

**Lee, Massachusetts
Annual Town Meeting October 1, 2020 at 7pm
Lee Middle & High School Auditorium/Gymnasium**

COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, SS.

Moderator Sara Wright called the meeting to order at 7:03 PM. Diedre Consolati called a point of order stating that town representatives should not have the right to speak first (before residents of Lee). The point was noted by the moderator. All present recited the Pledge of Allegiance. The moderator asked the Town Clerk if the Warrant been duly posted and if there was a quorum present. He stated yes to both. The Moderator acknowledged former town meeting members that passed away and discussed meeting rules and COVID-19 precautions. During this meeting Robert Nason served as Deputy Moderator in the Gymnasium which participated in the meeting via electronic communication. Due to the COVID 19 pandemic both rooms were used to allow for social distancing. The auditorium was only occupied by town representatives.

David Consolati moved to limit debate to 1 speech of 3 minutes per person per motion. Seconded by Patricia Carlino. – Motion PASSED unanimously

ARTICLE 1

David Consolati moved (second by Patty Carlino) that the Town vote to receive the reports of the Selectmen, Town Accountant and the other officers, boards, commissions and committees of the Town. Motion PASSED unanimously.

ARTICLE 2

Patty Carlino moved (second by Sean Regnier) that the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2020. Motion PASSED unanimously

Andrea Wadsworth raised a question of privilege affecting the assembly by requesting that residents in the gym be allowed to join the reps in the auditorium. After debate the motion FAILED.

ARTICLE 3

Sean Regnier moved (Second by Dave Consolati) that the Town vote to authorize to transfer the sum of \$600 from the Sale of Cemetery Lots receipts to the Fairmont Perpetual Care Trust Account. Motion PASSED unanimously

Alex Hedding called a point of order that the moderator was not checking in with the gym for each article. The point was well taken and the gym was called upon for each article.

ARTICLE 4

David Consolati Moved (second by Patty Carlino) that the Town vote to raise and appropriate \$20,349,441, for the maintenance of the several departments of the Town as set forth in the October 1, 2021 Annual Town Meeting Warrant.

NON-HELD items passed unanimously. The following articles were held and discussed:

Town administrator – PASSED unanimously

Police - PASSED unanimously

Lee Public Schools - PASSED unanimously

Sanitary Landfill - PASSED unanimously

VNA Services - PASSED unanimously

Sandy Beach - PASSED unanimously

ARTICLE 5

Patty Carlino moved (second by Sean Regnier) that the Town vote to transfer from available funds the following sums of money for capital expenditures of two departments of the Town as follows:

TOWN BUILDINGS	\$47,000
<u>LEE PUBLIC SCHOOLS</u>	<u>\$38,000</u>
TOTAL CAPITAL	\$85,000

Motion PASSED unanimously

ARTICLE 6

Sean Regnier moved (seconded by Dave Consolati) that the Town vote to make the following appropriations to fund the Fiscal Year 2021 budget for the Water Department:

Water Operations	\$1,109,045
<u>Capital Expenditures</u>	<u>\$42,500</u>
TOTAL	\$1,151,545

And further, to provide for said appropriations from the following sources of revenue and available funds:

User Charges	\$1,109,045
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<u>Retained Earnings</u>	<u>\$42,500</u>
TOTAL	\$1,151,545.

Motion PASSED unanimously

ARTICLE 7

Dave Consolati moved (seconded by Patty Carlino) moved that the Town vote to make the following appropriations to fund the Fiscal Year 2021 budget for the Wastewater Department;

Wastewater Operations	\$2,181,174
<u>Capital Expenditures</u>	<u>\$22,500</u>
TOTAL	\$2,203,674

And further, to provide for said appropriations from the following sources of revenue and available funds:

User Charges	\$2,181,174
<u>Retained Earnings</u>	<u>\$ 22,500</u>
TOTAL	\$2,203,674

Motion PASSED unanimously

ARTICLE 8

Patty Carlino moved (second by Sean Regnier) that the Town vote to authorize the Board of Selectmen, or other Town Departments with the knowledge of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts or any other source, to execute any documents in connection with said applications and to expend grant funds for purposes received without further appropriation.

Motion PASSED unanimously

ARTICLE 9

Sean Regnier moved (second by Dave Consolati) that the Town vote to expend \$285,149 from fiscal year 2021 "Chapter 90" funds as provided by the Commonwealth of Massachusetts to repair and pave the Town's roads.

