

TOWN OF LEE
SELECT BOARD MEETING
Tuesday February 7, 2023 @ 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 01/17/2023

Mr. Jones made a motion to approve the 01/17/2023 minutes as submitted which Mr. Bailey seconded and was unanimously approved, 3-0.

2. Public Hearings

a) ***Continued from 01/17/2023*** A public hearing for an Entertainment (Week Day & Sunday) Licenses – Lakehouse Inn

Kurt Inderbitzen, 615 Laurel Street, was present representing the business.

Chairman Regnier began by stating the application Mr. Inderbitzen submitted is a bit broad when it comes to times to have entertainment on the property, and the Board's goal is to grant Mr. Inderbitzen these licenses but also respect the neighbors of the property.

Mr. Inderbitzen began by stating he does not like loud music. He stated that this venue has been used for weddings in the past, which tend to crank up the music late into the night, but he avoids weddings because of that, and he will not have weddings at the Lakehouse Inn. He stated that he owns an inn in Lenox that is in a much more residential area than the Lakehouse Inn and there has never been a complaint about the music provided. Mr. Inderbitzen stated that the inn has quiet hours after 10:00pm indoors and outdoors.

Mr. Inderbitzen stated he would like to have live music with up to a three person band until 10pm each night. He'd like to have soft recorded music playing for the guests beginning at 8:00am for breakfast. He stated the music will never be heard outside of their property. Mr. Jones stated that there is a sound ordinance in the Town of Lee that should be used as guidelines, and he appreciates Mr. Inderbitzen coming in to clarify his entertainment request.

Mr. Inderbitzen confirmed for Mr. Bailey that he will not place the amplifier towards the lake, and it will only face the building. Mr. Bailey stated he thinks Mr. Inderbitzen should have a copy of the Town's noise ordinance.

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

Mr. Bailey made a motion to approve the week day and Sunday entertainment licenses for the Lakehouse Inn, allowing recorded and live music (up to three musicians) from 8am to 10pm, 7 days a week, indoors and outdoors with low amplification, and provide Mr. Inderbitzen with the noise ordinances, which Mr. Jones seconded and was unanimously approved, 3-0.

3. Public Comment

Kathy Hall, Lee Youth Commission, began by stating there is no ice skating this week because of the warmer weather and problems with the liner. Ms. Hall stated that the survey for the Master Plan survey can be found on the town website and hard copies can be found at the Lee Library, food pantry, and Town Hall. She added that the public forum will be on Saturday February 18th at the Lee High School Auditorium from 11am to 1pm. Lastly, Ms. Hall stated that the Town received a \$25,000 grant to hire a consultant for the development of 300 Stockbridge Road. Berkshire Regional Planning Commission has already started this endeavor and at this point, one of the concerns is agricultural land on the property.

Cindy Mathias, 60 Maritta Avenue, began by stating when the positions for Boards and Committees come up, she would like to suggest that it be advertised broadly, widely and in more than one place, and to state the experience needed and what the position entails. She believes this would broaden the audience and allow for new blood in Town Hall. Admin Brittain thanked Ms. Mathias and stated that he will add a list of the descriptions for each vacant position. He added that if people subscribe to town alerts on the website, they also get an email letting them know of the vacant positions. Mr. Bailey stated that the Board has brought up the vacant positions at many meetings, and listed the vacant positions listed on the previous meeting minutes.

Joshua Bloom, 204 West Park Street, began by stating that the EPA had put out a report in December 2022 and has an open call for responses that has a deadline of February 13, 2023 for the conceptual design plan for a wetland disposal facility. Mr. Bloom wanted to encourage the Board members and the Town Administrator to review the EPA report and respond by the deadline. Chairman Regnier stated the Board is planning to collectively respond to the report and the response will be posted on the website.

Gail Ceresia, 161 West Park Street, stated that she would appreciate a small description of each vacant Board and Committee position to know what it entails and if any training is required.

