

**ANNUAL TOWN MEETING, MAY 11, 2023 7:00 P.M.**

**Lee, Massachusetts Annual Town Meeting May 11, 2023 at 7pm Lee Middle & High School  
Auditorium**

**COMMONWEALTH OF MASSACHUSETTS BERKSHIRE, SS.**

Moderator Sarah Wright called the meeting to order at 7:15PM. 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 as pertaining to our first open Town meeting since 1967.

Bob Jones moved that he would read Articles 1-6 Consent Agenda and if there are no objections they shall be approved by a single vote.

**ARTICLE 1**

The Town vote to receive the reports of the Select Board, Town Accountant and the other officers, boards, commissions and committees of the Town.

**ARTICLE 2**

The Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2023.

### **ARTICLE 3**

The Town vote to authorize to transfer the sum of \$2,200 from the Sale of Cemetery Lots receipts to the Fairmont Perpetual Care Trust Account.

### **ARTICLE 4**

The Town vote to authorize the Board of Select Board, or other Town Departments with the knowledge of the Board of Select Board, 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.

### **ARTICLE 5**

The Town vote to expend “Chapter 90” sums for fiscal year 2024 as provided by the Commonwealth of Massachusetts to repair and pave the Town’s roads.

### **ARTICLE 6**

The Town amend Article II § 7-3, Capital Outlay Committee Appointment membership by striking “one town meeting member from each of the representative districts” and inserting “six members at large” and adding “members shall be appointed for three-year overlapping terms. Three members shall be appointed annually.”

Second by Sean Regnier. Motion PASSED Unanimously via voice vote.

**ARTICLE 7**

Sean Regnier moved that the Town vote to raise and appropriate \$21,389,199.16, for the maintenance of the several departments of the Town as set forth in the May 11, 2023, Annual Town Meeting Warrant. Of which no hold has been placed. Second by Gordon Bailey. Non-held items PASSED unanimously via voice vote. Sarah Wright went through and read each department line item.

		<b>FY2023</b>	<b>FY2024</b>
		<b>BUDGET</b>	<b>FINANCE COM RECOMMENDED</b>
<b>CODE</b>	<b>CATEGORY</b>		
<b>100</b>	<b>GENERAL GOVT.</b>		
114	MODERATOR	150.00	150.00
122	SELECTMEN	60,440.60	62,717.97
123	TOWN ADMIN.	102,085.00	107,395.00
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.	115,209.00	118,340.00
141	ASSESSORS	110,955.00	115,305.00
145	TREASURER/COLLECTOR	199,407.97	211,860.00
151	TOWN COUNSEL	37,333.20	41,000.00
155	INFORMATION TECH.	84,318.00	109,318.00
156	LAND USE ASSISTANT	48,960.00	51,162.00
161	TOWN CLERK	62,667.36	67,241.13
163	ELECTIONS/REG.	15,100.00	15,500.00
171	CONSERVATION COM.	4,200.00	5,350.00
175	PLANNING BD.	8,081.00	8,081.00
176	ZONING BOARD	2,575.00	2,575.00
188	HR	44,423.68	48,125.00
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
	<b>TOTAL GEN. GOVT.</b>	<b>1,062,265.81</b>	<b>1,130,480.10</b>

