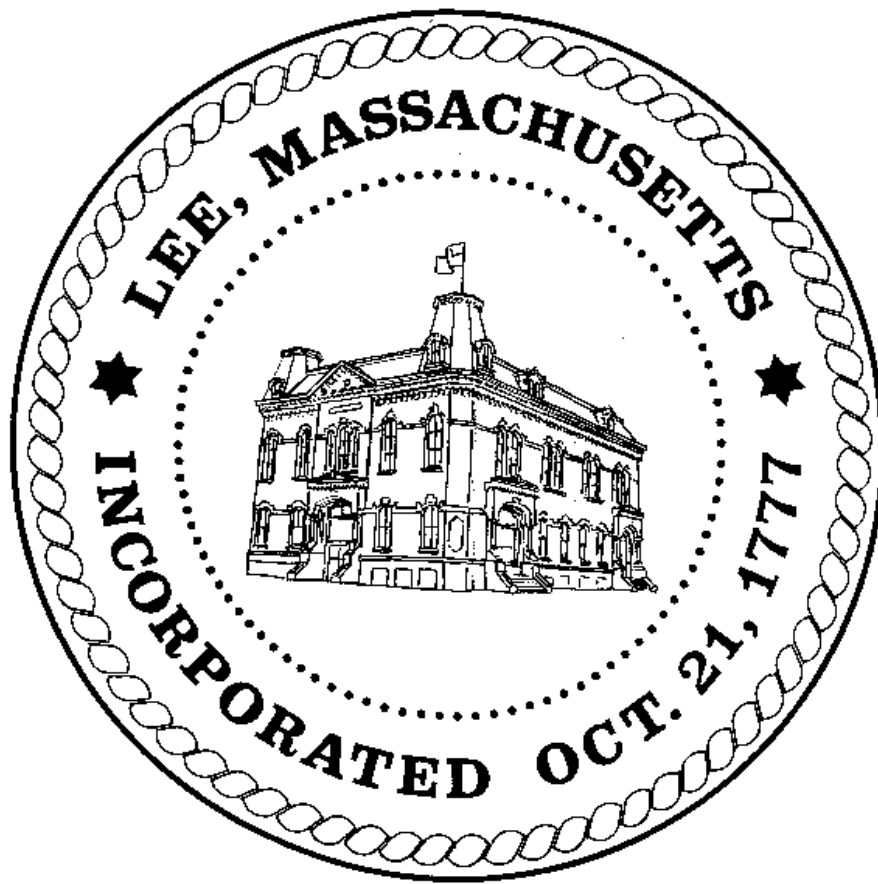


TOWN OF LEE

FY2016 ANNUAL TOWN MEETING



MAY 14, 2015 AT 7:30 PM
Printed April 28, 2015

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 met at the Lee Middle/High School Auditorium on Thursday, May 14, 2015 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. FY16 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 FY2014	BUDGET FY2015	REQUESTED FY2016	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	38,805.58	41,554.00	42,963.00	42,963.00
Expenses	3,748.45	3,935.00	4,895.00	4,895.00
TOTAL 122	42,554.03	45,489.00	47,858.00	47,858.00
123 TOWN ADMINISTRATOR				
Personnel	84,607.36	85,876.00	87,164.00	87,164.00
Expenses	3,354.13	3,370.00	3,405.00	3,405.00
TOTAL 123	87,961.49	89,246.00	90,569.00	90,569.00
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	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
135 TOWN ACCOUNTANT					
Personnel	44,106.52	48,453.00	53,778.00	53,778.00	
Expenses	31,315.04	34,576.00	35,151.00	35,151.00	
TOTAL 135	75,421.56	83,029.00	88,929.00	88,929.00	
141 ASSESSORS					
Personnel	43,566.00	44,969.00	45,536.00	45,536.00	
Expenses	49,374.11	48,150.00	57,460.00	57,460.00	
TOTAL 141	92,940.11	93,119.00	102,996.00	102,996.00	
145 TREASURER/COLLECTOR					
Personnel	121,452.73	114,482.00	117,915.00	117,915.00	
Expenses	33,457.87	33,247.00	35,641.00	35,641.00	
TOTAL 145	154,910.60	147,729.00	153,556.00	153,556.00	
151 TOWN COUNSEL					
Personnel	26,491.00	26,979.00	27,422.00	27,422.00	
Expenses	855.00	4,000.00	4,000.00	4,000.00	
TOTAL 151	27,346.00	30,979.00	31,422.00	31,422.00	
155 INFORMATION TECHNOLOGIES					
Personnel	5,734.00	6,426.00	6,533.00	6,533.00	
Expenses	24,502.09	36,645.00	36,645.00	36,645.00	
TOTAL 155	30,236.09	43,071.00	43,178.00	43,178.00	
156 LAND USE ASSISTANT					
Personnel	25,472.64	26,618.00	26,692.00	26,692.00	
Expenses	0.00	0.00	0.00	0.00	
TOTAL 156	25,472.64	26,618.00	26,692.00	26,692.00	
161 TOWN CLERK					
Personnel	56,591.29	57,688.00	58,620.00	58,620.00	
Expenses	1,860.10	1,960.00	1,940.00	1,940.00	
TOTAL 161	58,451.39	59,648.00	60,560.00	60,560.00	

GENERAL GOVERNMENT					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
163 ELECTIONS/REGISTRATIONS					
Personnel	3,925.00	5,400.00	3,860.00	3,860.00	
Expenses	3,047.19	9,016.00	6,475.00	6,475.00	
TOTAL 163	6,972.19	14,416.00	10,335.00	10,335.00	
171 CONSERVATION COMMISSION					
Personnel	0.00	2,435.00	2,435.00	2,435.00	
Expenses	195.99	700.00	700.00	700.00	
TOTAL 171	195.99	3,135.00	3,135.00	3,135.00	
175 PLANNING BOARD					
Personnel	0.00	0.00	0	0.00	
Expenses	6,153.01	8,558.00	7,581.00	7,581.00	
TOTAL 175	6,153.01	8,558.00	7,581.00	7,581.00	
176 ZONING BOARD					
Personnel	0.00	0.00	0.00	0.00	
Expenses	448.73	2,575.00	2,575.00	2,575.00	
TOTAL 176	448.73	2,575.00	2,575.00	2,575.00	
188 LEE C.D.C.					
Personnel	0.00	0.00	0.00	0.00	
Expenses	14,676.64	15,000.00	15,000.00	15,000.00	
TOTAL 188	14,676.64	15,000.00	15,000.00	15,000.00	
195 TOWN REPORTS					
Personnel	0.00	0.00	0.00	0.00	
Expenses	4,000.00	4,250.00	4,250.00	4,250.00	
TOTAL 195	4,000.00	4,250.00	4,250.00	4,250.00	
196 OFFICE EQUIP. MAINTENANCE					
Personnel	0.00	0.00	0.00	0.00	
Expenses	10,370.90	13,000.00	13,000.00	13,000.00	
TOTAL 196	10,370.90	13,000.00	13,000.00	13,000.00	
197 STAFF DEVELOPMENT					
Expenses	450.00	1,500.00	1,500.00	1,500.00	
TOTAL 197	450.00	1,500.00	1,500.00	1,500.00	
TOTAL GENERAL GOVERNMENT	638,437.37	680,512.00	703,786.00	703,786.00	

PUBLIC SAFETY					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
210 POLICE					
Personnel	830,314.22	836,051.00	856,610.00	856,610.00	
Expenses	82,610.79	90,300.00	90,300.00	90,300.00	
TOTAL 210	912,925.01	926,351.00	946,910.00	946,910.00	
221 FIRE DEPARTMENT					
Personnel	70,153.67	94,459.00	94,459.00	94,459.00	
Expenses	68,089.58	68,246.00	68,246.00	68,246.00	
TOTAL 221	138,243.25	162,705.00	162,705.00	162,705.00	
242 GAS INSPECTOR					
Personnel	4,740.00	4,811.00	4,883.00	4,883.00	
Total Expenses	308.24	575.00	575.00	575.00	
TOTAL 242	5,048.24	5,386.00	5,458.00	5,458.00	
244 SEALER/WEIGHTS MEAS.					
Personnel	5,050.00	5,126.00	5,203.00	5,203.00	
Total Expenses	302.81	350.00	350.00	350.00	
TOTAL 244	5,352.81	5,476.00	5,553.00	5,553.00	
245 WIRING INSPECTOR					
Personnel	6,715.50	6,324.00	6,419.00	6,419.00	
Total Expenses	965.75	1,289.00	1,289.00	1,289.00	
TOTAL 245	7,681.25	7,613.00	7,708.00	7,708.00	
246 PLUMBING INSPECTOR					
Personnel	6,093.00	6,184.00	6,277.00	6,277.00	
Total Expenses	256.58	685.00	685.00	685.00	
TOTAL 246	6,349.58	6,869.00	6,962.00	6,962.00	
291 EMERGENCY MANAGEMENT					
Personnel	1499.93	1500.00	1500.00	1500.00	
Expenses	0.00	0.00	0.00	0.00	
TOTAL 291	1,499.93	1,500.00	1,500.00	1,500.00	
299 COMMUNICATIONS					
Personnel	76,862.74	173,103.00	175,900.00	175,900.00	
Expenses	18,470.66	22,000.00	22,000.00	22,000.00	
TOTAL 299	95,333.40	195,103.00	197,900.00	197,900.00	
TOTAL PUBLIC SAFETY	1,172,433.47	1,311,003.00	1,334,696.00	1,334,696.00	

