

TOWN OF LEE
SELECT BOARD MEETING
Tuesday September 5, 2023 @ 7:00PM
Town Hall • 38 Main Street • Former Courtroom

Minutes

Members Present: Bob Jones, Gordon Bailey, Sean Regnier (via Zoom)

Members Absent: None.

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

1. Minutes: Open Session Minutes of 09/05/2023

Mr. Bailey made a motion to approve the 09/05/2023 open session minutes as submitted which Mr. Regnier seconded and was unanimously approved, 3-0.

2. Public Comment

Kathy Hall, Chair of the Lee Youth Commission (LYC), began by stating that the Lee Skate Park competition is set to coincide with other youth activities at the Athletic Field on Saturday September 16th from after the parade until 2:00pm. She stated that there will be craft stations, Terry A La Berry and Friends will perform, Bowie the Magic Clown will be doing magic, free face painting and balloon animals, the Lee Boy Scouts will be selling food and drinks, and the Pittsfield Police Department Copsicle Truck will be on hand to provide free ice cream.

Janet Warner, 270 Church Street, began by stating that the LYC does so many wonderful things and she wanted to thank Kathy Hall publicly for sponsoring the pickleball that happens at the Athletic Field on Tuesdays, which has been drawing 8-16 people every Tuesday night and it's been a wonderful thing. Ms. Warner added that she also wanted to thank the Select Board, Planning Board, and Master Plan Committee who are working so hard and doing their due diligence that people don't often know about. She stated that the other reason she was present today was because she drives down Route 102 often, and she is still noticing the cannabis smell. She stated that she is a huge supporter of the cannabis industry, but the odor has not gone away and she is not willing to call the number provided every time she smells it.

Mr. Bailey stated that he has spoken to three or four other residents about this besides Ms. Warner, and everyone wonders why they are the ones in charge of policing the smell. The business knows there is an odor. Mr. Bailey stated that he thinks Green Theory needs to come back in front of the Select Board to let them know what they are doing is not working. Mr. Bailey believes the Town needs to get the money they are owed from Green Theory, put it aside in an account, and he'd be willing to use that mitigation money towards helping the odor in the community. Green Theory promised the Town here would be no odor, but that is not happening.

4. General Business:

a) Inter-Municipal Agreement (IMA) – Building Department

Admin Brittain stated that the Town of Lee is already in an IMA with Lenox for the Building Department, and the same Building Commissioner is also covering Stockbridge. This IMA would expand the coverage to Great Barrington as well,

totaling four towns. The only change for Lee would be adding two additional inspectors.

Mr. Bailey stated that since he is a part-time inspector for the State, he would be more comfortable recusing himself from the vote.

Mr. Regnier made a motion to authorize Chairman Jones to sign the IMA for the Building Department, which Chairman Jones seconded and was approved, 2-0. Mr. Bailey abstained from the vote.

b) Appointments:

1. Non-Voting Select Board Liaison (Tri-Town BOH) - Bob Jones

Chairman Jones stated that he and Admin Brittain met with the EPA and discussed the trucking of PCBs (should the dump come to fruition), and they should have a draft of the final plan sent from GE by October 31st. At that time, they will schedule a public meeting so people have time to review the plan and weigh in. Chairman Jones stated that he has been in communication with Charles Kenny, the Chair of Tri-Town Health, and they are looking for direction from the towns as to what their role will be. Chairman Jones requested that Mr. Bailey and Mr. Regnier appoint him as a liaison between the Select Board and Tri-Town Health to speak with the Board after discussing any issues that would come forward publicly.

Mr. Bailey made a motion to appoint Chairman Jones as a Select Board liaison for the Tri-Town Board of Health which Mr. Regnier seconded and was unanimously approved, 3-0.

2. Select Board member as BRPC Alternate Delegate

Chairman Jones stated that he has stepped down as the BRPC Alternate Delegate and that was because he has been disappointed by the performance of BRPC and their conduct and the way Lee has been treated. He added that he is disappointed with the Executive Director of BRPC who colluded to mislead the representatives of the towns about the lawsuit (which he believes BRPC should have had no part in). When he complained about the collusion at a BRPC meeting, he was basically dismissed, and all that was taken away was the Sheffield delegate stating that they all learned something; be careful what you put in emails. Chairman Jones added that BRPC is making very good money facilitating this thing, and he believes they are only supporting four out of the five towns. He does not feel he would do the Town of Lee any service by continuing the role of the alternate delegate.

Mr. Bailey stated that he thinks it is important for one of the Select Board members to be named the alternate delegate; only so they can keep their fingers on the pulse of what else is going on. He stated that we are intertwined with BRPC in a number of different areas, such as Master Plan.

Admin Brittain added that if none of the Select Board members were interested in this role, the Planning Board did recommend another member of their Board to take on the role. Mr. Regnier stated that he could step up as the alternate delegate. He stated that he is a member of the Master Plan and Open Space

and Recreation Plan Committees and he has been happy with the staff of BRPC that he has worked with on those projects.

Chairman Jones thanked Mr. Regnier for being willing to step up.

Mr. Bailey made a motion to appoint Sean Regnier as the Alternate Delegate of BRPC which Chairman Jones seconded and was unanimously approved, 3-0.

c) Sign the FY23 & FY24 Agreement of Reporting from Town to School

Mr. Bailey made a motion to have Chairman Jones sign the FY23 & FY24 Agreement of Reporting from Town to School which Mr. Regnier seconded, and was unanimously approved, 3-0.

d) One Day Alcohol License – 51 Park, Founder's Day Weekend

Robert Trask, 51 Park, was present via Zoom representing the business. He stated that this year, the Founder's Day beer tent will be set up on the lawn of the Chambery Inn. He stated that they will be checking IDs and handing out wristbands. He stated that the Chamber of Commerce has scheduled a band and food trucks to be present as well.

Mr. Regnier made a motion to approve the one day beer and wine license for 51 Park for Founder's Day Weekend which Mr. Bailey seconded and was unanimously approved, 3-0.

e) One Day Alcohol License – Shire Breu Hous, MA Cheese Festival

Mike Lazzari, Shire Breu Hous, was present via Zoom representing the business. He stated that they will have a tent and table set up for the festival and offering two-ounce tastings. He stated that High Lawn uses one of Shire Breu Hous' beers to wash one of their cheeses. He confirmed the date will be September 23rd, and added that they will also be selling cans to be drunk off-premise.

Mr. Bailey made a motion to approve the one day beer and wine license for Shire Breu Hous which Mr. Regnier seconded and was unanimously approved, 3-0.

f) One Day Alcohol License – Black Birch Vineyard, MA Cheese Festival

Michelle Kersbergen, Black Birch Vineyard, was present via Zoom representing the business. She stated that they will be offering samples of their wine at the event and selling bottles for off-premise consumption.

Mr. Regnier made a motion to approve the one day beer and wine license for Black Birch Vineyard which Mr. Bailey seconded and was unanimously approved, 3-0.

g) Inspection Fee Waiver – Lee Youth Association (LYA)

Admin Brittain stated that he believed the Board already approved this at the last meeting and it was accidentally left on the agenda.

- h) Nunc Pro Tunc - Approve and Waive Fee for Temporary Sign Permit – Founder's Day Weekend (Lee Chamber of Commerce)

Mr. Bailey made a motion to approve the temporary signs and waive the fee nunc pro tunc for the Lee Chamber of Commerce which Mr. Regnier seconded and was unanimously approved, 3-0.

5. Any topic the Chairman could not reasonably anticipate.

Chairman Jones stated that three Berkshire Gas Permits came in last minute for approval.

Mr. Bailey made a motion to approve the Berkshire Gas Permits and have the Chairman sign off for 180 Laurel Street, 50 Fox Run, and 10 Park Place which Mr. Regnier seconded and was unanimously approved, 3-0.

Chairman Jones stated that he received a phone call today from Kathleen Keresey, a member of the West Stockbridge Select Board, and West Stockbridge is interested in being part of the discussion for the shared Fire/EMS service. There is also a possibility that Richmond may also have interest in being involved.

6. Town Administrator – Update on PCB Transportation Comments & MassDOT Meadow Street Bridge Hearing (September 6, 2023)

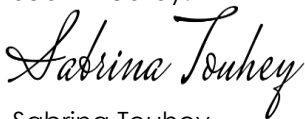
Admin Brittain stated that the Town website has had all of the information from GE and the EPA available for the public to review for all of July and August, and they have received a number of comments from the public. They have shared all of those comments with the EPA at this point, and GE has until October 31st to submit a draft plan of the PCB transportation to the EPA. The EPA will then come back and do another public meeting in Lee – early to mid November at the Lee Middle and High School during the evening. We will have a minimum 45 days for a comment period, but have already requested an extension. Comments will be submitted to GE and the EPA before GE submits their final plan.

Admin Brittain added that there will be a 25% design phase public hearing online tomorrow night for the Meadow Street Bridge at 7:00pm and the link for the hearing and drawings are posted on the website. He stated that the only thing the Town will be paying for are any easements we may need; the bridge is all being paid for by the State.

The next regular meeting is scheduled for September 19, 2023.

Mr. Bailey made a motion to adjourn at 7:40pm which Mr. Regnier seconded and was approved, 3-0.

Submitted by:



Sabrina Touhey
Exec Asst TA/BOS

Approved on: 09/19/2023