

COMMONWEALTH OF MASSACHUSETTS



FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: MAY 4, 2015

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 Fourth day of May, in the year Two Thousand and Fifteen (5/4/2015) at 6:30 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.

Motion: It is moved to pass over Article 1.

Substantial progress has been made to catch up on Annual Reports. A volunteer compiled the report for FY 2010, and using money approved at last year's Town Meeting, Ann Banash was hired to prepare the reports for FY 2011, 2012, and 2013. All are in final or near-final draft form, and we hope to have printed reports to distribute in June.

Related to Annual Reports, the Town Clerk has leftover copies of Annual Reports (from the 1950s and newer) that are available to residents on a first-come basis. If you are looking to fill in gaps in your collection, or want one key date (birth year, perhaps), act now. Supplies are limited, and the offer will not be repeated!

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.

Motion: It is moved to elect Edward J. Golembeski and Clifford C. Hatch as Field Drivers and elect the Selectboard as Fence Viewers; Measurers of Wood, Bark and Surveyors of Lumber - all for one year.

Article 3: To see if the Town will vote to accept and expend any sum of money that might be made available from State or Federal funds for roadwork for the Fiscal Year 2016 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Department of Transportation, and to authorize the Treasurer with the approval of the Selectboard to borrow in anticipation of reimbursement, or take any action relative thereto.

Motion: It is moved the Town accept and expend any sum of money that might be made available from State or Federal funds for roadwork for the Fiscal Year 2016 and for the Chapter 90 type funds, authorize the Selectboard to enter into contracts with the Commonwealth of Massachusetts Highway Department, and authorize the Treasurer with the approval of the Selectboard to borrow in anticipation of reimbursement.

Chapter 90 funds are given annually by the State to the Town, and are used for our road maintenance program – activities such as repaving asphalt roads, applying new oil & stone, grading gravel roads, and drainage and guardrail projects. The Town will receive \$150,995 for FY2016.

Article 4: To see if the Town will vote to authorize the Selectboard to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility, or take any action relative thereto.

Motion: It is moved the Town authorize the Selectboard to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility.

*Each week Gill's curbside recycling (paper and containers – cans, glass & plastics) are delivered to the Springfield M.R.F. The Town's current 10-year contract with the M.R.F. expires on June 30th. Under the current contract, the Town is paid for the weight of the recyclables that we send. Because market prices are lower now than 10 years ago, the Town will receive lower payments under the new contract. But, we will still get paid! If the Town does not approve the new 5-year contract, then we will be **charged** a per-ton fee to deliver recyclables to the M.R.F. A handout (attached) from the Franklin County Solid Waste Management District provides additional details.*

Article 5: To see if the Town will vote to revise its Zoning Bylaws to regulate Registered Marijuana Dispensaries (RMDs) that may be established in the Town of Gill under Mass. Department of Health regulations for the "Implementation of an Act for the Humanitarian Medical Use of Marijuana" (105 CMR 725), by amending or adding the following sections, or take any action relative thereto. (A 2/3 majority vote is required to amend the Zoning Bylaws.)

1. Amend Section 2C, Table Of Use Regulations—to allow an RMD with no more than 2,500 square feet of enclosed floor area by Special Permit from the Zoning Board of Appeals in the Village Commercial District;
2. Amend Section 3, Dimensional Schedule— to require that no RMD shall be sited within a radius of three hundred (300) feet of a school, daycare center, park or playground, or any location where children commonly congregate;
3. Amend Section 17, Definitions—to insert new definitions relating to RMDs;
4. Amend Section 24B, Projects Requiring Site Plan Review—to add RMDs to the list of projects requiring Site Plan Review by the Zoning Board of Appeals;
5. Amend Section 24C, Procedure, Subsection 2—to allow the Reviewing Board the right to retain, at the applicants' expense, other expert consultants (in addition to a Registered Professional Engineer) to advise the Board on any or all aspects of a site plan; and
6. Create a new Section 25, Registered Marijuana Dispensaries to establish the purpose, procedures and application requirements, special conditions, and administrative regulations relating to the establishment of RMDs in Gill.

