TOWN OF LENOX

ANNUAL TOWN MEETING – June 29, 2021

At 5:05 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 137 present at the opening. The Moderator asked that all non-voters sit to the far right of the theater and at 5:10 the meeting began with a Test Question to remind voters how to use the “clickers”.

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 funds for the operating expenses of the Town for Fiscal Year 2022, and further, to transfer the sum of $300,000 from Free Cash, so called, as Certified on July 1, 2021 as printed in the warrant.

|  |  |  |
| --- | --- | --- |
| DEPARTMENT ACCOUNT | **FY 21** | **FY 22** |
|  | **JULY 1, 2020 - JUNE 30, 2021** | **JULY 1, 2021 - JUNE 30, 2022** |
| 1. Admin. & Finance | 256,071 | 264,824 |
| 2. Town Clerk | 70,687 | 71,858 |
| 3. Town Treasurer/Collector | 137,026 | 140,608 |
| 4. Compensation Reserve | 70,000 | 70,000 |
| 5. Operations Support | 98,397 | 98,393 |
| 6. Elections & Registration | 24,290 | 14,400 |
| 7. Economic Dev/Advertising | 109,400 | 112,682 |
| 8. Town Debt & Interest | 13,000 | 13,000 |
| 9. Audit, Reserve Account | 761,025 | 786,882 |
| 10. Insurance & Bonds, OPEB | 491,790 | 756,790 |
| 11. Land Use Department | 490,285 | 461,642 |
| 12. Town Buildings | 105,703 | 94,507 |
| **General Government Subtotal** | **2,627,674** | **2,885,586** |
| 13. Police Department | 1,157,148 | 1,279,643 |
| 14. Fire Department | 613,766 | 634,184 |
| 15. Emergency Management | 32,258 | 33,622 |
| 16. Ambulance Squad | 438,195 | 490,602 |
| **Public Safety Subtotal** | **2,241,367** | **2,438,051** |
| 17. Vocational Education | 108,550 | 191,360 |
| **Education Subtotal** | **108,550** | **191,360** |
| 18. Highway Department | 684,248 | 672,360 |
| 19. Snow & Ice | 257,005 | 257,005 |
| 20. Cemetery | 31,764 | 32,398 |
| **Public Works Subtotal** | **973,017** | **961,763** |
| 21. Board of Health | 198,077 | 198,284 |
| 22. Veterans Services | 70,080 | 53,206 |
| **Human Services Subtotal** | **268,157** | **251,490** |
| 23. Community Center | 397,461 | 418,499 |
| 24. Cultural Council Grants | 4,800 | 5,000 |
| 25. Cultural District | 0 | 7,500 |
| 26. Academy Building | 7,824 | 7,774 |
| 27. Historical Commission | 10,950 | 23,450 |
| 28. Celebrations | 2,200 | 2,200 |
| **Cultural & Recreation Subtotal** | **423,235** | **464,423** |
| 29. Lenox Library | 424,524 | 421,004 |
| **Lenox Library Subtotal** | **424,524** | **421,004** |
| **Totals** | **$7,066,524** | **$7,613,677** |
|  | **APPROVED BY BOARD OF SELECTMEN**  **APPROVED BY FINANCE COMMITTEE** | |

ARTICLE 3. It was moved, seconded and approved to raise and appropriate the sum of $14,198,680 for the operating expenses of the school department for the Fiscal Year 2022.

There was a request to use the “clickers”.

YES – 175

NO – 18

APPROVED BY BOARD OF SELECTMEN

APPROVED BY FINANCE COMMITTEE

APPROVED BY SCHOOL COMMITTEE

ARTICLE 4. It was moved, seconded and unanimously approved to make the following appropriations to fund the Fiscal Year 2022 budget for the Water Department;

1. Water Operations $631,557

2. Debt Service $721,350

3. Capital Expenditures $ 0

$1,352,907

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

User Charges $1,352,907

Retained Earnings $ 0

TOTAL $1,352,907

ARTICLE 5. It was moved, seconded and unanimously approved to make the following appropriations to fund the Fiscal Year 2022 budget for the Sewer Department;

1. Sewer Operations $902,453

2. Debt Service $752,069

3. Capital Expenditures $220,000 $1,874,522

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

User Charges $1,654,522

Retained Earnings $ 220,000

TOTAL $1,874,522

ARTICLE 6. 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.

