

WARRANT

COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, S.S.

To any of the Constables of the Town of Lee, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify all of the inhabitants of the Town of Lee, qualified to vote in Town Affairs, to met at the **Lee Middle/High School Auditorium on Thursday, May 11, 2006 at the hour of 7:30 p.m.** in the evening, for the purposes then and there, to take action upon the following Articles, namely:

ANNUAL TOWN MEETING WARRANT ARTICLES

Article 1. Town Reports

To receive the reports of the Selectmen, Town Accountant and the other officers, boards, commissions and committees of the Town.

Article 2. FY07 Operating Budgets

sums of money for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes in relation thereto.

GENERAL GOVERNMENT				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FIN. COMM. RECOMM. FY2007
114 MODERATOR				
Personnel	150.00	150.00	150.00	150.00
Expenses	0.00	0.00	0.00	0.00
TOTAL 114	150.00	150.00	150.00	150.00
122 SELECTMEN				
Personnel	33,010.00	36,693.00	37,993.00	37,993.00
Expenses	3,620.00	3,620.00	3,495.00	3,495.00
TOTAL 122	36,630.00	40,313.00	41,488.00	41,488.00
123 TOWN ADMINISTRATOR				
Personnel	63,231.00	74,071.00	77,033.00	77,033.00
Expenses	1,881.94	3,370.00	3,370.00	3,370.00
TOTAL 123	65,112.94	77,441.00	80,403.00	80,403.00

GENERAL GOVERNMENT				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FIN. COMM. RECOMM. FY2007
131 FINANCE COMMITTEE				
Personnel	0.00	0.00	0.00	0.00
Expenses	155.00	350.00	350.00	350.00
TOTAL 131	155.00	350.00	350.00	350.00
135 TOWN ACCOUNTANT				
Personnel	37,851.10	42,569.00	44,216.00	44,216.00
Expenses	36,584.13	26,220.00	24,573.00	24,573.00
TOTAL 135	74,435.23	68,789.00	68,789.00	68,789.00
141 ASSESSORS				
Personnel	69,508.73	74,164.00	76,787.00	76,787.00
Expenses	9,812.96	14,692.00	15,075.00	15,075.00
TOTAL 141	79,321.69	88,856.00	91,862.00	91,862.00
145 TREASURER				
Personnel	36,085.83	39,520.00	41,100.00	41,100.00
Expenses	6,779.64	6,931.00	7,023.00	7,023.00
TOTAL 145	42,865.47	46,451.00	48,123.00	48,123.00
146 COLLECTOR				
Personnel	54,053.68	59,060.00	60,912.00	60,912.00
Expenses	12,780.67	12,605.00	12,758.00	12,758.00
TOTAL 146	66,834.35	71,665.00	73,670.00	73,670.00
151 TOWN COUNSEL				
Personnel	23,041.00	23,700.00	24,616.00	24,616.00
Expenses	620.05	4,000.00	4,000.00	4,000.00
TOTAL 151	23,661.05	27,700.00	28,616.00	28,616.00
155 INFORMATION TECHNOLOGIES				
Personnel	6,080.00	10,440.00	10,861.00	10,861.00
Expenses	7,447.00	7,138.00	6,933.00	6,933.00
TOTAL 155	13,527.00	17,578.00	17,794.00	17,794.00
156 LAND USE ASSISTANT				
Personnel	17,390.63	18,990.00	19,733.00	19,733.00
Expenses	0.00	0.00	0.00	0.00
TOTAL 156	17,390.63	18,990.00	19,733.00	19,733.00

GENERAL GOVERNMENT				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FIN. COMM.
	FY05	FY06	FY2007	RECOMM.

FY2007

161 TOWN CLERK

Personnel	39,227.77	37,638.00	39,450.00	39,450.00
Expenses	1,315.31	1,497.00	1,745.00	1,745.00
TOTAL 161	40,543.08	39,135.00	41,195.00	41,195.00
163 LICENSING/REGISTRATION				
Personnel	4,067.00	2,700.00	5,100.00	5,100.00
Expenses	4,526.85	3,490.00	6,105.00	6,105.00
TOTAL 163	8,593.85	6,190.00	11,205.00	11,205.00
171 CONSERVATION COMMISSION				
Personnel	0.00	0.00	0.00	0.00
Expenses	385.06	700.00	700.00	700.00
TOTAL 171	385.06	700.00	700.00	700.00
175 PLANNING BOARD				
Personnel	0.00	0.00	0.00	0.00
Expenses	2,606.55	2,875.00	2,875.00	2,875.00
TOTAL 175	2,606.55	2,875.00	2,875.00	2,875.00
176 ZONING BOARD				
Personnel	0.00	0.00	0.00	0.00
Expenses	1,154.10	1,460.00	1,460.00	1,460.00
TOTAL 176	1,154.10	1,460.00	1,460.00	1,460.00
188 LEE C.D.C.				
Personnel	0.00	0.00	0.00	0.00
Expenses	500.00	500.00	500.00	500.00
TOTAL 188	500.00	500.00	500.00	500.00
195 TOWN REPORTS				
Personnel	0.00	0.00	0.00	0.00
Expenses	3,750.00	4,000.00	4,000.00	4,000.00
TOTAL 195	3,750.00	4,000.00	4,000.00	4,000.00
196 OFFICE EQUIP. MAINTENANCE				
Personnel	0.00	0.00	0.00	0.00
Expenses	10,179.47	11,000.00	11,000.00	11,000.00
TOTAL 196	10,179.47	11,000.00	11,000.00	11,000.00

