MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 20-173

MOTION: On a motion by Councilor Forgey, second by Councilor Wheeler, it was by roll call, 12 yes, 0 no.

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO AS EXHIBIT A:

CHAPTER 385: STREET, SIDEWALKS AND PUBLIC PLACES; ARTICLE XIV, SIDEWALK OUTDOOR SEATING;
§385-37, LICENSE REQUIRED: TERM.
§385-38, SUBMITTAL REQUIREMENTS.
§385-39, USE RESTRICTIONS.
§385-40, LIABILITY: INSURANCE REQUIREMENTS.

AND FURTHER AMENDS THE 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, AS AMENDED.

Exhibit A

Chapter 385. Streets, Sidewalks and Public Places

Article XIV. Sidewalk Outdoor Seating

§ 385-37. License required; term.

Any eating establishment that would like to provide outdoor seating on the public sidewalks in downtown Greenfield shall obtain a sidewalk outdoor seating license from the Licensing Authority. The license for sidewalk outdoor seating shall be good only for a time period beginning April 1 until December 1 or with the first significant snow fall of the year of issue. License is and is nontransferable. Each year, renewal may be approved with updated form and certificate of insurance. Site Plan will not be required unless a lapse occurs or a change in seating plan is expected. automatic renewal option, with fee and new COL.

§ 385-38. Submittal requirements.

A.
Completed and signed application.

B.
Application fee:

B.C.

A site plan drawn to scale providing the following information:

(1)

Location of all proposed outdoor seating areas and the relationship of the seating to the business, the building entrance, and adjacent businesses.

(2)

Location of all trees, tree grates, planters, public benches, trash receptacles, fire hydrants, utility and/or light poles, parking meters, bicycle racks, basement entrances, handicap ramps, driveways, mailboxes, and newspaper boxes.

(3)

Details on sidewalks and indicating any bricked sidewalk sections and bump outs where applicable.

C.D.

Details indicating day and evening hours the street furniture will be available shall be posted in a location clearly visible to patrons in the outdoor seating located on the sidewalk.

D.E.

Specifications on the design of all proposed outdoor furniture, including size, color, number, style or type. Color photos and/or manufacturer spec sheets are recommended.

§ 385-39. Use restrictions.

A.

No alcoholic beverages shall be served or consumed on sidewalk outdoor seating.

A.B.

Outdoor seating must be located on a sidewalk that maintains a continuous and clear six five-foot-wide pedestrian travel area of the sidewalk at all times.

B.C.
Outdoor seating must be located directly in front of a main egress to the permit holder's business space, or in an area designated by the City as an outdoor dining zone, unless insert language about prior approval blah blah or restaurant zone etc.

C.

Seating must not obstruct visibility of the public way to pedestrians or to motor vehicles.

D.

No seating shall be placed within the area of any handicap ramps, driveways or doorways.

E.

Umbrellas associated with outdoor tables must provide a minimum vertical clearance of seven feet above the sidewalk and must maintain a continuous and clear six-foot-wide pedestrian travel area of the sidewalk at all times.

F.

Outdoor seating must be attractive and made of safe, sturdy and durable materials that will handle outdoor conditions. Umbrellas and upholstery must be free of rips and tears.

G.

Outdoor seating must be secured so as not to be moved by the wind. However, tables, seats shall not be bolted into the ground or secured to the streetlights, trees or other street furniture.

H.

No advertising shall be displayed or printed on any outdoor furniture or umbrellas.

I.

Outdoor seating must be removed from the sidewalk and put away after business hours, or locked and secured to the building's and confined to a space of no more than 36” from the exterior wall, unless otherwise agreed upon by the Licensing Authority.

J.

The permit holder is responsible for picking up all litter associated with the outdoor seating and shall maintain the area in a clean condition at all times.
Applicants requiring a vendor cart license must receive that license from the Licensing Authority prior to receiving a sidewalk outdoor seating license.

K.

Applicants must provide:

1) Evidence of liability insurance to the Licensing City Clerk with minimum coverage in the amount of one million dollars, naming the City of Greenfield as co-insured. This insurance coverage must be in force for the duration of the approved period.

2) 8½ x 11 sketch of outdoor seating detailing:
   a) measurements of tables and chairs;
   b) total width of sidewalk; and
   c) distance between proposed seating and sidewalk.
   d) Obstacles such as streetlights, signs, trees, benches, and garbage barrels, fire hydrants and other municipal structures.
   e) Description of after-hours storage of outdoor seating, if it is not stored indoors.

