

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

September 18, 2019

John Zon Community Center, 35 Pleasant Street

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Vice President Ricketts.

Vice President Ricketts stated this meeting is being recorded, videotaped and broadcast. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the City Council and the Recorder were audio recording and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. President Renaud and Councilor Stempel were absent.

ALSO PRESENT: Mayor William Martin; Parliamentarian Wilson Roberts; City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Director of Administration Mark Smith; City Attorney Gordon Quinn; Greenfield School Superintendent Jordana Harper; GCTV-15 staff; Melina Bourdeau, *the Recorder*, and members of the public.

The Pledge of Allegiance was held.

COMMUNICATIONS:

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendent Jordana Harper reported the following:

- Open houses at the Elementary Schools were scheduled for October 2, 2019, followed by open houses at the Middle and High Schools on October 3, 2019.
- Schools would be closed on Monday, October 14, 2019, in observance of Columbus Day.
- Greenfield High School would be holding their popular book to movie club on October 18, 2019, with a showing of the film "Five feet apart".
- Early release days were scheduled for October 24 and October 25, 2019.
- The Second Chances Breakfast Program would begin at the Greenfield High School.
- The School Committee's current focus was on the budget.

Ms. Harper answered the following questions from Councilors:

- What was the status on the future use of the Green River School report.

MAYOR, CITY OFFICERS AND EMPLOYEES: Mayor Martin reported the following:

- The financial review by Standard & Poor's and Moody's on the City's credit rating had been completed.
- All updated information in regards to the credit rating and debt chart for the City had been uploaded to the website for viewing.
- The City had received a grant in the amount of \$125,000 for the Police Department roof HVAC.
- There had been discussion to use City owned land on Riddell Street for the new public safety complex.

Mayor Martin answered the following questions from Councilors:

- Would there be any future work performed on the Police Station booking area, which was not adequate for their needs.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: GCET Manager John Lunt reported the following:

- GCET as of today had 1,200 customers and a \$90,000 revenue growth.

- Signups for internet and TV packages had increased by 36%.
- In the fall, GCET would begin expansion of their services outside of Greenfield Proper.

Mr. Lunt answered the following questions from Councilors:

- Had there been issues of weak signals from wireless networks within the Main Street area.
- When would GCET be responsible for paying their own expenses.
- Does GCET use 5G technology and were they aware of the resolution that was submitted to the Councilors related to the issue.
- Would GCET continue to expand their services during the winter months.
- Was the revenue amount mentioned a monthly gross.

PUBLIC COMMENT: The following members of the public spoke:

- Terry Ruggles, 9 Long Ave., spoke to his support to repair the Wiley-Russell Dam.
- Reverend Timothy Campoli, 182 High St., spoke to his opposition on the resolution to support safe and legal abortion.
- Kate Driscoll, 1023 Bernardston Rd., spoke to her opposition on the resolution to support safe and legal abortion.
- Joy Pelc, 701 Country Club Rd., spoke to her opposition on the resolution to support safe and legal abortion.
- Pam Kelly, 32 Spruce St., spoke to her support of the safe city ordinance.
- Corky Miller, 47 Highland Ave., spoke to her support on placing the French King Overlay on the November ballot.
- Marlynn Clayton, 8 Peabody Ln., spoke to her support on placing the French King Overlay on the November ballot.
- Al Norman, 21 Grinnell St., spoke from a written statement in regards to placing the French King Overlay on the November ballot and submitted a copy of the statement to the Councilors.
- Winston LaBelle, 56 Harrison Ave., spoke to his support to place the Safe City Ordinance on the ballot and opposed the Mayor's veto.
- Ellen Thompson, 54 High St., spoke of her concern that the Councilors were not dealing with City issues.
- Greg St. Germain, 301 Chapman St., spoke to his concern with the Councilors not dealing with issues that directly affect the City.
- Katherine Golub, 34 Glenbrook Dr., spoke to her support of the Safe City Ordinance.
- Sandy Kosterman, 141 Barton Rd., spoke to her opposition of the Safe City Ordinance.
- Marc Odato, Prospect St., spoke to his support on placing the French King Overlay on the November ballot.
- Edward Cottrill, 42 Crescent St., spoke to his frustration of the Councilors spending time on matters that are already protected by the State and not directly on issues that affect the City.
- Elizabeth O'Neil, 178 Leyden Rd., spoke to her opposition of the resolution to support safe and legal abortion.
- James Patten, 108 Oakland St., spoke to his support on placing the French King Overlay on the November ballot.
- Tim Mosher, 29 Cypress St., spoke to his frustration of the Councilors spending too much time on matters that do not directly affect the City.
- Phil Elmer, 28 Chestnut Hill, spoke to his support on placing the French King Overlay on the November ballot.
- Alyssa Valbona, 127 Franklin St., spoke to her support of the resolution to support safe and legal abortion.

