

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

SPECIAL TOWN MEETING: DECEMBER 16, 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 in said Town on Monday, the 16th day of December, in the year Two Thousand and Twenty Four (12/16/2024) at 7:00 PM then and there to act on the following articles.

Article 1: To see if the Town will vote to transfer \$50,000.00 from the General Stabilization Fund or other available funds to add to the account previously established to hire an Owner's Project Manager and a Designer to provide a feasibility study and schematic design of a new roof and other necessary or related improvements for the Gill Elementary School and for which feasibility study/schematic design the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study/schematic design in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any action relative thereto. (2/3 majority required)

Motion: It is moved the Town vote to transfer \$50,000.00 from the General Stabilization Fund to add to the account previously established to hire an Owner's Project Manager and a Designer to provide a feasibility study and schematic design of a new roof and other necessary or related improvements for the Gill Elementary School, with any funds remaining after the completion of the feasibility study/schematic design to be used for a portion of the construction costs of said roof, and with said funds to be expended under the direction of the Gill Elementary School Building Committee. To meet this appropriation the Town Treasurer, with the approval of the Selectboard, is authorized to transfer said funds under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA) for said feasibility study/schematic design, and the Town acknowledges the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study/schematic design in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town."

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

As stated in the article, a two-thirds majority vote is required to transfer funds out of a stabilization fund.

The asphalt shingle roof on the Gill Elementary School was installed in 1994. Asphalt shingles have a typical lifespan of 20 -30 years, so in 2017 the Gill-Montague Regional School District submitted its first application to the MSBA's Accelerated Repair Program (ARP) for a roof replacement project. After seven years and six applications (the program didn't accept new applications in 2023), on October 30, 2024 the District was invited "to partner with the MSBA in conducting a Schematic Design Study at the Gill Elementary School for a potential roof replacement project." We thank the District officials and the School Committee for their patience and perseverance on the Town's behalf.

The ARP's official start date for our project is January 2, 2025. One of the requirements that must be completed by April 2, 2025 is for the Town to appropriate sufficient funds to hire the Designer (architect) who will prepare a feasibility study and schematic design for a new roof, and to hire an Owner's Project Manager (OPM). According to the MSBA's website, "As a representative of both the owner and the MSBA, an OPM is the focal point for project management and accountability." The MSBA will assign the OPM and the Designer for our project.

The MSBA has determined its reimbursement rate for the schematic design phase AND the construction phase will be 77.47% of all eligible expenses, which means the Town will only be

responsible for 22.53%. Although the MSBA requires the Town to appropriate the full cost of the schematic design, these expenses will be reimbursed by the MSBA at the 77.47% rate.

After reviewing historical costs for recent MSBA ARP roof projects and factoring in an allowance for inflation and other contingencies, the OPM's fee and Designer's contract for the schematic design study are conservatively estimated to cost between \$94,000 and \$97,000. The Town has already appropriated \$48,439.45 for the study (\$20,000 in June 2018 and \$28,439.45 in June 2021). The additional \$50,000 requested in this Article is felt to be adequate to cover the full cost of the schematic design phase of the project. As stated in the motion, any excess funds will be applied to the Town's share of the construction costs for the roof project.

Commonly asked questions:

Q. What is the anticipated total cost of the new roof?

A. We don't know. The schematic design will determine the scope of work for the roof replacement and will also provide a cost estimate for the entire project.

Q. Will the scope of work include additional insulation in the space in between the ceiling and the roof? Will MSBA pick up 77.47% of the cost?

A. We don't know for certain, but there is a strong indication the answers are Yes and Yes. There are multiple places on the MSBA's website which refer to efforts to "facilitate schools moving toward Massachusetts' goal for net-zero carbon emissions by 2050," and "[d]istricts with repair needs in their school facilities that inhibit the cost-effective and energy-efficient delivery of the district's educational program." MSBA is clearly aware of the energy efficiency of school buildings. Once the OPM and the Designer are hired for Gill's project, we will have a clearer understanding of everything that will be considered in creating the scope of work.

Q. How do I volunteer to serve on the Building Committee?

A. Please contact Ray Purington. He's not hard to find. 😊

Article 2: To see if the Town will vote, in accordance with the provisions of Chapter 77 of the Acts of 2023, to rescind the vote taken under Article 6 of the June 12, 2023 Town Meeting creating an Opioid Settlement Stabilization Fund and revoke the dedication of 100% of the opioid litigation settlement funds received by the Town to such fund pursuant to Massachusetts General Law chapter 40 section 5B and Section 197 of said Chapter 77, with such funds to henceforth be placed in a Opioid Settlement Special Revenue Fund approved by the Massachusetts Department of Revenue's Director of Accounts pursuant to said Chapter 77, and to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents; or take any action relative thereto. (2/3 majority vote required)

Motion: It is moved the Town vote, in accordance with the provisions of Chapter 77 of the Acts of 2023, to rescind the vote taken under Article 6 of the June 12, 2023 Town Meeting creating an Opioid Settlement Stabilization Fund and revoke the dedication of 100% of the opioid litigation settlement funds received by the Town to such fund pursuant to Massachusetts General Law chapter 40 section 5B and Section 197 of said Chapter 77, with such funds to henceforth be placed in a Opioid Settlement Special Revenue Fund approved by the Massachusetts Department of Revenue's Director of Accounts pursuant to said Chapter 77, and to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents.

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

As stated in the article, a two-thirds majority vote is required to revoke the dedication of funds to a stabilization fund.

