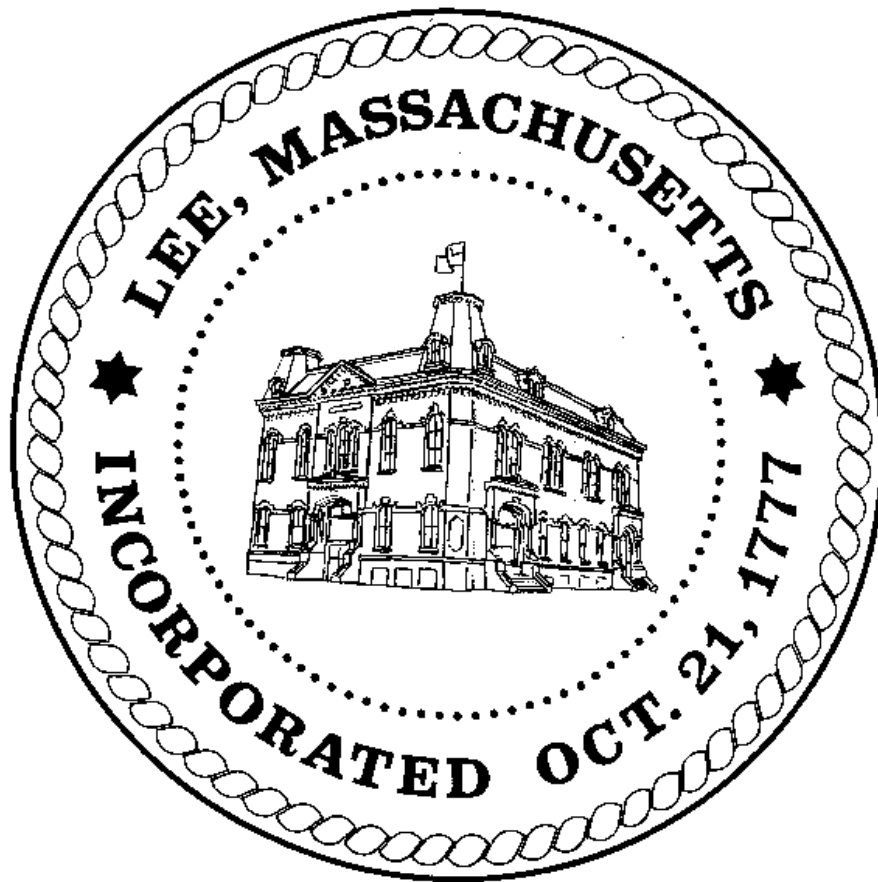


TOWN OF LEE
ANNUAL TOWN MEETING



MAY 12, 2016 AT 7:30 PM
Printed April 24, 2016

LEE MIDDLE & HIGH SCHOOL

WARRANT					
COMMONWEALTH OF MASSACHUSETTS					
BERKSHIRE, S.S.					
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, May 12, 2016 at the hour of 7:30 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. Prior Fiscal Year (2015) Appropriations (9/10 Vote)					
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,850.20, or any other amount, to pay the following invoices which surfaced after fiscal year 2015 closed, or to take any other action relative thereto.					
Devon Road Greenhouse & Nursery for War Memorial Wreaths and Flowers, \$518.00					
Henry's Electric for Street Lighting Maintenance, \$591.30					
Knead a Bagel for Public Works Meal Vouchers, \$52.00					
Clifford Oil for Ambulance Fuel, \$698.17					
Finance Committee recommends approval.					
Article 3. Transfer of Proceeds from the Sale of Cemetery Lots to the Perpetual Care Account					
To see if the Town will vote to authorize the transfer of the sum of \$800, 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 2016 Classification Plan					
To see if the Town will vote to amend the personnel bylaw by establishing the FY 2017 Classification Plan as follows:					
Position	Classification	Hours	Step 1	Mid	Step 12
Council on Aging Director	A-1	25	24,306	28,235	32,163
Town Clerk	A-2	35	42,975	47,259	51,543
Accountant	A-3	37.5	44,039	50,591	57,143
Treasurer/Collector	A-3	37.5	44,039	50,591	57,143
Water Division Supervisor	A-3	40	46,975	53,964	60,953
Sewer Division Supervisor	A-3	40	46,975	53,964	60,953
Highway Supervisor	A-3	40	46,975	53,964	60,953
Library Director	A-4	35	43,516	50,588	57,659
Fire Chief	A-6	40	60,707	70,888	81,069
DPW Superintendent	A-6	40	60,707	70,888	81,069

Chief of Police	A-6	40	60,707	70,888	81,069
Town Administrator	A-8	40	81,461	90,737	100,013
Council on Aging Clerk	CL-1	18	14.48	16.37	18.26
Treasurer/Collector Clerk	CL-2	35	28,043	32,643	37,243
Building Inspector's Clerk	CL-2	19	15.41	17.94	20.46
Con. Com. Administrative Assistant	CL-2	4.5	15.41	17.94	20.46
Police Secretary	CL-2	35	28,043	32,643	37,243
Land Use Asst.	CL-2	21	16,826	19,586	22,346
Assistant Treasurer/Collector	CL-3	37.5	31,509	36,600	41,690
Assessors' Clerk	CL-3	35	29,409	34,160	38,911
DPW Secretary	CL-3	35	29,409	34,160	38,911
Selectmen/Administrator's Secretary	CL-3	35	29,409	34,160	38,911
Laborer, Sewer Division	PW-1	25	12.47	14.66	16.84
Assistant Water Plant Operator	PW-5	40	32,213	38,136	44,058
Sewer Plant Operator	PW-5	40	32,213	38,136	44,058
Paramedic/Training Director	EMT-P	36	17.77	21.36	24.95
Paramedic	EMT-P	36	17.77	21.36	24.95
Custodian/EMT-B (Basic)	EMT-1	36	12.81	14.96	17.10

Article 5. FY17 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 in relation thereto.

GENERAL GOVERNMENT

CODE NUMBER	EXPENDED FY2015	BUDGET FY2016	REQUESTED FY2017	FINANCE COMMITTEE RECOMMENDS
114 MODERATOR				
Personnel	150.00	150.00	150.00	150.00
Expenses	0.00	0.00	0.00	0.00
TOTAL 114	150.00	150.00	150.00	150.00
122 SELECTMEN				
Personnel	41,554.00	42,963.00	44,347.00	44,347.00
Expenses	4,326.65	4,895.00	4,895.00	4,895.00
TOTAL 122	45,880.65	47,858.00	49,242.00	49,242.00
123 TOWN ADMINISTRATOR				
Personnel	85,876.00	87,164.00	88,471.00	88,471.00
Expenses	3,605.55	3,405.00	3,405.00	3,405.00
TOTAL 123	89,481.55	90,569.00	91,876.00	91,876.00
131 FINANCE COMMITTEE				
Personnel	0.00	0.00	0.00	0.00
Expenses	176.00	500.00	500.00	500.00
TOTAL 131	176.00	500.00	500.00	500.00

