

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

April 17, 2013

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 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. All Councilors were present.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Assistant Town Clerk Deborah Tuttle; Assistant to the Mayor for Economic Development Robert Pyers; Chief Assessor Audrey Murphy; GCTV-15 staff; Anita Fritz, *the Recorder*; and members of the public.

President Singer requested a moment of silence to acknowledge the deceased, injured, and the many traumatized by the events of the tragedy at the Boston Marathon.

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

MOVED: TO ACCEPT THE TOWN COUNCIL MINUTES OF MARCH 20, 2013.

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

VOTED: TO AMEND THE MARCH 20, 2013 MINUTES BY STRIKING THE WORD "APRIL" UNDER COMMITTEE REPORTS OF COMMITTEES, COMMUNITY RELATIONS AND EDUCATION AND INSERT THE WORD "MARCH" IN ITS PLACE.

It was unanimously,

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF MARCH 20, 2013 AS AMENDED.

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

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF APRIL 1, 2013.

PUBLIC COMMENT: The following people supported the proposed moratorium on Biomass/Waste to Energy:

- Diane Kanzler, 424 Adams Road
- Louise Amyot, 56 Madison Circle read the attached statement
- Dorothy McIver, 88 Columbus Ave,
- Susanne Carlson, 33 Allen Street
- Ed Zukowski, Westfield Massachusetts
- Sandra Boston, 15 Abbot Street
- Michael Van Camp, 143 Hope Street
- Garret Connelly, 84 Congress Street
- Tom Tolg, 12 Walnut Street

The following people spoke in opposition of placing a non-binding ballot question on the June 25, 2013 Town Election ballot regarding a split tax rate:

- George Gohl, 157 Montague City Road and GBA Representative
- Mark Abrahamson, Commercial Real Estate Agent

PUBLIC HEARINGS: None.

COMMUNICATIONS:

MAYOR: Mayor Martin discussed the following:

- Credited the Town Council for the multiple volunteer hours spent on behalf of the Town of Greenfield.
- Does not support a split tax rate question being placed on the ballot.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 13-098

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

MOVED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE MAYOR’S TASK FORCE ON DOMESTIC VIOLENCE IN ACCORDANCE WITH CHARTER SECTION 6-24: MAYOR’S TASK FORCE AGAINST DOMESTIC VIOLENCE:

Mayoral Appointees:

- Carrie Diehl – expiring June 30, 2014
- Irene Wood – expiring June 30, 2015
- Cheryl Rogers – 3-year term expiring June 30, 2016

Single-Year Terms Appointed Annually:

- Greenfield Police Department Designee: Sgt. David Rice (a member of the previous Task Force)
- Franklin County Northwestern District Attorney’s Designee: Mary Kociela, Director of Domestic Violence Projects.
- Mayor’s Designee: Rebecca Hayes Coletta, Executive Assistant to the Mayor

DISCUSSION: Vice President Wisnewski reported the Appointment and Ordinance Committee forwarded a unanimous positive recommendation for approval. President Singer noted that he appointed Councilor Shapiro-Miller as the Town Council President Representative.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 13 -098.

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

VOTED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE MAYOR’S TASK FORCE ON DOMESTIC VIOLENCE IN ACCORDANCE WITH CHARTER SECTION 6-24: MAYOR’S TASK FORCE AGAINST DOMESTIC VIOLENCE:

Single-Year Term Appointed Annually:

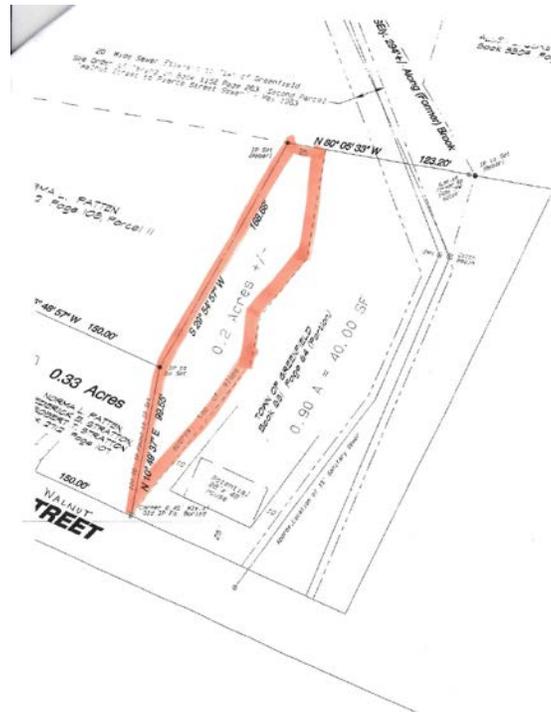
- Councilor Karen Shapiro Miller as the Town Council Presidents Appointee.