Anne Langlais, 25 Union Street, began by stating she was present tonight to do a presentation for information on Housatonic River Initiative (HRI). She handed documents to each Board member to review. Ms. Langlais stated that she was there to talk about Willow Hill Road Landfill formerly owned by Kimberly Clarke. She stated that there are currently chemicals leaking that have been leaking for years from the landfill into the northside neighborhood. The two chemicals that have been specifically identified are 1,4-Dioxane and Naphthalene, found by the DEP and an independent company out of East Longmeadow paid for by HRI. Ms. Langlais stated that in the report you can see that the 1,4-Dioxane has increased over time and her thought was to wonder if there was an underground plume with those chemicals in it. She stated that DEP's answer is to just add more monitoring wells, but nothing has been done to stop the leaking. She questioned if this is how they can expect them to handle things with GE if the PCB dump were to go in. Ms. Langlais requested that the Select Board step in and get a baseline of testing of the town's water and reservoir and to send in a request in writing to DEP to address the current leaking issue. Ms. Langlais stated that the HRI would like to set up a meeting with the Select Board about the current court case and matters of litigation.

Jim Castegnaro, 111 Woodland Road, began by stating they have test wells on Willow Street that go down 110-120 feet and these samples are right on the surface water, so if you dig down 5-10 feet he can only imagine what is going to come out of that ground. He stated that there is a stream that goes by there and on the opposite side there is toxic waste coming out, so there is a plume under there that likely leads right to the river. He stated that the EPA needs to clean it up, and they need help to make it happen.

Tim Gray, 205 Bradley Street, began by stating that HRI has tentatively invited ecoSPEARS, a NASA technology, to Berkshire County. ecoSPEARS has three technologies that they are going to go over with HRI. He stated there is a slight chance that the discussion may happen in Lenox because he believes those people need to be woken up a little bit. Mr. Gray stated that after ecoSPEARS, HRI has the company that did the dioxane cleanup at

Danang Airport in Vietnam coming. Mr. Gray added that they looked up what dioxane has done at other dumps and it is creating toxic plumes which get bigger and bigger. Mr. Gray stated that when they test the town's water, he would like to be present to be sure they are collecting the right samples.

Mr. Jones stated he wanted to thank everyone here from HRI for bringing information forward. He stated that he does not want to drop the ball on the request for the Board to speak with HRI and they should test town water asap.

Clare Lahey, 110 Mill Street, began by stating that there are no more plans to do more PCB testing, and she will not know if there is a plume spreading into her yard. She stated that the DPW and Conservation Commission were notified that the most recent plan stated that if anyone comes before the town with a request to build on their land, the town is to notify GE, DEP, and EPA. Ms. Langlais asked how Ms. Lahey knew the letter was sent to the DPW and Conservation Commission. Ms. Lahey stated that the plan states they are required to notify both departments, and she is on the Conservation Commission and knows they received the letter.

4. General Business

a. COA Update

Pat DiGrigoli, Director of Council on Aging and Senior Center, began by stating they are located at 21 Crossway Street and operate Monday through Thursday 8am-4pm. She stated that although it is in a Berkshire Housing property, they are available to the public and all senior citizens in Lee. She listed the variety of activities the senior center offers and stated that a newsletter goes out as well. Ms. DiGrigoli stated that they were also able to get a van available on Tuesdays and Thursdays for local transportation. She added that they are looking for another driver. She stated the town car is also on the road that goes to Pittsfield and Great Barrington Monday through Thursday for medical appointments only.

b. Granite Renewables Presentation

Ian Marcus, Granite Renewables, was present via Zoom. Mr. Marcus began by stating Granite Renewables is located in New Hampshire and they focus on only front of the meter energy storage systems. There are two specific locations in the Town of Lee that have potential for Granite Renewables: the Woodland area site and 300 Stockbridge Road. The proposal to the town is to negotiate a long-term option-to-lease agreement for projects at these two sites. The projects help the town through rental/lease income, long term tax revenue, and the products themselves contribute to the resiliency of the grid. Admin Brittain stated that this is less intrusive than solar panels. Mr. Marcus said the minimum sizing for projects like this is 10 acres. He stated these are multi-year developmental processes, usually a minimum of three years and a maximum of five years.

