

TOWN OF GILL

M A S S A C H U S E T T S



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SELECTBOARD MEETING MINUTES

March 30, 2009

Called to Order

Meeting was called to order at 4:27 p.m.

Present

Nancy Griswold, Leland Stevens, Selectboard members; Tracy Rogers, Administrative Assistant; Duncan Elliott, James Diemand, residents.

Absent

Ann Banash, Selectboard member.

Hickory Hill Kennel

Mr. Diemand, 8 Hickory Hill Road, lodged a complaint against the Hickory Hill Kennel, represented by owner Duncan Elliott. Mr. Diemand presented a written testimony of his history with the kennel and its various owners. He stated that he had a basic right to peace and quiet. The area is zoned agricultural/residential, not commercial. He believes laws are not being uniformly enforced.

Nancy stated that Police Chief Hastings has parked in front of Mr. Diemand's home and listened for barking dogs on several occasions. She asked if other neighbors have complained. Lee responded that there have not been many complaints that he was aware of. Mr. Diemand quoted the Town's Dog Control bylaw, which states, "No person shall keep any dog which by biting, barking, or in any other manner disturbs the peace and quiet of the neighborhood or endangers the safety of any person."

Mr. Diemand reported that he had already been in touch with the Zoning Board of Appeals, years ago, which invited him to return should he have issues in the future. He contacted the building inspector, who ruled against Mr. Diemand, stating that the bylaw refers to personal dogs, not kennel dogs. Mr. Diemand then contacted the chair of the ZBA to appeal the decision, but was told the ZBA will not hear his case. He cited Section 5.H.7 of the zoning bylaws which states that a Home-Based Business "use shall produce no noise, obnoxious odors, vibrations, glare, fumes, or electrical interference which would be detectable to normal sensory perception beyond the lot line.

Mr. Diemand made a suggestion to alleviate the situation. He suggested letting the dogs out ½ hour in the morning and another ½ hour in the afternoon and notifying him when those times would be. Lee suggested Mr. Diemand bring his recommendation to the ZBA. Mr. Diemand left.

Mr. Elliott stated that he had already put the ZBA's previous suggestions into place, but they apparently haven't been satisfactory to Mr. Diemand. Mr. Elliott left.

Purchase Order Policy

Police Sergeant Redmond and Accountant Joyce Muka joined the meeting.

Tracy presented the Board with a memo from Police Chief Hastings and Highway Superintendent LaClaire stating their frustrations with the current purchase order policy. Joyce stated that she has no legal authority to stop payment on a bill a department head has presented unless the expense is unlawful, unjustified, or that funding does not exist under the appropriate budget line item, according to MGL Ch. 21, §52.

Lee suggested raising the minimum back up to \$500 and not making them necessary at all for bid items such as sand, salt, gravel, etc. Purchase orders would only be necessary for expenses made from the General Fund, not grants, etc. Lastly, purchase order would only need to be signed by one member of the Board if the purchase was made on an emergency basis. Nancy concurred. Joyce left the meeting.

New England Environmental

Carol Frost with New England Environmental (NEE), the firm that FirstLight Power has contracted to stabilize the bank of the Connecticut River, joined the meeting. Carol explained that NEE will be working along the Split River Farm, the Bathory-Gallagher property, and a small piece of property owned by the Town at the end of Pisgah Mountain Road. Since the Town owns the property, it was necessary to have the Selectboard sign off on the Notice of Intent before she speaks with the Conservation Commission. Nancy signed the Notice and Carol left the meeting.

Treasurer Expense Account

Collector-Treasurer Ronnie LaChance joined the meeting. She reported that she has only \$72 left in her treasurer expense line to last her through June 30. She presented this information to the Finance Committee last week requesting funds from the Reserve Fund. The Committee asked her to bring something in writing to its next meeting. She could either request the full \$800 she estimates she'll need to make it through the year, or only \$400 to last her until May 1 transfers are able to be made.

Nancy asked if any other of Ronnie's accounts are running low as well. Ronnie replied no, that the Treasurer's account is the only one.

Elected Positions on Wage Scale

Town Clerk Lynda Hodsdon Mayo joined the meeting. Lynda cited a portion of the Town's Personnel Policy, which states that the Personal Committee is supposed to consider the rate of pay for elected officers and make a recommendation to the Selectboard on their salaries by February 1st of each year. Since the Personal Committee hasn't met for months that function hasn't been performed this year. The Committee is currently without a chairperson, she and Ronnie are unclear how to bring this issue before it. Lynda stated she understood that the deadline for this year had been missed, but she'd like to see it addressed in the future.

