

2023 (FY2024) Annual Town Meeting and 2023 Election Warrant

**COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, SS.**

To any of the Constables of the Town of Lee, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify all of the inhabitants of the Town of Lee, qualified to vote in Town Affairs, to meet at the **Lee High School Auditorium on Thursday, May 11, 2023 at the hour of 7:00 p.m.** in the evening, for the purposes then and there, to take action upon the following Articles, namely:

REC'D LEE TOWN CLERK
APR 19 '23 PM 1:53
Powers B. Henry

ANNUAL TOWN MEETING WARRANT ARTICLES

*----*Articles 1-6 Consent Agenda (one vote) ----*

***Article 1. Town Reports**

To receive the reports of the Selectmen, Town Accountant, and the other officers, boards, commissions, and committees of the Town.

***Article 2. Salary of Elected Officials**

To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2023, or to take any other action relative thereto.

***Article 3. Transfer of Proceeds from the Sale of Cemetery Lots to Perpetual Care Account -Finance Committee Recommends Approval**

To see if the Town will vote to authorize the transfer of the sum of \$2,200, or any other amount, from the Sale of Cemetery Lots receipts to the Fairmont Perpetual Care Trust Account, or to take other action relative thereto.

***Article 4. Blanket Grant Application Authorization**

To see if the Town will vote to authorize the Select Board, or other Town Departments with the knowledge of the 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, or to take any other action relative thereto.

***Article 5. Road Repair and Paving (Chapter 90)**

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.

***Article 6. – General Bylaw Amendment (Capital Outlay Committee)**

To see if the Town will 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". or take any other action relative thereto.

-----END Consent Agenda-----

Article 7. Omnibus Fiscal Year 2024 General Fund Operating Budgets
Finance Committee Recommends Approval

To see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes relative thereto.

		FY2023	FY2024
		BUDGET	FINANCE COM RECOMMENDED
CODE	CATEGORY		
100	GENERAL GOVT.		
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
	TOTAL GEN. GOVT.	1,062,265.81	1,130,480.10
200	PUBLIC SAFETY		
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
	TOTAL PUBLIC SAFETY	2,506,411.90	2,630,030.40
300	EDUCATION		
300	SCHOOL DEPT.	10,164,902.00	10,647,487.00
	TOTAL EDUCATION	10,164,902.00	10,647,478.00
400	PUBLIC WORKS		
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
	TOTAL PUBLIC WORKS	1,321,199.49	1,508,459.66
500	HEALTH & HUMAN SERVICES		
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>
		146,344.11	156,129.85
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
	TOTAL H&H.S.	356,664.87	372,620.22
600	REC. AND CULTURE		
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

691	HISTORIC COMM.	485.00	485.00
693	WAR MEMORIALS	2,900.00	2,900.00
	TOTAL REC & CULTURE	364,081.32	387,727.59
700	DEBT SERVICE		
710	LONG TERM DEBT (P)	850,000.00	0.00
721	LONG TERM DEBT (I)	12,750.00	0.00
722	SHORT TERM DEBT (I)	3,100.00	3,100.00
	TOTAL DEBT SERVICE	865,850.00	3,100.00
800	INTERGOVT		
	BERK REG PLANNING	4,807.34	4,927.52
	TOTAL INTERGOVT	4,807.34	4,927.52
900	FIXED COSTS		
911-912	EMPLOYEE BENEFITS		
911	MEDICARE	171,279.49	178,130.67
911	BERK. CTY RETIRMENT	1,045,392.00	1,054,999.00
912	HEALTH INS.	3,133,786.00	3,133,786.00
912	LIFE INS.	16,045.42	18,000.00
912	WORKERS COMP	126,593.00	128,658.00
912	POLICE MED.	2,033.00	2,033.00
912	MEDICARE B PENALTY	0.00	0.00
	TOTAL EMPL. BEN.	4,495,128.91	4,515,606.67
940	INSURANCES		
945	LIABILITY INS.	117,669.00	127,770.00
	GEN/PROP/LIAB		
	SCHOOL BOARD		
946	OTHER INSUR.	60,990.00	60,990.00
	POLICE AND		
	FIRE ACCIDENT		
	SUB. TOTAL INSUR	178,659.00	188,760.00
	TOTAL FIXED COST	4,673,787.91	4,704,366.67
	TOTAL BUDGET	\$21,319,970.63	\$21,389,199.16

Article 8. Omnibus Fiscal Year 2024 General Fund Capital Budgets
Capital Outlay Committee and Finance Committee Recommends Approval

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:

Building Improvement Contingency	\$ 12,500.00
Airol di Building Roof Repairs	\$ 20,000.00
Playground Improvements/Equip	\$ 12,500.00
Police Capitol (Mobile Data Terminals)	\$ 45,000.00
Fire/Ambulance Capital (Repairs)	\$ 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	<u>\$100,000.00</u>
TOTAL CAPITAL	\$459,500.00

And further, to provide for said appropriation, transfer the sum of **\$459,500** from available funds, or take any other action relative thereto.

Article 9. Water Enterprise Fund Operating/Capital Budget
Capital Outlay and Finance Committee Recommends Approval

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2024 budget for the Water Department:

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

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	\$1,092,006.71
Retained Earnings	<u>\$ 242,176.00</u>
TOTAL	\$1,334,182.71

**Article 10. Wastewater Enterprise Fund Operating/Capital Budget
Capital Outlay and Finance Committee Recommends Approval**

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2024 budget for the Wastewater Department:

Wastewater Operations	\$2,404,365.32
Capital Expenditures	<u>\$ 360,000.00</u>
TOTAL	\$2,764,365.32

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	\$2,404,365.32
Retained Earnings	<u>\$ 360,000.00</u>
TOTAL	\$2,764,365.32

Article 11. Omnibus Fiscal Year 2024 General Fund Operating Budgets – Finance Committee and Capital Outlay Recommends Approval

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	\$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)	<u>\$ 5,000.00</u>
TOTAL MISC	\$508,294.00

And to meet that appropriation transfer the sum of \$ \$508,294, or any other amount, from available funds, or take any other action relative thereto.

