

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

SPECIAL TOWN MEETING: SEPTEMBER 14, 2009

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 Fourteenth day of September, in the year Two Thousand and Nine (9/14/2009) at 7:00 p.m. in the evening then and there to act on the following articles:

Article 1. I move the Town vote to accept the provisions of Massachusetts General Law Chapter 39, Section 15, allowing the Moderator to not take a count and record the vote if a two-third vote of a town meeting is required by statute.

Currently, on an article that requires a 2/3 majority vote to pass, should even one person oppose the motion the moderator must formally count the vote (usually that means people must stand and be counted). Should Article 1 pass, the moderator would be allowed to declare the majority based on a voice vote. If at least seven people object to the moderator's count, the moderator must verify the count by holding a formal (standing) vote. This does not prevent the moderator from holding a standing vote if he chooses to, nor does it apply to votes requiring a 7/8 or 9/10 majority. The Selectboard recommends this article.

Article 2. I move the Town vote to transfer \$800 from the Dog Revolving Fund to the Library Account.

This is a simple housekeeping article. Annually, \$800 from fees collected by the town clerk related to dogs has been transferred to the library to support its operating expenses. This year, this amount was inadvertently omitted from the omnibus. This article would correct that omission. After the \$800 is transferred, it leaves a balance of approximately \$3,300 in the Dog Revolving Fund for the town clerk to use on dog-related expenses. The Selectboard and Finance Committee recommend this article.

Article 3. I move the Town vote to dissolve the Recreation Committee and allow the Park Commissioners to assume its responsibilities.

The Selectboard recommends passing over this article. The Recreation Committee has gained a new member and has made great strides in making up a budget deficit and getting their files and accounts in order. With close supervision and

the conditions listed under Article 5, the Board feels this article is no longer necessary.

Article 4. I move the Town vote to raise and appropriate One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) to pay bills incurred by the Recreation Committee in prior years.

The Selectboard and Finance Committee recommend passing over this article. The Recreation Committee had overspent its revolving fund by \$1,200 in fiscal year 2009, but within the past week, the Committee has collected enough donations, tag sale proceeds, and program fees to cover this deficit, making this article no longer necessary.

Article 5. I move the Town vote to raise and appropriate Three Thousand and 00/100 Dollars (\$3,000.00) for FY2010 operating expenses of the Recreation Committee, with the following conditions:

- a. An FY2010 budget, itemized per activity and per revenue source, must be presented to the Selectboard by October 31, 2009,
- b. An FY2011 budget, itemized per activity and per revenue source, must be presented to the Selectboard by February 1, 2010, and
- c. The Committee must present a report of revenues and expenses per activity within 30 days following conclusion of each activity.

The Recreation Committee has not provided an annual budget request on time for at least two years and had overspent its revolving account this year. At annual town meeting in June, the Selectboard and Finance Committee recommended no funds for the Committee out of the general fund at all for FY2010, but pledged to revisit the idea at the next special town meeting should the Committee work on its issues. The Committee has shown progress in the past few weeks and the Selectboard and Finance Committee feel it appropriate to allocate a sum from the general fund to support the Committee's activities. However, there are conditions on receiving the funds to ensure proper use of the funds. The Selectboard and Finance Committee recommend this article.

Article 6. I move the Town vote to accept Massachusetts General Law Chapter 64L, Section 2(a) to impose a local meals excise of 75/100 of a percent (0.75%).

This article would add \$0.19 in tax on a \$25.00 meal. The excise would be implemented on January 1, 2010 if adopted tonight. The Massachusetts Department of Revenue estimates that adopting a local meals excise will bring in \$6,200 in revenue annually for the Town, which would mean approximately \$3,100 in this fiscal year. The Selectboard and Finance Committee recommend this article

The Selectboard and Finance Committee intend to track exactly how much revenue the local excise tax brings in over the next few months. At a special town

meeting in the spring, both bodies will make a recommendation to transfer those revenues into Stabilization.

Article 7. I move the Town vote to accept Massachusetts General Law Chapter 64G, Section 3A to impose a local occupancy excise at the rate of six percent (6.00%).

Massachusetts currently imposes a tax of 5.7% on rooms rented for \$15 or more per day. Until recently, cities and towns were allowed to impose an additional 4.0% local tax on rooms, but Gill did not do so. Recent legislation allows cities and towns to raise the local tax from 4.0% to 6.0%. If adopted, this article would make the total tax on a \$100 room in Gill equal to \$11.70: \$5.70 of which would go to the State, and \$6.00 of which would remain with the Town.

There are currently no hotels or bed and breakfasts in Gill, so this article will not bring in any additional revenue for the Town at this point. However, the Selectboard and Finance Committee felt it important to adopt the article now, before faced with a hotel owner who might feel personally confronted if the Town tries to adopt it later. The Selectboard and Finance Committee recommend this article.

Article 8. I move the Town vote to establish an Energy Resources Commission, consisting of five members appointed by the Selectboard for staggered three-year terms, under Massachusetts General Law Chapter 40, Section 8I.