EDUCATION					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
300 EDUCATION					
Fixed Charges	7,619.00	14,400.00	25,243.00	25,243.00	
School Committee	8,829.00	8,250.00	8,250.00	8,250.00	
Superintendent's Office	288,486.00	259,449.00	271,255.00	271,255.00	
Principals' Offices	342,990.00	347,729.00	340,774.00	340,774.00	
Principal Technology	289,244.00	294,199.00	297,260.00	297,260.00	
Regular Education & Transportation	4,538,823.00	4,635,834.00	4,677,033.00	4,677,033.00	
Special Education	1,947,416.00	2,008,814.00	2,019,105.00	2,019,105.00	
Vocational Ed	47,940.00	78,042.00	159,439.00	159,439.00	
Health	148,526.00	150,798.00	155,997.00	155,997.00	
Athletics	121,620.00	133,758.00	133,551.00	133,551.00	
Other Student Activities	34,616.00	37,852.00	38,313.00	38,313.00	
Maintenance & Operations	843,359.00	854,120.00	950,807.00	950,807.00	
SUBTOTAL	8,619,468.00	8,823,245.00	9,077,027.00	9,077,027.00	
Less School Choice	-414,291.00	-525,000.00	-650,000.00	-650,000.00	
SUBTOTAL	8,205,177.00	8,298,245.00	8,427,027.00	8,427,027.00	
Less Circuit Breaker	-61,000.00	-61,000.00	-61,000.00	-61,000.00	
TOTAL EDUCATION	8,144,177.00	8,237,245.00	8,366,027.00	8,366,027.00	

PUBLIC WORKS					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
421 D.P.W. ADMINISTRATION					
Personnel	37,357.60	38,282.00	37,733.00	37,733.00	
Expenses	3,509.40	4,300.00	4,300.00	4,300.00	
TOTAL 421	40,867.00	42,582.00	42,033.00	42,033.00	
422 HIGHWAY CONST. & MAINT.					
Personnel	152,785.50	151,528.00	154,357.00	154,357.00	
Expenses	169,085.28	183,040.00	188,040.00	188,040.00	
TOTAL 422	321,870.78	334,568.00	342,397.00	342,397.00	
423 SNOW AND ICE					
Personnel	184,888.43	195,059.00	197,803.00	197,803.00	
Expenses	296,579.80	219,084.00	234,471.00	234,471.00	
TOTAL 423	481,468.23	414,143.00	432,274.00	432,274.00	
424 STREET LIGHTING					
Personnel	0.00	0.00	0.00	0.00	
Expenses	72,377.79	73,400.00	86,518.38	86,518.38	
TOTAL 424	72,377.79	73,400.00	86,518.38	86,518.38	
425 FORESTRY					
Personnel	0.00	0.00	0.00	0.00	
Expenses	16,487.00	17,400.00	17,400.00	17,400.00	
TOTAL 425	16,487.00	17,400.00	17,400.00	17,400.00	
433 SANITARY LANDFILL					
Personnel	0.00	0.00	0.00	0.00	
Expenses	5,948.58	14,400.00	14,400.00	14,400.00	
TOTAL 433	5,948.58	14,400.00	14,400.00	14,400.00	
654 PARKS & PLAYGROUNDS					
Personnel	3,064.88	3,693.00	3,748.00	3,748.00	
Expenses	12,294.74	15,682.00	15,682.00	15,682.00	
TOTAL 654	15,359.62	19,375.00	19,430.00	19,430.00	
192 PUBLIC BLDGS AIROLDI BLDG					
Personnel	24,629.82	20,590.00	20,985.00	20,985.00	
Expenses	17,438.25	21,600.00	21,600.00	21,600.00	
TOTAL 192/193	42,068.07	42,190.00	42,585.00	42,585.00	
193 PUBLIC BLDGS MEMORIAL HALL					
Personnel	18,006.92	16,696.00	16,946.00	16,946.00	
Expenses	34,060.37	42,775.00	42,775.00	42,775.00	
TOTAL 192/193	52,067.29	59,471.00	59,721.00	59,721.00	
TOTAL PUBLIC WORKS	1,048,514.36	1,017,529.00	1,056,758.38	1,056,758.38	

HUMAN SERVICES				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FIN COM
	FY2014	FY2015	FY2016	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	0.00	2,867.00	2,867.00	2,867.00
524 COMMUNITY HEALTH PROGRAM				
TOTAL 524	0.00	1,000.00	1,000.00	1,000.00
540 CABLE ADVISORY COMM				
Expenses	50.00	150.00	150.00	150.00
TOTAL 540	50.00	150.00	150.00	150.00
541 COUNCIL ON AGING				
Personnel	42,732.59	44,678.00	46,409.00	46,409.00
Expenses	16,337.98	18,100.00	18,300.00	18,300.00
TOTAL 541	59,070.57	62,778.00	64,709.00	64,709.00
542 LEE YOUTH ASSOCIATION				
TOTAL 542	47,537.00	47,537.00	48,488.00	48,888.00
543 VETERAN'S SERVICES				
Personnel	6,528.00	6,625.00	6,724.00	6,724.00
Expenses	35,566.00	50,750.00	50,750.00	50,750.00
TOTAL 543	42,094.00	57,375.00	57,474.00	57,474.00
TOTAL HUMAN SERVICES	171,694.07	195,415.00	198,396.00	198,796.00
RECREATION & CULTURE				
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FIN COM
	FY2014	FY2015	FY2016	RECOMMENDS
610 LEE LIBRARY				
Personnel	167,068.00	176,592.00	182,956.00	182,956.00
Expenses	91,558.00	94,436.00	95,929.00	95,929.00
LIG/MEG GRANT	-6,214.00	-6,215.00	-6,215.00	-6,215.00
TOTAL 610	252,412.00	264,813.00	272,670.00	272,670.00
620 SANDY BEACH				
Personnel	28,277.40	30,550.00	33,327.00	33,327.00
Expenses	8,876.78	12,470.00	9,693.00	9,693.00
TOTAL 620	37,154.18	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	2,368.58	2,600.00	2,600.00	2,600.00
TOTAL 693	2,368.58	2,600.00	2,600.00	2,600.00
TOTAL RECREATION & CULTURE	291,934.76	310,918.00	318,775.00	318,775.00

DEBT SERVICE					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
700 DEBT SERVICE					
Retirement of Debt	845,000.00	1,110,000.00	945,000.00	945,000.00	
Long Term Interest	396,230.18	233,200.00	208,350.00	208,350.00	
Short Term Interest	1,750.00	2,500.00	2,500.00	2,500.00	
TOTAL 700	1,242,980.18	1,345,700.00	1,155,850.00	1,155,850.00	
INTERGOVERNMENTAL					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
830 INTERGOVERNMENTAL					
Berk. Regional Planning Comm.	4,083.15	4,186.00	4,290.00	4,290.00	
TOTAL 830	4,083.15	4,186.00	4,290.00	4,290.00	
MISCELLANEOUS - (FIXED COSTS)					
CODE NUMBER	EXPENDED	BUDGET	REQUESTED	FINANCE	
	FY2014	FY2015	FY2016	COMMITTEE	
				RECOMMENDS	
910 - 912 EMPLOYEE BENEFITS					
911 Medicare (5173)	124,388.81	127,029.00	130,091.00	130,091.00	
911 Berk County Retirement (5177)	689,858.12	721,997.00	699,693.00	699,693.00	
912 Health Insurance (5171)	2,511,212.82	2,686,354.00	3,039,728.00	3,039,728.00	
912 Life Insurance (5175)	12,975.98	13,700.00	13,560.00	13,560.00	
912 Worker's Comp. (5176)	63,907.79	74,000.00	66,795.00	66,795.00	
912 Police Medical (5177)	1,012.29	1,900.00	1,900.00	1,900.00	
912 Medicare Part B Penalty (5179)	2,379.60	2,500.00	2,500.00	2,500.00	
TOTAL 910	3,405,735.41	3,627,480.00	3,954,267.00	3,954,267.00	
945 LIABILITY INSURANCE					
Liability/Property/Vehicle (5742)					
TOTAL 945	79,533.68	86,000.00	92,373.00	92,373.00	
946 OTHER INSURANCES					
Police Accident (5745)					
TOTAL 946	53,462.00	57,750.00	61,793.00	61,793.00	
TOTAL MISCELLANEOUS	3,538,731.09	3,771,230.00	4,108,433.00	4,108,433.00	

Article 3. Building Department Budget

To see if the Town will vote to appropriate the sum of \$97,025, or any other amount, for the maintenance of the Building Department (Account 241) in fiscal year 2015 and to meet that appropriation, raise \$96,725, or any other amount, and transfer from the building department receipts reserved for appropriation the amount of \$300, or any other amount, or to take any other action relative thereto.

241 BUILDING DEPT.	Expended FY14	Budget FY15	Request FY16
Personnel	82,815.88	83,611.00	85,080.00
Expenses	11,515.13	11,945.00	11,945.00
Total	94,331.01	95,556.00	97,025.00

Finance Committee recommends approval.

Article 4 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 2016, 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 FY14	Budget FY15	Request FY16
Total	13,656.35	70,000.00	70,000.00

Finance Committee recommends approval.

Article 5. Ambulance Service Budget

To see if the Town will vote to appropriate the sum of \$436,687, or any other amount, for the maintenance of the Ambulance Department (Account 231) in fiscal year 2016 and to meet that appropriation raise **\$46,687**, or any other amount, and transfer from the ambulance receipts reserved for appropriation the sum of **\$390,000**, or any other amount, or to take any other action relative thereto.

231 AMBULANCE	Expended FY14	Budget FY15	Request FY16
Personnel	306,723.69	308,424.00	325,043.00
Expenses	118,428.08	127,586.00	111,644.00
Total	425,151.77	436,010.00	436,687.00

Finance Committee recommends approval.

Article 6. Animal Control Budget

To see if the Town will vote to appropriate the sum of \$19,502, or any other amount, for the maintenance of Animal Control (Account 292) in fiscal year 2016 and to meet that appropriation raise \$19,502, or any other amount, such amount to be offset by receipts of \$9,751, or any other amount, from the Town of Lenox, or take any other action relative thereto.

292 ANIMAL CONTROL	Expended FY14	Budget FY15	Request FY16
Personnel	13,771.73	13,964.00	14,201.00
Expenses	3,498.63	5,301.00	5,301.00
Sub Total	17,270.36	19,265.00	19,502.00
Less Other Town	-8,635.18	-9,632.50	-9,751.00
Total	8,635.18	9,632.50	9,751.00

Finance Committee recommends approval.

Article 7. Sewer Department Budgets

To see if the Town will vote to appropriate the sum of \$2,173,564, or any other amount, for the maintenance of the Sewer Department (Accounts 440, 442 & 443) in fiscal year 2016 and to meet that appropriation raise \$1,908,785, 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 \$264,779, or any other amount, or to take any other action relative thereto.

