

## SPECIAL TOWN MEETING, March 24, 2022 7:00 P.M.

**Lee, Massachusetts Annual Town Meeting March 24, 2022 at 7pm Lee Middle & High School  
Auditorium**

**COMMONWEALTH OF MASSACHUSETTS BERKSHIRE, SS.**

Moderator Sarah Wright called the meeting to order at 7:02PM. 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. Clickers were tested and verified in working order.

### ARTICLE 1

Bob Jones moved that the Town vote to adopt the following Community Preservation Act bylaws or take any other action thereto. Patty Carlino second. Valerie Blum moved to amend the following:

A total on Nine members

Four citizen members

Replacing "Selectmen" with "Youth Commission" and "Housing Authority"

Creating annual terms for Planning, Conservation, Historical, Youth, and Housing committees

Creating two-2 year terms and two-3 year terms for at large members

Peter Hofman second. Patty Carlino had a few questions and comments. She stated by law Finance Committee cannot be on the amendment nor on other committees. Susan Stone responded. After some discussion, Bob Jones moved on the amendment and Sean Regnier second the vote of the amendment. Motion to Amend PASSED. 38-5. After some discussion main motion PASSED unanimously 43-0. See attached CPA Bylaws at the end of these minutes.

### ARTICLE 2

Patty Carlino moved that the Town vote to appropriate the sum of \$75,000 from available funds for the purpose of completing a Master Plan update. Sean Regnier second. After a lengthy

discussion, including comments from Cornelia Kalischer, Buck Donovan, Chris Brittain, Ann Langlais, Patty Carlino, Janet Warner, Sean Regnier, John Coty, Peter Hofman, Peter Bluhm, Richard Brittain, Clare Lahey, Bob Jones; article 2 FAILED 22-21.

### **ARTICLE 3**

Sean Regnier moved that the Town vote to amend Chapter 125 Section 1 by striking the words "For not less than a 12-month period" so if that approved the bylaw shall read:

Pursuant to the provisions of MGL c. 40, § 57, the Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board. or take any other action relative thereto.

Second by Bob Jones. Lengthy discussion with the following participants, Gordon Bailey, Donna Toomey, Pat Carlino, Chris Brittain, Peg Biron, John Coty, Town Council Jeremia Pollard. Gordon Bailey moves to amend to 60 days. John Coty seconds. Motion to Amend FAILS 12-31. Main Motion PASSED 40-3.

### **ARTICLE 4**

Bob Jones moved that the Town vote to petition the Massachusetts State Legislature to re-adopt the Town of Lee Special Act as published in special town meeting warrant. Second by Patty Carlino. Discussion from Monica Ryan, Janet Warner, Peg Biron, Town Council Jeremia Pollard, Ann Langlais, Gordon Bailey. After much discussion article 4 PASSED 41-0-1.

### **ARTICLE 5**

Patty Carlino moved that the Town vote to re-adopt Chapter 48 Articles II and I of the general bylaws, as published in the special town meeting warrant to be adopted only in the event of an affirmative referendum vote at the 2022 Annual Town Election to change to an Open Town Meeting form of government. Sean Rengier Second. Discussion included from Cornelia Kalischier, Peter Hofman, Sean Regnier, Article PASSED 37-2-1.

## **ARTICLE 6**

Sean Rengier moved that the Town vote to appropriate from available funds the sum of \$9,135.81 for the purpose of paying a public works invoice from fiscal year 2021. Article PASSED 40-0 with 9/10 vote.

## **ARTICLE 7**

Bob Jones moved that the Town vote to appropriate the sum of \$28,592.97 from available funds to pay the town's share of expenses for the Rest of River legal defense for the years encompassing FY20, FY21 and FY22 to date. Second Patty Carlino. Discussion included Patty Carlino, Monica Ryan, John Coty, Ann Langlais, Cornelia Kalischier, Sean Regnier, Bob Jones, Gail Cersia, Jeremia Pollard, Josh Cohen, Peg Biron, Alex Hedding, Janet Warner call the question. Voice vote to move to the question. Article 7 FAILED 24-19-0 with 9/10s vote.

## **ARTICLE 8**

Patty Carlino moved that the Town vote to transfer the sum of \$14,669 from the Fairmont Perpetual Care Account and \$433 from the Fairmont Gravestone Repair account for a total appropriation of \$15,302 for repair of fallen cemetery stones. Second by Bob Jones. Article 8 PASSED 42-1.

## **ARTICLE 9**

Sean Renier moved that the Town vote to re-adopt Chapter 199 (Zoning) as published in the special town meeting warrant/town website/clerk's office. Buck Donovan Second. Buck Donovan spoke to Planning Board Report. Discussion among Matt Carlino. Article 9 PASSED 40-0. 2/3 vote needed.

