

TOWN OF LUNENBURG

FISCAL YEAR 2016



FINANCE COMMITTEE REPORT

&

ANNUAL TOWN MEETING WARRANT

Annual Town Meeting

May 2, 2015 - 9:00 AM

Lunenburg High School Auditorium

Annual Town Election

May 16, 2015

T.C. Passios Elementary School

POLLS OPEN AT 7:00 A.M. - CLOSED AT 5:00 P.M.

PLEASE BRING THIS WARRANT WITH YOU TO TOWN MEETING

FINANCIAL TERMS

UNRESERVED FUND BALANCE - Previously referred to as Surplus Revenue, Excess and Deficiency Account, or E & D Account. The amount by which the cash, accounts receivable and other assets exceed the liabilities and reserves.

FUND BALANCE AVAILABLE FOR APPROPRIATION - (Free Cash) Unreserved Fund Balance less any uncollected prior year's property taxes, and less any unprovided for or overdrawn accounts. This must be certified as available funds by the State Director of Accounts before it can be voted in lieu of taxes.

PROVISION FOR ABATEMENTS AND EXEMPTIONS - (Overlay) Provision by Assessors for abatements and exemptions. This may not exceed 5% of the tax levy unless otherwise authorized by the State Tax Commission.

FUND BALANCE RESERVED FOR ABATEMENTS AND EXEMPTIONS SURPLUS (Overlay Reserve) Any unused balances in the Provision for Abatements and Exemptions Account is available for appropriation.

RESERVE FUND - This fund is used by the Finance Committee to provide for extraordinary or unforeseen expenditures. The total amount appropriated in any one year may not exceed 5% of the tax levy. No direct drafts against this fund can be made, but transfers from the fund can be authorized by the Finance Committee.

STABILIZATION FUND - Monies placed (voted) into a Stabilization Fund may be appropriated at an Annual Town Meeting by a two-thirds vote for any lawful purpose. This account is sometimes referred to as the "Town's savings account".

CHERRY SHEET - The Cherry Sheet is named for the cherry colored paper on which the State notifies the cities and towns of the estimated County and State Assessments and the estimated State distributions to be used in determining the tax rate as an offset to amounts that would otherwise be raised by taxation.

CITIZEN'S CHECK LIST - to be considered on each vote

- ✓ **IS IT NECESSARY?** Or is it something that is not really needed or perhaps already being provided by a private or public group?
- ✓ **CAN WE AFFORD IT?** Remember, there is no limit to what we would like, but there is a limit on what we can afford.
- ✓ **WHAT WILL IT COST ULTIMATELY?** Many proposals are like icebergs -- only a small fraction of the total cost is apparent on the surface.
- ✓ **HOW WILL IT AFFECT BASIC LIBERTIES?** If it imposes unreasonable or illegal restraints on your life or that of others, it should be vigorously opposed.
- ✓ **IS IT IN THE BALANCED BEST INTEREST OF ALL?** If it is designed to benefit a small group or special interest, while taking unfair disadvantage of others, work for its defeat.
- ✓ **IS IT A "FOOT-IN-THE-DOOR" PROPOSITION?** Comprising a little now may bring an oppressive burden later, either in more regulations or more taxes or both.
- ✓ **DOES IT PLACE TOO MUCH POWER IN THE HANDS OF ONE INDIVIDUAL OR GROUP?** Once decisive power is granted to a non-elected public official, a commission or a municipal authority, the private citizens lose effective control.
- ✓ **DOES IT RECOGNIZE THE IMPORTANCE OF THE INDIVIDUAL AND MINORITY OPINION?**
- ✓ This is the cornerstone of our Republic.

Finance Committee Report Fiscal Year 2016

The needs of the Town of Lunenburg continue to outpace growth in revenues, resulting in difficult decisions to get to a balanced budget, which is our mandate. The Town Manager has again used “target budgets” to guide the budget process and provide a framework for department heads to assess the level of service they are able to provide within the target amount. Unfortunately, early projections of revenue fell short of these targets. This required the Town Manager to recommend a balanced budget that does not fully fund these target amounts. The net effect is a preliminary budget recommendation that is essentially a level service budget.

Note that *level service* and *level funding* is not the same thing. A level service budget attempts to keep service levels (such as staffing) at or above current service levels. A level funding budget constrains funding to the same funding level as last year. Once again, the budget as presented here is a *level service* budget.

Since the Town Manager’s preliminary budget recommendation in February, we received better estimates of projected revenues and expenditures. Estimates of new growth from the Assessors’ office were up from the initial estimates, as were estimates of State Aid. These increases in revenue were partially offset by revised estimates of expenditures that also were increased. The result left us with a small surplus of \$129.6k in the Town Manager’s balanced budget recommendation as of April 2, 2015.

At our meeting of April 2, 2015, the Finance Committee voted 5-0 in favor of recommending that we appropriate these funds to maintain or increase service levels as follows:

- Fire Department: \$48,000 increase to weekend EMT coverage at the Public Safety building;
- Police Department: \$26,000 increase to desk coverage and \$10,000 for additional lock-up coverage;
- DPW: \$9,849.40 increase in the vehicle maintenance account;
- Library: \$14,250.60 increase to cover increased energy costs and materials;
- Snow and Ice Removal Account: \$15,000 increase to partially close the gap between budget and actual costs over the past several years;
- Stabilization Account: \$6,478 increase to maintain stabilization account balance at target 5% of operating budget in accordance with Town’s financial policies.

While these adjustments are reflected in the proposed budget accompanying this letter, the budget you vote on at Town Meeting may very well be different.

In this level service budget, revenues are projected to increase by \$1,579,411, or 4.7%, to a total of \$35,282,477. Here are the revenue highlights:

- Property Tax is increasing by \$2,288k, or 10.8%, driven by a 3.9% increase in the prior year levy (\$748.1k), a 2.5% increase in this year’s levy (\$504.3k), and a 2.9% increase in revenue from New Growth (\$57.5k). Note that this includes an increase of \$1,463.7k in excluded debt for the new MSHS building. Factoring out excluded debt, property taxes are increasing 4.1% (\$824.3k)
- State Aid is increasing by \$156k or 2.2%, driven by increases in Chapter 70 (\$202k or 3.6%), Charter Tuition Reimbursement (\$3.9k or 7.7%), Unrestricted General Government Aid/Lottery (\$33.9k or 3.6%) and Veteran Benefits (\$14.7k or 36.3%), offset by decreases in Choice Receiving Tuition (-\$25.5k or -10.6%) and a potential reduction in 40S (-\$67.6k or -36.8%).
- Local Receipts are increasing by \$240.8k or 9.6%, driven primarily by Motor Vehicle Excise (up \$64.2k or 4.5%) and Solar Net Metering Credits of \$130k.
- Available Funds are down (-\$1,105.5k or -39.4%) due to less Borrowing (-\$825.8k or -77.3%) and a decrease in unexpended articles (-\$40.6k or -56.9%).

Projected expenditures are estimated to be \$35,282,477, reflecting a balanced budget. This represents an increase of \$1,780,621, or 5.31%. Here are the major changes in expenditures:

- General government and central purchasing expenses are down slightly (-\$6k or -0.5%), which is the net impact of restructuring several positions in the Town Manager's office, the Town Accountant's office and the Treasurer/Collector's office.
- Police spending is increased \$59.9k or 4.7%, driven by step increases for newer officers and specialized training requirements. Police lockup is increased by \$18.9k or 37.1% to better align with historical spending.
- Fire is increased \$75k, or 11.1%, to fund contractual increases and additional hours of EMT coverage.
- Radio watch is up \$38.5k or 15.4%, due to a small increase in the regional assessment and additional police desk coverage.
- DPW is up \$80.8k or 8.7%, primarily due to storm-water management, hazard tree survey and salaries. Snow and ice removal has been increased by \$15k, or 5.8%, to better reflect our historical spending. Vehicle maintenance is up \$17.1k, or 10.0%, to reflect higher costs associated with aging vehicles.
- Solid waste is down -\$46.8k due to better estimates of recycling expense.
- Council on Aging is seeing a small dollar increase of \$4.4k for an increase in clerical hours.
- Veteran's expense is estimated to increase \$33.6k next year, or 146.7%, due to an increase in claims. Note that 75% of this expense is reimbursable next year.
- Lunenburg Public Schools spending is budgeted to increase \$644.4k, or 3.8%, which is well short of the superintendent's needs budget recommendation and slightly short (\$74.7k) of the District's level service budget. Work continues to find opportunities to close this gap.
- Monty Tech Assessment for FY16 is up \$90.7k (12.8%). Monty Tech's budget reflects state mandated minimum net spending requirement, no more, no less. Lunenburg's increase is driven primarily by an increase of 7 students.
- The Library is funded at the minimum level to assure state aid which represents an increase of \$10.6k or 3.0%. This increase is driven by increased energy costs and a small increase in required materials. Note that Public Buildings is increased \$14.3k to absorb some of the library energy cost increase.
- Debt service increases significantly due to the financing of the new Fire Engine, the Lane Property and bonding of the new MSHS project.
- Unclassified will increase \$170.4k, or 7.7%, driven by Health Insurance Premiums, which are up 10.1%.
- Retirement Assessment is up \$154.5k, or 18.6%, due to a disability retirement and several regular retirements.
- Non-appropriated expenses are up \$26.1k, or 1.7% (primarily Cherry Sheet Charges and Offsets)

The Capital Planning Committee has prioritized 11 items to be included in this year's Capital Plan, with a total of \$1,051.6k of requests. Town Manager recommends approval for all 11 items, with financing recommended for two of these items (dump truck, street sweeper). Cash impact of this recommendation is \$511.6k, with financing over three years proposed for the dump truck and street sweeper. Funding for the Pavement Management Plan is included in Article 15, FY2016 Operating Budget. We support this recommendation.

In summary, we simply don't have enough money to do all the things we need or want to do. We have to continue finding ways to live within our means. This budget relies only on recurring revenues to fund operating costs and includes funding to cover all contractual increases. We do not recommend a draw on stabilization; but we do recommend we deposit \$97,923 to maintain the Stabilization Fund at our 5% target. One risk in this budget is that we have significantly overspent in Snow and Ice. We have applied for reimbursement of \$304.8k in expenses at a rate of 75%. If this is approved, we could receive up to \$228.6k in reimbursement. If reimbursement is not fully approved, we will have to find additional funds elsewhere.

The Town Manager has recommended we discuss fiscal goals outside of the budget season so that we can be clear on our priorities and use this information to inform the budget process. Some of this has already been done, such as giving high priority to funding the Pavement Management Plan. For the Finance Committee, we have placed this on our agenda as a standing item and will discuss it at every opportunity. We wish to thank all of the dedicated public servants for their continued hard work and diligence.

Mark Erickson, Chair
Karin Menard

Terri Burchfield, Vice Chair
Jay Simeone

John Henshaw, Secretary
Caroline Griffis

CAPITAL PLANNING REPORT

CRITERIA: SAFETY, MANDATES, CRISIS, NEED, COST, EFFECTIVENESS AND ABILITY TO FUND

The Capital Planning Committee has presented the Fiscal Year 2016 plan to the Town Manager as required by Charter.
The committee has recommended the following items be included in the FY 2016 Capital Plan.

Capital Planning Committee Recommendation				Funding Source	Cash Outlay	Debt	Total
1	Pavement Management	\$	250,000.00	Operating Budget			
2	6-Wheel Dump & Sander	\$	190,000.00	Capital Budget, Debt	\$ 82,332.00	\$ 107,668.00	\$ 190,000.00
3	Backhoe	\$	120,000.00	Capital Budget, Cash	\$ 120,000.00	\$ -	\$ 120,000.00
4	Police Vehicles, Marked	\$	96,000.00	Capital Budget, Cash	\$ 96,000.00	\$ -	\$ 96,000.00
5	Drainage Culvert Repair, 2-Phases	\$	43,728.00	Capital Budget, Cash	\$ 43,728.00	\$ -	\$ 43,728.00
6	Municipal Buildings, Feasibility Study	\$	28,000.00	Capital Budget, Cash	\$ 28,000.00	\$ -	\$ 28,000.00
7	Intersection Reconfiguration, Plan & Implementation	\$	40,850.00	Capital Budget, Cash	\$ 40,850.00	\$ -	\$ 40,850.00
8	Technology, Town Departments	\$	34,000.00	Capital Budget, Cash	\$ 34,000.00	\$ -	\$ 34,000.00
9	DPW, Street Sweeper	\$	180,000.00	Capital Budget, Debt	\$ 64,950.00	\$ 115,050.00	\$ 180,000.00
10	Police, Speed Sign	\$	12,000.00	Capital Budget, Cash	\$ 12,000.00	\$ -	\$ 12,000.00
11	Technology, School Department	\$	30,000.00	Capital Budget, Cash	\$ 30,000.00	\$ -	\$ 30,000.00
12	Replace Gas Burner, Library	\$	15,000.00	Capital Budget, Cash	\$ 15,000.00	\$ -	\$ 15,000.00
13	HVAC Management System	\$	12,000.00	Capital Budget Cash	\$ 12,000.00	\$ -	\$ 12,000.00
	Total:	\$	1,051,578.00		\$ 578,860.00	\$ 222,718.00	\$ 801,578.00
Sources of Funding							
	Prior Year Unspent Capital	\$	67,284.64				
	Cash Outlay	\$	511,575.36				
	Borrowing	\$	222,718.00	\$ 801,578.00			
	Operating Budget, Department of Public Works	\$	250,000.00				
		\$	1,051,578.00				

Capital Planning Committee

Jamie Toale, Chairman- Board of Selectmen Representative
Dennis Mannone Jr., Vice Chairman- Citizen at Large Representative
John Henshaw, Clerk- Finance Committee Representative
Joanna L. Bilotta-Simeone, Member- Planning Board Representative
Heather Sroka, Member- School Representative
Kerry A. Speidel, Town Manager- Ex Officio Member

TOWN OF LUNENBURG
2015 ANNUAL TOWN ELECTION WARRANT

Worcester, ss:

May 16, 2015

To John E. Baker, Constable of the Town of Lunenburg, in the County of Worcester, Greetings:
In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Thomas C. Passios Elementary School in said Lunenburg on Saturday, the 16th day of May next, at 7:00 o'clock in the forenoon, and then and there to act on the following:

POLLS OPEN AT 7:00 A.M. POLLS SHALL BE CLOSED AT 5:00 P.M.

Shall the Town vote to choose by ballot the following officers?

MODERATOR	3 YEARS
SELECTMAN	3 YEARS
SEWER COMMISSIONER	3 YEARS
SEWER COMMISSIONER	3 YEARS
BOARD OF HEALTH MEMBER	3 YEARS
BOARD OF HEALTH MEMBER	3 YEARS
ASSESSOR	3 YEARS
SCHOOL COMMITTEE MEMBER	3 YEARS
PARK COMMISSIONER	3 YEARS
PARK COMMISSIONER	1 YEAR
COMMISSIONER OF TRUST FUNDS	3 YEARS
CEMETERY COMMISSIONER	3 YEARS
LIBRARY TRUSTEE	1 YEAR
PLANNING BOARD MEMBER	5 YEARS
PLANNING BOARD MEMBER	2 YEARS
PLANNING BOARD MEMBER	1 YEAR
HOUSING AUTHORITY MEMBER	5 YEARS

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, seven (7) days at least before the day appointed for said meeting, one of which places shall be at the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell's, and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least seven (7) days prior to such election.

Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands, this 7th day of April in the year two thousand and fifteen,

A True copy attest:
Kathryn M. Herrick, Town Clerk

Thomas A. Alonzo, Chairman
Paula J. Bertram, Vice-Chairman
James E. Toale, Clerk
Robert J. Ebersole, Member
Phyllis M. Luck, Member

INDEX OF MAY 2, 2015 ANNUAL TOWN MEETING ARTICLES

- ARTICLE 1. **CC** Reauthorize Revolving Fund – Ambulance Billing
ARTICLE 2. **CC** Reauthorize Revolving Fund – Timber Rights
ARTICLE 3. **CC** Reauthorize Revolving Fund – Custodial Special Detail
ARTICLE 4. **CC** Reauthorize Revolving Fund – Green Thumb Program
ARTICLE 5. **CC** Reauthorize Revolving Fund – Library Revolving Fund
ARTICLE 6. **CC** Reauthorize Revolving Fund – MART Transportation
ARTICLE 7. Hear/ Accept Reports of Certain Committees
ARTICLE 8. Payment of Prior Year Bills
ARTICLE 9. FY2015 Budget Adjustment Article
ARTICLE 10. FY2016 Lunenburg Professional Firefighter’s Collective Bargaining Agreement
ARTICLE 11. FY2016 Public Employees, Local Union 39 Collective Bargaining Agreement, DPW Employees
ARTICLE 12. FY2016 Public Employees, Local Union 39 Collective Bargaining Agreement, IBPO
ARTICLE 13. FY2016 Collective Bargaining Agreement, AFSCME
ARTICLE 14. FY2016 Capital Improvements Plan
ARTICLE 15. FY2016 Operating Budget
ARTICLE 16. Transfer to/ from Stabilization Fund
ARTICLE 17. FY2016 Lunenburg Sewer Department/ Enterprise Fund
ARTICLE 18. FY2016 Solid Waste Disposal Program Enterprise Fund
ARTICLE 19. FY2016 Lunenburg Water Department/ Enterprise Fund
ARTICLE 20. Appropriation to Special Police (Detail) Fund
ARTICLE 21. Vote to create Reserve Capacity Stabilization Fund and appropriate from available funds \$617.10 to place in RCSF
ARTICLE 22. Vote to establish a Revolving Loan Program under the jurisdiction of the Board of Selectmen for purposes of assisting income qualified town residents to replace or upgrade septic systems or connect to town sewer system
ARTICLE 23. Grant non-exclusive, perpetual easement to Boston Gas Company across LPS campus
ARTICLE 24. Grant non-exclusive, perpetual easement to UNITIL Corporation across LPS Campus
ARTICLE 25. Appropriate Bond Premium and Rescind Borrowing Authorization for MS/HS Property
ARTICLE 26. Amend General Bylaws, by adding Section XXXII, entitled Architectural Preservation District
ARTICLE 27. Amend Zoning Bylaws by adding Section 4.17, Village Center District
ARTICLE 28. Amend Zoning Bylaws by adding to Section 3.1, a new subsection 3.1.o, “Village Center District”
ARTICLE 29. Amend Zoning Bylaws by deleting the words “May 3, 2008” in section 3.2.1 and replacing with the words “May 2, 2015”
ARTICLE 30. Amend Zoning Bylaw Section 4.16 “Registered Marijuana Dispensaries,” to correct numbering sequence
ARTICLE 31. Amend Zoning Bylaw by adding to Section 5.2, “Setbacks and Yards,” a new Subsection 5.2.5.1.e, “Village Center District.”
ARTICLE 32. Amend Zoning Bylaw by amending Section 8.4, Development Plan Review Subsection 8.4.2.1.a, to add after “Retail Commercial District” and “Village Center District.”
ARTICLE 33. Amend Zoning Map to show the new delineation of the Village Center District of the Town
ARTICLE 34. Vote to designate Flat Hill Road in its entirety as a scenic road under MGL Chapter 40, §15C
ARTICLE 35. Vote to designate Northfield Road in its entirety as a scenic road under MGL Chapter 40, §15C
ARTICLE 36. Vote to Accept White Tail Crossing as a public way
ARTICLE 37. Amend Zoning Map to show the Commercial District located at or about 790 Massachusetts Avenue be changed to Limited Business/Residential District
ARTICLE 38. Vote to appropriate funds to finance the design, permitting, bidding and construction, including acquisition of land for sewer collection system in the area of Pleasant View Avenue and establish betterments
ARTICLE 39. Authorize Bylaw Regulating the Use of Vehicles on Whalom Lake
ARTICLE 40. Authorize Bylaw Restricting Public Consumption of Marijuana or Tetrahydrocannabinol
ARTICLE 41. Authorize Bylaw Giving Board of Selectmen Authority to License Suitable Persons to Carry on the Business of Pawnbroker, Buyers and Sellers, or Dealers in Metal as Provided by MGL, Chapter 140
ARTICLE 42. Authorize Bylaw to Restrict Sex Offender Residency and Create Sex Offender Safety Zones
ARTICLE 43. Vote to rescind the sum of \$284,263.59, the remaining borrowing authorization, from Article 2 of the November 6, 2001 STM for engineering and construction of sewers; or take any other action relative thereto
ARTICLE 44. Vote to rescind the sum of \$28,708.00, the remaining borrowing authorization, from Article 4 of the May 5, 2005 STM for engineering and construction of sewers; or take any other action relative thereto
ARTICLE 45. Vote to rescind the sum of \$125,000.00, the remaining borrowing authorization, from Article 5 of the October 1, 2002 STM for the renovation of the Turkey Hill Middle School heating system; or take any other action relative thereto
ARTICLE 46. Vote to rescind the sum of \$56,550.00, the remaining borrowing authorization, from Article 4 of the 5 May 3, 2003 STM for the construction and/or renovation of the heating system at the Thomas Passios Elementary School; or take any other action relative thereto
ARTICLE 47. Vote to amend Article XXIX, Section 1 of Agricultural Commission by adding “to oversee, operate or run a Farmers’ Market”; or take any other action thereto

TOWN OF LUNENBURG
ANNUAL TOWN MEETING WARRANT
May 2, 2015

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants to the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg High School Auditorium in said Lunenburg on Saturday, the 2nd day of May next, at 9:00 o'clock in the morning (9:00 A.M.), for the purpose of taking action on the Town Meeting Warrant, and then and there to act on the following articles, viz:

CONSENT CALENDAR

In an effort to streamline Town Meeting, the Board of Selectmen will once again try the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles, which the Selectmen feel in consultation with Town Counsel and the Finance Committee should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

THE CONSENT CALENDAR WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE ANNUAL TOWN MEETING ON SATURDAY, MAY 2, 2015.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "**HOLD**" in a loud voice when the number is called. The Article is then removed automatically from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that the voters pass all items remaining AS A UNIT.

Please review the list of articles and motions proposed for each Consent Item which follows.

"I move that **ARTICLES 1, 2, 3, 4, 5, and 6** be passed by consent"

CONSENT ARTICLES TO BE PASSED OVER IF THEY ARE "PASSED BY CONSENT"

ANNUAL TOWN MEETING ARTICLES

ARTICLE 1. CC To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½ the **Ambulance Billing Revolving Fund**. The purpose of this fund will be to cover the cost associated with compensating third party advanced life support companies and third party billing companies that contract and supply services to the Town. Five percent (5%) of the total revenue generated by ambulance services rendered and 100% of the revenue generated by Advanced Life Support services rendered shall be deposited into said revolving fund. The proceeds of said Revolving Fund shall be expended by the Fire Department without further appropriation for the sole purpose of reimbursing the aforementioned companies for services rendered to the town; expenditures from the revolving fund may not exceed **\$60,000** during the fiscal year without the approval of the Board of Selectmen and Finance Committee or take any other action relative thereto. (Submitted by Fire Chief) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 2. CC To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½ the **Timber Rights Revolving Fund**, such fund to be credited with the proceeds of sale by the Conservation Commission of the rights to harvest timber; funds in the account to be expended for the acquisition of land for conservation purposes and associated costs of such acquisitions, including but not limited to appraisals and payment of accrued taxes; such funds may also be expended for improvements on land already under the custody and control of the Conservation Commission; the Conservation Commission may expend such funds without further appropriation; expenditures from the revolving fund may not exceed **\$10,000** during the fiscal year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. (Submitted by Conservation Commission) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 3. CC To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the **Custodial Special Detail Revolving Fund**, for the purpose of paying special detail salaries for outside functions. Charges and money received from outside organizations in connection with this program are to be deposited in said revolving fund and expended by the Lunenburg School Committee without further appropriation for the sole purpose of paying personnel for hours worked. Said revolving account expenditures shall not exceed **\$25,000** per year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. (Submitted by School Committee) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 4. CC To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the **Green Thumb Revolving Fund**, to support the Green Thumb Program at Lunenburg High School. Fees, charges, and money received from sales of items in connection with this program are to be deposited in this Revolving Fund Account and expended for the operation of this program by the Lunenburg School Committee without further appropriation; said revolving account expenditures shall not exceed **\$20,000** per year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. (Submitted by School Committee) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 5. CC To see if the Town will re-authorize in accordance with MGL Chapter 44, §53E½, the **Library Revolving Fund**, to receive funds from library fines and penalties, donations and bequests up to \$12,000, said funds to be expended by the Trustees of Lunenburg Public Library for the purchase of library and information materials and document information and electronic data delivery. Expenditures from the revolving fund may not exceed **\$12,000** during the fiscal year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. (Submitted by Library Director) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 6. CC To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Council on Aging/Montachusett Area Regional Transit (**MART Elderly Transportation Revolving Fund**); the operation of said account shall be conducted by the Council on Aging, and the Senior Center Director; funds in this account shall be spent on the dispatch, operation, maintenance and record keeping of the MART vehicles for the elderly transportation program; all receipts resulting from MART reimbursements shall be credited to this account; said revolving account expenditures shall not exceed **\$45,000** per year without the prior approval of the Board of Selectmen and the Finance Committee; or take any other action relative thereto. (Submitted by Council on Aging) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 7. To see if the Town will vote **to hear and/or accept the regular written reports of the Town Officers and Committees**; or take any other action relative thereto. (Submitted by Board of Selectmen)

ARTICLE 8. To see if the Town will vote **to raise and appropriate, or transfer from available funds the sum of \$1,782** for payment of prior year expenses; or take any other action relative thereto. (Submitted by the Town Accountant) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 9. To see if the Town will vote **to appropriate and transfer from available funds, all sums of money necessary to amend the amounts voted for the Town's FY 2015 Budget, under Article 19 of the May 3, 2014 Annual Town Meeting**; or take any other action relative thereto. (Submitted by the Town Manager) **Board of Selectmen and Finance Committee to make recommendations at town meeting.**

ARTICLE 10. To see if the Town will vote **to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY'15, FY'16 & FY'17 Lunenburg Professional Firefighters PFFM, Local 4358A Collective Bargaining Agreement** dated July 1, 2014 – June 30, 2017; or take any action relative thereto. (Submitted by the Town Manager) **Board of Selectmen and Finance Committee to make recommendations at town meeting.**

ARTICLE 11. To see if the Town will vote **to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY'13, FY'14 & FY'15 Collective Bargaining Agreement** dated July 1, 2012 – June 30, 2015 with **Public Employees Local Union 39** of the Laborers' International Union of North America; or take any other action thereto. (Submitted by the Town Manager) **Board of Selectmen and Finance Committee to make recommendations at town meeting.**

ARTICLE 12. To see if the Town will vote **to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY'14, FY'15 & FY'16 Police Officers Collective Bargaining Agreement** dated July 1, 2013- June 30, 2016 with **IBPO Local 353, AFL-CIO**; or take any action relative thereto. (Submitted by Town Manager) **Board of Selectmen recommends approval 5-0, Finance Committee to make recommendation at town meeting.**

ARTICLE 13. To see if the Town will vote **to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY'15, FY'16 & FY'17 Collective Bargaining Agreement** dated July 1, 2014 – June 30, 2017 with **AFSCME, Council 93, Municipal Employees Union**; or take any other action relative thereto. (Submitted by the Town Manager) **Board of Selectmen recommends approval 4-0, 1 abstain (Bertram); Finance Committee to make recommendation at town meeting.**

ARTICLE 14. To see if the Town will vote **to raise and appropriate or transfer from available funds a sum of money for the FY 2016 Capital Plan**, as appearing in the Capital Planning Committee Report, or take any action relative thereto. (Submitted by the Capital Planning Committee) **Board of Selectmen recommends approval of \$801,578, 5-0, Finance Committee recommends approval of \$801,578, 5-0.**

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the charges and expenses of the Town for FY 2016 and to fix the salaries and compensation of all elected officials of the Town and any other items included in the budget of the Town Manager, or take any other action relative thereto. (Submitted by the Town Manager) Board of Selectmen recommends approval of \$32,025, 894, 5- 0, Finance Committee recommends approval of \$32,025, 894 , 5-0.

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Stabilization Fund; or take any other action relative thereto. (Submitted by the Town Manager) Board of Selectmen recommends approval of \$\$98,231, 5- 0, Finance Committee recommends approval of \$98,231, 5-0.

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds \$810,317 to operate the Sewer Enterprise Fund for FY2016; or take any other action relative thereto. (Submitted by the Sewer Commission) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds \$265,000 to operate the Solid Waste Disposal Program Enterprise Fund for FY2016, or take any other action relative thereto. (Submitted by the Board of Selectmen) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds, \$25,000 to operate the Water Department/ Water Enterprise Fund for FY2016, or take any other action relative thereto. (Submitted by the Board of Selectmen) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 20. To see if the Town will vote to raise and appropriate or transfer from available funds \$10,000 in accordance with MGL Chapter 44,§ 53C for the Police Detail Special Fund, for the purposes of paying special detail salaries for off duty details (outside functions) of members of the Police Department. Charges and money received from outside organizations in connection with this program are to be deposited in said special fund and expended by the Lunenburg Police Department without further appropriation for the sole purpose of paying personnel for hours worked; or take any action relative thereto.(Submitted by Board of Selectmen) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 21. To see if the Town will vote, pursuant to General Laws Chapter 40, § 5B, to create a Reserve Capacity Stabilization Fund and further to raise and appropriate from available funds the sum of \$617.10 into the Reserve Capacity Stabilization Fund; or take any other action relative thereto (Submitted by Sewer Commission) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 22. To see if the Town will vote to establish a revolving loan program under the jurisdiction of the Board of Selectmen for purposes in assisting income qualified town residents to replace or upgrade septic systems or connect to town's sewer system; and to authorize the Board of Selectmen to enter into an agreement with Montachusett Regional Planning Commission to administer said fund; and to provide funds for such purpose to transfer the funds recorded in Account 2575 of the Town Accountant's books, which funds represent the repaid monies from a grant program provided by the former Massachusetts Executive Office of Communities and Development (EOCD) for a revolving fund for septic systems upgrades, or to take any other action thereto.(Submitted by the Board of Selectmen) Finance Committee will report at town meeting.

ARTICLE 23. To see if the Town will vote to transfer the care, custody and control from the Board of Selectmen for the purpose for which it is currently held to the School Committee for school purposes, the property at 1079 Massachusetts Avenue, Lunenburg, for the purpose of granting a non-exclusive, perpetual easement to Boston Gas Company to construct, install and maintain gas facilities upon said property shown on a plan entitled "C200 and C210 dated 11/14/14 Conformance Set and As Built of the Gas Line Installation," which plan is on file with the Town Clerk, on such terms and conditions which the Board of Selectmen/School Committee may determine, or take any action relative thereto. (Submitted by School Committee)Board of Selectmen recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 24. To see if the Town will vote to transfer the care, custody and control from the Board of Selectmen for the purpose for which it is currently held to the School Committee for school purposes, the property at 1079 Massachusetts Avenue, Lunenburg, for the purpose of granting a non-exclusive, perpetual easement to UNITIL Corporation, to construct, install and maintain electric facilities upon the portion of said property shown on a plan entitled "C200 dated 11/14/2014 Conformance Set," which plan is on file with the Town Clerk, on such terms and conditions which the Board of Selectmen/School Committee may determine, or take any action relative thereto. (Submitted by School Committee) Board of Selectmen recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 25. To see if the Town will vote to appropriate the sum of amount of \$105, 975.36, the premium paid to the Town upon the sale of bonds or notes issued for the construction of a new Middle School/High School, which are subject of a Proposition 2 ½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount. (Submitted by Town Accountant) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 26. To see if the Town will vote to amend the General Bylaws of the Town by adding Section XXXII entitled *Architectural Preservation District*, as follows:

Section XXXII ARCHITECTURAL PRESERVATION DISTRICT

Section 1: Purpose

This bylaw is enacted under the Home Rule Amendment of the Massachusetts Constitution for the purposes of:

- (a) Preserving, restoring and protecting groups of historically and/or architecturally significant buildings and the characteristics of their neighborhoods that are important to the town's architectural, cultural, economic, political and/or social history;
- (b) Fostering wider public knowledge and appreciation of such neighborhoods and Contributing Properties;
- (c) Limiting the detrimental effect of alterations (substantial & minor), additions, and demolitions on the character of such Contributing Properties and their neighborhood settings;
- (d) Reviewing proposed alterations (substantial and minor) including demolition of or to any Contributing Property located within the APD, for appropriateness and compatibility with the existing buildings, setting and neighborhood character; and
- (e) Facilitating the protection of the APD through a regulatory review.

To achieve these purposes, the Town of Lunenburg may designate APDs to be administered as set forth in this bylaw.

Section 2: Definitions

For the purpose of this bylaw, the terms and words listed below shall have the following meaning:

ADDITION: Any addition to a principal or accessory Contributing Property that is enclosed by walls and which increases the existing gross floor area.

ADMINISTRATIVE REVIEW/DETERMINATION OF APPLICABILITY: Pursuant to Section 7 of this bylaw, a process to review proposed alterations to Contributing Properties and identify the need for Binding Review.