Mr. Marcus confirmed for Ms. Langlais that they are not currently working with any other towns in Berkshire County. He stated that none of their projects are in operation because of the multi-year developmental process and the company just began last year.

c. Release of Lien: Lee Regional Housing Rehab Program – 260 Stockbridge Road

Sarah Navin, Board of Assessor's, was present standing in for the Truden's attorney who could not be present. The Truden's sold their property in January 2023 but found out they still had a lien. Ms. Navin stated that back in 2003 the Truden's took out a term note with the Town of Lee and the Lee Housing Rehabilitation program that was for 15 years. Ms. Navin stated the term ended back in 2018, and they are looking for a release of a lien.

Mr. Bailey made a motion to release the lien at 260 Stockbridge Road which Mr. Jones seconded and was unanimously approved, 3-0.

d. One Day Alcohol License – Lee Lions & Sons + Daughters of Italy

Chairman Regnier stated this license request is for a fundraising comedy show at 115 Orchard Street in Lee on March 25th from 5:00pm to 11:00pm.

Mr. Jones made a motion to approve the one-day alcohol license which Mr. Bailey seconded and was unanimously approved, 3-0.

e. ARPA Funds Request – Lee Community Garden

Admin Brittain stated that there are currently three garden projects going on and they are looking to add a new project for a pollinator pathway on High Street. They are requesting \$1,500 for the garden by St. Mary's, \$1,500 for the one by Brown Memorial, and \$1,000 for the new pollinator pathway, for a total of \$4,000 in ARPA funds.

Mr. Bailey made a motion to approve the ARPA funds request which Mr. Jones seconded and was unanimously approved, 3-0.

f. Berkshire Hills Baptist Church – Request to waive inspection fee

Mr. Bailey recused himself from this business item.

Mr. Jones made a motion to approve the request to waive the inspection fee which Chairman Regnier seconded and was approved, 2-0. Mr. Bailey recused himself.

g. 300 Stockbridge Road Lease

Chairman Regnier stated that years ago the Town entered a lease agreement with a farmer to raise cattle on this property and the Town is now interested in using this property for other purposes. The Town will not be renewing the lease after 2025.

John Coty, 50 First Street, stated via Zoom that he appreciated the Board freeing up this property for other use.

Mr. Jones made a motion for the Board to sign the letter and mail it to the lessee which Mr. Bailey seconded and was unanimously approved, 3-0.

h. Appointment: Board of Assessors – Pat Carlino

Chairman Regnier began by stating this position has been vacant for months and Ms. Carlino has been the only one interested.

Jim Castegnaro, 111 Woodland Road, asked the Board to put this appointment on hold since Pat Carlino is still involved in a court case in the Town of Lee and she should not be allowed in Town Hall to use the computers.

Anne Langlais, 25 Union Street, stated that although Pat Carlino has given her time to the town for decades and done some wonderful things for the residents of the town, sadly she feels Ms. Carlino

made a decision to sign a contract with General Electric for money in exchange for a PCB dump. Ms. Langlais stated that this has caused hundreds of residents to feel the cause to be represented in court for the future of their well-being, costing thousands of dollars out of their own pockets. It has also caused her to lose faith and trust in Ms. Carlino's decision making. Ms. Langlais stated she would like to respectfully request the Select Board to not appoint Pat Carlino to any vacant position in Town Hall, and she would express the same for the two previous Select Board members who also signed the contract with GE.

