

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
May 18, 2011

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:05 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 and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Councilor Letourneau was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Department of Public Works Superintendant Sandra Shields; Serrafix Consulting Firm, Steve Burns; Solar Way neighbors and residents; GCTV-15 staff; and members of the public.

ACCEPTANCE OF MINUTES: On a motion by Councilor Maloney, second by Councilor Allis, it was unanimously

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF APRIL 20, 2011.

PUBLIC HEARINGS: Councilor Maloney read the following Public Hearing notice: In accordance with the Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, May 18, 2011, beginning at **7:00 p.m.** at GCTV-15, 393 Main Street: to consider the following:

CATEGORY	MAYOR'S PROPOSED FY 2012 BUDGET
LEGISLATIVE	\$38,000
EXECUTIVE	\$219,700
FINANCIAL ADMIN	\$866,800
OPERATIONS SUPPORT	\$268,650
LICENSING & REGISTRATION	\$212,850
LAND USE & DEVELOPMENT	\$119,100
OTHER GEN'L GOVERNMENT	\$1,550,000
PUBLIC SAFETY	\$5,009,375
EDUCATION	\$15,901,450
PUBLIC WORKS	\$2,361,000
HUMAN SERVICES	\$716,300
CULTURE & RECREATION	\$621,850
DEBT SERVICE	\$2,806,000
MISCELLANEOUS	\$ 10,053,500
TOTAL OPERATING BUDGET	\$40,744,575

Materials in alternative format can be obtained from the Town Clerk's Office with reasonable advance request at 413-772-1555 ext. 112. Full copies of the proposals are available for review in the Greenfield Town Clerk's Office, 14 Court Square, Greenfield, MA, from 8:30 a.m.-5:00 p.m., Mon. - Fri.

President Farrell opened the Public Hearing for the Fiscal Year 2012 Operating Budget at 7:06 pm. He asked if anyone from the public wished to speak. Seeing none, he asked if anyone would like to speak regarding the proposed Re-Precincting. President Farrell stated both Public Hearings would be left open.

COMMUNICATIONS:

MAYOR: None.

SCHOOL COMMITTEE CHAIRMAN: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 11-082

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENFIELD HOUSING AUTHORITY: RICHARD FAHEY – FIVE YEAR TERM –JUNE 30, 2016 (TO FILL THE TERM LEFT VACANT BY THE RESIGNATION OF RANDY WARD)

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11-082.

Order no. FY 11-060

1 of 3

MOTION: On a motion by Councilor Guin, second by Councilor Allis, it was, (Councilor Singer abstained),
MOVED: THAT IT BE ORDERED THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL TAKE FOR NO MONETARY CONSIDERATION SO MUCH OF THE FEE SIMPLE INTEREST IN SOLAR WAY AS WELL AS EASEMENTS DESCRIBED ON THE ATTACHED EXHIBIT A AND MADE PART OF THIS MOTION FOR THE PURPOSE OF A PUBLIC WAY.

DISCUSSION: Councilor Guin reviewed discussion held with citizens and residents of Solar Way and the DPW Engineering Superintendent Larry Petrin. The committee forwarded a unanimous positive recommendation for approval of all orders associated with the acceptance of Solar Way as a Public Way. Vice-President Singer stated he would abstain from voting on all three orders.

It was unanimously (Vice-President Singer abstained),

VOTED: TO APPROVE MOTION ORDER NO. FY 11-060, 1 of 3.

Order no. FY 11-060

2 of 3

MOTION: On a motion by Councilor Guin, second by Councilor Allis, it was,
MOVED: THAT IT BE ORDERED THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL ACCEPTS A QUITCLAIM DEED FROM RURAL DEVELOPMENT, INC. TO THE TOWN OF GREENFIELD AND AUTHORIZE THE MAYOR AND TREASURER OR OTHER APPROPRIATE OFFICIAL TO TAKE SUCH OTHER ACTION TO ACCOMPLISH THE SAME.

DISCUSSION: Ms. Shields noted the residents of Solar Way were receiving trash and recycling services.

It was unanimously (Councilor Singer abstained),

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -060, 2 of 3.

Order no. FY 11-060

3 of 3

MOTION: On a motion by Councilor Guin, second by Councilor Allis, it was unanimously (Councilor Singer abstained),
VOTED: THAT IT BE ORDERED THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL LAYS OUT AND ACCEPT SOLAR WAY AS A PUBLIC WAY AS DESCRIBED ON EXHIBIT A ATTACHED TO THIS MOTION AND MADE A PART OF IT.

