

June 24, 2021, FY2022 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 and High School, 300 Greylock Street, Lee, MA on Thursday, June 24, 2021 at the hour of 5:00 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, 2021, 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 \$1,200.00, 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. Fiscal Year 2020 Prior Year Bills (4/5 Vote Required)

To see if the Town will vote to appropriate, transfer from available funds, or otherwise provide funds to the Fire/EMS Department, Water Department, and Information Technologies to pay five bills for services rendered in fiscal year 2020 totaling \$6,889.90; or take any other action relative thereto.

Finance Committee Recommends Approval

Article 5. Omnibus Fiscal Year 2022 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.

	APPROVED FISCAL 2021	RECOMMENDED FISCAL 2022
GENERAL GOVERNMENT		
MODERATOR	150	150
SELECTMEN	58,528	59,475
TOWN ADMINISTRATOR	94,105	108,364
FINANCE COMMITTEE	500	500
RESERVE FUND	70,000	70,000
COMPENSATION RESERVE	75,000	75,000
TOWN ACCOUNTANT	115,957	117,447
ASSESSORS	115,411	105,674
TREASURER/COLLECTOR	181,641	196,251
TOWN COUNSEL	33,600	36,660
INFORMATION TECHNOLOGIES	64,440	64,440
LAND USE ASSISTANT	28,757	41,071
TOWN CLERK	53,352	61,593
ELECTIONS/REGISTRATIONS	15,560	13,200
CONSERVATION COMMISSION	3,558	3,615
PLANNING BOARD	7,581	7,581
ZONING BOARD	2,575	2,575
LEE CDC	-	-
TOWN REPORTS	3,600	3,600
OFFICE EQUIPMENT MAINTENANCE	13,260	13,260
STAFF DEVELOPMENT	4,000	4,000
TOTAL GENERAL GOVERNMENT	941,576	984,456

PUBLIC SAFETY

POLICE	1,175,535	1,268,415
FIRE (Old Line Item)		-
FIRE/EMS (formerly just "AMBULANCE")	891,242	947,644
BUILDING DEPARTMENT	103,199	103,199
GAS INSPECTOR	5,808	5,808
SEALER/WEIGHTS & MEASURES	5,817	5,817
WIRING INSPECTOR	8,169	8,307
PLUMBING INSPECTOR	7,413	7,548
ANIMAL CONTROL	10,091	10,211
COMMUNICATIONS	-	-
EMERGENCY MANAGEMENT	1,500	2,250
TOTAL PUBLIC SAFETY	2,208,775	2,359,199

EDUCATION

LEE PUBLIC SCHOOLS	9,497,015	9,781,925
TOTAL EDUCATION	9,497,015	9,781,925

PUBLIC WORKS

ADMINISTRATION	44,236	45,023
HIGHWAY CONSTRUCTION & MAINTENANCE	377,079	383,410
SNOW AND ICE	451,841	451,841
STREET LIGHTING	86,518	76,500
FORESTRY	27,400	37,400
SANITARY LANDFILL	25,597	24,150
PARKS & PLAYGROUNDS	20,064	20,152
PUBLIC BUILDING - AIROLDI BUILDING	29,238	29,891
PUBLIC BUILDING - MEMORIAL (TOWN) HALL	50,413	50,566

	CEMETERY	85,804	86,620
	TOTAL PUBLIC WORKS	1,198,190	1,205,553
<i>HEALTH & HUMAN SERVICES</i>			
	BOARD OF HEALTH	765	765
	TRI-TOWN HEALTH	403,616	432,973
	PORCHLIGHT VNA	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	68,252	68,252
	LEE YOUTH ASSOCIATION	53,535	54,873
	VETERANS SERVICES	75,957	75,957
	TOTAL HEALTH & HUMAN SERVICES	629,335	637,087
<i>RECREATION AND CULTURE</i>			
	LEE LIBRARY (INCLUDES STATE SOURCES)	297,678	302,143
	SANDY BEACH	50,604	50,604
	CULTURAL COUNCIL	4,800	4,800
	HISTORICAL COMMISSION	485	485
	WAR MEMORIALS	2,900	2,900
	TOTAL RECREATION & CULTURE	356,467	360,932
<i>DEBT SERVICE</i>			
	RETIREMENT OF DEBT	915,000	825,000
	LONG TERM INTEREST	66,850	37,875
	SHORT TERM INTEREST	2,500	3,100
	TOTAL DEBT SERVICE	984,350	895,975

INTERGOVERNMENTAL

BERKSHIRE REG PLANNING COMMISSION	4,854	4,736
TOTAL INTERGOVERNMENTAL	4,854	4,736

MISCELLANEOUS - (FIXED COSTS)

EMPLOYEE BENEFITS	4,349,089	4,438,051
LIABILITY INSURANCE	118,800	112,066
OTHER INSURANCE	60,990	60,990
TOTAL FIXED COSTS	4,528,879	4,611,107
GRAND TOTAL	20,349,441	20,810,971

