

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

November 20, 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 President Renaud.

President Renaud 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 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; City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Director of Administration Mark Smith; Energy Director Carole Collins; Assessor Kimberly Mew; Fire Chief Robert Strahan; DPW Director Marlo Warner; Mayor-Elect Roxann Wedegartner; Councilor Precinct 3-Elect Virginia Desorgher; Assessor Joseph Ruggeri; School Committee-Elect Jean Wall; GCTV-15 staff; Melina Bourdeau, *the Recorder*; and members of the public.

**MOTION:** On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously, **VOTED: THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS.**

President Renaud noted that there would be no communications or public comments at tonight's meeting. She wanted to thank the members of the public who commented on the newly ratified IA contract.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 20-045**

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

**MOVED:** THAT IT BE ORDERED THAT "A RESOLUTION REQUESTING COMPENSATION FROM CVS HEALTH CORPORATION FOR SAID CORPORATION'S ROLE IN THE OPIOID ADDICTION CRISIS IN THE CITY OF GREENFIELD" PREVIOUSLY VOTED ON BY THE CITY COUNCIL ON OCTOBER 16, 2019, AND VETOED BY THE MAYOR ON OCTOBER 28, 2019, IS HEREBY APPROVED.

**DISCUSSION:** President Renaud noted that the measure would need nine (9) votes to override the veto. Other discussion included:

- Councilor Stempel thanked Councilor Dolan for submitting the resolution before the Council.
- A vote against the resolution should not be interpreted to mean that the Councilors do not support fighting the current opioid addition crisis.

**MOTION:** On a motion by Councilor Sund, it was,

**FAILED FOR LACK OF A SECOND:** TO TABLE MOTION.

President Renaud stated the measure was still on the table.

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

**VOTED:** TO CALL THE QUESTION.

It was, by roll call, 7 yes, 5 no,

**DEFEATED:** TO APPROVE ORDER NO. FY 20-045.

***Order no. FY 20-056***

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mass, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-111, “THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED THAT, THE SUM OF \$550,000 BE APPROPRIATED TO HIRE THE ARCHITECT AND ENGINEERING FIRMS TO DEVELOP THE PLANS FOR A NEW FIRE STATION AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$550,000, 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. FY19-111 was now on the floor.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forward a unanimous positive recommendation with 4 members present.

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

It was unanimously,  
**VOTED:** TO APPROVE ORDER NO. FY 19-111.

***Order no. FY 20-028***

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority show of hands, 5 yes, 9 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 20-057***

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mass, by unanimous show of hands, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-011 “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.” WHICH WAS TABLED AT THE SEPTEMBER 18, 2019, CITY COUNCIL MEETING.

Order no. FY20-011 was on the floor.

**DISCUSSION:** Councilor Mass explained that the measure was originally tabled until after the outcome of the November 5<sup>th</sup> new Library vote. Councilor Wheeler reported the Ways & Means Committee forward a unanimous positive recommendation with 4 members present. DPW Director Warner explained to the Councilors previously the priority of this project. It was noted other Communities have not even begun to deal with their I & I circumstances.

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

It was by roll call, 9 yes, 3 no,

**VOTED:** TO APPROVE ORDER NO. FY 20-011.

**Order no. FY 20-068**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mayo, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-052 “IN ACCORDANCE WITH ARTICLE 3-1:(d) OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT THE FOLLOWING ORDINANCE BE ENACTED: THAT THE ANNUAL SALARY FOR THE MAYOR SHALL BE A MINIMUM OF \$105,000.00, EFFECTIVE IMMEDIATELY; AND IN ACCORDANCE WITH ARTICLE 2-4:2 OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT EACH TOWN (CITY) COUNCILOR RECEIVE AN ANNUAL SALARY OF \$15,000.00, EFFECTIVE ON JANUARY 15, 2021. 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.” WHICH WAS TABLED AT THE OCTOBER 16, 2019 CITY COUNCIL MEETING.

Order no. FY20-052 was now on the floor.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forwarded a unanimous negative recommendation.

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

It was by unanimous show of hands,

**DEFEATED:** TO APPROVE ORDER NO. FY 20-052.

**Order no. FY 20-069**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY20-053, “AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, 2023. 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.” WHICH WAS TABLED AT THE OCTOBER 16, 2019 CITY COUNCIL MEETING.

