

GREENFIELD CITY COUNCIL
Regular Meeting Minutes
March 17, 2021

Webex Conferencing System

7:00 pm

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

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 Stempel-Rae was absent.

ALSO PRESENT: Mayor Roxann Wedegartner; City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; School Committee Chairperson Amy Proietti; 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 Mayo, second by Councilor Guin, it was unanimously,

VOTED: TO ACCEPT THE CITY COUNCIL MINUTES OF FEBRUARY 2, AND FEBRUARY 17, 2021.

COMMUNICATIONS:

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Chairperson Proietti reported the following:

- The Schools were moving to begin in-person learning for students. The Elementary Students were set to begin on April 5th, per the Order of the Governor and the Commissioner of Education Jeff Reilly. The Middle School students would begin in person learning by the end of April, the High School students would follow in May. Parents were allowed to continue at home remote learning for their children until the end of the academic school year. Remote learning would cease at the beginning of the 2021-2022 school year beginning in September.
- A special School Committee meeting was scheduled for March 18, 2021, at 6:00 pm, to discuss certain parameters for the Superintendent search process and to introduce the public to Liz Lafond from the Massachusetts Association of School Committees, who would be assisting in the hiring process for the new Superintendent.

Ms. Proietti answered the following questions from Councilors:

- Was there a plan in place to ensure all teachers, educators and other school staff members properly received the COVID-19 vaccine before returning to the in person learning environment.
- How was the School Committee handling the issue regarding a request for HIPPA protected information of the School's educators to learn if they were medically able to return for in person learning.

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

- The vaccine clinic at the John Zon Community Center had been operational since January and had administered over 5,300 vaccinations. Councilors were encouraged to volunteer at the vaccination clinics and thanked everyone involved in this endeavor.
- Addressed the issue of the constraint provided by the State as to the supply of the vaccinations and the ratio of recipients who could receive it (25% of the supply for Franklin County residents versus 75% of the supply for all other Massachusetts residents who come to Greenfield for the vaccination.)

- The City continued to be on schedule in terms of the temporary fire station project. All of the proposed bids had been received as well as the choices for the apparatus bays, living quarters and office space. The temporary fire station should be up and running by mid-August or beginning of September 2021.
- April 1, 2021, the Hope Street parking lot would be closed to the permit holders, all of whom had been notified by email as of Monday, March 15th. All parking permit holders were eligible to park in all designated areas of permitted space.
- Working with Chief of Staff Danielle Letourneau and Community Economic Development Director MJ Adams to begin reopening businesses in Greenfield, including outdoor dining.

Mayor Wedegartner answered the following questions from Councilors:

- How would the City move forward with the process of reopening businesses in Greenfield by July as well as Schools by September, with the current restraint and shortage of COVID-19 vaccinations.
- Update on the formation of the Zoning Committee as well as the Community Preservation Committee.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: None.

PUBLIC COMMENT: The following members of the public spoke:

- Paul Jablon, Fairview St., spoke to his support for the proposed zoning amendment in the RC district for cannabis cultivation facility.
- Carol Letson, Allen St., spoke in support for the appropriation of \$350,000 for the construction of a new City skate park.
- Susan Worgaftik, Forest Ave., spoke in support for the appropriation of \$350,000 for the construction of a new City skate park.
- Zach Podhorzer, Riddell St., spoke on behalf of Gillis McDougall, who were working on a new recreational sport project to present to the City called disc golf discs and would like to propose the construction of a nine-hole course within walking distance from Main Street.
- Rebecca King, Myers Farm Lane, spoke in support for the appropriation of \$350,000 for the construction of a new City skate park.
- Louise Amyot, Madison Cir., spoke in support for the appropriation of \$350,000 for the construction of a new City skate park.