Finance Committee Recommends Approval

Article 6. Omnibus Fiscal Year 2022 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:

TOWN BUILDINGS	\$ 12,500
TOWN CLERK	\$ 1,000
CAO – TECHNOLOGY	\$ 20,000
YOUTH COMMISSION	\$ 25,000
COMMUNITY CENTER STUDY	\$ 20,000
POLICE	\$ 5,000
SANDY BEACH	\$ 12,000
PUBLIC WORKS	\$330,000
LEE PUBLIC SCHOOLS	\$100,000
TOTAL CAPITAL	\$525,500

And further, to provide for said appropriation, transfer the sum of \$525,500 from available funds, or take any other action relative thereto.

Capital Outlay Committee Recommends Approval
Finance Committee Recommends Approval

Article 7. 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 2022 budget for the Water Department:

Water Operations	\$1,123,751
<u>Capital Expenditures</u>	<u>\$ 42,500</u>
TOTAL	\$1,166,251

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	\$1,123,751
<u>Retained Earnings</u>	<u>\$ 42,500</u>
TOTAL	\$1,166,251

Capital Outlay Committee Recommends Approval
Finance Committee Recommends Approval

Article 8. 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 2022 budget for the Wastewater Department:

Wastewater Operations	\$2,214,139
<u>Capital Expenditures</u>	<u>\$ 22,500</u>
TOTAL	\$2,236,639

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	\$2,214,139
<u>Retained Earnings</u>	<u>\$ 22,500</u>
TOTAL	\$2,236,639

Capital Outlay Committee Recommends Approval
Finance Committee Recommends Approval

Article 9. 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 10. Road Repair and Paving (Chapter 90)

To see if the Town will vote to expend those sums from fiscal year 2022 “Chapter 90” funds as provided by the Commonwealth; or to take any other action relative thereto.

Finance Committee Recommends Approval

Article 11. Omnibus Fiscal Year 2022 Non-Departmental Appropriations

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	\$ 45,516
DUMP TRUCK DEBT	\$178,206
CHAMBER OF COMMERCE (GATEWAY/DOWNTOWN)	\$ 10,000
CHAMBER OF COMMERCE (10% ROOMS TAX)	\$ 46,156
SPECIAL EDUCATION RESERVE FUND	\$125,000
MASTER PLAN UPDATE	\$ 50,000
COMMONWEALTH MATCHING FUNDS DHCD GRANT	\$ 50,000
OPEN SPACE AND RECREATION PLAN UPDATE	\$ 15,000
HISTORICAL COMMISSION MATCHING FUNDS	
-HISTORIC INVENTORY	\$ 16,000
LAUREL LAKE PRESERVATION ASSOCIATION	\$ 2,500
<u>BERKSHIRE BROWNFIELDS PROGRAM</u>	<u>\$ 2,000</u>
TOTAL	\$656,659

And to meet that appropriation transfer the sum of \$656,659, or any other amount, from available funds, or take any other action relative thereto.

Finance Committee Recommends Approval

Article 12. Fire/Ambulance Apparatus – Borrowing

To see if the Town will vote to appropriate the sum of \$1,120,000, or any other sum, to purchase a new Fire Engine, Ambulance, and associated equipment, including the payment of all costs incidental and related thereto and to meet this appropriation, to borrow said sum.

Capital Outlay Committee Recommends Approval
Finance Committee Recommends Approval

Article 13. Road Improvements – Borrowing

To see if the Town will vote to appropriate the sum of \$1,000,000, or any other sum, to pay the costs to design, repair and pave the Town’s roads, including the payment of all costs incidental and related thereto and to meet this appropriation, to borrow said sum.

Capital Outlay Committee Recommends Approval
Finance Committee Recommends Approval

Article 14. Assessors – Hiring Exemption

To see if the Town will vote to approve an exemption, pursuant to Massachusetts General Laws Chapter 28A, Section 21A, for the Board of Assessors to hire one of its members. Said exemption would allow for an employee of the Assessors’ Office to also serve as a Board Member if appointed or elected.

Board of Assessors Recommends Approval

Article 15. Dog Licenses

To see if the Town will vote to amend by law 84-8A to the following: Every dog six months old or older kept in the Town of Lee shall be duly registered, numbered, described and licensed. Every person who becomes owner or keeper of such a dog shall, within 30 days of it becoming six months old or 30 days of becoming its owner or keeper, whichever shall last occur, shall obtain a license for said animal from the date of issuance until the next March 31, whereupon renewals shall be for the period from April 1 to March 31. The Town Clerk may provide up to a three-year license when proof of a three-year rabies vaccine is submitted.

