

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 for the annual election at the

**Lenox Town Hall, located at 6 Walker Street, in
said Lenox, on Monday, May 9, 2022
starting at 7:00 o'clock a.m., then and there to act upon the
following Article 15, and also to meet for the Annual Town
Meeting in the
Lenox Memorial Middle High School, located at 197 East Street, in
said Lenox, on Thursday, May 5, 2022
at 7:00 o'clock p.m., then and there to act upon the following
articles, except Article 15, by posting an attested copy of this
Warrant therefor in three public places in the Town not less than
seven days before the 5th day of May next.**

**The polls for voting on the ballot on Monday, May 9, 2022 will be
open at 7:00am and will be closed at 7:00pm.**

ARTICLE 1. To see if the Town will vote 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; or take any other action in relation thereto.

ARTICLE 2. 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 2023 as follows, or any other sum; and, further, to provide for said appropriation, transfer the sum of \$524,000 from Free Cash, so called, as Certified on July 1, 2021; or take any other action in relation thereto.

DEPARTMENT ACCOUNT	FY 22 JULY 1, 2021 - JUNE 30, 2022	FY 23 JULY 1, 2022 - JUNE 30, 2023
1. Admin. & Finance	264,824	345,247
2. Town Clerk	71,858	83,997
3. Town Treasurer/Collector	140,608	169,632
4. Compensation Reserve	70,000	90,000
5. Operations Support	98,393	99,118
6. Elections & Registration	14,400	16,675
7. Economic Dev/Advertising	112,682	122,500
8. Town Debt & Interest	13,000	237,000
9. Audit, Reserve Account	786,882	841,262
10. Insurance & Bonds, OPEB	756,790	799,786
11. Land Use Department	461,642	531,388
12. Town Buildings	94,507	98,080
General Government Subtotal	2,885,586	3,434,685
13. Police Department	1,279,643	1,374,042
14. Fire Department	634,184	653,274
15. Emergency Management	33,622	35,100
16. Ambulance Squad	490,602	583,830
Public Safety Subtotal	2,438,051	2,646,246
17. Vocational Education	191,360	197,101
Education Subtotal	191,360	197,101
18. Highway Department	672,360	731,546
19. Snow & Ice	257,005	257,005
20. Cemetery	32,398	32,397
Public Works Subtotal	961,763	1,020,948
21. Board of Health	198,284	213,893
22. Veterans Services	53,206	30,372
Human Services Subtotal	251,490	244,265
23. Community Center	418,499	449,092
24. Cultural Council Grants	5,000	5,000
25. Cultural District	7,500	7,500
26. Academy Building	7,774	7,774
27. Historical Commission	23,450	25,950
28. Celebrations	2,200	2,200
Cultural & Recreation Subtotal	464,423	497,516
29. Lenox Library	421,004	443,400
Lenox Library Subtotal	421,004	443,400
Totals	\$7,613,677	\$8,484,161

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, the sum of \$14,895,584, or any other sum, for the operating expenses of the School Department for the Fiscal Year 2023; or take any other action in relation thereto.

APPROVED BY SCHOOL COMMITTEE
NOT APPROVED BY BOARD OF SELECTMEN
NOT APPROVED BY FINANCE COMMITTEE

ARTICLE 4. To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2023 budget for the Sewer Department;

1. Sewer Operations	\$ 939,800
2. Debt Service	\$ 778,362
3. Capital Expenditures	<u>\$ 220,000</u>
	\$ 1,938,162

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	\$ 1,718,162
Retained Earnings	<u>\$ 220,000</u>
TOTAL	\$ 1,938,162

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 5. To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2023 budget for the Water Department;

1. Water Operations	\$ 624,475
2. Debt Service	\$ 862,902
3. Capital Expenditures	<u>\$ 45,000</u>
	\$1,532,377

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	\$1,487,377
Retained Earnings	<u>\$ 45,000</u>
TOTAL	\$1,532,377

