

Chapter 7

BOARDS, COMMITTEES AND COMMISSIONS

[HISTORY: Adopted by the Town of Lee as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Berkshire Manpower Commission

[Adopted 11-10-1971 STM by Arts. 1 and 2 as Sec. 2-7 of the 1971 Code]

§ 7-1. Authorization to form Commission; purpose.

The Town of Lee, acting by and through its Selectmen, is hereby authorized to combine with other units of general local government in Berkshire County or any public agency or institution which is a subdivision of any such unit into an organization to be known as the "Berkshire Manpower Commission" for the purpose of applying for financial assistance under and in accordance with the act of Congress cited as the "Emergency Employment Act of 1971."

§ 7-2. Authority of Selectmen; use of funds.

The Selectmen are authorized to file such applications with supporting documents and to take such other action as may be necessary to carry out the intent and purposes of said Act and secure for the Town of Lee and the County of Berkshire the benefits authorized by said Act; provided, however, that nothing herein contained shall authorize the incurrence of liabilities in the name of the Town of Lee in excess of such sum or sums as may from time to time be expressly appropriated by Town representatives for the purposes of this order.

ARTICLE II

Capital Outlay Committee

[Adopted 5-26-1971 STM by Art. 10 as Secs. 2-3 and 2-4 of the 1971 Code]

§ 7-3. Appointment; membership. [Amended 2-22-1973 STM by Art. 34]

The Board of Selectmen shall appoint a Capital Outlay Committee consisting of qualified citizens: one Town Meeting member from each of the representative districts, one member of the Board of Assessors, one member of the Finance Committee and one member of the Planning Board.

§ 7-4. Powers and duties.

The Capital Outlay Committee shall study and appraise the future capital needs of the Town and shall make recommendations, by way of an annual report to the Town Meeting, for capital improvements to be made each year over a period of five years.

ARTICLE III

Continuing School Building Commission
[Adopted 5-26-1971 STM by Art. 10 as Ch. 2, Art. IX of the 1971 Code]

§ 7-5. Appointment.

The Selectmen are hereby authorized to appoint a committee known as the "Continuing School Building Commission."

§ 7-6. Term; membership. [Amended 5-9-1974 ATM by Art. 39]

The Continuing School Building Commission shall be appointed annually. Such Commission shall consist of a minimum of five members and a maximum of nine members.

§ 7-7. Powers and duties. [Amended 5-8-1975 ATM by Art. 43]

The Continuing School Building Commission shall study and report to the Town the need for school construction or substantial alteration in existing school facilities. Such Commission shall work in cooperation with the School Committee to determine such needs and to further authorize said Committee to oversee, supervise and direct such construction and substantial alterations under authority of the Board of Selectmen as may be authorized by any Town Meeting action.

§ 7-8. Annual progress report.

The School Building Commission shall report its progress to each Annual Town Meeting until its work is completed.

§ 7-9. Findings to be made available to Regional School Committee.

The findings of the School Building Commission shall be made available to the Regional School Committee.

§ 7-10. Regional School District Planning Committee created; members. [Amended 5-8-1975 ATM by Art. 45]

There is hereby established a special unpaid committee to be known as the "Regional School District Planning Committee," to consist of three members, including one member of the School Committee, to be appointed by the Moderator in accordance with the provisions of MGL c. 71, § 14, as amended.

ARTICLE IV
Finance Committee

[Adopted 5-26-1971 STM by Art. 10 as Ch. 2, Art. IV of the 1971 Code; amended 5-21-1992 ATM by Art. 38]

§ 7-11. Appointment; terms of office; vacancies.

- A. A Finance Committee of nine members shall be appointed by the Moderator for three-year overlapping terms. Three members shall be appointed annually.
- B. Any person duly appointed to the Finance Committee shall take up the duties of the office upon the first day of the fiscal year, provided that he or she first shall have been sworn to

the faithful performance of his or her duties by the Town Clerk.

- C. Vacancies in the Finance Committee shall be filled by the Moderator within 30 days after he or she has been notified, in writing, of the vacancy on the Committee. If the Moderator shall fail to fill the vacancy within 30 days after such notification, the remaining members of the Committee shall fill the vacancy by majority vote.
- D. Any person appointed to fill out an unexpired term shall take up the duties immediately, provided that he or she first shall have been sworn to the faithful performance of his or her duties by the Town Clerk.
- E. No member of the Finance Committee shall hold any other elected or appointed Town office.

§ 7-12. Budget preparation.