AGGRIEVED PARTY: The owner of the subject property or an owner of real property located within the APD or within three hundred feet of the subject property.

ALTERATION, MINOR: Replacement, modification or material change to existing architectural features on a Contributing Property, which retains the character of the property as determined by the Architectural Preservation District Commission. Examples include, but are not limited to windows, doors, roof material and trim work.

ALTERATION, SUBSTANTIAL: A change to a Contributing Property or part thereof, such as removal, reconstruction, restoration, replication, rehabilitation, addition, or demolition; and/or a change to a site that includes, enlarging or moving a building and other similar activities.

ARCHITECTURAL PRESERVATION DISTRICT ("APD"): An area of historic and /or architectural significance determined by the Town's residents to be worthy of preservation.

BINDING REVIEW: Pursuant to Section 8 of this bylaw, a mandatory process which applies to substantial alterations of contributing properties, including demolition, in the APD.

BUILDING: A combination of materials having a roof, the purpose of which is the shelter of persons, animals, property, or processes, including any other permanent structure.

CERTIFICATE TO ALTER: A document issued by the APDC allowing Alterations pursuant to Section 8 of this bylaw.

CONTRIBUTING PROPERTY: Any building or stone wall within an APD, which is older than 75 years and contributes to the Architectural Preservation District's historical character as determined by the Architectural Preservation District Commission.

DEMOLITION: The act of removing or razing structures or significant parts of structures, or commencing the work of total or substantial destruction with the intent of completing the same.

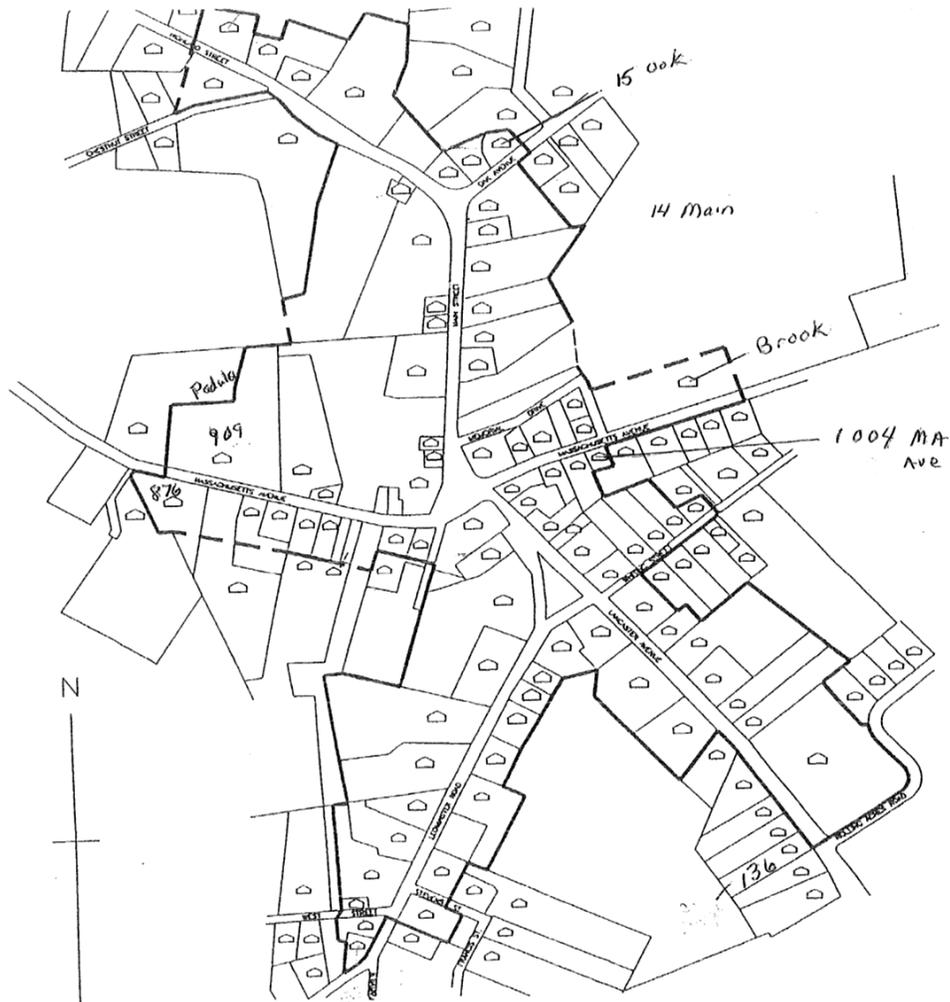
DEMOLITION BY NEGLECT: Destruction by failure to maintain roof, siding, foundation or any other aspect that requires upkeep, which could ultimately result in the Contributing Property being condemned. These include but are not limited to:

1. Facades which may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation, deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
5. Improper or insufficient waterproofing or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.

- 6. Any fault or defect in the Contributing Property caused by alteration or neglect of maintenance, which renders it not properly watertight or structurally unsafe.
- 7. Fireplaces or chimneys which list, bulge or settle due to deterioration.

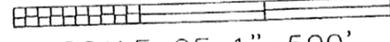
DESIGN GUIDELINES: A public document which provides further detail and illustration of the design standards established in Section 9 of this bylaw. Such guidelines, by facilitating the APDC's determination as to whether proposed alterations are appropriate and compatible with the existing Contributing Property's, setting and neighborhood character of the APD, will ensure fair, reasonable and objective preservation practices by the APDC.

DRAFT MAP



LUNENBURG HISTORIC DISTRICT

500 0 500 1000



SCALE OF 1"=500'

Section 3:

Designation of Architectural Preservation District (APD)

The APD shall, by Town Meeting vote, encompass the areas shown on the map entitled "Town of Lunenburg, Architectural Preservation District," and appended to this bylaw. Amendments to the district boundaries may be made only by vote of Town Meeting.

Section 4: Architectural Preservation District Commission (APDC)

The Board of Selectmen shall appoint a **five-member** APDC to oversee the APD pursuant to this bylaw. Initially, two members shall be appointed for one year, two for two years, and one for three years; each successive appointment shall be made for three years. The Board of Selectmen may also appoint up to two alternate members, initially for terms of one, two and three years, and for three-year terms thereafter. If members are absent, unable to act, or recused from voting due to a conflict of interest, the APDC chair may designate one or both of the alternate members to serve in their place. To the extent achievable, the APDC shall be comprised of the following persons: a member of the Lunenburg Historical Commission; a design professional; a craftsman or building contractor familiar with historic restoration; and two residents of the APD. Members and alternates of the APDC shall by reason of experience and/or education have demonstrable knowledge, interest, and ability to effectively carry out the APDC's responsibilities.

Section 5: APDC Powers and Duties

The APDC shall exercise its powers in reviewing the alteration (substantial or minor), including demolition of contributing properties within the APD as set forth in this bylaw, and in accordance with the standards described in Section 9. Within 180 days of its establishment, the APDC shall adopt design guidelines to assist the APDC in determining whether the proposal satisfies the standards described in Section 9, as well as to facilitate owner understanding of, and compliance with, those standards. The APDC may also promulgate rules and regulations consistent with the provisions of this bylaw, or set forth such forms and procedures as it deems appropriate for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, hearing procedures and other matters. In adopting design guidelines and rules and regulations, including any subsequent amendments, the APDC shall first hold a duly posted public hearing advertised at least fourteen (14) days in advance within a newspaper of local circulation.

The APDC shall not adopt or amend any design guidelines or rules and regulations until at least 35 days after the APDC has provided a copy of those proposed guidelines or rules and regulations to the Board of Selectmen.

Section 6: Exemptions

The following are exempt from the requirements of this bylaw:

- a) Routine maintenance of Contributing Properties.
- b) Repairs or improvements which do not require a building permit from the Building Inspector.
- c) Temporary buildings (subject to time and size limits imposed by the APDC).
- d) Interior building alterations.
- e) Exterior building colors.
- f) Installation, removal or replacement of storm windows and storm doors, screen windows and screen doors.
- g) Installation, removal or replacement of gutters, downspouts, window shutters and door shutters.
- h) Structures not defined as Contributing Properties.

Section 7: Administrative Review/Determination of Applicability

Minor alterations such as like for like replacement of architectural features and other minor work (as outlined in the APDC regulations) shall be reviewed through this process to ensure consistency of the property's character and appropriateness of the proposed materials. The APDC shall make a determination that the proposed work is exempt or that it does not retain the character of the Contributing Property. In the case where the work does not retain the character of the Contributing Property it shall be determined to equate to a substantial alteration and require a binding review per Section 8 of this Bylaw.

Property owners considering substantial alterations to a Contributing Property are strongly encouraged, but not required, to request an Administrative Review from the APDC. This review would focus on directing the applicant toward developing a proposal that would be compliant with the Binding Review Process in Section 8.

Administrative Review does not require a public hearing and can be requested electronically. In providing Administrative Review for a proposed Alteration, the APDC shall make a finding as to whether or not the proposed Alteration is compatible with the standards in Section 9 and the associated design guidelines. The APDC shall provide its finding in writing, as a Negative Determination or a Requirement of Binding Review, and within 20 days of receiving a request for Administrative Review. The Requirement of Binding Review may include recommendations on how the proposed Alteration could be made more consistent with the standards and the design guidelines.

Section 8: Binding Review

The following Alterations require the submittal of an application for binding review by the APDC:

- (a) Demolition of all or a part of a Contributing Property.
- (b) Substantial Alterations to a Contributing Property.

Applications should include a completed application form and photographs showing existing buildings and site conditions. For substantial alteration, including additions and demolition, applicants should also provide building elevations showing the proposed configuration and building materials; a plan showing the approximate footprint and relationships of buildings to other structures, exterior circulation, and points of entry; and any other plans

which may help to demonstrate the proposed building design. Applications can be submitted electronically, but applicants shall also provide one hard copy of the application to the Planning Office. If appropriate, the APDC may waive any or all of the requirements for design submittal and review. Within thirty (30) days of the application submittal, a copy of which shall be filed with the Town Clerk, the APDC shall hold a public hearing on the application, said hearing to be noticed by an ad published at least once in a newspaper with local circulation fourteen (14) days or more before the hearing. Following the hearing, the APDC shall determine whether or not the proposed Alteration is consistent with the standards set forth in Section 9 and the associated design guidelines. If the APDC determines by majority vote that the Alteration adheres to the standards and the design guidelines, it shall issue a Certificate to Alter, which may be subject to reasonable conditions that the APDC deems necessary and appropriate. If the APDC does not achieve a majority vote that the Alteration is compatible with the standards and the design guidelines, it shall make a negative determination. The APDC's written determination shall be submitted to the property owner within twenty (20) days of the close of the public hearing, and no later than ninety (90) days after the submittal of an application, unless granted a time extension by the owner. In making its determination, the APDC shall provide a rationale for its action, including a description of how the alteration does or does not meet the standards set forth in Section 9 and the design guidelines. If the APDC denies a Certificate to Alter, it may include non-binding advisory only, recommendations on how the proposed Alterations may be modified to satisfy the APDC. Once the applicant modifies the Alterations in a manner that the APDC finds acceptable, the APDC shall issue a Certificate to Alter. The determinations of the APDC relative to Alterations described in this Section 8, whether positive or negative, shall be binding on the applicant.

Section 9: Design Standards When reviewing an application, the APDC shall consider the following standards, which are intended to guide the property owner in the site development and building design, as well as the APDC in its review of proposed actions as described in Section 8 above:

- (a) **Height and Proportions** – The height, proportions, and relationship of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure.
- (b) **Relation of Structures and Spaces** – The relation of a structure to the open space between it and adjoining structures should be compatible with such relationships in the district.
- (c) **Shape** – The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of the building.
- (d) **Scale** – The scale of a structure alteration should be compatible with its architectural design style and character and that of the district.
- (e) **Directional Expression** – Building facades and other architectural design elements should be compatible with those of others in the district with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
- (f) **Garages and Accessory Buildings** – Garages and accessory buildings shall be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.
- (g) **Materials & Methods of Construction** – Materials used shall be consistent with the appearance and character of the surrounding properties and contribute to historic nature of the area. Construction methods shall meet Building Code requirements and visually resemble historic patterns but may use contemporary technology.

Section 10: Procedures for Issuance and Filing of APDC Determinations: Each Certificate to Alter or negative determination issued by the APDC shall be dated and signed by its chair or such other person designated by the APDC to sign certificates on its behalf. The APDC shall send a written copy of its actions to the property owner and shall file other copies with the office of the Town Clerk and the Building Inspector. The date of issuance of a certificate or negative determination shall be the date of its filing of other said copy with the office of the Town Clerk. If the APDC should fail to submit a written determination within twenty (20) days of closing its public hearing, or within ninety (90) days of the submittal of a Certificate, or within such further time as the applicant may allow in writing, a Certificate to Alter shall be waived in favor of the property owner.

Section 11: Enforcement In addition to the duties previously set forth in this Bylaw, the APDC or the Building Inspector shall issue enforcement orders, with an immediate cease and desist order directing compliance with this Bylaw and shall undertake any other enforcement authorized by law. Upon request of APDC, and with the approval of the Board of Selectmen, the Town Counsel shall take legal action on behalf of the Town for enforcement of this Bylaw, or any order issued hereunder, in any court of competent jurisdiction.

In the case of demolition, including demolition by neglect, without approval of the APDC no building permit shall be issued with respect to any Contributing Property within the APD that caused a demolition of its building, structure or Contributing Property for a period of up to two (2) years after the date of the violation.

The APDC or its designee may use any and all of the aforementioned enforcement methods to address the contributing factors of demolition by neglect for purposes of preventing a Contributing Property from becoming structurally deficient or economically infeasible to repair.

Section 12: Coordination with Other Town Boards and Bylaws

- (a) Except as stated in "(b)" below, the APDC's authority as established in this bylaw shall not supersede or interfere with the regulatory authority of other local or state boards or APDCs.
- (b) By exercise of this bylaw, the APDC assumes the authority of the Lunenburg Historical Commission pursuant to Chapter XVI of these General Bylaws, relative to the proposed demolition (including demolition by neglect) of buildings that are over 75 years of age and located within the APD.
- (c) The APDC shall coordinate its review with that of other Town Boards.
- (d) The APDC shall be included as an advisory review entity in new construction projects that move through the Planning Board Development Plan Review and/or Special Permit processes.

Section 13: Appeal Procedure

Any aggrieved party may appeal the action of the APDC in accordance with the General Laws.

Section 14: Validity and Separability

The provisions of this bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this bylaw shall continue to be in full force and effect.

Section 15: Appendices

Appendix A: The location and boundaries of the Town of Lunenburg Architectural Preservation District are defined and shown on the Town of Lunenburg Village Center District Map and the Town of Lunenburg Historic District Map, which is a part of this bylaw." or take any other action relative thereto. (Submitted by the Historical Commission and the Planning Board) **Planning Board recommends approval 5-0, Board of Selectmen recommends approval 5-0, Finance Committee reports no direct financial impact.**

ARTICLE 27. To see if the Town will vote to amend the Zoning Bylaw by adding Section 4.17. *Village Center District*, as follows:

4.17. VILLAGE CENTER DISTRICT

PREAMBLE

The Lunenburg Town Center region has tremendous importance in symbolizing the unique character and heritage of Lunenburg. As residents engage with the historic buildings and streetscape of this area in the course of their routine daily business, be it school related, recreational, commercial, or even just driving through, the experience greatly reinforces a profound bond with the town's present community and past heritage.

There is an opportunity to significantly improve the quality of this already poignant civic experience and increase the number of people who will be drawn to share in it by expanding the businesses and other attractions in the area. There is also a key challenge to preserving this critical embodiment of our town. Appropriate new uses or remedies must be found to the increasing number of underutilized buildings located about the town center.

Town planning experience and best practices, as exemplified in the state's model bylaw for Village Center Districts, demonstrates some key ingredients to sustaining and enriching this type of environment in small towns. One of these is careful stewardship through clear guidelines for development consistent with what the area means to the community. Another is encouraging a level of intensive mixed use development, so that the critical mass of social and economic activity can be reached that will naturally provide the resources and inspiration required to maintain and organically adapt the area landmarks, buildings, and infrastructure without excessive burden on the Town's public finances.

4.17.1. Purpose

In pursuit of this opportunity and to address this challenge, the Town implements this bylaw and designates this zoning district as Village Center District in order to encourage economic and residential growth that fits the character of the Town.

The purposes of the Village Center District are to:

- a. Build upon the historic development patterns in the existing village centers to create attractive, walkable neighborhoods;
- b. Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate;
- c. Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods;
- d. Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;
- e. Maintain a consistently high level of design quality throughout the district;
- f. Encourage the development of mixed use buildings and campuses that are designed and constructed in a manner that is contextually sensitive to the existing structures and facilities.

