

# TOWN OF GILL

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



[www.gillmass.org](http://www.gillmass.org)

## SELECTBOARD MEETING MINUTES

*March 19, 2018*

Called to Order: The meeting was called to order by Greg Snedeker at 5:39 PM.

Members Present: Greg Snedeker, John Ward, Randy Crochier (6:03 PM)      Members Absent: None  
Others Present: Ray Purington, Administrative Assistant; George Brace, Janet Masucci, Ed Ambo, John Miner, Mick LaClaire

Gill Elementary Well: The project engineer sent a revised schematic drawing to the equipment supplier on March 15<sup>th</sup> for their review.

Gill 225<sup>th</sup> Anniversary: The next planning meeting is March 28<sup>th</sup>.

FRCOG Traffic Counts: Several locations were suggested as places to ask the FRCOG to conduct traffic counts this year: Mountain Road west of the condos, Riverview Drive, South Cross above the intersection with Green Hill, and Main Road north of the gas station.

FRCOG META Grant: John made a motion, seconded by Greg, to authorize Greg as Clerk to sign a Memorandum of Understanding with the FRCOG for up to \$5,000 of grant-funded technical assistance with Green Communities-related activities. The vote was 2-0 in the affirmative.

Sewer Abatement: The Selectboard reviewed a request for a sewer abatement from Chris Pelletier for water used to fill a hot tub. Noting the abatement application was not received within the allowed 30 days, Greg made a motion, seconded by John to deny the request. The vote was 2-0 in the affirmative.

Seasonal Liquor License: Greg made a motion, seconded by John, to renew the seasonal liquor license for the Turners Falls Schuetzen Verein for the period of April 1, 2018 – January 15, 2019. The vote was 2-0 in the affirmative. A form was signed for the ABCC indicating there were no un-renewed or disapproved seasonal licenses for 2018.

Timmie Smith joined the meeting at 5:55 PM.

KENO To Go: The Selectboard received a notice from the Mass State Lottery Commission of the eligibility of The Mill (aka Gill Mobil) to sell the KENO To Go lottery game. There were no objections from the Selectboard. No action was required and none was taken.

Resignation: The Selectboard received a letter of resignation from Cemetery Commissioner Carrier Stevens, who resigned as of March 14, 2018, after serving on the Commission since 1994. John made a motion, seconded by Greg, to accept the resignation with regret. The vote was 2-0 in the affirmative. A letter of thanks will be sent on behalf of the Selectboard.

Dock License Application: The Selectboard received a copy of an application by Bryan Hobbs of 26 Oak Street for a dock license from Mass DEP. The application is informational only, and no action is required by the Selectboard.

Randy Crochier joined the meeting at 6:03 PM. Gene Beaubien, Ken Sears, Jason Edson, and Steve Connell joined the meeting at 6:04 PM.

2009 Sterling Truck: The three members of the Highway Department, Mick LaClaire, Ed Ambo, and John Miner met with the Selectboard to discuss concerns regarding the operation of the 2009 Sterling truck, now in its second winter season for the Town. Miner stated the truck was purchased in July 2016 with 34,000 miles and 3,201 hours

on it, and today it has 40,883 miles and 3,730 hours. In his opinion, the truck continues to have the emissions problems that have been ongoing since January 2017.

Miner stated exhaust fumes from the engine's emissions regeneration system make him nauseous, and he is tired of getting sick. He referenced his personal notes from January 23, 2018 and a February 20, 2018 email that Highway Superintendent Mick LaClaire was to send to the Selectboard. (For whatever reason, the email was not received until March 19, 2018.) Miner stated he will no longer operate the truck. He is "tired of the issue," "tired of getting sick," and it's "time to get rid of it" (the truck). In his opinion, the truck is a "health insurance hazard" and provides "unreliable performance."

Miner stated a carbon monoxide detector in the cab of the truck had a peak reading of 97, but never sounded an alarm. According to the device's manual, there should be an alarm when CO levels reach 35. He showed photographs of openings in the understructure of the truck cab where he alleged exhaust fumes could enter the cab.

Stuart Elliott joined the meeting at 6:15 PM.

LaClaire described his experience using the truck to sand roads on March 14, 2018. He reported a feeling of nausea. The incident is documented in a memo of the same date.

Randy noted his online research has found many reports of Sterling trucks of this era/vintage do not run well in cold weather. He stated he is starting to believe this truck isn't the right vehicle for the Town.

There was discussion of the truck's operation. It periodically just loses power. An emissions regeneration cannot be forced unless the computer calls for it. The truck has been serviced by the best – Patriot Freightliner is the area's dealer & service rep for Cummins engines.

