



TOWN OF LENOX
6 Walker Street, Lenox, MA 01240
www.townoflenox.com

Christopher J. Ketchen,
Town Manager

April 28, 2023

To the voters of Lenox:

On Thursday, May 4, 2023, the Annual Town Meeting will be held in the Duffin Theater at Lenox Memorial Middle High School. Upon notification that a quorum is present, Town Moderator John McNinch will call the meeting to order at 7 PM, or shortly thereafter.

Additionally, there is information available in the Town Clerk's office and on the Town of Lenox website: (<https://www.townoflenox.com/town-clerk/pages/annual-town-meeting>). This link will provide you with materials relevant to the upcoming Annual Town Meeting, including:

- Official Town Meeting Warrant
- Finance Committee FY24 budget letter
- Town Meeting Amendment Form
- Link to Lenox Public Schools budget information
- Link to Planning Board Wireless Facilities Bylaw information

You may find this material helpful in your preparations for Town Meeting.

A BRIEF PRIMER ON 2023 ANNUAL TOWN MEETING PROCEEDINGS

Town Meeting begins with the call to order, delivered by the Town Moderator. At Town Meeting, the Moderator's goal is to conduct proceedings expeditiously yet impartially, allowing a fair hearing for all points of view while keeping the process moving. During the proceedings, the Moderator recognizes people from the floor and, while they are speaking, allows no interruptions except under certain procedural circumstances. Speakers are asked to address the Moderator and identify themselves for the record by name and address before speaking (for example: "Mr. Moderator, Jane Doe, 789 Main Street, Lenox"). Elected or appointed officials, when speaking in their capacity as a Town official may further identify themselves as such.

Procedure at Town Meeting generally follows those rules commonly understood and known as "Robert's Rules" – though not precisely and always in deference to the Moderator's judgment. The current Town Moderator makes use of *Town Meeting Time: A Handbook of Parliamentary Law* as a guiding text for conducting the meeting. However, as a matter of first principle, the Moderator is charged with keeping order at Town Meetings, and, as such, procedural rulings are final.

Non-voters wishing to address Town Meeting may do so upon the consent of at least 10 eligible voters in attendance. For voters wishing to amend motions on the floor at Town Meeting, a Form can be obtained from the Town Clerk or downloaded from the Town website, as mentioned earlier in this letter. Amendment Forms are also available at Town Meeting. The Moderator has indicated that all floor amendments (if any) must be submitted in writing.

Those seeking more information on Town Meeting procedures may consult the referenced texts above or contact my office.

The following provides a brief description of each article contained in the warrant and a short narrative of the anticipated action on each at Town Meeting:

ARTICLE 1 – READING WAIVER AND 2/3 DECLARATION FROM MODERATOR

This article serves two purposes:

1. to waive the reading of the warrant and return of service; and
2. to authorize the Moderator to declare a 2/3 voice vote.

In an effort to be efficient, the Moderator will call for voice votes whenever possible. However, electronic voting will be available, if needed. Eligible voters at the meeting also retain the ability to call for a hand count if at least 7 voters challenge the Moderator’s declaration.

ARTICLE 2 – APPROPRIATION – MUNICIPAL GENERAL FUND OPERATING BUDGET

This article is sponsored by the Board of Selectmen with the approval of the Finance Committee. These appropriations require a simple majority vote to pass.

This article, totaling just over \$8.86 million, represents the General Fund operating budget requests for each department in Fiscal Year 2024 (excluding the schools). Overall, the entire budget (i.e. Articles 2-11 plus non-appropriated obligations) would require a 4.48% increase in the total property tax levy. Some of this impact will be absorbed by new growth (i.e. property being taxed for the first time). The final tax rate is typically set in December.

Specific to the appropriations in this article, some of the more significant changes include:

- Treasurer/Collector – This department’s impact on the General Fund is decreasing in FY2024. Historically, Lenox has not considered the department’s work on behalf of the Town’s two enterprise funds (i.e. wastewater and water) when building the budget. In FY2024, a portion of the department’s expenses approximating the work performed on behalf of these enterprise activities is being charged to each fund.
- Compensation Reserve – This line item is down substantially in FY2024. Most of this decrease is attributable to the settlement of two union contracts (police and public works) for FY2023 thru FY2025 – leaving the Fire/EMS contract to be settled for FY2024 and

beyond. The reserve is also used to cover non-union wage increases, compensated absences, retirement/termination leave obligations, and cross-training.

