

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

From: Bob Nason, Town Administrator

Date: April 24, 2016

Re: May 12, 2016 (FY 2016/ FY 2017) Annual Town Meeting Warrant

Following a polling of Representatives and Members *ex officio* between the May 14, 2015 Special and Annual Town Meetings, business that previously would have been considered at a Special Town Meeting immediately preceding the Annual Town Meeting will be considered at the May 12, 2016 Annual Town Meeting.

While much of the Annual Town Meeting warrant is self-explanatory, this memorandum and the enclosures 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 2016), as well as the special articles and their recommended funding sources. The Annual Town Meeting warrant, this memorandum and the herein referenced enclosures are posted on the municipal web site, [www.lee.ma.us](http://www.lee.ma.us).

We have enclosed a copy of the April 24, 2016 *Preliminary Estimate of Anticipated Tax Rate Impact and Levy Limit Calculations*. We have calculated our tax impact using the House Ways & Means proposed \$70,876 state aid increase, and the Governor's forecasted \$63,439 assessment increase yielding a nominal \$7,500 net state aid increase. We expect local receipts will also be essentially unchanged from this fiscal year.

We have also enclosed a copy of the April 24, 2016 *Comparison of Program Spending* which compares the FY 2017 budget requests to the amounts expended in FY 2015 and the amounts budgeted in FY 2016. The Finance Committee recommended operating budget for FY 2017 increases FY 2016 appropriations by \$175,273 or 1.0%. Including the Water, Sewer and Ambulance budgets, which are funded in whole or in part by fees for those services, the budget increase is \$300,045 or 1.4%. The Board of Assessors' consultant estimates there will be \$9,700,000 of new property growth to absorb \$141,432 of the increased appropriation. Accordingly, we estimate the tax rate will increase \$0.28 (2.0%) from \$14.56 to \$14.84 per \$1,000 of valuation. Using the current \$252,491 average single family home valuation, we anticipate the average single family home tax bill will increase by \$72.00. That compares to a \$134.00 (3.8%) increase in FY 2016, a \$72.00 (2.1%) increase in FY 2015 and a \$5.00 (0.1%) increase in FY 2014. We estimate the levy will be \$1,637,783 below the limit set by Proposition 2 ½.

FY 2015 revenue that was greater than our estimate, together with expenses for operations and special projects that was less than appropriated, contributed \$406,730 to the undesignated general fund balance. The resulting certified, available fund balance is \$1,037,083 which is \$94,617 or 8% less than this time last year. In addition the Board of Assessors' released \$124,562 from the FY 2010 and FY 2014 overlay balances, which increased the total available general fund balance to \$1,161,645. The Finance Committee's recommended transfers from

these available funds amount to \$636,005 which is \$104,881 or 14% less than the amount of available funds committed at the May 14, 2015 Special (FY15) and Annual (FY 2016) Annual Town Meetings.

With estimated interest earnings and without appropriations to or from the funds, on June 30, 2016 the General Stabilization Fund balance will be \$686,988, the Fire Truck Stabilization Fund balance will be \$422,416, and the Main Street Reconstruction Design Stabilization Fund balance will be \$261,234. Accordingly, if the proposed \$177,000 transfer from available funds to the Fire Truck Stabilization Fund is approved, that fund's balance would be \$599,416; and, if the proposed \$40,000 transfer to the Main Street Reconstruction Design Stabilization Fund is approved, that fund balance would be \$301,234. The \$686,988 General Stabilization Fund balance is 3% of the \$17,867,742 to be raised for the operating budget. That is 2% or \$202,024 less than the Massachusetts Municipal Association's recommended best practice of 5%.

#### **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 2015 (ended June 30, 2015). The report is posted on the municipal website ([www.lee.me.us](http://www.lee.me.us)), and paper copies are available at the Library, the Post Offices and Town Hall.

#### **Article 2. Prior Fiscal Year (2015) Appropriations (9/10 Vote)**

This article provides funding to pay late filed or reconciled invoices for services provided in the prior fiscal year.

