TOWN OF LENOX

ANNUAL TOWN MEETING – May 4, 2023

At 7:15 p.m. the Annual Town Meeting held at the Lenox Memorial Middle High School was called to order by Moderator John J. McNinch. A quorum for the meeting was met with over 127 present at the opening.

Moderator McNinch reminded attendees that overflow seating was available in the cafeteria for the non-voters, along with a screen and microphone for those wanting to participate. He also reminded voters how to use the electronic voting clickers.

Christopher J. Ketchen, Town Manager shared a power point presentation explaining the budget process to voters and showing where their tax dollars are being used.

ARTICLE 1. It was moved, seconded and unanimously approved to waive the reading of the warrant and return of service thereof and to authorize the moderator, pursuant to MGL Chapter 39, Section 15, to declare a 2/3rds vote on voice votes if he deems it so.

ARTICLE 2. It was moved, seconded and unanimously approved to raise and appropriate or transfer from available funds in the treasury, money for the operating expenses of the Town for Fiscal Year 2024 as follows, or any other sum; and, further, to provide for said appropriation, transfer the sum of $579,000 from Free Cash, so called, as Certified on July 1, 2022.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| DEPARTMENT ACCOUNT | **FY 23** | **FY 24** |
|  |  **JULY 1, 2022 - JUNE 30, 2023** |  **JULY 1, 2023 - JUNE 30, 2024** |
| 1. Admin. & Finance | 345,247 | 350,707 |
| 2. Town Clerk |  83,997 |  87,574 |
| 3. Town Treasurer/Collector | 169,632 |  154,138 |
| 4. Compensation Reserve | 90,000 |  70,000 |
| 5. Operations Support | 99,118 | 101,018 |
| 6. Elections & Registration | 16,675 |  17,075 |
| 7. Economic Dev/Advertising | 122,500 | 128,625 |
| 8. Town Debt & Interest | 237,000 | 279,000 |
| 9. Audit, Reserve Account | 841,262 | 862,766 |
| 10. Insurance & Bonds, OPEB | 799,786 | 831,597 |
| 11. Land Use Department | 531,388 | 537,132 |
| 12. Town Buildings |  98,080 | 97,761 |
| **General Government Subtotal** | **3,434,685** | **3,517,393** |
| 13. Police Department | 1,374,042 | 1,483,084 |
| 14. Fire Department | 653,274 | 738,417 |
| 15. Emergency Management |  35,100 | 36,605 |
| 16. Ambulance Squad | 583,830 | 599,660 |
| **Public Safety Subtotal** | **2,646,246** | **2,857,766** |
| 17. Vocational Education | 197,101 | 196,220 |
| **Education Subtotal** |  **197,101** | **196,220** |
| 18. Highway Department | 731,546 | 776,786 |
| 19. Snow & Ice | 257,005 | 257,005 |
| 20. Cemetery |  32,397 |  33,097 |
| **Public Works Subtotal** | **1,020,948** | **1,066,888** |
| 21. Board of Health | 213,893 | 220,849 |
| 22. Veterans Services | 30,372 | 30,372 |
| **Human Services Subtotal** | **244,265** | **251,221** |
| 23. Lenox Library | 443,400 | 462,216 |
| 24. Community Center | 449,092 | 466,361 |
| 25. Cultural Council Grants | 5,000 | 5,000 |
| 26. Cultural District | 7,500 | 7,500 |
| 27. Academy Building | 7,774 | 7,866 |
| 28. Historical Commission | 25,950 | 25,950 |
| 29. Celebrations | 2,200 | 2,200 |
| **Cultural & Recreation Subtotal** | **940,916** | **977,093** |
|  **Totals** | **$8,484,161** | **$8,866,581** |
|  |  **APPROVED BY BOARD OF SELECTMEN****APPROVED BY FINANCE COMMITTEE**  |
|  |  |

 |

ARTICLE 3. It was moved, seconded and unanimously approved to raise and appropriate the sum of $15,540,921 for the operating expenses of the School Department for the Fiscal Year 2024.

  **FY23 FY24**

 **JULY 1, 2022-JUNE 30, 2023 JULY 1, 2023-JUNE 30, 2024**

Lenox Public Schools $14,895,584 $15,540,921

ARTICLE 4. It was moved, seconded and unanimously approved to make the following appropriations to fund the Fiscal Year 2024 budget for the Sewer Department;

**FY23 FY24**

 **JULY 1, 2022-JUNE 30, 2023 JULY 1, 2023-JUNE 30, 2024**

1. Sewer Operations $939,800 $1,007,470

2. Debt Service $778,362 $771,687

3. Capital Expenditures $220,000 $220,000

 $1,938,162 $1,999,157

And further, to provide for said appropriations from the following sources of revenue and available funds.