4.17.2. Establishment

The Village Center District is hereby established as of 1 January 2016 and consists of the area shown as the Village Center District on Town of Lunenburg Zoning Map on file with the Town/City Clerk and dated 2 May 2015 as may be amended from time to time by Town Meeting.

4.17.3. Definitions

Artist Space: A shop for the creation and/or sale of goods made by a potter, ceramicist, silversmith, jewelry maker, painter, photographer or other fine artist. This space may also serve as a living space for the artist provided there is adequate separation between uses per the governing Building and Health Codes.

Banner: A strip of cloth or other man made fabric on which a sign is painted, silk-screened or printed. The display area shall be defined as the area of one face of the banner. The banner shall not exceed (40) square feet and shall not be displayed for more than fourteen (14) consecutive days.

Bed & Breakfast: Bed and Breakfast, or Bed and Breakfast Establishment provided that:

- a) The dwelling is owner occupied.
- b) The lot conforms to all dimensional requirements of the Zoning Bylaw.
- c) Parking for each room available for rent is provided in the side yard behind the setback line or in the rear yard, but not nearer than ten (10) feet to any property line. One (1) parking place shall be provided for each bedroom.
- d) The outside appearance of the building is not altered from that of a residence, except to comply with the Building Code.

Civic Use: A land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, educational institutions, and medical facilities (not including veterinary operations). For the purposes of this bylaw, civic uses shall not include open space as defined below.

Multiple Commercial Use: A combination of commercial uses within a single building or lot. In the case of uses that fall under the Special Permit requirements of Section 4.17.5.b. a Zoning Board of Appeals decision must be rendered on the use prior to the filing for Development Plan Review.

Mixed Use: A combination of commercial and residential uses within a single building or lot. In the case of uses that fall under the Special Permit requirements of Section 4.17.5.b. a Zoning Board of Appeals decision must be rendered on the use prior to the filing for Development Plan Review.

Personal Service: An establishment engaged in the provision of services to the general public which are conducted within the structure. This includes, but is not limited to, barbers, hair salons, massage therapists, chiropractors and nail salons.

Professional Office: An office primarily devoted to professional activities, including, but not limited to, banks, real estate, insurance or other agency offices; an office of an accountant, physician, teacher, dentist, engineer, lawyer, homebuilder, photographer, or other recognized professional for which specific training and/or licensing is required. Drive-thru service shall be limited to banks and shall require a Special Permit.

Open Space: In the context of an application for a Village Center District Special Permit, this term denotes open areas set aside for public use as part of a coordinated site development process. Specific requirements for ownership and maintenance are provided in Section 4.17.9. and shall not include areas covered with impervious surface treatments.

Transparency: The amount of transparent space that occupies a building façade including standard street-level windows and doorway windows.

Restaurant: A place serving food and beverage within a structure or patio, primarily for consumption on the premises. Drive-thru windows shall be prohibited for this use.

Retail: An establishment engaged in displaying and selling goods or merchandise within a building to the general public or to business establishments where the goods or merchandise are not intended for resale. There shall be no outdoor display of goods without the granting of Special Permit from the Board of Appeals.

4.17.4. Authority

The Planning Board shall act as the administering authority for any Development Plan Review procedure associated with this bylaw Section 8.4. The Board of Appeals shall serve as the Special Permit Granting Authority for any use that requires a Special Permit in the district, any use requiring a Special Permit pursuant to Section 4.17.5.

4.17.5. Use Provisions

a. The following uses are allowed by-right subject to any Development Plan Review requirements listed in Section 8.4 and all applicable density and design provisions listed in this bylaw.

- 1) Retail, with maximum 5,000 sq. ft. of floor area
- 2) Professional Office Space
- 3) Personal Service
- 4) Artist space
- 5) Restaurant
- 6) Bed & Breakfast
- 7) Mixed Use containing less than 5,000 sq. ft. per individual proposed use
- 8) Multiple Commercial Use containing less than 5,000 sq. ft. per individual proposed use
- 9) Civic Uses

b. The following uses are allowed only through the granting of a Special Permit by the Board of Appeals pursuant to the procedures outlined in Section 8.3.

- 1) Single and Two-Family Homes
- 2) Multi-Family Homes
- 3) Apartment Complexes
- 4) Movie House/ Theatre (maximum of two screens)
- 5) Liquor Stores
- 6) Outdoor Markets subject to applicable licensing requirements
- 7) Private Club
- 8) Drive Through Use for Banks
- 9) Retail Use greater than 5,000 sq. ft.
- 10) Uses allowed by-right with a floor area greater than 5,000 sq. ft. included in a Multiple Commercial Use or Mixed Use development.

c. Special Permit Approval Criteria – The Zoning Board of Appeals shall act upon all applications after notice and public hearing, and after due consideration may grant such a special permit provided that it finds the proposed use:

- a. Is in harmony with the purpose and intent of the Bylaw and will promote the purposes of the Village Center District.
- b. The use is in harmony with those of the abutting properties and the Village Center District as a whole.
- c. All applicable standards for use, parking, and dimensional requirements are met;
- d. All applicable design standards listed in Section 8 are met.
- e. Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features.

d. The following uses are prohibited in the Village Center District

- 1) Newly constructed one-story buildings on lots of less than 5 acres.
- 2) Retail operations with more than five thousand (5,000) square feet of gross floor area on any individual floor, except for reuse of buildings existing prior to 1 May 2015.
- 3) Drive through establishments, excluding those expressly allowed by Special Permit.

4.17.6. Dimensional Requirements

a.

Building Type	Mixed Use with Commercial 1 st Floor	Other Mixed-Use or Residential Only
Maximum Floor Area Ratio (FAR) (Gross Floor Area/Lot Size)	2.0	1.5
Minimum Lot Frontage	75 feet	
Maximum Lot Coverage	85%	
Minimum Lot Area	N/A	
Number of Buildings Per Lot	See Section 4.17.9	
Maximum Building Frontage	300 feet	
Minimum Front Setback	5 feet	
Maximum Front Setback w/o street furniture	15 feet	
Minimum Side/Rear Setback abutting a Residential Zone	10 feet	
Minimum Side/Rear Setback in VCD	5 feet	
Interior Setback (Between Buildings on the Same Lot)	10 feet	

b. Height Limitations for Non-residential and Mixed Use: Building height for mixed use or non-residential use shall not exceed thirty-eight (38) feet and no building shall have more than three (3) stories.

4.17.7. Parking Requirements

Use	Parking Requirement
Retail/Personal Service/Liquor Store	1 parking space per 400 sq. ft. of net floor area, plus 1 space per employee on the largest shift
Professional Office/Civic Uses	1 parking space per 300 sq. ft. of net floor area
Artists Space	1 parking space per 400 sq. ft. of net retail/gallery floor area, plus 2 parking space per dwelling unit
Restaurant/Private Club	1 parking space per 4 seats, plus one for each employee on the largest shift
Bed & Breakfast	1 parking space per accommodation room, plus 2 parking spaces for the primary residence, plus 1 per non-resident employee on the largest shift.
Mixed Use/Multiple Commercial	Parking to be Provided per the Individual Uses
All Residential Uses	2 parking spaces per dwelling unit
Movie House	1 parking space per 4 occupants, plus 1 parking space per 2 employees on the largest shift
Outdoor Market	1 parking space per 500 sq. ft.

As part of a Development Plan approval or Special Permit process within this district, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking. Available innovative parking strategies include:

a. Shared On-Site Parking

1) Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board or the Board of Appeals if the applicant can demonstrate that the peak demands for two uses do not overlap. An additional 25% may be waived with the addition of bicycle parking facilities.

b. Off-Site Parking

Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following conditions:

1) Off-site parking shall be within one-thousand (1000) feet of the property for which it is being requested.

2) Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Permit Granting Authority as a condition of either the Development Plan Review or the Special Permit. Where an agreement shall expire within a specified timeline, the applicant or current property owner shall continue to provide evidence to the Zoning Enforcement Agent that the agreement has been extended. The Permit Granting Authority will verify with the Zoning Enforcement Officer that there are no existing parking agreements during the permitting process.

4.17.8. Design Standards

The Design Standards in this section shall be applied to development within the Village Center District where applicable.

a. Occupied Lot Area.

- 1) The total lot devoted to building, parking, outdoor storage and display and other impervious surfaces may occupy up to eighty-five (85%) percent of the total lot area.

b. Buildings

- 1) All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry.
- 2) Building finish materials shall be appropriate to traditional New England architecture.
- 3) Building facades, materials and roof lines shall be reviewed under the permit granting authority to ensure consistency and compatibility with other structures.
- 4) Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- 5) New retail buildings shall have one of the following features along the front entrances to pedestrians: awning, marquee, arcade and/ or colonnade.
- 6) Flat roofs that are visible from the street are prohibited unless an appropriate façade is included in the design.
- 7) Larger buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations of acceptable signage, awnings, marquees, colonnades or arcades.
- 8) Mixed Use buildings shall have no more than twenty five (25%) percent of the first floor dedicated to residential use. Conversion or partial conversion of residential uses existing before 1 May 2015 are exempt from this provision.
- 9) All new utility service connections shall be placed underground.
- 10) Lighting, signage and architectural style shall be consistent with other uses in the District and reviewed under the Permit Granting Authority.

c. Signs

- 1) Primary signs shall be flat against the façade, or mounted projecting from the façade.
- 2) Signs that project from buildings shall have at least ten (10) feet of clearance from the ground level.
- 3) Signs shall be externally lit from the front; lighting shall be provided using a gooseneck fixture. Back lighting of signs shall not be used.
- 4) Neon, flashing signs, moving signs, electric message signs, and roof signs shall not be used, except for barber poles.
- 5) Banners with a specific date of expiration, shall be allowed, after approval by the Zoning Enforcement Officer.
- 6) Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on façade surface.
- 7) Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.
- 8) Each building façade facing a street or parking area is permitted to have signs that equal a maximum square footage of five (5%) percent of the respective façade.
- 9) A building with multiple businesses shall have signs of equal size on the façade, signs shall be either rectangular or oval shaped.
- 10) Free standing signs shall be prohibited except for municipal use, portable and temporary signs.
- 11) Sandwich board signs, flags and other portable signs are permitted only within the property lines, as long as they are properly weighted.
- 12) Window signs, comprising no more than ten (10%) percent of the transparent surface, shall be allowed. Window signs shall not be lighted or animated in any manner, with the exception of the standard lighting fixtures within the building.

d. Site Design

- 1) Interior Streets, Drives, Walkways and Access.
 - a) Site access shall be a single divided way (one way in and one way out) where and when appropriate as determined by the Permit Granting Authority.
 - b) Surfaces shall be pervious when possible and practical.
 - c) Street level frontage shall be devoted to entrances, shop windows or other displays.
 - d) Primary entrances to proposed and existing buildings shall be situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet.
 - e) Setbacks shall be consistent with the fabric of the existing street and do not preclude pedestrian access.
- 2) Parking and Loading Area.
 - a) Parking shall be in the rear or side of building(s) and shall not be visible from the street line when possible. Parking will be reviewed by the Permit Granting Authority.
 - b) All loading docks shall be to the rear of the building(s) and shall not be visible from the street. Adequate access for loading and emergency vehicles is maintained on one side of the building.
- 3) Sidewalks.
 - a) Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).
- 4) Landscaping.

- a) There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the façades of the building(s) and between the building(s) if there is more than one principal building on site.
 - b) Additional landscaping and screening may be required during the Development Plan Review or by the permitting authority.
 - c) Such landscape shall be a type and height that does not interfere with sight lines of drivers.
 - d) Natural features shall be retained to the extent possible.
 - e) A landscape plan shall be provided and reviewed.
 - f) Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features.
- 5) Street Furniture.
- a) Light fixtures shall be designed to be of number and height that grants plentiful lighting. Such lighting shall shine downwards as to not affect adjacent properties and be dark sky compliant.
 - b) Lighting must also be placed on the side and rear of the building.
 - c) A Lighting Plan may be required if the Permitting Granting Authority deems the project is of such a scale that the impacts to the neighborhood are adverse; such plan will show where all light fixtures are being proposed within the site, as well as a narrative as to the type of light and height of all fixtures.
 - d) Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site.
 - e) The location, number and style of exterior trash receptacles shall be reviewed under Permit Granting Authority.

4.17.9. Village Center District Campus Developments

Developments that contain multiple buildings and uses on a single lot are encouraged as long as they are sensitive to the context of the surrounding area and meet the purposes outlined above. These developments are subject to the provisions of Section 8.4 Development Plan Review of the Protective Bylaw as well as the additional design guidelines outlined in Section 4.17.8. of this Bylaw and below.

a. Additional Design Standards: In addition to those design standards listed in Section 4.17.8. of this bylaw, applications for a Village Center District Campus shall also meet the following standards:

1) Buildings

- i. Newly constructed building façades for non-residential first floor uses shall have a transparency of at least thirty five (35%) percent and no more than sixty (60%) percent for all facades that, wholly or partially, address street frontage, sidewalks, or other public space.
- ii. Buildings in Village Center District Campus Developments shall meet the following criteria:
 - a) No more than ten (10%) percent of the first floor of newly constructed buildings shall be occupied by residential use.
 - b) No more than sixty (60%) percent of the total gross floor area of the development shall be occupied by residential use.

2) Signs

- i. Freestanding directory signs may be permitted as part of a Village Center District Campus application where several non-residential operations are accessed through a common vehicular entrance. Such freestanding signs shall not exceed eight (8) feet in height, six (6) feet in width and each tenant shall be allowed a maximum of four and a half (4.5) square feet to display the company or agency name.

3) Site Design

- i. Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.
- (ii) Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.
- (iii) Open space provided pursuant to Section 4.17.9.b. of this bylaw shall be designed as a public gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.
- (iv) Features that may be used to create open space areas acceptable to the Planning Board or the Board of Appeals may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.

4.17.10 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby, or take any other action relative thereto (Submitted by the Planning Board) **Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.**

ARTICLE 28. To see if the Town will vote to amend the Zoning Bylaw by adding to Section 3.1. a new subsection 3.1.o “Village Center District,” or take any other action relative thereto. (Submitted by the Planning Board) **Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.**

ARTICLE 29. To see if the Town will vote to amend the Zoning Bylaw by deleting the words “May 3, 2008” in Section 3.2.1. and replacing with the words “May 2, 2015,” or take any other action relative thereto. (Submitted by the Planning Board) **Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.**

DRAFT

Draft Working Map
Lunenburg Village District



ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaw Section 4.16. “Registered Marijuana Dispensaries” to correct the numbering sequence by renumbering “4.16.9.1.” as “4.16.7.1.”, “4.16.9.2.” as “4.16.7.2.”, and “4.16.10.” as “4.16. 8.” or take any other action relative thereto. (Submitted by Planning Board) Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

Article 31. To see if the Town will vote to amend the Zoning Bylaw by adding to Section 5.2. “Setbacks and Yards” a new Subsection 5.2.5.1.e “Village Center District” as follows:

e.) Village Center District

Building Type	Mixed Use with Commercial 1 st Floor	Other Mixed-Use or Residential Only
Maximum Floor Area Ratio (FAR) (Gross Floor Area/Lot Size)	2.0	1.5
Minimum Lot Frontage	75 feet	
Maximum Lot Coverage	85%	
Minimum Lot Area	N/A	
Number of Buildings Per Lot	See Section 4.17.9	
Maximum Building Frontage	300 feet	
Minimum Front Setback	5 feet	
Maximum Front Setback w/o street furniture	15 feet	
Minimum Side/Rear Setback abutting a Residential Zone	10 feet	
Minimum Side/Rear Setback in VCD	5 feet	
Interior Setback (Between Buildings on the Same Lot)	10 feet	

or take any other action relative thereto. (Submitted by the Planning Board) Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 32. To see if the Town will vote to amend the Zoning Bylaw by amending Section 8.4. Development Plan Review Subsection 8.4.2.1.a to add after Retail Commercial District “and Village Center District”, or take any other action relative thereto. (Submitted by Planning Board) Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 33. To see if the Town will vote to amend the Zoning Map to show the new delineation of the Village Center District of the Town or take any other action relative thereto. (Submitted by the Planning Board) Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 34. To see if the Town will vote to designate Flat Hill Road in its entirety as a scenic road under MGL Chapter 40, Section 15C, or take any other action relative thereto. (Submitted by the Planning Board) Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 35. To see if the Town will vote to designate Northfield Road in its entirety as a scenic road under MGL Chapter 40, Section 15C, or take any other action relative thereto. (Submitted by the Planning Board) Board of Selectmen recommends approval 5-0, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 36. To see if the Town will vote to accept White Tail Crossing as a public way, or take any other action relative thereto (Submitted by the Planning Board) Board of Selectmen will make recommendation at town meeting, Planning Board recommends approval 5-0, Finance Committee reports no direct financial impact.