- Tom Tolg, 12 Walnut St., spoke to his support on placing the French King Overlay on the November ballot.
- Russell Thomas, 38 Orchard St., spoke to his support on placing the French King Overlay on the November ballot.
- Lois St. Germain, 301 Chapman St., read a statement on behalf of Nancy Kelly, East Wayland Drive, in opposition of the Safe City Ordinance.
- Alyssa Kai, 172 Highland Ave., spoke to her support of the resolution to support safe and legal abortion.
- Andy Rothschild, 32 Lillian St., thanked the Council for the work they perform and voiced his support to place the French King Overlay on the November ballot.
- Mike Freedman, 9 Myrtle St., spoke to his support of the Safe City Ordinance.
- Garrett Connelly, 84 Congress St., voiced his concerns to the issues on the Councilor's agenda.
- Erin Kelly, 73 Canal St., Turners Falls, spoke to her support of the Safe City Ordinance and the resolution to support safe and legal abortion.
- Andrea McCann, 231 Main St., Northfield, spoke to her opposition of the resolution to support safe and legal abortion.
- Orvenis DeLaCruz, Turners Falls, spoke in opposition of the resolution to support safe and legal abortion and voiced her support to the Safe City Ordinance.
- Catherine Beeklo, 7 Deer Run, Gill, spoke in opposition of the resolution to support safe and legal abortion.
- April Helenek, 124 State St., Shelburne Falls, spoke in opposition of the resolution to support safe and legal abortion.

PUBLIC HEARINGS Vice President Ricketts opened public hearing at 8:26 pm.

Councilor Wheeler held the following public hearing notice:

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., September 18, 2019, at 7:00 p.m. at John Zon Community Center, 35 Pleasant St., to receive public input on the following:

- Approve repurposing in the amount of \$300,000 of previously authorized for repair of the Maplebrook Culvert for I & I (Inflow and Infiltration) evaluation and repairs.

The City Council may consider the same on Wed., September 18, 2019, at 7:00 p.m. at John Zon Community Center, 35 Pleasant St. Materials can be obtained from the City Clerk's Office, 14 Court Sq. from 8:30 a.m.-5:00 p.m., Mon. - Fri. or phone 413-772-1555, x. 6163.

Karen Renaud, Greenfield City Council President

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- Approve repurposing in the amount of \$300,000 of previously authorized for repair of the Maplebrook Culvert for I & I (Inflow and Infiltration) evaluation and repairs.

Vice President Ricketts asked if anyone from the public would like to speak on the issue. Seeing that no one wished to speak, Vice President Ricketts closed the public hearing at 8:27 pm.

MOTION: On a motion by Councilor Mayo, second by Councilor Mass, it was, by majority show of hands, 6 yes, 5 no,

VOTED: THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS.

Order no. FY 20-036

MOTION: On a motion by Councilor Ricketts, second by Councilor Berson, it was by roll call, 6 yes, 5 no,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL VOTES TO ENTER INTO EXECUTIVE SESSION FOR REASON # 3—TO DISCUSS STRATEGY WITH RESPECT TO PENDING AND IMMINENTLY THREATENED LITIGATION WHERE AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY. THE FOLLOWING IS A SUMMARY LISTING OF THE ITEMS TO BE DISCUSSED:

- Franklin County Superior Court case of Al Norman v. City of Greenfield
- Litigation involving P. Buchnan
- Litigation involving T. Dodge
- Litigation involving ~~S. Kinney~~ D. Kelley
- Litigation involving K. Friedman
- Litigation involving E. Braccia
- Threatened Litigation involving International Container Company (ICC).