PUBLIC HEARINGS: President Ricketts opened the public hearing at 7:54 pm. Councilor Forgey and Councilor Bottomley read the public hearing:

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., March 17, 2021, at 7:00 p.m. at John Zon Community Center, 35 Pleasant St, or via Webex, if required: <https://greenfieldma.my.webex.com/greenfieldma.my/j.php?MTID=m0917f0997867335774b03f6374c0afd6> to receive public input on the following:

- Appropriate \$16,500 from Free Cash to Repair Traffic Lights.
- Appropriate \$20,000 from Water Retained Earnings to match grant for Millbrook Well Generator.
- Establish Municipal Pension Stabilization Fund as Authorized by MGL c. 40, §5B and Appropriate \$1,000,000 from Free Cash to the Municipal Pension Stabilization Fund.
- Appropriate \$500,000 from Free Cash to the General Stabilization Fund.
- Appropriate \$600,000 from Free Cash to the Capital Stabilization Fund.
- Appropriate \$300,000 from Free Cash to the Contract Stabilization Fund.
- Appropriate \$25,000 from Free Cash to the Compensated Absences Fund.

The City Council may consider the same on Wed., March 17, 2021, at 7:00 p.m. at John Zon Community Center, 35 Pleasant St, or via Webex, if required: <https://greenfieldma.my.webex.com/greenfieldma.my/j.php?MTID=m0917f0997867335774b03f6374c0afd6>. 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.

Penny Ricketts, Greenfield City Council President

President Ricketts asked if anyone from the public would like to speak on these issues. Seeing none, she closed the public hearing at 7:58 pm.

Councilor Forgey and Councilor Desorgher read the second readings:

City Council – Second Reading- March 17, 2021

- Appropriate \$16,500 from Free Cash to Repair Traffic Lights.
- Appropriate \$20,000 from Water Retained Earnings to match grant for Millbrook Well Generator.
- Establish Municipal Pension Stabilization Fund as Authorized by MGL c. 40, §5B and Appropriate \$1,000,000 from Free Cash to the Municipal Pension Stabilization Fund.
- Appropriate \$500,000 from Free Cash to the General Stabilization Fund.
- Appropriate \$600,000 from Free Cash to the Capital Stabilization Fund.
- Appropriate \$300,000 from Free Cash to the Contract Stabilization Fund.
- Appropriate \$25,000 from Free Cash to the Compensated Absences Fund.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 21-056

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF \$16,500 TO BE APPROPRIATED FROM FREE CASH FOR THE PURPOSE REPAIRING TRAFFIC LIGHT SAFETY ISSUES.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Councilor Wheeler asked if the traffic lights located at Federal Street and Main Street were scheduled to be repaired with this appropriation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-056.

Order no. FY 21-057

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE GREENFIELD CITY COUNCIL APPROPRIATE THE SUM OF \$ 20,000 FROM WATER ENTERPRISE RETAINED EARNINGS AS A GRANT MATCH FOR THE MILLBROOK WELL GENERATOR.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-057.

Order no. FY 21-058

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER,

WHEREAS, CHAPTER 40 §5B PROVIDES FOR THE ESTABLISHMENT OF ONE OR MORE STABILIZATION FUNDS.

WHEREAS, THE CITY OF GREENFIELD WISHES TO CREATE AN PENSION STABILIZATION FUND FOR THE PURPOSE OF FUNDING THE FUTURE PENSION ASSESSMENT SCHEDULE PAYMENTS FOR THE GREENFIELD CONTRIBUTORY RETIREMENT SYSTEM.

THE PENSION STABILIZATION FUND ESTABLISHED AS AUTHORIZED BY MASSACHUSETTS GENERAL LAWS, CHAPTER 40, §5B WILL BE FUNDED FREE CASH IN THE AMOUNT OF 1,000,000 (ONE MILLION).

MOVE THAT THE CITY OF GREENFIELD CREATE AN PENSION STABILIZATION FUND, AS AUTHORIZED UNDER MGL CHAPTER 40, §5B, AND THAT THE CITY OF GREENFIELD FUND THE PENSION STABILIZATION WITH \$1,000,000 (ONE MILLION) FROM FREE CASH.

