

GREENFIELD CITY COUNCIL
230th Regular Meeting Minutes
June 15, 2022
6:30 p.m.
John Zon Community Center
35 Pleasant Street/Zoom (Hybrid)
Council Vote Summary
WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 22-159

MOTION: On a motion by Councilor Bullock, second by Councilor Ricketts, it was by majority, 9 yes, 1 no,

VOTED: THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-11, APPROVES THE APPOINTMENT OF KATHERINE GOLUB TO FILL THE PRECINCT 1 CITY COUNCIL SEAT, VACATED BY EDWARD JARVIS, UNTIL DECEMBER 31, 2023.

Order no. FY 22-158

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

VOTED: THAT THE GREENFIELD CITY COUNCIL APPROPRIATE OR RESERVE FROM COMMUNITY PRESERVATION FUND ANNUAL REVENUES OR AVAILABLE FUNDS THE AMOUNTS RECOMMENDED BY THE COMMUNITY PRESERVATION COMMITTEE FOR COMMITTEE ADMINISTRATIVE EXPENSES, DEBT SERVICE, COMMUNITY PRESERVATION PROJECTS AND OTHER EXPENSES IN FISCAL YEAR 2023, WITH EACH ITEM TO BE CONSIDERED A SEPARATE APPROPRIATION AS FOLLOWS:

APPROPRIATE \$13,437.50 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR ADMINISTRATIVE EXPENSES.

RESERVE \$174,687.50 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR FY2023 COMMUNITY PRESERVATION FUND PURPOSES (FY2023 ANNUAL BUDGETED RESERVE).

RESERVE \$26,875.00 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR OPEN SPACE.

RESERVE \$26,875.00 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR HISTORIC RESOURCES.

RESERVE \$26,875.00 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR COMMUNITY HOUSING.

Order no. FY 22-149

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

VOTED: THAT IT BE ORDERED, THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$50,000 BE TRANSFERRED FROM THE FOLLOWING FY22 ACCOUNTS:

01001500.5305 LABOR SPECIAL LITIGATION	\$40,000
01002410.5111 BUILDING SALARIES	\$10,000

TO THE FOLLOWING ACCOUNT:

01001510.5302 FY22 CITY LEGAL	\$50,000
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Order no. FY 22-150

MOTION: On a motion by Councilor Desorgher, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED, THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$30,000 BE TRANSFERRED FROM THE FY22 01002120.5111 PARKING SALARIES TO FY22 01002130.5130 DISPATCH OVERTIME.

Order no. FY 22-151

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED, THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$60,000 BE TRANSFERRED FROM THE FOLLOWING ACCOUNTS:

01001550.5111	FY22 IT SALARIES	\$42,000
01001350.5111	FY22 ACCOUNTING SALARIES	\$18,000

TO THE FOLLOWING FY22 ENERGY ACCOUNTS:

01001970.521122	FIRE ELECTRIC	\$16,000
01001970.521622	FIRE PROPANE	\$23,000
01001970.521111	MIDDLE SCHOOL ELECTRIC	\$21,000

Order no. FY 22-152

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED, THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$12,600 BE TRANSFERRED FROM ACCOUNT 01001410.5111 ASSESSORS SALARIES AND WAGES TO THE FOLLOWING FY22 GENERAL FUND ACCOUNTS:

01009160.5181	MEDICARE TAX	\$10,000
01001580.5317	TAX TITLE	\$2,600

Order no. FY 22-153

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was by majority, 8 yes, 1 no,

VOTED: THAT IT BE ORDERED, THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$65,000 BE TRANSFERRED FROM THE FY22 01001320.5781 RESERVE FUND TO FY22 CITY VEHICLE FUEL ACCOUNTS AS FOLLOWS:

01002100.5482	POLICE NO LEAD GAS	\$25,000
01002200.5482	FIRE FUEL	\$20,000
01004290.5482	DPW SERVICE GAS	\$10,000
01004290.5483	DPW SERVICE DIESEL	\$10,000

Order no. FY 22-154

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was unanimously, **VOTED:** THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$61,000 BE TRANSFERRED FROM THE FY22 01007100.59991 SHORT TERM PRINCIPAL PAYDOWN TO FY22 01007520.5925 SHORT TERM INTEREST.