<b>200</b>	<b>PUBLIC SAFETY</b>		
210	POLICE	1,319,617.75	1,361,850.44
231	FIRE/EMS	1,025,785.23	1,099,498.55
241	BUILDING DEPT.	116,214.82	120,713.00
242	GAS INSPECTOR	5,912.87	6,348.01
244	SEALER/WEIGHTS MEAS	7,350.00	7,790.00
245	WIRING INSPECTOR	8,447.13	8,661.87
246	PLUMBING INSPECTOR	7,685.10	8,110.10
291	EMERGENCY MGMT	2,250.00	2,250.00
292	ANIMAL CONTROL	13,149.00	14,808.43
	<b>TOTAL PUBLIC SAFETY</b>	<b>2,506,411.90</b>	<b>2,630,030.40</b>
<b>300</b>	<b>EDUCATION</b>		
300	SCHOOL DEPT.	10,164,902.00	10,647,487.00
	<b>TOTAL EDUCATION</b>	<b>10,164,902.00</b>	<b>10,647,478.00</b>
<b>400</b>	<b>PUBLIC WORKS</b>		
421	D.P.W. ADMINISTRATOR	46,625.00	48,976.75
422	HIGHWAY CONST.&MAINT	427,808.70	649,014.87
423	SNOW & ICE	511,867.00	456,654.25
424	STREET LIGHTING	76,500.00	76,500.00
425	FORESTRY	42,400.00	47,400.00
433	SANITARY LANDFILL	21,730.00	21,730.00
654	PARKS & PLAYGROUNDS	23,241.13	24,448.72
192	PUB.BLDG.-AIROLDI BLDG	30,046.33	32,984.72
193	PUB BLDG-MEMORIAL HL	50,721.33	56,194.72
491	CEMETERY	90,259.99	94,555.63
	<b>TOTAL PUBLIC WORKS</b>	<b>1,321,199.49</b>	<b>1,508,459.66</b>
<b>500</b>	<b>HEALTH &amp; HUMAN SERVICES</b>		
511	BD. OF HEALTH	765.00	3,265.00
519	TRI-TOWN HEALTH	453,667.00	483,200.76
		<i>Lee's Share:</i>	<i>Lee's Share:</i>
		<b>146,344.11</b>	<b>156,129.85</b>
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	70,431.00	72,410.97
542	LEE YOUTH ASSOC.	58,459.80	59,920.00

543	VETERAN'S SERVICES	76,397.96	76,627.40
	<b>TOTAL H&amp;H.S.</b>	<b>356,664.87</b>	<b>372,620.22</b>
<b>600</b>	<b>REC. AND CULTURE</b>		
610	LEE LIBRARY	294,793.32	318,439.59
620	SANDY BEACH	61,103.00	61,103.00
630	CULTURAL COUNCIL	4,800.00	4,800.00

Hold Line 122-Deidre Consolati thinks the budget should slow down, Chris Brittain told her that most of the budget is for the Administrative Assistant. Select Board Budget PASSED Unanimously.

Hold Line 156 Land Use Assistant-Linda Cysz inquired who is or what is the Land use Assistant.

Hold 195 Town Reports, Deidre Consolati feels that Town Report should be mailed to each resident. Patty Carlino spoke about how beautiful and what a great change the new Town Report is. Town Report budget PASSED Unanimously via voice vote.

Hold line 210 Police- Deidre Consolati spoke to the police budget being \$40,000 more this year, asking for clarity. Craig DeSantis responded as the increases are in negotiated raises and we have a full-time only force now. Police Budget PASSED unanimously via voice vote.

Hold line 300, School Department- Cornelia Kalischer was concerned about enrolment and encourages a blend of schools for budgetarily reasons.

Michael Richard spoke to information gathering of regionalizing schools. School Budget PASSED unanimously via voice vote.

Hold 511 Board of Health-Darrin Blaney wonders why the increase is just so little. Jim Wilusz spoke to increasing technology. There was motion to amend and increase that budget from the \$2500 to \$10,000 from Gail Ceresia second from Josh Bloom. After much discussion, Amended Motion FAILED 87 YES 97 NO via standing vote Jim Castegnaro amended the motion again to \$9,000 and seconded from Janice Braim. More discussion between Monica Ryan, John Coty, Josh Bloom, Bob Lohbauer Jr. Vote on Second amendment FAILED 70 YES 102 NO via standing vote. David Parker moved the motion to call the question. Matt Fillio second. Verbal vote to call the question passed unanimously. Original motion on Line item 511 PASSED via voice vote.

Hold line 620 Sandy Beach-Cornelia Kalischer car bottoms out in the driveway to the beach, there is more weeds, and looking for an hour extension. Sandy Beach PASSED unanimously via voice vote.