DISCUSSION: Councilor Forgey and Councilor Jarvis announced that they would recuse themselves from the vote due to the fact they both benefit from the City pension and left the rail. Councilor Bottomley reported the Ways & Means Committee forwarded a majority positive recommendation with 2 yes, 1 no, and two abstentions. Vice President Gilmour noted that the Finance Director provided rationale as to why the establishment of the fund was a necessity and priority.

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

VOTED: TO APPROVE ORDER NO. FY 21-058.

Councilor Forgey and Councilor Jarvis return to the rail.

Order no. FY 21-059

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE GREENFIELD CITY COUNCIL APPROPRIATE THE SUM OF \$500,000 FROM FREE CASH TO THE GENERAL STABILIZATION FUND.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-059.

Order no. FY 21-060

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE GREENFIELD CITY COUNCIL APPROPRIATE THE SUM OF \$600,000 FROM FREE CASH TO THE CAPITAL STABILIZATION FUND.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Councilor Mayo inquired what the appropriation would be used for. Finance Director Gilman explained that it could be used for a number of projects the City may require to undertake.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-060.

Order no. FY 21-061

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE GREENFIELD CITY COUNCIL APPROPRIATE THE SUM OF \$300,000 FROM FREE CASH TO THE CONTRACT STABILIZATION FUND.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-061.

Order no. FY 21-062

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE GREENFIELD CITY COUNCIL APPROPRIATE THE SUM OF \$25,000 FROM FREE CASH TO THE COMPENSATED ABSENCES FUND.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-062.

Order no. FY 21-052

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

MOVED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, SECTION 200-4.2 RURAL RESIDENTIAL DISTRICT (RC); SUBSECTION C: USES BY SPECIAL PERMIT, BY STRIKING PARAGRAPHS (19) AND (20) IN THEIR ENTIRETY AND REPLACE WITH NEW PARAGRAPH (19) AS FOLLOWS:

~~(19) Marijuana cultivator limited to Tier 1 (5,000 square feet) pursuant to ~ 200-7.17.~~

~~(20) Craft marijuana cooperative pursuant to ~ 200-7.17.~~

(19) Marijuana cultivator pursuant to ~ 200-7.17, provided that any structure erected for such use in the RC Zoning District must also be usable either for other agricultural use (such as hoop houses, greenhouses and barns), or for residential use.

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.

DISCUSSION: Councilor Desorgher reported the Economic Development Committee forwarded a unanimous positive recommendation with amendments.

MOTION: On a motion by Councilor Desorgher, second by Councilor Wheeler, it was, **MOVED:** THAT THE CITY COUNCIL AMEND THE ZONING ORDINANCE, CHAPTER 200, SECTION 200-4.2 RURAL RESIDENTIAL DISTRICT (RC); SUBSECTION C: USES BY SPECIAL PERMIT, BY STRIKING PARAGRAPHS (19) AND (20) IN THEIR ENTIRETY AND REPLACE WITH NEW PARAGRAPH (19) AS FOLLOWS:

- ~~(19) Marijuana cultivator limited to Tier 1 (5,000 square feet) pursuant to ~ 200-7.17.~~
- ~~(20) Craft marijuana cooperative pursuant to ~ 200-7.17.~~

(19) Marijuana cultivator pursuant to ~ 200-7.17, provided that any structure erected for such use in the RC Zoning District must also be usable either for other agricultural use (such as hoop houses, greenhouses and barns), or for residential use.

AND FURTHER AMEND SECTION 200-4.2(C) – RURAL RESIDENTIAL DISTRICT (RC), OF THE ZONING ORDINANCE BY ADDING A NEW NUMBER 20 UNDER SUBSECTION C, USES ALLOWED BY SPECIAL PERMIT, SO THAT IT READS AS FOLLOWS:

(20) Marijuana product manufacturing and marijuana retailer as accessory uses to the use “Marijuana cultivator pursuant to ~200-7.17.”

