

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
June 15, 2011

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:07 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: Roll Call was taken. Councilors Bitters and Sluter was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Accountant Elizabeth Braccia; Town Clerk Maureen Winseck; DPW Superintendent Sandra Shields; Councilor-Elect Hillary Hoffman; Planning Board Chairperson Roxanne Wedegartner; GCTV-15 staff; and members of the public.

ACCEPTANCE OF MINUTES: On a motion by Councilor Guin, second by Councilor Maloney, it was unanimously **VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF MAY 18, 2011.

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

Amendments to the Code of the Town of Greenfield, Chapters 1 – General Provisions; 9 – Alarms; 17 – Animals; 30 – Board of Selectmen; 34 – Boards, Committees and Commissions; 45 – Civil Defense; 106 – Nuclear-Free Zone; 112 – Officers and Employees; 141 – Redevelopment Authority; 154 – Soil Removal; 159 – Streets and Sidewalks; 856 – Recommendation for Membership; 860 – Planning Board Rules and Regulations; 39 – Building Construction; 65 – Electrical Standards; Wire Inspector; 154 – Soil Removal. Update internal references to reflect changes in Massachusetts General Laws and define references to reflect the current form of government and authorities therein.

The Town Council will consider the same at their meeting on Wednesday, June 15, 2011 at 7:00 p.m. at the GCTV-15 Studio, 393 Main Street. Materials in alternative format and copies can be obtained from the Town Clerk's Office with advance notice at 413-772-1555, from 8:30 a.m.-5:00 p.m., Mon. - Fri.

President Farrell asked if anyone from the public wished to speak. Seeing no one, he stated the hearing would remain open.

COMMUNICATIONS:

MAYOR: Mayor Martin thanked the Town Council for the work they had done within the past year. He thanked Councilors Guin, Maloney, Bitters and Letourneau for their service to the town and citizens of Greenfield.

SCHOOL COMMITTEE CHAIRMAN: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 11-117

Financial Order FY 11

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, THE SUM OF \$165,000 IS APPROPRIATED FROM FY2011 FREE CASH TO VETERANS' ORDINARY BENEFITS.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation. He spoke of the growth in the Veterans' Benefit needs and that the Town would be reimbursed by the State in the amount of 75%.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11-117, FINANCIAL ORDER FY 11.

Order no. FY 11-116

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 THE TOWN COUNCIL APPROVES OF THE FOLLOWING APPOINTMENTS AND REAPPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM:

APPOINTMENT

Eva Carrier	Board of Registrars	3-year term, June 30, 2014
Edward Marion	Council on Aging	3-year term, June 30, 2014
Edward Fleming	Greenfield Redevelopment Authority	2-year term, June 30, 2013

REAPPOINTMENT

Teresa Bartlet	Council on Aging	3-year term, June 30, 2014
Harold Bosco	Council on Aging	3-year term, June 30, 2014
Mary Parrott	Council on Aging	3-year term, June 30, 2014
Alex Haro	Conservation Commission	3-year term, June 30, 2014
Dee Letourneau	Conservation Commission	3-year term, June 30, 2014
Randall Hansis	Historical Commission	3-year term, June 30, 2014
Dr. William Doyle	Board of Health	3-year term, June 30, 2014
Adrienne Boudreau	Greenfield Public Library Trustees	3-year term, June 30, 2014
Paul Gorecki	Greenfield Public Library Trustees	3-year term, June 30, 2014
Adam Provost	Greenfield Redevelopment Authority	3-year term, June 30, 2014
Momodu Sarr	Human Rights Commission	3-year term, June 30, 2014
Roxann Wedegartner	Planning Board	3-year term, June 30, 2014
Jean Wall	Planning & Construction Commission	3-year term, June 30, 2014
Francesca Passiglia	Recreation Commission	3-year term, June 30, 2014

DISCUSSION: Councilor Allis stated there was a split positive recommendation from the Appointments and Ordinance Committee.

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

MOVED: TO REMOVE THE APPOINTMENT OF ROXANN WEDEGARTNER TO THE PLANNING BOARD FOR A 3-YEAR TERM EXPIRING JUNE 30, 2014 FOR DISCUSSION.

DISCUSSION: President Farrell explained the process to remove the Planning Board appointment from the order. The following was discussed:

- Current process for appointments and reappointments; including biographical information and the Mayor's process prior to making a recommendation to the Council.
- Finding volunteers to sit on committees was not an easy task.
- Important decisions have been made within the past several years.
- Feeling strongly about particular issues was completely separate from not wanting a person to be reappointed to a board or commission.
- There must be a serious specific reason not to reappoint a long standing committee member.
- Be careful when judging people who volunteer on boards for the Town.
- If the proposed person was qualified, political opinions should not enter the equation.
- Some Councilors would appreciate appointments being considered individually rather than in a group format.
- In the context of the Charter, it was the Mayor's prerogative to make appointments.
- The Council membership should be careful about the decision they were about to make.
- Yesterday's election touted a 16% voter turnout. It can't be said that citizen participation was at an all time high with those kinds of numbers.

President Farrell stated the Council would vote on the amendment to remove the proposed appointee from the order.

It was by majority, 1 abstention,

DEFEATED: TO REMOVE THE APPOINTMENT OF ROXANN WEDEGARTNER TO THE PLANNING BOARD FOR A 3-YEAR TERM EXPIRING JUNE 30, 2014 FOR DISCUSSION.

It was unanimously, 1 abstention,

VOTED: TO APPROVE ORDER NO. FY 11 -116.

President Farrell closed the Public Hearing at 7:55 pm.

Order no. FY 11 -102

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 1, GENERAL PROVISIONS, ARTICLE I, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 1

GENERAL PROVISIONS

[**HISTORY:** Adopted by the Town Council of the Town of Greenfield as indicated in article histories. Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, §§ ~~21 and 21D~~ and ~~32~~

ARTICLE I

Acceptance of Compiled Bylaws; Enforcement

[Adopted by 7-17-1985; approved by AG 9-19-1985 (Sec. 1.1 of the 1985 Bylaws)]

§ 1-5. Amendment procedures.

The ~~ordinances~~ ~~bylaws~~ may be amended, repealed or revised from time to time by a majority vote of the Town Council. A change in the Zoning Bylaws shall require a two-thirds vote (MGL c. 40A, § 5). All proposed ~~Ordinances~~ ~~bylaws~~ adopted by the Town Council shall be submitted to the Attorney General for review and shall be published as required by MGL c. 40, § ~~32~~. shall be posted on the Town Bulletin Board in accordance with Charter Section 2-9 (c).

DISCUSSION: Councilor Allis stated the Appointment and Ordinance Committee forwarded unanimous positive recommendations for approval on all of the proposed amendments to the ordinances in tonight's packet. He summarized the proposed amendments. Councilor Allis stated this was the first batch of amendments; more would follow in future months.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -102.

Order no. FY 11 -103

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 9, ALARMS, SECTIONS 9-1, 9-3, 9-4, 9-5, 9-6, 9-8, 9-9, AND 9-10, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 9

ALARMS

[**HISTORY:** Adopted by the Town Council of the Town of Greenfield 8-17-1994, approved by AG 11-1-1994 (Sec. 16.1 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Board of Fire Commissioners Regulations — See Part V.

§ 9-1. Definitions.

For the purpose of this ~~bylaw~~ **ordinance**, the following definitions shall apply:

ALARM DEVICE — Any device which when activated by a criminal act, fire or other emergency calling for Fire Department response a) transmits a signal to Fire Department Headquarters; b) transmits a signal to a person who relays information to Police or Fire Headquarters; or c) produces an audible or visible signal to which the Fire Department responds. Excluded from this definition and the scope of this ~~bylaw~~ **ordinance** are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

ALARM USER — The owner of any premises on which an alarm device is used shall be deemed an alarm user.

AUTOMATIC DIAL ALARM — A telephone device or attachment that mechanically or electronically selects a telephone line to Fire Headquarters and reproduces a prerecorded voice message to report a fire or other emergency calling for Fire Department response. Excluded from this definition are devices which relay a digital-coded signal to Fire Headquarters.

CONTRACTOR — Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

FALSE ALARM

- A. An alarm raised without genuine cause.
- B. An alarm transmitted to the Fire Department that does not require the saving of human life, extinguishment of a fire, control of hazardous situations, service, rescue, salvage or other related duties.
- C. An automated device that transmits an alarm without genuine cause due to said device's malfunction.

§ 9-2. Registration procedure; fee.

- A. Alarm device registration shall be accomplished by contacting the Greenfield Fire Department, Fire Prevention Division, prior to the initial start-up of the construction or renovation project. Each alarm user shall complete a form provided by the Administrator to include such information concerning the identity of the prospective alarm user and the identity of the alarm user's contractor, if any. The Administrator shall issue the alarm user written acknowledgment of proper registration. There shall be no fee for the registration of any fire alarm system.
- B. It shall be the responsibility of each alarm user to notify the Fire Department in writing of changes in registration information.

§ 9-3. Automatic dial alarm interconnection to Fire Department.

No automatic dial alarm may be installed after the effective date of this ~~bylaw~~ **ordinance** without the prior approval of the Fire Department.

§ 9-4. False alarm charges.