GENERAL GOVERNMENT				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
135 TOWN ACCOUNTANT				
Personnel	46,331.61	53,778.00	55,761.00	55,761.00
Expenses	32,971.38	35,151.00	36,705.00	36,705.00
TOTAL 135	79,302.99	88,929.00	92,466.00	92,466.00
141 ASSESSORS				
Personnel	44,969.00	46,486.00	47,061.00	47,061.00
Expenses	47,866.11	57,460.00	58,310.00	58,310.00
TOTAL 141	92,835.11	103,946.00	105,371.00	105,371.00
145 TREASURER/COLLECTOR				
Personnel	112,750.98	117,915.00	115,740.00	115,740.00
Expenses	31,524.42	35,641.00	36,824.00	36,824.00
TOTAL 145	144,275.40	153,556.00	152,564.00	152,564.00
151 TOWN COUNSEL				
Personnel	26,979.00	27,422.00	27,822.00	27,822.00
Expenses	913.62	4,000.00	4,000.00	4,000.00
TOTAL 151	27,892.62	31,422.00	31,822.00	31,822.00
155 INFORMATION TECHNOLOGIES				
Personnel	6,515.06	6,533.00	6,628.00	6,628.00
Expenses	25,149.55	36,645.00	36,644.00	36,644.00
TOTAL 155	31,664.61	43,178.00	43,272.00	43,272.00
156 LAND USE ASSISTANT				
Personnel	25,952.04	26,692.00	27,003.00	27,003.00
Expenses	0.00	0.00	0.00	0.00
TOTAL 156	25,952.04	26,692.00	27,003.00	27,003.00
161 TOWN CLERK				
Personnel	56,221.79	58,620.00	50,450.00	50,450.00
Expenses	1,889.82	1,940.00	1,960.00	1,960.00
TOTAL 161	58,111.61	60,560.00	52,410.00	52,410.00

GENERAL GOVERNMENT				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
163 ELECTIONS/REGISTRATIONS				
Personnel	4,173.00	3,860.00	5,580.00	5,580.00
Expenses	10,676.67	6,475.00	9,730.00	9,730.00
TOTAL 163	14,849.67	10,335.00	15,310.00	15,310.00
171 CONSERVATION COMMISSION				
Personnel	1,111.66	2,435.00	2,435.00	2,435.00
Expenses	1,377.83	700.00	700.00	700.00
TOTAL 171	2,489.49	3,135.00	3,135.00	3,135.00
175 PLANNING BOARD				
Personnel	0.00	0.00	0.00	0.00
Expenses	3,880.18	7,581.00	7,581.00	7,581.00
TOTAL 175	3,880.18	7,581.00	7,581.00	7,581.00
176 ZONING BOARD				
Personnel	0.00	0.00	0.00	0.00
Expenses	2,277.31	2,575.00	2,575.00	2,575.00
TOTAL 176	2,277.31	2,575.00	2,575.00	2,575.00
188 LEE C.D.C.				
Personnel	0.00	0.00	0.00	0.00
Expenses	15,000.00	15,000.00	15,000.00	15,000.00
TOTAL 188	15,000.00	15,000.00	15,000.00	15,000.00
195 TOWN REPORTS				
Personnel	0.00	0.00	0.00	0.00
Expenses	2,813.58	4,250.00	3,600.00	3,600.00
TOTAL 195	2,813.58	4,250.00	3,600.00	3,600.00
196 OFFICE EQUIP. MAINTENANCE				
Personnel	0.00	0.00	0.00	0.00
Expenses	11,402.81	13,000.00	13,000.00	13,000.00
TOTAL 196	11,402.81	13,000.00	13,000.00	13,000.00
197 STAFF DEVELOPMENT				
Expenses	0.00	1,500.00	1,500.00	1,500.00
TOTAL 197	0.00	1,500.00	1,500.00	1,500.00
TOTAL GENERAL GOVERNMENT	648,435.62	703,236.00	708,377.00	708,377.00

PUBLIC SAFETY				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
210 POLICE				
Personnel	793,562.03	856,610.00	878,785.00	878,785.00
Expenses	78,409.87	90,300.00	89,900.00	89,900.00
TOTAL 210	871,971.90	946,910.00	968,685.00	968,685.00
221 FIRE DEPARTMENT				
Personnel	65,442.50	94,459.00	120,530.00	120,530.00
Expenses	65,772.25	68,246.00	68,246.00	68,246.00
TOTAL 221	131,214.75	162,705.00	188,776.00	188,776.00
242 GAS INSPECTOR				
Personnel	4,811.00	4,883.00	4,956.00	4,956.00
Total Expenses	122.92	575.00	575.00	575.00
TOTAL 242	4,933.92	5,458.00	5,531.00	5,531.00
244 SEALER/WEIGHTS MEAS.				
Personnel	5,126.00	5,203.00	5,281.00	5,281.00
Total Expenses	50.45	350.00	350.00	350.00
TOTAL 244	5,176.45	5,553.00	5,631.00	5,631.00
245 WIRING INSPECTOR				
Personnel	6,324.00	6,419.00	6,515.00	6,515.00
Total Expenses	669.47	1,289.00	1,289.00	1,289.00
TOTAL 245	6,993.47	7,708.00	7,804.00	7,804.00
246 PLUMBING INSPECTOR				
Personnel	6,184.00	6,277.00	6,371.00	6,371.00
Total Expenses	138.60	685.00	685.00	685.00
TOTAL 246	6,322.60	6,962.00	7,056.00	7,056.00
291 EMERGENCY MANAGEMENT				
Personnel	1500.00	1500.00	1500.00	1500.00
Expenses	0.00	0.00	0.00	0.00
TOTAL 291	1,500.00	1,500.00	1,500.00	1,500.00
299 COMMUNICATIONS				
Personnel	53,038.46	175,900.00	181,517.00	181,517.00
Expenses	21,680.04	22,000.00	22,000.00	22,000.00
TOTAL 299	74,718.50	197,900.00	203,517.00	203,517.00
TOTAL PUBLIC SAFETY	1,102,831.59	1,334,696.00	1,388,500.00	1,388,500.00

EDUCATION					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2015	FY2016	FY2017	COMMITTEE	
				RECOMMENDS	
300 EDUCATION					
Fixed Charges	4,990.53	25,243.00	29,243.00	29,243.00	
School Committee	9,084.44	8,250.00	8,000.00	8,000.00	
Superintendent's Office	251,519.61	271,255.00	253,835.00	253,835.00	
Principals' Offices	340,746.67	340,774.00	349,520.00	349,520.00	
Principal Technology	293,610.89	297,260.00	219,191.00	219,191.00	
Regular Education & Transportation	4,584,792.84	4,677,033.00	4,798,598.00	4,798,598.00	
Special Education	1,988,120.82	2,019,105.00	2,257,743.00	2,257,743.00	
Vocational Ed	88,704.28	159,439.00	106,200.00	106,200.00	
Health	151,174.05	155,997.00	158,388.00	158,388.00	
Athletics	123,941.00	133,551.00	138,868.00	138,868.00	
Other Student Activities	36,037.63	38,313.00	44,658.00	44,658.00	
Maintenance & Operations	905,338.88	950,807.00	932,978.00	932,978.00	
SUBTOTAL	8,778,061.64	9,077,027.00	9,297,222.00	9,297,222.00	
Less School Choice	-479,816.64	-650,000.00	-715,000.00	-715,000.00	
SUBTOTAL	8,298,245.00	8,427,027.00	8,582,222.00	8,582,222.00	
Less Circuit Breaker	-61,000.00	-61,000.00	-61,000.00	-61,000.00	
TOTAL EDUCATION	8,237,245.00	8,366,027.00	8,521,222.00	8,521,222.00	

