

TOWN OF LUNENBURG

FISCAL YEAR 2025



SPECIAL TOWN MEETING WARRANT

Special Town Meeting
November 12, 2024- 7:00 P.M.
Lunenburg Middle/High School Auditorium

PLEASE BRING THIS WARRANT WITH YOU TO TOWN MEETING

FINANCIAL TERMS

As you read the warrant articles there will be some terms that are unique to public finance or particular to Massachusetts. Below are some definitions of those terms to help you better understand what the request might be for and how it is to be funded.

FISCAL YEAR - Most government entities follow a budget year of their choosing, or that is specified by the state, that is different than the January 1 to December 31 calendar year. Lunenburg follows a Fiscal Year (FY) of July 1 of a year to June 30 of the following year. We always refer to the Fiscal Year as of the year in which it ends (June 30, 2025 is FY '25).

CHERRY SHEET/STATE AID – Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the “Cherry Sheets”. Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

DEBT EXCLUSION- An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy but outside of the limits under Proposition 2 ½. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2 ½, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

EXCESS LEVY CAPACITY- The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Selectmen must be informed of excess levy capacity at the Tax Rate Hearing and this is submitted to DLS when setting the tax rate.

FREE CASH – Most budgets assume you collect every dollar – and spend every dollar. That rarely happens and are often variations. Free Cash is defined as the remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the Town Accountant. Free Cash is not available for appropriation until certified by the Department of Revenue (DOR) Director of Accounts.

OVERLAY – (Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. It need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet (Recep).

RECAP – This is the set of forms issued by the DOR for the Town to use in seeking their approval of the annual tax rate. It is shorthand for their Tax Recapitulation Sheet.

RETAINED EARNINGS- An equity account reflecting the accumulated earnings of an enterprise fund, which may be used to fund capital improvements, reimburse the general fund for prior year subsidies, reduce user charges, or provide for enterprise revenue deficits (operating losses).

STABILIZATION FUND – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may establish one or more stabilization funds for different purposes and may appropriate any amounts into them. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money from a stabilization fund.

A majority vote of town meeting is required to appropriate money into a stabilization fund. The town has two such funds:

Capital Expense (CAPEX): This covers replacement or major repair of our equipment or facilities such as Town Hall and the like.

Operating (OPEX): This provides monies to get through major economic downturns without having to devastate services, high cost unforeseen assessments the state or others might require of us, and the like.

GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP): This is a collection of accounting standards and common practices that have developed over many years to summarize an organization's accounting records and disclose supporting information such that anyone reading the financial statements of multiple companies has a reasonable basis for comparison.

GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB): This independent, private-sector organization establishes accounting and financial reporting standards for state and local governments that follow GAAP. We are not required to follow their rules, but we cannot get a "clean" audit without having done so. Such audits are important to how the bonding agencies view us.

GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA): An association of public finance officials throughout the United States and Canada with more than 20,000 members planning, financing, and implementing thousands of governmental operations in each of their jurisdictions.

OTHER POST-EMPLOYMENT BENEFITS (OPEB): We promise the people we hire (under certain conditions) that we will give them other benefits (health, dental, and life insurance) beyond just their pensions when they retire. We are required to calculate how much money it would take to pay for those other benefits and to develop a plan to set that money aside to cover this promise.

DEFINITIONS OF RECOMMENDATIONS UNDER EACH ARTICLE

RECOMMEND APPROVAL: The board voted to recommend passage by Town Meeting.

NOT RECOMMENDED: The board voted to not recommend passage by Town Meeting.

NO RECOMMENDATION: The board voted to make no specific recommendation to Town Meeting.

NO DIRECT FINANCIAL IMPACT: The Finance Committee voted there is no direct financial impact.

DEFERRED: A recommendation will be announced by this board when the article is considered at Town Meeting.

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TOWN OF LUNENBURG

OFFICE OF THE SELECT BOARD



Hello! If you're reading this warrant for the upcoming Special Town Meeting, then you're at least curious about local government and what's going on in Town. If you're unfamiliar with Town Meeting or haven't participated before, it is the legislative branch of Town governments in New England, responsible for passing our Town budgets and local rules and regulations. Any registered voter in Town has the opportunity to be a legislator for a day (in the case of our Annual Town Meeting in May) or evening (in the case of our Special Town Meeting in November) just by showing up to Town Meeting. I hope you are considering attending Town Meeting and participating in one of the oldest and most democratic traditions in the country!

However, while participating in Town Meeting is a great way to get involved in the community, it isn't the only way you can get involved in local government. All elected and appointed Boards in Town are fully composed of volunteers. Whether it's advocating for our Town employees and making Lunenburg a better place to work on the Personnel Committee, protecting our beautiful community on the Conservation Commission, or digging into our Town's finances on the Finance Committee, there are so many ways you can participate in local government, join a community of caring and dedicated volunteers, and make our Town a better place to live.

If getting involved is something you've been considering or think you'd be interested in, I invite you to take a look at the open vacancies on our elected and appointed Boards:

Agricultural Commission
Architectural Preservation District
Commission
Board of Health
Conservation Commission
Cultural Council
Finance Committee
Green Communities Committee

Historical Commission
Library Board of Trustees
Master Plan Steering Committee
Personnel Committee
Public Access Cable Committee (PACC)
Stormwater Task Force
Zoning Board of Appeals

If any of these openings look like a good fit to you, please consider getting involved! The first step is to fill out a Volunteer Form which you can find on the Town's website at lunenburgma.gov. Under the "How Do I..." section of the website, click on "Volunteer For Town Boards/Commissions." If you have any questions, feel free to reach out to me at cnuzzolo@lunenburgma.gov.

I look forward to seeing you at Special Town Meeting and hope you'll consider volunteering!

Caesar Nuzzolo
Caesar Nuzzolo
Chair, Select Board
cnuzzolo@lunenburgma.gov

**TOWN OF LUNENBURG
SPECIAL TOWN MEETING WARRANT
November 12, 2024**

Worcester, ss:

To: 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 Lunenburg Middle/High School Auditorium in said Lunenburg on Tuesday, the 12th day of November, 2024, at 7:00 o'clock in the evening (7:00 P.M.), for the purpose of taking action on the Special Town Meeting Warrant, and then and there to act on the following articles:

SPECIAL TOWN MEETING ARTICLES

ARTICLE 1: AMENDING FY '25 TOWN BUDGET:

(Submitted by the Select Board)

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, all sums of money necessary to amend the amounts voted in the FY 2025 Budget, under Article 7 of the May 4, 2024 Town Meeting; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred

SELECT BOARD RECOMMENDATION: Deferred

VOTE REQUIRED: 2/3rds (Lunenburg General Code § 81-9)

Summary: This is a standing article for this special meeting to adjust the budget as warranted by information available to us at the time of crafting the budget presented at the Annual Town Meeting evolves.