Order no. FY 22-157

MOTION: On a motion by Councilor Bullock, second by Councilor Desorgher, it was unanimously, **VOTED:** THAT THE GREENFIELD CITY COUNCIL RESCIND THE FOLLOWING ORDER VOTED DURING THE REGULAR MEETING HELD ON FEBRUARY 16, 2022:

On February 16, 2022, the Greenfield City Council, on a motion by Councilor Forgey, second by Councilor Mayo, it was by roll call, 10 yes, 0 no,

THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-11 (D): PUBLIC SAFETY COMMISSION; POWERS AND DUTIES, BE AMENDED AS INDICATED BELOW, WITH BOLD TEXT TO BE ADDED AND STRIKETHROUGH TEXT TO BE REMOVED:

SECTION 6-11: PUBLIC SAFETY COMMISSION

D) POWERS AND DUTIES: THE COMMISSION SHALL ASSIST THE MAYOR IN THE SUPERVISION AND OVERSIGHT OF ALL DEPARTMENTS ~~(FIRE, POLICE, EMERGENCY MEASURES ORGANIZATION)~~ **(FIRE, POLICE, EMERGENCY MANAGEMENT, DISPATCH)**, INCLUDING THE COORDINATION OF THE ADMINISTRATION OF ALL DEPARTMENTS WITH ONE ANOTHER, AND WITH OTHER CITY DEPARTMENTS AND AGENCIES BY MAKING RECOMMENDATIONS TO THE MAYOR CONCERNING:

1. SETTING PRIORITIES WITHIN THE SAID DEPARTMENTS.
2. THE ANNUAL OPERATING BUDGET OF ~~BOTH ALL~~ **ALL** DEPARTMENTS, AFTER THE MAYOR AND THE COMMISSION HAVE MET WITH THE ~~CHIEFS~~ **PUBLIC SAFETY DEPARTMENT HEADS** TO DISCUSS THE PROPOSED BUDGETS.
3. THE CAPITAL BUDGET REQUESTS OF ~~BOTH ALL~~ **ALL PUBLIC SAFETY DEPARTMENTS SHALL BE SUBMITTED TO THE MAYOR AFTER THE COMMISSION HAS MET WITH THE DEPARTMENT HEADS TO DISCUSS THE REQUESTS.** THE COMMISSION MEMBERS MAY ONLY INSPECT THE DEPARTMENTS ON AN ANNUAL BASIS IN CONNECTION WITH BUDGET REVIEW. ~~INSPECTIONS SHALL CAN INCLUDE FACILITY AND EQUIPMENT MAINTENANCE, DEPARTMENT RECORDS, STATUS OF POLICIES AND PROCEDURES, AND REVIEWS OF ANY OTHER ASPECT OF THE DEPARTMENTS DEEMED NECESSARY TO THE SMOOTH OPERATION OF SAID DEPARTMENTS.~~ INSPECTIONS SHALL BE MADE ONLY AFTER APPROVAL FROM THE ~~CHIEF-DEPARTMENT HEAD~~ **DEPARTMENT HEAD** HAS BEEN OBTAINED TO INSURE IT WILL NOT DISRUPT DEPARTMENT OPERATIONS.
4. FINAL REVIEW FOR APPOINTMENTS AND PROMOTIONS OF ALL PERSONNEL, IN THE POLICE AND FIRE DEPARTMENTS, SHALL BE CONDUCTED BY THE COMMISSION AND THE RESPECTIVE ~~CHIEF~~ **PUBLIC SAFETY DEPARTMENT HEAD.** ~~THE CHIEF PUBLIC SAFETY DEPARTMENT HEAD~~ SHALL SUBMIT RECOMMENDATIONS TO THE COMMISSION AND THE COMMISSION, IF IT DOES NOT AGREE WITH SAID RECOMMENDATIONS, SHALL SUBMIT WRITTEN REASONS FOR NOT CONCURRING WITH SAID RECOMMENDATIONS TO THE MAYOR. APPOINTMENTS AND PROMOTIONS OF PUBLIC SAFETY PERSONNEL SHALL BE MADE IN ACCORDANCE WITH CIVIL SERVICE LAW AND GENERAL LAWS, AND LOCAL HIRING POLICY REQUIREMENTS AS DEFINED BY THE MAYOR

RESPECTIVELY, AS THEY MAY APPLY TO THE CITY HIRING PROCESS. (HR & MAYOR)

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 22-144

MOTION: On a motion by Councilor Bullock, second by Councilor Desorgher, it was unanimously, **VOTED:** THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-11 (D): PUBLIC SAFETY COMMISSION; POWERS AND DUTIES, BE AMENDED AS INDICATED BELOW, WITH BOLD TEXT TO BE ADDED AND STRIKETHROUGH TEXT TO BE REMOVED:

SECTION 6-11: PUBLIC SAFETY COMMISSION

(d) *Powers and Duties:* The commission shall assist the Mayor in the supervision and oversight of ~~the~~ **ALL DEPARTMENTS** (police, ~~and~~ fire, **EMERGENCY MANAGEMENT, DISPATCH**) ~~departments~~, including the coordination of the administration of ~~both~~**ALL** departments with one another, and with other City departments and agencies by making recommendations to the Mayor concerning: :