Motion PASSED unanimously after minimal discussion

ARTICLE 10

Dave Consolati moved (second by Patty Carlino) that the Town transfer from available funds the sum of \$282,343 for the following purposes:

ROAD REPAIR/PAVING DEBT	\$116,281
SCHOOL BOILER REPLACEMENT DEBT	\$12,248
DUMP TRUCK DEBT	\$43,157
CHAMBER OF COMMERCE (GATEWAY/DOWNTOWN)	\$10,000
CHAMBER OF COMMERCE (10% ROOMS TAX)	\$46,157
REST OF RIVER LEGAL DEFENSE	\$50,000
LAUREL LAKE PRESERVATION ASSOCIATION	\$2,500
<u>BERKSHIRE BROWNFIELDS PROGRAM</u>	<u>\$2,000</u>
 TOTAL	 \$282,343

Neil Clarke moved to divide the question so as to consider separately “Rest of River Legal Defense”. Motion was seconded by multiple representatives. Motion to divide PASSED.

All items (except Rest of River Legal Defense) PASSED unanimously.

Rest of River Legal Defense was opened for a separate discussion and vote.

Neil Clarke Moved (second by Andrea Wadsworth) to amend the “Rest of River Legal Defense \$50,000” to: To see if the town will transfer from available funds the sum of \$50,000 for the purpose of retaining legal counsel to overturn the agreement that resulted in creating a toxic dump in Lee and exhaust all avenues to secure the removal of all PCB’s from the Housatonic River with the assurance of a safe transport to an out of state licensed facility for such materials.

The Moderator called for a 5-minute recess to receive the amendment in writing. Following the recess, the amended motion was restated by the moderator and open for debate.

After much debate on the motion David Consolati moved for the previous question (second by Patty Carlino) – Motion for previous question FAILED (26-24) with lack of 2/3 in the affirmative. Discussion continued. The amendment PASSED. The amended motion also PASSED with a standing vote of 26 in favor and 22 opposed.

ARTICLE 11

Patty Carlino moved (second by Sean Regnier) that the Town vote to authorize the Board of Selectmen to enter into a new Inter-municipal Agreement with the Town of Lenox to share the services of a “Chief Administrative Officer” who will serve as the Town Administrator in the Town of Lee and Town Manager in the Town of Lenox. Motion PASSED after minimal debate

ARTICLE 12

Sean Regnier moved (second by Dave Consolati) that the Town vote to authorize the Board of Selectmen to petition the General Court to revoke so much of Chapter 438 of the Acts of 1970 that prohibits elected officers in the Town of Lee from serving on the Board of Public Works, and specifically, removing the words "or any holder of an elected office in the Town of Lee" from said Act.

Motion PASSED after debate.

ARTICLE 13

Dave Consolati moved (second by Patty Carlino) that the Town vote to affirm the amendment to the existing Tax Increment Financing agreement between the Town of Lee and Berkshire Sterile Manufacturing, said agreement being the same as that currently on file in the Town Clerk's office.

Motion PASSED unanimously

ARTICLE 14

Patty Carlino moved (second by Sean Regnier) that the Town vote to transfer the care, custody and control of a parcel of land, for Five Thousand Five Hundred Dollars and no Cents (\$5,500.00), being a certain property, located on Valley Street, being Assessor's Map 2, Parcel 4C, said parcel containing 0.1 acre, from any board or commission having care and custody of said parcel, to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and further, to authorize the Board of Selectmen to convey said parcel pursuant to G.L. c. 30B, section 16, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate.

Motion PASSED unanimously after minimal discussion.

ARTICLE 15

Sean Regnier moved (second by Dave Consolati) that the Town vote to revoke its acceptance of Massachusetts General Law Chapter 40, Section 39M under Article 35 of the Warrant for the 2016 Annual Town Meeting, said acceptance being the creation of a water infrastructure surcharge on real property for maintenance, improvements and investments to the municipal drinking, wastewater and storm water assets.

Motion PASSED unanimously after discussion

ARTICLE 16

Deidre Consolati (second by Dayton Delorme) that the Town vote to instruct the Board of Selectmen to rescind their support of the Rest of the River Settlement agreement and renegotiate terms that shall not include a dump site in the Town of Lee. After much discussion from the auditorium and the gymnasium the motion PASSED on a standing vote of 37 in favor and 8 opposed.

ARTICLE 17

Patty Carlino moved (second by Dave Consolati) that the Town vote to authorize the Board of Selectmen to petition the Legislature to amend Section 2 of Chapter 471 of the Acts and Resolves Massachusetts, namely, the special act entitled "AN ACT ESTABLISHING A SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF LEE" to replace Section 2, which provides for three select board members, with the following new section:

Section 2. The board of selectmen shall consist of five members elected by the voters of the town. Selectmen in office at the time of approval of this act shall serve until the term which they were elected shall have expired.