§ 385-40. Liability; insurance requirements.

The permit holder shall indemnify, defend and hold the Town City of Greenfield, its agents, officers, attorneys, employees and officials harmless from any and all claims, causes of action, injuries or damages arising out of any negligent acts on the part of the permit holder, its agents, officers, employees or anyone rendering services on their behalf. This indemnity shall include all reasonable costs and attorney's fees incurred in defending any action covered by this provision.

A.

The permit holder, during the continuance of this permit and at no cost to the Town City, shall maintain a comprehensive liability policy in the amount of $1,000,000 and, if applicable, a workers' compensation policy each with a minimum coverage of $100,000.

B.

Said policy shall include the Town City of Greenfield as additional insured and shall apply as primary insurance and shall stipulate that no other insurance effected by the Town City of Greenfield will be called on to contribute to a loss.

C.
Prior to issuance of a permit, the permit holder shall furnish to the Town City a certificate of insurance, duly authenticated, evidencing maintenance of the insurance required under this permit.

D.

If the insurance policy is canceled, terminated, suspended or materially changed, the outdoor seating license shall be suspended until such time as compliance with the requirements of this section has been fully satisfied.\[1\]

Order no. FY 20-174

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was by roll call, 12 yes, 0 no,


Exhibit A

CHPT 209 Alcoholic Beverages

§ 209-1 Town City -controlled property. [1]

In order to preserve peace and good order, no person will publicly consume alcoholic beverages or possess an opened or unsealed container full or partially full of any alcoholic beverages as defined by MGL c. 138, § 1, in or on any property owned or controlled by the Town City, including parks, public schools or property under the jurisdiction of the Greenfield School Committee, cemeteries, commons or any public ways, including but not limited to sidewalks or tree belts in the Town City of Greenfield, unless a license for such an activity is issued by the Board of License Commissioners.

The provisions of this section shall not be deemed to preclude a patron of a duly licensed restaurant or hotel to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided, further, that the bottle shall be resealed in accordance with regulations promulgated by the Alcoholic Beverages Control Commission in 204 CMR 2.18 and transported in a manner authorized in MGL c. 90, § 24I when carried in a motor vehicle, as defined in MGL c. 90, § 1.

Add: Exceptions: If a business is a duly licensed restaurant or hotel, and said business has received a License under Greenfield Chapter 385, Article XIV “Sidewalk Outdoor Seating”, alcohol may be served in the outdoor seating, in accordance with Alcoholic Beverages Control Commission 204 CMR 2.00.

Order no. FY 20-167

MOTION: On a motion by Councilor Wheeler, second by Councilor Ricketts, it was by roll call, 8 yes, 1 no,
VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF $95,000 BE TRANSFERRED FROM 911 CONTRIBUTORY RETIREMENT TO OFFSET A DEFICIT IN 151 LEGAL IN THE FY20 OPERATING BUDGET.

Order no. FY20-168

MOTION: On a motion by Councilor Wheeler, second by Councilor Ricketts, it was by roll call, 9 yes, 1 no,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF $76,000 BE TRANSFERRED FROM 911 CONTRIBUTORY RETIREMENT TO OFFSET A DEFICIT IN 914 HEALTH INSURANCE IN THE FY20 OPERATING BUDGET.

Order no. FY20-169

MOTION: On a motion by Councilor Wheeler, second by Councilor Desorgher, it was by roll call, 12 yes, 0 no,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF $12,000 BE TRANSFERRED FROM 1627 BOND PREMIUM TO OFFSET A DEFICIT IN BONDED DEBT PAY DOWNS IN THE FY20 OPERATING BUDGET.

Order no. FY20-170

MOTION: On a motion by Councilor Wheeler, second by Councilor Desorgher, it was by roll call, 12 yes, 0 no,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF $82,086 BE TRANSFERRED FROM 1627 BOND PREMIUM FOR GCET TO RUN FIBER.

Order no. FY20-171

MOTION: On a motion by Councilor Wheeler, second by Councilor Desorgher, it was by roll call, 12 yes, 0 no,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF $60,000 BE TRANSFERRED FROM THE FOLLOWING ACCOUNTS LISTED BELOW TO 01004700 TRASH DISPOSAL ACCOUNT TO FUND A SHORTFALL.

DPW ADMIN 01004110.5111 $40,000
DPW HWY 01004220.5111 $10,000
DPW PARKS 01004380.5111 $10,000