When the Chief/Deputy Chief of the Fire Department determines that the Fire Department has responded to a false alarm, he shall impose a charge on the responsible alarm user according to the following schedule:

- A. First false alarm in any one (1) year: no charge.
- B. Second false alarm in any one (1) year: no charge.
- C. Third false alarm in any one (1) year: **\$100.**
- D. Subsequent alarms in any one (1) year: **250.**

(NOTE: Fees established by the Mayor.)

§ 9-5. Notification of false alarm; appeal.

- A. The Fire Chief/~~Deputy Chief~~ shall notify the responsible alarm user of any false alarms charged by first-class mail, postage prepaid. Within fifteen (15) days after receiving such notice, the alarm user may file with the Fire Chief an appeal in writing showing that the alarm was not false within the meaning of this ~~bylaw~~ **ordinance**.
- B. The Fire Chief shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by first-class mail, postage prepaid. Within fifteen (15) days after mailing of such notice, the alarm user may file with the ~~Selectmen~~ **Hearings Officer** an appeal in writing.

§ 9-6. Appeal to City of Greenfield Hearings Officer

Upon receipt of a timely appeal from a false alarm charge, the **Hearings Officer** shall hold a hearing to consider it and shall mail notice (first-class mail, postage prepaid) of the time and place of said hearing to the alarm user making the appeal at his last known address at least fifteen (15) days before the hearing. The **Hearings Officer** may affirm or return the decision to the Fire Chief.

§ 9-7. Charges and fees to be paid into General Fund.

The Greenfield Fire Department shall act as agents to collect said fees. All monies collected shall be turned over to the Town Treasurer at the end of each month for inclusion into the General Fund.

§ 9-8. Nonliability of Town for alarm devices.

Notwithstanding the provisions of this ~~bylaw~~ **ordinance**, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at Fire Headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

§ 9-9. Exceptions.

The provisions of this ~~bylaw~~ **ordinance** shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle.

§ 9-10. Severability.

The invalidity of any part or parts of this ~~bylaw~~ **ordinance** shall not affect the validity of the remaining parts.

DISCUSSION: Councilor Allis noted the language relating to the Deputy Fire Chief and Hearings Office had been added.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -103.

Order no. FY 11 -104

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 17, ANIMALS, SECTIONS 17-1, 17-3, 17-4, 17-7, 17-9, 17-10 AND 17-13, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 17

ANIMALS

[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 4.19 of the 1985 Bylaws, replacing Sec. 4.9); amended in its entirety 6-21-2000, approved by AG 9-18-2000 (Sec. 4.7 of

the 1985 Bylaws, replacing 4.19)¹. Subsequent amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

MGL c. 140, § 173

GENERAL REFERENCES

Vehicular regulations — See Ch. 180 and Ch. 485.

§ 17-1. Scope; violations and penalties.

- A. This **ordinance** bylaw is not intended to derogate or limit any powers, rights, or obligations set forth in MGL c. 140, but is in addition thereto.
- B. The penalty fee imposed upon an owner or keeper of a dog which has violated this **ordinance** bylaw shall be ~~fixed~~ twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense, and seventy-five dollars (\$75) for each subsequent offense.

§ 17-2. License requirement.

Any owner or keeper of a dog six (6) months of age or older shall cause that dog to be licensed as required by MGL c. 140, § 137, commencing on April 1 of each year.

§ 17-3. License fee.

- A. The fee for licensing of dogs and kennel licenses shall be set by the Town Clerk in accordance with MGL c. 40, § 22F. The license fee for neutered/spayed dogs shall be one-half (1/2) of the license fee charged for dogs that are not neutered or spayed. The owner or keeper must present a spay/neuter certificate or written statement from a veterinarian.
- B. No license fee will be charged for specially trained service dogs as defined in section 11.²
- C. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from the Town of Greenfield, or other disposal.
- D. Should any owner or keeper fail to license a dog by June 1, the owner or keeper shall pay a late ~~fine~~ **fee** of twenty-five dollars (\$25) before obtaining said license. ~~Should any owner or keeper fail to license their dog by July 1, the owner or keeper shall pay a noncriminal fee not less than twenty-five dollars (\$25) before obtaining said license, excepting a dog brought into the Town as provided in MGL c. 140, § 138. This late fee shall be applicable after the 30th~~ **45th** day after the arrival of such dog.
- E. Any owner or keeper who during any licensing period moves into the Town of Greenfield shall register their dog forthwith. Failure to do so by the ~~30th~~ **45th** day after the arrival of such dog shall result in a late ~~fine~~ **fee** as stated in this section.

§ 17-4. Kennel licenses.

- A. Anyone maintaining or keeping a pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes including any shop where dogs are on sale, which are not covered under MGL c. 129, § 39A, and also including every pack or collection of more than three (3) dogs, three (3) months old or over, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained

¹. The Preamble to this bylaw read as follows: The animal control regulations are herein established for the purpose of promoting the health, safety, morals, and general welfare of the Town of Greenfield. This bylaw contains standards relating to use, maintenance, confinement and keeping of dogs and puppies. The intent of this bylaw is to protect values within the Town of Greenfield, to enhance the quality of life of citizens, their dogs or puppies, and to protect the general public from damage, which may be caused by unregulated animals. The Animal Control Bylaw was originally adopted by Town Meeting 3-4-1889 and 4-1-1889.

². Editor's Note: See MGL c. 140, § 139.

shall be required to obtain a kennel license in compliance with Town Zoning Bylaws.³

- B. Inspection of kennels. Upon application for a kennel license, the Animal Control Officer may inspect the facility prior to the issuance of any kennel license. The Animal Control Officer may deny the application if the facility is not in compliance with any or all sections of this ordinance bylaw, state law, and state regulation. The Greenfield Animal Control Officer may at any time inspect or cause to be inspected, any kennel and if, in her/his judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the Animal Control Officer with approval of the Hearings Officer ~~Board of Selectmen~~ shall revoke or suspend, and in case of suspension, may reinstate such license.

§ 17-5. Rabies vaccine.

All dogs six (6) months or older shall be licensed and have a current rabies inoculation as required by MGL c. 140, § 137, and MGL c. 140, § 145B, and any subsequent amendments thereto. When applying for a license the applicant must show proof of rabies vaccination by presenting a current rabies certificate from a veterinarian.

§ 17-6. Enforcement.

The provisions of this bylaw shall be enforced by the Animal Control Officer and any police officer of said Town.

§ 17-7. Control of dogs in estrus cycle.

If an Animal Control Officer determines that a dog in her estrus cycle is attracting other dogs to the area, which conditions cause disturbances on, or damage to neighboring property or public areas, he may impound the dog for the duration of the estrus cycle, releasing it thereafter to the owner or keeper upon payment of penalty fees, if applicable, pickup fees, confinement fees, and or other expenses incurred during the impoundment, in order to provide for the health and well-being of the dog. As an alternative, an Animal Control Officer may require the owner, or keeper, place and keep such a dog, while in the estrus cycle, in a kennel or remove it from the area. Failure to comply with the removal order of the Animal Control Officer shall be a violation of this ordinance bylaw, and the dog will then be impounded as prescribed in this ordinance bylaw.

§ 17-8. Disturbing the peace.

No person shall keep any dog which by biting, barking, howling or in any other manner disturbs the peace and quiet of the neighborhood or endangers the safety of any person.

§ 17-9. Dogs at large.

- A. Unrestrained dogs.

- (1) No dog shall be permitted to be unrestrained while in or near any schoolyard, public park, public playground, public building, retail store, public highway or street, or public or school recreational field or facility.
- (2) No person shall permit a dog under that person's control to defecate on any schoolyard, public park, public playground, or public school or recreational field or facility.
- (3) Exceptions.
 - (a) Further, no dog shall be permitted to be at large in any other public area not designated within this section except if:
 - [1] The dog is attached to a leash held by a person who is capable of controlling the dog or puppy,
 - [2] The dog is in a vehicle from which it cannot escape while the vehicle is driven, parked, or stopped,
 - ~~[3] The dog is not more than fifty (50) feet from a person whose commands it abides to,~~
 - [4] The dog is within one hundred (100) feet or within calling or whistling distance, mechanical or otherwise, for the purposes of hunting in an area where hunting is allowed and dogs are legally

³. Editor's Note: See Ch. 200, Zoning.

allowed for hunting purposes,

[5] ~~The dog or puppy is not annoying any human or domestic animal or trespassing on private property;~~

[6] The dog is in a public area where dogs or puppies are allowed.

(b) These exceptions shall apply to public parks and recreational fields designated by the Town of Greenfield allowing dogs to be off leash.

B. Any dog found to be at large within the grounds of any school property, public park, public playground, public building, public highway or street, or public or recreational field or facility, retail store, apartment or commercial building, of the Town of Greenfield except as allowed in § 17-9A shall be apprehended and confined by the Animal Control Officer and/or police officers who shall notify forthwith the licensed owner or keeper of said dog, giving the said owner or keeper a period of seven (7) days within which to recover the dog.

C. The Animal Control Officer or his/her agent having custody of a dog confined under this **ordinance** ~~bylaw~~ shall be allowed the sum of fifteen dollars (\$15) per day of confinement for the care of such dog, payable by the owner or keeper to the Animal Control Officer or his/her agent before retrieval of such dog shall be allowed.

D. For each and every dog picked up, the Animal Control Officer or his/her agent shall be entitled to a pickup fee of fifteen dollars (\$15) for the first occurrence, twenty dollars (\$20) for the second, thirty dollars (\$30) for the third and fifty dollars (\$50) for the fourth occurrence in any one (1) calendar year.