#### **Article 3. Transfer of Proceeds from the Sale of Cemetery Lots to the Perpetual Care Account**

This article transfers half of the receipts from the sale of cemetery lots in the current fiscal year to the Fairmont Cemetery Perpetual Care Account. State law, Ch.114, S. 25, requires a Town Meeting vote to approve the transfer.

#### **Article 4. Fiscal Year 2017 (July 1, 2016 to June 30, 2017) Classification Plan**

Subject to Town Meeting approval, the Classification Plan succeeds the plan approved at the May 12, 2015 Special Town Meeting. The plan applies only to non-union, municipal employees, who constitute less than 10% of the Town's employees. The plan provides for salary/wage ranges for positions clustered by classification, and it is used for hiring new employees. The ranges have been increased by 1.5%. Enclosed is a copy of the April 13, 2016 Classification and Compensation Plan for FY 2017. Developed by the Personnel Board, this consolidated plan provides you with a comprehensive look at the proposed non-union, municipal employee compensation. On the backside of the plan is a detailed explanation of how the spreadsheet is organized.

#### **Article 5. FY17 Operating Budgets**

This article presents the FY 2017 Operating Budgets for all departments, except those presented by separate articles due to funding by multiple sources (Building Inspector, Reserve Fund, Ambulance, Animal Control, Cemetery and Health Department - Articles 6, 7, 8, 9, 12 and 13),

or by enterprise funds (Sewer and Water - Articles 10 and 11. The proposed appropriations reflect consensus among those who manage the respective accounts and the Finance Committee. The Fiscal Year 2017 Compensation Plan incorporated in the Fiscal Year 2017 budget requests increases each of the non-union steps by 1.5%, and provides a 1.5% increase for those who are not scheduled to receive a step increase. While that adjustment exceeds the cost-of-living adjustment freeze experienced by social security beneficiaries on January 1, 2016, active employees' health insurance contributions are increasing by 9.3%. Rather than fill the Janitor's position when Jerry Brazee retired, we expanded the EMT/Custodians' work to include the Airolidi Building. The Assistant Treasurer/Collector's workweek will decrease by 2 ½ hours to 37 ½ hours and the Treasurer/Collector Clerk's workweek will increase by 2½ hours to 35 hours. We have budgeted for a full-time Fire Chief following Chief Alan Spark's planned retirement at the end of calendar year 2016. Except for the EMT Basics and Paramedics proposed in Article 8, the FY 2017 operating budgets contain no other additional hours or any additional positions.

Municipal, collective bargaining agreements with Police Officers, Dispatchers and Highway/Cemetery & Water Distribution workers expire on June 30, 2016. The proposed budgets for their respective Departments include funds to offer increases accorded non-union municipal employees.

In addition to the modest increases in employee compensation, there are other factors driving the operating budget increases. The expansion of the half-time paramedic level service substantially increased our Ambulance Service budget (Article 8), despite increased funding from the Towns of Stockbridge and Tyringham. The Board of Registrars budget increased due to an additional election, and the cost of property/liability/vehicle insurance continues to rise. While assessments for employee retirement benefits and workers compensation insurance also have increased, the Town's health insurance costs have dramatically declined despite the above mentioned 9.3% premium increase for active employee plans. By changing Medicare supplemental plans, the town will save about \$300,000.

#### **Article 6. Building Department Budget**

This operating budget is broken out from Article 5, 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. By means of a December 2015 intermunicipal agreement, the Towns of Lee and Lenox share the services of Building Inspectors/Zoning Enforcement Officers.

#### **Article 7. Reserve Fund**

This operating budget is broken out from Article 5, because it is funded in part from available funds.

