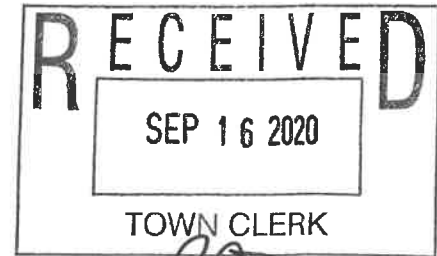


October 1, 2020 Annual Town Meeting Warrant

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 Middle/High School Auditorium on Thursday, October 1, 2020 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:

**ANNUAL TOWN MEETING WARRANT ARTICLES**

**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, 2020, or to take any other action relative thereto.

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

To see if the Town will vote to authorize the transfer of the sum of \$600, 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.

**Finance Committee recommends approval.**

**Article 4. Omnibus Fiscal Year 2021 General Fund Operating Budgets**

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.

**Finance Committee recommends approval.**

	APPROVED FISCAL 2020	RECOMMENDED FISCAL 2021
<b>GENERAL GOVERNMENT</b>		
MODERATOR	150	150
SELECTMEN	57,600	58,528
TOWN ADMINISTRATOR	92,973	94,105
FINANCE COMMITTEE	500	500
RESERVE FUND	70,000	70,000
COMPENSATION RESERVE	75,000	75,000
TOWN ACCOUNTANT	108,842	115,957
ASSESSORS	108,745	115,411
TREASURER/COLLECTOR	179,969	181,641
TOWN COUNSEL	33,000	33,600
INFORMATION TECHNOLOGIES	43,300	64,440
LAND USE ASSISTANT	28,193	28,757
TOWN CLERK	53,352	53,352
ELECTIONS/REGISTRATIONS	13,460	15,560
CONSERVATION COMMISSION	3,184	3,558
PLANNING BOARD	7,581	7,581
ZONING BOARD	2,575	2,575
LEE CDC	-	-
TOWN REPORTS	3,600	3,600
OFFICE EQUIPMENT MAINTENANCE	13,000	13,260
STAFF DEVELOPMENT	4,000	4,000
<b>TOTAL GENERAL GOVERNMENT</b>	<b>899,024</b>	<b>941,576</b>
<b>PUBLIC SAFETY</b>		
POLICE	1,192,357	1,175,536
FIRE (Old Line Item)	233,820	-
FIRE/EMS (formerly just "AMBULANCE")	605,959	891,242
BUILDING DEPARTMENT	102,474	103,199

	<b>GAS INSPECTOR</b>	<b>5,706</b>	<b>5,808</b>
	<b>SEALER/WEIGHTS &amp; MEASURES</b>	<b>5,817</b>	<b>5,817</b>
	<b>WIRING INSPECTOR</b>	<b>8,034</b>	<b>8,169</b>
	<b>PLUMBING INSPECTOR</b>	<b>7,281</b>	<b>7,413</b>
	<b>ANIMAL CONTROL</b>	<b>9,994</b>	<b>10,091</b>
	<b>COMMUNICATIONS</b>	<b>-</b>	<b>-</b>
	<b>EMERGENCY MANAGEMENT</b>	<b>1,500</b>	<b>1,500</b>
		<hr/>	<hr/>
<b>TOTAL PUBLIC SAFETY</b>		<b>2,172,942</b>	<b>2,208,775</b>
 <b>EDUCATION</b>			
	<b>LEE PUBLIC SCHOOLS</b>	<b>9,309,902</b>	<b>9,497,015</b>
		<hr/>	<hr/>
<b>TOTAL EDUCATION</b>		<b>9,309,902</b>	<b>9,497,015</b>
 <b>PUBLIC WORKS</b>			
	<b>ADMINISTRATION</b>	<b>43,465</b>	<b>44,236</b>
	<b>HIGHWAY CONSTRUCTION &amp; MAINTENANCE</b>	<b>372,227</b>	<b>377,079</b>
	<b>SNOW AND ICE</b>	<b>451,841</b>	<b>451,841</b>
	<b>STREET LIGHTING</b>	<b>86,518</b>	<b>86,518</b>
	<b>FORESTRY</b>	<b>27,400</b>	<b>27,400</b>
	<b>SANITARY LANDFILL</b>	<b>14,400</b>	<b>25,597</b>
	<b>PARKS &amp; PLAYGROUNDS</b>	<b>19,936</b>	<b>20,064</b>
	<b>PUBLIC BUILDING - AIROLDI BUILDING</b>	<b>29,088</b>	<b>29,238</b>
	<b>PUBLIC BUILDING - MEMORIAL (TOWN) HALL</b>	<b>50,263</b>	<b>50,413</b>
	<b>CEMETERY</b>	<b>84,033</b>	<b>85,804</b>
		<hr/>	<hr/>
<b>TOTAL PUBLIC WORKS</b>		<b>1,179,171</b>	<b>1,198,190</b>
 <b>HEALTH &amp; HUMAN SERVICES</b>			
	<b>BOARD OF HEALTH</b>	<b>765</b>	<b>765</b>

