

Town of Lunenburg  
Select Board Meeting Minutes  
Town Hall, 17 Main Street and via Zoom  
Tuesday, April 23, 2024

**Members Present:** Chair Michael-Ray Jeffreys, Vice Chair Lou Franco, Clerk Caesar Nuzzolo, Member Tom Alonzo

**Members Absent:** Member Renee Emkey

**Also Present:** Town Manager Heather Lemieux  
Public Comment Participants are listed in the minutes

## **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Michael-Ray Jeffreys called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Chair Michael-Ray Jeffreys informed attendees that the meeting was being recorded and broadcast live and would be uploaded to YouTube after the meeting. He explained that the agenda listed topics that may be discussed, but not all items may be addressed and other items not listed could be brought up as permitted by open meeting law.

## **PUBLIC COMMENT**

### **Board Comment**

Member Tom Alonzo announced that this Friday is the 10<sup>th</sup> anniversary of the “Are You Smarter Than Our 6<sup>th</sup> Graders” fundraiser for the Boys and Girls Club. Mr. Alonzo is honored to the hosting for 10<sup>th</sup> year at 7 P.M., it’s free to attend and it’s a fundraiser so please donate.

Vice Chair Lou Franco announced that Eagle House supporters, which is the non-profit that raises funds for the Eagle House (the Adult Activity Center), is searching for both a president and a treasurer. Mr. Jamie Toale, of Supportive Business Alternatives, will be assisting with recruitment to fill those roles; please reach out to him at 617-365-4612.

Chair Jeffreys wished Town Manager Lemieux a happy birthday.

### **Public Comment**

Mr. John Bowen and Jean-Marie Price, 162 Highland St., were present. Mr. Bowen questioned the role of the Town Manager vis-à-vis the cemetery, procurement of services, and the DPW. He is seeking reimbursement of costs and increased control of cemetery operations. He wishes for the dissolution of the Cemetery Commission.

Mr. George Burden, 39 Cortland Circle, believes the Select Board has authority to enforce an issue he has with a trustee of the Flat Hill Homeowners Association, related to common conservation land. Mr. Burden also stated there are personal disputes that the Town could assist in resolving. However, Chair Jeffreys reminded Mr. Burden that according to the Town Charter, the Select Board has no authority over civil matters, HOA’s, or conservation land.

## **ANNOUNCEMENTS**

None

## **COMMUNICATIONS FROM OTHER BOARDS**

Mr. Mark Bursch, Chair of the Water District Commission, announced that a townwide community meeting is planned for Thursday, April 25, 6:30 P.M. at the LMHS, to provide information on the Water District's plans to treat PFAS in the district. The EPA has dropped the allowable limit to 4 parts per trillion, and the Water District has 5-6 years to have an affordable plan to meet the mandate. The Water District invites the Select Board to give their opinion on the issue. The total budget will be about \$42 million, and there will be a vote at that time to continue the plan, including applying for funding, for about \$32 million. Cost per customer will be available at the meeting. The Thursday meeting will be recorded, and there will be discussion at their regular meetings as well. Member Alonzo suggested that since many residents and the Town will be affected, the Select Board should schedule a meeting with the Commissioners and the Superintendent about 2 weeks before then. Chair Jeffreys said he would look into scheduling that meeting.

## **INTERVIEWS, APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

### **Ratification of the Town Manager's Appointment of Police Officer, Joel Ortega**

Police Chief Gammel notified the Board that Devon O'Brien resigned effective April 19, 2024, to accept a position with the State Police. The Chief recommended the appointment of Reserve Officer Joel Ortega to the position of full-time officer. Officer Ortega has completed all the necessary training requirements, including 250 hours of field training. He volunteers his time to the Department and the community, and is a 2018 graduate of Mt. Wachusett Community College, with an Associates degree in criminal justice. Officer Ortega is fluent in English and Spanish, and is an outstanding fit for the department.