197 STAFF DEVELOPMENT				
Personnel	0.00	0.00	0.00	0.00
Expenses	329.00	1,500.00	1,500.00	1,500.00
TOTAL 197	329.00	1,500.00	1,500.00	1,500.00
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TOTAL GENERAL GOVERNMENT	488,124.47	525,643.00	545,413.00	545,413.00

PUBLIC SAFETY				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FINANCE COMMITTEE RECOMM. FY2007
210 POLICE				
Personnel	708,471.18	733,548.00	770,234.00	770,234.00
Expenses	58,017.41	51,100.00	56,800.00	56,800.00
TOTAL 210	766,488.59	784,648.00	827,034.00	827,034.00
221 FIRE DEPARTMENT				
Personnel	14,117.23	16,238.00	17,008.00	17,008.00
Total Expenses	53,923.06	52,429.00	54,987.00	54,987.00
TOTAL 221	68,040.29	68,667.00	71,995.00	71,995.00
241 BUILDING INSPECTOR				
Personnel	55,455.75	59,796.00	61,601.00	61,601.00
Total Expenses	3,901.32	4,145.00	5,375.00	5,375.00
TOTAL 241	59,357.07	63,941.00	66,976.00	66,976.00
242 GAS INSPECTOR				
Personnel	4,221.00	4,221.00	4,221.00	4,221.00
Total Expenses	391.64	660.00	825.00	825.00
TOTAL 242	4,612.64	4,881.00	5,046.00	5,046.00
244 SEALER/WEIGHTS MEAS.				
Personnel	4,770.00	4,770.00	4,770.00	4,770.00
Total Expenses	137.59	700.00	450.00	450.00
TOTAL 244	4,907.59	5,470.00	5,220.00	5,220.00
245 WIRING INSPECTOR				
Personnel	5,547.36	5,548.00	5,548.00	5,548.00
Total Expenses	699.24	700.00	800.00	800.00
TOTAL 245	6,246.60	6,248.00	6,348.00	6,348.00
246 PLUMBING INSPECTOR				
Personnel	5,426.40	5,426.00	5,426.00	5,426.00
Total Expenses	653.60	935.00	985.00	985.00
TOTAL 246	6,080.00	6,361.00	6,411.00	6,411.00
291 CIVIL DEFENSE				
Personnel	0.00	0.00	0.00	0.00
Expenses	306.00	0.00	0.00	0.00
TOTAL 291	306.00	0.00	0.00	0.00

299 COMMUNICATIONS				
Personnel	139,395.73	144,778.00	149,706.00	149,706.00
Expenses	13,321.60	17,250.00	18,912.00	18,912.00
TOTAL 299	152,717.33	162,028.00	168,618.00	168,618.00
TOTAL PUBLIC SAFETY	1,068,756.11	1,102,244.00	1,157,648.00	1,157,648.00

EDUCATION				
CODE NUMBER	EXPENDED FY 2005	BUDGET FY 2006	REQUESTED FY 2007	FINANCE COMMITTEE RECOMM. FY 2007
300 EDUCATION				
School Committee	6,067.11	6,500.00	6,700.00	6,700.00
Superintendent's Office	214,601.18	233,441.00	239,589.00	239,589.00
Transportation	170,100.00	178,650.00	188,100.00	188,100.00
Fixed Charges	20,930.75	13,500.00	9,000.00	9,000.00
Vocational Ed	173,860.48	161,316.00	136,982.00	136,982.00
Principal Technology	131,183.57	149,282.00	162,757.00	162,757.00
Principals' Office	394,491.78	392,895.00	373,496.00	373,496.00
Instruction	3,857,999.51	3,908,839.00	4,022,703.00	4,022,703.00
Maintenance Operations	773,149.93	778,835.00	827,541.00	827,541.00
Special Education	1,193,768.10	1,244,866.00	1,407,947.00	1,407,947.00
Health	98,507.12	116,012.00	120,812.00	120,812.00
Athletics	102,218.00	107,088.00	100,000.00	100,000.00
Other Student Activities	26,384.93	35,607.00	36,460.00	36,460.00
SUBTOTAL	7,163,262.46	7,326,831.00	7,632,087.00	7,632,087.00
Less School Choice	-684,645.46	-699,206.00	-871,000.00	-871,000.00
TOTAL EDUCATION	6,478,617.00	6,627,625.00	6,761,087.00	6,761,087.00

