

TOWN OF LEE  
SELECT BOARD MEETING  
Tuesday January 16, 2024 @ 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 12/19/2023

*Mr. Bailey noticed that the Board had already approved 12/19/2023 minutes and the agenda should have read "approval of minutes from 01/02/2024". He suggested that the next agenda on February 6<sup>th</sup> include approval of minutes from 01/02/2024 and 01/16/2024. The other Board members agreed.*

2. Public Hearing:

- a. A public hearing for an application for a new Annual Wine & Malt Package Store License from Lipton, Inc. d/b/a Lipton Mart #605, 1140 Pleasant Street, Michael Lipton, manager.

Michael Lipton, 86 Glory Drive, was present via Zoom representing the business.

Mr. Lipton began by stating this would be Lipton, Inc.'s fourth annual wine and malt package store license in Massachusetts. They have a stringent policy for training all employees selling alcohol. He stated that all retail employees go through the training. Mr. Bailey confirmed for Mr. Lipton that the Board received the updated floor plan that shows where alcohol will be displayed and stored.

Chairman Jones opened the meeting up to the public. No one came forward.

*Mr. Bailey made a motion to approve the new annual wine and malt package store license from Lipton, Inc. d/b/a Lipton Mart #605, 1140 Pleasant Street, Michael Lipton as manager, and the amended floor plan that was submitted on January 16, 2024 which Mr. Regnier seconded and was unanimously approved, 3-0.*

3. Public Comment

Kathy Hall, Chair of the Lee Youth Commission (LYC), stated that the LYC's 2<sup>nd</sup> Saturday Gym Nights: Minute to Win It Challenge on Saturday January 13<sup>th</sup> was a success. She stated that the next event will be held on February 10<sup>th</sup> and details would be available soon. Ms. Hall also thanked the thirteen volunteers who helped build the skating rink at the Town Park on Main Street. She stated that the ice hasn't formed just yet and asked the public to check the LYC's Facebook page or town website to confirm it is safe to skate.

Andrea Wadsworth, the Town's representative on the BRTA Advisory Committee, began by stating that the BRTA Advisory Board is hoping to add an additional bus stop on Main Street. Rather than taking a left at 7A and going through Stockbridge, they would like to stay straight on 7 to go down Main Street in Lee and take a right on West Park Street in Lee to head to Stockbridge. They are requesting a sign for the bus stop that BRTA will provide. She stated

that they are hoping to either use the same place a bus stop used to be in front of the former Dresser Hull or put the new stop in front of the old Price Chopper. Mr. Bailey suggested that the Board notify all business owners near the potential bus stop and have the Board vote on it at the next meeting on February 6<sup>th</sup>.

4. General Business

a) Appointments:

a. BPW (Alternate Member) – Patrick Rooney

*Mr. Regnier made a motion to appoint Patrick Rooney as an alternate member of the Board of Public Works which Mr. Bailey seconded and was unanimously approved, 3-0.*

b. Per Diem Firefighter/EMT – Mia Francesconi

*Mr. Bailey made a motion to appoint Mia Francesconi as a per diem Firefighter/EMT which Mr. Regnier seconded and was unanimously approved, 3-0.*

b) Sign HCA MOU (Green Theory)

Chairman Jones recused himself.

Mr. Bailey began by stating that this is a Memorandum of Understanding (MOU) between the Town of Lee and Green Theory. He stated that the Town entered into a Host Community Agreement (HCA) that included a 3% impact fee. Based on recent CCC regulation changes, the Town seeks to amend the agreement. Mr. Bailey stated that this MOU outlines a fee schedule that eliminates the HCA incrementally in order to fund a school resource officer and mitigate ongoing odor issues. The fee schedule will be:

Year	Description	Amount
2023	Used toward odor mitigation for Pleasant Street facility	\$79,342
2024	School Resource Officer	\$35,263
2025	School Resource Officer	\$17,631
2026		\$0

Mr. Bailey stated that this balances out what they expect to get from other Marijuana Establishments so that they're all on equal footing. He stated that this MOU may be modified by mutual consent of Town Officials and all Marijuana Establishments. The MOU shall become effective upon signature by the authorized officials from the Town of Lee and will remain in effect until modified or terminated by unanimous consent. In absence of mutual agreement by the authorized officials, this MOU will end on January 1, 2026.

