

**TOWN OF LEE**

**FY2014 ANNUAL TOWN MEETING**



**MAY 9, 2013 AT 7:30 PM**

**LEE MIDDLE & HIGH SCHOOL**

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 <b>Lee Middle/High School Auditorium on Thursday, May 9, 2013 at the hour of 7:30 p.m.</b> in the evening, for the purposes then and there, to take action upon the following Articles, namely:				
<b>ANNUAL TOWN MEETING WARRANT ARTICLES</b>				
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. FY14 Operating Budgets				
To see if the Town will vote to raise and appropriate or transfer from available funds any sum or 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.				
<b>GENERAL GOVERNMENT</b>				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2012	FY2013	FY2014	COMMITTEE
				RECOMMENDS
114 MODERATOR				
Personnel	150.00	150.00	150.00	150.00
Expenses	0.00	0.00	0.00	0.00
<b>TOTAL 114</b>	<b>150.00</b>	<b>150.00</b>	<b>150.00</b>	<b>150.00</b>
122 SELECTMEN				
Personnel	37,509.08	38,891.00	40,206.00	40,206.00
Expenses	4,632.34	3,875.00	3,875.00	3,875.00
<b>TOTAL 122</b>	<b>42,141.42</b>	<b>42,766.00</b>	<b>44,081.00</b>	<b>44,081.00</b>
123 TOWN ADMINISTRATOR				
Personnel	81,722.00	83,357.00	84,607.00	84,607.00
Expenses	2,431.81	3,370.00	3,370.00	3,370.00
<b>TOTAL 123</b>	<b>84,153.81</b>	<b>86,727.00</b>	<b>87,977.00</b>	<b>87,977.00</b>
131 FINANCE COMMITTEE				
Personnel	0.00	0.00	0.00	0.00
Expenses	180.33	500.00	500.00	500.00
<b>TOTAL 131</b>	<b>180.33</b>	<b>500.00</b>	<b>500.00</b>	<b>500.00</b>

<b>GENERAL GOVERNMENT</b>					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2012	FY2013	FY2014	COMMITTEE	
				RECOMMENDS	
135 TOWN ACCOUNTANT					
Personnel	54,297.10	53,007.00	45,688.00	45,688.00	
Expenses	34,957.63	34,145.00	37,167.00	37,167.00	
<b>TOTAL 135</b>	<b>89,254.73</b>	<b>87,152.00</b>	<b>82,855.00</b>	<b>82,855.00</b>	
141 ASSESSORS					
Personnel	40,647.66	42,290.00	43,566.00	43,566.00	
Expenses	49,759.01	48,150.00	48,150.00	48,150.00	
<b>TOTAL 141</b>	<b>90,406.67</b>	<b>90,440.00</b>	<b>91,716.00</b>	<b>91,716.00</b>	
145 TREASURER					
Personnel	56,538.65	58,172.00	61,564.00	61,564.00	
Expenses	12,779.47	14,995.00	16,152.00	16,152.00	
<b>TOTAL 145</b>	<b>69,318.12</b>	<b>73,167.00</b>	<b>77,716.00</b>	<b>77,716.00</b>	
146 COLLECTOR					
Personnel	64,267.43	61,103.00	62,130.00	62,130.00	
Expenses	16,176.57	17,065.00	17,565.37	17,565.37	
<b>TOTAL 146</b>	<b>80,444.00</b>	<b>78,168.00</b>	<b>79,695.37</b>	<b>79,695.37</b>	
151 TOWN COUNSEL					
Personnel	24,960.00	25,459.00	25,841.00	25,841.00	
Expenses	275.00	4,000.00	4,000.00	4,000.00	
<b>TOTAL 151</b>	<b>25,235.00</b>	<b>29,459.00</b>	<b>29,841.00</b>	<b>29,841.00</b>	
155 INFORMATION TECHNOLOGIES					
Personnel	6,537.64	8,986.00	8,724.00	8,724.00	
Expenses	30,489.07	38,980.00	39,242.00	39,242.00	
<b>TOTAL 155</b>	<b>37,026.71</b>	<b>47,966.00</b>	<b>47,966.00</b>	<b>47,966.00</b>	
156 LAND USE ASSISTANT					
Personnel	24,001.92	25,431.00	25,831.00	25,831.00	
Expenses	0.00	0.00	0	0.00	
<b>TOTAL 156</b>	<b>24,001.92</b>	<b>25,431.00</b>	<b>25,831.00</b>	<b>25,831.00</b>	
161 TOWN CLERK					
Personnel	52,634.00	55,813.00	56,619.00	56,619.00	
Expenses	2,788.41	2,005.00	1,960.00	1,960.00	
<b>TOTAL 161</b>	<b>55,422.41</b>	<b>57,818.00</b>	<b>58,579.00</b>	<b>58,579.00</b>	

<b>GENERAL GOVERNMENT</b>					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2012	FY2013	FY2014	COMMITTEE	
				RECOMMENDS	
163 ELECTIONS/REGISTRATIONS					
Personnel	3,698.00	5,300.00	2,600.00	2,600.00	
Expenses	4,952.33	9,931.00	4,795.00	4,795.00	
<b>TOTAL 163</b>	<b>8,650.33</b>	<b>15,231.00</b>	<b>7,395.00</b>	<b>7,395.00</b>	
171 CONSERVATION COMMISSION					
Personnel	0.00	0.00	0	0.00	
Expenses	229.64	700.00	700.00	700.00	
<b>TOTAL 171</b>	<b>229.64</b>	<b>700.00</b>	<b>700.00</b>	<b>700.00</b>	
175 PLANNING BOARD					
Personnel	0.00	0.00	0	0.00	
Expenses	3,109.75	8,558.00	8,558.00	8,558.00	
<b>TOTAL 175</b>	<b>3,109.75</b>	<b>8,558.00</b>	<b>8,558.00</b>	<b>8,558.00</b>	
176 ZONING BOARD					
Personnel	0.00	0.00	0.00	0.00	
Expenses	1,980.45	2,575.00	2,575.00	2,575.00	
<b>TOTAL 176</b>	<b>1,980.45</b>	<b>2,575.00</b>	<b>2,575.00</b>	<b>2,575.00</b>	
188 LEE C.D.C.					
Personnel	0.00	0.00	0.00	0.00	
Expenses	499.76	15,000.00	15,000.00	15,000.00	
<b>TOTAL 188</b>	<b>499.76</b>	<b>15,000.00</b>	<b>15,000.00</b>	<b>15,000.00</b>	
195 TOWN REPORTS					
Personnel	0.00	0.00	0.00	0.00	
Expenses	4,000.00	4,500.00	4,500.00	4,500.00	
<b>TOTAL 195</b>	<b>4,000.00</b>	<b>4,500.00</b>	<b>4,500.00</b>	<b>4,500.00</b>	
196 OFFICE EQUIP. MAINTENANCE					
Personnel	0.00	0.00	0.00	0.00	
Expenses	7,441.90	13,000.00	13,000.00	13,000.00	
<b>TOTAL 196</b>	<b>7,441.90</b>	<b>13,000.00</b>	<b>13,000.00</b>	<b>13,000.00</b>	
197 STAFF DEVELOPMENT					
Expenses	1,413.19	1,500.00	1,500.00	1,500.00	
<b>TOTAL 197</b>	<b>1,413.19</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	
<b>TOTAL GENERAL GOVERNMENT</b>	<b>498,434.58</b>	<b>550,665.00</b>	<b>681,569.00</b>	<b>680,135.37</b>	