PUBLIC WORKS				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FINANCE COMMITTEE RECOMM. FY2007
421 B.P.W. ADMINISTRATION				
Personnel	28,585.18	30,895.00	32,116.00	32,116.00
Expenses	3,071.41	3,200.00	3,200.00	3,200.00
TOTAL 421	31,656.59	34,095.00	35,316.00	35,316.00
422 HIGHWAY CONST. & MAINT.				
Personnel	114,737.60	122,427.00	129,571.00	129,571.00
Expenses	94,915.09	105,940.00	123,990.00	123,990.00
TOTAL 422	209,652.69	228,367.00	253,561.00	253,561.00
423 SNOW AND ICE				
Personnel	159,848.82	160,625.00	167,670.00	167,670.00
Expenses	154,889.47	82,970.00	82,970.00	82,970.00
TOTAL 423	314,738.29	243,595.00	250,640.00	250,640.00
424 STREET LIGHTING				

Personnel	0.00	0.00	0.00	0.00
Expenses	49,354.85	56,450.00	74,400.00	74,400.00
TOTAL 424	49,354.85	56,450.00	74,400.00	74,400.00
425 FORESTRY				
Personnel	0.00	0.00	0.00	0.00
Expenses	4,965.00	14,850.00	15,350.00	15,350.00
TOTAL 425	4,965.00	14,850.00	15,350.00	15,350.00
433 SANITARY LANDFILL				
Personnel	0.00	0.00	0.00	0.00
Expenses	7,378.23	11,100.00	12,000.00	12,000.00
TOTAL 433	7,378.23	11,100.00	12,000.00	12,000.00
654 PARKS & PLAYGROUNDS				
Personnel	2,741.71	3,155.00	6,558.00	6,558.00
Expenses	7,895.72	12,358.00	12,492.00	12,492.00
TOTAL 654	10,637.43	15,513.00	19,050.00	19,050.00
192 PUBLIC BLDGS AIROLDI BLDG				
Personnel	10,765.31	16,777.00	16,836.00	16,836.00
Expenses	19,690.32	19,750.00	25,050.00	25,050.00
TOTAL 192/193	30,455.63	36,527.00	41,886.00	41,886.00
193 PUBLIC BLDGS MEMORIAL HALL				
Personnel	12,920.91	13,267.00	14,274.00	14,274.00
Expenses	28,321.83	29,500.00	37,100.00	37,100.00
TOTAL 192/193	41,242.74	42,767.00	51,374.00	51,374.00
TOTAL PUBLIC WORKS	658,838.71	640,497.00	753,577.00	753,577.00
HUMAN SERVICES				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FINANCE COMMITTEE RECOMM. FY2007
511 BOARD OF HEALTH				
Personnel	0.00	510.00	510.00	510.00
Expenses	0.00	255.00	255.00	255.00
TOTAL 511	0.00	765.00	765.00	765.00
522 LEE REGIONAL V.N.A.				
Personnel	0.00	0.00	0.00	0.00
Expenses	20,810.00	20,810.00	20,810.00	20,810.00
TOTAL 522	20,810.00	20,810.00	20,810.00	20,810.00
523 BERKSHIRE MENTAL HEALTH				
Personnel	0.00	0.00	0.00	0.00
Expenses	2,120.00	2,120.00	2,120.00	2,120.00
TOTAL 523	2,120.00	2,120.00	2,120.00	2,120.00
540 CABLE ADVISORY COMM				
Personnel	0.00	0.00	0.00	0.00
Expenses	0.00	150.00	150.00	150.00
TOTAL 540	0.00	150.00	150.00	150.00

541 COUNCIL ON AGING				
Personnel	25,601.90	39,565.00	36,642.00	36,642.00
Expenses	12,606.65	12,952.00	17,188.00	17,188.00
TOTAL 541	38,208.55	52,517.00	53,830.00	53,830.00
542 LEE YOUTH COMMISSION				
Personnel				
Expenses				
TOTAL 542	47,537.00	47,537.00	47,537.00	47,537.00
543 VETERAN'S SERVICES				
Personnel	4,194.24	4,299.00	4,471.00	4,471.00
Expenses	17,018.53	26,437.00	26,437.00	26,437.00
TOTAL 543	21,212.77	30,736.00	30,908.00	30,908.00
TOTAL HUMAN SERVICES	129,888.32	154,485.00	156,120.00	156,120.00