ARTICLE 2: AMENDING FY '25 SCHOOL BUDGET:

(Submitted by the School Committee)

To see if the Town will vote to raise and appropriate an additional sum of Thirty-One Thousand Eight Hundred Eighty-Two Dollars and No Cents (\$31,882.00) for the FY25 operating budget for the School Department; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval

SELECT BOARD RECOMMENDATION: Recommend Approval

VOTE REQUIRED: 2/3rds (Lunenburg General Code § 81-9)

Summary: The anticipated revenues we initially thought we might receive from the state were used in calculating the final Town budget in May. At the end of the state's budget process, the legislature allotted slightly more money for the Chapter 70 school funding program than we had planned for. This article would now appropriate that extra money to the School Department. (As written by the Interim Town Manager)

ARTICLE 3: AUTHORIZATION TO PAY LATE BILLS AND FUNDING THEREOF

(Submitted by the Town Finance Director)

To see if the Town will vote to (a) authorize the payment of a so-called "late bill" from FY '24 (b) appropriate the sum of Four Thousand One Hundred Eighty Dollars and No Cents (\$4,180.00) to pay said late bill and (c) meet said appropriation by a transfer from the overlay surplus account; or take any other action relative thereto; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval
SELECT BOARD RECOMMENDATION: Recommend Approval

VOTE REQUIRED: 9/10ths

Summary: The Fiscal Year for every town in Massachusetts ends on June 30 and we only have until July 15 to process the bills for that given fiscal year. We must either receive and pay the bill by then or set aside an amount of money (an encumbrance) in anticipation of receiving the bill. Try as our Departments may, there is inevitably a bill or several which misses this statutory deadline. Paying a “late bill” for which there is no encumbrance requires both a 9/10 vote of the Town meeting and an appropriation of new monies.

(As written by the Town Finance Director)

ARTICLE 4: LUNENBURG MART CONNECT TRANSPORTATION PROGRAM:

(Submitted by the Interim Town Manager and Director of the Council on Aging)

To see if the town will appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) to support the Lunenburg MART Connect Transportation Program as provided on our behalf by the Montachusett Area Regional Transportation (MART) organization and administered by the Council on Aging (CoA) and to meet said appropriation by a transfer of said sum from overlay surplus; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval

SELECT BOARD RECOMMENDATION: Recommend Approval Hold Disapprove

VOTE REQUIRED: 2/3rds (Lunenburg General Code § 81-9)

Summary: The Montachusett Regional Transportation Authority (MART) has had a grant to run a subsidized system of rides for our elders, teens, and working folks who do not have another method of reliable transportation. This serves people we cannot serve by means of our CoA van service either because of the age of the users or distance. It has been providing roughly 400 rides a month to roughly 70 unique users. The program grant ended as of September 30th and the Finance Committee has transferred \$5k from its reserve fund to support the service through action by this Special Town Meeting. Although we will be making a modest increase in fares being charged to help support the program, and we will be extending the normal 20-mile limit to allow anyone anywhere in Lunenburg to go to Emerson Hospital to help offset the closure of the Nashoba Valley Medical Center, we expect this funding should be sufficient for us to support the program through the end of the Fiscal Year. However, we do need to acknowledge that this will depend upon our

volume of ridership as every rider does require a subsidy of some level from this fund. (As written by the Interim Town Manager and Director of the Council on Aging)

ARTICLE 5: ADOPTION OF PRUDENT INVESTOR RULE

(Submitted by the Town Finance Director)

To see if the town will vote to accept the provisions of Massachusetts General Law (MGL) Chapter 44 Section 54 (b), (c), and (d) to allow the Town's trust funds to be invested in accordance with MGL Chapter 203C, which is the so called "prudent investment rule"; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4 Yes 1 No

SELECT BOARD RECOMMENDATION: Recommend Approval 4 Yes 1 No

VOTE REQUIRED: MAJORITY

Summary: The current statutes that we operate under have very defined and tight controls about where we may invest the monies we hold "In Trust" (Sale of Cemetery Lots, Scholarship Funds, Conservation Land Purchase and the like). These statutes emphasize safety over return. These statutes we ask you to accept allow a bit more latitude to make investments still considered relatively safe (i.e. "prudent") while improving the investment yields by approximately 1% (i.e. 5% versus 4%). All other town funds remain under the stricter investment rules. (As written by the Interim Town Manager and Finance Director)

ARTICLE 6: ADOPTING CERTAIN CLAUSES RELATIVE TO TAX EXEMPTIONS

(Submitted by the Board of Assessors)

To see if the Town will vote to accept Clause Seventeenth E and Clause Seventeenth F (both relative to the Elderly, Surviving Spouses, or Minor Child of a deceased parent) and Clause Forty-first D (relative to the Elderly) of Section 5 of MGL Ch. 59; or take any other action relative thereto.

BOARD OF ASSESSORS RECOMMENDATION: Recommend Approval

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4 Yes 1 No

SELECT BOARD RECOMMENDATION: Recommend Approval

VOTE REQUIRED: MAJORITY

Summary: You may be eligible to reduce a portion of your property taxes assessed on your domicile if you meet the qualifications for one of the personal exemptions allowed under Massachusetts law. Qualifications vary, but generally relate to age, ownership, residency, disability, income or assets.

Adopting 17E would allow the Asset limit to increase per COLA as of July 1, 2025.

Adopting 17F would allow the Exemption amount to increase per COLA of July 1, 2025.

Adopting 41D would allow the Income & Assets limits to increase per COLA as of July 1, 2025.

17D Assets	Single \$40,000	Exemption Amount \$185.00
41 C Income	Single \$24,000	Married \$40,000
41C Assets	Single \$40,000	Married \$55,000
41 C Exemption \$1,000		

41D will replace 41C

(As provided by the Office of the Board of Assessors)

ARTICLE 7: WATER SUPPLY PROTECTION DISTRICT:

(Submitted by the Planning Board)

To see if the Town will vote to amend the Code of Lunenburg by deleting Section 250-4.9, entitled Water Supply Protection District, in its entirety and inserting a new Section 250-4.9, entitled Water Supply Protection District, as written below (Zoning Map is the last page in the Voter's Guide booklet;

250-4.9 WATER SUPPLY PROTECTION DISTRICT

A. PURPOSE OF DISTRICT

The purpose of this Water Supply Protection District is to:

- (1). Promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Lunenburg;
- (2). preserve and protect existing and potential sources of drinking water;
- (3). Conserve natural resources in the Town of Lunenburg; and
- (4). Prevent temporary and permanent contamination of the environment.

B. SCOPE OF AUTHORITY

- (1) The Water Supply Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Water Supply Protection District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Water Supply Protection District.

C. DEFINITIONS

Automobile Graveyard: An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in MGL c.140B, s.1.

Aquifer: A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

CMR: Code of Massachusetts Regulations.

Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

Contaminated Groundwater: Groundwater containing oil and/or hazardous material at concentrations equal to or greater than a release notification threshold established by 310 CMR 40.0300 and 40.1600.

Contaminated Surface Water: Surface water containing oil and/or hazardous material associated with a release for which notification is required under 310 CMR 40.0300 and 40.1600.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

Dry Well: A subsurface pit with open-jointed lining or holes through which storm- water drainage from roofs, basement floors, foundations, or other areas seep into the surrounding soil.

Water Supply Protection District: The land area consisting of aquifers, Zone II recharge areas, and Zone III areas, all as approved by MassDEP and identified on a map and adopted pursuant to this bylaw.

Hazardous Material: Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or

welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public water well that lacks a Zone II.

Junkyard: An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, s.1.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

MassDEP: Massachusetts Department of Environmental Protection. MGL: Massachusetts General Law.

Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane, or butane.

Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

Recharge Areas: Land areas, such as a Zone II or an Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the headworks of a facility.

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Utility Works: Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation, and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A.

Zone I: A protective radius around a public water supply well or wellfield as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00. For the purposes of this § 250-4.9, Zone II shall not extend within that area included in Zone I. Accordingly, no parcels or portions of parcels located within Zone I are considered to be included within Zone II.

