

TOWN OF GILL

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



www.gillmass.org

SELECTBOARD MEETING MINUTES

April 18, 2017

Called to Order: The meeting was called to order at 6:20 PM.

Members Present: John Ward, Randy Crochier, Greg Snedeker Members Absent: none

Others Present: Ray Purington, Administrative Assistant; Janet Masucci, Mike Jackson, Roger Augustine, Rich Hubbard, and Fred Chase II

Gift of Land to Add to Town Forest: Rich Hubbard, Executive Director of the Franklin Land Trust (FLT), met with the Selectboard to offer two parcels of land on Hoe Shop Road to the Town to add to the Town Forest. Hubbard explained the parcels are two of four potential house lots created in 2008/09 as part of a “limited development” approach to protecting and conserving land owned by the A.R. Sandri Estate. Proceeds from selling the first two lots were used to assist the financial arrangements of the land preservation project. Other funds have been made available to the FLT, and selling the two remaining lots for development is no longer necessary.

The current plan is for the FLT to gift both lots to the Town, with the hope and expectation the Town would in turn gift to the Mass. Department of Conservation and Recreation (DCR) a Conservation Restriction on both parcels. Hubbard hopes DCR would agree to use the same Conservation Restriction it already holds on all of the Town Forest land. The parcels to be offered to the Town are shown as lots 7.1 and 7.2 on Assessors’ map 208, with a combined size of 4.735 acres.

Hubbard noted the FLT has already discussed the matter with Gill’s Conservation Commission, which is responsible for the Town Forest, and they support the Town accepting the gift of additional land for the Forest. Greg made a motion, seconded by Randy, to accept a warrant article for the Franklin Land Trust’s donation of the two parcels to the Town. The vote was unanimous in the affirmative. A June 5th Special Town Meeting is tentatively eyed as the date for the vote by the Town. Hubbard left the meeting.

2009 Sterling Truck: John reported he has not yet talked with Cliff Porter at Porter’s Diesel Service about exhaust and emissions problems with the 2009 Sterling. Fred Chase presented the Selectboard with three handouts – “Emissions Standards for Heavy-Duty Onroad Engines,” OSHA regulations related to Rollover Protective Structures and Overhead Protection, and “30 CFR 77.401-1 – Mobile equipment; rollover protective structures (ROPS).”

Chase explained the ROPS unit has been removed from the Highway Department’s Kubota tractor. The Selectboard took the matter under advisement.

Chase also reported on a conversation he had with an emissions technician from Cummins, Inc. The Cummins engine in the Town’s 2009 Sterling truck is supposed to idle for no more than 5 minutes. The automatic engine shut off feature that limits excessive idling has been deactivated on our truck. Without the auto shut off feature, the exhaust system’s emissions regen unit will plug more often and have a shorter operating life. Either Porter’s Diesel Service or Reed Truck Services is able to reactivate the idling shut off.

With regards to getting exhaust fumes in the truck cab, Chase believes the exhaust pipe isn’t long enough, and fumes are getting trapped in the turbulence zone between the cab and dump body. He volunteered his time to modify the exhaust pipe, and will only charge his cost for any materials, which he expects will be less than \$100. Noting the Selectboard was told on April 3rd the truck’s clutch cannot be adjusted and needs to be replaced, Chase offered to examine the clutch at no charge, and see if he can adjust it.

Randy made a motion, seconded by Greg, to authorize Fred Chase to make modifications to the exhaust and adjust the clutch on the 2009 Sterling. The vote was unanimous in the affirmative. Ray was asked to direct the Highway Department to provide the key to the vehicle so that Chase can take the truck to his shop on Route 2.

Gene Beaubien joined the meeting.

Highway Concerns: Roger Augustine, a resident of North Cross Road, complained that side roads were not plowed frequently enough during storms this winter. He asked why Highway employees were working overtime to do road sweeping on Friday, April 14th, and noted that the windrow of swept dirt was still on Boyle Road Extension today. He commented on the number of road signs poles that are leaning or broken off. He also questioned why the River Road repaving project was not yet finished, and raised concerns about the number of dead trees along the sides of North Cross Road.

Speeding Complaint: Augustine voiced concern about the speed of vehicles driving by his house, especially between 6:20 and 7:00 AM, when high school students are crossing the road to wait for the school bus. He feels the vehicles are driving much faster than the 35 miles-per-hour limit, and asked to have speed limit and bus stop signs erected on North Cross Road. The Selectboard recommended having the Police do some speed enforcement in that area, and the matter will be referred to the Police Chief. The Selectboard thanked Augustine for sharing his concerns. Augustine left the meeting at 6:53 PM.

Use of Hydrant Water: Fire Chief Gene Beaubien met with the Selectboard to discuss an April 3rd letter from the Riverside Water District Commissioners. The letter announced the District will now charge \$40 per 1000 gallons for water withdrawn from District fire hydrants by Town departments, including the Fire and Highway Departments.

Ray reported on an April 13th phone conversation with Jeff Suprenant, Commission Chairman. Suprenant provided further explanation of the letter, stating hydrant use to fight fires within the District will be exempt from the charge. District water customers are charged \$6.266 per 1000 gallons, and Suprenant confirmed the higher rate charged to the Town is intentional, and will be used to maintain system infrastructure, including hydrant replacement. Lastly, the District believes the Fire Department should be able to pass along to the homeowner's insurance any charges for hydrant water used to fight fires outside the District.

Beaubien reported he has been unable to find any confirmation online that the Town can charge fire victims for water used to put out a fire. He suggested perhaps the Town of Greenfield, which is the source of the District's water, would be willing to adjust firefighting water off the District's bill, and believes this may have been a past practice.

There was some merit found in the District's new practice, with an observation it seemed unfair to potentially have 100 homes (served by the District) paying for water to fight a fire, while the costs of the firetruck, fuel, and labor are being born by all the taxpayers of the Town.

Beaubien noted the Northfield Mount Hermon School has fire hydrants that can be used for training, however, in order to avoid creating water quality problems in the rest of the NMH water system, the Fire Department must schedule ahead before using those hydrants. Chase suggested dry hydrants on Shadow Lake and other suitable ponds, if maintained, would be free to use and would not need advance permission. Beaubien estimated one training event might use 2,000 gallons of water, and training would be conducted approximately five times per year.

There was discussion that having to pay for District hydrant water should not change how the Fire Department attacks a fire, nor should the charges impact the Fire Department's budget. It was decided to invite the District Commissioners to attend a Selectboard meeting to discuss the matter further. Beaubien left the meeting at 7:10 PM.

Minutes: Randy made a motion, seconded by Greg, to approve the minutes of 4/3/17. The vote was unanimous in the affirmative.

Sewer I&I Study: Town Counsel has not completed her review of the two ideas about ways to identify houses with illicit sump pumps connected to the sewer system. She will be reminded after her busy season for town meetings.

Gill Elementary Well: No progress last week.

Mariamante Property/Community Solar: Nothing to report.

Annual Reports: Nothing to report.

Oak Street Easement: The wording of the warrant article has been received from Town Counsel.

Sanctuary City: At the request of Seth Montgomery, the topic was postponed to a later date, after there is some outcome in the Federal courts regarding the President's executive orders on immigration.

MassDOT & Gill Mobil Sidewalk: At the request of MassDOT, a revised letter was signed by John. MassDOT felt there was potential confusion with the word "it" in the phrase "...the Town hereby affirms to MassDOT that it will assume the responsibility of snow removal and maintenance..." The revised letter replaced "it" with "the Town."

Fred Chase left the meeting at 7:18 PM

FirstLight Settlement Negotiations: The Selectboard reviewed ground rules that must be signed in order to participate in the settlement negotiations with FirstLight on their FERC license renewal. There are concerns the ground rules do not acknowledge the Town officials' obligations and requirements under the Open Meeting Law and Public Records Law. The ground rules will remain unsigned and the topic will remain on Selectboard meeting agendas until guidance is received from Town Counsel. John plans to attend the April 25th settlement meeting.

Resignation: The Selectboard received Nancy Griswold's resignation from the Capital Improvement Planning Committee effective April 10th. Her resignation was accepted with great regret, and a letter of appreciations and thanks will be sent. Griswold also resigned from the Finance Committee at the same time.

Appointments: Randy made a motion, seconded by Greg, to appoint Daniel Trenholm to the Capital Improvement Planning Committee through June 30, 2019. The vote was unanimous in the affirmative. Randy made a motion, seconded by Greg to appoint Cody Scopa as a Firefighter through June 30, 2017, contingent upon receipt of acceptable results from a recent medical evaluation. The vote was unanimous in the affirmative.

Sewer Commitment: Randy made a motion, seconded by Greg, to sign the Sewer Commitment in the amount of \$24,361.35 with a bill date of 4/25/2017. The vote was unanimous in the affirmative.

Chapter 90 Allocation: A letter from MassDOT announced the Town's Chapter 90 allocation for FY18 will be \$148,714.

Warrant for 5/1 Annual Town Meeting: The Selectboard reviewed "Draft 1" of the warrant for the May 1st Annual Town Meeting. Articles for the Quintus Allen fund and regular revolving funds were left at the beginning of the warrant for action on May 1, as they were felt to be routine matters without any specific financial impact. A standalone article for the Recreation Committee's budget was deleted, as that budget will be included in the Omnibus Budget for FY18. The article to hear and accept the report of the Capital Improvement Planning Committee was removed and will be placed on the warrant for the Special Town Meeting when the CIPC's spending articles are considered. Ray will make the revisions and the warrant will be signed at the Selectboard's meeting on April 19th.

Grader and Sweeping Bids: The Selectboard reviewed bids provided by the Highway Superintendent for the grading of gravel roads and road sweeping with a pickup sweeper. It was noted the pickup sweeper was supposed to have been starting work in Gill today, and the grading is scheduled to begin tomorrow. The recommended low bidders were Warner Brothers for grading at \$1,500 per 8-hour day, and Vermont Roadworks for sweeping at \$100 per hour. Randy made a motion, seconded by Greg, to award both services as recommended by the Highway Superintendent with a strong message back to the Highway Superintendent that more advance notice of bid results must be provided in the future. The vote was unanimous in the affirmative, albeit, reluctantly.

Roadside Mower Program: The next 5-year cycle of a shared roadside mower program is starting, with Deerfield as the lead town, and Gill, Erving, Northfield, and Greenfield as the other participants. Funding of \$26,000 per year will be provided by Eversource to Deerfield to purchase or lease/purchase a brush mower "suitable for cutting and trimming brush and other vegetation along the town maintained roads." The format and wording of this agreement is identical to the one signed in 2012. Randy made a motion, seconded by Greg, to authorize Ray to sign the agreement. The vote was unanimous in the affirmative.

North Cemetery Maple Tree: Ray relayed a concern from the Cemetery Commission regarding the health of a large maple tree at the entrance to the North Cemetery. A large section of the tree came down this winter and damaged part of the fence, and the Commission is worried the tree is a safety hazard. They are getting estimates for having the tree taken down, in case that is the necessary course of action. The Selectboard asked Ray to inquire with Brian Koshinsky, a Gill resident and certified arborist who is running unopposed for Tree Warden in the May 15th town election, to see if he would be willing to look at the tree.

Election Warrant: The Selectboard signed the warrant for the May 15, 2017 annual election.

Mike Jackson left the meeting at 8:05 PM.

Warrant: The Selectboard reviewed and signed the FY 2017 warrant #21.

The meeting adjourned at 8:30 PM.

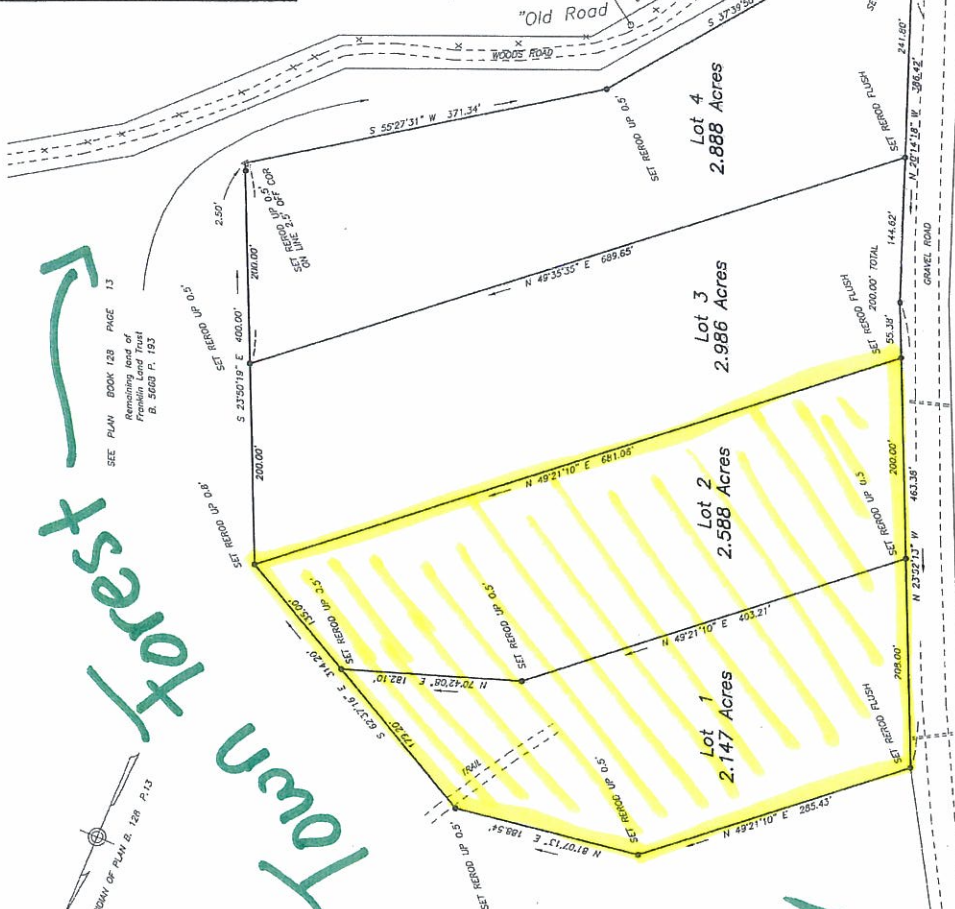
Minutes respectfully submitted by Ray Purington, Administrative Assistant.

