

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: JUNE 21, 2010

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 Twenty first day of June, in the year Two Thousand and Ten (6/21/2010) at 7:00 p.m. in the evening then and there to act on the following articles:

Article 1: To hear and act upon the Annual Report of the Officers of the Town, or take any action relative thereto.

Article 2: To elect the following officers: Two or more Field Drivers; Fence Viewers; Measurers of Wood, Bark and Surveyors of Lumber - all for one year, or take any action relative thereto.

Article 3: To see if the Town will accept and expend any sum of money that might be made available from State or Federal funds for roadwork for the Fiscal Year 2011 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Highway Department, and to authorize the Treasurer with the approval of the Selectboard to borrow in anticipation of reimbursement or take any action relative thereto.

Article 4: To see if the Town will vote to authorize the following revolving funds per the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½, for which revenues will be deposited into the funds and expended to pay related costs under the direction of the Selectboard, and total expenditures for the fiscal year beginning July 1 next will be limited to the amounts listed below, with all money remaining in the fund at the end of each fiscal year, or take any action relative thereto:

Dept. Authorized to Spend	Types of Receipts Credited	Amount of Funds Authorized
Fire Dept.	Oil Burner Inspection Fund	\$2,000.00
Town Clerk	Dog Fund	2,000.00
Cemetery Commission	Opening Fees	2,000.00
Conservation Commission	Consultant Fees	10,000.00
Agricultural Commission	Farmers' Market, Ag Events	500.00

Article 5: To see if the Town will vote to transfer from Free Cash the sum of Nine Thousand Eight Hundred Nineteen and 00/100 Dollars (\$9,819.00) to reimburse the Fiscal Year 2010 accounts of the various Town departments for Fiscal Year 2009 salary expenses which were paid from Fiscal Year 2010 funds, or take any action relative thereto.

Article 6: To see if the Town will vote to amend the votes taken under Article 17 (Fiscal Year 2010 Gill Montague Regional School District Budget) on May 4, 2009 and under Article 10 on September 14, 2009, to decrease the sum of money by Eighteen Thousand Eight Hundred Forty and 00/100 Dollars (\$18,840.00), or take any action relative thereto.

Article 7: To see if the Town will vote to fix the salaries or compensation of the several officers of the Town as follows, or take any action relative thereto:

Constable(s) – Each Posting	\$17.06
Moderator – Annual Town Meeting	\$124.53
Special Town Meeting, Each	\$22.20
Selectboard Chair	\$2,360.96
2 nd & 3 rd Member, Each	\$2,146.39
Board of Assessors Chair	\$2,867.01
2 nd & 3 rd Member, Each	\$2,606.35
Board of Health Chair	\$1,273.49
2 nd & 3 rd Member, Each	\$1,166.21
Town Clerk	\$13,938.18
Tax Collector	\$18,929.85
From Sewer Receipts	\$593.02
Treasurer	\$15,929.04
Registrars – Three members, Each	\$52.95
Town Clerk	\$84.82

Article 8: “Omnibus Budget” To see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for the maintenance of the several departments of the Town, and for other necessary charges, in accordance with the amount recommended by the Selectboard, or take any action relative thereto.

Article 9: “COLA” To see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money to provide a three percent (3.00%) cost of living adjustment (COLA) for all Town employees and elected officials, or take any action relative thereto.

Article 10: “GMRSB Budget” To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Million Four Hundred Ten Thousand Three Hundred Fifty Nine and 00/100 Dollars (\$1,410,359) for its Fiscal 2011 operating assessment including debt for the Gill-Montague Regional School District, or take any action relative thereto.

Article 11: To see if the Town will vote to transfer the sum of Four Thousand Six Hundred Sixty Seven and 00/100 Dollars (\$4,667.00) from the Building Inspector Assessment Stabilization Fund to support a portion of the Fiscal Year 2011 assessment for the Cooperative Inspection Program as included in the Omnibus Budget, or take any action relative thereto.

Article 12: To see if the Town will vote to transfer Eight Hundred and 00/100 Dollars (\$800.00) from the Dog Revolving Fund to the Library Account, or take any action relative thereto.

