



SELECTBOARD AGENDA & MEETING NOTICE

Mon., April 8, 2024

***Indicates item added after the 48 hour posting
bold underlined time = invited guest or advertised hearing
(all other times are approximate)

Location: Town Hall, 2nd floor meeting room, 325 Main Road, Gill

5:30 PM Call to Order (If the meeting is being videotaped, announce that fact. If remote participation will occur, announce member & reason, & need for roll call voting)

Old Business

- Update – Jenkins’ bequest of 19 Boyle Road – correspondence from Sue Kramer withdrawing interest in acquiring property from Town. Vote on accepting or disclaiming the bequest.
- FirstLight & FERC Relicensing – draft of Motion to Intervene; review and discuss any public comments; vote on approving Motion and authorizing it be filed with the FERC
- Review of Minutes: 8/29/22, 9/12/22, 10/11/22, 11/21/22, 12/5/22, 12/19/22, 1/30/23, 2/13, 2/27, 3/13, 3/28, 3/30, 4/10, 4/24, 5/8, 5/22, 6/5, 6/20, 7/3, 9/11, 9/25, 11/06, 11/27, 12/4, 1/2, 2/12, 2/26, 3/11, 3/25

New Business

- FY25 Diesel Fuel buy order to lock in pricing for 5,100 gallons
- FY25 Heating Oil buy order to lock in pricing for 2,200 gallons
- Renewal of Seasonal Restaurant Liquor License for 2024 – Turners Falls Schuetzen Verein
- Mount Hermon Road – interest from Northfield Mount Hermon School in submitting petition to FRCOG Executive Committee to discontinue the county road
- Other business as may arise after the agenda has been posted.
- Public Service Announcements, if any
 - Gun Buyback event – Sat. April 13th 10A-2P at Greenfield Police Station, 321 High St.
 - Gravestone Girls – Sat. April 20th 1P at Gill Town Hall
 - Bulky Waste Recycling Day – Sat. May 11th 9A-Noon at Erving Senior Center, 1 Care Drive
 - Mental Health & Wellness Fair – Wed. May 15th 10A-2P at Greenfield Energy Park
- Warrants
FY24 #20 Vendors (\$540,637.50) & Payroll (\$41,969.49) – reviewed & signed on 03/25/24
FY24 #21 – review & sign

Adjournment

Other Invitations/Meetings:

Date	Time	Event	Location
Mon 4/15		Patriots’ Day Holiday	
Mon 4/22	5:30 PM	Selectboard Meeting	Town Hall
Mon 5/6	5:30 PM	Selectboard Meeting	Town Hall
Mon 5/6	7:00 PM	Annual Town Meeting part 1	Town Hall

Ray Purington/Gill Selectboard

From: Sue Kramer <sueofgill@gmail.com>
Sent: Tuesday, March 26, 2024 11:11 AM
To: Ray Purington/Gill Selectboard

Dear Selectboard.

Thank you for the opportunity to come to you last evening, asking for help with my boundary problem. I couldn't think of any other avenue to pursue, to clear up my boundary, except for buying the property left to the town. I am withdrawing my proposal to the selectboard, and the town need not look into this any further. (I can hear you all saying "phew!")

After listening to you, I understand why you did not warm to my proposal. And Renee's children made it clear that Renee's intent was for the town to use her property, not sell it.

It would be so great if the town could think of a way to use the property without spending too much money. I liked Bill Tomb's vision of schoolchildren walking over to see the historical sites, including my millsite. If you are willing to wait a little longer, maybe I could brainstorm some new ideas and funding sources with the historical commission. I'll contact Kit.

Thanks again,
Sue Kramer



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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

MIDDLESEX, SS.

PROBATE AND FAMILY COURT

DOCKET NO. MI24P0580EA
ESTATE OF RENEE A. JENKINS

DISCLAIMER

We, RANDY P. CROCHIER SR., GREGORY M. SNEDEKER, and CHARLES J. GARBIEL II, as the BOARD OF SELECTMEN of the TOWN OF GILL, MASSACHUSETTS, acting on behalf of the Town of Gill, do hereby clearly and unequivocally renounce and disclaim all of the Town of Gill's right, title, and interest in and to the property hereinbelow described in Article III of the Last Will of RENEE A. JENKINS.

The probate property herein is described as follows:

Any and all interest held by the decedent in the property located at 19 Boyle Road, Gill, Franklin County, Massachusetts.

This disclaimer shall be irrevocable.

