

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

September 16, 2020

Webex Conferencing System

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:01 p.m. by President Stempel-Rae.

**CHAIRS STATEMENT:** This meeting is being recorded and videotaped by the City Council and GCTV-15. If any other persons present are doing the same you must notify the chairperson at this time.

**ROLL CALL OF MEMBERS:** Roll Call was taken. Councilor Guin was absent.

**ALSO PRESENT:** Mayor Roxann Wedegartner; Administrative Assistant to the Council Tammy L. Marciel; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Greenfield School Superintendent Jordana Harper; School Committee Chairperson Amy Proietti; Energy Director Carole Collins; DPW Director Marlo Warner; GCTV-15 staff; Anita Fritz, *the Recorder*; and members of the public.

The Pledge of Allegiance was held.

**ACCEPTANCE OF MINUTES:** On a motion by Councilor Wheeler, second by Councilor Ricketts, it was unanimously,

**VOTED:** TO ACCEPT THE CITY COUNCIL MINUTES OF AUGUST 19, 2020.

**COMMUNICATIONS:**

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** Superintendent Harper and Chairperson Proietti reported the following:

- Thanked the DPW and Recreation Department providing outdoor seating for the tents that had been erected on school grounds.
- Update status on the extended summer meal service program.
- Update status on the procedure for resuming school athletic activities and programs.
- The new school year would begin on September 17<sup>th</sup> for virtual and in person learning.
- A technical hotline had been established to assist students who call with issues concerning their chromebooks.

Superintendent Harper and Chair Proietti answered questions from Councilors:

- Further information requested in regards to the meal service program.
- Did the technical hotline set up by the schools include bi-lingual customer service operators.

Superintendent Harper announced that this school year would be her last as Superintendent and thanked the Councilors for their efforts and urged them to continue their support with the education provided to Greenfield students.

**MAYOR, CITY OFFICERS AND EMPLOYEES:** Mayor Roxann Wedegartner reported the following:

- Working on a new parking plan for the City that included permit parking.
- Working with the Community Development Administration to establish a winter housing program.
- The Recreation Department had established a Halloween celebration that would be held on October 30, at Highland Park, in lieu of the Rag Shag parade.
- The Communications Director had begun holding meetings with City department heads to establish an overall branding program for the City.
- Working with Police Chief Haigh on the Police Department's Use of Force policy.

- Would provide answers to questions Councilors had submitted in regards to the Fire Station construction and proposed locations for the temporary and permanent buildings.
- The Public Safety Building Commission had scheduled regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of every month.
- A grant meeting had been scheduled for tomorrow with the USDA regional representative to discuss the USDA Community Facilities Grant and guaranteed loans for supplemental funding towards the construction of the new Fire Station.

Mayor Wedegartner answered questions from Councilors:

- The parking capacity of the Hope Street parking lot where the proposed temporary Fire Station would be erected.
- Diversification of the Human Rights Commission membership to include more people of color and other races and ethnicities.
- Provide clearer instructions for directing traffic to parking in areas that were blocked off for outside dining.
- Status on the establishment of the anaerobic digester.
- Could the Councilors be notified of any future Public Safety Building Commission meetings, including meetings for the Temporary Fire Station building sub-committee.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: None.

**PUBLIC COMMENT:** The following members of the public spoke:

- Branden Bailey, CEO of Realtor Association of Pioneer Valley, Edgewood Ave., Longmeadow, read a prepared statement regarding the Accessory Unit Dwelling provision that was passed in the Spring of 2020 as attached.
- Wendy Goodman, Green River Rd, Greenfield, thanked the Mayor for submitting her name to the Human Rights Commission and also encouraged diverse representation in the Commission.

**PUBLIC HEARINGS:** Public Hearing – President Stempel-Rae opened the public hearing at 7:58 pm. Vice President Wheeler read the public hearing notice and second hearing: In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., September 16, 2020, at 7:00 p.m. at John Zon Community Center, 35 Pleasant Street, or Remote Access, if required: <https://greenfieldma.my.webex.com/greenfieldma.my/j.php?MTID=m13f0e5d7406ad90af25a238ef2042149> to receive public input on the following:

- Appropriate \$21,000 from Fund 8402 - Capital Stabilization to repair DPW yard boiler.

The City Council may consider the same on Wed., September 16, 2020, at 7:00 p.m. at John Zon Community Center, 35 Pleasant Street, or Remote Access, if required: <https://greenfieldma.my.webex.com/greenfieldma.my/j.php?MTID=m13f0e5d7406ad90af25a238ef2042149>. 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.

