

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
August 18, 2010

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:04 p.m. by President Farrell.

President Farrell stated this meeting was being recorded. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the Town Council was audio recording; GCTV-15 was broadcasting live and video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilor Devlin was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; School Superintendent Dr. Susan Hollins; Town Clerk Maureen Winseck; Assistant to the Mayor for Economic Development and Marketing Robert Pyers; members of the public and GCTV-15 staff.

ACCEPTANCE OF MINUTES: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously **VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF JULY 21, 2010.

PUBLIC HEARINGS: President Farrell opened the Public Hearing at 7:05pm. Councilor Maloney read the following: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing Wednesday, August 18, 2010, beginning at 7:00 p.m. at GCTV-15, 393 Main Street to consider the following:

☒ Appropriate \$275,000 for a feasibility study relating to the renovation of the Greenfield High School
Copies of the proposals are available for review in the Greenfield Town Clerk's Office, 14 Court Square, Greenfield, MA, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

President Farrell asked if anyone from the public wished to speak. He stated the Public Hearing would remain open.

Councilor Maloney held the second reading:

☒ Appropriate \$275,000 for a feasibility study relating to the renovation of the Greenfield High School

COMMUNICATIONS:

MAYOR: President Farrell announced Mayor Martin had scored a Hole-in-one during the Franklin County Rotary Golf Tournament on August 17, 2010.

SCHOOL COMMITTEE CHAIRMAN: Superintendent Dr. Hollins discussed the following:

- In October 2009 there were 1,396 students in the Greenfield School system. As of today there are 1,603 enrolled in the Greenfield School System. This means more teachers would be needed.
- A Science Academy would be launched for 6th and 7th grade students.
- All of the Union contracts have been settled. There was one more to be ratified.

TOWN OFFICERS: None.

President Farrell closed the Public Hearing at 7:14 pm.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 11 -008

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

MOVED: THAT THE TOWN OF GREENFIELD APPROPRIATES THE SUM OF TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000) FOR A FEASIBILITY STUDY RELATING TO THE RENOVATION OF THE GREENFIELD HIGH SCHOOL LOCATED AT 1 LENOX AVENUE, GREENFIELD, MASSACHUSETTS, SAID SUM TO BE ADDED TO THE TWO-HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) APPROPRIATED AT THE FEBRUARY 17, 2010 COUNCIL MEETING FOR THE SAME PURPOSE, AND SAID SUM TO BE EXPENDED UNDER THE DIRECTION OF THE SCHOOL BUILDING COMMITTEE, AND TO MEET SAID APPROPRIATION THE TREASURER, WITH THE APPROVAL OF THE MAYOR IS AUTHORIZED TO BORROW SAID SUM UNDER M.G.L. CHAPTER 44, OR ANY OTHER ENABLING AUTHORITY; THAT THE TOWN OF GREENFIELD RECOGNIZES THAT THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY'S ("MSBA") GRANT PROGRAM IS A NON-ENTITLEMENT, DISCRETIONARY PROGRAM BASED ON NEED, AS DETERMINED BY THE MSBA, AND ANY COSTS THE TOWN OF GREENFIELD INCURS IN EXCESS OF ANY GRANT APPROVED BY AND RECEIVED FROM THE MSBA SHALL BE THE SOLE RESPONSIBILITY OF THE TOWN OF GREENFIELD, AND THAT THE AMOUNT OF BORROWING AUTHORIZED PURSUANT TO THIS VOTE SHALL BE REDUCED BY

ANY GRANT AMOUNT SET FORTH IN THE FEASIBILITY STUDY AGREEMENT THAT MAY BE EXECUTED BETWEEN THE TOWN OF GREENFIELD AND THE MSBA.

MOTION: On a motion by Councilor Maloney, second by Councilor Allis, it was unanimously,
VOTED: TO INSERT THE WORDS "UP TO" AFTER THE FIRST "APPROPRIATES."

DISCUSSION: Councilor Maloney reviewed discussion held during the Ways and Means Committee meeting noting this appropriation would expedite the process if the funding was available for the renovations. The Ways and Means Committee forwarded a unanimous positive recommendation for approval. Building or Renovating a School was highly controlled and overseen by the State.

It was unanimously,

VOTED: THAT THE TOWN OF GREENFIELD APPROPRIATES UP TO THE SUM OF TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000) FOR A FEASIBILITY STUDY RELATING TO THE RENOVATION OF THE GREENFIELD HIGH SCHOOL LOCATED AT 1 LENOX AVENUE, GREENFIELD, MASSACHUSETTS, SAID SUM TO BE ADDED TO THE TWO-HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) APPROPRIATED AT THE FEBRUARY 17, 2010 COUNCIL MEETING FOR THE SAME PURPOSE, AND SAID SUM TO BE EXPENDED UNDER THE DIRECTION OF THE SCHOOL BUILDING COMMITTEE, AND TO MEET SAID APPROPRIATION THE TREASURER, WITH THE APPROVAL OF THE MAYOR IS AUTHORIZED TO BORROW SAID SUM UNDER M.G.L. CHAPTER 44, OR ANY OTHER ENABLING AUTHORITY; THAT THE TOWN OF GREENFIELD RECOGNIZES THAT THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY'S ("MSBA") GRANT PROGRAM IS A NON-ENTITLEMENT, DISCRETIONARY PROGRAM BASED ON NEED, AS DETERMINED BY THE MSBA, AND ANY COSTS THE TOWN OF GREENFIELD INCURS IN EXCESS OF ANY GRANT APPROVED BY AND RECEIVED FROM THE MSBA SHALL BE THE SOLE RESPONSIBILITY OF THE TOWN OF GREENFIELD, AND THAT THE AMOUNT OF BORROWING AUTHORIZED PURSUANT TO THIS VOTE SHALL BE REDUCED BY ANY GRANT AMOUNT SET FORTH IN THE FEASIBILITY STUDY AGREEMENT THAT MAY BE EXECUTED BETWEEN THE TOWN OF GREENFIELD AND THE MSBA, AS AMENDED.

Order no. FY 11 -009

1 of 3

MOTION: On a motion by Councilor Guin, second by Councilor McLellan, it was,

MOVED: THAT THE GREENFIELD TOWN COUNCIL ADOPT THE RESOLUTION AUTHORIZING THE CREATION OF A SUMMIT ICE, INC ECONOMIC OPPORTUNITY AREA (EOA) AS WRITTEN IN THE APPLICATION FILED WITH THE GREENFIELD TOWN COUNCIL ON JULY 23, 2010 INCLUDED IN THE AGENDA PACKET, AND TO WAIVE THE READING OF THE RESOLUTION.

