

ANNUAL TOWN MEETING, MAY 12, 2022 7:00 P.M.

**Lee, Massachusetts Annual Town Meeting May 12, 2022 at 7pm Lee Middle & High School
Auditorium**

COMMONWEALTH OF MASSACHUSETTS BERKSHIRE, SS.

Moderator Sarah Wright called the meeting to order at 7:06PM. All present recited the Pledge of Allegiance. The moderator confirmed that the warrant had been duly posted and there was a quorum present. The Moderator acknowledged former town meeting members that passed away and discussed meeting rules and procedures.

ARTICLE 1

Bob Jones moved that the Town vote to receive the reports of the Selectmen, Town Accountant and the other officers, boards, commissions and committees of the Town. Second by Patty Carlino. Motion PASSED 48-0.

ARTICLE 2

Bob Jones moved that the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2022. Second by Patty Carlino. Motion PASSED 47-0.

ARTICLE 3

Sean Regnier moved that the Town vote to authorize to transfer the sum of \$4,100 from the Sale of Cemetery Lots receipts to the Fairmount Perpetual Care Trust Account. Bob Jones Second by Bob Jones. Motion PASSED 48-0.

ARTICLE 4

Patty Carlino moved that the Town vote to raise and appropriate \$21,323,787.91 for the maintenance of the several departments of the Town as set forth in the May 12, 2022 Annual Town Meeting Warrant. Second by Sean Regnier.

		FY2022	FY2023
		BUDGET	FINANCE COM RECOMMENDED
CODE	CATEGORY		
100	GENERAL GOVT.		
114	MODERATOR	150.00	150.00
122	SELECTMEN	59,475.12	60,440.60
123	TOWN ADMIN.	108,364.00	102,085.00
131	FINANCE COMMITTEE	500.00	500.00
132	RESERVE FUND	70,000.00	70,000.00
133	COMPENSATION RES	75,000.00	75,000.00
135	TOWN ACCT.	117,447.00	115,209.00
141	ASSESSORS	109,955.00	110,955.00
145	TREASURER/COLLECTOR	196,250.89	199,407.97
151	TOWN COUNSEL	36,660.00	37,333.20
155	INFORMATION TECH.	64,440.00	84,318.00
156	LAND USE ASSISTANT	48,000.00	48,960.00
161	TOWN CLERK	61,593.00	62,667.36
163	ELECTIONS/REG.	13,200.00	15,100.00
171	CONSERVATION COM.	3,615.17	4,200.00
175	PLANNING BD.	7,581.00	8,081.00
176	ZONING BOARD	2,575.00	2,575.00
188	HR	0.00	44,423.68
195	TOWN REPORTS	3,600.00	3,600.00
196	OFFICE EQUIP MAINT	13,260.00	13,260.00
197	STAFF DEVELOPMENT	4,000.00	4,000.00
	TOTAL GEN. GOVT.	995,666.18	1,062,265.81
200	PUBLIC SAFETY		
210	POLICE	1,274,809.23	1,319,617.75
221	FIRE DEPT (OLD CHART)	0.00	0.00
231	FIRE/EMS	953,468.42	1,025,785.23
241	BUILDING DEPT.	103,199.00	116,214.82
242	GAS INSPECTOR	5,808.21	5,912.87
244	SEALER/WEIGHTS MEAS	5,817.20	7,350.00
245	WIRING INSPECTOR	8,306.77	8,447.13
246	PLUMBING INSPECTOR	7,547.84	7,685.10
291	EMERGENCY MGMT	2,250.00	2,250.00
292	ANIMAL CONTROL	10,210.94	13,149.00
299	COMMUNICATIONS	0.00	0.00
	TOTAL PUB.SAFETY	2,371,417.61	2,506,411.90