Ashley Stempel-Rae, Greenfield City Council President

## **City Council – Second Reading- September 16, 2020**

- Appropriate \$21,000 from Fund 8402 - Capital Stabilization to repair DPW yard boiler.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 21-022**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mayo, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, AUTHORIZE THE MAYOR TO NEGOTIATE AND ENTER INTO A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT UNDER G.L. C. 59, §38(H) FOR A TERM OF 20 YEARS CO-EXTENSIVE WITH THE TERM OF THE LEASE WITH THE SOLAR DEVELOPER FOR THE MILL BROOK WELDFIELD SOLAR PROJECT LOCATED AT 195 LOG PLAIN ROAD.

**DISCUSSION:** Energy Director Collins presented a brief rationale for this proposed order.

It was by roll call, 11 yes, 0 no ,

**VOTED:** TO APPROVE ORDER NO. FY 21-022.

Seeing that no one wished to speak, President Stempel-Rae closed the public hearing at 8:04 pm.

**Order no. FY 21-015**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mayo, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF \$21,000 BE TRANSFERRED FROM FUND 8402 - CAPITAL STABILIZATION, TO REPAIR THE BOILER LOCATED AT THE DPW YARD.

**DISCUSSION:** Vice President Wheeler reported the Ways & Means Committee forwarded a unanimous positive recommendation. It was noted that a small balance would remain in the account; however, in the future the City would be requesting transfers to replenish accounts.

It was by roll call, 11 yes, 0 no,

**VOTED:** TO APPROVE ORDER NO. FY21-015.

**Order no. FY 21-017**

**MOTION:** On a motion by Councilor Dolan, second by Councilor Mayo, 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 ZONING ORDINANCE, CHAPTER 200, SECTION 7.18: ACCESSORY DWELLING UNITS; SUBSECTION D: ACCESSORY DWELLING UNIT STANDARDS, BY INSERTING NEW SUBSECTION (14) AS FOLLOWS:

*~200-7.18. Accessory Dwelling Units*

*D. Accessory Dwelling Unit Standards.*

- (14) No accessory dwelling unit shall be held in separate ownership from the principal structure or dwelling unit. If ownership is later divided under Massachusetts Condominium Law, all units of the condominium must be owner-occupied.*

**DISCUSSION:** This zoning amendment was submitted by the Planning Board. Councilor Elmer presented a brief rationale for the submission of the proposed amendment.

It was by roll call, 10 yes, 1 no, 1 abstention,

**VOTED:** TO APPROVE ORDER NO. FY21-017.

**Order no. FY 21-019**

**MOTION:** On a motion by Councilor Dolan, second by Councilor Wheeler, 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, TO AMEND:

Chapter 200, the zoning ordinance of the city of Greenfield, is hereby further amended in subsection B of section 200-7.18 by adding the following language at the end of the definition of ACCESSORY DWELLING UNIT, DETACHED: "A detached Accessory Dwelling shall be allowed on a lot that contains a minimum of .75 of an acre in total area or larger. "

and further amended in section 200-7.18 by striking subsection C1. and C.2 in its entirety and replacing it with the following language: --

**C.1. An Accessory Dwelling unit, Within, and an Accessory Dwelling Unit, Attached, shall require a site plan review by the Planning Board prior to construction.**

**C.2. An accessory Dwelling Unit, Detached, shall require a special permit review by the Planning Board prior to construction.**

**DISCUSSION:** This proposed zoning amendment was submitted by a Citizen’s Petition. It was noted that the Council had previously voted against the requirement of a special permit. Clarification was asked in regards to the process once the proposed zoning amendment was initiated.

It was by roll call, 2 yes, 9 no, 1 abstention,

**DEFEATED:** TO APPROVE ORDER NO. FY21-019.

(Note: Upon further research, it was discovered the Council did not have the authority to defeat the initiation of a proposed zoning amendment; therefore, order no. FY21-019 would proceed forward in accordance with Massachusetts General Law Chapter 40A Section 5.)

**Order no. FY 21-018**

**MOTION:** On a motion by Councilor Dolan, second by Councilor Mayo, it was by roll call, 10 yes, 0 no, 1 abstention,

**VOTED:** 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 ZONING ORDINANCE, CHAPTER 200, SECTION 4.13: FLOODPLAIN DISTRICT (F); SUBSECTION B: DISTRICT DELINEATION, BY STRIKING THE CURRENT SECTION (2) IN ITS ENTIRETY AND REPLACING IT AS INDICATED ON THE ATTACHED STRIKE DRAFT, AND SECTION D: USE REGULATIONS, AS INDICATED ON THE ATTACHED STRIKE DRAFT.

**PROPOSED ZONING AMENDMENT TO THE GREENFIELD ZONING ORDINANCE**  
**May 5, 2020**

Note: Text with a ~~strike through~~ is text to be deleted, *black bold italic* text is newly proposed text.

Amend Section 200-4.13 – Floodplain District of the Zoning Ordinance by so that it reads as follows:

**~ 200-4.13. Floodplain District (F).**

A. Purpose. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to reduce the public costs resulting from flood damage, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain, and to preserve and maintain the ground water table and ground water recharge areas within the floodplain.