**Motion by Chair Jeffreys to ratify the Town Manager's appointment of Joel Ortega to the position of full-time police officer, seconded by Clerk Nuzzolo. Call for the vote: Four-aye. The motion passed unanimously (4-0-0).**

## **APPOINTMENTS**

### **Update from DPW Director Bill Bernard on Chapter 90 funding and Road/Drainage Projects**

Mr. Bernard provided a slide presentation on Chapter 90 (state funds to towns for capital improvements on local roadways), which has been \$200 million since 2012 at the state level, split between municipalities based on local mileage, population, and employment. In FY 2024, the Town received about \$418,064 in regular allocations, about \$240,500 from the Fair Share Program, and about \$22,000 from the Rural Roadway Program. Since FY 2020, Lunenburg has spent \$890,954 in Chapter 90 funds, leaving \$2,002,925 remaining unspent. Mr. Bernard described the types of expenditures that are eligible for Chapter 90 spending. He has requested FY 2024 spending for milling and paving on Leominster-Shirley Rd., Pioneer Drive and Fort

Pond Rd., 3 locations of drainage repairs, new sidewalks, an air compressor, and engineering services. He described the DPW plans for the next several years. Per Mr. Bernard and the Town Manager, the unspent Chapter 90 funds are due mostly to the spend down of the prior pavement management spending plan before touching the Chapter 90 funds, as well as the unexpected increases due to new legislative programs; the Chapter 90 funds do not expire. The Select Board discussed the relationship of Chapter 90 funding needs with ARPA funds, which is a larger question needing to be addressed by the Board and the Town Manager and possibly requires a legal opinion.

Some ARPA money (the Federal Covid 19 relief plan, called the American Rescue Plan Act of 2021) went in the direction of the DPW. However, ARPA funds cannot be saved and also cannot be spent on already-planned expenses which were already funded another way. Chair Jeffreys said that we do not want to be a position where something is clawed back. He requested that the spending plans going forward to FY 2016 be included in the DPW presentation for the Finance Committee. Clerk Nuzzolo and Member Alonzo requested clarification on the timing of project approvals, fund allocations, and reimbursements. Member Alonzo pointed out that projects are approved before they begin, and the timing is coordinated with the Town Manager and the Finance Director.

The Town Manager explained that these need to be timed with the end of the fiscal year because we don't want to expend the funds within a fiscal year and not get the reimbursement within that time period, as it would impact the next year's balance sheet. Vice Chair Franco and Clerk Nuzzolo noted that we have a multi-year road map going forward. Member Alonzo pointed out that having a positive \$2 million is a good problem to have. Chair Jeffreys reiterated that a greater level of specificity would be useful and thanked Mr. Bernard for his presentation.

#### **Meeting with Finance Director Ezequiel Ayala and Fire Chief Patrick Sullivan on Abatement of Ambulance Receivables**

Chief Sullivan requested a write-off for ambulance billing balances that are uncollectable, going back to 2019. The principal cause is that 60%-65% of patients transported are on Medicare or Medicaid. Our billing rate is higher than the Federal reimbursement rate, but we will not be reimbursed for the difference. The Federal government pays only 64% of our bill. Because that balance is uncollectible, we are looking for an adjustment for that. Additionally, there are other reasons for uncollectible balances, such as the patient moved or passed away, or the bill is still tied up with a motor vehicle accident. The total requested write-off is \$464,095.55.

Chair Jeffreys asked if anyone on the list is a current resident, and if the list has been compared to current property owners. Chief Sullivan responded that he is not aware of that, but that they do assist the billing company in finding addresses. Chair Jeffreys suggested that liens could be put on town residents or estates; however, the Chief, the Finance Director and the Town Manager are 99.5% certain that liens cannot be applied for medical debt. The Chief stated that the vast majority, three quarters, is due to the Federal reimbursement maximum.

