

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

From: Bob Nason, Town Administrator

Date: April 24, 2013

Re: May 9, 2013 (FY 2014) Annual Town Meeting Warrant

While much of the Annual Town Meeting warrant is self-explanatory, this memorandum and the below-mentioned spreadsheets provide additional information about the spending plan's estimated impact on the property tax for the average single family home and the town's levy limit, the operating budget increases from this fiscal year (FY 2013), as well as the special articles and their recommended funding sources. This memorandum and the annual town meeting warrant is posted on the municipal web site, www.lee.ma.us.

We have enclosed a copy of the April 24, 2013 *Preliminary Estimate of Anticipated Tax Rate Impact and Levy Limit Calculations*. Due to the estimated reduction in residential property values, this year we have included a separate *Budget Impact Analysis for the Average Single Family Home Tax Burden*. We have based our tax impact calculations on the House Ways and Means proposed \$19,853 net decrease (\$53,692 aid increase less a \$73,545 assessment increase) in state aid. As with state aid, we expect local receipts to be essentially unchanged from this fiscal year (FY 2013). We have also enclosed a copy of the April 24, 2013 *Comparison of Program Spending* which compares the FY 2014 budget requests to the amounts expended in FY 2012 and the amounts budgeted in FY 2013. The Finance Committee recommended operating budget for FY 2014 increases FY 2013 appropriations by \$140,565 or 0.8%. Including the Water, Sewer and Ambulance budgets, which are funded by fees for those services, the budget increase is \$147,186 or 0.7 %.

Unlike the period before the 2007- 2009 "Great Recession", when robust new growth spread the burden of increased fixed costs, the Board of Assessors' estimates that in FY 2014 there will be an \$18 Million decrease in real property. Since residential property values are estimated to decrease by 2.75% while commercial/industrial and personal property values are estimated to be constant, we estimate that the average single family home tax increase will be significantly less than the overall tax rate increase of 3.6 %. Specifically, we estimate that the average single family home tax burden will increase by \$27.00 or 0.8%. That compares to a \$95.00 (2.7%) increase this fiscal year (FY 2013). With respect to the levy limit imposed by Proposition 2 ½, we estimate that this spending level will be about \$1,134,781 below the limit.

FY 2012 revenue greater than our estimate, expense for operations and special projects that was less than appropriated and significant prior year reimbursements contributed \$1,256,067 to the undesignated general fund balance. The resulting certified, available fund balance is \$1,616,026, which is \$674,504 or 71% more than this time last year. In addition the Board of Assessors' released the FY 2007 overlay balance of \$54,158 which increased the available general funds to \$1,670,184. The Finance Committee's recommended transfers from these available funds amounts to \$862,328 which is \$289,765 or 48% more than the amount of available funds that were committed at the May 10, 2013 (FY 2013) Annual Town Meeting.

With estimated interest earnings and without appropriations to or from the funds, on June 30, 2013 the General Stabilization Fund balance will be \$952,810 and the Fire Truck Stabilization Fund balance will be \$106,052. With the proposed \$150,000 appropriation to the Fire Truck Stabilization Fund, that fund balance will be \$256,052. Together, the fund balances will amount to \$1,208,862 or 7% of the total operating budget excluding the enterprise and reserve revenue accounts. That is \$475,514 short of the Finance Committee's 10% target.

Council on Aging Director Gail Rothwell provided information about Article 23 and Superintendent of Public Works Christopher Pompei, P.E., supplied information for Articles 24 to 29, 31, 35 and 36. Police Chief Joseph Buffis authored the explanations for Articles 40- 42 & 50. The Planning Board wrote the explanations for Articles 51 to 55.

Article 1. Town Reports

This article appears annually, and it provides for the acceptance of the Annual Report. This edition of the Annual Report covers fiscal year 2012 (ended June 30, 2012). The report is posted on the municipal website (www.lee.me.us), and hard copies are available at the Library, the Post Offices and Town Hall.

