

TOWN OF LEE  
SELECT BOARD MEETING  
Tuesday November 1, 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 10/27/2022

*Mr. Bailey made a motion to approve the October 27, 2022 meeting minutes as submitted which Mr. Jones seconded and was unanimously approved, 3-0.*

2. Public Hearing: Transfer of an Annual All Alcohol Innholder License from Waterside Resort Properties, LLC to Lakehouse Inn Management, LLC, 615 Laurel Street. Attorney William Martin, from Martin & Oliveira, representing the business.

Atty Martin began by stating there are no plans to change the operation of the inn at this point. He stated that the closing is scheduled to occur as soon as the ABCC approves the transfer of the liquor license, and everything that is a condition to the closing has been set.

Atty Martin stated that the proposed owner, Kurt Inderbitzin, purchased the Cornell Inn in Lenox, MA in January 2021, has done very well, and looks to bring that success to the Lakehouse Inn.

Chairman Regnier opened the meeting up the public. No one came forward.

*Mr. Jones made a motion to approve the transfer of the liquor license from Waterside Resort Properties, LLC to Lakehouse Inn Management, LLC which Mr. Bailey seconded and was unanimously approved, 3-0.*

3. Public Comments

No public comments were made.

4. General Business:

a) Appointments – Firefighter EMT, Nathan Myers

Chairman Regnier began by stating the Board received a letter from Fire Chief Ryan Brown to appoint Nathan Myers as a part-time Firefighter EMT.

*Mr. Bailey made a motion to appoint Nathan Myers as a Firefighter EMT from the recommendation of Chief Brown which Mr. Jones seconded and was unanimously approved, 3-0.*

b) Assessor's - Tax Classification Hearing

Sarah Navin, Town of Lee Assessor's Office, began by stating the purpose of this meeting is to decide whether the Selectmen and Town would like to have one tax rate or two. She stated that one tax rate would be for residential and open space and the second tax rate would be for commercial, industrial, and personal property. Ms. Navin stated that Tyler Values were approved today by the Bureau of Local Assessment, and the LA-4 total value of the town is \$1,236,219,971. She continued stating that the Fiscal Year 2023 (FY23)

average single home value for 1,843 single homes is a total of \$636,579,000. She also stated that new growth for FY23 is \$19,569,880, which helps lower the tax rate.

Ms. Navin stated that there are exemptions and options that may be available such as the "Open Space Discount", the "Residential Exemption", and "Small Commercial Exemption".

Ms. Navin clarified for Mr. Bailey that with a split tax rate, the residential base would have a lower tax rate and the commercial tax rate would be higher to offset. Ms. Navin stated in Lee there is not a big enough commercial base to apply a split tax rate, so it is less beneficial for the town. She confirmed that Pittsfield and Lenox both have a split tax rate, but that the Board of Assessor's recommends a single tax rate for FY23 in Lee.

Ms. Navin confirmed for Chairman Regnier that she does not have the tax rate for this year yet.

*Mr. Bailey made a motion to approve a single tax rate in the Town of Lee which Mr. Jones seconded and was unanimously approved, 3-0.*

c) Berkshire Gas Permit – 225 George Street

Chairman Regnier began by stating this was a permit application for new gas service at 225 George Street. He stated that both the Police Chief and DPW have signed off on the application.

*Mr. Jones made a motion to approve the gas permit for 225 George Street which Mr. Bailey seconded and was unanimously approved, 3-0.*

d) Sweetgrass- Discussion of proposed administrative change to permit

Pete D'Agostino, Tenax Strategies, began by stating the site plan has been updated to reflect the MassDot approval that they received. Mr. D'Agostino stated that the right-of-way in front of their location is owned by MassDot. He stated that when they were before the Planning Board for the special permit hearing, both Boards deferred them to MassDot to receive an access permit, which they have done, and MassDot has approved the design. Mr. D'Agostino stated that the access permit they received has already been submitted to the Building Department.

Mr. D'Agostino shared his screen with the Board to show the updated site plan.

Mr. D'Agostino stated that as part of their design standards, MassDot has required them to close the current curb cut, control traffic through a single point of access, and increase the width of the island to five feet.

Mr. Bailey asked if the updated plan cuts and separates the Lee land from the Lenox land, also sometimes called an ANR. Mr. D'Agostino stated he did not believe they did an ANR plan here and they filed the appropriate lot information with the Registry of Deeds. Mr. Bailey stated he thought that one of the curb cuts was going to be the entry and the other was going to be divided in half so there was a left turn and right turn lane leaving the site. Mr. D'Agostino stated that he remembered that discussion but it was never drawn up that way in any plans. Mr. D'Agostino stated this updated site plan is the output of the MassDot design standards.

Mr. D'Agostino stated the Town of Lenox had some concern of cannabis activity in the Town of Lenox, so they have placed movable planters along the town line in an effort to address any concerns the Town of Lenox had.

