

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: MAY 6, 2024

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 Sixth day of May, in the year Two Thousand and Twenty Four (05/06/2024) 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 2025 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 2025, and authorize the Selectboard to expend such funds in support of the Gill Elementary School, or take any action relative thereto.

Motion: It is moved the Town vote to elect Edward J. Golembeski and Clifford C. Hatch as Field Drivers and the Regional Animal Control Officer as Assistant Field Driver and elect the Selectboard as Fence Viewers; Measurers of Wood, Bark and Surveyors of Lumber - all for one year; AND

It is moved the Town 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 2025 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Highway Department; AND

It is moved the Town vote to accept any sum of money that might be made available from the Quintus Allen Trust during Fiscal Year 2025, and authorize the Selectboard to expend such funds in support of the Gill Elementary School.

The Finance Committee took no action on this article.

The names and positions (Field Drivers, Fence Viewers, and etc.) are the same as last year.

Chapter 90 funds are given annually by the state to the Town, and are used for our road maintenance program – activities such as repaving asphalt roads, applying new oil & stone (now called “chip sealing”), and drainage and guardrail projects. The Town will receive \$146,502 of traditional Chapter 90 funds for Fiscal Year 2025, a decrease of \$224 from the amount received in Fiscal Year 2024. However, thanks to the Fair Share Act (so-called Millionaire’s Tax) approved on the statewide ballot in November 2022, in Fiscal Year 2024 Gill received an extra \$94,045 for road maintenance. In addition, Fiscal Year 2024 was the first year the Legislature funded the Rural Roadway Funding Program, which provided another \$110,288 for road maintenance.

Quintus Allen was an original trustee of the Greenfield Savings Bank. Upon his death in 1884, his will established a trust fund to be used for education-related expenses in Colrain, Gill, Leyden, and Shelburne. The interest earned by the Trust is distributed to those towns each year. The Town received \$2,152 from the Trust during Fiscal Year 2024, and there is a balance of \$15,726 in the Town’s Quintus Allen account.

In recent years the School has used the Quintus Allen funds for:

- 2022 Portable Netting behind Basketball Hoops (\$1,842.30)*
- 2018-19 Outdoor Learning Center (\$4,537.96)*
- 2017 Chromebook Computers (24) & Storage Cart (\$6,050.00)*

Article 2: To see if the Town will 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, or take any action relative thereto.

Motion: It is moved 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.

The Finance Committee took no action on this article.

This article asks the Town to change the position of Treasurer from elected to appointed. Article 3 asks the same question for the position of Tax Collector. The explanations are the same, and are only printed here once to conserve space, paper, and the reader's interest.

Articles 2 and 3 appear on this year's Town Meeting warrant because this is the year neither of the positions are on the ballot for the annual town election. Converting from elected to appointed is slightly more complicated when the authorizing votes happen at the same time someone is elected (or re-elected) to the position, and we try to avoid "complicated" as much as possible.

In order to take effect, this article must be approved by a simple majority vote at Town Meeting and also approved by a simple majority vote at this year's annual election on May 20th. If thusly approved, when the Treasurer's current term expires in May 2025, the position would then be filled as an appointment by the Selectboard for a period of not more than 3 years. Until that time the incumbent elected Treasurer, Peter Turban, will continue to hold the office and perform the duties thereof.

Similarly, if thusly approved, when the Tax Collector's current term expires in May 2026, the position would then be filled as an appointment by the Selectboard for a period of not more than 3 years. Until that time the incumbent elected Tax Collector, Thomas Hodak, will continue to hold the office and perform the duties thereof.

The idea of changing elected positions to appointed ones has been considered by Town Meeting several times since the Legislature enacted the process in 1997, and has been discussed by various town officials more times than can be counted. The most recent Town Meeting action occurred in 2010 when voters defeated an article to make the Tax Collector an appointed position and passed over similar articles for the Town Clerk and Treasurer.

The reasons the Selectboard are presenting Articles 2 and 3 are the same for both the Treasurer and the Tax Collector positions. The required knowledge and responsibilities for these key municipal finance positions have grown to the point where it is important for the successful management and operation of the Town to be able to attract and hire candidates with strong credentials and relevant professional experience. The Town is very fortunate to have two well qualified individuals in these positions today. However, relying on the popular vote to produce capable financial leaders is no longer considered a best practice for cities and towns.

Additionally, an elected position only has those responsibilities spelled out and assigned by the Massachusetts General Laws. In contrast, an appointed position will have Town-defined job requirements (including the statutory requirements), a reporting structure, clear expectations of the position, and an identified relationship with other town officials and employees.