**RESOLUTION
AUTHORIZING THE CREATION OF AN
SUMMIT ICE, INC.
ECONOMIC OPPORTUNITY AREA**

WHEREAS, the Town of Greenfield strongly supports increased economic development to provide additional jobs for Greater Franklin County residents, and expanded commercial and industrial activity within the Town to promote and develop a healthy economy and stronger tax base;

WHEREAS, the Town of Greenfield is part of the Greater Franklin County Economic Target Area (ETA) designated on September 13, 1994 by the Massachusetts Economic Assistance Coordinating Council;

WHEREAS, the Town of Greenfield desires a beneficial economic use creating jobs for local residents and increasing commercial/industrial activity for the area know as the Summit Ice, Inc. Economic Opportunity Area; and

WHEREAS, the Town of Greenfield desires that this area, described in the attached map marked **ATTACHMENT A** of the EOA Application, be designated as the Summit Ice, Inc. Economic Opportunity Area; and

WHEREAS, the Town of Greenfield finds that the proposed Summit Ice, Inc. Economic Opportunity Area meets the definition of a "decadent area"; as defined by 402 CMR 2.03; and

WHEREAS, the Town of Greenfield finds that the proposed Economic Opportunity Area meets the local criteria set forth in the approved Greater Franklin County Economic Target Area application; and

WHEREAS, the Town of Greenfield supports and endorses the economic development goals for the Summit Ice, Inc. and

WHEREAS, the ability of the municipality, the needs of proposed economic development projects, and the community benefits of proposed project will be reasonably proportional to state tax incentives offered through the Massachusetts Economic Development Incentive Program, and the resulting economic development benefits to the municipality;

NOW THEREFORE BE IT RESOLVED by the Town of Greenfield that the following activities, as necessary pursuant to an application for an Economic Opportunity Area designation in the Town of Greenfield, be authorized:

1. The Town of Greenfield hereby authorizes the submission of the Summit Ice, Inc. Economic Opportunity Area Application to the Massachusetts Economic Assistance Coordinating Council substantially in the form attached hereto, which is hereby made a part of this resolution.
2. The Summit Ice, Inc. Economic Opportunity Area and a map of said area, marked as Attachment A, are hereby attached and made a part of this resolution.
3. The Town of Greenfield agrees to authorize the use of either tax increment financing or a special tax assessment for each qualified project located within said Economic Opportunity Area.

Adopted this 18th day of August 2010 by the Town Council of the Town of Greenfield.

Town Council President,
Timothy F. Farrell

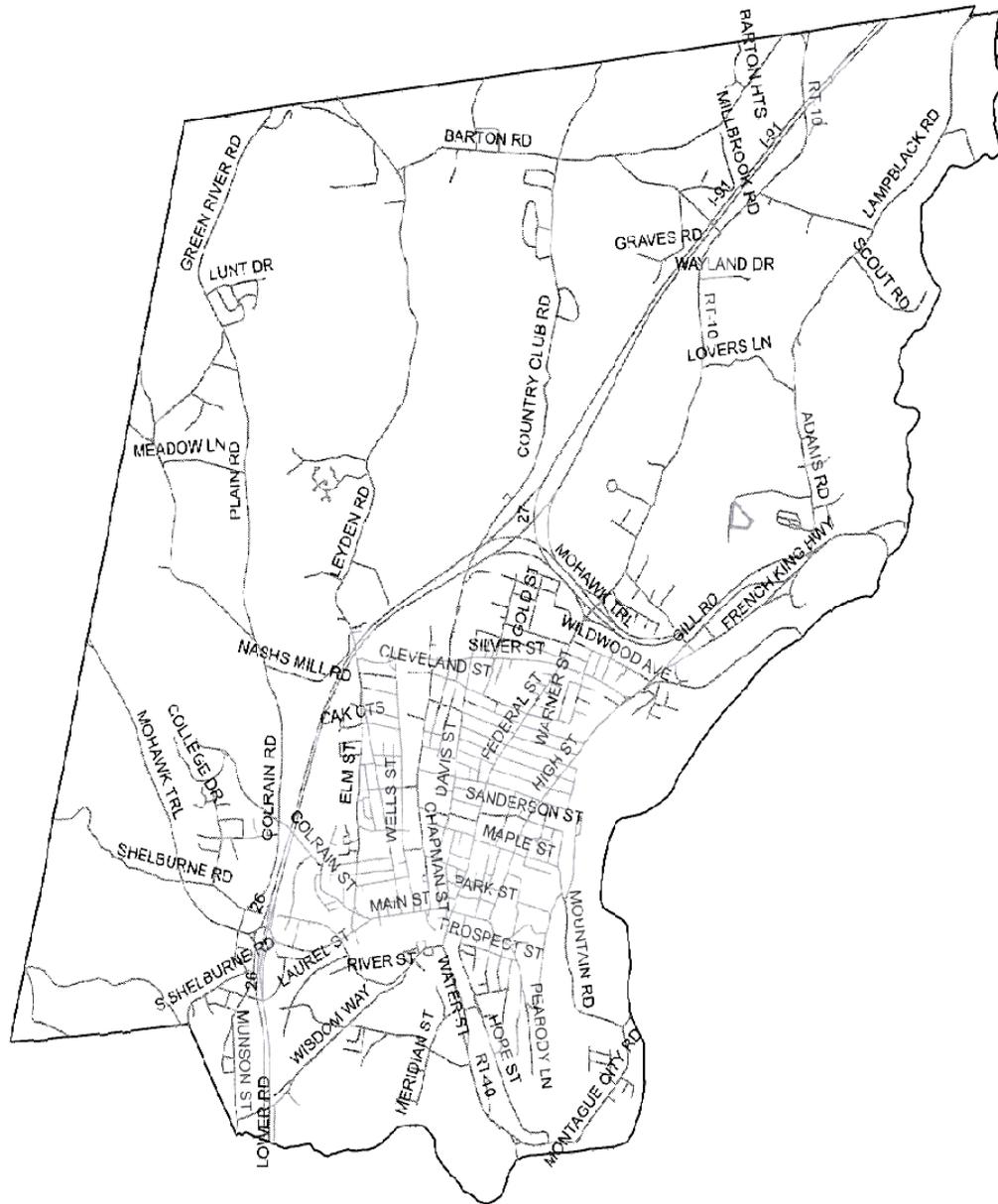
Date

Attest:

Town Clerk

SEAL

ATTACHMENT :A



DISCUSSION: Chairman Guin stated the Economic Development Committee considered all three orders regarding the Summit Ice, Inc. Tax Increment Finance, at their meeting on July 29, 2010. The supporting information and recommendations were the same for all three orders. Chairman Guin noted Assistant to the Mayor for Economic Development and Marketing and the owners of Summit Ice, Inc, attended the meeting. The Economic Development Committee forwarded a positive unanimous recommendation for approval on all three orders. President Farrell announced the TIF committee also forwarded a positive recommendation for approval of the requested percentages of 20% on new improvements. Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval for all three orders.