<b>PUBLIC SAFETY</b>					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2012	FY2013	FY2014	COMMITTEE	
				RECOMMENDS	
<b>210 POLICE</b>					
Personnel	860,564.56	870,610.00	828,432.85	828,432.85	
Expenses	99,153.93	83,505.00	86,205.00	86,205.00	
<b>TOTAL 210</b>	<b>959,718.49</b>	<b>954,115.00</b>	<b>914,637.85</b>	<b>914,637.85</b>	
<b>242 GAS INSPECTOR</b>					
Personnel	4,578.00	4,670.00	4,740.00	4,740.00	
Total Expenses	389.29	575.00	575.00	575.00	
<b>TOTAL 242</b>	<b>4,967.29</b>	<b>5,245.00</b>	<b>5,315.00</b>	<b>5,315.00</b>	
<b>244 SEALER/WEIGHTS MEAS.</b>					
Personnel	4,877.00	4,975.00	5,050.00	5,050.00	
Total Expenses	347.05	350.00	350.00	350.00	
<b>TOTAL 244</b>	<b>5,224.05</b>	<b>5,325.00</b>	<b>5,400.00</b>	<b>5,400.00</b>	
<b>245 WIRING INSPECTOR</b>					
Personnel	5,997.00	6,138.00	6,230.00	6,230.00	
Total Expenses	424.45	632.00	632.00	632.00	
<b>TOTAL 245</b>	<b>6,421.45</b>	<b>6,770.00</b>	<b>6,862.00</b>	<b>6,862.00</b>	
<b>246 PLUMBING INSPECTOR</b>					
Personnel	5,885.00	6,003.00	6,093.00	6,093.00	
Total Expenses	427.50	685.00	685.00	685.00	
<b>TOTAL 246</b>	<b>6,312.50</b>	<b>6,688.00</b>	<b>6,778.00</b>	<b>6,778.00</b>	
<b>291 EMERGENCY MANAGEMENT</b>					
Personnel	1499.85	1500.00	1500.00	1500.00	
Expenses	0.00	0.00	0.00	0.00	
<b>TOTAL 291</b>	<b>1,499.85</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	
<b>299 COMMUNICATIONS</b>					
Personnel	132,497.90	170,083.00	170,634.26	170,634.26	
Expenses	21,188.80	21,000.00	21,000.00	21,000.00	
<b>TOTAL 299</b>	<b>153,686.70</b>	<b>191,083.00</b>	<b>191,634.26</b>	<b>191,634.26</b>	
<b>TOTAL PUBLIC SAFETY</b>	<b>1,137,830.33</b>	<b>1,170,726.00</b>	<b>1,132,127.11</b>	<b>1,132,127.11</b>	

<b>EDUCATION</b>					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2012	FY2013	FY2014	COMMITTEE	
				RECOMMENDS	
<b>300 EDUCATION</b>					
Fixed Charges	29,369.00	24,500.00	15,900.00	15,900.00	
School Committee	4,444.00	5,570.00	4,500.00	4,500.00	
Superintendent's Office	240,709.00	247,221.00	259,179.00	259,179.00	
Principals' Offices	400,247.00	397,122.00	411,579.00	411,579.00	
Principal Technology	268,727.00	253,948.00	297,024.00	297,024.00	
Regular Education & Transportation	4,411,951.00	4,221,686.00	4,356,409.00	4,356,409.00	
Special Education	1,799,330.00	2,025,494.00	1,906,526.00	1,906,526.00	
Vocational Ed	43,314.00	57,465.00	64,500.00	64,500.00	
Health	134,152.00	140,703.00	150,656.00	150,656.00	
Athletics	104,807.00	87,725.00	113,002.00	113,002.00	
Other Student Activities	35,386.00	34,325.00	34,325.00	34,325.00	
Maintenance & Operations	823,139.00	843,196.00	835,571.00	835,571.00	
<b>SUBTOTAL</b>	<b>8,246,778.00</b>	<b>8,449,171.00</b>	<b>8,705,175.00</b>	<b>8,705,175.00</b>	
Less School Choice	-532,822.00	-500,000.00	-500,000.00	-500,000.00	
<b>SUBTOTAL</b>	<b>7,713,956.00</b>	<b>7,949,171.00</b>	<b>8,205,175.00</b>	<b>8,205,175.00</b>	
Less Circuit Breaker	-61,000.00	-61,000.00	-61,000.00	-61,000.00	
<b>TOTAL EDUCATION</b>	<b>7,652,956.00</b>	<b>7,888,171.00</b>	<b>8,144,175.00</b>	<b>8,144,175.00</b>	

<b>PUBLIC WORKS</b>					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2012	FY2013	FY2014	COMMITTEE	
				RECOMMENDS	
421 B.P.W. ADMINISTRATION					
Personnel	37,359.87	36,324.00	37,361.00	37,361.00	
Expenses	2,864.26	4,100.00	4,100.00	4,100.00	
<b>TOTAL 421</b>	<b>40,224.13</b>	<b>40,424.00</b>	<b>41,461.00</b>	<b>41,461.00</b>	
422 HIGHWAY CONST. & MAINT.					
Personnel	155,167.62	147,496.00	148,151.00	148,151.00	
Expenses	176,656.61	167,040.00	173,040.00	173,040.00	
<b>TOTAL 422</b>	<b>331,824.23</b>	<b>314,536.00</b>	<b>321,191.00</b>	<b>321,191.00</b>	
423 SNOW AND ICE					
Personnel	176,300.01	191,892.00	192,124.00	192,124.00	
Expenses	127,413.67	215,519.00	210,677.00	210,677.00	
<b>TOTAL 423</b>	<b>303,713.68</b>	<b>407,411.00</b>	<b>402,801.00</b>	<b>402,801.00</b>	
424 STREET LIGHTING					
Personnel	0.00	0.00	0.00	0.00	
Expenses	68,572.36	73,400.00	73,400.00	73,400.00	
<b>TOTAL 424</b>	<b>68,572.36</b>	<b>73,400.00</b>	<b>73,400.00</b>	<b>73,400.00</b>	
425 FORESTRY					
Personnel	0.00	0.00	0.00	0.00	
Expenses	14,370.50	15,400.00	17,400.00	17,400.00	
<b>TOTAL 425</b>	<b>14,370.50</b>	<b>15,400.00</b>	<b>17,400.00</b>	<b>17,400.00</b>	
433 SANITARY LANDFILL					
Personnel	0.00	0.00	0.00	0.00	
Expenses	13,510.34	14,400.00	14,400.00	14,400.00	
<b>TOTAL 433</b>	<b>13,510.34</b>	<b>14,400.00</b>	<b>14,400.00</b>	<b>14,400.00</b>	
654 PARKS & PLAYGROUNDS					
Personnel	7,022.28	3,584.00	3,638.00	3,638.00	
Expenses	17,975.28	15,682.00	15,682.00	15,682.00	
<b>TOTAL 654</b>	<b>24,997.56</b>	<b>19,266.00</b>	<b>19,320.00</b>	<b>19,320.00</b>	
192 PUBLIC BLDGS AIROLDI BLDG					
Personnel	23,342.28	19,831.00	20,183.00	20,183.00	
Expenses	13,905.56	21,600.00	21,600.00	21,600.00	
<b>TOTAL 192/193</b>	<b>37,247.84</b>	<b>41,431.00</b>	<b>41,783.00</b>	<b>41,783.00</b>	
193 PUBLIC BLDGS MEMORIAL HALL					
Personnel	15,877.98	15,146.00	16,054.00	16,054.00	
Expenses	34,025.67	42,775.00	42,775.00	42,775.00	
<b>TOTAL 192/193</b>	<b>49,903.65</b>	<b>57,921.00</b>	<b>58,829.00</b>	<b>58,829.00</b>	
<b>TOTAL PUBLIC WORKS</b>	<b>884,364.29</b>	<b>984,189.00</b>	<b>990,585.00</b>	<b>990,585.00</b>	