RECREATION & CULTURE				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FIN COMM RECOMM. FY2007
610 LEE LIBRARY				
Personnel	125,516.00	129,078.00	134,500.00	134,500.00
Expenses	65,906.00	67,940.00	70,530.00	70,530.00
LIG/MEG GRANT	-5,654.00	-6,760.00	-7,082.00	-7,082.00
TOTAL 610	185,768.00	190,258.00	197,948.00	197,948.00
620 SANDY BEACH				
Personnel	19,019.88	20,217.00	20,887.00	20,887.00
Expenses	9,011.33	10,417.00	13,241.00	13,241.00
TOTAL 620	28,031.21	30,634.00	34,128.00	34,128.00
691 HISTORICAL COMM.				
Communications	0.00	200.00	200.00	200.00
Expenses	0.00	285.00	285.00	285.00
TOTAL 691	0.00	485.00	485.00	485.00
693 WAR MEMORIALS				
Personnel	0.00	0.00	0.00	0.00
Expenses	2,617.68	2,600.00	2,600.00	2,600.00
TOTAL 693	2,617.68	2,600.00	2,600.00	2,600.00
TOTAL RECREATION & CULTURE	216,416.89	223,977.00	235,161.00	235,161.00

DEBT SERVICE				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FINANCE COMMITTEE RECOMM. FY2007
700 DEBT SERVICE				
Retirement of Debt	540,000.00	700,000.00	715,000.00	715,000.00
Long Term Interest	504,656.26	628,061.26	586,731.00	586,731.00

Short Term Interest	28.65	2,500.00	2,700.00	2,700.00
TOTAL 700	1,044,684.91	1,330,561.26	1,304,431.00	1,304,431.00

INTERGOVERNMENTAL				
CODE NUMBER	EXPENDED FY04	BUDGET FY05	REQUESTED FY2006	FINANCE COMMITTEE RECOMM. FY2006
830 INTERGOVERNMENTAL Berk. Regional Planning Comm.	3,447.66	3,534.00	3,622.00	3,622.00
TOTAL 810	3,447.66	3,534.00	3,622.00	3,622.00

MISCELLANEOUS - (FIXED COSTS)				
CODE NUMBER	EXPENDED FY05	BUDGET FY06	REQUESTED FY2007	FINANCE COMMITTEE RECOMM. FY2007
910 EMPLOYEE BENEFITS				
911 Medicare (5173)	75,299.16	82,000.00	84,414.00	84,414.00
911 Berk County Retirement (5177)	442,878.83	470,512.00	490,738.00	490,738.00
912 Health Insurance (5171)	1,343,418.76	1,761,830.00	1,958,810.00	1,958,810.00
912 Life Insurance (5175)	15,604.55	15,160.00	14,910.00	14,910.00
912 Worker's Comp. (5176)	38,011.82	44,100.00	46,000.00	46,000.00
912 Police Medical (5177)	1,220.15	1,000.00	1,200.00	1,200.00
TOTAL 910	1,916,433.27	2,374,602.00	2,596,072.00	2,596,072.00
945 LIABILITY INSURANCE				
Gen/Prop/Vehicle Liab. (5742)	73,536.00	94,228.00	109,400.00	109,400.00
TOTAL 945	73,536.00	94,228.00	109,400.00	109,400.00
946 OTHER INSURANCES				
Police Accident (5745)	27,468.00	27,825.00	33,500.00	33,500.00
TOTAL 946	27,468.00	27,825.00	33,500.00	33,500.00
TOTAL MISCELLANEOUS	2,017,437.27	2,496,655.00	2,738,972.00	2,738,972.00

Article 3. Town Treasurer Compensation for Additional Hours

To see if the Town will vote to amend Article 2 with respect to raising and appropriating or transferring from available funds the sum of \$8,571, or any other amount, for the purpose of increasing the Town Treasurer's salary (Account 145) to compensate for a regular workweek increase from twenty-three hours to thirty hours, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 4. Information Technology Trainer Compensation for Additional Hours

To see if the Town will vote to amend Article 2 with respect to raising and appropriating or transferring from available funds the sum of \$2,539, or any other amount, for the purpose of increasing the Information Technology Trainer’s personnel expense (Account 155) to compensate for a regular workweek increase from ten to twelve hours, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 5. Reserve Fund

To see if the Town will vote to appropriate the sum of \$50,000, or any other amount, to the Reserve Fund (Account 132) for unanticipated expenses in fiscal year 2007, and to meet said appropriation, raise \$20,000, or any other amount, and to transfer from available funds \$30,000, or any other amount, or to take any other action relative thereto.

132 RESERVE FUND	Expended FY05	Budget FY06	Budget FY07
Total	26,677.19	50,000.00	50,000.00

Finance Committee recommends approval.

Article 6. Ambulance Service Budget

To see if the Town will vote to appropriate \$230,351, or any other amount, for the maintenance of the Ambulance Department (Account 231) in fiscal year 2007 and to meet that appropriation transfer from the ambulance receipts reserved for appropriation the amount of \$230,351, or any other amount, or to take any other action relative thereto.