Signed copy on file. Approved 05/01/2017

Randy Crochier, Selectboard Clerk



Gill Town Forest
 Remaining land of Franklin Land Trust B. 5668 P. 193
 SEE PLAN BOOK 128 PAGE 13
 Remaining land of Franklin Land Trust B. 5668 P. 193



Gill Town Forest
 HOE SHOP RD
 A Town Way

Lots 1-4 and Remaining Land Are Land Of
 Franklin Land Trust
 Book 5668 Page 193
 Total Area Lots 1-4 = 10.609 Acres

PLAN OF 4 LOTS IN
GILL (Franklin Co.) MASS.
 SURVEYED FOR
FRANKLIN LAND TRUST
 SURVEY: NOV. 2008 PLAN: MAY 12, 2009
 COMPS: GCM DIMWK DA JOB NO: 08-41
 ROBERGE ASSOCIATES LAND SURVEYING
 21 MOHWIK TRAIL #283, GREENFIELD, MA 01301
 415-772-2801



NOTE: THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A
 TITLE REPORT AND IS SUBJECT TO ANY AND ALL RIGHTS
 AND ENCUMBRANCES THAT SUCH A REPORT MAY DISCLOSE.

PLANNING BOARD
 GILL, MA
 APPROVED BY THE PLANNING BOARD UNDER THE
 SUBDIVISION CONTROL LAW NOT REQUIRED
 DATE: _____
 SIGNED: _____

SUFFICIENT AREA AND RESIDUE REMAIN TO CONFORM
 TO CURRENT ZONING REQUIREMENTS.

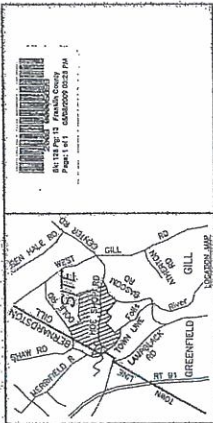
I REPORT THAT THIS PLAN WAS PREPARED IN
 CONFORMITY WITH THE RULES AND REGULATIONS OF
 THE BOARD OF REGISTERS OF DEEDS OF THE COMMONWEALTH
 OF MASSACHUSETTS.



Gary C. Moulton, P.L.S.
 REGISTRATION NO. 31319
 5/12/09

LEGEND

- WIRE FENCE
- IRON PIPE FOUND
- STONE OR CONC. END FINI
- △ UNMARKED POINT
- IRON ROD SET
- ***** CULVERT
- 8-7 ASSESSORS' MAP-Lot NUMBER



PLANNING BOARD
GILL, MA

APPROVAL BY THE PLANNING BOARD UNDER
THE SUBDIVISION CONTROL LAW NOT REQUIRED

DATE: 4/12/09

BY: [Signature]

TOWN OF BERNE, MASSACHUSETTS

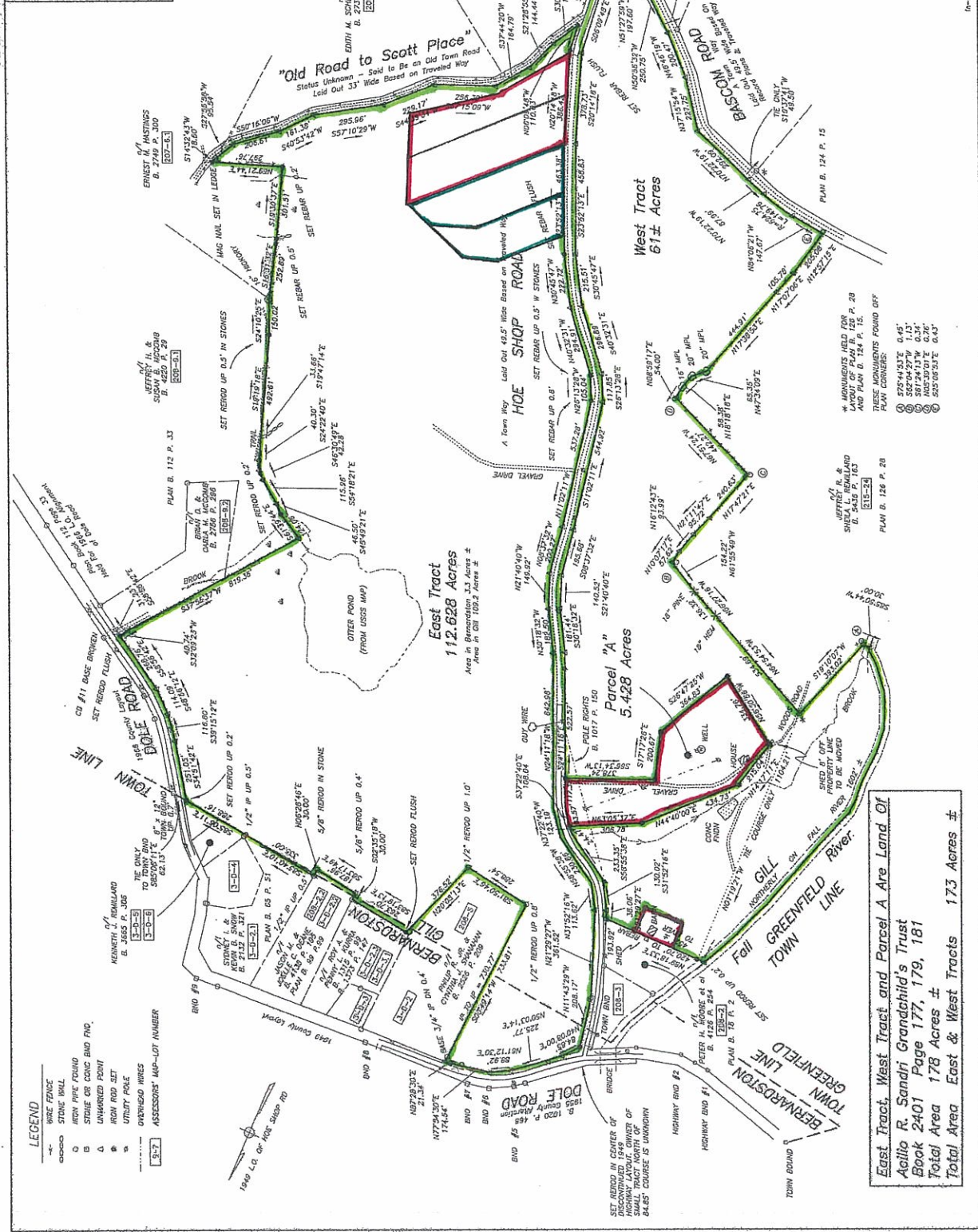
I REPORT THAT THE PROPERTY LINES SHOWN
ON THIS PLAN ARE THE LINES OF THE
STREETS AND ARE SHOWN AS THOSE
ALREADY ESTABLISHED, AND THAT NO NEW
LINES FOR DIVISION OF EXISTING OWNERSHIP
OR NEW LINES ARE SHOWN IN BERNE.

I REPORT THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE RULES
AND REGULATIONS OF THE REGISTRAR OF
MASSACHUSETTS.

GARY C. MULLIN, P.L.S.
REGISTRATION NO. 31919 4/12/09

PLAN OF LAND IN
GILL & BERNE, MASS.,
(Franklin County)
SURVEYED FOR
SANDRI TRUST

SURVEY: 2008-2009 PLAN: APRIL 29, 2009
COMPS: MGH/DOWNS: DA JOB NO: 09-01
ROBERG ASSOCIATES LAND SURVEYING
21 MICHAM TRAIL, GREENFIELD, MA 01301
413-772-2801



* MONUMENTS HELD FOR
LAYOUT OF PLAN B, 128 P. 20
AND PLAN B, 124 P. 15.
THESE MONUMENTS FOUND OFF
FOOT CORNERS:

- ① 8" 10" MPL
- ② 8" 10" MPL
- ③ 8" 10" MPL
- ④ 8" 10" MPL
- ⑤ 8" 10" MPL

* MONUMENTS HELD FOR
LAYOUT OF PLAN B, 126 P. 20
AND PLAN B, 124 P. 15.
THESE MONUMENTS FOUND OFF
FOOT CORNERS:

- ① 8" 10" MPL
- ② 8" 10" MPL
- ③ 8" 10" MPL
- ④ 8" 10" MPL
- ⑤ 8" 10" MPL

LEGEND

- WIRE FENCE
- STONE WALL
- IRON PIPE FOUND
- STONE OR CONC BAND PND.
- △ UNMARKED POINT
- △ IRON ROD SET
- UTILITY POLE
- OVERHEAD WIRES
- ASSESSORS' MAP-Lot NUMBER

East Tract, West Tract and Parcel A Are Land Of
Acilio R. Sandri Grandchild's Trust
Book 2401 Page 177, 179, 181
Total Area 178 Acres ±
Total Area East & West Tracts 173 Acres ±

Heavy-Duty Onroad Engines

Applicability and Testing

Emission Standards

Summary of Emission Limits

Model Year 1974-2003

Model Year 2004-2006

Model Year 2007 and Later

Applicability and Testing

The emission standards discussed below apply to new compression-ignition (CI) engines used in heavy-duty onroad (highway) vehicles, such as trucks and buses. These standards apply to diesel fueled engines, as well as to CI engines fueled by natural gas and other alternative fuels. A number of definitions of the compression-ignition or diesel-cycle engine are used in various US and California engine and vehicle regulations. One definition used by the US EPA in heavy-duty engine regulations is based on the engine cycle rather than the ignition mechanism, with the presence of a throttle as an indicator to distinguish between diesel-cycle and otto-cycle operation. Regulating power by controlling the fuel supply in lieu of a throttle corresponds with lean combustion and diesel-cycle operation. This allows for the possibility that a natural gas-fueled engine equipped with a spark plug is considered a compression-ignition engine.

Heavy-duty vehicles are defined as vehicles of GVWR (gross vehicle weight rating) of above 8,500 lbs in the federal jurisdiction and above 14,000 lbs in California (model year 1995 and later). Diesel engines used in heavy-duty vehicles are further divided into service classes by GVWR, as follows.

- Light heavy-duty diesel engines: $8,500 < \text{LHDDE} < 19,500$ ($14,000 < \text{LHDDE} < 19,500$ in California, 1995+)
- Medium heavy-duty diesel engines: $19,500 \leq \text{MHDDE} \leq 33,000$
- Heavy heavy-duty diesel engines (including urban bus): $\text{HHDE} > 33,000$

Under the federal light-duty Tier 2 regulation, vehicles of GVWR up to 10,000 lbs used for personal transportation have been re-classified as "medium-duty passenger vehicles" (MDPV, primarily larger SUVs and passenger vans) and are subject to the light-duty vehicle legislation. Therefore, the same diesel engine model used for the 8,500 - 10,000 lbs vehicle category may be classified as either light- or heavy-duty and certified to different standards, depending on the application.

US and California regulations do not require that complete heavy-duty diesel vehicles be chassis certified, instead requiring certification of their engines (as an option, complete heavy-duty diesel

vehicles under 14,000 lbs can be chassis certified). Consequently, the basic standards are expressed in g/bhp-hr and require emission testing over the transient FTP engine dynamometer cycle (however, chassis certification may be required for complete heavy-duty gasoline vehicles with pertinent emission standards expressed in g/mile).

Additional emission testing requirements, phased-in from 1998 to 2007, include:

- **Supplemental Emission Test (SET):** A steady-state test to ensure that heavy-duty engine emissions are controlled during steady-state type driving, such as a line-haul truck operating on a freeway. SET emission limits are numerically equal to the FTP limits.
- **Not-to-Exceed (NTE) testing:** Driving of any type that could occur within the bounds of a pre-defined NTE control area, including operation under steady-state or transient conditions and under varying ambient conditions. NTE emission limits are higher than the corresponding FTP limits.

