



SELECTBOARD AGENDA & MEETING NOTICE

Wed., June 22, 2022

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

Location: Gill Town Hall, 2nd Floor

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

- Followup/Comments on correspondence from residents regarding Gill Police Department participation in regional grant providing a behavioral health clinician for co-response
- Review of Minutes from 3/28/22, 4/25/22, 5/9/22, and 6/6/22
- Outcome of June 21st Debt Exclusion Ballot Vote; Next Steps, if any.

New Business

- Annual Appointments for Fiscal Year 2023, effective July 1, 2022
- Proposal from FRCOG for Shared Legal Services for next phase of FirstLight's FERC Relicensing - \$20,000 approx cost, split between FRCOG (\$10K) and 4 towns (\$2,500 each)
- Update to "Policy for Disposal of Surplus Equipment" (increase value limit from \$5,000 to \$10,000 to match current limit in Mass. General Law chapter 30B, section 15)
- Confirm Date/Time for Pole Hearing requested by Eversource for new utility pole to provide service to garage at 12 West Gill Road – Tuesday, July 5th 5:30 PM ??
- Other business as may arise after the agenda has been posted.
- Public Service Announcements, if any
 - Earth Machine Compost Bins available at Town Hall for discounted price \$25 each
- Warrants
FY22 #25 Vendors (\$30,544.29) & Payroll (\$27,061.90) – reviewed & signed on 6/6/22
FY22 #26 – review & sign

Adjournment

Other Invitations/Meetings:

Date	Time	Event	Location
Mon 7/4		July 4 th holiday	
Tues 7/5	5:30 PM	Gill Selectboard meeting	Gill Town Hall, 2 nd floor
Mon 7/18		No Selectboard meeting (no Ray)	
Mon 8/1	5:30 PM	Gill Selectboard meeting (no Charles)	Gill Town Hall, 2 nd floor

FirstName	LastName	JobTitle	Cor	Address1	City	State	PostalCode	Length of Term	Term Expires
Ray	Purington	911 Coordinator		29 Atherton Road	Gill	MA	01354	one year	June 30, 2023
Doreen	Stevens	ADA Coordinator		57 North Cross Road	Gill	MA	01354	one year	June 30, 2023
John	Miner	Assistant Tree Warden	Hig	196C Main Road	Gill	MA	01354		June 30, 2023
Charles	Garbiel	Selectboard's Representative to the Cable Advisory Committee		42 Hoe Shop Road	Gill	MA	01354	one year	June 30, 2023
Tom	Hodak	Cable Advisory Committee		190 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Janet	Masucci	Cable Advisory Committee		64A French King Highway	Gill	MA	01354	one year	June 30, 2023
Daniel	Trenholm	Capital Improvement Planning Committee		13 Trenholm Way	Gill	MA	01354	three years	June 30, 2025
Chris	Polatin	Conservation Commission		343 Mountain Road	Gill	MA	01354	three years	June 30, 2025
Gail	Cross	Council on Aging		63A French King Highway	Gill	MA	01354	three years	June 30, 2025
James	Shea	Board of Registrars		10 Gilder Way	Gill	MA	01354	three years	June 30, 2025
Megan	Bathory-Peeler	Election Worker		47 Mount Hermon Road	Gill	MA	01354	one year	June 30, 2023
Betsy	Burnham	Election Worker		95 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Helen	Chappell	Election Worker		14 Chappell Drive	Gill	MA	01354	one year	June 30, 2023
Alison	Crochier	Election Worker/Constable		22 Munns Ferry Road	Gill	MA	01354	one year	June 30, 2023
Edward	Golembeski	Election Warden		119 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Ellen	Hastings	Election Worker		243 Main Road	Gill	MA	01354	one year	June 30, 2023
Patricia	Hawkins	Election Worker		134 Boyle Road	Gill	MA	01354	one year	June 30, 2023
Carole	Lafleur	Election Worker		19 Atherton Road	Gill	MA	01354	one year	June 30, 2023
Colleen	Lilly	Election Worker		292 Main Road	Gill	MA	01354	one year	June 30, 2023
Eileen	Palumbo	Election Worker		30 Center Road	Gill	MA	01354	one year	June 30, 2023
Lawrence	Palumbo	Election Worker/Constable		30 Center Road	Gill	MA	01354	one year	June 30, 2023
Robin	Paris	Election Worker		394 Main Road	Gill	MA	01354	one year	June 30, 2023
Robert	Perry	Election Warden/Constable		42 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Joan	Pillsbury	Election Worker		270 Mountain Road	Gill	MA	01354	one year	June 30, 2023
Gary	Stevens	Election Warden/Constable		57 North Cross Road	Gill	MA	01354	one year	June 30, 2023
Barbara	Watson	Election Worker		143 River Road	Gill	MA	01354	one year	June 30, 2023
Anne	Wiley	Election Worker		90 North Cross Road	Gill	MA	01354	one year	June 30, 2023
Gene	Beaubien	Emergency Management Director		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Tupper	Brown	Energy Resources Commission		58 River Road	Gill	MA	01354	three years	June 30, 2025
Andrew	Cole	Energy Resources Commission		469 Main Road	Gill	MA	01354	three years	June 30, 2025
Gene	Beaubien	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
William	Borcy	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Thomas	Chabot	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Edward	Curtis	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Stuart	Elliott	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Andrew	Howell	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
William	Kimball	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Forester	Menson	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Brandon	Ovitt	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Greg	Parody	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023