Order no. FY 11-083

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 142 RIGHT TO FARM ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE.

Chapter 142

RIGHT TO FARM ORDINANCE

§ 142-1. Purpose and Intent.

§ 142-2. Definitions.

§ 142-3. Right to Farm Declaration.

§ 142-4. Disclosure Notification.

§ 142-5. Resolution of Disputes.

§ 142-6. Severability Clause.

[History: adopted by the Town Council of the Town of Greenfield on 00-00-0000]

GENERAL REFERENCES

§ 142-1. Purpose and Intent

A. The purpose and intent of this Ordinance is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Greenfield restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

B. This General Ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Greenfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Ordinance shall apply to all jurisdictional areas within the Town.

§ 142-2. Definitions

FARM - The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following: farming in all its branches and the cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;

composting; growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; raising of livestock including horses; keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following: operation and transportation of slow-moving farm equipment over roads within the Town; control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals; application of manure, fertilizers and pesticides; conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto; maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and on-farm relocation of earth and the clearing of ground for farming operations.

§ 142-3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Greenfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Ordinance are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm Ordinance shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law, nor is it intended hereby that the creation of an implementation of the Ordinance supersede, replace, modify, alter or change any existing or future Greenfield Town Ordinance or Zoning Bylaw, or State or Federal Law related to agricultural uses within Greenfield.

§ 142-4. Disclosure Notification

A. The Town of Greenfield shall be responsible for providing a copy of the following notice annually to Greenfield property owners/ residents through an annual legal notice in the local newspaper. Moreover, the Town will post a copy of this notice prominently at the Town Hall, and will include the notice and a copy of this Ordinance on the Town's official website.

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Any concerns or complaints regarding agricultural practices in Greenfield shall be addressed to the Mayor, which shall forward them to the appropriate town authorities and the Agricultural Commission for resolution.”

§ 142-5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Mayor, or his/her designee. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Mayor, or his/her designee shall forward a copy of the grievance to the appropriate town authorities, including but not limited to the Board of Health and/or Zoning Board of Appeals. The Mayor, or his/her designee shall also forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Mayor, or his/her designee within an agreed upon time frame.

§ 142-6. Severability Clause

If any part of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Ordinance. The Town of Greenfield hereby declares the provisions of this Ordinance to be severable.

DISCUSSION: Councilor Allis reviewed the discussion with the Mayor during committee meetings regarding his veto of the ordinance. President Farrell approved Councilor Allis' friendly amendment to insert a “,” in Section 142-2 Definitions after “composting” in the second paragraph to clarify the language. Councilor Singer suggested inserting “community responsible” in Section 142-2, the third paragraph, prior to “application of manure.”

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

MOVED: TO INSERT “COMMUNITY RESPONSIBLE” IN SECTION 142-2, THE THIRD PARAGRAPH, PRIOR TO “APPLICATION OF MANURE.”

Discussion included the following:

- The Agricultural Commission had not objected to the proposed amendment during the committee meeting.
- The citizen would decide if the application was responsible to the community.
- This was an “encouragement” ordinance.
- This was brought up at subcommittee because of the concern of the use of pesticides.
- The language was proposed to protect citizens from pesticide use.
- The ordinance was created to protect the people who make their living by farming.

It was by majority, 3 no and 9 yes,

VOTED: TO INSERT “COMMUNITY RESPONSIBLE” IN SECTION 142-2, THE THIRD PARAGRAPH, PRIOR TO “APPLICATION OF MANURE.”

Councilor Allis noted if the ordinance was approved, the Town of Greenfield would earn a point towards the Commonwealth Capital Score from the State. The Score aided the Town during some grant processes. Currently, the Towns score was 92 out of 100. Councilor McLellan would vote in favor of the ordinance. Discussion included the following:

- If a property owner did not have a minimum of 5 acres or more a special permit was required from the Zoning Board to farm, regardless of the Right to Farm Ordinance.
- The ordinance states: The Town of Greenfield supports farming in the community and provides a vehicle for dispute resolution should it be needed.
- Other town ordinances send a very strong message about farming.

It was unanimously (Councilor Maloney abstained),

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -083 AS AMENDED.

Chapter 142

RIGHT TO FARM ORDINANCE

§ 142-1. Purpose and Intent.

§ 142-4. Disclosure Notification.

§ 142-2. Definitions.

§ 142-5. Resolution of Disputes.

§ 142-3. Right to Farm Declaration.

§ 142-6. Severability Clause.

[History: adopted by the Town Council of the Town of Greenfield on 12-15-2010]

GENERAL REFERENCES

§ 142-1. Purpose and Intent

C. The purpose and intent of this Ordinance is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Greenfield restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

D. This General Ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Greenfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Ordinance shall apply to all jurisdictional areas within the Town.

§ 142-2. Definitions

FARM - The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following: farming in all its branches and the cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities; composting growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; raising of livestock including horses; keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following: operation and transportation of slow-moving farm equipment over roads within the Town; control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals; application of manure, fertilizers and pesticides; conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto; maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and on-farm relocation of earth and the clearing of ground for farming operations.

§ 142-3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Greenfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Ordinance are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm Ordinance shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law, nor is it intended hereby that the creation of an implementation of the Ordinance supersede, replace, modify, alter or change any existing or future Greenfield Town Ordinance or Zoning Bylaw, or State or Federal Law related to agricultural uses within Greenfield.

§ 142-4. Disclosure Notification

B. The Town of Greenfield shall be responsible for providing a copy of the following notice annually to Greenfield property owners/ residents through an annual legal notice in the local newspaper. Moreover, the Town will post a copy of this notice prominently at the Town Hall, and will include the notice and a copy of this Ordinance on the Town's official website.

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Any concerns or complaints regarding agricultural practices in Greenfield shall be addressed to the Mayor, which shall forward them to the appropriate town authorities and the Agricultural Commission for resolution."

§ 142-5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Mayor, or his/her designee. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Mayor, or his/her designee shall forward a copy of the grievance to the appropriate town authorities, including but not limited to the Board of Health and/or Zoning Board of Appeals. The Mayor, or his/her designee shall also forward a copy of the grievance to the Agricultural Commission or its

agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Mayor, or his/her designee within an agreed upon time frame.

§ 142-6. Severability Clause

If any part of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Ordinance. The Town of Greenfield hereby declares the provisions of this Ordinance to be severable.

Order no. FY 11-087

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTE TO ACCEPT THE DRAFT 2011 RE-PRECINCTING MAP ATTACHED AS EXHIBIT A.

DISCUSSION: Ms. Winseck reviewed the procedure for Re-precincting for Greenfield. She noted the current map was a draft. A final map would be presented for consideration at a meeting in June. President Farrell stated this would not affect any Council seats on the June ballot or current Councilors. Discussion included the following:

- Changes would be made to the map by the State if the Council objected to the proposed precinct boundaries.
- Believed the population of Greenfield was larger than the Federal Census count.
- Reviewed the change in population of precincts. There were no major population changes.
- The Donahue Institute of the University of Massachusetts, in conjunction with the Secretary of States Office, created the proposed precinct boundaries and maps.
- The maps and precinct boundaries were created by a neutral party.
- The map had been available to anyone who requested the information.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11-087.

President Farrell closed the Public Hearing at 7:50 pm.

Order no. FY 11-088

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL SEND THE ATTACHED LETTER OF SUPPORT FOR THE COMMUNITY BUILDERS INC., APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS FOR THE REDEVELOPMENT OF THE LEYDEN WOODS APARTMENT COMPLEX IN GREENFIELD.

DISCUSSION: Councilor Guin noted EDC did not have enough information for a recommendation and agreed that discussion could take place on the Town Council floor. President Farrell stated the last paragraph of the letter should be removed. A friendly amendment was made to reflect the change. President Farrell reviewed the process to date for the rehabilitation of Leyden Woods Community and the plans for new structures. The following was discussed with the Mayor:

- There were no tax breaks for the project from Greenfield. There were housing tax credits from the State and Federal Government.
- The total cost of the project was approximately \$22,000,000.
- The Town would supply \$50,000 for two years for sidewalks out of CDBG funds.
- The owner of the property has made improvements over the years.
- WMECO had granted an easement which alleviated some neighbor concerns.
- There would be a large utility savings.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -088.