Zone III: An area beyond a Zone II recharge area, as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

D. ESTABLISHMENT AND DELINEATION OF WATER SUPPLY PROTECTION DISTRICT

For the purposes of this bylaw, there are hereby established within the Town of Lunenburg certain watersupply protection areas a Zone I, Zone II, and Zone III which consist of a protective radius around a public water supply well or wellfield (Zone I), aquifers or recharge areas (Zone II), and certain protected areas beyond those Zone II areas (Zone III). These areas are delineated on a map entitled *Lunenburg Water District Aquifer Protection Zones* dated July 2021 which is hereby made part of the Water Supply Protection District Bylaw and is on file in the office of the Town Clerk.

E. DISTRICT BOUNDARY DISPUTES

- (1). If the location of the Water Supply Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit

application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.

- (2). Burden of proof shall be upon the landowner to demonstrate that the location of the Water Supply Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the landowner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Water Supply Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation.
 - (a) Changes to the Water Supply Protection District require town meeting approval.
 - (b) Changes to the Zone II boundary require approval from the MassDEP.
- (3). Where the Zone II boundary line of the Water Supply Protection District divides a lot or parcel, the requirements established by this bylaw shall apply to the land twenty (20) feet beyond the Zone II boundary.

F. PERMITTED USES

- (1). Irrespective of the permitted uses in the underlying district, only the following uses are permitted within Zone I or Zone II of the Water Supply Protection District except as may also be allowed by Special Permit in § 250-4.9 H. This same restriction does not apply to Zone III.
- (2). The following uses are permitted within Zone I:
 - (a) Conservation of soil, water, plants, and wildlife;
 - (b) Outdoor recreation, nature study, swimming, boating, fishing, and hunting where otherwise legally permitted;
 - (c) Raised wooden walkways, foot, bicycle and/or horse paths, and bridges;
 - (d) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, and conservation devices;
 - (e) Uses accessory and subordinate to the above uses, if permitted in the underlying district and subject to the provision of the underlying district, provided that the use does not result in coverage of more than 15% of the lot with impervious surfaces.
 - (f) Maintenance and repair of existing drinking water supply related works such as, but not limited to, wells, pipelines, aqueducts, and tunnels.
 - (g) Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner approved by Mass DEP that preserves drinking water quality and minimizes damage to surrounding, non-target species.
 - (h) Maintaining vegetation as approved by MassDEP including pruning, trimming, cutting, mowing, and removing brush to prevent, control, and manage hazards, disease, insect, or fire damage, and to preserve drinking water quality and maintain the condition of the premises.
- (3). The following uses are permitted within Zone II and Zone III of the Water Supply Protection District, provided that all necessary permits, orders, or approvals required by

local, state, or federal law are also obtained:

- (a) conservation of soil, water, plants, and wildlife;
- (b) outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- (c) foot, bicycle and/or horse paths, and bridges;
- (d) normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, and conservation devices;
- (e) maintenance, repair, and enlargement of any existing structure, subject to § 250-4.9 G, § 250-4.9 H and § 250-4.9 J of this Zoning Bylaw;
- (f) residential development, subject to § 250-4.9 G, § 250-4.9 H and § 250-4.9 J of this Zoning Bylaw;
- (g) farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to § 250-4.9 G, § 250-4.9 H and § 250-4.9 J of this Zoning Bylaw;
- (h) construction, maintenance, repair, and enlargement of existing drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels but shall not include construction of new treatment works and related;
- (i) Water Remediation Treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water operating in compliance with 314 CMR 5.05(3).
- (j) any use permitted in the underlying zoning by-right or by special permit, except for those uses specifically prohibited in § 250-4.9 G, § 250-4.9 H and § 250-4.9 J of this Zoning Bylaw.

G. PROHIBITED USES

- (1). The following land uses and activities are prohibited in Zone II unless designed in accordance with the specified performance standards :
 - (a) landfills and open dumps;
 - (b) automobile graveyards and junkyards,;
 - (c) landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
 - (d) facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
 - [1] very small quantity generators as defined under 310 CMR 30.000;
 - [2] household hazardous waste centers and events under 310 CMR 30.390;
 - [3] waste oil retention facilities required by MGL c. 21, s.52A; and
 - [4] water remediation treatment works approved by MassDEP for the treatment of contaminated waters subject to § 250-4.9 H.
 - (e) petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
 - (f) storage of liquid hazardous materials and/or liquid petroleum products unless

such storage is above ground level and on an impervious surface and either:

- [1] in container(s) or above ground tank(s) within a building; or
- [2] outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater. However, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing, or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;

- (g) storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- (h) storage of deicing chemicals, with the exception of small quantities stored in containers and ready for application, unless such storage, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (i) storage of animal manure, with the exception of small quantities stored in containers and ready for application, unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (j) storage of commercial fertilizers, with the exception of small quantities stored in containers and ready for application, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (k) stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Water Supply Protection District;
- (l) earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40; and
- (m) treatment or disposal works subject to 314 CMR 5.00, for non- sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:
 - [1] treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13) subject to § 250-4.9 H; and
 - [2] publicly owned treatment works subject to § 250-4.9 H.

H. USES AND ACTIVITIES REQUIRING A SPECIAL PERMIT

- (1). In Zone I the following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:

- (a) Construction of new treatment works and related structures.
- (b) Water remediation treatment works except as expressly permitted in Section 250-4.9F(1)(i)
- (c) Publicly owned treatment works.
- (d) Construction of new water treatment works.

(2). In Zone II, the following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:

- (a) enlargement or alteration of existing uses that do not conform to the Water Supply Protection District;
- (b) except as prohibited under § 250-4.9 G of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, and which are permitted in the underlying zoning district;
- (c) rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's Stormwater Handbook, Vol. I, II and III, as amended.
- (d) Construction of new treatment works and related structures.
- (e) Water remediation treatment works except as expressly permitted in Section 250-4.9F(1)(i)
- (f) Publicly owned treatment works.
- (g) Construction of new water treatment works.

I. PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT PURSUANT TO § 250-4.9

- (1). The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. A special permit shall be granted if the SPGA determines, with advisement from the Lunenburg Water District, Building Commissioner, Conservation Commission, Department of Public Works, and Board of Health, that the intent of this bylaw, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments, or commissions in its decision.
- (2). Upon receipt of the special permit application, the SPGA shall transmit one copy to the Lunenburg Water District, Building Commissioner, Conservation Commission, Department of Public Works, Board of Health, and Lunenburg Fire Department. Failure to respond in writing within 35 days of receipt shall be considered as no desire to comment. The necessary number of copies of the application shall be furnished by the applicant.
- (3). The SPGA may grant the required special permit upon finding that the proposed use

meets the following standards, those standards and requirements specified in § 250-4.9 G of this bylaw, and any regulations or guidelines adopted by the SPGA. The proposed use must:

- (a) in no way, during construction or thereafter, materially adversely affect the quality or quantity of the water supplies protected by the Water Supply Protection District; and
- (b) be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed, except as depicted on an approved site plan.

(4). The SPGA may adopt controls to govern design features of projects. Such controls shall be consistent with the Town's subdivision regulations, Site Plan Approval, and Stormwater Bylaws.

