

TOWN OF LEE
SELECT BOARD MEETING
Tuesday February 6, 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 01/02/2024 and 01/16/2024

Mr. Bailey made a motion to approve the 01/02/2024 and 01/16/2024 meeting minutes as submitted which Mr. Regnier seconded and was unanimously approved, 3-0.

2. Public Hearings:

a. Roll call vote to opt out of vote-by-mail for the 2024 Town Election

Admin Brittain stated that the State sends out white postcards to everyone asking if you'd like to participate in vote-by-mail for the presidential election. The postage it requires to send the ballots to and from the voter is high, so the Town wants to opt out of vote-by-mail for the Town Election. If you cannot vote on Election Day, you can still see the Clerk for an Absentee Ballot.

Mr. Regnier made a motion to opt out of the vote-by-mail for the 2024 Town Election which Mr. Bailey seconded and was unanimously approved, 3-0.

Ayes
Bob Jones
Gordon D. Bailey
Sean Regnier

Nays

b. A public hearing to amend a FL-2A License to Store Flammables for Eurovia Atlantic Coast, LLC d/b/a Northeast Paving, 1 Willow Hill Road (Map 2 – Lot 4).

Juli Simons, Northeast Paving, was present representing the business. She stated that they are proposing to install a new 30,000 gallon asphalt cement tank, and with that, they'll remove the current 20,000 gallon tank, increasing their capacity by 10,000 gallons. The new tank is vertical and the existing tank is horizontal, so the new tank will be located next to another existing vertical tank in the same containment. Admin Brittain confirmed that the Fire Chief approved this application on his end.

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

Mr. Bailey made a motion to amend the FL-2A License to Store Flammables for Eurovia Atlantic Coast, LLC d/b/a Northeast Paving, 1 Willow Hill Road, which Mr. Regnier seconded and was unanimously approved, 3-0.

- c. A public hearing on a petition from NSTAR Electric Company d/b/a Eversource to install one (1) solely owned pole to be located approximately one hundred five (105) feet northerly from existing pole #76/11M for electric service to barn on Spring Street.

Mr. Bailey mentioned that the application does not specify how far the pole will be off the public way. Admin Brittain stated that it shows that it's in the same utility right of way as the existing pole, assuming it'll have the same set back as the others.

Mr. Regnier made a motion to install one (1) solely owned pole to be located approximately one hundred five (105) feet northerly from existing pole #76/11M for electric service to barn on Spring Street, making sure it is set back from the public way as much as the other existing poles, which Mr. Bailey seconded and was unanimously approved, 3-0.

- d. A public hearing on a nuisance or dangerous dog complaint pursuant to MGL Ch 140 § 157-located at 45 Housatonic Street.

Jason Dragonetti, the Town of Lee's Animal Control Officer (ACO), began by stating that he received a couple of complaints about this particular dog from two separate parties and the postal service. One incident involved an injury to an animal that was sent to the vet. He stated that he included statements from those two owners and from the Lee Postmaster. He added that the last time the dog was licensed was in 2021.

Mr. Dragonetti stated that he has asked the owner to license the dog, keep it inside and leashed when it's outside. He stated that he has placed a temporary muzzle order on the dog, and he has not gotten to the point of issuing fines.

Mr. Dragonetti stated that he is before the Board today because of the complaints he has received and to get the muzzle order extended. He stated that the ACO's authority for a muzzle order is only up to 14 days.

Maryl Jimenez, 45 Housatonic Street, was present as the dog owner. Ms. Jimenez stated that her dog was spayed at too young of an age, which the vet never acknowledged to her. After the dog was spayed, Ms. Jimenez got a trainer for her, but the trainer eventually moved away, and all training ceased. She stated that the dog was without a leash outside when her father was watching her; although Ms. Jimenez had told her father multiple times that the dog needed to be on a leash. Ms. Jimenez stated that her dog has an appointment tomorrow to get all her vaccines so that her license can be renewed.

Ms. Jimenez confirmed for Chairman Jones that the dog is currently muzzled and leashed when she goes outside. Mr. Bailey mentioned that Ms. Jimenez needs to contact her renter's insurance and be sure they know the dog is there.

Chairman Jones stated that the dog should remain in a muzzle, on a leash and with a handler. If more incidents occur and it comes back to the Board, it could present problems that no one wants to address.