PUBLIC WORKS				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
421 D.P.W. ADMINISTRATION				
Personnel	37,213.93	37,733.00	38,582.00	38,582.00
Expenses	3,887.86	4,300.00	4,900.00	4,900.00
TOTAL 421	41,101.79	42,033.00	43,482.00	43,482.00
422 HIGHWAY CONST. & MAINT.				
Personnel	161,684.27	154,357.00	151,698.00	151,698.00
Expenses	153,726.48	188,040.00	199,540.00	199,540.00
TOTAL 422	315,410.75	342,397.00	351,238.00	351,238.00
423 SNOW AND ICE				
Personnel	214,025.08	197,803.00	196,839.00	196,839.00
Expenses	306,606.59	235,485.00	212,108.00	212,108.00
TOTAL 423	520,631.67	433,288.00	408,947.00	408,947.00
424 STREET LIGHTING				
Personnel	0.00	0.00	0.00	0.00
Expenses	65,746.80	86,518.00	86,518.00	86,518.00
TOTAL 424	65,746.80	86,518.00	86,518.00	86,518.00
425 FORESTRY				
Personnel	0.00	0.00	0.00	0.00
Expenses	5,919.00	17,400.00	17,400.00	17,400.00
TOTAL 425	5,919.00	17,400.00	17,400.00	17,400.00
433 SANITARY LANDFILL				
Personnel	0.00	0.00	0.00	0.00
Expenses	10,696.08	14,400.00	14,400.00	14,400.00
TOTAL 433	10,696.08	14,400.00	14,400.00	14,400.00
654 PARKS & PLAYGROUNDS				
Personnel	2,797.04	3,748.00	3,805.00	3,805.00
Expenses	10,231.65	15,682.00	15,682.00	15,682.00
TOTAL 654	13,028.69	19,430.00	19,487.00	19,487.00
192 PUBLIC BLDGS AIROLDI BLDG				
Personnel	24,041.55	20,985.00	18,966.00	18,966.00
Expenses	22,593.66	21,600.00	21,600.00	21,600.00
TOTAL 192/193	46,635.21	42,585.00	40,566.00	40,566.00
193 PUBLIC BLDGS MEMORIAL HALL				
Personnel	18,288.42	16,946.00	18,965.00	18,965.00
Expenses	39,026.83	42,775.00	42,775.00	42,775.00
TOTAL 192/193	57,315.25	59,721.00	61,740.00	61,740.00
TOTAL PUBLIC WORKS	1,076,485.24	1,057,772.00	1,043,778.00	1,043,778.00

HUMAN SERVICES				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FIN COM
	FY2015	FY2016	FY2017	RECOMMENDS
511 BOARD OF HEALTH				
Personnel	0.00	510.00	510.00	510.00
Expenses	0.00	255.00	255.00	255.00
TOTAL 511	0.00	765.00	765.00	765.00
522 PORCHLIGHT V.N.A.				
TOTAL 522	22,942.50	22,943.00	22,943.00	22,943.00
523 BRIEN CENTER FOR MENTAL HEALTH				
TOTAL 523	5,734.00	2,867.00	2,867.00	2,867.00
524 COMMUNITY HEALTH PROGRAM				
TOTAL 524	1,000.00	1,000.00	1,000.00	1,000.00
540 CABLE ADVISORY COMM				
Expenses	150.00	150.00	150.00	150.00
TOTAL 540	150.00	150.00	150.00	150.00
541 COUNCIL ON AGING				
Personnel	39,261.48	46,409.00	45,877.00	45,877.00
Expenses	14,722.87	18,300.00	18,832.00	18,832.00
TOTAL 541	53,984.35	64,709.00	64,709.00	64,709.00
542 LEE YOUTH ASSOCIATION				
TOTAL 542	47,537.00	48,488.00	49,458.00	49,458.00
543 VETERAN'S SERVICES				
Personnel	6,625.00	6,724.00	6,825.00	6,825.00
Expenses	45,813.44	50,750.00	50,650.00	50,650.00
TOTAL 543	52,438.44	57,474.00	57,475.00	57,475.00
TOTAL HUMAN SERVICES	183,786.29	198,396.00	199,367.00	199,367.00
RECREATION & CULTURE				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FIN COM
	FY2015	FY2016	FY2017	RECOMMENDS
610 LEE LIBRARY				
Personnel	176,592.00	182,956.00	180,033.00	180,033.00
Expenses	94,435.00	95,929.00	101,051.00	101,051.00
LIG/MEG GRANT	-6,214.00	-6,215.00	-8,400.00	-8,400.00
TOTAL 610	264,813.00	272,670.00	272,684.00	272,684.00
620 SANDY BEACH				
Personnel	26,061.98	33,327.00	33,580.00	33,580.00
Expenses	18,372.87	9,693.00	9,440.00	9,440.00
TOTAL 620	44,434.85	43,020.00	43,020.00	43,020.00
691 HISTORICAL COMM.				
Expenses	0.00	485.00	485.00	485.00
TOTAL 691	0.00	485.00	485.00	485.00
693 WAR MEMORIALS				
Expenses	1,481.45	2,600.00	2,600.00	2,600.00
TOTAL 693	1,481.45	2,600.00	2,600.00	2,600.00
TOTAL RECREATION & CULTURE	310,729.30	318,775.00	318,789.00	318,789.00
DEBT SERVICE				

CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
700 DEBT SERVICE				
Retirement of Debt	1,110,000.00	945,000.00	965,000.00	965,000.00
Long Term Interest	233,200.00	208,350.00	182,450.00	182,450.00
Short Term Interest	1,750.00	2,500.00	2,500.00	2,500.00
TOTAL 700	1,344,950.00	1,155,850.00	1,149,950.00	1,149,950.00
INTERGOVERNMENTAL				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
830 INTERGOVERNMENTAL				
Berk. Regional Planning Comm.	4,185.23	4,290.00	4,398.00	4,398.00
TOTAL 810	4,185.23	4,290.00	4,398.00	4,398.00
MISCELLANEOUS - (FIXED COSTS)				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE
	FY2015	FY2016	FY2017	COMMITTEE
				RECOMMENDS
910 - 912 EMPLOYEE BENEFITS				
911 Medicare (5173)	130,502.61	130,091.00	132,091.00	132,091.00
911 Berk County Retirement (5177)	716,522.40	699,693.00	706,056.00	706,056.00
912 Health Insurance (5171)	2,681,031.67	3,039,728.00	2,995,589.00	2,995,589.00
912 Life Insurance (5175)	12,833.26	13,560.00	13,250.00	13,250.00
912 Worker's Comp. (5176)	66,513.66	66,795.00	72,000.00	72,000.00
912 Police Medical (5177)	9.00	1,900.00	1,900.00	1,900.00
912 Medicare Part B Penalty (5179)	2,379.60	2,500.00	1,700.00	1,700.00
TOTAL 910	3,609,792.20	3,954,267.00	3,922,586.00	3,922,586.00
945 LIABILITY INSURANCE				
Liability/Property/Vehicle (5742)				
TOTAL 945	84,299.70	92,373.00	100,686.00	100,686.00
946 OTHER INSURANCES				
Police Accident (5745)				
TOTAL 946	57,750.00	61,793.00	62,000.00	62,000.00
TOTAL MISCELLANEOUS	3,751,841.90	4,108,433.00	4,085,272.00	4,085,272.00

Article 6. Building Department Budget

To see if the Town will vote to appropriate the sum of \$96,159, or any other amount, for the maintenance of the Building Department (Account 241) in fiscal year 2017 and to meet that appropriation, raise \$95,409, or any other amount, and transfer from the building department receipts reserved for appropriation the amount of \$750, or any other amount, or to take any other action relative thereto.

241 BUILDING DEPT.	Expended FY15	Budget FY16	Request FY17
Personnel	83,834.14	85,080.00	21,446.00
Expenses	10,819.32	11,945.00	74,713.00
Total	94,653.46	97,025.00	96,159.00

Finance Committee recommends approval.

Article 7. Reserve Fund

To see if the Town will vote to appropriate the sum of \$70,000, or any other amount, to the Reserve Fund (Account 132) for unanticipated expenses in fiscal year 2017, and to meet said appropriation, raise \$20,000, or any other amount, and transfer from available funds \$50,000, or any other amount, or to take any other action relative thereto.

132 RESERVE FUND	Expended FY15	Budget FY16	Request FY17
Total	11,550.35	70,000.00	70,000.00

Finance Committee recommends approval.

Article 8. Ambulance Service Budget

To see if the Town will vote to appropriate the sum of \$576,223, or any other amount, for the maintenance of the Ambulance Department (Account 231) in fiscal year 2017 and to meet that appropriation raise \$138,652, or any other amount, such amount to be offset by receipts totaling \$37,571, or any other amount, from the Towns of Stockbridge and Tyringham, and transfer from the ambulance receipts reserved for appropriation the sum of \$400,000, or any other amount, or to take any other action relative thereto.

231 AMBULANCE	Expended FY15	Budget FY16	Request FY17
Personnel	290,723.61	325,043.00	447,116.00
Expenses	132,442.27	111,644.00	129,107.00
Subtotal	423,165.88	436,687.00	576,223.00
Receipts Reserved	-412,924.88	-379,759.00	-400,000.00
Subtotal	10,241.00	56,928.00	176,223.00
Less Other Towns	-10,241.00	-10,241.00	-37,571.00
Total	0.00	46,687.00	138,652.00

Finance Committee recommends approval.

Article 9. Animal Control Budget

To see if the Town will vote to appropriate the sum of \$19,735, or any other amount, for the maintenance of Animal Control (Account 292) in fiscal year 2017 and to meet that appropriation raise \$19,735, or any other amount, such amount to be offset by receipts of \$9,868, or any other amount, from the Town of Lenox, or take any other action relative thereto.

292 ANIMAL CONTROL	Expended FY15	Budget FY16	Request FY17
Personnel	13,945.30	14,201.00	14,434.00
Expenses	4, 254.98	5,301.00	5,301.00
Sub Total	18,200.28	19,502.00	19,735.00
Less Other Town	-9,100.14	-9,751.00	-9,868.00
Total	9,100.14	9,751.00	9,867.00

Finance Committee recommends approval.

Article 10. Sewer Department Budgets

To see if the Town will vote to appropriate the sum of \$2,149,598, or any other amount, for the maintenance of the Sewer Department (Accounts 440, 442 & 443) in fiscal year 2017 and to meet that appropriation raise \$1,943,700, or any other amount, such amount to be offset by the receipts of the Sewer Department, and transfer from the Sewer Enterprise Account the sum of \$205,898, or any other amount, or to take any other action relative thereto.

440, 442, 443 SEWER DEPT.	Expended FY15	Budget FY16	Request FY17
Personnel	323,790.00	364,108.00	350,478.00
Expenses	1,730,255.00	1,809,456.00	1,799,120.00
Total	2,054,045.00	2,173,564.00	2,149,598.00

Finance Committee recommends approval.

Article 11. Water Department Budget

To see if the Town will vote to appropriate the sum of \$1,030,348, or any other amount, for the maintenance of the Water Department (Account 452) in fiscal year 2017, and to meet that appropriation raise \$1,030,348, or any other amount, such amount to be offset by the receipts of the Water Department, or to take any other action relative thereto.

452 WATER DIST.	Expended FY15	Budget FY16	Request FY17
Personnel	388,154.41	408,809.00	416,632.00
Expenses	542,621.80	612,337.00	613,716.00
Total	930,776.21	1,021,146.00	1,030,348.00

Finance Committee recommends approval.

Article 12. Cemetery Budget

To see if the Town will vote to appropriate the sum of \$81,227, or any other amount, for the maintenance of the Cemetery Department (Account 491) in fiscal year 2017 and to meet said appropriation raise \$80,827, or any other amount, and transfer from the Perpetual Care Interest Account \$400, or any other amount, or to take any other action relative thereto.

491 CEMETERY	Expended FY15	Budget FY16	Request FY17
Personnel	48,781.40	55,581.00	56,221.00
Expenses	27,293.60	25,006.00	25,006.00
Subtotal	76,075.00	80,587.00	81,227.00
Perpetual Care Interest	-1,100.00	-400.00	-400.00
Total	74,975.00	80,187.00	80,827.00

Finance Committee recommends approval.

Article 13. Health Department Budget

To see if the Town will vote to appropriate the sum of \$251,579, or any other amount, for the maintenance of the Health Department (Account 519) in fiscal year 2017 and to meet that appropriation raise \$251,579, or any other amount, such amount to be offset by receipts totaling \$148,245 or any other amount, from the Towns of Lenox and Stockbridge, or to take any other action relative thereto.

519 TRI-TOWN HEALTH	Expended FY15	Budget FY16	Request FY17
Personnel	189,756.99	216,535.00	221,802.00
Expenses	33,906.10	29,764.00	33,794.00
Subtotal	223,663.09	246,299.00	255,596.00
In-kind	-4,015.24	-4,017.00	-4,017.00
Subtotal	219,647.85	242,282.00	251,579.00
Less Other Towns	-129,724.59	-142,853.00	-148,246.00
Total	89,923.26	99,429.00	103,333.00

Finance Committee recommends approval.