ARTICLE 37. To see if the Town will vote to approve a zoning change from “Commercial” to “Limited Business/Residential” land described as parcels currently designated Parcel 8 on Assessor’s Map 59, and Parcel 9 on Assessor’s Map 59, or take any other action relative thereto. (Submitted by the Planning Board) Board of Selectmen recommends approval 3 in favor, 2 against (Bertram, Ebersole) , Planning Board will make a recommendation at town meeting.

ARTICLE 38. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$300,000 for the purpose of financing the design, bidding, permitting and construction, including the acquisition of land or interests in land relating thereto, of sewer collection systems as described in the Comprehensive Wastewater Management Plan, prepared by Wright- Pierce (Town’s Engineering Consultants) dated March, 2010, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, in the area of Pleasant View Avenue with connection to the sewer pipe on Graham Street and; to fund this appropriation, to authorize the Town Treasurer with the approval of the Board of Selectmen to borrow up to \$300,000 and; to issue bonds and notes therefor under Chapter 44 and/or Chapter 29C of the General Laws and; that the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow all or

a portion of said amount from the Water Pollution Abatement Trust established pursuant to said Chapter 29C and in connection therewith the Town Treasurer, the Board of Selectmen and/or the Sewer Commission is authorized **to enter into a financing agreement and/or security agreement with the Trust** and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such financing and for any federal or state aid available for the project or for the financing thereof and to take any and all other action, including without limitation the acquisition of land or interests therein by purchase or taking by eminent domain pursuant to General Laws Chapter 79, deemed necessary or advisable for such purposes; that such bonds or notes shall be general obligations of the Town, provided, however, that it is the intent of the Town that the principal and interest on such bonds or notes shall be paid, without further appropriation by the Town to the extent permitted by law, from funds received by the Town through betterment and/or privilege fees imposed on abutters who benefit from the project; or take any other action relative thereto. (Submitted by the Sewer Commission) **Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.**

ARTICLE 39. To see if the Town will vote **to authorize the enactment of a bylaw regulating the use of vehicles on Whalom Lake**

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Section 1. Purpose and Scope

The purpose and scope of this bylaw is to protect the safety of the public, to prevent the destruction of aquatic life, waterfowl or other wildlife, the decay of water quality and damage to abutting private and public lands by the inappropriate use of motor vehicles, recreation vehicles or snow vehicles on the waters or frozen waters of Whalom Lake; to promote voluntary compliance with all applicable laws relating to the operation of motor vehicles and when necessary to deter noncompliance through fines and penalties.

Section 2. Definitions

- a) Motor Vehicle: any motor vehicle as defined in M.G.L Chapter 90, § 1.
- b) All-terrain vehicle: means a motorized recreational vehicle designed or modified for travel on three or four low pressure tires and having a seat designed to be straddled by the operator and handlebars for steering control, and recreational vehicle or off-highway vehicle as defined in CMR 323, § 3.02 and governed by M.G.L Chapter 90B.
- c) Snow vehicle: a motor vehicle designed to travel over ice or snow, having a curb weight of not more than 453 kilograms or 1000 pounds, driven by track or tracks in contact with the snow or ice and steered by a ski or skis in contact with the snow or ice as defined in CMR 323, § 302 and governed by M.G.L Chapter 90B.
- d) Operation: (1) to ride in or on and control the operation of, or to maintain, suffer, supervise, or permit the operation of, or to push a snow vehicle or a recreational vehicle, or, (2) in the case of a motor vehicle, any person who makes use of any mechanical or electrical agency, which alone or in sequence will set in motion the motive power of the vehicle, whether or not the engine is not running; or (3) any person who utilizes any combination of actions that would set the vehicle in motion.
- e) Public Access: shall mean the public access located in the City of Leominster or any other place where Whalom Lake can be accessed by the public.
- f) Law Enforcement Officer: any police officer, constable or other officer authorized to make arrests or serve process provided he is in uniform or displays his/her badge of office.
- g) Board: Town of Lunenburg, Board of Selectmen

Section 3. Operation of Snow Vehicles and All-Terrain Vehicles

- A. No person, or group of persons shall operate, or cause to be operated on the waters or frozen waters of Whalom Lake, any snow vehicles that are not in compliance with Massachusetts CMR 323 § 2.01 to 3.09 & MGL c. 90 § 21 to 35.
- B. When the Town of Lunenburg or any other agency or state agency duly authorized by law has posted the waters or frozen waters of Whalom Lake to prohibit access for or use of snow vehicles or all- terrain vehicles, no person, or group of persons shall operate any snow vehicle or all-terrain vehicle upon such waters or frozen waters. In the absence of such a posting, persons utilizing water or the frozen water of Whalom Lake do so at their own risk and the Town of Lunenburg assumes no responsibility either implied or expressed for the safety of any person who voluntarily assumes a known and obvious risk inherent in such activities. No person shall operate a snow vehicle or all-terrain vehicle upon any frozen waters of Whalom Lake under any circumstance unless a minimum of five inches of solid ice cover is present. The operator shall determine the thickness of the ice, and assumes all responsibility in undertaking an activity with an inherent and known risk.

Section 4. Operation of Motor Vehicles Prohibited

- A. No person, group of persons or organizations shall operate, or cause to be operated, any motor vehicle, as defined in MGL c. 90 § 1 on the waters or frozen waters of Whalom Lake.

Section 5. Public Access Only

B. No Snow Vehicle or All-terrain vehicle shall enter upon Whalom Lake except by public access or by written permission by the landowner.

Section 6. Penalties

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal complaint or fines pursuant to G.L. C.40 § 21D, by the Board of Selectman, the Town Manager or their duly authorized agents, or any police officer. Whether enforced through criminal or civil process, the fine for a violation of this bylaw shall be three hundred dollars (\$300.) for each offense.

Board of Selectmen to make recommendation at ATM, Finance Committee reports no direct financial impact.

ARTICLE 40. To see if the Town will vote to enact a bylaw that restricts the public consumption of Marijuana or Tetrahydrocannabinol.

The bylaw shall consist of two sections:

Section 1: No person shall ingest or otherwise use or consume marijuana or tetrahydrocannabinol, (as defined in G.L. c.94C§ 1, as amended,) other than a qualified patient with a valid medical certification of a debilitating condition, all as defined under state law, while in or upon a street, sidewalk, public way, footway, or pathway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any town owned vehicle; or in any place accessible to the public. No person, including a qualifying patient with a valid medical certification of a debilitating condition, as defined under state law, shall smoke marijuana or tetrahydrocannabinol in any public place set forth herein.

Section 2: This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal complaint of fines pursuant to G.L. c.40 § 21D, by the Board of Selectman, the Town Manager, or their duly authorized agents or any police officer. Whether enforced through criminal or civil process, the fine for a violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. (Submitted by Police Chief)

Board of Selectmen to make recommendation at ATM, Finance Committee reports no direct financial impact.

ARTICLE 41. To see if the Town would vote to enact a bylaw authorizing the Board of Selectman to license suitable persons to carry on the business of pawnbrokers, buyers and sellers, or dealers in metal, as provided by MGL c.140 as amended.

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Section I. Violations and Penalties

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Article I. Buyers and Sellers of Goods and Electronics

Section I. Licensing Authority and Requirements

Subsection A.

The Board of Selectmen may license suitable persons to be pawnbrokers or buyer of goods pursuant to law. Such licenses shall not be valid to protect the holders thereof in a building or place other than that designated in the license, unless consent to removal is granted by the Board of Selectmen. Applications for new licenses under this bylaw may be filed at any time with the Board of Selectmen. Applications for the reissue of licenses already existing should be filed at least 30 days before the expiration of such licenses. Persons whose licenses have expired and have not been reissued will be liable to prosecution if carrying on business for which the license is required. Every person so licensed shall, at the time of receiving such license, file a bond as provided by MGL c. 140 § 77 as amended.

Subsection B.

Persons who engage in or carry on the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender, must be licensed as pawnbrokers. This provision, however, does not apply to loans made on stocks, bonds, notes or other written or printed evidence of ownership of property or of indebtedness to the holder or owner of such securities. (MGL c. 140, § 70 – 85)

Section II. Interest Rates

- A. Licensed pawnbrokers may charge interest at the rate of 3% per month, and in no event may they charge more than the rate allowed by the Massachusetts Commissioner of Banks.
- B. No such pawnbrokers shall charge or receive any greater rate of interest, and interest shall be determined on the precise sum advanced by the lender.
- C. No pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods, articles or things pawned with him. (MGL c. 140, § 78)

Section III. Police may enter and inspect premises and records

Subject to the laws of this Commonwealth, any officer of the Lunenburg Police may at any time, enter upon any premises used by a licensed pawnbroker or buyer for the purposes of his or her business, ascertain how he or she conducts his or her business and examine all articles taken in pawn or bought, or kept or stored in or upon said premises, and all books and inventories shall be exhibited to any above name whenever a demand shall be made for such exhibition. (MGL c. 140, §§ 73, 74) (Penalty for refusal, MGL c. 140, §§ 73, 74)

Section IV. Numbering of pawned articles

Every licensed pawnbroker or buyer shall, at the time of making any loan, attach a number to the article taken in pawn or bought, and shall make entry of such number in the book provided for in Section V. of this article.

Section V. Maintenance of records; contents; photo identification

- A. Every licensed pawnbroker or buyer shall keep a book of style and size in which shall be legibly written in ink, in the English language, at the time of making each loan, an account and description, including all distinguishing marks and numbers, and serial numbers of the goods, articles or things pledged or pawned, the amount of money loaned or paid thereon, the day and hour when it was pawned, the rate of interest to be paid on such loan, the number of such article as same. No entry made in said book shall be erased, obliterated or defaced. Electronic Record Keeping by the pawnbroker or buyer is acceptable as long as the records meet all the bylaw requirements.
- B. Every pawnbroker or buyer shall photograph any person pawning or pledging articles and keep such photographs with said books as part of his or her records. (MGL c. 140, § 79).
- C. For all transactions, every pawnbroker or buyer shall also require positive identification and shall record the type of identification presented and record the date of birth from any person pawning, pledging or selling any article. Positive identification shall mean any picture identification card issued by a governmental agency.

Section VI. Pledge cards; contents; retention

Each pledger shall be required by the pawnbroker to sign his or her name, age and address on a card. In the event that the pledger is unable to write, the pawnbroker shall fill in the name, age and address on such card, together with a notation stating that the pledger was unable to do so. Such card shall be retained seven years in an alphabetical index file by the licensed pawnbrokers.

Section VII. Copy of required record to pledger

Every pawnbroker or buyer shall, at the time of making such loan, deliver to the person who pawns or pledges any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made in his book by the provisions of section V. and no charge shall be made or required by any pawnbroker or buyer for any such entry, memorandum or note. (MGL c. 140, § 80)

Section VIII. Daily report to police

Subsection A. Every licensed pawnbroker or buyer shall make out and deliver a report of transactions to the Lunenburg Police Chief or his designee, every day before the hour of 10:00 a.m., a legible and correct list containing an accurate description, including all distinguishable marks, numbers and serial numbers of all articles taken in pawn or bought during the preceding business day, the respective numbers of such articles as provided by Section IV of this bylaw, the amount loaned or paid thereon, and the time when such articles were pawned or bought. This report can be done electronically or faxed to the Lunenburg Police Chief or his designee. If during the preceding day no articles have been taken in by such pawnbroker or buyer, he or she is not required to report. This report can be done both electronically via the Internet and by fax.

Subsection B. If any goods or articles pawned or pledged and in the possession of a pawnbroker or buyer are subsequently determined to be stolen property by a member of the Lunenburg Police Department or the Massachusetts State Police, or if the rightful owner identifies property in the possession of a pawnbroker or buyer and the property so identified is confirmed to be stolen goods by a member of the Lunenburg Police Department or Massachusetts State Police, said property shall be returned to the rightful owner at no cost to such owner.

Section IX. Posting Requirements

Subsection A. Every licensed pawnbroker or buyer shall post in a conspicuous place in his or her shop or office a copy of the statutes, bylaws and police regulations relating to pawnbrokers/buyers to be furnished by the Lunenburg Police Department's Police Chief or designee, and shall put in some suitable and conspicuous place in his shop a sign having his/her name and occupation legibly inscribed thereon in lettering of a size and font so as to be easily and readily viewed by the public.

Subsection B. No pawnbroker or buyer shall place or maintain any signs or devices upon or in connection with his or her licensed premises indicating or tending to indicate that any form of business is conducted therein which he or she is not legally authorized to pursue.

Section X. Hours of Operation

Pawnbroker or buyer shall have his or her shop open for transactions between sunrise and 10:00 p.m. in the evening of any weekday and weekend. Under no circumstances can a pawnbroker or buyer operate after the hour of 10:00 p.m. to sunrise.

Section XI. Disposition of pledged articles

Subsection A. Articles deposited in pawn with a licensed pawnbroker shall unless redeemed, be retained by him on the premises occupied by him for his business for at least four months after the date of deposit.

Subsection B. After the expiration of the applicable period of time he may sell the article by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand.

Subsection C. No such sale of any article, which is not of a perishable nature, shall be made unless not less than 10 days prior to the sale a written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence, as appearing in the records of such pawnbrokers. Proof of registered mail shall be kept on file for one year after the date of sale.

Subsection D. No article taken in pawn by such pawnbroker or buyer shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding.

Subsection E. Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section.
(MGL c. 140, § 71)

Section XII. Prohibitions

Subsection A. No pawnbroker or buyer shall make a loan, directly or indirectly, to a person under the age of 18, knowing or having reason to believe him or her to be such.

Subsection B. No pawnbroker or buyer shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun.
(MGL c. 140, § 131B)

Subsection C. Unless otherwise qualified and licensed under MGL c. 140, no pawnbroker or buyer shall hold a license to sell, rent, or lease a firearm, rifle, shotgun, or machine gun.

Section XIII. Complaints, Disciplinary Action; Hearing

Subsection A. Complaints concerning licensed pawnbrokers or buyers shall be investigated by the Lunenburg Police Department under the direction of the Chief of Police.

Subsection B. In the event the Chief of Police determines that disciplinary action should be instituted against a licensed pawnbroker or buyer, the Chief of Police shall cause to be served upon the licensed pawnbroker or buyer notice as to the time, date and place of hearing, and of the charge with a statement of the reasons for the proposed disciplinary action. Hearings shall be conducted in accordance with law.

Section XIV. Suspension or Revocation of License

The Board of Selectmen may suspend or revoke licenses provided for by this article for any cause which the Board of Selectmen deems sufficient. Offenses which may result in the suspension or revocation of a pawnbroker's or buyer's license include but are not limited to the following:

- a) A violation of any section of this article.
- b) A violation of any provision of any statute or applicable law.
- c) Any substantial evidence demonstrating, in the opinion of the Board of Selectmen, that the license is no longer suitable.

Article II. Sale, Exchange or Purchase of Metals

Section I. Findings

The Town of Lunenburg finds that there is a cognizable risk for stolen metals to end up in the possession of even legitimate businesses which trade in metals, including precious metals. Certain criminals bring stolen metals, including precious metals, to dealers in jewelry and scrap metal. The victims of theft have only a small hope of recovering their property unless the people and entities who receive scrap metals and jewelry are regulated in a manner which identifies both the metal received by the dealers and the persons who deliver the metal to these dealers. There is an Internet alert system used by the Lunenburg Police Department, which reports stolen metals. Monitoring transactions within the town and identifying both the metals and the persons selling or delivering these metals will serve both to deter theft and to enable the Lunenburg Police Department to trace and recover stolen property and return it to the rightful owners.

Section II. Definitions

As used in Article II, the following terms shall have the meanings indicated:

ARTICLE: Any metal which is subject to Article II and is exchanged, sold, collected, bartered or received by a person dealing in metals.

CHIEF OF POLICE: The Chief of the Lunenburg Police Department or his designee.

EXCHANGE: Receiving, purchasing, selling or bartering metals, including precious metals and industrial scrap metals.

METAL: A chemical element that is malleable, opaque and ductile, usually solid, which has a characteristic luster, is a good conductor of heat and electricity, and can be melted or fused, hammered into thin sheets, or drawn into wires, e.g., copper, aluminum, gold, silver or iron or other metals.

PRECIOUS METAL(S): Any metal which is considered valuable, such as silver, gold, platinum, and copper, without regard to the form or amount of such precious metal.