ARTICLE 7. Town Selectmen Marybeth Mitts drew voters attention to Page 15 of the Annual Town Report, (Town of Lenox Committee Application) and encouraged those residents wanting to help out on a committee to please sign-up. After the appeal, it was moved, seconded and unanimously approved to raise and appropriate the sum of $875,200 for the following capital expenditures:

1. Highway Department Expenditures $ 250,000

2. School Department Expenditures $ 370,200

3. Fire Department Expenditures $ 175,000

4. Police Department Expenditures $ 65,000

5. Land Use Expenditures $ 5,000

6. Ambulance Expenditures $ 10,000

And further, to provide for said appropriations, to transfer

from Free Cash as certified on July 1, 2021, the sum of $875,200.

ARTICLE 8. It was moved, seconded and unanimously approved to utilize funds from the Community Preservation Fund in the amount of $523,224.40 as recommended by the Community Preservation Committee.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | CPA FY 22 Funding Recommendations | |
|  |  |  |  |  |  |  |
|  |  |  |  |  | Funding Amount | Funding Source |
|  |  |  |  |  |  |  |
| CPA Category: Historic Preservation | | | |  |  |  |
| Lenox Library Dome Ceiling Restoration | | | |  | $100,000.00 | Unrestricted Fund |
| Trinity Church | |  |  |  | $51,500.00 | Unrestricted Fund |
| Church on the Hill | |  |  |  | $40,350.00 | Unrestricted Fund |
| St. Ann’s |  |  |  |  | $100,000.00 | Unrestricted Fund |
| Annual Library Debt Service | | |  |  | $118,875.00 | Unrestricted Fund |
| Total Category Amount | | |  |  | **$410,725.00** |  |
|  |  |  |  |  |  |  |
| CPA Category: Community Housing | | | |  |  |  |
| Lenox Affordable Housing Trust | | | |  | $112,499.40 | Community Housing |
|  |  |  |  |  |  |  |
| Total Expenditures | |  |  |  | **$523,224.40** |  |
|  |  |  |  |  |  |  |
| CPA Reserves (10% of Annual Revenues) | | | |  |  |  |
| Historic Preservation | | |  |  | $37,500.00 | FY 22 Annual Revenues |
| Community Housing | |  |  |  | $37,500.00 | FY 22 Annual Revenues |
| Open Space | |  |  |  | $37,500.00 | FY 22 Annual Revenues |
|  |  |  |  |  | **$112,500.00** |  |

ARTICLE 9. It was moved, seconded and approved to transfer $111,745.04 from the

Community Preservation Unrestricted Fund Balance to the CPC Historic Resources Fund for FY21 project expenses.

ARTICLE 10. It was moved, seconded and unanimously approved to transfer from

available funds $175,000 to be placed in the Fire Engine Stabilization

Account.

ARTICLE 11. It was moved, seconded and unanimously approved to create, in

accordance with Chapter 40, Section 5B of the General Laws, an

Ambulance Stabilization Fund; And further, to transfer from available

funds the sum of $50,000 to be placed in said fund. (2/3 vote)

ARTICLE 12. It was moved, seconded and unanimously approved to appropriate

$1,000,000 to be expended by the Permanent Building Committee, to pay

for design, engineering, repair, and construction in the Dome Room at

the Lenox Library, including the payment of all costs incidental and

related thereto, and that to meet this appropriation, the Treasurer, with

the approval of the Selectmen, is authorized to borrow said amount

under and pursuant to G.L. c. 44, §7(1) or any other enabling authority,

and to issue bonds or notes of the Town therefor. Any premium

received upon the sale of any bonds or notes approved by this vote, less

any such premium applied to the payment of the costs of issuance of

such bonds or notes, may be applied to the payment of costs approved

by this vote in accordance with G.L. c. 44, §20, thereby reducing the

amount authorized to be borrowed to pay such costs by a like amount.