The Selectboard reinforced their message that no employee will be forced to operate any piece of equipment the employee feels is unsafe or poses a health risk. The Highway Department was directed to identify specifications and pricing for a suitable replacement for the 2009 Sterling and to present that information to the Capital Improvement Planning Committee. Ambo, Miner, and LaClaire left the meeting at 6:52 PM.

Ambulance Services: Members of the Board of Fire Engineers (Beaubien, Sears, Edson, Connell, and Elliott) met with the Selectboard to discuss ambulance services for the Town. It was disclosed Jason Edson is a member of the Northfield EMS. Fire Chief Gene explained Northfield EMS has approached the Gill Fire Department about the possibility of becoming the primary ambulance service for the Town of Gill. MedCare is the current provider, and is often not available for emergency calls. In those cases, Dispatch will go to the second and third ambulances on Gill's call list – Northfield and Turners Falls.

The Board of Engineers recommended the Town further explore the offer from Northfield EMS. Based on initial information, there would be no fee to the Town for ambulance services from Northfield, just as there are no fees currently from MedCare. By consensus, the Selectboard approved having the Board of Engineers meet with Northfield EMS to discuss the proposal. The Engineers, who are much more familiar with the ambulance needs of the Town, can get answers to their questions, and then report back to the Selectboard with a recommendation.

Fire Trucks from NMH Gift: Beaubien reported the Fire Department is actively searching over a broad geographic area for used fire trucks that meet the Department's needs. The Selectboard urged diligence in the research. It was noted the financial gift from NMH can be used to make a down payment on a vehicle.

New Air Packs: Beaubien reported the new air packs arrived on March 15<sup>th</sup>, and the process of fitting face masks for each firefighter is currently underway. The air packs were purchased using funds from a 2017 grant from FEMA, plus Town funds from the NMH Gift account. Beaubien, Sears, Edson, Connell, and Elliott left at 6:53 PM.

Warrant Article – Electricity Aggregation: The Selectboard reviewed several examples of warrant articles that would authorize the Selectboard to enter into agreements for the aggregation of the electricity load of residents and businesses within the town. Town Meeting had previously authorized electricity aggregation in 2011, but that vote was specifically tied to working with the Hampshire Council of Governments, an effort that never came to fruition. At their 12/26/17 meeting the Selectboard supported another attempt at aggregation. The first sample warrant article was preferred and will be used for the Town Meeting in May.

Warrant Article – PEG Access: Several warrant articles related to PEG access funds were discussed. The articles are meant to satisfy Mass Dept. of Revenue accounting requirements, although the DOR has issued 1-year extensions on implementing the new rules in each of the last two years. Ray noted he has heard there may be

another extension again this year. By consensus, the Selectboard decided to take advantage of the extension if it becomes available, and otherwise to place the articles on the warrant for Town Meeting in May.

Assistant to the Administrative Assistant: The Selectboard supported the idea of establishing a part-time position of an assistant to the Administrative Assistant. The person would fill the duties of the currently vacant Clerical Assistant to the Board of Health, ZBA, and Planning Board, and would work on Selectboard projects such as Annual Reports, grant reporting, and other tasks to be assigned. Ray estimated the position would require 10-15 hours per week, if funds can be found within the budget for FY19.

Review of Minutes: Randy made a motion, seconded by Greg, to approve the minutes of 2/21/18. The motion was approved by a vote of 2-0 with John abstaining from the vote. Randy made a motion, seconded by John, to approve the minutes of 3/5/18. The motion was approved by a vote of 2-0 with Greg abstaining.

Timmie Smith and George Brace left the meeting at 7:20 PM.

Warrant: The Selectboard reviewed and signed the FY 2018 warrant #20.

The meeting adjourned at 8:00 PM.

*Minutes respectfully submitted by Ray Purington, Administrative Assistant.*

*Signed copy on file. Approved on 04/30/2018*

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Greg Snedeker, Selectboard Clerk



# Franklin Regional Council of Governments

March 1, 2018

**Subject: Traffic Counting**

Dear Selectboard Members, Highway Superintendents and Municipal Officials:

The Franklin Regional Council of Governments (FRCOG) performs traffic counts, annually, free of charge for Franklin County communities. The FRCOG makes every effort to fulfill all traffic count requests each season. Traffic counts will be scheduled on a first-come, first-serve basis. All count requests should be submitted to the Transportation Planning Engineer in writing, either by post, fax or e-mail.

As we begin to develop our 2018 count calendar, we ask that you think about any traffic counts you would like performed in your community and use the attached form to request these counts. The FRCOG has the ability to measure traffic volumes, vehicle classification, speed and vehicle turning movements (intersection counts). We also have the ability to count bicycle traffic on roadways and pedestrian traffic on dedicated pathways.

