

# TOWN OF GILL

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



[www.gillmass.org](http://www.gillmass.org)

## SELECTBOARD MEETING MINUTES

*October 3, 2016*

Call to Order: The Selectboard meeting was called to order at 5:35 PM.

Members Present: John Ward, Greg Snedeker, Randy Crochier      Members Absent: none

Others Present: Ray Purington, Admin. Assistant; Janet Masucci; Kent Alexander; Mick LaClaire; Ed Ambo

River Road Paving Project: Mick LaClaire, Highway Superintendent, and Ed Ambo, Highway Foreman, met with the Selectboard to provide an update on the in-progress roadwork on River Road from Main Road to Barney Hale Road. The existing pavement was ground-in-place last week, and the contractor did finish grading today. The road will be paved tomorrow. The project is adhering to the original footprint of the road, although LaClaire acknowledged the roadway does appear wider because the grassy shoulders have been scraped back. The pavement was 21 feet wide, and the new pavement will be the same width.

The existing pavement extended approximately 25 feet up Barney Hale Road. LaClaire noted that Barney Hale Road, which is a gravel road, is steep just above the River Road intersection, and there are frequent washouts there. Stopping at the intersection is difficult in the wintertime, with the gravel-to-pavement transition on a slope and close to the stop sign. Greg and Randy both acknowledged experiencing washboard conditions and difficulty in stopping.

LaClaire proposed extending the pavement up Barney Hale Road another 100 feet. The extension was always part of his plan for this Chapter 90-funded project, and it was an oversight on his part to not have discussed the matter sooner. He informed the Selectboard that tomorrow's paving is the binder base coat, and that the contractor will need to come back next year to lay down the top coat of pavement.

The Selectboard discussed an old Town Meeting vote that called for a public hearing before any gravel road is paved. (Subsequent research determined the vote was in June 2005, and recommended "the Selectmen request the Planning Board, Conservation Commission, and Recreation Committee to investigate the impact on the Town of the paving or making significant alterations to its remaining gravel roads, including by oil and stone,...prior to any further paving of gravel roads in the Town.") It was decided by consensus that in order to abide by the Town Meeting vote, the additional 100 feet will not be paved at this time. The matter will be put on the agenda for a future Selectboard meeting, with plenty of advance notice to allow for public participation.

Used Backhoe Bid Opening: Ray reported that the bid opening for the used backhoe is scheduled for October 6<sup>th</sup> at 2:00 PM. There was discussion of the next steps in the process. If the Highway Department hasn't previously inspected the low bid machine, that will need to happen before any award decision is made. It was acknowledged that bid or not, most dealers will sell used equipment to the first buyer with money in hand, and that there should be a plan that allows for action on the bids. Greg made a motion, seconded by Randy, to authorize Ray to act as procurement officer with authorization to purchase a backhoe or defer the decision to the Selectboard, based on his judgement of the action in the best interest of the Town. There are to be frequent status reports given to the Selectboard. The vote was unanimous in the affirmative.

MassDOT Municipal Small Bridge Program: The Selectboard reviewed the invitation letter and application form for the MassDOT's recently announced Municipal Small Bridge Repair Program, which allocates a total of \$10 million per year for 5 years to aid in the replacement and repair of city- and town-owned bridges with spans between 10 and 20 feet. The only bridge for which Gill has responsibility is over the Dry Brook, on North Cross Road. Its span is greater than 20 feet. LaClaire explained that there are several large culverts that may qualify for the program, but recommended against applying this year. There are so many towns with so many bridges that are closed or under severe load limit restrictions, that Gill would not receive any funding. The Selectboard agreed with the recommendation to not apply for bridge funding this year.

Route 2 Sidewalk (Gill Mobil): Ray explained that the Site Plan for the proposed new Gill Mobil gas station and convenience store calls for a sidewalk to run in front of the property, parallel to Route 2, from Main Road to the front of the store. The sidewalk would be built within the state-owned right-of-way.

The MassDOT has contacted the Town. Before they will sign off and issue their approvals for the project, MassDOT requires a letter from the Town in which the Town accepts responsibility for maintaining the sidewalk and removing the snow. LaClaire stated that Gill's Highway Department does not have the staff or equipment necessary to handle maintenance or snow removal from the sidewalk. He was not opposed to the sidewalk if the property owner (Summit Distributing) will take responsibility. No action is required by the Selectboard tonight.

LaClaire and Ambo left the meeting.

