

TOWN OF LENOX
Annual Town Meeting September 26, 2020

At 1:00 PM our Annual Town Meeting held in the JV Field behind the Lenox Memorial Middle High School was called to order. Due to the Coronavirus (COVID-19) and to comply with Governor Charlie Baker's orders relating to the pandemic, voters sat in their own lawn chairs on the field, being mindful of social distancing protocols. A quorum for the meeting was met with over 50 present at the opening. *(see last page)

It was voted unanimously to waive the reading of the warrant and return of service thereof and to authorize the moderator to declare a 2/3rds vote on voice votes if he deems so. Moderator McNinch asked the voters to keep comments to 2 minutes.

ARTICLE 1. It was moved, seconded and unanimously approved 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. It was moved to raise and appropriate or transfer from available funds in the treasury, money for the operating expenses of the Town for Fiscal Year 2021 as follows, or any other sum; and, further, to provide for said appropriation, transfer the sum of \$406,978 from Free Cash, so called, as Certified on July 1, 2020; or take any other action in relation thereto.

	JULY 1. 2019 - JUNE 30. 2020	JULY 1. 2020 - JUNE 30. 2021
1. Admin. & Finance	247,081	256,071
2. Town Clerk	69,689	70,687
3. Town Treasurer/Collector	129,380	137,026
4. Compensation Reserve	93,000	70,000
5. Operations Support	96,468	98,397
6. Elections & Registration	13,420	24,290
7. Economic Dev/Advertising	90,000	109,400
8. Town Debt 6 Interest	13,000	13,000
9. Audit, Reserve Account	655,816	761,025
10. Insurance & Bonds, OPEB	1,033,770	491,790
11. Land Use Department	521,480	490,285
12. Town Buildings	117,227	105,703
General Government Subtotal	3,080,331	2,627,674
13. Police Department	1,182,006	1,157,148
14. Fire Department	538,519	613,766
15. Emergency Management	30,958	32,258
16. Ambulance Squad	410,040	438,195
Public Safety Subtotal	2,161,523	2,241,367
17. Lenox Public Schools	13,399,103	13,785,126
18. Vocational Education	108,550	108,550
Education Subtotal	13,507,653	13,893,676
19. Highway Department	613,063	684,248
20. Snow & Ice	257,005	257,005
21. Cemetery	112,708	31,764
Public Works Subtotal	982,776	973,017
22. Board of Health	188,079	198,077
23. Veterans Services	70,113	70,080
Human Services Subtotal	258,192	268,157
24. Community Center	381,046	397,461
25. Cultural Council Grants	4,500	4,800
26. Academy Building	7,824	7,824
27. Historical Commission	10,950	10,950
28. Celebrations	2,200	2,200
Cultural & Recreation Subtotal	406,520	423,235
29. Lenox Library	415,004	424,524
Lenox Library Subtotal	415,004	424,524
Totals	\$20,811,999	\$20,851,650

Approved by the Board of Selectmen
Approved by Finance Committee
Approved by School Committee (Line #17)

There was a question by Charles S. Koscher, 15 Chestnut Lane, asking how much Free Cash is used is used in the budget and Town Manager Ketchen answered zero; Mr. Ketchen explained that they take a conservative approach, Free Cash may have a large balance but it's needed to keep the town running. Richard A. DeFazio, 22 Pine Knoll Rd. questioned Line Item 7, Economic Development. Asking how they come up with the amount of their request, Neal Anthony Maxymillian told Mr. DeFazio there is a report on the formula and he will make it available to him.

Seeing no further questions or requests, the article was moved, seconded and unanimously approved.

ARTICLE 3. It was moved seconded and unanimously approved to make the following appropriations, or any other sum, to fund the Fiscal Year 2021 budget for the Water Department;

1. Water Operations	\$652,542
2. Debt Service	\$731,876
3. Capital Expenditures	\$ 78,150
	\$1,462,568

And further, to provide for said appropriations from the following sources of revenue and available funds; or take any other action in relation thereto.

User Charges	\$1,384,418
Retained Earnings	\$ 78,150
TOTAL	\$1,462,568

ARTICLE 4. It was moved, seconded and unanimously approved to make the following appropriations, or any other sum, to fund the Fiscal Year 2021 budget for the Sewer Department;

1. Sewer Operations	\$877,852
2. Debt Service	\$756,569
3. Capital Expenditures	<u>\$220,000</u>
	\$1,854,421

And further, to provide for said appropriations from the following sources of revenue and available funds; or take any other action in relation thereto.

User Charges	\$1,634,421
Retained Earnings	<u>\$ 220,000</u>
TOTAL	\$1,854,421

ARTICLE 5. It was moved, seconded and unanimously approved 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 6. It was moved, seconded and unanimously approved to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for project debt service in fiscal year 2021, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Library Debt Service	\$124,000	(General Unreserved)
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ARTICLE 7. It was moved, seconded and unanimously approved 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 2021, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Appropriations:

FY 2021 estimated revenues for Administrative Expense	\$18,750
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Reserves:

FY 2021 estimated revenues for Historic Resources Reserve	\$37,500
FY 2021 estimated revenues for Community Housing Reserve	\$37,500

FY 2021 estimated revenues for Open Space Reserve	\$ 37,500
FY 2021 estimated revenues for General Unreserved	<u>\$262,500</u>
Total	\$375,000

Estimated new surcharge collections for FY 2021	\$300,000
Estimated State Match for FY 2021	<u>\$ 75,000</u>

ARTICLE 8. It was moved to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses and community preservation projects and other expenses in fiscal year 2021, with each item to be considered a separate appropriation; or take any other action in relation thereto.

