

TOWN OF LEE
SELECT BOARD MEETING
Tuesday June 20, 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 06/06/2023

Mr. Bailey made a motion to approve the 06/06/2023 minutes as submitted which Mr. Regnier seconded and was unanimously approved, 3-0.

2. Public Comment

Debbie Cranwell, Chair of the Appalachian Trail Committee, began by stating that Lee became a designated Appalachian Trail Community on June 17, 2023 with the Appalachian Trail Conservancy. She stated that the event was well attended and they were presented with two road signs that the Town can place prominently. The Appalachian Trail Committee will be hosting a hike to upper Goose Pond on Saturday June 24th at 9am from the Jacob's Ladder parking lot on Rt 20 in Becket. You can register for the hike on the Town of Lee's website. It's a 2.25-mile hike to the cabin where they'll have lunch and hike back down.

3. General Business

a. Wylie Goodman - BRPC Presentation: 2023-2027 CEDS Resiliency

Wylie Goodman, the Senior Economic Development Planner for BRPC, began by stating that she was present to do a brief overview of Berkshire County's 2023-2027 Comprehensive Economic Development Strategy (CEDS) report which they released a few months ago. It represents a five-year lookahead of what the County should be focusing on. She stated that this report is a tool for towns to use for grant writing to fund capital projects or programming.

Ms. Goodman stated that CEDS tracks regional economic condition trends, Strength, Weaknesses, Opportunities, and Treats (SWOT) regional analysis, a strategic action plan based on SWOT, performance measures to evaluate CEDS implantation and impact, and an economic resilience assessment.

Ms. Goodman listed the Town of Lee's assets and challenges. Mr. Bailey stated that the report should also include the PCB dump as a challenge. Ms. Goodman moved forward by listing some of the strengths, weaknesses, opportunities, and threats of Berkshire County. She listed five goals of CEDS: healthy people, resilient communities, future-ready workforce, strong business environment, and robust infrastructure.

Ms. Goodman finished her presentation by stating that the five-year plan will include annual updates to assess progress, follow-ups on priority projects, and continued conversations with municipal stakeholders.

Leslie Gabriel, a resident of Becket, recommended that the PCB dump and the fact that the younger generation feels the need to move out of the area be addressed with the CEDS program.

Clare Lahey, a resident of Lee, stated that she worked on the past two Open Space and Recreation plans for the Town. Ms. Lahey stated that she thinks Ms. Goodman needs to go back and look at a draft of last year's plan which has portions that referred to danger of the PCB dump that were omitted. She stated that she thinks these portions were omitted from the final plan because BRPC learned what was going to happen and they changed their position. She stated that it was obvious that there was no support from BRPC regarding the dump or protecting the large aquifer that is located where the dump will go.

b. Rural Recovery Center – Opioid Funds

Jim Wilusz and Jayne Smith from the Tri-Town Health Department were present via Zoom. Mr. Wilusz began by stating that they were present today advocating that the opioid funds are once in a lifetime funds that should be put towards an organization that specializes in this kind of work. He stated that Tri-Town Health has been working with Rural Recovery for quite some time now and opioid related deaths, particularly in Lee, have been high the last few years.

Gary Pratt, Director of Rural Recovery, began by stating that in September 2020, Rural Recovery was funded by the federal government for a three-year period with a grant. With the grant money, Rural Recovery provided a safe place for people effected by opioid use/opioid-use disorder at 67 State Road in Great Barrington, MA. They also act as a referral hub and set people up with recovery coaches. Mr. Pratt stated that the opioid funds are not from the taxpayers, but from the people who have done damage to our community. Mr. Pratt stated that they are requesting that the Select Board channel the funds to the recovery center to help maintain the center and provide services to connect people.

Admin Brittain confirmed for Mr. Bailey that the Town has received the funds, and will receive more from the settlement in upcoming years. Admin Brittain stated that each year they will receive funds, the Town will have to appropriate it. Ms. Smith stated that the funds have to be certified as free cash before the Town can appropriate it. Besides the Rural Recovery Center, Chief DeSantis of the Lee Police Department has asked for a small portion of the funds for things such as Narcan training for the Police Department. At this time, Admin Brittain confirmed for Chairman Jones that the Board would ultimately be making a recommendation for a warrant at the Special Town Meeting in the Fall.