Mr. Bailey confirmed for Kathy Hall that the Town will not be eliminating the School Resource Officer.

*Mr. Regnier made a motion to have Mr. Bailey sign the HCA MOU between the Town and Green Theory which Mr. Bailey seconded and was approved, 2-0. Chairman Jones abstained from the vote.*

c) Sign letter to Planning Board - Zoning Bylaw Amendment (Cannabis Permits)

Chairman Jones recused himself.

Mr. Bailey stated that the Select Board has a proposal to send to the Planning Board regarding the number of Marijuana Establishments (MEs) allowed in the Town of Lee. He stated that the Town currently has issued five permits; 1 retail for Canna Provisions, 1 manufacturing and 1 cultivating for Green Theory, and 1 retail and 1 manufacturing for Sweetgrass Botanicals.

Mr. Bailey read the letter to the Planning Board aloud. He stated that the Planning Board will have to have a hearing within 65 days of receiving the letter, and the Planning Board's recommendation at that hearing will go before Town Meeting. Mr. Bailey stated that the bottom line is that the Select Board is asking the Planning Board to strike the number "14" for total number of nonretail MEs, and replace it with "3".

Buck Donovan, Chair of the Planning Board, asked Mr. Bailey what the Select Board's motive was for the change. Mr. Bailey stated that the CCC has changed all the rules and the Select Board does not find that there is any reason for the Town to go down this road anymore. At first it looked like taxation money and employment for the Town but based on the CCC's new rules, the 3% the Town is getting in impact fees may be taken away in the future. Mr. Bailey added that the odor problem, which the Town was promised would not happen, is so bad he would not vote to approve another manufacturing ME as long as he was on the Board unless the applicant could prove it will not smell. Mr. Regnier agreed that he would not want to go through the odor issue with another neighborhood in Town.

Mr. Donovan stated that there are seven different ME licenses available that are nonretail and doing this will take away the opportunity for even a transporter or research facility. He stated that the issue is manufacturing and cultivating when it comes to the odor issue. Mr. Donovan stated that they can address the odor issues with enforcement. Mr. Bailey stated that the CCC has come out about odor issues and are basically taking it away from Town Bylaws.

Mr. Bailey suggested the Planning Board put this on the next Planning Board agenda as a regular discussion, and get back to the Select Board with any sort of recommendation they have for a new amendment. The Select Board could amend their letter and request before the date of the Planning Board's public hearing.

*Mr. Regnier made a motion to have Mr. Bailey sign a letter to the Planning Board initiating the following zoning bylaw amendment related to Cannabis Permits:*

***Amendment: To amend section 199-9.11 Section D Subsection 2 by striking the word "14" and inserting the word "3". If adopted, the amended version shall read as follows:***

***D.***

***Designated numbers of MEs.***

***(1)***

***The total number of marijuana retailers shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be***

**drink on premises. Fractions of retailers shall be rounded up to the nearest whole number.**

**(2)**

**The total number of nonretail MEs shall not exceed ~~14~~ 3.**

**In accordance with MGL 40A § 5, this amendment shall be forwarded to the Planning Board who shall hold a public hearing within sixty-five days and the amendment will be set to appear on the 2024 Annual Town Meeting Warrant.**

*Mr. Bailey seconded the motion and it was passed, 2-0. Chairman Jones abstained from the vote.*

d) Sign letter of support for Lenox - CDBG Grant Funds

Chairman Jones stated that there was so much interest in Lee for the CDBG Grant Funding with Egremont, that they are doing it again with another town; Lenox. This will request \$1 million for housing rehabilitation for 16 homes in Lee and Lenox owned by low to moderate income residents.