Amend Appendix A, Table of Uses, of the Zoning Ordinance by adding the following new category:

| | RC | RB | RA | SR | H | CC | LC | GC | O | GI | PI |
|---|----|----|----|----|-----------------|----|----|----|----|----|----|
| Accessory Uses | | | | | | | | | | | |
| Cafeterias for employees, automatic teller machines, automated vending kiosks, day-care centers and other normal accessory uses to a nonresidential use | N | N | N | N | Y ¹³ | Y | Y | Y | Y | Y | Y |
| Retail sales incidental to a permitted use or use allowed by special permit | N | N | N | N | N | SP | Y | Y | SP | SP | Y |
| <i>Marijuana product manufacturing and Marijuana retailer as accessory uses to a Marijuana cultivator pursuant to ~ 200-7.17</i> | SP | N | N | N | N | N | N | N | N | N | N |
| Uses Not Elsewhere Classified | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |

DISCUSSION: Councilor Wheeler raised concern that marijuana retail use was not allowed in the GI (General Industry) District as neither accessory nor “stand alone” use. Councilor Desorgher clarified that the use table had been corrected in regards to the GI District and retail was listed as an accessory use in that District.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE AMENDMENT.

Order No. FY 21-052, as amended, was on the floor: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, SECTION 200-4.2 RURAL RESIDENTIAL DISTRICT (RC); SUBSECTION C: USES BY SPECIAL PERMIT, BY STRIKING PARAGRAPHS (19) AND (20) IN THEIR ENTIRETY AND REPLACE WITH NEW PARAGRAPH (19) AS FOLLOWS:

~~(19) Marijuana cultivator limited to Tier 1 (5,000 square feet) pursuant to ~ 200-7.17.~~

~~(20) Craft marijuana cooperative pursuant to ~ 200-7.17.~~

(19) Marijuana cultivator pursuant to ~ 200-7.17, provided that any structure erected for such use in the RC Zoning District must also be usable either for other agricultural use (such as hoop houses, greenhouses and barns), or for residential use.

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.

THAT THE CITY COUNCIL AMEND THE ZONING ORDINANCE, CHAPTER 200, SECTION 200-4.2 RURAL RESIDENTIAL DISTRICT (RC); SUBSECTION C: USES BY SPECIAL PERMIT, BY STRIKING PARAGRAPHS (19) AND (20) IN THEIR ENTIRETY AND REPLACE WITH NEW PARAGRAPH (19) AS FOLLOWS:

~~(19) Marijuana cultivator limited to Tier 1 (5,000 square feet) pursuant to ~ 200-7.17.~~

~~(20) Craft marijuana cooperative pursuant to ~ 200-7.17.~~

(19) Marijuana cultivator pursuant to ~ 200-7.17, provided that any structure erected for such use in the RC Zoning District must also be usable either for other agricultural use (such as hoop houses, greenhouses and barns), or for residential use.

AND FURTHER AMEND SECTION 200-4.2(C) – RURAL RESIDENTIAL DISTRICT (RC), OF THE ZONING ORDINANCE BY ADDING A NEW NUMBER 20 UNDER SUBSECTION C, USES ALLOWED BY SPECIAL PERMIT, SO THAT IT READS AS FOLLOWS:

(20) Marijuana product manufacturing and marijuana retailer as accessory uses to the use “Marijuana cultivator pursuant to ~200-7.17.”

