

TOWN OF GILL

MASSACHUSETTS



www.gillmass.org

SELECTBOARD MEETING MINUTES

January 17, 2012

Call to Order: The Selectboard meeting was called to order at 5:30pm.

Present: Randy Crochier, Ann Banash and John Ward, Selectboard members; Ray Purington, Administrative Assistant. Others Present: Rick James, David Detmold.

Review of Minutes: Ann made a motion, seconded by John, to approve the minutes from 1/3 and 1/9. The vote was unanimous in the affirmative.

Public Safety Complex Boiler Update: Ray reported no new negative developments in the day-to-day operations of the boiler at the PSC. The Highway Dept. intends on cleaning the steam traps this week. Ray also reported on his followup to the question raised during the 1/9 meeting about the potential cost to repair the leaks from the boiler. Several local service companies, all of whom have recently seen or worked on the boiler, were contacted. Estimates of the cost to repair the leak ranged from "several thousand" to "\$3,000-\$8,000 or more, depending what we find". Life expectancy of the repair was around 3 – 5 years, but could be longer or shorter.

Siemens Project: No new developments to report. Presumably, since no news is good news, the boiler and repaired burner have been functioning properly. Delivery of the replacement burner is still 1-2 weeks away.

Public Health District: Randy reported that the regional planning group for the proposed Public Health District recommended applying for the Community Innovation Challenge (CIC) grant. The application was submitted to day and included Gill's statement of support which was contingently approved at the 1/9 Selectboard meeting. It is hoped that an award notice will happen in mid-February. If approved, the planners want to get the new district up and running by early April.

Riverside Sewer Pump Station: The two new pumps for the Riverside Sewer Pump Station are expected to arrive at the contractor's shop on 1/26. If everything goes as planned, the first pump will be installed on 1/30. So long as the first pump functions properly, the second pump will be installed on 2/6.

Motions for Special Town Meeting: Lynda will make the motions for Articles 1 and 2. Article 3 will be Randy, Article 4 will be Ann, and Article 5 will be Doug Smith or someone else from the Planning Board.

Gill Elementary Lead & Copper Samples: The Board reviewed a draft of an Administrative Consent Order that the Town received on January 11th from the Mass. DEP regarding a failure to perform sampling for lead and copper in the public water supply at the Gill Elementary School. The failures date to 2010 and early 2011, however the ACO is the first notice received by the Town. Prior notices and ACOs had been sent to the District, but because the Town owns the building and the well, DEP has determined that the town is ultimately responsible. The DEP is waiving the \$860 in accumulated penalties if the Town agrees to the conditions in the ACO.

The ACO calls for the Town to collect samples from 5 locations in the school two different times in 2012. (This was subsequently revised by the DEP to 10 locations due to the school's population, but only one time between January and June because DEP learned that samples were collected in December 2011.) There will also need to be formal public notice given to routine users of the water supply – the school newsletter is an adequate method of notification.

As long as the 2012 samples are below the thresholds for copper and lead, subsequent years will likely have annual testing, not semi-annual. After three years of annual testing, it is possible to move onto a triennial testing cycle. Currently each sample costs \$24, so the 10 samples in 2012 will cost the Town \$240, to be taken from the Building

Repairs & Maintenance Budget. Ray is working with District personnel and Safewaters (the company hired by the District to perform the testing) to ensure there is adequate communication and coordination all around, so that the necessary sampling is performed, and these kinds of surprises are avoided in the future.

The ACO will be sent to Town Counsel for review, with the expectation of it being brought back to the Selectboard to sign on January 30th.

Election Workers: At the request of the Town Clerk, Ann made a motion, seconded by John, to appoint Grayce Perry and Marjorie Naida as Election Workers for terms through June 30, 2012. The vote was unanimous in the affirmative.

Legislative Forum for Youth: The Board received an invitation for the 10th Annual Legislative Forum for Youth being held on January 27th.