440, 442, 443 SEWER DEPT.	Expended FY14	Budget FY15	Request FY16
Personnel	317,127.00	344,156.00	364,108.00
Expenses	1,736,733.00	1,809,521.00	1,809,456.00
Total	2,053,860.00	2,153,677.00	2,173,564.00

Finance Committee recommends approval.

Article 8. Water Department Budget

To see if the Town will vote to appropriate the sum of \$1,021,146, or any other amount, for the maintenance of the Water Department (Account 452) in fiscal year 2016, and to meet that appropriation raise \$1,021,146, 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 FY14	Budget FY15	Request FY16
Personnel	381,581.06	396,085.00	408,809.00
Expenses	569,135.64	610,944.00	612,337.00
Total	950,716.70	1,007,029.00	1,021,146.00

Finance Committee recommends approval.

Article 9. Cemetery Budget

To see if the Town will vote to appropriate the sum of \$80,587, or any other amount, for the maintenance of the Cemetery Department (Account 491) in fiscal year 2016 and to meet said appropriation raise \$80,187, 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 FY14	Budget FY15	Request FY16
Personnel	55,892.13	54,562.00	55,581.00
Expenses	32,047.35	25,006.00	25,006.00
Subtotal	87,939.48	79,568.00	80,587.00
Perpetual Care Interest	-1,100.00	-400.00	-400.00
Total	86,839.48	79,168.00	80,187.00

Finance Committee recommends approval.

Article 10. Health Department Budget

To see if the Town will vote to appropriate the sum of \$246,299, or any other amount, for the maintenance of the Health Department (Account 519) in fiscal year 2016 and to meet that appropriation raise \$246,299, or any other amount, such amount to be offset by receipts totaling \$142,853 or any other amount, from the Towns of Lenox and Stockbridge, or to take any other action relative thereto.

519 TRI-TOWN HEALTH	Expended FY14	Budget FY15	Request FY16
Personnel	188,926.64	193,518.00	216,535.00
Expenses	30,541.18	31,164.00	29,764.00
Subtotal	219,467.82	224,682.00	246,299.00
In-kind	-4,017.00	-4,017.00	-4,017.00
Subtotal	215,450.82	220,665.00	242,282.00
Less Other Towns	-127,291.34	-130,316.00	-142,853.00
Total	88,159.48	90,349.00	99,429.00

Finance Committee recommends approval.

Article 11. Health Department Permitting Software

To see if the Town will appropriate the sum of \$20,170, or any other amount, to add a public health module to the Town's web-based building permitting software, and to meet that appropriation transfer \$8,471, or any other amount, from available funds, the balance of the appropriation to be offset by funds totaling \$11,699, or any other amount, from the Towns of Lenox and Stockbridge, or to take any other action relative thereto.

Finance Committee recommends approval.

Article 12. 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 13. 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 14. 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 15. 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, and to expend the same for purposes received without further appropriation, or to take any other action relative thereto.

Article 16. Actuarial Analysis of Post-retirement Benefit Liability

To see if the Town will vote to appropriate the sum of \$4,500, or any other amount, to retain an actuary to determine the Town's post-retirement health insurance benefit liability for current and future retirees in accordance with the Government Accounting Standards Board accounting statement 45 (GASB 45), and to meet that appropriation transfer \$4,500 from available funds, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 17. 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 18. Middle and High School Curb Repair

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$32,865, or any other amount, to repair a portion of the Lee Middle and High School curbing, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 19. Police Radar Unit Replacements

To see if the Town will raise and appropriate or to transfer from available funds the sum of \$3,520, or any other amount, to purchase two traffic safety radar units, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 20. 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 \$166,000, 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 21. Memorial (Town) Hall Boiler Replacement (2/3 Vote)

To see if the Town will vote to raise and appropriate the sum of \$70,000, or any other amount, to replace Memorial (Town) Hall's failing boiler; and, to meet this appropriation by transferring \$70,000, or any other amount, from the Stabilization Fund, by borrowing or otherwise, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 22. 40 Franklin Street Office Use Study

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$8,000, or any other amount, to determine the feasibility and cost of converting the home and office located at 40 Franklin Street to school and/or municipal offices, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 23. Road Repair and Paving

To see if the Town will vote to expend the sum of \$294,727, or any other amount, from fiscal year 2016 "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 \$394,727, 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 24. 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 25. 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 26. Cemetery Road Repair and Paving

To see if the Town will vote to raise and appropriate the sum of \$40,000, or any other amount, to repair and pave Fairmount Cemetery roads; and, to meet this appropriation by transferring \$40,000, 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 27. Main Street Reconstruction Design Borrowing Authorization
(2/3 Vote)**

To see if the Town will vote to authorize borrowing the sum of \$600,000, or any other amount, to fully fund the estimated \$800,000 design fee to reconstruct Main Street; and, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$600,000 and issue bonds notes thereof under Chapter 44, Section 8 of the General Laws, or to take any other action relative thereto. **Finance Committee does not recommend approval.**

Article 28. Main Street Reconstruction Design Funding Installment

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 \$60,000, or any other amount, to partially fund the \$600,000 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. Primary Water Main Replacement Design Loan Repayment

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$19,950, or any other amount, to repay Mill Renaissance, L.L.C. \$19,950 which it advanced the Town to retain an engineering firm to prepare a

preliminary plan and cost estimate to apply for a MassWorks Infrastructure grant to optimize the available fire flows in the downtown area and along Route 102, and to meet that appropriation transfer from the Water Enterprise Account \$19,950, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 30. 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 third 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. **Capital Outlay and Finance Committees recommend approval.**

Article 31. 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 second 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. **Capital Outlay and Finance Committees recommend approval.**

Article 32. Water Plant and Distribution System Extraordinary Repairs

To see if the Town will vote to appropriate the sum of \$44,000, 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 \$44,000, or any other amount, or to take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 33. Meter Reading Transponder Replacements

To see if the Town will vote to appropriate the sum of \$140,000, or any other amount, to replace failed meter reading transponders which provide use data for water and sewer billing; and, to meet that appropriation transfer \$70,000, or any other amount, from the Water Enterprise Account and transfer \$70,000, or any other amount, from the Sewer Enterprise Account, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 34. Trailer Mounted Sewer Line Flusher

To see if the Town will vote to appropriate the sum of \$55,000, or any other amount, to purchase a trailer mounted sewer line flusher, and to meet that appropriation to transfer \$55,000, or any other amount, from the Sewer Enterprise Account, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 35. Replacement Pickup Truck with Plow

To see if the Town will vote to appropriate the sum of \$34,400, or any other amount, to purchase a new, pickup truck with plow for the Wastewater Division, and to meet that appropriation to transfer \$34,400, or any other amount, from the Sewer Enterprise Account, or take any other action relative thereto. **Capital Outlay and Finance Committees recommend approval.**

Article 36. Sewer Plant and Collection System Extraordinary Repairs

To see if the Town will vote to appropriate the sum of \$4,000, 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 \$4,000, or any other amount, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 37. 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 38. 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 39. 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 40. “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. **Capital Outlay and Finance Committees recommend approval.**

Article 41. Open Space & Recreation Plan Update

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, to provide the required local contribution for an \$8,000 Conservation Assistance for Small Communities grant from the state to update the Town's August 2000 Open Space and Recreation Plan, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 42. Athletic Field Playground Improvements

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$22,620, or any other amount, 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, or to take any other action relative thereto. The Town anticipates a \$13,120 reimbursement from a state grant; and if that grant is not awarded the amount to be expended will not exceed \$9,500. **Finance Committee recommends approval.**

Article 43. 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 44. 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 45. Streetlight LED Retrofit Demonstration

To see if the Town will vote to raise and appropriate or to transfer from available funds the sum of \$5,200, or any other amount, for the purchase and installation of 13 new, light-emitting diode, retrofit light pole luminaries on existing poles, or to take any other action relative thereto. **Finance Committee recommends approval.**

Article 46. Net Metering Power Purchase Agreement

To see if the Town will vote to authorize the Board of Selectmen to negotiate terms and execute, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town, one or more net metering power purchasing agreements for the purchase of net metering credits to be generated from one or more solar projects now or hereafter located in the Commonwealth of Massachusetts, or take any action relative thereto. **Finance Committee recommends approval.**

Article 47. Zoning Bylaw Revision, Industrial Zone Uses (2/3 Vote)

To see if the Town will vote to amend the Town of Lee Zoning Bylaw Section 199-4.2. (J) 3 (INDUSTRIAL) to allow for additional uses and reuse of existing structures in the industrial zoning district as follows:

3. Uses requiring a special permit from the Planning board in accordance with Section 13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:

- a) Outside storage of materials not used in the manufacturing process may be allowed by special permit of the Planning Board
- b) Adult uses, as regulated in Section 9.4 of this chapter

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Uses requiring a special permit from the Planning Board, as part of the reuse of existing structures. In accordance with Section 13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows

- c) Retail.
- d) Apartments, lofts or other residential uses.
- e) Warehousing
- f) Hotel/conference center.

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- g) Restaurant**
- h) New construction of facilities exceeding 100,000 square feet in floor space, where the facility will be used for distribution of commercial and industrial supplies and wholesale trade (except motor vehicles), provided that the space dedicated to storage of product shall not exceed 70% of the total floor area.
- i) Accessory uses and structures customary to the preceding uses.

or to take any other action relative thereto.

Article 48. Zoning Bylaw Revision, Signs

To see if the Town will vote to amend the Town of Lee Zoning Bylaw Section 7 relating to signs as follows:

SECTION 7. SIGNS

1. Purpose.

Under the authority conferred by the Massachusetts General Laws, as amended, and every other power and authority thereto pertaining, the Town of Lee adopts this section for the regulation and restriction of billboards, signs

and other advertising devices within the town on public ways, or any private way used by the public, or on private property within public view of any public way, public park or reservation in order to protect and enhance the visual environment of this town (its public and private investments in buildings and open spaces) and the safety, convenience and welfare of its residents.

2. Applicability.

The provisions of this section shall apply to the construction, erection, alteration, use, dimensions, location and maintenance of all billboards, signs and other advertising devices located out-of-doors, affixed to any part of a building or window(s) thereof or placed for the express purpose of being visible from the exterior of the building.