Cindy Mathias, 60 Maritta Avenue, stated her problem with Pat Carlino getting any position back into Town Hall is that the nepotism in this town is too much. She stated Pat Carlino's son is often the Chair of the Planning Board, and Pat has had power for twenty-four years and we can't keep going there. Ms. Mathias stated the position hasn't been advertised for months since the former member just passed four weeks ago, and no one knew this position was available.

Kathy Hall, 50 Birch Street, stated that she is saddened that we are not willing to forgive. She stated that what we've all gone through for the past three years could have been alleviated but they have never given anyone a chance to recant. Ms. Hall stated that she has made mistakes and people have left the LYC for her mistakes. She understands the scope of this mistake, and she supports what HRI is doing, but she thinks we need to be a little bit more compassionate.

Tim Gray, 205 Bradley Street, stated that he wanted to remind everyone that there is a side of this town that is getting the most affected and he lives there. He stated that Pat Carlino signed a document that ruins their neighborhood forever which will make the value of their homes go down. He does not see where there is a place for Pat Carlino anymore in this government. He stated that his section of town does not see any room for forgiveness.

Clare Lahey, 110 Mill Street, stated that she feels like there is a conflict of interest here. She stated the Board of Assessor's helps set the tax rate and looks at the value of the homes, and they are who you go to for an appeal if you believe your home isn't valued correctly. She stated she can see it being unfair because Pat Carlino may not see the economic loss because of her decision she made.

Matt Carlino, 150 Via Maria, stated that he wanted to thank the Select Board for all that they do and he trusts that they make choices based on the best interest of the town. Mr. Carlino asked if Mr. Castegnaro, Ms. Langlais, or Ms. Mathias put their names forward for this position. Ms. Langlais stated she did not because she is a little busy fighting the dump. Mr. Carlino stated that the town has been without volunteers and he believes the toxic nature and the aggressive behavior dissuades the residents from volunteering. He stated that Ms. Mathias mentioned nepotism, but he was elected by the town's people and not by his mother. Mr. Carlino stated that he is a proud son of a dedicated mother who gave thirty-four years to the Town of Lee.

Ms. Mathias interrupted stating that Mr. Carlino does not know what the word nepotism means. Chairman Regnier stated he would ask Ms. Mathias to leave if she would not stop.

Mr. Carlino continued, stating you can disagree with people but you do not need to be so nasty. He added that the town cannot get volunteers and the loudest people in the room are not putting their name forward - they are yelling but they are not stepping in. He stated that actions speak louder than words. Mr. Carlino stated he is proud to be a Lee resident, proud to volunteer on the Planning Board and he is proud of his mother's dedication. Lastly, Mr. Carlino asked what the Board of Assessor's has to do with PCBs.

Jim Castegnaro stood up to speak exclaiming Mr. Carlino called him out. Chairman Regnier asked Mr.

Castegnaro to sit down because he already got a chance to speak. Mr. Castegnaro yelled that he volunteered for this town too for thirty-seven years, and that Pat Carlino is a liar. Chairman Regnier asked Mr. Castegnaro to remove himself from the room. Mr. Castegnaro shouted to Chairman Regnier that it is just starting and then left the meeting.

Chairman Regnier stated he would like to end the discussion. Gail Ceresia, 161 West Park Street, stood up to speak. Chairman Regnier asked if she could make it thirty seconds or less.

Ms. Ceresia stated that she thinks there is a conflict of interest here and there could be other Boards that would be less concerning than the Board of Assessor's. Ms. Ceresia stated that Pat Carlino made her decision and a lot of people do not agree with it and she does not want Ms. Carlino assessing her property. She stated that she knows from personal experience that Pat Carlino has tried to keep Ms. Ceresia off of a Board which made it very personal. Ms. Ceresia asked if Pat Carlino can fairly assess properties of all of the people who have spoken out against her. Ms. Ceresia stated that she would find it hard if she was in that position. Ms. Ceresia stated that Pat Carlino's son is on the Planning Board.