Order no. FY20-053 was now on the floor.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forwarded a split positive recommendation, 2 yes, 2 no, 1 abstention. Other discussion included:

- Councilor Dolan presented his rationale for this measure.
- A stipend would not encourage a diverse number of citizens to run for office.
- Councilors should receive some form of compensation for their time and work to help the Community.
- Councilor Dolan accepted a friendly amendment by Councilor Wheeler to amend the effective date from “2023” to “2024”.

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Gilmour, it was by majority show of hands, 8 yes, 5 no,

**TABLED:** ORDER NO. FY20-053 AS AMENDED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, ~~2023~~ **2024**.

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.

**Order no. FY 20-065A**

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

**MOVED:** THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL VOTES IN ACCORDANCE WITH M.G.L., CH. 40, SEC. 56, AS AMENDED, THE PERCENTAGE OF LOCAL TAX LEVY WHICH WILL BE BORNE BY EACH CLASS OF REAL AND PERSONAL PROPERTY, RELATIVE TO SETTING THE FISCAL YEAR 2020 TAX RATES AND SET THE RESIDENTIAL FACTOR AT 1.0, WITH A CORRESPONDING COMMERCIAL, INDUSTRIAL AND PERSONAL PROPERTY (CIP) SHIFT OF 1.0, PENDING APPROVAL OF THE CITY’S ANNUAL TAX RECAP BY THE MASSACHUSETTS DEPARTMENT OF REVENUE.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forward a unanimous positive recommendation. Other discussion included:

- It was noted that the business owners in the City have not given their input on the Tax Classification and for a possible split tax.

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Mayo, it was by majority show of hands, 2 yes, 9 no, 1 abstention.

**DEFEATED:** TO TABLE THE MOTION.

Order no. FY20-065A was still on the floor.

**MOTION:** On a motion by Councilor Mass, second by Councilor Wheeler, it was by majority, 1 no,

**VOTED:** TO CALL THE QUESTION.

It was by majority, 1 no,

**VOTED:** TO APPROVE ORDER NO. FY 20-065A

**Order no. FY 20-065B**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mass, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE CITY COUNCIL VOTES THAT NO RESIDENTIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2020.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means forward a unanimous positive recommendation.

It was unanimously,  
**VOTED:** TO APPROVE ORDER NO. FY 20-065B.

**Order no. FY 20-065C**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Ricketts, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE CITY COUNCIL VOTES THAT NO SMALL COMMERCIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2020.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means forward a unanimous positive recommendation. Other discussion included:

- Business owners should not be consulted for the Tax Classification this year as the Council was voting tonight and was close to the end of the year.

It was unanimously,  
**VOTED:** TO APPROVE ORDER NO. FY 20-065C.

**Order no. FY 20-054**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Berson, it was,  
**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED, THAT THE GREENFIELD CITY COUNCIL APPROVE THE PAYMENT OF PRIOR YEAR FY19 INVOICE FOR PARTEK SOLUTIONS IN THE AMOUNT OF \$2,167.64 TO BE PAID FROM THE FY20 PARKING DEPARTMENT BUDGET.

**DISCUSSION:** Chairperson Wheeler reported Ways & Means forward a unanimous positive recommendation with 4 members present. It was explained that this invoice had been emailed and ended up in a spam folder. The Finance Department was in the process of establishing a procedure to avoid any similar issues in the future.

It was by unanimous roll call,  
**VOTED:** TO APPROVE ORDER NO. FY 20-054.

**Order no. FY 20-061**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mass, it was,  
**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THE FOLLOWING BORROWING AUTHORITIES TOTALING \$6,608,609 BE RESCINDED:

PURPOSE	DATE OF VOTE	ART #	AMT AUTH	AMOUNT ISS/RET/RESC/PD DWN	UNISSUED 8/30/2019
Green River School Windows & Roof	6/17/15	15-105	2,340,109	681,500	1,658,609

Federal St. School	2/19/16	16-120	5,750,000	800,000	4,950,000
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**Total Unissued: 6,608,609**

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forward a unanimous positive recommendation. Other discussion:

- Clarification was made that this was not “found money” for the City to spend on any miscellaneous business; rather it was funds that the City would not need to borrow.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 20-061.

