

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

Annual Town Meeting June 21, 2010

Population 1473

The Annual Town Meeting was brought to order by the Moderator, Ray Steele at 7 P.M. in the second floor of the Gill Town Hall. There were 62 registered voters present of a total of 1051 voters in the Town of Gill.

The Moderator recognizes Kit Carpenter, Chair of the Historical Commission

"The members of the Gill Historical Commission want to recognize the contribution made by Dick French to the preservation of Gill's town history. Dick served on the commission for sixteen years, from 1993 to 2009. He has provided a wealth of ideas and detailed information about Gill residents and their activities during early and more recent periods of our history. We appreciate his dedication to the careful preservation of historical material, his abiding interest in making historical material available for Gill residents to use, and his great storytelling of times gone by. As a token of our esteem and to thank him for his many contributions, the members of the commission are presenting him with a book about Western Massachusetts, reprinted from an 1869 volume in the Slate Library, called "From the Hub to the Hudson, with Sketches of Nature, History and Industry in Northwest Massachusetts", by Washington Gladden. We hope to be able to continue to work together as time will allow."

Article 1: Move to Pass Over Article 1. (Article 1: To hear and act upon the Annual Report of the Officers of the Town, or take any action relative thereto.)

This article is "To hear and act upon the Annual Report of the Officers of the Town, or take any action relative thereto." An Annual Report is not ready at this time. The Town voted last year to change from a calendar year town report to a fiscal year town report. The "catch-up" report, covering January to June 2009 will be printed this summer and can be approved at the next Special Town Meeting. The next Annual Report will cover FY 2010 and will be printed this fall.

Passed Unanimously

Article 2: Move to elect Edward J. Golembeski and Clifford C. Hatch as Field Drivers and elect the Selectboard as Fence Viewers; Measurers of Wood, Bark and Surveyors of Lumber - all for one year.

Passed Unanimously

Article 3: Move the Town accept and expend any sum of money that might be made available from State or Federal funds for roadwork for the Fiscal Year 2011 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Highway Department, and authorize the Treasurer with the approval of the Selectboard to borrow in anticipation of reimbursement.

Passed Unanimously

Article 4: Move the Town vote to authorize the following revolving funds per the provisions of Massachusetts General Laws, Chapter 44, Section 53E 1/2, for which revenues will be deposited into the funds and expended to pay related costs under the direction of the Selectboard, and total expenditures for the fiscal year beginning July 1 next will be limited to the amounts listed below, with all money remaining in the fund at the end of each fiscal year.

Table with 3 columns: Dept. Authorized to Spend, Types of Receipts Credited, Amount of Funds Authorized. Rows include Fire Dept., Town Clerk, Cemetery Commission and their respective funds.

Conservation Commission	Consultant Fees	10,000.00
Agricultural Commission	Farmers' Market, Ag Events	500.00

Passed Unanimously

Article 5: Move the Town vote to transfer from Free Cash the sum of Nine Thousand Eight Hundred Nineteen and 00/100 Dollars (\$9,819.00) to reimburse the following Fiscal Year 2010 accounts for Fiscal Year 2009 salary expenses which were paid from Fiscal Year 2010 funds:

Town Administrator	\$1,414.72
Assessor's Clerk	\$559.26
Treasurer's Salary	\$477.70
Collector's Salary	\$574.54
Clerk Salary	\$384.48
Planning Board	\$35.67
Zoning Board of Appeals	\$47.56
Town Hall Building	\$319.95
Fire Dept. Expenses	\$1,067.99
General Highway Expenses	\$4,319.65
Riverside Sewer System	\$270.14
Board of Health Salaries	\$40.95
<u>Library Salaries</u>	<u>\$306.39</u>
TOTAL	\$9,819.00

In July 2009, when the Accountant was processing bill schedules for both the end of FY 2009 and the beginning of FY210, \$9,819 salary expenses from FY2009 were inadvertently paid from FY2010 funds. The FY2009 money became part of the Town's certified Free Cash. To avoid the FY2010 salary budgets from going into a deficit, it is asked that this transfer be made. A 2/3 vote is required to pay bills from a prior fiscal year.