Thank you for your involvement and participation in our traffic counting program. Please contact me at the number or email below with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Laurie".

Laurie Scarbrough  
Transportation Planning Engineer  
Franklin Regional Council of Governments  
12 Olive Street, Suite 2  
Greenfield, MA 01301  
Tel: 413.774.3167, Extension 139  
Fax: 413.774.3169  
[lscarbrough@frcog.org](mailto:lscarbrough@frcog.org)



**2018 Traffic Count Request Form  
Franklin Regional Council of Governments**

The FRCOG provides traffic counts, free of charge, for all Franklin County communities who request them, on a first come, first serve basis. Please fill out **one form for each count request location** and return it via mail, fax or email to the Transportation Planning Engineer.

**Mail:** Transportation Planning Engineer, FRCOG, 12 Olive Street, Suite 2, Greenfield, MA 01301

**Phone:** 413-774-3167 ext. 139      **Fax:** 413-774-3169

**E-Mail:** [iscarbrough@frcog.org](mailto:iscarbrough@frcog.org)

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Date of Request: \_\_\_\_\_ Town: \_\_\_\_\_

Town Contact Person: \_\_\_\_\_

Town Contact Phone: \_\_\_\_\_ Town Contact Email: \_\_\_\_\_

Type of Count:       ATR (volume, class, speed) **OR**  TMC (intersection turning movement count)

Roadway (Indicate if gravel or dirt road):

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Between: \_\_\_\_\_ and \_\_\_\_\_

Near Landmark: \_\_\_\_\_

Location Description: \_\_\_\_\_

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Special Notes or Comments: (e.g. *count requested during school year, include weekend traffic, include bicycles...*):

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FRCOG Use Only. Count Request was received on: \_\_\_\_\_ via: \_\_\_\_\_

## Ray Purington/Gill Selectboard

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**From:** Alyssa Larose <ALarose@frcog.org>  
**Sent:** Thursday, March 08, 2018 1:09 PM  
**To:** Alyssa Larose  
**Cc:** Patricia Smith; Kimberly Noake MacPhee  
**Subject:** Green Communities technical assistance - extension of services

As you are aware, the FRCOG currently has a contract with the Massachusetts Department of Energy Resources (DOER) to assist your town with Green Communities-related activities, funded through a Municipal Energy Technical Assistance (META) grant. The current contract will expire on May 31, 2018.

Fortunately, DOER is providing us with the opportunity to extend our technical assistance services through May 31, 2019. Eligible activities are the same as under the existing contract, and include the following:

- Become a Green Community (up to \$7,500 per town)
- Assist existing Green Communities with grant applications, procurement for grant-approved projects, and Green Communities Program annual reporting (up to \$5,000 per town)

In order for your town to continue to receive assistance, a new MOU between the FRCOG and your town needs to be signed. **Please respond as soon as possible if your town is interested in continuing to receive Green Communities technical assistance.** If interested, I will follow up with the new MOU for signature. I am also happy to attend a Select Board meeting to discuss the program further, if needed. **Our deadline for providing this information to DOER is April 12, 2018.**

Please feel free to contact me with any questions.

Sincerely,  
Alyssa

Alyssa Larose  
Senior Land Use & Natural Resources Planner  
Franklin Regional Council of Governments  
12 Olive Street, Suite 2  
Greenfield, MA 01301  
413-774-3167 x127  
[Alarose@frcog.org](mailto:Alarose@frcog.org)  
[www.frcog.org](http://www.frcog.org)



*20 years of high-quality service & advocacy  
for Franklin County communities*

**SEASONAL RENEWAL CERTIFICATION 2018**

CITY/TOWN:

**A. SEASONAL LICENSEES WHO FAILED TO RENEW FOR 2018/19:**

LICENSE #:	LICENSEE CORPORATE NAME AND ADDRESS:
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

**B. SEASONAL LICENSEES DISAPPROVED BY THE CITY/TOWN FOR 2018/19:**

LICENSE #:	LICENSEE CORPORATE NAME AND ADDRESS:
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

We hereby certify that the premises described in the 2018/19 seasonal renewal applications for the above mentioned municipality are now occupied, used or controlled by the licensee and will be on April 1, 2018. The 2018 Renewal Application have been approved by the Local Licensing Authorities and forwarded to the ABCC.

