



TOWN OF LEE

32 Main Street, Lee, MA 01238
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R. Christopher Brittain,
Town Administrator

DATE: April 16, 2024

TO: All Registered Voters of the Town of Lee

FROM: Chris Brittain, Town Administrator

RE: Summary of Warrant Articles for the 2024 (FY25) Annual Town Meeting

ATTACHMENTS: Town Meeting Warrant

The Annual Town Meeting will be held on **May 9, 2024 at 7:00pm** in the Lee High/Middle School Auditorium. Below is a summary of each article that will be considered at the meeting.

***NOTE: Articles 1-5 have been placed in a consent agenda which allows them to be approved with a single vote. These articles are generally considered “housekeeping” matters that are continuously approved by unanimous vote each year.**

***Article 1** - Town Reports: This article accepts the town reports (provided in print and online at lee.ma.us) covering the fiscal year ending June 30, 2023.

***Article 2** - Salary of Elected Officials: Fix salaries of elected officials as required by law. This applies to the wages for the Select Board and Moderator in Article 4 (budget).

***Article 3** - Each fiscal year we transfer 50% of the sale of cemetery lots in to the perpetual care account. This requires a majority vote of town meeting.

***Article 4** – Blanket Grant Authorization. This article replaces the need to hold a town meeting before any grant application is submitted.

***Article 5** – Chapter 90: This article allows the town to accept money from the commonwealth for road paving. This year’s appropriation is estimated to be \$285,553.

Article 6 – Previous Fiscal Year. This article approves the payment of \$1,372 for invoices that were received after the start of the new fiscal year. They require a 4/5th vote to pay the vendors.

Article 7 - Omnibus FY24 General Fund Operating Budget: The budget contains a total increase of 5.22%. Below is an explanation of some of the larger increases. The vast majority of this increase is related to 3 items, an 8% increase in health care costs, a 7% increase in retirement costs, a 5% increase in education costs, and a 40% increase in energy costs (second half of the fiscal year). It is important to note that the Board of Assessors has also released \$344,000 of overlay surplus which will be applied towards lowering the tax rate. This, combined with projected new growth and local revenue, should bring the estimated tax impact closer to 3.25%.

Conservation: Funding has been increased to accommodate for an increase in permit applications and additional staff time for enforcement. The town will make use of a conservation agent employed by several other municipalities in Berkshire County.

Land Use: The land use assistant position became vacant during FY24 and is proposed to be replaced by a “Town Planner” position with additional hours and responsibilities. The recent creation of the Town’s master plan relies heavily on the use of a town planner.

Treasurer/Collector/HR: The agreement for shared HR services (that was created in conjunction with a shared administrator) was terminated during FY24 and HR was incorporated into the Treasurer/Collector Department (as it was previous to the Shared Administrator Agreement that is also no longer in effect). As a result, the HR budget is zero funded and the Treasurer/Collector budget has been increased.

Town Counsel: This line is being increased due to additional legal services needed for the GE/Monsanto litigation.

Building Department: The building department increase is a direct result of increased permitting. Lee shares its building officials with 3 other communities and the yearly assessment is based on permit numbers from the previous fiscal year.

Fire/EMS: This 8.8% increase accounts for raises in the collective bargaining agreement an additional full-time firefighter/paramedic staff member in the department. The department is adding one additional staff member over the course of 4 years to cover an additional 24/7/365 shift. This is year two of the process.

School: The 5% increase to the total school budget fully funds the requested appropriation from the superintendent and school committee.

Tri Town Health: The Health District is requesting an increase due to several factors that include an increase in fringe benefits, adjustments to staff compensation and other costs. New workforce standards require all municipal public health staff to meet additional credentialing, workforce standards and compliance with specific technical certifications in addition to existing requirements.

The Tri-Town Health Department is facing significant challenges to recruit qualified staff. Without proper staffing, the department would face an inability to fulfill legal and regulatory obligations, protect public health/safety, and cause delays in inspections and permitting. This would also create a loss of revenue that will far outweigh the budget request.

Employee Benefits: This year's budget saw a significant increase in health insurance rates (8%) and Retirement (7%). These increases were seen across many towns in the area, regardless of health insurance plans. There have been no significant increases in the past 3 years.

