

GREENFIELD TOWN COUNCIL
Special Meeting Minutes
September 24, 2010

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 12 Noon 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 and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilors McLellan, Allis, Letourneau, and Vicencio-Rasku were absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Anita Phillips, *the Recorder*; GCTV-15 staff; and members of the public.

MOTIONS, ORDERS, AND RESOLUTIONS

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

VOTED: THAT THE GREENFIELD TOWN COUNCIL WAIVE THE RULES OF PROCEDURE, RULE 8, ORDER AND DISPOSITION OF BUSINESS.

Order no. FY 11-023

MOTION: On a motion by Councilor Sutphin, second by Councilor Singer, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL RESOLVED: HAVING CONVENED IN AN OPEN MEETING ON FRIDAY, SEPTEMBER 24, 2010, **THE TOWN COUNCIL**, IN ACCORDANCE WITH ITS CHARTER, BY-LAWS, AND ORDINANCES, HAS VOTED TO AUTHORIZE THE GREENFIELD SCHOOL SUPERINTENDENT TO SUBMIT TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY THE STATEMENT OF INTEREST DATED SEPTEMBER 22, 2010 FOR THE **FOUR CORNERS SCHOOL**, LOCATED AT **21 FERRANTE AVENUE**, WHICH DESCRIBES AND EXPLAINS THE FOLLOWING DEFICIENCIES AND THE PRIORITY CATEGORIES FOR WHICH THE CITY OF GREENFIELD MAY BE INVITED TO APPLY TO THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN THE FUTURE (SEE BELOW FOR SPECIFIC INFORMATION ON THE TYPES OF REPAIRS.); AND HEREBY FURTHER SPECIFICALLY ACKNOWLEDGES THAT BY SUBMITTING THIS STATEMENT OF INTEREST, THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY IN NO WAY GUARANTEES THE ACCEPTANCE OR THE APPROVAL OF THE APPLICATION, THE AWARDED OF A GRANT OR ANY OTHER FUNDING COMMITMENT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY OR COMMITS THE GREENFIELD SCHOOL DISTRICT TO FILING AN APPLICATION FOR FUNDING WITH THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY.

Description of Repairs/Replacement

The priority identified by the District in this application is for the replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

Specifically, the scope calls for replacement of the entire heating system at Four Corners including the boiler, temperature controls, domestic hot water delivery system, and the classroom ventilation system. In addition, the application requests replacement of all single pane windows and the glass blocks that make up the upper five feet of the windows in the classrooms. Finally, the application requests replacement of the rubber roof on the east wing so that photovoltaic panels can be attached.

DISCUSSION: Ms. Kelly stated the School and Legislative bodies were required to vote on this proposal. The Massachusetts School Building Authority (MSBA) required these votes to be considered earlier than expected. Mayor Martin noted this was part of the Green Communities Act, which had been previously authorized by the Town Council. Ms. Kelly acknowledged there would be future discussion regarding other town buildings being converted to solar use. She noted this project was required to be completed by September 2012.

It was unanimously

VOTED: TO APPROVE THE MOTION ORDER NO. FY 11-023.

Order no. FY 11-024

MOTION: On a motion by Councilor Sutphin, second by Councilor singer, it was unanimously, **VOTED:** THAT IT BE ORDERED, THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED STATE ELECTION WARRANT FOR NOVEMBER 2, 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 ELECTION

FRANKLIN SS.

To the Constables of the City/Town of GREENFIELD

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in the State Election to vote at

PRECINCTS 1, 2, 3, 4, 5, 6, 7, 8, 9

GREENFIELD HIGH SCHOOL, 1 LENOX AVE.

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

To cast their votes in the State Election for the candidates for the following offices:

GOVERNOR/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
COUNCILLOR	EIGHTH DISTRICT
SENATOR IN GENERAL COURT.....	HAMPSHIRE AND FRANKLIN DISTRICT
REPRESENTATIVE IN GENERAL COURT.....	SECOND FRANKLIN DISTRICT
DISTRICT ATTORNEY.....	NORTHWESTERN DISTRICT
SHERIFF.....	FRANKLIN COUNTY
REGIONAL COUNCIL OF GOVERNMENTS EXECUTIVE COMMITTEE.....	FRANKLIN COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would remove the Massachusetts sales tax on alcoholic beverages and alcohol, where the sale of such beverages and alcohol or their importation into the state is already subject to a separate excise tax under state law. The proposed law would take effect on January 1, 2011.

