bloom also asked if this technology is less expensive than the EPA's current plan.

Mr. Albino stated that people are bad at accepting change. He stated that this technology has been around for years with NASA but was not available until it was licensed. He asked not to take his word for it, and to instead do trials on the site. Until they prove that it doesn't work, keep going. He stated that the stakes are really with the future generations. Mr. Albino stated that they are meeting with the EPA Region 1 on Monday, and they have yet to do a project with them. Mr. Albino stated that he has told his team to stay away from the Northeast throughout this technology's beginning years. They needed a way to prove this technology works without taking on the contamination that is in the Northeast. Now they are ready for it. Because they have not done a full scaled project with the EPA yet, the EPA should not discount ecoSPEARS from doing a small project with them or with the Town.

Chairman Jones stated that he and Admin Brittain met for over two hours today with ecoSPEARS and the EPA. They are trying to make headway and trying to get this on the table. There is a signed agreement with GE/RoR/EPA, and they want to use whatever can impact the agreement to come up with a better arrangement than a UDF or at least an improved UDF. He stated that the characterization that the EPA is going to ignore it and not allow it is inaccurate and they just have to keep pushing.

Mr. Albino stated that the EPA wants to be cautious and choose the best plan. To be honest, no one wants to be the first one. Mr. Albino stated that that is why they went after the smaller clients first that had no other option to prove these technologies do work.

Anne Langlais, 25 Union Street, asked if ecoSPEARS has a projected timeline to do sampling in the Town of Lee. Mr. Albino stated that Tim Gray and Trevor Ludwig are putting together a plan for that. He stated that something they talked about earlier was using another site that GE is not involved in to do some sampling.

b. Berkshire Gas Permit – 120 Hartwood Rd

*Mr. Regnier made a motion to approve the Berkshire Gas Permit for 120 Hartwood Rd and have the Chair sign which Mr. Bailey seconded and was unanimously approved, 3-0.*

c. Right of First Refusal Waiver – 545 Stockbridge Rd

Admin Brittain stated that this is a Chapter 61 property (agriculture, forestry, or recreation) so the Town has first right of refusal before the property is sold. Mr. Bailey stated that this means that there are certain properties that can take advantage of a tax reduction on their land. The Town gets the right to buy that property if they want to sell it, or the Town can decline and the owner owes a certain amount of back taxes and the Town releases the lien. Mr. Bailey stated that this is a 20+ acre site and they want to take 6.99 acres of it and sell it off as a separate property and give the Town \$4003.16 in back taxes. The new owner does not want to keep the 6.99 acres in Chapter 61, which is the reason they owe the past five years of back taxes.

*Mr. Bailey made a motion to sign off on the right of first refusal waiver for 545 Stockbridge Rd which Mr. Regnier seconded and was unanimously approved, 3-0.*

d. Sign Grant of Conservation Restriction – The Mount

Admin Brittain stated that this is going back to Town Meeting two years ago now when they agreed to sell the house on the Edith Wharton property to the Mount so that it would become part of their museum. It is a long process and this is one of the steps in the process for the Towns of Lee and Lenox.

*Mr. Regnier made a motion to approve the foregoing Conservation Restriction from Edith Wharton Restoration, Inc., to the Massachusetts Audubon Society in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, which Mr. Bailey seconded and was unanimously approved, 3-0.*

e. Reappointment: BRTA Advisory Board – Andrea Wadsworth

*Mr. Regnier made a motion to reappoint Andrea Wadsworth to the BRTA Advisory Board which Mr. Bailey seconded and was unanimously approved, 3-0.*

f. Statewide Petition - single use plastic bag ban

Admin Brittain stated that the petitioners have asked every town in Massachusetts that already has the plastic bag ban in place to sign onto this statewide petition.

*Mr. Bailey made a motion to sign off on the Statewide Petition for single use plastic bag ban which Mr. Regnier seconded and was unanimously approved, 3-0.*

g. Temporary Sign Permit Application & Fee Waiver – First Congregational Church

*Mr. Regnier made a motion to approve the temporary sign permit application and waive the fee for the First Congregational Church's Craft Fair which Mr. Bailey seconded and was unanimously approved, 3-0.*

h. Tent Permit Fee Waiver – VFW – nunc pro tunc

Admin Brittain confirmed for Mr. Bailey that this particular application states that the tent was used for an annual Memorial Day celebration from May 26, 2023 through May 30, 2023. Mr. Bailey stated that he believed there was a tent up all year long last year, but if this is for that one event, he would approve it.

*Mr. Bailey made a motion to waive the fee for the tent permit for the VFW Memorial Day Weekend Celebration nunc pro tunc which Mr. Regnier seconded and was unanimously approved, 3-0.*

i. Proclamation – Donna Toomey: Library Reading Room – nunc pro tunc

*Mr. Regnier made a motion to accept the Proclamation for the Library Reading Room to be named after Donna Toomey nunc pro tunc which Mr. Bailey seconded and was unanimously approved, 3-0.*



j. Sign Colonial Power Contract

Admin Brittain stated that at Town Meeting they voted to approve Municipal Electricity Aggregation. He stated that this contract is with the company who has the contract for all of Berkshire County, Colonial Power. Mr. Bailey asked what our potential savings are once we go into the contract. He asked what happens if they don't think the price is worth it. Admin Brittain stated that they can get bids for power, decide which bid they would take, and how long they want to contract that price. This is a five-year contract with Colonial Power, but doesn't lock the Town into a five year contract with whatever power company they choose. Colonial Power is the one who negotiates the ratings. Admin Brittain stated that the Select Board will decide what rates the Town will receive once we get to that point, and then the public will get a letter that asks if they'd like to opt in or out of the program.

*Mr. Bailey made a motion to have all Board members sign the Colonial Power Contract which Mr. Regnier seconded and was unanimously approved, 3-0.*

4. Any topic the Chairman would not reasonably anticipate.

Rob Wright, 20 Pease Terrace, asked if it would be possible to get an update on the shared fire department with the Town of Stockbridge at the next meeting. The Board agreed they would give an update at an upcoming meeting and let Mr. Wright know the next open Fire Safety Committee meeting will be June 21<sup>st</sup> at 5:30pm in the Lee Town Hall's Former Courtroom.

Mr. Bailey stated that he attended a CDC meeting today representing the Board and they're asking that Admin Brittain be a member at large also. He wanted to give a heads up that that may be at the next meeting. He stated that once the minutes from the CDC meeting come out, he can give an update to the rest of the Board members.

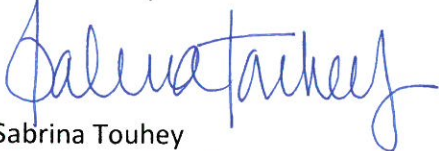
5. Town Administrator

Admin Brittain stated that the EPA reached out with an update that they're expecting to do some minimal site-clearing work associated with collecting data for the UDF (data for the storm-water basin). The contractor will start this work tomorrow.

**The next regular meeting is scheduled for June 20, 2023.**

**Mr. Bailey made a motion to adjourn at 8:37pm which Mr. Regnier seconded and was unanimously approved, 3-0.**

Submitted by:



Sabrina Touhey  
Admin Asst TA/BOS

**Approved on: 06/20/2023**