231 AMBULANCE	Expended FY05	Budget FY06	Budget FY07
Personnel	64,953.00	71,002.00	90,520.00
Expenses	47,803.55	117,968.00	139,831.00
Total	112,756.55	188,970.00	230,351.00

Finance Committee recommends approval.

Article 7. Animal Control

To see if the Town will vote to appropriate the sum of \$19,530, or any other amount, for the maintenance of Animal Control (Account 292) in fiscal year 2007 and to meet that appropriation raise \$19,530, or any other amount, such amount to be offset by receipts of \$9,765, or any other amount, from the Town of Lenox, or take any other action relative thereto.

292 ANIMAL CONTROL OFFICER	Expended FY05	Budget FY06	Budget FY07
Personnel	9,549.02	10,150.00	14,155.00
Expenses	3,948.04	4,275.00	5,415.00
Sub Total	13,497.06	14,425.00	19,530.00
Less Other Town	-6,748.53	-7,212.00	-9765.00
Total	6,748.53	7,213.00	9,765.00

Finance Committee recommends approval.

Article 8. Sewer Department Budgets

To see if the Town will vote to appropriate the sum of \$674,289 or any other amount, for the maintenance of the Sewer Department (Accounts 440, 442 & 443) in fiscal year 2007 and to meet that appropriation raise \$674,289, or any other amount, such amount to be offset by the receipts of the Sewer Department, or to take any other action relative thereto.

440, 442, 443 SEWER DEPT.	Expended FY05	Budget FY06	Budget FY07
Personnel	183,537.62	220,243.00	228,995.00
Expenses	263,679.17	312,349.00	445,294.00
Total	447,216.79	532,592.00	674,289.00

Finance Committee recommends approval.

Article 9. Water Department Budget

To see if the Town will vote to appropriate the sum of \$918,723 or any other amount, for the maintenance of the Water Department (Account 452) in fiscal year 2007, and to meet that appropriation raise \$918,723, or any other amount, such amount to be offset by the receipts of the Water Department, or to take any other action relative thereto.

452 WATER DIST.	Expenses FY05	Budget FY06	Budget FY07
Personnel	311,934.18	320,444.00	337,047.00
Expenses	490,392.47	525,432.00	581,676.00
Total	802,326.65	845,876.00	918,723.00

Finance Committee recommends approval.

Article 10. Cemetery Budget

To see if the Town will vote to appropriate the sum of \$70,467, or any other amount, for the maintenance of the Cemetery Department (Account 491) in fiscal year

2007, and to meet said appropriation raise \$61,931, or any other amount, and transfer from the Perpetual Care Interest Account \$8,536, or any other amount, or to take any other action relative thereto.

491 CEMETERY	Expended FY05	Budget FY06	Budget FY07
Personnel	46,696.61	49,571.00	51,475.00
Expenses	15,540.85	18,860.00	18,992.00
Subtotal	62,237.46	68,431.00	70,467.00
Perpetual Care Interest	-3,000.00	-6,500.00	-8,536.00
Total	59,237.46	61,931.00	61,931.00

Finance Committee recommends approval.

Article 11. Health Department Budget

To see if the Town will vote to appropriate the sum of \$209,322, or any other amount, for the maintenance of the Health Department (Account 519) in fiscal year 2007 and to meet that appropriation raise \$209,322, or any other amount, such amount to be offset by receipts totaling \$123,708, or any other amount, from the Towns of Lenox and Stockbridge, or to take any other action relative thereto.

519 TRI-TOWN HEALTH DEPT.	Expended FY05	Budget FY06	Budget FY07
Personnel	148,542.60	157,915.00	186,478.00
Expenses	22,888.33	27,237.00	26,812.00
Subtotal	171,430.93	185,152.00	213,290.00
Less In-kind	-3,217.00	-3,217.00	-3,968.00
Subtotal	168,213.93	181,935.00	209,322.00
Less Other Towns	-100,832.75	-107,388.00	-123,708.00
Total	67,381.18	74,547.00	85,614.00

Finance Committee recommends approval.

Article 12. Salaries of Elected Officials

To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2006, or to take any other action thereto.

Finance Committee recommends approval.