These tests were introduced for most signees of the 1998 Consent Decrees between the EPA and engine manufacturers for the period of 1998 - 2004. Federal regulations require the supplemental testing for all engine manufacturers effective 2007. In California, the tests are required for all engines effective model year 2005. NTE limits are applicable to engine certifications only; they are not applicable to chassis-certified vehicles.

Emission Standards

Summary of Emission Limits

The first federal emission limits were introduced in 1974 and gradually tightened in a number of steps, as shown in Table 1. The current mandatory emission standards for heavy-duty engines were phased-in over the period of 2007-2010. The table also covers the 2015 California Optional Low NOx Standards.

Table 1
US EPA & California Emission Standards for Heavy-Duty CI Engines, g/bhp·hr

Year	CO	HC ^a	HC ^a +NO _x	NO _x	PM	
					General	Urban Bus
1974	40	-	16	-	-	
1979	25	1.5	10	-	-	
1985	15.5	1.3	-	10.7	-	
1987	15.5	1.3	-	10.7 ^d	0.60 ^f	
1988	15.5	1.3 ^b	-	10.7 ^d	0.60	
1990	15.5	1.3 ^b	-	6.0	0.60	
1991	15.5	1.3 ^c	-	5.0	0.25	0.25 ^g
1993	15.5	1.3 ^c	-	5.0	0.25	0.10
1994	15.5	1.3 ^c	-	5.0	0.10	0.07
1996	15.5	1.3 ^c	-	5.0 ^e	0.10	0.05 ^h
1998	15.5	1.3	-	4.0	0.10	0.05 ^h
2004 ^j	15.5	-	2.4 ⁱ	-	0.10	0.05 ^h
2007	15.5	0.14 ^k	-	0.20 ^k	0.01	
2015	15.5	0.14	-	0.02 ^l	0.01	

a. NMHC for 2004 and later standards
 b. For methanol-fueled engines, the standard is for total hydrocarbon equivalent (THCE).
 c. California: NMHC = 1.2 g/bhp·hr, in addition to the THC limit.
 d. California: NO_x = 6.0 g/bhp·hr
 e. California: Urban bus NO_x = 4.0 g/bhp·hr
 f. California only, no federal PM limit.
 g. California standard 0.10 g/bhp·hr
 h. In-use PM standard 0.07 g/bhp·hr
 i. Alternative standard: NMHC+NO_x = 2.5 g/bhp·hr and NMHC = 0.5 g/bhp·hr
 j. Under the 1998 Consent Decrees, several manufacturers supplied 2004 compliant engines from October 2002.
 k. NO_x and NMHC standards were phased-in on a percent-of-sales basis: 50% in 2007-2009 and 100% in 2010. Most manufacturers certified their 2007-2009 engines to a NO_x limit of about 1.2 g/bhp·hr, based on a fleet average calculation.
 l. Optional. Manufacturers may choose to certify engines to the California Optional Low NO_x Standards of 0.10, 0.05 or 0.02 g/bhp·hr

In addition to the limits shown above, the following emission standards apply:

- *Smoke Opacity*—Smoke opacity limits of 20% / 15% / 50% at acceleration/lug/peak modes, respectively, have been applicable since 1974.
- *Idle CO Standard*—An idle CO emission standard of 0.5% applies to compression-ignition engines fueled by diesel fuel since 1988, by methanol since 1990, and by natural gas and LPG since 1994.

ABT Program. Since 1991, the emission regulations include an emission averaging, banking, and trading (ABT) program for NO_x and PM emissions, similar to those that have been a part of most US EPA emission control programs.

Model Year 1974-2003

Historically, the first sets of emission standards were adopted at the federal level beginning from 1974.

Since 1987, California standards required on several occasions that PM and NOx emission limits be introduced in California a few years ahead of the federal schedule (Table 1).

Some of the regulatory emission challenges of that period that required the development of new emission technologies were:

- 1991 PM emission standard of 0.25 g/bhp·hr
- 1994 PM emission standard of 0.10 g/bhp·hr
- Gradual tightening of the NOx limit to 4 g/bhp·hr (1998)

These challenges were generally met through in-cylinder emission control. However, the 1994 PM limit did trigger some usage of diesel oxidation catalysts, mostly on mechanically controlled heavy-duty engines.

A sulfur limit of 500 ppm in diesel fuel became effective in October 1993. This fuel, referred to as *low sulfur diesel* fuel, was introduced to enable the 1994 PM emission standard of 0.10 g/bhp·hr.

Optional Standards. Manufacturers could voluntarily certify engines to the Clean Fuel Fleet (CFF) emission standards shown in Table 2. It was a federal program that applied to 1998-2003 model year engines, both CI and SI, over 8,500 lbs GVWR. In addition to the CFF standards, vehicles had to meet the applicable conventional standards for other pollutants.

Table 2
Clean Fuel Fleet Program for Heavy-Duty SI and CI Engines (1998-2003),
g/bhp·hr

Category*	CO	NMHC+NO _x	PM	HCHO
LEV (Federal Fuel)		3.8		
LEV (California Fuel)		3.5		
ILEV	14.4	2.5		0.050
ULEV	7.2	2.5	0.05	0.025
ZLEV	0	0	0	0

* LEV - low emission vehicle; ILEV - inherently low emission vehicle; ULEV - ultra low emission vehicle; ZLEV - zero emission vehicle


Model Year 2004-2006

In October 1997, EPA adopted new emission standards for model year 2004 and later heavy-duty diesel truck and bus engines [801]. These standards reflected the provisions of the Statement of Principles (SOP) signed in 1995 by the EPA, California ARB, and the manufacturers of heavy-duty diesel engines. The goal was to reduce NO_x emissions from highway heavy-duty engines to levels approximately 2.0 g/bhp·hr beginning in 2004.

The federal 2004 standards for highway trucks were harmonized with California standards, with the intent that manufacturers could use a single engine or machine design for both markets. However, California certifications for model years 2005-2007 additionally required SET testing, and NTE limits of 1.25 × FTP standards. California also adopted more stringent standards for MY 2004-2006 engines for public urban bus fleets.

On-board diagnostic (OBD) requirements applicable to heavy-duty diesel engines and vehicles ≤ 14,000

lbs GVWR were phased-in from the 2005 through 2007 model years.

 Discharge of crankcase emissions was not allowed for any new 2004 or later model year engines, with the exception of turbocharged or supercharged diesel fueled engines.

To achieve the 2004 emissions, most manufacturers introduced exhaust gas recirculation (EGR)—in many cases in conjunction with diesel oxidation catalysts—on heavy-duty diesel engines.


Consent Decrees. Most engine manufacturers were required to comply with the 2004 emission standards as early as from October 2002, 15 months ahead of the regulatory schedule. In October 1998, a series of court settlements were reached between the EPA, Department of Justice, California ARB and engine manufacturers—Caterpillar, Cummins, Detroit Diesel, Volvo, Mack Trucks/Renault and Navistar—over the issue of high NO_x emissions from heavy-duty diesel engines during certain driving modes. Since the early 1990's, the manufacturers used engine control software that caused engines to switch to a more fuel efficient—but higher NO_x—driving mode during steady highway cruising. The EPA considered this engine control strategy an illegal “emission defeat device”. The provisions of the consent decrees included:

- Civil penalties for engine manufacturers and requirements to allocate funds for pollution research
- Upgrading existing engines to lower NO_x emissions
- Steady-state SET test with a limit equal to the FTP standard and NTE limits of 1.25 × FTP (with the exception of Navistar)
- Meeting the 2004 emission standards from October 2002

Model Year 2007 and Later

On December 21, 2000 the US EPA signed emission standards for model year 2007 and later heavy-duty highway engines [1044]. The California ARB adopted virtually identical 2007 heavy-duty engine standards in October 2001. The rule included two components: (1) emission standards, and (2) diesel fuel regulations.

The emission standards included new, very stringent limits for PM (0.01 g/bhp-hr) and NO_x (0.20 g/bhp-hr). The PM emission standard took full effect in 2007. The NO_x standard was phased-in for diesel engines between 2007 and 2010. The phase-in was defined on a percent-of-sales basis: 50% from 2007 to 2009 and 100% in 2010 (gasoline engines are subject to these standards based on a phase-in requiring 50% compliance in 2008 and 100% compliance in 2009). In practice, very few engines meeting the 0.20 g/bhp-hr NO_x limit actually appeared before 2010. In the 2007-2009 period, most manufacturers opted to meet a NO_x family emission limit (FEL) of around 1.2 g/bhp-hr for most of their engines.

 Because of this compliance path during the NO_x limit phase-in period, engines produced during 2007-2009 were technologically very different from those required to comply in 2010 and later when all engines needed to comply with the 0.2 g/bhp-hr NO_x limit. While it is common to refer to “2010 standards” in a way that implies they are different from “2007 standards”, legally, there was not a standard for 2010 that differed from 2007.

Starting in 2007, manufacturers could choose to chassis certify complete heavy-duty diesel vehicles (HDV) with GVWR of 14,000 lb or less as an option to engine certification. The emission limits applicable to Otto cycle heavy-duty vehicles with the same GVWR applied. Diesel engines optionally certified as complete vehicles were not allowed to be included in any averaging, banking, or trading program for criteria emissions. However, they were included in the phase-in calculations that required 50% of engines to comply with the final 2010 NO_x limit. Diesel engines thus certified were considered to be legally equivalent to a 0.20 g/bhp-hr NO_x engine provided they met the 2008 Otto-cycle HDV limits (0.2

g/mile NO_x and 0.02 g/mile PM for 8500 lb < GVWR ≤ 10000 lb and 0.4 g/mile NO_x and 0.02 g/mile PM for 10000 lb < GVWR ≤ 14000 lb). After 2011, all manufacturers of complete HDVs with GVWR ≤ 14000 lb (primarily heavy pick-ups and utility vans) adopted this optional chassis certification approach because of the heavy-duty vehicle GHG regulations coming into effect for MY 2014.

In addition to the FTP testing, emission certification requirements include:

- SET test, with limits equal to the FTP standards, and
- NTE limits of 1.5 × FTP standards (or 1.25 × FTP for engines with NO_x FEL > 1.5 g/bhp·hr).

* The diesel fuel regulation limited the sulfur content in on-highway diesel fuel to 15 ppm (wt.), down from the previous 500 ppm. Refiners were required to start producing the 15 ppm S *ultra low sulfur diesel* (ULSD) fuel beginning from June 2006. The ULSD fuel has been introduced as a "technology enabler" to pave the way for sulfur-intolerant exhaust emission control technologies, such as catalytic diesel particulate filters and NO_x catalysts that have been widely introduced to meet the 2007/2010 emission requirements.

Other Provisions. The 2007 emission standards and later amendments introduced a number of additional provisions:

- *Crankcase Ventilation*—Effective from 2007, the regulation maintains the earlier crankcase emission control exception for turbocharged heavy-duty diesel fueled engines but requires that if the emissions are discharged into the atmosphere, they be added to the exhaust emissions during all testing. In this case, the deterioration of crankcase emissions must also be accounted for in exhaust deterioration factors..
- *DEF Refill Interval*—For SCR-equipped heavy-duty diesel engines, a minimum DEF (urea solution) refill interval is defined as at least as far (in miles or hours) as the vehicle's fuel capacity [3408].
- * *Emergency Vehicles*—Heavy-duty engines in fire trucks, ambulances and other types of emergency vehicles can be equipped with an AEC to override performance inducements related to the emission control system—for example, to allow engine operation without urea in the SCR system [3408].

California Optional Low NO_x Standards. On October 21, 2014, California ARB adopted *Optional Low NO_x Standards* for heavy-duty engines [3130]. Under the program, manufacturers may choose to certify their engines to three optional NO_x emission standards: 0.10, 0.05 or 0.02 g/bhp·hr. Other pollutants must meet the conventional emission standards (Table 1).

Engine families certified to the optional NO_x standards cannot be included in the ABT program for NO_x. Instead, credits may be generated by an alternative mechanism proposed by the engine manufacturer and approved by the ARB.



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30 CFR 77.403-1 - Mobile equipment; rollover protective structures (ROPS).

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§ 77.403-1 Mobile equipment; rollover protective structures (ROPS).

(a) All rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without attachments, that are used in surface coal mines or the surface work areas (/definitions/index.php?width=840&height=800&iframe=true&def_id=75131f7b99483aa3b72600afef91878a&term_occur=1&term_src=Title:30:Chapter:I:Subchapter:O:Part:77:Subpart:E:77.403-1) of underground coal mines shall be provided with rollover protective structures (hereinafter referred to as ROPS) in accordance with the requirements of paragraphs (b) through (f) of this section, as applicable.

(b)*Mobile equipment manufactured on and after September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured on and after September 1, 1974 shall be equipped with ROPS meeting the requirements of the Department of Labor specified in §§ 1926.1001 and 1926.1002 of Part 1926, Title 29, Code of Federal Regulations - Safety and Health Regulations for Construction.