Trudel Dock Permit: The Board received a copy of Edward Trudel's application to Mass DEP for a license to maintain an existing (pre-1984) dock on the Connecticut River off Grist Mill Road. No action was required by the Board.

Quintus Allen Fund: The Board received the 2011 distributive share of income from the Quintus Allen Trust in the amount of \$1,788.20. The Board signed the acknowledgement for the same, with Ann abstaining. Ray will notify the principal at Gill Elementary of the new balance in the fund.

Schuetzen Verein Public Gathering: Ray noted that he had received the annual application from the Turners Falls Schuetzen Verein for a public gather permit. The hearing on the permit was set for January 30th at 5pm.

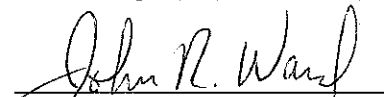
Presidential Primary Election: The Board signed the warrant for the March 6th Presidential Primary election.

6:05pm Rick James and David Detmold left the meeting.

Warrant: The Board reviewed and signed FY 2012 warrant #15. Randy abstained from signing the payroll warrant.

Adjournment: The Selectboard meeting adjourned at 6:25 p.m.

Minutes respectfully submitted by Ray Purington, Administrative Assistant.



Ann H. Banash, Selectboard Clerk



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

\$ for Lead/Copper = \$24/sample
x 10 samples
x 2 times per year
\$480

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

Ray Purington, Administrative Assistant
Gill Select Board
325 Main Road
Gill, MA 01354-9758

January 11, 2012

Re: Gill
Gill Elementary School
PWS ID# 1106004
ACOP-WE-11-5D003

Lead & Copper
due to school population
Sample twice yearly
from 5 locations in
the school.
If results ok, could go
to annual testing for 3 yrs,
and possibly once every
3 yrs after that.

Dear Mr. Purington:

Enclosed for review and signature by the Board, are two copies of a draft Administrative Consent Order with penalty (ACOP) addressing multiple violations of the lead and copper rule monitoring requirements within the water system serving the Gill Elementary School.

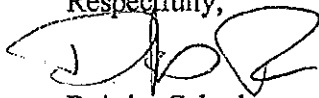
The penalty is being assessed as a result of the School's repeated noncompliance with the State's lead and copper monitoring requirements. The associated penalty is \$860.00. Through signature of this document the Department has agreed to suspend the total penalty pending School's compliance with the conditions of the ACOP.

If acceptable, both copies of the enclosed document should be signed with both original copies returned to the Department by February 10, 2012. Following receipt of the signed documents, the Department will sign both copies and one original will be returned.

The ACOP is a legally binding document and you may choose to have it reviewed by the Town's legal advisor prior to signing.

If you have any questions regarding this issue, please contact Douglas Paine at (413) 755-2281.

Respectfully,


Deirdre Cabral
Drinking Water / Municipal Services Chief
Resource Protection

Y:\DWP Archive\WERO\Gill-1106004-Enforcement-ACOP-WE-11-5D003-2012-01-11
WABRP\WS\Enforcement & Compliance\ACOP\Gill Elementary School LCR (Town) 12-11 cover letter
cc: DEP-DWP-Boston; Gill Elementary School; Bill Barton

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of:)
)
)

Town of Gill)
)

Gill Elementary School)
PWS ID# 1106004)
)

File No.: ACOP-WE-11-5D003

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY
AND
NOTICE OF NONCOMPLIANCE**

I. THE PARTIES

1. The Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Western Regional Office at 436 Dwight Street, Springfield, MA 01103.
2. The Town of Gill ("Respondent") is a Municipality with its principal offices located at 325 Main Road, Gill, Massachusetts, 01354-9758. Respondent owns the Gill Elementary School (the "School") located at 48 Boyle Road, Gill, Massachusetts, 01354.