E. Restraining; exceptions.

(1) No person owning or keeping a dog shall permit such dog to be at large elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the permission of such other person. Such owner or keeper of a dog, which is not on the premises of the owner, or upon the premises of another person with the permission of such other person shall restrain such dog with a chain or leash not exceeding eight (8) feet in length. No dog or puppy may be restrained by a fixed point chain or tether for more than eight (8) hours in a twenty-four-hour period. Any tethering employed shall not allow the dog or puppy to leave the owner's or keeper's property. No chain or tether shall weigh more than one-eighth (1/8) of the dog or puppy's body weight. Any chain or tether used must be attached to a properly fitting collar or harness worn by the animal.

(2) Exceptions:

(a) The dog is attached to a leash held by a person who is capable of controlling the dog or puppy,

(b) The dog is in a vehicle from which it cannot escape while the vehicle is driven, parked, or stopped,

~~(c) The dog is not more than fifty (50) feet from a person whose commands it abides to;~~

(d) The dog is within one hundred (100) feet or within calling or whistling distance, mechanical or otherwise, for the purposes of hunting in an area where hunting is allowed and dogs are legally allowed for hunting purposes,

~~(e) The dog or puppy is not annoying any human or domestic animal or trespassing on private property;~~

~~(f)~~ (e) The dog is in a public area where dogs or puppies are allowed.

(3) These exceptions shall apply to public parks and recreational fields designated by the Town of Greenfield allowing dogs to be off leash.

F. In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such permission was not obtained.

§ 17-10. Animal abuse and neglect.

A. It is unlawful for any person to own, keep, or use, or be in any manner connected with, or financially interested in, the management of, or to receive money or other thing of value for the admission of any person to, a house, apartment, pit or place procured or permitted to be used or occupied for baiting or fighting of animals; or to instigate, promote, arrange, or carry on a fight between animals, or in aid of or calculated to encourage or further any fight between

animals.

- B. Except where indicated for the health or welfare of a dog or puppy, the owner or keeper of such dog or puppy shall provide it with adequate, clean, fresh, and wholesome food and water supplied at least once every twenty-four (24) hours. Food and water containers shall be kept clean. Outside shelter shall be provided and shall be constructed so as to give full protection from the elements of weather and to the extremes of heat or cold.

C. Animals left in Motor Vehicles

(1) The Owner of an Animal left unattended in a motor vehicle shall ensure:

(a) the Animal is restrained in a manner that prevents contact between the Animal and any member of the public; and

(b) the Animal has suitable ventilation.

(2) The Owner of an Animal shall not leave an Animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an Animal. This includes weather extremes of excessive hot or cold conditions that may cause suffering or the potential for death.

§ 17-11. Dog waste.

It shall be unlawful for the owner or person having care, custody or control of a dog or puppy to permit, either willfully or through failure to exercise due care or control of such animal, any animal to excrete any solid waste upon any sidewalk, any public street or public park, or to excrete any solid waste upon any real property under the control or in the possession of any other person, or upon any place to which the public has normal access or right of ingress or egress, provided, further, that no violation of this section shall occur if the owner of the offending animal promptly and voluntarily removes the animal waste.

§ 17-12. Motor vehicle operator responsibilities for striking domestic animals.

Any motor vehicle operator who knowingly strikes a domesticated animal must immediately stop and make an attempt to make oneself known to animal owner. If unable to locate owner, motor vehicle operator shall notify the Animal Control Officer and or the Police Department within twenty-four (24) hours.

§ 17-13. Violations and penalties.

Whoever shall offend against or fail to comply with any of the provisions of these ~~ordinances~~ ~~bylaws~~ shall, unless some other penalty is provided by law or by a ~~ordinance~~ ~~bylaw~~ of the Town, for each and every offense forfeit and pay a penalty of not less than twenty-five dollars (\$25) and not more than three hundred dollars (\$300), all pursuant to MGL c. 40, § 21D. All fines recovered under this section shall inure to the benefit of the Town.

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

MOVED: TO INSERT THE FOLLOWING LANGUAGE AFTER THE WORD "BARKING" IN SECTION 17-8 "BETWEEN THE HOURS OF 8:00 PM TO 8:00 AM OR FOR 30 CONSECUTIVE MINUTES BETWEEN THE HOURS OF 8:00 AM TO 8:00 PM.

DISCUSSION: Councilor Allis noted the ordinance currently reads if a dog barks once, someone can call and file a complaint with the Animal Control Officer. Councilor Singer would not support the proposed amendment and suggested this be sent back to committee for consideration.

Councilors Allis and Sluter withdrew the motion respectively.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -104.

Order no. FY 11 -105

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 30, MAYOR, SECTION 30-1 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 30

MAYOR; BOARD OF SELECTMEN

[HISTORY: Adopted by the Town Council of the Town of Greenfield 7-17-1985, approved by AG 9-19-1985 (Sec. 2.1 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Mayor Board of Selectmen regulations — See Part III.

§ 30-1. Powers and duties.

In addition to the powers and duties outlined in Section 2— 3 of the Greenfield Home Rule Charter,⁴ the Mayor Selectmen shall have the following powers and duties:

- A. The Mayor Selectmen shall have the care, custody and control of all Town property (~~subject to the Greenfield Home Rule Charter 4.9.115~~) which is not required by law, Greenfield Home Rule Charter, or these ~~bylaws~~ ordinance to be under the jurisdiction of any other department.~~6—1~~
- B. The Mayor Board of Selectmen shall be the agents of the Town to institute, prosecute, defend and prosecute, defend and compromise any and all claims, actions, and proceedings by or against the Town or in which the rights or interests of the Town are or may be involved.
- C. The Mayor Board of Selectmen shall annually in the month of June appoint and employ a Town Attorney who shall hold office for a term of one (1) year from the first day of July following and until his successor is appointed and qualified.
- D. The Mayor Board of Selectmen may request that the Town Attorney assist in the prosecution of any violations of these ~~bylaws~~ ordinance and may, if it determines that any rights or interests of the Town are or may be involved, request that the Town Attorney conduct the defense of any action of proceeding brought against any Town agency or Town officer.

Order no. FY 11-106

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 34, BOARDS, COMMITTEES AND COMMISSIONS, ARTICLE I, II, III, IV, VI, VII AND VIII AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 34

BOARDS, COMMITTEES AND COMMISSIONS

[HISTORY: Adopted by the Town Meeting or Town Council of the Town of Greenfield as indicated in article histories. Amendments noted where applicable. Additional related historical information: Personnel Board Bylaw adopted by Town Council 8-1-1984 (Sec. 2.8), and amended 3-21-1990, was rescinded by Town Council vote 1-17-1996; Industrial Development Financing Authority Bylaw (Sec. 2.9) was deleted by Town Council vote 10-16-1985, approved by AG 2-20-1986; Conservation Commission Bylaw (Sec. 2.19) was deleted by Town Council vote 10-16-1985, approved by AG 2-20-1986.]

~~1—~~ Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003.

~~2—~~ Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003.

~~3—~~ 1 Editor's Note: The provisions of Subsection A were originally adopted by Town Meeting 3-4-1889 and 4-1-1889.

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Establishment of various Boards — See Charter.

~~Board of Selectmen — See Ch. 30.~~

Redevelopment Authority — See Ch. 141.

~~Board of Police Commissioners regulations — See Part IV.~~~~Board of Fire Commissioners regulations — See Part V.~~~~Board of Public Works regulations — See Part VI.~~

Board of Health regulations — See Part VII.

Planning Board regulations — See Part VIII.

Zoning Board of Appeals regulations — See Part X.

School Board regulations — See Part XI.

Regulations adopted by other Boards — See Part XIII.

ARTICLE I

~~Finance Committee~~ Ways and Means Committee

[Adopted 8-1-1984, approved by AG 3-5-1985 (Sec. 2.5); amended 4-21-1999, approved by AG 7-27-1999 (Sec. 2.6 of the 1985 Bylaws)]

§ 34-1. Creation.

There shall be a Ways and Means Finance Committee consisting of ~~nine (9)~~ five (5) members who shall reside in the Town and be registered voters therein.

§ 34-2. Membership.

The Council President shall appoint ~~nine (9)~~ five (5) Council members, ~~preferably one (1) from each precinct, to serve as the Finance Committee~~ until the next Town Council reorganization meeting.

§ 34-3. Vacancies.

In the event vacancies cause the committee to fall below ~~seven (7)~~ five (5) members, the President of the Town Council shall forthwith make appointments to return the membership to a minimum of ~~seven (7)~~ five (5) until the next Town Council reorganization meeting.

§ 34-4. Officers.

The President of the Council shall appoint the ~~Finance Committee~~ Ways and Means Chairman and the Ways and Means Finance Committee will elect its Secretary.

§ 34-5. Powers and duties.

The Ways and Means Finance Committee shall consider all municipal questions relating to appropriations and may consider any municipal questions.

ARTICLE II

Meetings; Continuation of Membership

[Adopted by 7-17-1985, approved by AG 9-19-1985 (Secs. 1.2 and 1.3 of the 1985 Bylaws)]

§ 34-6. Posting of meetings ~~on bulletin board.~~All meetings of established Boards and Subcommittees of the Town shall be posted ~~on the Town Bulletin Board (Greenfield Home Rule Charter 28.16⁷) in the Town Hall~~ at least forty-eight (48) hours in advance of the public meeting, excluding

⁷ Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003.