TRI-TOWN HEALTH	387,165	403,616
VNA SERVICES	22,943	22,943
BRIEN CENTER FOR MENTAL HEALTH	2,867	2,867
COMMUNITY HEALTH PROGRAM	1,250	1,250
CABLE ADVISORY COMMITTEE	150	150
COUNCIL ON AGING	67,283	68,252
LEE YOUTH ASSOCIATION	52,485	53,535
VETERANS SERVICES	75,816	75,957
<b>TOTAL HEALTH &amp; HUMAN SERVICES</b>	<b>610,724</b>	<b>629,335</b>
<b><i>RECREATION AND CULTURE</i></b>		
LEE LIBRARY (INCLUDES STATE SOURCES)	293,279	297,678
SANDY BEACH	43,328	50,604
CULTURAL COUNCIL	4,800	4,800
HISTORICAL COMMISSION	485	485
WAR MEMORIALS	2,900	2,900
<b>TOTAL RECREATION &amp; CULTURE</b>	<b>344,792</b>	<b>356,467</b>
<b><i>DEBT SERVICE</i></b>		
RETIREMENT OF DEBT	1,050,000	915,000
LONG TERM INTEREST	101,475	66,850
SHORT TERM INTEREST	2,500	2,500
<b>TOTAL DEBT SERVICE</b>	<b>1,153,975</b>	<b>984,350</b>

**INTERGOVERNMENTAL**

	<b>BERKSHIRE REG PLANNING COMMISSION</b>	<b>4,736</b>	<b>4,854</b>
		<hr/>	<hr/>
<b>TOTAL INTERGOVERNMENTAL</b>		<b>4,736</b>	<b>4,854</b>
 <b>MISCELLANEOUS - (FIXED COSTS)</b>			
	<b>EMPLOYEE BENEFITS</b>	<b>4,286,346</b>	<b>4,349,089</b>
	<b>LIABILITY INSURANCE</b>	<b>110,000</b>	<b>118,800</b>
	<b>OTHER INSURANCE</b>	<b>60,990</b>	<b>60,990</b>
		<hr/>	<hr/>
<b>TOTAL FIXED COSTS</b>		<b>4,457,336</b>	<b>4,528,879</b>
<b>GRAND TOTAL</b>		<b>20,132,602</b>	<b>20,349,441</b>

**Article 5. Omnibus Fiscal Year 2021 General Fund Capital Budgets**

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:

<b>TOWN BUILDINGS</b>	<b>\$47,000</b>
<b>LEE PUBLIC SCHOOLS</b>	<b>\$38,000</b>
<b>TOTAL CAPITAL</b>	<b>\$85,000</b>

And further, to provide for said appropriation, transfer the sum of \$85,000 from available funds, or take any other action relative thereto.

**Finance Committee and Capital Outlay recommends approval.**

**Article 6. Water Enterprise Fund Operating/Capital Budget**

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2021 budget for the Water Department:

<b>Water Operations</b>	<b>\$1,109,045</b>
<b>Capital Expenditures</b>	<b>\$ 42,500</b>
<b>TOTAL</b>	<b>\$1,151,545</b>

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	\$1,109,045
<u>Retained Earnings</u>	<u>\$ 42,500</u>
TOTAL	\$1,151,545

**Finance Committee and Capital Outlay recommends approval.**

**Article 7. Wastewater Enterprise Fund Operating/Capital Budget**

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2021 budget for the Wastewater Department:

Wastewater Operations	\$2,181,174
<u>Capital Expenditures</u>	<u>\$ 22,500</u>
TOTAL	\$2,203,674

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	\$2,181,174
<u>Retained Earnings</u>	<u>\$ 22,500</u>
TOTAL	\$2,203,674

**Finance Committee and Capital Outlay recommends approval.**

**Article 8. Blanket Grant Application Authorization**

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.

**Finance Committee recommends approval.**

**Article 9. Road Repair and Paving (Chapter 90)**

To see if the Town will vote to expend those sums from fiscal year 2020 "Chapter 90" funds as provided by the Commonwealth; or to take any other action relative thereto.

**Finance Committee recommends approval.**

**Article 10. Omnibus Fiscal Year 2021 General Fund Operating Budgets**

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:

ROAD REPAIR/PAVING DEBT	\$116,281
SCHOOL BOILER REPLACEMENT DEBT	\$12,248
DUMP TRUCK DEBT	\$43,157
CHAMBER OF COMMERCE (GATEWAY/DOWNTOWN)	\$10,000
CHAMBER OF COMMERCE (10% ROOMS TAX)	\$46,157
REST OF RIVER LEGAL DEFENSE	\$50,000
LAUREL LAKE PRESERVATION ASSOCIATION	\$2,500
<u>BERKSHIRE BROWNFIELDS PROGRAM</u>	<u>\$2,000</u>
TOTAL	\$282,343

And to meet that appropriation transfer the sum of \$282,343, or any other amount, from available funds, or take any other action relative thereto.

**Finance Committee recommends approval.**

**Article 11. Shared Chief Administrative Officer with the Town of Lenox**

To see if the Town will vote to endorse the Board of Selectmen entering into a new Intermunicipal Agreement with the Town of Lenox to share the services of a "Chief Administrative Officer" who will serve as the Town Administrator in the Town of Lee and Town Manager in the Town of Lenox, or to take any other action relative thereto.