BOARD: Board of Selectmen

Section III. License Required

a) No person shall collect, deal in, exchange, buy, or keep a shop or place for the exchange, purchase, sale or barter of metals, including precious metals and industrial metals, in any building or place within the limits of the town without having a license issued by the Board of Selectman. The license requirement and the other requirements of this Article II shall not apply to commercial haulers having valid, current United States Department of Transportation stickers affixed to their vehicles.

b) Board of Selectmen may, for a fee set by said board and based upon an application devised by said board, license suitable persons to be dealers in and keepers of shops or locations for the purchase, sale or barter of precious metals at such places within the town as may be designated in such license. The Board of Selectmen may place reasonable conditions on such licenses which shall be inscribed on the face of the license. A license shall be limited to a specific address stated thereon. Subject to the notice and appeal provisions contained in 23 of this Article II, the Board of Selectmen may deny a license to any person who, in the exercise of his reasonable discretion, is unsuitable.

c) All metal dealer licenses shall expire annually on the last day in December. The license holders shall be responsible for submitting an application for license renewal with the license fee to the Board of Selectmen at least 30 days prior to the last day in December. Upon receipt of an application for renewal, the Board shall consider the performance of the licensee during the previous year and shall determine whether the licensee had been found in violation of this Article II and other bylaws and regulations of the town applicable to metal dealers.

d) The Board of Selectmen may promulgate reasonable regulations not inconsistent with this Article II which shall be binding upon all licensees. No regulation shall take effect until the expiration of 30 days from the date the regulation(s) is delivered or mailed to the person(s) then licensed. The Board of Selectmen shall deliver a complete set of regulations and any amendments thereto to the Town Clerk. The Town Clerk shall maintain the complete set of all regulations in a book available to the public.

e) The obligation to obtain a license as required by this section will take effect 45 days after approval by Town Meeting of this bylaw.

Section IV. Transactions with Minors

No licensee shall, directly or indirectly, exchange any metals with a person under the age of 18.

Section V. Waiting Period

No article exchanged, purchased or received shall be sold, or altered in appearance, form or substance until a period of at least twenty-one (21) days have elapsed from the date of its purchase or receipt. All articles exchanged, purchased or received must be made available to the Lunenburg Police Department upon request within 24 hours of such request, and the Police Department may investigate to determine if any article is, or may be, stolen property. This waiting period does not apply to scrap metal yards which are exempt from any waiting period.

Section VI. Daily Report

Every licensee shall electronically create and send to the Police Chief or his designee, on a form, in the manner and at the time prescribed by the Police Chief or his designee, a legible, a complete and accurate list containing an accurate description of all metal articles received by the licensee

during the previous 24 hours. The description must include: the type of metal; the size and/or quantity; whether the article is or may be a precious metal; if applicable, whether the article is typically used by or associated with a male or female; the wording of any engraving; whether the article has any gems or precious stones; any identifying number and every other identifiable trait.

Section VII. Recordkeeping Requirements

A. Every licensee shall, at the time of making any exchange or receipt of any article, assign and attach a number to each article received and shall make entry of such number in the book described in Subsection B.

B. Every licensee shall keep a book in which shall be legibly written in ink, in the English language, at the time the licensee receives any article, the following information:

- 1) An account and description, including all distinguishing or identifying marks and numbers of every article received by the licensee.
- 2) The amount of money, if any, paid for the article.
- 3) The date and hour when it was received.
- 4) The name, age, permanent address and telephone number of the person from who purchased or received.
- 5) A copy of the document used to identify the person giving the article to the licensee.

A. Every licensee shall require positive identification from any person selling or exchanging any article. The licensee shall copy and record the type of identification presented and the date of birth from any person giving or exchanging any article. Positive identification means only a government-issued document with the person's name and photograph. The licensee shall photograph any person exchanging any article(s). A copy of the identification and the photograph shall be kept with the book required by this section as part of his records.

B. No entry made in the book required by this section shall be erased, obliterated or defaced in any manner whatsoever. The book shall at all times be open for the inspection by the Police Chief or any police officer. The licensee shall keep and maintain all the records required by this Article II for a period of three years from the date of the last entry in any book.

Section VIII. Posting of Name, Occupation and License; Inspections

Every licensee shall post in some suitable and conspicuous place where he or she receives or exchanges articles, a sign having his/ her full legal name, and his/her business name, if different, and his/her occupation legibly described thereon in large letters. The current license shall also be so posted. The location where transactions occur, the store or shop and all articles exchanged and or kept therein or received therein and the book and documents required by this Article II, may at all times be examined by the Police Chief or any police officer at their request.

Article III. Violations and Penalties; Fees

Section I. Violations and Penalties

A. Whoever not having a valid license as required by this Article II, exchanges, collects, deals in or barter metals in any place or manner other than that designated in his license, or after notice to him that his license has been revoked, or whoever violates this Article II or any rule, regulation or restriction contained in his license, or any regulation promulgated by the Town of Lunenburg shall be subject to the fines and sanctions described in this section. Each day of such violation shall constitute a separate offense.

B. The fine for breach of the duty imposed by this Article II is three hundred dollars (\$300). Each day on which the person continues in violation shall be considered as a separate violation.

C. This Article II may also, at the discretion of the Chief of Police, be enforced by civil process or by noncriminal disposition as provided in MGL c. 40, § 21D. The Chief of Police or any Lunenburg Police Officer may issue tickets to enforce this Article II. If enforced civilly by ticket each day on which a violation exists shall be deemed to be a separate offense, and the violator shall be subject to the following fines:

- 1) First violation: \$150.
- 2) Second violation: \$200.
- 3) Third violation: \$300.
- 4) Fourth and each subsequent violation: \$300.

D. In addition to the penalties set forth above, the enforcing authority may seek an injunction from an appropriate court to restrain any violation of this Article II, any regulation promulgated by the Town of Lunenburg or any condition inscribed on a license.

E. The Board of Selectmen may suspend or terminate any license or refuse to renew any license for violation of this Article II, a regulation promulgated by the Town of Lunenburg or any condition inscribed on the license. The Board of Selectmen, if electing to take action under this section, shall use the procedure described in this section.

1) Notice of violation. Whenever it comes to the attention of the Board of Selectmen that a violation of this Article II, a regulation promulgated by the Town of Lunenburg or a condition inscribed on a license, the Board shall by written notice, deliver personally or send by certified mail to the licensee notify him of the violation and order the person to cease and desist. Depending on the severity of the violation as determined by him, the Board of Selectmen may suspend or terminate the license. The Board shall also provide notice described herein if it denies an application for a license stating the reasons therefor.

2) Contents of notice. The written notice to the licensee shall contain a description of the violation(s) and the date(s) of occurrence and a citation to the section of the ordinance, regulation or license condition which the licensee is alleged to have violated. The notice will, if applicable, describe what the licensee must do to comply, whether the Board of Selectmen intends to terminate the license and the effective date of the termination which shall afford the licensee at least seven days to file an appeal of the proposed termination to the Board. In the case of denial of a license, the notice shall state the reasons for the denial.

- 1) Appeal. Upon receipt of a notice of license termination, or denial, the licensee may, within seven days of receipt of the notice, file a written appeal by delivery or certified mail to the Board of Selectmen's office during the hours of 8:30 a.m. to 4:30 p.m. on days when Town Hall is open for business. When the Board of Selectmen receives an appeal, he or she shall appoint a neutral hearing officer who will take testimony from any persons with knowledge of the facts including any police officer and the appellant. The appellant may be

represented by counsel and any person so testifying will be subject to cross examination. The proceedings will be governed by the rules of evidence applicable to an informal administrative hearing. The hearing officer will assure that an appropriate record, including any documents submitted, is made and kept. The decision of the hearing officer will be written and final.

- A. In addition to the other actions available under this bylaw, the Board of Selectmen, subject to the process described in this section, may refuse to renew any license. The Board shall not issue a license to any person convicted of a felony.

Section II. License and Administration Fees

- 1) Buyer of Goods and Electronics Annually \$250.00
- 2) Buyer of Metal and Precious Metals Annually \$250.00
- 3) Pawnbroker License Annually \$1000.00

Amendments

(Submitted by Police Chief)

Board of Selectmen to make recommendation at ATM, Finance Committee reports no direct financial impact.

ARTICLE 42. To see if the Town will vote to enact a bylaw to restrict Sexual Offender Residency and create Sex Offender Safety

Zones

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Section 1. Findings and Intent

- A. It is the intent of this bylaw to serve and to protect the Town's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Town by creating areas around locations where children, or the elderly regularly congregate in concentrated numbers wherein certain sex offenders are prohibited from loitering and establishing temporary or permanent residence.
- B. After careful consideration, the Town finds that this bylaw is the most narrowly tailored means of limiting, to the fullest extent possible, the opportunity for certain sex offenders to approach or otherwise come in contact with children or the elderly in places where children or the elderly would naturally congregate, and that the protection of the health and safety of our children and elderly is a compelling governmental interest.
- C. By the enactment of this or any other bylaw, the Town understands that it cannot remove the threat posed to or guarantee the safety of children or the elderly or assure the public that sex offenders will comply with the mandates of this bylaw. This legislation is intended to create a civil, non-punitive regulatory scheme in order to protect children and the elderly to the extent possible under the circumstances and not as a punitive measure of any kind.
- D. Certain sex offenders pose a clear threat to the children and the elderly residing or visiting in the community. Because certain sex offenders are more likely than any other type of offender to reoffend by another sexual offense, the Town desires to impose safety precautions in furtherance of the goal of protecting the children and elderly. The purpose of this bylaw is to reduce the potential risk of harm to children and the elderly in the community by limiting the ability of certain classified levels of sex offenders to be in contact with unsuspecting children and the elderly in locations that are primarily designed for use by or are primarily used by children and the elderly, the grounds of a public or private school for children, a center of facility that provides day care or children's services, a park, other public recreational facility, elderly housing facilities or the Senior Citizen's Center. The Town desires to add location restrictions to such offenders to the extent state law is silent.

Section 2. Definitions

- 1) "Camp Bus Stop" Any area designated by a private/public youth camp as a camp bus stop which has been designated in a list maintained by the Town and available to the public.
- 2) "Day Care Center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care.
- 3) "Elder" or "Elderly" means a person or persons over 60 years of age. "Elderly Housing Facility" or "Senior Citizens Center" or "Over 55 Community" means any building or buildings which provide a group residence for the elderly or a location where the elderly gather and/or reside that is located within the Town of Lunenburg, Massachusetts.
- 4) "Establishing a Residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property.
- 5) "Loitering" means to remain for more than fifteen (15) minutes within a five hundred (500) foot distance of the location in question.

- 6) "Park" means active and passive public land designated for recreational or athletic use by the Town of Lunenburg, Massachusetts and located within the Town of Lunenburg Massachusetts.
- 7) "Permanent Residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
- 8) "Recreational Facility" means a playground, a forest preserve, conservation area, jogging trail or running track, hiking or biking trail, beach, water park, swimming pool, wading pool, soccer field, baseball field, football field, basketball court or hockey rink, whether publicly or privately owned, to which the public has a right of access as an invitee and which is located within the Town of Lunenburg, Massachusetts.
- 9) "School" means any public or private educational facility that provides services to children in grades Kindergarten - 12, or any one or more of such grades.
- 10) "School Bus Stop" means any area designated by the public school district or by a private or parochial school within the Town of Lunenburg, Massachusetts as a school bus stop, which school bus stop has been designated in a list maintained by the Town and available to the public.
- 11) "Sex Offender" and "Sex offense" shall have the same meaning for purposes of this bylaw as provided for in G.L. c. 6, § 178C.
- 12) "Sex Offense Involving a Child" shall have the same meaning for purposes of this bylaw as provided for in G.L. c. 6, § 178C.
- 13) "Temporary Residence" means a place where a person lives, abides, lodges or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year.

Section 3. Sex Offender Residence Prohibition

It is unlawful for any sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, for as long as so classified, to establish a permanent residence or temporary residence in the Town of Lunenburg, Massachusetts within one thousand (1,000) feet of the property on which any public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center is located.

Section 4. Evidentiary Matters; Measurements

For purposes of determining the minimum distance requirement, the separation shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of any public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center.

Section 5. Notice to Move

Any sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, for as long as so classified, who establishes a permanent residence or temporary residence in the Town of Lunenburg, Massachusetts within one thousand (1,000) feet of any public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center shall be in violation of this bylaw and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this bylaw, move from said location to a new location, but said location may not be within one thousand (1,000) feet of any public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center within the Town of Lunenburg, Massachusetts. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Lunenburg to another that is within one thousand (1,000) feet of any public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center.

Section 6. Exceptions

A sex offender residing within 1,000 feet of any public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 communities, senior citizens center, or licensed day-care center does not commit a violation of this bylaw if any of the following apply:

- 1) The person established the permanent residence and reported and registered the residence, as required by the Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board, prior to the effective date of this bylaw, and:
 - a) Permanent residence was established by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in Lunenburg different from the permanent residence established prior to the effective date of this bylaw;
 - b) Permanent residence was established through a valid, fixed-term, written and/or oral lease or rental agreement, executed prior to the effective date of this bylaw, as long as the registered sex offender continues to reside within and does not move to another restricted location in Lunenburg different from the permanent residence established prior to the effective date of this bylaw; or
 - c) Permanent residence was established through a written and/or oral lease or rental agreement at the will of the landlord, as long as the registered sex offender continues to reside within and does not move to another restricted location in Lunenburg different from the permanent residence established prior to the effective date of this bylaw.
- 2) The person was a minor when the relevant crime was committed and was not convicted as an adult.
- 3) The person is a minor.
- 4) The public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center was established after such person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board.
- 5) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility located within the aforementioned 1,000 foot area.

- 6) The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123 located within the aforementioned 1,000 foot area.
- 7) The person is a mentally ill person subject to guardianship pursuant to order or supervision of the Probate and Family Court or a mentally retarded person subject to guardianship pursuant to G.L. c. 201 §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day and located within the aforementioned 1,000 foot area.

Section 7. Forfeiture of Exception

If, either after the effective date of this bylaw or after a new public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center opens, an indictment or conviction of another sex offense is issued by a court against a Level 2 or 3 Sex Offender otherwise enjoying an exception under this bylaw, he or she shall immediately forfeit that exception and be required to comply with this bylaw.

Section 8. Penalties

- 1) Criminal Complaint. Violation of the residency provisions of this bylaw may be enforced by criminal complaint filed by any police officer of the Town of Lunenburg, Massachusetts. Each day a violation exists shall constitute a separate violation. The fine for each violation upon conviction shall be three hundred dollars (\$300).
- 2) Noncriminal Disposition. In addition to enforcement by criminal complaint, violation of the residency provisions of this bylaw may be enforced through any lawful means in law or in equity by any police officer of the Town of Lunenburg including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute a separate violation. The penalties for noncriminal disposition shall be as follows:
 - a) First offense: Notification to offender that he/she has thirty (30) days to move.
 - b) Subsequent offense: noncriminal fine of three hundred dollars (\$300), enforceable by a police officer, and written notification to the property owner, if other than the offender, the offender's landlord, parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the sex offender has violated a town bylaw.

Section 9. Safety Zone

A. Prohibitions

A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, is prohibited from entering upon the premises of a school or day-care center unless previously authorized specifically in writing by the school administration or day-care center owner.

A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, is prohibited from entering upon the premises of an elderly housing facility, over 55 Community or Senior Citizens Center, unless previously authorized in writing by the on-site manager of the elderly housing facility, over 55 Community or Senior Citizen Center.

A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, is prohibited from entering upon the premises of a park or any recreational facility.

A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, after having received notice from the Lunenburg Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within five hundred (500) feet of a public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center, is prohibited from continuing to so loiter. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the public or private school, park, playground, beach, biking/hiking trail, other recreational facility, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center.

A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, after having received notice from the Lunenburg Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within five hundred (500) feet of a school and/or camp bus stop which has been designated in a list maintained by the Town and available to the public is prohibited from continuing to so loiter; provided, however, that this prohibition shall not apply on days when the schools and/or camps within the Town of Lunenburg are not in session.

A. Exceptions

- 1) The prohibitions defined in this bylaw shall not be construed or enforced so as to prohibit a sex offender from exercising his or her right to vote in any federal, state or municipal election, conducting town and/or police business or from attending any religious service.
- 2) The prohibitions defined in this bylaw do not apply to a sex offender's place of residence when such residence is accepted under this bylaw.