Saturdays, Sundays and legal holidays, and in accordance with the Open Meeting Law, M.G.L. c. 30A, sections 18 - 25 and Open Meeting Regulations 940 CMR 29.00. In an emergency, the notice shall be posted as soon as reasonably possible, prior to said meetings. All meetings shall be subject to the Open Meeting Laws (~~MGL c. 39, §§ 23A, 23B, 23C~~) **M.G.L. c. 30A, sections 18 – 25.**

§ 34-7. Continuation of members.

Unless otherwise provided by law, ~~Bylaws~~ **Ordinance** of the Town of Greenfield and the Greenfield Home Rule Charter, all members of Board, Commissions, Committees, or Subcommittees shall continue in office until their successors are appointed and/or qualified.

~~§ 34-8. Posting of meetings in Clerk's office.~~

~~All meetings of established Boards and Commissions of the Town must be posted in the office of the Town Clerk at least forty-eight (48) hours prior to said call of meeting~~

ARTICLE III

School Committee

[Adopted by 7-17-1985, approved by AG 9-19-1985 (Sec. 2.3 of the 1985 Bylaws)]

§ 34-9. Powers and duties.

In addition to the powers and duties outlined in Section ~~5~~ **4** of the Greenfield Home Rule Charter, ⁸~~the~~ School Committee shall have the following powers and duties:

- A. The School Committee shall have the care and management and control of the school buildings, school grounds, and all other school property. ⁹~~1~~ B. No new public school building or no addition or alteration to any public school building shall be constructed unless the plans for such new building, addition or alteration are approved by the School Committee.

ARTICLE IV

Zoning Board of Appeals

[Adopted by 10-16-1985, approved by AG 2-20-1986 (Sec. 2.13 of the 1985 Bylaws)]

§ 34-10. Powers and duties.

Subject to the terms and conditions as outlined in the Greenfield Home Rule Charter, ~~Subsection 9,~~ **Section 6-13** entitled ZONING BOARD OF APPEALS, ¹⁰~~2~~ the Zoning Board of Appeals shall have the following powers:

§ 34-11. Appeals.

- A. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of the MGL c. 40C, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings or other administrative official in violation of any provision of MGL c. 40A or by this ~~Bylaws~~ **Ordinance.** ¹¹~~3~~
- B. Said appeals shall be taken within thirty (30) days from the date of the order or decision which is to be appealed.

§ 34-12. Special permits.

To hear and decide applications for special permits for exceptions as provided in this ~~Bylaws~~ **Ordinance**, subject to any general or specific rules therein contained, and subject to appropriate conditions or safeguards imposed by the Board.

~~1. Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003. See now Section 4-1 of the 2002 Charter.~~

~~1. Editor's Note: The provisions of Subsection A were originally adopted by Town Meeting 3-4-1889 and 4-1-1889.~~

~~2. Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003. See now Section 6-13 of the 2002 Charter.~~

~~2. Editor's Note: For references to "this bylaw" throughout Art. IV, see Ch. 200, Zoning.~~

§ 34-13. Variances.

To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this ~~Bylaws~~ **Ordinance** where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ~~Bylaws~~ **Ordinance** would involve substantial hardship, financial or otherwise, to the appellant, and where desirable relief may be granted without substantially derogating from the intent or purpose of this ~~Bylaws~~ **Ordinance**, but not otherwise.

§ 34-14. Public hearings.

The Board of Appeals shall hold public hearings in accordance with the provisions of MGL c. 40A on all appeals and petitions brought before it.

§ 34-15. Notice of public hearing.

Notice of such public hearings shall be sent to all abutters by registered mail.

ARTICLE V

Recreation Commission

[Adopted by 10-16-1985, approved by AG 2-20-1986 (Sec. 2.14 of the 1985 Bylaws)]

§ 34-16. Terms and conditions.

Recreation Commission members shall be subject to the terms and conditions as outlined in Greenfield Home Rule Charter, **Section 6-10** ~~Subsection 11~~ entitled RECREATION COMMISSION. ~~12~~ **4**

§ 34-17. Compensation; residency.

Recreation Commission members shall serve without remuneration and shall be residents of the Town of Greenfield.

§ 34-18. Advisory and supervisory duties.

The Commission shall advise the ~~Town Manager~~ **Mayor** in the control, development and management of a system of public playgrounds and recreation areas and facilities, and shall be charged with the supervision of ball fields, swimming pools and bathing beaches, summer and winter recreation programs, and development or alterations of facilities or programs which shall meet with the approval of the ~~Board of Selectmen and Town Manager~~ **Mayor**.

§ 34-19. Power to employ.

The Commission, subject to Town rules and regulations, shall have the power to employ persons including but not limited to the Recreation Director for the Town of Greenfield who are properly qualified in experience and education in recreation to direct or work in said programs. The salaries of personnel shall be within the framework of the Town's **Collective Bargaining Agreements**, payroll structure. ~~all with the approval and consent of the Board of Selectmen and Town Manager.~~

§ 34-20. Annual report.

The Commission members shall be requested to make an annual inspection of recreation functions and to bring the report before the ~~Board of Selectmen and Town Manager~~ **Mayor**.

§ 34-21. Master plan.

The Recreation Commission shall develop a continuing "master plan" involving the proposed development of new recreation areas and programs which will be of interest to the citizens of Greenfield. This long-range plan should include recommended land takings and a priority listing. The Commission should seek out federal and state funds whenever it feels that the Town qualifies for such.

6. Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003. See now Section 6-10 of the 2002 Charter.

ARTICLE VI

Historical Commission

[Adopted by 10-16-1985, approved by AG 2-20-1986 (Sec. 2.15 of the 1985 Bylaws)]

§ 34-22. Membership.

The ~~Board of Selectmen~~ **Mayor** shall appoint seven (7) members for terms of three (3) years, the terms of said members shall be so arranged that approximately one-third of the members shall expire each year.

§ 34-23. Powers and duties.

The Historical Commission and its members shall have all the duties and carry out all functions as outlined in MGL c. 40, § 8D.

ARTICLE VII

Planning Board

[Adopted by Town Meeting 3-2-1914 (Sec. 2.5 of the 1985 Bylaws)]

§ 34-24. Terms and conditions; officers; employees.

The Planning Board is subject to the terms and conditions as outlined in Greenfield Home Rule Charter, ~~Subsection 6 entitled PLANNING BOARD~~¹³ **Section 6-20** and said Board shall elect annually a Chairman, Vice Chairman and a Clerk from among its regular members, and it may employ experts, clerical and other assistants.

§ 34-25. Residency; service on other boards. [Added 10-21-1987; approved by AG 1-4-1988]

Members serving on the Planning Board must be Greenfield residents and are prohibited from serving on the following Town Boards: School Committee, Town Council, ~~Board of Selectmen~~, Greenfield Redevelopment Authority, Greenfield Housing Authority, Zoning Board of Appeals, Conservation Commission, Greenfield-Montague Transportation Authority, Economic Development Industrial Corporation, Industrial Development Financing Authority, Board of Assessors, and the Recreation Commission; **or while serving as Mayor.**

ARTICLE VIII

Human Rights Commission

[Adopted by 12-18-1996, approved by AG 4-14-1997 (Sec. 2.18 of the 1985 Bylaws)]

§ 34-26. Legislative declaration and intent.

It is hereby declared to be the public policy of the Town to protect and promote the constitutional, civil and human rights of all people within the Town from any actions or incidences occurring within the Town. Further, the Town asserts that:

- A. All people have certain inalienable rights, including the rights to life, liberty, property, the pursuit of happiness and equal justice under the laws of the United States, the Commonwealth and the Town of Greenfield.
- B. No person shall have these rights constrained, reduced, ignored or violated; all people shall be protected in the exercise of these human and civil rights.
- C. No person shall be unlawfully discriminated against in matters of housing, employment, education, or public accommodations, on the basis of: age, ancestry, color, disability, national origin, race, religious creed, sex or sexual orientation.
- D. The Greenfield Human Rights Commission shall work toward mutual respect and understanding among all individuals and groups of the Town through improving the quality of public discourse and eliminating unlawful discrimination.

§ 34-27. Membership; terms.

- A. There shall be in the Town a commission known as the Greenfield Human Rights Commission, hereinafter called the "Commission," which shall consist of nine (9) members appointed by the ~~Selectmen~~ **Mayor**.

~~7. Editor's Note: Refers to the 1983 Charter, rescinded effective 7-1-2003. See now Section 6-20 of the 2002 Charter.~~

- B. The Commissioners shall serve a term of three (3) years, provided, however, that of the members first appointed to the Commission, three (3) shall be appointed to a term of one (1) year, three (3) shall be appointed to a term of two (2) years, and three (3) shall be appointed to a term of three (3) years. Thereafter the ~~Board of Selectmen~~ **Mayor** shall appoint each successor to a term of three (3) years. In the event of death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.

§ 34-28. Qualifications of Commissioners.

- A. The Commission at all times shall strive to be representative of all socioeconomic and racial segments of the Town as well as different neighborhoods.
- B. Commissioners must be residents of the Town at the time of their appointment and throughout their tenure and serve without compensation.

§ 34-29. Officers; rules of procedure; quorum.