(5). The applicant shall file 10 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and all supporting materials must meet the requirements outlined in the Planning Board Rules & Regulations for Site Plan Approval and Special Permit and at a minimum include the following information where pertinent:

- (a) a complete list of the categories of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
- (b) for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and the Board of Health. The plan will be consistent with the standards and requirements set forth in § 250-4.9 G above and shall include:
 - [1] provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - [2] provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces;
 - [3] evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000; and
 - [4] proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

(6). The SPGA shall hold a hearing, in conformity with the provision of MGL c.40A s. 9, within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c.40A s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit.

(7). If there are material changes to the categories of potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use after the Special Permit has been granted, the owner/operator will file updated information on those categories of hazardous materials with the Fire Department, the Board of Health, and the Planning Board.

J. USES AND ACTIVITIES PERMITTED BY SITE PLAN REVIEW

(1). In Zone III, the following uses and activities (these are the same uses and activities which are permitted only by Special Permit in Zone II as detailed in § 250-4.9 H) are permitted only upon the issuance of Site Plan Approval by the Planning Board under such conditions as they may reasonably require.

- (a) enlargement or alteration of existing uses that do not conform to the Water Supply Protection District;
- (b) except as prohibited under § 250-4.9 G of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, and which are permitted in the underlying zoning district;
- (c) rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's Stormwater Handbook, Vol. I, II and III, as amended.

(2). Site Plan Approval will be granted, with the input of the Building Commissioner, Board of Health, Conservation Commission, and Department of Public Works, and a determination by the Planning Board that the intent of the Bylaw, as well as its specific criteria, are met.

(3). The submitted Site Plan Approval application will comply with the requirements of § 250-8.4 of this Bylaw.

(4). If there are material changes to the categories of potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use after Site Plan Approval is granted, the owner/operator will file updated information on those categories of hazardous materials with the Fire Department, Board of Health, and the Planning Board.

K. ENFORCEMENT

(1). Written notice of any violations of this bylaw shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.

(2). A copy of such notice shall be submitted to the Land Use Director, Building

Commissioner, Conservation Commission, Department of Public Works, and Board of Health. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

(3). The Building Commissioner may use any portion of Section 250-8.2 of these Zoning Bylaws to assist in the enforcement of the requirements of this Bylaw; or take any other action relative thereto.

PLANNING BOARD RECOMMENDATION Recommend Approval

FINANCE COMMITTEE RECOMMENDATION: No Financial Impact

SELECT BOARD RECOMMENDATION: Deferred

VOTE REQUIRED: 2/3rd

Summary: This Warrant Article seeks to modernize the Water Supply Protection District bylaw by refining its scope, adding clear definitions, and clarifying permitted and prohibited uses within each Zone (1-3) around well-heads in the District (See Map). It also adds a dedicated section on Uses and Activities Requiring a Special Permit within the District, which includes construction of new treatment works and related structures within Zone 1. (As written by the Land Use Director)

ARTICLE 8: COUNCIL ON AGING REVOLVING FUND MEALS PROGRAM

(Submitted by the Town Finance Director)

To see if the Town will vote, to

1.) Amend the Code of Lunenburg, Section 138-5(d), entitled Authorized Revolving Funds, by the creation of an additional Revolving Fund to be named CoA Meal Site Revolving Fund and administered as presented below:

Department, Board, Committee, Agency or Officer Authorized to Spend from the Fund	Fees, Charges or Other Receipts Credited to the Fund	Program or Activity Expenses Payable from the Fund	Restrictions or Conditions on Expenses Payable from the Fund	Fiscal Years
Council On Aging (CoA) Director	All user fees, charges or other receipts received as a result of the operation of the Meal Site programs	Purchase of food, supplies and services related to the preparation and distribution of meals to the meal site users	None	Fiscal Year 2025 and subsequent years

And

2.) Set the FY '25 spending limit at Sixteen Thousand Dollars and No Cents (\$16,000.00); or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: No Financial Impact
SELECT BOARD RECOMMENDATION: Recommend Approval
VOTE REQUIRED: MAJORITY

Summary: The Council on Aging currently maintains the monies collected for the meals program in its offices and then uses those funds to go out and purchase the foodstuffs and supplies they need for upcoming meals. We have absolutely every faith in our staff in doing so but good accounting practices – and statute – require that those funds are turned into the Treasurer and then, as bills are received, we pay them out as we pay every other invoice received by the Town. By-laws to authorize the actions contained herein are in accord with the methods set forth in MGL Ch. 44 S 53E1/2.

The funding limit set above is based upon what has been estimated for a full fiscal year. Although this fund will not commence until mid-year, we do not know exactly when it will commence (changes to the Code require the approval of the Office of the Attorney General) nor do we know exactly how the balance of the year may unfold with respect to the number of participants.

The adoption of new revolving funds during the course of a fiscal year cannot be allowed unless the town accountant can certify that the revenue sources were not used in computing the most recent tax levy. He has so certified. (As written by the Interim Town Manager)

ARTICLE 9: PARKS DEPARTMENT REVOLVING FUND RE: 53D vs 53E 1/2

(Submitted by the Town Finance Director)

To see if the Town will vote, as a block, to

1. To amend Code of Lunenburg Section 138-5(d), entitled Authorized Revolving Funds, by the creation of an additional Revolving Fund to be named Parks Programming Revolving Fund and administered as presented below:

Department, Board, Committee, Agency or Officer Authorized to Spend from the Fund	Fees, Charges or Other Receipts Credited to the Fund	Program or Activity Expenses Payable from the Fund	Restrictions or Conditions on Expenses Payable from the Fund	Fiscal Years
Parks Commission	All user fees, charges, rental fees or other receipts received as a result of the operation of recreation programs and facilities	Payments to part-time employees, full-time employees, materials, and outside vendors	Benefits for part-time employees (i.e. Medicare et al) and for full-time employees on a pro-rata basis equal to the proportionate share of their salary paid from the Fund.	Fiscal Year 2025 and subsequent years

2. Set the FY '25 spending limit at Seventy-Seven Thousand Dollars and No Cents (\$77,000.00);
3. Transfer all funds remaining in the Parks Revolving Fund established under MGL Ch. 44 Section 53D by Article 7 of the Special Town Meeting of February 6, 1984, as amended by Article 11 of the Special Town Meeting of October 14, 1986, on the effective date of this amendment By-Law; and
4. Revoke the Town's prior acceptance of MGL Ch. 44 s. 53D and dissolve the aforementioned 53D revolving fund upon the transfer of all funds; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4 Yes 1 No

SELECT BOARD RECOMMENDATION: Recommend Approval

VOTE REQUIRED: MAJORITY

Summary: State statute provides a variety of mechanisms for cities and towns to fund a variety of programs outside of the normal appropriation process and part of the tax rate (Enterprise Funds, Donation Accounts, Revolving Funds and the like). The Town previously adopted MGL Ch. 44 s 53D as the means it chose to fund the operation of the Recreation programs. While the fund has certain positives (retaining any interest it earns) it also has two major negatives. The first is that the fund cannot be used for the purpose of paying any wages or salaries for full-time personnel. The second is that the fund is required to turn over any amount in it greater than \$10,000 at the end of every fiscal year (it has roughly \$64,000 in it as of this writing). The conversion of the 53D fund to a MGL Ch 44 s 53E ½ revolving fund solves both of these problems. The first is that the wages of a full-time person, or the proportional share of the wages of a full-time percent, may be paid from the fund provided that "... the revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid". The second is that any so-called

“excess funds” remain in the fund until such time it is dissolved at which time the remainder reverts to the general fund. The only negative is that the earned interest each year does not remain in the fund but instead reverts to the general fund. It is believed the pluses outweigh this negative.