300	EDUCATION		
300	SCHOOL DEPT.	9,781,424.00	10,164,902.00
		9,781,424.00	10,164,902.00
400	PUBLIC WORKS		
421	D.P.W. ADMINISTRATOR	45,023.14	46,625.00
422	HIGHWAY CONST.&MAINT	383,410.49	427,808.70
423	SNOW & ICE	451,841.00	511,867.00
424	STREET LIGHTING	76,500.00	76,500.00
425	FORESTRY	37,400.00	42,400.00
433	SANITARY LANDFILL	24,150.00	21,730.00
654	PARKS & PLAYGROUNDS	20,151.74	23,241.13
192	PUB.BLDG.-AIROLDI BLDG	29,890.52	30,046.33
193	PUB BLDG-MEMORIAL HL	50,565.52	50,721.33
491	CEMETERY	87,019.72	90,259.99
	TOT. PUBLIC WORKS	1,205,952.13	1,321,199.49
500	HEALTH AND HUMAN SERVICES		
511	BD. OF HEALTH	765.00	765.00
519	TRI-TOWN HEALTH	139,496.93	146,344.11 (Lee Only)
			450,301 Total
522	PORCHLIGHT VNA	0.00	0.00
523	BRIEN CENTER	2,867.00	2,867.00
523	COMMUNITY HEALTH PG	1,250.00	1,250.00
540	CABLE ADVISORY COMM	150.00	150.00
541	COUNCIL ON AGING	68,252.04	70,431.00
542	LEE YOUTH ASSOC.	54,873.13	58,459.80
543	VETERAN'S SERVICES	76,248.00	76,397.96
	TOTAL H&H.S.	343,902.10	356,664.87 (Lee Only) 660,621.76 Total

600	REC. AND CULTURE		
610	LEE LIBRARY	294,054.03	298,464.84
620	SANDY BEACH	50,603.56	61,103.00
630	CULTURAL COUNCIL	4,800.00	4,800.00
691	HISTORIC COMM.	485.00	485.00
693	WAR MEMORIALS	2,900.00	2,900.00
	TOTAL REC & CULT.	352,842.59	367,752.84
700	DEBT SERVICE		
710	LONG TERM DEBT (P)	825,000.00	850,000.00
721	LONG TERM DEBT (I)	37,875.00	12,750.00
722	SHORT TERM DEBT (I)	3,100.00	3,100.00
	TOTAL DEBT SVC.	865,975.00	865,850.00
800	INTERGOV		
	BERK REG PLANNING	4,736.00	4,807.34
	TOTAL INTERGOVT	4,736.00	4,807.34
900	FIXED COSTS		
911-912	EMPL. BENEFITS		
911	MEDICARE	166,290.77	171,279.49
911	BERK. CTY RETIRMENT	1,000,376.00	1,045,392.00
912	HEALTH INS.	3,133,786.00	3,133,786.00
912	LIFE INS.	15,000.00	16,045.42
912	WORKERS COMP	120,565.00	126,593.00
912	POLICE MED.	2,033.00	2,033.00
912	MEDICARE B PENALTY	0.00	0.00
	TOTAL EMPL. BEN.	4,438,050.77	4,495,128.91
940	INSURANCES		
945	LIABILITY INS.		
	GEN/PROP/LIAB	112,066.00	117,669.00
	SCHOOL BOARD		

946	OTHER INSUR.		
	POLICE AND		
	FIRE ACCIDENT	60,990.00	60,990.00
	SUB. TOTAL INSUR	173,056.00	178,659.00
	TOTAL FIXED COST	4,611,106.77	4,673,787.91
	TOTAL BUDGET	20,533,022.38	21,323,797.91

Hold, Line 300 School Budget- Cornelia Kalischer spoke in regards to how much the school budget is with decline in enrollment. School Vote line 300 PASSED 47-0-1.

Hold Line 620 Sandy Beach-Cornelia Kalischer spoke about the hours and weeds. Sandy Beach line 620 PASSED 48-0

Non-held lines PASSED 47-0

ARTICLE 5

Bob Jones moved to see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for capital expenditures of the several departments of the Town as follows:

TOWN HALL SECURITY CAMERAS	\$30,000
YOUTH COMMISSION	\$10,000
FIRE/EMS PAVING	\$78,000
SANDY BEACH	\$2000
DPW – PAVING PLAN	\$74,910
DPW – MECHANIC EQUIPMENT	\$30,000
DPW – PLOW TRUCKS	\$220,000
DPW – PICKUP TRUCK	\$40,000
DPW – CEMETARY MOWER	\$23,000
DPW – EXTRAORDINARY REPAIR	\$12,500
TOWN BUILDINGS-CONTIGENCY	\$12,500
TOWN BUILDINGS – MEM HALL	\$20,000
TOWN BUILDINGS – LIBRARY	\$7,500
LEE HIGH SCHOOL BLEACHERS	\$175,000
<u>LEE PUBLIC SCHOOLS</u>	<u>\$100,000</u>
 TOTAL CAPITAL	 \$835,410

And further, to provide for said appropriation, transfer the sum of \$835,410 from available funds, or take any other action relative thereto. Motion PASSED 48-0.