B. Penalties

- 1) Criminal Complaint. Violation of the safety zone provisions of this bylaw may be enforced by criminal complaint filed by any police officer of the Town of Lunenburg. Each day a violation exists shall constitute a separate violation. The fine for each violation, upon conviction, shall be three hundred dollars (\$300).
- 2) Noncriminal Disposition. In addition to enforcement by criminal complaint, violation of the safety zone provisions of this bylaw may be enforced through any lawful means in law or in equity by any police officer of the Town of Lunenburg including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute a separate violation. The penalties for noncriminal disposition shall be as follows:

- a) First offense: noncriminal fine of one hundred and fifty dollars (\$150), enforceable by a Lunenburg police officer.
- b) Subsequent offense: noncriminal fine of three hundred dollars (\$300), enforceable by a Lunenburg police officer, and written notification to the offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the sex offender has violated a Town Bylaw.

Section 10. Maps and List of Safety Zones

One or more maps depicting the prohibited residency restriction areas defined by this bylaw and depicting the safety zone areas defined by this bylaw shall be created by the Town and maintained by the Lunenburg Police Department. A written list describing the prohibited areas defined by this bylaw, including school and/or camp bus stops, shall be created by the Town and maintained by the Lunenburg Police Department. As to school and/or camps bus stops, the list shall govern over the maps. The list, maps and a copy of this bylaw shall be available to the public at the Lunenburg Police Department, the Lunenburg Town Clerk's office and on the Town of Lunenburg's website. The Town shall review the list and maps annually for changes.

Section 11. Severability

If any portion of this bylaw is deemed by a court of competent jurisdiction to be unconstitutional or otherwise invalid or unenforceable, such judgment shall not impair or invalidate or render unenforceable the remaining portions of this bylaw. (Submitted by Police Chief) Board of Selectmen to make recommendation at ATM, Finance Committee reports no direct financial impact.

ARTICLE 43. To see if the Town will vote to rescind the sum of \$284,263.59, the remaining borrowing authorization, from Article 2 of the 11/6/2001 STM for engineering and construction of sewers; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 44. To see if the Town will vote to rescind the sum of \$28,708, the remaining borrowing authorization, from Article 4 of the 5/7/2005 STM for engineering and construction of sewers; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 45. To see if the Town will vote to rescind the sum of \$125,000, the remaining borrowing authorization, from Article 5 of the 10/1/2002 STM for the renovation of the Turkey Hill Middle School heating system; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 46. To see if the Town will vote to rescind the sum of \$56,550, the remaining borrowing authorization, from Article 4 of the 5/3/2003 STM for the construction and/or renovation of the heating system at the Thomas Passios Elementary School; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen recommends approval 5-0, Finance Committee recommends approval 5-0.

ARTICLE 47. To see if the Town will vote to add the below bolded wording to Article XXIX Agricultural Commission, Section 1. Said Commission, once appointed shall develop a work plan to guide its activities. Such activities may include, but are not limited to the following: encouraging the continued pursuit of agriculture in Lunenburg; promoting agricultural-based economic opportunities in Town; mediating, advocating, educating and/or negotiating on farming issues; working for the preservation of prime agricultural lands; **to oversee, operate or run a Farmers' Market;** and pursuing all initiatives appropriate to retaining farming in Lunenburg, or take any other action thereto. (Submitted by Board of Selectmen) Board of Selectmen recommends approval 5-0, Finance Committee reports no direct financial impact.

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, seven (7) days at least before the day appointed for said meeting, one of which places shall be at the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell's, and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least seven (7) days prior to such meeting. Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands,
 A true copy attest:
 Kathryn M. Herrick, Town Clerk

Thomas A. Alonzo, Chairman
 Paula J. Bertram, Vice-Chairman
 James E. Toale, Clerk
 Robert J. Ebersole, Member
 Phyllis M. Luck, Member

BOARD OF SELECTMEN

PROJECTED REVENUES/EXPENDITURES FY2016 (Revised Rec 4/2/15 Fin Comm Meeting)

	FY14 BUDGETED	FY15 BUDGETED	FY16 BUDGETED	EXPENDITURES	FY14 BUDGETED	FY15 BUDGETED	FY16 BUDGETED
PROPERTY TAXES							
Prior Year Levy Limit	\$ 18,661,730.00	\$ 19,425,844.00	\$ 20,173,974.00	Maturing Debt	\$ 2,054,987.00	\$ 2,079,853.00	\$ 2,876,260.00
2 1/2% Increase	\$ 461,799.60	\$ 284,455.13	\$ 504,349.00	Interest/Issuance Costs on Debt	\$ 808,192.00	\$ 898,203.00	\$ 1,681,660.00
Estimated New Growth	\$ 297,571.00	\$ 262,484.00	\$ 320,000.00	Gen Gov Unclassified	\$ 2,382,480.00	\$ 2,217,069.00	\$ 2,387,468.00
Debt Exclusions	\$ 865,018.00	\$ 1,031,125.00	\$ 2,494,848.00	General Government	\$ 1,153,634.00	\$ 1,237,183.00	\$ 1,233,661.00
Overtime				Central Purchasing	\$ 54,015.00	\$ 52,950.00	\$ 52,950.00
TAXES: Total	\$ 20,286,118.60	\$ 21,003,908.13	\$ 23,493,171.00	Protection	\$ 2,386,790.00	\$ 2,441,283.00	\$ 2,638,990.00
				Health & Sanitation	\$ 64,090.00	\$ 65,029.00	\$ 66,663.00
				Public Assistance	\$ 122,507.00	\$ 129,712.00	\$ 167,710.00
				Facilities & Buildings	\$ 585,163.00	\$ 590,754.00	\$ 625,370.00
				Solid Waste/Recycling Program	\$ 183,092.00	\$ 193,754.00	\$ 147,000.00
STATE PROVIDED FUNDS				Department of Public Works	\$ 1,195,067.00	\$ 1,354,912.00	\$ 1,467,738.00
Cherry Sheer/State Aid	\$ 6,855,401.00	\$ 7,194,650.00	\$ 7,350,697.00	Schools	\$ 16,831,683.00	\$ 17,465,477.00	\$ 18,316,576.00
Police Career Incentive				Library	\$ 355,563.00	\$ 353,205.00	\$ 363,849.00
Additional Aid				Omnibus Total	\$ 28,177,263.00	\$ 29,079,384.00	\$ 32,025,895.00
Subtotal State Aid	6,855,401.00	7,194,650.00	7,350,697.00	Prior Year Budget Adjustments	\$ 29,318.25	\$ 157,932.00	\$ 250,000.00
				CHERRY SHEET CHARGES			
PROJECTED LOCAL RECEIPTS				Cherry Sheet Offset	\$ 318,168.00	\$ 263,388.00	\$ 229,905.00
Local Receipts	\$ 2,466,928.00	\$ 2,495,876.00	\$ 2,739,473.00	State & County	\$ 138,384.00	\$ 153,491.00	\$ 161,176.00
Subtotal Receipts	2,466,928.00	2,495,876.00	2,739,473.00	Choice/Charter Assessments	\$ 1,023,698.00	\$ 959,672.00	\$ 1,068,935.00
				Changes to FY09 Assessments			
OTHER REVENUES				Subtotal CS Charges	\$ 1,480,250.00	\$ 1,376,551.00	\$ 1,460,016.00
Overlay Surplus	\$ 4,318.25		\$ 483,618.00				
Free Cash	\$ 440,958.00	\$ 229,292.00	\$ 67,284.64				
Unexpended Articles	\$ 7,871.00	\$ 71,337.26	\$ 522,768.00	Allow for Abatelements/Exemptions	\$ 145,256.60	\$ 207,330.39	\$ 150,000.00
Borrowing - Lane Property		\$ 624,000.00		Worce City Retirement Assessment	\$ 725,771.00	\$ 831,727.00	\$ 986,268.00
Borrowing		\$ 2,625,000.00		Tax Title	\$ 6,500.00	\$ 10,500.00	\$ 8,000.00
Zoning Incentive Stabilization Fund				Capital Articles	\$ 652,483.00	\$ 1,114,152.00	\$ 801,578.00
MSBA Reimbursements	\$ 559,057.00	\$ 534,199.00	\$ 534,198.00	Design, Construct Sewers		\$ 25,000.00	\$ 300,000.00
				Cemetery Improvements			
Trust & Special Revenue Funds				General Fund Articles			
Sewer Enterprise	\$ 23,525.00	\$ 23,525.00	Included in Enterprise	Police Revolving Detail			\$ 10,000.00
Sewer Betterments	\$ 775,045.00	\$ 770,439.00	Included in Enterprise	FY09 Articles STM			\$ 617.10
Water Betterments	\$ 62,781.00	\$ 62,781.00	\$ 62,781.00				
Student Transportation Off-Set Receipt Fund	\$ 31,000.00	\$ 31,000.00	\$ 32,000.00	School Feasibility Study			
Sewer Enterprise Retained Earnings			\$ 617.10	Laure Property		\$ 624,000.00	
Cemetery Sale of Lots Account	\$ 3,000.00			Sewer Construction Project		\$ 2,200,000.00	
Town Hall Chimney Grant	\$ 9,925.00			Prior Year Expense		\$ 570.00	\$ 1,782.00
Sale of Real Estate Revolving Account				Transfer to Stabilization Fund	\$ 286,958.00	\$ 74,729.00	\$ 98,231.00
Other Financing Sources							
Septic Loan Revenue	\$ 10,872.00	\$ 10,868.00	\$ 10,868.00	Enterprise Funds	\$ 1,017,613.00	\$ 1,124,242.00	\$ 1,100,317.13
Enterprise Funds	\$ 1,017,613.00	\$ 1,124,242.00	\$ 1,895,227.01	TOTAL EXPENDITURES	\$ 32,521,412.85	\$ 36,826,117.39	\$ 37,192,704.23
TOTAL REVENUE	\$32,521,412.85	\$36,826,117.39	\$37,192,702.75	Credit/(Debit)	\$0.00	\$0.00	(\$1.48)

FY 2016 Projected Omnibus Budget

Line No.	Expend FY2010	Expend FY2011	Expend FY2012	Expend FY2013	FY14 Budget 5/4/13 ATM	FY15 Town Manager's Rec	FY16 Town Manager's Rec
<i>Maturing Debt & Interest</i>							
1	\$ 1,824,399.00	\$ 1,938,216.00	\$ 1,869,785.88	\$ 2,084,670.70	\$ 2,054,987.00	\$ 2,079,853.00	\$ 2,876,260.00
2	\$ 957,375.00	\$ 948,614.00	\$ 883,077.06	\$ 842,104.38	\$ 780,664.00	\$ 720,264.00	\$ 1,674,464.00
3	\$ 24,291.00	\$ -	\$ 12,051.94	\$ 13,454.23	\$ 18,750.00	\$ 169,938.00	\$ -
3A	\$ 14,680.00	\$ 11,496.00	\$ 13,173.65	\$ 10,529.03	\$ 8,778.00	\$ 8,001.00	\$ 7,196.00
3B	\$ 450.00	\$ -	\$ -	\$ 500.00	\$ -	\$ -	\$ -
	\$ 2,821,195.00	\$ 2,898,326.00	\$ 2,778,088.53	\$ 2,951,258.34	\$ 2,863,179.00	\$ 2,978,056.00	\$ 4,557,920.00
Total Maturing Debt							
<i>Unclassified</i>							
4	\$ 135,696.00	\$ 136,797.00	\$ 188,001.20	\$ 207,635.45	\$ 199,304.00	\$ 203,200.00	\$ 210,364.00
5	\$ 85,000.00	\$ 55,293.00	\$ 50,359.85	\$ 46,860.00	\$ 58,942.00	\$ 58,942.00	\$ 61,889.00
6	\$ 1,613,779.00	\$ 1,734,169.00	\$ 1,753,689.65	\$ 1,840,971.17	\$ 1,775,300.00	\$ 1,596,566.00	\$ 1,754,073.00
7	\$ 16,022.00	\$ 15,307.00	\$ 10,870.50	\$ 9,622.50	\$ 21,020.00	\$ 21,756.00	\$ 22,191.00
8	\$ 2,283.00	\$ 1,572.00	\$ 3,266.60	\$ 4,084.33	\$ 2,500.00	\$ 2,500.00	\$ 3,500.00
9	\$ 4,101.00	\$ 5,008.00	\$ 6,125.94	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
10	\$ 2,652.00	\$ 2,718.00	\$ 2,785.74	\$ 2,969.14	\$ 3,044.00	\$ 3,120.00	\$ 3,200.00
11	\$ 546.00	\$ 59.00	\$ -	\$ -	\$ 850.00	\$ 500.00	\$ 500.00
12	\$ 2,255.00	\$ 2,652.00	\$ 2,478.00	\$ 2,500.00	\$ 2,500.00	\$ 4,200.00	\$ 4,200.00
13	\$ -	\$ -	\$ 44,393.02	\$ -	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
13A	\$ -	\$ 10,360.00	\$ 9,115.19	\$ 114,280.58	\$ 44,020.00	\$ 43,000.00	\$ 45,000.00
14	\$ 19,671.00	\$ 30,727.00	\$ 44,017.31	\$ 10,282.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00
14A	\$ 121,449.00	\$ 18,627.00	\$ -	\$ -	\$ -	\$ -	\$ -
15	\$ -	\$ 153,218.00	\$ 204,575.88	\$ 202,915.27	\$ 205,000.00	\$ 213,285.00	\$ 217,551.00
	\$ 2,003,454.00	\$ 2,166,507.00	\$ 2,319,678.88	\$ 2,447,120.44	\$ 2,382,480.00	\$ 2,217,069.00	\$ 2,387,468.00
Total Gen Gov Unclassified							
<i>General Government</i>							
16	\$ 173.00	\$ 253.00	\$ 173.00	\$ 173.00	\$ 850.00	\$ 850.00	\$ 800.00
17	\$ 30,000.00	\$ 30,000.00	\$ 31,000.00	\$ 32,000.00	\$ 35,000.00	\$ 43,000.00	\$ 35,000.00
18	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19	\$ 123,305.00	\$ 105,885.00	\$ 120,095.64	\$ 44,117.75	\$ 48,084.00	\$ 63,123.00	\$ 46,412.00
20	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
21	\$ 113,231.00	\$ 116,339.00	\$ 118,400.29	\$ 120,640.23	\$ 122,039.00	\$ 125,000.00	\$ 127,500.00
22	\$ 2,668.00	\$ 3,384.00	\$ 4,932.50	\$ 6,806.76	\$ 5,000.00	\$ 5,250.00	\$ 5,350.00
23	\$ 149,924.00	\$ 135,902.00	\$ 117,867.81	\$ 139,371.68	\$ 143,969.00	\$ 146,768.00	\$ 169,137.00
24	\$ 66,294.00	\$ 77,232.00	\$ 67,227.46	\$ 67,710.31	\$ 77,398.00	\$ 79,271.00	\$ 63,115.00
25	\$ 1,655.00	\$ 738.00	\$ 511.56	\$ 1,200.65	\$ 1,000.00	\$ 500.00	\$ 1,000.00
26	\$ 74,735.00	\$ 72,182.00	\$ 67,909.14	\$ 64,981.28	\$ 78,313.00	\$ 79,879.00	\$ 78,375.00

