

GREENFIELD TOWN COUNCIL  
93<sup>rd</sup> Regular Meeting Minutes  
January 21, 2009

GCTV-15

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:14 p.m. by President Maloney.

**ROLL CALL OF MEMBERS:** Roll Call was taken.

**ALSO PRESENT:** Mayor Christine Forgey; Director of Municipal Finance and Administration Marjorie L. Kelly; School Committee Chairman Dalton Athey; Assistant Town Clerk Deborah Tuttle; Department of Public Works Superintendant Sandra Shields; Acting Fire Chief Michael Winn; Deputy Fire Chief Robert Strahan; Building Inspector Mark Snow; Police Chief David Guilbault; members of the Police Department; GCTV-15 staff; and members of the public.

**ACCEPTANCE OF MINUTES:** On a motion by Councilor Farrell, second by Councilor Allis, it was unanimously **VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF DECEMBER 17, 2008.

**PUBLIC HEARINGS:** None.

**COMMUNICATIONS:**

**MAYOR:** Mayor Forgey updated the Town Council regarding the following:

- ❖ Information has not been received regarding the Governor's 9C cuts. He has until January 28, 2009 to present this information.
- ❖ Town Departments have submitted Fiscal Year 2010 budget request; to the Mayor's Office. The Departments were instructed to present budget which reflect the following 1.) Level funding 2.) 5% reduction in level funding 3.) 10 % reduction in level funding.
- ❖ All discretionary spending has been frozen throughout the town.
- ❖ Fiscal Year 2008 Annual Audit has begun.
- ❖ School Building Association has accepted all but 75% of the town's legal fees incurred in the Middle School project for reimbursement. All of the overage of the project and 25% of the legal fees would be reimbursed at a rate of 76% to the town. In 2010, the annual reimbursements would increase from \$781,000.00 to \$1,025,000.00.
- ❖ Beginning in Fiscal Year 2010, the reimbursement from the State for the Middle School Building Project would increase and should reduce the tax rate for property owners through the term of the debt in 2020.
- ❖ Although notification had been received confirming the Town would receive \$200,000.00 in Pothole funding in the 3<sup>rd</sup> quarter, the Mayor was hesitant to believe revenues would hold considering the current fiscal state of the State.
- ❖ The first readings for the appropriations for: \$250,000.00 from Free Cash to the FY2009 Reserve Fund and \$500,000.00 from Free Cash to the Stabilization Fund.
- ❖ A First Reading was on tonight's agenda for the following appropriation: \$135,000.00 from Free Cash to the Negotiated Salary Increases for 4 of the 5 town side unions. These 5 units have agreed for the Employees to pay a higher percentage for Health Insurance. Savings from the Health Insurance would probably not be seen until Fiscal Year 2010 or 2011.

President Maloney stated first readings were not usually discussed, however, he would allow Councilors to ask specific questions to the Mayor regarding her comments related to the first reading. The following responses were given to questions by Councilors by the Mayor:

- ❖ Middle School debt exclusion ends in 2020. The only way to change this would be to refund the Middle School.
- ❖ The first reading for negotiated Salary Increases was brought to the Town Council in accordance with labor laws, which require the Mayor to bring the financial aspect of negotiations to the Legislative body after a tentative agreement has been completed.
- ❖ The request for discretionary spending could save the town between \$300,000.00 and \$400,000.00.
- ❖ The Mayor would submit the Fiscal Year 2010 budget to the Town Council within the first week in April.

**TOWN OFFICERS:** Ms. Kelly and Mr. Snow spoke regarding the Reserve Fund Transfer request for the Davis Street School Administration Building Roof. The following responses were given to Council questions:

- ❖ A leak in the roof was discovered around December 11, 2008, which had been there for some time and had not been attended to.
- ❖ DPW and the Fire Department assisted in cleanup and basic safety issues.
- ❖ A Structural Engineer from SVE Associates was contacted and a report should be available shortly.
- ❖ The Reserve Fund of \$17,500.00 was requested to fix the problem and make repairs.
- ❖ Copies of pictures of the damage were presented to the Town Council (see attached).