ARTICLE 6

Sean Regnier moved to see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2023 budget for the Water Department:

Water Operations	\$1,049,203.91
<u>Capital Expenditures</u>	<u>\$ 27,500.00</u>
TOTAL	\$1,076,703.91

And further, to provide for said appropriations from the following sources of revenue and available funds, or take any other action relative thereto.

User Charges	\$1,049,203.91
<u>Retained Earnings</u>	<u>\$ 27,500.00</u>
TOTAL	\$1,076,703.91

Patty Carlino second. Motion PASSED 48-0

ARTICLE 7

Patty Carlino moved to see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2023 budget for the Wastewater Department:

Wastewater Operations	\$2,236,625.37
<u>Capital Expenditures</u>	<u>\$ 112,500.00</u>
TOTAL	\$2,349,125.37

And further, to provide for said appropriations from the following sources of revenue and available funds; or take any other action relative thereto.

User Charges	\$2,236,625.37
<u>Retained Earnings</u>	<u>\$ 112,500.00</u>
TOTAL	\$2,349,125.37

Sean Regnier second. Motion PASSED 47-0

ARTICLE 8

Bob Jones moved 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, to execute

any documents in connection with said applications and to expend grant funds for purposes received without further appropriation, or to take any other action relative thereto. Patty Carlino second. Motion PASSED 48-0.

ARTICLE 9

Sean Regnier moved to see if the Town will vote to expend those sums from fiscal year 2023 “Chapter 90” funds as provided by the Commonwealth, or to take any other action relative thereto. Patty Carlino second. Motion PASSED 47-0.

ARTICLE 10

Patty Carlino moved to see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for the following purposes:

Bond Payment - Paving	171,270
Bond Payment - Fire/EMS	145,099
Chamber of Commerce Advertising	46,500
Chamber of Commerce Gateway/Downtown	10,000
Historical Commission Matching Funds	
- Historic Inventory*	16,000
MEMA Mitigation Plan	7,500
Laurel Lake Preservation Association	2,500
Berkshire Brownfields	2,000
Fireworks - Founders Day	1,000
Bike Path – Land Title Work	3,000
VFW 100th Anniversary	11,000

And to meet that appropriation transfer the sum of \$415,869.00, or any other amount, from available funds, or take any other action relative thereto. Sean Regnier second. Motion PASSED 47-0.

ARTICLE 11

Bob Jones moved to See if the Town will vote to appropriate \$12,500,000 or any other amount for the purpose of designing, engineering and constructing a community center including all incidental and related costs by borrowing said sum. And further to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to pay costs for the design, engineering, construction, equipping, and furnishing of a new community center, or take any other action relative thereto. Patty Carlino second. After much discussion from many town residents, the Motion FAILED 2-44-0 2/3 vote was needed.

ARTICLE 12

Sean Regnier moved to see if the town will amend Zoning Bylaw § 199.7.1 (Purpose and Findings) by adopting the version below with strike-outs removed and underlined text added, or take any other action relative thereto

§ 7.1 Purpose

(a) Under the authority conferred by the Massachusetts General Laws, as amended, and every other power and authority thereto pertaining, the Town of Lee adopts this section subchapter for the regulation and restriction of billboards, signs and other advertising devices within the town on public ways, or any private way used by the public, or on private property within public view of any public way, public park or reservation in order to protect and enhance the visual environment of this town (its public and private investments in buildings and open spaces) and the safety, convenience and welfare of its residents.

(b) To accommodate the constitutionally protected interests of the public in speech and expression, this subchapter allows political signs wherever a business sign is allowed. In addition, it allows modestly sized political signs to be placed on any person's private property so long as they do not interfere with traffic or otherwise create a hazard. These rules require the balancing of several interests, including the support of free expression, the protection of orderly and safe traffic flow, and the protection of Lee's historic and desirable visual appeal. The rules are based on the following legislative findings:

(1) The town controls the placement of signs on town property, through decisions of the Select Board and on occasion by popular vote at town meeting. However, consistent with public safety, private parties may be allowed to place political signs on town roadway property that is adjacent to their own private property or in areas specially designated free speech signage.

(2) For traffic safety, the Lee bylaw generally requires that business signs maintain a setback of ten feet from the traveled way or lot boundary. Since political signs may now be placed (without a permit) close to the traveled way, they should be of a limited size and placed so that they are unlikely to obstruct the view of motorists entering the roadway or to be unduly distracting to passing motorists.