II. STATEMENT OF FACTS AND LAW

3. MassDEP has primary enforcement responsibility for the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. §300f *et seq.* and the regulations promulgated there under. MassDEP implements and enforces statutes and regulations of the Commonwealth of Massachusetts for the protection of the public drinking water supply, including, without limitation, M.G.L. c. 111, §5G and §160 and , the Drinking Water Regulations at 310 CMR 22.00; the Cross Connections, Distribution System Protection Regulations at 310 CMR 22.22; and the Underground Injection Control Regulations at 310 CMR 27.00. MassDEP, pursuant to M.G.L. c. 111, §160, may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water by public water systems to all consumers. MassDEP, pursuant to M.G.L. c. 111, §5G, may require by order the provision and operation of such treatment facilities as it deems necessary to ensure the delivery of a safe water supply to all consumers. MassDEP's Drinking Water Regulations at 310 CMR 22.02 define a public water system as a system for the provision to the public of water for human consumption, through pipes or other

III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

6. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.

7. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

8. Respondent shall perform the following actions:

A. Provide public notification as required within 310 CMR 22.16(1)(a)(c).

newspaper? town newsletter? school newsletter?

B. Collect semi-annual sampling during 2012 beginning with five samples for lead and copper analysis between January 1 and June 30, 2012, and again between July 1 and December 31, 2012.

Bill B - is there a "best time"?

9. Except as otherwise provided, all notices, submittals and other communications required by this Consent Order shall be directed to:

Douglas Paine
MassDEP
436 Dwight Street
Springfield, MA 01103

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

10. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.

11. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that the

constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year. 310 CMR 22.02 also defines a supplier of water as "any person who owns or operates a public water system." MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.

4. The Gill Elementary School is a public water system pursuant to 310 CMR 22.00 et seq.
5. The following facts and allegations have led MassDEP to issue this Consent Order:
 - A. Respondent was required to conduct semi-annual monitoring for lead and copper within its Gill Elementary School during 2010, with five samples collected between January 1st and June 30th and five samples collected between July 1st and December 31st.
 - B. Respondent failed to submit to the Department the results of the required 2010 samples for lead and copper in violation of Massachusetts Drinking Water Regulation 310 CMR 22.15(2) and Massachusetts Drinking Water Regulation 310 22.06B(7)(c).
 - C. Massachusetts Drinking water Regulation 310 CMR 22.15(2) states in part "...the supplier of water shall report to the Department the results of every test, measurement or analysis the supplier of water is required by 310 CMR 22.15 to make within ... the first ten days following the end of the required monitoring period as stipulated by the Department, whichever of these is shorter."
 - D. Massachusetts Drinking Water Regulation 310 22.06B(7)(c) states in part "Water systems shall collect at least one sample during each monitoring period specified in 310 CMR 22.06B(7)(d) from the number of sites listed in the second column of the table in 310 CMR 22.06B(7)(c)..."
 - E. In response to the 2010 violation, MassDEP issued a December 13, 2010 Notice of Noncompliance (NON-WE-10-5D229) requiring that the School conduct semi-annual monitoring for lead and copper in 2011.
 - F. Respondent failed to submit to the Department the results of the required January 1 – June 30, 2011 samples for lead and copper in violation of the December 13, 2010 Notice of Noncompliance.
 - G. Repeat violations of the requirements to conduct lead and copper monitoring are addressed by the Department through Higher Level Enforcement

deadlines set forth above constitute reasonable periods of time for Respondent to take the actions described.

12. Respondent shall pay to the Commonwealth the sum of eight hundred and sixty dollars (\$860) as a civil administrative penalty for the violations identified in Part II above. MassDEP hereby agrees to suspend payment of the entire penalty amount; provided, however, that if Respondent violates any provision of this Consent Order, or further violates any of the regulations cited in Part II above, Respondent shall pay to the Commonwealth the full amount of eight hundred and sixty dollars (\$860) within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.

13. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.

14. This Consent Order may be modified only by written agreement of the parties hereto.

15. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

16. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

17. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

18. This Consent Order shall be binding upon Respondent and upon Respondent's successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this

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Consent Order to each successor or assignee at such time that any succession or assignment occurs.