An energy resources commission would promote and develop the energy resources of the Town. As prescribed by the statute, the Commission would:

- (1) develop and administer programs relating to energy conservation, nonrenewable energy supply and resource development, recycling, energy information, emergency heating assistance, and energy emergencies;*
- (2) advise, assist, and cooperate with state, regional, and federal agencies in developing appropriate programs and policies relating to energy planning and regulation in the commonwealth including assistance and advice in the preparation of loan or grant applications with respect to energy programs for local agencies;*
- (3) develop local energy data and information management capabilities to aid energy planning and decision-making;*
- (4) promote the development of sound local energy education programs;*
- (5) with the approval of the city or town, apply for, receive, expend, represent and act on behalf of the city or town in connection with federal grants, grant programs or reimbursements, or private grants, keep accounts, records, personal data, enter into contracts, and adjust claims;*
- (6) accept gifts, grants, bequests, and devises, whether real or personal, from any source, whether public or private, for the purpose of assisting the commission in the discharge of its duties;*
- (7) subject to appropriation, acquire real or personal property;*
- (8) promulgate rules and regulations necessary to carry out their statutory responsibilities;*

(9) seek to coordinate the activities of governmental or unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work and it shall keep an index of all energy resources within such city or town with the objective of obtaining information pertinent to proper utilization of such resources;

(10) it shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report.

At this time, the Selectboard and Finance Committee are not recommending any funding for the Commission, though it may request funding in the future. The Selectboard recommends this article.

Article 9. I move the Town vote to accept Massachusetts General Law Chapter 40, Section 49 to provide for the printing of all reports of town officers and boards, committees and commissions on a fiscal year basis in place of a calendar year report.

Currently, the annual town report contains reports from the financial departments on a fiscal year basis (July through June), but from all other departments, boards, and committees on a calendar year basis (January through December). This creates more work for departments to reorganize the information they report and makes it difficult to compare text descriptions of a department's activities for the year with the financial reports for that department. If adopted, an annual report will be printed this fall covering January through June of 2009. From thereon, reports will be printed every fall covering July through June. The Selectboard recommends this article.

Article 10. I move to see if the Town will vote to amend the vote taken under Article 17 (Gill Montague Regional School District Budget) on May 4, 2009, to increase the sum of money by Twenty Nine Thousand Nine Hundred Twenty Seven and 00/100 Dollars (\$29,927.00), or take any action relative thereto.

The latest figure approved by the School Committee, based on the Department of Elementary and Secondary Education (DESE) Commissioner's "1/12" budget, is \$29,927 more than the amount Town Meeting approved in June. While there is still a district-wide meeting to be held on September 30 to approve the school budget, the Selectboard and Finance Committee think it unlikely that the assessment resulting from that meeting would be higher than the 1/12 budget, though it may be lower. If the 1/12 budget or a lower figure should pass at the district meeting, and be adopted by the school committee, or is imposed by DESE, Gill voters will have already accepted the assessment and will not have to hold another town meeting to approve the school budget. If a lower figure is approved at the district meeting, and adopted by the school committee, or is imposed by DESE, that will result in the surplus funds appropriated rolling into Free Cash at the end of the year. The Selectboard and Finance Committee recommend this article.

Article 11.I move the Town vote to apply retroactively to July 1, 2009 a one percent (1.00%) cost of living adjustment (COLA) for all Town employees and elected officials, totaling no more than Five Thousand Seven Hundred and 00/100 Dollars (\$5,700.00), by way of raising and appropriating.

The Personnel Committee recommended a COLA of 1% to the Selectboard last spring, but it was unclear at the time of the annual town meeting whether there would be enough money to cover the cost. We have more information now, indicating that there will be enough funds to cover the cost. The Selectboard and Finance Committee recommend this article.

Article 12.I move the Town vote to raise and appropriate Eight Thousand One Hundred Ten and 00/100 Dollars (\$8,110.00) to the Stabilization Fund, or take any action relative thereto.

The Selectboard and Finance Committee recommend putting any additional funds available under the levy limit into Stabilization to prepare for a potentially worse financial situation in FY2011. If all previous articles pass, that amount equals \$8,110. This article requires a 2/3 vote.

Article 13.I move the Town vote to raise and appropriate Thirty Thousand and 00/100 Dollars (\$30,000.00) to the Stabilization Fund contingent upon approval by the voters of an override of Proposition 2 ½.

The Selectboard and Finance Committee believe financial conditions for the Town next year will be harsher even than this year, principally due to reduced State support for Town and school budgets. Accordingly, they recommend to the Town that this money be added to the Stabilization Fund this year to reduce the amount of an override that almost certainly will be required next year. While the members of the Board and the Committee all understand that money is very tight in these times of economic recession, they nonetheless believe it is advisable to put this money into "savings" at this time. For the average assessment in Gill (\$209,551.00 at 2/2/09), this override would add approximately \$41.91 to that property owner's tax bill. This article requires a 2/3 vote.