

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
March 21, 2012

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:05 p.m. by President Singer.

President Singer 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. Councilor McLellan was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; DPW Director Sandra Shields; School Superintendant Dr. Susan Hollins; School Building Committee Chairman Keith McCormac; Architect for Greenfield High School Lee Dore of Dore & Whittier Inc., accompanied by Construction Manager Jim Burne; Greenfield High School Principal Donna Woodcock; Franklin County Chamber of Commerce (FCCC) Director Ann Hamilton; FCCC Board of Directors Chairman Doug Clark; Cub Scouts; Leo Maley, Director/Regional Community Organizer, Region 1 (Western Mass) Mass Nurses' Association; GCTV-15 staff; Anita Phillips, the *Recorder*; and members of the public.

ACCEPTANCE OF MINUTES: On a motion by Councilor Farrell, second by Councilor Allis, it was unanimously, **VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF FEBRUARY 15, 2012.

PUBLIC HEARINGS: Councilor Sutphin read the following Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, March 21, 2012, beginning at 7:00 p.m. at GCTV-15, 393 Main Street to receive public input on the following:

- o Appropriate \$125,000 from the Contractual Agreement Stabilization Fund to fund partial mitigation for health insurance changes
- o Appropriate \$74,000 from Stabilization to the Legal Labor Relations account
- o Appropriate \$46,000 from Additional State Aid to the Legal Labor Relations Account
- o Appropriate \$66,325,237 for the purpose of paying costs of building a new Greenfield High School.

PUBLIC NOTICE

The Town Council will consider a proposal to re-zone a portion of the Bendix property (180 Laurel Street Ext.) from Urban Residential to General Industry and Zoning amendments to allow "Large-Scale Ground-Mounted Solar Photovoltaic Installations" by special permit in the Rural Residential, Suburban Residential, General Commercial, and Office Districts and add a new section "Non-Commercial Scale Solar Energy Installations". The Town Council will consider the same at their meeting on Wednesday, March 21, 2012 which begins at 7:00 p.m. at the GCTV-15 Studio, 393 Main Street. Materials in alternative format can be obtained from the Town Clerk's Office with advance notice at 413-772-1555. Copy is available in the Greenfield Town Clerk's Office, from 8:30 a.m.-5:00 p.m., Mon. - Fri.

Councilor Sutphin held the following second reading:

- o Appropriate \$125,000 from the Contractual Agreement Stabilization Fund to fund partial mitigation for health insurance changes
- o Appropriate \$74,000 from Stabilization to the Legal Labor Relations account
- o Appropriate \$46,000 from Additional State Aid to the Legal Labor Relations Account
- o Appropriate \$66,325,237 for the purpose of paying costs of building a new Greenfield High School.

President Singer opened the Public Hearing at 7:10 pm. He asked if anyone from the public wished to speak. Seeing none, the Public Hearing would remain open until these items were voted by the Town Council.

COMMUNICATIONS:

MAYOR: Mayor Martin introduced GHS Architect Lee Dore of Dore & Whittier Associates who gave a Power Point presentation on the proposed construction of a new High School. Information included:

- Proposed track would cost approximately 1.3 million dollars for construction and was not reimbursable by MSBA.
- Green Roofs and the technology used to build them. The minimum “R” value on the roof would be 30.
- The School Building Committee would hire the Construction Managers.
- Project labor agreements.
- Real Estate Tax bills would increase \$180.00 per household if the citizens voted favorably for the proposal.
- Savings incurred with a new facility versus maintenance, heating and cooling of the old facility.
- If the new high school was not built, the community would spend considerably more money to maintain and repair the current structure.
- If the current facility was brought up to code, the estimated cost was approximately \$30,000,000. This cost would not be refundable by MSBA.
- Community function space would have individual exits and independent facilities.
- Currently there was no Elementary School Building debt.
- Review of current Middle School debt.
- The schedule of planned sessions to disseminate information to the community.
- GHS Alumni Association was becoming active in the quest for a new High School.
- Information on the proposal could be found on the Web Site.

In response to David Cohen, 335 Green River Road, Project Manager Jim Burn stated the following:

- The project would have a full time “Clerk of The Works” on site at all times.
- There would be a full staff overseeing the citizen’s project, funds and materials.

SCHOOL SUPERINTENDENT: Dr. Susan Hollins stated the enrollment of Greenfield Schools continued to increase. The architects have a plan for the new High School should the enrollment of the newly constructed GHS go higher than the maximum capacity of 586 students. The plan would be to use technology space for additional classrooms. There was space to add an additional set of classrooms if the need were to arise. Councilor Devlin requested enrollment numbers and trends for the past 5 - 6 years. Dr. Hollins discussed the proposed increased benefits of the new High School.

President Singer asked if members of the public wished to speak on the Public Hearing items. Seeing none, he closed the Public Hearing at 8:28 pm.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Councilor Allis stated the Appointments and Ordinance Committee forwarded unanimous positive recommendations for the following five (5) appointments.

Order no. FY 12-089

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENFIELD HISTORICAL COMMISSION: ARTHUR RUGGLES, III (TERRY) – TWO YEAR TERM TO EXPIRE JUNE 30, 2014.

Order no. FY 12-090

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENFIELD COMMISSION ON DISABILITY ACCESS: CYNTHIA DODGE - TWO YEAR TERM EXPIRING JUNE 30, 2014; ANTHONY STANFORD JR. - TWO YEAR TERM EXPIRING JUNE 30, 2014; KAREN AXTELL - ONE YEAR TERM EXPIRING JUNE 30, 2013.

Order no. FY 12-091

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENFIELD HUMAN RIGHTS COMMISSION: MARLENE PARENT - ONE YEAR TERM EXPIRING JUNE 30, 2013 COMPLETING THE 3 YEAR, TERM LEFT VACANT BY THE RESIGNATION OF DIANA ROBERTS.

Order no. FY12-092

Financial Order 12-021

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

MOVED: THAT IT BE ORDERED UPON RECOMMENDATION OF THE MAYOR, THE SUM OF \$125,000 BE TRANSFERRED FROM THE CONTRACTUAL AGREEMENT STABILIZATION FUND TO THE EMPLOYEE HEALTH INSURANCE REIMBURSEMENT ACCOUNT TO FUND HEALTH INSURANCE CHANGES AS AGREED BY THE TOWN OF GREENFIELD AND THE INSURANCE ADVISORY COMMITTEE IN FEBRUARY 2012.

DISCUSSION: Councilor Sutphin stated the Ways and Means Committee forwarded a unanimous positive recommendation to the Town Council for approval.

It was unanimously, 11 yes, 0 no, 0 abstain,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -092, FINANCIAL ORDER 12-021.

Order no. FY 12-093

Financial Order 12-022

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THE SUM OF \$74,000 BE TRANSFERRED FROM THE STABILIZATION FUND TO THE LEGAL-LABOR RELATIONS ACCOUNT.

DISCUSSION: Councilor Sutphin stated the Ways and Means Committee forwarded a unanimous positive recommendation to the Town Council for approval.

It was unanimously, 11 yes, 0 no, 0 abstain,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -093, FINANCIAL ORDER 12-022.

Order no. FY 12-094

Financial Order 12-023

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THE SUM OF \$46,000 BE TRANSFERRED FROM ADDITIONAL STATE AID TO THE LEGAL-TOWN ATTORNEY ACCOUNT.

DISCUSSION: Councilor Sutphin stated the Ways and Means Committee forwarded a unanimous positive recommendation to the Town Council for approval.

It was unanimously, 11 yes, 0 no, 0 abstain,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -094, FINANCIAL ORDER 12-023.

Order no. FY 12-095

Financial Order 12-024

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, **PENDING A POSITIVE APPROVAL OF MSBA BOARD OF DIRECTORS** THE GREENFIELD TOWN COUNCIL APPROPRIATES THE AMOUNT OF SIXTY-SIX MILLION THREE HUNDRED TWENTY-FIVE THOUSAND TWO HUNDRED THIRTY-SEVEN DOLLARS (\$66,325,237) FOR THE PURPOSE OF PAYING COSTS OF BUILDING A NEW GREENFIELD HIGH SCHOOL, 1 LENOX AVENUE, GREENFIELD, MA INCLUDING THE PAYMENT OF ALL COSTS

INCIDENTAL OR RELATED THERETO (THE "PROJECT"), WHICH SCHOOL FACILITY SHALL HAVE AN ANTICIPATED USEFUL LIFE AS AN EDUCATIONAL FACILITY FOR THE INSTRUCTION OF SCHOOL CHILDREN FOR AT LEAST 50 YEARS AND FOR WHICH THE TOWN OF GREENFIELD MAY BE ELIGIBLE FOR A GRANT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY ("MSBA"), SAID AMOUNT TO BE EXPENDED UNDER THE DIRECTION OF GREENFIELD HIGH SCHOOL BUILDING COMMITTEE. TO MEET THIS APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS AUTHORIZED TO BORROW SAID AMOUNT UNDER M.G.L. CHAPTER 44, OR PURSUANT TO ANY OTHER ENABLING AUTHORITY. THE TOWN OF GREENFIELD ACKNOWLEDGES THAT THE MSBA'S GRANT PROGRAM IS A NON-ENTITLEMENT, DISCRETIONARY PROGRAM BASED ON NEED, AS DETERMINED BY THE MSBA, AND ANY PROJECT COSTS THE TOWN OF GREENFIELD INCURS IN EXCESS OF ANY GRANT APPROVED BY AND RECEIVED FROM THE MSBA SHALL BE THE SOLE RESPONSIBILITY OF THE TOWN OF GREENFIELD; PROVIDED FURTHER THAT ANY GRANT THAT THE TOWN OF GREENFIELD MAY RECEIVE FROM THE MSBA FOR THE PROJECT SHALL NOT EXCEED THE LESSER OF 80.00 PERCENT (%) OF ELIGIBLE, APPROVED PROJECT COSTS, AS DETERMINED BY THE MSBA, OR (2) THE TOTAL MAXIMUM GRANT AMOUNT DETERMINED BY THE MSBA; [PROVIDED THAT ANY APPROPRIATION HEREUNDER SHALL BE SUBJECT TO AND CONTINGENT UPON AN AFFIRMATIVE VOTE OF THE TOWN TO EXEMPT THE AMOUNTS REQUIRED FOR THE PAYMENT OF INTEREST AND PRINCIPAL ON SAID BORROWING FROM THE LIMITATIONS ON TAXES IMPOSED BY M.G.L. 59, SECTION 21C (PROPOSITION 2½)]; AND THAT THE AMOUNT OF BORROWING AUTHORIZED PURSUANT TO THIS VOTE SHALL BE REDUCED BY ANY GRANT AMOUNT SET FORTH IN THE PROJECT FUNDING AGREEMENT THAT MAY BE EXECUTED BETWEEN THE TOWN OF GREENFIELD AND THE MSBA.

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

VOTED: TO AMEND THE MOTION TO INSERT THE FOLLOWING PRECEDING THE CURRENT PROPOSED LANGUAGE: PENDING A POSITIVE APPROVAL OF MSBA BOARD OF DIRECTORS.