We hereby do certify that:

1. The Town of Gill has not assigned, conveyed, encumbered, pledged, transferred or otherwise disposed of any property or interest being hereby disclaimed, nor does it intend to do so. The Town of Gill has not entered into any contract for the assignment, conveyance, encumbrance, pledge, transfer or other disposition of that property or interest, nor does it intend to do so.
2. No sale or disposition of any property or interest pursuant to judicial process has been made.
3. The Town of Gill is not insolvent.
4. Neither the Town of Gill nor any conservator or guardian for its benefit has made a written waiver of the Town of Gill's right to disclaim any such property.
5. The Town of Gill has not accepted or received any such property or interest or benefits therefrom.

We hereby further certify that none of the contingencies specified in Massachusetts General Laws, Chapter 190B, Section 2-801(h) results in a waiver or bar of the beneficiaries' right to disclaim, and any third-party purchaser of the property shall be entitled to rely without further inquiry upon the certification.

It is intended the foregoing qualify as a valid disclaimer under Massachusetts General Laws, Chapter 190B, Section 2-801 and under Section 2518 of the Internal Revenue Code of 1986, as may be amended.

Randy P. Crochier, Sr.
Chair, Board of Selectmen

Gregory M. Snedeker
Member, Board of Selectmen

Charles J. Garbiel, II
Member, Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS, COUNTY OF FRANKLIN

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared RANDY P. CROCHIER SR., proved to me through satisfactory evidence of identification, which was to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily the stated purpose.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS, COUNTY OF FRANKLIN

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared GREGORY M. SNEDEKER, proved to me through satisfactory evidence of identification, which was to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily the stated purpose.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS, COUNTY OF FRANKLIN

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared CHARLES J. GARBIEL II, proved to me through satisfactory evidence of identification, which was to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily the stated purpose.

Notary Public
My commission expires:

RECEIPT

I, GREG V. PARODY, and/or ELLEN R. BEAN, beneficiaries of the Estate of Renee A. Jenkins, hereby acknowledge receipt of the foregoing Disclaimer.

Gregory V. Parody

Ellen R. Bean

DRAFT

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

In re:

FirstLight MA Hydro LLC
Northfield Mountain LLC

) Turners Falls Hydroelectric Project No. 1889-085
) Northfield Mountain Project No. 2485-071

**MOTION TO INTERVENE
OF TOWN OF GILL, MASSACHUSETTS**

Pursuant to Rules 210, 212, and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.210, 385.212, and 385.214, the Town of Gill, Massachusetts ("Movant") hereby moves to intervene and request party status in this proceeding.

On April 29, 2016, FirstLight Hydro Generating Company filed a Final License Application for the Turners Falls Project and Northfield Mountain Pumped Storage Project while several relicensing studies were still underway. On December 4, 2020, FirstLight MA Hydro LLC, owner of the Turners Falls Hydroelectric Project and Northfield Mountain LLC, owner of the Northfield Mountain Pumped Storage Project, collectively "FirstLight," filed an Amended Final License Application ("AFLA"). FERC issued a letter of deficiency and additional information request on January 14, 2021 and an additional information request on April 19, 2021.

FirstLight then re-engaged interested parties in separate settlement negotiations starting in late 2021. On March 31, 2023, FirstLight filed a Flows and Fish Passage Settlement Agreement, which also included whitewater releases for recreation. On June 12, 2023, FirstLight filed a Recreation Settlement Agreement.

On February 22, 2024, the Commission issued a Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Fishway Prescriptions, requiring motions to intervene to be filed on or before April 22, 2024.

I. Communications and Service of Process

All communications, pleadings and orders with respect to this proceeding should be sent to the following individuals. In the event of personnel or board member changes, the person in the positions listed below will serve the same role.

Name:	Ray Purington, Town Administrator
Address:	Town Hall, 325 Main Road, Gill, MA 01354
Phone:	413-863-9347
Email:	administrator@gillmass.org
Name:	Randy Crochier, Chair, Selectboard
Address:	Town Hall, 325 Main Road, Gill, MA 01354
Phone:	413-863-9347
Email:	hxydad77@yahoo.com
Name:	<u>Paul Sievert</u> , Chair, Conservation Commission
Address:	Town Hall, 325 Main Road, Gill, MA 01354
Phone:	413-863-9347
Email:	psievert@eco.umass.edu
Name:	Kit Carpenter, Chair, Historical Commission
Address:	Town Hall, 325 Main Road, Gill, MA 01354
Phone:	413-863-9347
Email:	kitc16@comcast.net

II. Position of the Town of Gill

Pursuant to the Commission's rules, 18 C.F.R. § 385.214(b)(1), requiring a statement of the Town's position, the Town seeks to have any license issued by FERC conditioned to assure that the Northfield Mountain Pumped Storage Project does not cause erosion. The Town of Gill is deeply interested in project impacts on erosion upstream of the Turners Falls Dam. Erosion caused by the Pumped Storage Project degrades water quality in violation of state and federal clean water laws, harms fish and wildlife habitat, causes the loss of land along the river including prime agricultural land, threatens important transportation and municipal water and wastewater infrastructure, increases flood risks, and damages important historical and cultural resources. The FERC license for this facility should include conditions that will prevent these harms by erosion from occurring.

As a party to the recreation settlement agreement filed with FERC on June 12, 2023, the Town of Gill supports the recreation provisions in the settlement agreement and requests FERC to

accept the Recreation Management Plan. The recreation settlement agreement satisfies the Town's recreational interests with regard to the operation of both projects.

In accordance with Section 2.2 of the Recreation Settlement Agreement, although we were not a party to the flows and fish passage settlement agreement, the Town of Gill has agreed not to oppose any of the terms of the flows and fish passage settlement agreement. The Town has an interest in the Connecticut River being a healthy river ecosystem.

The filing of this Motion shall not be construed in any way as lack of support for the recreation settlement agreement or opposition to any of the terms of the flows and fish passage settlement agreement.

III. Interests of Movant

The Town has ample interest in participating in this matter to justify intervention as required by the Commission's rules, 18 C.F.R. § 385.214(b)2).

A. Direct Interests

The Town of Gill is a duly incorporated municipality in the Commonwealth of Massachusetts, with the responsibility to protect the health, safety, and well-being of the community. The Connecticut River forms the southern and eastern boundary of Gill and is a vital part of the culture, history and economy of the Town. The River serves as a central recreational, tourism and natural resource for both the Town's 1,551 residents¹ and visitors. The Connecticut River floodplain continues to be utilized by diversified farms that grow fruits, vegetables, dairy products, and livestock for meat. The Gill side of Barton Cove draws visitors and residents alike for kayaking, birding, fishing, boating, and camping. Gill is also known for its excellent co-educational boarding and day school, Northfield Mount Hermon. Town residents regularly use and care about the area of the Connecticut River affected by the presence and operation of the Turners Falls Dam and Northfield Mountain Pumped Storage Project, owned and operated by FirstLight.

Town context and financial interest

The Town of Gill is directly impacted by operations of both projects and will be directly impacted by the proposed relicensing. More than half of the man-made portions of the Turners

¹¹ U.S. 2020 Census population

Falls Dam structure lie in Gill, and the impoundment formed by the dam and used as the lower reservoir for the Northfield Mountain Pumped Storage Project affects the riverbanks in Gill. The Town of Gill interests include the Prime Agricultural land, recreational amenities, local and regional economies, wetlands, wildlife habitat including aquatic habitat, undeveloped riparian land, agricultural irrigation water, and the many significant archaeological, cultural, and historical sites within our town and the entire project boundary.

FirstLight is one of the largest landowners in the Town of Gill and is the largest taxpayer, accounting for 8.7% of the total assessed real and personal property taxes for Fiscal Year 2024. In addition to the actual infrastructure of the Turners Falls Dam, the power company owns most of the riverfront land along the Connecticut River upstream of the dam. FirstLight MA Hydro LLC owns 42 parcels encompassing 235 acres of land in Gill, and Northfield Mountain LLC owns 7 parcels encompassing 133 acres. Combined, the two power company entities own a total of 4.3% of the land area of the Town. FirstLight properties in Gill have a total assessed value of \$18 million, according to the Gill Board of Assessors.

The Northfield Mount Hermon School (NMH), a 650-student private, co-educational, college preparatory school for boarding and day students, is located within the Town of Gill at the northern end of town. The school has its own wastewater treatment system that discharges to the Connecticut River. The NMH School has very successful Boys' and Girls' Varsity Rowing Teams, and is dependent upon river access, stable riverbanks and adequate water levels to maintain the success of their rowing programs. NMH's spring boy's and girl's rowing teams are a draw to attracting students to enroll at the NMH School, and the regattas provide an economic boost to Gill's and other area businesses. In the spring of 2020, NMH opened the Draper Riverhouse, a new on-campus boathouse on the Connecticut River.

Recreation interests

Recreational amenities associated with the Projects are located within our town and are important to the regional and local economies and quality of life of our residents. Existing recreation facilities owned by FirstLight in Gill include Barton Cove Campground, Barton Cove Canoe and Kayak Rental facility, and the Franklin County Boat Club, which is a private club operating on riverfront land rented from FirstLight. Relicensing Study 3.6.1, Recreation Use/User Contact Survey Study Report, found that of 945 survey responses, 69% were from 10 or fewer miles away. Local residents regularly visit and recreate on the Connecticut River.

The state-owned Barton Cove boat ramp is a public boat ramp in Gill, located within the Project bounds. Parking for this boat ramp is mostly set up for vehicles and trailers that transport

motor boats. For this important recreational asset to function, the Project must provide adequate water levels during boating season (late April – early November) for boat passage through the channel in Barton Cove and into the Connecticut River.

Gill's 2021 Open Space and Recreation Plan included the following river-related items in its 7-year action plan:

- Take an active role in the FERC relicensing process for FirstLight's hydroelectric facilities and strongly advocate for riverbank stabilization and erosion mitigation measures to be included in the new 50-year operating licenses.
- Explore the feasibility of improving the Stacy's Ferry public land for use as park, picnic area and river access for kayaks and canoes, including ADA accessibility.
- Include FirstLight, the Gill-Montague School District, The Nature Conservancy, and Northfield Mount Hermon School as well as other entities on the mailing lists for meetings of the Open Space and Recreation Advisory Committee and the Recreation Committee as a way of communicating the town's interest in a mutually beneficial relationship with these organizations.
- Request FirstLight to host an annual outdoor education program at one of its Gill properties.
- Investigate with FirstLight the possibility of creating a public access park on land between Riverview Drive and the Connecticut River, similar to the walking path and picnic area on the Montague side.

Land uses along the Connecticut River

There are 20 landowners whose property boundaries include the riverbank of the Connecticut River. These landowners depend on the Town of Gill's Conservation Commission to take an active role in enforcing the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40), mitigating riverbank erosion and sedimentation on lands under water during the operation of the Northfield Mountain Pump Storage Project and Turners Falls Hydroelectric Project along the 10.3 miles of river frontage in Gill. Over the years, the town's Conservation Commission has issued Wetlands Protection Act permits for FirstLight's riverbank restoration projects to prevent additional erosion and loss of farmland. Shortly after Northfield Mountain Pumped Storage became operational, landowners began complaining of bank erosion from project operations. Landowners have described losing up to 30 feet of land to erosion over the last 50 years. Terraces and beaches have been replaced by steep eroding banks.

Among the 20 landowners are eight with private homes located within the 100 Year Flood Zone. These landowners and homeowners depend on controlled water releases from the

Turners Falls dam during high river flow situations in order to reduce the risk of personal injury and property damage caused by flooding.

Additionally, 10 seasonal or year-round private “camps” in Gill are located on land owned by FirstLight. These are held under revocable 5-year licenses with FirstLight, with the exception of three remaining “life licenses” (as of 2008) that will become 5-year licenses after the life licenses are transferred to a new owner.² Many of these camps have private boat docks licensed through Massachusetts Chapter 91 regulations with FirstLight as landowner.³

The Emergency Action Plan for Northfield Mountain Pumped Storage Project produced by FirstLight Power Services, LLC includes inundation maps for the Northfield Main Dam and the Northwest Dike of the Northfield Mountain Reservoir in Erving. Both the dam and the dike are classified as Significant Hazard Potential by the Massachusetts Department of Conservation and Recreation (DCR) Office of Dam Safety. According to inundation maps included in the Emergency Action Plan, if the dike were to fail, floodplain areas in Gill along the Connecticut River south of Four Mile Brook in Northfield would be impacted. Upon failure of the dike, residents would have approximately 36 minutes to 1 hour and 24 minutes before flooding. Residences and businesses located in the Riverside residential neighborhood would be greatly impacted. Upon failure, residents would have approximately 39 to 48 minutes before flooding. There is currently no flood warning siren serving the Riverside neighborhood, including the Franklin County Boat Club and the state-owned Barton Cove boat ramp. FirstLight has implemented a reverse call system for residences within the inundation area of the dam or dike, which would send a message to registered phone numbers within minutes of a failure.