Article 2. FY12 Operating Budgets

This article presents the FY 2013 Operating Budgets for all departments, except those presented by separate articles due to funding by multiple sources (Building Department, Fire Department, Reserve Fund, Animal Control, Cemetery and Health Department – Articles 3, 4, 5, 7, 10 and 11), solely by receipts reserved for appropriation (Ambulance Service - Article 6) or by enterprise funds (Sewer and Water - Articles 8 and 9). The proposed appropriations reflect consensus among those who manage the respective accounts and the members of the Finance Committee. The Compensation Plan, which is incorporated in this article as well as Articles 3, 4, 6, 7, 8, 9, 10 and 11, includes a 1.5% increase to steps and a 1.5% increase for those who are not scheduled for a step increase.

The collective bargaining agreements for both Highway/Cemetery & Water Distribution workers and Dispatchers expire on June 30th. Highway/Cemetery & Water Distribution worker negotiations are underway and Dispatcher negotiations are scheduled to commence on May 7th. The Police Officer collective bargaining agreement expired on June 30, 2011, and the Massachusetts Department of Labor's Joint Labor Management Committee is mediating to facilitate a successor agreement.

The Fiscal Year 2014 Compensation Plan recommended by the members of the Personnel Board and incorporated in the Fiscal Year 2014 budget requests increases each of the 12 compensation steps by 1.5%, and provides a 1.5% increase for those who are not scheduled to receive a step increase. There are no additional full or part-time positions included in the FY 2014 operating budgets. Moreover, we expect to reorganize the Collector's and Treasurer's offices when long-serving Collector Janice Smith retires at the end of 2013. This summer, staff from the Massachusetts Department of Revenue's Division of Local Services will review our plan to

consolidate the Treasurer and Collector positions; and, with the approval of the Select Board we will implement the change in January 2014. Subject to Town Meeting approval, the Fire Chief's stipend will increase from \$4,912 to \$17,945. Subject to Personnel Board and Town Meeting approval, the Veterans' Agent stipend will rise from \$4,947 to \$8,368. The Fire Chief's increase will be absorbed in the Fire Department's level funded stipend budget line item, and the Veterans Agent increase is included in the Veterans Service budget increase. In addition to the modest increases in employee compensation, there are other factors, such as the increased costs of software licensing and maintenance fees, insurance and fuel, are driving the operating budget increases.

While a dramatic rise in the number of veterans or their survivors requiring assistance has increased the Veterans benefits expense from \$28,000 to \$78,700, the Town will be reimbursed 75% of the actual amount expended. The steady and significant budget increases for employee benefits in FY 2012 (+\$288,633) and FY 2013 (+\$151,541) have been reversed in FY 2014. With the unanimous support of the school and municipal collective bargaining groups, health insurance plan design and premium plan contribution changes will save about \$114,000. A drop in anticipated retirements will reduce our health insurance expense by another \$80,000. Overall, in FY 2014 the amount budgeted for employee benefits will decrease by nearly \$158,000.

Article 3. Building Inspector Budget

This operating budget is broken out from Article 2, because it is funded in part by receipts reserved for appropriation. Fines from civil citations, which by state statute (M.G.L. C 148A S. 5) must be earmarked for enforcement, training, education and the hearings officer, are allocated to this budget.

Article 4. Fire Department Budget

This operating budget is broken out from Article 2, because it is funded in part from available funds. An amount equal to the anticipated unused portion of the stipend line item is funded from available cash to avoid raising funds for unlikely expenses.

Article 5. Reserve Fund

This operating budget is broken out from Article 2, because it is funded in part from available funds.

Article 6. Ambulance Service Budget

This article presents the Ambulance Service operating budget that is funded by fees for services reserved for appropriation. We have sufficient receipts in hand to fund the recommended operating budget and the ambulance garage roof replacement (Article 21).

Article 7. Animal Control Budgets

This operating budget has been broken out from Article 2 to record the total cost of the department and the Town of Lenox's half of the funding.