Amend Appendix A, Table of Uses, of the Zoning Ordinance by adding the following new category:

| | RC | RB | RA | SR | H | CC | LC | GC | O | GI | PI |
|---|----|----|----|----|-----------------|----|----|----|----|----|----|
| Accessory Uses | | | | | | | | | | | |
| Cafeterias for employees, automatic teller machines, automated vending kiosks, day-care centers and other normal accessory uses to a nonresidential use | N | N | N | N | Y ¹³ | Y | Y | Y | Y | Y | Y |
| Retail sales incidental to a permitted use or use allowed by special permit | N | N | N | N | N | SP | Y | Y | SP | SP | Y |
| <i>Marijuana product manufacturing and Marijuana retailer as accessory uses to a Marijuana cultivator pursuant to ~ 200-7.17</i> | SP | N | N | N | N | N | N | N | N | N | N |
| Uses Not Elsewhere Classified | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |

DISCUSSION: Councilor Dolan voiced concern that businesses should not be dictating how the zoning amendments for marijuana cultivation and retail should be performed by the City to meet the particular needs of a business. It was in the City’s best interest to create the zoning bylaws, procedures and policies for all businesses to follow. Councilor Wheeler believed that this amendment would eliminate the craft marijuana cooperation prioritization. Vice President Gilmour noted that Massachusetts still placed a stigma on marijuana as an illegal drug, even though it has been legalized for a few years.

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

VOTED: TO APPROVE ORDER NO. FY 21-052, AS AMENDED.

Order no. FY 21-063

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

MOVED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING MAP TO EXTEND THE EXISTING GENERAL COMMERCIAL (GC) ZONING DISTRICT ALONG BERNARDSTON ROAD IN THE NORTHEAST SECTION OF GREENFIELD FROM RURAL RESIDENTIAL (RC) TO GC TO THE BERNARDSTON TOWN LINE BY EXTENDING 500’ FROM THE ROAD CENTERLINE OF THE WEST SIDE OF BERNARDSTON ROAD; 500’ FROM THE ROAD CENTERLINE OF THE EAST SIDE OF BERNARDSTON ROAD TO I-91; AND CHANGING THE ENTIRETY OF PARCELS R10-5, R10-8, R10-8A, R10-9, AND R10-13 NORTH OF I-91 AND EAST OF BERNARDSTON ROAD FROM RC TO GC.

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.

DISCUSSION: Councilor Desorgher reported the Economic Development Committee forwarded a unanimous positive recommendation. Councilor Wheeler thanked the Planning Board for their well thought out language for the proposed amendment. However, he was concerned that the amendment may encourage sprawl to extend the GC (General Commercial) District to the City’s northern border. Councilor

Jarvis noted that the majority of the land in the area was wetlands and the possibility of a sprawl development in the area would be unlikely.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-063.

Order no. FY 19-084

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL VOTES TO AUTHORIZE THE MAYOR TO EXECUTE A CERTAIN “STRAW CONVEYANCE AGREEMENT” BY AND BETWEEN THE CITY OF GREENFIELD, 401 LIBERTY STREET LLC, EASTHAMPTON SAVINGS BANK AND COMMONS WEALTH, LLC, AND EXECUTE OTHER DOCUMENTATION AS MAY BE REQUIRED FOR THE PURPOSE OF CLEARING CERTAIN DEFECTS IN THE CHAIN OF TITLE TO THE PROPERTY FORMERLY KNOWN AS THE LUNT SILVERSMITH’S PROPERTY IN THE CITY BLOCK BOUNDED BY FEDERAL, KENWOOD, DAVIS AND NORWOOD STREETS IN THE CITY OF GREENFIELD (THE “LAND”). THE LAND WAS MADE SUBJECT TO THE CONDOMINIUM STATUTE, MGL c. 183A, AND WAS KNOWN AS 298 FEDERAL STREET CONDOMINIUM. THE STRAW CONVEYANCE AGREEMENT PROPOSES TO CLEAR THE TITLE DEFECTS BY FIRST REMOVING THE LAND FROM MGL CHAPTER 183A; EXECUTING AND DELIVERING A CONFIRMATORY DEED TO THE CITY OF GREENFIELD FOR THE “BALLFIELDS” AS SHOWN ON PARCEL 2 IN FRANKLIN COUNTY REGISTRY OF DEEDS PLAN BOOK 136, PAGE 89; CONVEYING THE REMAINING PROPERTY TO COMMONS WEALTH, LLC, ACTING AS A STRAW FOR THE PURPOSE OF RESUBMITTING SAID LAND TO THE MASSACHUSETTS CONDOMINIUM STATUTE, MGL CHAPTER 183A, CONVEYING THE NEWLY DESCRIBED CONDOMINIUM UNITS TO 401 LIBERTY STREET LLC AND THE CITY OF GREENFIELD AND THEN RENEWING THE LEASE AND OPTION RELATIONSHIP BETWEEN THE CITY OF GREENFIELD AND 401 LIBERTY STREET LLC, AS DESCRIBED IN THE LEASE AND OPTION AGREEMENT DATED AUGUST 19, 2015, OF WHICH NOTICE WAS GIVEN IN A NOTICE OF LEASE DATED AUGUST 19, 2015, AND RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS IN BOOK 6821 PAGE 345.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a majority positive recommendation: 3 yes, 1 no and 1 abstention. Director Adams presented rationale for this order. Councilor Desorgher noted that she was not in favor of this order due to concerns to continue the ongoing mediation in regards to the property. More clarification was provided by Director Adams in regards to why the title was not clean from the beginning, including mediation.

