

To: Town Representatives and Town Meeting Members *ex officio*

From: Bob Nason, Town Administrator

Date: January 13, 2010

Re: January 28, 2010 (FY2010) Special Town Meeting Warrant

This memorandum conveys additional information about the articles appearing on the January 28, 2010 Special Town Meeting. This memorandum and the special town meeting warrant are posted on the municipal web site, lee.ma.us.

Article 1. Tyringham Road Reconstruction Easements

Twenty-two small (+/- 200 square feet) drainage easements and one temporary construction easement are required for the partial reconstruction and re-paving of Tyringham Road from Pleasant Street (Route 102) to the Tyringham border, a distance of approximately 1.85 miles. The estimated \$4 Million dollar construction cost will be paid with state or federal funding administered by the Massachusetts Highway Department. The construction plans are 75% complete and we hope to have the project ready for bidding before springtime. The project is listed on the regional Transportation Improvement Plan among projects for which there is no funding at this time. However, we plan to have the project ready in the event that there is additional funding available from the American Recovery and Reinvestment Act, or any other federal or state source.

Article 2. Downtown Property Acquisition (2/3 vote)

This article enables the Select Board to acquire the Bull's Eye Pub for additional off street parking downtown and for possible redevelopment with the surrounding Town owned property. Timothy and Diane Shepardson have agreed to remove all commercial and personal property and to secure the premises, including boarding the windows and doors, prior to the closing. We will pursue grants to demolish the structure and further expand the parking area. The Stabilization Fund amounts to \$1,577,000.

Article 3. Parking Facilities Location Bylaw Revision (2/3 vote)

At the recommendation of the Planning Board, this article increases the requirement of not more than 200 feet to 300 feet.

Article 4. Local Room Occupancy Excise Increase

This article will increase the local room occupancy excise from 4% to 6% percent effective April 1, 2010. The Commonwealth collects a 5.7% room occupancy tax. Based on fiscal year 2009 (ended June 30, 2009) receipts, this two percent increase will generate an additional \$75,000, thereby increasing annual local room occupancy receipts to \$225,000.

Article 5. Local Meals Excise

This article establishes effective April 1, 2010, a new .75 percent (\$0.075 per \$10.00) excise on local sales of meals at restaurants or other establishments that serve meals. The Commonwealth collects a 6.25% sales tax on meals. Based on the Department of Revenue estimate, this new local excise will generate approximately \$147,000.

Article 6. Acceptance of Fox Run as a Public Way

At the request of the developer of the subdivision, Fox Real Estate, Inc., and with the recommendation of the Board of Public Works, this article accepts Fox Run as a public way.

Article 7. Adaptive Reuse Overlay District (AROD) Amendment (2/3 vote)

At the recommendation of the Planning Board, this article changes the Adaptive Reuse Overlay District to include private buildings that are over 10,000 square feet.

**Article 8. Payment for Services Rendered in Prior Fiscal Years (08 & 09)
(9/10 vote)**

At the request of the local vendor, this article authorizes payment for services rendered in fiscal year 2008 (\$246) and 2009 (\$676).

Article 9. Water Treatment Plant Alternative Energy and Energy Efficiency Measures, State Revolving Loan Program Borrowing Authorization Increase (2/3 vote)

This article increases the State Revolving Loan borrowing authorization for the drinking water treatment plant "Green Infrastructure" project by \$369,000 or from the \$801,000 to \$1,170,000. The Commonwealth will be forgiving the loan by applying its American Recovery and Reinvestment Act funding. The borrowing authorization increase will enable the Town to receive additional funding, if available, to install a ground-mounted photovoltaic array on the slope adjacent to the water treatment plant. While the existing authorization is sufficient for a photovoltaic installation on the roof of the plant and to make other renewable energy and energy efficiency improvements, it is insufficient for the ground-mounted photovoltaic array for which bids have been received.