Article 8 - This article includes several capital purchases to be made from the town's free cash. Free cash is a revenue source that includes a community's remaining, unrestricted funds from its operations of the previous fiscal year. Use of these funds does NOT affect the tax rate. Included below are summaries of certain projects proposed for FY24.

Paving Plan: FY24 will include a total of \$900,000 in paving and is funded by multiple sources including available cash, Chapter 90 monies, 40R money and Fair Share money.

School: This capital expenditure is required to upgrade the HVAC system in both school buildings. This contribution is being matched with school choice funds as well as state grant money to meet the total replacement cost.

Hot Box: The department will utilize this equipment to provide more efficient and cost-effective asphalt repairs.

Police Capital: These funds will be used to replace police ballistic vests and tasers which have passed recommend age for effectiveness.

Fire Capital: These funds for upgrades to radio equipment to meet upcoming changes in state standards.

Memorial Hall: This appropriation should complete the final phase of office repainting and flooring. The project is the first upgrade to many of these rooms since the 1991 renovation.

Library: This appropriation is to replace windows in the north section of the library.

PCB Legal/Technical: This is set aside \$250,000 of the free cash generated from the GE settlement agreement to be available for providing the town of Lee technical and Legal advice during the Rest of River Project. The town of Lee has contracted with an environmental consulting firm that will assist in providing comments and feedback to the EPA as well as develop independent monitoring and oversight specifically for residents of Lee.

Article 9 and 10 – Water and Sewer Enterprise. The water and wastewater departments appropriations (debt, operating and capital) are fully funded through separate enterprise accounts.

Article 11 – Omnibus Non-Departmental Budgets include several annual expenditures. There are also 2 new appropriations that are summarized below:

VFW Main Street Flags: Member of the VFW will be replacing the POW/MIA and American flags that line Main Street. This replacement occurs about every 4-6 years.

Downtown Lighting Grant Match: The town of Lee received a grant for \$250,000 to refurbish and replace the Mainstreet decorative lighting. This appropriation fulfills the town's required matching funds. The new lighting will include smart LED fixtures with audio and Wi-Fi features at the south end of Main Street.

Article 12 – The town recently became part of the Community Preservation Act through a town wide vote. Each year a 1.5% surcharge is assessed on Real Estate Taxes. These funds must be used for projects related to housing, historic preservation and open space/recreation. State law requires that at least 10% of yearly funds be reserved or appropriated for each of these 3 categories. These projects represent the first allocations of CPA money. Each project included an application process and interview by the CPA committee before they referred to town meeting for funding. These projects can provide money for town projects or those of non-profit organizations. They do NOT affect the upcoming tax rate as the money has already been collected. Below is a brief synopsis of each project

COMMUNITY GARDEN

Funding request: \$14K, for creating pollinator gardens across the town to educate, support Lee's role as the "Gateway to the Berkshires" and to secure a pollinator expert for planning and execution.

KIWANIS

Funding request: \$12K for creation of an ADA compliant ramp to educate carpentry shop students in ADA regulations, introduce project participants to civics, and building requirements. One removable ramp is planned for an affordable housing location, to be determined.

HISTORICAL COMMISSION

Funding request for \$16K for a project to bring the existing database up to current State standards for preserving records, with the assistance of a professional.

A second proposal for \$14K to create an updated History of Lee with a focus on gathering additional information for the past 40 years as well as an accounting of historical assets and buildings.

HISTORICAL SOCIETY

Funding request for \$36K for a cemetery survey with particular focus on the "Foote Square Area" where potentially 200 hidden burials exist, using LIDAR and/or sub meter GPS. Project would also include cleaning, restoration and preservation of headstones.

A second proposal requesting CPA funds for \$8K to be used to obtain a more robust, museum quality mounting system for exhibits which will support pop-up displays for major holidays such as: Veterans Day, Memorial Day and Founders Day as well as more permanent exhibition locations.

LEE SPORTSMAN'S

Funding request for \$26K from CPA, the project would give access to members and the public with mobility issues by improvements to parking and pathways at the shotgun range.

BIKE PATH

Funding request for \$30K to be used in the design phase of a bike path /walking trail along the Housatonic River from the area of the Big Y on Pleasant St., to the area in back of Lee Bank on Park Street. Additional funding has been secured for other phases of the project, such as actual construction.