Article 13. Home Composting Bins Revolving Account

To see if the Town will vote to authorize the Department of Public Works to establish a revolving fund for Home Composting Bins under the provisions of Chapter 44, Section 53E1/2, as amended by Sections 72 and 73 of the Acts of 1994, in the amount

of \$4,000, or any other amount, and that the receipts of said Home Composting Bins be designated to this account, or to pass any vote or votes relative thereto. **Finance Committee recommends approval.**

Article 14. Trolley Revolving Account

To see if the Town will vote to establish a revolving fund under the provisions of Chapter 44, Section 53E ½, as amended by Section 72 and 73 of the Acts of 1994, for the Lee Trolley fiscal year 2007 operating budget, in the amount of \$10,000, or any other amount, and that the receipts of the Trolley be designated to this account, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 15. Fire Prevention Inspection Revolving Account

To see if the Town will vote to establish a revolving fund under the provisions of Chapter 44, Section 53E ½, as amended by Section 72 and 73 of the Acts of 1994, for Fire Prevention Inspection fiscal year 2007 operating budget, in the amount of \$10,000, or any other amount, and that the receipts of the fire prevention inspection fees be designated to this account, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 16. Blanket Federal Grant Application Authorization

To see if the Town will 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, and to expend the same for purposes received without further appropriation, or to take any other action relative thereto.

Article 17. General Fund Loan Repayment from Ambulance Receipts

To see if the Town will vote to transfer from ambulance receipts reserved for appropriation to the general fund the sum of \$87,923, or any other amount, to restore funds advanced to the Ambulance Service, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 18. Ambulance Building Principal and Interest Payment

To see if the Town will vote to transfer from the ambulance receipts reserved for appropriation the sum of \$49,025, or any other amount, for the tenth of fifteen payments due on the ambulance building, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 19. Ambulance Building Repair

To see if the Town will vote to transfer from the ambulance receipts reserved for appropriation the sum of \$4,000, or any other amount, to repair the ambulance building, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 20. Ambulance Borrowing Reduction

To see if the Town will vote to amend the vote under Article 17 of the Annual Town Meeting held on May 10, 2001, by amending the amount authorized to borrow to read \$77,720, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 21. Ambulance Purchase

To see if the Town will vote to transfer from the ambulance receipts reserved for appropriation the sum of \$96,000, or any other amount, to purchase an ambulance, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 22. Second Ambulance Purchase

To see if the Town will vote to appropriate \$96,000, or any other amount, to purchase a second ambulance, and to meet that appropriation transfer from ambulance receipts reserved for appropriation \$48,000, or any other amount; and authorize the Treasurer with the approval of the Board of Selectmen to borrow under Chapter 44, Section 7, Clause 9 of the Massachusetts General Laws, \$48,000, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 23. Chamber of Commerce Advertising and Marketing Campaign

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$17,000, or any other amount, to the Lee Chamber of Commerce, for the purpose of advertising and marketing the Town of Lee, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 24. Computer Operating and Application Licenses

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$7,700, or any other amount, to purchase operating and application software for municipal computers, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 25. Copy Machine Replacement

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$9,642 or any other amount, to purchase a new copier for Memorial (Town) Hall to replace the second floor copier, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 26. Police Software Upgrade

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$46,150 or any other amount, to purchase a new police information management system, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 27. Police Cruiser Replacement

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$31,886, or any other amount, to purchase a sport utility vehicle to replace a police cruiser, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 28. Replacement Fire Hose

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$13,000, or any other amount, to purchase new fire hose, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 29. Fire Department Equipment Trailer

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$10,000, or any other amount, to purchase an enclosed trailer to carry Fire Department equipment, or to take an other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 30. Fire Station Repairs

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$7,000, or any other amount, to repair the fire stations, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 31. Lee Fire Company 150th Anniversary Parade

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$5,000, or any other amount, to support the Founders Day Parade

celebration of the Lee Fire Company's 150th anniversary. **Finance Committee recommends approval.**

Article 32. Chapter 90 Authorization

To see if the Town will vote to expend the sum of \$183,274, or any other amount, from fiscal year 2007 "Chapter 90" funds as provided by the Commonwealth to repair the Town's bridges, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 33. Road Repair and Paving

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$250,000, or any other amount, to repair and pave the Town's roads, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 34. Public Works Vehicles and Equipment

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$117,000, or any other amount, to purchase a small pick-up truck and a sidewalk plow, and to rebuild the backhoe, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 35. Public Works Pick-up Truck Transfers

To see if the Town will vote to transfer \$4,850, or any other amount, from the Water Available Surplus Account to the general fund and to transfer \$27,750, or any other amount, from the Sewer Available Surplus Account to the general fund to compensate for trucks paid for from the general funds, or take any other action relative thereto. **Finance Committee recommends approval.**

Article 36. Water Meter Installation Debt Service

To see if the Town will vote to transfer from the Water Available Surplus Account the sum of \$109,000, or any other amount, for the third of five payments due on the water meter installation borrowing, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 37. Water Treatment Plant Safety Improvements

To see if the Town will vote to transfer from the Water Available Surplus Account the sum of \$44,500, or any other amount, to modify the Water Treatment Plant to improve safety, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 38. Water Treatment Plant Access Road