#### **Article 8. Ambulance Service Budget**

This operating budget is broken out from Article 5 because it is funded by fees for services reserved for appropriation and appropriations from the Towns of Stockbridge (\$30,064), Tyringham (\$6,142) and Lee. Since October of 2012 the Service has operated at the paramedic level with paid staff from 6:00 am to 6:00 pm. On call volunteers have provided a basic level of service from 6:00 pm to 6:00 am. After more than 3 ½ years of operation as a half-time

paramedic level service the state Office of Emergency Medical Services requires us to expand our paramedic coverage and we plan to do that with a combination of paid staff and intercept services. A paid paramedic and a paid EMT Basic will work three 6:00 pm to 6:00 am shifts. The other four 6:00 pm to 6:00 am shifts will be covered by County Ambulance and two paid, EMT Basics who will be simultaneously dispatched. If our responding EMT's determine that a paramedic level service is not required, the County service call will be canceled without charge. If the paramedic level service is required, we will pay County a \$245 intercept fee.

By Town Meeting we expect to have in hand \$400,000 in receipts reserved for appropriation. The \$176,223 shortfall between those receipts and the proposed budget is apportioned to each Town based on the percentage of response to each community in 2015.

#### **Article 9. Animal Control Budgets**

This operating budget has been broken out from Article 5 to record the Animal Control budget total and the Town of Lenox's half of the funding.

#### **Article 10. Sewer Department Budgets**

This article presents the Sewer Department budgets that are funded by sewer receipts and the Sewer Enterprise Fund balance which is \$1,754,735. We anticipate that the FY 2017 fees will amount to \$1,943,700, thereby necessitating a \$205,898 transfer from the fund balance to meet operating expenses. After that transfer and the transfer of \$13,000 to replenish the extraordinary repairs account (Article 34), there will be an enterprise fund balance of about \$1,535,837. Allowing for a \$200,000 reserve, at the FY 2017 rate of subsidy the fund balance will be depleted in about eight years or by 2024, resulting in an estimated \$617,694 shortfall over the final three years of the loan.

#### **Article 11. Water Department Budget**

This article presents the Water Department budget that is funded by water receipts. The Water Enterprise Account balance is \$389,869. After transferring \$65,250 to service the debt (4<sup>th</sup> of 5) for the water tank coating project (Article 29), \$42,000 to service the debt (3rd of 5) for the Tyringham Road water main replacement (Article 30), \$10,000 to replenish the extraordinary repairs account (Article 31), \$30,000 to purchase a pickup truck (Article 32) and \$35,000 for a 50% share of a water valve exerciser (Article 33) there will be a balance of about \$207,619 in reserve.

#### **Article 12. 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 an interest balance of \$537 of which \$400 is earmarked to support the maintenance of the cemetery in FY 2017. That amount is the same as this current fiscal year.

#### **Article 13. 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 (\$102,239) and Stockbridge (\$46,007).

**Article 14. Salaries of Elected Officials**

Required by state statute, this article reaffirms the amounts appropriated in Article 5 for the Moderator and the Select Board.

**Article 15. 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 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 at \$38 each. In fiscal year 2013 we received a \$750 Sustainable Materials Recovery Program grant to buy 40 additional bins. We sell those bins for \$20.00 and place the proceeds in this revolving account for the purchase of additional bins when the current supply is exhausted. There was \$1,036 in this account on July 1, 2014 and during the fiscal year ended June 30, 2015 (FY 2015) receipts amounted to \$60. There were no expenditures. Accordingly, there was an opening balance of \$1,096 on July 1, 2015, 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 \$18,521 in this account on July 1, 2014 and during the fiscal year ended June 30, 2015 (FY 2015) receipts amounted to \$5,685 and compensation for the fire prevention inspector amounted to \$3,844. Also, the \$8,521 FY 2014 account balance in excess of \$10,000 reverted to the general fund. Therefore, there was an opening balance of \$11,841 on July 1, 2015, the beginning of the current fiscal year.

**Article 16. 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 \$12,809 in this account on July 1, 2014 and during the fiscal year ended June 30, 2015 (FY 2015) receipts amounted to \$8,010. Expenses amounted to \$11,491. Therefore, there was an opening balance of \$9,328 on July 1, 2015, the beginning of the current fiscal year.

