

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: MAY 4, 2009

The Annual Town meeting opened at 7 PM with Raymond F. Steele as Moderator. Total population of Gill is 1,459 and the number of Registered voters is 1055. Tonight 85 voters came out for our Town Meeting.

Article 1: Move to hear and act upon the Annual Report of the Officers of the Town.

Additions:

1. Tax Collector's report on pages 106 and 107 in place of the original report.
2. Add Joe Naida to the list of Council on Aging members on page 29.

A dedication to Ed Pogoda was read by Anthony Mathews as follows:

DEDICATION TO ED POGODA

The Town of Gill lost a well loved member of its community this last fall, when Ed Pogoda of Pisgah Mountain Road died at the age of 89.

Ed was born in 1919 in Gill to Ludik and Stephanie Pogoda, and went to the Riverside School and Turners Falls High. He grew up farming, and the most important things in his life were always family, hard work and nature. He is probably best remembered for his sense of humor. He was good at getting things done without fuss or bull while, at the same time, making people feel welcome.

Ed joined the Army in March, 1942. He was in the 83rd Infantry, first as a machine gunnery instructor, and then fought his way across France, Belgium and Germany as a machine gunner. He lost a number of close friends while fighting in the Battle of the Bulge. Late in the war he helped liberate a concentration camp, an experience that clearly stayed with him after more than sixty years.

After the war, Ed came home and married his sweetheart Clemantine, known to everyone as Babe. He went to work as a carpenter and built over 100 homes and businesses, mostly in Franklin and Hampshire counties. At his funeral, many people that he had taught carpentry to showed up, some from hundreds of miles away, to honor him.

The love of Ed's life was his wife, Babe. Almost every time I saw them together, Ed was smiling. Ed's farm (the one he grew up on) was in Gill, but Babe had a farm in North Hadley. Ed spent most of his time in Hadley even though he was always officially a resident of Gill. He and Babe made a great team, and people will remember them for doing things like going to polka dances and giving away strawberries to their friends and neighbors.

Ed was a longtime member of the Gill Building Committee and served on the Gill Conservation Commission for forty years. He liked being part of the town and was still attending meetings until just before he died.

*Respectfully submitted,
Anthony Mathews*

Passed Unanimously

Article 2: Move to elect the following officers: Two or more Field Drivers; Fence Viewers; Measurers of Wood, Bark and Surveyors of Lumber - all for one year.

Passed Unanimously

Article 3: Move the Town vote to accept and expend any sum of money that might be made available from State or Federal funds for roadwork for the Fiscal Year 2010 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Highway Department, and to authorize the Treasurer with the approval of the Selectboard to borrow in anticipation of reimbursement or take any action relative thereto.

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 ½, 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:

Dept. Authorized to Spend	Types of Receipts Credited	Amount of Funds Authorized
Fire Dept.	Oil Burner Inspection Fund	\$2,000.00
Town Clerk	Dog Fund	2,000.00
Cemetery Commission	Opening Fees	2,000.00
Conservation Commission	Consultant Fees	10,000.00

Passed Majority

Article 5: Move the Town vote to hear and act upon a report presented by the Commission for Education in Gill, or take any action relative thereto.

Passed Unanimously

Article 6: Move the Town vote to request the Selectboard form a committee to study and recommend for consideration possible changes to the Gill Montague Regional School District Agreement (*Agreement between the Towns of Montague and Gill with Respect to the Formation of a Regional School District*), or take any action relative thereto.

The Commission for Education and the Selectboard recommend this article to study and propose changes to the current regional agreement. Issues to address include the apportionment of capital costs, the alternative assessment methodology, and the school committee structure and function.

Passed Unanimously

Article 7: Move the Town vote to form a Regional School District Planning Committee pursuant to M.G.L. c. 71 §14 to study the fiscal and educational advisability of joining the Pioneer Valley Regional School District or adding any towns to the Gill Montague Regional School District, or take any action relative thereto.