It was unanimously

VOTED: TO APPROVE THE MOTION ORDER NO. FY 11 -009, 1 of 3.

Order no. FY 11 -009

2 of 3

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

VOTED: THAT IT BE ORDERED TO ADOPT THE RESOLUTION AUTHORIZING THE CREATION OF A TAX INCREMENT FINANCE (TIF) ZONE AND ACCEPTING THE TAX INCREMENT FINANCING PLAN WITH IN THE GREATER FRANKLIN COUNTY ECONOMIC OPPORTUNITY AREA (EOA) AS WRITTEN IN THE EOA APPLICATION FILED WITH THE GREENFIELD TOWN COUNCIL ON JULY 23, 2010 AND TO WAIVE THE READING OF THE RESOLUTION.

**RESOLUTION
ADOPTING A TAX INCREMENT FINANCING ZONE
AND TAX INCREMENT FINANCING PLAN
FOR THE
SUMMIT ICE, INC. EOA**

WHEREAS, the Town of Greenfield is part of the designated Greater Franklin County Economic Target Area and the Summit Ice, Inc. Economic Opportunity Area is wholly within the Town of Greenfield; and

WHEREAS, a Tax Increment Financing Plan has been prepared in accordance with Chapter 40 and 751 CAR 11.00;

WHEREAS, there is strong support for economic development and the use of Tax Increment Financing as an economic development tool to encourage business expansion in the Summit Ice, Inc. Economic Opportunity Area;

NOW THEREFORE BE IT ORDAINED By the Town Council of Greenfield that:

- (1) The Tax Increment Financing Plan be adopted as it has been substantially submitted. A copy of said Tax Increment Financing Plan is included in the Summit Ice, Inc. EOA application and is hereby made a part of this Resolution.
- (2) The area to be designated as a Tax Increment Financing Zone is defined as the property known as the Summit Ice, Inc. EOA and identified as Assessor Parcel R05 24H 0.
- (3) A map of the Tax Increment Financing Zone is hereby attached as **Attachment A** of the Summit Ice, Inc. EOA Application and made a part of this Resolution.
- (4) The maximum time period for a TIF project within the Summit Ice, Inc. Economic Opportunity Area shall be 20 years;
- (5) The Town of Greenfield has authorized the creation of a Tax Increment Financing Negotiation and Administration Committee (TIFNAC) to negotiate tax incentive agreements for projects within the TIF Zone and in accordance with the TIF Plan. The TIFNAC is composed of the Mayor and representatives from the Town Council as outlined in the EOA application.
- (6) The maximum tax increment exemption for each project shall be negotiated by the TIFNAC and will be granted in accordance with the standards and procedures outlined in the EOA application. At no time shall the exemption exceed 100 %.
- (7) All TIF Agreements negotiated by the TIFNAC shall be made a part of the TIF Plan by vote of the Town Council.
- (8) The tax increment financing agreement shall be binding on all subsequent owners of property/properties certified by the EACC as a project in the TIF Zone. The Town of Greenfield reserves the right to review and renegotiate the TIF Agreement and seek decertification of the project by the EACC if the business activity ceases to be fully operational during the life of the TIF agreement or upon failure of the OWNER to fulfill its material obligations, as specified in the TIF Agreement.
- (9) A copy of the adopted TIF Zone/TIF Plan shall be forwarded to the Massachusetts Economic Assistance Coordinating Council for its approval.
- (10) The effective date of the TIF Plan shall be January 1, 2011.
- (11) The Town Council President is hereby authorized to execute and implement the TIF Plan.

Adopted this 18th day of August 2010 by vote of the Town Council of the Town of Greenfield.

Town Council President, Timothy F. Farrell

Town Clerk

SEAL

**TOWN OF GREENFIELD
SUMMIT ICE, INC.
ECONOMIC OPPORTUNITY AREA
TAX INCREMENT FINANCING PLAN AND
TAX INCREMENT FINANCING ZONE**

I. LOCATION

A. Economic Opportunity Area.

The Summit Ice, Inc. EOA Tax Increment Financing Zone and Plan each cover the area identified in the EOA application as Assessor Parcel R05 24H 0

B. Municipality.

The area of the proposed EOA and TIF Zone is wholly within the Town of Greenfield.

C. TIF Zone.

1. Maps.

Attached are the following maps:

- a. A general location map of the proposed EOA and TIF Zone is Attachment A of the Summit Ice, Inc. EOA application.*
- b. A zoning map follows this plan as Exhibit A.*
- c. Tax Map R05 24H 0 Exhibit B*

2. Description.

The proposed EOA and TIF Zone is the area known as Summit Ice, Inc. shown as Assessor Parcels R025 24H 0.

3. Narrative Description of TIF Zone, needs, problems, opportunities.

Summit Ice, Inc. will purchase the property located at 139 Silvio O. Conte Drive. The new owner plans to invest approximately \$1,909,700 to purchase and renovate the existing facility and in additional equipment, furniture and fixtures. The facility is the former location of former manufacturing facility and has been vacant for a period of time. Summit Ice, Inc. is currently located in an facility of 5,000 sq ft, with no functional room to expand. The new facility has 10,000 sq. ft. of manufacturing, storage and administrative support space and will provide the opportunity for future growth of the business.

4. Property owners within the proposed Zone.

The property owner within the proposed TIF Zone is Summit Ice, Inc.

II. TIME - Duration of TIF Plan and Zone designations.

The proposed duration of TIF Plan and TIF Zone is twenty (20) years.

III. TIF ZONE & ECONOMIC DEVELOPMENT

A. Discuss how TIF Zone is poised to create new economic development opportunities.

The proposed TIF Zone is the former location of an appliance sales business, which went out of business several years ago, leaving the project facility vacant. The proposed project will put this facility back into productive use and create new jobs for Greenfield and the region.