The funding limit set above is based upon what has been estimated for a full fiscal year. Although this fund will not commence until mid-year, we do not know exactly when it will commence (changes to the Code require the approval of the Office of the Attorney General) nor do we know exactly how the balance of the year may unfold with respect to the number of participants.

The adoption of new revolving funds during a fiscal year cannot be allowed unless the town accountant can certify that the revenue sources were not used in computing the most recent tax levy. He has so certified.

(As written by the Interim Town Manager)

ARTICLE 10: REQUEST TO SELECT BOARD RE: THE BROOKS HOUSE

(Submitted by the Architectural Preservation District Commission)

To see if the Town will vote to request the Select Board to prepare a report and present the same to the 2025 Annual Town Meeting, to that would have the intent of a sale or long term lease of the “Brooks House” situated on 1033 Massachusetts Avenue by:

1. Defining a lot of minimally compliant size for the property that includes at least four parking spaces as part of the property;
2. Conveying to the buyer or lessee and their successors and assigns a non-exclusive, perpetual easement for the purpose of using up to eight additional parking spaces nearest to the property to accommodate customers of any business located therein from the lot of the Town-owned library on 1023 Massachusetts Avenue;
3. Conveying to the buyers or lessees and their successors and assigns a non-exclusive perpetual easement for the purpose of using the existing driveway and parking lot of the Town-owned library on 1023 Massachusetts Avenue for the purpose of vehicular and pedestrian access to the property;
4. Consulting with the School Committee and relevant parties on the recommendation to be contained in the report;
5. Advising on the terms and conditions the Select Board deems reasonable and necessary to protect the interests of the Town; and
6. Advising on the methods and costs of placing the property for sale or lease by appropriate legal means at the Town’s disposal with the intent of offering the property for sale or long-term lease by October 30, 2025, and continually re-tendering the offer until the property is sold or leased; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: No Financial Impact

SELECT BOARD RECOMMENDATION: Recommend Approval

VOTE REQUIRED: MAJORITY

Summary: The purpose of this article is to save the Brooks House from demolition without using taxpayer money. The Brooks House is an attractive, historic building located at 1033

Massachusetts Avenue. The article seeks to create the conditions for the building's restoration, renovation, and valuable reuse, using private funds and initiative. In order to achieve this, the article asks Town Meeting to request the Selectboard to investigate and report back on a sale or long-term lease of the building along with a minimal lot footprint. (As written by the APDC representative)

ARTICLE 11: SALARY ADMINISTRATION PLAN AMENDMENTS #1

(Submitted by the Interim Town Manager and HR Director/Assistant Town Manager)

To see if the Town will vote to amend the Code of Lunenburg Chapter(s) 70, entitled Salary Administration Plan, and add a Chapter 71, to be entitled Employment Contracts, by making certain deletions (in strikethrough) and additions (in bold italic) as follows:

§70-12 NEW PERSONNEL *COMPENSATION AND INCREASES*

A. *All employees shall be hired at* ~~The hiring rate shall be~~ the minimum of the rate range of the job for which the new employee is hired, unless the Town Manager, *after consultation with the Chair of the Personnel Committee, recommends authorizes* paying the employee at a higher step due to the employee's qualifications and experience or marketing conditions. The Personnel Committee must *formally* vote to approve any *proposal by the Town Manager to pay the new employee* ~~recommendation~~ above Step 4. *The Town Manager may not use the provisions of Section 70-2 paragraph G to hire a new employee above Step 4.* ~~1. Department heads shall notify the Town Manager of the hiring of all new personnel. This notification shall be done in writing via the New Hire Personnel Form.~~

B. Effective July 1, 2015, for new ~~regular~~ full-time and new ~~regular~~ part-time *A or part-time B* personnel, eligibility for a step increase will depend on the employee's date of hire. If hired between January 1st and June 30th, the employee is not eligible for a step increase until July 1st of the following calendar year. If hired between July 1st and December 31st, the employee is eligible for their first step increase on the upcoming July 1st.

C. Effective July 1, 2022, for new ~~regular~~ full-time and new ~~regular~~ part-time *A and part-time B* personnel, eligibility for a step increase will be on the anniversary date of employment.

D. *Special Merit Awards - In addition to pay increases which may be awarded to an employee, the Town Manager may annually make a one-time award of two hundred fifty dollars and No Cents (\$250.00) to up to three employees who have gone above and beyond in one of three (3) categories. There shall be only one (1) award in each of these three (3) categories, which are:*

Communications: *Displays a commitment to assisting the public and transparency in government including, but not limited to, improving and/or devising new ways to communicate information within the organization and to the public at large.*

Efficiency: *Displays a commitment to ensuring we operate proficiently and efficiently by "stepping up" and "stepping in" to undertake nominal cross training in mission*

critical functions, exhibits a willingness to “float” as needed, and/or suggests ideas that result in ease of processing, and savings of time, material, storage requirements and the like.

Pinnacle of Excellence: *Displays a willingness to make extraordinary efforts in the ongoing improvement of the organization, assisting other staff members or departments to complete new or ongoing assignments and often requires the person to “stretch” to learn new computer programs, methodologies or processes.*

The Town Manager shall annually solicit nominations of employees from citizens at large, members of a Board, Committee, or Commission, Department Heads, or fellow employees for such awards. The Town Manager shall make all determinations regarding the nominees. Nominations shall be made on a form approved by the Town Manager. All recipients will be publicly recognized for their accomplishment and have a letter of commendation placed in their personnel file in addition to their one-time award of monies.

§70-12-1 RECRUITMENT INCENTIVES

The Town acknowledges that there may be times of extremely low unemployment, a discipline specific shortage of qualified applicants, or recruitment challenges posed by the Town’s wage structure, that the recruitment of needed employees may prove so difficult as to make it problematic to deliver certain mission critical services. Upon the Town Manager making such a finding, they may offer the prospective employee a recruitment incentive by depositing up to five (5) days of leave time, which shall be charged against earned leave time over the coming year, with which to begin their employment.

§70-18 PAID VACATIONS

A. All persons employed regularly by the Town full-time or part-time **B** for a minimum of twenty (20) hours per week shall receive paid vacations according to the following schedule. Any persons working between 20 and 40 hours per week shall receive paid vacations, but it will be prorated accordingly. The part-time compensation formula shall be used to determine the prorated part-time employee’s vacation day (See SECTION 2829. DEFINITIONS).