Article 8. Sewer Department Budgets

This article presents the Sewer Department budgets that are funded by sewer receipts and the Sewer Enterprise Fund balance which is \$2,486,958. We anticipate that the FY 2014 fees will amount to \$1,807,926, thereby necessitating a \$332,920 transfer from the fund balance to meet operating expenses. After that transfer, a transfer of \$113,709 to supplement the FY 2013 receipts, and transfers of \$100,000 to replace the four sewer pump station generators (Article 35) and \$20,000 to replenish the extraordinary repairs account (Article 36), there will be an enterprise fund balance of about \$1,920,329. Allowing for a \$200,000 reserve, at the FY 2014 rate of subsidy the fund balance will be depleted in about five years or by 2019, rather than 2027 as was initially planned.

Article 9. Water Department Budget

This article presents the Water Department budget that is funded by water receipts. The Water Enterprise Account balance is \$372,200. After transferring \$10,000 to purchase a pickup truck from the Highway/Cemetery Division (Article 29), \$26,000 to replenish the extraordinary repairs account (Article 31), \$65,250 to service the debt (5th of 5 payments) for the Washington Mountain Road water main replacement project (Article 32), \$65,000 to service the debt (1st of 5) for the water tank painting project (Article 33) there will be a balance of about \$181,000, which includes a \$100,000 reserve.

Article 10. Cemetery Budget

This article presents the Cemetery Department budget and its funding sources. By the end of the current fiscal year, the Perpetual Care Interest Account will have a balance of \$1,100 to support the maintenance of the cemetery. That amount is \$650 or 37% less than the amount contributed this current fiscal year.

Article 11. Health Department Budget

This operating budget has been broken out from Article 2 to record the total cost of the department and the funding from the Towns of Lenox (\$87,686) and Stockbridge (\$39,458).

Article 12. Community Health Programs

This article presents a new Health and Human Services budget item in response to Community Health Programs' December 19, 2012 request to the Finance Committee. A copy of that letter is attached to this memorandum. When notified that the Finance Committee had recommended a lower amount, Chief Executive Officer Bryan Ayars reduced his request from \$5,000 to \$1,000.

If approved, future Community Health Programs' budget requests will appear in Article 2 with the other operating budget requests.

Article 13. Salaries of Elected Officials

Required by state statute, this article reaffirms the amounts appropriated in Article 2 for the Moderator and the Select Board.

Article 14. Revolving Fund Accounts

The routine reauthorization of two revolving accounts is consolidated into one article. Those accounts are the following:

Home Composting Bins Revolving Account

The Composting Bin Revolving Account is used to buy bins for resale, at a thirty-three percent (33%) discount, to residents. In 2002 the Massachusetts Department of Environmental Protection awarded the Town a \$3,800 Municipal Recycling Grant that provided 100 bins valued \$38 each. The Town sells those bins for \$25 and places the proceeds in this revolving account for the purchase of additional bins when the current supply is exhausted. This fiscal year we received a \$750 Sustainable Materials Recovery Program grant to buy 40 additional bins. There was \$ 1,242 in this account on July 1, 2011 and during the fiscal year ended June 30, 2012 (FY 2012) receipts amounted to \$ 125 and there were no expenditures. Therefore, there was an opening balance of \$ 1,367 on July 1, 2012, the beginning of the current fiscal year.

Fire Prevention Inspection Revolving Account

The Fire Prevention Inspection Revolving Account is used to collect fees for fire prevention inspections and to compensate the inspectors. There was \$12,526 in this account on July 1, 2011 and during the fiscal year ended June 30, 2012 (FY 2012) receipts amounted to \$6,130 and compensation for the fire prevention inspectors amounted to \$3,833. Therefore, there was an opening balance of \$14,823 on July 1, 2012, the beginning of the current fiscal year.

In light of the Fire Prevention Inspection Revolving Account's FY 2013 opening balance, we have added language to revert to the General Fund end of the fiscal year account balances in excess of the amounts authorized.