Jane Ralph, Executive Director of Construct (a nonprofit that serves as the leading provider of affordable housing in the southern Berkshires) stated that Rural Recovery can make grants for others using the funds as well. She stated that if all of the funds are handled in one place, they have a better chance of getting a handle on the crisis.

Mr. Wilusz stated that there are not a lot of organizations or programs out there looking for these funds, because the funds are meant for programs that are so specialized. He stated that a lot of towns are not getting much funding at all, so they're looking to pool these funds together to make a greater impact.

c. Green Theory – Host Community Agreement (HCA) & Odor Issues

Chairman Jones recused himself from the discussion.

Harsh Patel, the owner of Green Theory, and Mark, VP of Operations of Green Theory, were present representing the business.

Admin Brittain stated that the HCA in front of them was updated on the latest legislation. He stated that the Town is all set on their end and asked if Mr. Patel had any questions regarding the HCA, adding that the HCA needs to be signed in a public session. Mr. Patel stated that he did want to dive a little deeper into the proportionality in terms of how each of the businesses are assigned amounts. Admin Brittain stated that there are three ongoing projects and the

idea was that they would be split equally amongst the operating businesses – school resource officer, Lee's share of a co-respondent, and the MPAC funding. Admin Brittain stated that it would be about \$62,000 a year per operating business. Mark stated that they wanted to discuss how much of an impact Green Theory is specifically bringing to the Town of Lee and how much of the impact really falls to Green Theory. For example, if 200 products were sold in Lee, how much of those came from Green Theory? Mr. Bailey stated that he'd like to read the law and see whether that matters. He wants to see whether it matters if the product is sold here, or only if it's generated here. Mr. Bailey stated that they will be speaking about the odor issue, and to him, that is a huge impact on the Town. He stated that if they need to give back Green Theory's 3% of impact fees to fix their ventilation system, he'd be fine with it.

Mr. Bailey stated that there are times where the odor is bad and all of the neighboring abutters call him to complain. Mr. Patel stated that he has walked around the neighborhood as far as he can go about walking, and he does not smell the odor. He does not know where the smell is geographically located—he questioned if there are neighbors who are also growing cannabis and maybe that where the odor problem is.

Mark stated that this problem goes back to data and if they are truly going to find a resolution, they need the data. They need to understand when the odor issues are occurring so they can go back to their data and see what was happening in the building exactly at that time. Mr. Bailey stated that that then transfers their odor problem to the neighbors having to keep a log. Mark stated that he'd be happy to have the neighbors call when they smell it and he'll keep the log. He stated they should also call the Board of Health.

Mr. Regnier stated that he had a chance to tour the facility and there are different rooms for different technologies. If they can define that it's the "trimming" or the "cutting" that is causing the odor, they can fix that problem.

Mr. Bailey stated that he is sure it is a process in their system since there are times the odor is there and times when it isn't. He doesn't believe it's the actual growing, otherwise we'd probably smell it all the time.

Mr. Bailey confirmed he would call Mr. Patel tomorrow afternoon to meet and discuss the issue with him further.

d. Road Use Authorization – Berkshire Running Foundation: 5K Road Race

Shiobbean Lemmi, Berkshire Running Foundation, began by stating that she was contacted by High Lawn Farm to help them celebrate their 100th anniversary and help organize a 5K for the event. She stated that Berkshire Running Foundation is a nonprofit organization and their goal is to help advance events that benefit the county. Ms. Lemme stated that the organization that will benefit from the High Lawn 5K race is Berkshire Bounty, the food delivery service for South County. Ms. Lemme stated that she spoke with the Town of Lee Police Department and they decided they would need two officers to help secure the course. The race will begin at High Lawn Farm, head down Summer Street, turn onto Laurel Lake Road for a half mile and then back to High Lawn Farm for an ice cream cone. Ms. Lemme stated that the race will be on July 30th at 8:30am and will be completed by 10:30am.