- ❖ In its current condition, the building could be a safety issue. It was the town's responsibility to secure the building.
- ❖ Uncertain if insurance would cover cost for repairs.
- ❖ If the problem was not fixed, the building may need to be raised.
- ❖ The funding request of \$17,500.00 was "bare bones" to eliminate the water problem and stabilize the building.
- ❖ Replacement cost for the building would be approximately \$200.00 per square foot.
- ❖ The building has historical value.
- ❖ The Structural Engineer focused on the water issue only.
- ❖ If this was a privately owned building and the owner could not fund the repairs, the building may be condemned. However, the town would be liable for the building.
- ❖ Electrical concerns were raised due to the water problem.
- ❖ Approximately 18-22 people work in the administration building.

SCHOOL COMMITTEE CHAIRMAN: Chairman Athey offered the following comments:

- ❖ Invited the Town Council to an Executive Session on Tuesday, January 27, 2009 regarding negotiations. Information would be forwarded.
- ❖ Reviewed the Schools budget process. Working sessions related to the budget would be held and the Town Council would be notified and invited to participate.
- ❖ A recommendation had been given to the Superintendent to lock in gas and oil prices for Fiscal Year 2010.
- ❖ Discussion continued with the Gill-Montague School Committee relative to collaborative efforts for saving money.
- ❖ Greenfield Schools were being advertised on the radio.
- ❖ Approximately 600 Greenfield students chose not to attend the Greenfield Public Schools.

## MOTIONS, ORDERS, AND RESOLUTIONS

### Order no. FY 09 -054

**MOTION:** On a motion by Councilor Joseph, second by Councilor Siano, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE GREENFIELD SCHOOL DEPARTMENT, MAINTENANCE OF ADMINISTRATION BUILDING, TO BE TRANSFERED INTO ACCOUNT NUMBER 0100.341.5200.0082.685.9.4220.06.08 IN THE AMOUNT OF \$17,500.00.

**DISCUSSION:** Councilor Joseph stated the Ways and Means Committee voted to make a negative recommendation to the Town Council. The vote failed by a vote of 2 no, 1 yes, and 1 abstention. President Maloney reviewed conversations and observations from a visit to the School Administration building today. There were two issues regarding the repair: 1.) Fixing the structure 2.) Repairing the leak in the roof. Discussion was held regarding conversations related to moving the School Administration out of the Davis Street building and the cost. Councilors Guin, Allis, Farrell, Mason, Letourneau, and Martin would not vote in favor of this request. Councilor Singer suggested a meeting between the Council, Mayor and Schools be held to discuss the building. The Town Council should table the order for the Reserve Fund Transfer request. It was suggested a Task Force be formed to determine the future of this building. Councilors Lashier, Joseph, and Siano would vote in favor of the Reserve Fund Transfer to repair the building. Discussion continued regarding the safety of the employees in the building. Councilor Joseph requested a roll call vote.

**MOTION:** On a motion by Councilor Farrell, second by Councilor McLellan, it was by roll call 9 yes and 2 no, by majority **TABLED:** THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE GREENFIELD SCHOOL DEPARTMENT, MAINTENANCE OF ADMINISTRATION BUILDING, TO BE TRANSFERED INTO ACCOUNT NUMBER 0100.341.5200.0082.685.9.4220.06.08 IN THE AMOUNT OF \$17,500.00.

### Order no. FY 09 -057

**MOTION:** On a motion by Councilor Allis, second by Councilor Farrell, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 40, SECTION 58 AS ATTACHED (EXHIBITA).

**DISCUSSION:** Vice President Martin objected to the consideration of this motion. If no further objection were made President Maloney announced the order would be considered. Councilor Allis stated the Appointments and Ordinance Committee forwarded a positive unanimous recommendation to the Town Council. Councilor Farrell advised that the Ways and Means Committee recommended the Town Council disapprove the order and request it be referred back to the Appointments and Ordinance Committee. He noted the Mayor's Policy was part of the consideration and the policy should actually be an ordinance. Councilor Joseph noted Ways and Means Committee voted to make a negative recommendation to the Town Council. It was requested that Ms. Kelly and Ms. Shields prepare this ordinance for a Town Council vote in

February. Councilor Guin would be in favor of an ordinance. Councilor Martin requested the Appointments and Ordinance Committee consider an appeal process. He also requested the fiscal impact of this ordinance.