<b>HUMAN SERVICES</b>				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2012	FY2013	FY2014	COMMITTEE
				RECOMMENDS
511 BOARD OF HEALTH				
Personnel	0.00	510.00	510.00	510.00
Expenses	0.00	255.00	255.00	255.00
<b>TOTAL 511</b>	<b>0.00</b>	<b>765.00</b>	<b>765.00</b>	<b>765.00</b>
522 LEE REGIONAL V.N.A.				
<b>TOTAL 522</b>	<b>16,387.50</b>	<b>22,943.00</b>	<b>22,943.00</b>	<b>22,943.00</b>
523 BRIEN CENTER FOR MENTAL HEALTH				
<b>TOTAL 523</b>	<b>2,184.00</b>	<b>2,184.00</b>	<b>2,866.73</b>	<b>2,866.73</b>
540 CABLE ADVISORY COMM				
Expenses	150.00	150.00	150.00	150.00
<b>TOTAL 540</b>	<b>150.00</b>	<b>150.00</b>	<b>150.00</b>	<b>150.00</b>
541 COUNCIL ON AGING				
Personnel	50,048.88	51,539.00	45,641.00	45,641.00
Expenses	19,059.34	16,750.00	17,650.00	17,650.00
<b>TOTAL 541</b>	<b>69,108.22</b>	<b>68,289.00</b>	<b>63,291.00</b>	<b>63,291.00</b>
542 LEE YOUTH ASSOCIATION				
<b>TOTAL 542</b>	<b>47,537.00</b>	<b>47,537.00</b>	<b>47,537.00</b>	<b>47,537.00</b>
543 VETERAN'S SERVICES				
Personnel	2,061.25	4,947.00	8,368.68	8,368.68
Expenses	24,471.62	28,500.00	79,200.00	79,200.00
<b>TOTAL 543</b>	<b>26,532.87</b>	<b>33,447.00</b>	<b>87,568.68</b>	<b>87,568.68</b>
<b>TOTAL HUMAN SERVICES</b>	<b>161,749.59</b>	<b>175,315.00</b>	<b>225,121.41</b>	<b>225,121.41</b>
<b>RECREATION &amp; CULTURE</b>				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2012	FY2013	FY2014	COMMITTEE
				RECOMMENDS
610 LEE LIBRARY				
Personnel	158,975.00	168,988.00	172,753.00	172,753.00
Expenses	91,182.98	89,638.00	93,636.00	93,636.00
LIG/MEG GRANT		-5,614.00	-5,784.00	-5,784.00
<b>TOTAL 610</b>	<b>250,157.98</b>	<b>253,012.00</b>	<b>260,605.00</b>	<b>260,605.00</b>
620 SANDY BEACH				
Personnel	28,023.66	31,390.00	30,989.00	30,989.00
Expenses	13,347.90	10,976.00	11,377.00	11,377.00
<b>TOTAL 620</b>	<b>41,371.56</b>	<b>42,366.00</b>	<b>42,366.00</b>	<b>42,366.00</b>
691 HISTORICAL COMM.				
Expenses	0.00	485.00	485.00	485.00
<b>TOTAL 691</b>	<b>0.00</b>	<b>485.00</b>	<b>485.00</b>	<b>485.00</b>
693 WAR MEMORIALS				
Expenses	2,200.68	2,600.00	2,600.00	2,600.00
<b>TOTAL 693</b>	<b>2,200.68</b>	<b>2,600.00</b>	<b>2,600.00</b>	<b>2,600.00</b>
<b>TOTAL RECREATION &amp; CULTURE</b>	<b>293,730.22</b>	<b>298,463.00</b>	<b>306,056.00</b>	<b>306,056.00</b>



<b>DEBT SERVICE</b>				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2012	FY2013	FY2014	COMMITTEE
				RECOMMENDS
<b>700 DEBT SERVICE</b>				
Retirement of Debt	770,000.00	805,000.00	845,000.00	845,000.00
Long Term Interest	461,558.75	433,634.00	395,434.00	395,434.00
Short Term Interest	1,750.00	2,500.00	2,500.00	2,500.00
<b>TOTAL 700</b>	<b>1,233,308.75</b>	<b>1,241,134.00</b>	<b>1,242,934.00</b>	<b>1,242,934.00</b>
<b>INTERGOVERNMENTAL</b>				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2012	FY2013	FY2014	COMMITTEE
				RECOMMENDS
<b>830 INTERGOVERNMENTAL</b>				
Berk. Regional Planning Comm.	3,805.58	3,984.00	4,084.00	4,084.00
<b>TOTAL 810</b>	<b>3,805.58</b>	<b>3,984.00</b>	<b>4,084.00</b>	<b>4,084.00</b>
<b>MISCELLANEOUS - (FIXED COSTS)</b>				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2012	FY2013	FY2014	COMMITTEE
				RECOMMENDS
<b>910 - 912 EMPLOYEE BENEFITS</b>				
911 Medicare (5173)	116,480.62	118,500.00	121,620.00	121,620.00
911 Berk County Retirement (5177)	615,951.34	645,441.00	680,261.00	680,261.00
912 Health Insurance (5171)	2,497,841.05	2,782,235.00	2,584,245.42	2,584,245.42
912 Life Insurance (5175)	13,065.95	14,239.00	14,093.00	14,093.00
912 Worker's Comp. (5176)	62,501.10	72,100.00	74,359.00	74,359.00
912 Police Medical (5177)	865.57	1,900.00	1,900.00	1,900.00
912 Medicare Part B Penalty (5179)	3,023.76	2,329.00	2,422.00	2,422.00
<b>TOTAL 910</b>	<b>3,309,729.39</b>	<b>3,636,744.00</b>	<b>3,478,900.42</b>	<b>3,478,900.42</b>
<b>945 LIABILITY INSURANCE</b>				
Liability/Property/Vehicle (5742)				
<b>TOTAL 945</b>	<b>59,107.46</b>	<b>76,328.00</b>	<b>82,818.00</b>	<b>82,818.00</b>
<b>946 OTHER INSURANCES</b>				
Police Accident (5745)				
<b>TOTAL 946</b>	<b>45,703.00</b>	<b>48,500.00</b>	<b>54,000.00</b>	<b>54,000.00</b>
<b>TOTAL MISCELLANEOUS</b>	<b>3,414,539.85</b>	<b>3,761,572.00</b>	<b>3,615,718.42</b>	<b>3,615,718.42</b>

### **Article 3. Building Department Budget**

To see if the Town will vote to appropriate the sum of \$93,785, or any other amount, for the maintenance of the Building Department (Account 241) in fiscal year 2014 and to meet that appropriation, raise \$92,885, or any other amount, and transfer from the building department receipts reserved for appropriation the amount of \$900, or any other amount, or to take any other action relative thereto.