19. In addition to the penalty set forth in this Consent Order (including any suspended penalty), Respondent shall pay stipulated civil administrative penalties to the Commonwealth in accordance with the following schedule if Respondent violates any provision of this Consent Order:

For each day, or portion thereof, of each violation, Respondent shall pay stipulated civil administrative penalties in the following amounts:

<u>Period of Violation</u>	<u>Penalty per day</u>
1 st through 15 th days	\$100 per day
16 th through 30 th days	\$250 per day
31 st day and thereafter	\$500 per day

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

20. Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended and stipulated penalties, by certified check, cashier's check, or money order made payable to the Commonwealth of Massachusetts, or by electronic funds transfer. If payment is made by certified check, cashier's check, or money order, Respondent shall clearly print on the face of its payment Respondent's full name, the file number appearing on the first page of this Consent Order, and the Respondent's Federal Employer Identification Number, and shall mail it to:

Town Clerk
should be
ok.



Lead and Copper Analysis Report

I. PWS INFORMATION Please refer to your DEP Lead & Copper sampling plan for approved sampling locations.

PWS ID #: 1106004

City / Town: Turner Falls

PWS Name: Gill Elementary School

PWS Class: COM ☐ NTNC ☒ TNC ☐

Routine or Special Samples	Original, Resubmitted or Confirmation Report	If Resubmitted Report, list below:	
		(1) Reason for Resubmission	(2) Collection Date of Original Sample
<input checked="" type="checkbox"/> RS <input type="checkbox"/> SS	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Resubmitted <input type="checkbox"/> Confirmation	<input type="checkbox"/> Resample <input type="checkbox"/> Reanalysis <input type="checkbox"/> Report Correction	
SAMPLE NOTES - (Such as, if a Manifold/Multiple sample, list the sources that were on-line during sample collection)			

II. ANALYTICAL LABORATORY INFORMATION

Primary Lab MA Cert. #: MA1118

Primary Lab Name: Nashoba Analytical, LLC

Subcontracted? (Y/N) N

Analyte	Action Level (mg/L)	Lab Method	MDL (mg/L)	Analysis Lab MA Cert. #	Analysis Lab Name
Lead:	0.015	SM 3113B	0.001	MA1118	Nashoba Analytical, LLC
Copper:	1.3	EPA 200.7	0.01	MA1118	Nashoba Analytical, LLC

LAB SAMPLE NOTES

DEP Approved Sample Location (See DEP approved LCR plan for sampling locations)		Collection Date	LEAD		COPPER		Lab Sample ID#
			Result (mg/L)	Date Analyzed	Result (mg/L)	Date Analyzed	
1	Kitchen Sink	12/28/2011	ND	12/29/2011	0.05	12/29/2011	125864-1
2	Hallway Fountain	12/28/2011	ND	12/29/2011	0.22	12/29/2011	125864-2
3	Room 5 Sink	12/28/2011	ND	12/29/2011	0.04	12/29/2011	125864-3
4	Room 9 Sink	12/28/2011	ND	12/29/2011	0.05	12/29/2011	125864-4
5	Room 10 Sink	12/28/2011	ND	12/29/2011	0.07	12/29/2011	125864-5
6	Teachers Bathroom	12/28/2011	ND	12/29/2011	0.04	12/29/2011	125864-6
7	Boys Bathroom	12/28/2011	ND	12/29/2011	ND	12/29/2011	125864-7
8	Room 4 Sink	12/28/2011	ND	12/29/2011	0.07	12/29/2011	125864-8
9	Room 6 Sink	12/28/2011	ND	12/29/2011	0.25	12/29/2011	125864-9
10	Room 3 Sink	12/28/2011	ND	12/29/2011	0.06	12/29/2011	125864-10
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Report SCHOOL RESULTS collected in accordance with 310 CMR 22.06B (7)(a)9 below. Do not use these school results in 90th percentile calculations.