Article 14. Salaries 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, 2013, or to take any other action thereto.

Article 15. Revolving Fund Accounts

To see if the Town will vote to authorize the following revolving funds for the following programs and purposes:

D.P.W. Home Composting Bins	\$4,000
Fire Prevention Inspection	\$10,000

which revolving funds shall not exceed the sum of Four thousand dollars (\$4,000) for Composting Bins and the sum of Ten thousand dollars (\$10,000) for Fire Prevention Inspections, which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipts received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, Section 53E ½ of the General Laws, provided however, that said expenditures for all revolving funds shall not exceed the receipts for such funds, and further provided that at the end of the fiscal year account balances in excess of the amounts authorized revert to the General Fund, or to take any other action relative thereto.

Article 16. Tobacco Retailer Training Certification Revolving Account

To see if the Town will vote to authorize the Tri-Town Health Department to establish under the provisions of Chapter 44, Section 53E ½ a revolving fund for Tobacco Retailer Certification and Training in the amount of \$10,000, and to designate to this revolving account the fees generated by the certification and training program, or to take any other action relative thereto.

Article 17. 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.

Article 18. School Medicaid Reimbursement Agent Fee

To see if the Town will raise and appropriate or to transfer from available funds the sum of \$2,000, or any other amount, to pay an agent to process requests for reimbursement from Medicaid for services provided students at Lee Public Schools, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 19. Middle and High School Boiler Replacement Borrowing Authorization (2/3 Vote)

To see if the Town will vote to authorize borrowing the sum of \$126,000, or any other amount, to remove one existing boiler and replace it with two condensing boilers; and to authorize the Treasurer/Collector, with the approval of the Board of Selectmen, to borrow \$126,000 and issue bond notes thereof under Chapter 44, Section 8 of the General Laws, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 20. Police Cruiser

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$31,440, or any other amount, to purchase and equip a new police cruiser, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 21. Replacement Fire Truck Funding Installment (2/3 Vote)

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$177,000, or any other amount, to a Fire Engine Special Stabilization Fund, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 22. Carbon Air Cylinders for Firefighters

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$9,650, or any other amount, to purchase ten carbon air cylinders for firefighters, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 23. Large Dump Truck with Sander and Plow Borrowing Authorization (2/3 Vote)

To see if the Town will vote to authorize borrowing the sum of \$200,000, or any other amount, to purchase a new, large, replacement dump truck with sander and plow; and to authorize the Treasurer/Collector, with the approval of the Board of Selectmen, to borrow \$200,000 and issue bond notes thereof under Chapter 44, Section 8 of the General Laws, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 24. Cemetery Mini Excavator & Trailer (Shared 50%)

To see if the Town will vote to raise and appropriate \$27,500, or any other amount, to fund the Town of Lee's 50% share of the cost of the purchase of a mini excavator and trailer for cemetery use, said cost to be shared equally with the Town of Stockbridge; and, to meet this appropriation by transferring \$27,500, or any other amount, from the Sale of Lots account, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 25. Road Repair and Paving

To see if the Town will vote to expend the sum of \$293,013, or any other amount, from fiscal year 2017 "Chapter 90" funds as provided by the Commonwealth; and, to raise and appropriate or transfer from available funds the sum of \$100,000, or any other amount, for a total expenditure of \$393,013, or any other amount, to repair and pave the Town's roads, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 26. Bridge Repairs/Replacement

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$150,000, or any other amount, to repair and/or replace the Town's failing bridges, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 27. Local Gas Tax

To see if the Town will vote to petition the legislature to enact special legislation authorizing the Town of Lee to adopt by majority vote at the next regular municipal or state election a local tax in an amount approved by Town Meeting per gallon of gasoline and diesel fuel sold to the public, such receipts to be reserved for the repair and maintenance of the Town's roads and bridges, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 28. Main Street Reconstruction Design Funding Installment (2/3 Vote)

To see if the Town will vote to raise and appropriate or to transfer from available funds to the Main Street Reconstruction Design Special Stabilization Fund the sum of \$40,000, or any other amount, to partially fund the \$540,000 needed to fully fund the estimated \$800,000 design fee for the reconstruction of Main Street, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 29. South Lee Water Tank Coating Project Debt Service

To see if the Town will vote to appropriate the sum of \$65,250, or any other amount, for the fourth of five payments on the water storage tank coating loan, and to meet that appropriation transfer \$65,250, or any other amount, from the Water Enterprise Account, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 30. Tyringham Road Water Main Replacement Project Debt Service

To see if the Town will vote to appropriate the sum of \$42,000, or any other amount, for the third of five payments on the Tyringham Road water main replacement loan, and to meet this appropriation transfer \$42,000, or any other amount, from the Water Enterprise Account, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 31. Water Plant and Distribution System Extraordinary Repairs

To see if the Town will vote to appropriate the sum of \$10,000, or any other amount, to make unforeseen repairs and improvements to the water treatment plant and

distribution system, and to meet this appropriation transfer from the Water Enterprise Account \$10,000, or any other amount, or to take any other action relative thereto.

Finance Committee recommends approval.

Article 32. Replacement Water Division Pickup Truck

To see if the Town will vote to appropriate the sum of \$30,000, or any other amount, to purchase a new, pickup truck for the Water Division, and to meet that appropriation to transfer \$30,000, or any other amount, from the Water Enterprise Account, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 33. Water Valve Exerciser (Shared 50%)

To see if the Town will vote to raise and appropriate \$35,000, or any other amount, to fund the Town of Lee's 50% share of the cost of the purchase of a water valve exerciser, said cost to be shared equally with the Town of Lenox; and, to meet this appropriation transfer from the Water Enterprise Account \$35,000, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 34. Sewer Plant and Collection System Extraordinary Repairs

To see if the Town will vote to appropriate the sum of \$13,000, or any other amount, to make unforeseen repairs and improvements to the wastewater treatment plant and collection system, and to meet that appropriation transfer from the Sewer Enterprise Account the sum of \$13,000, or any other amount, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 35. Municipal Water Infrastructure Investment Fund

To see if the Town will vote to adopt Massachusetts General Law Chapter 40, Section 39M; and, to designate a not to exceed 3% percent water infrastructure surcharge on real property, such funds to be deposited in a separate Municipal Water Infrastructure Investment Fund to be appropriated exclusively for maintenance, improvements and investments to the municipal drinking, wastewater and storm water assets, or take any other action relative thereto. **Finance Committee recommends approval.**

Article 36. Chamber of Commerce Advertising and Marketing Campaign

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$18,500, or any other amount, to the Lee Chamber of Commerce, for the purpose of advertising and marketing the Town of Lee, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 37. Chamber of Commerce Gateway and Downtown Beautification

To see if the Town will vote to raise and appropriate or to transfer from available

funds the sum of \$6,695, or any other amount, to the Chamber of Commerce to maintain plantings and otherwise uphold the appearance of the public way from the Massachusetts Turnpike to the Laurel Street Bridge, or to take any other action relative thereto.

Finance Committee recommends approval.

Article 38. “Rest of River” Cleanup Economic Damages Defense Fund

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$10,000, or any other amount, for the Town of Lee’s share of the cost to retain, together with the other communities along the Housatonic River from Pittsfield to Sheffield, an agent to obtain financial assistance from General Electric Company to mitigate the effects of its anticipated cleanup of the river, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 39. Athletic Field Playground Improvements

To see if the Town will vote to amend Article 39 of the May 14, 2015 Annual Town Meeting authorizing the appropriation of \$22,620 to improve the playground equipment at the Athletic Field, said property having been purchased in 1920 for and dedicated to a public playground and is held as such pursuant to Massachusetts General Laws Chapter 45, Section 14; and, further, to authorize the Board of Selectmen to submit a Parkland Acquisitions and Renovations for Communities (PARC) grant application for said improvements to the Athletic Field and to take all necessary action in connection with the PARC grant application including recording this vote so as to demonstrate that the park is protected under Article 97 of the Massachusetts State Constitution and any and all regulations governing PARC grants, or take any other action relative thereto.

Article 40. Athletic Field Tennis Court Crack Repair

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$8,000, or any other amount, to repair the cracks in the Athletic Field tennis courts, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 41. Edith Wharton Park Sign and Parking Area (Shared 50%)

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$8,300, or any other amount, to fund the Town of Lee’s 50% share of the cost to purchase and install a sign and to create a parking area at the jointly owned park which was purchased in part (50%) with grant funds requiring the sign and parking space, said cost to be shared equally with the Town of Lenox, or take any other action relative thereto. **Finance Committee recommends approval.**

Article 42. Laurel Lake Preservation Association’s Ongoing Lake Studies

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$2,500, or any other amount, for the Laurel Lake Association’s ongoing

studies of the lake, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 43. Berkshire Brownfields Program

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$2,000, or any other amount, for the Berkshire Regional Planning Commission to continue its Berkshire Brownfields Program, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 44. Streetlight Control Cabinet Replacement

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$8,210, or any other amount, to purchase and install a streetlight control cabinet damaged by an unknown motorist, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 45. Town Hall Copy Machine Replacement

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$9,850, or any other amount, to purchase a new copy machine, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 46. Thin-Film Shopping Bag Reduction Bylaw

To see if the Town will vote to adopt the following bylaw:

1. Findings and Intent

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, the production and use of Thin-Film Shopping Bags have significant impacts on the environment, including, but not limited to

- contributing to pollution of the land environment and waterways;
- contributing to the potential death of terrestrial and marine wildlife;
- clogging storm drainage systems and accumulating in wastewater systems;
- littering the town's streets, parks, public spaces, and local waterways; and

WHEREAS, Thin-Film Shopping Bags are made from non-renewable fossil fuels and are non-essential; and

WHEREAS, Thin-Film Shopping Bags are neither biodegradable nor compostable; and

WHEREAS, Thin-Film Shopping Bags cannot be recycled through curbside waste collection and are often not otherwise recycled; and

WHEREAS, some of the waste generated in Lee ends up in landfills in other municipalities, with the potential for Thin-Film Shopping Bags to litter the surrounding areas; and

WHEREAS, the costs associated with the use and distribution of Thin-Film Shopping Bags are borne by Retail Establishments and passed on to customers; and

WHEREAS, Thin-Film Shopping Bags can be a source of endocrine disruptors having potential health impacts; and

WHEREAS, affordable, environmentally responsible alternatives, including Reusable Shopping Bags and bags made of Bioplastic Materials, are readily available from numerous sources and vendors; and

WHEREAS, tourism is vital to Lee's economy and an increasing number of municipalities whose residents recreate in the Berkshires because of its natural beauty and pristine environmental image have acted to reduce the use of Thin-Film Shopping Bags; and

WHEREAS, numerous neighboring communities and others in our region have acted or are in the process of acting to reduce the use of Thin-Film Shopping bags; and

WHEREAS, one-size-fits-all bills regulating Thin-Film Shopping Bags have been introduced in the legislature, and Lee still has the opportunity to tailor a bylaw to its needs and desires; and

WHEREAS, many Establishments in Lee do not use Thin-Film Shopping Bags and many residents have also stopped using them.

NOW THEREFORE, the Town of Lee hereby enacts the following bylaw to regulate the use of Thin-Film Shopping Bags within the town and to promote the use of reusable bags.

2. Definitions

Bioplastic Materials: Substances made from renewable, organic, biomass sources – living organisms and their residues – such as agricultural byproducts, vegetable fats and oils, corn starch, or microbiota, rather than fossil fuels. For purposes of this bylaw, bags made of Bioplastic Materials must be Compostable.

Compostable: Conforming to the most current ASTM D6400 standard for compostability.

Establishment: Any operation that provides goods – including food and/or beverages – and/or services directly to consumers, with or without charge; sporadic, temporary, part- or full-time; commercial, non-profit, religious, educational, foundation-related, or governmental; whether on private, public, religious, or school property. Examples include, without limitation, grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores, farmers' markets, school or church fund-raising activities, or other events.

Polyethylene: Any of various lightweight thermoplastic resins made by polymerizing ethylene, a flammable hydrocarbon gas primarily occurring in natural gas, coal gas, and crude oil chiefly used for plastic bags, food containers, and other packaging.

Raw Food and Bulk Item Bags: Bags used by customers to package bulk items, such as fruit, vegetables, nuts, grains, candy, hardware, pharmacy, or other items; contain or wrap fresh or frozen foods, including meat, or fish, whether pre-packaged or not; or contain or wrap flowers, potted plants, or other items where dampness may be a problem. These bags are typically thinner than plastic carryout bags and generally do not have handles.

Recyclable Paper Bags: Paper bags with or without handles provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise from the Establishment and that (1) are one-hundred percent (100%) recyclable, (2) contain a minimum of forty percent (40%) postconsumer recycled paper content, and (3) have all the following information printed in a visible manner on the outside of the bag: the word “recyclable,” the name and country of the manufacturer, and the percentage of post-consumer recycled paper content.

Reusable Shopping Bags: Sewn bags with stitched handles that (1) are specifically designed and manufactured for multiple reuse; (2) can comfortably carry 25 pounds over a distance of 300 feet; (3) can hold a minimum of 15 liters; (4) can be readily washed or disinfected by hand or machine; and, (5) are made of either (a) natural fibers (such as cotton or linen); or (b) durable, non-toxic plastic other than Polyethylene or polyvinyl chloride that is generally considered a food-grade material and is more than 4 mils thick. The following information must be printed in a visible manner on the outside of the bags or on permanent tags: the name of the manufacturer; the country of manufacture; a true statement that the bag does not contain lead, cadmium, or other heavy metals in toxic amounts; the percent of post-consumer recycled material used in the bag, if any; and a statement recommending regular cleaning or disinfection.

Thin-Film Shopping Bags: Bags provided at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise from the establishment that have handles, are made of Polyethylene or other plastic, and have a thickness of less than 4.0 mils.

3. Use Regulations

- a) Nothing in this bylaw prohibits customers from using bags or other containers of any type that they bring to Establishments themselves or from carrying away goods that are not placed in a bag, in lieu of using bags or other containers provided by Establishments.
- b) Establishments shall be permitted to make available to customers at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise from the Establishments only Reusable Shopping Bags or Recyclable Paper Bags as provided in this bylaw or cardboard boxes, with or without charge.
- c) No Establishment shall make available any plastic bags, with or without a fee, that are made of Polyethylene.
- d) Any Raw Food and Bulk Item Bags made available by Establishments must be made of Bioplastic Materials; 100 percent (100%) recyclable paper made with at least forty percent (40%) postconsumer recycled material; FDA-approved Compostable cellophane or other cellulosic material; or Compostable unbleached wax paper made with non-petroleum-based wax.

4. List of Approved Alternatives

Not later than 180 days following the adoption of this bylaw, the Lee Board of Health or its designee shall adopt a list that it shall periodically update of approved and available alternatives for each product type, including those cited in this bylaw as well as any approved additional ones. The approved alternatives shall be (1) appropriate for the respective product type; (2) consistent with the other provisions of this bylaw; (3) made of materials that (a) in the near term may be partially or entirely fossil-fuel based; (b) are non-toxic according to the then most current research; and (c) compostable, biodegradable (other than oxo-, hydro-, or thermo-degradable, and not including materials containing potentially harmful or incompatible additives for facilitating or accelerating degradation), or recyclable and/or reusable as established by certified compliance with then current ASTM standards, if any, or, in their absence, specifications established by the Board of Health or its designee; and (4) meet such other criteria as the Board of Health or its designee shall establish from time to time.

5. Exemptions and Deferment

- a. All Establishments must provide at the point of sale, free of charge, either Reusable Shopping Bags or Recyclable Paper Bags or both, at the Establishment's option, to any customer participating either in the Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to M.G.L. c. 111, or in the Supplemental Nutrition Assistance (SNAP) Program pursuant to M.G.L. c. 18, or to any non-profit corporation or other charity as defined by M.G.L. c. 12 that distributes food, grocery products, clothing, or other household items to clients.
- b. The provisions of this bylaw do not apply to bags used by a non-profit corporation or other charity as defined by M.G.L. c. 12 to distribute food, grocery products, clothing, or other household items to clients.
- c. This bylaw does not prevent Establishments from selling to customers various types of plastic bags sold in packages containing multiple bags intended for personal use.
- d. Establishments will be exempted from the provisions of this bylaw for so long as the Lee Board of Health or its designee finds that a suitable alternative does not exist for a specific application.
- e. Upon written request to the Lee Board of Health or its designee and demonstration of how this bylaw would cause undue hardship to the establishment, such Establishment may receive temporary deferment of this bylaw to their operation for up to six (6) months. Establishments may apply to the deferment process in accordance with the following:
 - 1) An application for deferment must include all information necessary for the Lee Board of Health or its designee to make its decision, including but not limited to documentation showing the factual support

of undue hardship for the claimed deferment. “Undue hardship” is defined as a situation unique to the Establishment in which there are no reasonable alternatives to the use of Thin-Film Shopping Bags or to comply with the requirement that Raw Food and Bulk Item Bags be made of Bioplastic Materials, and compliance with this bylaw would create significant economic hardship for the Establishment and its operators. The Lee Board of Health or its designee may request additional documentation from the applicant to make a decision regarding deferment, which it may issue with or without conditions. All deferment applications are final and effective immediately.

- 2) An Establishment that receives a deferment must reapply prior to the end of that period and continue to demonstrate undue hardship if its operators seek to continue their deferment. Deferments may only be granted for periods of up to two (2) years.

6. Enforcement, Violations, and Penalties

- a) The Lee Board of Health or its designee shall establish and update rules and regulations to implement this bylaw and shall have the authority to enforce it by:
 - 1) inspection and investigation when it deems appropriate or in response to citizen complaints;
 - 2) the issuance of violation notices and administrative orders; and/or
 - 3) civil court actions.
- b) Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations may be penalized by a non-criminal disposition process as provided in MGL c. 40, §21D. Each day of violation, after written notice, is a separate violation.
- c) The following penalties shall apply:
 - 1) First offense: Warning
 - 2) Second offense: \$50
 - 3) Third offense: \$100
 - 4) Fourth and subsequent offense: \$200
- d) The Lee Board of Health or its designee may suspend, revoke, or deny any license or permit for repeat and flagrant violations of this bylaw.

7. Severability

Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of this bylaw and all other bylaws shall continue in full force.

8. Effective Date

The bylaw shall take effect twelve (12) months after its adoption.

Article 47. Polystyrene Reduction Bylaw

To see if the Town will vote to adopt the following bylaw:

1. Findings and Intent

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, styrene, a component of Polystyrene, is classified by the National Toxicology Program (NTP) as “reasonably anticipated to be a human carcinogen” and also recognized by the NTP as a potential food and beverage contaminant that may “leach from Polystyrene containers used for food products”; and

WHEREAS, the US Environmental Protection Agency (EPA) states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment, and the economy"; and

WHEREAS, Polystyrene is made from non-renewable fossil fuels, and Polystyrene manufacture and disposal requires substantial energy consumption and contributes to greenhouse gases and other adverse environmental effects; and

WHEREAS, Polystyrene is not biodegradable or compostable, and cannot be practically recycled; and

WHEREAS, some of the waste generated in Lee ends up in landfills in other communities, with the potential for Polystyrene to litter the surrounding areas; and

WHEREAS, affordable and effective ways exist to reduce the negative impacts of Polystyrene products through the use of safer, more sustainable, and environmentally friendly materials; and

WHEREAS, Polystyrene Disposable Food Containers constitute a portion of the litter in Lee’s streets, parks, and public places, thereby adversely affecting the attractiveness of the town and the enjoyment of residents and visitors, and requires time, effort, and expense to clean up; and

WHEREAS, tourism is vital to Lee’s economy and an increasing number of municipalities whose residents recreate in the Berkshires because of its natural beauty and pristine environmental image have acted to reduce the use of Polystyrene in Disposable Food Containers; and

WHEREAS, numerous neighboring communities and others in our region have acted or are in the process of acting to reduce the use of Polystyrene in Disposable Food Containers; and

WHEREAS, one-size-fits-all bills regulating Polystyrene have been introduced in the state legislature, and Lee still has the opportunity to tailor a bylaw to its needs and desires; and

WHEREAS, some Food Establishments in Lee have stopped using Polystyrene Disposable Food Containers.

NOW THEREFORE, the Town of Lee hereby enacts this bylaw to prohibit the use and distribution of foam and rigid Polystyrene in Disposable Food Containers and require the use and distribution of Disposable Food Containers made of safer, more sustainable, and environmentally friendly materials.