It was unanimously

**DEFEATED:** THAT THE GREENFIELD TOWN COUNCIL ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 40, SECTION 58 AS ATTACHED (EXHIBITA).

**EXHIBIT A**

**PART I. ADMINISTRATION OF THE GOVERNMENT  
TITLE VII. CITIES, TOWNS AND DISTRICTS  
CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS  
RESTRICTIONS ON ISSUANCE OF BUILDING PERMITS**

**Chapter 40: Section 58. Municipal charges lien**

Section 58. Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

**Order no. FY 09 -065**

**MOTION:** On a motion by Councilor Farrell, second by Councilor Allis, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL ADOPT THE RESOLUTION APPROVING THE APPLICATION OF GREENFIELD CORPORATE CENTER, LLC. AS A CERTIFIED PROJECT, AS WRITTEN IN THE CERTIFIED PROJECT APPLICATION, DATED NOVEMBER 15, 2008, AND THE FORM OF THE TIF AGREEMENT ATTACHED THEREIN, AS INCLUDED IN THE AGENDA PACKET, AND TO WAIVE THE READING OF THE RESOLUTION.

**DISCUSSION:** Councilor Farrell explained this was an amendment to a TIF approved in November 2000. The economic impact to the town related to this vote tonight was negligible. This would benefit the Greenfield Corporate Center in the form of a State tax credit. Councilor Guin noted EDC had not considered this request due to the time sensitive nature of the issue. Councilors Guin and Martin would vote in favor of this proposal.

It was unanimously

**VOTED:** TO ADOPT THE RESOLUTION APPROVING THE APPLICATION OF GREENFIELD CORPORATE CENTER, LLC. AS A CERTIFIED PROJECT, AS WRITTEN IN THE CERTIFIED PROJECT APPLICATION, DATED NOVEMBER 15, 2008, AND THE FORM OF THE TIF AGREEMENT ATTACHED THEREIN, AS INCLUDED IN THE AGENDA PACKET, AND TO WAIVE THE READING OF THE RESOLUTION.

**TAX INCREMENT FINANCING AGREEMENT  
BETWEEN  
THE TOWN OF GREENFIELD  
AND  
GREENFIELD CORPORATE CENTER, LLC.**

This agreement is made this 21 day of January 2009 by and between the Town of Greenfield, a municipal corporation duly organized under the law of the Commonwealth of Massachusetts, having a principal place of business at Fourteen Court Square, Greenfield, Massachusetts, 01301 acting through its Town Council, (hereinafter “the TOWN”) and Greenfield Corporate Center, LLC with a principal place of business at 630 Silver Street, Agawam, Massachusetts 01001 (hereinafter “the COMPANY”).

**WHEREAS**, the COMPANY intends to improve and expand its facility at 101/143 Munson Street, Greenfield, MA shown as Parcels 36 and 37 of Assessor Maps R 41 and R 24 (hereinafter “the PROPERTY”) located within the Munson Street Office District Economic Opportunity Area and obtain certain tax incentives from the TOWN for said facility; and

**WHEREAS**, the TOWN’s intent in the original Agreement dated November 14, 2000 was to grant property tax incentives for all investment on the entire PROPERTY over the length of the tax increment financing (TIF) Agreement in return for the acquisition of, and capital improvements to a 125,000 square foot multi-story office building and a 20,000 square foot R&D building, the retention of two Massachusetts employees and the creation of 3 new full-time positions; and

**WHEREAS**, by the standards set forth by the Massachusetts Economic Assistance Coordinating Council (EACC), the COMPANY has reasonably satisfied the terms of the 2000 TIF Agreement; and