Infrastructure interests

A town-owned sewer pump station, which serves 115 homes and businesses in the Town of Gill’s Riverside neighborhood, is located within 70 feet of the Connecticut River shoreline, and is adjacent to a stream and culvert maintained by FirstLight. The pump station sends wastewater under the Connecticut River to the Town of Montague’s system for treatment at the Montague Clean Water Facility. During high river flow situations, controlled releases at the Turners Falls Dam are critical to preventing flood damage to this vital piece of Riverside infrastructure. The Riverside Archaeological District and the Riverside Village Historic District in Gill in this section of town are both on the National Register of Historic Places.

² See FirstLight Hydro Generating Company Request for Authorization of Non-Project Use and Occupancy of Project Lands dated October 10, 2008. Accession Number 20081010-5144.

³ The camps are managed by FirstLight as non-project use of project lands. See FERC Order Modifying and Approving Non-Project Use of Project Lands and Waters issued October 28, 2009, Accession Number 20091028-3034.

Gill has a spectacular cantilever arch bridge over the Connecticut River at the French King Gorge between Erving and Gill on Route 2. The French King Bridge was completed in 1932, and that year received an Annual Merit Award as “the most beautiful steel bridge” from the American Institute of Steel Construction. Recently restored, the bridge is listed on the State Register of Historic Places. Safety barriers were installed in 2023 as a suicide prevention measure.

Indigenous, archaeological, and historical interests

The Massachusetts Historical Commission’s Inventory of Archaeological Assets of the Commonwealth indicates there are more than 30 recorded ancient Native American archaeological sites and at least 4 historical period archaeological sites along the Connecticut River in Gill. The upper Connecticut River valley in Gill has been used and inhabited by Native American groups for settlement, resource procurement and transportation from about 12,000 years ago through the historical period. Significant historic and archaeological resources are likely to be present within undeveloped archaeologically sensitive areas in proximity to the Connecticut River and other freshwater sources. These areas can provide important information for understanding Native American and settler-colonist history.

For these reasons, the Town has a direct and substantial interest in the outcome of the relicensing process for the Northfield Pumped Storage Project and the Turners Falls Project.

B. Public Interest

The Town’s responsibility to protect the interests of its residents and respond to any potential adverse impacts to its residents associated with the relicensing of the referenced projects is, by its very nature, in the public interest. The Town of Gill is not just responsible for protecting its direct interests but also those of its residents and the public throughout the course of this relicensing.

The operations of the Turners Falls Project and Northfield Mountain Pumped Storage Project affect the public interest by operating recreation facilities in Gill along the Connecticut River, causing erosion and contributing to the loss of prime farmland, diminishment of aquatic and riparian habitat for rare and endangered species and decline in water quality. Such impacts would significantly affect the quality of life, economic well-being, and access to a clean environment for the Town’s residents.

The Town has long demonstrated its interest in both matters through several years of active participation in proceedings before the Commission and negotiations with the Applicant involving both the Turners Falls Project and the Northfield Mountain Pump Storage Project. Over the past 50 years, the Town of Gill has submitted dozens of letters to FERC regarding matters related to both Northfield Mountain Pumped Storage Project (P-2485) and Turners Falls Project (P-1889). Most recently, in June of 2023, the Town of Gill signed on as a party to a recreation settlement agreement to both licenses. In 2019, the Town filed a Protest and Motion to Intervene regarding the transfer of both licenses to separate limited liability companies (LLCs). The Town of Gill, through its Conservation Commission, has submitted numerous letters related to license compliance, riverbank restoration, and erosion along the banks of the Connecticut River.

For all these reasons, the Town has a strong interest in the effective management and stewardship of lands within the Connecticut River watershed affected by the referenced projects.

IV. Conclusion

Granting intervenor status to the Town of Gill will allow the Town to present an important perspective and relevant information for the Commission's consideration. The Town is coordinating with other municipalities in Franklin County with the support of the Franklin Regional Council of Governments (FRCOG) and will, except where interests diverge, endeavor to coordinate the Town's participation with FRCOG and other similarly situated communities to minimize duplication and ensure the efficient presentation of relevant information to the Commission.

For these reasons, the Town respectfully requests that the Commission grant this Motion to Intervene as a party with full rights to participate in all further proceedings.

Ray Purington
Town Administrator
Town of Gill
325 Main Road
Gill, MA 01354
Telephone: 413-863-9347
Email: administrator@gillmass.org

Date