Lee recommended that Tracy call a meeting of the Committee together after annual town meeting is finished. He also recommended that Tracy ask Duncan Elliott if he'd like to serve on the Committee.

Ronnie left the meeting.

Town Clerk

Lynda stated her wish to resign from the Comprehensive Economic Development Strategy Committee and the Economic Development Board coordinated by the Franklin Regional Council of Governments, partly because of the time commitment, but also because of a feeling that the position would be better filled by a member of Gill's Planning Board. Lynda reported that Bonnie Welcome, the Planning Board's clerk, had expressed interest in serving and was considering the opportunity. Lynda will notify the Council of Governments of her resignation.

While talking about the lack of a Personnel Committee chairperson, Moderator Ray Steele (who is responsible for appointing members to the Committee) asked if he could fill in until someone else comes forward. Lynda contacts the Board of Ethics on the question. The Board of Ethics stated that it might put Ray in an awkward position when it came to a discussion at town meeting of a recommendation put forward by the Committee. Ray decided to keep things simple and clear and not fill in the seat.

Lynda left the meeting.

Review Minutes

Nancy made a motion to accept the minutes as written of the March 16, 2009 meeting. Lee seconded the motion and it was carried by a unanimous vote.

Annual Town Meeting

Tracy asked what date the Board wanted to schedule for the second half of the annual town meeting. The Board agreed on Monday, June 15, 7:00 p.m.

Historical Commission

Historical Commission members Kit Carpenter, Lynda Hodsdon Mayo, Dick French, Pam Shoemaker, Bob Perry, and Bev Demars joined the meeting.

The Commission asked about future plans for the Riverside Municipal Building, which houses the Commission. The Board informed them that the building will be on the annual town meeting warrant to declare it as surplus, enabling the Board to sell the property in the future. The Commission stated its concern for its future location, if there will be any, and how and where it will store its artifacts, storage not being an ideal solution. Bob asked that the Board keep the line of communication open so the Historical Commission can work in step with the Board. Lee assured the Commission that there is a lot of planning and work to do before the property can be sold; it won't happen quickly.

Pam mentioned that the building is listed with the Massachusetts Historical Commission as a building of historical significance, which might add some roadblocks to selling the property, but might also open up some grant opportunities to repair and preserve the building. The building is not listed on the National Register of Historic Places.

Claire Chang and John Ward joined the meeting. Sergeant Redmond left the meeting.

Pam and Kit asked what the Commission should do at town meeting. Dick suggested the Commission have a discussion amongst themselves about what they will present that evening.

Tupper Brown joined the meeting.

Dick recommended forming an exploratory committee that could provide answers as to the best uses of the Riverside building as well as the Boyle property, which will also be listed on the warrant to be declared as surplus. Lynda concurred with this idea stating that declaring the properties surplus is really the last hurdle to selling them, not the first.

The Commission agreed to discuss the issues amongst themselves and all left the meeting.

Highway Bids

Tracy presented a recommendation from Highway Superintendent Mickey LaClaire to award the bid for street sweeping services to New England Basin Cleaners of Meredith, NH for \$115/hour and a travel cost of \$130. The only other bid receive was one from J.W. Cotton of Hatfield, MA, which bid \$138/hour and were not available until May. Mickey contacted Mohawk Sweeping twice for a quote, but received no return call.

Lee made a motion to award the bid to New England Basin Cleaners. Nancy seconded the motion and it was carried by a unanimous vote.

Tracy then presented Mickey's recommendation to award the bid for catch basin cleaning to New England Basin Cleaners for \$130/hour and a travel cost of \$65. J.W. Cotton bid \$158/hour and Mohawk Services did not return calls.

Lee made a motion to award the bid to New England Basin Cleaners. Nancy seconded the motion and it was carried by a unanimous vote.

Fire Department Board of Engineers

Tracy presented a letter from Fire Dept. Board of Engineers Clerk Stuart Elliott recommending the following firefighters be appointed as members of the Board of Engineers effective May 1, 2009 – April 30, 2010:

- Gene Beaubien
- Michael Crochier
- Jason Edson
- Stuart Elliott
- Christopher Goodhind
- Scott Goodhind
- Noah Pack
- Stephen Peters

Lee made a motion to appoint the members as recommended. Nancy seconded the motion and it was carried by a unanimous vote.

MEMA Delegation of Authority

Tracy reported that Emergency Management Director Beaubien had left her a form to fill out this morning, which is due tomorrow morning. The form was part of the Town's Continuity of Operations Plan (COOP) and asks the Board to whom it will delegate certain responsibilities to if all three members are unavailable in the event of an emergency. Tracy had not had enough time to review the paperwork before tonight's meeting and asked the Board for permission to bring it forward during the next meeting, which would be two weeks after MEMA's deadline. The Board granted her the requested permission.