**Order no. FY 20-062**

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

**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN AND IN ACCORDANCE WITH MGL CH.30B §12B, ORDERED THAT THE CITY COUNCIL APPROVE A TWENTY (20) YEAR TERM FOR THE MILL BROOK WELLFIELD SOLAR PROJECT WITH GTR GREENFIELD MILBROOK SOLAR, LLC.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forward a recommendation to table the motion. The proposed contract had not been provided to the Councilors for their review.

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

**VOTED:** TO TABLE THE MOTION FOR 30 DAYS PENDING REVIEW OF THE CONTRACT.

**Order no. FY 20-048**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL ACCEPTS MASSACHUSETTS GENERAL LAW CHAPTER 44B: COMMUNITY PRESERVATION SECTION 3: ACCEPTANCE OF SECS. 3 TO 7 AS ATTACHED (EXHIBIT A).

**EXHIBIT A**

**Title VII**

**Chapter 44B COMMUNITY PRESERVATION**

Section 3. (a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(b1/2) Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to section 3 of chapter 40, parking fines and surcharges pursuant to sections 20, 20A and 20A1/2 of chapter 90, existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further, that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less

exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to section 16.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. The surcharge to be paid by a taxpayer receiving an exemption or abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such exemption or abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates;

(3) for \$100,000 of the value of each taxable parcel of residential real property; or

(4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

A person claiming an exemption provided under this subsection may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before the deadline for an application for exemption under section 59 of chapter 59. Any person aggrieved by the decision of the assessors, or by their failure to act, upon such application, may appeal as provided in sections 64 to 65B, inclusive, of chapter 59. Applications for exemption under this chapter shall be open for inspection only as provided in section 60 of chapter 59.

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

"Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall

be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

**DISCUSSION:** Chairperson Wheeler reported the Ways & Means Committee forward a positive recommendation 3 yes, 2 no, to approve an amended motion.

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

**MOVED:** TO AMEND AS FOLLOWS: ORDERED THAT THE CITY OF GREENFIELD HEREBY ACCEPTS SECTIONS 3 TO 7, INCLUSIVE, OF CHAPTER 44B OF THE GENERAL LAWS, OTHERWISE KNOWN AS THE MASSACHUSETTS COMMUNITY PRESERVATION ACT, BY APPROVING A SURCHARGE ON REAL PROPERTY FOR THE PURPOSES PERMITTED BY SAID ACT, INCLUDING THE ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE, THE ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES, THE ACQUISITION, CREATION, PRESERVATION, REHABILITATION AND RESTORATION OF LAND FOR RECREATIONAL USE, THE ACQUISITION, CREATION, PRESERVATION AND SUPPORT OF COMMUNITY HOUSING, AND THE REHABILITATION AND RESTORATION OF SUCH OPEN SPACE AND COMMUNITY HOUSING THAT IS ACQUIRED OR CREATED AS PROVIDED UNDER SAID ACT; THAT THE AMOUNT OF SUCH SURCHARGE ON REAL PROPERTY SHALL BE 1% OF THE ANNUAL REAL ESTATE TAX LEVY AGAINST REAL PROPERTY COMMENCING IN FISCAL YEAR 2022; AND THAT THE CITY HEREBY ACCEPTS THE [FOLLOWING] EXEMPTION[S] FROM SUCH SURCHARGE PERMITTED UNDER SECTION 3(E) OF SAID ACT: PROPERTY OWNED AND OCCUPIED AS A DOMICILE BY ANY PERSON WHO QUALIFIES FOR LOW INCOME HOUSING OR LOW OR MODERATE INCOME SENIOR HOUSING IN THE CITY, AS DEFINED IN SECTION 2 OF SAID ACT; FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF RESIDENTIAL REAL PROPERTY; AND FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF CLASS THREE, COMMERCIAL PROPERTY, AND CLASS FOUR, INDUSTRIAL PROPERTY AS DEFINED IN SECTION 2A OF SAID CHAPTER 59.

