

TOWN OF GILL

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



www.gillmass.org

SELECTBOARD MEETING MINUTES

March 5, 2018

Called to Order: The meeting was called to order at 5:30 PM.

Members Present: Randy Crochier, John Ward

Members Absent: Greg Snedeker

Others Present: Ray Purington, Administrative Assistant; George Brace, Janet Masucci, Bill Tomb, Lynn Tomb, and Vicky Jenkins

Photo Exhibit at Town Hall: Lynn Tomb, a member of the Gill Historical Commission, met with the Selectboard to request permission to hang 10-20 mounted photos and one 36"x56" poster at the Town Hall. The poster commemorates Gill's 225th anniversary, and the photographs are historical images from the Gill Center area of town. The photo exhibit is sponsored by the Gill Cultural Council. Hanging the exhibit at Town Hall was approved by consensus.

Town Hall Basement Project: Bill Tomb updated the Selectboard on his efforts to better understand the potential causes of groundwater entering the basement of the Town Hall. He has spoken with retired Highway Superintendent Ernie Hastings, who suggested the catch basin for the building's perimeter drains may need to be cleaned and the drain lines de-rooted. Tomb also suggested the downspouts from the gutters be redirected to discharge onto the ground rather than below ground into the perimeter drains. Tomb noted there is a fair amount of wood paneling in the Assessors' Office and the side hallway that will need to be removed and replaced. He also suggested the filter on the fuel oil tank be checked, as a small amount of fuel oil has leaked on the floor beneath it.

Lynn and Bill Tomb left the meeting at 5:46 PM.

Green Community Competitive Grant: Vicky Jenkins, Chair of the Energy Commission, met with the Selectboard to explain the Town's grant application for a 2018 competitive grant offered by the Green Communities division of the Department of Energy Resources. Alyssa Larose from the FRCOG has provided invaluable assistance on the grant application. The application includes six projects and administrative time totaling \$143,365.43. The total cost includes a Town contribution of \$15,000 and \$8,223 of energy incentives/rebates. The projects are:

- Slate Memorial Library – insulate the basement walls, attic floor, and sloped ceilings. The work will include removal of the existing drop ceiling. \$29,500
- Slate Memorial Library – remove the existing fluorescent lights and replace them with period-appropriate LED fixtures. \$6,488.47. If the grant is awarded for the insulation, but not for the lighting, the Selectboard expressed a willingness to find additional town funds to put toward the lighting work.
- Slate Memorial Library – install a variable refrigerant flow (VRF) air source heat pump system (heating and cooling) consisting of one outdoor unit and three indoor heads. \$24,500, including \$2,150 of energy incentives and \$5,000 of Town funds.
- Town Hall – install a VRF air source heat pump system (heating and cooling) consisting of one outdoor unit and ten indoor heads. \$54,550, including \$6,083 of energy incentives and \$10,000 of Town funds.
- Town Hall – insulate the walls of the first and second floors using blown-in dense-pack cellulose. \$13,700.
- Riverside Building – install Indow® window inserts for the 13 windows that did not receive new storm windows in 2016 (Eight classroom windows received new storm windows.) \$9,627.06.
- Administrative costs – may include contracted hours from the FRCOG for implementation, procurement, and reporting of grant-funded projects. \$5,000

John made a motion, seconded by Randy, to authorize Randy to sign the Certification of Application authorizing the grant application. The vote was 2-0 in the affirmative. The Selectboard thanked Jenkins and the Energy Commission for their hard work on the grant application, and wished them success in the competitive grant. Jenkins left the meeting at 6:15 PM.

Review of Minutes: Minutes from 2/21/18 were held due to the absence of the Clerk to sign the approved minutes.

Project Updates: No updates.

Gill 225th Anniversary: The February 25th Community Skate at Northfield Mount Hermon's rink was another successful event. Approximately 50-60 people attended.

Northfield Mount Hermon \$300,000 Gift for Fire Equipment: The Selectboard announced the Northfield Mount Hermon School will donate up to \$300,000 toward the Town's purchase of two used vehicles for the Fire Department. The NMH Board of Trustees, Head of School Peter Fayroian, Associate Head of School Charles Tierney, and CFO John Alden were thanked for their support and generosity toward the Town, and Selectboard member Greg Snedeker was identified for the important role he played as a liaison between the Fire Department, Selectboard, and the School. Members of the Fire Department and the ad hoc committee that researched replacement vehicles were also thanked. A statement by Greg Snedeker, who could not attend tonight's meeting, was read by John Ward.

One of the two vehicles will be a replacement for the 1979 Engine 3, and will include a 2,000 gallon tank and a 750 gallon-per-minute pump for pumping off tank. The other vehicles will replace the 1985 rescue van. As specified by the Fire Department, the used vehicles will be 5 years old or newer. Ray explained he learned while doing research on procurement laws that the laws do not apply to purchases made solely using donated funds.

Chapter 90 Transportation Aid for FY19: The Town will receive \$148,221 in Chapter 90 aid during FY19 from the Mass Department of Transportation.

Suggested Bylaw on Solicitation: The Selectboard received a proposal from resident Fred Chase III for a new Town Bylaw governing "Door to Door Solicitation and Canvassing." The suggested bylaw is based on one adopted by Rutland, Mass. The proposal was referred to the Police Chief for his comments and recommendations.

George Brace left the meeting at 6:28 PM.

Warrant: The Selectboard reviewed and signed the FY 2018 warrant #19.

The meeting adjourned at 7:15 PM.

Minutes respectfully submitted by Ray Purington, Administrative Assistant.

Signed copy on file. Approved on 03/19/2018

Greg Snedeker, Selectboard Clerk

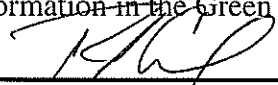
ATTACHMENT C – CERTIFICATION OF APPLICATION

The Certification of Application below must be completed, scanned and uploaded as a PDF file.

CERTIFICATION OF APPLICATION

The **Chief Executive Officer** must complete this certification.

I, Randy Crochier am authorized to execute said Application on behalf of the
Town of Gill, the applying municipality and verify that the
 information in the Green Communities Competitive Grant Application is true.



 [Signature of Chief Executive Officer]

Selectboard Chair

 [Title of Chief Executive Officer]

March 5, 2018

 [Date]

NOTE: The Chief Executive Officer is defined as the manager in any city having a manager and in any town having a city form of government, the mayor in any other city, and the board of selectmen in any other town unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or laws having the force of a charter.

Ray Purington/Gill Selectboard

From: Greg Snedeker <gksnedeker@gmail.com>
Sent: Friday, March 02, 2018 10:18 AM
To: administrator@gillmass.org
Subject: Monday's meeting

Hi Ray,

Since I won't be at the meeting on Monday, I thought I would write a quick thank you:

I'm sorry I can't be at this meeting. Please extend my appreciation and thanks to all that were involved in making this gift possible; in particular to Peter Fairoyen, Charles Tierney, and John Alden for their time and understanding. Thank you to the NMH Board of Trustees for approving this generous gift in support of the Town. Congratulations to the fire department and the fire truck adhoc group. You worked hard over the past couple of years to help make this happen.

I'm fine if Randy wants to read it verbatim or just paraphrase.

Thank you,

Greg



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Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

February 26, 2018

Town of Gill
Chairman of BOS
325 Main St.
Gill, MA 01354

Dear Chairman of BOS,

We are pleased to inform you that Chapter 90 local transportation aid funding for Fiscal year 2019 will total \$200 million statewide, pending final legislative approval.

This letter certifies that, pending final passage of the bond authorization, your community's Chapter 90 apportionment for Fiscal year 2019 is \$148221. This apportionment will automatically be incorporated into your existing 10-year Chapter 90 contract, which will be available on the MassDOT website www.massdot.state.ma.us/chapter90.

The Chapter 90 program is an integral part of the maintaining and enhancing your community's infrastructure and is an essential component of our state-local partnership. We look forward to working with you in the coming year to continue the success of this program.

Thank you for all that you do to make the Commonwealth of Massachusetts a great place to live, work and raise a family.

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Door to Door Solicitation and Canvassing

SOLICITORS AND PEDDLERS

PURPOSE:

It is the purpose of this by-law to regulate persons or organizations engaged in soliciting or peddling in the Town of Gill through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

SECTION ONE: DEFINITION

A solicitor or peddler is defined as any individual, whether a resident of the Town of Gill or not, traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

SECTION TWO: LICENSE REQUIRED

It shall be unlawful for any solicitor or peddler as defined in Section One of this by-law to engage in such business in the Town of Gill without first obtaining a license in compliance with the provisions of this by-law. Any person who is not properly licensed under this by-law shall be ordered to immediately cease and desist all solicitation in the town until they attain a proper license.