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

VOTED: TO APPROVE ORDER NO. FY 21-084.

Order no. FY 21-064

MOTION: On a motion by Councilor Desogher, second by Councilor Guin, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING CHAPTER 116 TO ESTABLISH THE COMMISSION ON DISABILITY ACCESS ORDINANCE AS FOLLOWS HERETO:

(A) There shall be a Commission on Disability Access consisting of five members and two alternate members, appointed by the mayor, with the approval by the City Council, for staggered three-year terms.

(B) Said commission has duties and responsibilities as delineated in MGL 40 section 8J.

(C) The ADA Coordinator, as appointed by the mayor, shall be an ex-officio member.

AND FURTHER AMENDS THE TABLE AND INDEX OF CONTENTS 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.

DISCUSSION: Councilor Guin reported the Appointments & Ordinances Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-064.

Order no. FY 21-065

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING CHAPTER 117, ORDINANCE TO ESTABLISH A COMMUNITY PRESERVATION COMMITTEE AS ATTACHED HERETO AS EXHIBIT A, AND FURTHER AMENDS THE TABLE AND INDEX OF CONTENTS 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.

DISCUSSION: Councilor Guin had asked for a report from the Mayor's office to verify that there was an agreement with the proposed language and was in compliance with Massachusetts State Law.

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

MOVED: TO AMEND CHAPTER [117], SECTION 2A: MEMBERSHIP; TERMS; OFFICERS, PARAGRAPHS 6 & 7 TO ADD THE FOLLOWING LANGUAGE AFTER "TWO MEMBERS OF THE GENERAL PUBLIC": "NOT CITY EMPLOYEES OR CURRENTLY HOLDING AN ELECTED OR APPOINTED POSITION,"

DISCUSSION: Vice President Gilmour believed this added language could encourage a more diverse panel of appointees to join this Committee. Councilor Guin pointed out that this Committee would be especially busy and having a panel that did not have other committees or commissions to be on could be beneficial; however, his concern would be if someone interested who was on just one committee who had time to commit to this panel would not be eligible. There would need to be a fair balance between "inclusive" and "exclusive" language.

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

VOTED: TO APPROVE AMENDMENT.

Order no. FY21-065, as amended, was on the floor: THAT THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING CHAPTER 117, ORDINANCE TO ESTABLISH A COMMUNITY PRESERVATION COMMITTEE AS ATTACHED HERETO AS EXHIBIT A, AND FURTHER AMENDS THE TABLE AND INDEX OF CONTENTS 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.

EXHIBIT A

Chapter TBD [117]. Community Preservation Committee

§ TBD [117]-1. Establishment.