(c)*Mobile equipment manufactured prior to September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured prior to September 1, 1974 shall be equipped with ROPS meeting the requirements of paragraphs (d) through (f) of this section, as appropriate, no later than the dates specified in paragraphs (1), (2), and (3) of this paragraph (c), unless an earlier date is required by an authorized representative of the Secretary (/definitions/index.php?width=840&height=800&iframe=true&def_id=628e78e3eb5c4119e094fca96156ae54&term_occur=1&

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under paragraph (c)(4) of this section:

(1) Mobile equipment manufactured between July 1, 1971, and September 1, 1974, shall be equipped with ROPS no later than March 1, 1975.

(2) Mobile equipment manufactured between July 1, 1970, and June 30, 1971, shall be equipped with ROPS no later than July 1, 1975.

(3) Mobile equipment manufactured between July 1, 1969, and June 30, 1970, shall be equipped with ROPS no later than January 1, 1976.

(4) Irrespective of the time periods specified in paragraph (c) (1) through (3) of this section an authorized representative of the Secretary (/definitions/index.php?width=840&height=800&iframe=true&def_id=628e78e3eb5c4119e094fca96156ae54&term_occur=2&term_src=Title:30:Chapter:I:Subchapter:O:Part:77:Subpart:E:77.403-1) may require such mobile equipment to be equipped with ROPS at an earlier date when necessary to protect the operator of the equipment under the conditions in which the mobile equipment is, or will be operated. The authorized representative of the Secretary (/definitions/index.php?width=840&height=800&iframe=true&def_id=628e78e3eb5c4119e094fca96156ae54&term_occur=3&term_src=Title:30:Chapter:I:Subchapter:O:Part:77:Subpart:E:77.403-1) shall in writing advise the operator that the equipment shall be equipped with a ROPS and shall fix a time within which the operator shall provide and install the ROPS. If such ROPS is not provided and installed within the time fixed a notice shall be issued to the operator pursuant to section 104 of the Act.

(5) Nothing in this § 77.403-1 (<https://www.law.cornell.edu/cfr/text/30/77.403-1>) shall preclude the issuance of a withdrawal order because of imminent danger.

(d) Except as provided in paragraph (e) of this section, mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974, shall be deemed in compliance with this section if the ROPS is installed in accordance with the recommendations of the ROPS manufacturer or designer. The coal mine operator shall exhibit certification from the ROPS manufacturer or designer in the form of a label attached to the equipment, indicating the manufacturer's or fabricator's name and address, the ROPS model number, if any, the machine make, model or series number that the structure is designed to fit, and compliance with the applicable specification listed in paragraph (c)(1) or (2) of this section, or he shall, upon request of the authorized representative of the Secretary (/definitions/index.php?width=840&height=800&iframe=true&def_id=628e78e3eb5c4119e094fca96156ae54&term_occur=4&term_src=Title:30:Chapter:I:Subchapter:O:Part:77:Subpart:E:77.403-1), furnish certification from a registered professional engineer that:

(1) The ROPS complies with the Society of Automotive Engineers

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(SAE) Standard J 397, "Critical Zone - Characteristics and Dimensions for Operators of Construction and Industrial Machinery" or SAE J 397a, "Deflection Limiting Volume for Laboratory Evaluation of Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles" and the following applicable SAE Standards:

(i) J 320a, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Self-Propelled Scrapers" or J 320b, "Minimum Performance Criteria for Rollover Protective Structures for Prime Movers"; or

(ii) J 394, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Front-End Loaders and Rubber-Tired Dozers" or J 394a, "Minimum Performance Criteria for Rollover Protective Structures for Wheeled Front-End Loaders and Wheeled Dozers"; or

(iii) J 395, "Minimum Performance Criteria for Rollover Protective Structure for Crawler Tractors and Crawler-Type Loaders" or J 395a, "Minimum Performance Criteria for Rollover Protective Structures for Track-Type Tractors and Track-Type Front-End Loaders"; or

(iv) J 396 or J 396a, "Minimum Performance Criteria for Rollover Protective Structures for Motor Graders"; or

(v) J 167, "Protective Frame with Overhead Protection - Test Procedures and Performance Requirements"; or

(vi) J 334a, "Protective Frame Test Procedures and Performance Requirements"; or

(2) The ROPS and supporting attachments will:

(i) Show satisfactory performance by actual test of a prototype involving a roll of 720° or more; or

(ii) Support not less than the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the structure and perpendicular to a vertical plane through the longitudinal axis of the prime mover, and support two times the weight of the vehicle applied as a uniformly distributed vertical load to the top of the structure;¹ or

¹ Paragraph (d) of § 77.403-1 (<https://www.law.cornell.edu/cfr/text/30/77.403-1>) is based on the ROPS criteria of the U.S. Army Corps of Engineers, Safety - General Safety Requirements EM 385-1-1, Change 1, No. 21, Para. 18.A.20 (March 27, 1972), except that subparagraph (2)(ii) of this paragraph (d) is substituted for Para. 18.A.20e(2) of the Corps requirements.

(iii) Support the following separately applied minimum loads:

(A) 125 percent of the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the ROPS and

perpendicular to a critical plane through the longitudinal axis of the prime mover; and

(B) A load of twice the weight of the vehicle applied as a uniformly distributed vertical load to the top of the ROPS after complying with paragraph (d) (1) (iii) (A) of this section. Stresses shall not exceed the ultimate strength. Steel used in the ROPS must have capability to perform at 0 °F., or exhibit Charpy V-notch impact strength at 8 ft.-lb. at -20 °F. with a standard Charpy V-notch Type A specimen and provide 20 percent elongation over two inches in a standard two inch gauge length on a 0.505 inch diameter tensile specimen. Bolts and nuts shall be SAE grade 8 (reference SAE J 429d, J 429e, J 429f or J 429g and J 995, J 995a or J 995b).

(e) Mobile equipment manufactured prior to September 1, 1974 meeting certain existing governmental requirements for ROPS.

Mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974 and already equipped with ROPS, shall be deemed in compliance with this section if it meets the ROPS requirements of the State of California, the U.S. Army Corps of Engineers, the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972, or the Occupational Safety and Health Administration, U.S. Department of Labor. The requirements in effect are:

(1) State of California: Construction Safety Orders 1591(i), 1596, and Logging and Sawmill Safety Order 5243, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code § 6312, State of California;

(2) U.S. Army Corps of Engineers: Safety - General Safety Requirements, EM-385-1-1 (March 1967);

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971); and

(4) Occupational Safety and Health Administration, U.S. Department of Labor: Safety and Health Regulations for Construction, 29 (<https://www.law.cornell.edu/cfr/text/29>) CFR 1926.1001 (<https://www.law.cornell.edu/cfr/text/29/1926.1001>) and 1926.1002 (<https://www.law.cornell.edu/cfr/text/29/1926.1002>).

(f) [Field \(/definitions/index.php?width=840&height=800&iframe=true&def_id=9fed1589a573b29e275c115a18b683a0&term_occur=1&term_src=Title:30:Chapter:I:Subchapter:O:Part:77:Subpart:E:77.403-1\)](#) welding on ROPS shall be performed by welders who are certified by the coal mine operator or equipment distributor as being qualified in accordance with the American Welding Society Structural Welding Code AWS D1.1-73, or Military Standard MIL-STD 248, or the equivalent thereof.

(g) Seat belts required by § 77.1710(i) (<https://www.law.cornell.edu/cfr/text/30/77.1710#i>) shall be worn by the operator of mobile

equipment required to be equipped with ROPS by § 77.403-1
(<https://www.law.cornell.edu/cfr/text/30/77.403-1>).

(Sec. 101(a), Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a) (<https://www.law.cornell.edu/uscode/text/30/811#a>))

[39 FR 24007 (https://www.law.cornell.edu/rio/citation/39_FR_24007), June 28, 1974. Redesignated and amended at 71 FR 16669 (https://www.law.cornell.edu/rio/citation/71_FR_16669), Apr. 3, 2006]

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- **Part Number:** 1926
- **Part Title:** Safety and Health Regulations for Construction
- **Subpart:** W
- **Subpart Title:** Rollover Protective Structures; Overhead Protection
- **Standard Number:** 1926.1002
- **Title:** Protective frames (roll-over protective structures, known as ROPS) for wheel-type agricultural and industrial tractors used in construction.
- **GPO Source:** e-CFR

1926.1002(a)

General.

1926.1002(a)(1)

The purpose of this section is to set forth requirements for frames used to protect operators of wheel-type agricultural and industrial tractors that will minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of 29 CFR 1926.1001 and 1926.1003 for rubber-tired dozers and rubber-tired loaders may be used instead of the requirements of this section.

1926.1002(a)(2)

The protective frame that is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure W-14.

1926.1002(a)(3)

When an overhead weather shield is attached to the protective frame, it may be in place during testing, provided that it does not contribute to the strength of the protective frame. When such an overhead weather shield is attached, it must meet the requirements of paragraph (i) of this section.

1926.1002(a)(4)

For overhead protection requirements, see 29 CFR 1926.1003.

1926.1002(a)(5)

The following provisions address requirements for protective enclosures.

1926.1002(a)(5)(i)

When protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers ("SAE") standard J168-1970 ("Protective enclosures -- test procedures and performance requirements"), which is incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

1926.1002(a)(5)(ii)

SAE standard J168-1970 appears in the 1971 SAE Handbook, or it may be examined at: any OSHA Regional Office; the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210 (telephone: (202) 693-2350 (TTY number: (877) 889-5627)); or the National Archives and Records Administration ("NARA"). (For information on the availability of this material at NARA, telephone (202) 741-6030 or access the NARA Web site at http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.) Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096-0001.

1926.1002(b)

Applicability. The requirements of this section apply to wheel-type agricultural and industrial tractors used in construction work. See paragraph (j) of this section for definitions of agricultural tractors set forth in paragraph (i) of this section.

1926.1002(c)

Performance requirements.

1926.1002(c)(1)

Either a laboratory test or a field test is required to determine the performance requirements set forth in paragraph (i) of this section.

1926.1002(c)(2)

A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading to permit analysis of the protective frame.

1926.1002(c)(3)

A field-upset test, when used, shall be conducted under reasonably controlled conditions, both rearward and sideways to verify the effectiveness of the protective frame under actual dynamic conditions.

1926.1002(d)

Test procedures -- general.

1926.1002(d)(1)

The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

1926.1002(d)(2)

A new protective frame and mounting connections of the same design shall be used for each test procedure.

1926.1002(d)(3)

Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

1926.1002(d)(4)

Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

1926.1002(d)(5)

When the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

1926.1002(d)(6)

The low-temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications according to 29 CFR 1926.1001(f)(2)(iv).

1926.1002(e)

Test procedure for vehicle overturn.

1926.1002(e)(1)

Vehicle weight. The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added when necessary to achieve a minimum total weight of 130 lb (59 kg) per maximum power-takeoff horsepower at the rated engine speed. The weight of the front end must be at least 33 lb (15 kg) per maximum power-takeoff horsepower. In case power-takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

1926.1002(e)(2)

Agricultural tractors shall be tested at the weight set forth in paragraph (e)(1) of this section.

1926.1002(e)(3)

Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle when the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front-end weight as tested shall not be less than the weights established in paragraph (e)(1) of this section.

1926.1002(e)(4)

The following provisions address soil bank test conditions.

1926.1002(e)(4)(i)

The test shall be conducted on a dry, firm soil bank as illustrated in Figure W-15. The soil in the impact area shall have an average cone index in the 0-in. to 6-in. (0-mm to 153-mm) layer not less than 150 according to American Society of Agricultural Engineers ("ASAE") recommendation ASAE R313.1-1971 ("Soil cone penetrometer"), as reconfirmed in 1975, which is incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The path of vehicle travel shall be 12° to 2° to the top edge of the bank.

1926.1002(e)(4)(ii)

ASAE recommendation ASAE R313.1-1971, as reconfirmed in 1975, appears in the 1977 Agricultural Engineers Yearbook, or it may be examined at: any OSHA Regional Office; the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210 (telephone: (202) 693-2350 (TTY number: (877) 889-5627)); or the National Archives and Records Administration ("NARA"). (For information on the availability of this material at NARA, telephone (202) 741-6030 or access the NARA Web site at http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the American Society of Agricultural Engineers 2950 Niles Road, St. Joseph, MI 49085.

1926.1002(e)(5)

The upper edge of the bank shall be equipped with an 18-in. (457-mm) high ramp as described in Figure W-15 to assist in tipping the vehicle.

1926.1002(e)(6)

The front and rear wheel-tread settings, when adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. When only two settings are obtainable, the minimum setting shall be used.

1926.1002(e)(7)

Vehicle overturn test -- sideways and rearward.

1926.1002(e)(7)(i)

The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 mph (16 kph), or maximum vehicle speed when under 10 mph (16 kph), up the ramp as described in paragraph (d)(5) of this section to induce sideways overturn.

1926.1002(e)(7)(ii)

Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3 to 5 mph (4.8 to 8 kph) at maximum governed engine rpm, preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

1926.1002(f)

Other test procedures. When the field-upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in paragraph (g) or (h) of this section, shall be made.

1926.1002(g)

Static test.

1926.1002(g)(1)

Test conditions.

1926.1002(g)(1)(i)

The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached, including the mounting parts.

1926.1002(g)(1)(ii)

The protective frame shall be instrumented with the necessary equipment to obtain the required load-deflection data at the locations and directions specified in Figures W-16, W-17, and W-18.

1926.1002(g)(1)(iii)

The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see paragraph (j)(3) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

1926.1002(g)(2)

Test procedure.

1926.1002(g)(2)(i)

The side-load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load L shall be applied according to Figure W-16. L and D shall be recorded simultaneously. The test shall be stopped when:

1926.1002(g)(2)(i)(A)

The strain energy absorbed by the frame is equal to the required input energy (Eis);

1926.1002(g)(2)(i)(B)

Deflection of the frame exceeds the allowable deflection; or

1926.1002(g)(2)(i)(C)

The frame load limit occurs before the allowable deflection is reached in the side load.

1926.1002(g)(2)(ii)

The L-D diagram (see Figure W-19 for an example) shall be constructed using the data obtained according to paragraph (g)(2)(i) of this section.

1926.1002(g)(2)(iii)

The modified Lm-Dm diagram shall be constructed according to paragraph (g)(2)(ii) and Figure W-20 of this section. The strain energy absorbed by the frame (Eu) shall then be determined.

1926.1002(g)(2)(iv)

Eis, FER, and FSB shall be calculated.

1926.1002(g)(2)(v)

The test procedure shall be repeated on the same frame using L (rear input; see Figure W-18) and Eir. Rear-load application shall be distributed uniformly along a maximum projected dimension of 27 in. (686 mm) and a maximum area of 160 sq. in. (1,032 sq. cm) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point that is midway between the centerline of the seat and the inside of the frame upright.

1926.1002(h)

Dynamic test.

1926.1002(h)(1)

Test conditions.

1926.1002(h)(1)(i)

The protective frame and tractor shall meet the requirements of paragraphs (e)(2) or (3) of this section, as appropriate.

1926.1002(h)(1)(ii)

The dynamic loading shall be produced by using a 4,410-lb (2,000-kg) weight acting as a pendulum. The impact face of the weight shall be 27 1/2 in. by 27 1/2 in. (686 25 mm by 686 25 mm), and shall be constructed so that its center of gravity is within 1.0 in. (25.4 mm) of its geometric center. The weight shall be suspended from a pivot point 18 to 22 ft (5.5 to 6.7 m) above the point of impact on the frame, and shall be conveniently and safely adjustable for height (see Figure W-21).

1926.1002(h)(1)(iii)

For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be 0.50- to 0.63-in. (12.5- to 16.0-mm) steel cable, and points for attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15° to 30° angle between the restraining cable and the horizontal. The restraining cables shall either be in the plane in which the center of gravity of the pendulum will swing, or more than one restraining cable shall give a resultant force in this plane (see Figure W-22).

1926.1002(h)(1)(iv)

The wheel-tread setting shall comply with the requirements of paragraph (e)(6) of this section. The tires shall have no liquid ballast, and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With the specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6 to 8 percent of the nominal tire-section width. After the vehicle is restrained properly, a wooden beam that is 6-in. x 6-in. (150 mm x 150 mm) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest to the operator's station, and shall be secured to the floor so that when it is positioned against the wheel rim, it is at an angle of 25° to 40° to the horizontal. It shall have a length 20 to 25 times its depth, and a width two to three times its depth (see Figures W-22 and W-23).

1926.1002(h)(1)(v)

Means shall be provided for indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure W-18.

1926.1002(h)(1)(vi)

No repair or adjustments may be carried out during the test.

1926.1002(h)(1)(vii)

When any cables, props, or blocking shift or break during the test, the test shall be repeated.

1926.1002(h)(2)

Test procedure.

1926.1002(h)(2)(i)

General. The frame shall be evaluated by imposing dynamic loading to the rear, followed by a load to the side on the same frame. The pendulum dropped from the height (see the definition of "H" in paragraph (j)(3) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick-release mechanism should be used but, when used, it shall not influence the attitude of the block.

1926.1002(h)(2)(ii)

Impact at rear. The tractor shall be restrained properly according to paragraphs (h)(1)(iii) and (h)(1)(iv) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum so that the pendulum is 20° from the vertical prior to impact as shown in Figure W-22. The impact shall be applied to the upper extremity of the frame at the point that is midway between the centerline of the frame and the inside of the frame upright of a new frame.

1926.1002(h)(2)(iii)

Impact at side. The blocking and restraining shall conform to paragraphs (h)(1)(iii) and (h)(1)(iv) of this section. The center point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

1926.1002(i)

Performance requirements.

1926.1002(i)(1)

General.

1926.1002(i)(1)(i)

The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed in these tests, but shall not shatter or leave sharp edges exposed to the operator, or violate the dimensions shown in Figures W-16 and W-17, and specified as follows:

D = 2 in. (51 mm) inside of the frame upright to the vertical centerline of the seat;

E = 30 in. (762 mm);

F = Not less than 0 in. (0 mm) and not more than 12 in. (305 mm), measured at the centerline of the seat backrest to the crossbar along the line of load application as shown in Figure W-17; and

G = 24 in. (610 mm).

1926.1002(i)(1)(ii)

The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at 0 °F (-18 °C) according to 29 CFR 1926.1001(f)(2)(iv).

1926.1002(i)(2)

Vehicle overturn performance requirements. The requirements of this paragraph (i) must be met in both side and rear overturns.

1926.1002(i)(3)

Static test performance requirements. Design factors shall be incorporated in each design to withstand an overturn test as specified by this paragraph (i). The structural requirements will be met generally when FER is greater than 1.0 and FSB is greater than K-1 in both side and rear loadings.

1926.1002(i)(4)

Dynamic test performance requirements. Design factors shall be incorporated in each design to withstand the overturn test specified by this paragraph (i). The structural requirements will be met generally when the dimensions in this paragraph (i) are used during both side and rear loads.

1926.1002(j)

Definitions applicable to this section.

1926.1002(j)(1)

"Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, used in construction work, that is designed to furnish the power to pull, propel, or drive implements. (SAE standard J333a-1970 ("Operator protection for wheel-type agricultural and industrial tractors") defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this part 1926 applies only to construction work, the SAE definition of "agricultural tractor" is adopted for purposes of this subpart.)

1926.1002(j)(2)

"Industrial tractor" means that class of wheel-type tractors of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in 29 CFR 1926.1001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

1926.1002(j)(3)

The following symbols, terms, and explanations apply to this section:

E is = Energy input to be absorbed during side loading in ft-lb (E' is in J [joules]);

$E is = 723 + 0.4 W$ ft-lb ($E' is = 100 + 0.12 W'$, J);

E ir = Energy input to be absorbed during rear loading in ft-lb (E' ir in J);

$E ir = 0.47 W$ ft-lb ($E' ir = 0.14 W'$, J);

W = Tractor weight as specified by 29 CFR 1926.1002(e)(1) and (e)(3), in lb (W' , kg);

L = Static load, lb (kg);

D = Deflection under L, in. (mm);

L-D = Static load-deflection diagram;

Lm-Dm = Modified static load-deflection diagram (Figure W-20). To account for an increase in strength due to an increase in strain rate, raise L in the plastic range $L \times K$;

K = Increase in yield strength induced by higher rate of loading (1.3 for hot, rolled, low-carbon steel 1010-1030). Low carbon is preferable; however, when higher carbon or other material is used, K must be determined in the laboratory. Refer to Norris, C.H., Hansen, R.J., Holley, M.J., Biggs, J.M., Namyet, S., and Minami, J.V., Structural Design for Dynamic Loads, McGraw-Hill, New York, 1959, p. 3;

Lmax = Maximum observed static load;

Load Limit = Point on a continuous L-D curve at which the observed static load is 0.8 Lmax (refer to Figure W-19);

Eu = Strain energy absorbed by the frame, ft-lb (J); area under the Lm-Dm curve;

FER = Factor of energy ratio, $FER = Eu/Eis$; also, $FER = Eu/Eir$; Pb = Maximum observed force in mounting connection under a static load, L, lb (kg);

Pu = Ultimate force capacity of mounting connection, lb (kg);

FSB = Design margin for a mounting connection $(Pu/Pb)-1$; and

H = Vertical height of lift of 4,410-lb (2,000-kg) weight, in. (H' , mm). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: $H = 4.92 + 0.00190 W$ ($H' = 125 + 0.107 W'$) (see Figure W-24).

1926.1002(k)

Source of standard. The standard in this section is derived from, and restates, in part, Society of Automotive Engineers ("SAE") standard J334a-1970 ("Protective frame test procedures and performance requirements"). The SAE standard appears in the 1971 SAE Handbook, which may be examined at any OSHA regional office.

[61 FR 9227, March 7, 1996; 70 FR 76985, Dec. 29, 2005; 71 FR 41129, July 20, 2006]

➤ [Next Standard \(1926.1003\)](#)

➤ [Regulations \(Standards - 29 CFR\) - Table of Contents](#)

UNITED STATES DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave., NW,
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

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RIVERSIDE WATER DISTRICT

French King Hwy, Gill

P O Box 369

Turners Falls, MA 01376

April 3, 2017

Board of Selectmen
325 Main Road
Gill, MA 01354

Dear Selectmen,

To compensate the Riverside Water District for any water use from our hydrants, we will be charging the Town of Gill a rate of \$40.00 per 1000 gallons. Please notify Jeff Suprenant (413-522-2385) the amount used as soon as possible. We require the DPW to contact Jeff before using the hydrants. If you have any questions call Jeff at the number above.

Sincerely,

 CHAIRMAN

Riverside Water District Commissioners

CC: Gill Fire Dept
Gill DPW

TOWN OF GILL

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



www.gillmass.org

April 18, 2017

Patrick Paul, District Highway Director
MassDOT
811 North King Street
Northampton, MA 01060

RE: Sidewalk Construction along Route 2 by Summit Distributing, LLC ("Gill Mobil")

Dear Director Paul:

With reference to the application to MassDOT by Summit Distributing, LLC to construct a sidewalk within the Route 2 right-of-way as part of their redevelopment and expansion of the "Gill Mobil" gas station, and by virtue of a Sidewalk Maintenance Agreement between Summit Distributing, LLC and the Town of Gill filed at the Franklin County Registry of Deeds on March 29, 2017, the Town hereby affirms to MassDOT that the Town will assume the responsibility of snow removal from and maintenance of the to-be-constructed sidewalk that is part of the redevelopment project.

Sincerely,

John R. Ward, Chair
Gill Selectboard

Cc: Tom Frawley, Summit Distributing, LLC
Mitchell LaClaire, Sr., Highway Superintendent

CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY
MARCH 2017

**GROUND RULES FOR SETTLEMENT NEGOTIATIONS: NORTHFIELD
MOUNTAIN PUMPED STORAGE AND TURNERS FALLS HYDROELECTRIC
PROJECT RELICENSING**

1. **Good Faith-** Each settlement participant will operate with courtesy, respect, and in good faith throughout the negotiation process. Settlement participants agree that productive discussions can only happen in an atmosphere of trust.
2. **Confidentiality-**

Non-government Participants- Settlement communications, including both verbal and written communication, will be treated as confidential by all participants to the maximum extent provided by applicable law.

Government Agencies- With respect to government agencies, written settlement communications shall be treated as confidential to the extent that doing so is consistent with state and federal public records laws, public information/freedom of information acts and other applicable laws, regulations, policies, court or administrative agency orders and evidentiary or discovery procedures.

All Participants- Settlement participants agree to maintain confidentiality of the settlement communications consistent with this Paragraph 2 even after the settlement discussions have ended or a party has withdrawn. Settlement communications, including proposals and positions taken in settlement negotiations, as well as information generated for the purpose of furthering settlement negotiations that would not otherwise be publicly available, will not be used or shared outside of settlement negotiations, including with the press and individuals and organizations who are not settlement participants, without the consent of the other settling parties, consistent with this Paragraph 2. No audio or video recording will be allowed of the settlement negotiations. Each settlement participant shall make best efforts to label its written communications that it wishes to remain confidential as follows: “Confidential—For Settlement Purposes Only.” However, failure to do so will not affect the confidentiality of such communication under these ground rules. Likewise, each settlement participant should label all documents they regard as containing confidential business information as such, though failure to do so will not alter the confidential nature of the document in question. Notwithstanding the foregoing, in order for documents to be treated as confidential business information by a government agency, such documents must be submitted to the government agency in accordance with applicable laws and regulations and be approved as such by final agency action of the respective agency and the court (if

applicable). The confidentiality provisions set forth herein shall not apply to or restrict the use of information or documents which now or hereafter become public knowledge without violation of the terms of these ground rules. Nothing herein shall be construed or operate as prohibiting settlement participants from communicating information or sharing documents with others within their respective agencies, governments, or organizations in the usual course of business, subject to these ground rules.