DISCUSSION: Councilor Sutphin stated the Ways and Means Committee forwarded a unanimous positive recommendation to the Town Council for approval. It was noted that the Town Council, MSBA, and the citizens need to vote favorably for this project in order for it to take place. Councilor Renaud had received correspondence from constituents who were very concerned with the potential cost of the new high school. She voiced her concern with the School Building committee member who publicly stated they were against the prevailing wage. Councilor Farrell noted citizens would be paying for this school one way or the other. There would be tours scheduled for the current High School. He urged everyone to walk down to the "math wing" which was an embarrassment. Ms. Kelly reported the rate for borrowing was locked in when the Town went out to bid for the project.

It was unanimously,

VOTED: TO APPROVE MOTION AS AMENDED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, **PENDING A POSITIVE APPROVAL OF MSBA BOARD OF DIRECTORS** THE GREENFIELD TOWN COUNCIL APPROPRIATES THE AMOUNT OF SIXTY-SIX MILLION THREE HUNDRED TWENTY-FIVE THOUSAND TWO HUNDRED THIRTY-SEVEN DOLLARS (\$66,325,237) FOR THE PURPOSE OF PAYING COSTS OF BUILDING A NEW GREENFIELD HIGH SCHOOL, 1 LENOX AVENUE, GREENFIELD, MA INCLUDING THE PAYMENT OF ALL COSTS INCIDENTAL OR RELATED THERETO (THE "PROJECT"), WHICH SCHOOL FACILITY SHALL HAVE AN ANTICIPATED USEFUL LIFE AS AN EDUCATIONAL FACILITY FOR THE INSTRUCTION OF SCHOOL CHILDREN FOR AT LEAST 50 YEARS AND FOR WHICH THE TOWN OF GREENFIELD MAY BE ELIGIBLE FOR A GRANT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY ("MSBA"), SAID AMOUNT TO BE EXPENDED UNDER THE DIRECTION OF GREENFIELD HIGH SCHOOL BUILDING COMMITTEE. TO MEET THIS APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS AUTHORIZED TO BORROW SAID AMOUNT UNDER M.G.L. CHAPTER 44, OR PURSUANT TO ANY OTHER ENABLING AUTHORITY. THE TOWN OF GREENFIELD ACKNOWLEDGES THAT THE MSBA'S GRANT PROGRAM IS A NON-ENTITLEMENT, DISCRETIONARY PROGRAM BASED ON NEED, AS DETERMINED BY THE MSBA, AND ANY PROJECT COSTS THE TOWN OF GREENFIELD INCURS IN EXCESS OF ANY GRANT APPROVED BY AND RECEIVED FROM THE MSBA SHALL BE THE SOLE RESPONSIBILITY OF THE TOWN OF GREENFIELD; PROVIDED FURTHER THAT ANY

GRANT THAT THE TOWN OF GREENFIELD MAY RECEIVE FROM THE MSBA FOR THE PROJECT SHALL NOT EXCEED THE LESSER OF 80.00 PERCENT (%) OF ELIGIBLE, APPROVED PROJECT COSTS, AS DETERMINED BY THE MSBA, OR (2) THE TOTAL MAXIMUM GRANT AMOUNT DETERMINED BY THE MSBA; [PROVIDED THAT ANY APPROPRIATION HEREUNDER SHALL BE SUBJECT TO AND CONTINGENT UPON AN AFFIRMATIVE VOTE OF THE TOWN TO EXEMPT THE AMOUNTS REQUIRED FOR THE PAYMENT OF INTEREST AND PRINCIPAL ON SAID BORROWING FROM THE LIMITATIONS ON TAXES IMPOSED BY M.G.L. 59, SECTION 21C (PROPOSITION 2½)]; AND THAT THE AMOUNT OF BORROWING AUTHORIZED PURSUANT TO THIS VOTE SHALL BE REDUCED BY ANY GRANT AMOUNT SET FORTH IN THE PROJECT FUNDING AGREEMENT THAT MAY BE EXECUTED BETWEEN THE TOWN OF GREENFIELD AND THE MSBA.

Order no. FY 12-096

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL DIRECTS THE FOLLOWING QUESTION BE PLACED UPON THE OFFICIAL BALLOT AT A SPECIAL TOWN ELECTION TO BE HELD ON MAY 1, 2012:

BINDING BALLOT QUESTION

“SHALL THE TOWN OF GREENFIELD BE ALLOWED TO EXEMPT FROM THE PROVISIONS OF PROPOSITION TWO-AND-ONE-HALF, SO CALLED, THE AMOUNTS REQUIRED TO PAY FOR THE BONDS ISSUED IN ORDER TO CONSTRUCT A NEW GREENFIELD HIGH SCHOOL.”

YES _____

NO _____

DISCUSSION: Councilor Farrell stated there was no “legal” reason to hold a special election. Historically throughout the State debt exclusion votes were voted at special elections because of the importance. In the opinion of the School Building Committee, this was an important issue that should “stand by itself” at a special election. Councilor Renaud opposed a special election. She had a conversation with MSBA employee Diane Sullivan, Team Construction Group Manager, who had stated even if the citizens did not vote in favor of the ballot question, an argument could be made to MSBA to move forward with the project. Mr. Burn, Project Manager, spoke relating to the construction projected timeline set by the School Building Committee. He noted the school summer break was a very important time for construction. President Singer noted the budget would not be over-extended to hold a special election on May 1, 2012 because the April preliminary election will not occur. Councilor Wisniewski was disturbed to hear the May election was critical to the building scheduled for the new school. This information had not been conveyed to Councilors before this evening. Councilors were not informed of the financial impact the schedule would have on the project either. Councilor Wisniewski was in favor of the construction of a new high school. Councilor Allis believed this was a worthy topic for a special election on May 1, 2012. Councilor Devlin supported the construction of a new high school. However, he was unsure if the timeline of a May 1, 2012 vote allowed for sufficient information to be provided to the citizens. He believed it would be difficult to get the citizens to vote in favor of this on May 1, 2012. Councilor Ronhave would vote in favor of the order. Councilor Hoffman supported the new high school project, however could not support this order because she felt important information was not disseminated prior to this meeting. Mr. Burn spoke of the process from vote to the beginning of construction. He noted the schedule was “tight” to begin construction in the Spring of 2013 if the vote were passed on May 1, 2012. Councilors Kelner, Hirschfeld, and Sutphin would vote in favor of the holding a special election on May 1, 2012. Councilor Allis stated citizens have the responsibility to seek out information.

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

VOTED: TO MOVE THE QUESTION.

It was by roll call, 9 yes and 3 no, by 2/3 majority,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -096.

Order no. FY 12-117

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

MOVED: THAT IT BE ORDERED THAT, IN ORDER TO REDUCE INTEREST COSTS, THE TREASURER IS AUTHORIZED TO PROVIDE FOR THE SALE AND ISSUANCE OF BONDS UNDER G.L. C.44, SECTION 21A TO

REFUND ALL OR ANY PORTION OF THE REMAINING PRINCIPAL OF AND REDEMPTION PREMIUM AND INTEREST ON ANY OF THE TOWN'S OUTSTANDING GENERAL OBLIGATION BONDS. FURTHER ORDERED: THAT THE TREASURER IS AUTHORIZED TO FILE AN APPLICATION WITH THE APPROPRIATE OFFICIALS OF THE COMMONWEALTH OF MASSACHUSETTS (THE "COMMONWEALTH") TO QUALIFY UNDER CHAPTER 44A OF THE GENERAL LAWS (I) ANY BONDS OF THE TOWN ISSUED PURSUANT TO THIS ORDER, AND (II) ALL OTHER BONDS OR NOTES OF THE TOWN THAT HAVE BEEN AUTHORIZED BY THE TOWN AS OF THE DATE OF THIS ORDER, AND TO PROVIDE SUCH INFORMATION AND EXECUTE SUCH DOCUMENTS AS SUCH OFFICIALS OF THE COMMONWEALTH MAY REQUIRE IN CONNECTION THEREWITH.

DISCUSSION: Ms. Kelly reviewed the process and benefits of using State Qualified Bonds. Councilor Sutphin stated the Ways and Means Committee forwarded a unanimous positive recommendation to the Town Council for approval.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -117.

Order no. FY 12-097

Financial Order 12-009

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

MOVED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL TAKE FROM THE TABLE THE FOLLOWING ORDER TABLED AT THE FEBRUARY 15, 2012 TOWN COUNCIL MEETING: **Order no. FY 12 -083** THAT \$20,000 BE APPROPRIATED FROM ADDITIONAL STATE AID FOR THE FRANKLIN COUNTY CHAMBER OF COMMERCE.

DISCUSSION: Councilor Sutphin stated the Ways and Means Committee met with the Chamber of Commerce on Monday, March 19, 2012. The Chamber provided financial information to the Committee. Discussion included the possibility of the Chamber rescinding the request for funds from the town. Ms. Hamilton and Mr. Clarke thanked the Town Council for consideration of the request. Mr. Clarke noted at this time, the Chamber rescinds the request to the Town Council. Councilor Allis stated a no vote would be to not allow this to be taken from the table.

It was unanimously,

DEFEATED: TO TAKE ORDER NO. FY-12-083 FROM THE TABLE.

Order no. FY 12-098

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED BOND RESOLUTION TITLED "A RESOLUTION REQUESTING THE MASSACHUSETTS DEVELOPMENT FINANCE AGENCY TO FINANCE A PROJECT FOR THE BENEFIT OF CJBW STAMP LLC. OR AN AFFILIATE THEREOF".

DISCUSSION: Councilor Wisniewski stated the committee forwarded a unanimous positive recommendation to the Town Council for approval.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -098.

Councilor Allis stated the Appointments and Ordinance Committee forwarded unanimous positive recommendations to the Town Council to approve all of the following ordinance amendments. He noted unless otherwise stated, there were no substantive changes. All documents were being amended to reflect the current form of government.

Order no. FY 12-099

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, 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 AND UNDERLINED BOLD DOCUMENT

ATTACHED HERETO, CHAPTER 39, BUILDING CONSTRUCTION, SECTIONS 39-2 AND 39-3 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, 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 Permits ¹

[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.

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 ~~Board of Selectmen~~ **Mayor**. 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~~ **for disapproval** clearly stated in writing. No permit of any kind shall be issued by the Building Inspector until the required fee has been paid in full.

§ 39-3. Application for permit.

Applications for building permits shall be submitted in accordance with State Building Code and Protective Zoning Bylaws.

Order no. FY 12 -100

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING CHAPTER 47, CLASSIFICATION AND COMPENSATION IN ITS ENTIRETY, ATTACHED HERETO, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE.

Chapter 47

CLASSIFICATION AND COMPENSATION

[HISTORY: Adopted by the Town Council of the Town of Greenfield 6-1-1989; amended 1-17-1996 (Sec. 5.1 of the 1985 Bylaws). Subsequent amendments noted where applicable.]