FY10 Budget

Tracy reported that the budget hearing dates the Board had recommended last meeting conflicted with meetings the School Committee has planned to discuss its budget. The Finance Committee recommended 4/9 and 4/16 starting at 3:00 p.m. The Committee also felt it was only necessary to meet with police, fire, highway, and the Board of Assessors. The Selectboard agreed to the schedule, but asked that the Recreation Committee be added to the list of those required to present.

Tracy presented two suggestions made by the Finance Committee: one regarding the duration of the police chief's contract and one asking to have department heads bring information on grant and other off budget funding to their budget hearings. The Board agreed to take the recommendations under advisement.

Letter from Warwick

Tracy read aloud a thank you letter from the Town of Warwick for allowing them the use of our plow/sander while theirs was being repaired.

Zoning Bylaw Amendments

Tupper presented two possible amendments to the zoning bylaws put forth by the ZBA. Tracy reported that it is the ZBA Chair's understanding that the procedure to amend the bylaws is to have the Selectboard recommend the changes to the Planning Board, which will then hold a public hearing and eventually bring the changes to town meeting.

The first amendment reads, "To see if the Town will 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 second amendment reads, "To see if the Town will 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."

Nancy made a motion to recommend the changes to the Planning Board. Lee seconded the motion and it was carried by a unanimous vote.

Common Cause Award

Tracy reported that Gill had won an award with distinction from Common Cause, a “nonpartisan, nonprofit, government watchdog, dedicated to citizen participation in an open, honest, and accountable government.” Only 49 communities among the 351 in the state received this award.

Sewer Abatement Request

Tracy presented a sewer abatement request from Jeffrey Suprenant, 28A Walnut St. Mr. Suprenant requested an abatement for filling his spa on December 6, 2008 and February 9, 2009 for a total of \$11.73. Since abatement requests must be submitted within thirty days of the bill date, Tracy recommended granting the February abatement, but not the December abatement. The Board agreed.

DOR Recommendations

Nancy asked what the status was on getting the collector-treasurer position appointed rather than elected, based on DOR’s recommendations. Tracy responded that the Board had missed the deadline to act this year. Statute dictates that the question be placed on the annual election ballot, by way of a town meeting vote held at least 60 days prior to the annual election. That means town meeting would have had to vote on the issue by March 4. Tracy stated she could put the article on the annual town meeting warrant, which would qualify for the 2010 annual election, but that by then most people would have forgotten that it was going to be on the ballot and be surprised to find it there. She recommended putting the article on the warrant for the inevitable fall/winter special town meeting. The Board agreed.

Tracy presented research on the Town’s ability to change her position title and responsibilities. She found two possibilities. One was to adopt MGL Ch. 41, §23A at town meeting, which would allow the Board to appoint a town administrator, but retain all of its powers. The Board could decide afterward how much responsibility and authority it wanted to grant to the person holding that position. The other option is to request special legislation to amend the town charter defining the structure of government and creating a town administrator position. The Board agreed to place an article on the annual town meeting warrant to adopt MGL Ch. 41, §23A and name the position “Town Administrator.”

Purchase Orders

The Board approved the following purchase orders:

- € Highway Dept.
 - Ford of Brattleboro, repair wiper arm assembly on F-550 truck, \$100.00
 - Fred’s 4-Wheel Drive, repair Kubota tractor, \$1,250.00 from machine acct.
 - Morbark New England, throttle cable for chipper, \$75.00
 - Franklin Auto, parts for repairs, \$682.08
 - Raymond’s Repair, emergency road call repairs on #7 truck, \$107.50

- Raymond's Repair, exhaust pipe on #7 truck, \$119.25
- € IT Committee
 - Staples, external hard drive for Pictometry, \$79.99
- € Fire Dept.
 - Firematic Supply, repair 1 SCBA air pack, \$80.00
 - The Fire Store, shields for helmets, hoods, \$3,263.76 (from state fire grant)
 - Firematic Supply, turnout gear, \$7,088.00
 - MCVFA, annual dues, \$275.00
- € Library
 - Books and AV materials, \$300.00

Payroll and Bill Warrants

The Board approved payroll and bill warrant number 20.

Adjourned

Meeting was adjourned at 7:00 p.m.

Minutes respectfully submitted by Tracy Rogers, Administrative Assistant.

Nancy A. Griswold, Selectboard Chair