To see if the Town will vote to transfer from the Water Available Surplus Account the sum of \$35,000, or any other amount, to repair the Water Treatment Plant access road, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 39. Wastewater Sludge Holding Tank Replacement

To see if the Town will vote to transfer from the Sewer Available Surplus Account the sum of \$10,000, or any other amount, to replace the Wastewater Treatment Plant sludge holding tank, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 40. Oil Tank Removals from Wastewater Pump Stations

To see if the Town will vote to transfer from the Sewer Available Surplus Account the sum of \$5,000, or any other amount, to remove underground oil tanks at five wastewater pump stations, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 41. Septic Repair Borrowing Reduction

To see if the Town will vote to amend the vote under Article 38 of the Annual Town Meeting held on May 8, 1997, by amending the amount authorized to borrow to read \$0.00, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 42. Cemetery Tree Removal

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000, or any other amount, to remove dead trees from the Fairmount Cemetery, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 43. Memorial Hall Repairs

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$23,000, or any other amount, to repair Memorial (Town) Hall, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 44. Building Department Temporary Relocation to the Airoidi Building

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$4,000, or any other amount, to temporarily relocate the Building Department from Memorial (Town) Hall to the Airoidi Building, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 45. Hyde Building Temporary Heat

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$24,000, or any other amount, to provide temporary heat to the Hyde Building, or to take any other action relative thereto. **Finance Committee does not recommend approval.**

Article 46. Athletic Field Fencing

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$10,000, or any other amount, to repair and replace fencing at the athletic field, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 47. Library Safety/Security Video Monitoring System

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$4,500, or any other amount, to install a video monitoring system at the library, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 48. Sandy Beach Drainage Improvements and Tree Removal

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$6,500, or any other amount, to make required drainage improvements at and remove dead trees from Sandy Beach, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 49. Berkshire Strategy Project

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$2,500, or any other amount, to contribute toward the funding of the Berkshire Strategy Project, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 50. James Morawiec Personal Vehicle Repair

To see if the Town will vote to raise and appropriate or to transfer from available cash the sum of \$350, or any other amount, to compensate Department of Public Works

employee James Moraweic for damage to his vehicle while parked at Fairmount Cemetery during his working hours. **Finance Committee does not recommend approval.**

Article 51. Columbia Street Zoning Boundry Change

To see if the Town will amend the zoning bylaws of the Town by deleting Section 199-6. Location of districts, and substituting the following:

199-6. Location of districts; Zoning Map.

The location and boundaries of these districts are hereby established as shown on a map entitled "Zoning Map of Lee, Massachusetts" dated April 16, 1974, and revised February 28, 1984, and revised May 27, 1992, and revised July 14, 1994, and revised February 9, 1995, and revised May 11, 1995, and revised November 22, 2004, and revised May 12, 2005, bearing the signature of the members of the Planning Board and on file in the office of the Town Clerk, which map, with all explanatory matter thereon, is hereby made a part of this chapter.

- A. Where a street constitutes a zone boundary, the center line of that street is the boundary.
or to take any other action related thereto.

Article 52. Adult Entertainment Zoning By-law

To see if the town will vote to amend its Zoning Bylaw by providing regulations in two parts governing adult uses as follows:

Part 1 - By adding the following definitions in alphabetical order to Section 199-4

1. **ADULT BOOKSTORE** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting describing or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272 Section 31.
2. **ADULT CARBARET** A night club, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features persons or entertainers who appear in a state of nudity or live performances which are distinguished or characterized by nudity, sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.
3. **ADULT CLUB** An establishment which provided live entertainment for its patrons, which includes the display of nudity, as that term is defined in Massachusetts General Laws Chapter 272, Section 31, also an establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity and sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272 Section 31.

4. **ADULT MOTION PICTURE THEATER** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.
5. **ADULT PARAPHERNALIA STORE** An establishment that has a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31
6. **ADULT USES** Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Paraphernalia Stores, and Adult Video Stores as defined in this bylaw.
7. **ADULT VIDEO STORE** An establishment having a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting , describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31
8. **SUBSTANTIAL OR SIGNIFICANT PORTION** The term “substantial or significant portion” as used for all adult uses in this bylaw shall mean twenty-five percent (25%) or more of any one or more of the following: business inventory or stock of merchandise for sale, rental, distribution, or exhibition during any period of time; annual number gross sales, rentals, or other business transactions; annual gross business revenue; hours during which the establishment is open and involved in adult uses.