1						
2						
3						
4						

I certify under penalties of law that I am the person authorized to fill out this form and the information contained herein is true, accurate and complete to the best extent of my knowledge.

Primary Lab Director Signature:

Date:

If not submitting these results electronically, mail ONE copy of this report to your DEP Regional Office no later than 10 days after the end of the month in which you received this report or no later than 10 days after the end of the reporting period, whichever is sooner.

COM & NTNC Public Water Suppliers must submit Forms LCR-D or LCR-E with this form to the appropriate DEP Regional Office.

DEP REVIEW STATUS (Initial & Date)	Review Comments
<input type="checkbox"/> Accepted <input type="checkbox"/> Disapproved	



DIAL/SELF Youth and Community Services

Strengthening community through positive youth development and civic engagement since 1977

1/17 Agenda

21 Abbott Street
Greenfield, MA
01301

(413) 774 7054
Fax: 773 3335
www.dialself.org

Board of Directors

President:
Starr Pinkos

Vice President:
Dan Rhayne

Clerk:
Garth Shaneyfelt

Treasurer:
Al Siano

Sarah Neelon

Tony Mateo

Jessica Pollack

Advisory Board

Barbara Abraham
Carolyn Herrick
Will Sillin
Amy Swisher
Bobby Campbell
Joseph Ruscio, III
Dr. Joel Abraham
Mary Ellen Fydenkevez
Aaron Silver-Pell

Executive Director

David Voegele
director@dialself.org
(413) 774 7054 x107

December 22, 2011

Dear Selectboard or Town Council Member,

On behalf of our local youth, I am glad to invite you to participate in the:

**Youth Services Roundtable and YouthServe AmeriCorps
10th Annual Legislative Forum for Youth
Friday, January 27th, 2012 (Snow Date: February 3rd)
Greenfield High School, 1 Lenox Avenue
3-5pm**

Please join us for an hour and a half of lively conversation with small groups of young people from your district. This year's forum will again utilize the roundtable format that was so successfully pioneered in 2008. As always, AmeriCorps members are conducting targeted outreach and trainings at each school in Franklin County as well as in Amherst and Northampton. In the past, the forum was designated as a Franklin County event, however, in response to the growing number of Hampshire County youth who participate in the forum each year, we are also inviting legislators and local officials from Amherst and Northampton.

As in previous years, we will make every effort to provide a list of questions generated by the youth participants to you in advance, and provide ample refreshments during the forum.

The schedule will be as follows:

3:00-3:30 p.m. – Meet and Greet, Snacks
3:30-4:30 p.m. – Roundtables
4:30-5:00 p.m. – Youth De-brief

Please plan to arrive by 3:15, and, if possible, to stay for the youth debrief after the roundtables. The event is designed to engage young people in understanding the importance of their voice in legislative issues. Recent years have seen growing numbers of youth and young adults engaged in the political process; by participating the 2012 forum you will help build on that momentum locally, demonstrate to our young people that their voices matter, and show them that political engagement is an ongoing process.

We hope that you are able to participate this year! **Please RSVP as soon as possible; having a confirmed legislative participant list will enable us to ensure that youth from every legislator's district are represented.** I can be reached at kallen@dialself.org or 413 774 7054 x106. I hope to hear from you soon!

Best Regards,

Kate Allen, YouthServe Director



DIAL/SELF is a registered 501(c)(3) Non-profit & Public Charity whose legal name is Franklin County DIAL SELF, Inc. Donations are tax deductible within the limits of applicable law.

The Commonwealth Of Massachusetts



Received copy
1/11/12
PO

No. MassDEP USE ONLY

SIMPLIFIED LICENSE
BRP WW06

Applicant must fill in pages 1 and 2 of this license.