The Commission for Education and the Selectboard recommend this article to take the necessary steps to formally study other regionalization options, such as adding more towns to the GMRSD, consolidating GMRSD with another district, or Gill withdrawing from GMRSD and joining Pioneer.

Passed Unanimously

Article 8: Move the Town vote to request that the Gill Montague Regional School Committee draw up amendments to the Gill Montague Regional School District Agreement (*Agreement between the Towns of Montague and Gill with Respect to the Formation of a Regional School District*) setting forth the terms of Gill's withdrawal from the Gill Montague Regional School District, or take any action relative thereto.

The Commission for Education and the Selectboard recommend this article to get answers to some withdrawal questions—NOT to formally request to withdraw from the District. It is the only way to quantify our full costs to withdraw. If this article passes, both Gill and Montague would need to vote in the future on the amendments drawn up by the School Committee and the Commissioner of Education would also have to approve any reorganization/withdrawal.

Motion to Pass over - Passed Unanimously

Article 9: Move the Town vote to amend Section 16.D.17 of the Town of Gill Zoning Bylaws by adding the following language to the existing paragraph:

However, a Building Permit, but not a Special Permit or amendment, is required for any modifications to electronic components affixed to a previously approved and erected Wireless Communications Tower, provided the modifications do not substantially change the height, footprint or silhouette of the Tower as originally permitted. For the purposes of this Bylaw, electronic components shall include reception and transmission equipment and fixtures such as antennas, communication dishes, and similar devices.

The Zoning Board of Appeals and Selectboard recommend this article, which would make the process for changing components on a cell tower, NOT the tower itself, less cumbersome

Must Pass by 2/3 vote. Yes 73 No 7

Article 10: Move the Town vote to change the definition of "Restaurant" in Section 17 of the Town of Gill Zoning Bylaws to read "Restaurant: An establishment at which the principal activity is the preparation and retail sale of food or beverage." And further to remove the words "or coffee shops" from Items 7d and 7e in Section 2C, Table Use of Regulations, or take any action relative thereto.

The Zoning Board of Appeals and Selectboard recommend this article, which simply folds "coffee shop" into the already existing definition of "restaurant".

Must Pass with a 2/3 vote - Passed Unanimously

Article 11: Move the Town vote to adopt Massachusetts General Law Chapter 41, Section 23A to authorize the Selectboard to appoint a town administrator, who may be appointed by the Selectboard for a term of one or three years and be removed by the Selectboard at its discretion, or take any action relative thereto.

The Selectboard recommends this article, which would change the title of the Administrative Assistant to Town Administrator. Under current law, the Administrative

Assistant is not allowed to do certain tasks, such as sign any legal documents, act as the Chief Procurement Officer, manage personnel, or negotiate contracts. If the article passes, the Selectboard would have the authority to add such responsibilities to the Town Administrator's job description, should they so choose. This would be limited to the current Administrative Assistant and would not necessarily mean that the next person hired would be hired as an Administrator. It would not change the pay grade, just the responsibilities.

Passed Majority

Article 12: Move the Town vote to adopt Massachusetts General Law Chapter 40, Section 22F to allow any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons to fix reasonable fees for all such licenses, permits, or certificates issued, or take any action relative thereto.

Currently, if any Board or Committee in town wanted to change the fees it collects (e.g. liquor license fees, Board of Health inspection fees) it would have to propose the change to Town Meeting before enacting it. If passed, this article would allow each Board and Committee to set fees only by a vote of its own members. The Selectboard recommends this article.

Passed Majority

Article 13: Move the Town vote to declare property located at 54 French King Highway, Map 101, Lot 14 on the Assessors' maps, known as the "Riverside Municipal Property", surplus, or take any action relative thereto.

After several residents asked why the Town was holding on to this property and the Boyle property (Article 14) the Selectboard decided that the Town needed to have a discussion about the properties and decide whether or not to keep them. Neither property is on the tax rolls and, while they aren't costing the Town money, they are not making any money either. It has been about ten years since the Town had a serious discussion about Riverside and the building is at the point where the Town needs to do maintenance and upgrades.

