

GREENFIELD TOWN COUNCIL

Special Meeting Minutes

March 4, 2013

GCTV-15

7:00 pm

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

Vice-President Wisnewski 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. President Singer, Councilors Allis, and Renaud were absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Assistant to the Mayor for Economic Development and Marketing Bob Pyers; Kevin O'Reilly, LEP, LSP of O'Reilly, Talbot & Okun; GCTV-15 staff; Anita Phillips, *the Recorder*; and members of the public.

PUBLIC COMMENT regarding Lunt Property purchase: Edward Peramba, former Greenfield Police officer and currently a private investigator, 313 Deerfield Street, questioned who the "players" really were in the purchase transaction with the Town. Mr. Peramba outlined the process for Chapter 11 bankruptcy. As a taxpayer of Greenfield, he questioned where his money was being spent? He suggested the town hold off on buying the property and take it for back taxes. Teresa Conte, 356 Deerfield Street, grew up in the area of the Lunt property. She would have great difficulty believing that the property was not contaminated. James Hutchinson, 136 Main Street, suggested more information would be good to have before a decision was made.

PUBLIC HEARINGS: None.

COMMUNICATIONS:

MAYOR: Mayor Martin reviewed the history of the Lunt bankruptcy and the involvement of the Town. Mr. Pyers and Mr. O'Reilly discussed the following:

- Background of the project and parties involved.
- Work already done on the site.
- Development of the property.
- Office site investigation.
- Remediation, mitigation and risks.
- Lack of risk to the off site neighborhood.
- There have been 11 opportunities for the public to weigh in on the issue.
- Towns generally have other entities redevelop properties. It would be premature to say this would happen.
- The "plume" had not been defined yet.
- Before the Town was finished with the remediation plan, additional testing would be required.
- The full report should be available prior to the Bankruptcy Court April 2013 hearing.
- The Bankruptcy Court would likely approve the contract based on the fact that it's likely the Town of Greenfield would receive the covenant not to sue.
- The closing would not occur until there was a covenant not to sue.

- In order to bargain in good faith with the seller and before Bankruptcy Court approves the contract, financing needs to be in place. Approved financing will be necessary prior to the final decision and covenant.
- The 1.5 million dollars should have been approved at the same meeting the 75,000 for the down payment was approved.
- To make this project viable a lot of little steps need to occur, many of which need to run concurrently.

Mayor Martin said the Town would not move forward with the contract without the covenant not to sue or if there was no covenant from State agencies he would come back to the Town Council for discussion.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

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

VOTED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE GREENFIELD TOWN COUNCIL TAKE FROM THE TABLE ORDER NO. FY 13-080.

FY 13-080 - "THE SUM OF \$1,500,000 BE APPROPRIATED TO PURCHASE PROPERTY OWNED BY S & W REALTY LOCATED AT 298 FEDERAL ST., UNIT A, GREENFIELD, MA, DESCRIBED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS, BOOK 3812, PAGE 40, AS AMENDED (THE "CONDOMINIUM") AND PROPERTY OWNED BY GREENFIELD SILVER, INC., F/K/A LUNT SILVERSMITH, INC. LOCATED AT 298 FEDERAL ST., UNIT B, GREENFIELD, MA, DESCRIBED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS, BOOK 3894, PAGE 34, AS AMENDED AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$1,500,000 PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (3) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THIS PROJECT".

DISCUSSION: Vice-President Wisnewski and Councilor Zaltzberg would vote in favor of the appropriation. Councilor Athey would not vote for the appropriation. Vice-President Wisnewski requested a roll call vote.

It was by roll call, 8 yes and 1 no,

VOTED: THE SUM OF \$1,500,000 BE APPROPRIATED TO PURCHASE PROPERTY OWNED BY S & W REALTY LOCATED AT 298 FEDERAL ST., UNIT A, GREENFIELD, MA, DESCRIBED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS, BOOK 3812, PAGE 40, AS AMENDED (THE "CONDOMINIUM") AND PROPERTY OWNED BY GREENFIELD SILVER, INC., F/K/A LUNT SILVERSMITH, INC. LOCATED AT 298 FEDERAL ST., UNIT B, GREENFIELD, MA, DESCRIBED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS, BOOK 3894, PAGE 34, AS AMENDED AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$1,500,000 PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (3) OR ANY

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PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES – None.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

ADJOURNMENT: On a motion by Councilor Maloney, second by Councilor Devlin, it was unanimously

VOTED: TO ADJOURN THE MEETING AT 9:07 P.M.

A true copy,

Attest: _____

Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
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March 4, 2013

Appropriation
\$1,500,000

1. Kelner, Marian	P	Y					
2. Zaltzberg, Keith	P	Y					
3. Allis, Brickett	A	---					
4. Ronhave, Steven	P	Y					
5. Singer, David	A	---					
6. Hoffman, Hillary	P	Y					
7. Renaud, Karen	A	---					
8. Shapiro Miller, Karen	P	Y					
9. Hirschfeld, Norman	P	Y					
10. Athey, Dalton	P	N					
11. Wisnewski, Mark	P						
12. Devlin, Patrick	P	Y					
13. Maloni, Mark	P	Y					

8 yes

1 no