B. Discuss how TIF Zone will result in a net economic benefit to the local municipality.

As discussed above, the investment, job creation, and provided services in the TIF Zone will result in a net economic benefit to the community as no significant cost to the community will result.

B. Analysis of proposed and potential land uses.

The land use of the EOA area will remain industrial, as it has been for many years.

D. Zoning in TIF Zone.

The proposed TIF Zone is a Planned Industry – PI Zone .

E. Identify any parcels, public or private, in zone which are confirmed hazardous waste disposal sites, in accordance with chapter 21E MGL.

None.

IV. TIF ZONE PROJECTS

A. Private Projects

- 1. Proposed.**

The Project within the EOA/TIF Zone is the purchase by Summit Ice, Inc. of a vacant industrial facility, improvement of the facility, and purchase of additional equipment.

B. Public Projects.

1. Proposed.

There are no public infrastructure projects proposed for the TIF Zone.

V. FINANCING FOR THE TIF ZONE PROJECTS

A. Anticipated Financing for Private Projects.

Financing for the project is through a combination of private assets and commercial lending.

B. Anticipated Financing for Public Projects.

There are no public projects planned for the TIF Zone.

C. Will Betterments be used to finance any public-private projects, now or within the proposed life of the TIF Plan?

No betterments are planned at this time.

VI. TAX INCREMENT FINANCING

A. Authorization to use TIF.

A resolution of the Town Council of the Town of Greenfield authorizing the use of TIF is submitted with this TIF Plan.

B. Amount of proposed tax increment exemptions from property taxes, and applicable criteria.

The attached TIF Agreement identifies the property tax exemption schedule proposed for this project and approved by the Town Council.

C. Maximum percentage of public project costs that can be recovered through betterments or special assessments in lieu of the incremental real estate taxes.

No betterments or special assessments are proposed at this time.

D. TIF Exemption from property taxes.

The TIF exemptions from property taxes are listed within the TIF Agreement.

1. Term of exemption. Ten years.

2. Calculation of exemption.

a. Exemption Percentage.

The exemption schedule is listed within the TIF agreement made part of this application. The average exemption percentage shall not exceed 20% over the term of the TIF agreement.

2. Effective date of tax increment exemption.

FY 2012 (July 1, 2011)

E. Betterments or special assessments.

No betterments or special assessments are proposed at this time.

VII. APPROVAL OF TIF PROJECTS

A. Approval Process.

The process for approval of TIF projects is outlined in the EOA application.

B. Person or Board authorized to execute TIF Agreements.

TIF agreements shall be approved by the Town Council.

C. Evidence of local approvals of TIF Zone.

A resolution of the Town Council approving the proposed TIF Zone is submitted as part of this Plan.

D. Evidence of local approvals of TIF Plan.

A resolution of the Town Council approving the proposed TIF Plan is submitted as part of this Plan and is include with the EOA application.

F. Executed TIF Agreements (any and all).

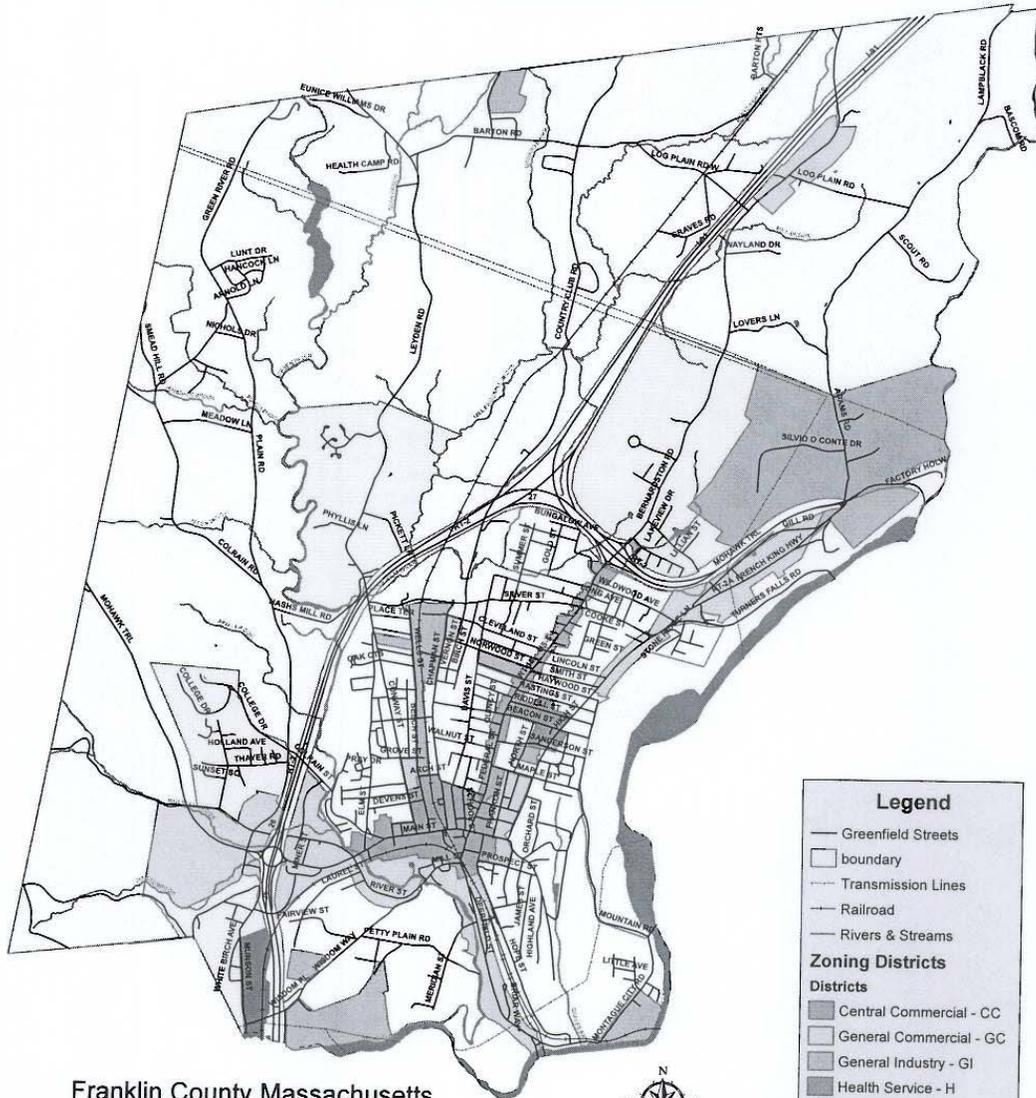
The TIF Agreement is included with this application as an attachment.

