

Minutes of Meeting – March 31, 2022; meeting called to order at 2:45pm. Present: Dave Roche; Warren Archey; Marybeth Mitts; Ed Lane. Absent: Neal Maxymillian.

The Board met to discuss strategy with respect to potential litigation regarding the EPA Housatonic Rest of River Final Permit.

Channing Gibson, a member of the CCC Rest of River, attended to explain the reason that the Select Board needs to vote on a determination. The Select Board needs to make a determination as to whether we would allow our attorney at KP Law to speak with other KP Law attorneys representing Great Barrington and Sheffield regarding municipal finance. Discussion may focus on a set aside of funds to reimburse all towns for expenses incurred from 2013 to date regarding legal, technical assistance and DLTA shortfalls for oversight of ROR.

This fund will then pay for ongoing legal fees, technical assistance, and DLTA fund shortfalls to continue to provide oversight going forward as the Consent Decree goes into effect. It was agreed that municipal finance needs to be paid attention to. This determination would be made to allow KP Law to represent three towns – Lenox, Great Barrington and Sheffield.

There would need to be a fiscal agent designated, maybe BRPC, maybe one of the towns, but the attorneys will figure that out. A municipal finance discussion will need to be held by KP Law. Best to be done now as the appeal timeframe lapses in May 2022. A fiscal agent needs to be designated prior to May 2022 to be ready for that timeframe. The only risk that was noted in making this determination was that if talks break down, KP Law will no longer be able to represent each of the towns as their town counsel. All present concurred that it was unlikely that the Towns of Lenox, Great Barrington and Sheffield would be unable to maintain discussions with regard to ROR, however, the Board agreed that should talks break down among the various towns, KP Law will no longer represent the group of towns of Lenox, Great Barrington and Sheffield.

MOTION by EL, seconded by DR to approve the passage of a vote on a determination pursuant to Rule 1.7 of Mass Rules of Prof. Conduct that the Select Board of Lenox consents to KP Law, PC representing Lenox with regard to the disbursement of settlement funds and creation of reserve funds as disclosed by a letter to the town dated March 28, 2022, notwithstanding that KP Law also serves as Town Counsel for the Towns of Sheffield and Great Barrington. 4/0 vote.

Meeting adjourned at 3:20pm.

Minutes Taken By: _____	Minutes Accepted By: _____
Marybeth Mitts, Chair	Clerk
Board of Selectmen	Board of Selectmen