Passed - Declared a 2/3 vote by the Moderator

Article 6: Move the Town vote to amend the votes taken under Article 17 (Fiscal Year 2010 Gill Montague Regional School District Budget) on May 4, 2009 and under Article 10 on September 14, 2009, to decrease the sum of money by Eighteen Thousand Eight Hundred Forty and 00/100 Dollars (\$18,840.00).

In the two votes listed above, the Town approved more money for the G-M school budget than was ultimately set by the Commissioner of Elementary and Secondary Education on December 1st. Because the FY2010 tax rate was set using the Commissioner's school figure and not the Town's, this is simply a housekeeping article; it has no direct financial impact on the Town or on any past or future spending.

Passed Unanimously

Article 7: Move the Town vote to fix the salaries or compensation of the several officers of the Town as follows:

Constable(s) – Each Posting	\$17.06
Moderator – Annual Town Meeting	\$124.53
Special Town Meeting, Each	\$22.20
Selectboard Chair	\$2,360.96
2 nd & 3 rd Member, Each	\$2,146.39
Board of Assessors Chair	\$2,867.01
2 nd & 3 rd Member, Each	\$2,606.35
Board of Health Chair	\$1,273.49
2 nd & 3 rd Member, Each	\$1,166.21
Town Clerk	\$13,938.18
Tax Collector	\$18,929.85
From Sewer Receipts	\$593.02

Treasurer	\$15,929.04
Registrars – Three members, Each	\$52.95
Town Clerk	\$84.82

All amounts are level-funded except: Town Clerk (increase of \$2,787.64), Tax Collector (increase of \$1,720.90), and Treasurer (increase of \$2,077.70). The increases are being recommended by the Selectboard because these positions are underpaid in consideration of the jobs' responsibilities and duties and the knowledge required to perform them.

Passed By Majority

Article 8: "Omnibus Budget" Move the Town vote to raise and appropriate One Million Three Hundred Twenty Seven Thousand Three Hundred Fifty Nine and 45/100 Dollars (\$1,327,359.45) for the maintenance of the several departments of the Town, and for other necessary charges.

	A	B	C	D	E
	Omnibus Budget for 6/21/10 Annual Town Meeting	FY10 Approved	FY11 S'BD/FIN COM Recommendation	Increase / (Decrease)	% Change
1	GENERAL GOVERNMENT				
2	Moderator Salary	171.90	168.93	(2.97)	-1.7%
3	Selectboard Salaries	6,653.74	6,653.74	-	0.0%
4	Selectboard Expenses	2,783.09	2,798.24	15.15	0.5%
5	Administrative Assistant (Salary & Exp.)	43,134.31	45,174.29	2,039.98	4.7%
6	Finance Committee	150.00	150.00	-	0.0%
7	Reserve Fund	1,500.00	1,500.00	-	0.0%
8	Accountant Expenses	200.00	200.00	-	0.0%
9	Assessors Salaries	8,079.71	8,079.71	-	0.0%
10	Assessors Clerical & Expenses	25,645.86	26,257.40	611.54	2.4%
11	Treasurer Salary	13,851.34	15,929.04	2,077.70	15.0%
12	Treasurer Expenses	4,716.20	6,757.00	2,040.80	43.3%
13	Tax Collector Salary	17,208.95	18,929.85	1,720.90	10.0%
14	Tax Collector Expenses	6,963.00	9,034.00	2,071.00	29.7%
15	Legal	5,000.00	5,000.00	-	0.0%
16	IT Committee	500.00	1,700.00	1,200.00	240.0%
17	Town Clerk Salary	11,150.54	13,938.18	2,787.64	25.0%
18	Town Clerk Expenses	3,450.00	5,350.00	1,900.00	55.1%
19	Electors/Registrars	1,500.00	2,500.00	1,000.00	66.7%
20	Conservation Commission	712.26	889.14	176.88	24.8%
21	Agricultural Commission	200.00	200.00	-	0.0%
22	Planning Board	1,993.45	1,672.42	(321.03)	-16.1%
23	Zoning Board of Appeals	1,261.34	1,936.56	675.22	53.5%
24	Town Hall/Riverside Bldg Operations	23,479.80	23,855.16	375.36	1.6%
25	Building Repairs & Maintenance	18,000.00	18,000.00	-	0.0%
26	Garage/Public Safety Bldg Operations	16,000.00	16,715.40	715.40	4.5%
27	GENERAL GOVERNMENT TOTAL	214,305.49	233,389.06	19,083.57	8.9%
28					
29	PUBLIC SAFETY				
30	Police Department	153,728.23	155,328.23	1,600.00	1.0%
31	Fire Department	65,125.91	65,125.91	-	0.0%
32	PUBLIC SAFETY TOTAL	218,854.14	220,454.14	1,600.00	0.7%
33					
34	PUBLIC WORKS				
35	Trees and Forestry	3,000.00	3,000.00	-	0.0%
36	Highway Department	247,394.80	247,053.36	(341.44)	-0.1%
37	Dump Truck Debt Payment	32,265.00	32,265.00	-	0.0%
38	Bridges and Street Lights	5,475.96	5,950.00	474.04	8.7%

