

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: JUNE 12, 2023

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, 325 Main Road in said Town on Monday, the Twelfth day of June, in the year Two Thousand and Twenty Three (06/12/2023) at 7:00 PM then and there to act on the following articles.

**Article 1:** To elect the following officers: Two or more Field Drivers; Fence Viewers; Measurers of Wood, Bark and Surveyors of Lumber - all for one year; AND

To see if the Town will vote to accept and expend any sum of money that might be made available from State or Federal funds for roadwork or other purposes for the Fiscal Year 2024 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Department of Transportation; AND

To see if the Town will vote to accept any sum of money that might be made available from the Quintus Allen Trust during Fiscal Year 2024, and authorize the Selectboard to expend such funds in support of the Gill Elementary School, or take any action relative thereto.

**Article 2:** To see if the Town will vote to transfer unexpended funds in the amount of \$3,463.47 from the Fire and Police Department Flooring Project (#001-192-5841) to the reimbursement account for Chapter 90 highway funds (#215), or take any action relative thereto.

**Article 3:** To see if the Town will vote to transfer a sum or sums of money from the Fiscal Year 2023 Town Building Repairs & Maintenance Account (001-192-5823) to add to the account (001-192-5839) established to paint the walls and ceiling and install new carpet flooring in the two classrooms, and replace the concrete steps at the west entrance of the Riverside Municipal Building, or take any action relative thereto.

**Article 4:** To see if the Town will vote to designate the Town of Gill Selectboard, the Town of Gill Board of Assessors, and the Town Administrator of the Town of Gill, collectively, as the “authorized officer” to negotiate Payment in Lieu of Tax Agreements (PILOTs) for solar or wind powered energy systems and co-located energy storage systems, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and after approval by Town Meeting of any respective PILOT Agreement that has been so negotiated, to execute on behalf of the Town said PILOT Agreement, or take any action relative thereto.

**Article 5:** To see if the Town will vote to approve the Solar PILOT Agreement between the Town of Gill and Kearsarge Gill, LLC, 1200 Soldiers Filed Road, Suite 202, Boston, Massachusetts 02134 for a Solar Facility located at 588 Main Road (Gill Assessors’ Map 202, Lot 4.1), pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and to authorize Town of Gill Board of Selectmen, the Town of Gill Board of Assessors, and the Town Administrator of the Town of Gill, collectively, as the “authorized officer” to execute said Solar PILOT Agreement on behalf of the Town, or take any action relative thereto.

**Article 6:** To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth’s Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Abatement Strategies”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said Section 5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds

received by the Town; and further, to transfer \$1,428.00 from unappropriated funds (Free Cash) into said Opioid Settlement Stabilization Fund as the amount received by the Town during Fiscal Year 2023 from opioid litigation settlements, or take any action relative thereto. (A two-thirds vote is required to establish a stabilization fund.)

**Article 7: “A RESOLUTION INSTRUCTING GILL’S MEMBERS IN CONGRESS TO VOTE IN FAVOR OF THE PROPOSED “FOR OUR FREEDOM” AMENDMENT TO THE UNITED STATES CONSTITUTION”**

To see if the Town will vote to instruct its members of Congress to vote in favor of an amendment to the United States Constitution that will allow Congress and the States to reasonably regulate and limit contributions and expenditures in campaigns, elections, and ballot measures, and distinguish between living persons and non-human entities (corporations) and prohibit non-human entities from raising and spending money in campaigns, elections, or ballot measures, or take any action relative thereto.

WHEREAS, in 2010 the United States Supreme Court issued its decision in *Citizens United v Federal Election Commission* in which it overturned election spending restrictions that dated back more than 100 years and allowed corporations and other outside groups to spend unlimited money on elections and campaign advertising; and

WHEREAS, in June 2012 the Town Meeting of Gill passed a resolution instructing our United States Senators and member of the United States House of Representatives to "ratify an amendment to the United States Constitution to provide that corporations are not entitled to the constitutional rights of real people and that money is not speech for purposes of campaign-related expenditures and contributions;" and

WHEREAS, in 2019, Massachusetts voters overwhelmingly approved the establishment of a first-of-its-kind nonpartisan Citizen Commission to advance the Commonwealth’s policy in favor of an amendment to restore the First Amendment and fair elections to the people; and

WHEREAS, 22 of the 38 states needed to ratify an amendment have already shown support through state ballot campaigns and legislative victories;

WHEREAS, a grassroots effort to bring about change can be successful and can restore a citizenry’s meaningful power over its government, and starts with each of us speaking up and taking action where we live;

NOW THEREFORE, BE IT RESOLVED that the voters of Gill, Massachusetts hereby instruct the Senators representing the Commonwealth of Massachusetts and the member of the United States House of Representatives representing Massachusetts’ 2nd Congressional District to vote in favor of the “For Our Freedom” Amendment to the United States Constitution when it is presented before them.