There is hereby established a Community Preservation Committee, in accordance with Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act.

§ TBD[117]-2. Membership; Terms; Officers.

- A. The Community Preservation Committee shall, pursuant to MGL Chapter 44B, consist of nine voting members. The composition of the Committee, the appointment authority, and term of office for the Committee members shall be as follows:
1. One current member of the Conservation Commission as designated by said Commission for a term of three years.
 2. One current member of the Historical Commission as designated by said Commission for an initial term of two years, and thereafter for a term of three years.
 3. One current member of the Housing Authority as designated by said Authority for an initial term of two years, and thereafter for a term of three years.
 4. One current member of the Recreation Commission as designated by said Commission for an initial term of one year and thereafter for a term of three years.
 5. One current member of the Planning Board as designated by said Board for an initial term of one year and thereafter for a term of three years.
 6. Two members of the general public, **not city employees or currently holding an elected or appointed position**, to be appointed by the Mayor. One member to be appointed for a term of two years and thereafter for a term of three years, one member to be appointed for a term of three years.
 7. Two members of the general public, **not city employees or currently holding an elected or appointed position**, to be appointed by the City Council President. One member to be appointed for a term of one year and thereafter for a term of three years, and one member to be appointed for a term of three years.
- B. The Commissions, Boards, or persons who have appointment authority under this Article shall appoint such Committee Members within 45 days of the effective date of this Bylaw.

- C. Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, or persons who have appointment authority under this Article shall appoint a new Committee Member within 45 days of the first date of vacancy or resignation.
- D. Should any of the Commissions, Boards, or persons who have appointment authority under this Article be no longer in existence for any reason, the appointment authority for that Commission, Board, or person shall become the responsibility of the Mayor, subject to approval by a majority vote of the City Council.
- E. Officers. The Committee shall annually elect one of its members as Chair and one of its members as Vice-Chair. In the event a Chair is unavailable, the Vice-Chair shall run the meeting, and in the event the Vice-Chair is unavailable the most senior member of the Committee shall chair the Committee.

§ TBD[117]-3. Powers and Duties

The Community Preservation Committee shall study the needs, possibilities, and resources of the city regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the recreation commission and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city.

- A. The Community Preservation Committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.
- B. The Community Preservation Committee may include, in its recommendation to the City Council, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation.
- C. As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of City Council.

D. In each fiscal year and upon the recommendation of the Community Preservation Committee, the City Council shall spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space, not less than 10% of the annual revenues for historic resources, and not less than 10% of the annual revenues for community housing. The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to City Council for approval.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-065, AS AMENDED.

Order no. FY 21-082

MOTION: On a motion by Councilor Guin, second by Vice President Gilmour, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENT & RE-APPOINTMENT BY THE MAYOR:

Tim Fisk – Local Cultural Council, Term to expire December 31, 2023.

Jacob Frank – Sustainable Greenfield Implementation Committee, Term to expire December 31, 2023.

DISCUSSION: Vice President Gilmour reported the Appointments & Ordinances Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-082.

Order no. FY 21-083

MOTION: On a motion by Councilor Guin, second by Vice President Gilmour, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE PLANNING BOARD: NATHANIEL HUSSEY, TERM TO EXPIRE DECEMBER 31, 2022.

DISCUSSION: Vice President Gilmour reported the Appointments & Ordinances Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-083.

Order no. FY 21-081

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE COMMISSION ON DISABILITY ACCESS AS AN ALTERNATE: CELESTE LUNT, FOR A THREE YEAR TERM TO EXPIRE JUNE 30, 2024.

DISCUSSION: Vice President Gilmour reported the Appointments & Ordinances Committee forwarded a unanimous positive recommendation.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 21-081.

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.**TREASURER REPORT** – None.

Councilor Jarvis noted that if any Councilors had questions on the reports of the Fire Station Building Committee(s) meetings sent by Councilor Jarvis to send them directly to him and he will try to provide an answer.

UNFINISHED BUSINESS: None.**OLD BUSINESS:** None.

NEW BUSINESS: President Ricketts announced to the Council that if they sign up to volunteer for the COVID-19 vaccine clinic, they can see everyone who would be working with them. If you find a significant number of Councilors had also signed up on that particular day, she encouraged Councilor to choose a different time to volunteer.

Councilor Forgey held the following first reading:

City Council – First Reading- March 17, 2021

- FY2022 Mayor Capital Budget
 - Authorize 5 to 7 year lease to procure an ambulance not to exceed a financed price of \$295,000.
 - Appropriate \$90,000 from Fund 8402 Capital Stabilization for DPW Gravel Crushing Costs.
 - Appropriate \$35,000 from Fund 8402 Capital Stabilization for DPW Yard HVAC Upgrades.
 - Appropriate \$100,000 for the Sidewalk Replacement Program.
 - Appropriate \$100,000 for the Highway Road Program.
 - Appropriate \$145,000 for Equipment & Related Costs of GCET Expansion and Customer Installation.
 - Appropriate \$492,687 for the Reconstruction of Sanderson Street.
 - Appropriate \$350,000 for the Design and Construction of a City Skate Park.
 - Appropriate \$50,000 for Beacon Park Recreation Upgrades.
 - Appropriate \$574,205 for Sewer Upgrades, Repairs & Replacement for Reconstruction of Sanderson Street.
 - Appropriate \$469,525 for Water Upgrades, Repairs & Replacement for Reconstruction of Sanderson Street.
 - Appropriate \$1,350,000 for the Police Station Update & Reconfiguration.
 - Appropriate \$200,000 for Replacement of a Water Dump Truck.
 - Appropriate \$25,000 for a Water Rates Study, Asset Management & Emergency Response.
 - Appropriate \$91,000 for Waste Water Treatment Plant Electrical Upgrades.

MOTIONS FOR RECONSIDERATION: None.

ADJOURNMENT: On a motion by Councilor Guin, second by Vice President Gilmour, it was unanimously,

VOTED: TO ADJOURN THE MEETING AT 10:12 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

Webex Conferencing System
 Regular Meeting
 March 17, 2021

| | Attendance | 21-056 | 21-057 | 21-058 | 21-059 | 21-060 | 21-061 | 21-062 | 21-052 Amendment | 21-052 Amended | 21-063 | 21-084 | 21-064 | 21-065 Amendment | 21-065 Amended | 21-082 | 21-083 | 21-081 |
|-------------------------|------------|-------------|-------------|-----------------------|-------------|-------------|-------------|-------------|---------------------|-------------------|------------|----------|------------|---------------------|-------------------|------------|------------|------------|
| 1. Jarvis, Edward | Y | Y | Y | Rec | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 2. Guin, Daniel | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y |
| 3. Desorgher, Virginia | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y |
| 4. Bottomley, John | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y |
| 5. Dolan, Timothy | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 6. Gilmour, Sheila | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y |
| 7. Wheeler, Otis | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 8. Mayo, Douglas | Y | Y | Y | Y | Y | Y | Y | Y | Y | --- | Y | Y | Y | Y | Y | Y | Y | Y |
| 9. Hirschfeld, Norman | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 10. Elmer, Philip | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 11. Forgey, Christine | Y | Y | Y | Rec | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y |
| 12. Ricketts, Penny | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y |
| 13. Stempel-Rae, Ashley | A | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| | | 12 y 0 n | 12 y 0 n | 10 y 0 no 2 Rec | 12 y 0 n | 12 y 0 n | 12 y 0 n | 12 y 0 n | 12 y 0 n | 11 y 0 n | 12y 0 n | 9y 3n | 12y 0 n | 9y 3n | 12y 0 n | 12y 0 n | 12y 0 n | 12y 0 n |