Article 3: To see if the Town will 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, or take any action relative thereto.

Motion: It is moved 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.

The Finance Committee took no action on this article.

Please see the explanation contained in Article 2, as it also applies to this article.

Article 4: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 44 Section 54(b) to allow trust funds held in the custody of the Town to be invested in accordance with Massachusetts General Law Chapter 203C, the so-called "Prudent Investor Rule," or take any action relative thereto.

Motion: It is moved the Town vote to accept the provisions of Massachusetts General Law Chapter 44 Section 54(b) to allow trust funds held in the custody of the Town to be invested in accordance with Massachusetts General Law Chapter 203C, the so-called “Prudent Investor Rule.”

The Finance Committee voted to recommend this article by a vote of 5 in favor and 0 opposed.

This local option statute was passed as part of the state budget authorization for Fiscal Year 2024. Municipal treasurers must balance safety, liquidity, and yield when investing public funds. Adopting this statute will allow the Town to construct better portfolios with a wider selection of investments to meet these three goals. The statute only applies to trust funds, such as those held by Gill’s Cemetery Commission and Library Trustees. It does not apply to the Town’s general funds or its various stabilization funds.

If this Article is approved, it will allow Gill’s Treasurer and the advisors he works with to better construct municipal portfolios with more diversification and potentially improve long term returns and reduce overall risk.

The Prudent Investor Rule originated in 1830 as the Prudent Man Rule, as part of a judgement by Massachusetts Judge Samuel Putnam in the Harvard v. Amory case:

“Do what you will, the capital is at hazard...All that can be required of a trustee to invest is that he shall conduct himself faithfully and exercise a sound discretion. He is to observe how men of prudence, discretion, and intelligence manage their own affairs...considering the probable income, as well as the probable safety of the capital to be invested.”

“A prudent investment will not always turn out to be a highly profitable investment; in addition, no one can predict with certainty what will happen with any investment decision. Thus, the prudent investor rule only applies to the decision-making process of investing the assets of a trust. This relies on the knowledge the fiduciary has at the time to determine if an investment is a good idea.” (Adam Hayes, 2022, “Prudent Investor Rule: What it is, How it Works,” Investopedia, accessed May 3, 2024, <<https://www.investopedia.com/terms/p/prudent-investor-rule.asp>>)

Article 5: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 59 Section 5 Clause 37A which will increase from \$437.50 to \$500.00 the annual real estate tax exemption provided to legally blind persons, or take any action relative thereto.

Motion: It is moved the Town vote to accept the provisions of Massachusetts General Law Chapter 59 Section 5 Clause 37A which will increase from \$437.50 to \$500.00 the annual real estate tax exemption provided to legally blind persons.

The Finance Committee voted to recommend this article by a vote of 5 in favor and 0 opposed. The Board of Assessors also recommends this article.

The \$437.50 is the standard exemption provided statewide to legally blind persons. By a vote of their town meeting or other legislative body, cities and towns can choose to adopt Clause 37A and increase the exemption to \$500. In order to receive the exemption a person must meet eligibility requirements relating to domicile (must occupy the property), ownership (must own the property), and legal blindness (must be certified by a doctor as legally blind). Of Massachusetts’ 351 cities and towns, 224 have adopted the \$500 exemption provide by Clause 37A and 127 provide the standard \$437.50 exemption.

Article 6: To see if the Town will vote to recommend the Selectboard support a petition by the Northfield Mount Hermon School to the Executive Committee of the Franklin Regional Council of Governments requesting the discontinuance of Mount Hermon Road, which is a county road of approximately seven tenths of a mile in length beginning and ending at its intersections with Main Road and which is abutted on both sides for its entire length by land owned by the School and which only provides access to the School and its facilities and programs, or take any action relative thereto.

Motion: It is moved the Town vote to recommend the Selectboard support a petition by the Northfield Mount Hermon School to the Executive Committee of the Franklin Regional Council of Governments requesting the discontinuance of Mount Hermon Road, which is a county road of approximately seven tenths of a mile in length beginning and ending at its intersections with Main Road and which is abutted on both sides for its entire

length by land owned by the School and which only provides access to the School and its facilities and programs.

The Finance Committee took no action on this article.

In March of this year the Town was contacted by Mary McEneaney, the School's Assistant Head of School for Finance & Operations and CFO/COO, inquiring about the process to legally discontinue Mount Hermon Road as a public road, and expressing the School's desire to take over ownership and responsibility for the road. A recent school safety and security review identified possible benefits if the School was able to exercise greater control of vehicular access onto and into the campus.