3. Definitions.

As used in this section, the following terms shall have the meanings indicated:

- i. PERSON:** Any **person**, corporation, society, associate, partnership or other legal entity.
- ii. PUBLIC WAY:** Any public way or private way that is open to public use.
- iii. SIGN:** Any display of **lettering**, logos, colors, lights or illuminated neon tubes visible to the public from outside of a building, or from a traveled way, which either conveys a message to the public or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted or goods, products, services or facilities available either on the lot or on any other premises, excluding window displays of merchandise.
- iv. ABANDONED SIGN** - Any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more.
- v. ACCESSORY SIGN** - Any sign which is mounted on the same post or pylon as the freestanding sign but is accessory to the freestanding sign and and

which displays a message that is standard to the industries, such as (but not limited to) vacancy/no vacancy, open/closed, dinner being served, credit card, AAA, etc.

- vi. **AWNING SIGN** - A sign painted on or attached to the cover of a metallic frame of the fixed, hinged, roll or folding type of awning.
- vii. **BRAND COLOR** – A color on a building, canopy, pod, or other structure that, regardless of lettering, identifies or suggests the identity of the site owner or occupant or of a particular brand. A color is a brand color if it meets three tests:
 - The color is applied to a large surface, such as to a roof building wall, or the side of a filling station canopy. The color is visually bright. A visually bright color attracts the eye from surrounding objects. For this purpose, primary colors such as red and yellow may be considered visually bright. Natural or dark-stained wood shakes are not visually bright. White paint is never a brand color because it is commonly used in this community.
 - The color is commonly used in this state or in neighboring states to indicate a brand of product or service, and is used either on signs, on architectural components, or both.
- viii. **BUSINESS CENTER** - A location with businesses or potential businesses which collectively have an aggregate floor area equal to or greater than 30,000 sq. ft., which houses multiple individual businesses, and which has common private parking and vehicular entrances.
- ix. **CANOPY SIGN** - A sign placed on a permanent structure built over gas pumps which provides shelter for gas pumps and patrons.
- x. **FREE STANDING SIGN** - A self-supporting sign not attached to any building, wall or fence but in a fixed location. This does not include portable or trailer-type signs.
- xi. **GAS STATION PRICING POD** - A sign which displays the current price of gasoline and which can be located on the canopy or on the freestanding sign.
- xii. **LANDMARK SIGN** - A sign of artistic or historic merit, uniqueness or extraordinary significance to the town as identified by the local Historic Commission, or the Board of Selectmen in its absence.

- xiii. MENU BOARD SIGN** – A sign illustrating the menu or special for an eating establishment that is erasable or otherwise changeable to reflect different menus or specials.
- xiv. MOVABLE SIGN** - A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.
- xv. MUNICIPALLY CONTROLLED DIRECTORY SIGN BOARD** - A name-only directional sign to identify business and municipal uses within the districts that are not directly located on Route 20 (Park, Main and West Center Streets) to be readily identified from the primary travel corridor.
- xvi. NEON SIGN** - Any sign that provides illumination of the exposed gaseous tube type.
- xvii. NONCONFORMING SIGN** - Any sign that lawfully exists but does not conform to this section at the time of adoption.
- xviii. OFF-PREMISES SIGN** - Any sign which is not on the premises of the business, including a billboard.
- xix. POLITICAL SIGN.** A political sign is a sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate to a public office at a national, state or local election.
- xx. PUBLIC SERVICE SIGN.** A public service sign is a sign located for the purpose of providing direction toward or indication of a public service use such as a restroom or telephone that is not readily visible from the street.
- xxi. RENT OR SALE SIGN.** A sign that advertises that the premises on which it is placed is being offered for sale or rent.
- xxii. ROOF SIGN** – Any sign erected and constructed above, or projecting above a roof or parapet of any building, or which is painted, or otherwise attached, or affixed to a roof.
- xxiii. SANDWICH BOARD SIGN** – A folding freestanding movable sign, with two parts, that is intended to be placed on a sidewalk or other flat surface.

- xxiv. TEMPORARY SIGN** - Any sign, including its support structure, intended to be maintained for a continuous period of not more than 30 days in any calendar year.
- xxv. WALL SIGN** – Any sign which is painted on, incorporated into or affixed parallel to the wall of a building and which extends not more than 10 inches from the surface of the building. A parapet or a dormer sign shall be considered a wall sign.
- xxvi. WINDOW DISPLAY SIGN** - Any sign which is mounted onto a window or which is hung directly inside the window of a business with the purpose or effect of identifying the business or any merchandise, product or service for sale within.

4. General Regulations.

- i. Signs permitted by right.** The following signs are allowed without a permit if they conform to Section 7.7, General Standards.

Window display signs, subject to Section 7.7(L) below.

Address signs, subject to Section 7.7(B) below.

Construction signs, subject to Section 7.7(E) below.

Directional signs, subject to Section 7.7(F) below.

Rent or sale signs, subject to Section 7.7(G) below.

Landmark signs, subject to Section 7.7(I) below.

Political signs, subject to Section 7.7(J) below.

Public service signs, subject to Section 7.7(K) below.

- ii. Signs requiring permits.** Where a sign is neither explicitly prohibited under this regulation nor explicitly allowed without a permit under this regulation, the sign is allowed with a permit, and that permit shall be granted or denied in accordance with the applicable provisions of these regulations.

- iii. Signs prohibited.**

No sign requiring a permit shall be erected without first receiving a permit.

Flashing signs, roof signs, signs containing moving parts, any noisemaking sign or device and signs containing reflective elements which sparkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted, provided that they meet all other provisions of this section.

Billboards, streamers, pennants, ribbons, banners, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions include grand openings, special events and charitable or civic events with the granting of a temporary permit by the Board of Selectmen for 10 days' duration or less. Decorations for state and national holidays are exempt from requiring a temporary sign permit so long as they are not deemed to be a public nuisance or hazard by the **Building Commissioner**.

Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted. Exceptions are granted to landmark signs, which may be preserved and maintained even if they no longer pertain to the present use of the premises.

No sign, except for a traffic, regulatory or informational sign, shall use the words "stop," "caution" or "danger" or shall incorporate red, amber or green lights resembling traffic signals or shall resemble a "stop," "yield" or other traffic sign in shape and color. No sign shall obstruct traffic sight lanes for drivers or pedestrians.

No billboard shall be permitted in any district in the Town of Lee.

Any spotlight or illumination which is beamed or lights up a public street, highway, sidewalk or adjacent premises which causes a glare or reflection that by vote of the Board of Selectmen constitutes a traffic hazard or public nuisance is not permitted.

Except as authorized for the DCBC zone, any sign or other projection which protrudes more than 10 inches over a public right-of-way or public property is not permitted.

Any sign where the highest point would be greater than 25 feet above the ground on which it rests is not permitted.

No trailer-style movable signs or vehicle used primarily or intentionally as a sign shall be permitted.

No awning signs shall be permitted except in the DCBC District.

No off-premises signs shall be permitted except as specifically authorized herein.

Abandoned signs are prohibited and shall be removed by the owner of the sign or owner of the premises or by action of the Building Commissioner.

Roof signs are not permitted.

iv. Exceptions. For the purposes of this section, the term "sign" shall not include:

Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation.

A bulletin board or similar sign not exceeding 12 square feet in display area in connection with any church, museum, library or school, provided that the top of such sign shall not be more than eight feet above ground level, provided that it is no closer than 10 feet from the public right-of-way unless attached to a building.

Signs relating to trespassing and hunting, not exceeding two square feet.

Any historical marker erected by a bona fide historical association or a government agency.

v. Area of sign.

The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any cutouts or extensions, but shall not include any supporting structure or bracing.

The area of a sign consisting of individual letters, words or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters.

The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.

In computing the area of signs, one side of identical back-to-back (two-sided) signs and symbols shall be considered as the total area.

Brand coloring on any architectural component (including roofs, walls, or filling station canopies) shall be considered as part of the total area of a sign.

vi. Illumination standards.

To preserve the rural character of the town, internally illuminated signs are not allowed in zoning districts R-20, R-30, RA-40, **I**, CR, RB, RM, and DCBC. These signs may be externally illuminated by shielded light of constant intensity of no more than a total of 1,500 Lumens.

Internally illuminated freestanding and wall signs are allowed in the CBC zoning district with a permit issued after approval as part of the site plan review process as delineated in Section 13.3 of this bylaw.

The standards found in Section 10.1 (B)(5), Signs and Sign Illumination are applicable to zoning district Office Park & Light Industry (OPLI).

The following rules apply to all zoning districts.

- a. A sign shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m. unless the premises on which it is located is open for business.
- b. Any sign containing electrical wiring that is attached or intended to be attached to an electrical energy source shall be inspected by the Town Electrical Inspector and shall meet state code.
- c. No person may erect a sign with exposed electrical wires.
- d. Strings of bulbs are not permitted, except as part of a holiday celebration.
- e. Any illumination provided for signs shall be white light only.
- f. Sign illumination, decorative lighting or floodlighting (except that used for public recreational areas) shall be shielded at its source to prevent high-intensity light beams from shining onto any street or adjoining property.
- g. No sign shall be designed to attract attention by a change of intensity or illumination or by repeated motion.

- vii. Safety standards.** No person may erect a sign which constitutes a hazard to public safety or health.

5. Nonconforming Signs.

- i. Maintenance.** Any lawfully existing sign cannot be enlarged, reworded, redesigned or altered in any way, except to conform to the requirements of this section, and provided, further, that any such sign which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost shall not be repaired, rebuilt or altered except to conform to the requirements of this section.
- ii. Replacement.** Any sign replacing a nonconforming sign shall conform to the provisions of this section, and the nonconforming sign shall no longer be displayed.
- iii. Abandonment.** If a nonconforming sign associated with a permitted use or structure that has been abandoned for six months or more, then the nonconforming sign shall be removed and its nonconformity shall not continue.

6. Administration and Enforcement.

No sign shall be erected, displayed, altered or enlarged until an application has been filed and a permit for such action has been issued. Applications shall be on forms prescribed by the Building Commissioner. At a minimum, all applications shall include the applicant's signature, a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems and location on land or buildings, with all relevant measurements.

i. Permits.