Article 13: To see if the Town will vote to transfer Sixty Six Thousand One Hundred Sixty Five and 55/100 (\$66,165.55) from Sewer Use Fees to the Riverside Sewer System account to offset Fiscal Year 2011 sewer expenses and to pay the Tax Collector as related to collecting sewer fees, or take any action relative thereto.

Article 14: To see if the Town will vote to raise and appropriate by taxation or transfer from available funds Four Thousand and 00/100 Dollars (\$4,000.00) to purchase from the Town of Montague a copy of its most recent appraisal of real and personal property owned by FirstLight Hydro Generating Company, or take any action relative thereto.

Article 15: To see if the Town will vote to create a Board of Assessors’ FirstLight Appraisal Account, and further to raise and appropriate by taxation or transfer from available funds Three Thousand and 00/100 Dollars (\$3,000.00) to add to the account, or take any action relative thereto.

Article 16: To see if the Town will vote to raise and appropriate by taxation or transfer from available funds Fourteen Thousand Three Hundred Fifty Six and 86/100 (\$14,356.86) in addition to that provided in the Omnibus Budget to be used for the salaries of part-time police officers, or take any action relative thereto.

Article 17: To see if the Town will vote to transfer Ten Thousand and 00/100 Dollars (\$10,000.00) from the Released Overlay account to construct office walls in the Town Hall and make related improvements, or take any action relative thereto.

Article 18: To see if the Town will vote to raise and appropriate by taxation or transfer from available funds Twenty Thousand Seventy Six and 90/100 (\$20,076.90) to retrofit the Fire Department's air packs to be compatible with Rapid Intervention Team equipment, or take any action relative thereto.

Article 19: To see if the Town will vote to transfer Nine Thousand Three Hundred Fifty and 00/100 Dollars (\$9,350.00) from the Stabilization Fund to purchase and install a new dump body for the 1990 Highway truck, or take any action relative thereto.

Article 20: To see if the Town will vote to raise and appropriate by taxation or transfer from available funds Six Thousand Four Hundred and 00/100 Dollars (\$6,400.00) to purchase and install a water meter and two backflow preventers at the Gill Elementary School, or take any action relative thereto.

Article 21: To see if the Town will vote to raise and appropriate or transfer from available funds Two Hundred and 00/100 Dollars (\$200.00) to create an "Energy Commission Account," or take any action relative thereto.

Article 22: To see if the Town will vote to raise and appropriate from taxation or transfer from available funds a sum of money for the Stabilization Fund, or take any action relative thereto.

Article 23: To see if the Town will vote transfer a sum of money from unappropriated funds (Free Cash) to be used to reduce the tax rate and stabilize the tax levy for Fiscal Year 2011, or take any action relative thereto.

Article 24: To see if the Town will vote to approve that, upon exceeding the levy limit, any monies appropriated that exceed the levy limit may be contingent upon the approval by the voters of an "Override of Proposition 2 ½," or take any action relative thereto.

Article 25: To see if the Town will vote to authorize the Selectboard to enter into a financing agreement for an amount not to exceed Four Hundred Thirty Thousand and 00/100 (\$430,000.00), and for a term of more than three years, and a related escrow account agreement, for the purpose of funding energy management services for Town-owned buildings, or take any action relative thereto.

Article 26: To see if the Town will vote to appropriate a sum of money not to exceed Four Hundred Thirty Thousand and 00/100 (\$430,000.00) for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from grants, rebates, and/or energy conservation measures, for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies and to determine whether this appropriation shall be raised by borrowing or otherwise, in accordance with M.G.L. c.44, s.7 (3B), or take any action relative thereto.

Article 27: To see if the Town will vote to authorize the Selectboard to enter into an Energy Savings Performance Contract with Siemens Building Technologies for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Town-owned buildings, under which the funds to pay for these items will ultimately come from savings derived from grants, rebates and/or energy conservation measures for a period of up to a twenty

(20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies, or take any action relative thereto.

Article 28: To see if the Town will vote to replace the General By-Law enacted September 14, 2009 which established an Energy Resources Commission, and replace it with the following, or take any action relative thereto:

The Gill Energy Resources Commission, hereinafter called the Commission, has been established pursuant to Chapter 40, Section 8I, of the General Laws of Massachusetts for the promotion and development of the energy resources of the Town of Gill.

The Commission shall: (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; and (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.

The Commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual Town report. The Commission may, subject to appropriation, appoint such clerks and other employees as it may from time to time require.

The Commission shall consist of not less than three nor more than seven members who shall be appointed by the Selectboard. The terms of the members first appointed to the Commission shall be for one, two or three years and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each.

Any member of the Commission may, after a public hearing if requested by the member, be removed for cause by the Selectboard. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term by the Selectboard and the remaining members of the Commission in the manner provided in Section eleven of Chapter forty-one.

Article 29: To see if the Town will vote to enact a General By-Law, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

STRETCH ENERGY CODE

Section 1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many

state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

Section 2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

Section 4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

Section 5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Gill General Bylaws. The Stretch Code is enforceable by the building inspector/municipal code official.

Article 30: To see if the Town will vote to name the new scoreboard on the girls' softball field at the Gill Elementary School in memory of Jasmine Edson, or take any action relative thereto.

Article 31: To see if the Town will vote to add the Town of Leverett as a member of the Franklin County Solid Waste Management District ("District") and therefore amend Article 1 Paragraph 4 of the Franklin County Solid Waste Management District Agreement pursuant to Article 7 of said Agreement by adding "Leverett" to the list of District member municipalities, subject to the following terms:

The Town of Leverett shall be admitted as a member of the District, effective July 1, 2010, by paying a one-time membership fee to the District of \$4,550 plus an annual assessment of \$4,624 for Fiscal Year 2011 and all future assessments based upon the same assessment formula applied to all other District member municipalities and shall comply with all other provisions of the District Agreement

or take any action relative thereto.

Article 32: To see if the Town will vote to have its elected Town Clerk become an appointed Town Clerk of the Town, in accordance with the provisions of Massachusetts General Law Chapter 44 Section 1B, or take any action relative thereto.

Article 33: To see if the Town will vote to have its elected Tax Collector become an appointed Tax Collector of the Town, in accordance with the provisions of Massachusetts General Law Chapter 44 Section 1B, or take any action relative thereto.

Article 34: To see if the Town will vote to have its elected Treasurer become an appointed Treasurer of the Town, in accordance with the provisions of Massachusetts General Law Chapter 44 Section 1B, or take any action relative thereto.

Article 35: To see if the Town of Gill will vote to add the following by-law to create a Capital Improvement Planning Committee to its town by-laws:

Section 1. The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee (the "Committee"), composed of one member of the Board of Selectmen, one member of the Finance Committee, one member of the Planning Board, one member of the School Committee, and three members at large, for a total of seven members. The terms of the members first appointed to the Committee shall be for one, two or three years and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each. The Committee shall choose its own officers.

Section 2. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which: 1) are purchased or undertaken at intervals of not less than five years; 2) have a useful life of at least five years; and 3) cost over \$10,000. All officers, boards and committees, including the Selectmen and the School Committee, shall, by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's annual report or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission. In the case of an emergency capital expenditure, the Committee shall present an oral report as soon as possible.

Section 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.

Section 4. The Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering services, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future, unless the omission of the proposed capital improvement shall first have been explained by the Committee or the Selectboard has waived this requirement for just cause.

Section 5. The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

COMMONWEALTH OF MASSACHUSETTS



FRANKLIN, SS.

TOWN OF GILL

And, you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall, Main Road; Post Office, Mt. Hermon; The Gill Store & Tavern, Main Road; and Riverside Municipal Building, Route 2, in said Town seven days at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as foresaid.

Given under our hand this ____ day of June in the year Two Thousand Ten (___/___/2010).

Selectboard of Gill

_____, Chair

_____, Board member

_____, Board member

A true copy Attest:

_____, Town Clerk

Date: _____

Individuals who may need auxiliary aids for effective communication for this meeting should call the Gill Town Hall at (413) 863-9347 or MA Relay System at (800) 439-2370.

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

_____ Constable of Gill

Date: _____