User Charges $1,718,162 $1,881,531

Retained Earnings $220,000 $ 117,626

TOTAL $1,938,162 $1,999,157

ARTICLE 5. It was moved, seconded and unanimously approved to make the following

appropriations to fund the Fiscal Year 2024 budget for the Water Department;

  **FY23 FY24**

 **JULY 1, 2022-JUNE 30, 2023 JULY 1, 2023-JUNE 30, 2024**

1. Water Operations $624,475 $739,626

2. Debt Service $862,902 $748,727

3. Capital Expenditures $45,000 $45,900

 $1,532,377 $1,534,253

And further, to provide for said appropriations from the following sources of revenue and available funds.

User Charges $1,487,377 $1,488.353

Retained Earnings $45,000 $45,900

TOTAL $1,532,377 $1,534,253

ARTICLE 6. It was moved, seconded and unanimously approved that the Town 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.

ARTICLE 7. It was moved, seconded and unanimously approved to transfer from Free Cash the sum of $1,559,000 for the following capital expenditures:

 1. Highway Department Expenditures $ 532,000

 2. Town Clerk Expenditures $ 10,000

 3. School Department Expenditures $ 400,000

 4. Fire Department Expenditures $ 50,000

 5. Police Department Expenditures $ 25,000

 6. Ambulance/EMS Expenditures $ 12,000

 7. Community Center Expenditures $ 500,000

 8. Library Expenditures $ 30,000

And further, to provide for said appropriations, to transfer from Free Cash as certified on July 1, 2022 the sum of $1,559,000.

ARTICLE 8. It was moved, seconded and 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 2024, with each item to be considered a separate appropriation.

CPA FY24 Funding Recommendations

 Funding Amount Funding Source

CPA Category: Historic Preservation

The Mount $110,000 Historic Preservation Reserve

Annual Library Debt Service $117,875 Historic Preservation Reserve

Lenox Library $ 3,132 Historic Preservation Reserve

CPA Category: Community Housing

Lenox Affordable Housing Trust $ 50,000 Community Housing Reserve

Administrative Expenses $ 16,559 Unrestricted Fund

Total Expenditures $297,566

CPA Reserves (10% of Annual Revenues)

Historic Preservation $ 33,118.70 FY24 Annual Revenues

Community Housing $ 33,118.70 FY24 Annual Revenues

Open Space & Recreation $ 33,118.70 FY24 Annual Revenues

 $99,356.10

ARTICLE 9. It was moved, seconded and unanimously approved to transfer $50,000 from the Community Preservation Unrestricted Fund Balance to the CPC Historic Preservation Fund.

ARTICLE 10. It was moved, seconded and unanimously approved to raise and appropriate the sum of $175,000 to be placed in the Fire Engine Stabilization Account; and, further, to provide for said appropriation, transfer the sum of $175,000 from Free Cash, so called, as Certified on July 1, 2022.

ARTICLE 11. It was moved, seconded and unanimously approved to raise and appropriate the sum of $300,000 for the purchase of a new ambulance, equipment and other related costs; and, further, to provide for said appropriation, transfer the sum of $100,469.50 from the Ambulance Stabilization Account and $199,530.50 from Free Cash, so called, as Certified on July 1, 2022.

ARTICLE 12. It was moved to amend the Zoning Bylaw by deleting Section 10.3, Wireless Telecommunications Overlay District, and replacing with a new Section 8.18, Personal Wireless Communications Facilities, as set out in a handout at Town Meeting, in substantially the same form as discussed at the Planning Board Public Hearing on April 4, 2023. Moderator McNinch reminded voters of 2-minute limit to speak. Discussion began and

 Karen Beckwith, 14 Old Stockbridge Rd. moved to amend the motion as follows:

8.18.5-1 1. Antenna Setbacks: An Antenna attached to any structure that is not a Tower shall be setback at least **200** feet from the property line of an abutting residential **or educational facility** property, **without exception.** An Antenna attached to the side of such a structure may extend up to five feet horizontally from the side of the structure, provided that the Antenna **meets the setback requirements and** does not encroach upon an adjoining parcel.

8.18.6(b): 1. The minimum setback distance to the nearest residential property line or **educational facility** property line shall be **500** feet, **without exception.**

 2. In the C-1A, C-3A, and Industrial Zones the minimum setback from parcels in commercial and industrial zones shall equal the **twice the** height of the New Tower, **without exception**. **Should a C-1A, C-3A or Industrial Zone include residential properties or an educational facility, then the minimum residential setback of 500’ applies.**

Planning Board Members discussed the amendment and felt it was Effective Prohibition of Service and could not support the amendment.

