

**Lee, Massachusetts
Annual Town Meeting June 24, 2021 at 5pm
Lee Middle & High School Football Field**

COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, SS.

Moderator Sarah Wright called the meeting to order at 5:09PM. All present recited the Pledge of Allegiance. The moderator confirmed that the warrant had been duly posted and there was a quorum present. The Moderator acknowledged former town meeting members that passed away and discussed meeting rules and procedures. Due to the COVID 19 pandemic the meeting was held outdoors on the Lee High School football field.

James Castagnaro called a point of order asking if the select board would support the decisions made by town meeting. The point was not well taken as his statement did not constitute a breach of any rules of order.

ARTICLE 1

Bob Jones moved that the Town vote to receive the reports of the Selectmen, Town Accountant and the other officers, boards, commissions and committees of the Town. Second by Patty Carlino. Motion PASSED 42-0.

ARTICLE 2

Patty Carlino moved that the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2021. Second by Sean Regnier. Motion PASSED 46-1.

ARTICLE 3

Sean Regnier moved that the Town vote to authorize to transfer the sum of \$1,200 from the Sale of Cemetery Lots receipts to the Fairmont Perpetual Care Trust Account. Second by Bob Jones. Motion PASSED 46-0.

ARTICLE 4

Bob Jones moved that the Town vote to appropriate the following sums for the purpose of paying five invoices for services rendered in fiscal year 2020 totaling \$6,889.90:

Information Technologies - \$370.10

Fire/EMS - \$3,996.80

Water Department - \$2,523.00

And further, to provide for said appropriation, transfer the sum of \$6,889.90 from available funds. Second by Patty Carlino. Motion PASSED 48-0 (4/5 majority).

ARTICLE 5

Patty Carlino moved that the Town vote to raise and appropriate \$20,810,971, for the maintenance of the several departments of the Town as set forth in the June 24, 2021 Annual Town Meeting Warrant.

NON-HELD items passed unanimously 48-0. The following articles were held and discussed/voted on individually:

Selectmen PASS 47-0

Administrator PASS 41-3-3

ANNUAL TOWN MEETING, JUNE 24, 2021 5:00 P.M.

Reserve Fund Andrea Wadsworth moved to amend by striking \$70, 000 and inserting \$35,000. Motion to amend FAILED 7-39-1. Reserve fund unamended PASSED 45-3

Treasurer/Collector PASS 46-1

Land Use Assistant PASS 47-0

Elections/Registrations PASS 47-0

Office Equipment Maint. PASS 47-0

Staff Development PASS 46-0

Police PASS 46-1-1

Fire/EMS PASS 47-0

Highway Const & Maint PASS 47-0

Forestry PASS 41-0-1

Tri Town Health PASS 46-0-1

BRPC PASS 45-1-1

Other Insurance PASS 47-0

ARTICLE 6

Sean Regnier moved 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	\$ 12,500
TOWN CLERK	\$ 1,000
TECHNOLOGY	\$ 20,000

YOUTH COMMISSION	\$ 25,000
COMMUNITY CENTER STUDY	\$ 20,000
POLICE	\$ 5,000
SANDY BEACH	\$ 12,000
PUBLIC WORKS	\$330,000
<u>LEE PUBLIC SCHOOLS</u>	<u>\$100,000</u>
TOTAL CAPITAL	\$525,000 (AMENDED TO 525,500)

Second by Bob Jones. Sean Regnier accepted a friendly amendment from Town Counsel Pollard to correct his motion to reflect the actual total of 525,500. The moderator asked the representatives if there was any objection to the correction. There were no objections. Motion PASSED 44-0.

ARTICLE 7

Bob Jones moved that the Town vote to make the following appropriations to fund the Fiscal Year 2022 budget for the Water Department:

Water Operations	\$1,123,751
<u>Capital Expenditures</u>	<u>\$42,500</u>
TOTAL	\$1,166,251

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

User Charges	\$1,123,751
<u>Retained Earnings</u>	<u>\$42,500</u>
TOTAL	\$1,166,251.

Second by Patty Carlino. Motion PASSED 47-0

ARTICLE 8

Patty Carlino moved that the Town vote to make the following appropriations to fund the Fiscal Year 2022 budget for the Wastewater Department;

Wastewater Operations	\$2,214,139
-----------------------	-------------

<u>Capital Expenditures</u>	<u>\$22,500</u>
-----------------------------	-----------------

TOTAL	\$2,236,639
-------	-------------

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

User Charges	\$2,214,139
--------------	-------------

<u>Retained Earnings</u>	<u>\$ 22,500</u>
--------------------------	------------------

TOTAL	\$2,236,639
-------	-------------

Second by Sean Regnier. Motion PASSED 45-0

ARTICLE 9

Sean Regnier moved 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. Second by Patty Carlino. Motion passed 46-0-1 after some discussion.