Chair Jeffreys would like to get to 100% on the medical debt lien question and wants to confirm that there is no way to get our value back. The Chief explained that if the bill isn't paid, eventually the account goes to collection. Eventually we won't lose out if the collection agency gets the funds. but now it's being written off as a financial function.

Chair Jeffreys requested a report that breaks out Medicare from non-Medicare bills; such a report would make it more likely he would approve the request.

Vice-Chair Franco asked what would happen if we say no; the Town Manager explained that it would stay on the books, and eventually we would be advised to write it off. Some of these go back to 2002, many are small debts. Clerk Nuzzolo is sensitive to collecting medical debts as there may be some people who can't pay; he is supportive of the request as it seems this is just clearing the books; we can still collect the money if it is sent in.

Member Alonzo requested that future reports be broken down by fiscal year and agreed that if we say no it will just get flagged on future audits. Chief Sullivan said that they will be doing this analysis more frequently going forward. Chair Jeffreys is interested in separating the uncollected data by Medicaid vs. not Medicaid. Additionally, he recommends writing a policy that would permit the Fire Chief and Financial Director to do this directly and save time, if it is correct that the abatement would simply have to be done anyway.

**Motion by Vice-Chair Franco to write off the ambulance debts in the amount of \$464,095.55 as presented. Seconded by Member Alonzo. Call for the vote: Vice-Chair Franco-aye, Clerk Nuzzolo-aye, Member Alonzo-aye, Chair Jeffreys-nay. The motion passed unanimously (3-1-0).**

#### **Quarterly Financial Report from Finance Director Ezequiel Ayala**

The Finance Director presented the 2<sup>nd</sup> quarter report. Total revenue collected through 12/31/23 (FY24 Q2) were \$23,499,570.02, which is 6.09% (\$1.5 million) less than the same time period last FY. Total expenditures were \$21,743,068.85, which is 4% (\$900,000) less than the same time period last year. The Finance Director's detailed slides were discussed by the Board. Other than the timing of health & sanitation (Nashoba Valley Board of Health and Nashoba Nursing) payments, there were no concerns raised. The Board thanked the Finance Director for his presentation.

#### **Update from Agricultural Commission.**

Mr. Matthew Allison, Chair of the Agricultural Commission attended via Zoom. He and Chair Jeffreys discussed their efforts to schedule Commission meetings, but the other Committee members did not attend. Mr. Allison said he had not requested the update tonight. The Chair said the Committee appeared to have some growing pains, and the intent tonight was to better understand what the Board could do to help organizationally, particularly for the Farmers Market. The Board agreed that we need a functioning Committee, and that representatives of the farming community would be hard to replace. At the February meeting, several Committee

members had left and there was no longer a quorum. Clerk Nuzzolo hopes that the members will figure out what they need to do. Chair Jeffreys offered to meet with the Committee.

## **INTERVIEWS/APPOINTMENTS**

### **Ratification of the Town Manager's Appointment of Facilities Custodian, Allan Smith**

The Town Manager asked the Board to ratify the appointment of Mr. Allan Smith as Facilities Custodian. Mr. Smith has experience as a carpenter, HVAC installation/plumbing, electrical small engine repair, grounds maintenance, and snow removal. His references describe a strong work ethic.

**Motion by Member Alonzo to ratify the appointment of Allan Smith as Facilities Custodian as presented by the Town Manager. Seconded by Vice Chair Franco. Call for the vote: Four-aye. The motion passed unanimously (4-0-0).**

### **Ratification of the Town Manager's Appointment of Beach Director Elizabeth Simeone and Seasonal Lifeguards Mason Bowser and Paige Gengler**

The Town Manager pointed out that all three are returning staff.