Mr. Regnier made a motion to approve and authorize the Chair to sign the Road Use Authorization application which Mr. Bailey seconded and was unanimously approved, 3-0.

e. ARPA Change Request – Assessors

Admin Brittain stated that the Board allocated \$20,000 of ARPA funds initially for some changes to the GIS system for the Assessors Office. Those funds are not needed anymore, but the Assessors Office is requesting the Board allow the change of funds to be used for scanning

documents and property cards for easier public access.

Mr. Regnier made a motion to approve the ARPA Change Request which Mr. Bailey seconded and was unanimously approved, 3-0.

f. Inspection Fee Waiver – LEM & LMHS

Mr. Bailey made a motion to approve the inspection fee waiver for LEM & LMHS which Mr. Regnier seconded and was unanimously approved, 3-0.

g. Appointment: Part-time Firefighter - Michael Somerville

Mr. Regnier made a motion to appoint Michael Somerville as a part-time firefighter which Mr. Bailey seconded and was unanimously approved, 3-0.

h. FY24 Reappointments (list attached) & Update Appalachian Trail Committee from Ad Hoc to Permanent Committee

BOARD/COMMITTEE	TERM LENGTH	TERM EXP DATE	NAME
Agricultural Commission	3	6/30/2026	David Carrington
Agricultural Commission	3	6/30/2026	Caroline Young
Appalachian Trail Committee	3	6/30/2026	Ashley Alter
Appalachian Trail Committee	3	6/30/2026	Nicole Clark
Appalachian Trail Committee	3	6/30/2026	Debbie Cranwell
Appalachian Trail Committee	3	6/30/2026	Don Latino
Appalachian Trail Committee	3	6/30/2026	Fred Pilon
Appalachian Trail Committee	3	6/30/2026	Samantha Sorrentino
Appalachian Trail Committee	3	6/30/2026	Zachary Sorrentino
Appalachian Trail Committee	3	6/30/2026	Trish Johnston
Board of Assessors	3	6/30/2026	Anthony Caropreso
Board of Health	3	6/30/2026	JoAnn Sullivan
Board of Health	3	6/30/2025	Carisa Vincent
Capital Outlay Committee	1	6/30/2024	Buck Donovan
Capital Outlay Committee	1	6/30/2024	Matthew Fillio
Capital Outlay Committee	1	6/30/2024	Peter Hofman
Capital Outlay Committee	1	6/30/2024	Arthur Mack
Capital Outlay Committee (new appointment - vacancy filled)	1	6/30/2024	Patrick Rooney

Conservation Commission	3	6/30/2026	Marilyn Hansen
Greener Gateway	1	6/30/2024	Joan Angelo
Greener Gateway	1	6/30/2024	Valerie Bluhm
Greener Gateway	1	6/30/2024	Peter Hofman
Greener Gateway	1	6/30/2024	Patricia Johnston
Greener Gateway	1	6/30/2024	Catherine Laird
Greener Gateway	1	6/30/2024	Katherine Miller
Greener Gateway	1	6/30/2024	Christine Schwarz
Greener Gateway	1	6/30/2024	Dr. James Schwarz
Jacob's Ladder Scenic Byway	1	6/30/2024	Linda Cysz
Personnel Board	1	6/30/2024	Danielle Boule
Planning Board (alternate to full member)	1	6/30/2024	Conrad Decker
Sandy Beach Committee	3	6/30/2026	Deidre Consolati

Mr. Bailey made a motion to approve the FY24 reappointments as read which Mr. Regnier seconded and was unanimously approved, 3-0.

Mr. Regnier made a motion to approve the Appalachian Trail Committee as a permanent 3-year term committee which Mr. Bailey seconded and was unanimously approved, 3-0.

i. Sign Adopted COA Drug & Alcohol Policy

Mr. Bailey made a motion to adopt the COA Drug & Alcohol Policy which Mr. Regnier seconded and was unanimously approved, 3-0.

j. CDC Update/Appointment

Mr. Bailey began by stating that at the last CDC meeting, they thought it would be a great idea to also appoint Town Administrator, Chris Brittain to the CDC.