ARTICLE 10

Bob Jones moved that the Town vote to expend \$285,149 from fiscal year 2022 “Chapter 90” funds as provided by the Commonwealth of Massachusetts to repair and pave the Town’s roads. Second by Patty Carlino. Motion PASSED 46-0

ARTICLE 11

Patty Carlino moved that the Town transfer from available funds the sum of \$656,659 for the following purposes:

ROAD REPAIR/PAVING DEBT	\$116,281
SCHOOL BOILER REPLACEMENT DEBT	\$45,516
DUMP TRUCK DEBT	\$178,206
CHAMBER OF COMMERCE (GATEWAY/DOWNTOWN)	\$10,000
CHAMBER OF COMMERCE (10% ROOMS TAX)	\$46,156
SPECIAL EDUCATION RESERVE FUND	\$125,000
MASTER PLAN UPDATE	\$50,000
COMMONWEALTH MATCHING FUNDS (DHCD GRANT)	\$50,000
OPEN SPACE AND RECREATION PLAN UPDATE	\$15,000
HISTORICAL COMMISSION MATCHING FUNDS	\$16,000
LAUREL LAKE PRESERVATION ASSOCIATION	\$2,500
<u>BERKSHIRE BROWNFIELDS PROGRAM</u>	<u>\$2,000</u>
 TOTAL	 \$656,659

And, further, that the Town vote to accept Chapter 40A, Section 13E for the purpose of establishing the aforementioned Special Education Reserve Fund. Second by Sean Regnier. There was lengthy discussion (particularly for the Special Education Reserve, Master Plan and Laurel Lake) A call for the previous question was made by John Coty

and Seconded by Sean Regnier. The motion to call the previous question passed 36-12. The main motion PASSED 39-6-2.

ARTICLE 12

Sean Regnier moved that the Town appropriates \$1,120,000 to purchase a new Fire Engine, Ambulance, and associated equipment, including the payment of all costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Motion was seconded by Patty Carlino. After some discussion the motion PASSED 46-1 (two thirds majority).

ARTICLE 13

Bob Jones moved that the Town appropriates \$1,000,000 to pay the costs to design, repair and pave the Town's roads, including the payment of all costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Second by Patty Carlino. After some discussion the motion PASSED 44-1 (two thirds majority).

ARTICLE 14

Patty Carlino moved that the Town vote to approve an exemption, pursuant to Chapter 28A, Section 21A of the General Laws, for the Board of Assessors to hire one of its members. Second by Sean Regnier. After much discussion the motion PASSED 28-14-4.

ARTICLE 15

Sean Regnier moved that the Town vote to amend the Town bylaws regarding dog licenses in the manner enumerated in Article 15 of the Warrant for this Town Meeting. Seconded by Bob Jones. Motion PASSED 44-1

ARTICLE 16

Bob Jones moved to authorize the Select Board to transfer property jointly owned by the Towns of Lenox and Lee to Edith Wharton Restoration, Inc. also known as “the Mount”, as specified in Article 16 in the warrant, and further to authorize the Select Board to submit a petition to the General Court for a special act authorizing the transfer of said parcel under Article 97 of the Amendments to the Massachusetts Constitution. Second by Patty Carlino.

Deidre Consolati Moved to amend the motion from 3.4 acres to 1.39 acres, such portion consisting of the parcel designated as “Lot 2” on the survey dated April 2, 2012 and referenced in the article AND TO FURTHER GRANT a right of first refusal to the towns of Lee and Lenox in the event of a subsequent sale. AND TO GRANT public access along said shoreline. Seconded by John Coty. Amendment PASSES 45-1-1

Andrea Wadsworth moved to allow Mr. Miller (a Lenox Resident) to speak. Motion passed by voice vote. After further discussion, John Coty moved to call the

previous question. Motion to call the question passed unanimously. The motion, as amended, was voted on and PASSED 40-0 with one abstention.

ARTICLE 17

Monica Ryan moved to see if the Town will vote yes to return to the Open Town Meeting format of government, so that all inhabitants of the Town of Lee... “may have a say in their futures or take any action relative thereto” (One person may vote) (Submitted by Initiative Petition). Second by Josh Bloom

Caroline Young moved to amend the motion to add the words” and to comply with the Constitution of the Commonwealth that provides that all towns with 6,000 or fewer inhabitants must have open town meeting and to adopt open rule procedures with a new charter under MGL Title 7 Chapter 43B Sections 1-20. Open Town meeting means that all town voters may vote on all town matters. One person, one vote. The amendment was seconded by Deidre Consolati. Motion to amend PASSED 21-20-4

Josh Bloom moved to amend by striking the previous amendment and substitute the words “vote yes” with the words “move to petition the Massachusetts Legislature”. Seconded by Andrea Wadsworth. The amendment PASSED 25-19-1.

After discussion, the motion as amended which now reads “to see if the Town will move to petition the Massachusetts Legislature to return to the Open Town Meeting format of government, so that all inhabitants of the Town of Lee... “may have a say in their futures or take any action relative thereto” PASSED 23-21-1.