A permit for a permanent sign shall be reviewed and acted upon with 30 days of filing a complete application, together with the fee. A permit may be issued only after the following:

- a. The Planning Board examines the request for a permanent sign permit and finds it in compliance with this chapter.
- b. The Building Commissioner determines that the sign complies or will comply with the State Building Code pertaining to signs.

- c. A permanent sign permit shall be valid only when signed and dated by the Planning Board and the Sign Enforcement Official.

A permit for a temporary sign shall be issued only after the following:

- d. Temporary sign permits are issued only after the Building Commissioner determines the sign complies or will comply with the State Building Code as per the section pertaining to signs and sends the permit on to the Selectmen.
- e. The Board of Selectmen shall be the issuing authority for temporary sign permits.

ii. Fees.

A schedule of fees may be established and amended from time to time by the Board of Selectmen.

Fees for municipally controlled directory sign boards (MCDSB) may be assessed and amended by the Board of Selectmen, as necessary, to cover the cost of erecting, maintaining or repairing of such signs because of damage from nature or vandalism.

iii. Enforcement.

The Board of Selectmen shall designate a Building Commissioner, and that Building Commissioner is hereby authorized to enforce this Section 7. The Building Commissioner is authorized to order the repair or removal of any sign and supporting structure which is erected or maintained contrary to these regulations. Whenever a Building Commissioner is designated, that person or board should notify the State Outdoor Advertising Board.

Interpretation, implementation and enforcement of this section will lay with the Building Commissioner serving as agent for the Board of Selectmen.

- iv. Maintenance and Removal.** Every sign shall be maintained in good structural condition at all times. The Building Commissioner shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. Any sign which has been ordered removed by the Building Commissioner or is abandoned or

discontinued shall be removed by the person, firm or corporation responsible for his, her or its sign within 20 days of the written notice to remove.

v. Removal of signs by the Building Commissioner.

The Building Commissioner shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign, or a sign for which no permit has been issued.

The Building Commissioner shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected or appealed within 20 days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed to sign owners or property owners by the Building Commissioner shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

Any person having an interest in the sign or the property may appeal the determination of the Building Commissioner ordering removal or compliance by filing a written notice of appeal with the Lee Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall hold a hearing in order to determine if the Building Commissioner's order of removal or compliance should be enforced. (See Section 13.2)

vi. Penalties.

Whoever violates any of the provisions of this section shall pay a fine not to exceed \$300 for each offense.

Each day that such violation continues shall constitute a separate offense.

The Building Commissioner acting as agent for the Board of Selectmen shall be imposed to enforce this section.

This chapter may be enforced by non-criminal disposition as provided for by MGL c. 40, Section 21D.

7. General Standards.

The following standards apply in all zoning districts, unless specifically provided otherwise.

- i. **Accessory sign.** Any accessory sign is allowed with a permit. The sign shall be mounted on the same post or pylon as a freestanding sign and display a message that is standard to the industry, such as (but not limited to) vacancy/no vacancy, open/closed, dinner being served, credit card, AAA. The total area of all accessory signs associated with any freestanding sign shall not exceed six square feet. . A permit granted for an accessory sign may include conditions necessary to maintain safety. . When application for an accessory sign is made in conjunction with a freestanding sign, no additional fees shall be charged for the accessory sign.
- ii. **Address.** One address sign is allowed without a permit displaying the street number or name of the occupant of the premises, or both, may be attached to the building or may be on a post not more than four feet high and set back at least three feet from the public right-of-way. Such sign shall not exceed two square feet.
- iii. **Gas stations - canopy signs.** In addition to building signs and freestanding signs, a gas station may have a canopy sign on a gas station canopy, with a permit. Canopy signs shall not exceed 20 square feet per side and may be located on not more than two sides of the canopy. If a canopy is used as a price pod location, 10 square feet may be used for the logo.
- iv. **Gas stations - pricing pods.** A pricing pod displays the current price of fuels sold at a gas station on the same lot. Pricing pod signs are allowed with a permit.

Pricing pod signs for any gas station shall not have a combined area exceeding 20 square feet. A pricing pod sign shall be set back at least 10 feet from the lot line and may be in any one of three places:

- a. On the same post or pylon as the freestanding sign.
- b. As a part of a gas station canopy sign.

A pricing pod requires a permit for initial installation or for each change in location or size. Changes in pricing are allowed without a permit.

A pricing sign that does not exceed 4 square feet (on each side) and that is located on the top of a gas pump is allowed at a gas station without a permit in addition to other allowed signs.

- v. **Construction.** An on-premises construction sign is allowed without a permit. It shall identify the contractor, architect, landscape architect and/or engineer's name, address and other pertinent information.

Construction signs shall not exceed 12 square feet and shall be set back at least 10 feet from the street lot line or 1/2 the building setback distance, whichever is less.

Construction signs may be maintained on the building or property for the interim of construction and not more than 30 days following the completion of said construction.

- vi. **Directional.** Directional signs are allowed without a permit, if they solely indicate ingress and egress placed at driveway locations and contain no advertising material. The display area of such signs shall not exceed three square feet or extend higher than four feet above ground level. The sign will conform in all respects to the requirements of this section.

- vii. **Rent or Sale.** A for sale/rent/lease sign is allowed without a permit on-the premises of a property being sold or rented.

Rent or sale signs shall not exceed six square feet and shall advertise only the property on which the sign is located. A maximum of two such signs may be maintained on any property being sold or rented, and they shall be removed by the owner or agent within 30 days of sale, rent or lease.

Rent or sale signs may be attached to the building or shall be set back at least 10 feet from the street lot line or 1/2 the building setback distance, whichever is less.

- viii. **Freestanding sign.** All freestanding signs shall be securely attached at top and bottom to one or two posts or pylons. No lettering shall appear on the posts or pylons. No part of the sign shall protrude more than 10 inches over a public or private right-of-way. The construction and setting methods to be employed on freestanding signs on posts or pylons that are greater than 10 feet at their highest point must be reviewed and certified for safety by the Building

Commissioner and shall have structural drawings and specifications, including foundations, submitted by a registered professional engineer.

Landmark sign. A landmark sign is allowed with a permit in addition to any other signs to which a business may be entitled, and without regard to the present use of the premises. Any necessary restoration should follow the preservation guidelines outlined by the Lee Historical Commission and by its approval prior to a sign permit being issued.

- ix. Political.** Two political signs are permitted per lot without a permit.

Political signs are permitted if they are stationary, unlighted and temporary. Such signs shall be displayed no earlier than 20 days prior to a voting day and shall be removed within five days after a voting day.

Political signs may not exceed four square feet.

- x. Public service sign.** Public service signs are allowed without a permit.

Public service signs necessary for public safety and convenience shall not exceed two square feet. Such signs are not included in computing total sign area.

Public service signs shall bear no advertising.

- xi. Window display sign.** Window display signs are allowed without a permit. Window display signs of the exposed-gaseous-tube type shall not exceed 25% of the total glass area of the window in which they are displayed. Permanent merchandise display signs hung inside windows shall be made of clear materials, such as Plexiglas, with lettering painted on them.

- xii. Signs for nonprofits:** The town's temporary sign granting authority may authorize signs for nonprofit organizations of any size, construction, location and duration in the same manner as approval of a temporary sign.

- xiii. Business Center Signs.** A business center sign in any zoning district shall be freestanding sign, shall identify only the business center and the individual businesses within it, and shall not exceed 64 square feet in total area. The portion identifying the common business center shall not exceed 16 square feet. Individual business signs mounted on the business center sign shall not exceed 8 square feet. All signs included on a common business center sign

shall be similar with regard to material, coloring, lighting, lettering, and other characteristics. Where a business center sign exists, no other freestanding sign is allowed along the road frontage of the business center.

xiv. Sandwich Boards And Menu Board Signs

Temporary Permits. The Board of Selectmen **may** issue a temporary permit for a single portable Sandwich Board Sign, or a Menu Board Sign per business in the I (Industrial), BM (Business Multi-Dwelling), RB (Residential Business), CBC (Commercial Business Corridor) or DCBC (Downtown Commercial Business Corridor). Any such permit shall be valid for 1 (one) year from the date of issuance.

Sandwich Board Signs. Sandwich Board Signs shall meet the following requirements:

- a. The sign shall be at least 18 inches but not more than 27 inches wide and shall be at least 30 inches but not more than 48 inches high. The sign shall be constructed of framed wood, plywood, a wood or rigid plastic composite or similar material. The sign may include a chalkboard, whiteboard, foamboard, or similar inset within the frame. The sign shall be rigid and sturdy. The sign shall be free of sharp corners, protrusions, and devices which could cause injury. No additional attachments such as flags, streamers, pennants, ribbons, spinners, banners or balloons may be used. No signs shall use fluorescent colors on either its copy or background. The sign shall be suitably weighted so as to remain stationary during windy conditions
- b. The sign shall be displayed only in front of the place of business, except as approved otherwise by the Board of Selectmen. The sign may be located on either private property or be within the public right-of-way. The sign shall not obstruct pedestrian movement or reduce the open sidewalk width to less than four (4) feet. The sign shall not be located in the street.
- c. The sign may be displayed only while the advertised business is open for business, and must be stored indoors at other times. The sign shall not be displayed during adverse weather conditions such as snow, ice or heavy wind. The sign shall not impede snow removal.

- d. Where a sign is located on public property, the sign owner shall carry liability insurance coverage, and confirmation of the same must accompany the application for the sign. The insurance must cover personal injuries or property damage arising, for any reason, as a result of the placement of the sign. The policy shall be in the amount of at least one million dollars (\$1,000,000) per claim and two million (\$2,000,000) per occurrence. The town shall be an additional insured on the policy for any and all claims. The business with the sign shall require the insurer to give at least sixty (60) days written notice of termination, reduction or policy cancellation to the Board of Selectmen.
- e. In response to specific safety concerns, the Police Department may prohibit Sandwich Board Signs in designated areas during holiday parades or other specified times or days when sidewalk congestion is expected to be excessive.

Menu Boards. An eating establishment may have a Menu Board Sign instead of, but not in addition to, a Sandwich Board Sign. Menu Board Signs shall meet the following requirements:

- f. The sign shall meet the requirements for Sandwich Board Signs regarding construction materials, hours of display and liability insurance.
- g. The sign shall have a total area not exceeding six square feet.
- h. If the sign is not mounted flat on a wall, it shall not protrude into the walkway.