A YES VOTE would remove the state sales tax on alcoholic beverages and alcohol where their sale or importation into the state is subject to an excise tax under state law.

A NO VOTE would make no change in the state sales tax on alcoholic beverages and alcohol.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would repeal an existing state law that allows a qualified organization wishing to build government-subsidized housing that includes low- or moderate-income units to apply for a single comprehensive permit from a city or town's zoning board of appeals (ZBA), instead of separate permits from each local agency or official having jurisdiction over any aspect of the proposed housing. The repeal would take effect on January 1, 2011, but would not stop or otherwise affect any proposed

housing that had already received both a comprehensive permit and a building permit for at least one unit.

Under the existing law, the ZBA holds a public hearing on the application and considers the recommendations of local agencies and officials. The ZBA may grant a comprehensive permit that may include conditions or requirements concerning the height, site plan, size, shape, or building materials of the housing. Persons aggrieved by the ZBA’s decision to grant a permit may appeal it to a court. If the ZBA denies the permit or grants it with conditions or requirements that make the housing uneconomic to build or to operate, the applicant may appeal to the state Housing Appeals Committee (HAC).

After a hearing, if the HAC rules that the ZBA’s denial of a comprehensive permit was unreasonable and not consistent with local needs, the HAC orders the ZBA to issue the permit. If the HAC rules that the ZBA’s decision issuing a comprehensive permit with conditions or requirements made the housing uneconomic to build or operate and was not consistent with local needs, the HAC orders the ZBA to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic. The HAC cannot order the ZBA to issue any permit that would allow the housing to fall below minimum safety standards or site plan requirements. If the HAC rules that the ZBA’s action was consistent with local needs, the HAC must uphold it even if it made the housing uneconomic. The HAC’s decision is subject to review in the courts.

A condition or requirement makes housing “uneconomic” if it would prevent a public agency or non-profit organization from building or operating the housing except at a financial loss, or it would prevent a limited dividend organization from building or operating the housing without a reasonable return on its investment.

A ZBA’s decision is “consistent with local needs” if it applies requirements that are reasonable in view of the regional need for low- and moderate-income housing and the number of low-income persons in the city or town, as well as the need to protect health and safety, promote better site and building design, and preserve open space, if those requirements are applied as equally as possible to both subsidized and unsubsidized housing. Requirements are considered “consistent with local needs” if more than 10% of the city or town’s housing units are low- or moderate-income units or if such units are on sites making up at least 1.5% of the total private land zoned for residential, commercial, or industrial use in the city or town. Requirements are also considered “consistent with local needs” if the application would result, in any one calendar year, in beginning construction of low- or moderate-income housing on sites making up more than 0.3% of the total private land zoned for residential, commercial, or industrial use in the city or town, or on ten acres, whichever is larger.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would repeal the state law allowing the issuance of a single comprehensive permit to build housing that includes low- or moderate-income units.

A NO VOTE would make no change in the state law allowing issuance of such a comprehensive permit.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would reduce the state sales and use tax rates (which were 6.25% as of September 2009) to 3% as of January 1, 2011. It would make the same reduction in the rate used to determine the amount to be deposited with the state Commissioner of Revenue by non-resident building contractors as security for the payment of sales and use tax on tangible personal property used in carrying out their contracts.

The proposed law provides that if the 3% rates would not produce enough revenues to satisfy any lawful pledge of sales and use tax revenues in connection with any bond, note, or other contractual obligation, then the rates would instead be reduced to the lowest level allowed by law.

The proposed law would not affect the collection of moneys due the Commonwealth for sales, storage, use or other consumption of tangible personal property or services occurring before January 1, 2011.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would reduce the state sales and use tax rates to 3%.

A NO VOTE would make no change in the state sales and use tax rates.

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

Given under my hand this _____ day of _____, 2010.
(month)

TIMOTHY FARREL, TOWN COUNCIL PRESIDENT
As authorized by vote of Greenfield Town Council on September 24, 2010

(Indicate method of service of warrant.)

_____, 2010.
Constable _____ (month and day)

Warrant must be posted by **October 26, 2010**, (at least *seven days prior* to the **November 2, 2010**, State Election).

OLD BUSINESS: None.

NEW BUSINESS: None.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

ADJOURNMENT: On a motion by Councilor Maloney, second by Councilor Singer, it was unanimously **VOTED: TO ADJOURN THE MEETING AT 12:17 P.M.**

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Special Meeting
September 24, 2010

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