B. District delineation.

(1) The general boundaries of the Floodplain District are shown on the City of Greenfield Flood Insurance Rate Map (FIRM), dated July 2, 1980, as Zones A, A 1-30 to indicate the 100-year floodplain. The exact boundaries of the district are defined by the 100-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated January 1980. The floodway boundaries are delineated on the City of Greenfield Flood Boundary Floodway Map (FBFM), dated July 2, 1980, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two (2) sets of maps as well as the accompanying Study are incorporated herein by reference and are on file with the City Clerk, Planning Board, Conservation Commission, and Inspector of Buildings.

~~(2) The boundaries as shown on the above referenced maps shall be presumed accurate. This presumption may be overcome only by credible evidence using drainage calculations which shall be:~~

~~\_\_\_\_\_ (a) Based upon a design storm of seven (7) inches of precipitation in twenty-four (24) hours (i.e., a Type II Rainfall, as defined by the U.S. Soil Conservation Service);~~

~~\_\_\_\_\_ (b) Based upon the standard methodologies set forth in U.S. Soil Conservation Service Technical Release No. 55, Urban Hydrology for Small Watersheds and Section 4 of the U.S. Soil Conservation Service, National Engineering Hydrology Handbook; and~~

~~\_\_\_\_\_ (c) Prepared by a registered professional engineer or other professional competent in such matters. Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the boundary of the 100 year floodplain shall be the maximum lateral extent of floodwater which has been observed or recorded. The Zoning Board of Appeals may also require the applicant to determine the boundary using the above referenced drainage calculations.~~

*(2) Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data*

*shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

*(3) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.*

*(4) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones. [Subsection 3 added by the Town Council on July 15, 2009]*

*(5) All subdivision proposals must be designed to assure that:*

*(a) Such proposals minimize flood damage;*

*(b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and*

*(c) Adequate drainage is provided to reduce exposure to flood hazards.*

C. Notification of Watercourse Alteration. In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

(1) Adjacent Communities

(2) Bordering States (optional)

(3) NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700

Boston, MA 02114-2104

(4) NFIP Program Specialist

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110 [Subsection C added by the Town Council on July 15, 2009]

D. Use regulations. The Floodplain District is established as an overlay district to all other districts. The requirements of the underlying district shall govern subject to the provisions of this section. All development, including structural and nonstructural activities, whether permitted by right or by special permit shall be in compliance with the Wetlands Protection Act, MGL c. 131, ~ 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (~~Section 5322 of the 7<sup>th</sup> Edition of the MA State Building Code~~).

**Order no. FY 21-021**

**MOTION:** On a motion by Councilor Dolan, second by Councilor Mayo, 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 ZONING ORDINANCE, CHAPTER 200, SECTION 6.1: NONCONFORMING USES; SUBSECTION B: RESTORATION OR RECONSTRUCTION, (1) & (2), AS INDICATED ON THE STRIKE DRAFT BELOW:

~ 200-6.1. Nonconforming uses.

B. Restoration or reconstruction.

(1) In the event that a nonconforming building is destroyed by fire, *explosion* or other *natural* cause, or is in a state of *disrepair and dilapidated*, the same may be reconstructed or repaired on the same location for the same use or a conforming use, provided the new building is at least equal in appearance and character to the original structure.

(2) Restoration or reconstruction due to fire, explosion or other *natural* cause, must be undertaken within one (1) year of the date damage is inflicted unless, upon application to the Board of Appeals, the owner can show that restoration within the time limit is ~~impossible~~ *impracticable*, in which case extension of time may be granted.

**DISCUSSION:** The proposed zoning amendment was submitted by the Planning Board. Vice President Wheeler provided a brief explanation in regards to the rationale for this proposed order.

It was by roll call, 10 yes, 0 no, 1 abstention,

**VOTED:** TO APPROVE ORDER NO. FY21-021.

**Order no. FY 21-016**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL VOTES TO AMEND THE CITY COUNCIL RULES OF PROCEDURE §565-2, RULE 2, MEETINGS, SECTION A: REGULAR MEETINGS, BY DELETING “7:00”, AND INSERTING IN ITS PLACE “6:30”.

**DISCUSSION:** Ways & Means Committee meeting had been moved to Tuesdays before the City Council meeting. It may be more convenient to have an earlier start time so they may adjourn earlier. Other Comments included:

- The earlier time could be an inconvenience for some individuals who arrive home at a later time.
- It was noted that there would be instances that the Ways & Means Committee would have to meet on the Wednesday before the City Council meeting.
- Most Councilors would welcome the earlier time.
- The Council could streamline the agenda to prioritize their time management.