It was by majority, 1 no,

**VOTED:** TO APPROVE AMENDMENT.

Amended motion was now on the floor. Discussion included:

- President Renaud presented rationale for this measure.
- Concerned that CPA was not funded by the Legislature.

**MOTION:** On a motion by Councilor Mass, second by Councilor Sund, it was by majority show of hands, 9 yes, 3 no,

**TABLED:** ORDER NO. FY 20-048 TO JANUARY 2020 REGULAR FULL COUNCIL MEETING.

**Order no. FY 20-019**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 7, SECTION 7-8: CITIZEN REFERENDUM PROCEDURES, SUBSECTIONS (a), BE AMENDED BY INSERTING “OF ANY MEASURE” IN SUBSECTION (a) TO READ AS FOLLOWS:

## SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) Petition, effect on final vote. If, not later than 30 days after the date on which the City Council or the School Committee has voted to approve, **of any measure**, a petition which was addressed to the City Council or to the School Committee and signed by a number of voters equal to 10% of the total number of voters voting in the most recent biennial election, but not less than 2 1/2% of all registered voters as of the same date, the petition is filed with the City Clerk, protesting against the measure or any part thereof then the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City election; provided, however, that pending such submission and determination, the effect of the measure shall continue to be suspended.

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.

**DISCUSSION:** Chairperson Gilmour reported the Appointment & Ordinance Committee forward a unanimous positive recommendation. Other discussion included:

- Councilor Gilmour accepted friendly amendment submitted by Councilor Wheeler to remove the comma before “of any measure”.
- It was noted from Mayor Martin that the current litigation regarding this Charter section was voluntarily withdrawn with prejudice today.
- Suggestion was made to table motion until the Charter Review Committee was established next year to review and make appropriate amendments.
- This amendment was to correct a scrivener’s error made at the State level when this amendment was first introduced to the Legislation in 2016.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 20-019 AS AMENDED: THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 7, SECTION 7-8: CITIZEN REFERENDUM PROCEDURES, SUBSECTIONS (a), BE AMENDED BY INSERTING “OF ANY MEASURE” IN SUBSECTION (a) TO READ AS FOLLOWS:

## SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) Petition, effect on final vote. If, not later than 30 days after the date on which the City Council or the School Committee has voted to approve **of any measure**, a petition which was addressed to the City Council or to the School Committee and signed by a number of voters equal to 10% of the total number of voters voting in the most recent biennial election, but not less than 2 1/2% of all registered voters as of the same date, the petition is filed with the City Clerk, protesting against the measure or any part thereof then the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City election; provided, however, that pending such submission and determination, the effect of the measure shall continue to be suspended.

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.

**Order no. FY 20-064**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR:

Jonathan Cohen-Gorczyca	Public Library Board of Trustees	Remainder of 3 year term to expire June 30, 2020.
Travis Drury	Greenfield Conservation Commission	Remainder of 3 year term to expire June 30, 2020.
Taffy Ruggeri	Recreation Commission	Remainder of 3 year term to expire December 31, 2021.
Adrienne LaPierre	Greenfield Cultural District Committee	Term to expire when the project is complete.

**DISCUSSION:** Chairperson Gilmour reported the Appointment & Ordinance Committee forward a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 20-064.

**Order no. FY 20-066**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was,

**MOVED:** THAT IT BE ORDERED TO ADOPT THE RESOLUTION AUTHORIZING THE SUBMISSION OF LOCAL INCENTIVE-ONLY APPLICATION AND SPECIAL TAX ASSESSMENT AGREEMENT FOR 401 LIBERTY **STREET**, LLC. TO THE ECONOMIC ASSISTANCE COORDINATING COUNCIL FOR THEIR REVIEW AND APPROVAL, AND TO WAIVE THE READING OF THE RESOLUTION.

**DISCUSSION:** Chairperson Stempel reported the Economic Development Committee forward a unanimous positive recommendation. It was discovered that before this Resolution could be forwarded to Economic Review the current tax assessment for the Mowry building that was not included in the packet presented to the Council. Development Director M.J. Adams had requested the Council table motion until next month.