**WHEREAS**, the COMPANY has exceeded the 2000 Agreement job creation estimates, currently employing four full-time employees and four part-time employees; and

**WHEREAS**, the COMPANY anticipates both continued investment and job creation at the facilities on the PROPERTY over the remaining years of the TIF Agreement passed on November 14, 2000; and

**WHEREAS**, the proposed use and improvements to the PROPERTY will result in additional local tax revenue and new employment opportunities at the PROPERTY; and

**WHEREAS**, the COMPANY has requested from the TOWN an amended tax increment financing agreement in order to provide access to the state-based 5% Economic Opportunity Area investment tax credit for the new real estate investment at the PROPERTY; and

**NOW THEREFORE**, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

- A. Provided that this Agreement is fully executed and becomes effective, and the COMPANY qualifies for the 5% Economic Opportunity Area investment tax credit and tax increment financing contemplated by this Agreement, the COMPANY agrees:
  - 1. That as required in the original TIF Agreement dated November 14, 2000, the COMPANY entered into binding purchase orders for the labor, materials and equipment needed for the acquisition and rehabilitation of the facility as described in the COMPANY’s Certified Project Application under the Massachusetts Economic Development Incentive Program dated November 13, 2000 (the “Certified Project Application”); and
  - 2. That as required in the original TIF Agreement dated November 14, 2000, the COMPANY completed acquisition and improvements the facility as described in the Certified Project Application; and
  - 3. The COMPANY agrees to make continued investments as described in the Certified Project Application, amended November 5, 2008.
  
- B. The TOWN represents to the COMPANY and the Economic Assistance Coordinating Council that:
  - 1. The TOWN has complied with all substantive and procedural requirements in executing this Agreement and that it is a legal, valid and binding document in accordance with the laws and regulations of the Commonwealth of Massachusetts; and
  - 2. This agreement is consistent with the intent of the 2000 TIF Agreement and upon approval of this plan by the Economic Assistance Coordinating Council, the PROPERTY will receive from the TOWN tax increment financing exemptions in accordance with this Agreement.

- C. The COMPANY represents to and agrees with the TOWN and Economic Assistance Coordinating Council that:
1. Upon execution, this agreement is a legal, valid and binding document in accordance with the laws and regulations of the Commonwealth of Massachusetts; and
  2. Provided that this Agreement is fully executed and becomes effective, and the COMPANY qualified for the 5% Economic Opportunity Area investment tax credit and tax increment financing as stated in this Agreement, the COMPANY shall, upon receipt of all required permits and approvals for the Project, continue the expansion and job creation as described in the amended Certified Project Application in compliance with applicable rules, regulations, and by-laws pertaining to the use and development of the PROPERTY; and
  3. The COMPANY incorporates by reference herein its representations in the original Certified Project Application, dated November 13, 2000 with an amended certified project application dated November 5, 2008, and on file with the Town Council, the Office of Community Development and Massachusetts Office of Business Development.

D. THE COMPANY'S OBLIGATIONS

1. The COMPANY shall make investments totaling approximately \$3,000,000 for the construction of an additional 22,500 square feet of professional class "A" office space; and
2. As a result of these investments, the COMPANY expects to retain eight (8) employees and add two additional part-time positions during the first ten years of the Agreement. This proposed job expansion set forth herein may vary however, based upon the future economic conditions existing in the Greater Franklin County Economic Target Area (the "Franklin County ETA") and in the COMPANY's market. Subject to the foregoing, the COMPANY shall agree to operate its business and maintain the level of jobs described as long as the agreement is in effect.
3. The COMPANY shall commit to a policy of encouraging employment of non-supervisory employees residing in the Franklin County ETA, so long as such a policy and its implementation does not result in a violation of any law or regulation.
4. If the COMPANY decides to sell the facility or the business or otherwise transfer control of the facility or business and/or its operations other than to a related entity or to a purchaser which continues the business of the COMPANY at the facility, the COMPANY shall give the TOWN at least sixty (60) days notice of said sale or transfer. Said notice shall be given to: Town Council, Fourteen Court Square, Greenfield, Massachusetts 01301.
5. The COMPANY shall provide to the TOWN, upon written request, an annual report for each year of this agreement. Said report shall be as required by the Massachusetts Economic Assistance Coordinating Council and shall generally contain the following information: a.) employment levels at the facility at the beginning and end of the year; b.) the number of Greater Franklin County ETA residents employed at the facility at the beginning and end of each year; c.) the COMPANY's financial contribution to the TOWN (i.e. property taxes, motor vehicle taxes, water and sewer fees) for the fiscal year; d.) a description of any new private investments made for the benefit of the community during the year.

E. THE TOWN'S OBLIGATIONS

1. The TOWN shall grant a tax increment financing exemption for the PROPERTY in accordance with Massachusetts General Laws Chapter 23a Section 3, Chapter 40 Section 59 and Chapter 59 Section 5. The exemption shall be granted and shall apply to the increase in value of the expansions/renovations which may occur during the life of the project. The base value for determining the assessed value of the property shall be January 1, 2001. The exemption shall be valid for a period of twenty years beginning with the TOWN's Fiscal Year 2003 (July 1, 2002).
2. The following real estate tax exemption will apply toward the assessed value as determined by the Board of Assessors for any additional incremental values added to the PROPERTY within the time period set forth in this Agreement. The exemption over the twenty-year period of the agreement shall not exceed ten percent (10%).

| <u>Yea</u> | <u>Exemption %</u> | <u>Payment %</u> | <u>Yea</u> | <u>Exemption %</u> | <u>Payment %</u> |
|------------|--------------------|------------------|------------|--------------------|------------------|
| 1          | 10.0               | 90.0             | 11         | 10.0               | 90.0             |
| 2          | 10.0               | 90.0             | 12         | 10.0               | 90.0             |
| 3          | 10.0               | 90.0             | 13         | 10.0               | 90.0             |
| 4 (FY      | 10.0               | 90.0             | 14         | 10.0               | 90.0             |
| 5          | 10.0               | 90.0             | 15         | 10.0               | 90.0             |
| 6          | 10.0               | 90.0             | 16         | 10.0               | 90.0             |
| 7          | 10.0               | 90.0             | 17         | 10.0               | 90.0             |
| 8          | 10.0               | 90.0             | 18         | 10.0               | 90.0             |
| 9          | 10.0               | 90.0             | 19         | 10.0               | 90.0             |
| 10         | 10.0               | 90.0             | 20         | 10.0               | 90.0             |

The Town Council will bring forth this agreement for ratification on January \_\_\_\_, 2009. This agreement shall be conditional upon Town Council approval unless otherwise authorized.

F. ADDITIONAL PROVISIONS

1. Pursuant to 751 Code of Massachusetts Regulations (CMR) 11.05 (8) (d), this agreement shall be binding upon subsequent owners of the property.
2. The TOWN reserves the right to review and renegotiate the TIF Agreement if the business activity ceases to fully operational during the life of the TIF Agreement. Upon failure of the COMPANY to fulfill its material obligations of section A1 and A2 of this agreement, the TOWN reserves the right to apply to the Economic Assistance Coordinating Council for de-certification of the project.
3. The COMPANY reserves the right to terminate this Agreement upon thirty (30) days prior notice to the TOWN (such notice shall be given in accordance with Paragraph 4 hereof), upon the sale of the business and/or the facility.
4. This agreement is subject to MGL c. 23A, section 3A-3F inclusive; MGL c. 40 section 59; MGL c. 6A and St. 1993 c. 19.

Executed as to form, on the day and year first written above.

The Town of Greenfield  
Town Council President

Greenfield Corporate Center, LLC  
Manager

\_\_\_\_\_  
MARK M. MALONEY

\_\_\_\_\_  
KENNETH VINCUNAS

**Order no. FY 09 -056**

**MOTION:** On a motion by Councilor Allis, second by Councilor Farrell, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 64, EXCAVATION ORDINANCE, AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE

**DISCUSSION:** Councilor Allis stated the Appointments and Ordinance Committee forwarded a unanimous positive recommendation for all of the orders associated with the Excavation Ordinance and amendments related to it. Ms. Shield explained the necessity of properly securing and open trench.