- A. The members of the Commission shall annually elect a Chairperson and a Vice Chairperson from among its members who shall not hold that office for more than two (2) consecutive terms. The Commission may elect other officers with the permission of the ~~Board of Selectmen~~ **Mayor**.
- B. Subject to the approval of the ~~Board of Selectmen~~ **Mayor** the Commission shall adopt a set of rules for its administration which are consistent with the laws of the commonwealth and bylaws of the Town.
- C. Five (5) members shall constitute a quorum for the purpose of conducting business.

§ 34-30. Functions.

- A. To improve the quality of life of the Town by enlisting community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations and the peaceful enjoyment of life in our diverse community.
- B. To respond to complaints by persons who believe that their human or civil rights, as defined by existing local, state and federal law, have been violated in Greenfield.
- C. To initiate investigations into circumstances of which a formal complaint is received or cases of alleged discrimination are brought to the Commission by other Town boards, commissions or officials.
- D. To work with municipal government departments, the School Department, commissions and boards, to increase compliance with appropriate local, state and federal laws and to raise the level of awareness and sensitivity to human rights issues in municipal business with the public through workforce-wide required training programs.

§ 34-31. Powers and duties.

The powers and duties of the Commission shall include the following:

- A. To obtain information and documents, request staff support and other help as necessary from other Town departments, including the School Department.
- B. To publish reports and other documents.
- C. To initiate investigations into the existence of unlawful discrimination in the Town which may deny or tend to deny equal access or opportunity in matters of housing, employment, education, accommodations, on the basis of: age, ancestry, color, disability, national origin, race, religious creed, sex or sexual orientation and in connection therewith to hold administrative hearings.
- D. To attempt by negotiation to resolve all complaints that come before it and recommend to all appropriate governmental agencies, federal, state or local, such action as will resolve such complaint.
- E. To refer complaints, when appropriate to the Massachusetts Commission Against Discrimination, or other agency, for resolution.
- F. To raise funds, subject to the Commission's internal rules of conduct and conflict of interest, for the use of the

Commission and to accept money, gifts and services for its exclusive use and expend or use the same.

- G. To publish as a public document its bylaws, policies, and practices for both internal functions and external activities, excluding those documents which are confidential under federal or state law.
- H. To publish its rules of procedure for the conduct of its investigations, hearings, and negotiations. Said rules shall insure the due process rights of all persons and/or entities involved in an investigation. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel.
- I. To render to the ~~Board of Selectmen~~ **Mayor** a full written report of its activities and its recommendations, not less than once a year.
- J. To expend, with approval of the ~~Board of Selectmen~~ **Mayor**, such funds as are appropriated for the aforementioned purposes. The Commission shall annually prepare an operating budget in a timely manner.

§ 34-32. Commission records.

All Commission records shall be public except those that are necessary to ensure privacy rights under state or federal laws and those that are excluded under MGL c. 4, § 7(26).

§ 34-33. Applicability.

These bylaws shall not apply to the official actions of Town of Greenfield officers or employees or any members of boards or commissions of the Town.

**ARTICLE IX
CAPITAL IMPROVEMENT PLANNING COMMITTEE
Adopted to the Code of the Town of Greenfield-Town Council vote - January 21, 2004**

§ 34-34. CAPITAL IMPROVEMENT PLANNING COMMITTEE

- A. The Mayor shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Planning & Construction Committee, one member of the Ways and Means Committee of the City Council, and the School Superintendent or their designee. The City Accountant and / or the Director of Municipal Finance and Administration shall be an ex-officio staff member without the right to vote. The Committee shall choose its own officers.
- B. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:
 - (1) Are purchased or undertaken at intervals of not less than five years;
 - (2) Have a useful life of at least five years; and
 - (3) Cost over \$10,000.00.

All officers, boards and committees, including the Mayor and the School Committee, shall, by February 1st of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Council attention during the ensuing six years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the city. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report¹⁴ or the Committee shall first have submitted a report to the Mayor explaining the omission.

- C. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Mayor for consideration and approval. The Board shall submit its approved Capital Budget to the City Council for adoption.

- D. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the city through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.
- E. The Committee's report and the Mayors recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Ways & Means Committee report. The Committee shall deposit its original report with the City Clerk.

Order no. FY 11 - 113

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 39, BUILDING CONSTRUCTION, ARTICLE 1, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 39

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town Council of the Town of Greenfield as indicated in article histories. Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Drainage — See Ch. 61.
 Electrical standards; Wire Inspector — See Ch. 65.
 Building, Inspector of Building, Plumbing and Gas Inspectors — See Ch. 112.
 Signs — See Ch. 149.
 Soil removal — See Ch. 154.
 Zoning — See Ch. 200
 Subdivision of land — See Ch. 880.

ARTICLE I

Building Permits¹⁵

[Adopted 10-16-1985; amended 5-15-1996, approved by AG 8-6-1996 (Sec. 3.1 of the 1985 Bylaws)]

§ 39-1. Permit required.

It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR Massachusetts State Building Code without first filing a written application with the office of the Inspector of Buildings/Building Commissioner and obtaining the required permit. No person shall erect a building, house or other structure unless a permit is granted by the Inspector of Buildings.

§ 39-2. Fees.

Fees for building or use and occupancy permits will be as established and revised from time to time by **the Mayor Board of Selectmen**. The fee for a "permit to erect a building" shall be returnable to the applicant only when the application is not approved, and the reason therefore clearly stated in writing. No permit of any kind shall be issued by the **Inspector of Buildings/Building Commissioner** ~~Building Inspector~~ until the required fee has been paid in full.

¹⁵ Editor's Note: The Building Construction Bylaw was originally adopted by Town Meeting 3-6-1905.

§ 39-3. Application for permit.

To obtain a permit, the applicant shall file a permit application on a form furnished by the Inspector of Buildings/Building Commissioner for that purpose. ~~Applications for building permits shall be submitted in accord with State Building Code and Protective Zoning Bylaws.~~

Order no. FY 11-115

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 45, CIVIL DEFENSE, SECTION 45-1 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 45

CIVIL DEFENSE –part of the current charter

[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 2.8 of the 1985 Bylaws). Amendments noted where applicable. Additional historical notes: The Civil Defense Bylaw was originally adopted by Town Meeting 3-17-1951, approved by AG 4-17-1951. Former Sec. 2.8, Personnel Relations Review Board, adopted 3-21-1990, was rescinded 1-17-1996. See also note in Ch. 34.]

STATUTORY AUTHORITY

MGL c. 40, § 21

§ 45-1. Director of Civil Defense.

The Director of the Civil Defense shall be appointed by the ~~Mavor~~ **Town Manager** and shall have direct responsibility for the organization, administration and operation of the Civil Defense Organization for the Town of Greenfield.

§ 45-2. Compliance with state provisions.

In all other respects, all civil defense powers shall conform to Chapter 639 of the Acts of 1950 and/or Special Law Chapter 31.

Order no. FY 11-101

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 65, ELECTRICAL STANDARDS; WIRE INSPECTOR: SECTIONS 65-2, 65-4, 65-5, 65-6, 65-7, 65-9, 65-14, 65-15, 65-18, 65-22, 65-24, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 65

ELECTRICAL STANDARDS; WIRE INSPECTOR

[HISTORY: Adopted by the Town Meeting of the Town of Greenfield 3-17-1956, approved by AG 4-25-1956 (Sec. 2.9 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Building construction — See Ch. 39.

Gas Inspector, Plumbing Inspector and Building Inspector — See Ch. 112.

§ 65-1. Inspector of Wires.

The Inspector of Wires, hereinafter called the "Inspector," shall have control of the supervision and inspection of electrical wiring and shall enforce all laws, ordinances, and regulations that relate thereto.

§ 65-2. Powers and duties.

The Inspector He shall have full charge and supervision of all electrical wires and apparatus of the Town, except the fire alarm, police signal, and traffic signal systems.

§ 65-3. Recordkeeping.

The Inspector shall keep careful and comprehensive records of applications received, of permits granted, of certificates issued, of reports rendered, and of notices and orders issued.

§ 65-4. National standards.

It shall be the further duty of the Inspector to keep informed on the revisions of said **NEPA 70** National Electrical Code **and** **Massachusetts Electrical Code**.

§ 65-5. Preservation of wiring system specifications.

The Inspector He shall preserve all copies of the plans and specifications of the wiring systems which are required to be filed in his office and the same shall be indexed with the names of the owner of the property or the name of the building in order that reference may be readily made thereto.

§ 65-6. Inspection of new construction and repair of buildings.

The Inspector shall examine all buildings in the course of erection, construction or repair, and except as otherwise forbidden or restrained by law, shall have the authority to enter any building, structure or premises at any reasonable hour in the discharge of his official duties for the purpose of making any inspection, **re-inspection** or test of electrical equipment contained therein, or of its installation; and shall see that the provisions of the statutes of the commonwealth and the **ordinances** ~~by laws~~ of the Town in relation to the electrical wires and electrical wiring are fully complied with as the building progresses.

§ 65-7. Report of violations.

The Inspector shall immediately report every violation thereof, with the name or names of the violator or violators, to the **Office of the Inspector of Buildings/Building Commissioner** ~~Town Council~~. **It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by this code without first filing a written application with the building official and obtaining the required permit.** And shall also make a report of such violation.

§ 65-8. Notification of dangerous or defective conditions.