NOTE: The complete text of these proposed amendments is labeled "Town of Gill Planning Board, Proposed Medical Marijuana Zoning Bylaw, Town Meeting Version" and is dated May 4, 2015. Copies of the complete text of the proposed Zoning Bylaw amendment are available at the Town Hall during its regular business hours, on the Town website at www.gillmass.org/, and as handouts at Town Meeting

Motion: It is moved the Town revise its Zoning Bylaws to regulate Registered Marijuana Dispensaries (RMDs) that may be established in the Town of Gill under Mass. Department of Health regulations for the "Implementation of an Act for the Humanitarian Medical Use of Marijuana" (105 CMR 725), by amending or adding sections in accordance with the handout labeled "Town of Gill Planning Board, Proposed Medical Marijuana Zoning Bylaw, Town Meeting Version" and dated May 4, 2015.

State-licensed Registered Marijuana Dispensaries (RMDs) were created by a November 2012 statewide ballot initiative. Shortly thereafter, at least one town voted to ban RMDs from their town, only to have their actions reversed by the Attorney General. Towns may not ban RMDs, but may enact Zoning Bylaws that regulate the size, location, and some aspects of how they operate.

Gill's Planning Board has prepared this proposed Zoning Bylaw so that the Town will have regulations in place IF a RMDs should ever look to locate in Gill. To date, no RMDs have considered Gill, and none are known to be looking. (An RMD has been approved by Greenfield's Zoning Board, and is expected to open later this year.)

The Planning Board recommends adoption of this Zoning Bylaw by a vote of 4 in favor and 0 opposed.

Article 6: To see if the Town will vote to approve the \$1,116,764.00 borrowing authorized by the Gill-Montague Regional School District ("District"), for the purpose of paying costs of GMRSD Window Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the windows in the

auditorium/gymnasium wing, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of GMRSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy six percent (76%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action relative thereto.

Motion: It is moved the Town approve the \$1,116,764.00 borrowing authorized by the Gill-Montague Regional School District ("District"), for the purpose of paying costs of GMRSD Window Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the windows in the auditorium/gymnasium wing, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of GMRSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy six percent (76%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Alternate Motion: It is moved to pass over Article 6.

The Town of Montague is asking its voters to consider approving and paying for a major window replacement project at the Montague-owned Sheffield Elementary School. The project has qualified for a 76% reimbursement rate from the Mass. School Building Authority.

Because Sheffield is a Montague-owned building, Montague will be solely responsible for the other 24% of the project's costs. (Just as major repairs and renovations to Gill Elementary are solely Gill's to pay.)

The School District will take out the loan for the project and Montague will repay the loan through an annual capital assessment until the loan is paid off. Gill will not be assessed for any portion of this loan. However, because it is the District that is doing the borrowing, both member towns must give their approval to the debt.

The Alternate Motion, which is taking no action and passing over the article, is also considered approval of the article.

Article 7: To see if the Town will vote to approve the \$145,000.00 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of GMRSD Boiler Burner Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the boiler and two burners, including the payment of all costs incidental or related thereto (the "Project"). To meet this appropriation the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d) of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority, or take any action relative thereto.

Motion: It is moved the Town approve the \$145,000.00 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of GMRSD Boiler Burner Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing the boiler and two burners, including the payment of all costs incidental or related thereto (the "Project"). To meet this appropriation the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d) of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority.

Alternate Motion: It is moved to pass over Article 7.

This article is similar to Article 6, but without any MSBA reimbursement. The Town of Montague is asking its voters to consider approving and paying for boiler & burner replacement project at the Montague-owned Sheffield Elementary School.

Because Sheffield is a Montague-owned building, Montague will be solely responsible for 100% of the project's costs. (Just as major repairs and renovations to Gill Elementary are 100% Gill's to pay.)

The School District will take out the loan for the project and Montague will repay the loan through an annual capital assessment until the loan is paid off. Gill will not be assessed for any portion of this loan. However, because it is the District that is doing the borrowing, both member towns must give their approval to the debt.

The Alternate Motion, which is taking no action and passing over the article, is also considered approval of the article.

Article 8: To see if the Town will vote to accept any sum of money that might be made available from the Quintus Allen Trust during Fiscal Year 2016, and authorize the Selectboard to expend such funds in support of the Gill Elementary School, or take any action relative thereto.

Motion: It is moved the Town accept any sum of money that might be made available from the Quintus Allen Trust during Fiscal Year 2016, and authorize the Selectboard to expend such funds in support of the Gill Elementary School.

Quintus Allen was an original trustee of the Greenfield Savings Bank. Upon his death in 1884, he established a trust fund to be used for education-related expenses in Colrain, Gill, Leyden, and Shelburne. The interest earned by the Trust is distributed to those towns each year. This year the Gill Elementary School is using \$3,616.50 of the Quintus Allen money to purchase nature education supplies (magnifying glasses, bird feeders & houses, insect nets, field guides, etc.) and provide a stipend for a nature education intern. The current balance of the Town's Quintus Allen account is \$11,708, before this year's expenses.

In recent years the School has used the Quintus Allen funds for:

- 2014 Student Clay Tile Mural (\$1,920.59)*
- 2014 Stipend for Afterschool ACT Play Assistant (\$250.00)*
- 2012 Soccer Goals and Sports Equipment (\$1,351.59)*
- 2011 Artist-in-Residence, all-school performance of scripts written by each class (\$3,000.00)*
- 2009 Upgrade to Electrical Panel to allow for a computer lab and classroom computers (\$6,625.00)*

Article 9: 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 authorization 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. Spend	Authorized to	Types of Receipts Credited	Program/Purpose for which Funds may be Expended	Maximum Annual Expenditures
Fire Dept.		Oil Burner Inspection Fees	Inspector & Etc.	\$2,000.00
Town Clerk, Animal Control Officer		Dog Fees & Fines	Licenses, Dog Care & Control, & Etc.	4,000.00
Cemetery Commission		Opening Fees	Cemeteries & Caretaking	2,000.00
Conservation Commission		Consultant Fees	Project Review	10,000.00
Agricultural Commission		Farmers' Market & Ag Event Fees	Ag Programs	500.00
Energy Commission		Workshop and Program Fees	Energy Programs	1,000.00
Zoning Board of Appeals		ZBA Fees	Hearings & Expenses	2,000.00
Board of Health, Administrative Assistant		Recycling Program Revenue	Solid waste & recycling programs, Solid Waste District membership, recycled-content office products	5,000.00

Motion: It is moved the Town vote to authorize the listed 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 as recommended by the Selectboard, and total expenditures for the fiscal year beginning July 1 next will be limited to the amounts listed, with all money remaining in the fund at the end of each fiscal year:

These are the same revolving funds that were approved last year. A revolving fund allows program fees to be used within the fiscal year for the purposes listed by the "department" that collects the fees.

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Move to continue the remainder of the Annual Town Meeting to (*specific day & time in June*).

*The Town has not yet finished its budget process for Fiscal Year 2016. The Selectboard recommends continuing Annual Town Meeting to a later date, at which time the remaining articles will be presented.*

**Article 10:** 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                    | \$ |
| Moderator – Annual Town Meeting                | \$ |
| Special Town Meeting, Each                     | \$ |
| Selectboard Chair                              | \$ |
| 2 <sup>nd</sup> & 3 <sup>rd</sup> Member, Each | \$ |
| Board of Assessors Chair                       | \$ |
| 2 <sup>nd</sup> & 3 <sup>rd</sup> Member, Each | \$ |
| Board of Health Chair                          | \$ |
| 2 <sup>nd</sup> & 3 <sup>rd</sup> Member, Each | \$ |
| Town Clerk                                     | \$ |
| Tax Collector                                  | \$ |
| Additional As Sewer Collector                  | \$ |
| Treasurer                                      | \$ |
| Registrars – Three members, Each               | \$ |
| Town Clerk                                     | \$ |

**Article 11:** 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 cost of living adjustment (COLA) for Town employees and elected officials, or take any action relative thereto.

**Article 12:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide 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 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$1,584,937.00 (One Million Five Hundred Eighty Four Thousand Nine Hundred Thirty Seven and 00/100 Dollars) to provide \$1,566,029.00 for its Fiscal Year 2016 operating assessment and \$18,908.00 for its Fiscal Year 2016 debt service costs for the Gill-Montague Regional School District, or take any action relative thereto.

**Article 14:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide \$9,652.00 (Nine Thousand Six Hundred Fifty Two and 00/100 Dollars) to pay into the General Obligation Energy Conservation Bond Sinking Fund, and to pay supplemental interest associated with said bond, and to pay for an annual energy performance audit, all relating to the energy project at the Gill Elementary School, or take any action relative thereto.

**Article 15:** To see if the Town will vote to hear and act upon a report presented by the Capital Improvement Planning Committee, or take any action relative thereto.

**Article 16:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide \$10,000.00 (Ten Thousand and 00/100 Dollars) to add to the account to construct office walls in the Town Hall and make related improvements, or take any action relative thereto.

**Article 17:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide a sum or sums of money to purchase a single-axle dump truck with an all-season body and plow and wing plow and related accessories for the Highway Department, including borrowing costs that may be associated with said purchase and authorize the Town Treasurer with the approval of the Selectboard, to borrow in accordance with MGL Chapter 44, §7; all or some of which may be contingent upon a Proposition 2 1/2 debt exclusion vote override, or take any other action relative thereto. (A 2/3 vote is required for authorization to borrow.)

**Article 18:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide \$13,141.00 (Thirteen Thousand One Hundred Forty One and 00/100 Dollars) to remediate water, humidity and mold from the basement of the Slate Memorial Library, or take any action relative thereto.

**Article 19:** To see if the Town will vote to raise and appropriate by taxation or transfer from available funds \$1,500.00 (One Thousand Five Hundred and 00/100 Dollars) to add to the First Light Appraisal Account to be used toward the cost of a triennial appraisal of the real and personal property in the Town of Gill owned by FirstLight Hydro Generating Company, or take any other action relative thereto.

**Article 20:** To see if the Town will vote to raise and appropriate by taxation or transfer from available funds \$3,000.00 (Three Thousand and 00/100 Dollars) to add to the Board of Assessors Triennial Revaluation Account, or take any action relative thereto.

**Article 21:** To see if the Town will vote to raise and appropriate by taxation or transfer from available funds \$5,000.00 (Five Thousand and 00/100 Dollars) for the Town Audit Account to be used toward a portion of the cost to conduct an independent financial audit of the Town, 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 or sums of money for the Other Post-Employment Benefits Liability Trust Fund, or take any action relative thereto.

**Article 23:** To see if the Town will vote to raise and appropriate from taxation or transfer from available funds a sum or sums of money for one or more of the Stabilization Funds of the Town (Capital, Education, Energy, or General), or take any action relative thereto. (A 2/3 majority is required to place money into a stabilization fund.)

**Article 24:** To see if the Town will vote to transfer a sum of money or sums of money from unappropriated funds (Free Cash) or other available funds to be used to reduce the tax rate and stabilize the tax levy for Fiscal Year 2016, or take any action relative thereto.

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 April in the year Two Thousand Fifteen (4/\_\_/2015).

**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: \_\_\_\_\_