(2/3 vote)

ARTICLE 13. It was moved, seconded and unanimously approved to appropriate $750,000 to be expended by the Permanent Building Committee, to pay for design, engineering, repair, and construction for the Town Hall roof, cupola and building, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. (2/3 vote)

ARTICLE 14. It was moved, seconded and unanimously approved to appropriate $3,000,000 to be expended by the Permanent Building Committee, to pay for design and engineering of upgrades at the wastewater treatment plant, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(14) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. (2/3 vote)

ARTICLE 15. It was moved, seconded and unanimously approved to appropriate $2,100,000 to be expended by the Permanent Building Committee, to pay for design and engineering services for a new public safety building, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(7) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. (2/3 vote)

ARTICLE 16. It was moved, seconded and unanimously approved to appropriate $2,300,000 to pay for design and construction of a replacement water main on Reservoir Road, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(5) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. (2/3 vote)

ARTICLE 17. It was moved, seconded and unanimously approved to transfer the care, custody and control of a portion of land described in a deed dated May 15, 1972 from the Foxhollow School, Inc. to the Town of Lenox, acting by and through its Conservation Commission, and the Town of Lee, acting by and through its Conservation Commission, which deed is filed with the Berkshire Middle Registry District of the Land Court as Document 14196, said property located at Laurel Lake Cross Road, and being an approximately 3.4 acre parcel, located in the Towns of Lee and Lenox, and shown on a plan entitled “Survey of Land in Lee & Lenox, Massachusetts Prepared for the Town of Lee,” dated April 2, 2012, said plan on file with the Town Clerk, from the Conservation Commission for conservation and open space purposes to the Board of Selectmen for the same purposes and for the purpose of conveyance to Edith Wharton Restoration, Inc. a/k/a The Mount, and authorize the Board of Selectmen to convey said parcel to The Mount on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and to authorize the Town acting by and through its Conservation Commission to accept a Conservation Restriction on all or a portion of the property; and to authorize the Board of Selectmen to submit a petition to the General Court for a special act authorizing the transfer of said parcel under Article 97 of the Amendments to the Massachusetts Constitution; and, further, to satisfy the Executive Office of Energy and Environmental Affairs’ “no net loss policy,” to authorize the Board of Selectmen to acquire and dedicate two parcels of land, “Open Space 1” and “Open Space 2”, equaling 4.48 acres, more or less, being a portion of property identified as Assessor’s Map 8, Parcel 1 and Assessor’s Map 8 Parcel 6-1, said parcels shown on a plan entitled “Approval Not Required Plan of Land in Lenox, Massachusetts Prepared for Lenox Landings Condominium Trust,” dated December 2, 2020, prepared by BEK Associates,” dated December 2, 2020, said plan on file with the Town Clerk, said land being a portion of property described in a deed recorded with the Berkshire Middle Registry of Deeds in Book 6459, Page 121, for conservation and open space purposes, to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, and/or such other parcel or parcels of land dedicated by the Board of Selectmen in its discretion, and dedicate said property to conservation and open space purposes in perpetuity, with the foregoing dedication of this land and/or the parcels dedicated by the Board of Selectmen to become effective upon the enactment of the Article 97 legislation.

A motion was made to amend Article 17 by Patty Spector, 185 Hubbard St.

“I move to amend Article 17 of the Town Warrant to reduce the portion of land proposed to be transferred from 3.4 acres to 1.39 acres, such portion consisting of the parcel designated as “Lot 2” on the survey dated April 2, 2012 and referenced in the Article, and to further amend Article 17 to include, as conditions of the transfer, a right of first refusal to the towns of Lee and Lenox in the event of a subsequent sale and a right of public access along the parcel’s shore line.”