**Article 17. Blanket Grant Application Authorization**

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

**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 2013 to FY 2015) the Town received an average of \$72,302. Funding (\$2,000) for these fees was last appropriated at the May 14, 2015 (FY 20156) Annual Town Meeting.

**Article 19. Middle and High School Boiler Replacement Borrowing Authorization (2/3 Vote)**

At the recommendation of the Town Administrator, this article authorizes a borrowing to fund the School Committee's requested replacement of a failed, cast iron boiler with two smaller and more efficient condensing boilers. A second cast iron boiler will remain and serve as a backup. Parts from the failed boiler will be used to extend that backup boiler's useful life.

**Article 20. Police Cruiser Replacement**

At the request of the Police Chief, this article provides funds to purchase a new cruiser to be used as a primary patrol unit. It will replace a 2011 model year vehicle that by June 30<sup>th</sup> will have been driven over 100,000 miles.

**CURRENT ACTIVE POLICE CRUISER INVENTORY**

	YEAR	January 8, 2016	Projected June 2016
Unmarked Admin/Patrol (923)	2007	93,712	96,958
Marked – Patrol (904)	2011	86,252	96,232
Marked – Patrol (908)	2011	92,389	100,512
Marked – Patrol (902)	2013	85,494	88,392
Marked—Patrol (906)	2014	32,323	39,751

Projected mileage numbers come from a 23 month average of mileage reports collected in the beginning of each month.

Grey shaded cruisers represent primary cruisers un-shaded are administrative and spare also used by the Sergeant when he is on duty. .

The last cruiser was purchased in 2014 (FY 2015) at a cost of **\$32,128**.

The cruiser will also include a new Dual band VHF/800mg radio to be purchased with grant funds.

As in 2011, the surplus cruiser will be transferred to the Fire Department for the Chief's official use including conducting fire prevention inspections and responding to alarms. That 2008 model year vehicle has now been driven approximately 162,000 miles.

**Article 21. Replacement Fire Truck Funding Installment**

At the request of the Fire Chief, this article provides an appropriation to the Fire Engine Special Stabilization Fund. If approved, the fund's balance will be \$599,416 which will be sufficient to

purchase a new pumper to replace the 1991 pumper which was scheduled to be replaced this fiscal year.

**Article 22. Carbon Air Cylinders for Firefighters**

At the request of the Fire Chief, this article funds the third of a three year tank placement Program. Phase two was funded at the May 10, 2012 (FY 2013) Annual Town Meeting.

**Article 23. Large Dump Truck with Sander and Plow Borrowing Authorization (2/3 Vote)**

At the recommendation of the Town Administrator, this article authorizes a borrowing to fund the Department of Public Works' requested replacement of a 1997 International Harvester dump truck with plow and sander which after traveling over 63,244 miles has reached the end of its useful life.

**Article 24. Cemetery Mini Excavator & Trailer (Shared 50%)**

At the request of the Department of Public Works this article provides funding to purchase, together with the Town of Stockbridge, a mini excavator and trailer. Both towns face situations where their backhoes are too big to fit between existing grave stones requiring excavation by hand. If funding is appropriated by both Towns, the Select Boards will enter into an intermunicipal agreement to equitably purchase, store, use, maintain and repair the excavator and trailer.

**Article 25. Road Repair and Paving**

At the request of the Department of Public Works this article provides funding to repair and pave roadways. The proposed \$100,000 appropriation is the same as the current fiscal year, because we again propose to set aside \$150,000 for bridge repair (Article 26.) In addition to the proposed appropriation, this article authorizes the Select Board to use the forthcoming (FY 2017) allocation of state transportation funds designated for local use ("Chapter 90" funding) for road repairs and paving. The FY 2017 Chapter 90 apportionment is \$293,013, \$1,714 less than the current fiscal year.