The motion FAILED on a standing vote of 9 in favor and 38 opposed after discussion.

ARTICLE 18

Sean Regnier moved (second by Dave Consolati) that the Town vote to transfer from available funds the sum of \$25,000 to create a Technical Information Center accessible to all. The content of said Center to be relevant documents, videos, and materials in any other media relating to all aspects of PCBs, including health effects, environmental persistence, transportation, removal, and remediation. The purpose of this library is to promote an "Informed Citizenry" that can competently advise the town on the management of PCBs removed from the Housatonic River and environs as part of the GE/EPA "Rest of River Settlement Agreement".
Motion FAILED after discussion.

ARTICLE 19

Dave Consolati moved (second by Patty Carlino) that the Town vote to transfer from available funds the sum of \$50,000 to train "Citizen Scientists" in best practices for independently measuring, monitoring, and reporting levels of PCBs in the Town of Lee as a baseline before removal from the Housatonic River and environs as part of the GE/EPA "Rest of River Settlement Agreement", and to commit the Town to supporting the continuance of such a training program and the associated costs of monitoring kits as long as there are significant quantities of PCBs present anywhere in Town.
Motion by Cornelia Kalischer (second by Alice Collins) to amend by inserting the words "and engage environmental experts" after the word "citizen scientists" and before "in best practices..." The amendment FAILED. The motion FAILED after discussion.

ARTICLE 20

Sean Regnier moved (second by Dave Consolati) that the Town vote to adopt sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, which establishes a dedicated funding source to enable cities and towns to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas,

wetlands, farm land, forests, marches, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing, be placed on the ballot for the next municipal election.

In Lee Massachusetts, the funding source for these community preservation purposes will be a surcharge of 1.5% (to be decided at the town meeting) on the annual property tax assessed on real property and annual distributions made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in Lee, as defined in Section 2 of said Act; (2) class three, commercial and class four, industrial properties as defined in G.L. c. 59.&2A; (3) \$100,000 of the value of each taxable parcel of residential real property; (4) for 100,000 of the value of each taxable parcel of class three, commercial property and class four industrial property as defined in section 2A of said chapter 59. A taxpayer receiving a regular property tax abatement of exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee will be established by by-law to study preservation resources, possibilities and needs and to make annual recommendations to town council/town meeting on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space, (2) historic resources and (3) affordable housing."

After discussion the motion PASSED by standing vote 29 in favor and 12 opposed.

Moderator Sarah Wright thanked members of the finance and capital outlay committee.

Peg Biron moved to dissolve the meeting. Second by Dave Consolati. Meeting was dissolved at 11:37pm

Members in Attendance:

DISTRICT 1

Tyer, Matthew
Donovan, John "Buck"
Dave Forrest
David Carrington
Matthew Kosiorek
Josh Cohen
Castegnaro, James

DISTRICT 2

Bluhm, Valerie
Kennedy, Thomas
Devarences, Kathleen

Sloane, Lisa B
Jones, Robert
Clarke, Neil
Daley, Sr., Nelson
Wespiser, Diane

DISTRICT 3

Mead, Adam
Bort, Kathleen CH.
Heath, Cory
Heddinger, Alexandra
Young, Caroline
Coty Jr., John
Fillio, Matthew
Wadsworth, Andrea

DISTRICT 4

Brunell, William
Bailey, Gordon
Kalischer, Cornelia
Daoust, Kathleen
Collins, Alice
Roche, William
Warner, Janet
Mack, Arthur CH.
Brittain, Richard

DISTRICT 5

Kelley, Zachary
Lucy, Christine
Kelley, Susan
Consolati, Deidre CH.
Biron, Margaret
Roosa, Jeffrey

DISTRICT 6

Hofman, Peter
Van Wagtendonk, Reinout
Tierney, William
Consolati, Frank
Ryan, Monica
Davis, Emmy
Delorme, Dayton

ANNUAL TOWN MEETING, OCTOBER 1, 2020, 7:00 P.M.

SELECTMEN

Regnier, Sean
Consolati, David
Carlino, Patricia

MODERATOR

Wright, Sarah

TOWN CLERK

Brittain, R. Christopher

FINANCE CHAIR

Arienti, Nicholas

Respectfully Submitted.

A handwritten signature in black ink, appearing to be 'R. Brittain'.

R. Christopher Brittain
Town Clerk