Later in the meeting, but recorded here for continuity, the Selectboard briefly revisited the sidewalk issue. Ray was asked to find out 1) Can the property owner enter into a sidewalk agreement directly with the MassDOT, and 2) What happens if the Town does not agree to accept responsibility for the sidewalk?

Minutes: Randy made a motion, seconded by Greg, to approve the minutes of 6/27/16 and 9/19/16. The vote was unanimous in the affirmative.

Green Community Grant: Ray reported the second restored window at the Riverside Building has been installed. The tenant, Four Winds School, is pleased to now have two safely operable windows. The Selectboard expressed a desire to continue this restoration work in future years using money from the Building Maintenance budget.

Sewer I&I Study: Nothing to report.

Gill Elementary Well: Ray reported that FW Webb's recent water sample produced no surprise results, and that their supplier did not alter the type of treatment equipment previously specified. Glen Ayers and Shawn Kimberley (civil engineer) will be at the School on October 6<sup>th</sup> at 8 AM to do a perc test that is needed in order for Kimberley to design the leaching area where the treatment system backwash will be discharged.

Mariamante Property/Community Solar: Nothing to report.

Annual Reports: No progress to report.

Proposed Town Bylaw to Regulate Pawnshops, Secondhand, and Precious Metal Dealers: Greg recapped his recent personal experience with having jewelry stolen from his home and then sold to an area antique store for cash. The thief used the cash to support a heroin addiction. He explained that state laws require pawnshops to keep detailed records of their sales, including uploading photos of received items to the statewide NESPIN database.

Antique stores, as well other secondhand stores and precious metal dealers (coin shops), are not subject to the pawnshop laws and are only regulated by local bylaws, if any. He proposed establishing such a bylaw in Gill, and noted that now would be a good time to do it, as the town currently does not have any of these kinds of stores. There was hope that the Legislature will take up the matter as well, and expand the scope of the pawnshop laws.

The example bylaw is from Uxbridge, Massachusetts, and was adopted by their town meeting in November 2015. The Selectboard agreed by consensus to move forward with presenting a bylaw for a vote at the Town Meeting in May 2017. Ray will circulate the draft bylaw to the Police Department and Town Counsel for comments. Once a "Gill" version of the bylaw is ready, the topic will be given time on the agenda for a Selectboard meeting, with plenty of advance notice in order to allow for public participation in the discussion.

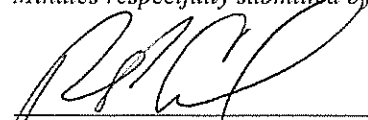
Nov. 8<sup>th</sup> Election Warrant: The Selectboard signed the warrant for the November 8<sup>th</sup> State and Presidential Election.

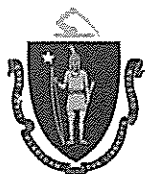
Kent Alexander left the meeting at 6:35 PM. Janet Masucci left the meeting at 7:00 PM.

Warrant: The Selectboard reviewed and signed the FY 2017 warrant #7.

The meeting adjourned at 7:12 PM.

*Minutes respectfully submitted by Ray Purington, Administrative Assistant.*

  
\_\_\_\_\_  
Randy Crochier, Selectboard Clerk



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, Secretary & CEO  
Thomas J. Tinlin, Administrator



September 16, 2016

SUBJECT: Municipal Small Bridge Program

Gill Selectboard  
Town Hall  
325 Main Road  
Gill, MA 01354

Attention: John Ward  
Chair

Dear Members of the Board:

MassDOT wishes to advise you that, as of September 12, 2016, we have officially gone live with the application process for the Municipal Small Bridge Program.

The Program will provide reimbursable assistance to cities and towns of up to \$500,000 per year to aid in the replacement and preservation of Municipally-owned bridges with spans between ten (10') feet and twenty (20') feet.

Attached is a copy of the Municipal Small Bridge Program Application. An electronic copy of the Application may also be downloaded from the following website:

<http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/LocalAidPrograms/MunicipalSmallBridgeProgram.aspx>

The website also includes Program FAQs and an overview of the Program and application process.

The deadline for the first round of applications is October 31, 2016 and the deadline for the second round is February 28, 2017.

Additionally, MassDOT intends to provide information on the Municipal Small Bridge Program through several upcoming Baystate Roads Program workshops. Exact dates and locations for the workshops have not yet been determined, but they are anticipated to be at various locations across the Commonwealth during early October.

Thank you for your support of the Program and please feel free to contact District Bridge Engineer, Mark Banasieski, at (413) 582-0539 if you have any questions.

Sincerely,

Patrick J. Paul  
District Highway Director

MRB/  
C - MRB

MRB

Attach.



# Municipal Small Bridge Program Application

---

## Part A: Basic Information

Date: Click here to enter a date.

City/Town:

Road:

Feature under Bridge:

Bridge Number:

Reason for Application (Describe the condition of the bridge):

Proposed Project Type (New bridge; Bridge Rehabilitation; Bridge Preservation):

Indicate if the bridge currently closed, posted (include the loading) or restricted (include by how much):

Contact Person:

Address:

e-mail:

Telephone:

---

## Part B: Applicability

1. Is the span of the bridge greater than 10 feet and less than or equal to 20 feet? Yes  No   
Comments:
2. Is the bridge on a public way? Yes  No   
Comment:
3. Is the bridge on the State Bridge Inventory? Yes  No   
Comment:
4. Are all municipally-owned bridges in the City/Town with reduced weight-carrying capacity properly posted as previously directed by MassDOT? Yes  No   
Comment:
5. Can the 25% design be submitted within 6 months of the application approval? Yes  No   
Comment:

## Municipal Small Bridge Program Application

---

### Part C: Proposed Project

#### 1. Description of Work

- a. Has the bridge(s) been inspected? If so, please provide the condition ratings and a copy of the inspection report.
- b. Has the bridge(s) been rated? If so, please provide the inventory ratings and copy of the rating report.
- c. If neither of the above is applicable, provide a description of the condition of the bridge(s); state the City/Town's concerns regarding the continued unrestricted use of the bridge(s); and what actions are planned by the City/Town to ensure continued safe use of the bridge(s).
- d. Please describe the scope of work for the proposed project.
- e. Please describe any anticipated design services that will be required for this project, including the length of time required to secure and complete these services.
- f. Please provide the estimated cost of the project, including design services.
- g. Has the community signed the Community Compact?

#### 2. Description of Demonstrated Public Need

- a. What is the length (in miles) of a suitable detour around the bridge?

## Municipal Small Bridge Program Application

- b. Please describe the emergency services carried by the bridge. Consider how often the roadway is used as a fire, police, and/or EMT route.
  
  
  
  
  
  
  
  
  
  
- c. Please describe how the bridge serves the local economy (commercial and industrial). Consider the following: agricultural, tourist/recreational sites, commercial district, major employer, other economic generators, etc.
  
  
  
  
  
  
  
  
  
  
- d. Please describe the essential services carried by the bridge. Consider the following: heating oil, propane gas, trash/recycling, septic tank service, school busses, mail, other delivery services, etc. and if a viable detour for these services currently exists.

### 3. Description of Demonstrated Financial Need

- a. Please provide the current annual Chapter 90 apportionment for your municipality and balance of uncommitted funds. Please explain why the limited funds of the Municipal Small Bridge Program are needed to advance the project.
  
  
  
  
  
  
  
  
  
  
- b. What other sources of funds does the municipality have to repair its bridges? Please explain why these are insufficient or inappropriate for this project.

## **PAWNSHOPS, SECONDHAND AND PRECIOUS METAL DEALERS**

- § 1. Purpose.**
- § 2. Definitions.**
- § 3. Authority.**
- § 4. License Required.**
- § 5. Posting of name and occupation.**
- § 6. Regulated property.**
- § 7. License applications – general.**
- § 8. Issuance and renewal of licenses.**
- § 9. Revocation – General.**
- § 10. Records of purchases -Transaction Records.**
- § 11. New England State Police Information Network (NESPIN) – Data Submission.**
- § 12. Certified Scales.**
- § 13. Notification to police regarding possible stolen property.**
- § 14. Receipt of articles from minor – prohibited.**
- § 15. Responsibility of proprietor for violations.**
- § 16. Holding period before sale.**
- § 17. Articles to remain on premises.**
- § 18. Examination of articles and shop.**
- § 19. Removal of articles by police officers.**
- § 20. Rules and regulations.**
- § 21. Fees.**
- § 22. Enforcement and Violations.**

### **GENERAL REFERENCES**

---

#### **§1. Purpose.**

The purpose and intent of this regulation is to establish a system which fairly and impartially regulates the sale of secondhand articles by secondhand dealers, pawnbrokers & precious metals dealers for the stated purpose of:

- A. identifying stolen property that may be received by such second hand dealers, pawnbrokers & precious metals dealers;
- B. deterring and preventing the sale of stolen goods and;
- C. aiding law enforcement officers in their duty to apprehend and prosecute any person who facilitates the theft, possession and or sale of stolen goods, while enabling the return of stolen property to the rightful owners.

#### **§2. Definitions.**

Unless the content specifically indicates otherwise, the meaning of the terms used in this Bylaw shall be as follows:

- A. **PAWNBROKER** – A person who is engaged in the business of loaning money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property on condition of selling the same back again at stipulated price.
- B. **SECONDHAND DEALER**- Has the same meaning as the term “secondhand collector”, "junk dealer" junk collector” and "keeper of a shop” for the purchase, sale or barter of junk, old metals or secondhand articles" as referenced in MGL c. 140, § 54. A secondhand dealer shall mean any person, firm, corporation, or partnership engaged in the business of buying, selling, exchanging, or dealing in any way with secondhand articles, used goods, old junk,

scrap metals, or unwanted personal property; regardless of the number of transactions (frequency of sales shall not be relevant) or the location where such sales take place (having a dedicated shop or store and the use of residential property shall not be relevant). This definition shall include all persons who conduct business in the sale of unwanted personal property at a flea market, antique shop, coin show, gun show, jewelry show, refinery reclamation drive, and or any jewelry.

- C. PRECIOUS METALS DEALER- One who deals/buys a classification of metals that are considered to be rare and/or have a high economic value. The higher relative values of these metals are driven by various factors including their rarity, uses in industrial processes and use as an investment commodity. Precious metals include, but are not limited to: gold, silver, platinum, iridium, rhodium and palladium.
- D. APPLICANT – The individual(s) or corporation that is applying for a license under this bylaw.
- E. BUYER – Any person (other than the pawnbroker, secondhand dealer or precious metals dealer who has purchased or otherwise obtained custody, (whether temporary or permanent) of secondhand articles, used goods, old junk, scrap or precious metals, or unwanted personal property. This definition shall also refer to any person who acquires such goods from a secondhand dealer, pawnbroker or precious metals dealer as a gift or in lieu of some form of compensation.
- F. SELLER – Shall mean any person who relinquished or is intending to relinquish custody, (whether temporary or permanently) of secondhand articles, used goods, old junk, scrap metals, or unwanted personal property by means of offering for sale, consignment, barter exchange loan or to hold as security.
- G. PROPRIETOR – The owner of any business regulated by this Bylaw. This definition applies to all persons with ownership authority, whether the business is a sole proprietorship, partnership, or corporation.
- H. PRECIOUS METALS: For the purpose of this bylaw, the term “precious metals” means and includes any precious metal, including, but not limited to, gold, silver, platinum, iridium, rhodium and palladium, without regard to the form or amount of such precious metal.
- I. PRECIOUS OR SEMI-PRECIOUS STONE OR GEMS: any stone or gem that is rare or costly or any stone or gem that is of lower value than those classified as precious.
- J. ARTICLES: Commodities in excess of \$100.00.
- K. BUSINESS: the sole proprietorship, partnership, firm or corporation engaged in the practice of trading in any of the articles defined within this bylaw

### **§3. Authority.**

The Gill Board of Selectmen, as the licensing authority issues licenses to and regulates secondhand dealers, pawnshops & precious metals dealers within the Town of Gill, Massachusetts.

### **§4. License required.**

- A. Pawnshops, secondhand dealers & precious metals dealers shall be licensed by the Board of Selectmen prior to engaging in said activity and shall comply with this Bylaw, which was promulgated in accordance with M.G.L. C. 140, § 54 and other applicable enabling authority.
- B. Applications for new licenses and renewal licenses shall be made in writing on forms provided for this purpose by the Office of the Board of Selectmen. Said office shall keep a record of all licenses so issued. Each license granted shall be issued on a location specific basis. No license shall be granted to transient or temporary businesses; they shall issue only with respect to permanent business locations.
- C. Licenses under this section shall be awarded at the sole discretion of the Board of Selectmen.



- D. Upon approval, a license shall be issued and shall continue in effect for one year, unless sooner revoked by the Board of Selectmen. Licenses are renewed annually, effective January 1<sup>st</sup> of each year.
- E. No license may be transferred or assigned to another person, entity, business or location, without approval by the licensing authority.
- F. The license issued hereunder shall be clearly and prominently displayed in a suitable and conspicuous place within the shop, residence or other place in which the proprietor conducts business.

**§5. Posting of name and occupation.**

The proprietor shall display, in a suitable and conspicuous place in his shop, residence, or other place where he conducts business, a sign at least 15x20 inches in size, with his name and occupation legibly printed thereon.