The text of the proposed Amendment is currently as follows:

- Section 1. We the People have compelling sovereign interests in representative self-government, federalism, the integrity of the electoral process, and the political equality of natural persons.
- Section 2. Nothing in this Constitution shall be construed to forbid Congress or the States, within their respective jurisdictions, from reasonably regulating and limiting contributions and spending in campaigns, elections, or ballot measures.
- Section 3. Congress and the States shall have the power to implement and enforce this article by appropriate legislation and may distinguish between natural persons and artificial entities, including by prohibiting artificial entities from raising and spending money in campaigns, elections, or ballot measures.

**Article 8:** To see if the Town will vote to amend the general bylaws of the Town of Gill by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E½, or take any other action relative thereto. The proposed wording of the by-law is as follows:

**DEPARTMENTAL REVOLVING FUNDS**

- 1. Purpose: This bylaw establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E ½.

2. Expenditure Limitations: An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
  - a. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers).
  - b. No liability shall be incurred in excess of the available balance of the fund.
  - c. The total amount spent during a fiscal year shall not exceed the amount authorized by this by-law, or by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.
3. Interest: Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and reports: Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds: The following table lists the authorized revolving funds of the Town of Gill and establishes:
  - a. Each revolving fund authorized for use by a town department, board, committee, agency or officer.
  - b. The department or agency head, board, committee or officer authorized to spend from each fund.
  - c. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.
  - d. The expenses of the program or activity for which each fund may be used.
  - e. Any restrictions or conditions on expenditures from each fund.
  - f. Any reporting or other requirements that apply to each fund.
  - g. The fiscal years each fund shall operate under this by-law.

<b>Revolving Fund</b>	<b>Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>Fees, Charges or Other Receipts Credited to Fund</b>	<b>Program or Activity Expenses Payable from Fund</b>	<b>Restrictions or Conditions on Expenses Payable from Fund</b>	<b>Other Requirements / Reports</b>	<b>Fiscal Years</b>
Oil Burner Inspections	Fire Chief	Oil burner inspection fees	Inspector stipend, supplies, equipment	None	None	Fiscal Year 2024 & subsequent years
Energy Commission Programs	Energy Commission	Workshop and program revenue	Energy conservation activities; workshop & program expenses	None	None	Fiscal Year 2024 & subsequent years
Zoning Board of Appeals (ZBA)	ZBA, Administrative Clerk	ZBA fees	Legal notices, postage, mailings, hearing expenses	None	None	Fiscal Year 2024 & subsequent years
Dog	Town Clerk, Selectboard	Dog license fees and fines	Dog licenses & tags, Animal Control services, dog care & control	None	None	Fiscal Year 2024 & subsequent years
Conservation Commission Project Review	Conservation Commission	Fees paid by applicants or advocates	Consultant fees and expenses related to project review	None	None	Fiscal Year 2024 & subsequent years
Cemetery Opening Fees	Cemetery Commission	Fees from opening graves for burial or interment	Caretaking and maintenance of cemeteries	None	None	Fiscal Year 2024 & subsequent years
Agricultural Commission Programs	Agricultural Commission	Farmers' market and agricultural event fees	Agricultural programs	None	None	Fiscal Year 2024 & subsequent years
Solid Waste & Recycling	Board of Health, Town Administrator	Sale of scrap metal, recyclables, recycling bins & etc.,	Solid waste & recycling programs, Solid Waste District membership, recycled-content office products, disposal fees for Town-generated waste items	None	None	Fiscal Year 2024 & subsequent years
Electric Vehicle (EV) Charging Station	Selectboard, Town Administrator	User fees from use of EV charging station	Operating & maintenance costs for EV charging station	None	None	Fiscal Year 2024 & subsequent years

**Article 9:** To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2024 beginning on July 1, 2023 for the revolving funds established in town by-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fiscal Year 2024 Spending Limit
Oil Burner Inspections	Fire Chief	\$2,000.00
Energy Commission Programs	Energy Commission	1,000.00
Zoning Board of Appeals (ZBA)	ZBA, Administrative Clerk	3,000.00
Dog	Town Clerk, Selectboard	8,000.00
Conservation Commission Project Review	Conservation Commission	10,000.00
Cemetery Opening Fees	Cemetery Commission	2,000.00
Agricultural Commission Programs	Agricultural Commission	500.00
Solid Waste & Recycling	Board of Health, Town Administrator	5,000.00
Electric Vehicle (EV) Charging Station	Selectboard, Town Administrator	4,000.00

**Article 10:** To see if the Town will vote to fix the salaries or compensation of the several officers of the Town as follows, or take any action relative thereto:

*Constable(s) – Each Posting	\$22.00
*Moderator – Annual Town Meeting	\$152.00
*Special Town Meeting, Each	\$28.00
*Selectboard Chair	\$2,778.00
*2 <sup>nd</sup> & 3 <sup>rd</sup> Member, Each	\$2,525.00
*Board of Assessors Chair	\$3,374.00
*2 <sup>nd</sup> & 3 <sup>rd</sup> Member, Each	\$3,067.00
*Board of Health Chair	\$1,522.00
*2 <sup>nd</sup> & 3 <sup>rd</sup> Member, Each	\$1,393.00
Town Clerk	\$24,190.00
Tax Collector	\$27,241.00
Additional As Sewer Fee Collector	\$768.00
Treasurer	\$24,564.00
Registrars – Three members, Each	\$65.00
Town Clerk, as Chair	\$105.00

*The positions that are preceded by an asterisk (\*) are not included in the COLA proposed in Article 11.*

**Article 11:** To see if the Town will vote to raise and appropriate by taxation \$40,750.00 to provide a 5% cost of living adjustment (COLA) for the Police Chief, and a 6% COLA for all other appointed Town employees and the elected Tax Collector, Town Clerk, and Treasurer, or take any action relative thereto.