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 6. 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 7. To see if the Town will vote to raise and appropriate or otherwise provide, the sum of \$1,314,200, or any other sum, for the following capital expenditures:

1. Highway Department Expenditures	\$ 325,000
2. Cemetery Department Expenditures	\$ 50,000
3. School Department Expenditures	\$ 370,200
4. Fire Department Expenditures	\$ 285,000
5. Police Department Expenditures	\$ 25,000
6. Land Use Expenditures	\$ 5,000
7. Community Center Expenditures	\$ 54,000
8. Town Buildings Expenditures	\$ 50,000
9. Academy Building Expenditures	\$ 150,000

And further, to provide for said appropriations, to transfer from Free Cash as certified on July 1, 2021, the sum of \$1,314,200; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 8. 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 2023, with each item to be considered a separate appropriation; or take any other action in relation thereto.

SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE

CPA FY23 Funding Recommendations

	Funding Amount	Funding Source
CPA Category: Historic Preservation		
The Mount	\$125,000	Historic Preservation Reserve
Annual Library Debt Service	<u>\$118,500</u>	Historic Preservation Reserve
Total Category Amount	\$243,500	
CPA Category: Community Housing		
Pennrose LLC	\$500,000	Community Housing Reserve
Administrative Expenses	\$ 16,559.35	Unrestricted Fund
Total Expenditures	\$760,059.35	
CPA Reserves (10% of Annual Revenues)		
Historic Preservation	\$ 33,118.70	FY23 Annual Revenues
Community Housing	\$ 33,118.70	FY23 Annual Revenues
Open Space & Recreation	<u>\$ 33,118.70</u>	FY23 Annual Revenues
	\$ 99,356.10	

ARTICLE 9. To see if the Town will vote to transfer \$100,000 from the Community Preservation Unrestricted Fund Balance to the CPC Community Housing Fund for future housing projects; or take any other action in relation thereto.

**SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE**

ARTICLE 10. To see if the Town will vote 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, 2021; or take any other action in relation thereto.

**APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE**

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of \$50,000 to be placed in the Ambulance Stabilization Account; and, further, to provide for said appropriation, transfer the sum of \$50,000 from Free Cash, so called, as Certified on July 1, 2021; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 12. To see if the Town will vote to raise and appropriate the sum of \$315,000 for FY22 Operating Budget Expenditures as shown below; and, further, to provide for said appropriation, transfer the sum of \$315,000 from Free Cash, so called, as Certified on July 1, 2021 or take any other action in relation thereto.

\$250,000	Restore funding to Other Post-Employment (OPEB) Benefits & Trust.
\$ 65,000	Town Manager salary adjustment due to termination of shared services agreement.

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 13. To see if the Town will vote to recommend that the Select Board disband the Affordable Housing Committee, since its purpose is being fulfilled and actions now undertaken by the Affordable Housing Trust; or take any other action in relation thereto.

PETITION ARTICLE

ARTICLE 14. We, the registered voters of the TOWN OF LENOX, hereby petition that the following Warrant to Ban the Sales of animals raised in "puppy mills" be placed on the TOWN WARRANT, for the upcoming TOWN MEETING. Under the ordinance, "no pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, dogs, or rabbits" unless they come from an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose

mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations; or take any other action in relation thereto.

A REGULATION REGARDING THE SALE OF DOGS, CATS, AND RABBITS IN PET STORES (see attached).

PETITION ARTICLE

ARTICLE 15. To see if the Town will bring their votes for one or more members of each of the following Town Officers:

- 1 Moderator for one year**
- 1 Selectman 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 Planning Board Member for three years**
- 1 Housing Authority Member for five years**

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 25th day of April in the year of Our Lord Two Thousand and Twenty-Two.

Signed

A true copy, ATTEST:

Constable of Lenox.