Mount Hermon Road was originally part of Main Road before Main Road was relocated to its current position in 1928. When the relocation occurred there was no action by the County Commissioners to convert Mount Hermon Road to a town road, so it remains a county road. As such, petitions to discontinue the road are heard and decided by the Council of Governments.

With the timing of the School's inquiry happening so close to the date of Gill's Annual Town Meeting, the Selectboard decided to include this article as a way of better gauging the feelings of the Town's residents on this matter.

A town's road mileage counts as 21% of the formula used by the Massachusetts Department of Transportation (MassDOT) to compute Chapter 90 road maintenance funds (population and employment are the other two inputs to the calculation). Using the state's figures for Fiscal Year 2024, the seven tenths of mile of Mount Hermon Road accounted for approximately \$2,700 (1.8%) of the \$146,726 the Town received this year in Chapter 90 aid. Given today's costs for asphalt and other road maintenance expenses, it is likely cheaper to give up the corresponding Chapter 90 aid than it is to maintain the road for perpetuity.

Article 7: To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2025 beginning on July 1, 2024 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 2025 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

Motion: It is moved the Town vote to fix the maximum amount that may be spent during Fiscal Year 2025 beginning on July 1, 2024 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, in accordance with the amounts listed in the table above.

The Finance Committee took no action on this article.

A revolving fund allows program fees to be used within the fiscal year for the purposes listed by the "department" that collects the fees. At the end of the year the remaining fund balance carries forward to the next year.

The listed revolving funds and spending limits for Fiscal Year 2025 are identical to those approved at last year's Town Meeting.

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*A motion to continue the meeting until Tuesday, June 11, 2024 at 7:00 PM at the Town Hall is anticipated at this point. The additional time will allow the Town to complete the budget process for Fiscal Year 2025.*



**Article 8:** 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                                      | \$25,642.00 |
| Tax Collector                                   | \$28,876.00 |
| Additional As Sewer Fee Collector               | \$814.00    |
| Treasurer                                       | \$26,038.00 |
| Registrars – Three members, Each                | \$69.00     |
| Town Clerk, as Chair                            | \$112.00    |

**Article 9:** To see if the Town will vote to raise and appropriate by taxation a sum or sums of money to provide a cost of living adjustment (COLA) for all appointed Town employees and certain elected officials, or take any action relative thereto.

**Article 10:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds or otherwise provide a sum or sums or money for the maintenance of the several departments of the Town (the “Omnibus budget”) for Fiscal Year 2025, and for other necessary charges, in accordance with the amounts recommended by the Selectboard, or take any action relative thereto.

**Article 11:** To see if the Town will vote to raise and appropriate by taxation \$1,769,126.00 to provide \$1,761,646.00 for its Fiscal Year 2025 operating assessment and \$7,480.00 for its Fiscal Year 2025 debt service costs for the Gill-Montague Regional School District, or take any action relative thereto.

**Article 12:** To see if the Town will vote to transfer a sum or sums of money from Released Overlay 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 a sum or sums of money from Released Overlay to add to the Board of Assessors Revaluation Account (001-142-5801), or take any action relative thereto.

**Article 13:** To see if the Town will vote to transfer from the PEG Access and Cable Related Fund (account 256) a sum or sums of money 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 14:** 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 be used by the Highway Department for the repair and maintenance of the various roads of the Town, or take any other action relative thereto.

**Article 15:** To see if the Town will vote to raise and appropriate by taxation a sum or sums of money to be used for the data conversion and annual license and cloud hosting fees for the accounting software used by the Town Accountant, or take any other action relative thereto.

**Article 16:** To see if the Town will vote to raise and appropriate by taxation a sum or sums of money for the Other Post-Employment Benefits Liability Trust Fund, or take any action relative thereto.

**Article 17:** To see if the Town will vote to transfer a sum or sums of money from unappropriated funds (Free Cash) or other available funds and place said amounts into one or more of the following stabilization funds: Capital Stabilization Fund, Education Stabilization Fund, Energy Stabilization Fund, Fire Department SCBA/Air Packs Stabilization Fund, and General Stabilization Fund, or take any action relative thereto.

**Article 18:** To see if the Town will vote to transfer a sum or sums of money 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 2025, 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 April in the year Two Thousand Twenty Four (04/22/2024).

**Selectboard of Gill**

\_\_\_\_\_  
Randy P. Crochier Sr., Chair

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

\_\_\_\_\_  
Charles J. Garbiel II, Board member

A true copy Attest:

\_\_\_\_\_  
Doreen J. Stevens, Town Clerk

Date: April 23, 2024

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.

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Fred O. Chase III, Constable of Gill

Date: