

TOWN OF GILL

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



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SELECTBOARD MEETING MINUTES

June 8, 2009

Called to Order

Meeting was called to order at 4:32 p.m.

Present

Ann Banash, John Ward, Nancy Griswold, Selectboard members; Tracy Rogers, Town Administrator; Claire Chang, Finance Committee member.

Review Minutes

The Board unanimously approved minutes from the May 26, 2009 meeting as written.

FirstLight Power Thank You

The Board signed a letter thanking FirstLightPower for repairing the mural commemorating the site of the Red Bridge at Riverside and for removing the graffiti from the bronze plaque.

Timmie Smith joined the meeting.

Highway Bids

Tracy presented the Highway Superintendent's recommendations for purchasing highway materials through the FRCOG bid.

Nancy made a motion to award the MC 3000 cutback liquid asphalt bid to All States for \$3.15/gallon and ¾" screened processed gravel to Lane Construction for \$11.00/ton. John seconded the motion and it was carried by a unanimous vote.

The Board had questions on the other recommendations and asked Tracy to follow up on them.

Cultural Council

Nancy raised a concern about someone contacting the performer scheduled for the June 16 Concert on the Common being contacted directly by a member of the Finance Committee and asked to cancel their performance because it would conflict with the timing of the Special Town Meeting. The Board agreed with her concern and stated its preference that a matter like that should come to the Selectboard to address, not the

performer. Claire indicated that the June 16 performance has been rescheduled for June 30.

Drug Free Workplace Policy

The Board signed the Drug Free Workplace policy, which was only revised to include the current Board members' names.

Sales Tax Resale Certificate

Ann signed a sales tax resale certificate for Don Lorenz, Inc. so that, if the Town should sell the cruiser it purchased from Don Lorenz, it will not be taxed on the proceeds.

Police and Fire Accident Insurance

Tracy stated that she was originally only going to ask the Board to sign a policy renewal for Massamont, but in the mail today received two offers for quotes from other companies. The Board asked Tracy to get the other quotes before committing for FY10.

Memorial Committee Donations

Tracy asked the Board to accept \$291.00 in donations for the Memorial Committee. Nancy made a motion to accept the donations. John seconded the motion and it was carried by a unanimous vote.

Sewer Commitment

The Board signed the sewer commitment for a bill date of June 9, 2009 in the amount of \$13,515.97.

Chapter 90 Project Requests

Tracy presented two Chapter 90 project requests on behalf of the Highway Superintendent. The first was for \$62,500 to chip seal Franklin, Green Hill, River, and Munns Ferry Roads and the second was for \$110,000 to resurface (blacktop) Main Road from the Zak Famr to Renaissance and Boyle Road from Main Road to the Elementary School. The Board approved both requests.

Town Facilities Request

Tracy presented a request from the Friends of Gill to use the Town Common on June 14 12 – 3 p.m. for the annual Friends of Gill Picnic. Nancy made a motion to approve the request. John seconded the motion and it was carried by a unanimous vote.

Town Meeting Motion Assignments

The Board agreed amongst themselves who would present each warrant article during the annual and special town meetings on June 16.

Regarding article 20 on the Annual Town Meeting warrant: Ann suggested she make the motion with the proviso that the money approved not be used until a final budget is passed.

Regarding articles 21 and 22: Nancy will make a motion to pass over both, expecting to place the two articles on a special town meeting warrant in the future should the grant be awarded.

Regarding article 25: Assessor Ray Purington has agreed to make a motion to pass over this article, since there is money in another account available to the Assessors.

Regarding article 27: Ann questioned why there was not a definitive amount stated in the article (\$25,000 is a round number). Tracy explained that the Treasurer told her she'd have to go out to bid in the fall for another State House note and cannot tell us now what the interest rate will be. Ann asked Tracy to double-check on this.

Regarding article 28: Nancy agreed to make the motion, but may move to pass over the article depending on where the budget stands at that point.

FY10 Budget Scenarios

Ann presented two budget scenarios. The first was included a regional school assessment in proportion to the one Montague voted on June 6. The second included an assessment based on disbursing 50% of Gill's new revenues to the district. Ann asked Tracy to calculate what percentage increase the town expenses are over FY09 in the two scenarios, which Tracy will bring to the joint meeting with the Finance Committee on Friday.

Goal Setting

Tracy asked the Board if it would like to hold a goal setting session with the help of Ray Purington as facilitator. Ray did a similar exercise with the Assessors, who found it very helpful. The Board asked Tracy to see if Ray was available to attend its June 22 meeting to explain the process.