Jane Burns and Theo Pulfer-Terino, owners of the dog that was attacked by Ms. Jimenez's dog, were present. Ms. Burns began by stating that their dog is okay. Ms. Burns stated that they have had other issues with this dog, besides the attack. She stated that one day she was walking her other dog on the opposite side of the street, and Ms. Jimenez's dog bolted in front of traffic on Housatonic Street to try and bite her dog. She was able to scoop her own dog up and protect her. Ms. Burns stated that it does not seem like Ms. Jimenez's dog is under control. She stated that they would ask

that their vet bills be paid and have the dog muzzled and leashed any time it is outside. Ms. Burns and Mr. Pulfer-Terino do not want the dog to be put down. They stated that the last incident was January 13th but they now avoid the area when walking their dogs.

Chairman Jones stated that they will need to take up the matter of having their vet bills paid in civil court. The Select Board has the ability to extend the muzzle and leash order and have the dog licensed.

Mr. Bailey made a motion to continue the muzzle order and leash law indefinitely until the owners would like to come back and ask for it to be released after proof of training, and show proof of licensing with the Town within 14 days, which Mr. Regnier seconded and was unanimously approved, 3-0.

3. Public Comment

Kathy Hall, Chair of the Lee Youth Commission (LYC), stated that they are still hopeful for their Ice-Skating Event on Saturday February 10th, but everything depends on the weather. She stated that any updates will be posted on the Town's website.

Josh Bloom, 204 West Park Street and member of the LYC, asked to have their one-day entertainment license amended if the weather does get too warm to hold the event on Saturday.

Mr. Regnier made a motion to amend the Lee Youth Commission's one day entertainment license to be used for one day within the next fourteen days which Mr. Bailey seconded and was unanimously approved, 3-0.

4. General Business

a) BRTA - Approval of additional Main Street bus stop

Bob Malnati (BRTA Administrator) and Andrea Wadsworth (Lee's BRTA Advisory Board Representative) were present.

Mr. Regnier stated that the Select Board did notify business owners near the new potential bus stop of today's meeting and discussion. Mr. Bailey stated that he did talk with many of the business owners, and the feedback he got from them is that they did not want to lose any public parking on the street permanently.

Mr. Malnati stated that with current ridership, it will be a small bus running the route. The bus will leave Pittsfield at 5:30am, 7:30am, 5:30pm, and 7:30pm, making its way to Great Barrington. The proposed time to be at the stop in Lee is 5:55am, 7:55am, 5:55pm, and 7:55pm. He stated that Mass DOT standards are to have the bus stops across the street from each other with a crosswalk nearby.

Mr. Bailey suggested an alternate route, where the bus would go down Railroad Street and stop in front of the Airolodi Building.

Josh Bloom, 204 West Park Street, suggested the bus could stop at the Walgreens parking lot. Mr. Bailey stated that option won't work because the idea of coming down Main Street in Lee is to take a right at West Park Street to head to Stockbridge.

Mr. Malnati stated that he would go back to operations and ask about the stop at the Airoidi Building.

The Board agreed to have Mr. Malnati and Ms. Wadsworth come back to the next meeting with updates on February 20th.

b) Berkshire Gas Permits:

- 165 Water Street (Emergency gas repair - work already completed)
- 270 E Center Street (Emergency gas repair - work already completed)
- 165 Laurel Street (Replace portion of gas service)
- 14 Park Place (Gas leak repair)

Mr. Regnier made a motion to approve all the above gas permits which Mr. Bailey seconded and was unanimously approved, 3-0.

c) Temporary Sign Permit – Greylock Federal Credit Union

Mr. Bailey made a motion to approve the temporary sign permit for Greylock Federal Credit Union (43 Park Street) until March 8, 2024 which Mr. Regnier seconded and was unanimously approved, 3-0.

d) PCB Advisory Committee Discussion

Chairman Jones stated that they are talking about putting a PCB Advisory Committee together for the Town. The Committee would advise the Select Board and Town Administrator on decisions related to PCB dredging, transport, monitoring, storage, and disposal. In addition, the Committee may provide recommendations to the Select Board for the use of settlement fund monies. The Committee's tasks would include: regular attendance at open meetings, working with the Town's environmental consultant to develop independent testing and monitoring procedures, review responses/comments to EPA/GE permits, and to provide advice on the use of settlement funds. Membership of the Committee will be comprised of 5 Select Board appointed members preferably with the following backgrounds: scientists/engineers (environmental, geology, and chemistry), legal experts, public health experts, financial experts, a member at large, and an ex officio membership from the Town Administrator and Select Board.

Mr. Regnier stated that he has a few people he knows that might be interested in this. Mr. Bailey stated that he thinks they need to be careful of making the Committee too big. These meetings will also be open to the public so anyone can come and speak, they just won't all have a vote. Mr. Regnier asked if a Lenox or Stockbridge resident with expertise could join the Committee, or if it would be limited to Lee residents. Admin Brittain stated that there is no residency requirement listed as of now, and the Board could also have those members be on the Committee as alternate members.