39	Solid Waste & Recycling	63,621.21	72,826.00	9,204.79	14.5%
40	Solid Waste District	3,175.00	3,227.00	52.00	1.6%
41	Sewer	65,453.68	65,264.29	(189.39)	-0.3%
42	Cemetery Commission	2,500.00	2,600.00	100.00	4.0%
43	Memorial Committee	645.00	645.00	-	0.0%
44	PUBLIC WORKS TOTAL	423,530.65	432,830.65	9,641.44	0.28
45					
46	HEALTH & HUMAN SERVICES				
47	Board of Health Salaries	3,605.91	3,605.91	-	0.0%
48	Board of Health Clerical & Expenses	5,359.02	5,359.02	-	0.0%
49	Council on Aging	5,569.28	5,569.28	-	0.0%
50	Veterans Assessment	2,470.00	2,470.00	-	0.0%
51	HEALTH & HUMAN SERVICES TOTAL	17,004.21	17,004.21	-	0.0%
52					
53	CULTURE & RECREATION				
54	Library	18,092.22	18,092.00	(0.22)	0.0%
55	Recreation Commission	3,000.00	3,000.00	-	0.0%
56	Historical Commission	860.00	860.00	-	0.0%
57	CULTURE & RECREATION TOTAL	21,952.22	21,952.00	(0.22)	0.0%
58					
59	FIXED COSTS				
60	Town Insurance	38,799.89	39,706.19	906.30	2.3%
61	Mariamante Loan	25,000.00	19,817.00	(5,183.00)	-20.7%
62	Retirement	57,762.00	58,764.00	1,002.00	1.7%
63	Unemployment Fund	2,500.00	2,500.00	-	0.0%
64	Group Health and Life Insurance	84,470.73	76,869.20	(7,601.53)	-9.0%
65	FIXED COSTS TOTAL	208,532.62	197,656.39	(10,876.23)	-5.2%
66					
67	FRCOG ASSESSMENT				
68	Core & Statutory Assessments	8,188.00	9,827.00	1,639.00	20.0%
69	Accounting	18,903.00	18,423.00	(480.00)	-2.5%
70	Health Agent	3,734.00	6,244.00	2,510.00	67.2%
71	Procurement Services	2,378.00	2,380.00	2.00	0.1%
72	Cooperative Inspection Program	54,193.00	58,860.00	4,667.00	8.6%
73	FRCOG ASSESSMENT TOTAL	87,396.00	95,734.00	8,338.00	9.5%
74					
75	EDUCATION				
76	Gill-Montague Reg. Sch. Dist.	Special Article	Special Article		
77	GMRSD Bldg Loan	Special Article	Special Article		
78	Franklin County Technical School	76,650.00	108,339.00	31,689.00	41.3%
79	EDUCATION TOTAL	76,650.00	108,339.00	31,689.00	41.3%
80					
81	TOWN OPERATING BUDGET TOTAL	1,268,225.33	1,327,359.45	59,134.12	4.7%

Passed Unanimously

Article 9: "COLA" Move the Town vote to raise and appropriate Thirteen Thousand Six Hundred Forty and 07/100 Dollars (\$13,640.07) to provide a three percent (3.00%) cost of living adjustment (COLA) for all Town employees and elected officials.