**§6. Regulated Property.**

Any proprietor of business who regularly buys, sells, exchanges, or deals with any articles in excess of \$100.00 for resale is considered regulated property. Such shop, residence or other place of business and all articles purchased or sold therein, may, at all times, be inspected by the Police Chief or his designee.

**§7. License applications – General.**

License applications, upon completion, shall be forwarded for review to the Gill Building Inspector/Zoning Enforcement Officer & Fire Department, prior to submission to the Board of Selectmen. Each official in the previously mentioned Departments may make recommendations to the Board of Selectmen whether the requested license should be approved, modified or denied; however the final decision shall be made at the sole discretion of the Board of Selectmen.

**§8. Issuance and renewal of licenses.**

The Board of Selectmen may deny or condition its approval of an original or renewal application for proprietor's license if it has reasonable cause to believe any of the following conditions exist:

- A. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has owned or operated any substantially similar license and, within the five years prior to the application date had a pawnbroker, secondhand dealer or precious metals dealer license revoked for a reason that would be grounds for a denial or revocation pursuant this policy;
- B. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has been convicted of a felony or any crime involving a false or fraudulent statement within five years prior to the application date, (a CWOFF shall be re-viewed as a finding or admission of guilt);
- C. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has:
  - 1. knowingly made a false statement in the application;
  - 2. knowingly omitted information requested to be disclosed in the application; or
  - 3. completed the application with reckless disregard for the truth or accuracy of the statements made therein;
  - 4. unjustifiably refused a lawful inspection during regular business hours of the proprietor's premise, books, forms or records by the Police Chief or his designee;

5. been cited for more than three violations of these regulations, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date; and/or,
  6. been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a person or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or his designee;
- D. the business has been found to constitute a public nuisance;
- E. such other grounds exist as the Board of Selectmen determines to be contrary to the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Gill.

### **§9. Suspension/Revocation – General.**

A violation of any section of this Bylaw shall result in the suspension of the license for 60 days for the first offense, suspension for one year for the second offense and a revocation for the third offense.

### **§10. Records of purchases -Transaction Records.**

The proprietor or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, shall prepare a transaction record upon a form approved by the Chief of Police or designee, regardless of the manner of acquisition, of any article, good or item subject to licensing hereunder, stating:

- A. the full name, current address, date of birth and driver's license number of the seller;
- B. A photograph of a valid (unexpired) state driver's license that includes the date of birth and photograph of the person offering the identification; or, two other forms and photographs of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth and photograph;
- C. Each seller shall sign his or her true name on the transaction record verifying they are the property owner; and
- D. the date and time of transaction;
- E. a full, detailed and accurate description (including color, make, model, serial numbers, distinguishing marks or engravings) of each article and a photograph of said items with the sales receipt for bought or pawned items; and
- F. A proprietor shall also record each transaction, with the information required in a bound book with consecutively numbered pages. The book shall be of a size and style approved by the Chief of Police or his designee. All entries shall be in ink, legible, written in English and assigned a number. The corresponding number shall be attached to the item. No entry in the book shall be erased, obliterated, altered or defaced.

The transaction book shall at all reasonable times be open to the inspection by the chief of police or any officer or person duly authorized by him, or any other person authorized under law. The transaction books shall be kept for a minimum of three (3) years after the proprietor last does business in the Town of Gill.

### **§11. New England State Police Information Network (NESPIN) – Data Submission.**

All businesses licensed pursuant to this bylaw, shall submit all records of transactions in accordance with (NESPIN) electronic database protocols and submission schedules.

All said businesses shall simultaneously forward the identical electronic transactions as submitted to NESPIN to the Gill Police Department to the Chief of Police or designee.

**§12. Certified Scales.**

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the sealer of weights and measures, of the Town of Gill. Licensees shall not allow those certifications to lapse.

**§13. Notification to police regarding possible stolen property.**

- A. All businesses licensed pursuant to this bylaw shall immediately notify the Gill Police Department upon receiving an article which is questionable as to its status of being stolen and shall make such article available for inspection by an officer of the Police Department.
- B. All businesses licensed pursuant to this bylaw shall not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed or the article bears the name of a person that is not the seller.

**§14. Receipt of articles from minor – prohibited.**

No proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor shall directly or indirectly purchase or receive by way of barter or exchange any article from a minor under the age of 18.