Article 15. Tobacco Retailer Training Certification Revolving Account

The Tobacco Retailer Training Certification Revolving Account is used to collect fees for the training program and to pay the costs of offering it. There was \$10,080 in this account on July 1, 2011 and during the fiscal year ended June 30, 2012 (FY 2012) receipts amounted to \$6,525.

Expenditures amounted to \$5,142. Therefore, there was an opening balance of \$11,463 on July 1, 2012, the beginning of the current fiscal year.

Article 16. Blanket Grant Application Authorization

This article appears annually and eliminates the need to conduct a Town Meeting before a grant application is submitted.

Article 17. Actuarial Analysis of Post-retirement Benefit Liability

The Government Accounting Standards Board (GASB) having determined that Other Post Employment Benefits (OPEB) are a part of the compensation that employees earn each year, and as such, should be accounted for as a liability on a municipality's year-end financial statements, an actuarial valuation was first conducted in November 2008. The most recent valuation determined that as of July 1, 2010 our actuarial accrued liability for current retirees and their beneficiaries and dependents and current active employees amounted to \$19,257,819 GASB requires us to update the actuarial valuation every three years.

Since we principally fund OPEB costs as we go and it is unlikely that we will go out of business, this liability is principally a bond rating agency concern. Inasmuch as bond rating agencies weigh a community's acknowledgement of this liability and its effort, no matter how small, to address it, the May 14 2009 (FY 2010) Annual Town Meeting authorized the creation of an Other Post-Employment Benefits Liability Trust Fund to receive funds from the federal Medicare program covering retiree drug costs (Medicare Part D). With interest earned the trust balance was \$190,770 on June 30, 2012.

Article 18. School Medicaid Reimbursement Agent Fee

This article funds the fee (5% of the amount generated) we will pay the Lower Pioneer Valley Educational Collaborative to process claims for Medicaid reimbursement for services provided at Lee public schools. For the three most recent, complete fiscal years (FY 2010 to FY 2012) the town received an average of \$65, 240, exclusive of extraordinary American Recovery and Reinvestment Act reimbursements amounting to \$25,214. Funding (\$5,000) for these fees was last appropriated at the May 12, 2011 (FY 2012) Annual Town Meeting.

Article 19. Middle and High Gym Roof Replacement

At the request of the School Committee this article funds the replacement of the Lee Middle and High School Roof which was not replaced when the school was renovated and expanded over a decade ago.

Article 20. Middle and High School Network Switch Replacements (2)

At the request of the School Committee, this article provides funding to replace two network switches. The switches are well beyond their expected life, and the equipment is no longer supported by the manufacturer.

Article 21. Ambulance Building Roof Replacement

At the request of the Ambulance Service, this article provides funding to repair the slate roof and replace the membrane on the two flat roofs.

Article 22. Replacement Fire Truck Funding Installment

At the request of the Fire Department, this article provides the sixth appropriation to the Fire Engine Special Stabilization Fund. Last year we increased the amount of the annual appropriation by \$50,000 to \$150,000, because the estimated rate of the annual price increase had doubled from 4% to 8%. By Town Meeting we expect to receive the new fire truck that we purchased for \$447,000 to replace a 1988 pumper which has reached the end of its expected twenty-five year useful life. With that purchase and the proposed \$150,000 appropriation to the Fire Truck Stabilization Fund, the fund balance will be \$256,052. Scheduled appropriations of \$150,000 in FY 2015 and FY 2016 should be sufficient to purchase a new pumper to replace the 1991 pumper in 2016, when it reaches the end of its expected useful life.

Article 23. Council on Aging Vehicle Replacement

At the request of the Council on Aging this article provides funding to replace the Council's 1999 Ford Taurus which is used to bring local elders to medical appointments in Stockbridge, Great Barrington, Lenox and Pittsfield. The vehicle has been driven more than 103,500 miles.