Removal. The Building Commissioner shall cause to be removed any Sandwich Board Sign or Menu Board Sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign, or a sign for which no permit was issued. Any sign located on public property that presents a hazard shall be removed. The town is not responsible for any sign that is damaged.

Penalties. In addition to the procedures for enforcement, described above, the provisions of this bylaw may also be enforced by the Building Commissioner, by non-criminal complaint pursuant to the provision of G.L. c.40, section

21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of the conditions and limitations of this subsection relating to Sandwich Board Signs and Menu Boards shall be \$25 for the first offense, \$50 for the second offense, \$100 for the third offense, and \$300 for the fourth and each subsequent daily offense.

- xv. Flags:** Each business may have one “OPEN” flag, without a permit.

The flag shall be attached to a permanent structure where the place of business is located.

The flag and pole shall be removed when the place of business is not open.

The flag shall not obstruct pedestrian traffic and must have a lowest point at least six feet six inches above any pedestrian walkway.

The flag shall not exceed three feet by five feet 3' x 5', and may not include any day-glo or fluorescent colors.

8. District Regulations.

- i. R20, R30, RA-40, CR and RM District requirements.**

Allowed Signs. The following signs are allowed

- a.** Any signs listed as by right. [See Section 7.4 (A).]
- b. Sign on Premises.** One sign is allowed, with a permit, to advertise an approved professional, artisan or home occupation. The sign shall be a wall sign or freestanding sign on the lot of the building containing the business, shall not exceed six square feet, and shall be located at least 10 feet from the public right-of-way line or attached to the building.
- c. Farm and Nursery Signs.** In District RA-40, a wall or freestanding sign is allowed with a permit to identify a farm or nursery, including the sale of natural products grown in the Town of Lee.
 - i.** Two signs no greater than six square feet in area are allowed.
 - ii.** The highest point of the sign can be no greater than 10 feet above ground and at least 10 feet from the public right-of-way.

- ii. I, BM, RB and CBC District requirements.**

Allowed Signs. The following signs are allowed on the lot of a building containing a business:

- a. **Subsection (A) Signs.** Any sign allowed under subsection (A) of this section is allowed.
- b. **Building Signs.** One sign is allowed with a permit on the building advertising the business or businesses carried on within the building. Such sign shall be limited in total area to two square feet for each horizontal running foot of the side of the building displaying the sign. In no case will the total signage of the building exceed 100 square feet.
 - i. **Long Buildings.** Any building with more than 100 linear feet facing the public right-of-way may have a second building sign, provided that the total signage does not exceed 100 square feet.
 - ii. **Corner Lots.** Business buildings on corner lots may have two building signs, one sign on the building facing each roadside. The square footage of each sign shall not exceed two square feet per linear footage of the side it is mounted on. The total square footage of the building sign(s) shall not exceed 100 square feet.
 - iii. **Multi-Business Buildings.** In a building with two or more businesses, one business may have a building sign as provided above, and each additional business with a direct entrance from the parking lot may have one additional sign on the building. Multiple occupants that share a common entrance from the parking lot may share a single additional sign. Any such additional sign shall not exceed 1.5 square feet for each linear foot of dedicated frontage, not to exceed 32 square feet overall.
- c. **Freestanding Signs.** In addition to signs allowed by subdivisions (a) and (b) above, one freestanding sign is allowed with permit per property on a post or pylon under the following conditions:
 - i. The size of a freestanding sign for a single business will not exceed 16 square feet. The sign may contain an additional eight square feet of signage for each additional business on the property up to a maximum of 48 square feet. In Zoning District

I, the size of a freestanding sign shall not exceed 32 square feet per property.

- ii. A lot with frontage of 300 continuous linear feet or more may have two freestanding signs not less than 100 feet apart.
- iii. A freestanding sign shall be located a minimum of 15 feet from the public right-of-way line. In those locations where it is not possible to place a sign 15 feet from the public right-of-way line, the sign may be placed 1/2 the distance between the face of the building and the public right-of-way line.
- iv. The highest point of a freestanding sign may be no greater than 25 feet above ground.
- v. No portion of a freestanding sign may be over the public right-of-way line by more than 10 inches.

- d. **Business Center Sign.** A business center in the I, RB, or CBC zoning districts may have a business center sign consistent with section 7.7 above instead of a freestanding sign.

iii. **PCVC District requirements.** Refer to Section 10.2 (D) (Operating Center Signs).

iv. **Downtown Central Business Corridor (DCBC) Requirements.** The following signs are permitted on the lot of a building containing a business in the DCBC zone:

Subsection (A) and (B) Signs. Except as limited below, any sign allowed under subsections (A) and (B) of this section is allowed in DCBC.

Building Sign. A separate sign is allowed with a permit on the building for each business within the building, advertising that business. Each sign shall not exceed two square feet for each linear foot of the face of the business displaying the sign and shall not exceed an overall size of 40 square feet. Building signs shall be constructed of wood or material of similar or greater weight and density.

- a. **Corner Lots.** Business buildings on corner lots may have two building signs, one sign on the building facing each roadside. The

square footage of each sign shall not exceed two square feet for each linear footage of the face of the business it is mounted on. The total square footage of the larger sign shall not exceed 40 square feet, and the second sign on the side of the business shall not exceed 20 square feet.

Awning Signs. Awning signs are allowed without permit and shall be limited to lettering on the valence of a ground floor awning which names the business only. The letters shall not exceed eight inches in height.

Window Display Signs. Window display signs which are painted on, incorporated into or affixed to the window, with the purpose or effect of identifying the business located within, are not to exceed 10% of the total glass area.

Projecting Signs. Signs identifying the name of the businesses, which are two-sided and installed at a right angle to the building facade, are allowed with a permit. They shall not exceed four square feet. These signs shall be placed at least seven feet above the pedestrian-way and may not project more than three feet from the building facade. The signs shall be securely mounted to the building to prevent movement in windy conditions. The signs shall be constructed of wood or material of similar weight and density.

Rear Entrance Signs. In addition to building signs allowed under subdivision (b), rear entrance signs are allowed without a permit. A rear entrance sign may not exceed eight square feet and shall be constructed on wood or material of similar or greater weight and density.

Freestanding Signs. As an alternative to a building sign, one free standing sign is allowed with a permit. The sign shall be installed between two wooden posts and shall not exceed sixteen (16) square feet. The sign shall be constructed of wood or material of similar or greater weight and density, and the high point of the sign shall not exceed eight (8) feet above the ground. The sign will be a minimum of fifteen (15) feet from the public right-of-way. If the fifteen (15) feet from the public right-of-way is not possible, the sign may be placed one-half (1/2) the distance between the face of the building and the public right-of-way. It may be externally illuminated by 1,500 Lumens on each side.

Business Center Signs. A business center in the DCBC zoning districts may have a business center sign consistent with section 7.7 above instead of a freestanding sign.

9. Municipally Controlled Directory Sign Boards (MCDSB).

- i. **MCDSB Authorized.** In the Business Multiple (BM) and Downtown Commercial Business Corridor (DCBC) Districts, a municipally controlled directory sign board (MCDSB) may be erected as a name-only directional sign to allow business and municipal uses located on Canal, Eaton, Elm, Railroad and East Center Streets to be readily identified from Main Street or Center Street (Route 20).

Corner of Main and Eaton Streets. The MCDSB will list businesses and municipal uses on Eaton and Railroad Streets from the intersection of Eaton and Railroad to the halfway point toward Elm Street. This sign will be placed so as to be visible from Main Street (Route 20).

Corner of Eaton and Railroad Streets. The MCDSB will list businesses and municipal uses on Railroad Street. This sign will be placed so as to be visible from Eaton Street.

Corner of Main and Elm Streets. The MCDSB will list businesses and municipal uses on Elm and Railroad Streets from the intersection of Elm and Railroad to the halfway point toward Eaton Street. This sign will be placed so as to be visible from Main Street (Route 20).

Corner of Center and Canal Streets. The MCDSB will list businesses and municipal uses on Canal Street. This sign will be placed so as to be visible from Center Street (Route 20).

Corner of Main and East Center Streets. The MCDSB will list businesses and municipal uses on East Center Street. This sign will be placed so as to be visible from Main Street (Route 20).

Corner of Main and School Streets; Main and Ferncliff Streets; Main and Academy Streets; Main and Franklin Streets; Main and Park Streets; High and Park Streets; and Park Place and Park Street. The MCDSB will list businesses and municipal uses not located on Main Street or Park Street. This sign will be placed so as to be visible from Main Street or Park Street.

- ii. Sizes, shape, colors, placement and other relevant issues will be determined by regulations set up and adjusted as necessary by the Board of Selectmen, after consultation with the Town Administrator, Board of Public Works, Planning Board and Building Commissioner.

Article 49. Plastic Bag Prohibition - Submitted by Petition

To see if the Town will vote to adopt a bylaw eliminating the use of single-use plastic bags in certain retail sales as follows:

SECTION 1, PURPOSE:

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the town.

SECTION 2, EFFECTIVE DATE:

This bylaw shall take effect on January 1, 2016.

SECTION 3, FINDINGS:

Globally, the production and use of plastic bags has significant environmental impacts each year, including the use of over 12 million barrels of oil. Each year, an estimated 500 billion to 1 trillion plastic bags are used worldwide, which is over one million bags per minute, many of which end up as litter each year. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

Most plastic carry-out bags do not biodegrade, but instead photo-degrade, which means that the bags break down into smaller and smaller toxic bits that enter the food web when animals mistake those materials for food.

Plastic bags are costly, environmentally damaging, and easily preventable sources of litter and pollution. Light and aerodynamic, plastic bags can become airborne even when properly disposed of; bags photodegrade and disintegrate into particles, littering our urban landscape and posing a serious threat to the riparian and marine environments and wildlife. Even when they are no longer obvious to the naked eye, plastic degrades into tiny particles that absorb toxins and contaminate our food chain as well as water and soil.

Polyethylene plastic bags represent an unnecessary use of a nonrenewable resource. Reusable carryout bags represent the sustainable alternative to single use bags of all types.