Hold line 800 Berkshire Regional Planning-Josh Bloom spoke to public access restriction via meetings and meeting minutes. Josh Bloom makes a motion to postpone line item to a special meeting. Anne Langlais seconds the motion and spoke to the lack of public comments at BRPC meetings. Jeremia Pollard comments that you can't bind a future legislative body. Much more discussion between Buck Donovan whom is on the Board for BRPC and spoke on how that

committee has helped the town in different capacities, Ulrike Nagel asks what this amount is for, Chris Brittain responded, Josh Bloom says Buck spoke inaccurately, Peter Bluhm Planning Board member agrees with Buck, Peg Biron wants us to work together as a neighborhood, Cornelia Kalischer wants to hear the Select Board, Bob Jones responds, Sean Regnier also spoke to BRPC offers great services to the community and we should pay them the amount owed, Gordon Bailey also responded that BRPC sets the agenda and it is that that doesn't allow for public comment and we will have to pay this assessment, Cornelia Kalischer asks the Select Board if they could write a letter on the Town's behalf, Janice Braim wants to postpone motion. Motion to Amend FAILS 62 YES 89 NO via standing vote. Main motion PASSED 121 YES 32 NO via standing vote.

Hold line 945 Liability Insurance-Don Hunter ask if that contemplates our potential ownership of the dam. Chris Brittain responded the number would not change. Gail Ceresia, Bill Johndro, Alexandra Lloyd discussed. Motion PASSED Unanimously via voice vote.

## **ARTICLE 8**

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

Building Improvement Contingency \$ 12,500.00

Airoidi Building Roof Repairs \$ 20,000.00

Playground Improvements/Equip \$ 12,500.00

Police Capitol \$ 45,000.00

Fire/Ambulance Capital \$ 50,000.00

School Network Replacement \$150,000.00

Sandy Beach Safety/Maintenance Equipment \$ 2,000.00

Highway Extraordinary Infrastructure Contingency \$ 12,500.00

DPW Plow Truck Accessories \$ 30,000.00

Memorial Hall (building improvements) \$ 20,000.00

Library – Painting \$ 5,000.00 Road Paving \$100,000.00

**TOTAL CAPITAL EXPENDITURES: \$459,500.00**

Bob Jones second. Motion PASSED Unanimously via voice vote.

## ARTICLE 9

Bob Jones moved that the Town vote to make the following appropriations to fund the Fiscal Year 2023 budget for the Water Department:

Water Operations	\$1,092,006.71
Capital Expenditures	\$ 242,176.00
<b>TOTAL</b>	<b>\$1,334,182.71</b>

And further, to provide for said appropriations from the following sources of revenue.

User Charges	\$1,092,006.71
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Retained Earnings	\$ 242,176.00
TOTAL	\$1,334,182.71

Gordon Bailey Second. Motion PASSED Unanimously via voice vote.

## **ARTICLE 10**

Sean Regnier moved that the Town vote to make the following appropriations to fund the Fiscal Year 2024 budget for the Wastewater Department;

Wastewater Operations	\$2,404,365.32
Capital Expenditures	\$ 360,000.00
TOTAL	\$2,764,365.32

And further, to provide for said appropriations from the following sources of revenue.

User Charges	\$2,404,365.32
Retained Earnings	\$ 360,000.00
TOTAL	\$2,764,365.32

Gordon Bailey second. Motion PASSED Unanimously via voice vote.

## **ARTICLE 11**

Gordon Bailey moved that the Town vote to transfer from available funds the sum of \$415,869.00 for the following purposes:

Bond Payment – Paving \$157,315.00

Bond Payment - Fire/EMS \$133,735.00

Chamber of Commerce Advertising \$ 62,244.00

Chamber of Commerce Gateway/Downtown \$ 14,500.00

Laurel Lake Preservation Association \$ 2,500.00

Berkshire Brownfields \$ 2,000.00  
Special Education Reserve Fund \$125,000.00  
Fireworks-Founders Day \$ 1,000.00  
BCAC–Energy Readiness \$ 5,000.00  
Greenagers (Longcope Park) \$ 5,000.00  
**TOTAL MISCELLANEOUS: \$508,294.00**

Bob Jones seconds. Deidre Consolati and Roger Scheurer discussed about Laurel Lake Preservation Association. Motion PASSED Unanimously via voice vote.

## **ARTICLE 12**

Bob Jones moved that the Town vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, fee takings and permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous with Meadow Street in the locations more or less depicted on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Meadow Street over Powder Mill Brook (Bridge No. L-05-004) in the Town of Lee, Berkshire County, Preliminary Right-of-Way,” dated 3/1/2023, as it may be amended, a copy of which has been placed on file with the Town Clerk, and fee takings and permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plan, for public way purposes, including without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related

purposes, to enable the Town to undertake the Meadow Street bridge replacement project.