## **ARTICLE 10**

Bob Jones moves that the Town vote to amend the zoning bylaw section 4.1 relating to the establishment of use regulations as published in the special town meeting warrant. Patty Carlino Second. Matt Carlino spoke to Peter Bluhm's work with Planning Board Report. Peter Bluhm spoke in summary to Planning Board Report. Article 10 PASSED 40-0.

### **ARTICLE 11**

Patty Carlino moved that the Town vote to amend the zoning bylaw in various places to eliminate obsolete references to the Business Multiple Dwelling (BM) Zone, as published in the special town meeting warrant. Sean Reniger Second. Peter Bluhm spoke in summary to Planning Board Report. Discussion among Gail Ceresia, Matt Carlino. Article 11 PASSED 40-0.

### **ARTICLE 12**

Sean Reniger moved that the Town Shall the town amend the zoning bylaw, Section 4.2 and Subchapter 14, as follows as published in the special town meeting warrant, relating to parking lots and multistory parking structures. Additions are underlined and sections with lines through text to be removed, or take any other action relative thereto. Bob Jones Second. Peter Bluhm spoke to the Planning Board Report. Matt Carlino, Cornelia Kalischer, Buck Donovan, discussed. Article 12 PASSED 39-1.

### **ARTICLE 13**

Bob Jones moves that the Town vote to add a new section 4.5 to the Zoning Bylaws relating to animals and also make coordinating amendments to portions of to Section 4.2.as published int eh special town meeting warrant. Sean Reniger Second. Peter Bluhm pointed to the Planning Board Report with explanations. Caroline Young wants to amend the article, striking roosters, but not chickens. The amendment failed. Much discussion among John Coty, Matt Carlino, Caroline Young, Richard Brittain, Kathy Hall, Matt Tyer, Gail Ceresia, Buck Donovan, Article 13 PASSED with 2/3 majority vote, with 2 Nays.

### **ARTICLE 14**

Patty Carlino moves that the Town vote to amend the zoning bylaws in Section 6.1B and E as relating to special permits to extend non-conforming structures, signs, uses and abandonments. Sean Reniger Second. Peter Bluhm explained from the Planning Board Report. Article 14 PASSED unanimously with 39 votes.

### **ARTICLE 15**

Sean Reniger move that the Town vote to amend the zoning bylaw Section 7.5as published in the special town meeting warrant relating to non-conforming signs. Patty Carlino Second. Peter Bluhm details that article from the Planning Board Report. Catherine Hibbard mentions concern. Article 15 PASSED 36-YES 2-NO-2-ABSTAIN

## **ARTICLE 16**

Bob Jones move the Town vote to amend the zoning bylaws subsections 7.6 as established in the special town meeting warrant relating to administration of sign permits. Patty Carlino Second. Peter Blum points to Planning Board report with a short description of the article. Article 16 PASSED unanimously 41 votes.

## **ARTICLE 17**

Patty Carlino moves that the Town vote to repeal existing zoning bylaw subsections 13.3 site plan review and 13.4 special permits and replace them with new subsections as published in the special town meeting warrant. Sean Reniger Second. Peter Bluhm spoke to the Planning Board Report explaining site plan review and special permit process. Article 17 PASSED unanimously with 36 votes.

## **ARTICLE 18**

Sean Reniger moves that the Town vote to amend zoning bylaw Section 16.3 as published in the special town meeting warrant correcting a typographical error made previously. Patty Carlino Second. Peter Bluhm spoke to the error. Article 18 PASSED unanimously with 41 votes.

## **ARTICLE 19**

Sean Reniger moves the Town vote to amended the zoning bylaw Appendix A Table 2 as published in the special town meeting warrant relating to dimensional requirements for multi-family housing in the CBC Zone. Second by Patty Carlino. Peter Bluhm referred to the Planning Board Report for a short explanation. Buck Donovan thanked all of the Planning Board members for such great work with the report. Article 19 PASSED unanimously with 40 votes.

Seeing no further business, moderator Sarah Wright declared the meeting dissolved at 10:10. PM.

## **Members in Attendance**

### **SELECT BOARD**

Patty Carlino  
Sean Regnier  
Bob Jones

### **MODERATOR**

Sarah Wright

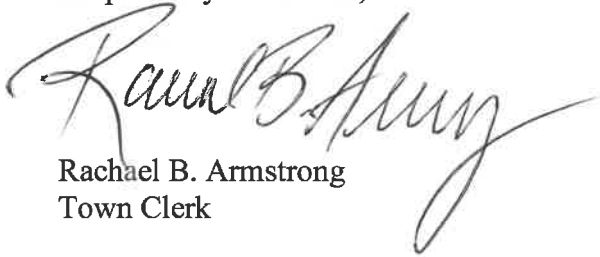
### **TOWN CLERK**

Rachael B. Armstrong

### **FINANCE CHAIR**

Nicholas Arienti

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Rachael B. Armstrong". The signature is written in dark ink and is positioned to the right of the printed name and title.