- Debt & Interest – As the Town embarks upon the design and construction of the Public Safety Building, the Town will be borrowing periodically to meet the cashflow demands of the project. The increase in this line item is intended to service the debt resulting from said borrowing(s).
- Public Safety – The increase in public safety appropriations is required to meet contractual wage and benefits obligations to our patrolmen, firefighters/EMTs, and paramedics. It also provides for the addition of one new officer in the Police Department.

ARTICLE 3 – APPROPRIATION – SCHOOLS GENERAL FUND OPERATING BUDGET

This article has been placed on the warrant at the request of the School Committee to fund the budget request of the Lenox Public Schools. The Board of Selectmen and the Finance Committee also support the appropriation request under this article. This appropriation requires a simple majority vote to pass.

The FY2024 budget request of the Lenox Public Schools is \$15,540,921 – which is a 4.3% increase over the current fiscal year. It is also valuable to note that this appropriation merely reflects the tax impact component of the school operating budget. In this way, the appropriation for the school department is unlike many of those departments funded under Article 2. The total (gross) school budget of \$17,518,661 is supplemented by choice revenue and other sources. A representative of the School Committee will present this article at Town Meeting.

ARTICLE 4 – APPROPRIATION – SEWER ENTERPRISE FUND OPERATING/CAPITAL

This article is sponsored by the Board of Selectmen with the approval of the Finance Committee. This appropriation requires a simple majority vote to pass.

Unlike General Fund appropriations under Articles 2 and 3, appropriations relating to the Town’s two enterprise funds (articles 4 and 5) are fully supported by water and sewer receipts, respectively. Article 4 presents the Sewer Department budget (operating, debt service and capital). Its appearance in the warrant follows a format matching the submission requirements of the state’s Division of Local Services for approval purposes. Town Meeting will see here an accounting for the estimated activity in the sewer enterprise fund in one article, which requests \$1,999,157 for Fiscal Year 2024. You will note that the use of retained earnings (\$117,626) does not exceed the capital expenditures request (\$220,000). Therefore, it can be stated that operating costs and debt are fully supported by rates with no use of reserves to cover ongoing expenses.

ARTICLE 5 – APPROPRIATION – WATER ENTERPRISE FUND OPERATING/CAPITAL

This article is sponsored by the Board of Selectmen with the approval of the Finance Committee. This appropriation requires a simple majority vote to pass.

This article presents the Water Department budget (operating, debt service, and capital). In the same manner as the Sewer Department (Article 4), its appearance in the warrant follows a format matching the submission requirements of the state's Division of Local Services for approval purposes. Town Meeting will see here an accounting for the estimated activity in the water enterprise fund in one article, which requests \$1,534,253 for Fiscal Year 2024. You will note that the use of retained earnings (\$45,900) is tied to the line for cash capital expenditures (also \$45,900). Therefore, it can be stated that operating costs and debt are fully supported by rates with no use of reserves to cover ongoing expenses.

ARTICLE 6 – STATE AID ACCEPTANCE – ROAD REPAIR AND PAVING (CHAPTER 90)

This article is sponsored by the Board of Selectmen. Recommending the acceptance of funds requires a simple majority vote to pass.

This article provides funding to repair and pave roadways. The amount allocated by the Commonwealth is approximately \$273,424 in FY2023. These funds will be available to aid the Town's ongoing paving efforts. Each year the Commonwealth allocates transportation funds designated for local use ("Chapter 90" funds).

ARTICLE 7 – APPROPRIATION – OMNIBUS GENERAL FUND CAPITAL BUDGET

This article is sponsored by the Board of Selectmen with the approval of the Finance Committee. This appropriation requires a simple majority vote to pass.

Most of the FY2024 capital outlay requests from the various departments are consolidated into this warrant article. This article proposes to fund cash capital spending on facilities, equipment and other town assets. This capital appropriation is funded out of undesignated reserves (so-called, "Free Cash") in the amount of \$1,559,000. The goal here is to present Town Meeting with as much of the Town's capital expenditure effort by department in one place (minus those projects requiring borrowing, special stabilization, and/or enterprise funds). As with Article 2, each departmental request is listed in the warrant and will be read aloud by a member of the Board of Selectmen assigned to move the motion at Town Meeting prior to the final vote.