After Completion of:	Hours of Paid Vacation (Based on 40 hour week)
Less than one complete year of continuous service	8 hours per each full calendar month up to 80 hours
After completion of 1 Year of continuous service	80
After completion of 5 Years of continuous service	120
After completion of 10 Years of continuous service	160

After completion of 11 Years of continuous service	164
After completion of 12 Years of continuous service	168
After completion of 13 Years of continuous service	172
After completion of 14 Years of continuous service	176
After completion of 15 Years of continuous service	180
After completion of 16 Years of continuous service	184
After completion of 17 Years of continuous service	188
After completion of 18 Years of continuous service	192
After completion of 19 Years of continuous service	196
After completion of 20+ Years of continuous service	200

B. Earned vacation time up to and including 80 hours must be used in the year granted. No unused portion of this allowance shall be carried forward into a subsequent vacation year, nor shall any monetary compensation be given for such unused portion. Earned vacation time in excess of 80 hours should be used in the year granted, and no portion of such excess shall be carried forward into a subsequent year. If departmental scheduling or other serious extenuating circumstances preclude the use of all such excess in the year granted, the employee may request to receive compensation equivalent to such unused portion in a lump sum payable on the first payroll warrant in July, in addition to their regular salary, or may be allowed to carry over such excess as the Town may elect in its sole discretion. Any employee asserting a serious extenuating circumstance must submit a written request to their direct supervisor and such request must be approved by the direct supervisor and the Town Manager before the employee shall be compensated for, or allowed to carry over, such excess.

C. Employment Termination. An employee whose employment ends shall be paid for all accrued but unused vacation leave.

D. The vacation year shall begin July 1. In the first year of employment, employees shall accrue one (1) day of vacation leave (prorated based on number of hours worked each week) per month of service completed to a maximum of 80 hours to be available for use by the employee on the following July 1st. Vacation leave accrued each fiscal year will be available for use on the following July 1st. Any change in the rate of accrual shall occur on the employee's anniversary date. When an employee's anniversary date for the completion of the 5th, 10th-20th years occurs after July 1st, the employee shall receive vacation leave for the remainder of the year on a pro-rated basis.

E. Vacation leave shall be approved by the Department Head and/or their designee for such time or times as best serve the public interest, provided, however, that each employee shall be entitled

to use at least 40 hours of their vacation accrual during the period between June 1 and September 15 if desired, based on seniority.

F. No vacation time may be used in advance of the July 1 date on which it would normally be credited; except that where such advance serves the needs of the employee and the Town, it may be granted, upon request of the employee, by the Department Head, subject to the written approval of the Town Manager. In no case shall any such advanced vacation exceed the number of days for which the employee would be entitled to compensation, were they to terminate their services in good standing on the first day of such vacation.

G. The Town Manager may award a new employee an accrual rate of vacation leave in recognition of the employee's qualifications and experience, or market conditions provided that such initial accrual shall not exceed three (3) weeks. Such employees shall be awarded a service date for the purpose of vacation leave accruals only, which shall be used for future increases in the accrual rate.

§70-19 PAID HOLIDAYS

A. The Town of Lunenburg shall observe the following holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veterans' Day
Patriots Day	Thanksgiving Day
Memorial Day	One Floating Holiday*
Juneteenth	Day Before Christmas
Independence Day	Christmas Day

B. ~~All Employees~~ persons employed by the Town, except those in a classification of Intermittent or Seasonal, shall receive paid holiday leave on the day the Town observes the holiday provided the employee is regularly scheduled to work on the day the Town observes the holiday, based on the hourly rate of the employee for the number of hours the employee is regularly scheduled to work on the day of the week on which the holiday is observed. ***No supervisor or employee may change the employee's regular schedule in advance of a holiday in an attempt to earn paid holiday, nor may schedules be adjusted to allow an employee to exceed their regularly scheduled weekly hours.***

C. Holiday leave will be granted on the day the Town observes the holiday, when possible. If the holiday falls on a Saturday, it will be observed on the preceding Friday. If the holiday falls on a Sunday, it will be observed on the following Monday. If an eligible employee is required to work on the day the Town observes the holiday, they will be entitled to a Floating Day, which has to be used within 30 days, by agreement of the supervisor and employee. If the department head determines that holiday leave cannot be granted, the employee shall receive payment at one and one-half times the base hourly rate for all hours worked on the holiday, in addition to his or her holiday pay. Final determination is to be made by the Town Manager.

D. To be eligible for paid holiday leave, an employee must work his or her full assigned shift on his or her regularly scheduled workday before a holiday, and the next regularly scheduled working day following the holiday, unless the employee has been excused for a legitimate reason by the direct supervisor.

*Floating Holiday time for employees who work **more than 20 less than 40** hours per week will be calculated in hours and determined by dividing the number of hours regularly worked per week, by the number of days they work in one week. **Employees who are in the classification of part-time A shall not be eligible for the Floating Holiday.**

§70-20-1. SICK LEAVE BANK

A sick leave bank shall be established, no later than June 30, 2025, for all employees, except those in a classification of Intermittent or Seasonal, by adoption of a formal policy by the Select Board, after consultation with the Personnel Committee, to assist eligible employees during medical emergencies.

§70-21. PERSONAL LEAVE

- A. All persons employed **in a classification of** full-time or part-time **B**, who have completed six (6) months waiting period by July 1 of any year, shall be entitled to personal leave of three (3) days to become available on July 1 for use during the ensuing fiscal year.
- B. New employees having completed the six (6) months waiting period shall be credited as of the end of said six (6) months, with one (1) personal day for use during the period between said six (6) months anniversary and the end of the then current fiscal year; provided, however, that the said six (6) months waiting period must have been completed by May 1 of that year.
- C. Employees who do not use any sick leave within a three-month (3) month period (calculated quarterly), will be entitled to one (1) additional personal day for each such quarter; said personal days are to be used in the same fiscal year in which they are earned. Personal leave shall be scheduled with the approval of the Department Head and/or their designee. Personal leave shall not be cumulative.

§ 70-25. JURY DUTY

All persons permanently employed, whether **in a classification of** full-time, **part-time A** or part-time **B**, called for jury duty shall be paid by the Town, an amount equal to the difference between the compensation paid for a normal working period and the amount paid by the court, excluding allowance for travel, and this will be certified by the Town Clerk or Treasurer upon presentation of the check for monies received for Jury Duty. Jury duty pay is for up to three days of pay.

§ 70-26. LONGEVITY PAY

After reaching ten (10) years of employment, and thereafter, each employee permanently employed, ~~whether in a classification of~~ full or part-time **B**, shall receive an annual bonus equal to 2% of their annual salary, and is payable in the first pay period after the employee's anniversary date, at 15 years of continuous service – 2.5% of their annual salary, and at 20 years of continuous service – 3% of their annual salary.

§70-29. DEFINITIONS

The following terms used in the Salary Administration Plan shall be defined as set forth herein:

Full-Timetime Employee shall mean any employee who is regularly scheduled to work thirty-six (36) hours or more per week.

Hourly Employee shall mean any employee of the Town who by virtue of their classified position is compensated at an hourly rate for services rendered.

Part-time Employee A shall mean any employee working on a regular schedule but fewer than 20 hours per week.

Part-time Employee B shall mean any employee who is regularly scheduled to work at least twenty (20) hours and fewer than thirty-six (36) hours per week.

Intermittent Employee shall mean any employee who ~~works is regularly scheduled to work fewer than twenty (20) hours per week on an irregular or occasional basis without a pre-arranged schedule and is compensated only for the time they work. Intermittent employees are not eligible for benefits (i.e. vacation, sick, holiday, longevity, insurance, unless required by law) and work less than one thousand forty (1,040) hours per year in the service of the Town.~~

Vacation and Sick Leave Formula shall be determined by dividing the time off by 40 and then multiplying by the number of hours the employee works per week. For example, a 40 hour per week employee is eligible for 120 hours of vacation. If another employee with the same tenure works 36 hours, the formula is as follows: $120 / 40 = 3$. Then multiply 3×36 hours = 108 hours.

Waiting Period shall mean the initial six (6) month period of employment with the Town.