When any electrical equipment or wiring is found by the Inspector to be dangerous to persons or property because it is defective or defectively installed, the persons responsible for the electrical equipment or wiring shall be notified in writing to make changes or repairs which in the judgment of the Inspector will put such equipment in safe condition.

§ 65-9. Failure to comply.

If such changes or repairs are not completed within fifteen (15) days, or within ~~any longer~~ **the time period specified** by the

Inspector in said notice, the Inspector shall have the authority to disconnect or order the discontinuance of use of such electrical equipment or wiring.

§ 65-10. Emergencies.

In cases of emergency where necessary for safety to persons or property or where electrical equipment and wiring may interfere with the work of the Fire Department, the Inspector shall have authority immediately to disconnect or to cause the disconnection of any electrical equipment or wiring.

§ 65-11. Annual report.

The Inspector shall file annually a report with the Town.

§ 65-12. Inspection required for certificate of approval.

When any work which requires a certificate of approval is completed or ready for inspection, the Inspector shall be notified, and a time shall be set for inspection.

§ 65-13. Work not to be concealed prior to approval.

Conductors, raceways, cables or fittings shall not be lathed in or concealed from view until approved by the Inspector.

§ 65-14. Completion of work.

If, upon inspection, the work is found to conform to the requirements of these ordinances bylaws, the wiring may then be lathed in or concealed and a certificate of approval shall be issued by the Inspector giving authorization to the electric utility company for connection to the electrical service lines and the energizing of the wiring installations. But, if the work is defective, all defects shall be remedied before such certificate is issued.

§ 65-15. Liability of owners or operators of electrical equipment and wiring.

These ordinances bylaws shall not be construed to relieve responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment or wiring for damages to persons or property caused by any defect therein, or to lessen such responsibility or liability, nor shall the Town of Greenfield be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

§ 65-16. Permit required.

Before any person shall install any electrical wiring, said person shall make application to the Inspector for a permit for that purpose and shall file with the Inspector such information and specifications as may be required.

§ 65-17. Application for permit.

Such application shall be made upon a form approved by the Inspector, except that no application or permit will be required to execute any of the classes of electrical work defined in Subsections A, B and C next following, except that these exemptions shall not apply to permanent wiring:

- A. The replacement of lamps, fuses, or the connection of portable electrical appliances to suitable permanently installed outlets.
- B. The installation, alteration or repair of electrical equipment installed by or for an electric utility company for the use of such company in the generation, transmission, distribution, or metering of electricity.
- C. Any work involved in the manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.

§ 65-18. Grant of permit.

If it shall appear from said application that the statutes of the commonwealth and provisions of these ordinances bylaws are

and will be complied with, a permit shall be granted by the Inspector authorizing such electrical wiring.

§ 65-19. Work not to commence prior to grant of permit.

No electrical wiring requiring a permit shall be started until a permit has been granted.

§ 65-20. Emergency repairs and maintenance.

- A. For emergency repairs and maintenance of electrical wiring in establishments or power plants where a licensed electrician is employed continuously on the premises, permits will be issued for stated periods.
- B. The period for such a permit shall not exceed one (1) year.

§ 65-21. Temporary permit.

- A. The Inspector may issue a temporary permit allowing the use of certain specified circuits or parts of an installation while the work of constructing, altering, or repairing the same is in progress; or for temporary work, experimental or emergency work, and work for fairs, exhibitions and similar purposes.
- B. Such a permit may be renewed or canceled at the discretion of the Inspector subject to the considerations of public safety and public welfare.

§ 65-22. Compliance required; exceptions.

All materials, fittings or apparatus used in a system of electrical wiring for light, heat or power, or in a signaling system, not including that used in the installation, alteration or repair of equipment employed by a railroad, electric or communication utility company in the exercise of its functions as a utility and located outdoors or in buildings used exclusively for that purpose, and not including the fire alarm, police signal and traffic signal systems, shall conform to the provisions of these **ordinances** ~~by laws~~.

§ 65-23. Scope of electrical wiring.

"Electrical wiring" shall include the installation of conductors, raceways, apparatus, fixtures or other appliances within or on a building or other structure for carrying or using electricity for light, heat or power, or for a signaling system, and the repair, extension or alteration of conductors, raceways, and fixtures within or on a building or other structure for carrying or using electricity for light, heat or power, or for a signaling system; except, unless otherwise provided by law, in county, state and federal buildings and in stations, substations and vaults where such are under the sole control of the electric utility company.

§ 65-24. Compliance with national standards required.

Except as otherwise provided by these **ordinances** ~~by laws~~ all installations, repairs and maintenance of electrical wiring and electrical fixtures used for light, heat and power purposes in buildings and structures, shall conform to the regulations set forth by the National Electrical Code, as accepted by the commonwealth and on file with the Secretary of the commonwealth.

Order no. FY 11-107

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 106, NUCLEAR-FREE ZONE, SECTIONS 106-1, 106-2, 106-3, 106-4, AND 106-5 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 106

NUCLEAR-FREE ZONE

[HISTORY: Adopted by the voters of the Town of Greenfield 4-1-1986 (Sec. 6.1 of the 1985 Bylaws).¹⁶ Amendments noted where applicable.]

§ 106-1. Definitions.

COMPONENT OF A NUCLEAR WEAPON or COMPONENT — For purposes of this ~~bylaw~~ **ordinance** means any device which forms part of a nuclear weapon or which guides, propels or triggers it and is destroyed when the weapon explodes.

NUCLEAR WEAPON — Is any device the sole purpose of which is the destruction of human life and property by the explosive release of atomic fusion or fission energy.

PRODUCTION OF A NUCLEAR WEAPON — Means the research, design, development, testing storage, maintenance or construction of nuclear weapons or their components, or the storage or disposal of radioactive waste derived from such weapons or components.

§ 106-2. Prohibitions.

- A. No person, corporation or other entity shall engage in the production of nuclear weapons or their components within the Town of Greenfield without first giving at least six (6) months' advance notice of the intention to do so to the ~~Board of Selectmen~~ **Mayor**.
- B. Upon receipt of such a notice, the ~~Board of Selectmen~~ **Mayor** shall schedule and hold a public hearing to determine whether the proposed activity is in compliance with state, federal and local law and regulations.

§ 106-3. Exclusions.

Nothing in this ~~bylaw~~ **ordinance** is intended to restrict the exercise of any right guaranteed by the Constitution of the United States or the Commonwealth of Massachusetts.

§ 106-4. Violations and penalties.

Each violation of this ~~bylaw~~ **ordinance** shall be punishable by a fine of three hundred dollars (\$300) for each day of the violation.

§ 106-5. Severability.

If any section or provision of this ~~bylaw~~ **ordinance** or its application to any person or circumstance should be held invalid, neither the remainder of the ~~bylaw~~ **ordinance** nor its applicability to other persons or circumstances shall be affected thereby.

Order no. FY 11 -114

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 112, OFFICERS AND EMPLOYEES, ARTICLE II , III , IV , AND V, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 112

OFFICERS AND EMPLOYEES

¹⁶ Editor's Note: The Preamble of this ~~bylaw~~ **ordinance** read as follows: WHEREAS the manufacture of nuclear weapons and their components is a threat to the moral, physical and economic well-being of the citizens of Greenfield; and WHEREAS the citizens of Greenfield are entitled to the benefit of the laws and regulations of the United States intended for their protection from the hazards which may be involved in such manufacture; and WHEREAS the citizens of Greenfield are also entitled to the full exercise of their rights under the First, Fifth and Tenth Amendments to the United States Constitution; and WHEREAS adequate notice of the possible manufacture of such weapons and their components is essential to the exercise of these protections and rights; SO THEREFORE, THE TOWN OF GREENFIELD finds that it is in the interest of the health, safety and welfare of its citizens that the following bylaw is enacted:

[**HISTORY:** Adopted by the Town Council of the Town of Greenfield as indicated in article histories. (The Town Meeting adopted an Officer and Employee Bylaw 3-14-1936, approved by AG 5-20-1936.) Amendments noted where applicable.] (Amended by Town Council vote on August 20, 2003 – Add § 112-116).

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

~~Classification and compensation~~ — See Ch. 47.

Wire Inspector — See Ch. 65.

ARTICLE I

Treasurer-Collector

[Adopted 7-17-1985; approved by AG 9-19-1985 (Sec. 2.2 of the 1985 Bylaws)]

§ 112-1. Powers and duties.

In addition to those powers and duties given by law or the Greenfield Home Rule Charter, the Town Treasurer-Collector shall have the following powers and duties:

- A. The Treasurer-Collector of Taxes shall collect under the title of the Town Treasurer-Collector, all sums and accounts due the Town, including taxes and fees, and shall have all powers and duties in relation to the collection of such sums and accounts as provided by the General Laws of Massachusetts.

§ 112-2. Rate of interest; due dates. [Amended 1-18-1989; approved by AG 8-27-1992]

In accordance with MGL c. 40, § 21E, relating to the establishment of due dates and the charging of interest rates, the rate of interest shall be fixed at the fourteen percent (14%) per annum from the due date to date of payment, and the due date shall be thirty (30) days from the date of billing as appearing on the bill for the following municipal charges:

- A. 4M - Disposal of septic waste at treatment plant.
- B. 5M - Drainage (labor and materials provided for sewer cleanout).
- C. 6M - Water miscellaneous (labor and materials provided for the supplying of water service).
- D. 7M - Traffic (damage to public ways, signs, guard rails, etc.), police escort service, police outside duty.
- E. 11M - Backflow prevention device testing.
- F. 12M - Transfer station fees.