Marybeth Mitts, Chair
Neal Maxymillian, Clerk
Edward P. Lane
Dave Roche
Warren E. Archey
Selectmen of Lenox

A REGULATION REGARDING THE SALE OF DOGS, CATS, AND RABBITS IN PET STORES

WHEREAS, Most puppies, kittens, and rabbits sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills," "kitten mills," and "rabbit mills" respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, The documented abuses endemic to puppy, kitten, and rabbit mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

WHEREAS, Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick.

WHEREAS, Pet stores often mislead consumers as to where the puppies, kittens, and rabbits in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away.

WHEREAS, According to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, Current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy, kitten, and rabbit mill dogs, cats, and rabbits in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, Prohibiting pet stores from selling dogs, cats, and rabbits is likely to decrease the demand for puppies, kittens, and rabbits bred in puppy, kitten, and rabbit mills and decrease the burden that pet store puppies, kittens, and rabbits that end up in animal shelters place on local agencies and taxpayers.

WHEREAS, The huge majority of pet stores, both large chains and small, family-owned shops, are already in compliance with the proposed bylaw as they already do not sell dogs, cats, and rabbits but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

WHEREAS, This bylaw will not affect a consumer's ability to obtain a dog, cat, or rabbit of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public.

WHEREAS, The City Council believes it is in the best interest of the City to adopt reasonable regulations to reduce costs to the City and its residents, protect citizens who may purchase cats, dogs, or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

Section 1. Definitions

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant

part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

Breeder means a person that maintains a dog, cat, or rabbit for the purpose of breeding and selling their offspring.

Broker means a person that transfers a dog, cat, or rabbit from a breeder for resale by another person.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Flea Market means a building, structure or open area occupied by one or more vendors, other than retail stores, for sale to the public of new or used goods or products on a seasonal, limited or full schedule of operation.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat, or rabbit.

Pet shop shall have the meaning as provided in section 1 of chapter 129 of the Massachusetts General Laws. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Rabbit means a member of the species of domestic rabbit, *Oryctolagus cuniculus*.

Section 2. Restrictions on the Sale of Animals

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, dogs, or rabbits. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs, cats, or rabbits provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, or rabbit on or in any street, roadside, public right-of-way, parkway, median, park, other recreation area, commercial parking lot, flea market, or other outdoor market, or commercial or retail parking lot, except for a dog, cat, or rabbit displayed by a shelter or animal rescue organization or as part of a 4-H program or similar exhibition or educational program.

Section 3. Record Keeping and Disclosure

Each pet shop shall maintain records sufficient to document the source of each dog, cat, or rabbit the pet shop acquires for at least two years following the date of acquisition of each dog, cat, or rabbit. Such records shall be made available, immediately upon request, to any Animal Control Officer, Police Officer, and/or Sanitation Inspector or Code Enforcement Inspector.

Each pet shop offering space for animal care facilities or animal rescue organizations to showcase adoptable dogs, cats, or rabbits shall post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the animal care facility or animal rescue organization from which each dog, cat, or rabbit in the cage or enclosure was acquired.

Section 4. Enforcement

The Lenox Animal Control (and its Lenox Animal Control Officer(s)) and the Lenox Police Department, shall

have the authority to enforce all violations of these sections. Any animal being offered for sale or transfer, or displayed for adoption in violation of these sections, may be seized or impounded. If the enforcing officer determines that failure to seize or impound the animal would be detrimental to the safety and/or health of the animal, the animal shall be seized.

Animals seized pursuant to this section will be held for a period of seven days. The person or entity in violation of these sections may file for an administrative hearing to appeal the seizure within seven days of the seizure of the animal(s). If, after seven days, the person or entity fails to file an appeal, the animals shall be surrendered to the Town Of Lenox Animal Control.

Section 4. Penalty.

A pet store that violates this section shall be subject to a civil penalty of \$500, and each dog, cat, or rabbit offered for sale or transfer, or displayed for adoption in violation of this section shall constitute a separate violation.

Section 5. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this bylaw shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this bylaw which shall continue in full force and effect, and to this end the provisions of this bylaw are hereby declared to be severable.

Section 5. Effective Date.

This bylaw shall become effective 90 days after passage.