FirstName	LastName	JobTitle	Cor	Address1	City	State	PostalCode	Length of Term	Term Expires
Mitchell	Waldron	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Daniel	Ware	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Shane	Wells	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Randy	Wheelock	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Jake	Whitney	Firefighter		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Ray	Purington	Selectboard's Representative to the Franklin County Cooperative Inspection Program Advisory Board		325 Main Road	Gill	MA	01354	one year	June 30, 2023
Arthur	Cohen	Franklin County Solid Waste Management District Representative		9 Mt. Hermon Station Road	Northfield	MA	01360	one year	June 30, 2023
Ray	Purington	Alternate Designee to the Franklin Regional Transit Authority Advisory Board		325 Main Road	Gill	MA	01354	one year	June 30, 2023
Ray	Purington	Alternate Representative to the Regional Animal Control Advisory Committee		325 Main Road	Gill	MA	01354	one year	June 30, 2023
Frank J.	Cutting	Fred Wells Trustee		81 Ben Hale Road	Gill	MA	01354	one year	June 30, 2023
Christopher	Redmond	Gill Police Chief		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
Jason	Bassett	Gill Police Sergeant		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
John	Cowan	Gill Police Officer		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
William	Kimball	Gill Police Officer		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
Mark	Ruddock	Gill Police Officer		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
Nikol	Schreiber	Gill Police Permits Clerk		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
Mitchell	Waldron	Gill Police Officer		Gill Police Department	Gill	MA	01354	one year	June 30, 2023
Robert	Holst	Mutual Aid Police Officer	Erv	71 French King Hwy	Erving	MA	01344	one year	June 30, 2023
Adam	Paicos	Mutual Aid Police Officer	Erv	71 French King Hwy	Erving	MA	01344	one year	June 30, 2023
Brandon	Bryant	Mutual Aid Police Officer	Erv	71 French King Hwy	Erving	MA	01344	one year	June 30, 2023
Joshua	Barber	Mutual Aid Police Officer	Erv	71 French King Hwy	Erving	MA	01344	one year	June 30, 2023
Jon	Hall	Mutual Aid Police Officer	Nor	69 Main Street	Northfield	MA	01360	one year	June 30, 2023
Alex	Pirozhkov	Mutual Aid Police Officer	Nor	69 Main Street	Northfield	MA	01360	one year	June 30, 2023
Oleg	Cobileanschi	Mutual Aid Police Officer	Nor	69 Main Street	Northfield	MA	01360	one year	June 30, 2023
James	Palmeri	Mutual Aid Police Officer	Ber	256 South Street	Bernardston	MA	01337	one year	June 30, 2023
John	Richardson	Mutual Aid Police Officer	Ber	256 South Street	Bernardston	MA	01337	one year	June 30, 2023
Curtis	Weaver	Mutual Aid Police Officer	Ber	256 South Street	Bernardston	MA	01337	one year	June 30, 2023
Daniel	Miner	Mutual Aid Police Officer	Mo	180 Turnpike Road	Turners Falls	MA	01376	one year	June 30, 2023
Pamela	Shoemaker	Historical Commission		365 Main Road	Gill	MA	01354	three years	June 30, 2025
Robert	Perry	Historical Commission		42 West Gill Road	Gill	MA	01354	three years	June 30, 2025
Gary	Bourbeau	Memorial Committee		91 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Merri	Bourbeau	Memorial Committee		91 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Doug	Smith	Memorial Committee		39 Center Road	Gill	MA	01354	one year	June 30, 2023
Elaine	Smith	Memorial Committee		39 Center Road	Gill	MA	01354	one year	June 30, 2023
Anthony	Zager	Memorial Committee		65 River Road	Gill	MA	01354	one year	June 30, 2023

FirstName	LastName	JobTitle	Cor	Address1	City	State	PostalCode	Length of Term	Term Expires
Susan	LaScala	Newsletter Editor		78 French King Highway	Gill	MA	01354	one year	June 30, 2023
Richard	French	Planning Board		267 Main Road	Gill	MA	01354	three years	June 30, 2025
Doreen	Stevens	Chief Records Access Officer		325 Main Road	Gill	MA	01354	one year	June 30, 2023
Ray	Purington	Records Access Officer		325 Main Road	Gill	MA	01354	one year	June 30, 2023
Gene	Beaubien	Records Access Officer		196A Main Road	Gill	MA	01354	one year	June 30, 2023
Chris	Redmond	Records Access Officer		196B Main Road	Gill	MA	01354	one year	June 30, 2023
John	Miner	Right to Know Officer		196C Main Road	Gill	MA	01354	one year	June 30, 2023
Donna	MacNicol	Town Counsel		P. O. Box 985	Greenfield	MA	01302-0085	one year	June 30, 2023
Matthew	Thomas	Special Legal Counsel		4 Park Place, Suite 101	New Bedford	MA	02740	one year	June 30, 2023
Steve	Baskowski	Town Forest Task Force		149 Main Road	Gill	MA	01354	one year	June 30, 2023
Donna	Bigelow	Town Forest Task Force		101 Hoe Shop Road	Gill	MA	01354	one year	June 30, 2023
Phil	Gilfeather-Girton	Town Forest Task Force		8 Meadow Street	Gill	MA	01354	one year	June 30, 2023
Amy	Gordon	Town Forest Task Force		8 Setback Lane	Gill	MA	01354	one year	June 30, 2023
Chris	Polatin	Town Forest Task Force		334 Mountain Road	Gill	MA	01354	one year	June 30, 2023
Paul	Sievert	Town Forest Task Force		269 Mountain Road	Gill	MA	01354	one year	June 30, 2023
Ken	Sprinkle	Town Forest Task Force		84 Boyle Road	Gill	MA	01354	one year	June 30, 2023
Timothy	Niejadlik	Veterans' Services Officer	Upper	294 Main Street	Greenfield	MA	01301	one year	June 30, 2023
		Selectboard's Representative to the Upper Pioneer Valley Veterans' Services District Advisory Board						one year	June 30, 2023
Merri	Bourbeau	Veterans' Graves Officer		91 West Gill Road	Gill	MA	01354	one year	June 30, 2023
Tupper	Brown	Zoning Board of Appeals		58 River Road	Gill	MA	01354	three years	June 30, 2025
Isaac	Bingham	Zoning Board of Appeals		413 Main Road	Gill	MA	01354	three years	June 30, 2025

Ray Purington/Gill Selectboard

From: Peggy Sloan <PSloan@frcog.org>
Sent: Thursday, June 16, 2022 10:54 AM
To: StevenE - Montague Town Administrator; Andrea Llamas; bryan.smith@erving-ma.gov; Ray Purington/Gill Selectboard
Cc: Linda Dunlavy; Kimberly Noake MacPhee
Subject: RE: FERC Legal Costs
Attachments: Scope of Services - Attorney Ronald Shems - FERC Hydropower Relicensing Draft 6-14-22.doc; Ron's Resume.2021.9.10.pdf

Hi All, Please find attached a Draft Scope of Work for FERC Legal Services. Would you please review it and provide any suggested changes or additions. Northfield Select Board has approved \$2,500 towards shared legal services. Please let me know if your town is interested in participating in shared legal services via a MOU. Once we know how many towns would like to participate, we will prepare a contract with Attorney Ronald Shems. We have confirmed with our Chief Procurement Officer that we do not need to go out to bid. If possible, please let me know by June 30th whether or not you would like to participate. Thanks, Peggy

From: Peggy Sloan
Sent: Monday, June 6, 2022 1:53 PM
To: 'StevenE - Montague Town Administrator' <StevenE@montague-ma.gov>; 'Andrea Llamas' <allamas@NorthfieldMA.gov>; 'bryan.smith@erving-ma.gov' <bryan.smith@erving-ma.gov>; 'Ray Purington/Gill Selectboard' <administrator@gillmass.org>
Cc: Linda Dunlavy <LindaD@frcog.org>; Kimberly Noake MacPhee <KMacPhee@frcog.org>
Subject: FERC Legal Costs

Dear Town Administrators, The FRCOG is exploring hiring Legal Counsel for the next phase of the FERC relicensing process for the Northfield Mountain Pumped Storage and the Turners Fall Hydroelectric Projects. We have had preliminary discussions with Attorney Ronald Shems from Tarrant, Gillies & Shems about the possibility of working with us to provide legal assistance. The hourly rate for his legal services is \$300 per hour. Attorney Shems is currently working with the CRC to advise them on certain aspects of the relicensing process so they are already familiar with the projects. If there is overlap with respect to services, we could split the hours with the CRC to save on costs. The legal services we discussed with Attorney Shems include reviewing and providing written comments on the Settlement Agreement and associated License Articles, as well as the Off-License agreement. In addition, Legal Counsel might also assist us with the 401 Water Quality Certification (WQC) process since we hope DEP will exercise its full authority. While the WQC process is implementing a federal law (Clean Water Act), Attorney Shems might need to consult with a MA licensed attorney since MADEP will be responsible for issuing the Water Quality Certificate. Finally, if all does not go well with the Settlement Agreement, particularly with respect to the erosion issue, Legal Counsel could help us with the Intervenor process. Based on our preliminary discussions, the approximate cost for these legal services would be \$15,000 - \$20,000. FRCOG staff will be requesting and hopes to receive approval for \$10,000 toward legal services. Would your town like to share the cost of legal services and contribute \$2,500? If all 4 towns agree, via a Memorandum of Understanding, to share costs we could cover up to \$20,000 in legal fees. Please let me know if your town is interested and I can prepare a Draft Scope of Services which we can discuss. We will also need to check with our Chief Procurement Officer about whether or not these legal services would qualify for a sole source procurement. If not, we will need to issue a Request for Quotes. I look forward to hearing from you. Regards, Peggy

Ronald Shem's bio can be found here: <https://www.tarrantgillies.com/our-team/ronald-a-shems/>

Peggy Sloan, AICP
Director of Planning & Development
Franklin Regional Council of Governments
12 Olive Street
Greenfield, MA 01301
413-774-3167 x133
psloan@frcoq.org



Ronald A. Shems

Tarrant | Gillies | Shems **LLP**
Attorneys at Law

[44 East State Street, Montpelier, VT 05601-1440](http://www.tarrantgillies.com)

Tel: (802) 223-1112 ext. 109 Fax: (802) 223-6225

ron@tarrantgillies.com | <http://www.tarrantgillies.com>

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Franklin Regional Council of Governments

LEGAL COUNSEL SCOPE OF SERVICES FERC RELICENSING OF THE NORTHFIELD MOUNTAIN PUMPED STORAGE (FERC Project No. 2485) AND TURNERS FALLS HYDROELECTRIC PROJECTS. (FERC Project No. 1889)

Legal Counsel shall provide the following professional services:

- 1) Review and provide written comments on FirstLight's proposed Settlement Agreement and related Articles of the License to protect the regional and local interests of the FRCOG and host communities (towns of Northfield, Gill, Montague and Erving) including: (1) improvement to and maintenance of recreation facilities; (2) mitigation of erosion; (3) prevention of impairment to water quality and loss of farmland and cultural/archeological resources; and (4) protection/restoration of historic resources.
- 2) Review and provide written comments and recommendations for changes to FirstLight's proposed Off-License Agreements governing certain recreational facilities.
- 3) Review and provide recommended changes to any counterproposals prepared by the FRCOG or towns.
- 4) If erosion is not satisfactorily addressed by the Settlement Agreement, provide a legal opinion about whether to sign the Settlement Agreement or not.
- 5) Review and provide comments on any motions to intervene and comment prepared by the FRCOG and/or the towns to be submitted to FERC.
- 6) Review and provide comments to Massachusetts Department of Environmental Protection (MassDEP) on the 401 Water Quality Certificate and associated materials.
- 7) Hold 1-2 joint meetings with FRCOG and participating towns to discuss recommendations and answer questions.

Deliverables:

- 1) Written comments and recommendations for potential changes to the Settlement Agreement and License Articles proposed by FirstLight.
- 2) Written comments and recommendations for changes to the Off-License Agreements proposed by FirstLight to protect FRCOG and town interests.
- 3) Review and provide recommended changes on any counterproposals by FRCOG or the towns.

- 4) If erosion issue is not satisfactorily addressed, an opinion should be provided addressing whether signing the Settlement Agreement will impair our ability to request that FERC and/or MassDEP require FirstLight to mitigate the damage to natural and cultural resources from erosion caused by the operation of the pumped storage facility.
- 5) Review and provide written comments on a motion to intervene and comment by the FRCOG and the towns, if applicable.
- 6) Prepare written recommendations for potential improvements to the 401 Water Quality Certificate.
- 7) One to two (1-2) joint meetings with FRCOG and towns via Zoom.

Budget & Billing:

All requests for legal services will be coordinated through the FRCOG. The maximum hourly rate for legal services is \$300/hour. The maximum amount of the contract shall be _____ (\$10,000 - \$20,000) depending on the number of towns participating. Invoices shall be submitted monthly or quarterly and shall summarize/itemize work completed including number of hours and hourly rates for Ronald Shems and any other Tarrant, Gillies & Shems staff. Any legal services overlapping with work to be completed for the Connecticut River Conservancy shall be split 50%-50% between the two organizations. Examples of overlapping work includes review and written comments on FirstLight's proposed Settlement Agreement and related Articles of the License and review and written comments and recommendations on FirstLight's proposed Off-License Agreements governing certain recreational facilities.

RONALD A. SHEMS
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Montpelier, VT 05602
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(802) 224-6245 (cell)
www.TarrantGillies.com

EXPERIENCE

Tarrant, Gillies & Shems, LLP, 2019-present. Attorney and partner in an innovative Montpelier law firm that represents regulated industries, businesses, municipalities, non-profits, cooperatives and individuals in energy, land use, environmental, governance, public and civil rights, and appellate law before state and federal courts and tribunals.

Diamond & Robinson, P.C., 2015-2019. Attorney in Montpelier law firm that advises and represents businesses, individuals, government, and non-profit organizations in a broad range of areas including environmental, energy, land use, public and civil rights, and governance before federal and state trial and appellate courts, federal and state agencies, and municipalities.

Chair, Vermont Natural Resources Board, 2011-2015. Responsible for administration of Act 250, Vermont's land use permitting law, and the agency that implements the Act. Duties include support and oversight of nine District Commissions who make permitting decisions through quasi-judicial hearings, chairing the NRB's quasi-judicial review of Act 250 jurisdictional determinations, formulating land use policies, rulemaking, appearing before the Legislature regarding Act 250 and related issues, enforcement, coordinating Act 250 issues with agency partners and other stakeholders, recruiting and recommending potential Commissioners and Board members to the Governor, staff and Commissioner training, public outreach and education, and supervision of and coordination with 95 staff, Commissioners and Board members.

Supervising and Consulting Attorney, Vermont Law School Land Use Clinic. 2010-2011. Supervise student legal work and provide instruction, assist in developing student projects, lead Clinic seminars.

Shems Dunkiel Kassel & Saunders PLLC, 2001-2011.

Founding Partner in law firm dedicated to providing business, non-profit, and governmental clients with high-quality counsel and litigation services. Concentration in environmental and energy law.

Assistant Attorney General, Vermont Attorney General's Office. 1985-2001.

Duties include: enforcement and litigation of environmental laws; managing significant cross-divisional legal issues; provide counsel to and representation of the Vermont Agency of Natural Resources, Public Service Board, and other state agencies; represent the State of Vermont before state and federal trial, appellate and bankruptcy courts, and federal administrative tribunals; legislative drafting and testimony; provide guidance on environmental policy decisions; coordinate environmental policy with the National Association of Attorneys General, other States, and other national organizations; hire, supervise and train attorneys and interns; determining whether to join national litigation regarding environmental or states' rights matters, and coordinating press coverage.

Accomplishments and skills include:

Litigation of significant cases including:

- *In re: Morrisville Hydroelectric Project Water Quality*, 2019 VT 84, 224 A.3d 473 (Vt. 2019) -- Successfully represented American Whitewater in appeal before the Vermont Supreme Court regarding flows from hydroelectric dam necessary to maintain habitat and recreation.
- *In re: Derby GLC Solar, LLC*, 2019 VT 77, 221 A.3d 777 (Vt. 2019) – Successfully represented Washington Electric Cooperative, Inc. in upholding the VT Public Utility Commission decision denying a generation project because of transmission constraints.
- *Washington Elec. Coop., Inc.'s, Tariff Filing for Rate Design Changes & A Change in Rate Schedules to Be Effective on Servs. Rendered Beginning June 17, 2019*, No. 19-1270-TF, 2019 WL 7461354, at *1 (Dec. 19, 2019) – Successfully represented Washington Electric Cooperative before the VT Public Utility Commission in rate design proceeding contested by the Vermont Department of Public Service.
- *UMB Bank, N.A. v. City of Winooski*, Vermont, No. 2:17-CV-00231, 2018 WL 4080384, at *1 (D. Vt. Aug. 27, 2018) – Successfully represented UMB Bank, N.A. in claim that the City of Winooski illegally took parking from building financed by UMB Bank.
- *In re: UPC Vermont Wind, LLC* (First Wind), 2009 VT 19, 185 Vt. 296 (2009), lead counsel for First Wind before the Vermont Supreme and Environmental Courts.
- *S.D. Warren v. Maine*, 547 U.S. 715 (2006) member of intervenor/respondent American Rivers' legal team before the U.S. Supreme Court in unanimous decision that hydroelectric dams must comply with the Clean Water Act.
- *Friends of the Earth et al. v. Watson*, No. 02-4106(JSW) (N.D. Ca.) and No. 03-72620 (9th Cir. 2003) representing Friends of the Earth, Greenpeace and the Cities of Boulder, CO, Arcata, CA, Oakland, CA, and Santa Monica, CA in claim that federal export credit agencies must consider their projects' contributions to climate change. First case to hold that climate change provides Art. III standing.
- *Forest Watch v. United States Forest Serv.* 401 F.3d 115 (2d Cir. 2005) enjoining and vacating Forest Service timber sale in pristine area of Green Mountain National Forest.
- *Senville v. Peters*, 327 F. Supp. 2d 335 (D. Vt. 2004) blocking construction of circumferential highway around Burlington, VT.
- *Alabama Rivers Alliance v. FERC*, 325 F.3d 290 (D.C. Cir. 2003) reversing Federal Energy Regulatory Commission's decision that a hydroelectric dam was not subject to Clean Water Act compliance.
- *Sierra Club, Inc. v. Tyson Foods, Inc.*, 299 F. Supp. 2d 693 (W.D. Ky. 2003) determining that hazardous materials laws govern ammonia emissions from chicken farms.

- *Pharm. Research & Mfrs. of Am. v. Thompson*, 251 F.3d 219 (D.C. Cir. 2001) defending challenge to Vermont's pharmaceutical benefit program.
- *Nat'l Electrical Manufacturers Ass'n v. Sorrell*, 272 F.3d 104 (2d Cir. 2001) reversing District Court decision to enjoin enforcement of Vermont's mercury labeling law;
- *In re: OMYA, Inc.*, 171 Vt. 532 (2000) upheld Act 250 permit condition limiting the amount of trucks a development can route through an historic Vermont village center;
- *Vermont Agency of Natural Resources v. United States ex rel. Stevens*, 529 U.S. 765 (2000) states are not "persons" liable under the False Claims Act;
- *United States ex rel. Long v. SCS Business Institute*, 173 F.3d 870 (D.C. Cir. 1999) opinion supplemented by 173 F.3d 890 (D.C. Cir. 1999) states are not "persons" liable under the False Claims Act;
- *Gasoline Marketers v. Ripley*, 169 Vt. 504, 739 A.2d 1230 (Vt. 1999) promulgation of gasoline pump vapor control requirement complied with APA;
- *American Rivers and State of Vermont v. FERC*, 129 F.3d 99 (2d Cir. 1997) -- FERC cannot review or supersede state water quality requirements;
- *Brigham v. State*, 166 Vt. 246 (1997) defended suit in which right to equal educational opportunities was recognized;
- *In Re Wal*Mart Stores, Inc.*, 167 Vt. 75 (1997) upheld denial of Act 250 permit for Wal*Mart store because of impact on Downtown St. Albans;
- *North Carolina v. FERC*, 112 F.3d 1175 (D.C. Cir. 1997) wrote amicus brief on behalf of numerous states supporting North Carolina's appeal;
- *OMYA, Inc v. FERC*, 111 F.3d 179 (D.C. Cir. 1997) conditions of license and water quality certification do not amount to unconstitutional taking;
- *Rapid Rubbish Removal v. Ripley*, 988 F. Supp. 414 (D.Vt 1997) clean up of solid waste facility consistent with federal constitution and laws.
- *Killington, Ltd. v. State*, 164 Vt. 253 (1995) preservation of habitat under Act 250 is not unconstitutional taking of property;
- *Georgia Pacific Corp. v. Dept. of Environmental Conservation*, 159 Vt. 639 (1992) companion case to *P.U.D. No. 1 v. Washington Department of Ecology*; 511 U.S. 700 (1994) – Clean Water Act authorizes States to set minimum flow requirements for federally-licensed hydroelectric facilities;
- *Southview v. Bongartz*, 980 F.2d 84 (2d Cir. 1992) preservation of habitat under Act 250 is not unconstitutional taking of property;
- *In re Denio*, 158 Vt. 230 (1992) affirming principles critical to Act 250's administration.

Team leadership and project management: Lead counsel responsible for managing complex litigation and legal matters. Responsibilities include coordination of legal positions with clients,

hiring of local counsel and experts, developing and working within budgets, working with stakeholders, and managing attorneys, clerks and administrative staff. Examples include:

- Implementation of new Act 250 mandate to limit strip development;
- Coordination of proposed changes to Act 250 with agency partners and stakeholders, and shepherding the changes through the Legislature;
- Lead counsel for U.S. and Canadian citizens and business owners opposing development of three liquefied natural gas terminals and pipeline on Passamaquoddy Bay, Maine;
- Lead counsel for NGOs and four cities in landmark climate change litigation;
- Founding and growth of the Burlington, VT law firm, Shems Dunkiel Kassel & Saunders;
- Coordination of State of Vermont's legal positions relating to HydroQuebec and electric utility restructuring, and preparation of Vermont's legal response in the event of utility bankruptcy;
- New England representative on National Association of Attorneys General ("NAAG") environmental steering committee;
- Member of FACA committee reviewing changes to FERC licensing rules.
- Assist in development of Vermont Attorney General's Office environmental policy and responsible for coordinating policy directly with other States and NAAG;
- Coordination of litigation closing Vermont's unlined landfills;
- Member of Vermont Attorney General's Office tobacco litigation team; and
- Coordinating educational mock trial program with local high school students.
- Lead counsel responsible for management of most of above-mentioned cases;

Negotiation and mediation to resolve matters in, or prior to litigation; formulate legal response on behalf of diverse interests; and build coalitions. Examples include: negotiation of national and state hydroelectric issues and settlement of *CLF v. Ripley* (conservation group and Vt. Ski Area Association challenge to snow-making rules).

AWARDS

Best Brief Award in recognition of excellence in brief writing in the United States Supreme Court (1999 Term). Awarded by the National Association of Attorneys General for the merits brief authored in *Vermont Agency of Natural Resources v. United States ex rel. Stevens*, No. 98-1828.

Marvin Award for outstanding leadership, expertise and achievement in advancing the goals of the National Association of Attorneys General. June, 2000. Recognized work done to raise awareness and build coalitions of States to further the States' ability to protect water quality and the environment.

OTHER EXPERIENCE

Justice of the Peace/Member of Board of Civil Authority, Moretown, VT, 1998-2008, 2015-present.

Member of Moretown School Board, December 2014-2017.

Member of Vermont Energy Action Network Board of Directors, 2013-present. EAN is a community of high-level stakeholders – business, government and non-profit leaders who are committed to collaborating as a network to achieve the goal of meeting 90% of Vermont's energy needs through renewable energy and increased efficiency by 2050.

Mad River Glen Co-op Trustee, April, 2015-June, 2021. Member of the Mad River Glen Cooperative Board overseeing skier-owned mountain.

EDUCATION

Vermont Law School, South Royalton, VT

Juris Doctor, 1985

Master of Studies in Law, Environmental Law Center at Vermont Law School, 1985

Clark University, Worcester, MA

B.A., 1981, Majors: Science, Technology, and Society with a concentration in Biology; French.