2. Definitions

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

Disposable Food Container: All containers – bowls, plates, trays, cartons, cups, lids, and hinged or lidded containers – designed for one-time or non-durable use that are used by food establishments for heating, storing, packaging, serving, or transporting prepared or ready-to-consume food or beverages. This includes any containers used by Food Establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages.

Food Establishment: An operation that, with or without charge, stores, prepares, packages, serves, vends, or otherwise provides food or beverages for human consumption, as further defined in 105 CMR 590.000 et. seq., Massachusetts State Food Code or any other local board of health rules and regulations shall be considered a Food Establishment for purposes of this bylaw. Food Establishment shall also include any operation, sporadic, temporary, part- or full-time; commercial, non-profit, religious, educational, foundation-related, or governmental; whether on private, public, religious, or school property; that, with or without charge, stores, prepares, packages, serves, vends, or otherwise provides food or beverages for human consumption. This definition shall not apply to individual citizens or visitors preparing and serving food or beverages for personal use.

Polystyrene: Blown polystyrene and expanded and extruded foams, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term also refers to clear or solid polystyrene, also known as “oriented” or “rigid” polystyrene.

3. Use Regulations

- a) Nothing in this bylaw prohibits customers from using containers of any type that they bring to Food Establishments themselves to contain any food or beverage they are acquiring, nor shall anything in this bylaw prohibit individual residents or visitors from purchasing or using Disposable Food Containers made from Polystyrene for personal use.
- b) No Food Establishment shall use Disposable Food Containers made from Polystyrene to prepare, heat, store, serve, transport, or provide food or beverages to customers.

4. List of Approved Alternatives

Not later than 180 days following the adoption of this bylaw, the Lee Board of Health or its designee shall adopt a list that it shall periodically update of approved and available alternatives for each product type. The approved alternatives shall be (1) appropriate for the respective product type; (2) consistent with the other provisions of this bylaw; (3) made of materials that (a) in the near term may be partially or entirely fossil-fuel based; (b) are non-toxic according to the then most current research; and (c) compostable, biodegradable (other than oxo-, hydro-, or thermo-degradable, and not including materials containing potentially harmful or incompatible additives for facilitating or accelerating degradation), or recyclable and/or reusable as established by certified compliance with then current ASTM standards, if any, or, in their absence, specifications established by the Board of Health or its designee; and (4) meet such other criteria as the Board of Health or its designee shall establish from time to time.

3. Exemptions and Deferment

- a) Foods prepared or packaged outside the Town of Lee are also exempt from the provisions of this bylaw.
- b) This regulation does not prevent retail establishments from selling to customers various types of products made from Polystyrene and sold in packages containing multiple units intended for personal use.
- c) Food Establishments will be exempted from the provisions of this bylaw for specific items or types of Disposable Food Containers for so long as the Lee Board of Health or its designee finds that a suitable alternative does not exist for a specific application.
- d) Upon written request to the Lee Board of Health or its designee and demonstration of how this bylaw would cause undue hardship to the Food Establishment, such Food Establishment may receive temporary deferment of this bylaw to their operation for up to six (6) months. Food Establishments may apply to the deferment process in accordance with the following:
 - 1) An application for deferment must include all information necessary for the Lee Board of Health or its designee to make its decision,

including but not limited to documentation showing the factual support of undue hardship for the claimed deferment. “Undue hardship” is defined as a situation unique to the Food Establishment in which there are no reasonable alternatives to the use of Polystyrene Disposable Food Containers and compliance with this bylaw would create significant economic hardship for the Food Establishment and its operators. The Lee Board of Health or its designee may request additional documentation from the applicant to make a decision regarding deferment, which it may issue with or without conditions. All deferment applications are final and effective immediately.

- 2) A Food Establishment that receives a deferment must reapply prior to the end of that period and continue to demonstrate undue hardship if its operators seek to continue their deferment. Deferments may only be granted for periods of up to two (2) years.

6. Enforcement, Violations, and Penalties

- a) The Lee Board of Health or its designee shall establish and update rules and regulations to implement this bylaw and shall have the authority to enforce it by:
 - 1) inspection and investigation when it deems appropriate or in response to citizen complaints;
 - 2) the issuance of violation notices and administrative orders; and/or
 - 3) civil court actions
- b) Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of this bylaw may be penalized by a non-criminal disposition process as provided in MGL c. 40, §21D. Each day of violation, after written notice, is a separate violation.
- c) The following penalties shall apply:
 - 1) First offense: Warning
 - 2) Second offense: \$50
 - 3) Third offense: \$100
 - 4) Fourth and subsequent offense: \$200
- d) The Lee Board of Health or its designee may suspend, revoke, or deny any license or permit for repeat and flagrant violations of this bylaw.

7. Severability

Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of this bylaw and all other bylaws shall continue in full force.

8. Effective Date

The bylaw shall take effect twelve (12) months after its adoption

Article 48. Annual Town Meeting Time Change

To see if the Town will vote to amend Chapter 48 § 48-1 of the Town of Lee Bylaws to amend the annual town meeting time from 7:30 p.m. to 7:00 p.m., as follows:

The Annual Town Meeting for the transaction of all business except the election of such officers and determination of such matters as are required to be elected or determined by ballot shall be held on the second Thursday of May of each year at 7:00 p.m., except that when said Thursday falls on a holiday, the meeting shall be held on the following day at 7:00 p.m. (Friday).

You are hereby 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 16, 2016** 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 Housing Authority	One for the term of five 5 years
Lee School Committee	Two for terms of three years
Representatives	
District 1	Three for terms of three years
District 2	Three for terms of three years
District 2	Two for the term of two years
District 3	Three for terms of three years
District 4	Three for terms of three years
District 5	Three for terms of three years
District 5	One for the term of two years
District 6	Three for terms of three years
District 6	Two for the term of two years

May 12, 2016 (FY 2017) Annual Town Meeting Warrant, April 24, 2016

And to vote upon the following non-binding referendum:

Are you in favor of borrowing \$5,000,000 for road repair and paving in the Town of Lee?

Yes ___


No ___

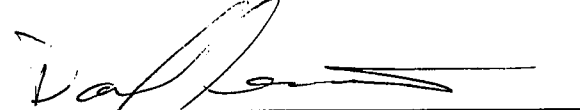
You are hereby directed to serve this Warrant by posting true and attested copies thereof, in five public places within the Town of Lee, seven (7) days at least, before the day and hour of holding said meeting.

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.

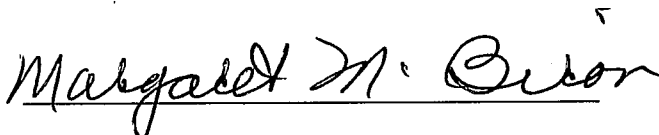
Given under our hands at Lee, this 26, day of April, 2016


Patricia D. Carlino, Chair


Thomas P. Wickham


David J. Consolati

As per instruction in this Warrant, I have posted same, this ^{27th} day of April, 2016 in five public places.


Margaret M. Olson
Constable