27	Assessor's Salaries	\$ 300.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	Assessor's Administration	\$ 107,810.00	\$ 112,392.00	\$ 116,030.65	\$ 119,158.13	\$ 143,698.00	\$ 146,436.00	\$ 148,354.00	\$ 148,354.00	\$ 148,354.00	\$ 148,354.00	\$ 148,354.00
29	Technology Director	\$ 140,797.00	\$ 150,722.00	\$ 156,192.61	\$ 164,099.68	\$ 127,765.00	\$ 147,595.00	\$ 152,480.00	\$ 152,480.00	\$ 152,480.00	\$ 152,480.00	\$ 152,480.00
30	Legal Expenses	\$ 159,898.00	\$ 94,438.00	\$ 148,323.89	\$ 154,576.19	\$ 125,000.00	\$ 112,500.00	\$ 112,500.00	\$ 112,500.00	\$ 112,500.00	\$ 112,500.00	\$ 112,500.00
31	Town Clerk Salary	\$ 39,780.00	\$ 40,560.00	\$ 41,371.00	\$ 42,405.00	\$ 43,465.00	\$ 45,666.00	\$ 46,579.00	\$ 46,579.00	\$ 46,579.00	\$ 46,579.00	\$ 46,579.00
32	Town Clerk's Administration	\$ 19,232.00	\$ 23,731.00	\$ 25,527.13	\$ 26,884.46	\$ 29,471.00	\$ 30,160.00	\$ 30,383.00	\$ 30,383.00	\$ 30,383.00	\$ 30,383.00	\$ 30,383.00
33	Elections	\$ 1,697.00	\$ 9,638.00	\$ 8,273.53	\$ 16,660.90	\$ 9,226.00	\$ 16,905.00	\$ 14,215.00	\$ 14,215.00	\$ 14,215.00	\$ 14,215.00	\$ 14,215.00
34	Registration & Census	\$ 8,307.00	\$ 7,983.00	\$ 9,583.26	\$ 13,202.39	\$ 12,654.00	\$ 12,906.00	\$ 12,475.00	\$ 12,475.00	\$ 12,475.00	\$ 12,475.00	\$ 12,475.00
35	Planning Board	\$ 98,144.00	\$ 96,486.00	\$ 102,467.38	\$ 95,990.19	\$ 101,526.00	\$ 130,955.00	\$ 136,515.00	\$ 136,515.00	\$ 136,515.00	\$ 136,515.00	\$ 136,515.00
36	Zoning Board of Appeals	\$ 1,209.00	\$ 1,783.00	\$ 1,644.39	\$ 2,537.29	\$ 3,275.00	\$ 3,275.00	\$ 3,975.00	\$ 3,975.00	\$ 3,975.00	\$ 3,975.00	\$ 3,975.00
37	Conservation Commission	\$ 42,175.00	\$ 44,780.00	\$ 45,268.02	\$ 41,828.84	\$ 45,401.00	\$ 46,644.00	\$ 48,996.00	\$ 48,996.00	\$ 48,996.00	\$ 48,996.00	\$ 48,996.00
	Total General Government	\$ 1,181,834.00	\$ 1,124,928.00	\$ 1,183,299.26	\$ 1,154,844.73	\$ 1,153,634.00	\$ 1,237,183.00	\$ 1,233,661.00	\$ 1,233,661.00	\$ 1,233,661.00	\$ 1,233,661.00	\$ 1,233,661.00
	<i>Central Purchasing</i>											
38	Central Purchasing	\$ 50,541.00	\$ 46,836.00	\$ 63,902.82	\$ 61,250.00	\$ 54,015.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00
	Total Central Purchasing	\$ 50,541.00	\$ 46,836.00	\$ 63,902.82	\$ 61,250.00	\$ 54,015.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00	\$ 52,950.00
	Protection											
39	Police Department	\$ 1,215,166.00	\$ 1,225,071.00	\$ 1,335,086.56	\$ 1,312,356.56	\$ 1,227,995.00	\$ 1,267,069.00	\$ 1,352,982.00	\$ 1,352,982.00	\$ 1,352,982.00	\$ 1,352,982.00	\$ 1,352,982.00
40	Police Lock Up	\$ 38,579.00	\$ 63,531.00	\$ 50,935.05	\$ 71,203.12	\$ 52,850.00	\$ 53,907.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
41	Injury Leave	\$ 63,775.00	\$ 38,263.00	\$ 1,191.03	\$ 46,072.37	\$ 5,250.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
42	Police/Fire Medical Expenses	\$ 2,251.00	\$ 7,043.00	\$ 6,118.29	\$ 6,133.12	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
	Subtotal Police	\$ 1,319,771.00	\$ 1,333,908.00	\$ 1,393,330.93	\$ 1,435,765.17	\$ 1,291,095.00	\$ 1,330,976.00	\$ 1,437,982.00	\$ 1,437,982.00	\$ 1,437,982.00	\$ 1,437,982.00	\$ 1,437,982.00
	Fire Department											
43	Fire Department	\$ 528,996.00	\$ 574,306.00	\$ 611,536.82	\$ 620,810.00	\$ 617,708.00	\$ 628,529.00	\$ 703,540.00	\$ 703,540.00	\$ 703,540.00	\$ 703,540.00	\$ 703,540.00
43A	Capital - Fire Dept.	\$ 15,358.00	\$ 16,311.00	\$ 21,052.49	\$ 17,310.26	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
44	Fire Hydrant Expense	\$ 14,361.00	\$ 14,659.00	\$ 14,747.04	\$ 14,952.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
45	Radio Equipment Mtc.	\$ 4,277.00	\$ 5,463.00	\$ 10,107.73	\$ 8,351.29	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
	Subtotal Fire Dept.	\$ 562,992.00	\$ 610,739.00	\$ 657,444.08	\$ 661,423.55	\$ 662,708.00	\$ 673,529.00	\$ 748,540.00	\$ 748,540.00	\$ 748,540.00	\$ 748,540.00	\$ 748,540.00
	Radio Watch											
46	Radio Watch	\$ 173,298.00	\$ 179,122.00	\$ 184,498.82	\$ 200,719.36	\$ 248,293.00	\$ 249,513.00	\$ 261,975.00	\$ 261,975.00	\$ 261,975.00	\$ 261,975.00	\$ 261,975.00
	Subtotal Radio Watch	\$ 173,298.00	\$ 179,122.00	\$ 184,498.82	\$ 200,719.36	\$ 248,293.00	\$ 249,513.00	\$ 261,975.00	\$ 261,975.00	\$ 261,975.00	\$ 261,975.00	\$ 261,975.00
	Emergency Management											
47	Emergency Management	\$ 263.00	\$ 2,500.00	\$ 8,250.35	\$ 19,747.18	\$ 4,250.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00

48	Sealer of Weights & Measures	\$ 3,171.00	\$ 3,100.00	\$ 3,434.69	\$ 5,080.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,100.00
49	Wiring Inspector	\$ 17,931.00	\$ 24,882.00	\$ 16,900.16	\$ 18,599.63	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00
50	Building Inspector	\$ 107,213.00	\$ 117,306.00	\$ 124,355.87	\$ 114,844.42	\$ 120,864.00	\$ 120,864.00	\$ 120,935.00	\$ 123,093.00
51	Municipal Hearing Officer	\$ 2,500.00	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
52	Plumbing/Gas Inspector	\$ 13,037.00	\$ 21,150.00	\$ 12,271.00	\$ 13,083.80	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
53	Animal Control	\$ 24,159.00	\$ 24,453.00	\$ 24,569.93	\$ 24,570.73	\$ 24,080.00	\$ 24,080.00	\$ 24,330.00	\$ 25,300.00
	Subtotal Other Protection	\$ 168,274.00	\$ 195,891.00	\$ 189,782.00	\$ 195,925.76	\$ 184,694.00	\$ 184,694.00	\$ 187,265.00	\$ 190,493.00
	Total Protection	\$ 2,224,335.00	\$ 2,319,660.00	\$ 2,425,055.83	\$ 2,493,833.84	\$ 2,386,790.00	\$ 2,386,790.00	\$ 2,441,283.00	\$ 2,638,990.00
	<i>Health & Sanitation</i>								
54	General Health Expense	\$ 28,790.00	\$ 31,035.00	\$ 31,657.39	\$ 28,413.51	\$ 31,689.00	\$ 31,689.00	\$ 32,628.00	\$ 32,590.00
55	Nashoba Board of Health	\$ 25,902.00	\$ 25,902.00	\$ 25,902.00	\$ 21,967.32	\$ 21,967.00	\$ 21,967.00	\$ 21,967.00	\$ 22,846.00
56	Nashoba Nursing	\$ 7,618.00	\$ 7,618.00	\$ 7,618.00	\$ 9,833.84	\$ 9,834.00	\$ 9,834.00	\$ 9,834.00	\$ 10,227.00
57	Mental Health	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
58	Animal Inspector Salary	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 1,000.00
	Total Health & Sanitation	\$ 62,910.00	\$ 65,155.00	\$ 65,777.39	\$ 60,814.67	\$ 64,090.00	\$ 64,090.00	\$ 65,029.00	\$ 66,663.00
	<i>Department of Public Works</i>								
59	Highway Labor	\$ 384,783.00	\$ 369,862.00	\$ 350,738.07	\$ 346,108.07	\$ 371,725.00	\$ 371,725.00	\$ 381,867.00	\$ 406,353.00
60	Highway OT	\$ 3,599.00	\$ 4,197.00	\$ 8,322.26	\$ 5,944.73	\$ 3,000.00	\$ 3,000.00	\$ 6,155.00	\$ 6,200.00
61	General Highway Maintenance	\$ 77,353.00	\$ 104,639.00	\$ 128,021.56	\$ 179,995.60	\$ 240,525.00	\$ 240,525.00	\$ 371,799.00	\$ 412,500.00
61A	Capital - General Highway	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
62	Town Highway Garage	\$ 18,343.00	\$ 15,494.00	\$ 17,131.99	\$ 23,621.71	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,020.00
63	Traffic Signs & Devices	\$ 13,951.00	\$ 11,713.00	\$ 37,563.79	\$ 25,007.18	\$ 26,575.00	\$ 26,575.00	\$ 27,000.00	\$ 27,745.00
64	Vehicle Mtc. - Highway	\$ 38,814.00	\$ 44,286.00	\$ 55,382.99	\$ 55,480.89	\$ 64,588.00	\$ 64,588.00	\$ 67,817.00	\$ 70,843.00
65	Vehicle Mtc - Police	\$ 47,626.00	\$ 50,276.00	\$ 60,025.72	\$ 62,447.52	\$ 65,800.00	\$ 65,800.00	\$ 65,800.00	\$ 72,425.00
66	Vehicle Mtc. - Fire	\$ 22,078.00	\$ 22,336.00	\$ 29,738.92	\$ 31,135.73	\$ 36,844.00	\$ 36,844.00	\$ 36,844.00	\$ 44,268.00
67	Park Department	\$ 66,136.00	\$ 53,590.00	\$ 43,360.00	\$ 46,595.00	\$ 69,325.00	\$ 69,325.00	\$ 70,900.00	\$ 71,974.00
68	Cemetery Department	\$ 45,011.00	\$ 45,950.00	\$ 46,968.29	\$ 47,944.57	\$ 48,502.00	\$ 48,502.00	\$ 48,730.00	\$ 48,910.00
69	Tree Removal	\$ 8,532.00	\$ 9,205.00	\$ 15,299.43	\$ 14,487.40	\$ 16,683.00	\$ 16,683.00	\$ 17,000.00	\$ 30,500.00
70	Snow Removal Expense	\$ 316,382.00	\$ 321,656.00	\$ 307,433.37	\$ 350,414.58	\$ 250,500.00	\$ 250,500.00	\$ 260,000.00	\$ 275,000.00
	Total DPW	\$ 1,042,608.00	\$ 1,053,204.00	\$ 1,099,986.39	\$ 1,189,182.98	\$ 1,195,067.00	\$ 1,195,067.00	\$ 1,354,912.00	\$ 1,467,738.00
	<i>Facilities and Buildings</i>								
71	Facilities and Grounds	\$ 201,522.00	\$ 205,148.00	\$ 221,318.54	\$ 249,983.02	\$ 341,044.00	\$ 341,044.00	\$ 349,134.00	\$ 359,919.00
71A	Additional Utilities, Library	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,251.00

72	Public Buildings	\$	82,789.00	\$	86,221.00	\$	83,765.09	\$	88,041.17	\$	244,119.00	\$	241,620.00	\$	251,200.00
	Total Facilities & Buildings	\$	284,311.00	\$	291,369.00	\$	305,083.63	\$	338,024.19	\$	585,163.00	\$	590,754.00	\$	625,370.00
	<i>Solid Waste/Recycling Program</i>														
73	Recycling Program	\$	160,847.00	\$	178,863.00	\$	189,265.45	\$	145,090.25	\$	183,092.00	\$	193,754.00	\$	147,000.00
	Total Solid Waste/Recycling	\$	160,847.00	\$	178,863.00	\$	189,265.45	\$	145,090.25	\$	183,092.00	\$	193,754.00	\$	147,000.00
	<i>Public Assistance</i>														
74	Council on Aging	\$	93,205.00	\$	95,610.00	\$	105,391.59	\$	106,615.02	\$	99,647.00	\$	106,812.00	\$	111,210.00
	Subtotal C.O.A.	\$	93,205.00	\$	95,610.00	\$	105,391.59	\$	106,615.02	\$	99,647.00	\$	106,812.00	\$	111,210.00
	<i>Veterans' Benefits</i>														
75	Veterans' Benefits	\$	-	\$	12,204.00	\$	17,830.50	\$	36,800.42	\$	17,500.00	\$	17,500.00	\$	50,000.00
76	Veteran's Administration	\$	3,624.00	\$	3,624.00	\$	3,759.00	\$	3,659.00	\$	4,250.00	\$	4,250.00	\$	5,250.00
77	Registrar of Vets' Graves	\$	251.00	\$	-	\$	-	\$	-	\$	360.00	\$	400.00	\$	500.00
78	Memorial Day	\$	444.00	\$	610.00	\$	655.20	\$	592.24	\$	750.00	\$	750.00	\$	750.00
	Subtotal Veterans	\$	4,319.00	\$	16,438.00	\$	22,244.70	\$	41,051.66	\$	22,860.00	\$	22,900.00	\$	56,500.00
	Total Assistance	\$	97,524.00	\$	112,048.00	\$	127,636.29	\$	147,666.68	\$	122,507.00	\$	129,712.00	\$	167,710.00
	<i>Schools</i>														
79	School Department	\$	14,445,320.00	\$	14,409,507.00	\$	14,875,709.02	\$	15,495,126.49	\$	16,123,122.00	\$	16,754,663.00	\$	17,399,092.00
79A	Unemployment School - Stab/Free Cash	\$		\$	76,861.00	\$	39,124.00	\$	-	\$	-	\$	-	\$	-
79B	Curriculum Update														
80	Monty Tech Assessment	\$	637,977.00	\$	633,124.00	\$	628,573.00	\$	680,908.00	\$	708,561.00	\$	710,814.00	\$	801,484.00
81	Vehicle Mtc - School	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
	Total Schools	\$	15,083,297.00	\$	15,119,492.00	\$	15,543,406.02	\$	16,176,034.49	\$	16,831,683.00	\$	17,465,477.00	\$	18,316,576.00
	<i>Library</i>														
82	Lunenburg Public Library	\$	301,808.00	\$	327,452.00	\$	340,232.33	\$	328,549.96	\$	355,563.00	\$	353,205.00	\$	363,849.00
	Total Library	\$	301,808.00	\$	327,452.00	\$	340,232.33	\$	328,549.96	\$	355,563.00	\$	353,205.00	\$	363,849.00
	Total Omnibus	\$	25,314,664.00	\$	25,703,840.00	\$	26,441,412.82	\$	27,493,670.57	\$	28,177,263.00	\$	29,079,384.00	\$	32,025,895.00

Lunenburg MART Service

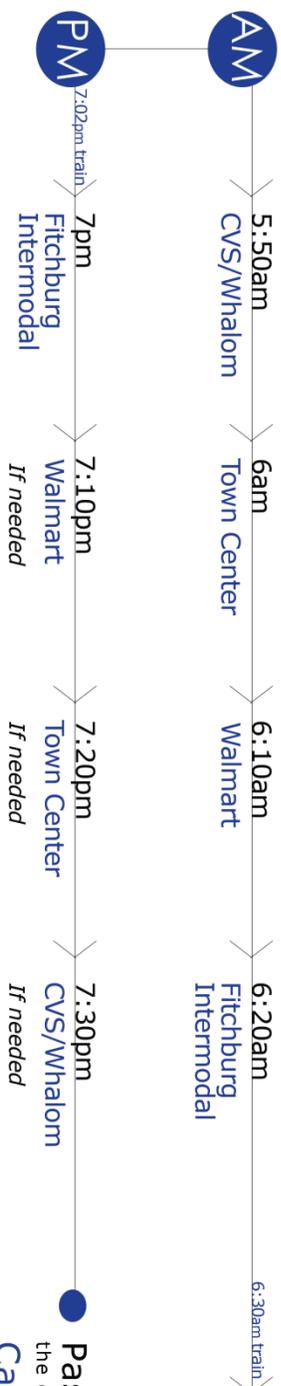
Schedule

All Commuter Van Service will run Monday - Friday



Commuters
\$1.50 Each Way

Commuters



Passengers planning to take the evening van are advised to Call 800-922-5636

Afternoons: Monday - Saturday • \$1 Each Way •

Local Passengers



Town Hall Departs Daily

1:15pm, 2pm, 2:45pm
3:30pm, 4:15pm



Transfers available upon request.

Flag the bus to stop at any safe location.



NOTES

Town of Lunenburg.
P.O. Box 135
Lunenburg, MA 01462-0135

PRSR STD
ECRWSS
U.S. POSTAGE PAID
Lunenburg, MA
Permit No. 8

RESIDENTIAL CUSTOMER

LOCAL 01462

ANNUAL TOWN MEETING

LUNENBURG HIGH SCHOOL

MAY 2, 2015

9:00 A.M.

TOWN ELECTION

PASSIOS ELEMENTARY SCHOOL

May 16, 2015

7:00 A.M. - 5:00 P.M.

**PLEASE BRING THIS WARRANT WITH YOU TO
ANNUAL TOWN MEETING,
Saturday, May 2, 2015; 9:00 A.M.**