The Local Licensing Authorities

*John R. Ward*  
*Margaret W. [Signature]*

*Massachusetts State Lottery Commission  
60 Columbian Street  
Braintree, MA 02184*

March 12, 2018

Gill Selectboard  
325 Main Street  
Gill, MA 01354

Dear Sir/Madam:

The Massachusetts State Lottery is offering existing, non-pouring agents our KENO To Go game, a transaction which is identical to the already existing on-line games, such as Megabucks and Mass Cash. At this time, the Lottery is not providing agents with a KENO monitor as part of this program.

In accordance with M.G.L. c 10, section 27A, as amended, you are hereby notified that the following existing agent(s) in your community will be eligible to sell the KENO To Go product:

THE MILL  
23 FRENCH KING HWY  
GILL

If you object to these agent(s) selling KENO To Go, you must do so, in writing, within twenty-one (21) days of receipt of this letter. Please address your written objection to Carol-Ann Fraser, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issue relative to the Lottery, please call me at 781-849-5555. I look forward to working with you as the Lottery continues its' efforts to support the 351 cities and towns of the Commonwealth.

Sincerely,



Michael R. Sweeney  
Executive Director



RECEIVED

MAR 19 2018

TOWN CLERK  
TOWN OF GILL

TO: Lynda Hodsdon Mayo, Town Clerk; Gill Cemetery Commission; Gill  
Selectboard

FROM: Carrie Stevens, Cemetery Commission

DATE: March 15, 2018

This is to notify you all that I have decided to resign from the Cemetery Commission as of our meeting on March 14, 2018. I have been on the Board since 1994, and it is time for you to find someone else who is willing to serve the town in this capacity. I have enjoyed these years of service, as they have given me a knowledge of Gill's history. Thank you to those who have helped me to do this to the best of my ability.

# The Commonwealth Of Massachusetts

Rec'd 3/19/18



No. **MassDEP USE ONLY** \_\_\_\_\_

SIMPLIFIED LICENSE  
BRP WW06

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

Bryan Hobbs of the Town/City of Gill in Franklin  
Applicant's name Town/City County

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

- Please check:*
- |   |   |
|---|---|
| <input type="checkbox"/> maintain an existing (pre-1984):   | <input checked="" type="checkbox"/> construct a proposed or maintain an existing (post-1984): |
| <i>Please check all that apply below:</i>                   | <i>Please check all that apply below:</i>   |
| <input type="checkbox"/> pier/dock                          | <input checked="" type="checkbox"/> pier/dock   |
| <input type="checkbox"/> boat ramp                          | <input type="checkbox"/> ramp   |
| <input type="checkbox"/> ramp                               | <input type="checkbox"/> float(s)   |
| <input type="checkbox"/> float(s)                           | <input type="checkbox"/> pile(s)  |
| <input type="checkbox"/> pile(s)                            | <input type="checkbox"/> boat lift  |
| <input type="checkbox"/> boat lift                          | <input type="checkbox"/> pile-supported boat house  |
| <input type="checkbox"/> boat house                         | <input type="checkbox"/> other _____  |
| <input type="checkbox"/> retaining wall/seawall             |   |
| <input type="checkbox"/> bulkhead                           |   |
| <input type="checkbox"/> rip rap/stone revetment            |   |
| <input type="checkbox"/> groin(s)                           |   |
| <input type="checkbox"/> Nonwater-dependent (NWD) residence |   |
| <input type="checkbox"/> other _____                        |   |

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

Gill  
Town/City

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

- Please check all that apply:*
- |   |  |
|---|--|
| <input type="checkbox"/> maintain existing structure(s) for:              | <i>Please check all that apply:</i>  |
| <input type="checkbox"/> non commercial docking/access to navigable water | <input checked="" type="checkbox"/> construct and maintain structure(s) for:         |
| <input type="checkbox"/> shoreline stabilization                          | <input checked="" type="checkbox"/> non commercial docking/access to navigable water |
| <input type="checkbox"/> residential, NWD building                        | <input type="checkbox"/> other _____   |
| <input type="checkbox"/> other _____                                      |  |

in and over the waters of: Connecticut River in the Town/City of: Gill  
Waterway Town/City

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

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

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

BOX A:

Bryan Hobbs

Print Name

PO Box 1535

Mailing Address

Greenfield

City/Town (not village)

MA

State

01302

Zip Code

Franklin

County

413-522-2894

(area code) telephone

info1bryanhobbs@gmail.com

e-mail

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

Bryan Hobbs  
Signature of applicant

2/21/2018  
Date

Notification of application

has been provided to: (please check)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Local Conservation Commission | <input checked="" type="checkbox"/> Board of Selectman | <input type="checkbox"/> Mayor and City Council |
| <input type="checkbox"/> Zoning Authority                         | <input type="checkbox"/> Planning Board                |   |