Amend § 199-7.3 (18) (Definition)

§ 7.3 Definitions

(A) As used in this section, the following terms shall have the meanings indicated:

(18) Political Sign - ~~A sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate to a public office at a national, state or local election~~ A sign placed on private property and designed to influence voters, or

to influence any official action by one or more public officials or expressing an opinion on a matter of cultural, societal, religious, or political topic.

Amend § 199-10.??2(23) (Definition in SGOD Subchapter)

§ ?? .2(23) DEFINITIONS

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws, or, as applicable, as otherwise set forth in the Zoning Bylaw, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in this Section or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

(23) Political Sign

~~A political sign is a sign designed to influence the action of voters for the passage or defeat or the election of a candidate to a public office at a national, state or local election.~~ A sign placed on private property and designed to influence voters, or to influence any official action by one or more public officials or expressing an opinion on a matter of cultural, societal, religious, or political topic.

Amend General Standards § 199-7.7(J) (General Rule for Political Signs)

~~J. Political. Two political signs are permitted per lot without a permit.~~

~~(1) Political signs are permitted if they are stationary, unlighted and temporary. Such signs shall be displayed no earlier than 20 days prior to a voting day and shall be removed within five days after a voting day.~~

~~(2) Political signs may not exceed four square feet.~~

(J) Political Signs. Political signs are allowed as follows.

(1) The owner of any lot may place political signs on that lot (with a sign permit) on the same terms as a permanent business or home occupation sign in that zone, and without regard to whether a business or home occupation is present.

(2) In addition to signs authorized above, political signs are also allowed (without a sign permit) on private land of the sign owner. Such signs shall not exceed six square feet and may also be placed on the owner's side of any roadway edge, curb or sidewalk, provided that they do not create a traffic hazard, and also on any land with permission of the owner.

(3) In addition to signs authorized above, political signs are also allowed (without a sign permit) in building windows, but they shall not be separately illuminated from the exterior or flashing.

(4) Except as provided above, political signs are subject to the restrictions and limitations generally applicable to other signs in the same zone, including lighting and location. Where both a permitted political sign and a permitted commercial sign are present, the combined area shall not exceed the size allowed in that zone.

Amend § 7.8(A) (Signs in Residential Zones)

7.8 District Regulations.

A) R20, R30, RA-40, CR and RM District requirements.

(1) Allowed Signs. The following signs are allowed

(a) Any signs listed as by right. [See Section 7.4 (A).]

(b) Sign on Premises. One sign is allowed, with a permit, to advertise an approved professional, artisan or home occupation. The sign shall be a wall sign or freestanding sign on the lot of the building containing the business, shall not exceed ~~six~~ 12 square feet, and shall be located at least 10 feet from the public right-of-way line or attached to the building.

Amend § 7.7(E) (Construction Project Signs)

E) Construction. ~~An~~ A single on-premises construction project sign is allowed ~~without~~ with a permit. ~~It~~ The sign shall identify the contractor, architect, landscape architect and/or engineer's name, address and other pertinent information.

(1) Construction project signs shall not exceed 12-square feet and shall be set back at least 10 feet from the street lot line or 1/2 the building setback distance, whichever is less.

(2) Construction project signs may be maintained on the building or property for the interim of construction and not more than 30 days following the completion of said construction.

(3) Any contractor may place a sign (without a permit) not exceeding six square feet on a property at which he or she is currently working.

Amend § 199-7.6 (Administration and Enforcement)

§ 7.6 Administration and Enforcement

A. Permits, Applications. No sign requiring a permit shall be erected, displayed, altered or enlarged until an application has been filed and a permit for such action has been issued. Applications shall be on forms prescribed by the Building Commissioner. At a minimum, all applications shall include the applicant's signature, a scale drawing specifying the sign's dimensions, materials, illumination, letter sizes, colors, and support systems as well as its location on the land or in relation to buildings, with all relevant measurements.