<b>241 BUILDING DEPT.</b>	Expended FY12	Budget FY13	Request FY14
Personnel	77,493.11	80,639.00	81,840.00
Expenses	6,213.99	11,945.00	11,945.00
<b>Total</b>	<b>83,707.10</b>	<b>92,584.00</b>	<b>93,785.00</b>

**Finance Committee recommends approval.**

### **Article 4. Fire Department Budget**

To see if the Town will vote to appropriate the sum of \$162,705, or any other amount, for the maintenance of the Fire Department (Account 221) in fiscal year 2014 and to meet that appropriation, raise \$133,705, or any other amount, and transfer from available funds \$29,000, or any other amount, or to take any other action relative thereto.

<b>221 FIRE DEPARTMENT</b>	Expended FY12	Budget FY13	Request FY14
Personnel	45,241.50	94,459.00	94,459.00
Expenses	59,224.64	68,246.00	68,246.00
<b>Total</b>	<b>104,466.14</b>	<b>162,705.00</b>	<b>162,705.00</b>

**Finance Committee recommends approval.**

### **Article 5. Reserve Fund**

To see if the Town will vote to appropriate the sum of \$70,000, or any other amount, to the Reserve Fund (Account 132) for unanticipated expenses in fiscal year 2014, and to meet said appropriation, raise \$20,000, or any other amount, and transfer from available funds \$50,000, or any other amount, or to take any other action relative thereto.

<b>132 RESERVE FUND</b>	Expended FY12	Budget FY13	Request FY14
<b>Total</b>	<b>42,728.00</b>	<b>70,000.00</b>	<b>70,000.00</b>

**Finance Committee recommends approval.**

### **Article 6. Ambulance Service Budget**

To see if the Town will vote to appropriate the sum of \$432,224, or any other amount, for the maintenance of the Ambulance Department (Account 231) in fiscal year 2014 and to meet that appropriation transfer from the ambulance receipts reserved for appropriation the sum of \$432,224, or any other amount, or to take any other action relative thereto.

<b>231 AMBULANCE</b>	Expended FY12	Budget FY13	Request FY14
Personnel	208,324.49	285,521.36	299,064.00
Expenses	173,634.50	136,064.00	133,160.00
<b>Total</b>	<b>381,958.99</b>	<b>421,585.36</b>	<b>432,224.00</b>

**Finance Committee recommends approval.**

#### **Article 7. Animal Control Budget**

To see if the Town will vote to appropriate the sum of \$19,040, or any other amount, for the maintenance of Animal Control (Account 292) in fiscal year 2014 and to meet that appropriation raise \$19,040, or any other amount, such amount to be offset by receipts of \$9,520, or any other amount, from the Town of Lenox, or take any other action relative thereto.

<b>292 ANIMAL CONTROL</b>	Expended FY12	Budget FY13	Request FY14
Personnel	13,146.54	13,536.00	13,739.00
Expenses	4,211.14	5,301.00	5,301.00
<b>Sub Total</b>	<b>17,357.68</b>	<b>18,837.00</b>	<b>19,040.00</b>
Less Other Town	-9,286.00	-9,418.50	-9,520.00
<b>Total</b>	<b>8,071.68</b>	<b>9,418.50</b>	<b>9,520.00</b>

**Finance Committee recommends approval.**

#### **Article 8. Sewer Department Budgets**

To see if the Town will vote to appropriate the sum of \$2,140,846, or any other amount, for the maintenance of the Sewer Department (Accounts 440, 442 & 443) in fiscal year 2014 and to meet that appropriation raise \$1,807,926, or any other amount, such amount to be offset by the receipts of the Sewer Department, and transfer from the Sewer Enterprise Account the sum of \$332,920, or any other amount, or to take any other action relative thereto.

<b>440, 442, 443 SEWER DEPT.</b>	Expended FY12	Budget FY13	Request FY14
Personnel	299,538.00	313,459.00	330,582.00
Expenses	1,802,230.00	1,827,387.00	1,810,264.00
<b>Total</b>	<b>2,101,768.00</b>	<b>2,140,846.00</b>	<b>2,140,846.00</b>

**Finance Committee recommends approval.**

#### **Article 9. Water Department Budget**

To see if the Town will vote to appropriate the sum of \$982,613, or any other amount, for the maintenance of the Water Department (Account 452) in fiscal year 2014, and to meet that appropriation raise \$982,613, or any other amount, such amount to be offset by the receipts of the Water Department, or to take any other action relative thereto.

<b>452 WATER DIST.</b>	Expended FY12	Budget FY13	Request FY14
Personnel	366,735.98	380,650.00	383,280.00
Expenses	573,970.27	605,981.00	599,333.00
<b>Total</b>	<b>940,706.25</b>	<b>986,631.00</b>	<b>982,613.00</b>

**Finance Committee recommends approval.**

#### **Article 10. Cemetery Budget**

To see if the Town will vote to appropriate the sum of \$78,764, or any other amount, for the maintenance of the Cemetery Department (Account 491) in fiscal year 2014 and to meet said appropriation raise \$77,664, or any other amount, and transfer from the Perpetual Care Interest Account \$1,100, or any other amount, or to take any other action relative thereto.

<b>491 CEMETERY</b>	Expended FY12	Budget FY13	Request FY14
Personnel	50,565.99	52,975.00	53,758.00
Expenses	18,503.60	25,006.00	25,006.00
<b>Subtotal</b>	<b>69,069.59</b>	<b>77,981.00</b>	<b>78,764.00</b>
Perpetual Care Interest	-2,080.00	-1,750.00	-1,100.00
<b>Total</b>	<b>69,069.59</b>	<b>76,231.00</b>	<b>77,664.00</b>

**Finance Committee recommends approval.**

#### **Article 11. Health Department Budget**

To see if the Town will vote to appropriate the sum of \$215,197, or any other amount, for the maintenance of the Health Department (Account 519) in fiscal year 2014 and to meet that appropriation raise \$215,197, or any other amount, such amount to be offset by receipts totaling \$127,144 or any other amount, from the Towns of Lenox and Stockbridge, or to take any other action relative thereto.