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

STATUTORY AUTHORITY**MGL c. 41, § 108A****GENERAL REFERENCES****Boards, committees and commissions — See Ch. 34.****Officers and employees — See Ch. 112.****§ 47-1. Plan established.**

A plan classifying certain positions in the service of the Town, other than those filled by popular election, those governed by a union contract and those under the direction and control of the School Committee, into groups and classes doing substantially similar work or having substantially equal responsibilities, is hereby established, said plan to be known as the "Classification Compensation Plan," being set forth in a schedule annexed hereto and being hereby made a part hereof.²

§ 47-2. Scope of plan; amendments.

The plan, when established by the vote of the Town, shall consist of the minimum and maximum salaries and wages to be paid to all employees of the Town in any position subject to the plan and may be amended from time to time by vote of the Town.

§ 47-3. Allocation of employees to plan.

All boards and heads of departments shall, as soon as may be, after the effective date of the bylaw, allocate all employees to the appropriate positions in the plan, in accordance with allocations presently approved by the department heads and the Finance Committee and shall, in a like manner, allocate all new employees.

§ 47-4. Change of allocation authorized. [Amended 4-21-1999]

Said boards and heads of departments may change any such allocation of any employee.

§ 47-5. Reporting requirements. [Amended 4-21-1999]

A report of such allocations and reallocations shall be filed in the office of the Town Accountant.

§ 47-6. Construal of classifications.

The definition for any classification shall be construed solely as a means of identifying positions properly pertaining to the class and not as prescribing the particular duties or responsibilities of any position in the class or as modifying or in any way affecting the authority of any board or head of department as otherwise existing to appoint, to assign duties to, to promote, to demote, to change the duties of , or to direct or control the work of any employee under the jurisdiction of such board or head of a department.

§ 47-7. All positions to conform to plan.

No person shall be appointed, employed, or paid as an employee of the Town in any position subject to the provisions of the bylaw under any title other than that of the appropriate position in the plan.

§ 47-8. Official titles of classes.

The title of each class as set forth in the plan shall be the official title of every position allocated to the class for all

2. Editor's Note: Said schedule is voted at the Annual Budget Meeting of the Town Council.

purposes having to do with the position as such and shall be used to designate the positions in all payrolls, budget estimates and official records, and reports relating thereto, but the applicable grade number may be used in lieu thereof.

§ 47-9. Effect on existing pay rates.

In any case where any employees subject to this bylaw upon the effective date hereof shall have a rate or rates of compensation exceeding the applicable salary and wage limitation set forth, such employee may continue to be so paid, but this section shall not apply to any new employee.

§ 47-10. Effect on state standards.

Nothing contained in the bylaw shall be construed to conflict with MGL c. 31.

§ 47-11. Severability.

If any provisions of the bylaw or the application of such provision to any persons or circumstances shall be held invalid, the validity of the remainder of this bylaw and the applicability of such provision to other persons or circumstances shall not be affected thereby.

§ 47-12. Applicability. [Amended 4-21-1999]

This bylaw shall be operative only as to employees whose positions are subject to the plan. The aforesaid minimum salary and wage scales shall be the entrance scales of all employees except as provided herein.

DISCUSSION: Councilor Allis noted this section was to be deleted due to the fact it was no longer needed or used. All information was covered by union agreements or individual contracts.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -100.

Order no. FY 12 -101

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 66, EMINENT DOMAIN, SECTIONS 66-2, 66-3, 66-4 AND 66-5 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 66
Eminent Domain**

History: Adopted by the Town Council of the Town of Greenfield on May 10, 2006

§ 66-1 Limits of this ordinance

§ 66-4 Right of Reconsideration or Remedy

§ 66-2 Restrictions on eminent domain powers

§ 66-5 Condemnation

§ 66-3 Procedures for declaring a property as substandard, decadent or blighted

66-1 Limits of this ordinance

- A. This ordinance shall be considered a further restriction on the powers of eminent domain in Greenfield, all provisions of MGL and federal law will still stand and be in full force.
- B. This ordinance shall be considered a restriction solely on municipal condemnations and have no force in Greenfield Redevelopment Authority, State and Federal takings.
- C. This ordinance shall be confined to condemnations for the purpose of economic development and/or tax base expansion, and shall not limit the municipality in the exercise of eminent domain powers for the purposes of building roads, schools, public parks and other recreation centers, municipal administrative buildings, water and sewer facilities including but not limited to easements, teen centers, senior centers, veteran centers, police facilities, fire

prevention and response facilities, public health facilities, libraries, museums, and other public projects with obvious benefit to the municipality as a whole.

66-2 Restrictions on eminent domain powers

- A. Eminent domain powers shall only be used for the purpose of economic development and/or expanding the tax base when all the following circumstances ~~has~~ **have** been met.
- B. The unemployment rate for the Greenfield is in the highest twenty (20) percent of municipalities in the commonwealth.
- C. The total equalized property value for Greenfield is in the lowest twenty (20) percent of municipalities in the commonwealth.
- D. ~~When t~~ **T**he property in question has been vacant for a period over two (2) consecutive years.
- E. ~~When t~~ **T**he property in question has been deemed a substandard, decadent, or blighted open area either under state law or by the provisions of this ordinance.

66-3 Procedures for declaring a property as substandard, decadent or blighted.

- A. Declaring a property substandard, decadent, or a blighted open area shall require a 2/3 vote of the Greenfield ~~Town~~ **City** Council.
- B. Declaring a property substandard, decadent, or a blighted open area must take place within one (1) year from the original motion or it shall be deemed to fail.
- C. State recognition of the property as substandard, decadent or blighted under MGL shall be sufficient cause for the Greenfield ~~Town~~ **City** Council to declare the same without following the remaining provisions of section 3 of this ordinance.
- D. Upon a motion to declare a property as substandard, decadent or blighted open area the Greenfield ~~Town~~ **City** Council or sub committee thereof and the Greenfield Planning board shall each hold a public hearing.
- E. The Greenfield Planning Board shall have a public hearing no sooner than thirty (30) days from the motion and no later than ninety (90) days.
- F. The Greenfield ~~Town~~ **City** Council shall have public hearing shall be no sooner than thirty (30) days and no later than one hundred forty-five (145) days.
- G. Public hearings for both shall be posted and advertised in accordance with MGL.
- H. Owners of affected properties, and abutters, and abutters of abutters shall be notified by Certified Mail of the public hearings.
- I. The ~~Town~~ **City** Council shall seek in writing the opinion of the DPW ~~Superintendent~~ **Director**, the Public Safety Commission, the Board of Health, the Building Inspector, the Board of Assessors, the Planning Board, the Greenfield Redevelopment Authority, the Marketing and Economic Development Coordinator and the Mayor.
- J. If written opinion is not received by the ~~Town~~ **City** Council within 120 days, it may proceed without such opinion.
- K. If the declaration fails it may not be considered again for eighteen (18) months.

66-4 Right of Reconsideration or Remedy

- A. A declaration **that** a property **is** substandard, decadent, or a blighted open area must be reported to the property owner by certified mail within thirty (30) days.
- B. No condemnation proceedings **shall be taken** of a property **that is** substandard, decadent, or a blighted open area for the purpose of economic development and expanding the tax base for one (1) **year** after the declaration.
- C. No sooner than one-hundred and eighty (180) days or later than two hundred and seventy (270) days **from the declaration date** the property owner may petition the ~~Town~~ **City** Council for reconsideration in writing with a progress report and plan for remediation of substandard, decadent, or a blighted conditions.
- D. No condemnation proceedings may begin while such a petition is under consideration
- E. The ~~Town~~ **City** Council or sub-committee thereof shall hold a public hearing in accordance with MGL no sooner than thirty (30) days not later than ninety (90) days to take comment on the petition.
- F. **The City Council shall vote on the petition N**no later than one hundred and twenty (120) days **from the date of receipt. days the Council shall vote on the petition.**

- G. A ~~M~~majority vote of the ~~Town~~ **City** Council may move the property from substandard, decadent, or a blighted open area status to a probationary substandard, decadent, or a blighted open area status.
- H. At any time following the vote to move to substandard, decadent, or a blighted open area probationary status, the ~~Town~~ **City** Council ~~may~~ with ~~a~~ public hearing ~~by itself or sub-committee thereof~~ and by majority vote may reinstate active status with no further right of reconsideration.
- I. After ~~F~~ive (5) years without vote of the ~~Town~~ **City** Council the property will ~~lose~~ substandard, decadent, or a blighted open area probationary status and no longer be listed as substandard, decadent, or a blighted open area.

66-5 Condemnation

- A. Condemnation of a property substandard, decadent, or a blighted open area for the purpose of economic development and/or expanding the tax base shall require a 2/3 vote of the ~~Town~~ **City** Council.
- B. No condemnation proceedings on substandard, decadent, or a blighted open area for the purpose of economic development and/or expanding the tax base shall begin before one (1) year after the initial vote of the ~~Town~~ **City** Council declaring it a substandard, decadent, or a blighted open area.

Order no. FY 12 -102

MOTION: On a motion by Councilor Allis, second by Councilor Sutphin, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 83, JUNK DEALERS, SECTIONS 83-1, 83-2, 83-3, 83-5, 83-7, AND 83-8 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 83, JUNK DEALERS AND JUNK COLLECTORS

- § 83-1. Purpose
- § 83-2. Authority
- § 83-3. Definitions
- § 83-4. Applicability
- § 83-5. Conditions
- § 83-6. Records
- § 83-7. Entry and inspection
- § 83-8. Enforcement
- § 83-9. Validity

[HISTORY: Adopted by the Town Council of the Town of Greenfield 2-17-1993, approved by AG 5-19-1993 (Sec. 3.9 of the 1985 Bylaws). Former Sec. 3.9.1, Public Dump License, was rescinded 5-15-1996. Town Council amendments 8-15-07. Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Pawnbrokers -- See Ch. 117.

Peddling and soliciting -- See Ch. 124.

Tag sales -- See Ch. 163.

§83-1. Purpose

The purpose of this ordinance is to ensure public safety, protection of the environment, deterrence and aid in detection of sale of stolen goods, protection of visual/aesthetic qualities of the neighborhood and ~~Town~~ **City**, and to provide means of recourse for concerns regarding these by neighbors or the ~~Town~~ **City**.

§83-2. Authority

This ordinance is adopted under authority of M.G.L. c.140 §54.

In accordance with M.G.L. c.140 §54 and the ~~Town~~ **City** of Greenfield Home Rule Charter §6-9, the Greenfield Board of License Commissioners is the licensing and regulatory authority for the purposes of this ordinance, and as such may make rules and regulations relative to the business of junk dealers and junk collectors, may provide supervision thereof,

may make additional rules and restrictions particular to any junk dealer or junk collector business, and said licenses may be revoked after a hearing for cause.

In accordance with M.G.L. c.140 §202, the Board of License Commissioners shall set reasonable license fees for junk dealers and junk collectors.

§83-3. Definitions

ANTIQUÉ SHOP — an establishment for the sale of antiques, secondhand articles, or collectible items.