Passed By Majority

Article 10: "GMRSD Budget" Move the Town vote to raise and appropriate One Million Four Hundred Ten Thousand Three Hundred Fifty Nine and 00/100 Dollars (\$1,410,359.00) for its Fiscal Year 2011 operating assessment including debt for the Gill-Montague Regional School District.

The assessment from the G-M Regional School District has increased by \$12,926 from last year.

Passed Unanimously

Article 11: Move the Town vote to transfer the sum of Four Thousand Six Hundred Sixty Seven and 00/100 Dollars (\$4,667.00) from the Building Inspector Assessment Stabilization Fund to support a portion of the Fiscal Year 2011 assessment for the Cooperative Inspection Program as included in the Omnibus Budget.

This fund was established by Town Meeting in 2008 with surplus fees collected in fiscal year 2007, and with the explanation that the money should be used in years when the cost of the inspection program exceeds the fees we collect. The cost of the inspection program will increase by \$4,667 for FY2011. This transfer will leave \$9,120 remaining in this fund. A 2/3 vote is required to take money out of this stabilization fund.

Passed Unanimously

Article 12: Move the Town vote to transfer Eight Hundred and 00/100 Dollars (\$800.00) from the Dog Revolving Fund to the Library Account.

This is a routine article. Annually, \$800 from dog license fees collected by the Town Clerk is transferred to the library to support its operating expenses.

Passed Unanimously

Article 13: Move the Town vote to transfer Sixty Six Thousand One Hundred Sixty Five and 55/100 (\$66,165.55) from Sewer Use Fees to the Riverside Sewer System account to offset Fiscal Year 2011 sewer expenses and to pay the Tax Collector as related to collecting sewer fees.

Passed Unanimously

Article 14: Move the Town vote to raise and appropriate Four Thousand and 00/100 Dollars (\$4,000.00) to purchase from the Town of Montague a copy of its most recent appraisal of real and personal property owned by FirstLight Hydro Generating Company.

FY2011 is a triennial recertification year for Gill, in which the Dept. of Revenue (DOR) reviews and certifies property valuations. DOR has already told us we will not be certified until we have either 1) a current appraisal of the FirstLight hydroelectric dam & related property, or 2) a signed valuation agreement with FirstLight. The Montague appraisal includes sufficient information about FirstLight's property in Gill to allow the Assessors to use it to negotiate an agreement similar to the one that FirstLight signed with Montague last year. The cost for a new appraisal specific to Gill is known to cost at least \$10,000, versus only \$4,000 for a copy of Montague's.

Passed Unanimously

Article 15: Move the Town will vote to create a Board of Assessors' FirstLight Appraisal Account, and raise and appropriate Three Thousand and 00/100 Dollars (\$3,000.00) to add to the account.

This article would establish an account to begin saving for future appraisals of the FirstLight properties. Just as DOR is requiring a current appraisal for FY11, they will do so again in FY14. It is wise to begin saving for that expense now. The Assessors' plan is to partner with Montague in their appraisal in FY12, and do a new valuation agreement with FirstLight at that time

Passed Unanimously

Article 16: Move the Town vote to raise and appropriate Fourteen Thousand Three Hundred Fifty Six and 86/100 (\$14,356.86) in addition to that provided in the Omnibus Budget to be used for the salaries of part-time police officers.

This article will provide additional police coverage for the Town through the use of part-time officers.

Passed 44 Yes 18 No

Article 17: Move the Town vote to transfer Ten Thousand and 00/100 Dollars (\$10,000.00) from the Released Overlay account to construct office walls in the Town Hall and make related improvements.

Currently the office spaces of the Town Clerk, Tax Collector/Treasurer, and Accountant are made from short partitions which do not extend from the floor to the ceiling. Their spaces are open to the general comings and goings of people in and out of Town Hall, which makes for a work environment where it is too easy to be distracted by someone else's visitor or phone conversation. The current layout provides little to no privacy for sensitive discussions, like when a resident needs to arrange a payment plan to catch up on taxes. Security is also a concern. While important documents and monies are kept locked up, unauthorized access to the rest of the workspace is as simple as sliding a partition panel out of the way. Additionally, walls will allow the spaces to be more uniformly heated, which should drastically reduce the use of expensive-to-operate electric space heaters.