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

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Abutters | <input type="checkbox"/> Interested Parties | <input type="checkbox"/> Landowner (if not applicant) |
|--|---|---|

BOX B:

If site address is different from mailing address:

26 Oak Street

Site Address of the structures

Gill

City/Town

MA

State

01354

Zip Code

Franklin

County

BOX C:

If the applicant is different than the owner:

Owner

Engineer/Agent

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

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

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

**WATERWAYS CONDITIONS:**

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

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

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

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

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

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.
7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.
8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

**CONSTRUCTION:**

- 9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.
- 9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than  $\frac{1}{4}$  of the way across a water body and shall conform to the square footage requirements as stated in Construction Condition 9a.
- 9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.
- 9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.
- 9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.
- 9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

**DOCKING OF VESSELS:**

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

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

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

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

**COMPLIANCE**

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

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

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

**FOR MassDEP USE ONLY:**

**THE COMMONWEALTH OF MASSACHUSETTS**

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

Commissioner \_\_\_\_\_

Program Chief \_\_\_\_\_

Department of  
Environmental  
Protection

**THE COMMONWEALTH OF MASSACHUSETTS**

This License is approved in consideration of the payment into the treasury of the Commonwealth by said —  
Bryan Hobbs of the further sum of seventy five dollars and zero cents (\$75.00)  
Applicant Amount

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

Boston

Approved by the Governor.

\_\_\_\_\_  
Governor

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

Appendix C: Simplified License Plan – Sample Template

**License No.**  
 Approved by Department of Environmental Protection  
 Date:

26 Oak St.  
 Residence  
 28 Oak St.

52 Riverview Rd

Concrete Bulkhead  
 17.6' above sea level  
 32'  
 8'  
 4'  
 8'  
 4'  
 8'  
 4'  
 4'  
 8'  
 8'  
 10'

Concrete Bulkhead  
 18.5' above sea level  
 6' above mean water level  
 24'  
 4' x 8' sections of aluminum floating dock. Five (5) pieces total.

• Installation will include placement of concrete anchoring panel 18" into ground at rear of bulkhead with top flush to ground. A second concrete anchoring panel will be placed at the front of bulkhead, also 18" into ground and extending 2-4" above ground to meet steel panel with 12" deep platform, graded to allow for water runoff. Two tie rods will extend from rear anchoring panel to front anchoring panel to allow for attachment to floating dock. Erosion control using straw rolls and erosion control blanket.  
 • Dimensions = 60" wide, 12" deep, 2-4" height (slope dependent)

Purpose: Simplified Licensing	Plan accompanying petition of: <u>Bryan Hobbs</u> <u>26 Oak Street</u> <u>Gill, MA 01354</u>	Project Description: <u>Removable floating boat dock for</u> <u>one 24' boat, kayaks, canoes</u> In <u>Gill</u> At <u>Barton Cove - Concord</u> County of: <u>Franklin</u> State: <u>Massachusetts</u> By applicant <u>B. Hobbs</u> date: <u>2-21-18</u> sheet: <u>1</u> of <u>3</u>
Adjacent Property Owners: 1. <u>Murphy, Peter J</u> 2. <u>Johnson, Stanley W</u> 3. <u>First Light Hydro</u> 4. _____	_____	_____