**Motion by Member Alonzo to ratify the appointment of Elizabeth Simeone as Beach Director and Mason Bowser and Paige Gengler as Seasonal Lifeguards as presented by the Town Manager. Seconded by Vice Chair Franco. Call for the vote: Four-aye. The motion passed unanimously (4-0-0).**

## **TOWN MANAGER REPORT re: UPCOMING MEETING/EVENTS SCHEDULE**

The Town Manager announced the dates of the Annual Town Meeting, 9 A.M., Saturday, May 4<sup>th</sup>, at the Middle/High School. The Annual Town Election is Saturday May 18, 7 A.M. to 5 P.M. at the TC Passios. The yard waste program has resumed, every Saturday until May 18, 8 A.M. to 4 P.M., 27 Youngs Rd., which is behind the Tri-Town buildings. The Lunenburg Cub Scouts will be hosting their annual plant sale on May 11, 8:45 A.M. to 3 P.M. on the Ritter building memorial lawn.

For committees and commissions, we have one vacancy on the Architectural Preservation District Commission, one vacancy on the Council on Aging, two associate vacancies on the Green Communities Committee, one member at large vacancy on the Open Space Committee, and one vacancy on the Personnel Committee. Anyone interested can find the volunteer application on the town website, complete and return to the Select Board's office. For questions call 978-582-4130 extension 144.

For employment opportunities we have positions for a Land Use Director for 40 hours a week, Planning Board Administrative Assistant for 36 hours a week, seasonal cemetery laborers and seasonal lifeguard positions. Information on how to apply is on the town website.

The Town Manager gave an update on the Flat Hill Drainage project. The Town is working with McCarty engineering on the work to be done to the detention basin. They were on site yesterday.

Funding for the Flat Hill culvert project, after speaking with Mass DOT about possible additional state funding, we submitted a letter requesting an additional \$100,000 in funding, which we will be receiving. We currently have \$500,000 from Small Bridge Grant and remaining about \$375,800 in the town appropriation. The project was put out to bid in March; the lowest responsible bid came in at about \$830,000, so the additional \$100,000 will help pay for the higher than estimated construction costs.

We received funds of about \$21,979 in the Rural Roadways supplemental program, as the DPW director talked about tonight. While not significant, it does add to our Chapter 90 total.

The invitation for bids for landscaping at Town facilities and parks is due June 11.

We are rebidding the removal of solid waste at the Woodruff property, 104 Fairview Rd.; we received no bids the last time, so this one is out for so long to give enough notice.

An update on the TC Passios building and relocating the public access studio: due to another major leak on April 12, the studio has been moved to the back wing to avoid damage to the equipment. Cabling, electrical, and sealing the floor there will occur after Town Meeting. The facilities issues at the building are becoming more frequent and there will be more expenses, which will require planning.

The senior means tested property tax exemption is on the governor's desk for signature, per Representative Margaret Scarsdale.

The Town Manager acknowledged the efforts of Dan Nadareski as our network administrator, for his responsiveness to staff needs and spearheading the efforts to be well prepared for Town Meeting. We expect that the auditorium will be at capacity for 600 people, and overflow rooms are being prepared. Voting clickers will be available and able to work remotely. Member Alonzo echoed the Town Manager's praise of Dan Nadareski.

The Town Manager thanked all who participated in the Earth Day events put on by the Park Commission and the Conservation Commission. The Lunenburg Police provided traffic assistance.

## **OLD BUSINESS**

### **Review Draft Turnover Policy**

The Board delayed this for a week to give enough time for the public to be fully informed about the revenue turnover policy draft.

### **Discussion on Annual Town Meeting Consent Calendar**

Consent Calendar – the grouping of non-controversial articles to be voted on as a block was presented by the Town Manager and accepted by the Board.

### **Minutes/Warrants/Action Items**

The minutes of October 10<sup>th</sup> were discussed.

**Motion by Clerk Nuzzolo to accept the minutes of October 10, 2023. Seconded by Vice-Chair Franco. Call for the vote: Three-zero-one (Member Alonzo abstained as he was not at that meeting). The motion passed (3-0-1).**

**Warrants were signed.**

### **Comments from the Board**

Chair Jeffreys requested that the Town Manager develop a standard template with a minimum size font to be used for presentations to the Board, to ensure that those watching on TV can read the content.