3. **Comprehensive Settlement/Permitting Procedures-** The ultimate goal is to reach as comprehensive of a settlement as is possible, and to this end, agreement on any one issue or set of issues may be provisional on agreement on a broader range of issues. Government agencies may be required to issue permits or participate in the issuance of permits associated with the relicensing activities that are the subject of, or related to, these settlement negotiations. Certain permits provide for a public process component, in addition to appeal rights. Notwithstanding any provision herein to the contrary, the positions of government agencies in these settlement negotiations shall not be binding upon such agencies' final decisions in the permitting process.
4. **Authority-** Settlement participants shall have the authority to represent their respective agencies/organizations during the settlement meetings, but may not necessarily have the authority to make binding commitments at the time of the meeting. Representatives will make best efforts to discuss settlement options with their respective agencies/organizations and obtain final decisions within a reasonable timeframe. However, no party shall be bound until a final agreement is signed by persons having legal authority to so bind it.
5. **Dates-** Settlement participants agree to reserve certain dates for the purpose of meeting to engage in good faith discussions on issues. Topics to be discussed on a date(s) shall be agreed upon in advance of the date. While all participants on a given topic shall operate in good faith to attend all reserved dates on that topic, no party is required to attend any date. All settlement participants shall make reasonable efforts to maintain the agreed upon set of reserved dates. If a party needs to alter a date, that party shall so state to the group as soon as reasonably possible, with the understanding that it may not be possible to accommodate changes in the schedule.
6. **FOIA-** Settlement participants agree not to file or encourage non-participants to file Freedom of Information Act requests, or state freedom of information/public information act equivalent requests, of the agency settlement participants during negotiations. Each agency participant agrees to notify the other settlement participants if it receives any Freedom of Information Act or state freedom of information/public information act requests for settlement information obtained or exchanged during negotiations.
7. **Agendas-** Agendas for each settlement session will be published a minimum of one week in advance of the relevant settlement session. Timelines will be estimated for each discussion topic to keep the meetings productive and moving. However, for the convenience of those involved in all aspects of a given agenda, the agenda timeline will be continuous (e.g. if a topic is finished earlier than its estimated timeline the agenda will continue to the next topic). The last part of each meeting will be dedicated to discussing the agenda for the next

negotiation session and for establishing any action items to be completed prior to the next scheduled meeting.

8. **Meeting Synopses-** FirstLight or its representative will make available a brief synopsis of each meeting to all settlement participants, generally within one week of the meeting. Each meeting will include an opportunity to discuss the meeting synopsis from the previous meeting. The synopses will be limited to agreements reached and action items for the next meeting. Meeting minutes will not be provided.

**GROUND RULES FOR SETTLEMENT NEGOTIATIONS: NORTHFIELD
MOUNTAIN PUMPED STORAGE AND TURNERS FALLS HYDROELECTRIC
PROJECT RELICENSING**

Acknowledged on behalf of _____:
Organization

Signature

Lead Negotiator for _____
Organization

Printed Name

Title

Date

TOWN OF GILL
M A S S A C H U S E T T S



www.gillmass.org

OFFICE OF THE BOARD OF SEWER COMMISSIONERS
Sewer Use Charges and Inspection Fees

To: Town Accountant

You are hereby notified that COMMITMENT(S) as shown below has (have) this day been made by the Board of Sewer Commissioners to Veronica LaChance, Tax Collector (Town Collector) and Collector of Sewer Charges. Bill date is April 25, 2017.

To: Veronica LaChance, Tax Collector (Town Collector) and Collector of Sewer Charges for the Town of Gill in the County of Franklin:

You are hereby required to collect from the several persons named in the list dated March 31, 2017, herewith committed to you the amount of the sewer usage charges assessed therein to each such person, with penalties, the sum total of such list being Twenty Four Thousand Three Hundred Sixty One and 35/100 Dollars (\$24,361.35).

Given under our hands the 18th day of April, 2017.

John R. Ward

Randy P. Crochier

Gregory M. Snedeker

Board of Sewer Commissioners of the Town of Gill

03/31/2017

TOWN OF GILL

Sewer Consumption Report

Bill date: 04/25/2017

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wtbcons

Bk Acct#	Owner Name	Property address	MSB	Prev Date	Prev Rdg	Rdg date	Curr Rdg	Usage	Sewer Chg	Discount	Total Amt	Rate
01 100	SICARD, PAUL E	20 MAIN ROAD	S	12/26/2016	27695	03/29/2017	28130	435	83.96	-8.40	75.56	1
01 113	HUBERT, SHAWN	22 WALNUT STREET	B	12/26/2016	6970	03/29/2017	7230	260	50.18	-5.02	45.16	1
01 200	GREENE, RICHARD	19 MAIN ROAD	S	12/26/2016	14675	03/29/2017	16745	2070	399.51	-39.95	359.56	1
01 300	KELLY, KAREN	16 MAIN ROAD	S	12/26/2016	13970	03/29/2017	14770	800	154.40	-15.44	138.96	1
01 400	LUZI, STEVEN B	1 MAIN ROAD	B	12/26/2016	14225	03/29/2017	14960	735	141.86	-14.19	127.67	1
01 500	SCHECHESTERLE PROPERTIES LLC	4 MAIN ROAD	B	12/26/2016	35955	03/29/2017	37815	1860	358.98	-35.90	323.08	1
01 600	KRUZLIC, KEVIN A & MARY JO ANN	13 MAIN ROAD	B	12/26/2016	109129	03/29/2017	110787	1658	319.99	-32.00	287.99	1
01 700	SHAW, JONATHAN R	8 MAIN ROAD	B	12/26/2016	80099	03/29/2017	81459	1360	262.48	-26.25	236.23	1
01 800	PLAUSKY, THOMAS E	10 MAIN ROAD	B	12/26/2016	2160	03/29/2017	2160		4.44	-0.44	4.00	1
01 1000	SPAULDING, GERRY B	19 FRENCH KING HWY	B	12/26/2016	117925	03/29/2017	121705	3780	729.54	-72.95	656.59	1
01 1100	SUMMIT DISTRIBUTING LLC	27 FRENCH KING HWY	B	12/26/2016	11145	03/29/2017	11145		4.44	-0.44	4.00	1
01 1200	MARONI, MARK & DEBORAH	4 GAIDA DRIVE	B	12/26/2016	22075	03/29/2017	23140	1065	205.55	-20.55	185.00	1
01 1300	YUKL, JOSEPH C	33 FRENCH KING HWY	B	12/26/2016	34368	03/29/2017	35835	1467	283.13	-28.31	254.82	1
01 1400	TIMBERLAKE, MARK A.	28 FRENCH KING HWY	B	12/26/2016	94042	03/29/2017	95962	1920	370.56	-37.06	333.50	1
01 1500	WALDRON, PAUL & JACQUELINE M.	26 FRENCH KING HWY	B	12/26/2016	64940	03/29/2017	67250	2310	445.83	-44.58	401.25	1
01 1600	RAYMOND, JASON	32 FRENCH KING HWY	B	12/26/2016	31620	03/29/2017	33195	1575	303.98	-30.40	273.58	1
01 1700	PHANEUF, VERONICA	34 FRENCH KING HWY	B	12/26/2016	33300	03/29/2017	33300		4.44	-0.44	4.00	1
01 1800	FOWLER, PRISCILLA	38 FRENCH KING HWY	B	12/26/2016	14315	03/29/2017	14715	400	77.20	-7.72	69.48	1
01 1900	YUKL, BRUCE	49 FRENCH KING HWY	B	12/26/2016	39065	03/29/2017	40080	1015	195.90	-19.59	176.31	1
01 2000	CONWAY, PETER W.	47 RIVERVIEW DRIVE	B	12/26/2016	30296	03/29/2017	30303	7	4.44	-0.44	4.00	1
01 2200	HPD TRUST	44 FRENCH KING HWY	B	12/26/2016	43195	03/29/2017	45990	2795	539.44	-53.94	485.50	1
01 2300	SHAW, KRISTIN	46 FRENCH KING HWY	B	12/26/2016	48944	03/29/2017	50115	1171	226.00	-22.60	203.40	1
01 2400	SCOTT, ROZZLYNN	55 FRENCH KING HWY	B	12/26/2016	15940	03/29/2017	17415	1475	284.68	-28.47	256.21	1
01 2600	MASUCCI, JANET	64 FRENCH KING HWY	B	12/26/2016	9930	03/29/2017	10280	350	67.55	-6.75	60.80	1
01 2700	JOHNSON, STANLEY	66 FRENCH KING HWY	B	12/26/2016	42418	03/29/2017	42781	363	70.06	-7.01	63.05	1
01 2800	AHEARN, FRANCIS C	57 FRENCH KING HWY	B	12/26/2016	30660	03/29/2017	31560	900	173.70	-17.37	156.33	1
01 2900	PETERMAN, SPENCER	61 FRENCH KING HWY	B	12/26/2016	41895	03/29/2017	43090	1195	230.64	-23.06	207.58	1
01 3000	CROSS, GAIL E	63 FRENCH KING HWY	B	12/26/2016	13905	03/29/2017	14735	830	160.19	-16.02	144.17	1
01 3100	STONE, JEFFREY	65 FRENCH KING HWY	B	12/26/2016	49665	03/29/2017	51510	1845	356.09	-35.61	320.48	1
01 3200	WOODS, CHARLENE M.	3 WALNUT STREET	B	12/26/2016	61955	03/29/2017	63540	1585	305.91	-30.59	275.32	1
01 3300	MW & MW REALTY LLC	6 WALNUT STREET	B	12/26/2016	186277	03/29/2017	188546	2269	437.92	-43.79	394.13	1
01 3400	GODZINSKI, DONALD C SR	5 WALNUT STREET	B	12/26/2016	20690	03/29/2017	21840	1150	221.95	-22.19	199.76	1
01 3500	LAWTON, HEATHER	5A MYRTLE STREET	B	12/26/2016	32530	03/29/2017	33985	1455	280.82	-28.08	252.74	1
01 3600	ADIE, ANGELINA	9 WALNUT STREET	B	12/26/2016	11965	03/29/2017	12160	195	37.64	-3.76	33.88	1
01 3700	ADIE, ANGELINA	11 WALNUT STREET	B	12/26/2016	22195	03/29/2017	23190	995	192.04	-19.20	172.84	1
01 3800	AMBO, CATHLEEN	10 WALNUT STREET	B	12/26/2016	35800	03/29/2017	37315	1515	292.40	-29.24	263.16	1
01 3900	LEVIN, STEVEN & WENDY	13 WALNUT STREET	B	12/26/2016	18675	03/29/2017	19675	1000	193.00	-19.30	173.70	1
01 4000	ABBEY, JOHN	12 WALNUT STREET	B	12/26/2016	19935	03/29/2017	20865	930	179.49	-17.95	161.54	1