G. EACC approval of TIF Plan.

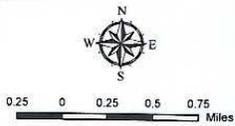
This TIF Plan is submitted to EACC for approval no later than the EACC's September 2010 meeting.

EXHIBIT A: ZONING MAP

Zoning Map Town of Greenfield



Franklin County Massachusetts
Adopted October 18, 1989



Map Prepared by: Office of Planning & Community Development
Data Source: Mass GIS
March 2001
Updated June 2, 2008

Legend

- Greenfield Streets
- boundary
- Transmission Lines
- Railroad
- Rivers & Streams

Zoning Districts

Districts

- Central Commercial - CC
- General Commercial - GC
- General Industry - GI
- Health Service - H
- Limited Commercial - LC
- Office - O
- Planned Industry - PI
- Rural Residential - RC
- Semi-Residential - SR
- Suburban Residential - RB
- Urban Residential - RA

Order no. FY 11 -009

3 of 3

MOTION: On a motion by Councilor Guin, second by Councilor Maloney, it was unanimously,
VOTED: THAT IT BE ORDERED TO ADOPT THE RESOLUTION APPROVING THE APPLICATION OF SUMMIT ICE, INC. AS A CERTIFIED PROJECT, AS WRITTEN IN THE ECONOMIC DEVELOPMENT INCENTIVE PROGRAM PRELIMINARY APPLICATION, DATED MAY 4, 2010 AND THE ECONOMIC DEVELOPMENT INCENTIVE PROGRAM SUPPLEMENTAL APPLICATION, DATED JUNE 22, 2010, AND THE FORM OF THE TIF AGREEMENT ATTACHED HEREIN, AS INCLUDED IN THE AGENDA PACKET, AND TO WAIVE THE READING OF THE RESOLUTION.

**RESOLUTION
APPROVING CERTIFIED PROJECT APPLICATION
SUMMIT ICE, INC.**

WHEREAS, Summit Ice, Inc., have applied for designation as a Certified Project under the Massachusetts Economic Development Incentive Program created by Chapter 23A of Massachusetts General Laws; and
WHEREAS, Summit Ice, Inc., meet the minimum standards of the Economic Development Incentive Program and the local economic development goals and criteria established as part of the documents creating the Greater Franklin County Economic Target Area and the Summit Ice, Inc. Economic Opportunity Area; and
WHEREAS, the proposed Certified Project is located at 139 Silvio Conte Drive in the Town of Greenfield, on property identified by the Assessors as Parcel R05 24H 0 and is within the Summit Ice, Inc. Economic Opportunity Area
WHEREAS, the Town of Greenfield has agreed to offer a TIF Agreement to Summit Ice, Inc., and
WHEREAS, Summit Ice, Inc., is going to invest greater than \$1,909,700 dollars to purchase and improve building and equipment and retain four (4) full-time jobs and create at four (4) new full-time jobs for residents of the Greater Franklin County Economic Target Area over the term of the TIF Agreement;
NOW THEREFORE BE IT RESOLVED that Town Council of Greenfield approves the Certified Project application of Summit Ice, Inc., and the TIF Agreement, attached thereto and made a part thereof, and forwards said application for certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.

Adopted this 18th day of August 2010 by the Town Council of Greenfield.

Town Council President, Timothy F. Farrell

Town Clerk

SEAL

**TAX INCREMENT FINANCING AGREEMENT
between
Town of Greenfield
And Summit Ice, Inc.**

This agreement is made this 18th day of August, 2010 by and between the Town of Greenfield, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at 14 Court Square, Greenfield, MA, 01301 acting through its Town Council, (hereinafter "the TOWN"), and Summit Ice, Inc., 139 Silvio O. Conte Drive, Greenfield MA (hereinafter "The Owner").

WHEREAS, THE OWNER intends to improve their facility at 139 Silvio O. Conte Dr., Greenfield, MA, Assessor Parcel R05 24H 0 (hereinafter "the PROPERTY") a location to be designated as the Summit Ice, Inc., Economic Opportunity Area and obtain certain tax incentives from the Town for said facility; and

WHEREAS, THE TOWN is willing to grant said tax incentives in return for a guarantee of capital investment at the Property and increased employment opportunities for area workers;

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

A. THE OWNER’S OBLIGATIONS.

1. The OWNER shall make investment over the term of the agreement totaling approximately \$1,909,700 to the PROPERTY.
2. As a result of these investments, the OWNER expects to retain its present four (4) full time employees and add four (4) new full-time positions over the term of the TIF Agreement. The 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 market. Subject to the foregoing, the OWNER shall agree to operate its business and maintain the level of jobs described as long as the TIF Agreement is in effect.
3. The OWNER 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 the violation of any law or regulation.
4. If the OWNER decides to sell the facility or to otherwise transfer control of the facility and/or its operations other than to a related entity or to a purchaser which continues the operations of the facility, the OWNER shall give the TOWN at least sixty (60) days notice of said sale or transfer. Said notice shall be given to: Greenfield Town Council, 14 Court Square, Greenfield, MA 01301.
5. The OWNER shall provide to the TOWN 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: 1) contact information; 2) employment and wage information; 3) investment information; 4) amount of state tax credits claimed; 5) local property taxes paid and local property taxes exempted.

B. THE TOWN'S OBLIGATIONS.

1. The TOWN shall grant a tax increment financing exemption to the OWNER 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 of the PROPERTY, which may occur during the life of the project. The base year for determining assessed value of the property shall be January 1, 2011. The exemption shall be valid for a period of ten years beginning with the Town’s Fiscal Year 2012 (July 1, 2011).
2. The following exemption percentage and exemption schedule will apply towards 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 ten-year period of this Agreement shall not exceed 20%.

<u>Year</u>	<u>Exemption</u>	<u>Year</u>	<u>Exemption</u>
1 (FY 2012)	20%	7 (FY 2016)	20%
2 (FY 2013)	20%	8 (FY 2019)	20%
3 (FY 2014)	20%	9 (FY 2020)	20%
4 (FY 2015)	20%	10 (FY 2021)	20%
5 (FY 2016)	20%		
6 (FY 2017)	20%		

The Tax Increment Financing Negotiation and Administration Committee will bring forth this agreement to the Town Council for ratification on August 18th 2010. This agreement shall be conditional upon Town Council approval.