Sean Regnier Second. After some discussion, Motion PASSED Unanimously via voice vote.

### **ARTICLE 13**

Sean Regnier moved that the Town vote to act on the report of the Community Preservation Committee (CPC) on the fiscal year 2023 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund Annual Revenues or available funds for the administrative expenses of the CPC, the payment of debt service, the undertaking of CPC projects and all other necessary and proper expenses for the year(s), or take any other action relative thereto. Proposed fiscal year 2023 community preservation budget- the community preservation committee recommends that the following amounts be appropriated or reserved from fiscal year 2023 community preservation fund revenues, unless otherwise specified, for fiscal year 2023 community preservation purposes with each item considered a separate appropriation:

#### 2023 Estimated Revenues

Estimated	\$120,000.00
State Trust Fund	\$ 43,081.00
TOTAL	\$163,081.00

#### Budget

Reserves 10% each

Open Space/Recreation	\$ 16,308.10
Historic Resources	\$ 16,308.10
Community Housing	\$ 16,308.10

Total Budget: \$ 48,924.30  
Budgeted Reserves \$114,156.70.

Gordon Bailey second. Motion PASSED Unanimously via voice vote.

## ARTICLE 14

Gordon Bailey moved that the Town vote to act on the report of the Community Preservation Committee (CPC) on the fiscal 2024 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund Annual Revenues or available funds for the administrative expenses of the CPC, the payment of debt service, the undertaking of CPC projects and all other necessary and proper expenses for the year(s), or take any other action relative thereto. Proposed fiscal year 2024 community preservation budget- the community preservation committee recommends that the following amounts be appropriated or reserved from fiscal year 2024 community preservation fund revenues, unless otherwise specified, for fiscal year 2024 community preservation purposes with each item considered a separate appropriation:

### 2024 Estimated Revenues

Surcharge \$143,000.00

State Trust Fund \$ 50,050.00

TOTAL \$193,050.00

### Budget

Appropriations Administrative (5%) \$ 9,652.50

Reserves 10% each

Open Space/Recreation \$ 19,305.00

Historic Resources \$ 19,305.00 Community Housing \$ 19,305.00

Total Budget \$ 67,567.50

Budgeted Reserve \$125,482.50

Bob Jones second. Motion PASSED unanimously via voice vote.

## **ARTICLE 15**

Bob Jones moved that the Town vote to authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the Select Board, a lease purchase financing agreement for the acquisition of LED Street Lighting, equipment that may be acquired through the issuance of debt under G.L. c. 44 (improvement of infrastructure, a capital asset the improvement of which may be financed by the issuance of debt under G.L. c. 44, the term of such agreement not to exceed 10 years, the useful life of the (equipment/improvement) as determined by the Select Board and the public works department shall be authorized to enter into such agreement on behalf of the city/town, subject to approval of an appropriation for the first-year payments (Street Lighting Operating Budget).

Sean Regnier second. After some discussion, motion PASSED unanimously via voice vote.

## **ARTICLE 16**

Sean Regnier moved that the Town vote to transfer from available funds the sum of \$125,000 to a Fire/EMS Apparatus Replacement Special Stabilization Fund. Gordon Bailey second. Motion PASSED unanimously via voice vote.

## **ARTICLE 17**

Gordon Bailey moved that the Town vote to appropriate \$445,800 from the Water/Sewer Infrastructure Surcharge Account for the purpose of water line replacements on Railroad Street and Robert Street. Bob Jones second. Motion PASSED unanimously via voice vote.

## **ARTICLE 18**

Bob Jones moved that the Town vote to authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the select board, a lease purchase financing agreement for the acquisition of School Plow Truck, equipment that may be acquired through the issuance of debt under G.L. c. 44 (improvement of infrastructure, a capital asset the improvement of which may be financed by the issuance of debt under G.L. c. 44), the term of such agreement not to exceed 10 years, the useful life of the (equipment/improvement), as determined by the select board and the school committee, who shall be authorized to enter into such agreement on behalf of the city/town, subject to approval of an appropriation for the first-year payments from School Maintenance. Sean Regnier second. Motion PASSED unanimously via voice vote.