Order no. FY 11-086

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AUTHORIZE THE TOWN COUNCIL PRESIDENT TO SIGN THE ATTACHED RESOLUTION TITLED “EXPLORATORY COMMITTEE” WHOSE PURPOSE WILL BE TO INVESTIGATE THE FEASIBILITY OF LOCAL ADMINISTRATION OF ENERGY EFFICIENCY PROGRAMS WHICH ARE CURRENTLY BEING ADMINISTERED BY THE LOCAL UTILITY COMPANIES AND TO MAKE A RECOMMENDATION TO THE TOWN COUNCIL ON WHETHER TO INITIATE THE FORMAL PROCESS UNDER STATE LAW FOR MUNICIPAL AGGREGATION.

**A RESOLUTION
OF THE TOWN COUNCIL
OF
THE TOWN OF GREENFIELD, MASSACHUSETTS**

TO ESTABLISH AN “EXPLORATORY COMMITTEE” WHOSE PURPOSE WILL BE TO INVESTIGATE THE FEASIBILITY OF LOCAL ADMINISTRATION OF ENERGY EFFICIENCY PROGRAMS WHICH ARE CURRENTLY BEING ADMINISTERED BY THE LOCAL UTILITY COMPANIES AND TO MAKE A RECOMMENDATION TO THE TOWN COUNCIL ON WHETHER TO INITIATE THE FORMAL PROCESS UNDER STATE LAW FOR MUNICIPAL AGGREGATION
Whereas, The Commonwealth of Massachusetts signed into law The Green Communities Act in January 2008 (Massachusetts General Laws, Chapter 25A, Section 10); and

Whereas, The City of Greenfield known as the Town of Greenfield has been designated as a “Green Community” under the Green Communities Act of 2008 in May of 2010; and

Whereas, The City of Greenfield known as the Town of Greenfield has been awarded a Green Communities Grant in the amount of \$202,066 under the Green Communities Division of the Massachusetts Department of Energy Resources; and

Whereas, \$34,850 of the \$202,066 Green Communities Grant has been allocated to hire a consultant to develop a plan for municipal aggregation for Greenfield; and

Whereas, the Town of Greenfield has entered into a Memorandum of Agreement with Serrafix, a Boston based consulting firm that work with cities and states, commercial and residential property owners, private developers, agricultural firms, utilities and institutions to develop and implement strategies for improving energy performance, on its EE2020 Plan; and

NOW, THEREFORE, BE IT RESOLVED

THAT THE GREENFIELD TOWN COUNCIL, AS EVIDENCED BY THE SIGNATURE OF ITS PRESIDENT, DOES HEREBY AUTHORIZE THE MAYOR TO ESTABLISH AN “EXPLORATORY COMMITTEE” WHOSE PURPOSE WILL BE TO INVESTIGATE THE FEASIBILITY OF LOCAL ADMINISTRATION OF ENERGY EFFICIENCY PROGRAMS WHICH ARE CURRENTLY BEING ADMINISTERED BY THE LOCAL UTILITY COMPANIES AND TO MAKE A RECOMMENDATION TO THE TOWN COUNCIL ON WHETHER TO INITIATE THE FORMAL PROCESS UNDER STATE LAW FOR MUNICIPAL AGGREGATION.

TIMOTHY FARRELL, PRESIDENT
GREENFIELD TOWN COUNCIL

DISCUSSION: Mayor Martin introduced Mr. Burns from Serrafix Consulting Firm. The following was discussed:

- Serrafix selected Greenfield as one (1) of eleven (11) Massachusetts communities to offer two (2) years of technical assistance in numerous areas of energy conservation upgrades and programs.
- Greenfield could form a Municipal Light Company to allow citizens to decrease or stabilize their lighting cost as allowed by law. Two paths Greenfield could take were: 1.) Partner with the utilities and 2.) Municipal Aggregation Process which was the process used on Cape Code.
- This was a separate issue from the first reading to be held tonight for a Municipal Telecommunications Plan.
- Reviewed the history of Cape Code utilities.
- The proposed order and resolution would start the process to establish a committee for discussion. The funding discussed in the resolution would need Council appropriation in the future.
- An advantage to a municipally controlled utility company was potentially lower rates; fees paid would remain local, the company was locally controlled and possibly had greener options.
- Currently, in Massachusetts, you can purchase electricity from any supplier you wish.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -086.

Order no. FY 11-084

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 164 THIRTY (30) DAY CONTRACT REVIEW ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE.