EDWARD A. TRUDEL of the Town/City of: Gill in: FRANKLIN
Applicant's name Town/City County

County and Commonwealth aforesaid, has applied to the Department of Environmental Protection for a Simplified License to:

Please check:

☒ maintain an existing (pre-1984):

Please check all that apply below:

- ☒ pier/dock floating
☐ boat ramp
☐ ramp
☐ float(s)
☐ pile(s)
☐ boat lift
☐ boat house
☐ retaining wall/seawall
☐ bulkhead
☐ rip rap/stone revetment
☐ groin(s)
☐ Nonwater-dependent (NWD) residence
☐ other _____

☐ construct a proposed or maintain an existing (post-1984):

Please check all that apply below:

- ☐ pier/dock
☐ ramp
☐ float(s)
☐ pile(s)
☐ boat lift
☐ pile-supported boat house
☐ other _____

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the [Please check one:] ☒ Board of Selectmen ☐ Mayor and City Council, of the Town/City of:

Gill
Town/City

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses said Licensee, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to:

Please check all that apply:

☒ maintain existing structure(s) for:

- ☒ non commercial docking/access to navigable water
☐ shoreline stabilization
☐ residential, NWD building
☐ other _____

Please check all that apply:

☐ construct and maintain structure(s) for:

- ☐ non commercial docking/access to navigable water
☐ other _____

in and over the waters of:

CT RIVER
Waterway

in the Town/City of:

Gill
Town/City

and in accordance with the locations shown and details indicated on the accompanying License Sketch Plan No. MassDEP USE ONLY (total number of Sheet(s): FOR MassDEP USE ONLY)

The total area of the combined structures, measured below mean/ordinary high water shall be no greater than a total of 600 square feet for proposed water-dependent structures, or for structures built or substantially altered after January 1, 1984 without any fill. For structures or fill constructed prior to January 1, 1984 and not substantially altered since that date: any structures and fill, either water-dependent or nonwater-dependent, total no more than 600 square feet. In both instances structure is not a marina (i.e. does not serve ten or more vessels). Dimensions of all structures are shown on the accompanying plan(s).

"I hereby make application for a License to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representative of the Massachusetts Department of Environmental Protection to enter upon the premises of the project site at reasonable times for the purpose of inspection. I hereby certify that the information submitted in this document is true and accurate to the best of my knowledge. And, upon my signature, that I have read the License and conditions and agree to the terms and conditions set forth herein."

BOX A:

Print Name EDWARD A. TRUDIEL

Mailing Address 6138 VT - RT 30

City/Town (not village) PAWLET

State VT Zip Code 05761 County RUTLAND

(area code) telephone 802-325-3802 e-mail ed.trudiel@polyone.com

Notification: Your signature to the right certifies that you have notified the entities as checked off in the boxes below.

Notification of application has been provided to: (please check)

☒ Local Conservation Commission
☒ Zoning Authority

☒ Board of Selectman
☒ Planning Board

☐ Mayor and City Council

and has been sent by certified mail to: (please check)

☒ Abutters

☒ Interested Parties

☒ Landowner (if not applicant)

Signature of applicant Edward A. Trudiel Date 12-22-11

BOX B:

If site address is different from mailing address:

Site Address of the structures 40 GRIST MILL Rd

City/Town GILL

State MA Zip Code 01376 County FRANKLIN

BOX C:

If the applicant is different than the owner:

Owner _____

Engineer/Agent _____

NOTE: This License is not valid until such time as it has been numbered and signed by the appropriate State officials (see page 5) and recorded at the Registry of Deeds.

USE: The structures authorized herein shall be for private non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

TERM: This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

WATERWAYS CONDITIONS:

1. ACCESS: In accordance with any License condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly or northerly/southerly sides of the pier/dock, authorized herein or at each property line, adjacent to the high water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. This License authorizes structure(s) and/or fill on:
FOR MassDEP USE ONLY

<input type="checkbox"/> Private Tidelands	In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, strolling and the natural derivatives thereof.
<input type="checkbox"/> Commonwealth Tidelands	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. The Commonwealth holds said lands in trust for the benefit of the public.
<input type="checkbox"/> Great Pond	The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
<input type="checkbox"/> Navigable River or Stream	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

3. Unless otherwise expressly provided by this license, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.

8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

CONSTRUCTION:

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than $\frac{1}{4}$ of the way across a water body and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.