C. 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 of Greenfield reserves the right to review and renegotiate the TIF agreement if the business activity

ceases to be fully operational during the life of the TIF agreement. Upon failure of the OWNERS to fulfill its material obligations of section A1 and A2 under this agreement, the Town reserves the right to apply to the Economic Assistance Council for de-certification of the project.

3. The OWNERS reserve the right to terminate this Agreement upon thirty (30) days prior notice to the TOWN (such notice to be given in accordance with Paragraph 4 hereof), upon the sale of its 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 this 18th day of August, 2010.

Town of Greenfield

Summit Ice, Inc.

By: _____
Timothy F. Farrell, President
Greenfield Town Council

By: _____
Marcus Stetson

Order no. FY 11 -012

MOTION: On a motion by Councilor Maloney, second by Councilor Sutphin, it was,
MOVED: THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR MANAGEMENT INFORMATION SYSTEM TO BE TRANSFERED INTO ACCOUNT NUMBER 0100.155.5858 IN THE AMOUNT OF \$4,300 .00 FOR THE FISCAL YEAR 2010.

DISCUSSION: After lengthy discussion with Ms. Kelly, Chairman Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval.

It was unanimously

VOTED: TO APPROVE THE MOTION ORDER NO. FY 11 -012.

Order no. FY 11 -010

MOTION: On a motion by Councilor Allis, second by Councilor Sutphin, it was,
MOVED: THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 THE TOWN COUNCIL APPROVES OF THE FOLLOWING REAPPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM:

REAPPOINTMENT

Mary C. Williford	Council on Aging	2-year term (2012) (replace vacancy left by Larry Jubb)
Anne Hare	Council on Aging	3-year term (2013)
Kyle Bostrom	Agricultural Commission	2-year term (2012)
Frederick G. Clark	Public Safety Commissioners	1-year term (2011) (to replace Kenneth Burdick)
Stephen Walk	Conservation Commissions	3-year term (2013)

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee did not disapprove of any of the proposed appointments.

It was unanimously (Councilor Guin abstained)

VOTED: TO APPROVE THE MOTION ORDER NO. FY 11 -010

Order no. FY 11-011

MOTION: On a motion by Councilor Guin, second by Councilor Maloney, it was unanimously,
VOTED: THAT IT BE ORDERED, THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED STATE PRIMARY ELECTION WARRANT FOR SEPTEMBER 14, 2010 AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
WARRANT FOR STATE PRIMARY**

FRANKLIN, SS

To the Constables of the Town of Greenfield

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to meet at the polling places designated for the several precincts in said Town as follows:

Precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9

At Greenfield High School
1 Lenox Avenue
(polling location)

on **TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

- GOVERNOR. FOR THIS COMMONWEALTH**
- LT. GOVERNOR FOR THIS COMMONWEALTH**
- ATTORNEY GENERAL FOR THIS COMMONWEALTH**
- SECRETARY OF STATE. FOR THIS COMMONWEALTH**
- TREASURER FOR THIS COMMONWEALTH**
- AUDITOR FOR THIS COMMONWEALTH**
- REPRESENTATIVE IN CONGRESS FIRST DISTRICT**
- COUNCILLOREIGHTH DISTRICT**
- SENATOR IN GENERAL COURT.....HAMPSHIRE & FRANKLIN DISTRICT**
- DISTRICT ATTORNEYNORTHWESTERN DISTRICT**
- REPRESENTATIVE IN GENERAL COURT.....SECOND FRANKLIN DISTRICT**
- SHERIFF.....FRANKLIN COUNTY**

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

Given under our hands this _____ day of _____, 2010.
(month)

Timothy Farrell, Town Council President
As authorized by vote of the Greenfield Town Council

Town Council of: Greenfield, Ma

(Indicate method of service of warrant.)

_____, 2010.
Constable (month and day)

Warrant must be posted by **September 7, 2010**, (at least *seven days prior* to the **September 14, 2010**, State Primary).

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Allis stated the committee would meet on September 14, 2010. Agenda items included appointments, review of General Ordinances, and any other information forwarded to the committee between now and then.

Charter Review Committee: Chairman Allis reported the committee was in the process of obtaining information from Department Heads for proposed language. The Committee would hold future Public Hearings for comment. If anyone wanted to send recommendations to the committee, they could forward them to either the Mayor or Town’s Clerks Office. The next meeting would be held on August 31, 2010.

WAYS AND MEANS COMMITTEE – Chairman Maloney noted the committee would continue to closely monitor the State economy.

ECONOMIC DEVELOPMENT COMMITTEE – Chairman Guin announced the September meeting may not be held depending on work load.

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Letourneau reviewed discussion held with the School Administration regarding an Anti Bullying Forum, Virtual School, and the Math and Science Academy.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Maloney held the first reading:

- Transfer \$20,000 from Town Insurance to the departments as listed for *Fiscal Year 2010*, \$ 6,915 to Accounting - \$ 4,920 to Assessors - \$ 8,165 to Town Hall Maintenance.
- Transfer \$6,960 from Contributory Retirement to Town Hall Maintenance for *Fiscal Year 2010*.
- Transfer \$14,000 from Non-Contributory Retirement to the departments as listed for *Fiscal Year 2010*, \$ 3,150 to Licensing - \$ 10,850 to Town Hall Maintenance.
- Appropriate \$107,321.41 for *Fiscal Year 2010* to repair and improve Sewer Inflow and Infiltration Systems, by transferring the remaining balances in the following borrowing authorizations:

Maple Brook Culvert	\$18,475.11
Green River/ Oak Hill	\$4,689.08
Green River/ Oak Hill	\$2,682.34
Cooke St Water Main	\$41,246.48
DPW Loader	\$3,152.00
DPW Dump Truck	\$1,535.65
Grinding Road Materials	\$5,173.00
Landfill Construction	\$22,821.76
Smith Street Water Main	\$7,545.99

Order no. FY 11 -013

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

VOTED: THAT THE TOWN COUNCIL OF GREENFIELD HEREBY INITIATES AND FORWARDS THE ATTACHED “EXHIBIT A” “PROPOSED ZONING MODIFICATIONS FOR THE GREENFIELD ZONING ORDINANCE DATED MARCH 5, 2010” TO THE ECONOMIC DEVELOPMENT COMMITTEE AND PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION IN ACCORDANCE WITH M.G.L.C 40A SECTION 5.

“Exhibit A”

DEPARTMENT OF PLANNING AND DEVELOPMENT

TOWN OF GREENFIELD, MASSACHUSETTS
Town Hall, 14 Court Square, Greenfield, MA 01301

413-772-1548
413-772-1309 (fax)



PROPOSED ZONING MODIFICATIONS FOR THE GREENFIELD ZONING ORDINANCE
March 5, 2010

Note: Text with a ~~strike through~~ is text to be deleted, and ***bold italic*** text is proposed new text.