**Article 12. Board of Public Works – Members Serving as Elected Officials**

To see if the Town will authorize the Board of Selectmen to petition the General Court to revoke so much of Chapter 438 of the Acts of 1970 that prohibits elected officers in the Town of Lee from serving on the Board of Public Works, and specifically, removing the words "or any holder of an elected office in the Town of Lee" from said Act, or to take any other action relative thereto.

**Article 13. Ratify Amendment to Berkshire Sterile TIF Agreement**

To see if the Town will vote to affirm the amendment to the Tax Increment Financing agreement between the Town of Lee and Berkshire Sterile Manufacturing, said agreement being the same as that currently on file in the Town Clerk's office, or to take any other action relative thereto.

**Article 14. Disposition of Real Property – Valley Street – Patriot Armored Systems, LLC.**  
To see if the Town will vote to transfer the care, custody and control of a parcel of land, for Five Thousand Five Hundred Dollars and no Cents (\$5,500.00), being a certain property, located on Valley Street, being Assessor's Map 2, Parcel 4C, said parcel containing 0.1 acre, from any board or commission having care and custody of said parcel, to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and further, to authorize the Board of Selectmen to convey said parcel pursuant to G.L. c. 30B, section 16, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate, or to take any other action relative thereto.

**Article 15. Repeal Infrastructure Surcharge**

To see if the Town will vote to amend or revoke its acceptance of Massachusetts General Law Chapter 40, Section 39M under Article 35 of the Warrant for the 2016 Annual Town Meeting, said acceptance being the creation of a water infrastructure surcharge on real property for maintenance, improvements and investments to the municipal drinking, wastewater and storm water assets, or take any other action relative thereto.

**Article 16. CITIZEN PETITION – Withdraw Support for Rest of River Settlement**

To see if the Town will vote to authorize the Town Clerk and/or Town Counsel to place a question on the May 2020 Town Meeting Warrant that would enable Lee Town Representatives to vote on the approval of the Rest of the River Settlement agreement.

This warrant article vote shall represent the will and voice of the residents of the Town of Lee in regards to the Rest of the River Settlement agreement. This warrant article vote shall record the rejection of the agreement and request the Selectmen rescind their support the Rest of the River Settlement agreement.

Motion to instruct the Board of Selectmen to rescind their support of the Rest of the River Settlement agreement and renegotiate terms that shall not include a dump site in the Town of Lee.

**Article 17. CITIZEN PETITION – Expand Board of Selectmen from 3 to 5 Members**

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature to amend Section 2 of Chapter 471 of the Acts and Resolves Massachusetts, namely, the special act entitled "AN ACT ESTABLISHING A SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF LEE" to replace Section 2, which provides for three select board members, with the following new section: "Section 2. The board of selectmen shall consist of five members elected by the voters of the town. Selectmen in office at the time of



approval of this act shall serve until the term which they were elected shall have expired, or take any other action relative thereto.

**Article 18. CITIZEN PETITION – Technical Information Center – PCBs**

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 PCBs, 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 PCBs removed from the Housatonic River and environs as part of the GE/EPA “Rest of River Settlement Agreement”.

**Article 19. CITIZEN PETITION – “Citizen Scientists”/Monitoring PCBs**

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$50,000, or any other amount, to train “Citizen Scientists” in best practices for independently measuring, monitoring, and reporting levels of PCBs in the Town of Lee as a baseline before removal from the Housatonic River and environs as part of the GE/EPA “Rest of River Settlement Agreement”, and to commit the Town to supporting the continuance of such a training program and the associated costs of monitoring kits as long as there are significant quantities of PCBs present anywhere in Town.

**Article 20. CITIZEN PETITION – Community Preservation Act**

To see if the Town will vote in response to the following request submitted to, and certified by, the Town Clerk as a Citizen Petition:

“...that the question of adopting sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts also known as the Community Preservation Act, which establishes a dedicated funding source to enable cities and towns to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marches, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing, be placed on the ballot for the next municipal election.

In Lee Massachusetts, the funding source for these community preservation purposes will be a surcharge of 1-3% (to be decided at the town meeting) on the annual property tax assessed on real property and annual distributions made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in Lee, as defined in Section 2 of said Act; (2) class three, commercial and class four, industrial properties as defined in G.L. c.59.&2A; (3) \$100,000 of the value of each taxable

parcel of residential real property; (4) for 100,000 of the value of each taxable parcel of class three, commercial property and class four industrial property as defined in section 2A of said chapter 59. A taxpayer receiving a regular property tax abatement of exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee will be established by by-law to study preservation resources, possibilities and needs and to make annual recommendations to town council/town meeting on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space, (2) historic resources and (3) affordable housing."

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 15 day of Sept, 2020.

  
\_\_\_\_\_  
David J. Consolati, Chair

  
\_\_\_\_\_  
Patricia D. Carlino

  
\_\_\_\_\_  
Sean J. Regnier

As per instruction in this Warrant, I have posted same,  
this 16 day of Sept, 2020 in five public places.

  
Constable