**** Paragraphs B and C not affected ****

~~D. Enforcement.~~

~~———— (1) The Board of Selectmen shall designate a Building Commissioner, and that Building Commissioner is hereby authorized to enforce this Subchapter 7. The Building Commissioner is authorized to order the repair or removal of any sign and supporting structure which is erected or maintained contrary to these regulations. Whenever a Building Commissioner is designated, that person or board should notify the State Outdoor Advertising Board.~~

~~———— (2) Interpretation, implementation and enforcement of this subchapter will lay with the Building Commissioner serving as agent for the Board of Selectmen.~~

~~E.D. Maintenance, Repair and Removal by Owner.~~ Every sign shall be maintained in good structural and electrical condition at all times. The Building Commissioner shall inspect and shall have the authority to order (in accordance with the notice procedures in the following subdivision) the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. Any sign which has been ordered removed by the Building Commissioner or is abandoned or discontinued shall be removed by the person, firm or corporation responsible ~~for~~ his, her or its sign within 20-30 days of receiving the written notice to remove.

~~F.E.~~ Emergency Removal of Signs by the Building Commissioner. The Building Commissioner shall cause to be removed, without notice, any sign that:

(1) Endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign, or a sign for which no permit has been issued due to material electrical or structural defects;

(2) Impedes vehicular or pedestrian traffic or vehicle sight lines or otherwise creates a traffic hazard;

(3) Is attached to a government-owned pole, pylon or fence or a utility pole; or

(4) Is on town-owned land (including roadway, parks and conservation lands), but excluding any political sign placed adjacent to the sign owner's real property and, in accordance with this subchapter, on the owner's side of any curb or sidewalk edge maintained by the town.

F. Non-Emergency Removal and Repair. In all cases where emergency action is not authorized above, the Building Commissioner shall enforce this chapter in either of two ways, as he or she may elect:

———— (1) prepare Issue a notice of violation which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected or appealed within 20-30 days, the Building Commissioner may cause the sign shall to be removed in accordance with the provisions of this section; or

———— (2) Initiate noncriminal disposition under MGL c. 40, § 21D by giving the offender a written notice to appear before the clerk of the district court with jurisdiction in Lee.

(3G) Notices. All notices of violation mailed to sign owners or property owners by the Building Commissioner shall be sent by certified mail to the sign owner, if known, or otherwise to the property owner. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

(4H) Appeals. Any person having ~~an~~ a property interest in the a sign or the real property on which a sign is located may appeal the determination of an emergency removal of a sign or a notice of violation from the Building Commissioner ordering removal or compliance by filing a written notice of appeal with the Lee Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall hold a hearing in order to determine if the Building Commissioner's order of removal or compliance should be enforced (See § 199-13.2.)

GI. Penalties.

(1) Whoever violates any of the provisions of this subchapter shall pay a fine not to exceed \$300 for each offense.

(2) Each day that such violation continues shall constitute a separate offense.

~~———— (3) The Building Commissioner acting as agent for the Board of Selectmen shall be imposed to enforce this section.~~

~~———— (4) This chapter may be enforced by noncriminal disposition as provided for by MGL c. 40, § 21D.~~

Gordon Bailey second. After much lengthy discussion, Motion PASSED 42-4-1 with 2/3 vote needed to pass.

Amendment 1&2: Strike “Placed on Private Property” Strike “A Matter of” Strike “and”

Both amendments passed with voice vote.

ARTICLE 13

Sean Regnier moved WHEREAS, Massachusetts needed new investments in our transportation and public education systems even before the COVID pandemic, and those investments are needed more than ever to lift our economy into an equitable and long-lasting recovery;

WHEREAS, the best way to help working families and rebuild a strong economy for us all is to make that we have quality public schools for our children, affordable public higher education and a reliable transportation system; and

WHEREAS, for Massachusetts to compete against other regions around the nation and the globe, we need modern, reliable transportation; safer roads and bridges, public transportation that works, and safe ways to walk and bike around town; and

WHEREAS, students need a well-rounded education, founded on a rich and varied curriculum that includes science, technology, engineering, and math (STEM), music, art, and athletics; and

WHEREAS, major investments in public education are needed to help students recover academically, socially and emotionally from the COVID-19 pandemic; and

WHEREAS, tuitions and fees at our public colleges are among the highest in the country, forcing students to take on enormous debt just to receive a degree; and

WHEREAS, new state revenue is necessary to rebuilt crumbling roads and bridges, improve our public schools from Pre-K through college, expand access to vocational and technical training, invest in fast and reliable public transportation, make public higher education affordable again, and expand opportunities for healthy walking and bicycling; and

WHEREAS, wealthy Massachusetts residents saw their investments grow during the pandemic while working families struggled, and Massachusetts' wealthiest residents should pay their fair share to support our communities and grow our economy.