Chairman Jones opened the meeting up to the public.

Robert Heinzman, 121 High Street, stated that the Town is going up against powerful forces, and he does not see how we're going to stop the dump. His position is that we need to milk this for every benefit possible and police it. Keep your friends close, but your enemies closer. There is a need to be in conversation with the EPA and the subcontractors working on the dump.

Gail Ceresia, 161 West Park Street, stated that she does not believe the landfill site is meeting the consent criteria standards when it comes to the ground water monitoring. She is hoping that stops the dump. They also haven't proven that the hydraulic dredging process is going to work.

Josh Bloom, 204 West Park Street, stated that he would suggest adding two experts to the PCB Advisory Committee; public relations/communications and medical doctors.

Admin Brittain suggested that they can continue the discussion at the next meeting on February 20th and hopefully the Select Board can vote on it then.

e) CCC/PCB Transport Report – Josh Bloom

Josh Bloom, 204 West Park Street and a CCC member, stated that he asked to speak today regarding GE's quality of life plan. He stated that he found the plan to be premised on the assumption that all of the PCB transportation will be via trucks rather than railroad. The EPA has not settled this issue, and in Mr. Bloom's opinion, the plan needs to be rewritten to include railroad transportation. The plan also does not include how this will all impact tourism for the next thirteen years. He stated that he wanted to urge the Chamber of Commerce in Lee and businesses to engage and comment on the quality-of-life plan.

Mr. Bloom added that the plan talks about recreation in the river and walking/biking trails along the river, but it does not address the impact on municipal parks and playgrounds along the river. He wants to find out if GE has any financial responsibility to the Town Parks that are susceptible to river flooding.

At the last CCC meeting, HRI's newly hired scientist expert said that there is a natural level of 10 nanograms per cubic meter in the air and in all his years of analyzing PCB data, he has never seen numbers as high as 50, only as high as 10. GE wants those numbers to be as high as 50. That needs to be addressed.

Mr. Bloom added that Section 7 of the report called "Community Coordination and Health and Safety" never addresses health – which needs to be brought up by the Board of Health and the Select Board.

He added that GE included a set of standards for sound regulations in the report, but those standards actually exceed the standards of Lee's Bylaw for Noise Standards.

f) 50-in-50 Mural Project

Admin Brittain stated there is a program that artist, Cheyenne Renee, is doing where she is painting one mural in each state. Lee was nominated as the one location in Massachusetts. He stated that there is some tourism value to this and he wanted it to be brought to the Chamber of Commerce and the Select Board. Admin Brittain stated that there is a minimal cost to this project, but it can be done via a sponsor, our annual contribution to the Lee Chamber of Commerce if they take it on, or even the Cultural Council.

If any business is interested in sponsoring this project or has a location for the mural, they are asked to reach out to the Select Board office.

g) Road Tolls Reminder – Application Deadline February 28th

Chairman Jones stated that the deadline to submit a Road Toll application is Wednesday February 28th. The 2024 schedule will be announced at the March 5th Select Board meeting.

5. Any topic the Chairman could not reasonably anticipate.

Chairman Jones stated that there was an error in an article of the Berkshire Eagle stating that Massachusetts owns the Housatonic Railroad, but that is not true. The Housatonic Railroad is a private company.

Admin Brittain stated that the Historical Commission is in need of members, and stated that anyone interested in joining should reach out to him.

He added that the Town received a grant to update the Town's ADA plan, and he'll need the Chairman to sign off on that to continue the process.

Mr. Regnier made a motion to have the Chair sign the ADA Contract Extension which Mr. Bailey seconded and was unanimously approved, 3-0.

6. Town Administrator Report: UDF Reuse Comments

Admin Brittain stated that the landfill decision submissions need to include plans for UDF reuse. He spoke with GE and the EPA regarding what sort of things can be done there. Some options are: do nothing, have solar panels, recreation, or habitat such as pollinator plants. Admin Brittain recommended the pollinator plants. There will be a comment period after GE submits the reuse plan. Mr. Bailey stated that it would be nice to have GE and the EPA come speak to the Board and talk about all the options in detail.

Robert Heinzman, 121 High Street, stated that a potential problem with the pollinator habitat is that the site wants to be a forest. He asked if GE will plan to maintain the area for tree routings and mowing. Signs should also be included to let the public know what is there.

Admin Brittain stated that he asked GE to come to speak with the Board, but they declined. He stated that he would ask them to come again.

The next regular meeting is scheduled for February 20, 2024.

Mr. Regnier made a motion to adjourn at 8:27pm which Mr. Bailey seconded and was approved, 3-0.

Submitted by:



Sabrina Touhey
Exec Asst TA/BOS

Approved on: 02/20/2024