<b>519 TRI-TOWN HEALTH</b>	Expended FY12	Budget FY13	Request FY14
Personnel	174,581.58	187,959.00	189,850.00
Expenses	36,021.58	30,664.00	29,364.00
<b>Subtotal</b>	<b>210,603.16</b>	<b>218,623.00</b>	<b>219,214.00</b>
In-kind	-4,017.00	-4,017.00	-4,017.00
<b>Subtotal</b>	<b>206,586.16</b>	<b>214,606.00</b>	<b>215,197.00</b>
Less Other Towns	-122,149.83	-126,801.34	-127,144.00
<b>Total</b>	<b>84,436.33</b>	<b>87,804.66</b>	<b>88,053.00</b>

**Finance Committee recommends approval.**

## **Article 12. Community Health Programs**

To see if the Town will vote to raise and appropriate \$1,000, or any other amount, to support Community Health Programs, Inc. in FY 2014, or to take any other action relative thereto. **Finance Committee recommends approval.**

## **Article 13. 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, 2013, or to take any other action thereto.

## **Article 14. Revolving Fund Accounts**

To see if the Town will vote to authorize the following revolving funds for the following programs and purposes:

D.P.W. Home Composting Bins	4,000
Fire Prevention Inspection	10,000

which revolving funds shall not exceed the sum of Four thousand dollars (\$4,000) for Composting Bins and the sum of Ten thousand dollars (\$10,000) for Fire Prevention Inspections, which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipts received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, Section 53E ½ of the General Laws, provided however, that said expenditures for all revolving funds shall not exceed the receipts for such funds, and further provided that at the end of the fiscal year account balances in excess of the amounts authorized revert to the General Fund, or to take any other action relative thereto.

## **Article 15. Tobacco Retailer Training Certification Revolving Account**

To see if the Town will vote to authorize the Tri-Town Health Department to establish under the provisions of Chapter 44, Section 53E ½ a revolving fund for Tobacco Retailer Certification and Training in the amount of \$10,000, and to designate to this revolving account the fees generated by the certification and training program, or to take any other action relative thereto.

## **Article 16. Blanket 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. Actuarial Analysis of Post-retirement Benefit Liability**

To see if the Town will vote to appropriate the sum of \$4,200, or any other amount, to retain an actuary to determine the Town's post-retirement health insurance benefit liability for current and future retirees in accordance with the Government Accounting Standards Board accounting statement 45 (GASB 45), and to meet that appropriation transfer \$3,700 from available funds, \$250 from the Sewer Enterprise Account and \$250 from the Water Enterprise Account, or to take any other action relative thereto. **Finance Committee recommends approval of the \$3,700 transfer from available funds. However, the Committee did not consider the other nominal transfers, because the added cost to break out the enterprise accounts liability was unknown when they last met.**

#### **Article 18. School Medicaid Reimbursement Agent Fee**

To see if the Town will raise and appropriate or to transfer from available funds the sum of \$5,000, or any other amount, to pay an agent to process requests for reimbursement from Medicaid for services provided students at Lee Public Schools, or to take any other action relative thereto. **Finance Committee recommends approval.**

#### **Article 19. Middle and High Gym Roof Replacement**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$60,000, or any other amount, to replace the Lee Middle and High School gym roof, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

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

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$38,000, or any other amount, to replace two network switches at the Lee Middle and High School, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

#### **Article 21. Ambulance Roof Replacement**

To see if the Town will vote to transfer from available ambulance receipts reserved for appropriation the sum of \$35,000, or any other amount, to replace the ambulance building roof, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

#### **Article 22. Replacement Fire Truck Funding Installment**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$150,000, or any other amount, to a Fire Engine Special Stabilization Fund, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 23. Council on Aging Vehicle Replacement**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$16,295, or any other amount, to replace the Council on Aging's transport vehicle, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 24. Road Repair and Paving**

To see if the Town will vote to expend the sum of \$298,869, or any other amount, from fiscal year 2014 "Chapter 90" funds as provided by the Commonwealth; and, to raise and appropriate or transfer from available funds the sum of \$200,000, or any other amount, for a total expenditure of \$498,869, 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 25. Mid-size Dump Truck with Sander and Plow**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$110,000, or any other amount, for the purchase of a new, mid-size dump truck with sander and plow, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 26. Pickup Truck with Plow**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$35,000, or any other amount, for the purchase of a new, pickup truck with plow, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 27. Replacement Lawn Mower for Cemetery and Playing Fields**

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, for the purchase of a new, lawn mower, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 28. Main Street Reconstruction Design**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$100,000, or any other amount, toward the estimated \$800,000 design fee to reconstruct Main Street, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

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

To see if the Town will vote to transfer from the Water Enterprise Account to the General Fund the sum of \$10,000, or any other amount, to compensate for a pickup truck

purchased from general funds and to be transferred to the Water Division, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 30. Upper Reservoir Boundary Survey**

To see if the Town will vote to appropriate the sum of \$15,000, or any other amount, to survey the boundary lines between town owned land and land owned by the Leahey Family Trust in the vicinity of the Upper reservoir dam, and to meet that appropriation transfer from the Water Enterprise Account \$15,000, or any other amount, or to take any other action relative thereto. **Capital Outlay Committee recommends approval, provided that permanent markers rather than iron rods are installed. Finance Committee does not recommend approval.**

**Article 31. Water Plant and Distribution System Extraordinary Repairs**

To see if the Town will vote to appropriate the sum of \$26,000, or any other amount, to make unforeseen repairs and improvements to the water treatment plant and distribution system, and to meet that appropriation transfer from the Water Enterprise Account \$26,000, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 32. Water Distribution System Improvements Debt Service**

To see if the Town will vote to appropriate the sum of \$65,250, or any other amount, for the fifth of five payments on a water distribution system improvements loan, and to meet that appropriation transfer \$65,250, or any other amount, from the Water Enterprise Account, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 33. Water Tank Cleaning and Painting Project Debt Service**

To see if the Town will vote to appropriate the sum of \$65,250, or any other amount, for the first of five payments on a water storage tank painting loan, and to meet that appropriation transfer \$65,250, or any other amount, from the Water Enterprise Account, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 34. Tyringham Road Water Main Replacement Project Borrowing Authorization (2/3 Vote)**

To see if the Town will vote to authorize the borrowing the sum of \$300,000, or any other amount, to replace the Tyringham Road water main; and, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$300,000 and issue bonds notes thereof under Chapter 44, Section 8 of the General Laws, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**



**Article 35. Sewer Pump Station Emergency Generators**

To see if the Town will vote to appropriate the sum of \$100,000, or any other amount, to replace four sewer pump station emergency generators, and to meet that appropriation transfer from the Sewer Enterprise Account the sum of \$100,000, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 36. Sewer Plant and Collection System Extraordinary Repairs**

To see if the Town will vote to appropriate the sum of \$20,000, or any other amount, to make unforeseen repairs and improvements to the wastewater treatment plant and collection system, and to meet that appropriation transfer from the Sewer Enterprise Account the sum of \$20,000, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 37. 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 \$18,500, 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. **Capital Outlay and Finance Committees recommend approval.**

**Article 38. Chamber of Commerce Gateway and Downtown Beautification**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$6,695, or any other amount, to the Chamber of Commerce to maintain plantings and otherwise uphold the appearance of the public way from the Massachusetts Turnpike to the Laurel Street Bridge, or to take any other action relative thereto. **Finance Committee recommends approval.**

