

By Mr. Antonioni, a petition (accompanied by bill, Senate, No. 1144) of Robert A. Antonioni (by vote of the town) for legislation to authorize the town of Lunenburg to establish a capital improvement trust fund and a bond and note proceeds investment fund. Local Affairs. [Local approval received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT AUTHORIZING THE TOWN OF LUNENBURG TO ESTABLISH A CAPITAL IMPROVEMENT TRUST FUND AND A BOND AND NOTE PROCEEDS INVESTMENT FUND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the
2 contrary, the Town of Lunenburg may establish and maintain a
3 special account known as the Capital Improvement Trust Fund,
4 and may raise and appropriate money therefore.

1 SECTION 2. The Town of Lunenburg may appropriate to the
2 fund by majority vote at an annual or special town meeting in any
3 year any amount not to exceed 10 percent of the amount raised in
4 the preceding year by taxation of real estate and tangible personal
5 property. The aggregate amount of the fund at any time shall not
6 exceed 10 percent of the equalized valuation of said town as
7 defined in section 1 of chapter 44 of the General Laws.

1 SECTION 3. The Town of Lunenburg may, by a By-Law enacted
2 by a $\frac{2}{3}$ majority vote at an annual or special town meeting, direct
3 that a fixed percentage of the Town's free cash as certified by the
4 Department of Revenue in any given fiscal year and a fixed per-
5 centage, not to exceed 10 percent of any new growth in tax revenue
6 as certified by the Bureau of Local Assessment in any given year,
7 be deposited in said Capital Improvement Fund.

1 SECTION 4. The fund shall be maintained by the Town of
2 Lunenburg as a separate account. The treasurer of the town shall
3 be the custodian of the fund and may invest the funds in such sep-
4 arate account in the manner authorized by sections 55 and 55A of
5 chapter 44 of the General Laws. Any interest earned on the fund
6 shall be credited to and become part of such separate account.

1 SECTION 5. The Town of Lunenburg may appropriate by
2 majority vote at any annual or special town meeting any principal
3 and interest within the fund for any capital purchase or principal
4 debt payment for any capital purchase. Capital purchase is defined
5 as any item with a life expectancy of more than 5 years.

1 SECTION 6. Notwithstanding section 53 of chapter 44 of the
2 General Laws or any other general or special law to the contrary,
3 the Board of Selectmen of the Town of Lunenburg may establish a
4 special fund or funds in the town treasury into which shall be
5 deposited income derived from the investment of the proceeds of
6 all notes and bonds issued for any capital building project and
7 funded through a Proposition 2¹/₂ debt exclusion for the renova-
8 tion, reconstruction, construction and original equipping of said
9 town's buildings. The town treasurer shall be the custodian of
10 these monies and shall make an accounting of the funds to the
11 Board of Selectmen. Except as provided for in section 7, any
12 amount in such special fund shall be applied solely to the payment
13 of capital costs or debt service for the building project that the
14 money was borrowed for and no amount shall be spent on such
15 projects in excess of the amount appropriated therefore without an
16 additional appropriation by town meeting and upon authorization
17 by the town treasurer.

1 SECTION 7. If, upon declaration of the town department or
2 committee responsible for oversight of a project referenced herein
3 that the project is completed, there remains a balance in the
4 special fund attributable to that project, that balance shall be
5 transferred to the General Fund of the town.

1 SECTION 8. This act shall take effect upon its passage.