AUTOMOBILE GRAVEYARD — In accordance with c.140B §1 (b) of the Massachusetts General Laws, an automobile graveyard is deemed to be any establishment or place of business or any area of any lot, whether inside or outside of a building, which is maintained, operated, or used for collection, storage, keeping, abandonment, buying, or selling of wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts and/or for the dismantling or demolition of such.

CITY — ~~Town~~ **City** of Greenfield.

JUNK — In accordance with c.140B §1 (a) of the Massachusetts General Laws, junk is deemed to be any article or material that will no longer be used for its original intended purpose, but instead will be discarded, collected, stored, or sold for salvage, recycling, or conversion to another article, product, or material. This includes but is not limited to items such as old, scrap, or used copper, brass, iron, steel or other ferrous materials; old, scrapped, or used paper, lumber, rope, rags, plastic, rubber, glass, or other nonferrous material; junked, dismantled, wrecked, or inoperative automobiles/motor vehicles, or parts thereof; old, scrapped, or used machinery, batteries, electronics; or trash, waste, etc. Any motor vehicle that is unregistered and inoperative and that has been stored outside for more than six months shall be considered junk.

JUNK COLLECTOR —A junk collector shall be deemed to be any person who, by going from place to place, collects by purchase or otherwise, junk, old metals, or second hand articles, whether or not by previous contract or arrangement.

JUNK DEALER – any person who deals or keeps a shop for the purchase, sale, or barter of junk, old metals, or secondhand articles as these items are defined in this ordinance and the Massachusetts General Laws.

JUNK YARD – In accordance with c.140B §1 (c) of the Massachusetts General Laws, a junk yard is an establishment or place of business or any area of any lot, whether inside or outside of a building, which is maintained, operated, or used for the collection, storage, keeping, abandonment, buying, or selling of junk, or for the maintenance or operation of an automobile graveyard including for dismantling, demolition, processing, or conversion of such, and the term shall include garbage dumps and sanitary fills.

OLD METALS – any metalwares, including but not limited to silverware, pewter, stainless steel, copper, or brass, or precious metals of extraordinary value such as gold, silver, etc.

SECONDHAND ARTICLES – any item being re-sold for use that will maintain the original intended purpose of the product. This includes but is not limited to items such as clothing, furniture, antiques, household items, appliances, collectibles, etc. In keeping with c.140 §55 of the Massachusetts General Laws, books, prints, coins, and postage stamps shall not be deemed to be within the meaning of this definition nor within that of this ordinance. Also not included in this definition are motor vehicles.

TOWN—~~Town of Greenfield~~

§83-4. Applicability

Anyone collecting, storing, dealing, or keeping a shop or yard for the purchase, sale, or barter of junk, old metals, or secondhand articles must first obtain a junk dealer and/or junk collector license from the Board of License Commissioners. This does not include pawn brokers or tag sales, which are regulated elsewhere, nor those dealing exclusively in secondhand books, prints, coins, or postage stamps.

The Board may issue different categories of junk dealer or junk collector licenses: i.e. for secondhand articles, for old metals, for junk/salvage yard or auto graveyard, "or any combination thereof".

§83-5. Conditions

Junk dealer and junk collector licenses may only be issued to suitable persons.

Issuance of junk dealer and junk collector licenses is contingent on compliance with all municipal and Commonwealth requirements.

Junk dealer and junk collector licenses are non-transferable, site specific, and expire on May 1st of each year.

The Board of License Commissioners may make rules, restrictions, or conditions for all junk dealer and junk collector businesses or particular restrictions for individual businesses.

Automotive graveyards are required to post an environmental remediation bond in ~~an~~ the amount of ~~\$10 ten M~~ \$10 ten M million ~~dollars~~.

§83-6. Records

Every junk dealer and junk collector shall keep a record containing the following information: a description of each item purchased, traded for, or otherwise obtained or collected for this business; the name of the person or business from whom the item was obtained; the residence or place of business of the person or business from whom the item was obtained; and the date when the transaction was made.

§83-7. Entry and inspection

Such records shall, upon reasonable request, be made available for inspection by any ~~Town~~ City of Greenfield Inspector, Enforcement Officer, or Police Officer and to the Board of License Commissioners.

§83-8. Enforcement

The provisions of this ordinance may be enforced by any available means in law or equity, including but not limited to, enforcement by non-criminal disposition pursuant to M.G.L. c.40 §21D and ~~Town~~ City of Greenfield ordinance § 1-3. When enforced through non-criminal disposition, the penalties shall be \$100.00 per each violation, with each calendar day constituting a separate violation.

In addition to non-criminal disposition, any licensee violating any provision of this ordinance or any of the conditions or restrictions of their license will be subject to a civil penalty of \$100.00 for the 1st offense, \$200.00 for the 2nd offense, and \$300.00 for the 3rd and subsequent offense(s), &/or suspension or revocation of their license.

Anyone who collects, deals in, or keeps a shop or yard for the purchase, sale, or barter of junk, old metals, or second hand articles without a license or after notice that their junk dealer or junk collector license has been revoked or suspended, will be in violation of this ordinance.

§83-9. Validity

If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this ordinance shall be deemed valid and in effect.

This ordinance shall supersede all previous ordinances dealing with junk dealers and collectors.

Order no. FY12-103

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 86, KEY LOCK BOX, SECTIONS 86-1 AND 86-2 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 86
KEY LOCK BOX**

§ 86-1. Purpose

§ 86-2. Key Lock Box System

§ 86-1. Purpose

An ~~O~~rdinance requiring structures to have a ~~K~~key ~~L~~lock ~~B~~box installed on the exterior of the structure for fire safety purpose.

Whereas, the Mayor and City Council have determined that health, safety and welfare of the citizens of the ~~Town~~ **City** of Greenfield are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Greenfield Fire Department in gaining access to the structure when responding to calls for emergency service, and

WHEREAS, the key lock box system is being adopted nationally and will operate on a master key basis that will expedite entry into a structure during an emergency, and

WHEREAS, the key lock system will eliminate forced entries into structures thereby avoiding costly time-consuming efforts in gaining access to locked structures during and emergency, and

WHEREAS, the ~~Town~~ **City** of Greenfield is authorized to pass this ordinance.

§ 86-2. Key Lock Box System Requirements

A. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief.

- (1) Commercial or ~~I~~ndustrial structures protected by an automatic alarm system or automatic suppression system, or structures that are secured in a manner that restricts access during an emergency;
- (2) Residential structures with six or more units, or units that have restricted access through locked doors that enter a common hallway;
- (3) Governmental structures, health care and nursing facilities, schools, any structure that is deemed by the Fire Chief as high risk.

B. All newly constructed structures subject to this section shall have a key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this ordinance shall have a year from the effective date to have a key lock box installed and operational.

C. The Fire Chief shall designate the type of key lock box system to be implemented within the ~~Town~~ **City**.

D. The owner or operator of any structure required to have a key lock system shall, at all times, keep a key in the lock box that will allow for access to the structure.

E. The Fire Chief shall be authorized to implement rules and regulations for the use of the key lock box system.

F. Any person who owns or operates a structure subject to this section shall be subject to penalties set forth in this ordinance for violation of this ordinance, shall be set at \$100.00 for each month that the structure is not in compliance of this ordinance.

Order no. FY 12-104

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 90, LICENSING, SECTIONS 90-1, 90-2, 90-4, 90-6 AND 90-7 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 90

LICENSING

[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, § 57

GENERAL REFERENCES

Board of Selectmen regulations — See Part III.

ARTICLE I

Revocation of Licenses for Nonpayment of Taxes

[Adopted 3-16-1994; approved by AG 6-9-1994]

§ 90-1. List of delinquent taxpayers.

Each year, the Tax Collector shall furnish to the ~~Town Manager~~ **Mayor** and the Board of ~~Selectmen~~ **License Commissioners** a list of any person, corporation or business enterprise (hereinafter the "party") who has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

§ 90-2. Denial of license privilege.

The Board of ~~Selectmen~~ **License Commissioners** or any other licensing authority of the ~~Town~~ **City** may deny, revoke, or suspend any local license or permit including renewals and transfers of any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges but only after written notice is given to the party and the Tax Collector as required by any laws and the party is given a hearing not earlier than fourteen (14) days after said notice.

§ 90-3. Inclusion on list prima facie evidence.

Appearance of a name of a party on a list from the Tax Collector as mentioned in § 90-1 shall be prima facie evidence for denial, revocation or suspension of any license or permit to any party.

§ 90-4. Reissuance or renewal of license.

Any license or permit denied, suspended or revoked under ~~these bylaws~~ **this ordinance** shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

§ 90-5. Payment agreement.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 90-6. Waivers.

The Board of ~~Selectmen~~ **License Commissioners** may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers and stockholders, if any, or members of his/her immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

§ 90-7. Exemptions.

The following licenses and permits are not subject to the above ~~bylaws~~ **ordinance**:

- A. Permits for open burning; MGL c. 48, § 13.
- B. Bicycle permits, including registration; MGL c. 85, § 11A.
- C. Permits to sell articles for charitable purposes; MGL c. 101, § 33.
- D. Work permits for children; MGL c. 149, § 69.
- E. Food and Beverage License; MGL c. 140, § 21E.
- F. Dog licenses; MGL c. 140, § 137.
- G. Fishing and hunting licenses; MGL c.131, § 12.
- H. Marriage licenses; MGL c. 207, § 28.
- I. Theatrical and public exhibit permits; MGL c. 140, § 181.

Order no. FY 12 -105

MOTION: On a motion by Councilor Allis, second by Councilor Sutphin, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 94, LITTERING, SECTIONS 94-1, 94-2, 94-3, 94-4, 94-5, 94-6 AND 94-7 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 94
LITTERING**

§ 94-1. Definitions	§ 94-5. Maintenance of sidewalks, tree belts and alleys
§ 94-2. Failure to remove litter upon notice	§ 94-6. Enforcement
§ 94-3. Responsibilities of owners and occupants	§ 94-7. Violation and penalties
§ 94-4. Maintenance of vacant buildings and lots	

[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986; amended 3-20-1996 (Sec. 4.1 of the 1985 Bylaws). Subsequent amendments noted where applicable.] Amended June 21, 2006 by the Greenfield Town Council.

STATUTORY AUTHORITY
MGL c. 40, § 21

GENERAL REFERENCES
Handbills -- See Ch. 76.
Streets and sidewalks -- See Ch. 159.
Solid waste regulations -- See Ch. 657.

§ 94-1. Definitions.

GARBAGE -- Is biodegradable animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER -- Is "garbage" and "refuse" as defined herein and all other waste material, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare, amounts to a nuisance, or impairs the environment.

LITTER RECEPTACLES -- Shall mean and include any container which is designed to receive litter and to prevent the escape of litter therein, which is of such a size or sufficient capacity to hold all litter generated between collection periods and which is acceptable by the ~~Town~~ **City** of Greenfield for collection.