Seasonal Employee shall mean any employee, part-time or full-time, who works no more than 180 days per year. Seasonal employees are not eligible for benefits (i.e. vacation, sick, holiday, longevity, insurance, **and the like**, unless required by law).

§70-30. EMPLOYMENT CONTRACTS

The Town Manager may negotiate and execute an employment contract for a period of time not to exceed three (3) years to provide for the performance standards, salary, fringe benefits, and other conditions of employment, including but not limited to: severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties of office, liability

insurance, performance standards, and leave for all department heads, provided that the Select Board may authorize the Town Manager to enter into an employment agreement with employees in other titles due to market conditions or for positions requiring specific skills, education or level of experience. Such employment contract shall be subject to Select Board approval under the procedures set forth in the Charter for the ratification of appointment and shall prevail over any conflicting provisions of any Town personnel by-law, rule, or regulation.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4 Yes 1 No

SELECT BOARD RECOMMENDATION: Recommend Approval 4 Yes 1 No

VOTE REQUIRED: MAJORITY

Summary: There has been considerable discussion over the past year of challenges the Town faces with respect to recruiting and retaining Town employees. As you watch and read the news you may have noticed that we are not alone. The current National employment market is proving challenging to employers. The proposals above are based upon several employee listening sessions and the experience the sponsors have with multiple prior employers. The proposals seek to address the issues of recruitment by:

- Taking time out of the process of offering a higher starting rate while still maintaining a role for the Personnel Committee while capping the ability of the Town Manager to act above a fixed point in the absence of a Personnel Committee;
- Providing a new employee with a nominal award of leave time “up front” (which is then “clawed back” over time) to new employees who otherwise must wait six months to use any accrued sick leave;
- Allowing a new employee with considerable equivalent professional service to have that time considered in awarding what vacation leave they will accrue (few persons are willing to leave a job with four weeks, let us say, of vacation to come to us to start anew with only two for several years);
- Establishing a local rule for employment contracts to ensure that individuals not covered by specific state provisions receive the same treatment as those with state provisions.

And addressing the issues of retention by offering:

- An annual opportunity to recognize employees with “Merit Awards;”
- Creation of a Town wide sick leave bank; and
- Holiday pay for our employees who work less than 20 hours.

There is no question we will lose some hours of productivity, but we believe a satisfied workforce will be well worth that loss. (As written by the Interim Town Manager)

ARTICLE 12: SALARY ADMINISTRATION PLAN AMENDMENTS #2

(Submitted by the Interim Town Manager and HR Director/Assistant Town Manager)

§70-18 PAID VACATIONS

A. All persons employed regularly by the Town *and classified as either full-time, part-time A, or part-time B* shall receive paid vacations according to the following schedule. ~~Any persons working between 20 and 40 hours per week shall receive paid vacation, but it Vacation will be prorated accordingly. The vacation and sick leave formula shall be used to determine the prorated leave time part time employee's vacation day (See SECTION 2829—DEFINITIONS). Employees classified as part-time A will be capped at a maximum of twice the number of hours they are regularly scheduled to work in a week.~~

After Completion of:	Hours of Paid Vacation (Based on 40 hour week)
Less than one complete year of continuous service	8 hours per each full calendar month up to 80 hours
After completion of 1 Year of continuous service	80
After completion of 5 Years of continuous service	120
After completion of 10 Years of continuous service	160
After completion of 11 Years of continuous service	164
After completion of 12 Years of continuous service	168
After completion of 13 Years of continuous service	172
After completion of 14 Years of continuous service	176
After completion of 15 Years of continuous service	180
After completion of 16 Years of continuous service	184
After completion of 17 Years of continuous service	188
After completion of 18 Years of continuous service	192
After completion of 19 Years of continuous service	196
After completion of 20+ Years of continuous service	200

B. Earned vacation time up to and including 80 hours must be used in the year granted. No unused portion of this allowance shall be carried forward into a subsequent vacation year, nor shall any monetary compensation be given for such unused portion. Earned vacation time in excess of 80 hours should be used in the year granted, and no portion of such excess shall be carried forward into a subsequent year. If departmental scheduling or other serious extenuating circumstances preclude the use of all such excess in the year granted, the employee may request to receive compensation equivalent to such unused portion in a lump sum payable on the first payroll warrant

in July, in addition to their regular salary, or may be allowed to carry over such excess as the Town may elect in its sole discretion. Any employee asserting a serious extenuating circumstance must submit a written request to their direct supervisor and such request must be approved by the direct supervisor and the Town Manager before the employee shall be compensated for, or allowed to carry over, such excess.

C. Employment Termination. An employee whose employment ends shall be paid for all accrued but unused vacation leave.

D. The vacation year shall begin July 1. In the first year of employment, employees shall accrue one (1) day of vacation leave (prorated based on number of hours worked each week) per month of service completed to a maximum of 80 hours to be available for use by the employee on the following July 1st. Vacation leave accrued each fiscal year will be available for use on the following July 1st. Any change in the rate of accrual shall occur on the employee's anniversary date. When an employee's anniversary date for the completion of the 5th, 10th-20th years occurs after July 1st, the employee shall receive vacation leave for the remainder of the year on a pro-rated basis.

E. Vacation leave shall be approved by the Department Head and/or their designee for such time or times as best serve the public interest, provided, however, that each employee shall be entitled to use at least 40 hours of their vacation accrual during the period between June 1 and September 15 if desired, based on seniority.

F. No vacation time may be used in advance of the July 1 date on which it would normally be credited; except that where such advance serves the needs of the employee and the Town, it may be granted, upon request of the employee, by the Department Head, subject to the written approval of the Town Manager. In no case shall any such advanced vacation exceed the number of days for which the employee would be entitled to compensation, were they to terminate their services in good standing on the first day of such vacation.

G. The Town Manager may award a new employee an accrual rate of vacation leave in recognition of the employee's qualifications and experience, or market conditions provided that such initial accrual shall not exceed three (3) weeks. Such employees shall be awarded a service date for the purpose of vacation leave accruals only, which shall be used for future increases in the accrual rate.

§70-20 SICK LEAVE

A. All persons ~~employed in a classification of~~ full-time or part-time **B employees** who have completed the six (6) months waiting period by July 1 of any year, shall be entitled to sick leave of ninety-six (96) hours, to be credited on July 1. The Vacation and Sick Leave formula shall be used to determine the employee's prorated sick pay (See SECTION 2829—DEFINITIONS).

B. New employees having completed the six (6) months waiting period shall be credited as of the end of said six (6) months, with sick leave in the amount of eight (8) hours for each full month intervening between the six months anniversary date and the next July 1, up to the maximum of ninety-six (96) hours. Use of such leave must be occasioned by sickness or injury of the employee or their immediate family member.

C. Unused sick leave shall be cumulative up to a maximum of 1,200 hours and shall be carried forward on July 1 of each year, to be added to the sick leave credited as of July 1. The vacation and sick leave formula shall be used to determine the employee's prorated maximum sick hours (See SECTION 2829. DEFINITIONS). Sick leave may be donated to another employee who has exhausted their accumulated sick leave at the discretion of the Town Manager.

D. All persons classified as part-time A employees who have completed the six (6) months waiting period by July 1 of any year, shall be entitled to sick leave up to twice the number of hours they are regularly scheduled to work in a week, to be credited on July 1. The Vacation and Sick Leave formula shall be used to determine the employee's prorated sick pay (See SECTION 29. DEFINITIONS).

