

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: MAY 4, 2009

To any of the Constables of the Town of Gill in the County of Franklin,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Gill Town Hall in said Town on Monday, the Fourth day of May, in the year Two Thousand and Nine (5/4/2009) at 7:00 p.m. in the evening then and there to act on the following articles:

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

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, or take any action relative thereto.

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.

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, or take any action relative thereto:

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

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.

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.

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.

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.

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.

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".

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.

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.

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.

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.

Continuation of Annual Town Meeting:

The State has not yet finished its budget process, nor has the Gill Montague Regional School Committee, therefore, the Selectboard and Finance Committee have not been able to finalize the Town's budget for

FY2010. Following is a list of articles without figures that will be necessary to discuss during the second half of the Annual Town Meeting. The Selectboard and Finance Committee have not yet made their recommendations on the articles.

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,” or take any action relative thereto.

The amounts proposed in the following articles present a balanced budget, the total of which falls at or below the Town’s levy limit under Proposition 2 ½. Should Town Meeting vote to increase any of the amounts proposed, it may be necessary to pass a Proposition 2 ½ override to fund them.

Article 16: Move the Town vote to fix the salaries of all elected officials for Fiscal Year 2010, and raise and appropriate 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, or take any action relative thereto.

Article 17: Move the Town vote to raise and appropriate or transfer from available funds 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, or take any action relative thereto.

Article 18: Move the Town vote to transfer a sum of money 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, or take any action relative thereto.

A recurring article necessary to use fees collected from sewer users to pay for sewer expenses.

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, or take any action relative thereto.

Quintus Allen was an original trustee of Greenfield Savings Bank. Upon his death in 1884, he established a trust fund to be used for education-related expenses in several towns, including Gill. The interest earned each year is appropriated to the Gill Elementary School for various projects.

Article 20: Move the Town vote to raise and appropriate or transfer from available funds a sum of money to create a “Building Maintenance and Repair Account,” or take any action relative thereto.

Given the age of the Town’s buildings, there are several repair projects that come up every year. While there has been a Town Hall and Riverside Municipal Building Account funded in the past, there has never been an account set up to cover repairs made at ALL of the Town’s buildings, including the Town Garage and the Slate Memorial Library. This article would create one account to be used for ANY town building that needed repairs throughout the year.

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

The Selectboard applied in April for a federal grant (funded partially through the economic stimulus package) to bring back a third full-time police officer. The grant pays for the officer's full salary and benefits for three years, with the expectation that the Town will pay the entire cost in the fourth year. The Selectboard recommends setting aside funds into a special stabilization account to prepare for those fourth year costs. The article only creates the stabilization account, it does not determine how much will be transferred into it.

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.

This article is a continuation of Article 21. The Town may not hear whether it has been granted the funds until September 30, 2009. This article asks that, if the grant is awarded, the Town set aside ¼ of the cost of that third officer this year to prepare for the cost of the officer in the fourth year of the program. If a third full-time officer is hired, the Selectboard has determined that the Police Department will be able to operate with fewer part-time hours and, therefore, the Town would be able to take the necessary funds from the Police Department budget.

The hope is that this article will pass each year for the next three years, resulting in ¾ of the cost of the officer being set aside by the end of the third year. However, any given Town Meeting may not bind a future Town Meeting by its votes. Therefore, the article must be voted presented one year at a time.

Article 23: Move the Town vote to transfer a sum of money from the Building Inspector Assessment Stabilization Fund to support general operating expenses of the Town, or take any action relative thereto.

The Building Inspector Assessment Stabilization Fund was created by last year's Town Meeting, in an attempt to smooth out the unpredictability of funding the building inspection program. The amount the Franklin County Cooperative Inspection Program charges Gill every year for providing building, plumbing, and electrical inspection services is figured on an average of the amount of permit fees the town collected over the previous three years. When a lot of building in town is happening, we collect a lot of fees, which means we may collect more in fees than we pay the Inspection Program for their services. When building slows down, we collect fewer fees, but the Inspection Program will bill us based on the high amount of fees we collected in the past. The Selectboard is proposing to set aside any surplus fees collected in the "good years" to be able to pay for the Program fees in the "bad years".

During last year's annual town meeting, voters set aside \$13,631 in surplus fees collected in FY2007 into the Fund; this is the current balance in the account. In FY2008, the Town spent \$9,244 more for building inspection services than it collected in fees. Therefore, the Selectboard recommends transferring that \$9,244 back out of the special stabilization fund to support the FY2010 operating budget.

Article 24: Move the Town vote to raise and appropriate by taxation or transfer from available funds 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, or take any action relative thereto.

The federal Governmental Accounting Standards Board has issued a statement requiring governments to “provide more complete, reliable, and decision-useful financial reporting regarding the costs and financial obligations that governments incur when they provide postemployment benefits other than pensions (OPEB) as part of the compensation for services rendered by their employees. Postemployment healthcare benefits, the most common form of OPEB, are a very significant financial commitment for many governments.” Through a collective purchasing agreement organized by the Franklin Regional Council of Governments, the cost of hiring a consultant to calculate the Town’s future employment benefits costs is \$750.

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.

In calendar year 2010, the Board of Assessors will conduct their required triennial revaluation of property in Town. The Assessors have one-third of the cost of that revaluation set aside from a prior town meeting and are requesting another third of the cost to be set aside in FY2010.

Article 26: Move the Town vote to raise and appropriate from taxation or transfer from available funds Fifteen Thousand and 00/100 Dollars (\$15,000.00) to hire a consultant to conduct an independent financial audit, or take any action relative thereto.

While the Massachusetts Department of Revenue recommends that towns have an independent financial audit conducted every year, Gill has not had one conducted for five years.

Article 27: Move the Town vote to raise and appropriate from taxation or transfer from available funds Twenty Five Thousand 00/100 Dollars (\$25,000.00) to make a loan payment on the Mariamante parcel, or take any action relative thereto.

This article proposes taking this year’s loan payment for the property out of the Stabilization Fund. The Stabilization Fund has a current balance of \$93,842.

Article 28: Move the Town vote to raise and appropriate from taxation or transfer from available funds a sum of money for the stabilization fund, or take any action relative thereto.

This article would set funds aside into the Town’s general Stabilization Fund (a “rainy day” fund).

Article 29: Move the Town vote to transfer a sum of money from unappropriated funds to be used to stabilize the tax levy for Fiscal Year 2010, or take any action relative thereto.

This proposes the Town use the remainder of its unappropriated funds (Free Cash), certified in the fall of 2008, to help fund the fiscal year 2010 operating budget and keep the tax levy under Proposition 2 ½ limits.