This article would allow the Selectboard to (sell) offer the Riverside Municipal Building and/or the associated land at some future date and would mean that the repairs and upgrades to the building would not be done. Any final decision to sell would have to come back before Town Meeting for final approval.

The Riverside Municipal Building, also known as "the old green school", is located at 54 French King Highway. It currently houses the Gill Historical Commission, the Four Winds Charter School, and the Riverside Water District Office—all of which would have to find a new home if the property was sold. The question of where the Historical Commission would go would have to be resolved prior to putting the building on the market.

Following is a list of recommended repairs and their estimated costs provided by a local contractor:

- Remove and rebuild chimney: (\$2,000)
- Redeck handicap ramp (\$2,500)
- Replace gutters: (\$1,000)

- Secure wood shakes (\$2,000)
- Enclose concrete steps in pressure-treated lumber (\$1,500)
- Paint the exterior (free with labor from Sheriff's Office and donation for materials)
- Upgrade electric and plumbing systems
- Replace carpeting
- Replace boiler
- Insulate building envelope
- Replace windows (\$25,000)
- **TOTAL = \$34,000+**

A pending agreement with Siemens Building Technologies would replace the boiler, insulate the building envelope, and replace the windows at no extra cost to the Town. The Town would pay Siemens out of the savings realized in energy bills over the next 10+ years.

Before embarking on such major energy improvements and the other necessary improvements/repair to the building, with up to a ten-year payback period, the Town needs to decide if it will keep the building or put it on the market. If the town wants to keep the building, the other repairs will need to be made and that will likely require a Proposition 2 ½ override.

Realtor Mark Abramson estimates the market value of the building and land to be at \$200,000. If it were to sell for this amount, it would provide two things for the Town in its current economic crisis. 1) It would provide hundreds of thousands of dollars with which the Town could invest in its many deferred capital projects, such as replacing old highway trucks and equipment, making repairs to the Town Garage and Town Hall or paying off debt. 2) It would bring in an additional \$2,600 annually in tax revenue. If the new owner improved the parcel, a prime piece of commercial real estate, it could bring in substantially more.

Alternatively, Mr. Abramson estimates that fair market rent for the building would be \$4.50/square foot plus utilities. For the whole building, this would equate to approximately \$14,500 per year (plus utilities). The School leases space in the building at a rate set to cover the building's operating expenses, which is currently \$10,200/year including utilities (\$850/month) or approximately \$8.50/square foot.

Voted no Unanimously

Article 14: Move the Town vote to declare property located on Center Road, Map 212, Lot 30 on the Assessors' maps, known as the "Boyle Property", surplus, or take any action relative thereto.

The "Boyle property" is a 2.9-acre piece of land at the corner of Center Road and Lyons Hill Road. This parcel was donated to the Town by William Boyle in 1935 to be used "as a school site and Community play ground." At this time, the Selectboard does not see the need for the property to be used for either of those purposes and asks Town Meeting to declare the property surplus. If the property were to sell at its estimated value (\$71,800), it would bring in an additional \$900 annually in tax revenue. If this lot were improved, perhaps by the addition of a house, revenues could increase substantially.

Voted no Unanimously

A motion was made and seconded to continue the remainder of the Annual Town Meeting to June 16 at 7:00PM.

Continuation of Annual Town Meeting: The meeting was brought to order by the Moderator Ray Steele. There were 55 registered voters present.

Article 15: Move the Town vote to approve 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 .

Move to Pass Over Passes Unanimously

Article 16: Move the Town vote to fix the salaries of all elected officials for Fiscal Year 2010, and raise and appropriate from taxation any sum or sums therefore, and further raise and appropriate any sum or sums of money for the maintenance of the several departments of the Town, and for other necessary charges, in accordance with the amount recommended by the Selectboard.

Passes Unanimously

Article 17: Move the Town vote to raise and appropriate from available funds One Million Four Hundred Seven Thousand Five Hundred Eighty-Seven and 00/100 Dollars (\$1,407,587.00) a sum of money for its assessed share of the Gill-Montague Regional School District Budget, all or some of which may be contingent upon an override ballot question.