Article 24. Road Repair and Paving

At the request of the Department of Public Works this article provides funding to repair and pave roadways. In addition to the appropriation, this article authorizes the Select Board to use the forthcoming (FY 2014) allocation of state transportation funds designated for local use ("Chapter 90" funding) for these repairs and paving. The estimated FY 2014 Chapter 90 apportionment is \$298,869, the same amount as the current year. However, that amount may be increased with the enactment of a new bond bill.

Roads are paved in accordance with the Berkshire Regional Planning Commission's road conditions assessment and the Board of Public Works' assessment of traffic load and economic impacts. The 2013 plan includes repaving Prospect Street and the portion of West Park Street from Prospect to Fairview Streets. Additionally, \$50,000 has been reserved for chip sealing Beartown Mountain Road, West Pine Street and Fernside Road which was postponed last year and approximately \$25,000 will be spent to crack seal various roadways.

For fiscal years 2004 to 2007, Chapter 90 funding was reserved to repair the town's 15 1/2 bridges. Together with a 2004 appropriation, at the beginning of the current fiscal year there was a designated balance of over \$900,000 for these repairs. Since then we have expended \$126,000 to design and install a temporary bridge on Meadow Street over Powder Mill Brook. The bridge is on loan from the Massachusetts Department of Transportation (MassDOT) which committed to provide funding for the permanent replacement bridge, provided that we pay for the associated

design work to which we have committed about \$119,000. We have also committed about \$55,000 for the design of repairs to the Willow Street Bridge. More than half of the remaining \$600,000 which is uncommitted may be expended on the repair of that bridge. Unless significant state funding is forthcoming, we may have to consider once again reserving Chapter 90 funding for bridge repairs.

Construction plans for the \$6.4 million reconstruction of Tyringham Road from Pleasant Street (Route 102) to the Tyringham town line are complete and most of the required 18 permanent, drainage easements and the 45 temporary, construction easements have been donated by 24 of 26 abutters. We anticipate WMECO to grant us a license by the end of April and we expect to obtain the remaining easements by the end of May. MassDOT plans to bid the project in June and work could begin at the Tyringham end of the project this fall. Meanwhile, with Town Meeting approval (Article 34) we will replace the water main that runs for about 1,000 feet from Route 102 toward Tyringham

Article 25. Mid-size Dump Truck with Sander and Plow

At the request of the Department of Public Works, this article provides funding to replace a 2002 Ford F550 dump truck with plow and sander that has reached the end of its useful life as a plow truck after traveling over 55,600 miles.

Article 26. Pickup Truck with Plow

At the request of the Department of Public Works this article provides funding to purchase for the Highway/Cemetery Division a Ford 150 pickup truck with plow to replace a 2008 Ford Ranger that has traveled about 51,000 miles. With Town Meeting approval (Article 29), the Ranger, which has been well maintained, will be transferred to the Water Division.

Article 27. Replacement Lawn Mower for Cemetery and Playing Fields

At the request of the Department of Public Works, this article provides funding to replace a mower that is ten years old and shows signs (“blow back”) of a failing engine.

Article 28. Main Street Reconstruction Design

At the request of the Department of Public Works, this article provides an installment toward the estimated \$800,000 cost to design the reconstruction of Main Street from Canal to Park Streets. The work will include new water and sewer lines, drainage structures and, where necessary, sidewalk replacement. The infrastructure design work, may lead to economic development or other grant funding for the reconstruction.

Article 29. Pickup Truck Transfer from Highway Division to Water Division

As noted above (Article 26), at the request of the Department of Public Works this article provides funding from the Water Enterprise Fund to purchase the surplus 2008 Ford Ranger from the Highway/Cemetery Division. With this additional vehicle, the Water Division can limit the

use of its 2003 Ford 350 utility/crane truck which has traveled more than 114,000 miles, and thereby extend its useful life for another year.

Article 30. Upper Reservoir Boundary Survey

At the request of the Leahey Family Trust, this article provides funding from the Water Enterprise Fund to restore the boundary markers that were lost in the 1960's when the Town improved the Upper Reservoir dam. The Capital Outlay's recommended approval is contingent upon the installation of permanent markers rather than iron rods.