Passed By Majority

Article 18: Move the Town vote to raise and appropriate Twenty Thousand Seventy Six and 90/100 (\$20,076.90) to retrofit the Fire Department's air packs to be compatible with Rapid Intervention Team equipment.

Rapid Intervention Teams (RIT) are being developed by fire departments throughout the Tri-State Mutual Aid region, of which Gill is a member. The purpose of the RIT is to be on-scene during a major fire and to provide immediate aid and rescue if a firefighter needs assistance. This upgrade to Gill's equipment will allow our Fire Department to give and receive "buddy breathing" assistance, where members of the RIT can use their air packs to provide an emergency air supply to a firefighter whose own air pack has run out or otherwise failed.

Passed Unanimously

Article 19: Move the Town vote to transfer Nine Thousand Three Hundred Fifty and 00/100 Dollars (\$9,350.00) from the Stabilization Fund to purchase and install a new dump body for the 1990 Highway truck.

Replacing the dump body on our oldest highway truck will extend its useful life by a few more years and will allow the Town to finish paying the 5-year loan for our newest truck that was purchased in 2008. While this article is being funded by Stabilization, the intent is to return that money this fall after Free Cash has been certified. There is approximately \$10,000 that was reimbursed to Gill by FEMA/MEMA for our expenses related to a December 2008 snowstorm. Because of a timing issue, this reimbursement money cannot be spent directly; it must first become Free Cash. When that happens, it is expected that the cost of the dump body will be transferred from Free Cash back to Stabilization. A 2/3 vote is required to take money out of this stabilization fund.

Passed Unanimously

Article 20: Move the Town vote to raise and appropriate Six Thousand Four Hundred and 00/100 Dollars (\$6,400.00) to purchase and install a water meter and two backflow preventers at the Gill Elementary School.

The Department of Environmental Protection identifies the well at Gill Elementary as a public water supply. To bring the system back into compliance, the current water meter (which has failed) needs to be replaced, and the backflow preventers (which we should have but don't) must be installed.

Passed Unanimously

Article 21: Move the Town vote to raise and appropriate Two Hundred and 00/100 Dollars (\$200.00) to create an "Energy Commission Account."

This is a nominal amount, similar to what is appropriated for the Agricultural Commission, to allow the Energy Commission to carry out its mission.

Passed By Majority

Article 22: Move the Town vote to transfer from unappropriated funds (Free Cash) Eight Thousand and 00/100 Dollars (\$8,000.00) for the Stabilization Fund.

Depending on the outcomes of the other "money" articles, an amount may be recommended to go into Stabilization. This will require a 2/3 vote.

Passed Unanimously

Article 23: Move the Town vote to transfer One Hundred Seventy Seven Thousand Five Hundred Fifty Five and 00/100 Dollars (\$177,555.00) from unappropriated funds (Free Cash) to be used to reduce the tax rate and stabilize the tax levy for Fiscal Year 2011.

Depending on the outcomes of the other "money" articles, an amount of Free Cash will be recommended to be used toward the FY2011 budget.

Passed Unanimously

Article 24: Move the Town vote that, upon exceeding the levy limit, any monies appropriated that exceed the levy limit may be contingent upon the approval by the voters of an "Override of Proposition 2 ½."

The Omnibus budget and other warrant articles, as presented, provide a balanced budget for FY2011. If amendments or other actions by voters result in an unbalanced budget, this article would allow that out-of-balance amount to be contingent on a Prop 2 ½ override vote.

Motion to pass over. Motion Passed Unanimously

Motion to Adjourn and Continue to the following week Monday evening at 7 P.M. June 28, 2010

Motion Passed Unanimously

**Continuation of the Annual Town Meeting
Meeting opened by the Moderator at 7:00 P.M.**

Motion to consider Article 32, Article 33 and Article 34.