\$200,000 of the \$313,515 currently available is encumbered to honor commitments. \$50,000 has been set-aside to secure a \$317,000 federal grant for Bike Way design and construction engineering services. An allocation of \$3,619,000 of federal funds for the Bike Way construction is included in the Berkshire Regional Transportation Improvement Plan. An additional \$150,000 has been set aside in the event that the cost of the state's Tyringham Road reconstruction project exceeds 10% of the \$4,365,000 base contract price. Some or all of that set aside may not be needed. Accordingly, with the proposed appropriation, the FY 2017 Chapter 90 apportionment, and current funds, we expect to have between \$506,528 and \$656,528 available this construction season.

Roads are paved in accordance with the Berkshire Regional Planning Commission's road conditions assessment and the Board of Public Works' evaluation of traffic load and economic impacts. The 2016 Road Paving and Repair plan includes High Street and, to the extent there is additional funding, Marble Street from West Park Street to the Turnpike bridge.

#### **Article 26. Bridge Repairs/Replacement**

At the request of the Department of Public Works, this article provides funding for bridge repair or replacement; and, it is a modest second, \$150,000 installment toward replenishing our bridge repair funding set aside. At this time there is \$148,000 available; however, engineering and construction costs resulting from the recent posting of weight limits on the 84 year old West Park Street Bridge have yet to be determined.

We have estimated that it would cost \$11,500,000 to replace four of our 14 ½ bridges that are 75 years old or older, the expected useful life of a bridge. Additionally, repairs to a 62 year old bridge are estimated to cost \$650,000. Two other of our bridges have been included in the Berkshire Regional Transportation Improvement Plan for state funded replacement and the Massachusetts Department of Transportation (MassDOT) has committed to fund the construction of a permanent bridge to replace the temporary bridge that it provided. The design of that Meadow Street replacement bridge over Powder Mill Brook is nearly complete. Additional repairs to the Valley Street Bridge are ongoing. Unless significant state funding is forthcoming, we may have to consider once again reserving future Chapter 90 funding for bridge repairs.

#### **Article 27. Local Gas Tax**

The May 14, 2015 Annual Town Meeting voted to petition the legislature to enact special legislation authorizing the Town of Lee to adopt a local tax of 3 cents per gallon of gasoline and diesel fuel sold to the public to fund the repair and maintenance of our roads and bridges. On August 15, 2015 Representative Pignatelli and Senator Benjamin Downing filed a bill to authorize the Town of Lee to establish such a local gas and diesel fuel tax; however, at this time it appears that the bill will not be considered before the formal legislative session ends on July 31<sup>st</sup>. Accordingly, this article reaffirms Town Meeting's approval of a local gas/diesel tax and petitions the legislature to enact special legislation during the next two-year legislative session which begins in January 2017.

With the approval of the state legislature followed by a majority vote of Town voters at the next regular municipal or state election, revenue from gasoline and diesel fuel sales tax will augment the funding provided by local property taxes and state aid (Ch. 90 funding) which together average about \$550,000 per year. We estimate that about \$1,850,000 is required each year to maintain our 55 miles of roads in a "state of good repair." Moreover, we estimate that we will need to spend about \$11,500,000 to replace 4 of our 14 ½ bridges which are now beyond their expected 75 year useful life. Without a contribution from the motoring public or significantly increased state aid, the burden will fall directly on property taxpayers and indirectly on renters.

#### **Article 28. Main Street Reconstruction Design Funding Installment (2/3 Vote)**

At the request of the Department of Public Works this article provides the 4<sup>th</sup> installment toward an estimated \$800,000 fee to design the reconstruction of Main Street. If this \$40,000 installment is approved, the Main Street Reconstruction Design Special Stabilization Fund balance will be \$301,234, which should be sufficient to engage an engineer to survey and record the existing infrastructure.