Chairman Regnier interrupted stating that we are getting off of the subject. Ms. Ceresia stated that Chairman Regnier needed to let her finish. Chairman Regnier asked Ms. Ceresia to stop and that they were going to move on. Ms. Mathias stood up and went to the podium pointing at Chairman Regnier telling him to let Ms. Ceresia finish because she did not speak yet. Ms. Mathias stated to Chairman Regnier that he was too close to Pat Carlino and she is like a mother to him. She tried to continue to speak as Chairman Regnier asked her to leave the room. The two continued to yell over each other. Ms. Mathias yelled that they were not disrespectful for one minute but Chairman Regnier thinks he is the boss of everything. She yelled to Chairman Regnier that it was enough of him and they know how he feels about them and he is not being fair to the rest of the town. Ms. Mathias was escorted out by the Lee Police Department.

Chairman Regnier thanked everyone who had been respectful during the discussion. Mr. Bailey stated that they should check with the town attorney to confirm this is not a problem, and put this off until the next meeting to get legal advice. Mr. Bailey stated that although the Assessor's hands are off of the value of homes, they do handle appeals and that is valid concern. Admin Brittain stated that it also includes a state training after you are appointed. Mr. Jones agreed with Mr. Bailey that it should be tabled.

Mr. Bailey made a motion to table the appointment of the Board of Assessor's which Mr. Jones seconded and was unanimously approved, 3-0.

Appointment: Sergeant – Officer Towne

Chairman Regnier stated he has a letter in front of him from Chief DeSantis supporting a promotion of Officer Towne to Sergeant.

Mr. Jones made a motion to appoint Officer Towne to Sergeant which Mr. Bailey seconded and was unanimously approved, 3-0.

Appointments: Board of Registrars – Pat Carlino & Mary Swift

Admin Brittain stated that this position has two main duties: checking signatures coming in during campaigns and late night voter registrations. He stated there has to be an even number of democrats and republicans. There are two vacant places now, one for democrat and one for republican. Admin Brittain stated that Ms. Swift is on for republican and Ms. Carlino is on for democrat.

Ms. Langlais stated it would be important for the people who felt the same as she did for the Board of Assessor's to know there may not be the same conflict of interest for this Board for Ms. Carlino. She stated that tabling it now would give people the time to understand.

Mr. Bailey stated he does not see this as a problem and he doesn't have a problem with moving forward with this. Mr. Jones stated that Ms. Carlino should have the opportunity to respond.

Mr. Jones made a motion to appoint Mary Swift to the Board of Registrars which Mr. Bailey seconded and was unanimously approved, 3-0.

Mr. Jones made a motion to table the appointment of Pat Carlino to the Board of Registrars until at least the next meeting to give Ms. Carlino the option to respond which Mr. Bailey seconded and was unanimously approved, 3-0.

i. Annual Road Tolls- Discussion

Chairman Regnier stated that this a program that the town puts on every year with slots for nonprofit organizations to raise money.

Mr. Bailey made a motion to open the application process for annual road rolls and close the process on March 7, 2023 which Mr. Jones seconded and was unanimously approved, 3-0.

5. Any topic the Chairman could not reasonably anticipate.

Nothing was brought forward.

6. Town Administrator- Budget Update & Public Safety Update

Admin Brittain stated that the Finance Committee is continuing to meet on Tuesdays with a week off for school break. He added that the public safety study has moved onto the design phase (phase three out of four) which will go to a town meeting. He also wanted to remind everyone that the Master Plan survey and the Hazard Mitigation Plan survey are both on the town's website.

The next regular Select Board meeting is scheduled for February 21, 2023.

Mr. Jones made a motion to adjourn the meeting at 9:20pm which Mr. Bailey seconded and was unanimously approved, 3-0.

Submitted by:



Sabrina Touhey
Admin Asst BOS/TA

Approved on 02/17/2023