Rachael B. Armstrong  
Town Clerk

## **Proposed Amendment to Town Meeting Article 1:** **Community Preservation Committee Bylaws**

To District Representatives of the Town of Lee:

My name is Susan Stone and I am a member of the town's Historical Commission, which spearheaded the successful campaign to adopt the Community Preservation Act in 2020.

**I am here tonight to recommend important amendments to the proposed Community Preservation Committee (CPC) bylaw on the Town Meeting Warrant as Article 1. The current article does not follow the requirements of the CPA legislation, nor does it take into consideration the role of the community at-large in terms of which town entities will be granted seats on the Committee.**

Members of the Historical Commission in Lee headed up the effort to adopt the CPA program because it was an innovative way for the town to raise revenue for projects that could not fit into the regular town budget—improvements for quality of life issues for our community. Following the election, we submitted a draft CPC bylaw to the Select Board in January 2021. However, the current version of the Community Preservation Committee bylaw does not reflect the important elements of that draft, and we were not given a chance to provide input as the bylaw was being finalized for this Town Meeting. The end result is that the bylaw on tonight's warrant does not include mandatory representation from the municipal entities required in the CPA legislation, it lacks staggered terms which would prevent the entire CPC from turning over at the same time, it limits the number of citizens who can serve as at-large members of the CPC and it gives unnecessary authority over the town's CPA budget to the same entities that control the traditional town finances, which is not the aim of CPA.

### **Requirements Under the CPA Law**

Under Massachusetts General Law Chapter 44B (the Community Preservation Act), section 5a states that a Community Preservation Committee requires representation from each of the following municipal bodies:

- Conservation Commission
- Planning Board
- Historical Commission
- Housing Authority
- Board of Park Commissioners, or a like board that represents the recreational interests in town

The current proposal for the Community Preservation Committee bylaw has no representation from the Housing Authority, nor from an active recreational entity. These are required seats according to the CPA legislation, and they have been improperly replaced by representatives from the Finance Committee and the Select Board. The town does have a Housing Authority, and its inclusion is a requirement of the CPA law. And because the Lee Youth Commission's charge is to "advocate for groups providing recreational programming, they are the proper entity to fill the required recreational seat on the CPC.

The Community Preservation Act was designed with a “bottoms-up” approach for determining how the funding is spent—ideas for projects comes from all residents, committees and organizations in the town, and the Community Preservation Committee then makes recommendations from these ideas to the Town Meeting for final approval. Unlike our general municipal budget, in which the Finance Committee and Select Board designate priorities and expenditures with a “top-down” approach, our Community Preservation Committee should be focused on representing the interests of the community at-large. After all, it is the “Community” Preservation Fund.

### **Proposed Amendment**

Section 1 of Article 1, the Community Preservation Committee bylaw, shall be replaced in its entirety by a new section, as shown below. Material changes are shown (in red).

---

#### **Section 1: Establishment**

**There is hereby established a Community Preservation Committee, consisting of nine (9) voting members, pursuant to Massachusetts General Law, Chapter 44B. The composition of the Committee, the appointment authority and the term of office for the Committee are as follows:**

- 1. One voting member of the Historical Commission as designated by that Commission.**
- 2. One voting member of the Planning Board as designated by that Board.**
- 3. One voting member of the Conservation Commission as designated by that Commission.**
- 4. One voting member of the Youth Commission as designated by that Commission.**
- 5. One voting member of the Housing Authority as designated by that Authority.**
- 6. Four citizen members-at-large, who do not hold an elected or appointed office, nor serve as Town Employees or serve on any Committees as designated by the Select Board.**

**Members from the Planning Board, Conservation Commission, Historical Commission, Youth Commission, and Housing Authority shall be appointed annually for a term of one year. The four (4) at large members are initially appointed as follows: Two (2) appointees for 3 year terms and Two (2) appointees for 2 year terms. Each at large members shall subsequently shall be appointed for a term of three years. Any vacancy on the Committee shall be filled by the Commission, Authority or Board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.**

**Should any Commission, Board, Authority or Committee who have appointment authority under this chapter no longer be in existence for whatever reason, the appointment authority for that Commission, Board, Authority or Committee shall become the responsibility of the Select Board.**