SECTION THREE: LICENSE EXEMPTION

Nothing in this by-law shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

SECTION FOUR: APPLICATION & FEE

A. Each individual applicant for a license under this by-law shall submit to the Chief of Police or his/her designee an application along with a fee of \$50.00 (per individual applicant) payable to the Town of Gill which will be used to cover the cost of investigating the facts stated in the application.

B. Each applicant must complete a sworn application in writing at least 10 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:

- a. Name, physical description, and date of birth;
- b. Social security number of the applicant;
- c. Permanent home address as well as full local address of the applicant;
- d. A brief description of the nature of the business and/or goods to be sold;
- e. If employed, name and address of employer, including credentials which establish the exact relationship;
- f. The length of time for which the license is desired (not to exceed one year);
- g. Names of manufacturer, of source of merchandise, proposed method of delivery;
- h. Two photographs of the applicant, taken within the past 60 days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner;
- i. A statement as to whether or not the applicant has been convicted of any crime listed in Section Five of the By-law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board.

SECTION FIVE: INVESTIGATION & ISSUANCE

A. If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character, the Police Chief, or his designee shall grant the required license.

B. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license have been revoked for violation to this by-law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

SECTION SIX: IDENTIFICATION CARD

The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) working days after receipt of a fully-completed application, shall issue to each successful applicant an identification card which shall contain the words "Licensed Solicitor", the individual's picture, identification and expiration date of the license. Persons

engaged in solicitation or peddling as defined in this By-law must display the registration card while soliciting or peddling and present the card to any police officer or person solicited upon request.

SECTION SEVEN: DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her solicitor's license and to enforce the provisions of this by-law against any person found to be violating the same.

SECTION EIGHT: SOLICITATION HOURS

A properly licensed solicitor or peddler may solicit between the following hours where there is no sign posted otherwise limiting solicitation or the hours of solicitation and/or where the residence address is not listed on the ***“Do Not Solicit List”*** maintained by Town Clerk.

Monday through Friday: 8 AM through 5 PM

Saturday 9 AM through 5 PM

Sunday & Holidays: IS NOT PERMITTED.

SECTION NINE: DO NOT SOLICIT LIST

A. Any person or entity who owns or rents property within the Town of Gill may register such property on a ***“Do Not Solicit”*** list. Registration for the ***“Do Not Solicit List”*** shall be made as follows:

- a. The ***“Do Not Solicit”*** list shall be maintained by the Town Clerk.
 - b. The ***“Do Not Solicit”*** list shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of each property.
 - c. The Tax Assessor shall notify the Town clerk of any change in ownership of property within the Town. The Town Clerk shall remove from the ***“Do Not Solicit”*** list any property that has changed ownership.
- B. The Police Chief shall provide a copy of the ***“Do Not Solicit”*** list to every applicant to whom a license is issued pursuant to this by-law. Solicitation of any nature at any address identified on the ***“Do Not Solicit”*** list shall constitute a violation of this by-law.

SECTION TEN: RECORDS

The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded.

SECTION ELEVEN: ENFORCEMENT AND PENALTIES

A. The provisions of this by-law may be enforced by the Board of Selectmen, or any Police Officer, or Town Constable of the Town of Gill by any available means in law or equity,

including but not limited to enforcement by non-criminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and appropriate articles of the General By-laws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.

B. Whoever continues to solicit in the town in willful violation of this by-law, by continuing to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of Massachusetts General Laws Chapter 272, § 59 and subject to a penalty of \$300.00.

C. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of “No Trespassing” or “No Soliciting”. Such Trespass violations are controlled by Massachusetts General Laws Chapter 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.

D. After investigation by a police office, licenses issued under the provisions of this by-law may be revoked by the Chief of Police or his designee after notice and hearing, provided however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the license application,
2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
3. Any violation of this by-law;
4. Conviction of any crime listed in Section Five of this By-law or classification as a Level 2 or Level 3 Sex Offender;
5. Conducting the business of soliciting or peddling in a unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public, and
6. High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.

If a license is suspended under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsection.

E. Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.

SECTION TWELVE: EXPIRATION OF LICENSE

All licenses for soliciting in the town are valid only for the particular dates or time period specified thereon, and in no case for longer than one year.

SECTION THIRTEEN: APPEALS

Any person or organization who is denied a license or whose license has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within thirty (30) days after the filing of the appeal, the license shall be deemed granted or reinstated, as the case may be.

SECTION FOURTEEN: SEVERANCE CLAUSE

The provisions of this by-law are declared to be severable, and if any section, sentence, clause or phrase of this by-law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this by-law and they shall remain in effect, it being the legislative intent that this by-law shall stand, notwithstanding the invalidity of any part.