03/31/2017

TOWN OF GILL

Sewer Consumption Report

Bill date: 04/25/2017

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Bk Acct#	Owner Name	Property address	USB	Prev Date	Prev Rdg	Rdg date	Curr Rdg	Usage	Sewer Chg	Discount	Total Amt	Rate
01 4100	GRISNOLD, MICHAEL J	17 WALNUT STREET	B	12/26/2016	24565	03/29/2017	25515	950	183.35	-18.33	165.02	1
01 4200	LEMAY, CAROL	19 WALNUT STREET	B	12/26/2016	8515	03/29/2017	9070	555	107.12	-10.71	96.41	1
01 4300	NADEAU, JANET	21 WALNUT STREET	B	12/26/2016	21250	03/29/2017	21730	480	92.64	-9.26	83.38	1
01 4400	BIGELOW, DONALD	16 WALNUT STREET	B	12/26/2016	14030	03/29/2017	15350	1320	254.76	-25.48	229.28	1
01 4500	TROMBLEY, MARILYN A.	18 WALNUT STREET	B	12/26/2016	20690	03/29/2017	21625	935	180.46	-18.05	162.41	1
01 4600	HARRIS IRREVOCABLE R/E TRUST	20 WALNUT STREET	B	12/26/2016	16660	03/29/2017	17220	560	108.08	-10.81	97.27	1
01 4700	HAYWARD, ROBERT	23 WALNUT STREET	B	12/26/2016	20695	03/29/2017	21600	905	174.67	-17.47	157.20	1
01 4800	BAKER, DONALD E	24 WALNUT STREET	B	12/26/2016	19740	03/29/2017	20500	760	146.68	-14.67	132.01	1
01 4900	MATTHEWS SR, THOMAS	26 WALNUT STREET	B	12/26/2016	9860	03/29/2017	10185	325	62.73	-6.27	56.46	1
01 5000	LUIPPOLD, KENNETH R.	27 WALNUT STREET	B	12/26/2016	6590	03/29/2017	6775	185	35.71	-3.57	32.14	1
01 5100	PELLETIER, CHRISTOPHER	28 WALNUT STREET	B	12/26/2016	47120	03/29/2017	48940	1820	351.26	-35.13	316.13	1
01 5300	CHUDZIK, MICHAEL R	32 WALNUT STREET	B	12/26/2016	59170	03/29/2017	60865	1695	327.14	-32.71	294.43	1
01 5400	DEMARS, EMIL J	34 WALNUT STREET	B	12/26/2016	20535	03/29/2017	21425	890	171.77	-17.18	154.59	1
01 5500	MESSER, DONALD R	35 WALNUT STREET	B	12/26/2016	13995	03/29/2017	14470	475	91.68	-9.17	82.51	1
01 5600	CALLERY, ROBERT	2 OAK STREET	B	12/26/2016	10340	03/29/2017	10610	270	52.11	-5.21	46.90	1
01 5700	SEARS, KENNETH P	4 OAK STREET	B	12/26/2016	42240	03/29/2017	43820	1580	304.94	-30.49	274.45	1
01 5800	HMU, SHEUE YING	7 OAK STREET	B	12/26/2016	34135	03/29/2017	34710	575	110.98	-11.10	99.88	1
01 5900	HMU, SHEUE YING	9 OAK STREET	B	12/26/2016	9590	03/29/2017	10175	585	112.91	-11.29	101.62	1
01 6000	HESCOCK, DANNY L	11 OAK STREET	B	12/26/2016	14040	03/29/2017	14705	665	128.35	-12.83	115.52	1
01 6100	WALDRON, SCOTT A	15 OAK STREET	B	12/26/2016	30450	03/29/2017	32085	1635	315.56	-31.56	284.00	1
01 6200	LITTLE, TIMOTHY	17 OAK STREET	B	12/26/2016	25325	03/29/2017	26260	935	180.46	-18.05	162.41	1
01 6300	WOLFRAM, MELISSA	23 OAK STREET	B	12/26/2016	49040	03/29/2017	51435	2395	462.24	-46.22	416.02	1
01 6400	PEFFER, JOHN W	20 OAK STREET	B	12/26/2016	39125	03/29/2017	40900	1775	342.58	-34.26	308.32	1
6450	SUPERNANT, JEFFREY & MARIE	25 OAK STREET	B	12/26/2016	5448	03/29/2017	6203	755	145.72	-14.57	131.15	1
01 6500	DUMAS, MAURICE P.	27 OAK STREET	B	12/26/2016	94691	03/29/2017	95715	1024	197.63	-19.76	177.87	1
01 6600	POTOSEK, KATHY	26 OAK STREET	B	12/26/2016	14995	03/29/2017	15020	25	4.83	-0.48	4.35	1
01 6700	JOHNSON, STANLEY	28 OAK STREET	B	12/26/2016	25565	03/29/2017	26640	1075	207.48	-20.75	186.73	1
01 6800	BOUTIN, ELLERY E	32 OAK STREET	B	12/26/2016	36013	03/29/2017	36679	666	128.54	-12.85	115.69	1
01 6900	BROWN, BRYNT	33 OAK STREET	B	12/26/2016	19695	03/29/2017	20330	635	122.56	-12.26	110.30	1
01 7000	FRANKLIN COUNTY BOAT CLUB	39 OAK STREET	B	12/26/2016	70907	03/29/2017	71098	191	36.86	-3.69	33.17	1
01 7100	WELCOME, LINDA	2 GROVE STREET	B	12/26/2016	11440	03/29/2017	11755	315	60.80	-6.08	54.72	1
01 7200	HOLMES, ALLEN	3 GROVE STREET	B	12/26/2016	31385	03/29/2017	32325	940	181.42	-18.14	163.28	1
01 7300	WARD, JOHN R	4 GROVE STREET	B	12/26/2016	17986	03/29/2017	18255	269	51.92	-5.19	46.73	1
01 7400	GRIFFIN, PETER J	9 GROVE STREET	B	12/26/2016	57943	03/29/2017	59179	1236	238.55	-23.85	214.70	1
01 7500	BARTOS, CHRISTI L.	8 GROVE STREET	B	12/26/2016	78457	03/29/2017	80060	1603	309.38	-30.94	278.44	1
01 7600	BEZIO, MELISSA M	4 PINE STREET	B	12/26/2016	52601	03/29/2017	54032	1431	276.18	-27.62	248.56	1
01 7700	GRYBKO, MARK	2 PINE STREET	B	12/26/2016	32904	03/29/2017	32904		4.44	-0.44	4.00	1
01 7800	CROTEAU, BARBARA	1 PINE STREET	B	12/26/2016	12837	03/29/2017	12903	66	12.74	-1.27	11.47	1

03/31/2017

TOWN OF GILL

Sewer Consumption Report

Bill date: 04/25/2017

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wtbcons

Bk Acct#	Owner Name	Property address	WSB	Prev Date	Prev Rdg	Rdg date	Curr Rdg	Usage	Sewer Chg	Discount	Total Amt	Rate
01 7900	WILLIAMS, SARAH	5 RIVERVIEW DRIVE	B	12/26/2016	33700	03/29/2017	35700	2000	386.00	-38.60	347.40	1
01 8001	MW & MW REALTY LLC	7 RIVERVIEW DRIVE	B	12/26/2016	25875	03/29/2017	28655	2780	536.54	-53.65	482.89	1
01 8100	WIKLER, JENNA	17 RIVERVIEW DRIVE	B	12/26/2016	22540	03/29/2017	23460	920	177.56	-17.76	159.80	1
01 8200	CARME, JENNA	19 RIVERVIEW DRIVE	B	12/26/2016	56025	03/29/2017	58150	2125	410.13	-41.01	369.12	1
01 8300	LAVALLEY, PAUL R.	21 RIVERVIEW DRIVE	B	12/26/2016	54442	03/29/2017	55678	1236	238.55	-23.85	214.70	1
01 8500	DUPREY, CHRISTOPHER M	25 RIVERVIEW DRIVE	B	12/26/2016	5	03/29/2017	1325	1320	254.76	-25.48	229.28	1
01 8600	THOMPSON, PATRICIA	29 RIVERVIEW DRIVE	B	12/26/2016	65352	03/29/2017	66297	945	182.39	-18.24	164.15	1
01 8700	CARTER, RUSSELL E	31 RIVERVIEW DRIVE	B	12/26/2016	68005	03/29/2017	68443	438	84.53	-8.45	76.08	1
01 8800	NEWTON, E TAYLOR III	33 RIVERVIEW DRIVE	B	12/26/2016	39165	03/29/2017	39987	822	158.65	-15.86	142.79	1
01 8900	NEWTON, E TAYLOR III	35 RIVERVIEW DRIVE	B	12/26/2016	84171	03/29/2017	84171		4.44	-0.44	4.00	1
01 9000	RICE, THERESA A	37 RIVERVIEW DRIVE	B	12/26/2016	20850	03/29/2017	21144	294	56.74	-5.67	51.07	1
01 9100	KWADER, KURT	61 RIVERVIEW DRIVE	B	12/26/2016	49320	03/29/2017	49480	160	30.88	-3.09	27.79	1
01 9200	MURPHY, PETER J	52 RIVERVIEW DRIVE	B	12/26/2016	78639	03/29/2017	80040	1401	270.39	-27.04	243.35	1
01 9300	FRANSEEN, ELIZABETH	41 RIVERVIEW DRIVE	B	12/26/2016	25520	03/29/2017	29100	3580	690.94	-69.09	621.85	1
01 9400	WILDA, LESLIE	39 RIVERVIEW DRIVE	B	12/26/2016	11950	03/29/2017	13030	1080	208.44	-20.84	187.60	1
01 9500	DESREUISSEAU, MARK W	2 MYRTLE STREET	B	12/26/2016	5135	03/29/2017	5820	685	132.21	-13.22	118.99	1
01 9600	BOROSKI, KYLE	3 MYRTLE STREET	B	12/26/2016	16875	03/29/2017	17775	900	173.70	-17.37	156.33	1
01 9700	KUCENSKI, BRIAN J.	7 MYRTLE STREET	B	12/26/2016	31520	03/29/2017	33320	1800	347.40	-34.74	312.66	1
01 9800	DEERY, JAMES T.	8 MYRTLE STREET	B	12/26/2016	4030	03/29/2017	4820	790	152.47	-15.25	137.22	1
01 9900	GAINES, GARY	9 MYRTLE STREET	B	12/26/2016	24100	03/29/2017	26690	2590	499.87	-49.99	449.88	1
01 10000	SHEBELL IRREVOCABLE TRUST	7 MEADOW STREET	B	12/26/2016	27020	03/29/2017	27525	505	97.47	-9.75	87.72	1
01 10100	GILFEATHER-GIRTON, PHILIP	8 MEADOW STREET	B	12/26/2016	31315	03/29/2017	33480	2165	417.85	-41.78	376.07	1
01 10200	MCKENNA, MARK J	5 MEADOW STREET	B	12/26/2016	22085	03/29/2017	22670	585	112.91	-11.29	101.62	1
01 10300	BATES, JAMES	13 FRENCH KING HWY	S	12/26/2016	26290	03/29/2017	26625	335	64.66	-6.47	58.19	1
01 10400	BONNETTE, WILLIAM	43 RIVERVIEW DRIVE	B	12/26/2016	21943	03/29/2017	22480	537	103.64	-10.36	93.28	1
01 10500	RIVERSIDE RADIATOR	48 FRENCH KING HWY	B	12/26/2016	6130	03/29/2017	6430	300	57.90	-5.79	52.11	1
01 10600	SMITH, BARBARA A.	23 RIVERVIEW DRIVE	B	12/26/2016	13910	03/29/2017	14480	570	110.01	-11.00	99.01	1
01 10800	MARINI, RICHARD D.	19 OAK STREET	B	12/26/2016	33805	03/29/2017	35475	1670	322.31	-32.23	290.08	1
01 10900	INC, GGIC	23A FRENCH KING HWY	B	12/26/2016	59480	03/29/2017	63170	3690	712.17	-71.22	640.95	1
01 11000	HOULE, LAWRENCE JR	62C FRENCH KING HWY	B	12/26/2016	29725	03/29/2017	32460	2735	527.86	-52.79	475.07	1
01 11100	HOULE, LAWRENCE JR	62B FRENCH KING HWY	B	12/26/2016	17130	03/29/2017	18095	965	186.25	-18.62	167.63	1
01 11200	HOULE, LAWRENCE JR	62A FRENCH KING HWY	B	12/26/2016	57750	03/29/2017	59895	2145	413.99	-41.40	372.59	1
01 11300	GIBSON, KEVIN	7 GROVE STREET	B	12/26/2016	123996	03/29/2017	125040	1044	201.49	-20.15	181.34	1
01 11400	WAGON WHEEL DRIVE-IN LLC	39 FRENCH KING HIGHWAY	B	12/26/2016	124072	03/29/2017	130473	6401	1,235.39	-123.54	1,111.85	1
01 11900	TOWN LINE AUTO	35 FRENCH KING HWY	S	12/26/2016	16510	03/29/2017	16960	450	86.85	-8.68	78.17	1
01 11902	FC REGIONAL HOUSING & REDEVELOPME	12 MAIN ROAD	B	12/26/2016	752422	03/29/2017	763732	11310	2,182.83	-218.28	1,964.55	F
01 11903	KURTYKA, KENNETH JR	24 FRENCH KING HIGHWAY	B	12/26/2016	6620	03/29/2017	6620		4.44	-0.44	4.00	1
01 11904	CROTEAU, JAMES E. & LINDA	30 WALNUT STREET	B	12/26/2016	34550	03/29/2017	35755	1205	232.57	-23.26	209.31	1

03/31/2017

TOWN OF GILL

wtbcons

Sewer Consumption Report

Bill date: 04/25/2017

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Bk Acct#	Owner Name	Property address	WSB	Prev Date	Prev Rdg	Rdg date	Curr Rdg	Usage	Sewer Chg	Discount	Total Amt	Rate
11906	PALMERI, DENISE	1 GROVE STREET	B	12/26/2016	14490	03/29/2017	14870	380	73.34	-7.33	66.01	1
									140,094	27,068.08	-2,706.73	24,361.35

115 accounts printed



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

massDOT
Massachusetts Department of Transportation

March 31, 2017

Mr. John Ward
Board of Selectmen
Town of Gill
325 Main Road
Gill, MA 01354

FY 17	\$ 149,861
FY 16	\$ 150,995
FY 15	\$ 226,392
FY 14	\$ 151,817
FY 13	\$ 152,121
FY 12	\$ 152,763

Dear Mr. Ward,

We are pleased to inform you that Chapter 90 local transportation aid funding for Fiscal Year 2018 will total \$200 million statewide, pending final legislative approval.

This letter certifies that, pending final passage of the bond authorization, your community's Chapter 90 apportionment for Fiscal Year 2018 is \$148,714. This apportionment will automatically be incorporated into your existing 10-year Chapter 90 contract, which will be available on the MassDOT website, <http://www.massdot.state.ma.us/chapter90>.