The national settlement of opioid litigation with the three largest pharmaceutical distributors and one manufacturer was announced to Massachusetts municipalities in September 2021. Since then there have been settlements with other distributors and manufacturers. The Selectboard authorized Gill's participation in November 2021, and the first settlement payment was received in July 2022. The terms of the settlement agreements place restrictions on how the funds may be used, and generally limit expenditures to purposes that address opioid use prevention, harm reduction, treatment, and recovery.

Under the Town's normal accounting practices, the opioid settlement payments would be considered a general receipt, and would not be available to be expended until 1) the receipts were certified as part of the Town's "Free Cash" in the following fiscal year, and 2) the funds were appropriated at a town meeting. With the Town party to the legally binding settlement agreements it was felt the normal accounting practice would create too much delay between the receipt and expenditure of the settlement payments and would rely too much on town officials' memories to ensure the correct amounts were voted each year for the next 17 years (the anticipated duration of the settlement payments).

At the town meeting in June 2023 voters approved the creation of a special purpose stabilization fund and authorized all future settlement payments to be directly deposited into this stabilization fund. Voters also transferred all of the settlement payments received to date into the fund. These actions eliminated the need for a yearly town meeting vote to transfer the prior year's opioid settlement payments from Free Cash to the stabilization fund. However, any project using the settlement funds would still require a town meeting vote to transfer money out of the stabilization fund.

In December 2023 the Director of Accounts for the Massachusetts Department of Revenue determined opioid settlement payments met the criteria for an exception to the rule that all municipal receipts are to be recorded as general fund revenue, and issued guidance allowing opioid settlement payments to be placed in a special revenue fund. Those amounts can then be expended without further appropriation for only the purposes identified in the settlement agreements entered into by the Commonwealth with opioid distributors and manufacturers.

This Article revokes the previous dedication of opioid settlement payments to the stabilization fund, establishes a special revenue fund for the payments, and dedicates all future payments to the special revenue fund. Town meeting votes will not be required on expenditures from the special revenue fund. The expenditures must, however, comply with the terms of the opioid settlement agreements and be used for allowed purposes that address opioid use prevention, harm reduction, treatment, and recovery.

Article 3: To see if the Town will vote to transfer the entire balance of \$3,455.06 plus any and all new receipts or accrued interest from the Opioid Settlement Stabilization Fund to the Opioid Settlement Special Revenue Fund; or take any action relative thereto. (2/3 majority vote required)

Motion: It is moved the Town vote to transfer the entire balance of \$3,455.06 plus any and all new receipts or accrued interest from the Opioid Settlement Stabilization Fund to the Opioid Settlement Special Revenue Fund.

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

As stated in the article, a two-thirds majority vote is required to transfer funds out of a stabilization fund.

If approved, this article will transfer all of the opioid settlement payments the Town has accumulated in the Opioid Settlement Stabilization Fund to the newly created Opioid Settlement Special Revenue Fund. With a \$0 balance, the stabilization fund will cease to exist, and in accordance with the vote in Article 2 (if approved), all future opioid settlement payments will be deposited directly into the special revenue fund.

Article 4: (To be considered only if Article 2 and/or Article 3 are defeated or passed over.) To see if the Town will vote to appropriate \$786.00 from the Opioid Settlement Stabilization Fund for the purpose of funding the Town's share of regional opioid use prevention, treatment, and recovery programming projects for Fiscal Years 2025 and 2026; or take any action relative thereto. (2/3 majority vote required)

Motion if Article 2 and Article 3 are approved: It is moved to pass over Article 4. (Simple majority vote)

Motion if Article 2 and/or Article 3 are defeated: It is moved the Town vote to appropriate \$786.00 from the Opioid Settlement Stabilization Fund for the purpose of funding the Town's share of regional opioid use prevention, treatment, and recovery programming projects for Fiscal Years 2025 and 2026. (2/3 majority)

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

A simple majority vote is required to pass over Article 4. If Article 4 is not passed over and funds are appropriated from a stabilization fund, then a two-thirds majority vote is required.

The funds requested in this article will provide for two years of the Town's participation in three regional opioid use prevention, treatment, and recovery programs. The Recover Project will hold weekly all-recovery meetings in West County and North County, the Moms Do Care program will provide support for pregnant people with opioid use disorder, and the Center for Human Development (CHD) will provide Peer Recovery Coach services to support people in recovery (for instance, helping someone obtain a Real ID, get a copy of a birth certificate, open a PO box, etc.). The regional programs were organized by the FRCOG's Cooperative Public Health Service and will pool opioid settlement funds totaling more than \$33,000 per year from 13 towns to deliver recovery services to those in need.

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Main Road; Post Office, Mount Hermon; The Gill Tavern, Main Road; and the 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 25th day of November in the year Two Thousand Twenty Four.

Selectboard of Gill

<i>Gregory M. Snedeker</i>	Chair
<i>Charles J. Garbiel, II</i>	Board member
<i>Randy P. Crochier</i>	Board member

A true copy Attest:

<i>Doreen J. Stevens</i>	Town Clerk	Date: <i>November 25, 2024</i>
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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 the Town Hall, Main Road; Post Office, Mount Hermon; The Gill Tavern, Main Road; and the Riverside Municipal Building, Route 2, fourteen days before the date hereof, as within directed.

<i>Fred O. Chase, III</i>	Constable of Gill	Date: <i>November 26, 2024</i>
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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.