- A. On or before the 15th day of September of each year, the Town Administrator shall promulgate a budget schedule which shall set forth the calendar dates relating to the development of the operating budget.
- B. Said schedule shall be in accordance with this article, unless deviation therefrom is recommended by the Town Administrator and approved by the Board of Selectmen and the Finance Committee.
- C. On or before the first day of October of each year, the Town Administrator shall request and receive from the Collector, the Treasurer, the Town Accountant, the Board of Selectmen and the Assessors the estimated revenues for the ensuing fiscal year.
- D. Upon receipt of any additional specific fiscal data provided by the commonwealth or from any other source, such estimates shall be revised, updated and submitted forthwith to the Town Administrator.
- E. On or before the first day of November of each year, the Board of Selectmen, after consulting with the Town Administrator, shall issue a policy statement relating to the budget for the ensuing fiscal year. The statement shall establish the general guidelines of the next budget for the Town.
- F. All department heads, boards, committees and commissions shall submit their budget requests to the Town Administrator at least 150 days before the date of the Annual Town Meeting.
- G. At least 120 days prior to the scheduled date of the Annual Town Meeting, the Town Administrator shall submit to the Board of Selectmen a comprehensive budget for Town functions for the ensuing fiscal year and an accompanying budget message.
- H. The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall:
 - (1) Outline the proposed financial policies of the Town for the ensuing fiscal year;
 - (2) Describe the important features of the budget;

- (3) Indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes;
 - (4) Summarize the Town's debt position; and
 - (5) Include such other material as the Town Administrator may deem appropriate.
- I. The budget shall provide a complete financial plan for all Town funds and activities and shall be in such format as the Town Administrator, in consultation with the Finance Committee, may suggest, provided that the format is compatible with the standards recommended by the commonwealth's Director of Accounts and/or the State Association of Finance Committees. The budget shall indicate proposed expenditures for both current operations and capital projects during the ensuing fiscal year, detailed by departments, offices, boards, commissions, committees and specific purposes and projects.

§ 7-13. Action on proposed budget.

- A. The Board of Selectmen shall, within 90 days of the submission of the budget by the Town Administrator, adopt the budget, with or without amendments, and submit it to the Finance Committee. The Board of Selectmen shall also transmit the budget request of the School Committee, with recommendations, to the Finance Committee.
- B. The Finance Committee shall conduct at least one public hearing on the proposed budget and shall issue printed recommendations and detailed explanations on all financial articles in an annual Finance Committee report, which shall be published in a newspaper of general circulation within the Town at least 10 days prior to the scheduled date of the Annual Town Meeting. In preparing its recommendations, the Committee may require the Town Administrator and any Town department, office, board, commission or committee to furnish it with appropriate financial reports and budgetary information.

§ 7-14. Budget adoption.

The Representative Town Meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

§ 7-15. Capital Improvements Plan.

- A. The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs and to implement the goals and objectives of the Official Town Plan.
- B. Said plan shall include all Town activities and departments. Proposed capital expenditures for regional entities shall be included in said plan, provided that such inclusion shall be consistent with the regional or intermunicipal agreement establishing such entities.
- C. Said plan shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and shall be extended each year with

regard to capital improvements pending or in the process of construction or acquisition.

- D. The Capital Improvements Plan shall be submitted to the Board of Selectmen at least 150 days prior to the date of the Annual Town Meeting. The Board shall act thereon within 30 days and shall then submit it to the Capital Outlay Committee, which shall issue its recommendations as part of the annual Finance Committee report.

§ 7-16. Summary and notice of Capital Improvements Plan.

The Board of Selectmen shall publish, in one or more newspapers of general circulation in the Town, the general summary of the Capital Improvements Plan and a notice stating:

- A. The times and places where copies of the Capital Improvements Plan are available for inspection; and
- B. The date, time and place, not less than seven days following such publication, when the Board of Selectmen and the Capital Outlay Committee shall conduct a public hearing on said plan.

§ 7-17. Action of Representative Town Meeting.

The Representative Town Meeting shall act on the Capital Improvements Plan and budget.

§ 7-18. Access to financial records.

In the discharge of its duty, the Finance Committee shall have free access to all books of record and accounts, bills and vouchers on which money has been paid or may be paid from the Town Treasury. Officers, boards and committees of the Town shall, upon request, furnish such Committee with facts, figures and any other information pertaining to their activities.

§ 7-19. Annual report.

It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of Town business, to be contained in the Annual Town Report.

ARTICLE V

Library Building Commission

[Adopted 5-26-1971 STM by Art. 10 as Ch. 10 of the 1971 Code]

§ 7-20. Appointment; membership.

The Board of Selectmen is authorized to appoint a Library Building Commission. Such Commission shall consist of seven members.

§ 7-21. Powers and duties.

The Library Building Commission shall be authorized to negotiate all contracts for the construction of any addition of the Lee Public Library as may be authorized by the Town and to participate with the federal and state governments in the acceptance of grants or loans provided

for free public libraries, howsoever the same may be described.

§ 7-22. Annual reports.

The Library Building Commission shall report to the Selectmen and to the Town annually, or more frequently should the Selectmen so request.

ARTICLE VI
Personnel Board
[Adopted 2-9-1995 STM by Art. 8]

§ 7-23. Statutory authority; establishment; classification and compensation plans.

Under the provisions of MGL c. 41, §§ 108A and 108C and under the provisions of MGL c. 40, §§ 21A and 21B, a Personnel Board shall be established consisting of three members, with the Town Administrator and the Chairperson of the Finance Committee as advisors, which Board shall establish and from time to time amend a plan classifying any or all positions, other than those filled by popular election and those under the direction and control of the School Committee, into groups and classes doing substantially similar work or having substantially equal responsibility and, subject to Town Meeting approval, establish and from time to time amend a plan establishing minimum and maximum salaries to be paid to employees in positions so classified, and which plan shall provide for the attainment of such maximum salaries by periodical step-rate increases based upon length of service and/or merit raises, said minimum and maximum salaries to be appropriately related, if possible, to salaries paid commercial and business establishments and by comparable municipalities as well as reliable cost of living index.

§ 7-24. Establishment of working hours; holiday, vacation and sick leave.

Said Personnel Board shall, by Town bylaw, subject to Town Meeting approval, establish the hours, days and weeks of work and the hours, days and weeks of leave without loss of pay, including, without limiting the generality of the foregoing, holiday leave, vacation leave and sick leave, for any and all employees of the Town, other than those appointed by the School Committee, provided that the number of working hours, days or weeks so established shall not exceed and the number of hours, days or weeks of leave without loss of pay shall not be less than the number prescribed by MGL c. 40, § 21A.

§ 7-25. Personnel Relations Review Board.

Said Personnel Board shall adopt, subject to the approval of the Annual Town Meeting, a bylaw establishing a Personnel Relations Review Board and may empower such Board to adjust the grievances of all employees of the Town, other than those appointed by the School Committee, subject to MGL c. 40 § 21B.

§ 7-25.1. Establishment of Personnel Relations Review Board. [Added 5-14-1998 ATM by Art. 47]

- A. There shall be established within the Town a Personnel Relations Review Board which shall consist of three members. One member shall be the chair of the Personnel Committee, or her/his designee. One member shall be an employee of the Town, appointed by the Town Administrator from among employees who are not appointed by the School

Committee nor covered by a collective bargaining agreement. The third member shall not be a member of the Personnel Committee nor a Town employee; and she/he shall be selected by the other two members.

- B. The members of the Personnel Relations Review Board shall serve for a term of one year.
- C. The Personnel Relations Review Board shall have the power to adjust compensation, working hours and leave grievances of all the employees of the Town, other than those appointed by the School Committee or covered by a collective bargaining agreement.
- D. The Personnel Relations Review Board shall hear and decide affected employee disputes with the Personnel Board's decisions regarding classification and compensation plans and the establishment of working hours and leave. The Personnel Relations Review Board's decisions shall be subject to appropriation, but otherwise final.

ARTICLE VII

Planning Board

[Adopted 5-26-1971 STM by Art 10 as Ch. 12 of the 1971 Code]

§ 7-26. Establishment.

A Planning Board is hereby established in accordance with MGL c. 41, § 81A.

§ 7-27. Membership.

The Planning Board shall consist of five members.

§ 7-28. Salaries and compensation.

The members of the Planning Board shall serve without pay.

ARTICLE VIII

Agricultural Commission

[Adopted 11-2-2006 STM by Art. 8]

§ 7-29. Purpose and duties.

The purpose of the Agricultural Commission will be to support commercial agriculture and other farming activities in the Town of Lee. The Commission's duties shall include but will not be limited to the following: promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for the preservation of agricultural lands; advise the Town Meeting, Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space Committee, or any other appropriate Town boards, on issues involving agriculture; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

§ 7-30. Membership.

- A. The Commission shall consist of five members appointed by the Board of Selectmen, of which the majority of the membership shall be substantially engaged in the pursuit of

agriculture. All members of the Commission must either be residents of the Town or owners and farmers of agricultural property within the Town.

- B. There may be one or two alternates appointed to the Commission by the Board of Selectmen and to any vacancies at a meeting of the Commission.
- C. In making its appointments, the Board of Selectmen will specifically consider the agricultural interests of the Town.

§ 7-31. Terms.

The terms will be as follows: two members for a term of three years; two members for a term of two years and three thereafter; and one member for a term of one year and three years thereafter.

§ 7-32. Vacancies.

The Board of Selectmen shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments.