

Commonwealth of Massachusetts

BERKSHIRE, SS.

To One of the Constables of the Town of Lenox:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Lenox qualified to vote in town affairs, to meet in the

**Lenox Memorial Middle High School in said Lenox, on Thursday, May 5,
2011**

at 7:00 o'clock p.m., then and there to act upon the following:

ARTICLE 1. To authorize the Selectmen to choose all Minor Town Officers to wit: Field Drivers, Pound Keepers, Fence Viewers, Surveyors of Lumber, Wood and Bark, Sextons and Sealer of Weights and Measures.

ARTICLE 2. To see whether the Town will authorize the Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 2012 pursuant to Chapter 44, Section 53F of the General Laws; or take any other action in relation thereto.

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, money for the operating expenses of the Town for Fiscal Year 2012 as follows, or any other sum; or take any other action in relation thereto.

DEPARTMENT/ACCOUNT**

FY 11

FY 12

July 1, 2010-June 30, 2011

July 1, 2011-June 30, 2012

1. Moderator
2. Admin & Finance
3. Assessors
- 4. Town Treasurer/Clerk
- Town Collector
- Operations Support
- Elections & Registration
- Conservation Commission
- Planning Board
- Zoning Board
- Economic Development
- Town Buildings
- Audit, Reserve Account
- Debt Services
- Insurance & Bonds

- **General Government Subtotal**
- Police Department
- Fire Department
- Emergency Management
- Inspection Department

- **Public Safety Subtotal**
- Highway Department
- Snow & Ice
- Cemetery

- **Public Works Subtotal**
- Board of Health
- Veterans Services

- **Human Services Subtotal**
- Community Center
- Academy Building
- Historical Commission
- Celebrations
- Historic District Commission

Culture & Recreation Subtotal

Totals

0
274,447
87,322
104,776
111,682
81,500
8,492
7,876
77,100
19,735
95,000
153,448
84,400
1,615,664*
187,800**
2,909,242
1,087,386
315,923
18,852
72,509
1,494,670
556,619
255,130
87,692
899,441
110,514
6,015
116,529
289,155
7,750
300
2,000
2,945

302,150

\$5,722,032

0
279,175

85,713
116,446
110,800
82,200
6,902
8,028
66,683
20,140
95,000
151,447
89,000
1,547,875*
187,300**
2,846,709
1,105,636
325,750
19,418
83,463
1,534,267
563,810
235,226
89,314
888,350
109,012
7,029
116,041
292,620
7,800
300
2,000
3,008

305,728

\$5,691,095

BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

APPROVED BY

*Contains \$1,094,616 for debt service and \$54,264 for insurance & bonds attributable to the School Department, as well as \$375,949 for debt service attributable to the Highway Department and \$ 77,310 for Town Hall debt service.

** Employee and Retiree benefit costs are incorporated into Department totals.

ARTICLE 4. To see if the Town will vote to raise and appropriate the sum of \$10,506,029, or any other sum, (anticipated \$8,148,069 net operating plus estimated \$2,357,960 in benefit costs) for the school department's operating budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012 (gross operating budget of \$11,756,799 less \$1,250,770 in anticipated tuition and other receipts); or take any other action in relation thereto.

APPROVED BY BOARD OF

SELECTMEN

APPROVED BY FINANCE COMMITTEE

APPROVED BY SCHOOL COMMITTEE

NOTE: In addition, Article 3 contains the town's obligation of \$1,094,616 for school debt service and the allocation of \$54,264 for school insurance & bonds, bringing the total for the School Department to \$12,905,679.

ARTICLE 5. To see if the Town will vote to raise and appropriate the sum of \$52,000, or any other sum, for vocational education outplacements; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE COMMITTEE

ARTICLE 6. To see if the Town will vote to transfer the sum of \$77,605 from Water Enterprise Fund Retained Earnings; to appropriate from the Fiscal Year 2012 receipts of the Water Department, the sum of \$1,372,150, or any other sum, for the operation, debt service and capital expenses of the Water Department for Fiscal Year 2012; or take any other action in relation thereto.