Draft v. 5-10-2011
Town Council approval DATE

**Chapter 164
THIRTY (30) DAY CONTRACT REVIEW**

§ 164-1. Purpose

§ 164-3. Exception

§ 164-2. Outline

GENERAL REFERENCES

§ 164-1. Purpose

The Purpose of this Ordinance is to allow adequate time for all City Councilors to be able to read, study, request clarification, and take due diligence on the content of any contract submitted for approval by the City Council.

§ 164-2. Outline

All contracts requiring City Council approval must be submitted 30 days prior to Council consideration of the contract.

Contracts submitted under this ordinance, and amended either on the Council floor or in negotiations between the 2 parties shall not be considered a new contract and therefore shall not be subject to another 30 day submission timeframe.

§ 164-3. Exception

This section shall not apply any instance where time is "Of the essence" in which case a 2/3 vote of the Council may allow for consideration prior to 30 days.

DISCUSSION: Councilor Allis announced the language in the packet was not the updated information. He would make a motion for the Town Council to use the language handed out this evening titled: "Appointments and Ordinance Committee recommendation 5-16-11."

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

VOTED: TO AMEND THE MOTION BY INSERTING THE STRIKETHROUGH LANGUAGE AS FOLLOWS:

Chapter 164

THIRTY (30) DAY CONTRACT REVIEW**§ 164-1. Purpose****§ 164-3. Exception****§ 164-2. Outline****GENERAL REFERENCES****§ 164-1. Purpose**

The Purpose of this Ordinance is to allow adequate time for all City Councilors to be able to read, study, request clarification, and take due diligence on the content of any contract submitted by the Mayor for approval by the City Council.

§ 164-2. Outline

All contracts requiring City Council approval must be submitted 30 days prior to Council consideration of the contract.

Contracts submitted under this ordinance and amended ~~either~~ on the Council floor ~~or in negotiations between the 2 parties~~ shall not be considered a new contract and therefore shall not be subject to another 30 day submission timeframe.

§ 164-3. Exception

~~This section shall not apply any instance where~~ In the event that time is “Of the essence” ~~in which case a 2/3 vote of the Council may waive the 30 day submission requirement upon a 2/3 vote of the council. allow for consideration prior to 30 days.~~

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee held a Public Hearing on Monday, May 16, 2011 and changed the language after the Public Hearing. He reviewed the history of why the ordinance had been proposed.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -084, AS AMENDED.

Chapter 164**THIRTY (30) DAY CONTRACT REVIEW****§ 164-1. Purpose****§ 164-3. Exception****§ 164-2. Outline****GENERAL REFERENCES****§ 164-1. Purpose**

The Purpose of this Ordinance is to allow adequate time for all City Councilors to be able to read, study, request clarification, and take due diligence on the content of any contract submitted by the Mayor for approval by the City Council.

§ 164-2. Outline

All contracts requiring City Council approval must be submitted 30 days prior to Council consideration of the contract.

Contracts submitted under this ordinance and amended on the Council floor shall not be considered a new contract and therefore shall not be subject to another 30 day submission timeframe.

§ 164-3. Exception

In the event that time is “Of the essence” the Council may waive the 30 day submission requirement upon a 2/3 vote of the council.

Order no. FY 11-085

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

VOTED: THAT IT BE ORDERED THAT IT BE ORDERED, THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED TOWN ELECTION WARRANT FOR JUNE 14, 2011 AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

TOWN ELECTION WARRANT

- From borrowing:
 - ▶ \$185,000 for the re-sanding of the Oak Hill Filter Beds
 - ▶ Up to \$25,000 to develop a town-wide Information Technology Plan
 - ▶ Up to \$30,000 to reconfigure video cameras in the downtown area
 - ▶ Up to \$38,000 for the reconstruction of the Davis Street Tennis Courts
 - ▶ Up to \$250,000 for repairs to the Middle School Roof
 - From Other Available Funds
 - ▶ Up to \$9,000 for wetlands delineation in the Millbrook Well Field
 - ▶ Up to \$40,000 for the development of a Municipal Telecommunications Plan
2. Appropriate \$165,000 from Free Cash to the FY11 Veterans' Benefits Account.

President Farrell announced that he and Steve Oates would be guest Bartenders at Taylor's Tavern Thursday, May 19, 2011, with all proceeds going to the Relay for Life.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

ADJOURNMENT: On a motion by Councilor Allis, second by Councilor Maloney, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 8:50 P.M.

A true copy,

Attest: _____
 Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
 Regular Meeting
 May 18, 2011

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