PRIVATE AND PUBLIC PREMISES -- Shall mean and include any dwelling, house, building or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE -- Shall mean and include any and all streets, boulevards, avenues, lanes, alleys, tree belts, or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

REFUSE -- Is all biodegradable and non-biodegradable solid wastes (except body wastes), including garbage, combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin can, glass, bedding, crockery and similar materials, street cleanings, dead animals, abandoned automobiles or trucks (except as otherwise allowable by Greenfield Zoning Bylaws ^{EN (1)}, abandoned furniture, abandoned stoves, abandoned sinks, abandoned toilets, abandoned refrigerators, abandoned freezers, and any other abandoned appliances, and the following items remaining on property longer than three (3) months: partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicles [except as otherwise allowed by Zoning Bylaws, **or by** an extension ~~of no longer than three (3) months can be requested from~~ **granted by** the Building Inspector.]

§ 94-2. Failure to remove litter upon notice.

It shall be unlawful for any property owner or person occupying property who has been duly notified in writing (first-class mail, postage prepaid) ~~two business days notice~~ to fail to remove litter, refuse, or garbage from said property within two business days after receipt.

§ 94-3. Responsibilities of owners and occupants.

Every owner or person occupying a house or building used for residence, business or commercial purpose shall keep their property free of litter; maintain litter collection and storage areas; and insure that all litter is put in a litter receptacle or litter receptacles. Failure to comply with this section shall constitute a violation of this ~~bylaw~~ ordinance.

§ 94-4. Maintenance of vacant buildings and lots.

Any person owning or occupying a house or other building or and including vacant lot(s) visible from any public place or private premises shall keep the house, building, vacant lot or premises free from litter except in allowable litter receptacles.

§ 94-5. Maintenance of sidewalks, tree belts and alleys.

A person owning or occupying any premises shall keep the sidewalks, tree belts, and alleys adjacent thereto free of litter. In residential areas, owners or persons occupying houses or buildings shall sweep, rinse off sidewalks, remove garbage, litter, or refuse abutting their premises as often as may be required to keep the walk, tree belt, and street reasonably free from dirt, litter, and paper. All owners or persons occupying premises in the central commercial district of the ~~Town~~ City shall, at least once every twenty-four (24) hours, except when the business is closed, sweep the sidewalks in front of their premises down to the curb and gather up and remove all loose paper, dirt and litter.

§ 94-6. Enforcement.

Enforcement of this ~~bylaw~~ ordinance may be accomplished by the ~~Town~~ City in any manner authorized by law.

§ 94-7. Violations and penalties.

If owners or those occupying property allow litter, refuse, or garbage to exist or fail to abate said litter, refuse, or garbage, they and each of them shall be fined in any one (1) calendar year as follows: fifty dollars (\$50) for the first offense; one hundred dollars (\$100) for the second offense or noncompliance with enforcement order; two hundred dollars (\$200) for the third offense or noncompliance with enforcement order; three hundred dollars (\$300) for the fourth offense or noncompliance with enforcement ; four hundred dollars (\$400) for the fifth or more offense or noncompliance with enforcement order, and a separate offense shall be deemed committed on each day during or on which such nuisance (litter, refuse, or garbage) is permitted to exist.

Order no. FY 12 -106

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 99, MAINTENANCE DEPARTMENT, SECTIONS 99-1, 99-2, AND 99-3 AND FURTHER AMENDS THE INDEX OF THE CODE.

**Chapter 99
MAINTENANCE DEPARTMENT**

[HISTORY: Adopted by the Town Council of the Town of Greenfield 9-20-2000, approved by AG 1-25-2001. Amendments noted where applicable.]

GENERAL REFERENCES

Public lands — See Ch. 136.

Town real property — See Ch. 168.

§ 99-1. Creation; powers and duties.

Pursuant to Charter Rule 4.9.11³ there is hereby established within the City a Central Maintenance Department which shall be responsible for all city property and buildings. ~~is hereby established to include all Town property and buildings including school buildings and grounds. Said~~ The Department shall be under the direction of a Director of Central Maintenance and shall consist of such administrative, clerical, maintenance, and technical staff as the Mayor and City Council may authorize. Inclusion in the annual budget for the department shall constitute such authorization.

~~§ 99-2. Maintenance Committee.~~

~~A Town Maintenance Committee shall be established to advise the Town Manager and shall contain three (3) members: one (1) each from the Board of Selectmen, one (1) from the School Committee and one (1) from the Town Council. Each person shall serve for a term of one (1) year.~~

~~§ 99-3. Appointment of personnel.~~

~~The Town Manager shall appoint the head or director of the Town Maintenance Department and all employees.~~

§ 99-2. Director of Central Maintenance/Appointment, Qualifications

The Director of Central Maintenance shall be appointed by the Mayor. The Director shall be a person especially qualified by education, experience and training to perform the duties of the position.

§99-3. Director of Central Maintenance/Duties and Responsibilities

a. The Director of Central Maintenance shall oversee the care and maintenance of municipal property and municipal buildings, including the contents thereof, with the exception of those specific to the Water and Sewer Funds of the City.

b. The Director of Central Maintenance shall supervise administrative, clerical, custodial, and maintenance staff related to city buildings.

DISCUSSION: Councilor Allis stated this ordinance language was proposed by Ms. Kelly and Ms. Shields. Ms. Shields serves as Director of Central Maintenance. Councilor Allis stated the Town Council and School Committee had both accepted M.G.L.c. 71 37M which allows one central maintenance department to oversee all municipal buildings including Schools. Ms. Kelly stated a memorandum of understanding would be created between the Town and Schools covering Central Maintenance.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -106.

Order no. FY 12 -107

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 102, MERCURY THERMOMETERS, SECTIONS 102-1, 102-2, 102-3, 102-4, 102-5, AND 102-6 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 102

MERCURY THERMOMETERS

[**HISTORY:** Adopted by the Town Council of the Town of Greenfield 5-16-2001, approved by AG 8-14-2001 (Sec. 6.4 of the 1985 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Board of Health regulations — See Part VII.

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

§ 102-1. Definitions.

HEALTH CARE FACILITY — Means any hospital, nursing home, extended care facility, long-term **care** facility, clinic or medical laboratory, state or private health or mental institution, clinic, physician's office or health maintenance organization.

MANUFACTURER — Means any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that produces a mercury fever thermometer. If the mercury thermometer is produced in a foreign country, the manufacturer is the importer or domestic distributor.

MERCURY THERMOMETER — Means a mercury-containing product that is used to measure body temperature. A "mercury-containing product" is a product, device, instrument or equipment into which elemental mercury or mercury compounds are intentionally added during its formulation or manufacture and in which the continued presence of mercury is desired to provide a specific characteristic or to permit a specific function.

§ 102-2. Retail sale prohibited.

No person **or business** shall ~~not~~ sell or supply (including on-line retail) mercury fever thermometers to consumers and patients, except by prescription. The manufacturers of mercury fever thermometers shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur with all mercury fever thermometers sold through prescriptions.

§ 102-3. Manufacturing prohibited.

It shall be unlawful for any person or corporation to manufacture a mercury thermometer in the ~~Town~~ **City** of Greenfield.

§ 102-4. Importation, purchase and distribution prohibited.

It shall be unlawful for any facility to import, purchase, or distribute a mercury thermometer in the ~~Town~~ **City**, except in the case of medical necessity as determined by a licensed physician.

~~**§ 102-5. Restriction on sale.**~~

~~Six (6) months after the adoption of this bylaw, a person may not sell or supply mercury fever thermometers to consumers and patients.~~

§ 102-~~6~~5. Violations and penalties.

Any person who violates this ~~bylaw~~ **Ordinance** shall be guilty of a misdemeanor, punishable by a fine of not more than ~~\$3~~**5**00 per violation.

Order no. FY 12-108

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 121, PEACE AND GOOD ORDER, SECTION 121-1 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 121**PEACE AND GOOD ORDER**

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

STATUTORY AUTHORITY

GENERAL REFERENCES

Public assemblies — See Ch. 21.
Curfew — Ch. 53.

ARTICLE I

Disorderly Behavior

[Adopted 7-17-1985; approved by AG 9-19-1985 (Sec. 4.13 of the 1985 Bylaws)]

§ 121-1. Prohibited conduct.

No person shall behave in a disorderly manner, or use threatening language in any public place, ~~or~~ near any dwelling house or other building in the Town City, ~~or be or remain~~ on any sidewalk, ~~or~~ upon any doorstep or other projection from any house or other building, and every person being or remaining as aforesaid when ordered by any constable or police officer, or by the owner or occupant of such building, shall immediately and peacefully depart. ~~and stay therefrom.~~⁴

Order no. FY 12-109

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 132, POLICE MUTUAL AID, SECTION 132-1 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 132

POLICE MUTUAL AID

[**HISTORY:** Adopted by the Town Meeting of the Town of Greenfield 3-17-1951, approved by AG 4-17-1951 (Sec. 4.5 of the 1985 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Board of Police Commissioners regulations — See Part IV.

§ 132-1. Aid authorized.

The Police Department is hereby authorized to go to the aid of another city or town at the request of said city or town in the suppression of riots or any other form of violence therein.

Order no. FY 12 -110

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 149, SIGNS, SECTION 149-1, 149-2, AND 149-3 AND FURTHER AMENDS THE INDEX OF THE CODE.

4. Editor's Note: The Peace and Good Order Bylaw was originally adopted by Town Meeting 3-4-1889 and 4-1-1889.

Chapter 149

SIGNS

[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 3.8 of the 1985 Bylaws). Former Sec. 3.8.1, Drainage, was rescinded 5-15-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 200.

§ 149-1. License required.

No person, firm, or corporation shall erect, set up, or keep upon or in front of any building or place of business any sign, signboard or inscription of any kind (either temporary or permanent), any part of which shall project or extend into, upon, or over the limits of any sidewalk, street or highway, without a license from the Board of ~~Selectmen~~ **License Commissioners**.⁵

§ 149-2. Applicability to outdoor advertising.

~~These bylaws~~ **This Ordinance** shall apply exclusively to outdoor advertising within public view of any sidewalk, street, highway, public park or reservation or any other public land.

§ 149-3. Excluded signs and devices.

~~These bylaws~~ **This Ordinance** shall not apply to signs or other devices controlled under the provisions of MGL c. 85, § 1, 2, and 8, or any other statute, of any other ~~bylaw~~ **ordinance** of the ~~Town~~ **City** of Greenfield, including Zoning Bylaws of the ~~Town~~ **City** of Greenfield,⁶ or ~~to~~ any other devices on the rolling stock, stations or structures of or used by common carriers. ~~except a~~ **A**dvertising devices on bridges, viaducts or abutments thereof **are prohibited. and they This ordinance** shall not apply to signs or other devices which advertise or indicate either the person, firm, or corporation occupying the premises in question or the business transacted thereon, or advertise the property itself or any parts thereof, as "for sale" or "to let", "to rent" or "to lease" and shall contain no other advertising matter.