Article 31. Water Plant and Distribution System Extraordinary Repairs

At the request of the Department of Public Works, this article provides funding from the Water Enterprise Fund to make major, unanticipated repairs and improvements to the water treatment plant and distribution system. Together with prior appropriations there will be about \$50,000 to cover future unforeseen expenditures.

Article 32. Water Distribution System Improvements Debt Service

At the request of the Department of Public Works this article provides funding from the Water Enterprise Fund to pay the fifth and final installment on a \$300,000 loan that was borrowed to replace the water main that services Washington Mountain Road.

Article 33. Water Tank Cleaning and Painting Project Debt Service

At the request of the Department of Public Works this article provides funding from the Water Enterprise Fund to pay the first of five installments on a \$300,000 loan that was borrowed to seal the inside and paint the outside of the South Lee water storage tank.

Article 34. Tyringham Road Water Main Replacement Project Borrowing Authorization

At the request of the Department of Public Works, this article authorizes the Treasurer, with the approval of the Select Board, to borrow \$300,000 for public bidding and construction to replace the water main that runs for about 1,000 feet from Route 102 toward Tyringham before the road is reconstructed by MassDOT. The project will be ready to bid by the end of July and construction should be complete before the onset of winter. The first of five repayments of this loan will not be due until FY 2015 by which time one (see Article 32) of the two similar loans will be repaid.

Article 35. Sewer Pump Station Emergency Generators

At the request of the Department of Public Works this article provides funding from the Sewer Enterprise Fund to replace the emergency generators at the four sewer pump stations when they fail. The generators have reached the end of their useful life, and we must have funds readily available to replace them without delay.

Article 36. Sewer Plant and Collection System Extraordinary Repairs

At the request of the Department of Public Works, this article provides funding from the Sewer Enterprise Fund to make major, unanticipated repairs and improvements to the wastewater treatment plant and collection system. Together with prior appropriations there will be about \$50,000 to cover future unforeseen expenditures.

Article 37. Chamber of Commerce Advertising and Marketing Campaign

At the request of the Chamber of Commerce, this article provides the Chamber funds to advertise and market the Town of Lee. The amount requested is the same as the current fiscal year and it is equal to 8.5% of the \$217,653 room tax receipts for FY 2012, the most recent, complete fiscal year. For the first three quarters of the current fiscal year we have received 153,290.

Article 38. Chamber of Commerce Gateway and Downtown Beautification

At the request of the Chamber of Commerce and with the approval of the Department of Public Works (DPW), this article continues the transfer of responsibility and funding for the maintenance of plantings and the appearance along the public way from the turnpike to the Laurel Street Bridge from the DPW to the Chamber. The transfer was initiated in FY 2012, and by all reports it has been a success.

Article 39. “Rest of River” Cleanup Economic Damages Defense Fund

At the request of the Select Board, this article provides funding to retain an agent to assist the six “Rest of River” communities along the Housatonic River to obtain financial assistance from General Electric Company to mitigate the effects of its anticipated cleanup of the river. According to the *Cleanup of the Housatonic “Rest of River” Socioeconomic Impact Study*, a report commissioned by the U S Environmental Protection Agency, the socio economic impacts to the region due to cleanup activities could be substantial. Based on the report the impacts could exceed \$500 Million, if a moderate cleanup occurs over a span of fourteen years.

Article 40. Police Ballistic Vest Replacements

At the request of the Police Department, this article provides funds to purchase ballistic vests. The vests currently in use are over 6 years old and the National Institute of Justice, (the standards setting agency) recommends vest replacement after 5 years of use. A state grant may provide partial reimbursement of \$4,244.