Reverend James Diemand

The following people joined the meeting: Jacqueline Elliott, Jamee Elliott, Duncan Elliott, owners of Hickory Hill Kennel; Donald Kaplan, Annette Krejmas, residents; Donna MacNicol, Town Counsel. Donna announced the meeting was being filmed by Mr. Elliott.

John disclosed that he has had a business relationship in the past with both Rev. Diemand and Mr. Elliott. Donna then explained to Rev. Diemand that since both John and Nancy have business relationships with Mr. Elliott, one cannot be excluded from the hearing without the other. If Rev. Diemand did not want both of them to be included, that would only leave Ann, and she alone cannot make a decision or determination. The only way to have the Board continue the hearing is to invoke the Rule of Necessity and allow all three members to be included. Rev. Diemand agreed to invoke the Rule. Donna invoked the Rule. John reiterated his business relationship and Nancy disclosed her business relationship with Mr. Elliott.

Rev. Diemand stated his desire for two things: 1) his right to live in peace and quiet and 2) to have laws equally enforceable without discrimination. He stated that he told the Police Chief that as long as he has breath he'll pursue these rights.

Rev. Diemand read a letter supporting his case from Joe Parzych, who is not an abutter; from Elaine Krejmas; and from Frederick and Nancy Sheard. Donald Kaplan asked Rev. Diemand to read statements prepared by himself and his wife aloud.

Annette Krejmas made a complaint about the noise from the Kennel. She also complained about a neighbor's barking dog and that the police won't address the issue. The Board instructed Tracy to ask the Police Chief for call logs regarding both the Kennel and Ms. Krejmas' complaints.

Rev. Diemand then made a request to have the Selectboard write to the Zoning Board of Appeals to request an open hearing on the unpermitted expansion that has been occurring at the Kennel since 2003, under zoning bylaws 2.H.7 and 13.C. He stated that he is not advocating to close the business. He would like that, if the dogs must be let out of their kennels, that they be let out for ½-hour in the morning and ½-hour in the afternoon and that abutters be made aware when those times are. He questioned who would enforce that requirement.

Mr. Elliott responded only to say that he chooses not to respond because he doesn't feel it is the appropriate forum in which to do so. He would be happy to do so in the correct forum.

Donna asked if the Town had adopted a Right to Farm bylaw, which it did in 2006. Under that bylaw, if the Kennel is on property greater than five acres and if they are breeding dogs there, they are protected. In that case, perhaps the Agricultural Commission could mediate between the two parties.

Donna then suggested that Rev. Diemand contact the Building Inspector again and restart the clock under which he can appeal the Inspector's decision through the ZBA.

Town Clerk Lynda Hodsdon Mayo joined the meeting and reported that all vaccinations at the Kennel are current. Ms. Elliott reported that they haven't bred any dogs at the Kennel for the last five years. Mr. Elliott reported that the Kennel is only operating 25 runs, which is within the conditions of their special permit.

Ann recommended that the Board take the matter under advisement and send written word to both parties after the Board discusses the matter further at their June 22 meeting. The hearing was closed at 6:50 p.m. The following people left the meeting: Jacqueline Elliott, Jamee Elliott, Duncan Elliott, owners of Hickory Hill Kennel; Donald Kaplan, Annette Krejmas, residents; Donna MacNicol, Town Counsel. Donna announced the meeting was being filmed by Mr. Elliott.

Municipal Energy Agreement

Tracy reported that she spoke with Larry Schafer, currently the Town Administrator in Amherst, but was the Town Administrator in Vernon, CT when Municipal Energy Consulting Group, LLC helped them with Connecticut Light and Power. Larry had nothing but good things to say about them. Tracy reported that Municipal Energy was scheduled to talk with Bob Dean at FRCOG today.

The Board asked Donna to review a contract put forth by Municipal Energy. Donna was concerned the contract did not include an indemnification clause, a termination clause, an availability of funds clause, nor a requirement for an insurance certificate. She also stated a preference for seeing the Town's responsibilities defined and the consultant's. The Board suggested that Tracy contact Bob Dean to see how his meeting with the company went.

Town Administrator Job Description

Tracy presented a draft job description for her new position. Nancy made a motion to accept it as written. John seconded the motion and it was carried by a unanimous vote. The new job description included naming Tracy as the Anti-Harassment Officer and the Chief Procurement Officer. Ann signed a "Notice of Appointment of Chief Procurement Officer" for Tracy to file with the Office of the Inspector General.

Payroll and Bill Warrants

The Board approved payroll and bill warrant number 25.

Adjourned

Meeting was adjourned at 7:30 p.m.

Minutes respectfully submitted by Tracy Rogers, Town Administrator.

John R. Ward, Selectboard Clerk