Alternatives to plastic bags are readily available and include reusable cloth bags and recyclable paper bags. Retail establishments could do more to better the environment by encouraging customers to use reusable bags, making single-use plastic unnecessary.

Plastic shopping bags create significant litter problems in our town's neighborhoods and also its streets, parks, creeks and open space lands.

Non-biodegradable plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter.

Reusable carryout bags are considered worldwide to be the best option to reduce waste and litter, protect wildlife, and conserve resources. Reusable bags have lower associated greenhouse gas emissions than single use bags and are readily available and affordable for the consumer.

We recognize a duty to protect the natural environment, the economy, and the health of our citizens.

It is the intent of this bylaw to reduce the negative impacts of polyethylene plastic carryout bags and encourage the use of reusable carryout bags.

As far as environmental degradation and preservation of natural resources is concerned, a bag designed for multiple uses is preferable over a recyclable, single use paper bag. We are cutting down trees at an alarming rate, and there is still an environmental impact of recyclable paper bags. We as a town encourage the use of reusable bags in all retail sales as being the most eco-friendly, even over recyclable paper bags.

We find that a recyclable paper bag that contains no old growth fiber and is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content is more environmentally friendly than a plastic grocery bag.

We also recognize that food and beverage grocery bags are highly susceptible to the use of reusable bags without great inconvenience or cost to merchant or customer.

However, for retail sales not involving the sale of food or beverages prepared on the premises, the town will also accept check out bags that are made of recyclable paper, as long as the bags are sold for 25 cents. Since all customers can opt to use reusable bags, their own handbags or knapsacks, hand-carry, or use manufacturer's boxes at retail establishments which is preferable to single use recyclable paper bags, the 25 cent surcharge will incentivize the use of these alternatives, while still using single-use recyclable paper bags.

Most of the people that live in the town travel by motor vehicle. It is anticipated, over the course of time, residents will develop the habit of keeping reusable checkout bags in their motor vehicle for purchases. Those using other means of transportation to get to retail establishments over the course of time will develop the habit of bringing recyclable bags. Many tourists might already have recyclable bags in their mother vehicles. Many non-residents who purchase reusable bags may be encouraged to use reusable bags in their home communities.

Single-use plastic bags have been banned in communities throughout the United States.

SECTION 4, DEFINITIONS:

“CHECKOUT BAG” means a carryout bag that is provided to a customer at the point of sale. A bag without handles intended by the manufacturer to carry vegetables, fruits, meat, or bulk food product from a vegetable, fruit, bulk food or meat department within a store to the point of sale shall not be a “checkout bag.” The Board of Health shall have final say as to what is or is not a “checkout bag.”

“FOOD AND BEVERAGE GROCERY CHECKOUT BAG” means a type of checkout bag that carries (in whole or part) food or beverages, wherein the food or beverage was not substantially prepared on premises, wherein further the food or beverage is to be consumed off premises. A bag without handles intended by the manufacturer to carry vegetables, fruits, meat, or bulk food product from a vegetable, fruit, bulk food or meat department within a store to the point of sale shall not be a “food and beverage grocery bag.” A checkout bag is not a “food and beverage grocery bag” if the checkout bag does not contain (in whole or part) food or beverages, wherein the food or beverage was not substantially prepared on premises, wherein further the food or beverage is to be consumed off premises

The Board of Health shall have final say as to what is or is not a “food and beverage grocery bag.”

"RETAIL ESTABLISHMENT" means any commercial establishment that sells perishable or nonperishable goods for use off premises including, but not limited to, clothing, food, and personal items which are to be directly used by the customer. The Board of Health shall have final say as to what is or is not a “retail establishment.”

“RETAIL SALES” means the transfer to a customer of goods in exchange for payment occurring in a retail establishment. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by not-for-

profit organizations. The Board of Health shall have final say as to what is or is not “retail sales.”

“RECYCLABLE PAPER BAG” means a paper bag that should have the following characteristics:

- (1) contains no old growth fiber; and
- (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and
- (3) displays the words "Reusable" and "Recyclable" on the outside of the bag.

The Board of Health shall have final say as to what is or is not a “recyclable paper bag.”

“REUSABLE BAG” means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

1. has a minimum lifetime of 125 uses, which for purposes of this bylaw means the capability of carrying a minimum of 22 pounds, 125 times over a distance of at least 175 feet; and
2. has a minimum volume of 15 liters; and
3. is machine washable or is made of a material that can be cleaned or disinfected; and
4. if made of plastic, is a minimum of at least 2.25 mils thickness.

The Board of Health shall have final say as to what is or is not a “reusable bag.”

“MANUFACTURER’S CARDBOARD BOX” means a cardboard box in which goods were shipped, where the box was designed primarily for shipment by the manufacturer of the cardboard box for multiple sales units of the good. The Board of Health shall have final say as to what is or is not a “manufacturer’s cardboard box.”

SECTION 5, PROHIBITION:

- A. **RETAIL SALES, NON-GROCERIES:** Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers. Checkout bags that are recyclable paper bags shall be sold for a cost of 25 cents and shall not be distributed free of charge.

- B. **RETAIL SALES, GROCERIES:** Any person engaged in retail sales wherein the checkout bags are food and beverage grocery bags, shall only use checkout bags that are reusable bags. Checkout bags that are food and beverage grocery bags shall not be a recyclable paper bag unless the recyclable paper bag also qualifies as a reusable bag.
- C. **SELLING REUSABLE BAGS NOT PROHIBITED:** Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.
- D. **USE OF MANUFACTURER’S CARDBOARD BOX TO CARRY ITEMS OUT NOT PROBITED:** Nothing in this section shall preclude persons engaged in retail sales from reusing a manufacturer’s cardboard box or otherwise making the manufacturer’s cardboard box available to the customer for use in carrying out goods.

SECTION 6, DEFERMENTS:

- A. Upon written application, the Board of Health, after a public hearing, may defer application of this bylaw for a retail establishment for a one year period, upon a showing by the retail establishment that the conditions of this bylaw would cause undue hardship.

For purposes of this bylaw, an “undue hardship” is a situation unique to the retail establishment where there are no reasonable alternatives to the use of reusable bags and/or recyclable paper bags as checkout bags for retail sales not involving food or beverages not prepared on premise, and compliance with this bylaw would cause significant economic hardship to that retail establishment. For purposes of this bylaw, an “undue hardship” is also a situation unique to the retail establishment where there are no reasonable alternatives to the use of reusable bags as food and beverage grocery checkout bags, and compliance with this bylaw would cause significant economic hardship to that retail establishment.

- B. A retail establishment granted a deferment by the Town must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.
- C. A deferment granted in accordance with this Section may be extended for no more than one additional one year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period

and upon a showing that the circumstances justifying the deferment continue to exist.

- D. A deferment application shall include all information necessary for the Town to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.
- E. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the public health and further the interests of this bylaw.
- F. Deferment decisions are effective immediately and final.

SECTION 7, ENFORCEMENT:

- A. The Board of Health or its designee shall inquire on an annual basis regarding any retail establishment's compliance with this bylaw.
- B. The Board of Health, after ten (10) separate violations of this bylaw by the retail establishment on ten (10) different days within any 360 day period, after a public hearing with due process rights of participation afforded to the retail establishment so that they may present evidence, may order that the retail establishment to remain closed for any period deemed necessary up to six months to obtain compliance with this bylaw. Only the Board of Health itself shall have the power to conduct public hearings on whether to close a retail establishment, and this power shall not be delegated to anyone else, including but not limited to designees of the Board of Health or the Police Department and its designees. The rulings of the Board of Health concerning closings of retail establishments for violation of this bylaw shall be final.
- C. The Board of Health or its designee and the Police Department or its designee shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Board of Health or its designee and the Police Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any retail establishment's premises to verify compliance in accordance with applicable law.

- D. The Board of Health and the Police Department or its designee may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health or the Police Department shall not preclude enforcement through any other lawful means.
- E. Any member of the public who observes a potential violation of this bylaw shall be able to file a complaint with the Board of Health or its designee who shall investigate whether there is a violation of this bylaw. When deemed necessary by the Board of Health or its designee, the Police Department shall assist in the investigation and shall assist in identifying violators. A member of the public shall also be able to file a complaint with the Police Department if they believe there has been a violation of this bylaw, and the Police Department or its designee shall investigate.
- F. Penalties and Fines for Violations of this bylaw may be enforced as follows:
- G. This bylaw shall be enforced by the Board of Health or its designee, or the Chief of Police or his/her designee, save that deferment applications or retail establishment closings public hearings shall only be heard by the Board of Health and not the Police Department, and the Board of Health shall not delegate its authority to conduct public hearings regarding deferments or closing retail establishments. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to the following penalties:
 - 1. For the first violation, the Board of Health or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the retail establishment which will specify the violation and the appropriate penalties in the event of future violations. The warning should also state that the retail establishment may be closed if it fails to comply. Thereafter, the following penalties shall apply:
 - (a). A fine of one hundred dollars (\$100.00) for the first violation following the issuance of a warning notice.
 - (b). A fine of two hundred and fifty dollars (\$250.00) for the second and any other violation that occurs following the issuance of a warning notice.
 - 2. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition

violated shall constitute a separate offense. In no event shall there be more than one violation per day assessed against a retail establishment.

3. Whoever violates any provision of this bylaw may also be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars.

Article 50. Polystyrene Food & Beverage Container Prohibition – Submitted by Petition

To see if the Town will vote to adopt a bylaw banning expanded polyester foam in food establishments and Town facilities as follows:

BAN OF EXPANDED POLYSTYRENE FOAM IN FOOD ESTABLISHMENTS AND TOWN FACILITIES

SECTION 1, PURPOSE:

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the town.

SECTION 2, EFFECTIVE DATE:

This bylaw shall take effect on January 1, 2016.

SECTION 3, FINDINGS:

Expanded polystyrene food containers form a significant portion of the solid waste stream going into our landfills. Local landfills are running out of room. In neighboring communities that use landfills, future solid waste may have to be transported hundreds of miles to a landfill at considerable cost. While polystyrene is light-weight, it is extremely voluminous in landfills. In a landfill environment, ten pounds of foam (the weight of five reams of 8.5"x11" computer paper) takes the space equivalent to a household refrigerator.