The Councilors entered into executive session at 8:34 pm.

The Councilors returned to regular session at 9:23 pm.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 20-038

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was,

MOVED: THAT IT BE ORDERED THAT THE “ESTABLISH THE CITY OF GREENFIELD AS A SAFE CITY ORDINANCE” PREVIOUSLY VOTED ON BY THE CITY COUNCIL ON AUGUST 21, 2019, AND VETOED BY THE MAYOR ON SEPTEMBER 3, 2019, IS HEREBY APPROVED.

DISCUSSION: The question, through a citizen’s referendum, had been voted to place on the November ballot and a vote to override the Mayor’s veto would keep the question on the ballot.

MOTION: On a motion by Councilor Dolan, second by Councilor Gilmour, it was,

MOVED: TO TABLE ORDER FY20-036.

Councilor Mass made a point of order in which the Greenfield City Charter required the Council to consider the Mayor’s veto in a specific amount of time and if the motion was tabled until the next City Council meeting the veto would remain in force and therefore would not be placed on the November ballot.

Ms. Scott stated that according to Massachusetts Law, a question on the November ballot would need to be voted in its final form thirty five (35) days prior to the election date. The thirty fifth day is October 1.

It was by majority show of hands, 6 yes, 4 no,

TABLED: ORDER NO. FY20-038.

Vice President Ricketts stated that since the Councilors have voted to suspend the rules of procedure the next item considered would be the Individual Petition submitted by Al Norman.

Councilor Mass made a point of order that the rules of procedure were suspended for the purpose of the executive session and not for the prepared agenda as a whole.

Order no. FY 19-148

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was by majority, 8 yes, 2 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-121 “THE SUM OF \$120,000 BE APPROPRIATED FOR THE REPAIR DESIGN FOR THE WILEY RUSSELL DAM. TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$120,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 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 OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION , AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.”

WHICH WAS TABLED AT THE MAY 22, 2019 CITY COUNCIL ANNUAL BUDGET MEETING.

Order no. FY19-121 in now on the table: THE SUM OF \$120,000 BE APPROPRIATED FOR THE REPAIR DESIGN FOR THE WILEY RUSSELL DAM. TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$120,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 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 OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION , AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

DISCUSSION: Chairperson Wheeler reminded the Council that the Ways & Means Committee reported a split vote not to recommend.

It was by roll call, 2 yes, 8 no,

DEFEATED: TO APPROVE ORDER NO. FY 19-121.

Order no. FY 20-028

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority, 3 yes, 7 no, **DEFEATED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-009, “THE SUM OF \$460,000 BY APPROPRIATED FOR THE REPLACEMENT OF THE HEATING SYSTEM IN GREEN RIVER SCHOOLS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$460,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 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 OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.” WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

Order no. FY 20-039

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was by majority, 9 yes, 1 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-018, “AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE

ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING “CIVIL SERVICE LAW”, AND INSERTING IN ITS PLACE, “APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS.” TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and men and women, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.” WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

Order no. FY20-018 in now on the table: AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING “CIVIL SERVICE LAW”, AND INSERTING IN ITS PLACE, “APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS.” TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and men and women, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.”

Councilor Gilmour accepted a friendly amendment made by Councilor Dolan to replace “men and women” with “employees”.

DISCUSSION: It was noted that the current collective bargaining agreements did not include Veterans preferences or diversity requirements, even through these issues were covered by State and Federal Laws.

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was unanimously, **VOTED:** TO CALL THE QUESTION.

Councilor Mass noted that the measure was defeated due to the lack of the required votes. Seven votes were needed, and only 6 voted yes.

It was by roll call, 6 yes, 2 no, 3 abstention,
DEFEATED: TO APPROVE ORDER NO. FY 20-018.