Amendment #1

Amend Section 200-6.5, Parking Requirements of the Greenfield Zoning Ordinance so that it reads as follows:

~ 200-6.5. Parking requirements.

A. General requirements.

(1) Off-street parking for any new structure or use, expansion of existing structures, or changes in use shall be provided in accordance with the Table of Required Off-Street Parking Spaces and all other requirements of this section. Uses in the Central Commercial (CC) District are exempt from ~~these parking regulations unless otherwise specified in this ordinance~~ **off-street parking requirements but shall meet all other requirements of ~ 200-6.5.** Off-street parking requirements for uses not specifically identified in the Table in ~ 200-6.5E shall be determined by the Inspector of Buildings based on a use listed in the Table which has characteristics similar to the use in question.

(2) Where more than one (1) use occurs on one (1) site, the requirements of this section shall be cumulative unless the Inspector of Buildings finds that the periods during which a given use requires parking will not substantially overlap the parking periods of other uses on the site and accordingly approves a proportional reduction in required spaces. In no case shall the number of required spaces be less than the number of spaces required by the use requiring the greater number of spaces.

(3) Part or all of the required parking may be enclosed within a structure conforming to all dimensional requirements of the district in which it is located.

(4) The required number of spaces may be reduced on special permit by the Board of Appeals if it finds that fewer spaces meet all parking needs. Such cases might include but are not limited to:

- (a) Use of a common parking lot for separate uses having peak demands occurring at different times;
- (b) Age or other characteristics of occupants which reduce their auto usage;
- (c) Peculiarities of the use which make usual measures of demand invalid;
- (d) Proximity to and availability of municipal parking facilities providing overnight parking.

(5) Existing parking areas or any parking areas subsequently provided in accordance with this section, shall not be decreased or discontinued while the structure or use being served is in existence unless a change in use also changes the parking requirements or unless parking space is provided elsewhere in accordance with this section.

(6) The Zoning Board of Appeals or the designated Special Permit Granting Authority may grant a special permit for exceptions to the parking requirements of ~ 200-6.5 to permit the reuse or change in use of existing buildings with parking areas which do not conform to this section provided the Board determines that:

- (a) The existing parking areas constitute the most reasonable method of providing parking for the building and will adequately provide for the proposed use.
- (b) No other land is available as a practical matter for parking purposes.
- (c) Bringing the parking areas into conformity with the requirements of this section would result in a decrease of the parking spaces available if such spaces are reasonably needed to serve the uses of the building.
- (d) Public safety will not be compromised.
- (e) A reasonable alternative design is proposed with every effort made to meet the intent of the requirements.
- (f) Adverse impacts on the abutters or the character of the neighborhood will be satisfactorily mitigated.

B. Location of parking areas.

- (1) Required off-street parking areas shall be provided on the same lot they serve, or may be provided on another lot if:
 - (a) The lot is not separated from the use being served by any street having a right-of-way width of sixty (60) feet or more;
 - (b) Access to such parking area is not more than five hundred (500) feet from the nearest street line of the lot or lots they are designed to serve;
 - (c) Such lot is not diverted to other uses except insofar as it can be shown that substitute parking has been made available.
- (2) Shared off-street parking areas for two (2) or more structures or uses may be permitted provided that the total number of spaces for each use computed separately is provided.
- (3) In all districts except the Planned Industry (PI) District, parking areas shall not be permitted in the required front yard setback or closer than ten (10) feet to the front lot line whichever is greater except in driveways serving one- or two-family dwellings. In the Planned Industry (PI) District, parking areas shall be set back from the front lot line by a minimum of twenty-five (25) feet and from the side and rear lot lines by a minimum of fifteen (15) feet.

C. Design requirements. ~~Required off-street~~ **Parking** areas for five (5) or more cars shall be subject to the following requirements:

- (1) Off-street parking spaces shall be laid out to provide for forward-moving ingress and egress;
- (2) There shall be not more than two (2) driveway openings onto any street from any single premises unless each opening center line is separated from the center line of all other driveways serving twenty (20) or more parking spaces, whether on or off the premises, by two hundred (200) feet (measured at the street line) if in a commercial district or by three hundred (300) feet if in any other district. No such opening shall exceed twenty-four (24) feet in width at the street line unless necessity of greater width is demonstrated by the applicant, and the opening is designed consistent with Massachusetts Department of Public Works Regulations, Section 11A-9, or subsequent revisions;
- (3) No driveway side line shall be located within fifty (50) feet of the street line of an intersecting way and shall be constructed with a minimum edge radius of five (5) feet on both sides;
- (4) Driveways shall have a triangle of clear sight at the intersection with the street line inside which no object shall be more than three (3) feet above the elevation of the center line of the street at the intersection;
- (5) All parking areas shall be designed in accordance with the Greenfield Department of Public Works Design Standards for Off-Street Parking and with the Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety; (Diagram No. 4 deleted)
- (6) (Deleted)
- (7) Any establishment which may have lines of vehicles waiting admission or service shall have sufficient on-site space for such lines without requiring cars to stand on any public way;
- (8) The layout of parking areas shall allow sufficient space for the storage of plowed snow unless removal from the site is provided;
- (9) Driveways and parking areas shall be designed to allow for the free flow of vehicles at all times;
- (10) All parking areas and driveways shall be maintained as follows:
 - (a) A ~~dust-free all-weather~~ **paved** surface properly drained to dispose of all surface water accumulating within the area shall be provided. Parking areas not required by this ordinance and which are used only occasionally may be maintained in grass;

(b) ~~Required~~ **Parking** spaces, shall be clearly marked and any one-way driveways serving them shall have the direction of travel clearly indicated other than on the pavement. Such directional signs shall not be internally illuminated;

(c) ~~Required~~ **Parking** areas shall be used for automobile parking only, with no sales, storage, repair work, dismantling or servicing of any kind;

(d) Parking areas and driveways shall be illuminated by shielded lights arranged, designed and with a pole height sized to prevent glare, and to prevent light from shining upon any adjoining building or property in residential use, onto adjacent streets or skyward. A lighting plan shall be submitted as part of site plans.

D. Landscaping. Parking areas shall be screened and landscaped to minimize glare and reflection, to provide shading within parking lots, to provide noise buffers, to reduce the visual impact on adjacent residential property and public ways, and to prevent headlights from shining onto adjacent property.