**MOTION:** On a motion by Councilor Stempel, second by Councilor Mass, it was unanimously,

**TABLED:** ORDER NO. FY20-066 UNTIL THE REGULAR CITY COUNCIL DECEMBER MEETING.

**Order no. FY 20-063**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Pyfrom, it was,

**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED THAT PURSUANT TO THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 82:

- THAT THE CITY OF GREENFIELD HAS LAID OUT A PORTION OF WOODARD ROAD, A COUNTY WAY TO BE DISCONTINUED BY THE FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS, AS SUCCESSOR TO THE FRANKLIN COUNTY COMMISSION; AND BEING BETWEEN WOODARD ROAD'S NORTHERLY INTERSECTION WITH ROUTE 2A (MOHAWK TRAIL) AND ITS SOUTHERLY INTERSECTION WITH SHELBURNE ROAD. SEE PLAN OF LAND TITLES "PLAN OF WOODARD ROAD, PREPARED BY DANIEL L. WENER, P.L.S., DATE: SEPTEMBER 4, 2019" AFFIXED HERETO, AND WHICH HAS BEEN FILED WITH THE CITY CLERK SEVEN DAYS

PRIOR TO THIS MEETING, AND WHICH SHALL BE RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS WITHIN THIRTY (30) DAYS HEREAFTER;

- THAT THE CITY OF GREENFIELD SHALL ACCEPT THE ABOVE SAID PORTION OF WOODARD ROAD LAID OUT IN SAID PLAN, AS A PUBLIC WAY OF THE CITY OF GREENFIELD.

**DISCUSSION:** Chairperson Stempel reported the Economic Development Committee forward a unanimous positive recommendation. Other discussion included:

- The City paid for a surveyor and engineer to lay out Woodard road.
- The City was accepting the portion of the road that was currently constructed; no additional construction was requested.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY20-063.

**Order no. FY 20-070**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was,

**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, BE IT ORDERED THAT PURSUANT TO THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 82:

- THAT THE CITY OF GREENFIELD HAS LAID OUT A PORTION OF A ROAD COMMONLY REFERRED TO AS COURT SQUARE ADJACENT TO BANK ROW, MAIN STREET, AND NEWTON PLACE, WHICH IS A COUNTY WAY TO BE DISCONTINUED BY THE FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS, AS SUCCESSOR TO THE FRANKLIN COUNTY COMMISSION, AND DESIGNATED AS PARCEL A ON A PLAN OF LAND TITLED “PLAN OF LAND PREPARED FOR THE CITY OF GREENFIELD LOCATED IN GREENFIELD MASSACHUSETTS” PREPARED BY DANIEL L. WERNER, P.L.S. AND DATED SEPTEMBER 4, 2019, AFFIXED HERETO, A COPY WHICH WAS FILED WITH THE CITY CLERK MORE THAN SEVEN DAYS PRIOR TO THIS MEETING ON OCTOBER 30, 2019, AND WHICH SHALL BE RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS WITHIN THIRTY (30) DAYS HEREAFTER;
- THAT THE CITY OF GREENFIELD SHALL ACCEPT THE ABOVE SAID PORTION OF COURT SQUARE LAID OUT IN SAID PLAN, AS A PUBLIC WAY OF THE CITY OF GREENFIELD.

**DISCUSSION:** Chairperson Stempel reported the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY20-070.

**Order no. FY 20-041A1**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL DECLARES REAL ESTATE OFF OF CUMBERLAND ROAD, A.K.A. OLD COUNTY ROAD, BEING SHOWN ON ASSESSORS MAP R41, BLOCK 9A, TO BE SURPLUS PROPERTY AND TRANSFERS SAID PROPERTY TO THE MAYOR FOR SALE.

**DISCUSSION:** Chairperson Stempel reported the Economic Development Committee forward a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY20-041A1.

**Order no. FY 20-041A2**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AUTHORIZES THE MAYOR TO SELL REAL ESTATE OFF OF CUMBERLAND ROAD, A.K.A. OLD COUNTY ROAD, ASSESSORS MAP R41, BLOCK 9A, PURSUANT TO THE CITY COUNCIL POLICY FOR THE SALE OF CITY OWNED LAND AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

**DISCUSSION:** Chairperson Stempel reported the Economic Development Committee forward a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY20-041A2.