## **ARTICLE 19**

Sean Regnier moved that the Town vote to authorize the Select Board to acquire by gift the property consisting of a certain parcel of real property with the dam and improvements located thereon containing approximately 1.13 acres of land located at 405 Laurel Street (assessor's parcel 007.0-0000-0041.0) as well as any apparent rights to the dam's water pipeline including but not limited to rights and easements for hydroelectric generation included with the land described in a deed recorded at the Middle Berkshire Registry of Deeds Book 04277 Page 282 et seq. for municipal purposes, and further to transfer from available funds the sum of \$5,000 for consulting services and inspection of the dam in connection with the acquisition of said land. Acceptance of the gift shall be contingent upon the Select Board's review and acceptance of an independent third-party inspection of the dam. Gordon Bailey second. After lengthy discussion among the Town's people about liability, weeds, beach access, The Laurel Lake Association, inspection reports, permitted access, yearly maintenance, the motion FAILED with 63 YES and 77 NO.

## **ARTICLE 20**

Gordon Bailey moved that the Town vote to petition the state legislature to amend the board of public works special act by adding underlined text and removing crossed out text as shown in the May 11, 2023, Annual Town Meeting Warrant. Bob Jones second.

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provisions of any general or special law or by-law, there shall be established in the town of Lee a department of public works and - a board of public works, hereinafter called the board, consisting of ~~seven~~ five members to be appointed by the ~~board of selectmen~~ select board and shall operate under the select board's control. The board of public works may propose recommendations to the select board for consideration. ~~Four members to be initially appointed to serve for terms of two years and three members to be initially appointed to serve a term of one year. Thereafter, when the term of any member expires, his successor~~ Members shall be appointed to serve a term of ~~two years~~ three years with staggered expirations. The members of the board shall annually elect from its members a ~~chairman~~ chairperson and a ~~clerk~~ co-chair (either may call for a meeting of the board) for the ensuing year. In case of a vacancy, the ~~board of selectmen~~ select board shall, within thirty days, fill such vacancy for the unexpired term. No person who is a municipal employee of the town ~~or any holder of an elective office~~ in the town of Lee shall serve on this board.

Section 2. Upon the appointment and qualification of the ~~initial members of the~~ board of public works, the board shall have all the powers and duties now and from time to time vested by general or special laws, town charter or town by-laws in the following boards, ~~departments and offices having corresponding powers and duties in the town of Lee, to wit: highway department, water and sewer commissioners, and cemetery board, tree warden and park commissioners and such boards, offices and departments shall be and are hereby abolished.~~ No contracts, obligations or liabilities in force on the date when this act becomes fully effective shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished. ~~The board shall have such additional powers with respect to the furnishing of engineering services, the maintenance and repair of town buildings and property, excluding school buildings and property, and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a board of public works, as the town may, from time to time, by by laws provide, and other provisions of law to the contrary notwithstanding.~~ The board of public works shall also perform such duties as the town may, from time to time, by bylaws provide.

Section 3. The board shall ~~appoint and fix the compensation of~~ have one member present for representative on interviews for related to the position of a superintendent of public works who shall exercise and perform, under the supervision of the town administrator ~~and direction of the board~~, such powers, rights and duties transferred to it under sections two and three as it may, from time to time, designate. ~~He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board. He~~ The superintendent shall be specially fitted by education, training and experience to perform the duties of said office and need not be a resident of the town. ~~He~~ They shall not be subject to the civil service law and rules and during ~~his~~ their tenure ~~he~~ they shall hold no office nor shall ~~he~~ they be engaged in any other business or occupation. ~~He shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He~~ They shall keep full and complete records of the doings of ~~his~~ their office and render to the board as often as it may require a full report of all operations under ~~his~~ their control during the period reported upon; and annually, and from time to time as required by the board, ~~he~~ they shall make a synopsis of such reports for publication. ~~He~~ They shall keep the board fully advised



as to the needs of the town within the scope of ~~his~~ their duties and shall furnish to the board each year upon its request a carefully prepared and detailed estimate in writing of the capital appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties. The board shall provide a recommendation of these purchases to the town meeting. The superintendent shall also provide the board with reports on any contracts (including equipment purchases, building repairs, paving and water/sewer infrastructure requiring competitive bids according to MGL 30b). The board shall provide recommendations to the superintendent for street paving, water and sewer infrastructure and equipment purchases.