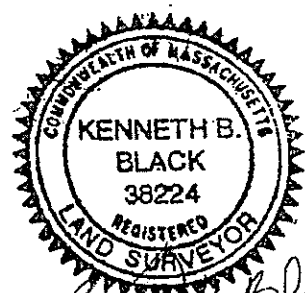
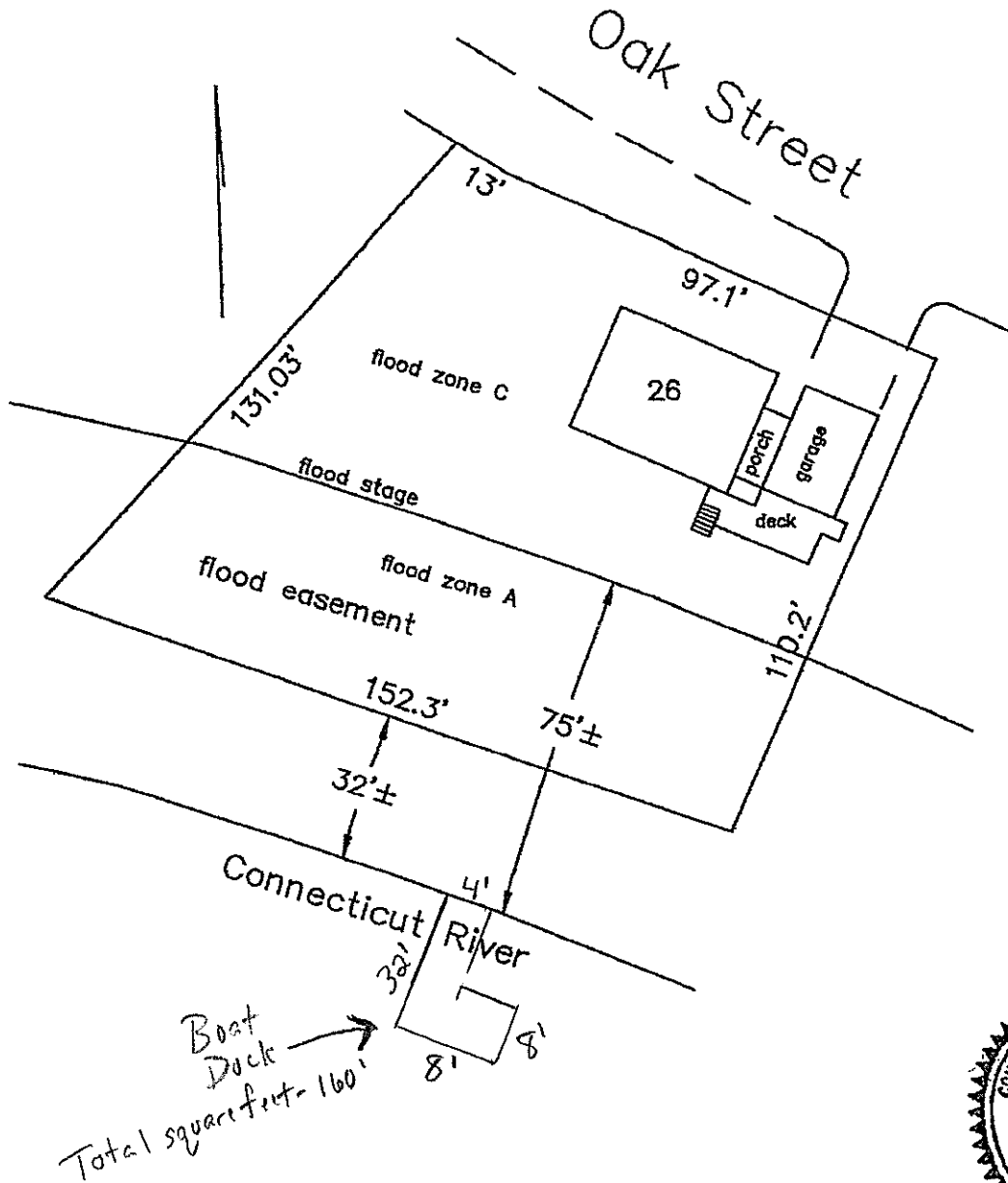
Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Waterways Regulation Program  
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Appendix C: Simplified License Plan – Sample Template

<p style="text-align: center; font-size: 1.2em;">Profile View</p>	<p><b>License No.</b></p> <p>Approved by Department of Environmental Protection Date:</p>	
<ul style="list-style-type: none"> <li>• Poles are adjustable height with max height of 6'. Made of aluminum.</li> <li>• Poles will be removed seasonally with dock.</li> <li>• To comply with Ch.91, Page 4, #9e poles will remain at a height of 24" or higher to remain off river bottom.</li> <li>• To comply with Ch.91, Page 4, #10a boat will remain in water to level of 24" (boat has 12" draft) or will be removed if water level drops below 24", thus keeping a minimum 12" clearance between river bottom and boat</li> <li>• High and low water levels are determined by level of water discharge at the Turners Falls hydro dam.</li> <li>• Poles are not installed into riverbottom. Instead, they are attached to floating dock to maintain height above riverbottom. The 8" square base of poles will occasionally touch riverbottom to maintain dock height.</li> </ul>		
Purpose: Simplified Licensing	Plan accompanying petition of:	Project Description:
Adjacent Property Owners: 1. _____ 2. _____ 3. <u>First Hydro Power</u> 4. _____	<u>Bryan Hobbs</u> <u>26 Oak Street</u> <u>Gill, MA 01354</u> _____ _____ _____	<u>Removable Floating boat dock for</u> <u>one 24' boat, kayaks, canoes</u> In <u>Gill</u> At: <u>Barton Cove Connecticut River</u> County of: <u>Franklin</u> State: <u>Massachusetts</u> By applicant <u>B. Hobbs</u> date: <u>2-21-18</u> sheet: <u>2</u> of <u>3</u>



# Appendix C (cont.): Simplified License Plan



## WFG National Title Insurance Company

On November 4, 2017, I personally inspected the property located at 26 Oak Street, Gill MA. and to the best of my knowledge and belief this mortgage loan inspection plan shows the improvements as located on the premises, that the improvements are entirely within the lot lines, and that there are no encroachments of adjoining property except as noted. This parcel lies in a HUD-FIA flood hazard area, zones A & C, as indicated. community number 250117, panel number 0005b, effective date June 18, 1980.