**PRESENTATION OF PETITIONS AND SIMILAR PAPERS** None.

**REPORTS OF COMMITTEES**

**COMMUNITY RELATIONS AND EDUCATION COMMITTEE** – None.

**ECONOMIC DEVELOPMENT COMMITTEE** – Chairperson Stempel announced that there was a joint meeting with the Planning Board scheduled for Thursday, November 21, 2019, 6:00 pm, at the John Zon Community Center. The public hearing would be held on the proposed amendments to the Zoning Ordinance submitted by the Planning Board.

**APPOINTMENTS AND ORDINANCE COMMITTEE**- None.

**WAYS AND MEANS COMMITTEE** – None.

**TREASURER REPORT** None.

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** President Renaud voiced her disappointment on the tabling of the Community Preservation Action until after she leaves her position as Councilor. Since she submitted the Ordinance she would like the opportunity to vote on the measure.

**NEW BUSINESS:**

- Councilor Berson made a suggestion to establish a joint board between the School Committee and the City Council to address the divisive issue of regionalization versus shared services.
- Councilor Wheeler requested to take the CPA off the table. It was noted because the measure was tabled to a date certain it could not be addressed until that date. The Parliamentarian stated that a Councilor could move to overrule the Chairperon and if there was a majority vote it could be taken off the table for reconsideration of their vote.

**ADJOURNMENT:** On a motion by Councilor Mass, second by Councilor Pyfrom, it was,

**MOVED:** TO ADJOURN THE MEETING.

President Renaud noted that the first readings had not been read; therefore, the meeting could not be adjourned. Because there was a motion on the table it would have to be voted on.

It was by majority,

**DEFEATED:** TO ADJOURN MEETING.

**MOTIONS FOR RECONSIDERATION:**

Councilor Mass made a point of order that if a motion for reconsideration was made it would be taken up at the next Council meeting. It was noted that a motion for reconsideration can be addressed at the same meeting or by written notice before 3:00 pm 2 days after the vote.

**MOTION:** On a motion by Councilor Dolan, second by Councilor Wheeler, it was by majority show of hands, 7 yes, 4 no, 1 abstention,

**VOTED:** TO RECONSIDER VOTE TO TABLE ORDER NO. FY20-048.

President Renaud noted the City Council would now consider the motion to table Order No. FY20-048 to the January 2020 regular City Council meeting.

It was by majority show of hands, 4 yes, 7 no,

**DEFEATED:** TO TABLE ORDER NO. FY20-048 TO JANUARY 2020.

Order no. FY20-048 was now on the floor.

**DISCUSSION:** President Renaud thanked the Councilors for reconsidering their vote to table the measure and would accept a motion to table Order No. FY20-048 until the regular City Council meeting in December.

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Wheeler, it was by majority, 1 no,

**TABLED:** ORDER NO. FY20-048 UNTIL THE REGULAR CITY COUNCIL MEETING IN DECEMBER 2019.

Councilor Wheeler held the following first reading:

- Appropriate \$36,423 to replace heating system for the Police Department.
- Appropriate \$150,000 for a Library Feasibility Study.

**ADJOURNMENT:** On a motion by Councilor Mass, second by Councilor Gilmour, it was unanimously

**VOTED:** TO ADJOURN THE MEETING AT 8:53 P.M.

A true copy,

Attest: \_\_\_\_\_  
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center  
 Regular Meeting  
 November 20, 2019

	Attendance	FY20-011	FY20-054			
1. Sund, Verne	Y	Y	Y			
2. Berson, Mark	Y	Y	Y			
3. Allis, Brickett	Y	N	Y			
4. Muzyka-Pyfrom, Wanda	Y	N	Y			
5. Dolan, Timothy	Y	Y	Y			
6. Gilmour, Sheila	Y	Y	Y			
7. Wheeler, Otis	Y	Y	Y			
8. Mayo, Douglas	Y	Y	Y			
9. Hirschfeld, Norman	Y	Y	Y			
10. Mass, Isaac	Y	N	Y			
11. Renaud, Karen	Y	----	Y			
12. Ricketts, Penny	Y	Y	Y			
13. Stempel, Ashley	Y	Y	Y			

9 yes 13 y  
 3 no 0 no