Article 16. Authorization – Disposition of Real Property

To see if the Town will vote to transfer the care, custody and control of a portion of land described in a deed dated May 15, 1972 from the Foxhollow School, Inc. to the Town of Lenox, acting by and through its Conservation Commission, and the Town of Lee, acting by and through its Conservation Commission, which deed is filed with the Berkshire Middle Registry District of the Land Court as Document 14196, said property located at Laurel Lake Cross Road, and being an approximately 3.4 acre parcel, located in the Towns of Lee and Lenox, and shown on a plan entitled “Survey of Land in Lee & Lenox, Massachusetts Prepared for the Town of Lee,” dated April 2, 2012, said plan on file with the Town Clerk, from the Conservation Commission for conservation and open space purposes to the Board of Selectmen for the same purposes and for the purpose of conveyance to Edith Wharton Restoration, Inc. a/k/a The Mount, and authorize the Board of Selectmen to convey said parcel to The Mount on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and to authorize the Town acting by and through its Conservation Commission to accept a Conservation Restriction on all or a portion of the property; and to authorize the Board of Selectmen to submit a petition to the General Court for a special act authorizing the transfer of said parcel under Article 97 of the Amendments to the Massachusetts Constitution, or take any other action in relation thereto; and, further, to satisfy the Executive Office of Energy and Environmental Affairs’ “no net loss policy,” to authorize the Board of Selectmen to acquire and dedicate two parcels of land, “Open Space 1” and “Open Space 2”, equaling 4.48 acres, more or less, being a portion of property identified as Assessor’s Map 8, Parcel 1 and Assessor’s Map 8 Parcel 6-1, said parcels shown on a plan entitled “Approval Not Required Plan of Land in Lenox, Massachusetts Prepared for Lenox Landings Condominium Trust,” dated December 2, 2020, prepared by BEK Associates,” dated December 2, 2020, said plan on file with the Town Clerk, said land being a portion of property described in a deed recorded with the Berkshire Middle Registry of Deeds in Book 6459, Page 121, for conservation and open space purposes, to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, and/or such other parcel or parcels of land dedicated by the Board of Selectmen in its discretion, and dedicate said property to conservation and open space purposes in perpetuity, with the foregoing dedication of this land and/or the parcels dedicated by the Board of Selectmen to become effective upon the enactment of the Article 97 legislation, or take any other action in relation thereto.

Article 17. Citizen Petition

To see if the Town will vote yes to return to the Open Town Meeting format of government, so that all inhabitants of the Town of Lee... “may have a say in their futures or take any action relative thereto” (One person may vote) (Submitted by Initiative Petition).

Article 18. Citizen Petition

To see if the Town will vote to amend bylaw 172-1 as follows:

- Chapter 172, Solid & Hazardous Waste/Substances
- Article 1. Radioactive & Hazardous Waste/Substances

➤ Amendments to 172-1 Prohibited Uses

“No land within any use district in the Town of Lee may be used for the storage, burial, incineration or disposal of EPA classified radioactive and/or hazardous waste/substances, including but not limited to waste/substances classified by EPA as low level radioactive and/or hazardous waste/substances found on EPA website:

➤ 172-3 Definitions, Hazardous Waste/Substances

- EPA website for Hazardous Waste (<http://www.epa.gov/envornmental-topics/chemical-and-toxics-topics>.) PCB’s found at (<http://www.epa.gov/pcbs/table-polychlorinated-byphenyl-pcb.homologs>) or (<http://www.epa.gov/pcbs/table-biphenyl-pcb-congeners>)

Article 19. Citizen Petition

“ To see if the Town will vote to raise and appropriate or to transfer from the sum of \$50,000.00, or any other amount, to train “Citizen Scientists” in best practice 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 as training programs and the associated costs of monitoring kits as long as there are significant quantities of PCBs present anywhere in Town.

Article 20. Citizen Petition

“To see if the Town will vote to insist that rail transportation be the primary mode of moving toxic PCB materials both within the Berkshires and to final destinations beyond.”

Article 21. Citizen Petition

“To see if the Town will vote to place a question on the municipal election ballot that requires the Select Board to rescind Lee’s approval of the Rest of River Agreement. If this cannot happen before 2022, a special election to be held.”

Article 22. Citizen Petition

“To see if the Town will vote to direct that the Select Board shall initiate and execute effective actions in the upcoming fiscal year designed to counter the near-term effects of unemployment, food insecurity and financial distress resulting from the Covid-19 pandemic and the longer-term anxiety, fear and emotional turmoil caused by provisions of the Rest of River Agreement. The purpose of such actions should be to restore a genuine atmosphere of harmony, concord, and civil unity to the community. The success of such actions to be reported at the 2022 Town Meeting.”

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 4th day of June, 2021.



Patricia D. Carlino, Chair



Sean J. Regnier



Robert H. Jones, Jr.

As per instruction in this Warrant, I have posted same, this 4 day of June 2021 in five public places.



Constable