Owner: Thomas J. & Charlotte I. Murley  
 Location: 26 Oak Street, Gill MA  
 Buyer: Bryan & Linda Hobbs

Kenneth B. Black  
 67 Congress Street  
 November 5, 2017

Engineer/Surveyor  
 Greenfield, MA  
 Scale 1" = 40'

→This plan is for identification purposes only, and does not constitute a property survey←

Plan Accounting  
 Petition of:  
 Bryan Hobbs  
 26 Oak Street  
 Gill MA 01354

date: 1-31-18 pg 3 of 3



Douglas Bennett  
Northfield Mountain  
99 Millers Falls Road  
Northfield, MA 01360

413-659-4489  
Douglas.bennett@firstlightpower.com

March 13, 2018

Re: Application by abutter, Bryan Hobbs, for proposed seasonal dock on FirstLight Property

Ladies and Gentlemen:

FirstLight Hydro Generating Company ("FirstLight") is the owner of certain lands upon which Bryan Hobbs desires to commence certain construction activities limited to the installation of a seasonal dock (the "Facility") located off of 26 Oak Street in Gill, Massachusetts at approximately, Latitude 42.608725N and Longitude -72.545127W (the "Property"). Copies of plans for the proposed Facility are included on pages 2 and 3 of this letter. Upon successful completion of all required regulatory approvals of the Facility, FirstLight is prepared to issue Mr. Hobbs a license agreement to authorize the Facility on the Property.

Please be advised that while FirstLight has reviewed Mr. Hobbs' site drawings and construction plans, FirstLight did not prepare the application to your agency or its exhibits and expressly disclaims any representation as to the accuracy or completeness of the application.

Please note that FirstLight Hydro Generating Company extends any necessary right of access to the Property that may be required by your organization to review and monitor Mr. Hobbs' requested Facility.

Please be in touch if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Bennett".

Douglas Bennett  
Plant General Manager

## 2009 Sterling Dump Truck

January 23 2018

We were out sanding for about 2 hours and truck began to lose power and sounded like the engine brake was on when letting off the throttle. Whistle sound coming from exhaust. I came to stop sign and the regen light came on. Could smell some sort of fumes in the cab again. Enough so my eyes started watering and burning and got a headache. Took off from stop sign and then the check engine light came on. Both lights went out after a couple of minutes. Each time I came to a stop after that the cab would smell and the lights would come back on. When starting the truck the next morning no lights were present.

The next day sanding there was a loud "poof" sound from under the hood followed by about

twenty seconds of a very loud knocking sound. Lost all throttle response. After about 20 seconds truck was fine again. This did this again the next two times out sanding and plowing.

## Mick LaClaire/Gill Highway

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**From:** "Mick LaClaire/Gill Highway" <highway@gillmass.org>  
**Date:** Tuesday, February 20, 2018 8:57 AM  
**To:** "Mick LaClaire/Gill Highway" <highway@gillmass.org>  
**Subject:** Re: 2009 Yellow Sterling Truck

**From:** Mick LaClaire/Gill Highway  
**Sent:** Tuesday, February 20, 2018 8:15 AM  
**To:** Ray Purington/Gill Selectboard  
**Subject:** 2009 Yellow Sterling Truck

Hi Ray, can you please forward this to the board.

