

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

SPECIAL TOWN MEETING: JUNE 28, 2016

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 Tuesday, the 28th day of June, in the year Two Thousand and Sixteen (06/28/2016) at 6:30 PM then and there to act on the following articles:

Article 1: To see if the Town will vote to accept Massachusetts General Laws Chapter 44, Section 53F ¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access (Public, Educational, and Governmental access) services and oversight and renewal of the cable franchise agreement, with the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, or take any action relative thereto.

Motion: It is moved the Town vote to accept Massachusetts General Laws Chapter 44, Section 53F ¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access (Public, Educational, and Governmental access) services and oversight and renewal of the cable franchise agreement, with the fund to begin operation for Fiscal Year 2017, which begins on July 1, 2016.

This Article was passed over at the May 9th Annual Town Meeting in order to get answers to voters' questions and concerns on whether, without the acceptance of this section of the Mass. General Laws, the money received from Comcast could be appropriated for non-PEG Access uses. In researching the issue with Town Counsel as well as the Special Counsel used during negotiation of the recent cable license renewal with Comcast, it was learned that the State has extended until July 1, 2017 the deadline for towns to take action. Both of our attorneys, Town Counsel and Special Counsel, recommend the Town take advantage of the extension and wait before adopting this statute.

The Selectboard unanimously (3-0) recommends a NO vote on this article. The Finance Committee unanimously (6-0, 1 member absent) recommends a NO vote on this article.

Article 2: To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide a sum or sums of money to purchase a used back-hoe and implements for the highway department, including borrowing costs that may be associated with said purchase and authorize the Town Treasurer, with the approval of the Selectboard, to borrow in accordance with Massachusetts General Laws Chapter 44, Section 7, or take any other action relative thereto. (A 2/3 vote is required for authorization to borrow.)

Motion: It is moved the Town vote to appropriate \$60,000.00 (Sixty Thousand and 00/100 Dollars), with \$29,400.00 (Twenty Nine Thousand Four Hundred and 00/100 Dollars) to be transferred from the Fiscal Year 2016 Snow and Ice Removal Expense Account (number 001-423-5400), and \$4,100.00 (Four Thousand One Hundred and 00/100 Dollars) to be transferred from the Road Machinery Fund (number 258), and \$6,500.00 (Six Thousand Five Hundred and 00/100 Dollars) to be transferred from the Fiscal Year 2017 General Highway Expense Account (number 001-422-5400), and \$20,000.00 (Twenty Thousand and 00/100 Dollars) to be borrowed by the Town Treasurer to purchase a used back-hoe and related implements for the highway department and including borrowing costs that may be associated therewith, and

to authorize the Town Treasurer with the approval of the Selectboard to issue any bonds or notes that may be necessary for that purpose as authorized by General Laws Chapter 44 § 7 or any other general or special law.

A 2/3 majority is required to authorize borrowing.

This was Article 20 of the Annual Town Meeting on May 9th. As was stated at that time, there was support among the Capital Improvement Planning Committee (CIPC), Finance Committee, and Selectboard to purchase a used backhoe for the highway department, but more time was needed to develop the financing plan. The recommended plan appears in the motion for the article.

As presented, the purchase can be made without a debt exclusion and without causing an increase to taxes. The amount to be borrowed, if any, will be determined by the purchase price of the backhoe. The loan will be repaid in subsequent years (Fiscal Year 2018, 2019, ...) using the same \$6,500 figure from the Highway budget – money that would otherwise still be needed to rent a backhoe if Town Meeting defeats this article.

No specific used backhoe has been identified at this time. If Town Meeting approves this article, then the search will begin.

The Finance Committee recommends this article by a vote of 4 in favor, 0 opposed, 2 abstentions, and 1 absent.

Article 3: To see if the Town will vote to raise and appropriate by taxation a sum or sums of money to pay the principal and interest for Fiscal Year 2017 on the loan for the roof replacement project at the Public Safety Complex, or take any other action relative thereto.

Motion: It is moved the Town vote to raise and appropriate by taxation the sum of \$16,636.80 (Sixteen Thousand Six Hundred Thirty Six and 80/100 Dollars) to pay the principal and interest for Fiscal Year 2017 on the loan for the roof replacement project at the Public Safety Complex.

The new membrane roof on the front portion of the Public Safety Complex was installed in October, 2015. This project was approved by voters at the May 5, 2014 Town Meeting, and the corresponding debt exclusion referendum was approved at the May 19, 2014 Town Election. The warranty for the roof was issued on May 9, 2016, and the final loan amount of \$47,200 was approved earlier this month.