1. Water Operations	\$522,086
2. Debt Service	\$587,169
3. Capital Expenditures	\$340,500

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE COMMITTEE

APPROVED BY CIC

ARTICLE 7. To see if the Town will vote to appropriate from the Fiscal Year 2012 receipts of the Sewer Department, the sum of \$1,473,285, or any other sum, for the

operation, debt service and capital expenses of the Sewer Department for Fiscal Year 2012; or take any other action in relation thereto.

1. Sewer Operations	\$780,354
2. Debt Service	\$407,931
3. Capital Expenditures	\$285,000

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

APPROVED BY CIC

ARTICLE 8. To see if the Town will vote to appropriate from the Fiscal Year 2012 receipts of the Ambulance Squad, the sum of \$377,990, or any other sum, for the operation of the Ambulance Squad for Fiscal Year 2012; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE COMMITTEE

ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$235,000, or any other sum, for library services to be provided by the Lenox Library Association; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE COMMITTEE

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from the Town's Undesignated Fund Balance or other available funds, the sum of \$1,985,200, or any other sum, for the following capital expenditures; or take any other action in relation thereto.

1. Highway Department Expenditures	\$1,599,000
2. School Department Expenditures	\$ 60,000
3. Fire Department Expenditures	\$ 207,200
4. Police Department Expenditures	\$ 5,000
5. Town Buildings/Equipment Expenditures	\$ 60,000
6. Athletic Facilities Expenditures	\$ 34,000
7. Community Center	\$ 20,000

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

APPROVED BY CIC

ARTICLE 11. To see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges; or take any other action in relation thereto.

ARTICLE 12. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee, for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2012, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Appropriations:

From FY12 estimated revenues for Committee Administrative Expenses	\$17,848
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Reserves:

From FY12 estimated revenues for Historic Preservation Reserve	\$35,695
From FY12 estimated revenues for Community Housing Reserve	\$35,695
From FY12 estimated revenues for Open Space Reserve	\$35,695
From FY12 estimated revenues for Budgeted Reserve	<u>\$232,017</u>
Total	\$356,950

Estimated new surcharge collections For FY12	\$297,950
Estimated State Match for FY12	<u>59,000</u>
Total	\$356,950

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE
SPONSORED BY COMMUNITY PRESERVATION COMM.

ARTICLE 13. To see if the Town will vote to appropriate from the Community Preservation Fund annual revenues, reserves or the Community Preservation Fund Undesignated Fund Balance in the amounts recommended by the Community

Preservation Committee, or any other sum, for committee administrative expenses, debt service, community preservation projects and other expenses in Fiscal Year 2012, with each item to be considered a separate appropriation; or take any other action in relation thereto.

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|---|-----------|
| 1. Historical Commission-Historic Village Street
Sign Restoration | \$ 8,000 |
| 2. Lenox Housing Authority - Curtis Porch Restoration
(Historic Resources Reserve
and General Unreserved) | \$ 50,000 |
| 3. Affordable Housing Trust
(Community Housing Reserve) | \$ 10,000 |
| 4. Berkshire Scenic Railway/Town of Lenox
Historic Restoration
(Historic Resources Reserve
and General Unreserved) | \$100,000 |
| <i>(Contingent on matching funds)</i> | |
| 5. Library Debt Service
(Historic Resources Reserve
and General Unreserved) | \$133,000 |

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE

COMMITTEE

SPONSORED BY COMMUNITY PRESERVATION COMM.

ARTICLE 14. To see if the Town will vote to acquire, by purchase, a parcel of land consisting of approximately 19.570 acres and identified on the Lenox Assessors Map as Map 45, Parcel 1, for community housing purposes; to see if the Town will vote to appropriate a sum of money from the Community Preservation Act Fund to finance said acquisition; to determine whether this appropriation will be raised by borrowing or otherwise,

Purchase Price, \$600,000 - Money to be raised by borrowing with the annual debt payment to begin in Fiscal Year 2012 at approximately \$130,000; or take any other action in relation thereto. (2/3 vote required.)

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE

COMMITTEE

SPONSORED BY COMMUNITY PRESERVATION COMM.