**Article 39. "Rest of River" Cleanup Economic Damages Defense Fund**

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, for the Town of Lee's share of the cost to retain, together with the other communities along the Housatonic River from Pittsfield to Sheffield, an agent to obtain financial assistance from General Electric Company to mitigate the effects of its anticipated cleanup of the river, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

**Article 40. Police Ballistic Vest Replacements**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$8,488, or any other amount, to purchase 11 ballistic vests for Lee Police Officers, or to take any other action relative thereto. **Finance Committee recommends approval.**

**Article 41. "Reverse 911" Like System**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$2,450, or any other amount, which, together with a Massachusetts Emergency Management Agency Grant of \$2,500, will fund the first year cost of an automated alert system, or to take any other action relative thereto. **Finance Committee recommends approval.**

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

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$1,500, or any other amount, to purchase supplies, cots, blankets, etc. to have on hand in case of emergency, or to take any other action relative thereto. **Finance Committee recommends approval.**

**Article 43. Laurel Lake Preservation Association's Ongoing Lake Studies**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$2,500, or any other amount, for the Laurel Lake Association's ongoing studies of the lake, or to take any other action relative thereto. **Finance Committee recommends approval.**

**Article 44. Berkshire Brownfields Program**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$4,000, or any other amount, for the Berkshire Regional Planning Commission to continue its Berkshire Brownfields Program, or to take any other action relative thereto. **Finance Committee recommends approval.**

**Article 45. Memorial Hall Kitchenette Improvements**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$1,200, or any other amount, to improve the Memorial (Town) Hall kitchenette, or to take any other action relative thereto. **Finance Committee recommends approval.**

**Article 46. Revaluation Services Agreement Extension**

To see if the Town will vote to extend for a fourth fiscal year (FY 2015) the July 14, 2011 contract with Real Estate Research Consultants, to accommodate an additional interim evaluation resulting from a change in the Massachusetts Department of Revenue's revaluation schedule, or to take any other action relative thereto.

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

To see if the town will vote to extend for a fourth year (FY 2014) a Tax Agreement between the Town, acting through its Board of Assessors, and NAEA,f/k/a

Consolidated Edison Energy MA, Inc., which agreement establishes a \$679,000 personal property valuation for NAEA' 20 MW Jet Type Gas Turbine Generator located on Woodland Road, or take any other action relative thereto.

**Article 48. Personal Property Tax Agreement for Solar Arrays**

To see if the Town will vote to authorize the Board of Selectmen to enter into one or more agreements for payments-in-lieu-of-taxes (PILOT) pursuant to the provisions of M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, for a certain sum and a certain term of years, between the Town and one or more property owners for real property and personal property relating to large scale, renewable energy generation facilities located or to be located on privately owned land or on publicly owned land in Lee; or take any other action in relation thereto.

**Article 49. Tax Increment Finance Agreement with Boyd Technologies**

To see if the Town will vote to approve Boyd Technologies application to the Commonwealth of Massachusetts for designation of its clean room and manufacturing equipment installation at its 501 Pleasant Street (Route 102) facility as a "certified expansion project" within the existing Economic Opportunity Area, said designation being necessary to qualify for tax incentives offered under the Massachusetts Economic Development Incentive Program; and also, to approve concurrently a local Tax Increment Finance Agreement (TIF) with the Town, or to take any other action relative thereto.

**Article 50. Ice Cream Truck Vendor Licensing Bylaw**

To see if the town will vote to adopt the following bylaw:

Chapter 150 Section 10, Permitting of Ice Cream Truck Vendors

- A. Pursuant to 520 CMR 15.00, the Massachusetts Department of Public Safety Requires each municipality to issue permits to persons engaging in ice cream vending. For the purpose of this ordinance, the following definitions shall apply:
- Ice Cream, any frozen dairy or frozen water-based food product.
  - Ice Cream Truck, any motor vehicle used for selling, displaying or offering to sell ice cream.
  - Ice Cream Truck Vending, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.
  - Ice Cream Truck Vendor/Operator, any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.
- B. No person shall engage in ice cream truck vending within the Town of Lee unless the applicant has been issued a valid permit to do so by the Chief of Police or his designee. Said permit shall only be valid for use within the town limits. A separate permit is required for every person who engages in ice cream truck vending/operation.

- C. All permits issued shall be conspicuously displayed and clearly visible on the windshield dash of any ice cream truck operated or from which ice cream or any prepackaged food product is sold.
- D. Only the uniform application and permit form approved by the Department of Public Safety shall be utilized. The permit shall include a current color photograph of the applicant. Permits shall be numbered in order as granted and be encased in plastic.
- E. In order to obtain an initial permit or to renew a permit, each applicant shall submit the following to the Permitting Authority:
- A completed uniform application form
  - A copy of their fingerprints; and
  - Two (2) current, 1 ½" X 2" (color) photographs
  - Valid driver's license
- F. The police department shall collect an administrative fee in the amount of \$50.00 upon the issuance of each permit.
- G. Both initial and renewal permits shall expire annually on January 1<sup>st</sup>.
- H. Upon receipt of the permit application or application for renewal, the Chief of Police or his designee shall conduct an investigation into the criminal history of a permit applicant to determine eligibility. The investigation shall include performing a state and national criminal history records check as authorized by M.G.L. c 6 Section 172B ½. As part of this investigation, the Chief of Police or his designee shall ensure that the identity of the applicant is true and accurate and in the case of a renewal, that the applicant is linked to the original Permit number.
- I. The Chief of Police or his designee may deny issuance of a permit or revoke a permit for just cause. Pursuant to 520 CMR 15.05, no permit shall be issued to any person who is a Sex Offender, as defined by M.G.L.c 6, Section 178C. Upon denial of the issuance or the revocation of a permit, an applicant shall have the right of appeal to the Board of Selectmen. All such appeals must be made in writing and addressed to the Board of Selectmen. Appeals will be heard at the next, regularly scheduled meeting of said Board. The decision of the Board shall be final and binding. No such right of appeal shall attach for the denial of a permit to an applicant who is a Sex Offender.
- J. Whoever conducts themselves as an ice cream vender/operator without a valid Town issued permit or with an expired permit; or whoever improperly displays a permit shall be subject to a fine of no more than \$100 dollars for the first offense, \$200 for a second offense and \$300 for a third or subsequent offense.
- K. Every ice cream vender/operator shall comply with all state motor vehicle laws, regulations specific to the operation of ice cream trucks, city ordinances, health codes, as well as any zoning or Department of Public Works regulations that may

restrict or prohibit vending in certain areas. Violation of any such law, regulation, ordinance or health code shall be grounds for the revocation of the vendor's permit.

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

To see if the Town of Lee will vote to amend the zoning bylaws of the Town of Lee by providing regulations in three parts governing Outdoor Recreational Uses.

Part 1: By adding a new paragraph in Section 9, Supplemental Use Regulations, as follows.

##### **Section 9.10 OUTDOOR RECREATIONAL USES:**

Outdoor recreational uses shall be permitted in all districts subject to the following regulations.