Mr. Bailey made a motion to appoint Admin Brittain to the CDC which Mr. Regnier seconded and was unanimously approved, 3-0.

k. Rest of River Dispute – Follow-up Letter

Chairman Jones read the follow-up letter which states that the Town of Lee will withdraw their dispute to the Rest of River Committee.

Mr. Regnier made a motion to have the Board members sign the RoR dispute follow-up letter which Mr. Bailey seconded and was unanimously approved, 3-0.

I. Columbia Dam Discussion

Clare Lahey, 110 Mill Street, began by stating that she asked for this discussion to be placed on the agenda. Ms. Lahey stated that her concern is that GE is supposed to be managing, inspecting, and making repairs to the dam, and there is no indication that any work will be done. Ms. Lahey stated that she thinks the Town should try and get the owner of the property, GE, and the EPA in for a meeting to see how this is going to be taken care of since there is no timeline. She stated that GE presented their plan for the dam to the EPA back in December, on May 24th the EPA came out with their 6-page conditional approval, and the question now is how much they will communicate with the Town before they give their final approval.

Mr. Bailey agreed that this is not acceptable and believes they should reach out to the EPA and GE and move up the timeframe and make them remove the Columbia Mill dam before they even touch Woods Pond so there is no catastrophic event. Ms. Lahey asked if GE cannot be accountable for this dam, how can we ever expect them to be accountable for the dump once it's built?

Admin Brittain stated that he did talk with the Massachusetts Office of Dam Safety and normally under a poor conditioned dam they would be imposing on the owner but since the EPA has taken over this stretch of river, their authority trumps the state office of safety. They can't impose anything at the state level because it is now under a federal level. Admin Brittain stated that what we do know is that they estimate the removal to take 10 years and the idea is to have quarterly inspections in the meantime.

Ms. Lahey quickly added that her tennis programs begin next Monday and she'd like more kids to join the program. She stated that more information could be found at www.leeecta.com.

m. Temporary Sign Permit & Fee Waiver Request – Lee Historical Society

Mr. Bailey stated that Charlie Flint from Lenox will be running a program to talk about Dodgetown on Thursday June 22nd at 6:30pm at the Senior Center.

Mr. Bailey made a motion to approve the temporary sign permit application and waive the fee which Mr. Regnier seconded and was unanimously approved, 3-0.

4. Any topic the Chairman would not reasonably anticipate.

Chairman Jones stated that a last-minute Berkshire Gas Permit application came in today for near 104 Bradley Street.

Mr. Regnier made a motion to approve the gas main repair near 104 Bradley Street and allow the Chair to signoff on the application which Mr. Bailey seconded and was unanimously approved, 3-0.

Mr. Regnier stated that the Master Plan Committee will be meeting on Thursday June 22nd and they approved to have Wylie Goodman help the Committee do a more economic deep dive on existing conditions. Chairman Jones stated that on a personal note, BRPC is heading the Master Plan Committee and the Board heard from Wylie tonight, but he knows a number of people found it disturbing that there was no mention of the dump. Mr. Regnier stated that he would bring that up to the Committee.

5. Town Administrator

Admin Brittain announced all the available Board/Committee vacancies:

Current Board Vacancies (Appointed)

5 Town Cable Advisory Committee (3)
Appalachian Trail Committee
Board of Public Works (1 Alternate Member)
Capital Outlay Committee (1)
Community Preservation Committee (1)
Council on Aging (5)
Greener Gateway Committee
Historical Commission (2)
Jacob's Ladder Trail Scenic By-Way Commission
Lee Youth Commission
Personnel Board (2)
Planning Board (1 Alternate Member)
Zoning Board of Appeals (1 Regular Member & 1 Alternate Member)

Current Board Vacancies (Elected)

Housing Authority (1)

Admin Brittain added that the dates have been set for Founder Day Weekend – September 15th-17th and Kathy Hall from the Lee Youth Commission (LYC) asked for him to announce that the LYC will be sponsoring children's events after the parade on Saturday September 16th.

The next regular meeting is scheduled for July 18, 2023.

Mr. Regnier made a motion to adjourn at 8:54pm which Mr. Bailey seconded and was unanimously approved, 3-0.

Submitted by:



Sabrina Touhey
Exec Asst TA/BOS

Approved on: 07/18/2023