Section 4. All persons employed by or under the supervision of the boards, including offices or departments abolished by section two shall, upon the effective date of this act, be transferred to ~~said board of public works~~ the town administrator without loss of pay and without change of gating, seniority, retirement or pension rights, or any other privileges under any provision of law or by-law, notwithstanding that job titles may be changed in the department, ~~subject, however, to the approval of the director of civil service. — Approved June 11, 1970.~~

Section 5. Chapter 44 of the Acts of 2021 is hereby repealed

Section 6. This Act shall take effect upon ~~it's~~ its passage.

Motion PASSED unanimously via voice vote.

## **ARTICLE 21**

Bob Jones moved that the Town vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134, and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and WHEREAS, citizens of Lee have a substantial economic and social interest in terms of greater customer choice and opportunities for

savings in this restructured market; and WHEREAS, the Town of Lee hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Lee hereby: Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary. Sean Regnier second. Motion PASSED unanimously via voice vote.

## **ARTICLE 22**

Sean Regnier moved that the Town vote to enact Chapter 196 of the Town of Lee General Bylaws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy,

pursuant to 225 CMR 22 and 23, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024, a copy of which is on file with the Town Clerk. Bob Jones second. After much debate pertaining to green communities, the cost of building, keeping younger adults here, pricing people out of the market, climate change, solar, grant application and so forth. The motion FAILED voice vote.

### **ARTICLE 23**

Gordon Bailey moved that the Town vote to amend section 199.12.16 of the Town of Lee Zoning Bylaws, entitled “Dumpster Enclosure” by replacing sections A through D2 as published in the May 11, 2023, Annual Town Meeting Warrant. Bob Jones second. Buck Donovan spoke to Planning Board Report. Motion PASSED unanimously via voice vote.

§ 199.12.16 Storage

- A. All materials, supplies and equipment shall be stored in accordance with the Fire Prevention Standards of the National Fire Protection Association and shall be screened from view from public ways or abutting properties.
- B. After 2024, outside waste storage areas in the DCBC, CBC and RB zones shall be enclosed by an opaque fence and gates or other solid wall enclosure. This requirement does not apply to one or two family residential uses.
- C. All outside waste storage enclosure gates shall remain closed except when being serviced.
- D. For purposes of this section:
  - 1. “Waste storage area” means an area devoted to storage of containers of trash, recycling, food waste, or other waste products which are visible, in part or whole, from a public roadway or sidewalk or an abutting property.
  - 2. “Container” includes metal dumpsters, commercial compactors, “roll-out” plastic wheeled storage canisters, and residential-sized garbage cans.

## ARTICLE 24

Bob Jones moved that the Town vote to amend the Town of Lee Zoning Bylaws by adding section 199.2.5, entitled “Lots in Two or More Zones” as published in the May 11, 2023, Annual Town Meeting Warrant. Sean Reginer second. Buck Donovan spoke to Planning Board Report. After some questions and discussion, the motion FAILED via voice vote with 2/3s.

### §199.2.5 Lots in Two or More Zones

- A. Where portions of a lot are contained in two or more zoning districts, the Planning Board by special permit may allow a frontage use to be extended to

an additional rear portion or to the entire lot, subject to the dimensional and use regulations of the frontage parcel.

B. Definitions:

- i. "Lot" means any parcel in town, but excludes any parcel created by merger of two or more parcels after 2022.
- ii. "Frontage use" means a use allowed by right or by special permit on that portion of a lot that has the required road frontage.

C. The procedures for special permits in section 199-13.4 shall apply, including notice and voting. The Planning Board may grant such a special permit only after:

- i. It finds that the frontage use is allowed by right or by special permit for the portion of the lot with all the required road frontage; and
- ii. It makes the five findings otherwise required for a special permit under subdivision 199-13.4(I).

## **ARTICLE 25**

Sean Regnier moved that the Town vote to adopt a Pollinator Friendly

Resolution as published in the May 11, 2023, Annual Town Meeting Warrant.

Gordon Bailey second. Motion PASSED unanimously via voice vote.