Trinity Church Parish House Restoration	\$113,265
Master Landscape Plan - The Mount	\$125,000
Pickleball Court Construction	\$158,000
Lenox Club Ice House Restoration	\$ 15,000

Richard A. Riedel, 423 New Lenox Rd. questioned if the Lenox Club House will be available for the public and the Chair Anthony Patella answered in the affirmative.

Kathleen McNulty Vaughan., 10 Post Rd., questioned Chair Anthony P. Patella, 133 Housatonic St. about the dimensions of the Pickleball Court for ice skating and he said they have a few different dimensions but assured the voters they are not infringing upon other offerings at the Lenox Community Center to construct this court and the shell they use for ice skating now the new court will be similar in size or larger.

Seeing no further questions, the article was moved, seconded and unanimously approved.

ARTICLE 9. It was moved, seconded and unanimously approved to appropriate and/or transfer from available funds the sum of \$50,000 to the Special Education Reserve Fund; or take any other action in relation thereto.

ARTICLE 10. It was moved, seconded and unanimously approved to appropriate or otherwise provide, the sum of \$750,000, or any other sum, for capital expenditures in the Department of Public Works; and, further, to provide for said appropriations, to transfer the following sums; or take any other action in relation thereto:

1. \$400,000 from available capital funds in the water enterprise fund.
2. \$350,000 from Retained Earnings in the Water Enterprise Fund as certified on July 1,2020.

ARTICLE 11. It was moved, seconded and unanimously approved to raise and appropriate or otherwise provide, the sum of \$550,000, or any other sum, for capital expenditures in the Department of Public Works; and, further, to provide for said appropriations, to transfer the following sums and, further, in accordance with M.G.L. c. 44, s.20, the unencumbered balance of \$550,000 for sewer system improvements appropriated and borrowed under Article 16 of the May 5, 2016 Annual Town Meeting warrant, which balance is no longer needed to complete the project for which it was initially borrowed; or take any other action in relation thereto.

ARTICLE 12. It was moved, seconded and unanimously approved to endorse the Board of Selectmen to enter into a new Intermunicipal Agreement with the Town of Lee to share the services of a "Chief Administrative Officer" who will serve as the Town Manager in the Town of Lenox and Town Administrator in the Town of Lee; or to take any other action in relation thereto.

ARTICLE 13. Ellen A. Mendel, 36 Brown St., by Citizens Petition moved to advise the Board of Selectmen to rescind their support of the River Settlement agreement and renegotiate terms that shall not include a dump site in the Town of Lenox, MA.

Selectmen Neal Anthony Maxymillan recused himself of voting due to a conflict.

Ellen A. Mendel, 36 Brown St., Sonya Bykofsky, 225 Main St., Debra J. Kelly, 74 West St., Marie T. Field 154 Housatonic St., Richard J. Mendel Sr., 36 Brown St., Christine Mauro, 39 Cliffwood St. , Rinaldo DelGallo, 24 Orchard St., Jennifer Crews, 41 Cliffwood St., Richard A. Riedel, 423 New Lenox Rd., Virginia M. Schwerin, 458 Walker St., Francis E. Johnson, 7-8 Rolling Hills, spoke for the petition as written. Most felt their voices weren't heard and negotiations were done behind the scenes. Some spoke of anxiety and fear that goes with having a dump in Lenox Dale and those trucks will be driving through the town spilling PCB's all over the county. Voters wondered what "to advise" means and how can the Town get out of this agreement. Many voters think the town can do better and feel PCB's are dangerous, we need to hold the corporate greed of GE accountable.

Edward Lane, 101 Crystal St., Deborah F. Burke, 216 Hubbard St., Channing Gibson, Lenox Rest of River Representative, 141 Cliffwood St. and Joel Bard, Town Counsel spoke to the voters about the other groups behind this agreement, BEAT, Mass Audubon and their trust in Science, Technology and Engineering. Town Counsel Bard told the voters that the contract is already signed and monies have been paid and placed in Escrow so we would be in Breach of Contract if we rescinded and it was noted that we cannot renegotiate. It was also noted that 11 groups have come together to work on a solution and that comes with confidence that this is a good thing.

Richard J. Burke, 216 Hubbard called the question. Electronic Voting utilized, the Moderator told the Voters a Yes Vote move to advise the Selectmen to rescind their support of the River Settlement agreement and a No Vote against the advisement. and Joel Bard, Town Counsel

The article was moved, seconded and defeated by electronic voting:

72 Yes
65 No

ARTICLE 14. Edward Corbett, 32 Old Stockbridge Rd., by Citizens Petition asked the Town Meeting members to vote to enforce against any fire works pysoknecs or explosives of any type, in the wetlands of Lenox, Parsons March, and any other wetlands of Lenox with a 300 foot buffer zone in perpetually. The motion was made, seconded and approved unanimously.

It was voted unanimously to adjourn the meeting at 2:15 PM

A true copy.

Attest: _____
Kerry L. Sullivan
Lenox Town Clerk