9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

DOCKING OF VESSELS:

10a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

COMPLIANCE

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

This License shall be void unless the License and the accompanying plan(s) are recorded within 60 days from the date hereof, in the Registry of Deeds for the said County.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity of use authorized pursuant to this License.

FOR MassDEP USE ONLY:**THE COMMONWEALTH OF MASSACHUSETTS**

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands on this _____ day of _____ in the year _____
date month year

Commissioner _____
Program Chief _____

Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This License is approved in consideration of the payment into the treasury of the Commonwealth by said —
_____ of the further sum of _____ dollars and zero cents (\$.00)
Applicant Amount

The amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Boston

Approved by the Governor.

Governor



Enter your transmittal number

CKF 1037

X241594
Transmittal Number

Your unique Transmittal Number can be accessed online: <http://mass.gov/dep/service/online/trasmfrm.shtml>
Massachusetts Department of Environmental Protection
Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

* Note:
For BWSC Permits,
enter the LSP.

A. Permit Information

1. Permit Code: 7 or 8 character code from permit instructions BRP WW06
2. Name of Permit Category CHAPTER 91
3. Type of Project or Activity PRE 1984 FLOTTING DOCK

B. Applicant Information - Firm or Individual

1. Name of Firm - Or, if party needing this approval is an individual enter name below: TRUDEL
2. Last Name of Individual EDWARD
3. First Name of Individual A.
4. MI A.
5. Street Address 6139 VT-RT30
6. City/Town PAWLET
7. State VT
8. Zip Code 05761
9. Telephone # 802-325-3802
10. Ext. #
11. Contact Person EDWARD A. TRUDEL
12. e-mail address (optional) ed.trudel@polyone.com

C. Facility, Site or Individual Requiring Approval

1. Name of Facility, Site Or Individual EDWARD A. TRUDEL
2. Street Address 40 GRIST MILL RD.
3. City/Town PAWLET
4. State MA
5. Zip Code 01376
6. Telephone # 802-325-3802
7. Ext. #
8. DEP Facility Number (if Known)
9. Federal I.D. Number (if Known)
10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

1. Name of Firm Or Individual
2. Address
3. City/Town
4. State
5. Zip Code
6. Telephone #
7. Ext. #
8. Contact Person
9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? ☐ yes ☐ no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

Special Provisions:

- ☐ Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
- ☐ Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
- ☐ Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
- ☐ Homeowner (according to 310 CMR 4.02).

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

Check Number

Dollar Amount

Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Instructions, Chapter 91 Simplified Waterways License Application

Appendix C: Simplified License Plan – Sample Template

<p>MC NAMMA PROPERTY ①</p>		<p>License No.</p> <p>Approved by Department of Environmental Protection Date:</p>	<p>TRUDEL RESIDENCE</p> <p>TRACT LOANS PROPERTY COTTON Grist Mill RD</p> <p>LOCUS MAP</p> <p>CT RIVER</p> <p>SHORE LINE</p> <p>CT RIVER</p> <p>1" = 20'</p>
<p>PROFILE VIEW</p> <p>2.5" = 20'</p>			
<p>Purpose: Simplified Licensing</p> <p>Adjacent Property Owners:</p> <p>1. <u>MC NAMMA</u></p> <p>2. <u>COTTON</u></p> <p>3. _____</p> <p>4. _____</p>	<p>Plan accompanying petition of:</p> <p><u>EDWARD A. TRUDEL</u></p> <p><u>40 GRIST MILL RD</u></p> <p><u>GILL MA</u></p> <p>_____</p> <p>_____</p>	<p>Project Description:</p> <p><u>FLOATING DICK</u></p> <p>In <u>CT RIVER</u> At <u>GILL MA</u></p> <p>County of: <u>FREDERICK</u></p> <p>State: <u>MA.</u></p> <p>By applicant <u>Edward A. Trudel</u></p> <p>date: <u>12-23-11</u> sheet: <u>1</u> of <u>1</u></p>	