Order no. FY 20-011

MOTION: On a motion by Councilor Wheeler, second by Councilor Berson, it was, **MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT THE GREENFIELD CITY

COUNCIL APPROVES REPURPOSING IN THE AMOUNT OF \$300,000 OF PREVIOUSLY AUTHORIZED FOR REPAIR OF THE MAPLEBROOK CULVERT FOR I & I (INFLOW AND INFILTRATION) EVALUATION AND REPAIRS.

DISCUSSION: Chairperson Wheeler reported W & M forwarded a unanimous positive recommendation to table until November after the vote on the library, which would impact the Fire Station and therefore would impact the Maplebrook Culvert.

MOTION: On a motion by Councilor Mass, second by Councilor Allis, it was by majority, 9 yes, 2 no,
TABLED: ORDER NO. FY20-011 UNTIL NOVEMBER.

Order no. FY 20-031

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was,
MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED TO AMEND THE FY20 WATER ENTERPRISE BY REDUCING THE APPROPRIATED AMOUNT BY \$264,832; REVISED APPROPRIATION AMOUNT IS \$1,491,784; AND THAT \$285,285 BE INCLUDED IN APPROPRIATION FROM THE GENERAL FUND FOR WATER INDIRECT COSTS AND BE ALLOCATED TO THE WATER ENTERPRISE FUND FOR FUNDING AND THAT \$1,491,784 BE RAISED FROM WATER RECEIPTS FOR THE FISCAL YEAR STARTING JULY 1, 2019 AND ENDING JUNE 30, 2020.

DISCUSSION: Chairperson Wheeler reported W & M forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY20-031.

Order no. FY 20-014

MOTION: On a motion by Councilor Hirschfeld, second by Councilor Mayo, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “A RESOLUTION AFFIRMING SUPPORT FOR ACCESS TO SAFE AND LEGAL ABORTION IN THE COMMONWEALTH OF MASSACHUSETTS AND ACROSS THE UNITED STATES”.

DISCUSSION: Chairperson Hirschfeld reported the Community Relations and Education Committee forwarded a negative recommendation with 3 no and 1 yes. Councilor Wheeler read the resolution for the members of the public. Other discussion included:

- This was a standard resolution that other neighboring Towns and Cities have used to support the State’s legislation.
- The majority of the Councilors believe this issue should not be before the Council.

MOTION: On a motion by Councilor Dolan, second by Councilor Wheeler, it was, unanimously,
VOTED: TO CALL THE QUESTION.

It was by majority show of hands, 6 yes, 2 no, 3 abstention,

VOTED: TO APPROVE ORDER NO. FY20-014.

Councilor Mass and Councilor Gilmour requested of the Parliamentarian to clarify the votes taken on the abortion resolution as well as the civil service.

Vice President Ricketts calls for a recess at 10:24 pm.

Vice President Ricketts call meeting back in session at 10:38 pm.

Vice President Ricketts announced to the Councilors that she had made an error in her vote regarding the Civil Service ordinance, which she originally voted to abstain. She requested the Councilors allow her to change her vote to a positive by unanimous consent.

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was by show of hands with 2 no,

DEFEATED: TO ALLOW VICE PRESIDENT RICKETTS TO CHANGE HER VOTE ON ORDER NO. 20-018 – AMEND CIVIL SERVICE ORDINANCE – TO A POSITIVE VOTE.

Order no. FY 20-033

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “**RESOLUTION REGARDING PRESIDENT DONALD J TRUMP**” BE IT RESOLVED THAT THE CITY COUNCIL OF GREENFIELD, MASSACHUSETTS, HAS DETERMINED THAT, DONALD JOHN TRUMP, THE PRESIDENT OF THE UNITED STATES OF AMERICA, HAS UNDERMINED THE INTEGRITY OF HIS OFFICE WITH IMPUNITY, HAS BROUGHT DISREPUTE ON THE OFFICE OF PRESIDENT, HAS BETRAYED HIS TRUST AS PRESIDENT TO THE MANIFEST INJURY OF THE AMERICAN PEOPLE, AND IS UNFIT TO BE PRESIDENT; WHEREFORE HE WARRANTS IMPEACHMENT.