- A) They shall not be detrimental to the land, the environment or the health, safety and general welfare of the public.
- B) They shall not place an undue burden on the neighborhood by excess parking on the street or an excess of traffic or other noises.
- C) They shall meet the applicable Environmental & Performance Standards of Section 12.

Part 2: By modifying Section 3.2 C)(1) and 3.2 C) (1) (f) as follows.

##### **Section 3.2 FLOODPLAIN DISTRICT**

C) Use Regulations. The Floodplain District is established as an overlay district to all other districts...

- (1) Permitted Uses. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed, provided that they are permitted in the underlying district or in Section 9 Supplemental Use Regulations. The following uses must not require permanent structures, fill or permanent storage of materials or equipment:

- (a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (b) Forestry and nursery uses.
- (c) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (d) Conservation of water, plants, and wildlife.
- (e) Wildlife management areas and foot, bicycle and/or horse paths.
- (f) Temporary nonresidential structures used in connection with fishing, boating, play areas, growing, harvesting, storage or sale of crops raised on the premises.

(g) Buildings lawfully existing prior to the adoption of these provisions.

Part 3: By adding in alphabetical order, a new definition in Section 14, Definitions as follows.

RECREATIONAL USES, OUTDOOR: Any use conducted outside of a building that involves games, sports, hobbies and the like.

Or to take any other action relative thereto.

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

To see if the Town of Lee will vote to correct the unintended changes in the Zoning Bylaws Rewrite adopted at the May 10, 2012 Annual Town Meeting by adopting the following:

#### **4.2 Use Regulations**

##### **Commercial Business Corridor (CBC)**

##### **Uses allowed by-right:**

Detached one-family dwelling.

Detached two-family dwelling subject to the dimensional requirements set forth in the Table of Dimensional Requirements and all other applicable provisions of this chapter.

The use of land or structures for the primary purpose of agriculture, horticulture or floriculture on lots of five or more acres.

Renting of rooms or furnishing of board for not more than three persons in a dwelling regularly occupied for residential purposes.

Accessory uses customarily incidental to a permitted main use on the same premises, including but not limited to the following:

Use of a room or rooms in a dwelling for customary home occupations conducted by resident occupants, such as dressmaking or candy making, or for the practice by a resident of a recognized profession, provided that the maximum accessory use shall be no more than 20% of the square footage of the dwelling, in compliance with off-street parking and all other applicable provisions of this chapter, and provided that there is no external evidence of any business other than a permitted sign and that no undue burden shall be placed on the neighborhood by parking on the street or an excess of traffic or other noises.

Use of premises or building thereon in connection with his or her trade by a resident carpenter, electrician, painter, plumber or other artisan, provided that no manufacturing

or business requiring two or more employees on the premises, in compliance with off-street parking and all other applicable provisions of this chapter, and provided that all storage of materials, supplies and equipment shall be kept within the principal building or within a suitable accessory building and that no undue burden shall be placed on the neighborhood by parking on the street or an excess of traffic or other noises.

Municipal use; provided, however, that no new municipal use shall be established and no existing municipal use shall be substantially expanded unless and until the representative town meeting votes an appropriation for said use.

**Uses requiring a special permit from the Board of Selectmen in accordance with Section 13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:**

A multiple dwelling, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in Section 9.2, provided that no more than four dwelling units shall be built on a lot.

A multiple dwelling with more than four dwelling units, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in Section 9.2 of this chapter.

**Uses requiring a special permit from the Board of Appeals in accordance with Section 13.2 (B)(3) of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:**

Private club not conducted for profit

Hospital, sanitarium and convalescent and nursing home

Golf course

Any accessory use to a by-right use, whether or not on the same parcel, which is necessary in connection with scientific research and development or related production, provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

**Uses requiring a special permit from the Planning Board in accordance with Section 13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:**

Restaurant, fast food

Bank, with drive- through

Convenience store

Gas Station

Automobile dealer and service station

Auto repair shop  
Auto storage garage  
Auto salesroom or lot  
Place of amusement or assembly  
Club conducted for profit

**Uses allowed under site plan review by the Planning Board in accordance with Section 13.3:**

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.

**Downtown Commercial Business Corridor District (DCBC)**

**Uses allowed under site plan review by the Planning Board in accordance with Section 13.3:**

Detached one-family dwelling.

Detached two-family dwelling subject to the dimensional requirements set forth in the Table of Dimensional Requirements and all other applicable provisions of this chapter.

The use of land or structures for the primary purpose of agriculture, horticulture or floriculture on lots of five or more acres.

Renting of rooms or furnishing of board for not more than three persons in a dwelling regularly occupied for residential purposes.

Accessory uses customarily incidental to a permitted main use on the same premises, including but not limited to the following:

Use of a room or rooms in a dwelling for customary home occupations conducted by resident occupants, such as dressmaking or candy making, or for the practice by a resident of a recognized profession, provided that the maximum accessory use shall be no more than 20% of the square footage of the dwelling, in compliance with off-street parking and all other applicable provisions of this chapter, and provided that there is no external evidence of any business other than a permitted sign and that no undue burden



shall be placed on the neighborhood by parking on the street or an excess of traffic or other noises.

Use of premises or building thereon in connection with his or her trade by a resident carpenter, electrician, painter, plumber or other artisan, provided that no manufacturing or business requiring two or more employees on the premises, in compliance with off-street parking and all other applicable provisions of this chapter, and provided that all storage of materials, supplies and equipment shall be kept within the principal building or within a suitable accessory building and that no undue burden shall be placed on the neighborhood by parking on the street or an excess of traffic or other noises.

Municipal use; provided, however, that no new municipal use shall be established and no existing municipal use shall be substantially expanded unless and until the representative town meeting votes an appropriation for said use.

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.

**Uses requiring a special permit from the Board of Selectmen in accordance with Section 13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:**

Multiple dwelling, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in Section 9.2, provided that no more than four dwelling units shall be built on a lot.

Conversion of existing buildings that are at least 10 years old to mixed use for business, professional offices and multiple family housing with more than four units, subject to all the applicable provisions of this chapter, provided the Special Permit Granting Authority finds, in addition to the other findings required by this chapter, that the proposed conversion maintains the existing architectural character of the corridor.

Multiple dwelling with more than four dwelling units, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in Section 9.2 of this chapter, provided the Special Permit Granting Authority finds, in addition to the other findings required by this chapter, that the proposed conversion maintains the existing architectural character of the corridor.

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

To see if the Town will vote to correct the unintended typographical error in the Zoning Bylaws Rewrite adopted at the May 10, 2012 Annual Town Meeting by adopting the following correction:

Section 7 Signs, 199-7.7 General Standards E (1) that reads: "Such sign shall not exceed 12 square feet in area and shall be set back at least 10 feet from the street lot line or V2 the building setback distance, whichever is less" shall be amended to read: "Such signs shall not exceed 12 square feet in area and shall be set back at least 10 feet from the street lot line or ½ the building setback distance, whichever is less."

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

To see if the Town will vote to amend the Zoning bylaws as follows:

An amendment to Section 199-7.4 General Regulations - Paragraph C) – Signs prohibited – (13) which reads "No off-premises signs shall be permitted" amended to read "No off-premises signs shall be permitted except as specifically authorized herein."