Good Day all, I am writing this to you so you are aware of the on going issue with the yellow truck. John is the driver of the truck and is relaying information as to the emissions issues he is having. On Jan 23rd, we were out sanding for about 2 hrs and the truck began to loose power and sounded like the engine brake was on when letting off the throttle. Whistle sound coming from the exhaust, he said he came to a stop sign and the regen light came on. He could smell some sort of fumes in the cab again, enough so his eyes started watering and burning and got a headache. He took off from the stop sign and the check engine light came on. Both lights went out after a few minutes, each time he came to a stop after that the cab would smell and the lights would come back on. When starting the truck the next morning, no lights were present. The next day sanding there was a loud "POOF" sound from under the hood followed by about twenty seconds of a very loud knocking sound. He lost all throttle response. After about 20 seconds the truck was fine again. This did this again the next two times out sanding and plowing. We contacted Patriot the truck dealer that we have taken the truck, we explained what was happening and they had us bring it to them. They checked it over and said no codes were present, however the main issue we have had since we owned it, is the fact we could NOT regen the truck by pushing the dash button. Everyone has been saying regen the truck when the light comes on, but we could not because the button did nothing when pushed. Patriot said they found the button disconnected from behind the dash. They also said this particular model truck cannot be regen by simply parking and regen when we want, it needs to be done by a computer program for a forced regen. They told us that to avoid any lost of power and to help with the smells that the truck should be regen before a known storm coming so that it did not do it in the middle of its run like it is now. The solution to the issue they said, would be a forced regen by computer but in order to that we would need to get that program for our laptop and cable for same. I am proposing we purchase that program, if we need to co-exist with this and any future computer based equipment , we should add to our toolbox a modern tool that would be much needed. Patriot is in the process of getting us a quote for the program, he said several other towns have done it as well, due to the fact it is a common issue. Thank you for your time. Mick

## Sample Town Meeting Warrant Articles for Electricity Aggregation

1) To see if the Town will vote, pursuant to Chapter 164, Section 134 of the Massachusetts General Laws, to grant the Board of Selectmen/Select Board the authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

2) To see if the Town will vote, pursuant to Chapter 164, Section 134 of the Massachusetts General Laws, to authorize the Board of Selectmen/Select Board to initiate the process to aggregate the electricity load of residential and business electricity consumers within the Town, and to enter into agreements for services to facilitate the purchase of electric energy and other related services, either independently or in joint action with other municipalities, or take any other action relative thereto

3) Resolution format:

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

Whereas, the citizens and businesses of the Town of \_\_\_\_\_ have substantial economic, environmental, and social interests at stake; and

Whereas, the Town's residential and business consumers are interested in reducing their electricity rates and encouraging the development of renewable energy resources;

Be it therefore resolved, that the Town of \_\_\_\_\_ grant the Board of Selectmen/Select Board authority to research, develop and participate in a contract, or contracts, for electric power supply and other related services, independently, or in joint action with other municipalities. If such contracts are to be approved, individual consumers would retain the right to opt-out of the aggregation and to choose any alternative service provider.

PEG Access Account - Articles originally presented at the May 9, 2016 Town Meeting  
– with the dates and notes updated for possible use at May 7, 2018 Town Meeting

Article 6 was discussed and passed over due to voters' questions and confusion about ways the PEG revenue can be used. The article was brought back at the June 28, 2016 Special Town Meeting where it was defeated, which was the recommended vote because in the time between the two Town Meetings, the DOR had announced a one-year delay in the required implementation of this law. The one-year delay was then extended in 2017 by one additional year. No further extensions have been announced, so it is important we present this to the voters prior to July 1, 2018. (Articles 7 and 21 were also passed over.)

**Article 6:** To see if the Town will vote to accept Massachusetts General Laws Chapter 44, Section 53F  $\frac{3}{4}$ , 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 2019, which begins on July 1, 2018, or take any action relative thereto.

**Motion:** It is moved the Town vote to accept Massachusetts General Laws Chapter 44, Section 53F  $\frac{3}{4}$ , 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 2019, which begins on July 1, 2018.

*This Article is brought about by a new requirement from the Massachusetts Department of Revenue. If the Town does not adopt this statute, then money the Town receives from Comcast to provide PEG Access programming and services will no longer be dedicated for PEG Access purposes and will become part of the general funds of the Town. Approval of this Article is the first step in keeping these funds set aside for their designated purpose.*

**Article 7:** To see if the Town will vote to have the Town Accountant transfer any balance as of July 1, 2018 from the existing PEG Access Fund, Account # 271, to the new PEG Access and Cable Related Fund, or take any action relative thereto.

**Motion:** It is moved the Town vote to have the Town Accountant transfer any balance as of July 1, 2018 from the existing PEG Access Fund, Account # 271, to the new PEG Access and Cable Related Fund.

*This is the second step of the process started in Article 6. Approving this Article will allow PEG Access money from Comcast that has already been received to be transferred into the newly created fund (assuming Article 6 is approved). If this Article 7 is defeated, the existing PEG Access money – approximately \$87,875 – will become part of the Town's general funds, and no longer reserved for PEG Access purposes.*

**Article 21:** 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.

**Motion:** It is moved the Town vote to transfer \$ TBD from the PEG Access and Cable Related Fund to provide for PEG Access operations and other municipal cable-related expenses for Fiscal Year 2019.

*Assuming Articles 6 and 7 are approved by voters, this Article makes the funding appropriation to provide PEG Access services next year.*