Amendment: Move the Town vote to amend Article 17 by reducing the amount to One Million Three Hundred Sixty-three Thousand Two Hundred Seventy Four and 00/100 Dollars (\$1,363,274.00)

Vote to Amend: Passed Unanimously

Vote for Amended Motion: Passed Unanimously

Article 18: Move the Town vote to transfer Sixty-Six Thousand Forty-Six and 70/100 Dollars (\$66,046.70) from Sewer Use Fees to Riverside Sewer System to offset Fiscal Year 2010 sewer expenses including the Tax Collector’s salary as related to collecting sewer fees.

Passed Unanimously

Article 19: Move the Town vote to transfer from the Quintus Allen Fund the sum of Four Hundred Thirty Four and 00/100 Dollars (\$434.00) for use at the Gill Elementary School.

Passed Unanimously

Article 20: Move the Town vote to raise and appropriate from taxation Eighteen Thousand and 00/100 Dollars (\$18,000.00) to create a “Building Maintenance and Repair Account”.

Passed Unanimously

Article 21: Move the Town vote to create a Cops Hiring Recovery Program Stabilization Fund, or take any action relative thereto.

Motion to Pass Over. Passes Unanimously

Article 22: Move the Town vote to accept the terms of the United States Department of Justice Cops Hiring Recovery Grant to hire an additional full-time police officer and, if granted, to transfer funds equivalent to one-quarter of the expected fourth year salary and benefits cost of that officer from the police department budget into the Cops Hiring Recovery Program Stabilization Fund, or take any action relative thereto.

Motion to Pass Over. Passes Unanimously

Article 23: Move the Town vote to transfer Thirteen Thousand Six Hundred Thirty One and 00/100 Dollars (\$13,631.00) from the Building Inspector Assessment Stabilization Fund to create a new Building Inspector Assessment revolving Fund, per the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½, for which building permit, wiring permit, and plumbing permit revenues will be deposited into the funds and expended to pay related costs for inspection services under the direction of the Selectboard, and total expenditures for the fiscal year beginning July 1 next will be limited to One Hundred Thousand and 00/100 Dollars (\$100,000), with all money remaining in the fund at the end of the fiscal year.

Requires a 2/3 Vote

Passed by Majority, only one Nay

Vote to Rescind this Vote. Passes Unanimously

Article 24: Move the Town vote to raise and appropriate by taxation Seven Hundred Fifty and 00/100 Dollars (\$750.00) to hire a consultant to conduct an “Other Post Employment Benefits” survey in compliance with Governmental Accounting Standards Board Statement Number 45.

Passed Unanimously

Article 25: Move the Town vote to raise and appropriate from taxation or transfer from available funds a sum of money to add to the Board of Assessors’ Revaluation Account, or take any action relative thereto.

Motion to Pass Over. Passes Unanimously

Article 26: Move the Town vote to raise and appropriate from taxation Fifteen Thousand and 00/100 Dollars (\$15,000.00) to hire a consultant to conduct an independent financial audit.

Passed Unanimously

Motion to reconsider Article #23 Voted Rescinded and Article #23 Passed Over.

Article 27: Move the Town vote to raise and appropriate from taxation Twenty Five Thousand 00/100 Dollars (\$25,000.00) to make a loan payment on the Mariamante parcel.

Passed Unanimously

Article 28: Move the Town vote to transfer Five Thousand and 00/100 Dollars from unappropriated funds to stabilization fund.

Requires 2/3 vote.

Passed by Majority, 1 Nay

Article 29: Move the Town vote to transfer One Hundred Seventy Two Thousand Nine Hundred Fifty Eight and 50/100 Dollars (\$172,958.50) from unappropriated funds to be used to stabilize the tax levy for Fiscal Year 2010.

Passed Unanimously

Meeting Adjourned at 9:10 PM.

A true copy.

Attest:

Lynda Hodsdon Mayo

Date