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

We would also like to encourage you to explore opportunities for additional infrastructure funding through MassDOT's Complete Streets and Municipal Small Bridge Programs (further information available at: <http://www.massdot.state.ma.us/>). For program specific questions please contact the following:

- **Chapter 90 Program** – Capital Budget Liaison Linda Chuang at (857) 368-9075 or Lijung.Chuang@dot.state.ma.us
- **Complete Streets and Municipal Small Bridge Program** - MassDOT Community Relations Director Rick Colon at (857) 368-9010 or Rick.Colon@dot.state.ma.us

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

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS.

TOWN OF GILL

ANNUAL TOWN MEETING: MAY 1, 2017

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 First day of May, in the year Two Thousand and Seventeen (5/1/2017) at 7:00 PM 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 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 2018 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.

Article 4: To see if the Town will vote to authorize the Selectboard to grant an easement for the encroachment of an existing trailer, garage, and shed on Assessors' Map 101, Lot 88, 2 Oak Street, Gill, Massachusetts, onto the right of way for Oak Street as established by the Town of Gill and as further shown on a survey entitled, "Plan of Easement prepared for Robert Callery & Carol Lee Glazer located in Gill, Massachusetts" by Daniel L. Warner, Professional Land Surveyor dated March 21, 2017, and to execute all documents necessary in connection therewith; or take any action relative thereto.

Article 5: 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 2018, and authorize the Selectboard to expend such funds in support of the Gill Elementary School, or take any action relative thereto.

Article 6: 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

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**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                    | \$ |
| 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 8:** 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 9:** 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 (the “Omnibus budget”), and for other necessary charges, in accordance with the amount recommended by the Selectboard, or take any action relative thereto.

**Article 10:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$1,630,737.00 (One Million Six Hundred Thirty Thousand Seven Hundred Thirty Seven and 00/100 Dollars) to provide \$1,616,443.00 for its Fiscal Year 2018 operating assessment and \$14,294.00 for its Fiscal Year 2018 debt service costs for the Gill-Montague Regional School District, or take any action relative thereto.

**Article 11:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide any sum or sums of money for the operations and activities of the Recreation Committee, or take any action relative thereto.

**Article 12:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide any sum or sums of money for the operations, stipend and activities of the Emergency Management Director, or take any action relative thereto.

**Article 13:** To see if the Town will vote to transfer \$14,655.00 (Fourteen Thousand Six Hundred Fifty Five and 00/100 Dollars) from the Fiscal Year 2017 Gill-Montague School District Account (number 310) to the Energy Stabilization Fund, or take any action relative thereto. (A 2/3 vote is required to place money into a stabilization fund.)

**Article 14:** To see if the Town will vote to raise and appropriate by taxation, transfer from available funds, or otherwise provide any sum or sums of money 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 accept Massachusetts General Laws Chapter 44, Section 53F <sup>3</sup>/<sub>4</sub>, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access (Public, Educational, and Governmental access) services and oversight and renewal of the cable franchise agreement, with the fund to begin operation for Fiscal Year 2018, which begins on July 1, 2017, or take any action relative thereto.

**Article 17:** To see if the Town will vote to have the Town Accountant transfer any balances as of July 1, 2017 from the existing PEG Access Fund, Account # 271, and the existing PEG Access Capital Fund, Account # 272, to the new PEG Access and Cable Related Fund, or take any action relative thereto.

**Article 18:** To see if the Town will vote to transfer from available funds, or otherwise provide any sum or sums of money for PEG Access operations and other municipal cable-related expenses, 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 \$2,000.00 (Two Thousand and 00/100 Dollars) to add to the First Light Appraisal Account to be used toward the cost of a 5-year 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 \$2,000.00 (Two Thousand and 00/100 Dollars) to add to the Board of Assessors 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 2018, 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 19th day of April in the year Two Thousand Seventeen (4/19/2017).

**Selectboard of Gill**

\_\_\_\_\_  
John R. Ward, Chair

\_\_\_\_\_  
Randy P. Crochier, Board member

\_\_\_\_\_  
Gregory M. Snedeker, 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: \_\_\_\_\_

copy

April 1, 2017

Deerfield Highway Department  
Attn: Kevin Scarborough  
8 Conway Street  
South Deerfield, MA 01373

RE: Municipal Brush Control Program

Dear Mr. Scarborough

Western Massachusetts Electric Company dba "Eversource" and the towns of Northfield, Gill, Erving, Greenfield, and Deerfield Massachusetts (the "area towns") have discussed an arrangement by which EVERSOURCE will assist the efforts of the area towns to cut brush along the public streets in said towns. EVERSOURCE and the area towns recognize that from time to time it is necessary to cut brush along these public roads, to maintain a safe and visually acceptable roadway and to prevent the potential contact of brush with EVERSOURCE's electric distribution lines. These EVERSOURCE lines are specified in paragraph 1, below. In support of the area towns, EVERSOURCE is willing to make an annual contribution for a brush control program in the amount of (\$26,000) on the following terms and conditions:

1. The Town of Deerfield shall lease or otherwise obtain a brush mower (the "equipment") suitable for cutting and trimming brush and other vegetation along the town maintained roads of the area towns. The equipment shall be made available by the Town of Deerfield to each of the area towns at least once a year. Each area town shall cut brush around and beneath all EVERSOURCE lines annually. The equipment may also be used to cut brush along portions of town maintained roads where there are no EVERSOURCE lines. Maps showing the location of existing EVERSOURCE lines in the area towns are available upon request from the EVERSOURCE Arborist (currently Calvin Layton). Attached as Exhibit 1 are specifications of the miles of pole lines located in each town. EVERSOURCE will update this information as necessary. Brush located beneath the EVERSOURCE lines shall be cut to EVERSOURCE specifications, which is attached as Exhibit 2.
2. The area towns shall make a good faith effort to cut all brush within reach of the equipment per the EVERSOURCE specifications (Exhibit 2). If brush is out of reach of the mower (i.e. on top of an outcropping/ledge, too far off road), it need not be (hand) cut by the town.

-continued-



3. The Town of DEERFIELD shall notify the EVERSOURCE Arborist (telephone 413-585-1801) or email WMTREE@eversource.com of the proposed usage schedule of the equipment in the area towns. Each town shall also notify the EVERSOURCE Arborist when the mower is leaving their town and moving to another.
4. On or about May 1<sup>st</sup>, EVERSOURCE will make an annual contribution (gift) of \$26,000 to the Town of DEERFIELD in support of this brush control program for a period of five (5) years. EVERSOURCE's agreement to make this annual contribution is conditioned upon the performance of each of the area towns in accordance with the terms and conditions of this letter. EVERSOURCE may, at its option, cancel this agreement upon sixty (60) days written notice to the Town of DEERFIELD and cease annual contributions if any one or more of the area towns fail(s) to cut or trim brush beneath the EVERSOURCE lines as provided herein and fail(s) to cure said non-performance within said sixty (60) day period. In the case of non-performance, the area towns agree that any portion of EVERSOURCE's \$ 26,000 contribution for the current year which can be recouped from the leasing company will be returned to EVERSOURCE.

In addition, EVERSOURCE shall also have the right to cancel this agreement for reasons other than non-performance, as long as EVERSOURCE provides 60 days written notice to the said area towns and reimburses the Town of DEERFIELD for any charges incurred to terminate the equipment lease.

5. Except as provided in paragraph 4, above, EVERSOURCE shall not be responsible for any costs associated with the equipment, including but not limited to lease payments, maintenance costs and/or insurance. In addition, the equipment shall be used at the sole risk of the area towns, and EVERSOURCE shall not incur any liability in connection with the use thereof.
6. Additional municipalities may be added to this agreement at the option of the parties as long as the addition is agreed to in writing by all municipalities participating in the program and EVERSOURCE, and provided said additional municipalities agree to and are bound by the terms herein.

Please indicate your acceptance of these terms and conditions, and the acceptance by the other area towns, by executing a copy of this letter and returning it to the undersigned. This agreement will become effective upon EVERSOURCE's receipt of this letter executed by all the parties listed below, but will not begin before May 1<sup>st</sup>, 2017

-continued-

*Eversource*

By: \_\_\_\_\_

*Its Director of Vegetation Management*

*Agreed and accepted by:*

*Town of DEERFIELD (lead town)*

*Town of Greenfield*

By \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

Its \_\_\_\_\_

Print \_\_\_\_\_

Print \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*Town of Northfield*

*Town of Erving*

By *[Signature]*

By \_\_\_\_\_

Its *OWAL SELECT BOARD*

Its \_\_\_\_\_

Print *JOHN SPANBARD*

Print \_\_\_\_\_

Address *TOWN HALL*

Address \_\_\_\_\_

*NORTHFIELD, MA 01360*

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*Town of Gill*

By *[Signature]*

Its *Administrative Assistant*

Print *RAY PURINGTON*

Address *TOWN HALL*

*325 MAIN RD, GILL, MA 01354*

Date: *4/19/2017*

# *Eversource*

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

*Its Director of Vegetation Management*

*Agreed and accepted by:*

*Town of DEERFIELD (lead town)*

*Town of Greenfield*

*By* \_\_\_\_\_

*By* \_\_\_\_\_

*Its* \_\_\_\_\_

*Its* \_\_\_\_\_

*Print* \_\_\_\_\_

*Print* \_\_\_\_\_

*Address* \_\_\_\_\_

*Address* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

*Town of Northfield*

*Town of Erving*

*By* \_\_\_\_\_

*By* \_\_\_\_\_

*Its* \_\_\_\_\_

*Its* \_\_\_\_\_

*Print* \_\_\_\_\_

*Print* \_\_\_\_\_

*Address* \_\_\_\_\_

*Address* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

*Town of Gill*

*By* \_\_\_\_\_

*Its* \_\_\_\_\_

*Print* \_\_\_\_\_

*Address* \_\_\_\_\_

\_\_\_\_\_

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

Exhibit 1

Miles of Pole Line by Town

| <u>Town</u> | <u>approximate pole line miles, roadside</u> |
|-------------|----------------------------------------------|
| Deerfield   | 64                                           |
| Gill        | 36                                           |
| Erving      | 10                                           |
| Northfield  | 63                                           |
| Greenfield  | 100                                          |

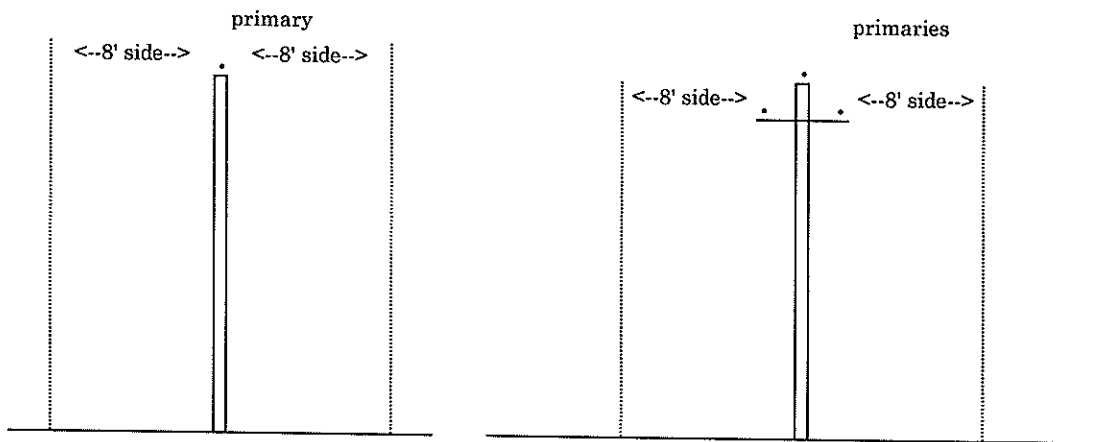
Exhibit 2

Brush Specifications

The width of the brush removal area shall be 8 feet each side of the outermost conductor.

All tree stems less than or equal to 4 inches DBH (diameter breast height) shall be considered brush. Brush shall not be trimmed, but rather cut at or near ground level.

**horizontal brush clearance zones for single and three phase primary conductors:**



Annual Elections: Monday, May 15th, 2017

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

Franklin SS

To either of the Constables of the Town of GILL

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at Precinct 1, Fire Station, 196A Main Road, Gill

On **MONDAY, THE FIFTEENTH DAY OF MAY, 2017** from 12:00 PM to 8:00 PM for the following purpose:

To cast their votes in the Annual Election for the candidates of political parties for the following offices:

- Selectman/Sewer Commissioner – one three-year term
- Board of Assessors – one three-year term
- Board of Assessors – one two-year term
- Cemetery Commissioner – one three-year term
- Constables – three positions, each three-year terms
- Board of Health – one three-year term
- Library Trustee – one three-year term
- Tax Collector – one three-year term
- Tree Warden – one one-year term

Here of fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands on this..... day of ....., 2017

....., Chair  
John Ward

....., Clerk  
Randy Crochier

....., Board Member  
Greg Snedeker

**Gill Selectboard**

A true copy. Attest..... *Town Clerk of Gill*  
Lynda Hodsdon Mayo

Date: .....

Franklin SS.

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 and Tavern, Main Rd.; and Riverside Municipal Building, Route 2, seven days before the date hereof as within directed.

..... *Constable of Gill*

..... *Date*