**Article 29. South Lee Water Tank Coating Project Debt Service**

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

**Article 30. Tyringham Road Water Main Replacement Project Debt Service**

At the request of the Department of Public Works this article provides funding from the Water Enterprise Fund to pay the third of five installments on a \$193,000 loan that was borrowed to replace the water main that runs for about 1,000 feet from Route 102 toward Tyringham.

**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 a prior appropriation there will be about \$50,000 to cover unforeseen expenditures.

**Article 32. Replacement Water Division Pickup Truck**

At the request of the Department of Public Works, this article provides funds to replace the Water Division's model year 2007 Ford Ranger which has traveled over 101,000 miles.

**Article 33. Water Valve Exerciser (Shared 50%)**

At the request of the Department of Public Works this article provides funding to purchase, together with the Town of Lenox, a trailer-mounted, water valve exerciser. Both towns need the exerciser to safely open and close old valves. The Water Distribution System Capital Improvement Plan prepared by Lenard Engineering for the Town of Lee in 2010 recommended that we "consider purchasing an automatic valve exerciser and conduct an extensive valve exercising program" to identify malfunctioning gate valves. If funding is appropriated by both Towns, the Select Boards will enter into an intermunicipal agreement to equitably purchase, store, use, maintain and repair the valve exerciser.

**Article 34. 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 unforeseen expenditures.

**Article 35. Municipal Water Infrastructure Investment Fund**

This article was not approved at the May 14, 2015 Annual Town Meeting and it is presented for reconsideration, because the need to fund our water wastewater infrastructure has not gone away. The article, if approved by a majority vote at the next regular municipal or state election, provides funds exclusively for municipal water infrastructure investment. State law now permits a surcharge on real property at a rate up to, but not exceeding, 3% of the real estate tax levy for water infrastructure purposes. As noted above in the explanation of Article 10, at the FY 2017 rate of operating budget subsidy, the Sewer Enterprise Fund balance will be depleted in about eight years or by 2024, resulting in an estimated \$617,700 shortfall over the final three years of the loan. Moreover, it is estimated to cost \$6,000,000 to upgrade our primary water main to

secure investment in the reuse of the closed Greylock, Columbia and Eagle mills as well as the west side of downtown. Without additional revenue from all who benefit directly or indirectly, the burden will fall solely on water and sewer rate payers. Based on the current fiscal year average single family home tax burden of \$3,676, a 1% surcharge would cost that homeowner \$37.00 and it would yield \$132,284. A 2% surcharge would cost \$74.00 and yield \$265,685 and a 3% surcharge would cost \$110.00 and yield \$398,933.

**Article 36. 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 7.5% of the \$245,164 room tax receipts for FY 2015, the most recent, complete fiscal year. For the first three quarters of the current fiscal year we have received \$199,877.

**Article 37. 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 38. “Rest of River” Cleanup Economic Damages Defense Fund**

At the request of the Select Board, this article provides our fourth \$10,000 share of the anticipated fee for Special Counsel, Pawa Law Group, 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. We have spent \$9,022 of the \$30,000 appropriated to date. 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. Impacts could exceed \$500 Million, if a moderate cleanup occurs over a span of fourteen years.

**Article 39. Athletic Field Playground Equipment**

This article reaffirms the May 14, 2015 appropriation of funds to renovate the Athletic Field playground, and includes language required to secure a \$13,120 (58% of the total appropriation) state Parkland Acquisitions and Renovations for Communities (PARC) reimbursement. The grant has been awarded subject to Town Meeting approval of the warrant article language which has been reviewed and approved by the PARC Grants Program Supervisor. If the grant funding is withheld, the amount to be expended will not exceed \$9,500.

Over the past three years the Lee Youth Commission has investigated the requirements to update the Town of Lee’s five playgrounds. In an effort to narrow the scope of this project the Commission decided to first focus on the needs of the Lee Athletic Field. Phase 1 included the replacement of the Pavilion. Phase 2 focuses on the renovation of the Lee Athletic Field’s playground. This would include an early childhood play structure and replacing damaged and aged equipment.