ARTICLE II

Gas Inspector

[Adopted 10-16-1985; approved by AG 2-20-1986 (Sec. 2.10 of the 1985 Bylaws)]

§ 112-3. Appointment.

The ~~Town Manager~~ **Mayor** shall appoint an Inspector of Gas Piping and Gas Appliances in Buildings who shall be subject to the terms and conditions of MGL c. 143, § 30.

§ 112-4. Fees.

The ~~Board of Selectmen~~ **Mayor** from time to time shall establish all fees for inspections made.

ARTICLE III

Plumbing Inspector

[Adopted 10-16-1985; approved by AG 2-20-1986 (Sec. 2.11 of the 1985 Bylaws)]

§ 112-5. Powers and duties.

The Plumbing Inspector shall have the control of the supervision and inspection of all plumbing installations and shall issue all permits required for residential, commercial, and industrial installations.

§ 112-6. Fees.

The ~~Board of Selectmen~~ **Mayor** from time to time shall establish all fees for inspections made.

ARTICLE IV

Building Inspector

[Adopted 10-16-1985; approved by AG 2-20-1986 (Sec. 2.12 of the 1985 Bylaws)]

§ 112-7. Powers and duties.

The Building Inspector shall investigate the construction, alteration, relocation, or use of any buildings, structures, or premises.

§ 112-8. Reporting of violations.

Said Inspector on finding any violation of any provision of this ~~bylaw~~ **ordinance** shall report the same to the ~~Board of Selectmen and the Town Manager.~~ **Mayor**.

§ 112-9. Contents of report.

Said report shall contain the name of the violator, the location of the premises, and the specific violation thereof.

§ 112-10. Notice to violator.

A copy of said violation shall be delivered by registered mail to the violator, his lawful agent, to the owner or to his duly authorized agent, and to the occupant of the premises, and said notice shall order that any use of any premises contrary to the provisions of this ~~bylaw~~ **ordinance** shall immediately cease.

§ 112-11. Fees.

The ~~Board of Selectmen~~ **Mayor** shall from time to time establish all fees for inspections made.

ARTICLE V

Town Clerk

[Adopted by 10-16-1985, approved by AG 2-20-1986 (Sec. 2.17 of the 1985 Bylaws)]

§ 112-12. Powers and duties.

In addition to the powers and duties given by the Greenfield Home Rule Charter and by law, the Town Clerk shall have such additional powers and duties as the ~~Town Manager~~ **Town Council President and from time to time the Mayor** shall assign, consistent with law.

§ 112-13. Official filing location.

Unless otherwise specified by the Charter or by law, the Town Clerk's Office shall be the official place for the filing of any document which may or should be filed in the Town.

§ 112-14. Availability of copies of laws; fees.

It shall be the duty of the Town Clerk to have available copies of the Greenfield Home Rule Charter, ~~bylaw~~ **Ordinance** and Regulations of the Town of Greenfield, Zoning Bylaws of the Town of Greenfield¹⁷ and all other rules and regulations of the Town of Greenfield for which a fee allowable by law shall be charged.

17. Editor's Note: See Ch. 200, Zoning.

§ 112-15. Records retention.

The Town Clerk shall be responsible for Town permanent and all other records pursuant to MGL c. 4, § 66, and any other applicable state laws.

§ 112-16. Marriage intention fee

~~Notwithstanding MGL c. 262, § 34 (42) the fee to be collected by the town clerk's office for a notice of intention of marriage and issuing certificates thereof shall be \$25.00 all of which shall remain with the city of Greenfield. (Amended by Town Council vote on August 20, 2003 — Add § 112-116).~~

Order no. FY 11-108

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 141, REDEVELOPMENT AUTHORITY, ARTICLE I AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 141
REDEVELOPMENT AUTHORITY**

[HISTORY: Adopted by the Town Meeting or the Town Council of the Town of Greenfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Establishment of various boards — See Charter.

Boards, committees and commissions — See Ch. 34.

ARTICLE I

Establishment

[Adopted Town Meeting 3-14-1970; amended by Town Council 10-16-1985, approved by AG 2-20-1986 (Sec. 2.4 of the 1985 Bylaws)]

§ 141-1. Creation.

There is hereby established according to a vote at annual Town Meeting dated March 14, 1970, an Urban Redevelopment Authority according to the provisions of MGL c. 121B, § 4, as amended.

§ 141-2. Purpose; title of Authority.

The Authority will engage in urban renewal projects and arrange in Government and other participation to this end, and the Authority should be known as the Greenfield Redevelopment Authority.

§ 141-3. Elected members.

Four (4) members of the Authority shall be ~~elected~~ **appointed** by the **Mavor, subject to confirmation by the Town Council and consistent with MGL 121B § 5 with staggered terms starting a 5 years, 4 years, 2 years and 1 year with 3 year appointments following the initial term** provided that, of the members originally elected at an annual Town election, the one receiving the highest number of votes shall serve for five (5) years, the one receiving the next highest number of votes for four (4) years, the one receiving the next highest number of votes for two (2) years, and the one receiving the next highest number of votes shall serve for one (1) year.

§ 141-4. Appointed member.

One (1) member of the Redevelopment Authority shall be appointed by the ~~Department of Community Affairs~~ **Governor's Office** for an initial term of three (3) years. Thereafter, as the term of a member of the Redevelopment Authority expires, his

successor shall be elected/ appointed for a term of five (5) years from such expiration.¹⁸

ARTICLE II
Membership

[Adopted by 10-16-1985, approved by AG 2-20-1986 (Sec. 2.16 of the 1985 Bylaws)]

§ 141-5. Residency.

Members of the Greenfield Redevelopment Authority shall be restricted to residents of the Town of Greenfield.

§ 141-6. Powers and duties.

The Greenfield Redevelopment Authority shall have all the powers and duties as outlined in the laws and statutes of the Commonwealth of Massachusetts and said Authority may employ experts, clerical help and other employees, subject to the application thereof.

Order no. FY 11 - 109

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 154, SOIL REMOVAL, SECTION 154-1, 154-4, AND 154-5 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 154

SOIL REMOVAL

[**HISTORY:** Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 3.6 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21(17)

GENERAL REFERENCES

Building construction — See Ch. 39.

Drainage — See Ch. 61.

Public lands — See Ch. 136.

Zoning — See Ch. 200.

Street openings — See Ch. 662.

Subdivision of land — See Ch. 880.

§ 154-1. License required; additional requirements.

No person, firm, or corporation shall strip, sever, remove or convey away any soil, loam, sand, or gravel from any land in the Town not in public use, unless and until such stripping, severance, removal or conveyance away, is first authorized by a license issued by the ~~Selectmen~~ **Board of License Commissioners** of Greenfield, except in conjunction with construction of a building on the parcel, or except in conjunction with the development, improvement, or landscaping of said land, or except for the continued operation of an existing sand and gravel pit. As a condition to obtaining said license, the ~~Selectmen~~ **Board of License Commissioners** may require the erection of a fence or barrier around such area and the finished grading of the

¹⁸ Editor's Note: Original Sec. 2.4.5, Residency, of the 1985 Bylaws, which immediately followed this section, was deleted during codification of the 2002 Code at the request of the Town Officials as duplicative of current § 141-5.

same.¹⁹

§ 154-2. Application for license.

No such license shall be issued unless and until an application therefore has been filed with the Board.

§ 154-3. Public hearing.

Said Board shall then hold a public hearing on the application, and notice of the filing of the application and the date and the time of the holding of the public hearing thereon, shall be advertised, forthwith, at the expense of the applicant, in a newspaper, published in the county, seven (7) days, at least, before the meeting.

§ 154-4. Removal from public lands.

No person(s) other than the Superintendent of Public Works (or his/~~her~~ agents or employees) in the performance of his duties shall remove any soil, loam, sand, or gravel from any public way or other Town property.

§ 154-5. Enforcement; violations and penalties.

The Superior Court shall have jurisdiction in equity to compel compliance with this ~~bylaw~~ **ordinance**. The penalty for violation of this ~~bylaw~~ **ordinance** shall be as follows: for the first offense, fifty dollars (\$50); for the second offense, one hundred dollars (\$100); for each subsequent offense, two hundred dollars (\$200).

Order no. FY 11 - 111

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

VOTED: IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 856, RECOMMENDATION FOR MEMBERSHIP, SECTION 856-1 AND FURTHER AMENDS THE INDEX OF THE CODE.
Chapter 856

RECOMMENDATION FOR MEMBERSHIP

[**HISTORY:** Adopted by the Planning Board of the Town of Greenfield 6-17-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Establishment of Planning Board — See Ch. 34, Art. VII.

Planning Board rules and regulations — See Ch. 860.

§ 856-1. Procedure.

Upon receiving a written request from the ~~Board of Selectmen~~ **Mayor** for a recommendation regarding the appointment of a candidate for membership on the Planning Board, the Planning Board shall follow the following procedure:

- A. The Planning Board will notify the candidate that he/she is required to attend at least three regular meetings of the Board.
- B. The Board shall interview the candidate at an appropriate time.
- C. After all candidates for a vacancy on the Board have been interviewed, the Board shall vote on which candidate(s) to recommend and shall forward its recommendation to the ~~Board of Selectmen~~ **Mayor**.