**§15. Responsibility of proprietor for violations.**

Every proprietor licensed under this article shall be responsible for all persons employed by him in the business. Any violation of this article or of the terms of this license by any employee of such dealer, or by any person upon the licensed premises, shall be construed to be a violation of the terms of this article or of the license by the proprietor.

**§16. Holding period before sale.**

No article herein described shall be sold, encumbered by sales contract, transferred, altered in its appearance, or otherwise disposed of, within sixty (60) days of purchase.

**§17. Articles to remain on premises.**

All articles purchased shall remain on the premises during the waiting period; items shall not be placed on the sales floor until the waiting period has expired, unless the item is clearly marked with the corresponding transaction number and the sales release date based on the time frame as specified.

**§18. Examination of articles and shop.**

Any business licensed pursuant to this bylaw, shall during regular business hours be open to inspection of all articles, books, the premises, or inventories by the Chief of Police or any officer or person duly authorized by him, or any other person authorized under law.

**§19. Removal of articles by police officers.**

- A. If the Chief of Police or his designee determines that any articles are needed for evidence in a criminal investigation, a duly authorized police officer may seize that evidence, subject to applicable criminal procedures, if any. The proprietor shall be issued a receipt for the article(s).
- B. Said seized articles, subject to a courts direction, if any, may be kept as long as necessary to permit the article to be used as evidence and for such reasonable time thereafter as needed to

best determine, if possible, the person(s), if any, lawfully entitled to possession of said property and return the same to them.

**§20. Rules and regulations.**

The Board of Selectmen may adopt such rules, regulations and policy governing the issuance of licenses and the conduct of businesses licensed pursuant to this bylaw pursuant to the authority granted by Chapter 140, Section 54 of the General Laws and/or pursuant to the authority granted herein.

**§21. Fees.**

The annual fee for the license issued pursuant to this Bylaw shall be established by the Board of Selectmen.

**§22. Enforcement and Violations.**

Violation of any provision of this Bylaw may be addressed administratively, prosecuted as a criminal matter, or by the procedure provided in § 21D of Chapter 40 of the General Laws. Each day a violation occurs shall be considered a separate violation hereunder.

DRAFT

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

FRANKLIN SS.

To the Constables of the Town of GILL

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in the State Election at Precinct 1, Fire Station at the Municipal Building, 196A Main Road, Gill, Massachusetts on **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT. . . . .FOR THIS COMMONWEALTH  
REPRESENTATIVE IN CONGRESS. . . . .SECOND DISTRICT  
COUNCILLOR. . . . .EIGHTH DISTRICT  
SENATOR IN GENERAL COURT . . . . . HAMPSHIRE, FRANKLIN WORCESTER  
SENATORIAL DISTRICT  
REPRESENTATIVE IN GENERAL COURT . . . . . SECOND FRANKLIN DISTRICT  
SHERIFF. . . . . FRANKLIN COUNTY  
FRANKLIN COUNCIL OF GOVT. . . . . FRANKLIN COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A **YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at location that meets certain conditions specified in the law.

A **NO VOTE** would make no change in current laws regarding gaming.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply.

to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

**A YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

**A NO VOTE** would make no change in current laws relative to charter schools.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid the other parts would stay in effect.

**A YES VOTE** would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

**A NO VOTE** would make no change in current laws relative to the keeping of farm animals.

### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

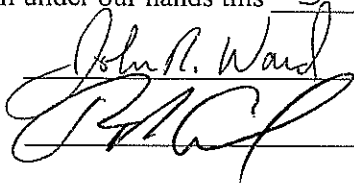
The proposed law would take effect on December 15, 2016.

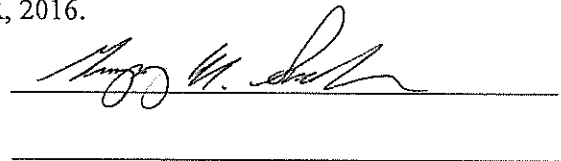
A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 3<sup>rd</sup> day of OCTOBER, 2016.

  
\_\_\_\_\_

  
\_\_\_\_\_

**Selectmen of GILL**

A True Copy. Attest: \_\_\_\_\_ Lynda Hodsdon Mayo, Town Clerk

Date \_\_\_\_\_

Franklin SS.

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 in Gill Town Hall, Main Road; The Gill Tavern, Main Road; Post Office, Mt Hermon; and Riverside Municipal Building, Route 2, at least seven days before the date hereof as within directed.

\_\_\_\_\_, 2016.  
Constable (month and day)

Warrant must be posted by November 1, 2016, (at least seven days prior to the November 8, 2016 State Election).