It was by roll call, 0 yes, 10 no, 1 abstention,

**DEFEATED:** TO APPROVE ORDER NO. FY21-016.

**Order no. FY 21-014**

**MOTION:** On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENTS/REAPPOINTMENTS BY THE MAYOR AS FOLLOWS:

- Emily Ballard – Human Rights Commission, Term to expire September 30, 2023.
- Wendy Goodman – Human Rights Commission, Term to expire September 30, 2023.
- Toheeb Bakare - Youth Commission, Term to expire September 30, 2023.
- Linda M Smith – Council on Aging, Term to expire September 30, 2023.
- David Levandusky – Board of Registrars Republican, Term to expire April 30, 2021.
- Wanda Pyfrom – Board of Registrars Republican, Term to expire April 30, 2022.
- Eva Carrier – Board of Registrars Democrat, Term to expire April 30, 2023.
- Walter Boyd – Zoning Board of Appeals, Term to expire June 30, 2023.

**DISCUSSION:** Councilor Ricketts reported the Appointment & Ordinance Committee forwarded a unanimous positive recommendation. Other comments included:

- It was noted that a previous appointee was submitted to a Committee that already had the full number of members on it.
- Vice President Wheeler noted that one of the appointees listed had made bigoted statements in public and he would abstain from the vote.
- Suggestion was made that the Councilors could vote on the appointees individually.
- The issue of an appointee could have been brought to the attention of the Mayor before it was presented to the Council for a vote.

It was by roll call, 6 yes, 2 no, 3 abstention,

**VOTED:** TO APPROVE ORDER NO. FY21-014.

**Order no. FY 21-020**

**MOTION:** On a motion by Councilor Desorgher, second by Councilor Forgey, it was by roll call 12 yes, 0 no, 1 abstention,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING RE-APPOINTMENT BY THE MAYOR TO THE YOUTH COMMISSION: PENNY RICKETTS, FOR A THREE YEAR TERM TO EXPIRE JUNE 30, 2023.

It was noted that if the Councilor’s would like the appointees as individual orders for future meetings it could be done. President Stempel-Rae requested the issue be placed on the Committee Chairs agenda for October.

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

**REPORTS OF COMMITTEES**

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

**ECONOMIC DEVELOPMENT COMMITTEE** – None.

**APPOINTMENTS AND ORDINANCE COMMITTEE**- None.



**WAYS AND MEANS COMMITTEE – None.**

Councilor Jarvis stated that he would forward updates and reports on the Temporary Fire Station building sub-committee and Public Safety Construction Committee’s progress to the Councilors if they were unable to attend the meetings.

President Stempel-Rae encouraged Councilors to contact the Ethics Commission to discuss any issues they may not feel uncomfortable voting on.

**TREASURER REPORT – None.**

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**MOTIONS FOR RECONSIDERATION:** None.

**ADJOURNMENT:** On a motion by Councilor Mayo, second by Councilor Wheeler, it was unanimously, **VOTED:** TO ADJOURN THE MEETING AT 9:19 P.M.

A true copy,

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

GREENFIELD CITY COUNCIL MEMBERS

Webex Conferencing System  
 Regular Meeting  
 September 16, 2020

	Attendance	FY21-022	FY21-015	FY21 -017	FY21-019	Fy21-018	FY21-021	FY21-016	Fy21-014	FY21-020
1. Jarvis, Edward	Y	Y	Y	Y	N	Y	Y	N	Y	Y
2. Guin, Daniel	N	----	----	----	----	----	----	----	----	----
3. Desorgher, Virginia	Y	Y	Y	Y	N	Y	Y	N	Y	Y
4. Bottomley, John	Y	Y	Y	Y	N	Y	Y	N	Y	Y
5. Dolan, Timothy	Y	Y	Y	Y	N	Y	Y	Abs	Abs	Y
6. Gilmour, Sheila	Y	Y	Y	Y	Y	Y	Y	N	N	Y
7. Wheeler, Otis	Y	Y	Y	Abs	N	Y	Y	N	Abs	Y
8. Mayo, Douglas	Y	Y	Y	Y	N	Y	Abs	N	Y	Y
9. Hirschfeld, Norman	Y	Y	Y	Y	Y	Y	Y	N	N	Y
10. Elmer, Philip	Y	Y	Y	Y	Abs	Y	Y	N	Abs	Y
11. Forgey, Christine	Y	Y	Y	Y	N	Y	Y	N	Y	Y
12. Ricketts, Penny	Y	Y	Y	N	N	Abs	Y	N	Y	Abs
13. Stempel-Rae, Ashley	Y	----	----	Y	N	----	----	----	----	Y
		11 y	11 y	10 y	2 y	10 y	10 y	0 y	6 y	12 y
		0 n	0 n	1 n	9 n	0 n	0 n	10 n	2 n	1 ab
				1 ab	1 ab	1 ab	1 ab	1 ab	3 ab	