Buck Donovan moved to Postpone Indefinitely articles 18-22. The motion FAILED 10-

ARTICLE 18

Cornelia Calisher moved that the Town amend bylaw 172-1 as follows:

- Chapter 172, Solid & Hazardous Waste/Substances
- Article 1. Radioactive & Hazardous Waste/Substances
- Amendments to 172-1 Prohibited Uses

“No land within any use district in the Town of Lee may be used for the storage, burial, incineration or disposal of EPA classified radioactive and/or hazardous waste/substances, including but not limited to waste/substances classified by EPA as low level radioactive and/or hazardous waste/substances found on EPA website:

- 172-3 Definitions, Hazardous Waste/Substances
- EPA website for Hazardous Waste

(<http://www.epa.gov/Environmental-topics/chemical-and-toxics-topics>.) PCB's found at (<http://www.epa.gov/pcbs/table-polychlorinated-biphenyl-pcb-homologs>) or (<http://www.epa.gov/pcbs/table-biphenyl-pcb-congeners>)

Seconded by Anne Langlis.

After some discussion the motion was amended by Anne Langlis to: strike the words “hazardous waste substances” wherever they occur in the main motion and insert the word “PCBs”. The amendment PASSED 35-5-5.

The motion as amended which now reads:

“That the Town amend bylaw 172-1 as follows:

- Chapter 172, Solid Waste & PCBs
- Article 1. Radioactive & PCBs
- Amendments to 172-1 Prohibited Uses

“No land within any use district in the Town of Lee may be used for the storage, burial, incineration or disposal of EPA classified radioactive and/or PCB substances, including but not limited to waste/substances classified by EPA as low level radioactive and/or PCB substances found on EPA website:

- 172-3 Definitions, PCB

- EPA website for PCB (<http://www.epa.gov/Environmental-topics/chemical-and-toxics-topics>.) PCB's found at (<http://www.epa.gov/pcbs/table-polychlorinated-biphenyl-pcb.homologs>) or (<http://www.epa.gov/pcbs/table-biphenyl-pcb-congeners>)”

PASSED 30-8-4

ARTICLE 19

Anne Langlis moved that the Town will vote to raise and appropriate or to transfer from the sum of \$50,000.00, or any other amount, to train “Citizen Scientists” in best practice 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 as training programs and the associated costs of monitoring kits as long as there are significant quantities of PCBs present anywhere in Town. Second by Andrea Wadsworth. After some discussion, Jim Castegnaro moved to postpone the motion indefinitely. Seconded by John Coty. Motion to Postpone Indefinitely PASSED 31-10-3.

ARTICLE 20

Anne Langlis moved that the Town will vote to insist that rail transportation be the primary mode of moving toxic PCB materials both within the Berkshires and to final destinations beyond.” Seconded by David Carrington.

After some discussion, Anne Langlis moved to amend the motion by replacing the word “insist” to “require”. Amendment PASSED 35-6-4. The motion as amended passed 32-

ARTICLE 21

Anne Langlis moved that the Town will vote to place a question on the municipal election ballot that requires the Select Board to rescind Lee's approval of the Rest of River Agreement. If this cannot happen before 2022, a special election to be held."

After some discussion, Andrea Wadsworth moved to strike the last sentence and substitute the words "at the next municipal election." Seconded by Monica Ryan. The amendment PASSED 36-4-3. The motion as amended PASSED 31-8-4.

ARTICLE 22

Anne Langlis moved that the Town will vote to direct that the Select Board shall initiate and execute effective actions in the upcoming fiscal year designed to counter the near-term effects of unemployment, food insecurity and financial distress resulting from the Covid-19 pandemic and the longer-term anxiety, fear and emotional turmoil caused by provisions of the Rest of River Agreement. The purpose of such actions should be to restore a genuine atmosphere of harmony, concord, and civil unity to the community. The success of such actions to be reported at the 2022 Town Meeting." Second by Peg Biron. After discussion the motion FAILED 16-20-7

Seeing no further business, the moderator declared the meeting dissolved at 10:29pm.

Members in Attendance:

DISTRICT 1

Matt Tyer
Donovan, John "Buck"
Dave Forrest
David Carrington
Matthew Kosiorek
Marilyn Hansen
Castegnaro, James

DISTRICT 2

Valerie Bluhm
Kathleen Devarennnes
Lisa B Sloane
Anne Langlis
Nelson Daley, Sr
Diane Wespiser
Susan Harding

DISTRICT 3, Adam Mead

Bort Kathleen
Cory Heath
Alexandra Heddingner
Caroline Young
John Coty Jr
Matthew Fillio
Andrea Wadsworth

DISTRICT 4

Gordon Bailey
Cornelia Kalischer
Kathleen Daoust
Alice Collins
William Roche
Janet Warner
Arthur Mack

DISTRICT 5

Josh Bloom
Christine Lucy
Susan Kelley
Deidre Consolati
Margaret Biron
Danna Snow
Peter Sorrentino

DISTRICT 6

Donald Rodgers
Reinout Van Wagtendonk
William Tierney
Kevin Hines
Monica Ryan
Emmy Davis
Brenda Kipp St Pierre

SELECTMEN

Sean Regnier
Bob Jones
Patricia Carlino

MODERATOR

Sarah Wright

TOWN CLERK

R. Christopher Brittain

FINANCE CHAIR

Nicholas Arienti

Respectfully Submitted.



R. Christopher Brittain
Town Clerk