It was moved, seconded and unanimously approved to amend Article 17 of the Town Warrant to reduce the portion of land proposed to be transferred from 3.4 acres to 1.39 acres, such portion consisting of the parcel designated as “Lot 2” on the survey dated April 2, 2012 and referenced in the Article, and to further amend Article 17 to include, as conditions of the transfer, a right of first refusal to the towns of Lee and Lenox in the event of a subsequent sale and a right of public access along the parcel’s shore line.”

ARTICLE 18. It was moved, seconded and unanimously approved to authorize the Board of Selectmen to acquire, by gift, two parcels of land on Walker Street, described as Open Space 1, containing 0.51 acres, more or less, and Open Space 2, containing 3.97 acres, more or less, said parcels shown on a plan entitled “Approval Not Required Plan of Land in Lenox, Massachusetts Prepared for Lenox Landings Condominium Trust,” dated December 2, 2020, prepared by BEK Associates, on file with the Town Clerk, said land being a portion of property described in a deed recorded with the Berkshire Middle District Registry of Deeds in Book 6459, Page 21, said property being acquired for the purpose of conservation and open space; and to authorize the Board of Selectmen to take such actions and execute such documents as are deemed necessary to acquire said property, upon such terms and conditions as the Board of Selectmen deems appropriate.

ARTICLE 19. It was moved, seconded and approved to adopt a new Section 16 of Chapter XIII of the Town of Lenox By-laws as follows:

Fireworks, pyrotechnics and other explosive devices are prohibited in the wetland area known as “Parsons Marsh”. This prohibition shall include a three hundred foot (300’) buffer area surrounding the marsh.

ARTICLE 20. It was moved, seconded and unanimously approved to amend the Zoning Bylaw to regulate agricultural uses under Section 8.14 by amending Definitions under Section 4 and amending the Schedule of Uses. Planning Board member Pam Kueber, 55 Kneeland Ave. offered an explanation from text available at the Annual Town Meeting.

ARTICLE 21. Selectmen Edward Lane moved to wave the reading of the motion and it was moved, seconded and unanimously approved. It was moved, seconded and unanimously approved to authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain and on such terms as the Board of Selectmen deems appropriate, the fee to and/or permanent and temporary easements in, on, under and over certain parcels of land located on or near Roaring Brook Road and approximately shown on plans entitled “Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plan and Profile of Roaring Brook Road Over Roaring Brook in the Town of Lenox Berkshire County,” prepared by Tetra Tech, on file with the Town Clerk, as said plans may be amended from time to time and/or incorporated into an easement plan, and land within 200 feet of said parcels, for public way purposes, including without limitation, for the construction, installation, inspection, maintenance, improvement, repair, replacement and/or relocation of a bridge, including rights of way, sidewalks, drainage, utilities, driveways, retaining ways, guardrails, slopes, grading, rounding, construction, landscaping, and other structures and/or appurtenances, to enable the Town to undertake the Roaring Brook Road Bridge Reconstruction Project and for any and all purposes and uses incidental or related thereto; (b) transfer the care, custody, and control of the portions of the Town-owned properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for the foregoing purposes and further to dedicate said portions of the Town-owned properties to said purposes, and, if applicable, authorize the Board of Selectmen to submit petitions to the General Court to permit the foregoing under Article 97 of the Massachusetts Constitution or otherwise; (c) authorize the Board of Selectmen to enter into licenses and/or other agreements with departments or agencies of the Commonwealth of Massachusetts, including but not limited to, the Division of Fisheries and Wildlife and the Department of Environmental Protection; (d) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further, (e) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.

ARTICLE 22. It was moved, seconded and unanimously approved to authorize payment in the amount of $1966.62 for FY20 unpaid invoices. (9/10 vote)

It was voted unanimously to adjourn the meeting at 6:22 p.m.

A true copy.

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

Kerry L. Sullivan

Lenox Town Clerk