To amend Section 199-10.2 Planned Commercial Village Center – Paragraph E) Individual Business Signs – (1) (j) which reads: "Decorative light pole banners are permitted to be installed on the shopping center light pole and streetlights. Decorative designs and store names area permitted on the banners. Two banners may be place on each pole. The banners may be double sided and will not exceed 28 square feet in total per side. One sign permit per type of banner is required." Amended to read: "Decorative designs and store names are permitted to be installed on the shopping center light poles and streetlights excluding those located on the main access road between Water Street and the traffic circle entry to the shopping center. Decorative designs, store names and off premises advertising by nationally recognized brands and/or regional attractions are permitted on the banners. Two banners may be placed on each pole. The banners may be double sided and will not exceed 35 square feet in total per side, per banner. One sign permit per type of banner is required."

To amend Section 199-10.2 Planned Commercial Village Center – Paragraph E) Individual Business Signs-(2)(b) which reads "Directory sign boards and informational signs will be agreed to by the Planning Board. Issues such as size, shape, color, placement and all other relevant issues will be reviewed with the Police and Fire Departments, the Public Health and Public Works Boards and the Sign Officer. The Shopping Center's logo is permitted to be placed on informational signage for continuity and to promote the advertising theme of the shopping center." Amend to add the following language at the end of the paragraph: "Directory sign boards may display on site retailer advertising on one side including off premises advertising of nationally recognized brands and/or regional attractions. Directory board advertising signs shall not exceed 40" by 50" and shall only be allowed by permit".

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

To see if the town will vote to amend the zoning bylaws of the Town of Lee to add under site plan review Medical Marijuana Treatment Centers to the following districts:

**I) Industrial District (I)**

**(1) Uses allowed by-right:**

- (a) Any manufacturing or industrial use, including processing, fabrication and assembly, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire. (See Environmental and Performance Standards, Section 12.)
- (b) Accessory uses and structures customary to the preceding uses.

**(2) Uses allowed under site plan review by the Planning Board in accordance with Section 13.3:**

- (a) Business offices, excluding retail, but including the following:
  - (i) Financial.
  - (ii) Insurance.
  - (iii) Engineering, development and management.
  - (iv) Publishing and data processing.
  - (v) Telecommunication (subject to provisions of the telecommunications bylaws.)
  - (vi) Environmental.
  - (vii) Real Estate.
  - (viii) Legal
  - (ix) Medical and Dental Services.
  - (x) Social Services.
  - (xi) Educational Services.
  - (xii) Motor Vehicle Repairs
  - (xiii) Leasing of building space for commercial purposes inside an existing commercial facility.
- (b) Retail sale of products manufactured, assembled or processed on site or product associated therewith. The retail space shall not exceed 20% of the total floor area.

- (c) Laboratories for the purpose of conducting research, or providing medical, dental and technical services, including offices accessory to these activities.
- (d) Distribution of commercial and industrial supplies and wholesale trade (except motor vehicles) provided that the space dedicated to storage of the product shall not exceed 70% of the total floor area and the total floor area does not exceed 100,000 square feet.
- (e) Uses permitted by MGL C. 40A, Section 3, such as public and private nonprofit religious and educational institutions.
- (f) Municipal use.
- (g) Accessory uses and structures customary to the preceding uses.
- (h) Medical Marijuana Treatment Centers

**J) Office Park and Light Industrial District (OPLI)**

**(1) Uses allowed under site plan review by the Planning Board in accordance with Section 13.3:**

**(a) Business offices, including the following services:**

- (i) Financial.
- (ii) Insurance.
- (iii) Real estate
- (iv) Engineering and management.
- (v) Publishing and data processing.
- (vi) Communications (telegraph, telephone and radio and television studios)
- (vii) Environmental.
- (viii) Legal
- (ix) Health services
- (x) Social Services.
- (xi) Education
- (xii) Public administration.

**(b) Research, medical, dental and technical service laboratories and offices accessory to these.**

**(c) Light industry, including:**

- (i) Apparel and other textile and leather products.
- (ii) Millwork, plywood and structural members.
- (iii) Household and office furniture.

- (iv) Envelopes and stationery products.
- (v) Molded plastic products.
- (vi) Fabricated metal products, such as cutlery, hand tools, hardware and screw machine products.
- (vii) Industrial machinery, such as metalworking machinery, textile machinery, paper machinery, printing trades machinery, food products machinery and packaging machinery, but excluding ordnance.
- (viii) Computer and office equipment.
- (ix) Electronic and other electrical equipment.
- (x) Instruments and related products.
- (xi) Paper, paperboard and plastic converting products.
- (d) Retail sales where the sales area is not more than 20% of the total floor space and:
  - (i) The product(s) is manufactured on site.
  - (ii) It is not the primary retail outlet for the product(s).
  - (iii) Such sales are incidental to the primary use.
- (e) Retail sales for products manufactured off site only if sales are conducted exclusively by phone and/or by mail.
- (f) Distribution of commercial and industrial supplies and wholesale trade (except motor vehicles), provided that the space dedicated to storage of product shall not exceed 70% of the total floor area.
- (g) Uses required by MGL c. 40A, Section 3, such as public and private nonprofit religious and educational institutions. (Refer to Section 9.6, Land or Structures for Certain Religious or Education Purposes)
- (h) Accessory structures and uses customary to the preceding uses.
- (i) Municipal use.
- (j) Medical Marijuana Treatment Centers

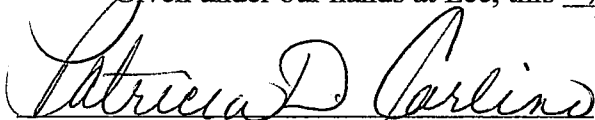
#### **Article 56. Initiative Petition for the Purchase of "Cold Spring"**

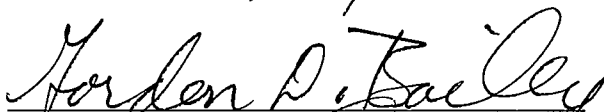
“To see if the Town will vote to raise and appropriate or take from available funds the sum of \$200,000, or any other figure, for the purpose of purchasing Cold Spring on the Tyringham Road from its owner, for public use and for emergency water supply for the public, and to maintain the spring by way of monthly reports from Tri-Town Health to the Department of environmental Protection (DEP), and to take any other action relative thereto.” **Capital Outlay and Finance Committees do not recommend approval.**


You are hereby directed to serve this Warrant by posting true and attested copies thereof, in five public places within the Town of Lee, seven (7) days at least, before the day and hour of holding said meeting.

Therefore, Fail Not and make due return of said Warrant with your doing thereon to the Town Clerk of the Town of Lee, at or before the day and hour of holding said meeting.

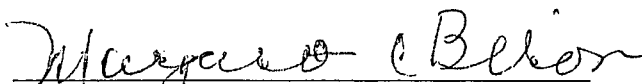
Given under our hands at Lee, this 23<sup>rd</sup> day of April, 2013.

  
Patricia D. Carlino, Chair

  
Gordon D. Bailey

  
David J. Consolati

As per instruction in this Warrant, I have posted same, this 24 day of April, 2013 in four public places.

  
Constable