YOUTH COMMISSION

Funding request for \$80K to expand and improve the current Skateboard Park at the Athletic Field and the creation of a new Obstacle Course designed in the style of a "Ninja Warrior" set up, to encourage recreation and fitness in residents of all ages and abilities, year-round.

Article 13 – DPW Equipment. This article approves the financing to replace one large plow truck (the current truck is from 1996), a pickup truck and the sidewalk plowing machine. The project will be funded through the debt service operating budget.

Article 14 – Fire Truck Stabilization. These funds will be added to the existing \$421,844 in the stabilization account. The money will eventually be used to replace fire trucks rather than financing the purchase.

Article 15. Home Rule Petition – Firefighter. Current state law mandates that firefighters retire at age 65 unless receiving approval from the legislature allowing them to continue to age 70. Lee typically retires all firefighters at 65 unless they are an officer of the department. In this case we will petition the legislature to allow the assistant chief, Glen Wilcox, to continue to age 70.

ARTICLE 16 – General Stabilization Account – RoR Settlement Funds (2/3 Vote)

Rest of River settlement funds were received in FY24 and automatically become part of the towns “free cash”. This article proposes to transfer the full principal of amount of the settlement (25 million dollars) of “free cash” into a general stabilization account. By doing this it will accomplish two tasks. It will allow for better transparency of how the funds are used, require a 2/3 vote to appropriate the funds and will allow the town greater flexibility over the investment of said funds. Pending approval of this article, the town has arranged for the funds to be placed in a multi-year municipal investment fund yielding over 1 million dollars per year in interest.

ARTICLE 17 – Reconstruction Design Reappropriation

\$500,000 was appropriated in 2019 for redesigning utilities on Center St, Columbia St. Mill St. Main St. Since that time the town completed the Center, Columbia and Mill projects along with the addition of a new line on Railroad Street which back feeds Main Street. \$122,178 has been carried over and remains unspent. This article will allow us to reappropriate \$100,000 of those funds toward paving projects.

ARTICLE 18 - Sewer Asset Management Grant:

The Town received a state grant to help ongoing required management of our sewer system. The total project cost of \$325,542 is comprised of a \$150,000 grant which the Town will be reimbursed for throughout the Project by MassDEP and the Massachusetts Clean Water Trust. The balance of the Project will be comprised of in-kind services provided by the Town valued at \$88,516 and a cash contribution from the Town valued at \$87,026. The 87,026 match will be funded through retained earnings of the department and will not effect taxes or sewer rates.

Article 19-21: Zoning Reports Provided by Planning Board.

ARTICLE 19 – Amend Marijuana Establishments

This proposed bylaw change arises from recent experience with marijuana establishments as well as significant changes in state regulations that reduces the town’s original authority to charge impact fees and regulate certain aspects Marijuana Establishments. It has three principal provisions. First, the bylaw would restrict the

number of marijuana cultivators (growers) in town to one. Second, the bylaw would prohibit outdoor marijuana cultivation (growing).

Third, the bylaw would expand the general prohibition on creating offensive smells in town. The current prohibition is somewhat narrow and applies only to smells that can cause injury to people or damage to property. The proposal here would add a second prohibition against smells that strongly or frequently occur and harm one or more neighbor's "quiet enjoyment" of their own properties. This proposed language is similar to that which is customary in the courts when one neighbor sues another for creating a nuisance.

ARTICLE 20 – Amend Accessory Dwelling Units

This proposal attempts to clarify an issue that came up during the recent town meeting which first enacted this ADU bylaw: when Short-Term Rental (STR) use is allowed on properties containing an ADU. The proposal would change the status quo in two ways. First, it would allow STR use for an attached ADU, such as a "Mother-in-Law Apartment" in the main building. Second, on a lot where there is a physically separate ADU, the bylaw would prohibit for the first time STR use of the main house.

ARTICLE 21 – Split Zones

This proposal has two parts. The first reduces the setback requirement in the Rural Business Zone from 75 feet to 40 feet. 40 feet is the largest setback required anywhere else in town. The second part allows the planning board, on petition from a landowner, to extend by up to 50 feet, the frontage zoning on a lot that falls in two zones. This planning board action would be taken, if at all, after notice to neighboring properties and opportunity for hearing any objections. Together, these two proposals are aimed at making the Rural Business Zone more attractive to potential new businesses.