THEREFORE, let it be resolved that the Town of Lee, Massachusetts supports the proposed Fair Share Amendment that would create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to quality public education, affordable public colleges and universities, and for the repair and maintenance of roads, bridges, and public transportation.

Neil Clarke second. After some discussion, Motion PASSED 43-1-3.

ARTICLE 14

Bob Jones moved to see if the town will vote to accept an act providing for recall of elections in the town of Lee as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled by the authority of the same as follows

Recall of Elected Official

SECTION 1. Any holder of an elective town office in the town of Lee may be recalled from office for any reason by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit signed by at least 50 registered voters of the town containing the voters' names and addresses may be filed with the town clerk. The initial recall affidavit shall contain the name of the officer sought to be recalled, the office sought to be recalled and a statement of the grounds for recall. The town clerk shall immediately forward the recall affidavit to the board of registrars of voters for verification of signatures.

SECTION 3. The board of registrars of voters shall verify the signatures on the initial recall affidavit within 14 calendar days of receipt of the initial recall affidavit. If the initial recall affidavit is found to contain a sufficient number of verified signatures, the town clerk shall deliver to the first 10 registered voters who signed the affidavit a formal numbered and printed recall

petition sheet with the town clerk's official seal and addressed to the board of selectmen demanding the recall and the election of a successor to the office. Prior to the delivery of the recall petition sheet, the town clerk shall fill out the top portion of each recall petition sheet naming the elected official sought to be recalled, the grounds for recall stated in the initial recall affidavit, the names of the first 10 registered voters that signed the affidavit and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk.

The 10 registered voters of the town to whom the town clerk delivered recall petition sheets shall have 30 days from the date of delivery of the recall petition sheets in which to file their signed recall petition sheets with the town clerk.

To proceed with the recall election, the town clerk shall receive within 30 days from the date of delivery of the recall petition sheets, the required number of signed recall petition sheets containing the signatures, names and street addresses of at least 1 percent of the registered voters of the town as of the date the signed recall petition sheets are delivered to the town clerk.

Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall verify the number of signatures which are names of registered voters of the town.

SECTION 4. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petitions shall be submitted with the certificate of the town clerk to the board of selectmen without delay. The board of selectmen shall give written notice of the receipt of the certified petition to the officer sought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given by the board of selectmen, then the board of selectmen shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after receipt of the certified petition; provided, however, that if any other town election is scheduled to occur within 100 days after the date of receipt of the certified petition, the board of selectmen may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for that other election. If a vacancy occurs in the office after recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. An officer sought to be recalled may be a candidate to succeed the officer in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, the incumbent shall be considered removed from office immediately and the office vacant.

SECTION 7. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF THE

[NAME OF OFFICER] ()

AGAINST THE RECALL OF THE

[NAME OF OFFICER] ()

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

SECTION 8. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term. In the case of an officer subject to recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 3 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

SECTION 9. A person who has been recalled from an office or who has resigned from office while a recall petition was pending against them shall not be appointed to any town office within 2 years after the recall or resignation.

Neil Clarke seconded the motion.

After a lengthy discussion, Gordon Bailey moved to amend by substituting 1% for 5% in section 3, second by Neil Clarke. The amendment passed. Gordon Bailey moved to amend section 4 paragraph 4 by adding the words "If the Select Board fails to act within the specified timelines of the recall provisions, the Town Administrator is empowered to then carry out the provisions post haste." Vote for second amendment of Article 14 PASSED 22-17-11. Josh Cohen moved to call the question. Patty Carlino second. Motion to call the question FAILED 17-25-3, needed a 2/3 vote to pass. After further discussion, Article 14 (as amended) FAILED 10-30-5.

ARTICLE 15

Patty Carlino moved to see if the town will vote to raise and appropriate or to transfer from available funds the sum of \$25,000 or any other amount to create a Technical Information Center accessible to all. The content of said Center to be relevant documents, videos and materials in any other media relating to all aspects of PCB's including health effects, environmental persistence, transportation, removal, and remediation. The purpose of this library is to promote an "Informed Citizenry" that can competently advise the town on the management of the PCBs removed from the Housatonic River and environs as part of the GE/EPA "Rest of river Settlement Agreement". Sean Regnier second. After much discussion, the vote FAILED 17-21-7

Seeing no further business, the moderator declared the meeting dissolved at 10:12PM

Respectfully Submitted.

Rachael B. Armstrong, Town Clerk