Order no. FY 13-087 A 1

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

MOVED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL DECLARES REAL ESTATE ON WALNUT STREET, CONTAINING APPROXIMATELY .2 ACRES, AS IDENTIFIED ON “EXHIBIT A”, ASSESSORS’ MAP 75, BLOCK 45, TO BE SURPLUS PROPERTY AND TRANSFERS SAID PROPERTY TO THE MAYOR FOR SALE.

“EXHIBIT A”



DISCUSSION: Councilor Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation for approval.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 13 -087 A 1.

Order no. FY 13-087 A 2

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

MOVED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL AUTHORIZES THE MAYOR TO SELL APPROXIMATELY .2 ACRES, ON WALNUT STREET, AS IDENTIFIED ON “EXHIBIT A” ASSESSORS’ MAP 75, BLOCK 45, PURSUANT TO THE TOWN COUNCIL POLICY FOR THE SALE OF TOWN OWNED LAND AND HEREBY AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

DISCUSSION: Councilor Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation for approval.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 13 -087 A 2.

Order no. FY 13-099

MOTION: On a motion by Councilor Devlin, second by Councilor Wisnewski,, it was,
MOVED: THAT IT BE ORDERED IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, BY INSERTING NEW SECTION “200-4.18. BIOMASS ENERGY AND WASTE-TO-ENERGY FACILITIES MORATORIUM” AS WRITTEN IN THE DOCUMENT ATTACHED HERETO AS “EXHIBIT A”, AND REQUESTED BY “PETITION TO GREENFIELD TOWN COUNCIL IN ACCORDANCE WITH G.L.c 40A § 5 FOR AMENDMENT TO ZONING BYLAW.”

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND ALL NONSUBSTANTIVE CHANGES TO THE ORDINANCE SHALL BE PERMITTED IN ORDER TO BE CONSISTENT WITH THE FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

EXHIBIT A
DRAFT

~ Section 200-4.18. Biomass Energy and Waste-to-Energy Facilities Moratorium

A. DEFINITIONS:

BIOMASS- any solid fuel from sources defined in CMR 225 14.00 Renewable Energy Standard Part I.

BIOMASS ENERGY FACILITY - any facility that produces thermal energy, electrical energy or combined heat and power from biomass relying on combustion or pyrolyzation (decomposition caused by heat).

WASTE-TO-ENERGY FACILITY - any facility that produces thermal energy, electrical energy or combined heat and power from solid waste relying on combustion or pyrolyzation.

B. PURPOSE: The State of Massachusetts finalized its regulations for awarding Renewable Energy Credits for biomass electricity power production. These regulations do not prevent biomass facilities of any size from being built in the State. Massachusetts Department of Environmental Protection is in the process of modifying its moratorium on solid waste combustion to allow for the building of waste-to-energy facilities in the state. The city of, or residents of, Greenfield may be approached to develop more biomass fueled or waste-to-energy facilities in the near future. These facilities potentially affect the Town as a whole. There is an identifiable community need to establish long-term zoning regulations to ensure that such uses and developments will be consistent with the Town's long-term planning interests. It is crucial that the Town establish a temporary moratorium on the use of land, the construction of facilities, and the retrofitting of existing structures related to such biomass and waste-to-energy facilities and the issuance of building permits in connection with the same to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives, or take any action related thereto.