Order no. FY 11 - 112

19. Editor's Note: The Soil Removal Bylaw was originally adopted by Town Meeting 3-4-1889 and 4-1-1889.

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DOCUMENT ATTACHED HERETO CHAPTER 860, RULES AND REGULATIONS, ARTICLE I, II, III, IV, VI, AND X, AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 860

RULES AND REGULATIONS

[HISTORY: Amended by the Planning Board of the Town of Greenfield 11-15-2001. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Establishment of Planning Board — See Ch. 34, Art. VII.

Recommendation for membership — See Ch. 856.

**ARTICLE I
Meetings**

§ 860-1. Regular meetings.

Regular meetings of the Greenfield Planning Board, hereinafter called the "Board," shall be held on that day or days of each month set by the Board at its annual organizational meeting. Meetings shall be once a month at a minimum.

§ 860-2. Organizational meeting.

The annual organizational meeting of the Board shall be the first regular meeting of the Board in July of each year.

§ 860-3. Rules of procedure.

The rules of parliamentary procedure comprised in Robert's current edition of "Rules of Order" shall govern the Board and its deliberations.

§ 860-4. Special meetings.

A. Special meetings of the Board may be called by:

- (1) The ~~Chairman~~ **Chairperson**.
- (2) In his absence, the Vice ~~Chairman~~ **Chairperson**.
- (3) A majority of the Board.

B. The Clerk shall be responsible for posting notice thereof at least 48 hours **not** including Saturdays, ~~but not~~ Sundays, or legal holidays, prior to such meeting in accordance with ~~MGL c. 39, § 23A.~~ **the Open Meeting Law, M.G.L. c. 30A, §§ 18-25 (Effective July 1, 2010)** and 940 CMR 29.00.

C. The Clerk shall be responsible for notifying all members by mail in such cases, if possible. In all other cases the Clerk shall make reasonable effort to notify all members by telephone. In all cases the Clerk shall be responsible for informing members of the agenda of the meeting.

§ 860-5. Order of business.

The order of business of regular meetings shall be:

- A. Call to order.

- B. Clerk's report of the last meeting.
- C. Old business.
 - (1) Reports of subcommittees.
 - (2) Other old business.
- D. New business.
- E. Any other business.
- F. Adjournment.

§ 860-6. Quorum.

At any of the aforementioned meetings a quorum shall consist of four voting members of the Board. In the absence of any one of the full members of the Board, an associate member shall have full voting power, and can help constitute the quorum. A number less than a majority may adjourn. In the case of a special permit, a two-thirds vote of the full Board (five out of seven) is required in accordance with MGL c. 40A, § 9.

ARTICLE II
The ~~Chairman~~ Chairperson

§ 860-7. Powers and duties.

The ~~Chairman~~ **Chairperson** shall preside at all meetings and shall exercise such powers as properly appertain to his/**her** office or as may be delegated to him/**her** by the Board.

ARTICLE III
The Vice ~~Chairman~~ Chairperson

§ 860-8. Responsibilities.

In the absence of the ~~Chairman~~ **Chairperson**, the Vice ~~Chairman~~ **Chairperson** shall assume the responsibilities of the ~~Chairman~~ **Chairperson**.

ARTICLE IV
The ~~Chairman~~ Chairperson Pro Tem

§ 860-9. Election.

In the absence of the ~~Chairman~~ **Chairperson** and the Vice ~~Chairman~~ **Chairperson**, a ~~Chairman~~ **Chairperson** Pro Tem may be elected.

ARTICLE V
The Clerk

§ 860-10. Notice and agenda of meeting; minutes.

The Clerk shall be responsible for mailing to the Board members, at least three working days prior to each regular meeting, a notice of the meeting, the agenda of the meeting, and the minutes of the previous meeting(s).

§ 860-11. Meeting records.

The Clerk shall be responsible for keeping full and accurate records of all regular and special meetings of the Board.

§ 860-12. Board's bylaws and policies.

The Clerk shall be responsible for maintaining the official copy of the Board's bylaws. The Clerk shall immediately post all amendments and changes which have been accomplished in accordance with Article VIII of these bylaws. In addition and in

the same official reference book, the Clerk shall maintain a record of all official policies set forth by the Board (Article IX).

§ 860-13. Correspondence.

The Clerk shall act as the corresponding agent of the Board, preserving copies of all correspondence and shall perform all other duties incident to the office, or that may be required by the Board.

§ 860-14. Dissemination of information.

The Clerk shall be responsible for transmitting copies of all votes, orders, resolutions, and documents which are to be sent to members of the Board and shall promptly notify subcommittee members of their appointment, of the reference of any matter to them and furnish them with all papers, copies of orders, or other matters included in such reference; or of any changes that may be made by the Board in their assignments.

ARTICLE VI
Subcommittees

§ 860-15. Appointment.

The ~~Chairman~~ **Chairperson** may appoint such subcommittees from time to time as may be voted by the Board. A subcommittee shall exist until the next annual organizational meetings of the Board.

ARTICLE VII
Board Functioning

§ 860-16. Formal vote required for action.

The Board shall act as a unit and decisions relative to planning matters and policy shall be settled by formal vote of the Board at a legally called meeting. Individual members, when not in a legally called meeting, shall have no authority to take action on Board matters.

§ 860-17. Recording of decisions.

All policies or decisions formally voted by the Board shall be recorded by the Clerk and maintained in a central place. They shall be standard in format, be sequentially numbered, and shall be reviewed at least once a year.

§ 860-18. Confidentiality.

Any deliberations or votes taken in executive session shall be kept confidential by Board members so long as the reason for confidentiality prevails.

ARTICLE VIII
Amendment of Bylaws

§ 860-19. Amendment procedure.

These bylaws may be added to, amended, or rescinded by a majority vote of the Board members present at any regular meeting and a copy of the proposed amendment given to each member of the Board.

ARTICLE IX
Approval of Policy

§ 860-20. Suggested policy.

A suggested policy can be presented to the Board in writing at any regular meeting. An item will become policy after written presentation when voted upon favorably by a majority of Board members present at the following successive regular meeting.

ARTICLE X
Attendance

§ 860-21. Regular attendance required.

Following two unexplained consecutive absences, the Board member will be contacted by the ~~Chairman~~ **Chairperson** to ascertain the intentions of said member about his future attendance. If any member has more than six unexplained absences a year, the Planning Board shall ask the ~~Selectmen~~ **Mayor** for a replacement.

Order no. FY 11 -118

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE MAYORS OFFICE TO BE TRANSFERED INTO THE MAYORS ORDINARY MAINTENANCE ACCOUNT IN THE AMOUNT OF \$5,000.00.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval. Membership to the Massachusetts Municipal Association was discussed.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11-118.

Order no. FY 11 -119

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE ASSESSORS OFFICE TO BE TRANSFERED INTO THE ASSESSORS ORDINARY MAINTENANCE ACCOUNT IN THE AMOUNT OF \$25,000.00.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -119.

Order no. FY 11 -120

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE TREASURERS OFFICE TO BE TRANSFERED INTO THE TREASURERS ORDINARY MAINTENANCE ACCOUNT IN THE AMOUNT OF \$9,000.00.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -120.

Order no. FY 11 -121

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE LABOR ATTORNEY TO BE TRANSFERED INTO THE LABOR LAW ACCOUNT IN THE AMOUNT OF \$5,500.00.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -121.

Order no. FY 11 -122

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR THE ANIMAL INSPECTOR TO BE TRANSFERRED INTO THE ANIMAL INSPECTOR ACCOUNT IN THE AMOUNT OF \$75.00.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 11 -122.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES None.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Maloney held first readings: Let this serve as a first reading:

1. That the sum of \$45,000 be transferred from the Employee Health Insurance Line to the following:
 - \$4,500 to the Employee Life Insurance Line
 - \$23,000 to the Medicare Town Match Line
 - \$20,000 to the Management Information Systems Line
2. That the sum of \$5,700 be transferred from the Building Inspections Line to the Plumbing and Electrical Inspections Line.
3. That the sum of \$9,500 be transferred from the Workers' Compensation Line to the Liability Insurances Line.
4. That the sum of \$17,550 be transferred from DPW Ordinary Maintenance to DPW Street Lighting.

President Farrell thanked all Councilors for their dedication and hard work on behalf of the citizens of Greenfield and specifically thanked Councilors Bitters, Letourneau, Guin, and Maloney. Councilor Guin thanked the citizens for allowing him to represent them for over one decade. He thanked all of the friends he had made through the years and everyone who had lent a hand to him and his family since his accident. Councilor Letourneau thanked those who had faith to allow her to serve on the council for the town that she loves. Councilor Maloney thanked current and future Councilors for helping him make a positive difference in the community. He stated one of the best parts of being a Councilor was getting to know the people who do all the work for the Town of Greenfield. Councilor Sutphin acknowledged all of the work that Councilor Allis had done this year. He has been the Chairman of the Appointments and Ordinance Committee, a member of the Ways and Means Committee, and Chaired the Charter Commission.

President Farrell wished all fathers a Happy Fathers Day and wished the Boston Bruins a lot of luck in the game tonight.

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 8:40 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
June 15, 2011

1. Bitters, Paul	A						
2. McLellan, Thomas	P						
3. Allis, Brickett	P						
4. Maloney, Mark	P						
5. Singer, David	P						
6. Letourneau, Danielle	P						
7. Sluter, Shenandoah	A						
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						