Mr. D'Agostino confirmed for Mr. Bailey that the Lee parcel and Lenox parcel have the same ownership but

are separate entities, but the same people control both properties.

Dan DeLany, the Civil Engineer of the project, began by stating that changes to the original site plan include a standard HMA curb island with sloped edging to close the current access to the site, and the remaining width is a 24-foot standard access that MassDOT wants for safety. Mr. Bailey stated that if they really wanted to make it safer, they would've added a turn lane going both ways and widening the space. Mr. DeLany stated that there are only 37 parking spaces in the lot, so the drive to have a turn lane isn't there from a statistic standpoint, though he understands Mr. Bailey's concern.

Mr. Bailey stated he'd like to go back and look at some other documentation at some point before he makes a decision. Mr. Jones asked if they have to go back to the Planning Board before they can make an approval. Chairman Regnier stated that they did not because it's an approval for a special permit from the Select Board. Mr. Bailey stated his concern is that the Planning Board may not have been able to access the upgraded plan as far as egress and ingress goes.

Matt Carlino, member of the Planning Board, stated that this is the first time he is seeing the new egress and the Board has not seen the upgraded plan yet.

Mr. D'Agostino stated that his team nor the Town of Lee can drive the MassDot approval, so while he appreciates everyone's desire to review the plan, he worries nothing can be done anyway and it continues to delay the construction. Respectfully, he will have any meeting the town wants to have relative to this, but he does not believe the MassDot approved plan can be changed again, and he is ready to pay for the building permit tomorrow and begin work. Mr. D'Agostino stated that both Boards deferred to MassDot and did not mandate a certain design before that.

Mr. Carlino stated that he does not want to unnecessarily hold anyone up, but he does not believe the Planning Board has had a chance to compare the two plans and give an opinion if it's warranted. Mr. Carlino stated the updated design appears to be tighter and maybe more dangerous.

Chairman Regnier stated he'd like a little more time to consult on what authority the town has on this upgraded plan. Mr. Bailey stated he believes the plans need to be looked over once more by each Board to be sure there are no issues. Mr. Bailey stated he'd be happy to have a special meeting earlier than a regular scheduled meeting to get this approved. He added he'd like to read the minutes from the previous meetings Sweetgrass was a part of since he was not on the Board at that time.

Mr. DeLany added from an engineering perspective, one entrance/exit is the safest plan possible. He stated this is a vast improvement over what it was when it was operating as a restaurant.

Mr. D'Agostino suggested the Planning Board and Select Board have a joint special meeting to approve the updated plan. Mr. Bailey stated he'd be fine with that. Chairman Regnier suggested Admin Brittain reach out to the Planning Board and try to set up a joint meeting.

e) LED Streetlight Discussion

Admin Brittain began by stating that RealTerm Energy came before the Board in September to give a presentation on converting the streetlights in Lee to LED lights, and today they have the updated numbers on what it would cost. Admin Brittain stated that the downtown fixtures are already LED, so RealTerm Energy would provide 401 cobrahead lights for smart LED conversion, which comes to \$279,855. Under financing, the work can begin right away and the town would be cashflow positive from day one. Admin Brittain added that the utility payment through Eversource would go down because the LEDs use a lot less electricity. Admin Brittain stated that the LEDs give the option of dimming, give updates on lights being out, and have the option of potentially adding wifi to the downtown area. Admin Brittain stated that the Governor's second round of ARPA 2.0 Investments (which has not gone through the Legislator yet) does include money for downtown Lee, which could potentially be used for the downtown wifi.

Admin Brittain stated that the Board has three options: do not move forward with the conversion, move to put it on the warrant for Town Meeting as a capital expense, or to move forward right away with the financing and give flexibility with the capital if they wanted to do other things with that money later. Admin Brittain stated that with the financing they will be paying 4.5% interest but still cashflow positive.

*Mr. Jones made a motion to move forward with the smart LED streetlight conversion with TELP (Tax Exempt Lease Purchase) financing which Mr. Bailey seconded and was unanimously approved, 3-0.*

Any topic the Chairman could not reasonably anticipate.

Chairman Regnier stated that a utility cut permit came in last minute for 109 Center Street for installation of a sewer service. Chairman Regnier stated that the application is complete with a dig safe number, trenching permits, and has all the required signoffs.

Zack Sorrentino, present to represent the Sorrentino group and not as DPW, began by stating they are attaching the sewer line of three apartments and one property all registered at 109 Center Street. Mr. Sorrentino stated after a visit with DEP last week, they were told they have fifteen days to attach the properties to connect to town sewer. They found out that the sewer main is 30" and about 18" off the sidewalk. They already have a 2" sewer line going down the main driveway so this would be a utility cut of 3'x2' deep off the side of the sidewalk, take out one section of the sidewalk, attach it to the 6" sewer line, blacktop, a new piece of sidewalk goes in, and then it's complete. Mr. Sorrentino confirmed for Mr. Bailey that it is going into the road about 18", in the breakdown lane.