C. MORATORIUM: No building permit shall be issued for a) the construction, renovation, alteration or development of any biomass energy facility or waste-to-energy facility; b) any residential, commercial, agricultural, municipal or industrial use that generates electricity, combined heat and power or thermal energy from plant or animal derived biomass or from solid waste, or c) physical modifications that materially alter the type, configuration, or size of installations or related equipment for biomass energy facilities existing or permitted before the effective date of this bylaw.

D. **SCOPE AND DURATION OF MORATORIUM:** This moratorium shall apply to any biomass facility set forth in the preceding paragraph that has a capacity of more than 1 million btus per hour and to all waste-to-energy facilities. This moratorium shall remain in effect until September 15, 2014.

DISCUSSION: Councilor Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation for approval. He noted the Planning Board forwarded by majority vote, a negative recommendation regarding this zoning ordinance. The Planning Board and EDC held a joint public hearing. Councilor Devlin read the attached statement. Councilors Devlin, Wisnewski, Zaltzberg, Kelner, Maloni, Hoffman, Renaud, Shapiro Miller, Hirschfeld, Ronhave, and Athey would vote in favor of the proposed ordinance. On behalf of the moratorium petitioners Ms. Janet Sinclair of Shelburne stated it was the intention of the petition to include “High Heat Conversion Technologies” in the moratorium. Councilor Athey stated it was his intention that these technologies were included in the moratorium.

It was unanimously (1 abstention),

VOTED: TO APPROVE ORDER NO. FY 13 -099.

Order no. FY13-100

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PLACES THE FOLLOWING NON-BINDING QUESTION ON THE JUNE 25, 2013 TOWN ELECTION BALLOT:

“SHALL THE GREENFIELD TOWN COUNCIL IMPLEMENT A SPLIT TAX WHEREIN COMMERCIAL AND INDUSTRIAL PROPERTY OWNERS PAY A HIGHER TAX RATE AND RESIDENTIAL PROPERTY OWNERS A LOWER RATE?”

DISCUSSION: Vice President Wisnewski did not believe in legislating by referendum. The intent of the split tax rate ballot question was to obtain citizen opinions and add information to a complex issue. Councilor Allis stated the Ways and Means Committee forwarded a split negative recommendation 3 no and 2 yes. Councilor Devlin reported the EDC forwarded a majority positive recommendation. Councilors Wisnewski, Athey, Hoffman and Renaud would vote in favor of the non-binding ballot question. Councilors Allis, Devlin, Kelner, Zaltzberg, Maloni, Hirschfeld, Ronhave and Shapiro Miller would not vote in favor of a non-binding ballot question.

It was by roll call, 7 no, 4 yes, and 1 abstention,

DEFEATED: ORDER NO. FY 13 -100.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Wisnewski stated the committee would possibly vote on the amendments to the elections section of the charter. He invited Councilors to attend for input. The language was currently in the hands of the Town Attorney for review and recommendation.

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Hoffman announced the committee’s next meeting would be held on Monday, April 22, 2013. The committee was finalizing dates, times and locations for two spring community forum meetings.

WAYS AND MEANS COMMITTEE – Chairman Allis stated the Ways and Means Committee was holding weekly Fiscal Year 2014 Operating Budget discussion meetings on Wednesday’s at 6 pm.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Allis held the following first reading:

- To appropriate \$350,000 from Free Cash to the following accounts:
 - \$125,000 to Workers Compensation
 - \$50,000 to Police & Fire Indemnity
 - \$100,000 to Unemployment
 - \$75,000 to Health Insurance Mitigation
- To appropriate \$625,000 from Free Cash to the following Stabilization Funds:
 - \$400,000 to General Stabilization
 - \$150,000 to Capital Project Stabilization
 - \$75,000 to Contractual Agreement Stabilization
- To appropriate \$80,000 from Sewer Fund Retained Earnings to Sewer Fund Bonded Debt Interest.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: Jim Hutchinson, Main Street spoke regarding placing a non-binding split tax question on the ballot.

ADJOURNMENT: On a motion by Councilor Wisnewski, second by Councilor Allis, it was unanimously

VOTED: TO ADJOURN THE MEETING AT 9:05 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15

Regular Meeting

April 17, 2013

Non-Binding
Question

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

7 no

4 yes

1 abstention