Motion Passed By Majority

Motion to change the order of consideration of Article 25, Article 26 and Article 27 to Article 27, Article 26 and then Article 25.

Motion passed by Majority

Article 25: Move the Town vote to authorize the Selectboard to enter into a financing agreement for the sum of up to Four Hundred Thirty Thousand and 00/100 Dollars (\$430,000.00), and for a term of more than three years, and a related escrow account agreement, for the purpose of funding energy management services for Town-owned buildings.

*A separate handout of "talking points" will explain the purpose of Articles 25, 26, and 27.
Requires a 2/3 vote.*

Passed Unanimously

Article 26: Move the Town vote to appropriate a sum of money not to exceed Four Hundred Thirty Thousand and 00/100 Dollars (\$430,000.00) for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from grants, rebates, and/or energy conservation measures, for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies. To meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow up to \$430,000.00 in accordance with M.G.L. c.44, s.7 (3B) or pursuant to any other enabling authority.

*A separate handout of "talking points" will explain the purpose of Articles 25, 26, and 27.
Requires a 2/3 vote.*

Passed Declared 2/3 by Moderator

Article 27: Move the Town vote to authorize the Selectboard to enter into an Energy Savings Performance Contract with Siemens Building Technologies for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from grants, rebates and/or energy conservation measures for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies.

Passed 30 Yes 17 No

Article 28: Move the Town vote to replace the General By-Law enacted September 14, 2009 which established an Energy Resources Commission, with the following:

The Gill Energy Resources Commission, hereinafter called the Commission, has been established pursuant to Chapter 40, Section 8I, of the General Laws of Massachusetts for the promotion and development of the energy resources of the Town of Gill.

The Commission shall: (1) develop and administer programs relating to energy conservation, nonrenewable energy supply and resource development, recycling, energy information, emergency heating assistance, and energy emergencies; (2) advise, assist, and cooperate with state, regional, and federal agencies in developing appropriate programs and policies relating to energy planning and regulation in the commonwealth including assistance and advice in the preparation of loan or grant applications with respect to energy programs for local agencies; (3) develop local energy data and information management capabilities to aid energy planning and decision-making; (4) promote the development of sound local energy education programs; (5) with the approval of the city or town, apply for, receive, expend, represent and act on behalf of the city or town in connection with federal grants, grant programs or reimbursements, or private grants, keep accounts, records, personal data, enter into contracts, and adjust claims; (6) accept gifts, grants, bequests, and devises, whether real or personal, from any source, whether public or private, for the purpose of assisting the Commission in the discharge of its duties; (7) subject to appropriation, acquire real or personal property; (8) promulgate rules and regulations necessary to carry out their statutory responsibilities; and (9) seek to coordinate the activities of governmental or unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work and it shall keep an index of all energy resources within such city or town with the objective of obtaining information pertinent to proper utilization of such resources.

The Commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual Town report. The Commission may, subject to appropriation, appoint such clerks and other employees as it may from time to time require.

The Commission shall consist of not less than three nor more than seven members who shall be appointed by the Selectboard. The terms of the members first appointed to the Commission shall be for one, two or three years and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each.

Any member of the Commission may, after a public hearing if requested by the member, be removed for cause by the Selectboard. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term by the Selectboard and the remaining members of the Commission in the manner provided in Section eleven of Chapter forty-one.

Voters approved a by-law creating an Energy Resources Commission at the 9/14/2009 Special Town Meeting. However, the Attorney General's Office, during its subsequent review and approval of the by-law, noted that from the wording of the vote, it was "unclear what the actual text of the by-law is." This article attempts to clarify the text of the by-law.

Passed Unanimously

Article 29: Move the Town vote to enact a General By-Law, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto.

STRETCH ENERGY CODE

Section 1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

Section 2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

Section 4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

Section 5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Gill General Bylaws. The Stretch Code is enforceable by the building inspector/municipal code official.

Passed By Majority

Article 30: Move the Town vote to name the new scoreboard on the girls' softball field at the Gill Elementary School in memory of Jasmin Edson.