ARTICLES 8 & 9 – APPROPRIATION – COMMUNITY PRESERVATION FUND

The next two articles are sponsored by the Community Preservation Committee (CPC). Each of these appropriations requires a simple majority vote to pass.

Article 8 presents the Committee's requests for specific project appropriations, debt service and annual reservations in a single, consolidated warrant article.

Article 9 requests a transfer within the fund from Unrestricted Fund Balance to Historic Preservation in the amount of \$50,000.

A representative from the Community Preservation Committee will make a motion under each of these articles and answer questions at Town Meeting.

ARTICLE 10 – APPROPRIATION – FIRE ENGINE STABILIZATION FUND

This article is sponsored by the Board of Selectmen with the approval of the Finance Committee. This appropriation requires a simple majority vote to pass.

This appropriation – \$175,000 – would continue the Town’s annual contribution to the replacement fund for fire apparatus. The current balance in the fund is \$724,104. The fund's purpose is to save for the replacement of fire/rescue vehicles so that future purchases can be made with available funds on hand instead of borrowing.

ARTICLE 11 – APPROPRIATION – AMBULANCE REPLACEMENT

This article is sponsored by the Board of Selectmen at the request of the Town Manager and the Fire Chief with the approval of the Finance Committee. Due to the proposed use of stabilization funds, this appropriation requires a 2/3 vote to pass.

This article appropriates \$300,000 to replace the ambulance in the Fire/EMS department. Ordinarily, this request would have been presented at the 2024 or 2025 Town Meeting. However, industry lead times for construction and delivery are currently at or exceeding 2 years. Therefore, the department would like to advance the purchase authorization by using a combination of Free Cash (\$199,530.50) and the special ambulance stabilization fund (\$100,469.50) to order the ambulance now.

ARTICLE 12 – ZONING BYLAW AMENDMENT – WIRELESS COMMUNICATION

This article was placed on the warrant by the Board of Selectmen at the request of the Planning Board. Both boards endorse the proposed amendment. Zoning bylaw amendments require a 2/3 vote to pass.

The bylaw amendment contemplated under this article would replace current zoning regulations for wireless communication infrastructure with the goal of improving wireless service in Lenox. The anticipated motion for this bylaw amendment will reference text that will be distributed to voters by the Planning Board at Town Meeting – in substantially the same form as that currently appearing on the Town Clerk’s Town Meeting resource page (referenced earlier in this letter).

ARTICLE 13 – HISTORIC DISTRICT BYLAW AMENDMENT

This article was placed on the warrant by the Board of Selectmen at the request of the Historic District Commission. Historic District Bylaw amendments require a 2/3 vote to pass.

This change will remove “antennae” from a list of external building appurtenances currently NOT reviewed by the Historic District Commission and require review of new antennas on buildings within the District.

A representative of the Historic District Commission will present this article at Town Meeting.

ARTICLE 14 & ARTICLE 15 – CITIZEN PETITIONS

These articles were placed on the warrant through Citizen Petition presented to the Board of Selectmen and certified by the Town Clerk in accordance with Chapter 39, Section 10 of the Massachusetts General Laws and Chapter II, Section 11 of the Town Bylaws.

While it is assumed that a specific form of motion has or will be prepared in accordance with the scope of these articles, as of this writing, no proposed motion has been made available. Therefore, the substance of any proposed change is, again, as of this writing, unknown and the Town has no additional information to share with voters on these articles.

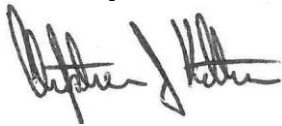
It is assumed that one or more proponents of each article will present a motion, provide an explanation, and answer any questions at Town Meeting. However, *any* voter may make a motion on one or more of these petitions. Furthermore, *any* voter may also make a motion to defer action on one or more of these petitions to a future Town Meeting.

ARTICLE 16 – ELECTION NOTICE

This article appears on the warrant as a notice of the Town election on Monday, May 8th – reiterating the first page of the warrant. There is no motion required under this article. It merely appears as a formal notice of the election.

I hope you find the above explanations useful in your preparation for Town Meeting. Thank you for your time and we look forward to seeing you at the Duffin Theater.

Sincerely,



Christopher J. Ketchen, ICMA-CM
Town Manager