Mr. Sorrentino stated that McKnight may not be the company performing the work because of the timeline they were given by the DEP, but he has met with others. Mr. Sorrentino stated that with his hydraulics license, the trenching permit and digsafes number is done through himself. He stated that everything is done on his behalf for the Sorrentino group, and the only way he is involved is for the road conditions afterwards which he has already deferred everything to Lenny Tisdale.

*Mr. Jones made a motion to approve the utility cut permit for 109 Center Street which Mr. Bailey seconded and was unanimously approved, 3-0.*

5. Town Administrator: Golden Hill Trail sign, RoR Update, BPW Letter, BOH Hearing Update, EPA FOIA Request Update

Golden Hill Trail Sign: Admin Brittain began by stating through the budget for the Town Forest they were able to fund a sign for the Golden Hill Trail.

Linda Cysz began by also introducing Dave and Linda Buttery who have helped with this project. Ms. Cysz stated that the last time any signage was done for the Golden Hill Town Forest was in 1988 and the laminated paper sign has disappeared. A new trail sign would help anyone walking on the trail. The proposed sign will include a legend, history, rules, and photos, and will be produced by Color Connection in Lenox, MA. Ms. Cysz stated that the sign will be 2'x3' and they have hopes that the DPW will have an iron post to post the sign on. Ms. Cysz stated she would like the Select Board's input if they have any thoughts on it.

RoR Update, BOH Hearing Update, EPA FOIA Request Update: Admin Brittain stated the seventh interim baseline monitoring plan was completed on October 26<sup>th</sup>, samples were taken from eight locations by GE for quality control purposes and the sample results will be used to refine the 2-year pre-remediation baseline sampling program scheduled to begin in 2023. Admin Brittain added that the fourth 2022 quarterly dam inspections for Rising Pond Dam and Woods Pond Dam are scheduled for November 21<sup>st</sup>. GE contractors are conducting bank and sediment sampling in 5A designed to characterize contamination of the banks and sediment which will be used to help design a remediation plan, and field work is expected to last through the month of November.

Admin Brittain added that the Board of Health has a scheduled hearing on November 19<sup>th</sup> at 10:00am at the high school. Admin Brittain also stated that the FOIA request has been sent, a clarification was requested, the clarification was made



and now they are told there are fees regarding the request. Admin Brittain stated they are now waiting on the quote from FOIA.

Admin Brittain stated that it was announced by the Governor last week that Lee received \$50,000 for the Master Plan, and received a grant for HMP/MVP which started last week and they will meet again on November 17<sup>th</sup>. Admin Brittain also stated that the CPA Committee will have an organizational meeting planned this month, and at the end of November there will be a training for the group.

Lastly, Admin Brittain added that he sent a letter to the Board of Public Works (BPW) and the Select Board that included some historical data and addressed some of the concerns about the authority the BPW holds. Admin Brittain stated that there have been ongoing issues with the BPW for the last twenty-five years, and based on the data, Admin Brittain's recommendation to the Select Board is to seek legislation to dissolve the BPW. Mr. Bailey stated if this were to go down the road of dissolving, there are some statutory requirements the BPW holds in the bylaws that will have to be figured out. Mr. Bailey stated he thinks they should entertain some time to talk to the BPW members to get input on who would have the authority the BPW currently holds if the Board were to get dissolved. Admin Brittain stated that most of what the BPW does is water/sewer rates. Admin Brittain stated most other towns have instituted a Water/Sewer Commission and there would be a local bylaw change if the BPW were to be dissolved. Admin Brittain stated there is no other department under the scrutiny that DPW is with the BPW. Mr. Bailey stated he still thinks there needs to be some conversation and air it out to find something everyone can agree is good for the town. Mr. Bailey stated that he reached out to a few of the members on the BPW and he owes some phone calls back to get a feel for how they can move forward. Admin Brittain confirmed for Chairman Regnier that he has not heard anything from any BPW members directly since the letter was sent out. Chairman Regnier stated that in thinking of what is best for the people of the town, dissolving this Board may expedite some issues that they've had with different approvals. Chairman Regnier stated he views this as an evolution of town government.


Chairman Regnier added that he wanted to provide an update since the last they spoke about RoR in an open session, there was discussion on meeting with the Stockbridge Select Board. Chairman Regnier stated that they have reached out to Stockbridge but their Select Board has no interest in meeting with the Lee Select Board.

Mr. Jones stated that he wanted to assure the residents that the Board has met on more than one occasion in executive session regarding litigation for the RoR, and there are a lot of balls up in the air right now such as awaiting the BOH hearing and an appeal at Superior Court. Regarding meeting with the Select Board of Stockbridge, Mr. Jones stated he would like a chance to talk with the residents of the surrounding towns.

**The next regular meeting is set for November 15, 2022.**

**Mr. Jones made a motion to adjourn at 8:43pm which Mr. Bailey seconded and was unanimously approved, 3-0.**

Submitted by:

  
Sabrina Touhey  
Admin Asst BOS/TA

**Approved on 11/15/2022**