Unanimous Vote Passed by Acclamation

Article 31: Move the Town vote to add the Town of Leverett as a member of the Franklin County Solid Waste Management District ("District") and therefore amend Article 1 Paragraph 4 of the Franklin County Solid Waste Management District Agreement pursuant to Article 7 of said Agreement by adding "Leverett" to the list of District member municipalities, subject to the following terms:

The Town of Leverett shall be admitted as a member of the District, effective July 1, 2010, by paying a one-time membership fee to the District of \$4,550 plus an annual assessment of \$4,624 for Fiscal Year 2011 and all future assessments based upon the same assessment formula applied to all other District member municipalities and shall comply with all other provisions of the District Agreement.

This article has already been approved by enough other member towns of the FCSWMD that Leverett has been admitted as a member.

Passed Unanimously

Article 32: Move the Town vote to have its elected Town Clerk become an appointed Town Clerk of the Town, in accordance with the provisions of Massachusetts General Law Chapter 41 Section 1B.

This article contains a typo on the posted warrant. It should read "Chapter 41", not Chapter 44. The typo has been fixed in the motion printed above.

This article asks the Town to change the position of Town Clerk from elected to appointed. If approved by a simple majority vote at Town Meeting, the matter would then also have to be approved by voters at an Annual Election (most likely in May 2011). If thusly approved, when the Town Clerk's current term expires in May 2012, it would then be filled as an appointment by the Selectboard for a period of not more than 3 years.

Motion to Pass Over Motion Passed Unanimously

Article 33: Move the Town vote to have its elected Tax Collector become an appointed Tax Collector of the Town, in accordance with the provisions of Massachusetts General Law Chapter 41 Section 1B.

This article asks the Town to change the position of Tax Collector from elected to appointed. If approved by a simple majority vote at Town Meeting, the matter would also have to be approved by voters at an Annual Election (most likely in May 2011). The Tax Collector's current term expires in May 2011. If the change is approved in May 2011, then the individual elected at that same election would serve until the appointment process occurs. Appointments would be by the Selectboard for a period of not more than 3 years.

Defeated Unanimously

Article 34: Move the Town vote to have its elected Treasurer become an appointed Treasurer of the Town, in accordance with the provisions of Massachusetts General Law Chapter 41 Section 1B.

This article asks the Town to change the position of Treasurer from elected to appointed. If approved by a simple majority vote at Town Meeting, the matter would also have to be approved by voters at an Annual Election (most likely in May 2011). If thusly approved, when the position's current term expires in May 2013, it would then be filled as an appointment by the Selectboard for a period of not more than 3 years.

Motion to Pass Over Motion Passed Unanimously

Article 35: Move the Town vote to add the following by-law to create a Capital Improvement Planning Committee to its town by-laws:

Section 1. The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee (the "Committee"), composed of one member of the Board of Selectmen, one member of the Finance Committee, one member of the Planning Board, one member of the School Committee, and three members at large, for a total of seven members. The terms of the members first appointed to the Committee shall be for one, two or three years and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each. The Committee shall choose its own officers.

Section 2. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which: 1) are purchased or undertaken at intervals of not less than five years; 2) have a useful life of at least five years; and 3) cost over \$10,000. All officers, boards and committees, including the Selectmen and the School Committee, shall, by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's annual report or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission. In the case of an emergency capital expenditure, the Committee shall present an oral report as soon as possible.

Section 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.

Section 4. The Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering services, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future, unless the omission of the proposed capital improvement shall first have been explained by the Committee or the Selectboard has waived this requirement for just cause.

Section 5. The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

This by-law would formally establish a committee and process by which the Town will plan for its future capital needs. Gill has aging buildings, vehicles, and equipment that need to be renovated and/or replaced, and it is critical that these needs be reviewed annually, and that a comprehensive plan for the expenses be developed. The creation of this Committee has been strongly recommended to the Town by the Department of Revenue during its Financial Management Review in 2009 and by Human Resources Services during its project with the Town this year.

Passed Unanimously

Meeting Adjourned at 9:25 P.M.

A true copy.
Attest.

Lynda Hodsdon Mayo
Lynda Hodsdon Mayo-Town Clerk