It was unanimously,

**VOTED:** THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 64, EXCAVATION ORDINANCE, AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE

Amendment to the Code of the Town of Greenfield-Town Council Approval – January 21, 2009

**Chapter 64**  
**EXCAVATION**  
**§ 64-3. Securing unattended trenches**  
**§ 64-3. Violations**

**§ 64-1. Permit required**  
**§ 64-2. Permitting Authority**

**GENERAL REFERENCES**

**§ 64-1. Permit required.**

Any excavation within a public way, on public property or on private property requires the filing of an “Excavation/Trench Permit” with the Department of Public Works.

**§ 64-2. Permitting Authority.**

The Superintendent of Public Works shall be the “Permitting Authority” for the issuance of excavation/trench permits in accordance with M.G.L. c. 82A and 520 CMR 14.00. Copy of form included in Appendix D of Chapter 650, Sewer Use.

**§ 64-3. Securing unattended trenches.**

- A. In the event the Superintendent is notified of an unattended trench, meeting the definition under 520 CMR 14.00, during a time when the permit holder is unavailable, for example, after work hours, the Superintendent has the authority to require a police detail for purposes of making the trench safe. In the event a police detail is required, the permit holder will be assessed the cost of providing the detail by the Town.
- B. As an alternative to hiring a police detail for an unattended trench and assessing the cost to the permit holder, the Superintendent has the discretion to have DPW staff take action to backfill, barricade, or cover the trench and assess the costs associated with the action, including overtime for DPW employees, to the permit holder.

**§ 64-3. Violations.**

If a permit holder of an excavation/trench permit fails to pay the assessed costs for the Town securing an unattended trench, as defined under 520 CMR 14.00, the Superintendent may withhold the issuance of additional excavation/trench permits to the violator until such time as the assessed costs are paid.

**Order no. FY 09 -058**

**MOTION:** On a motion by Councilor Allis, second by Councilor Farrell, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD, CHAPTER 650 “SEWER USE” BY DELETING SECTION 6 D AND REPLACES IT WITH THE FOLLOWING:

**§ 650-6. Permits.**

D. Excavation/Trench permit. In addition to the building sewer permit, the owner must obtain an excavation/trench permit from the DPW where subsurface work is to be done on public property, private property or within the public way. Copy of form attached as Appendix D.

AND FURTHER AMENDS THE INDEX OF THE CODE.

**Order no. FY 09 -059**

**MOTION:** On a motion by Councilor Allis, second by Councilor Farrell, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD, TITLE OF CHAPTER 650-6, “LISTING OF APPENDICES”, APPENDIX D, AND REPLACE WITH THE FOLLOWING:

**APPENDIX D**

**Town of Greenfield Excavation/Trench Permit**

AND FURTHER AMENDS THE INDEX OF THE CODE.

**Order no. FY 09 -060**

**MOTION:** On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD, CHAPTER 662 “STREET OPENINGS” BY DELETING SECTIONS 1, 4, AND 6 SUBSECTION A, AND REPLACE WITH THE FOLLOWING:

**§ 662-1. License required.**

No person, except the Superintendent of Public Works in the performance of his duties, or, in cases of emergency, shall break or dig up or cause to be broken or dug up the pavement or ground in any public street, or any sidewalk or common in the Town, or erect or cause to be erected any building or any staging for building, or other structure thereof, or place or cause

to be placed any materials, rubbish, goods, wares, or merchandise or other articles or substance thereon, without first obtaining from the Licensing Commission a written license, subject to Chapter 64, which shall supercede the provisions of this chapter when there is a conflict or inconsistency, stating the space in the street or other public place that may be occupied and the time allowed for such occupancy, and such other provisions as it may deem best, and filing with the Superintendent of Public Works a written agreement under seal, approved by the Licensing Commission to comply strictly with the terms of the license and to indemnify the Town from all loss, cost of expense that it may suffer by reason of such occupancy.