Article 41. “Reverse 911” Like System

At the request of the Police Department, this article provides funds to implement a “Reverse 911” type system that would alert all town residents of an emergency. The system could be used to alert only certain areas of town in the event of a water break, road blockages or other hazards limited to a specified area. The system has the capability to notify residents via landline phone,

cell phone, smart phone, tablets, internet or all of these options. This is an “opt in” system which residents would sign up to be a part. The Town of Lee received a \$2,500.00 grant from the Massachusetts Emergency Management Agency to partially off-set the first year. The second year and ongoing renewal costs may be an eligible “911” grant expense

Article 42. Emergency Management Supplies, Cots, Blankets, etc

At the request of the Emergency Management Director, this article provides funding to accommodate residents if they are forced to seek shelter at the elementary and/or middle and high schools.

Article 43. Laurel Lake Preservation Association’s Ongoing Lake Studies

As it has done for the past two years, the Laurel Lake Preservation Association request funds for ongoing studies of the lake required to annually drawdown the lake to combat zebra mussels and milfoil. The Town of Lenox has committed a matching amount.

Article 44. Berkshire Brownfields Program

At the request Berkshire Regional Planning Commission (BRPC), this article provides funds to offset the commission’s unreimbursed costs to administer its Brownfields Program which is otherwise funded by the U.S. Environmental Protection Agency. BRPC is seeking equal amounts of assistance from five other communities (Adams, Dalton, Great Barrington, North Adams and Pittsfield) that have benefited from and may continue to benefit from the program. Three sites in the Town of Lee have benefited from the program: a Phase I Assessment at the Eagle Mill, a Hazardous Building Materials Survey of the former Bull’s Eye Pub and Phase I & II Assessments of 25 School Street. The 25 School Street assessments led to our receipt of an EPA cleanup grant and a contingency fund commitment from BRPC. We anticipate ongoing efforts to reuse the closed paper mills will benefit from the program.

Article 45. Memorial Hall Kitchenette Improvements

At the request of municipal employees who work in Memorial (Town) Hall, this article provides funding to purchase a refrigerator and cabinet with an open shelf for an existing microwave and for associated wiring.

Article 46. Revaluation Services Agreement Extension

Requested by the Board of Assessors, this article is self explanatory

Article 47. Gas Turbine Power Plant Personal Property Tax Agreement Extension

At the request of the Board of Assessors this article fulfills a prerequisite of the Massachusetts Department of Revenue which requires Town Meeting approval of a one year extension to the FY 2011 to FY 2013 agreement between the Town, acting through the Board of Assessors, and

NAEA Energy Massachusetts, LLC, regarding the assessed valuation of a NAEA's 20MW Jet Type Gas Turbine located on Woodland Road.

Article 48. Personal Property Tax Agreement for Solar Arrays on Town Land

At the request of the Board of Assessors, this article enables the Town to enter into payment in lieu of tax agreements for large scale solar arrays, thereby providing a steady and predictable revenue stream.

Article 49. Tax Increment Finance Agreement with Boyd Technologies

At the request of the Board of Assessors the project shall be designated as a certified expansion project for the period of five (5) years. The application of the controlling business meets the requirements of 402 CMR 2.10 (3). The project as proposed is consistent with and can reasonably be expected to benefit significantly from inclusion in the Economic Opportunity Area (EOA). The project, together with all other projects previously certified and located within the same expansion project EOA or municipality will not overburden the municipality's infrastructure and utilities servicing the EOA. The project described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the expansion project ETA.

Article 50. Ice Cream Truck Vendor Licensing Bylaw

Massachusetts CMR 520:15 requires communities to now license Ice Cream Truck vendors. Attached are a proposed by-law, permit application and actual permit.

Article 51. Outdoor Recreational Uses Bylaw (2/3 Vote)

A complaint about noise was formally filed as a recreational use violation on May 9, 2012. This led to a Cease and Desist Order which was issued on June 28, 2012. An analysis of the zoning bylaws determined that the current bylaws does not allow any outdoor recreational uses anywhere in the Town of Lee.