DE. When an employee finds it necessary to be absent because of accident or illness, they shall report the fact to their immediate supervisor as soon as possible either in person or by agent. Sick leave will not be granted unless such report is made. For the protection of the Town, the Department Head or supervisor may require the presentation of a doctor's certificate in connection with a claim for sick leave that exceeds or is equal to 24 hours (or three missed days of work). Any employee who refuses to submit to a doctor's note shall not be entitled to sick leave.

FF. An employee who retires in good standing shall receive compensation based on a percentage of their accumulated unused sick leave, up to a maximum of 480 hours, as follows: 5 years continuous service 10%; 15 years continuous service 50%; 25 years continuous service 75%. In the event of an employee's death, the above benefit will be paid to their beneficiary. This retirement benefit will not be available to any employee hired after June 30, 2010.

FG. Sick Time can be used for any of the following reasons:

1. Care for the employee's own physical or mental illness, injury or medical condition that requires home care or rest, professional medical diagnosis or care, or preventative medical care;
2. Care for the employee's child, spouse, parent or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventive medical care;
3. Attending the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse.
4. **Parental Leave.** If an employee becomes a parent with or without giving birth (e.g., because the employee's spouse gives birth to a baby, or the employee adopts a child) ~~Employees may access, up to 8 weeks (40 days) of sick leave provided there is a pro-rated cap, of up to 320 hours, on the usage of sick leave for such purpose. (See SECTION 2829. DEFINITIONS)~~

FINANCE COMMITTEE RECOMMENDATION: Recommend Approval 4 Yes 1 No

SELECT BOARD RECOMMENDATION: Recommend Approval 4 Yes 1 No

VOTE REQUIRED: MAJORITY

Summary: This article seeks to address retention issues by awarding our part-time employees sick and vacation leave. It is capped at twice the number of hours they are

regularly scheduled to work. It also incorporates the changes you made at the Annual Town Meeting with respect to parental leave. (As written by the Interim Town Manager).

ARTICLE 13: PRESENTATION BY TOWN BODIES

(Submitted by the Budget Task Force and Lunenburg Municipal Building Design Committee)

To see if the Town will vote to allow the Chair of the Budget Task Force and the Chair of the Lunenburg Municipal Building Design Committee to make a verbal report on the status of the work of their respective group;

Or take any other action related thereto.

FINANCE COMMITTEE RECOMMENDATION: No Financial Impact

SELECT BOARD RECOMMENDATION: Recommend Approval

VOTE REQUIRED: MAJORITY

Summary: Each of these has asked to make a short presentation (thought of as no more than ten minutes apiece) on the work of their group. (As written by the Interim Town Manager)

ARTICLE 14: DEBT AUTHORIZATION FOR MARSHALL PARK IMPROVEMENTS

(Submitted by the Parks Commission)

To see if the Town will vote to appropriate a sum of money to pay all remaining costs of the design and construction of the Marshall Park renovation project, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; to approve the submission of the grant application to the Land and Water Conservation Fund grant program (P.L. 88-578) in furtherance of this project; to reaffirm that the Marshall Park land is dedicated to park purposes under Chapter 45, Section 3; or to take any other action relative thereto.

Or to take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred

SELECT BOARD RECOMMENDATION: Deferred

VOTE REQUIRED: 2/3rds

Summary: Through previous votes by the Selectboard and Town Meeting, the Town has set in motion the long-anticipated renovation of Marshall Park. To date, \$1 million has been appropriated from ARPA funds, and an additional \$184,000 was approved at the November 2022 Special Town Meeting for the project's initial design and engineering. Additionally, the Town has secured a \$500,000 PARC grant from the state, enabling the Parks Commission to move forward with design and begin preparing for Phase 1 construction. This first phase includes a basketball court, three pickleball courts, a universal playground, a picnic area, and a pavilion equipped with modern bathroom facilities and concession. Beyond the funds already made available, the remaining funds

required to complete Phase 1 are included in this funding request. And if borrowing of the additional funds is approved under this article, construction of Phase 1 is anticipated to begin in early 2025.

To meet the conditions of the Phase 1 Parc grant, and to move forward with additional planned improvements, the Town must approve the appropriation of \$5.2 million in local funds. This warrant seeks approval for borrowing this amount under standard municipal debt procedures, which requires a two-thirds majority vote.

By supporting this request for the funding to complete Phase 1, and to design Phase 2, voters will help transform Marshall Park into a modern, accessible, multi-generational, and vibrant space for all residents, significantly enhancing the quality of life in our community. We will continue to apply for more grants and seek funding from private sector sources with the hope of further reduce the cost to the town for this project. (As written by the Chair of the Parks Commission)

ARTICLE 15: CITIZEN PETITION RE: DEBT FOR MARSHALL PARK

To see if the Town will vote to borrow a sum of money of Five Million Two Hundred Thousand Dollars and No Cents (\$5,200,000), within the Town's debt limits under G.L. c. 44, §10 for the purpose of funding all remaining costs of the design and construction of the Marshall Park renovation project, including all related equipment and costs; and to approve the submission of the grant application to the Land and Water Conservation Fund grant program (P.L. 88-578), and to reaffirm the Marshall Park land is dedicated to park purposes under Chapter 45, Section 3; or take any action relative thereto.

FINANCE COMMITTEE RECOMMENDATION: Deferred

SELECT BOARD RECOMMENDATION: Deferred

VOTE REQUIRED: 2/3RDS

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be the Town Hall, one at Baker's Whalom Variety in the Whalom-Bakerville District, one at Powell's and one at Jaxx Country Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) 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.

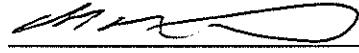
Given under our hands this 22nd day of October in the year Two Thousand and Twenty-Four.

A true copy, Attest:

Kathryn M. Herrick, Town Clerk

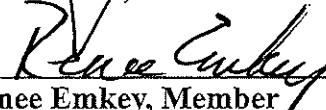
LUNENBURG SELECT BOARD


Caesar Nuzzolo, Chair


Michael-Ray Jeffreys, Vice Chair


Amanda Moore, Clerk


Tom Alonso, Member


Renee Emkey, Member

BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

TIP #1

KEEP FALLEN LEAVES OUT OF STREETS.

Leaf litter leaches nutrients into stormwater runoff and contributes to pollution in our waters.

Visit stormwater.capecodcommission.org for more tips.

BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

TIP #2

CLEAR STORM DRAINS OF DEBRIS.

Leaf litter and yard debris plug storm drains and increase flooding issues.

Visit stormwater.capecodcommission.org for more tips.

BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

TIP #3

DON'T DUMP IN DITCHES OR STREAMS.

Decaying leaf litter releases excess nutrients causing eutrophication and algal blooms.

Visit stormwater.capecodcommission.org for more tips.

BE A LEAF HERO

HELP KEEP OUR WATERWAYS CLEAN

TIP #4

COMPOST LEAVES & YARD CLIPPINGS.

Reduce added chemicals in your yard and garden by creating a natural fertilizer with composted leaves.

Visit stormwater.capecodcommission.org for more tips.

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**TOWN OF LUNENBURG SPECIAL TOWN MEETING, NOVEMBER 12, 2024: 7:00 PM
LUNENBURG MIDDLE/HIGH SCHOOL AUDITORIUM
1079 Massachusetts Avenue**