Polystyrene cannot be effectively recycled, and the vast majority of it is not. There are very few polystyrene recycle facilities in the United States. Often, long distance travel is required. The nearest facility to Berkshire County in Massachusetts is in Leominster. There is little market for the recycled product. Food residue is considered a contaminant, so either it is not used or must be washed with solvents.

Expanded polystyrene is not biodegradable. Once buried in our landfills, it will persist for centuries. Polystyrene never breaks down. Polystyrene products are not only an eyesore when left in the environment, they are highly toxic to humans and animals. Polystyrene

is harmful to animal and marine life because when polystyrene breaks down into smaller chips, animals such as birds and fish may mistake it for food and ingest it and it is toxic.

Nor is polystyrene safe when incinerated. With the addition of chlorine donors as simple as table salt, it is inevitable that combustion of polystyrene in municipal solid waste incinerators will contribute to the formation of highly chlorinated polycyclic compounds like dioxins, furans, hexachlorobenzene, and chlorophenols. It is this family of compounds that are some of the most biologically active toxins to humans known.

Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages.

The National Toxicology Program, a division of the Department of Health and Human Services, in 2011 added styrene to its "reasonably anticipated to be a carcinogen" list. The abstract of the study reads, "Styrene is *reasonably anticipated to be a human carcinogen* based on limited evidence of carcinogenicity from studies in humans, sufficient evidence of carcinogenicity from studies in experimental animals, and supporting data on mechanisms of carcinogenesis."

Styrene migrates from the containers into food and beverages when heated or in contact with fatty or acidic foods. In fact, the studies of the deleterious effect of polystyrene on health and the environment are voluminous.

The environmental disadvantages of polystyrene vastly outweigh whatever imagined environmental benefits there is of polystyrene.

Many communities in the United States have banned expanded polystyrene food containers, including Seattle WA, Freeport ME, New York NY, Amherst MA, Brookline MA, Great Barrington MA and Nantucket MA.

Appropriate alternative products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible. The environmental cost of polystyrene is not absorbed by the vendor or passed on to the consumer, thereby creating market inefficiencies because the cost of environmental impact is not reflected in the cost of the product. Polystyrene may appear cheaper to vendor or consumer, but that is because they are not paying a fee for environmental impact of their food and beverage container choice.

Thus, elimination of expanded polystyrene food containers is in the best interest of the health and welfare of Town inhabitants.

It is also a finding that a disposable food or beverage container should be either biodegradable or recyclable.

SECTION 4, DEFINITIONS:

“Disposable Food Service Container” means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single use disposable utensils, nor does it include single-use disposable packaging for unprepared foods. The Board of Health shall have final say as to what is or is not a “Disposable Food Service Container.”

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a “Food Establishment” for purposes of this bylaw. The Board of Health shall have final say as to what is or is not a “Food Establishment.”

“Expanded Polystyrene” (EPS) means polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam. The Board of Health shall have final say as to what is or is not a food service container made of “Expanded Polystyrene.”

“Polystyrene” means expanded polystyrene which is a thermoplastic petrochemical material 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 “polystyrene” also includes clear or solid polystyrene which is known as “oriented polystyrene”. The Board of Health shall have final say as to what is or is not a food service container made of “Polystyrene.”

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. The Board of Health shall have final say as to what is or is not a “prepared food.”

“Town Facility” means any building, structure, land or park owned or operated by the Town, its agents and departments. The Board of Health shall have final say as to what is or is not a “Town Facility.”

“Town Facility Users” means all persons, societies, associations, organizations or special event promoters who require permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events and food services provided at the Town’s expense. The Board of Health shall have final say as to what is or is not a “Town Facility User.”

“Biodegradable Food Service Container” means having the ability to completely break down, or decompose back into the natural environment without causing harm to the environment within three years. The Board of Health shall provide a list of acceptable vendors to assist the public as to what is or is not a “biodegradable” food container and

make it available on the Town's website and at the Board of Health; but any product that completely breaks down, or decomposes back into the natural environment without causing harm to the environment within three years shall be "biodegradable" whether it is or is not on the list provided by the Board of Health. The Board of Health shall establish procedures for a vendor to be added to the acceptable "biodegradable" food container vendor list, and shall establish standards to periodically review and revise the list. In no event shall a product composed in whole or in part of polystyrene be deemed "biodegradable." The Board of Health shall have final say in whether a given food container is or is not "biodegradable," and shall establish standards for implementation.

"Recyclable Food Service Container" means a food service container completely capable of reuse as a food service container fifty or more times and designed by the manufacturer for multiple reuse, OR completely capable of being used as a high quality recycle, wherein the materials of the food service container may be completely reclaimed and used in new food service containers at least ten times. The Board of Health shall have final say in whether a given food container is or is not "recyclable," and shall establish standards for implementation. The Board of Health shall provide a list of acceptable vendors to assist the public as to what is or is not a "recyclable food container" and make it available on the Town of Town's website and at the Board of Health, but any product wherein the materials of the food service container may be completely reclaimed and used in new food service containers at least ten times shall be considered "recyclable." The Board of Health shall establish procedures for a vendor to be added to the acceptable "recyclable" food container vendor list, and shall establish standards to periodically review and revise the list. In no event shall a product composed in whole or in part of polystyrene be deemed "recyclable."

SECTION 5, PROHIBITION:

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in a Disposable Food Service container made from Expanded Polystyrene. Food Establishments are also prohibited from dispensing Prepared Food to customers in a Disposable Food Service container that is not a Biodegradable Food Service Container or a Recyclable Food Service Container.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in a Disposable Food Service container made from Expanded Polystyrene. Town Facility Users are also prohibited from dispensing to customers Prepared Food in a container that is not a Biodegradable Food Service Container or a Recyclable Food Service Container.

SECTION 6, DEFERMENTS:

A. Upon written application, the Board of Health, after a public hearing, may defer application of this Bylaw for a Food Establishment for a one year period, upon a showing by the Food Establishment that the conditions of this Bylaw would cause undue hardship. For purposes of this Bylaw, an "undue hardship" is a situation unique to the Food Establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment. The Board of Health

shall not delegate its duty to hear deferral applications and the Police Department shall not hear deferral applications.

B. A Food Establishment granted a deferment by the Town must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

C. A deferment granted in accordance with this Section may be extended for no more than one additional one year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

D. A deferment application shall include all information necessary for the Town to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

E. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the public health and further the interests of this Bylaw.

F. Deferment decisions are effective immediately and final.

SECTION 7, ENFORCEMENT:

A. The Board of Health or its designee shall inquire on an annual basis regarding any food establishment's compliance with this bylaw as a condition for renewal of the establishment's food service permit.

B. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw. Neither a designee of the Board of Health, nor the Police Department or its designee shall conduct such hearings to suspend or revoke the food service permit: such hearings to suspend or revoke the food service permit shall be conducted only by the Board of Health itself without delegation and their ruling shall be final.

C. The Board of Health or its designee and the Police Department or its designee shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Board of Health or its designee and the Police Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.

D. The Board of Health and the Police Department or its designee may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health or the Police Department shall not preclude enforcement through any other lawful means.

E. Any member of the public who observes a potential violation of this bylaw shall be able to file a complaint with the Board of Health or its designee shall investigate whether there is a violation of this bylaw. When deemed necessary by the Board of Health or its designee, the Police Department shall assist in the investigation and shall assist in identifying violators. A member of the public shall also be able to file a complaint with the Police Department if they believe there has been a violation of this bylaw, and the Police Department or its designee shall investigate.

F. Penalties and Fines for Violations of this bylaw may be enforced as follows:

This bylaw shall be enforced by the Board of Health or its designee, or the Chief of Police or his/her designee, save that deferment applications or public hearings regarding revocation of a food service permit may only be heard by the Board of Health. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to the following penalties:

1. For the first violation, the Board of Health or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the food establishment which will specify the violation and the appropriate penalties in the event of future violations. Thereafter, the following penalties shall apply:
 - (a). A fine of one hundred dollars (\$100.00) for the first violation following the issuance of a warning notice.
 - (b). A fine of two hundred and fifty dollars (\$250.00) for the second and any other violation that occurs following the issuance of a warning notice.
2. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. In no event shall there be more than one violation per day assessed against a food establishment or a town facility user.
3. Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars.

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 18, 2015** 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
Planning Board	One for the term of five 5 years
Planning Board	One for the term of two years
Lee Housing Authority	One for the term of five 5 years
Lee School Committee	Two for terms of three years
Constables	Four for terms of three years
Representatives	
District 1	Three for terms of three years
District 2	Three for terms of three years
District 2	One for the term of one year
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 one year
District 6	Three for terms of three years
District 6	One for the term of one year

And to vote upon the following non binding referendum:

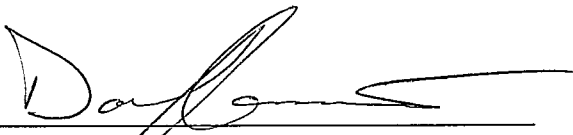
Are you in favor of borrowing \$5,000,000 for road repair and paving?

Yes____ No____

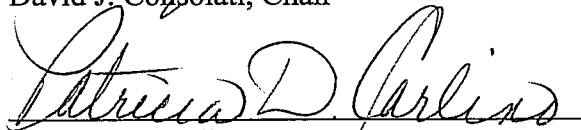
You are hereby directed to serve this Warrant by posting true and attested copies thereof, in five public places within the Town of Lee, seven (7) days at least, before the day and hour of holding said meeting.

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.

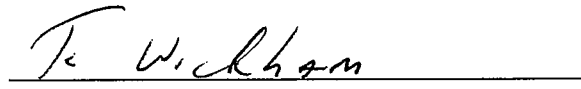
Given under our hands at Lee, this ^{28th}~~28~~, day of April, 2015



David J. Consolati, Chair

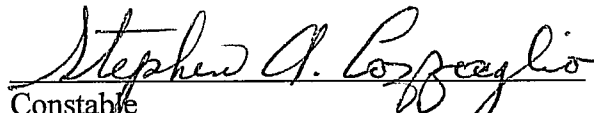


Patricia D. Carlino



Thomas P. Wickham

As per instruction in this Warrant, I have posted same,
this ^{29th}~~29~~ day of April, 2015 in five public places.



Constable