Order no. FY 12 -111

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 160, SURVEILLANCE & TRESPASSING ORDINANCE, SECTION 160-1, 160-2, 160-3, AND 160-4 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 160

SURVEILLANCE & TRESPASSING ORDINANCE

§ 160-1. Outline

§ 160-3. Exceptions

§ 160-2 Definition

§ 160-4. Violations and Penalties

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

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

[History: Adopted by the Greenfield Town Council on January 19, 2005. Amendments noted where applicable.]

§ 160-1. Outline

- A. It is unlawful for a person to be a Peeping Person on or about the premises of another or to go upon the premises of another for the purpose of becoming a Peeping Person. The term 'Peeping Person.', as used in this section, is defined as a person who peeps through windows, doors, or other like places, on or about the premises of another, for the purpose of spying upon or invading the privacy of the persons spied upon and any other conduct of a similar nature, that tends to invade the privacy of others. The term 'Peeping Person.' also includes any person who employs the use of video or audio equipment for the purposes set forth in this section.
- B. A person commits the crime of voyeurism if, for the purpose of arousing or gratifying sexual desire of any person, he or she knowingly views, photographs, audio records, video records, or films another person, without that person's knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy.
- C. A person commits the crime of trespassing **a)** if he or she enters someone's property without permission or lawful excuse by any means: ~~It is a trespass~~ regardless of ~~a person the~~ intentions or whether damage is done to the property. **.; b) To be if he or she is** on someone's property when permission to be there was granted and later revoked by the owner or occupier of the property. **.; if he or she obtains** ~~To get~~ permission to enter someone's property for one purpose and **does** something else.

§ 160-2. Definition

As used in this section:

PLACE- ~~P~~lace where a person would have a reasonable expectation of privacy² means:

- (1) A place where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed, filmed, or videotaped by another; or
- (2) A place where one would reasonably expect to be safe from hostile intrusion or surveillance.

SURVEILLANCE - secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

VIEW- the intentional looking upon of another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or with a device designed or intended to improve visual acuity.

§ 160-3. Exception**s**

- A. Viewing, photographing, videotaping, or filming by personnel of the Department of Corrections or of a county, municipal, or local jail or detention center or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the Department of Corrections or a county, municipal, or local jail or detention center or correctional facility.
- B. Security surveillance for the purposes of decreasing or prosecuting theft, shoplifting, or other security surveillance measures. ~~in bona fide business establishments.~~
- C. Any official law enforcement activities.
- D. Private detectives and investigators conducting surveillance in the ordinary course of business.

- E. Any bona fide news gathering activities.

§ 160-4. Violations & Penalties

- A. For a first offense a person shall be fined five hundred dollars.
- B. For a second or subsequent offense a person shall be fined one thousand dollars.
- C. For the purpose of this Ordinance, each section A, B, and C within sec. 160-1 shall be considered a separate violation.

Order no. FY 12 -112

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 168, TOWN REAL AND PERSONAL PROPERTY, SECTION 168-1, 168-2, 168-3, AND 168-4 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 168

TOWN REAL AND PERSONAL PROPERTY

[HISTORY: Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 4.2 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

§ 168-1. Personal property valued at less than \$500.

The ~~Town Manager~~ Mayor or his/her ~~agent or~~ designee may, ~~with the approval of the Board of Selectmen who deem it to be for the best interest of the Town,~~ sell either at public auction or private sale, any article of personal property to which ~~either the Town Manager or Board of Selectmen~~ City has custody or control of, the fair market value of which does not exceed five hundred dollars (\$500).

§ 168-2. Personal property valued at more than \$500.

The ~~Town Manager~~ Mayor or his/her ~~agent or~~ designee may, ~~with the approval of the Board of Selectmen who deem it to be for the best interest of the Town,~~ sell at public auction, any article of personal property of which ~~either the Town Manager or Board of Selectmen~~ City has custody and control of, the fair market value which exceeds five hundred dollars (\$500). Notice of public auction shall be posted on the ~~Town~~ City Bulletin Board and published in a newspaper of general circulation ~~of~~ within the ~~Town~~ City of Greenfield at least seven (7) days before said auction is to be held.

§ 168-3. Record of inventory.

Each department of the ~~Town~~ City shall at all times keep a complete inventory and appraisal of the personal property under its jurisdiction and control and an inventory of all real property including buildings under its jurisdiction and control.

§ 168-4. Annual submission of inventory.

Each department of the ~~Town~~ City shall furnish such inventory and appraisal of personal property including unfulfilled orders for personal property for future delivery to be indicated as such and inventory of real property including buildings for each fiscal year on or before July 15 of each year to the ~~Finance Committee, Board of Selectmen and the Town Manager~~ Mayor and City Council.

Order no. FY 12-114

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 180, VEHICLES AND TRAFFIC, SECTION 180-1 AND 180-3 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 180**VEHICLES AND TRAFFIC**

[**HISTORY:** Adopted by the Town Council of the Town of Greenfield 10-16-1985, approved by AG 2-20-1986 (Sec. 2.5 of the Police Regulations). Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 159.

Taxicab licensing — See Ch. 376.

Board of Police Commissioners traffic regulations — See Ch. 485.

§ 180-1. Parking and standing.

No person shall allow, permit or suffer any vehicle registered in his/her name to stand or park in any street, way, highway, road or parkway under the control of the ~~Town~~ City of Greenfield in violation of the Traffic ~~Rules Regulations or orders~~ adopted by the Board of ~~Selectmen~~ License Commissioners, and in particular in any of the following places as described in Sec. 180-3 except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or signal.

§ 180-2. Removal of vehicles in violation.

Vehicles found violating any of the provisions of this chapter may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is allowed.

§ 180-3. Prohibited stopping, standing and parking.

Any registered vehicle shall not be allowed or permitted to be stopped, standing or parked as follows:

- A. Within an intersection, except in those areas where the installations of parking meters has been specifically approved by the Massachusetts Department of ~~Public Works~~ Transportation.
- B. Upon any sidewalks (~~by the Massachusetts Department of Public Works~~).
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.
- E. Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within ~~six~~

- twelve (6 12)** inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within six (6) inches of the curb. This shall not apply to street or parts of streets where angle parking is required by these regulations.
- F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- G. Upon any street or highway within ten (10) feet of a fire hydrant.
- H. Upon or in front of any private road or driveway without the consent of the owner of said private road or driveway.
- I. Upon any street within twenty (20) feet of an intersecting way, said twenty (20) feet being from the street layout line, except at intersections where official signs indicate a greater distance and except at alleys.
- J. On a bridge and the approach thereto where official traffic signs are erected.
- K. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- L. Within twenty-five (25) feet of the nearest rail of a railroad crossing when there are no gates at such crossing; otherwise within five (5) feet from the gate where official traffic signs are erected.
- M. Upon any tree belt or common or other ~~Town~~ **City**-owned land not designated for parking.
- N. Upon any street or highway on the south side and east side between December 1 and April 1 with the following exceptions: Federal Street, Bank Row, Main Street or any metered area unless signs are posted.
- O. Upon or in front of any fire lane which is defined as any part of a street, public parking lot, parking lots of shopping malls to which the public has a right of access or private roads or parts thereof which are designed to provide access for fire trucks to any building or locations and which are conspicuously designated as such.
- P. Written parking spaces designated as reserved for vehicles owned and operated by disabled veterans and/or handicapped persons in a street, public or private parking lots or a right of access; except for those disabled veterans and handicapped persons whose vehicles bear the distinguishing license plate authorized by MGL c. 90, § 2 **or other State-issued disabled veteran/handicapped person designation.**

Order no. FY 12-115

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 187, WATER TAMPERING, SECTION 187-1 AND FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 187

WATER TAMPERING

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

GENERAL REFERENCES

Tampering with sewers — See § 650-46.

Water use — See Ch. 689.

Illegal operation of fire hydrants and gates — See § 689-11.

§ 187-1. ~~Town~~ City water system.

Except in the case of fire or where authorized in writing by the ~~Board of Selectmen~~ Mayor or his/her designee, no person shall open any ~~Town~~ City water hydrant, nor lift or remove the cover thereof, nor make any opening in or connection with any ~~Town~~ City pipe or reservoir, nor turn on or off the water from any ~~Town~~ City fire hydrant, pipe, reservoir, or fountain. For the purposes of this ~~bylaw~~ Ordinance, each successive day on which any violation is committed or continued shall be deemed a separate offense.

Order no. FY 12 -116

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, 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 AND UNDERLINED BOLD DOCUMENT ATTACHED HERETO, CHAPTER 191, WELLS, SECTION 191-1 FURTHER AMENDS THE INDEX OF THE CODE.

Chapter 191

WELLS

[HISTORY: Adopted by the Town Council of the Town of Greenfield 7-17-1985, approved by AG 9-19-1985 (Sec. 4.11 of the 1985 Bylaws). Amendments noted where applicable.]

STATUTORY AUTHORITY

MGL c. 40, § 21

GENERAL REFERENCES

Water use — See Ch. 689.

§ 191-1. Covering required; violations and penalties.

Every person owning or possessing land or having it under his~~her~~ control whereon is located an abandoned well or a well in use shall provide a covering for such well capable of sustaining a weight of three hundred (300) pounds or shall fill same to the level of the ground. Any person who shall violate this ~~bylaw~~ ordinance shall be punished by a fine of not less than ~~one~~ two hundred ~~fifty~~ dollars (\$~~100~~250).

Order no. FY 12 -118

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL HEREBY REZONES A PARCEL OF LAND FROM URBAN RESIDENTIAL (RA) TO GENERAL INDUSTRY (GI) SO THAT THE ENTIRE PARCEL IS ZONED GENERAL INDUSTRY. THE PARCEL IS DESCRIBED AS R41-2 (180 LAUREL STREET EXTENSION – THE FORMER BENDIX SITE) AS SHOWN ON THE ZONING MAP ATTACHED AS EXHIBIT A AND FURTHER AMENDS THE INDEX OF THE CODE.

Amend Section 200-4.10, Office (O) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as a use permitted by special permit.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations” is a use permitted by special permit in the Office (O) District.

AND FURTHER AMENDS THE INDEX OF THE CODE.

Table of Uses
Town of Greenfield
Ch. 200, Zoning
(cont'd)

Industrial Uses (Cont.)	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Contractor’s yard	N	N	N	N	N	N	N	SP	N	Y	N
Open storage of raw materials, finished goods, or equipment	N	N	N	N	N	N	N	SP	N	Y	SP
Light industry, manufacturing or processing plant	N	N	N	N	N	N	N	SP	N	Y	Y
Research and development facilities	N	N	N	N	SP ¹¹	SP	SP	SP	SP	Y	Y
Salvage/junkyard	N	N	N	N	N	N	N	N	N	SP	N
Waste hauling establishment	N	N	N	N	N	N	N	SP	N	SP	N
Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7 15	N	N	N	N	N	N	N	SP	SP	Y	Y
Renewable/alternative energy R&D facility	N	N	N	N	N	N	N	SP	N	Y	Y
Renewable/alternative energy manufacturing facility	N	N	N	N	N	N	N	N	N	Y	Y
Other Uses											
Conservation area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Processing of earth authorized for removal under the Town of Greenfield Soil Removal Ordinance	SP	N	N	N	N	N	N	N	N	SP	N
Mixed residential/business uses	N	N	N	SP ¹²	SP ¹²	Y	SP	SP	N	N	N
Private club or membership organization	N	N	N	SP	N	Y	Y	Y	N	N	N

⁽¹⁾Medical research and development only.