*in RECORDED
w/c 1-9-12*

**MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**"Notice of License Application" pursuant to M. G. L. Chapter 91
Waterways License Application Number W11-3494
Applicant: Edward Trudel**

NOTIFICATION DATE: January 13, 2012

Public notice is hereby given of the "Simplified License BRP WW06 Self Licensing Package" by Edward Trudel to maintain a dock at 40 Grist Mill Road, in the municipality of Gill, in and over the waters of the Connecticut River, a Commonwealth-designated non-tidal jurisdictional waterway. The proposed project has been determined to be water-dependent.

The Department may conduct a public hearing in order to receive information to be used in its decision on whether to grant a Waterways License pursuant to M.G.L. Chapter 91.

The Department will consider all written comments on this Waterways License Application received by close-of-business on February 13, 2012, the Public Comments Deadline. Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Program at 413-755-2265. Project plans and documents for this application are on file with the Waterways Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to:

Jeremiah Mew, Waterways Program Point-of-Contact
Massachusetts Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

receipts of Cert letters
Sent to my neighbors -
IK: Dick Grince

7006 0810 0001 8117 9245

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.44
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.59

Postmark Here
10
2012
USPS

Sent To *Gony & Anne Mc Namara*
Street, Apt. No.,
or PO Box No. *55 Heath Ln*
City, State, ZIP+4 *Westbury N.Y 11590*

PS Form 3800, June 2002

7006 0810 0001 8117 9252

U.S. Postal Service
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.44
Certified Fee	2.85
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.59

Postmark Here
10
2012
USPS

Sent To *Jane Putnam*
Street, Apt. No.,
or PO Box No. *27 Windy Ridge Rd.*
City, State, ZIP+4 *Jefferson MA 01522*

PS Form 3800, June 2002

CUMMINGS & REID
Attorneys at Law
278 Main Street - Suite 305
Greenfield, Massachusetts 01301

Roger J. Reid
Stanley L. Cummings (Retired)

(413) 773-8120
FAX (413) 773-9807

January 6, 2012

Board of Selectmen
Town of Gill
Town Hall
Gill, MA 01376

$\approx \$6,938$ current
 $\underline{1,788}$
 $\$8,726$

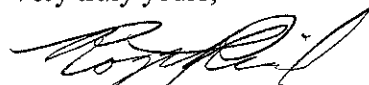
RE: Quintus Allen Trust

Dear Selectmen:

Enclosed please find a check for \$1,788.20, the same being in payment of the 2011 distributive share of income due the Town of Gill under the terms of the trust.

I am enclosing a receipt to be signed by the Selectmen of the Town of Gill. Please return the signed receipt to this office as soon as possible. A stamped self-addressed envelope is enclosed for your convenience.

Very truly yours,

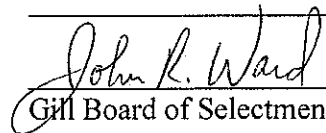

Roger J. Reid

RJR/lab
Enclosures

Gill, Massachusetts

Date: January 17, 2012

RECEIVED of the Trustees of the Will of Quintus Allen, late of Greenfield, Massachusetts, deceased, the sum of ONE THOUSAND SEVEN HUNDRED EIGHTY-EIGHT AND 20/100 (\$1,788.20) DOLLARS in full payment of the distributive share of income due for 2011, under the terms of said Trust; and in consideration of the same sum paid to the Town of Gill.

A handwritten signature in dark ink, appearing to be "R. Allen", written over a horizontal line.A handwritten signature in dark ink, reading "John R. Ward", written over a horizontal line.
Gill Board of Selectmen