(1) Perimeter landscaping:

(a) Parking areas adjacent to residential property *in all districts except the Central Commercial (CC) District* shall be set back from the property line by ten (10) feet and shall have a continuous border of dense plantings at least four (4) feet wide and four (4) feet high continuously maintained to provide an effective visual screen; or fencing or berming, not less than five (5) feet but not more than six (6) feet above grade in height and landscaped on at least the side facing the abutters. Such landscaping shall include a minimum planting of trees or shrubs five (5) feet on center.

(b) All parking areas *except those within the Central Commercial (CC) District* shall be separated from the street line by a ten-foot landscaped buffer strip including shade trees (three-inch diameter) forty (40) feet on center and shrubs at least three (3) feet in height upon maturity. Visibility at ingress and egress shall not be impaired and shall have a triangle of clear sight as defined in ~ 200-2.1B.

(c) *Parking Areas within the Central Commercial (CC) District*

i. *Parking areas within the Central Commercial (CC) District adjacent to residential property shall be set back from the property line by five (5) feet and shall have a continuous border of dense plantings at least three (3) feet wide and four (4) feet high continuously maintained to provide an effective visual screen; or fencing or berming, not less than five (5) feet but not more than six (6) feet above grade in height and landscaped on at least the side facing the abutters. Such landscaping shall include a minimum planting of trees or shrubs five (5) feet on center.*

ii. *All parking areas within the Central Commercial (CC) District shall be separated from the street line by a five-foot landscaped buffer strip including shade trees (three-inch diameter) forty (40) feet on center and shrubs at least three (3) feet in height upon maturity. Curbing and/or wheel stops shall be required. Visibility at ingress and egress shall not be impaired and shall have a triangle of clear sight as defined in ~ 200-2.1B.*

(2) Internal landscaping: All parking lots shall have internal landscaping as follows:

(a) Seven (7) to twenty (20) parking spaces shall have five percent (5%) planted lot area; **[Amended by the Town Council on July 15, 2009]**

(b) Greater than twenty (20) parking spaces shall have ten percent (10%) planted lot area;

(c) One (1) shade tree (at least three-inch diameter evergreen or deciduous) shall be planted for every ten (10) parking spaces. Preservation of existing trees is desirable and may be substituted for planted trees. Parking lots with distinct parking areas may be treated as separate parking lots if separated by at least five (5) feet in width of planted landscaped area. Internal landscaping shall be distributed throughout the lot for maximum shading and aesthetic improvement.

REASON: To clarify that all uses within the Central Commercial District are exempt from off-street parking requirements and to create design standards for parking areas that fit for an urban downtown area.

Amendment #2

Amend Footnote #1 of the Table of Dimensional Requirements of the Greenfield Zoning Ordinance by deleting the Central Commercial (CC) District so that it reads as follows:

¹ The first number is for all principal uses including single-family dwellings. The second number is for two-family dwellings. For multifamily structures there shall be the minimum requirement for two-family dwellings plus an additional increase in lot area for each additional unit equal to the following:

- RA, SR, H - 2,000 square feet
- RB, ~~CC~~, LC, GC - 4,000 square feet
- RC - 5,000 square feet

Frontage for multifamily dwelling lots shall be as follows:

- RA, SR, H, ~~CC~~, LC, GC - 100 feet
- RB - 140 feet
- RC - 200 feet

Amendment #3

Amend Section 200-8.4(C)(1)(a) of the Greenfield Zoning Ordinance by amending the first sentence and adding a new sentence after the first one so that the section reads as follows:

C. Procedures.

(1) Reviewing authority.

(a) ***Except within the Central Commercial District***, all uses of less than five thousand (5,000) square feet of floor area or ten (10) or less parking spaces shall be reviewed and approved by the Inspector of Buildings. ***Within the Central Commercial District, all uses of less than five thousand (5,000) square feet of floor area shall be reviewed and approved by the Inspector of Buildings, and all uses of five thousand (5,000) square feet or greater of floor area shall be reviewed and approved by the Planning Board.*** For all site plans reviewed and approved by the Inspector of Buildings, the application for site plan and seven (7) copies of the site plan shall be submitted and approved prior to the application for a building permit. The Inspector of Buildings shall act on the site plan within forty-five (45) days.

Amendment #4

Amend the following definition to read as follows:

ABANDONMENT -- The cessation of a nonconforming use or structure as indicated by the visible or otherwise indicated intention to discontinue a nonconforming use of a structure or lot, or the cessation of a nonconforming use or structure by its replacement with a conforming use or structure. ***Abandonment shall also include nonconforming businesses closed for business for a period of two (2) years or more. The nonconforming use shall not be re-established if the nonconforming use has either been abandoned or discontinued for a period of two (2) years or more.***

And by removing the following definition:

~~ROOMING HOUSE— A building where the taking of lodgers is considered accessory to the use of a single family dwelling in accordance with §200-6.4 of the zoning ordinances of the City of Greenfield. Amended — added definition by Town Council February 15, 2006.~~

Councilor Maloney noted the passing of the long time Chairman of the Zoning Board of Appeals (ZBA) Roy Cowdrey. He spoke of the high caliber of dedication and work Mr. Cowdrey preformed for the citizens and Town of Greenfield. Councilor McLellan stated the ZBA will elect a new Chairman in September and was sure that person would do a fine job, however could never replace Roy.

MOTION: On a motion by Councilor McLellan, second by Councilor Maloney, it was unanimously,
VOTED: TO RESERVE A PAGE IN THE TOWN COUNCIL MINUTES IN MEMORY OF ROY COWDREY, HE WAS A TRUE SERVANT OF GREENFIELD.

MOTIONS FOR RECONSIDERATION: None.
PUBLIC FORUM: None.

ADJOURNMENT: On a motion by Councilor Maloney, second by Councilor Allis, it was unanimously
VOTED: TO ADJOURN THE MEETING AT 7:50 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
August 18, 2010

1. Vacant	---						
2. McLellan, Thomas	P						
3. Allis, Brickett	P						
4. Maloney, Mark	P						
5. Singer, David	P						
6. Letourneau, Danielle	P						
7. Sluter, Shenandoah	P						
8. Vicencio-Rasku, Iris	P						
9. Norman Hirschfeld	P						
10. Farrell, Timothy	P						
11. Guin, Daniel	P						
12. Devlin, Patrick	---						
13. Sutphin, Tracey	P						

In memory of

ROY M. COWDREY

AUGUST 8, 1935 – AUGUST 17, 2010