**Article 12:** To see if the Town will vote to raise and appropriate by taxation \$2,053,902.00 and transfer \$125,000.00 from Sewer Use Fees and appropriate \$60,000.00 from Fiscal Year 2024 Estimated Sewer Receipts for a total appropriation of \$2,238,902.00 for the maintenance of the several departments of the Town (the “Omnibus budget”) for Fiscal Year 2024, and for other necessary charges, in accordance with the amounts recommended by the Selectboard, or take any action relative thereto.

**Article 13:** To see if the Town will vote to raise and appropriate by taxation \$1,689,154.00 to provide \$1,680,351.00 for its Fiscal Year 2024 operating assessment and \$8,803.00 for its Fiscal Year 2024 debt service costs for the Gill-Montague Regional School District, or take any action relative thereto.

**Article 14:** To see if the Town will vote to transfer from Released Overlay \$6,750.00 to add to the account to be used toward the costs associated with an appraisal of the real and personal property in the Town of Gill owned by FirstLight Power and an appraisal of the personal property in the Town of Gill owned by National Grid, New England Power Company, and NSTAR Electric Company d/b/a Eversource Energy; AND

Transfer from Released Overlay \$3,000.00 to add to the Board of Assessors Revaluation Account; AND

Transfer from Released Overlay \$6,000.00 to add to the legal litigation account for legal and other expenses related to the defense, appeal, or settlement of cases at the Appellate Tax Board and other courts, or take any action relative thereto.

**Article 15:** To see if the Town will vote to transfer from the PEG Access and Cable Related Fund (account 256) \$5,000.00 to add to the account (001-159-5846) previously established to provide for Public, Educational, and Governmental (PEG) Access operations and other municipal cable-related expenses, or take any action relative thereto.

**Article 16:** To see if the Town will vote to raise and appropriate by taxation \$2,000.00 to provide a stipend for the appointed Assistant Town Clerk, or take any action relative thereto.

**Article 17:** To see if the Town will vote to raise and appropriate by taxation \$15,000.00 to be used for the Fiscal Year 2024 assessment from the Town of Northfield and its EMS Service for the provision of emergency medical services, including Basic and Advanced Life Support and ambulance response, to the Town of Gill, or take any other action relative thereto.

**Article 18:** To see if the Town will vote to raise and appropriate by taxation \$23,100.00 to be used by the Highway Department to seal cracks in the asphalt roads of the Town, or take any other action relative thereto.

**Article 19:** To see if the Town will vote to raise and appropriate by taxation \$8,738.00 and further transfer \$5,000.00 from unappropriated funds (Free Cash), for a total of \$13,738.00 for the Other Post-Employment Benefits Liability Trust Fund, or take any action relative thereto.

**Article 20:** To see if the Town will vote to transfer the following amounts from unappropriated funds (Free Cash) and place said amounts into the corresponding listed stabilization fund, or take any action relative thereto.

\$2,000.00	Energy Stabilization Fund
\$15,000.00	Fire Department SCBA/Air Packs Stabilization Fund
\$68,507.00	Education Stabilization Fund
\$50,000.00	Capital Stabilization Fund
\$15,213.00	General Stabilization Fund

**Article 21:** To see if the Town will vote to transfer \$40,000.00 from unappropriated funds (Free Cash) or other available funds to be used to reduce the tax rate and stabilize the tax levy for Fiscal Year 2024, or take any action relative thereto.

And, you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall, Main Road; Post Office, Mt. Hermon; The Gill Tavern, Main Road; and Riverside Municipal Building, Route 2, in said Town seven 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 22<sup>nd</sup> day of May in the year Two Thousand Twenty Three (05/22/2022).

**Selectboard of Gill**

\_\_\_\_\_  
Charles J. Garbiel II, Chair

\_\_\_\_\_  
Randy P. Crochier, Board member

\_\_\_\_\_  
Gregory M. Snedeker, Board member

A true copy Attest:

\_\_\_\_\_

Date: \_\_\_\_\_

Doreen J. Stevens, Town Clerk

Individuals who may need auxiliary aids for effective communication for this meeting should call the Gill Town Hall at (413) 863-9347, or Telecommunications Relay Service at 711, or MassRelay at (800) 439-2370 for TTY devices.

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; The Gill Tavern, Main Rd.; and Riverside Municipal Building, Route 2, seven days before the date hereof, as within directed.

\_\_\_\_\_

Date: \_\_\_\_\_

Fred O. Chase III, Constable of Gill