THEREFORE, THE PRESIDENT OF THIS COUNCIL IS HEREBY AUTHORIZED AND IS INSTRUCTED TO NOTIFY CONGRESSMAN JAMES P. MCGOVERN OF THIS COUNCIL’S DETERMINATION THERE IS SUFFICIENT AND CREDIBLE REASONS AND EVIDENCE TO IMPEACH, DONALD JOHN TRUMP, AND REQUEST CONGRESSMAN MCGOVERN COMMUNICATE THIS RESOLUTION TO SPEAKER NANCY PELOSI AND CHAIRMAN JERROLD NADLER FORTHWITH.

DISCUSSION: Chairperson Hirschfeld reported the CRE forwarded a negative recommendation, 3 no, 1 abstention. Other discussion included:

- This issue should not be the responsibility of the Council given the many opinions as to President Trump’s alleged impeachable offenses.

MOTION: On a motion by Councilor Mass, second by Councilor Allis, it was by majority, 2 no,

VOTED: TO CALL THE QUESTION.

It was by roll call, 3 yes, 6 no, 1 abstention,

DEFEATED: TO APPROVE ORDER NO. FY20-033.

Order no. FY 20-032

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

MOVED: THAT IT BE ORDERED TO APPROVE THE RESOLUTION TO ACCEPT THE MASS DEVELOPMENT SITE READINESS GRANT FOR THE EXPANSION OF THE I-91 INDUSTRIAL PARK.

DISCUSSION: Councilor Wheeler noted that this order was not forwarded to the subcommittee for discussion and recommendation.

MOTION: On a motion by Councilor Gilmour, second by Councilor Wheeler, it was,

MOVED: TO TABLE ORDER.

It was stated that tabling the motion was not necessary. It could be referred to committee.

Councilor Gilmour withdrew her motion to table. Councilor Wheeler withdrew his second.

MOTION: On a motion by Councilor Allis, second by Councilor Mass, it was unanimously,
VOTED: TO REFER ORDER NO. FY20-032 TO COMMITTEE.

Order no. FY 20-034

MOTION: On a motion by Councilor Gilmour, second by Councilor Mass, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE COUNCIL ON AGING: PEG WHITE SAULNIER, FOR A THREE YEAR TERM TO EXPIRE DECEMBER 31, 2022.

DISCUSSION: Chairperson Gilmour reported the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 20-034.

Order no. FY 20-040

MOTION: On a motion by Councilor Gilmour, second by Councilor Mass, it was,
MOVED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5: AMEND THE ZONING ORDINANCE SCHEDULE OF USES, CHAPTER 200 AS FOLLOWS:

- 200-4.6 HEALTH SERVICE DISTRICT:
 - Add the existing use category “municipal or commercial parking lot or garage” as a use allowed by special permit from the Zoning Board of Appeals within the H District. Currently, this use is not allowed within the H District.
- 200-4.7 CENTRAL COMMERCIAL DISTRICT
 - Add a new use “makerspace” as a use allowed by right within the CC District;
 - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the CC District;
 - Add a new use “automated vending kiosks” as a use listed within existing # 16 under uses allowed by right; and
 - Add the existing use category “retail sales incidental to a permitted use or use allowed by special permit” as a use allowed by special permit from the Zoning Board of Appeals. Currently, this use is not allowed within the CC District.
- 200-4.8 LIMITED COMMERCIAL DISTRICT; 200-4.9 GENERAL COMMERCIAL DISTRICT
 - Add a new use “makerspace” as a use allowed by right within the LC and GC Districts;
 - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the LC and GC Districts;
 - Add a new use “automated vending kiosks” as a use listed within existing # 22 under uses allowed by right in Section 200-4.8, Limited Commercial;
Add a new use “automated vending kiosks” as a use listed within existing # 23 under uses allowed by right in Section 200-4.9, General Commercial; and
 - Add the existing use category “mixed residential/business uses” as a use allowed by right within both the LC and GC Districts. Currently, this use is only allowed by special permit in these districts.
 - Add the existing use category “sale, leasing, repair and servicing of new and used motor vehicles with a Class 1 Motor Vehicles License issued by the Town of Greenfield” as a use allowed by