It is a 3 year loan at 1.90% APY. The first payment will be due in June 2017, making it an expense for Fiscal Year 2017. It is estimated that the tax rate will increase by 11 cents (per thousand dollars of valuation), which translates to a \$22 increase in taxes for the average single-family home.

The Finance Committee recommends this article by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 absent.

Article 4: To see if the Town will vote to transfer \$14,684.00 (Fourteen Thousand Six Hundred Eighty Four and 00/100 Dollars) from the Fiscal Year 2016 Gill-Montague School District Account (number 310) to the Energy Stabilization Fund, or take any action relative thereto. (A 2/3 vote is required to place money into a stabilization fund.)

Motion: It is moved the Town vote to transfer \$14,684.00 (Fourteen Thousand Six Hundred Eighty Four and 00/100 Dollars) from the Fiscal Year 2016 Gill-Montague School District Account (number 310) to the Energy Stabilization Fund.

A 2/3 majority is required to transfer money into a stabilization fund.

\$14,684 is the amount that the School District credited Gill's assessment for Fiscal Year 2016 because of energy savings at Gill Elementary School during Fiscal Year 2015. There is currently \$10,893 in the Energy Stabilization Fund, with \$10,218 allocated to the Fiscal Year 2017 payments on the bond, interest, and energy audit related to the 2011 project that replaced the boiler and upgraded lighting at the Gill Elementary School. After this transfer, and subtracting the Fiscal Year 2017 allocation, the new total in the fund will be \$15,359.

The Finance Committee recommends this article by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 absent.

Article 5: To see if the Town will vote to transfer a sum or sums of money from the Fiscal Year 2016 Town Building Repairs & Maintenance Account (number 192) to fund repairs and a treatment system for the Gill Elementary School well and water system, and related expenses, or take any action relative thereto.

Motion: It is moved the Town vote to transfer the sum of \$2,850.00 (Two Thousand Eight Hundred Fifty and 00/100 Dollars) from the Fiscal Year 2016 Town Building Repairs & Maintenance Account (number 192) to fund repairs and a treatment system for the Gill Elementary School well and water system, and related expenses.

It has become the Town's financial practice to transfer any funds left in the annual Building Maintenance budget to a specific building-related project. There is \$2,850 available for transfer this year, and it is recommended the money be put toward future expenses related to a well water treatment system for the Gill Elementary School.

At the time of the Finance Committee's vote, the amount to be transferred was expected to only be \$2,150. That amount was recommended by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 absent.

Article 6: To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide a sum or sums of money to purchase a police cruiser and associated equipment for the police department, including borrowing costs that may be associated with said purchase and authorize the Town Treasurer, with the approval of the Selectboard, to borrow in accordance with Massachusetts General Laws Chapter 44, Section 7; all or some of which may be contingent upon a Proposition 2 1/2 debt exclusion referendum, or take any other action relative thereto. (A 2/3 vote is required for authorization to borrow.)

Motion: It is moved the Town vote to raise and appropriate by taxation \$38,825.00 (Thirty Eight Thousand Eight Hundred Twenty Five and 00/100 Dollars) to purchase a police cruiser and associated equipment for the police department, including borrowing costs that may be associated with said purchase and authorize the Town Treasurer, with the approval of the Selectboard, to borrow in accordance with Massachusetts General Laws Chapter 44, Section 7; contingent upon passage of a Proposition 2 1/2 debt exclusion referendum.

A 2/3 majority is required to authorize borrowing.

This was Article 19 of the Annual Town Meeting on May 9th. As was stated at that time, the Capital Improvement Planning Committee has recommended the Town replace the 2005 Crown Vic police cruiser. The article was passed over then to allow time for the Selectboard to finish its deliberations on the matter.

The police department has a total of three cruisers – a 2005 Crown Vic (118,600 miles), a 2008 Crown Vic (113,000 miles), and a 2013 Interceptor Utility (39,000 miles). If approved, the new cruiser will most likely be another Interceptor Utility, and will be marked as a police vehicle. The 2005 Crown Vic could either be sold as surplus equipment or kept for spare parts for the 2008 Crown Vic.

If this article is approved (2/3 majority needed), a debt exclusion vote will be scheduled, most likely to coincide with the September 8th State Primary Election. If the debt exclusion is passed, the money for the cruiser will be borrowed over a 3-year term, with repayments in Fiscal Years 2018, 2019, and 2020. An interest rate of 2.50% is anticipated. The cruiser would add approximately 9-cents to the tax rate (currently projected to be \$17.15/thousand for the coming year), and cost the average single-family homeowner \$18.40 per year for three years.