A formal appeal of the Cease and Desist Order led to an agreement by the involved parties the Zoning Board of Appeals, the Planning Board and the Building Official that the bylaw needs to be amended to allow outdoor recreational uses. It has never been anyone's intent to disallow uses that involve games, sports, hobbies and the like.

The proposed changes to the bylaw include regulations to ensure outdoor recreational uses are in accordance with the applicable environmental and performance standards currently required by the bylaw.

Article 52. Use Regulation Bylaw Correction (2/3 Vote)

During the recodification of the zoning bylaws Section 4.1 Use Regulations in the DCBC and CBC zoning district, certain uses that were allowed by right under site plan review were changed

to requiring a special permit. This zoning amendment will reverse those unintended changes such that the below noted uses will once again be by right under site plan review. The uses are as follows:

Office, newspaper or printing establishment

Bank, without a drive-through

Hotel or motel

Restaurant, no fast food.

Any wholesale or retail business, research laboratory, service or public utility not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the customer.

Article 53. Sign Bylaw Typographical Error Correction (2/3 Vote)

This amendment is to correct a typographical error in the bylaws in Section 199-7.7 where it reads “V2” as the building setback distance and should be ½ the building setback distance.

Article 54. Planned Commercial Village Center Zoning Signage Amendment (2/3 Vote)

Banners - Simon Property Group, owner of this property, is proposing to amend the Zoning Bylaws to allow the Lee Outlets to join in themed marketing campaigns along with the rest of the centers it owns nationally. To do so, the size of the banner needs to increase from the 28 sq. ft. currently allowed to 35 sq. ft. which is standard in the industry. These marketing campaigns are exclusive to nationally recognized brands e.g. Disney, Nike, Versace, etc., but could be available to cultural/regional attractions. A banner advertising Disney or Tanglewood would be considered off-premises and thus, the request to amend the bylaw. In response to concerns about visibility from Water Street, banners would only be allowed within the center itself and not on the access road.

Directory Signs – the three directory structures on the premises are now more than 15 years old and need to be replaced. They are two sided with directional maps on both sides. As in other centers, the new directory boards would also be two sided but one side would be available first to advertise retailers on site, but then offered to off-premises national brands. The proceeds are used to offset the cost of these new structures. Again, advertising would be limited to nationally recognized brands and regional attractions so that no off premises businesses or entities in competition with Lee merchants would be allowed. This limitation would be enforceable through the permitting process.

Off-premises Signs – As the bylaws currently prohibit off-premises signs and assuming the above requests were approved, this portion of the bylaws would necessarily have to be amended to avoid conflicting provisions.

**Article 55. Medical Marijuana Treatment Center Zoning Bylaw Amendment
(2/3 Vote)**

The addition of Medical Marijuana Treatment Centers by site plan review in specific zoning districts in the Town of Lee.

Article 56. Initiative Petition for the Purchase of "Cold Spring"

The initiative petition is attached. The assessed value of the 5,625 square foot parcel is \$1,600. The Board of Public Works has determined that the spring is not needed for a town drinking water source. If operated as a drinking water source, significant initial and ongoing water quality testing will be required.

Copy with attachment:

Kathy Arment, Conservation Commission Chair
Lynn Browne, Town Accountant
Joseph Buffis, Police Chief
Doug Mann, Veterans Agent
Gail Rothwell, Council on Aging Director
Jaimy Messana, Land Use Assistant
Lisa Michaud, Ambulance Director
Sarah Navin, Board of Assessors' Clerk
Dan Paquette, Library Director
David Parker, Technology Trainer
Chris Pompei, P.E., Superintendent of Public Works
Sue Scarpa, Town Clerk
Jan Smith, Town Collector
Alan Sparks, Fire Chief
Donna Toomey, Town Treasurer
Don Torrico, Inspector of Buildings
Jim Wilusz, Tri-Town Health Department Director
Jeremia Pollard, Esq., Town Counsel
School Committee and Superintendent Jason McCandless
Finance Committee
Personnel Board
Planning Board
Board of Public Works