⁽²⁾Mixed residential/office use only in accordance with § 200-7.10.

MOTION: On a motion by Councilor Wisnewski, second by Councilor Farrell, it was unanimously, **VOTED: TO DELETE THE CURRENT ORDER AND REPLACE IT WITH THE FOLLOWING AS ORIGINALLY PROPOSED BY THE PLANNING BOARD:**

Amend Section 200-4.2, Rural Residential (RC) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as a use permitted by special permit.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations” is a use permitted by special permit in the Rural Residential (RC) District.

Amend Section 200-4.3, Suburban Residential (RB) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as a use permitted by special permit.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations” is a use permitted by special permit in the Suburban Residential (RB) District.

Amend Section 200-4.9, General Commercial (GC) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as a use permitted by special permit.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations” is a use permitted by special permit in the General Commercial (GC) District.

Amend Section 200-4.10, Office (O) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as a use permitted by special permit.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations” is a use permitted by special permit in the Office (O) District.

Table of Uses
Town of Greenfield
Ch. 200, Zoning
(cont'd)

Industrial Uses (Cont.)	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Contractor’s yard	N	N	N	N	N	N	N	SP	N	Y	N
Open storage of raw materials, finished goods, or equipment	N	N	N	N	N	N	N	SP	N	Y	SP
Light industry, manufacturing or processing plant	N	N	N	N	N	N	N	SP	N	Y	Y
Research and development facilities	N	N	N	N	SP ¹¹	SP	SP	SP	SP	Y	Y
Salvage/junkyard	N	N	N	N	N	N	N	N	N	SP	N

Waste hauling establishment	N	N	N	N	N	N	N	SP	N	SP	N
Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7.15	SP	SP	N	N	N	N	N	SP	SP	Y	Y
Renewable/alternative energy R&D facility	N	N	N	N	N	N	N	SP	N	Y	Y
Renewable/alternative energy manufacturing facility	N	N	N	N	N	N	N	N	N	Y	Y
Other Uses											
Conservation area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Processing of earth authorized for removal under the Town of Greenfield Soil Removal Ordinance	SP	N	N	N	N	N	N	N	N	SP	N
Mixed residential/business uses	N	N	N	SP ¹²	SP ¹²	Y	SP	SP	N	N	N
Private club or membership organization	N	N	N	SP	N	Y	Y	Y	N	N	N

⁽¹⁾Medical research and development only.

⁽²⁾Mixed residential/office use only in accordance with § 200-7.10.

DISCUSSION: Councilor Wisnewski stated EDC did not vote to recommend this be allowed. EDC did vote to recommend this be allowed by special permit in GD and O. Councilor Allis and Ms. Shields informed the Town Council the Solar Farm planned in the area of the Millbrook Well fields could not be installed unless this was allowed by Special Permit in the RC. Councilor Wisnewski reported that EDC understood this but wanted to be able to revisit this request. Ms. Shields stated the town had already gone out to bid on the Solar Farm and planned to negotiate within the next few weeks. Councilor Devlin noted by approving the original request, it would open the two largest residential districts in town to allow the use by special permit. Mayor Martin reviewed the benefits of opening the districts and allowing the use by special permit. Councilor Hirschfeld did not want to see open space turned into large scale solar complexes. Councilor Wisnewski was not opposed to the Millbrook proposal as much as he was to opening areas in the RC and RB. Approving this order would open most of the town to the possibility of allowing large scale solar projects. Councilor Sutphin suggested an amendment to allow the use on municipal land. President Singer suggested tabling this to allow a new zoning amendment to be proposed to the Town Council. Possible amendments and the timeline relating to Zoning amendments were discussed.

MOTION: On a motion by Councilor Wisnewski, second by Councilor Hoffman, it was by majority 9 yes and 2 no, **VOTED:** TO AMEND BY DELETING THE FIRST FOUR PARAGRAPHS ON THE ORIGINAL MOTION TO ONLY ALLOW LARGE SCALE IN THE GC AND O BY SPECIAL PERMIT AND HAVE EVERYTHING ELSE REMAIN AS IS.

Amend Section 200-4.9, General Commercial (GC) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding "Large-Scale Ground-Mounted Solar Photovoltaic Installations" as a use permitted by special permit.

Amend the Table of Uses to state that "Large-Scale Ground-Mounted Solar Photovoltaic Installations" is a use permitted by special permit in the General Commercial (GC) District.

Amend Section 200-4.10, Office (O) District, Subsection C, Uses permitted by special permit, of the Greenfield Zoning Ordinance by adding “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as a use permitted by special permit.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations” is a use permitted by special permit in the Office (O) District.

AND FURTHER AMENDS THE INDEX OF THE CODE.

Table of Uses
Town of Greenfield
Ch. 200, Zoning
(cont'd)

Industrial Uses (Cont.)	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Contractor’s yard	N	N	N	N	N	N	N	SP	N	Y	N
Open storage of raw materials, finished goods, or equipment	N	N	N	N	N	N	N	SP	N	Y	SP
Light industry, manufacturing or processing plant	N	N	N	N	N	N	N	SP	N	Y	Y
Research and development facilities	N	N	N	N	SP ¹¹	SP	SP	SP	SP	Y	Y
Salvage/junkyard	N	N	N	N	N	N	N	N	N	SP	N
Waste hauling establishment	N	N	N	N	N	N	N	SP	N	SP	N
Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200.7 15	N	N	N	N	N	N	N	SP	SP	Y	Y
Renewable/alternative energy R&D facility	N	N	N	N	N	N	N	SP	N	Y	Y
Renewable/alternative energy manufacturing facility	N	N	N	N	N	N	N	N	N	Y	Y
Other Uses											
Conservation area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Processing of earth authorized for removal under the Town of Greenfield Soil Removal Ordinance	SP	N	N	N	N	N	N	N	N	SP	N
Mixed residential/business uses	N	N	N	SP ¹²	SP ¹²	Y	SP	SP	N	N	N
Private club or membership organization	N	N	N	SP	N	Y	Y	Y	N	N	N

⁽¹⁾Medical research and development only.

⁽²⁾Mixed residential/office use only in accordance with § 200-7.10.

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, it was,
MOVED: TO AMEND THE TABLE OF USES AS FOLLOWS:

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7.15” is a use not permitted in the Rural Residential (RC) District, except on municipal land owned by the Town of Greenfield.

Amend the Table of Uses to state that “Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7.15” is a use not permitted in the Suburban Residential (RB) District except on municipal land owned by the Town of Greenfield.

DISCUSSION: Councilor Wisnewski would support the proposed amendment.

It was unanimously,

VOTED: TO APPROVE THE AMENDMENT.

President Singer stated a vote would be taken on the twice amended motion.

It was unanimously,

VOTED: TO APPROVE THE MAIN MOTION AS AMENDED.

Order no. FY 12-119

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD, ZONING ORDINANCE CHAPTER 200, SECTION 200-2.1, TERMS AND WORDS OF THE GREENFIELD ZONING ORDINANCE BY ADDING THE FOLLOWING NEW DEFINITION:

NON-COMMERCIAL SCALE SOLAR ENERGY INSTALLATIONS -- *Non-Commercial Scale Solar Energy Installations shall mean any accessory solar energy facility for the capture and storage of heat or the generation of electricity with twenty-five (25) kilowatts or less nameplate capacity or which exceeds twenty-five (25) kilowatts nameplate capacity but is less than 250 kilowatts and is designed to produce fifty (50) percent or more of its energy for the principal on-site use.*

AND FURTHER:

- *Amends Section 200-4.2(C), Rural Residential District (RC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.3(C), Suburban Residential District (RB), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.4(C), Urban Residential District (RA), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.5(C), Semi-Residential District (SR), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.6(B), Health Service District (H), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.7(B), Central Commercial District (CC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.8(B), Limited Commercial District (LC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.9(B), General Commercial District (GC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.10(B), Office District (O), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*

- *Amends Section 200-4.11(B), General Industry District (GI), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.12(B), Planned Industry District (PI), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends the Table of Uses to state that “Non-Commercial Scale Solar Energy Installations” is a use permitted by right within the Health (H), Central Commercial (CC), Limited Commercial (LC), General Commercial (GC), Office (O), General Industry (GI), and Planned Industry (PI) Districts and by special permit within the Rural Residential (RC), Suburban Residential (RB), Urban Residential (RA), and Semi-Residential (SR) Districts.*

AND FURTHER AMENDS THE INDEX OF THE CODE.

Table of Uses
Town of Greenfield
Ch. 200, Zoning
(cont'd)

Industrial Uses (Cont.)	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Contractor's yard	N	N	N	N	N	N	N	SP	N	Y	N
Open storage of raw materials, finished goods, or equipment	N	N	N	N	N	N	N	SP	N	Y	SP
Light industry, manufacturing or processing plant	N	N	N	N	N	N	N	SP	N	Y	Y
Research and development facilities	N	N	N	N	SP ¹¹	SP	SP	SP	SP	Y	Y
Salvage/junkyard	N	N	N	N	N	N	N	N	N	SP	N
Waste hauling establishment	N	N	N	N	N	N	N	SP	N	SP	N
Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7.15	N	N	N	N	N	N	N	N	N	Y	Y
Renewable/alternative energy R&D facility	N	N	N	N	N	N	N	SP	N	Y	Y
Renewable/alternative energy manufacturing facility	N	N	N	N	N	N	N	N	N	Y	Y
<i>Non-Commercial Scale Solar Energy Installations pursuant to ~ 200-7.16</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>
Other Uses											
Conservation area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Processing of earth authorized for removal under the Town of Greenfield Soil Removal Ordinance	SP	N	N	N	N	N	N	N	N	SP	N
Mixed residential/business uses	N	N	N	SP ¹²	SP ¹²	Y	SP	SP	N	N	N

Private club or membership organization	N	N	N	SP	N	Y	Y	Y	N	N	N
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⁽¹¹⁾Medical research and development only.

⁽¹²⁾Mixed residential/office use only in accordance with § 200-7.10.

Councilors Wisnewski and Farrell withdrew the motion and second respectively.

Order no. FY 12-120

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD, ZONING ORDINANCE CHAPTER 200, BY ADDING THE FOLLOWING NEW SECTION AS WRITTEN ON PAGE 67:

~ 200-7.16. Non-Commercial Scale Solar Energy Installations

A. Purpose

The purpose of this ordinance is to allow orderly development of non-commercial scale solar energy installations and facilities and to minimize the environmental impact of such facilities.

B. Accessory Installations, Building-mounted

Rooftop or building mounted solar energy installations are permitted in all zoning districts. The installation shall have an automatic and manual means of shutdown with clear instructional signage.