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to grant a sewer easement through Town property known as "Bramble Lane/Laurel Lane" as more particularly shown on a plan entitled "Survey of Bramble Lane in Lenox, Massachusetts" to Bramble Lenox LLC, its successors and assigns for the sole purpose of installing, operating and maintaining a private sewer line to serve the abutters along said way(s); or take any other action in relation thereto. (2/3 vote required.)

ARTICLE 16. To see if the Town will vote to accept the provisions of Chapter 59, Section 5, Clause 41C, as amended by Chapter 184, Section 51 of the Acts of 2002, which provides for property tax exemptions for qualified seniors, and to authorize the Board of Assessors for FY2012 to make the following adjustments to eligibility factors as allowed by the noted legislation; or take any other action in relation thereto.

- Reduce the eligibility age from 70 to 65.
- Increase the exemption from \$500 to \$750.
- Increase the gross receipts limit from \$13,000 for single applicants/\$15,000 for married applicants to \$20,000 for single applicants/\$30,000 for married applicants.
- Increase the whole estate limit from \$28,000 for single applicants/\$30,000 for married applicants to \$40,000 for single applicants/\$55,000 for married applicants.

ARTICLE 17. To see if the Town will vote to accept MGL Chapter 64L, Section 2(a) to impose a local meals excise; or take any other action in relation thereto. ~

ARTICLE 18. To see if the Town will vote to accept MGL Chapter 32B, Section 20 authorizing the establishment of a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and other provisions as outlined in said Statute; or take any other action in relation thereto.

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds \$100,000, or any other sum, to be placed in the Other Post Employment Benefits Liability Trust Fund, established under the provisions of MGL Chapter 32B, Section 20; or take any other action in relation thereto.

ARTICLE 20. To see if the Town will vote to amend the By-laws of the Town of Lenox, Massachusetts by adding the following language to Section 2 under Chapter II, Town Meetings; or take any other action in relation thereto.

"Terms of office for newly elected Town officers shall commence July 1 following the Annual Town Meeting."

ARTICLE 21. To provide for the safety of Lenox taxpayers, their children, and all pedestrians on lower Housatonic Street, by installing a sidewalk such as those serving other residential areas of the Town of Lenox. The petitioners request the construction of a standard 6 foot wide cement sidewalk, beginning at the northeast side of the intersection of East and Housatonic streets, proceeding east past Mountain View Cemetery and ending at the intersection of Housatonic and Willow Creek Road near the Lenox Station Heritage Rail Museum and the footbridge across the Housatonic River. The petitioners humbly request that the voters appropriate the sum of \$860,000 for this much needed and potentially life saving project. This figure is inflated by 15% contingency funding, with actual cost for construction of the sidewalk estimated to be about \$750,000, with contingency funds returned to the town at the completion of the project. Design, cost estimate and preparation for this project have already been completed, including surveying, test hole digging, and property line delineation. We the undersigned request that an article of warrant approving construction of said sidewalk be placed for a vote before the citizens of Lenox at the May, 2011 Annual Town Meeting. (Petition article).

NOTE: All votes are by majority rule unless otherwise noted.

You are also directed to notify and warn the inhabitants of the Town of Lenox qualified to vote on Town affairs to meet in the Town Hall in said Lenox on Monday, May 9, 2011 at 7:00 A.M. to bring their votes for the following Town Officers:

- 1 Moderator for one year
- 2 Selectmen for three years
- 1 Board of Health Member for three years
- 1 Assessor for three years
- 2 School Committee Members for three years
- 1 Planning Board Member for five years
- 1 Housing Authority Member for five years
- 1 Housing Authority Member for one year

The polls will be open from 7:00 A.M., and may be closed by 7:00 P.M.

And you are directed to serve this warrant by posting an attested copy of the warrant therefore in three public places in the Town not less than seven days before the meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk or the Selectmen, at the time and place of said meeting.

Given under our hand the 13th day of April in the year of Our Lord Two Thousand and Eleven.

Signed

A true copy, ATTEST:

Constable of Lenox.

Selectmen of Lenox