Article 12 – Meadow Street Bridge Land Acquisition

To see if the Town will 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, and further, to raise and appropriate, transfer from available funds, borrow or otherwise provide funds for the purposes of providing for such acquisition and paying all costs and expenses associated therewith, or take any other action relative thereto.

Article 13. CPA Appropriation 2023

To see if the town will 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	\$ <u>43,081.00</u>
TOTAL	\$163,081.00

Budget

Reserves 10% each	
Open Space/Recreation	\$ 16,308.10
Historic Resources	\$ 16,308.10
Community Housing	\$ <u>16,308.10</u>
Total Budget	\$ 48,924.30
Budgeted Reserves	\$114,156.70

ARTICLE 14– CPA Appropriation 2024

To see if the town will 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	\$ <u>50,050.00</u>
TOTAL	\$193,050.00

Budget

Appropriations

Administrative (5%)	\$ 9,652.50
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Reserves 10% each

Open Space/Recreation	\$ 19,305.00
Historic Resources	\$ 19,305.00
Community Housing	\$ <u>19,305.00</u>
Total Budget	\$ 67,567.50
Budgeted Reserve	\$125,482.50

Article 15 – LED Streetlights TELP Authorization (Two-thirds vote required.) Finance Committee and Capital Outlay Recommends Approval

To see if the Town will 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), or to take any other action relative thereto.

Article 16 – Fire/EMS Stabilization Fund (Two-Thirds Vote Required)-Finance Committee and Capital Outlay Recommends Approval

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$125,000, or any other amount, to a Fire/EMS Apparatus Replacement Special Stabilization Fund, or take any other action relative thereto. Capital Outlay and Finance Committees recommend approval.

ARTICLE 17 – Water Sewer Infrastructure Fund Appropriation – Finance Committee and Capital Outlay Recommends Approval

To see if the Town will appropriate \$445,800 from the Water/Sewer Infrastructure Surcharge Account for the purpose of water line replacements on Railroad Street and Robert Street, or take any other action relative thereto.

Article 18 – School Truck TELP Authorization (Two-Thirds Vote Required) – Finance Committee and Capital Outlay Recommends Approval

To see if the Town will 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 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 (School Maintenance), or to take any other action relative thereto.

Article 19. Purchase of Laurel Lake Dam – Capital Outlay Recommends Approval (Two-thirds vote required.)

To see if the Town will vote to authorize the Select Board to acquire by gift or purchase, 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 (assessors 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 seq. for municipal purposes and to raise and appropriate, transfer from available funds and/or borrow a sum of money for the acquisition of said land.

Article 20. Board of Public Works Legislation

To see if the Town will petition the state legislature to amend the board of public works special act by adding underlined text and removing crossed out text as shown below or take any other action relative thereto:

Chap. 438. An Act Amending the Board of Public Works in Lee

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~~ They 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 rating, 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 its its passage.

Article 21. Municipal Electricity Aggregation

To see if the Town will 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.

ARTICLE 22 – Stretch Energy Code

To see if the Town will 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, or take any other action relative thereto.

Article 23 – ZONING – Dumpster Enclosure (2/3 Vote)

To see if the Town will vote to amend section 199.12.16 of the Town of Lee Zoning Bylaws, entitled “Dumpster Enclosure” by replacing sections A through D2 with the following text, or take any other action relative thereto.

§ 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 – ZONING – Split Zone (2/3 Vote)

To see if the Town will vote to add section 199.2.5 of the Town of Lee Zoning Bylaws, entitled “Lots in Two or More Zones” with the text provided below, or take any other action relative thereto.

§199.2.5 Lots in Two or More Zones

- E. 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.
- F. Definitions:
 - 1. “Lot” means any parcel in town, but excludes any parcel created by merger of two or more parcels after 2022.
 - 2. “Frontage use” means a use allowed by right or by special permit on that portion of a lot that has the required road frontage.
- G. 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:
 - 1. 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
 - 2. It makes the five findings otherwise required for a special permit under subdivision 199-13.4(I).

ARTICLE 25 – Pollinator Friendly Resolution

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 – CITIZENS Petition: State Seal Resolution

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 400th 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.

You are hereby directed to notify and warn the Inhabitants of the Town of Lee qualified to vote in Town Affairs to meet at the Crossway Village gymnasium, 21 Crossway Street in Lee on Monday, May 15, 2023 at 7:00 a.m. to 8:00 p.m. to cast their votes for the following offices:


Moderator	One for the term of one year
Selectman	One for the term of three years
Lee School Committee	Three for a term of three years
Planning Board	One for the term of five years
Housing Authority	One for the term of five years

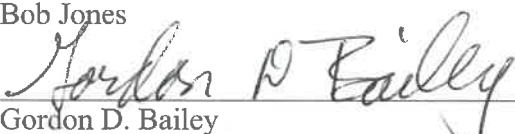
You Are hereby directed to serve this Warrant by posting true and attested copies thereof, in five public places within the Town of Lee, seven (7) days at least, before the day and hour of holding said meeting.

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

Given under our hands at Lee, this 18th day of April, 2023.


Sean J. Regnier, Chair


Bob Jones


Gordon D. Bailey

As per instruction in this Warrant, I have posted same, this 19 day of April, 2023 in five public places.


Constable