Course work completed for Masters in Environmental Affairs; 1982.

BAR ADMISSIONS

State of Vermont

State of Maine

United States District Court for the District of Vermont

United States Courts of Appeals for the 1st, 2nd, 4th, 9th and D.C. Circuits

United States Supreme Court

PERSONAL

Bilingual in English and French; skiing; biking; travel.

TOWN OF GILL

MASSACHUSETTS



www.gillmass.org

POLICY for DISPOSAL OF SURPLUS EQUIPMENT

Less than ~~\$5,000~~\$10,000 value

MGL c. 30B §15 governs the methods by which surplus equipment no longer useful to a jurisdiction may be disposed of. Equipment includes motor vehicles, machinery, computer equipment, furniture and other inventoried materials and supplies, but does not include real property.

The value of a surplus item generally determines the method of disposal. For items belonging to the Town of Gill and valued less than ~~\$5,000~~\$10,000, the procurement officer shall dispose of the item or items using written procedures approved by the Selectboard. [MGL c. 30B, §15 (f)]

Methods of disposal for items valued less than ~~\$10,000~~\$5,000 shall be as follows:

A Department Head, Board, Committee, or Commission wishing to dispose of an item or items with a value less than ~~\$10,000~~\$5,000 shall submit to the Selectboard in writing a request to dispose of the item(s). The request shall include a description of the item(s), the age and condition, the reason for disposal, and the estimated value.

After consulting with the Department Head, Board, Committee, or Commission, the Selectboard shall make the determination that the item(s) are no longer needed and/or are being replaced, and shall determine the method of disposal. The determination shall be recorded in the Selectboard's minutes.

Disposal for items valued less than ~~\$10,000~~\$5,000 shall be limited to:

- Disposal of the item(s) as refuse or recyclable material.
- Offering the item(s) to other Gill Town departments, boards, committees, or commissions.
- Return to Donor - If the item(s) were a gift or donation from an individual, organization or business, the Selectboard may opt to return the item(s) to the individual, organization or business at no cost.
- Charitable Donations –With advance approval by a majority vote of Town Meeting, surplus equipment can be disposed of at less than fair market value to any organization that has an IRS tax-exempt status by reason of its charitable nature. [MGL c. 30B, §15 (g)]
- Offering the item(s) for sale or swap to other Massachusetts municipalities.
- Trade-In when making a purchase. IFB or RFP should specify the items to be traded in as part of the procurement. (Note that it may be more cost-effective to separate the transactions by selling the surplus item(s) through a bid or an auction before or after the new item(s) are purchased.
- Public Auction, Sealed Bid, or Yard Sale – Requires posting notice of sale (Town Hall bulletin board at a minimum, may also use Town website or other electronic media, or newspapers). Proceeds from the sale will be deposited into the General Fund.

The Selectboard may establish in writing any other appropriate method of disposal.

Adopted: September 24, 2012

Amended: June 22, 2022

Gill Surplus Equipment

Department:		Requestor's Name:		Date:	
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----- <i>Department Head to Complete Next 3 Lines</i> -----			
Item & Description			
Age:		Condition:	
Reason for Disposal:		Estimated Value:	
----- <i>Selectboard to Complete Line Below</i> -----			
Date Declared Surplus:		Method of Disposal:	

----- <i>Department Head to Complete Next 3 Lines</i> -----			
Item & Description			
Age:		Condition:	
Reason for Disposal:		Estimated Value:	
----- <i>Selectboard to Complete Line Below</i> -----			
Date Declared Surplus:		Method of Disposal:	

----- <i>Department Head to Complete Next 3 Lines</i> -----			
Item & Description			
Age:		Condition:	
Reason for Disposal:		Estimated Value:	
----- <i>Selectboard to Complete Line Below</i> -----			
Date Declared Surplus:		Method of Disposal:	

----- <i>Department Head to Complete Next 3 Lines</i> -----			
Item & Description			
Age:		Condition:	
Reason for Disposal:		Estimated Value:	
----- <i>Selectboard to Complete Line Below</i> -----			
Date Declared Surplus:		Method of Disposal:	

----- <i>Department Head to Complete Next 3 Lines</i> -----			
Item & Description			
Age:		Condition:	
Reason for Disposal:		Estimated Value:	
----- <i>Selectboard to Complete Line Below</i> -----			
Date Declared Surplus:		Method of Disposal:	