The Lee Greener Gateway Committee proposes the following advisory, non-binding resolution is to encourage appreciation of and inspire action in support of pollinators, including birds, bees, butterflies, moths, and other beneficial insects, especially by prioritizing native plant species in our local environment. It aims to support a resilient and diverse natural environment in Lee by creating synergies with efforts initiated by several other towns in western Massachusetts.

Whereas bees, moths, butterflies, and other pollinators are an essential component of a healthy ecosystem;

Whereas pollinators provide essential ecological services (including nutrition and habitat) to nurture webs of life;

Whereas locally grown fruits and vegetables, such as apples, blueberries, strawberries, squash, and tomatoes depend on pollinators;

Whereas most local bird species are reliant on vast quantities of caterpillars in order to thrive and reproduce;

Whereas many caterpillars and other beneficial insects have very specific feeding needs that can only be satisfied with the native plant species they have co-evolved with;

Whereas considerable scientific research has documented the steep decline of many insect species;

Whereas our local ecosystems are under tremendous threat from climate change, habitat loss and fragmentation, assaults by non-native invasive species, and the spread of pollutants, pathogens, and parasites; and

Whereas extensive research has documented that systemic pesticides, as well as light pollution, are serious threats to a healthy environment;

Now, Therefore, Be It Resolved by the Town Meeting of the Town of Lee that the Town of Lee is hereby declared a Pollinator-Friendly Community and that the town encourages, to the extent possible, the adoption of policies and practices that support ecological health by prioritizing the planting of native species in landscaping, land management and restoration efforts; reducing the use of pesticides; and encouraging property owners, residents, and town departments to adopt pollinator-friendly best practices, including:

- Avoiding the planting of cultivars and flowering plants that are treated with systemic insecticides;
- Planting diverse grass mixes for lawns that include low flowering ground covers;
- Reducing lawn mowing schedules to allow these flowering ground covers to bloom, thereby lowering overall maintenance costs;
- Where possible, replacing portions of grassed areas with low maintenance flowering perennial shrubs, wildflower corridors, and trees;
- Minimizing the harmful effects of light pollution; and
- Allowing fallen leaves to remain along property borders under trees and shrubs as overwintering sites for insects (and birds).

The Town Clerk is requested to send copies of this resolution to Governor Maura Healey, Massachusetts Department of Agricultural Resources Commissioner Ashley E. Randle, State Senator Paul Mark, and State Representative Smitty Pignatelli, or to take any other action relative thereto.

## ARTICLE 26

Gordon Bailey moved that the Town vote to adopt a resolution in support of changing the state flag and seal of Massachusetts, as published in the May 11,

2023, Annual Town Meeting Warrant. Bob Jones second. After some discussion, motion PASSED with 44 YES and 39 NO.

Resolution in Support of Changing the State Flag & Seal the Massachusetts

**Whereas** the history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

**Whereas** members of the Native Nation for whom the Commonwealth of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, at Wessagusett (now Weymouth) in April of 1623, barely two years after the Pilgrims arrived;

**Whereas** the Colonial broadsword held by a white hand above the head of the Indigenous person on the Massachusetts Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

**Whereas** the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Indigenous leaders that resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment.

**Whereas** the proportions of the body of the Indigenous person on the Flag and Seal were taken from the skeleton of an Indigenous person unearthed in Winthrop, the bow modeled after a bow taken from an Indigenous man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

**Whereas** the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Indigenous people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Indigenous men, women, and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Indigenous adult males by 1722, half that amount for Indigenous women and children;

**Whereas** Indigenous people were legally prohibited from even stepping foot into Boston from 1675 until 2004, where that Colonial law was finally repealed;

**Whereas** the 400<sup>th</sup> anniversary of the landing of the Colonists at Plymouth Plantation, where gave rise to the long chain of genocidal wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

**Whereas** the land area now known as the Town of Lee, shares a rich Native history with modern tribal Nations such as the Stockbridge-Munsee Band of the Mohican Indians, who inhabited this area long before the first colonial settlers arrived, in 1760;

Now, therefore, **BE IT RESOLVED** that the Town of Lee hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and **in support of a new flag and seal for the Commonwealth** that may better reflect our aspirations for harmonious and respectful relations between all people who with the request that they continue their strong support the work of the aforementioned Special Commission and advocate for a new flag and seal for the Commonwealth.

The Moderator Declared the Annual Town Meeting dissolved at 11:25PM.