*Mr. Bailey made a motion to have the Board sign off on the letter to the Secretary of Massachusetts Executive Office of Housing and Livable Communities which Mr. Regnier seconded and was unanimously approved, 3-0.*

e) Inspection Fee Waiver – Berkshire Hills Baptist Church

Mr. Bailey recused himself.

*Mr. Regnier made a motion to waive the inspection fee for the Berkshire Hills Baptist Church which Chairman Jones seconded and was approved 2-0. Mr. Bailey abstained from the vote.*

f) One Day Alcohol License – Lee Sportsmen's Association

*Mr. Regnier made a motion to approve the one day wine and malt license for Lee Sportsmen's Association for their fundraising dinner on February 4, 2024 which Mr. Bailey seconded and was unanimously approved, 3-0.*

g) Annual Road Tolls Discussion

Chairman Jones stated that there are seven weekends available for groups to participate in a Road Toll. He stated that the deadline for applications is Wednesday February 28<sup>th</sup>. If more than seven groups apply, a lottery will be drawn. Any group that does not get a date in 2024 will get first pick of a date in 2025 (in order of the date their application was received this year).

5. Any topic the Chairman could not reasonably anticipate.

Chairman Jones stated that the Board received a last minute One Day Entertainment License from the Lee Youth Commission for a Family Ice-Skating Night on February 10, 2024 from 5:30pm to 7:00pm.

*Mr. Bailey made a motion to approve the one day entertainment license for the Lee Youth Commission which Mr. Regnier seconded and was unanimously approved, 3-0.*

Chairman Jones stated that they also received two letters this afternoon from the Town Clerk, regarding upcoming elections. He stated that changes were made to MGL Chapter 54 § 72 which now charges the Select Board, rather than the person in charge of the Police force, with detailing a sufficient number of police officers or constables for each polling location.

*Mr. Regnier made a motion to approve a sufficient number of Police Officers, but not less than 1, at the polling location at every election therein to preserve order and to protect the election officers and elections, as required by MGL Chapter 54 § 72 which was changed in MGL Chapter 92 §13 Acts of 2022. Further, move to designate the Police Chief the authority to assign specific Police Officers according to scheduling and availability. The Town Clerk will advise the Police Chief on the location and time the officer is needed. A yes vote will allow Police Chief, Craig Desantis, to continue to staff the polling location appropriately. A no vote would force the Select Board to make such staffing decisions. This motion references all four elections for 2024; including but not limited to, the State Primary on March 5<sup>th</sup>, the Town Election on May 13<sup>th</sup>, the Presidential Primary on September 3<sup>rd</sup>, and the Presidential Election on November 5<sup>th</sup>. Mr. Bailey seconded the motion and it was unanimously approved, 3-0.*

Chairman Jones stated that the second letter from the Town Clerk is a recommendation of dates and hours for in-person early voting for the 2024 State Primary:

Saturday	02/24/2024	9:00am to 5:00pm
Monday	02/26/2024	10:00am to 2:00pm
Tuesday	02/27/2024	1:00pm to 5:00pm
Wednesday	02/28/2024	10:00am to 2:00pm
Thursday	02/29/2024	1:00pm to 5:00pm
Friday	03/01/2024	9:30am to 12:00pm

*Mr. Bailey made a motion to approve the above dates and hours for the in-person early voting for the 2024 State Primary Election which Mr. Regnier seconded and was unanimously approved, 3-0.*

**The next regular meeting is scheduled for February 6, 2024.**

**Mr. Regnier made a motion to adjourn at 7:48pm which Mr. Bailey seconded and was approved, 3-0.**

Submitted by:



Sabrina Touhey  
Exec Asst TA/BOS

**Approved on: 02/06/2024**