- special permit within both the LC and GC Districts. Currently, this use is only allowed by special permit within the CC District.
- Amend the existing use category “self storage” from a use allowed by right within the LC District to a use allowed by special permit.
 - Add the existing use category “retail sales incidental to a permitted use or use allowed by special permit” as a use allowed by right within the LC and GC Districts. Currently, this use is not allowed within the LC and GC Districts.
- 200-4.10 OFFICE DISTRICT
 - Add a new use “makerspace” as a use allowed by right within the O District;
 - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the O District;
 - Add the existing use category “mixed residential/business uses” as a use allowed by special permit from the Zoning Board of Appeals within the O District. Currently, this use is not allowed within the O District; and
 - Add the existing use category “retail sales incidental to a permitted use or use allowed by special permit” as a use allowed by special permit from the Zoning Board of Appeals. Currently, this use is not allowed within the O District.
 - 200-4.11 GENERAL INDUSTRY DISTRICT; 200-4.12 PLANNED INDUSTRY DISTRICT
 - Add the existing use category “greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises” as a use allowed by right within the PI District to be consistent with M.G.L. Ch. 40A, Section 3;
 - Add the existing use category “bus or railroad passenger terminal or taxi dispatch” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, it is not allowed within the GI District;
 - Add the existing use category “sale or leasing of motor vehicles, boats, farm implements, campers or other vehicles or heavy equipment” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
 - Add the existing use category “sale, leasing, repair, and servicing of new and used motor vehicles with a Class 1 Motor Vehicle license issued by the Town of Greenfield” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
 - Add the existing use category “service and repair shops for appliances, small equipment, business and consumer products” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
 - Add a new use “makerspace” as a use allowed by right within the GI and PI Districts;
 - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the GI and PI Districts;
 - Add a new use “automated vending kiosks” as a use listed within existing # 17 under uses allowed by right within the GI District;
 - Add a new use “automated vending kiosks” as a use listed within existing # 15 under uses allowed by right within the PI District;
 - Add the existing use category “mixed residential/business uses” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
 - Remove the existing use category “hotel, motel, or inn” as a use allowed by special permit within the GI District;
 - Remove the existing use category “conference center” as a use allowed by special permit within the GI District;

- Add the existing use category “multi-family dwelling in accordance with Section 200-7.2” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
 - Add the existing use categories “accessory dwelling unit, within”, “accessory dwelling unit, attached”, and “accessory dwelling unit, detached” as uses allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, these uses are not allowed within the GI District;
 - Add the existing use category “retail establishment” as a use allowed by right within the GI District. Currently, this use is not allowed within the GI District; and
 - Add the existing use category “restaurant, bar, or lounge for serving food or drinks primarily within the building” as a use allowed by right within the GI District. Currently, this use is not allowed within the GI District.
- ARTICLE II - DEFINITIONS §200-2.1. TERMS AND WORDS
 - *CRAFT WORKSHOP AND LIGHT ASSEMBLY WITH RELATED RETAIL -- A shop that sells goods made by hand such as decorative objects, clothing, and household tools to include the materials and tools used for making such goods.*
 - *LIGHT INDUSTRY AND MANUFACTURING -- A section of an economy's secondary industry characterized by less capital-intensive and more labor-intensive operations for the production of small goods. Products made by an economy's light industry tend to be targeted toward end consumers rather than other businesses.*
 - *MAKERSPACE – An enterprise that provides technology, equipment, and educational opportunities to the public. They are typically funded by membership fees or through affiliations with external organizations such as universities, for-profit companies, non-profit organizations, and municipalities and allow members to design, prototype, and manufacture items using tools that would otherwise be inaccessible or unaffordable.*
 - *AUTOMATED VENDING KIOSK – An automated machine that provides items such as snacks, beverages, cigarettes, lottery tickets, and other goods to consumers after money, a credit card, or specially designed card is inserted into the machine.*
 - Amend the existing definition of “retail business” so that it includes internet retail sales.
 - ~~RETAIL BUSINESS~~ *Establishment-- Premises used for the retail sale of goods for personal or business use to include internet retail sales, and also premises used for personal, business or household services. Does not include retail businesses elsewhere defined or permanent or on-going tag, yard, garage, or barn sales.*

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 CITY OF GREENFIELD.

MOTION: On a motion by Councilor Mass, second by Councilor Gilmour, it was, by majority, 1 no,
VOTED: TO REFER ORDER NO. FY20-040 TO COMMITTEE.

ADJOURNMENT: On a motion by Councilor Mass, second by Councilor Sund, it was by roll call, 2 yes,
 8 no,
DEFEATED: TO ADJOURN THE MEETING.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS Vice President Ricketts read the individual petition submitted on August 17, 2019 by Al Norman:

"The Greenfield City Council is hereby petitioned to submit to the voters of Greenfield. on its own motion, pursuant to section 7-10 of the Charter, a question on the November ballot regarding whether or not to rescind the zoning votes taken by

said Council on March 20, 2019 which removed 162 acres of private land from the French King overlay district and tripled the thresholds that would trigger the city's Major Development Review process."

MOTION: On a motion by Councilor Mass, second by Councilor Berson, it was,
MOVED: TO ACCEPT THE INDIVIDUAL PETITION AS WRITTEN IN THE PACKET.

DISCUSSION: It was noted that the Zoning vote on the French King Highway was touted as a compromise to the vote for the new Library. Because the new Library was placed on the November ballot many voters questioned why the French King Highway vote was not placed on the ballot as well. Other discussion included:

- A citizen’s referendum was properly submitted to the Council as per the Charter for the Library question to be placed on the ballot.
- An individual petition without any signatures should not be acceptable.

MOTION: On a motion by Councilor Dolan, it
FAILED FOR LACK OF A SECOND: TO PLACE THE ZONING OF THE FRENCH KING HIGHWAY AS A NON BINDING REFERENDUM ON THE OFFICIAL NOVEMBER BALLOT.

Councilor Mass noted that the motion to accept the petition is still on the floor. Further discussion included:

- The Library and the French King Highway votes should be recognized as related issues and therefore both should be placed on the ballot.
- Some Councilors felt it was unfair to the citizens who collected signatures to place questions on the ballot to accept a petition that had no signatures.

MOTION: On a motion by Councilor Mass, second by Councilor Dolan, it was unanimously,
VOTED: TO CALL THE QUESTION.

It was by roll call, 7 yes, 3 no, 1 abstention,
VOTED: TO ACCEPT THE INDIVIDUAL PETITION.

MOTION: On a motion by Councilor Dolan, second by Councilor Berson, it was,
MOVED: TO PLACE A NON BINDING RESOLUTION ON THE NOVEMBER BALLOT ON THE FRENCH KING HIGHWAY ZONING AMENDMENTS.

DISCUSSION: Councilor Mass noted that the Councilor’s had no documentation before them as to what or how the question would be on the ballot. The Charter did not allow an item to be passed in all of its forms in a single meeting if a Councilor objects. He formerly objected and asked Vice President Ricketts to inquire if any other Councilors objected. Councilors Allis and Pyfrom also objected. The issue would be taken up at the next regular Council meeting.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – None.

ECONOMIC DEVELOPMENT COMMITTEE – None.

APPOINTMENTS AND ORDINANCE COMMITTEE- None.

WAYS AND MEANS COMMITTEE – None.

TREASURER REPORT None.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Wheeler held the following first reading:

- \$1,300.00 be appropriated from the Stabilization Fund to fund retroactive wage provisions of a new contract with the Greenfield Superior Officers Association, Fraternal Order of Police Lodge 50 (Supervisors Police Union).