Chair Jeffreys passed along a comment and request to the Board from the PTO. The PTO suggests that a raffle prize for Cruise Night be created by the Select Board for students, similar to the popular prizes. Those are a ride in a firetruck and a day at the State House. Several creative ideas were discussed.

### **Committee Reports**

Member Alonzo reported that the Finance Committee will meet on Thursday to talk about their report as a handout for Town Meeting.

Clerk Nuzzolo reported that the Planning Board continued the hearing for 255 Sunny Hill Rd. and decided not to have the water protection bylaw be voted on at Town Meeting.

Vice Chair Franco reported on the Economic Development Committee, which will meet Thursday.

### **Upcoming Meetings**

Select Board is meeting April 30. Town Meeting is Saturday, May 4, at the Middle High School auditorium, and overflow in the gymnasium and potentially the cafeteria. The Select Board will be meeting weekly until the end of May, with Mr. Franco chairing on the 7<sup>th</sup>.

### **PUBLIC COMMENT**

Mr. Dave Passios, 56 Whiting St., via Zoom. Mr. Passios stated that the Select Board needs to assist with the re-organization of the Agricultural Committee to ensure there is a Farmers Market this summer.

Ms. Jen Duffy, 684 Flat Hill Rd. Ms. Duffy attended in person. Speaking for herself and not on behalf of the Agricultural Commission (of which she is a member), there have been efforts to arrange a meeting between the Select Board and the AgComm. She reviewed her record of communications. She was able to see that on the 9<sup>th</sup> there was a Select Board meeting, but the AgComm was not aware of the Select Board plan. There was no meeting posted or quorum of the AgComm so as to be able to meet with the Select Board.

She heard here tonight (4/23/24) that the AgComm was invited to be here again with the Select Board for the same topics tonight as that day. She also just heard tonight that the Board had heard back about the AgComm attendance only from the Chair and one other member, who was unable to attend. She wanted to clarify that she had sent two emails saying she would be available tonight.

She had further requested that a communication be made to the AgComm for 4/23/24, so that the AgComm would be able to be here in quorum. Her emails regarding tonight were sent on April 9 and April 16. She is sorry that Chair Jeffreys came to the meeting last Thursday (4/16) and no one showed up.

She said that the Committee members, outside of the AgComm chair, were not aware that the Select Board Chair would be in attendance on 4/16. Also, two members of the AgComm did respond in advance that they would be unable to make it, so it should have been known that because at least two of the five members declined, the chances of a quorum were minimal. Our chair was aware that two people had declined. I feel that should have been passed on to the Select Board Chair before the meeting.

Ms. Duffy stated that her understanding was that the AgComm would be meeting tonight at the at the Select Board, but no AgComm meeting was posted so there could be no joint meeting. The members need more communication. They are willing to meet but need clarity on who and where, whether with the Select Board or at a separate meeting.

Chair Jeffreys offered that the Board will propose two dates that a Select Board member could meet with the AgComm when a quorum is available.

#### **Public Comment from the Board**

Member Alonzo reminded the public that the Boys and Girls Club fundraiser is Friday, 7 P.M.

#### **ADJOURNMENT**

**Member Alonzo moved to adjourn. Seconded by Vice-Chair Lou Franco. Call for the vote: Four-aye. The motion passed unanimously (4-0-0).**

Meeting adjourned at 9:43 P.M.

Respectfully Submitted,

Sharon Jordan  
Minute Clerk

These minutes were reviewed and approved by the Select Board on:  
Tuesday, January 6, 2026

**Chair Caesar Nuzzolo made the Motion to Approve the minutes of April 23, 2024. Seconded by Clerk Renee Emkey. Call for the Vote: Four-aye. One abstention (Member McLeod). Motion Passed (4-0-1).**