C. Accessory Installations, Ground-mounted

Ground-mounted solar energy installations are permitted by right within the Health (H), Central Commercial (CC), Limited Commercial (LC), General Commercial (GC), Office (O), General Industry (GI), and Planned Industry (PI) Districts and by special permit from the Zoning Board of Appeals within the Rural Residential (RC), Suburban Residential (RB), Urban Residential (RA), and Semi-Residential (SR) Districts subject to the following requirements:

- (1) All installations shall have an automatic and manual means of shutdown with clear instructional signage.*
- (2) The solar installation shall meet the setback and dimensional requirements of the Zoning District for accessory structures.*
- (3) The total surface area of all accessory ground-mounted solar energy installations on the lot shall not exceed twenty-five(25) percent of the minimum open space requirement of the Zoning District in which it is located as specified in the Table of Dimensional Requirements.*
- (4) Dimensional exceptions may be allowed by Special Permit from the Zoning Board of Appeals.*

D. General Requirements for all Non-commercial Scale Solar Energy Installations.

- (1) Compliance with Laws, Ordinances and Regulations. The construction and operation of all non-commercial scale solar energy installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy installation shall be constructed in accordance with the State Building Code.*
- (2) Building Permit and Building Inspection. No non-commercial scale solar energy installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.*
- (3) Site Plan Review. Ground-mounted non-commercial scale solar energy installations with more than twenty-five (25) kW but less than 250 kW of rated nameplate capacity shall undergo site plan review*

by the Building Inspector prior to construction, installation or modification as provided in this section and Section 200-8.4, Site Plan Review, of the Zoning Ordinance.

- (4) *All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.*

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE.

MOTION: On a motion by Councilor Wisnewski, second by Councilor Hoffman, it was,

MOVED: TO AMEND THE MOTION TO BE AS WRITTEN AS ON PAGE 65 AS FOLLOWS:

- *Amends Section 200-4.2(C), Rural Residential District (RC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.3(C), Suburban Residential District (RB), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.4(C), Urban Residential District (RA), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.5(C), Semi-Residential District (SR), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by special permit.*
- *Amends Section 200-4.6(B), Health Service District (H), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.7(B), Central Commercial District (CC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.8(B), Limited Commercial District (LC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.9(B), General Commercial District (GC), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.10(B), Office District (O), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.11(B), General Industry District (GI), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends Section 200-4.12(B), Planned Industry District (PI), of the Greenfield Zoning Ordinance by adding “Non-Commercial Scale Solar Energy Installations” as a use permitted by right.*
- *Amends the Table of Uses to state that “Non-Commercial Scale Solar Energy Installations” is a use permitted by right within the Health (H), Central Commercial (CC), Limited Commercial (LC), General Commercial (GC), Office (O), General Industry (GI), and Planned Industry (PI) Districts and by special permit within the Rural Residential (RC), Suburban Residential (RB), Urban Residential (RA), and Semi-Residential (SR) Districts.*

DISCUSSION: Councilor Wisnewski stated this amendment would make Non-Commercial Scale Solar Energy Installations this allowable by special permit in the RC, RB, RA, and SR districts. The EDC requested this be by special permit to enable a public process and discussion to take place. The EDC forwarded a unanimous positive recommendation for the amendment.

It was unanimously,

VOTED: TO APPROVE THE MOTION AS AMENDED.

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

VOTED: TO AMEND THE TERMS AND WORDS OF THE TOWN OF GREENFIELD ZONING ORDINANCE BY ADDING THE FOLLOWING NEW DEFINITION: **NON-COMMERCIAL SCALE SOLAR ENERGY INSTALLATIONS**-- *Non-Commercial Scale Solar Energy Installations shall mean any accessory solar energy facility for the capture and storage of heat or the generation of electricity with twenty-five (25) kilowatts or less nameplate capacity or which exceeds twenty-five (25) kilowatts nameplate capacity but is less than 250 kilowatts and is designed to produce fifty (50) percent or more of its energy for the principal on-site use.*

Order no. FY 12 -121

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING ARTICLE XIII, § 34-41, SUSTAINABILITY ADVISORY COMMITTEE ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

**Proposed General Ordinance for the Establishment of a:
Municipal Energy Committee Called the Sustainability Advisory Committee**

ARTICLE XIII, SUSTAINABILITY ADVISORY COMMITTEE

§ 34-41. Sustainability Advisory Committee

- A. The Mayor shall establish an eight (8) member body called the Sustainability Advisory Committee comprised of the Director of Central Maintenance or his/her designee, the Director of Planning and Development or his/her designee, one Town Councilor appointed by the Town Council President, a representative of the Greenfield Public School system appointed by the Superintendent of Schools, and four members of the public appointed by the Mayor and confirmed by the Town Council. The Mayor shall be an ex-officio member with voting rights in the case of a tie vote.
- B. Purpose. The Sustainability Advisory Committee's purpose is to assist the Town in meeting its Green Community obligations and 2050 goals by identifying, recommending and implementing programs that foster a vital, sustainable and resilient community, by addressing the oil depletion and climate change crisis, and the three interlocking aspects of sustainability: the economy, the environment, and society.
- To achieve its purpose, the Committee will work toward:
- (1) Community self-sufficiency;
 - (2) Energy reduction and development of clean energy sources;
 - (3) Responsible use of natural resources such as land and water;
 - (4) Food security;
 - (5) Sustainable transportation options;
 - (6) Zero waste;
 - (7) Quality of life;
 - (8) Robust and healthy local ecosystems and natural communities;
 - (9) Other matters as the Mayor or Town Council or the Sustainability Advisory Committee deem necessary.
- C. Membership, Terms and Vacancies. The Mayor shall appoint four citizen members of the Sustainability Advisory Committee. Citizen members will hold 3-year terms, with staggered reappointments. Initially, of the 4 members, two shall be appointed for 3-year terms, one shall be appointed for a 2-year term, and one will be appointed for a 1-year term. Any vacancy in the membership of the Committee shall be filled by the Mayor for the unexpired term of such member.
- D. The Mayor shall appoint a staff liaison to the Sustainability Advisory Committee.
- E. Recommended Committee Member Knowledge/Skills. Following is a list of knowledge and skills that are important to have in the skill set of those on the Committee in addition to skills brought to the Committee by Town staff:
- (1) Economic
 - o Expertise in business
 - o Expertise in finances and financial institutions
 - o Expertise in fundraising
 - o Expertise in contracts & procurement
 - (2) Environment

- Knowledge of solutions to energy and climate change issues such as land use, infrastructure, energy reduction opportunities and local zero carbon energy production.
 - Knowledge of natural resources and natural communities and how best to regenerate and conserve them
 - Expertise in one or more other areas of sustainability not yet represented on the committee, such as biodiversity, food, recreation, and the arts
- (3) Quality of life issues
- (4) Food – knowledge of food systems, and ways to build local food security
- D. The Committee shall present an annual report to the Mayor on or near December 31st highlighting its major activities and initiatives and progress toward its mission.
- E. The Committee shall adopt its own rules and regulations.

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee and Planning Department have collaborated on the language in this ordinance. The Appointments and Ordinance Committee recommended this be an ordinance rather than adding this language to the Charter. The Committee forwarded a unanimous positive recommendation for approval. If anyone was interested in appointment to this committee they should contact the Mayor.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 12 -121.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Vicencio-Rasku reviewed discussion held at the last committee meeting with the Superintendent of School Dr. Hollins. One of the conversations included discussion regarding a grant application for “safer routes to school” campaign.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS:

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

MOVED: THAT IT BE ORDERED THAT WE, THE GREENFIELD TOWN COUNCIL, RECOGNIZE THE VITAL ROLE OF BAYSTATE FRANKLIN MEDICAL CENTER, AS A HEALTHCARE SERVICES PROVIDER AND AS THE LARGEST EMPLOYERS FOR THE COMMUNITY OF GREENFIELD. WE EXPRESS OUR SUPPORT FOR THE SWIFT AND FAIR RESOLUTION TO CURRENT CONTRACT NEGOTIATIONS BETWEEN THE HOSPITAL ADMINISTRATION AND THE MASSACHUSETTS NURSES’ ASSOCIATION TO ENSURE CONTINUED QUALITY HEALTHCARE SERVICES TO THE COMMUNITY.

DISCUSSION: Councilor Hirschfeld requested this be considered by the Community Relations and Education Committee. He spoke of the current and ongoing negotiations between the hospital administration and the nurses. Nurses were working under conditions that were not advantageous for them or the patients. Councilor Farrell did not believe the Town Council should be taking up employee/administration issues for any businesses. He believed there could be an open meeting issue because the background information was a part of the motion. Councilor Farrell noted in its current form, he would not vote in favor of the order. Councilor Wisnewski stated the proper way to forward an item to subcommittee, based on Roberts Rules of Procedure, was to make a motion and forward said issue from the Town Council floor. Councilor Vicencio-Rasku suggested this was relevant to the Town Council because the Hospital was one of the largest employers in Greenfield. She agreed this should be forwarded to the Community Relations and Education Committee and discussed with all parties who wish to participate. President Singer noted there was a very fine line between Council business and political feelings regarding issues in our community. The Town Council charge was to conduct town business.

Councilor Kelner withdrew her second.

President Singer requested Councilor Hirschfeld bring this to the April Committee Chairs meeting to be forward to the Community Relations and Education Committee for discussion and recommendation.

Councilor Sutphin held the following first reading:

- o Appropriate \$20, 922 from 1607.100.4840 Insurance Claim Reimbursements for the purchase of a replacement chair car.
- o Appropriate \$1000 from the Sale of Town Owned Land Account to purchase property on Route 2 West.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: Hassan Elzeneiny, 128 Elm Street, applauded the Town Council for giving the citizens the opportunity to vote on the proposal to construct a new high school.

Leo Maley, Directors/Regional Community Organizer, Region 1 (Western Mass) Mass Nurses’ Association spoke about the ongoing issues relating to the negotiations between the Nurses and the Administration at the hospital in Greenfield. This was brought forward to the Town Council out of concern for what Health Care institutions were becoming. This topic should generate important conversation within the community.

ADJOURNMENT: On a motion by Councilor Wisnewski, second by Councilor Farrell, it was unanimously **VOTED: TO ADJOURN THE MEETING AT 11:18 P.M.**

A true copy,

Attest: _____
Maureen Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
March 21, 2012

5/1/12 Election

1. Kelner, Mariann	P	Y					
2. McLellan, Thomas	A	---					
3. Allis, Brickett	P	Y					
4. Ronhave, Steven	P	Y					
5. Singer, David	P	Y					
6. Hoffman, Hillary	P	N					
7. Renaud, Karen	P	N					
8. Vicencio-Rasku, Iris	P	Y					
9. Hirschfeld, Norman	P	Y					
10. Farrell, Timothy	P	Y					
11. Wisnewski, Mark	P	N					

12. Devlin, Patrick	P	Y					
13. Sutphin, Tracey	P	Y					

3 no
8 yes