**§ 662-4. Repairs after licensed work.**

He shall also, within such time as the Licensing Commission shall direct, repair such street, lane or alley, sidewalk or public place, to the acceptance of the Superintendent of Public Works.

**§ 662-6. Curb cuts.**

A. Any one requiring a curb cut in an existing berm shall be required to obtain an Access Permit from the Department of Public Works. Application will be made at the HDPW Engineering Office for processing.

**Order no. FY 09 -061**

**MOTION:** On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD, CHAPTER 689 "WATER USE" BY DELETING SECTION 27, AND REPLACE WITH THE FOLLOWING:

**§ 689-27.** Contractor to obtain excavation/trench permit.

The contractor shall obtain an excavation/trench permit when it is necessary to excavate in any public way or easement or on private property.

AND FURTHER AMENDS INDEX OF THE CODE.

**REPORTS OF COMMITTEES**

**COMMUNITY RELATIONS COMMITTEE-** Chairman McLellan announced there would be no Community Relations Committee meeting in January.

**APPOINTMENTS AND ORDINANCE COMMITTEE-** Chairman Allis noted the February 2009 agenda would have the following items on it: Tree Ordinance and Special Legislation for Police Officer.

**ECONOMIC DEVELOPMENT COMMITTEE –** Chairman Guin stated the committee would meet on Thursday, January 22, 2009 to hold a Public Hearing and vote regarding Acceptance of a Public Ways – Davenport Way and Champney Road (aka Champney Extension).

**WAYS AND MEANS COMMITTEE –** Chairman Joseph stated the next committee meeting would be held on February 18, 2009. The committee would consider the appropriations for which a first reading would be held this evening.

**EDUCATION TASK FORCE COMMITTEE-** Chairman Joseph noted the Committee continued to meet and share information regarding regionalization.

President Maloney noted the State said the Pot Hole funds would be forthcoming.

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilor Joseph held the following first readings:

- Appropriate \$250,000.00 from Free Cash to the FY2009 Reserve Fund.
- Appropriate \$500,000.00 from Free Cash to the Stabilization Fund.
- Appropriate \$135,000.00 from Free Cash to the Negotiated Salary Increases.

**MOTIONS FOR RECONSIDERATION:** None.

**PUBLIC FORUM:** None.

President Maloney would like to forward a letter to newly sworn President Barak Obama. He introduced Acting Fire Chief Winn to the Town Council. President Maloney thanked those fire department and EMT employees who responded to a

medical emergency, which occurred at his home on Christmas. He added a special thanks to those who made the situation "less scary" for his children.

**ADJOURNMENT:** On a motion by Councilor Farrell, second by Councilor Allis, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:59 P.M.

A true copy,

Attest: \_\_\_\_\_  
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15  
Regular Meeting  
January 21, 2008

Table  
Reserve  
Fund  
Transfer

|     |                      |    |     |  |  |  |  |  |
|-----|----------------------|----|-----|--|--|--|--|--|
| 1.  | Lashier, Dennis      | P  | Y   |  |  |  |  |  |
| 2.  | McLellan, Thomas     | P  | Y   |  |  |  |  |  |
| 3.  | Allis, Brickett      | P  | Y   |  |  |  |  |  |
| 4.  | Maloney, Mark        | P  | --- |  |  |  |  |  |
| 5.  | Singer, David        | P  | Y   |  |  |  |  |  |
| 6.  | Letourneau, Danielle | P  | Y   |  |  |  |  |  |
| 7.  | Martin, William      | P  | Y   |  |  |  |  |  |
| 8.  | Joseph, Christopher  | P  | N   |  |  |  |  |  |
| 9.  | Vacant               | -- | --- |  |  |  |  |  |
| 10. | Farrell, Timothy     | P  | Y   |  |  |  |  |  |
| 11. | Guin, Daniel         | P  | Y   |  |  |  |  |  |
| 12. | Siano, Alfred        | P  | N   |  |  |  |  |  |
| 13. | Mason, John          | P  | Y   |  |  |  |  |  |

9 Yes  
2 No