Vote on the Amendment by Voice Vote failed. Vote challenged and a Clicker Vote was requested, Moderator asked for Voters to Vote Electronically on the Beckwith Amendment:

Amendment failed:

Yes 94

No 453

Elaine Caligiuri, 1 Morgan Manor 4, made a motion written by Diane Sheldon of 32 Old Stockbridge Rd-6B to replace the Purpose Section, 8.18.1 as follows:

The purpose of the Personal Wireless Services Facilities Zoning Bylaw is to protect the Town’s scenic, historic, natural and other resources while providing for adequate Personal Wireless Service Facilities and Towers to be developed in the Town of Lenox, and to:

1. Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of Personal Wireless Service Facilities and Towers.
2. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify Personal Wireless Service Facilities and Towers;
3. Preserve property values;
4. Locate Towers so that they do not have negative impacts, such as, but not limited to visual blight, attractive nuisance, noise and falling objects, on the general safety, welfare and quality of life of the community.
5. Require owners of Personal Wireless Service Facilities and Towers to configure them so as to minimize and mitigate the adverse visual impact of the Facilities and Towers; and
6. Require the clustering, sharing and camouflaging of personal wireless service facilities and Towers.

After further discussion on the amendment the Question was Called and amendment failed by Voice Vote.

Amy Judd, 6 Main St., presented a motion to amend the original motion by adding Each personal wireless tower or structure or personal wireless service facility shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a certificate of insurance to the Selectmen's office on an annual basis.

Vote on Amendment Failed by Voice Vote.

The question was called to vote on the original motion made by Planning Board Member Thomas Delasco to amend the Zoning Bylaw by deleting Section 10.3, Wireless Telecommunications Overlay District, and replacing with a new Section 8.18, Personal Wireless Communications Facilities, as set out in a handout at Town Meeting, in substantially the same form as discussed at the Planning Board Public Hearing on April 4, 2023.

Vote was done Electronically with Clickers:

Yes 464

No 67

Motion passed.

ARTICLE 13. It was moved, seconded and approved to amend the Lenox Historic District Bylaw by deleting the existing Section 9.1(i) and replacing it with a new Section 9.1(i) – storm doors and storm windows, screens, window air conditioners, as on file with the Town Clerk.

Existing Section 9.1

(i)             storm doors and storm windows, screens, window air conditioners, antennae and similar appurtenances.

Proposed Section 9.1

(i)             storm doors and storm windows, screens, window air conditioners.

This Bylaw amendment will clarify that all antennae or similar appurtenances in the Historic District are subject to review by the Historic District Commission.  The Lenox Historic District Commission has proposed and recommended this Historic District Bylaw amendment.

ARTICLE 14. Sonya Bykofsky, 225 Main St., on behalf of the Lenox Town Democratic

Committee presented the Citizen’s Petition requesting To make permanent authorization that

permits both in person and remote participation in public meetings. (Petition article)

Petitioner submitted an amendment to the original petition article To Strike the word

replace with Requires to read: To see if the Town will vote to make permanent

authorization that REQUIRES both in person and remote participation in public meetings

in perpetuity.

Town Counsel Joel Bard alerted the meeting that this petition article would have no effect on our

meetings as it would take a vote by the legislature to extend the Remote Meeting Participation

authorization which they just did until 3/31/2025.

Discussion ensued regarding language requires vs. permits. Petitioner withdrew her amendment to her original amendment, striking the word requires and replacing it with PERMITS. Motion made and seconded on that amendment carried by Voice Vote.

Vote on the Original Motion passed by voice vote.

ARTICLE 15. Sonya Bykofsky, 225 Main St., on behalf of the Lenox Town Democratic

Committee presented the Citizen’s Petition requesting A bylaw to codify 2 scheduled Town Meetings yearly (Biannual Meetings) (Petition article)

Petitioner submitted an amendment to the original petition article to read as follows: To see if

the Town will vote a bylaw to codify 1 spring town meeting and 1 fall town meeting. Effective

9/1/23, or as soon as possible.

After discussion with voters and Town Counsel, petitioner asked for the article to be tabled.

It was voted unanimously to table Article 15.

It was voted unanimously to adjourn the meeting 9:20 PM and to reconvene on Monday, May 8, 2023 at the Lenox Town Hall for the purpose of voting for Town Officers.

 A true copy.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kerry L. Sullivan, CMMC

Lenox Town Clerk