MOTIONS FOR RECONSIDERATION: Councilor Dolan requested reconsideration on two items:

MOTION: On a motion by Councilor Dolan, second by Councilor Wheeler, it was unanimously,
VOTED: TO RECONSIDER VOTE ON ORDER NO. FY20-018: PUBLIC SAFETY CHAPTER 6-11 AMENDMENT.

Order No. FY20-018 is now on the floor: THAT THE GREENFIELD AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING “CIVIL SERVICE LAW”, AND INSERTING IN ITS PLACE, “APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS.” TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and men and women, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

Councilor Gilmour accepted a friendly amendment made by Councilor Dolan to accept the language as proposed by City Attorney Quinn.

Councilor Allis made a point of information. He believed the Council could not amend an order that was up for reconsideration. Mr. Roberts explained to the Councilors that the purpose of reconsideration is to permit correction of a hasty or ill conceived vote or into account new information that has come to light since the last vote was originally taken.

It was by roll call, 9 yes, 2 no,

VOTED: TO APPROVE ORDER NO. FY20-018 AS AMENDED:

THAT THE GREENFIELD AMEND CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 11: PUBLIC SAFETY COMMISSION, SUBSECTION (d): POWERS AND DUTIES, (4), BY DELETING “CIVIL SERVICE LAW”, AND INSERTING IN ITS PLACE, “APPLICABLE OR COLLECTIVE BARGAINING AGREEMENTS.” TO READ AS FOLLOWS:

SECTION 6-11. Public Safety Commission.

(d) 4. Final interviews for appointments and promotions of officers and ~~men and women~~ **employees**, in the Police and Fire Department, shall be conducted by the commission and the chief. The chief shall submit his recommendations to the commission and the commission, if it does not agree with said

recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with ~~Civil Service Law~~ **collective bargaining agreements and applicable** General Laws and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

MOTION: On a motion by Councilor Dolan, second by Councilor Wheeler, it was by majority, 2 no, **VOTED:** TO RECONSIDER VOTE ON ORDER NO. FY20-040: AMEND THE ZONING ORDINANCE SCHEDULE OF USES, CHAPTER 200.

Order No. FY20-040 is now on the floor: THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5: AMEND THE ZONING ORDINANCE SCHEDULE OF USES, CHAPTER 200 AS DESCRIBED IN THE PACKET.

DISCUSSION: Councilor Mass explained that once the Council voted to initiate the zoning amendments no substantive changes could be made to it; and therefore, would restart the entire process. In the past the Council had forwarded the order to subcommittee to have it reviewed before the final order had gone to the full Council for initiation.

It was unanimously,

VOTED: TO REFER ORDER NO. FY20-040 TO COMMITTEE.

ADJOURNMENT: On a motion by Councilor Wheeler, second by Councilor Dolan, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 11:25 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center
 Regular Meeting
 September 18, 2019

	Attendance	20-036 Exec Session	Back in Session	19-121	20-018	20-033	Adjourn	20-018 Reconsider
1. Sund, Verne	Y	N	Y	N	Y	N	Y	N
2. Berson, Mark	Y	Y	Y	N	N	Y	N	Y
3. Allis, Brickett	Y	N	Y	N	A	N	N	Y
4. Muzyka-Pyfrom, Wanda	Y	N	Y	N	A	N	N	Y
5. Dolan, Timothy	Y	Y	Y	N	Y	Y	N	Y
6. Gilmour, Sheila	Y	N	Y	N	Y	Y	N	Y
7. Wheeler, Otis	Y	Y	Y	Y	Y	N	N	Y
8. Mayo, Douglas	Y	Y	Y	Y	Y	Y	N	Y
9. Hirschfeld, Norman	Y	Y	Y	N	Y	A	N	Y
10. Mass, Isaac	Y	N	Y	N	N	N	Y	N
11. Renaud, Karen	N	----	----	----	----	----	----	----
12. Ricketts, Penny	Y	Y	Y	----	A	N	----	Y
13. Stempel, Ashley	N	----	----	----	----	----	----	----
		6 yes 5 no	11 y 0 no	2 yes 8 no	6 yes 2 no 3 abs	3 yes 6 no 1 abs	2 yes 8 no	9 yes 2 no