The Finance Committee recommends this article by a vote of 5 in favor, 1 opposed, 0 abstentions, and 1 absent.

Article 7: To see if the Town will vote in accordance with Massachusetts General Laws Chapter 59, Section 38H(b) to authorize the Selectboard to enter into a Payment In Lieu of Taxes (PILOT) Agreement with Borrego Solar Systems, Inc. (or affiliated special project entity) for a period of twenty (20) years, and to approve said agreement under which Borrego Solar Systems, Inc. (or affiliated special project entity) will pay the Town a sum of money per year related to the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 2.77 megawatts (MW) direct current (DC) to be located at 586 Main Road, Gill, said Tax Agreement is on file in the Town Clerk's Office, or take any other action relative thereto.

Motion: It is moved the Town vote in accordance with Massachusetts General Laws Chapter 59, Section 38H(b) to authorize the Selectboard to enter into a Payment In Lieu of Taxes (PILOT) Agreement with Borrego Solar Systems, Inc. (or affiliated special project entity) for a period of twenty (20) years, and to approve said agreement under which Borrego Solar Systems, Inc. (or affiliated special project entity) will pay the Town a sum of money per year related to the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 2.77 megawatts (MW) direct current (DC) to be located at 586 Main Road, Gill, said Tax Agreement is on file in the Town Clerk's Office.

At the May 9th Annual Town Meeting, voters authorized the Selectboard to negotiate a Payment In Lieu Of Taxes (PILOT) agreement with Borrego Solar Systems, Inc. for a solar array planned for land that Borrego will lease from the Northfield Mount Hermon School. The negotiations are complete, and this article asks voters to approve and authorize the 20-year PILOT agreement.

The amount is based upon \$7,500/MW alternating current (AC), and the payment in the first year is \$14,938.86. The payment will increase by 2% annually, and over the course of the 20 years, the total received by the Town will be \$362,974.99. The project will encompass 11.37 acres, and that land, which is currently tax exempt as an educational use, will become taxable.

The solar project has been through the Special Permit & Site Plan Review process with the Gill Zoning Board of Appeals, and was granted the Special Permit allowing the use (solar generating facility) at that location (586 Main Road). If this article is approved, it is anticipated that Borrego will apply for a building permit in mid-July.

The Finance Committee recommends this article by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 absent.

Article 8: To see if the Town will vote to transfer a sum or sums of money from one or more Fiscal Year 2016 department budgets to the Fiscal Year 2016 Fire Department budget (account number 001-220), or take any action relative thereto.

Motion: It is moved the Town vote to transfer the sum of \$_____.00 (_____ and 00/100 Dollars) from the Fiscal Year 2016 _____ Account (number 001-_____-5400) to the Fiscal Year 2016 Fire Department Expenses Account (number 001-220-5400).

This article provides the opportunity to make a year-end transfer to supplement the Fire Department's budget. Although Town Meeting approves a single figure for the Department's annual budget, the Fire Chief keeps an internal accounting of the labor costs versus all other expenses. Due to the volume of calls this year, the amount that was projected for labor was nearly depleted with 3 weeks left to go in June. The expense side of the department's budget is in the black.

It is hoped that there will be no major calls for service (fires, searches, mutual aid calls, other disasters) and no transfer needed, in which case, Article 8 will be passed over.

At the time the Finance Committee took its votes on the rest of the warrant articles, no dollar amount had been proposed for Article 8. Therefore, the Finance Committee made no recommendation.

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Main Road; Post Office, Mt. Hermon; Gill Store & Tavern, Main Road; and Riverside Municipal Building, Route 2, in said Town fourteen days at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as foresaid.

Given under our hand this 13th day of June in the year Two Thousand Sixteen.

Selectboard of Gill

_____, Chair

_____, Board member

_____, Board member

A true copy Attest:

_____, Town Clerk

Date: _____

Individuals who may need auxiliary aids for effective communication for this meeting should call the Gill Town Hall at (413) 863-9347 or MA Relay System at (800) 439-2370.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Gill by posting up attested copies of the same at Town Hall, Main Rd.; Post Office, Mt. Hermon; Gill Store & Tavern, Main Rd.; and Riverside Municipal Building, Route 2, fourteen days before the date hereof, as within directed.

_____ Constable of Gill

Date: _____