Part 2 - By adding adult uses to those already allowed in the I – Industrial Zoning District by adding a new paragraph 199-16-D-3 as follows:

3. Adult uses by Special Permit from the Planning Board

a. **Purpose** - It is the purpose of this Adult Entertainment Bylaw to address and mitigate the secondary effects of adult entertainment establishments and sexually oriented businesses. Secondary effects have been shown to include increased crime, adverse impacts on the business climate, adverse impacts on property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. It is not the intent and purpose of this bylaw to legalize or in anyway encourage the sale, rental, distribution, or exhibition of obscene or other illegal activities or materials.

b. **Public Hearing** - Said permit will be considered only following a public hearing to be held within sixty-five (65) days after an application is received by the Town Clerk and the Planning Board.

c. Separation Distances - Adult uses may be permitted only when located outside an area that is situated at the following distances from the specified uses or zoning district boundaries listed below.

1. Five Hundred (500') feet from the boundary of any other adult uses.
2. Five Hundred (500') feet from any other zoning district corridor or boundary.
3. Five Hundred (500') feet from the border of any residential property.
4. Fifteen Hundred (1500') feet from the boundary of any school, child care or day care facility, or any church or place of worship.
5. Three Hundred (300') feet from the boundary of any establishment licensed under MGL Chapter 138, Section 12.

d. On Site Requirements - will be as follows;

(1) Parking will be in accordance with Article VII Off-Street Parking Section of this bylaw.

(2) All parking will be either on the side or rear of the structure.

a. Parking areas will be screened along the front and sides of the parking area with evergreens at a minimum height of six (6') feet.

b. Parking areas will be lit with all lighting to be contained on property.

(3) Screening and buffering. A five (5') foot wide landscaping buffer shall be provided along the side and rear of the property lines consisting of evergreens not less than six (6') feet in height.

(4) All building openings, entries, and windows shall be screened in such a manner as to prevent visual access from the outside of the structure into the interior of the building.

- (5) No adult use shall be allowed to display for advertising purposes any signs, placards, or other materials on the exterior of the building or in the interior of the building where they can be seen from the outside of the structure.
- (6) Each business is allowed to have one sign that is sixteen 16 square feet in size with the highest part of the sign to be no higher than six (6') feet above the ground and not closer than fifteen (15') feet from the street right of way.
 - a. Signs will be made out of wood or approved product that simulates wood and will be lit externally in such a way that all light is contained on the property.
 - b. No wording or design of the sign shall be allowed that may be construed as having "lascivious intent" as defined in MGL Chapter 272, Section 31.
- (7) The front yard dimensions shall be a minimum of one hundred (100') feet from the right of way line of the roadway.
- (8) With the exception of Adult Cabarets or Adult Motion Picture Theaters, adult uses may not exceed three thousand five hundred (3,500') feet of usable floor area.
- (9) No adult establishment use shall be allowed to disseminate or offer for sale any adult material or paraphernalia to minors.
- (10) No adult entertainment shall be allowed within a building containing other retail, consumer or residential uses.

(11) No adult entertainment use shall be allowed in a shopping center, shopping plaza or mall.

e. Application – The application under this section of the bylaw must be submitted in six (6) copies that are stamped and certified by Architect or Engineer appropriately licensed within the Commonwealth of Massachusetts.

1. Ownership and background information:
The application must include the following information

- a. Name and address of the legal owner of the adult business as well as that of the building owner.
- b. Name and address of any person having a lawful ownership, equity, or security interest in the proposed establishment.
- c. Must include a sworn statement that neither the applicant, business owner, building owner, manager, or any person having a lawful ownership equity, or security interest in the proposed establishment has never been convicted of violating provisions of MGL 119, Section 63 or MGL 272, Section 28, or received any violation notice while operating or owning any establishment licensed under MGL 138 Section 12.

2. Site plan as part of the application process must show all buildings, parking spaces, driveways, rights of way, service areas along with screening or landscaping plans.

3. Application must include the distances from the nearest of each of the uses as listed in paragraph 199-16-D-3-c of this bylaw

f. Findings – The Planning Board may impose other reasonable conditions, safeguards, and limitations based on their review of the

application.

- a. Special Permit for Adult uses will only be issued to those owners who are listed in the application.
- b. The Special Permit will not run with the land. Any change in the ownership structure will require a new Special Permit process.
- c. Any Adult Use Special Permit shall lapse within one year if the proposed structure is unoccupied or if construction has not been completed. This time period may be extended by vote of the Planning Board after a public hearing is held on this matter.

g. Severability – The provisions of this section of the bylaw are severable. In the event that any portions of this section of the bylaw is determined to be invalid for any reason, the remaining provisions shall remain in effect and in full force.

Article 53. Mutual Aid Agreements Authorization

To see if the Town will vote, pursuant to the provisions of Section 4A of Chapter 40 and Section 59A of Chapter 48 of the Massachusetts general Laws, and to accept the provisions of Section 8G of Chapter 40 of the Massachusetts General Laws, to authorize the Selectmen to enter into mutual aid agreements with other area governmental units for the provision of public health, public works, police, fire, animal control, inspectional services, emergency management and emergency medical services, in accordance with an inter-municipal mutual aid agreement to be entered into between the Town and the governmental units.