**Article 40. Athletic Field Tennis Courts Crack Repair**

Initiated by the Lee Youth Commission and requested by the Department of Public Works, this article provides funding to repair cracks in the tennis court surfaces (2) at the Athletic Field. The cracks were repaired last in 2008.

**Article 41. Edith Wharton Park Sign and Parking Area (Shared 50%)**

The Parkland Acquisitions and Renovations for Communities (PARC) reimbursement (Article 39) is contingent upon our submission of a site inspection report for the Edith Wharton Park which was purchased in 1972 by the Towns of Lee and Lenox in part (50%) with a \$50,000 Land and Water Conservation Fund (LWCF) grant. The inspection form asks if the LWCF sign is posted and if it is open to the general public. A December 5, 1973 letter from Department of Natural Resources Commissioner Arthur Bownell noted an October 1973 site inspection revealed that the Towns had not complied with certain requirements, "Specifically the placing of the Bureau of Outdoor Recreation Symbol and the provisions for parking." This article provides Lee's 50% share of the estimated \$16,600 cost to purchase and install the sign and to construct the parking area. The Town of Lenox will manage the project.

**Article 42. Laurel Lake Preservation Association's Ongoing Lake Studies**

As it has done for the past five years, the Laurel Lake Preservation Association requests 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 43. Berkshire Brownfields Program**

At the request of Berkshire Regional Planning Commission (BRPC), this article provides funds to offset its 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: 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 Phase I Assessment at the Eagle Mill led to an EPA grant to conduct a recently completed Phase II Assessment. 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 44. Streetlight Control cabinet Replacement**

At the request of the Town Administrator, this article provides funding to replace a streetlight control box at the intersection of Park and Main Streets. The control box is located in front of Carr Hardware and it is functioning. However, its badly damaged appearance detracts from the entrance to our downtown.

**Article 45. Town Hall Copy Machine Replacement**

At the request of the Town Administrator, this article provides funding to replace the main municipal copy machine, which is failing after nearly ten years of operation and more than 1.4 Million copies.

**Article 46. Thin-Film Shopping Bag Reduction Bylaw**

At the request of the Recycling Committee, this article proposes a new bylaw to regulate the use of Thin-Film Shopping Bags within the Town and to promote the use of reusable bags. Attached to this memorandum is the Recycling Committee's background explanation and "Summary of Key Provisions and Rationale" for this bylaw.

**Article 47. Polystyrene Reduction Bylaw**

At the request of the Recycling Committee, this article proposes a new bylaw to prohibit the use and distribution of foam and rigid Polystyrene in Disposable Food Containers and require the use and distribution of Disposable Food Containers made of safer, more sustainable, and environmentally friendly materials. Attached to this memorandum is the Recycling Committee's background explanation and "Summary of Key Provisions and Rationale" for this bylaw.

**Article 48. Annual Town Meeting Time Change**

Since the business of the usual Special Town Meeting is combined with the Annual Town Meeting, this article moves the starting time for the Annual Town Meeting from 7:30 to 7:00 pm.

Copy with attachment:

Kathy Arment, Conservation Commission Chair  
Lynn Browne, Town Accountant  
Don Fitzgerald, Building Commissioner  
Doug Mann, Veterans Agent  
Jaimy Messana, Land Use Assistant  
Lisa Michaud, Ambulance Director  
Sarah Navin, Board of Assessors' Clerk  
David Parker, Technology Trainer  
Chris Pompei, P.E., Superintendent of Public Works  
Jeffrey Roosa, Police Chief  
Susan Holian, Council on Aging Clerk  
Sue Scarpa, Town Clerk  
Alan Sparks, Fire Chief  
Donna Toomey, Treasurer/Collector  
Damon Vorce, Library Director  
Jim Wilusz, Tri-Town Health Department Director  
Jeremia Pollard, Esq., Town Counsel  
School Committee and Superintendent Al Skrocki  
Finance Committee  
Personnel Board  
Planning Board  
Board of Public Works  
Recycling Committee