1. Setting priorities within said departments;
2. The annual operating budgets of **ALL** ~~both~~ departments, after the Mayor and commission have met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the proposed budgets;
3. The capital budget requests of ~~both~~**ALL PUBLIC SAFETY** departments **SHALL BE SUBMITTED TO** ~~after~~ the Mayor **AFTER**~~and~~ the commission **HAS** ~~have~~ met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the requests, provided, however, that commission members may only inspect the departments on an annual basis in connection with ~~the~~ budget review. **INSPECTIONS CAN INCLUDE FACILITY AND EQUIPMENT MAINTENANCE, DEPARTMENT RECORDS, STATUS OF POLICIES AND PROCEDURES, AND REVIEWS OF ANY OTHER ASPECT OF THE DEPARTMENTS DEEMED NECESSARY TO THE SMOOTH OPERATION OF SAID DEPARTMENTS.** ~~or in relation to a written complaint from the public. (Inspections shall be made only after approval from the PUBLIC SAFETY DEPARTMENT HEADS~~ ~~chiefs~~ ~~has been obtained to insure it will not unduly disrupt department operations.)~~
4. Final interviews for appointments and promotions of **ALL PERSONNEL** ~~officers and employees,~~ in the police ~~and~~ **or** fire department, shall be conducted by the commission and the **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~. The **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~ shall submit ~~his~~ recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with collective bargaining agreements and applicable General Laws, and local hiring policy requirements as defined by the Mayor, respectively.

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

Order no. FY 22-156

MOTION: On a motion by Councilor Bullock, second by Councilor Ricketts, it was unanimously,

VOTED: THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENTS AND RE-APPOINTMENTS BY THE MAYOR:

Appointments:

- Council on Aging - Randie Handleman, Term to Expire December 31, 2022 (short term to replace Mary Williford)
- Human Rights Commission - Philippe Simon, Term to Expire June 30, 2023 (short term to replace Carolyn McDaniel)
- Human Rights Commission - Irene Woods, Term to Expire December 31, 2024 (short term to replace Maureen Lyons)
- Mayor’s Task Force Against Domestic Violence - Scott Smith, Term to Expire December 31, 2024 (short term to replace Irene Woods)
- Sustainable Greenfield Implementation Committee - Walter Kim Boas, Term to Expire June 30, 2025

Reappointments:

- Council on Aging - Margaret “Peg” Saulnier, Term to Expire June 30, 2025
- Housing Authority - Trish Leonard, Term to Expire June 30, 2027
- Sustainable Greenfield Implementation Committee - Nancy Hazard, Term to Expire June 30, 2025

Order no. FY 22-161

MOTION: On a motion by Councilor Desorgher, second by Councilor Lapienski, it was by roll call, 9 yes, 1 abstention,

VOTED: THAT THE GREENFIELD CITY COUNCIL APPROVES THE RESOLUTION TITLED “A RESOLUTION REGARDING THE CONTINUED SERVICES OF O’REILLY, TALBOT AND OKUN (OTO) ACTING AS THE LICENSED SITE PROFESSIONAL (LSP) FOR THE BROWNFIELD CLEAN-UP OF THE LUNT PROPERTY AT 298 FEDERAL STREET (RTN 1-18869), AS ATTACHED IN EXHIBIT A.

Exhibit A**Resolution of the Greenfield City Council regarding the continued services of O'Reilly, Talbot, and Okun (OTO) acting as the Licensed Site Professional (LSP) for the Brownfield clean-up of the Lunt property at 298 Federal Street (RTN 1-18869):**

WHEREAS, it is confirmed by the recent Massachusetts Department of Environmental Protection (DEP) Audit Report, that OTO has failed to conduct an adequate and thorough characterization and assessment of the extent of contamination on the Lunt property, especially pertaining to Trichloroethylene (TCE) contamination and other Dense Non-aqueous Phase Liquids (DNAPLs);

WHEREAS, it is confirmed by the DEP Audit, that OTO failed to implement the necessary contaminant containment to isolate the TCE contamination and to prevent further TCE spread and exposure to the public;

WHEREAS, OTO allowed the premature opening of the detox unit before necessary contaminant controls were established. Failure to properly test indoor air quality resulted in an emergency situation in which the DEP highest category imminent hazard alert was triggered. Imminent hazard alerts are based in-part on the potential for carcinogenic health effects;

WHEREAS, failure by OTO resulted in the unnecessary exposure to vapors of chlorinated solvents, primarily TCE, to the staff and residents occupying the Franklin Recovery Center;

WHEREAS, such actions or lack of actions by OTO continue to unnecessarily expose workers and residents to vapors of chlorinated solvents without their knowledge or consent;

WHEREAS, OTO failed to design and install a groundwater collection and treatment system as proposed in the 2012 Phase II Report and reaffirmed in the FRCOG Analysis.

WHEREAS, the City turned over the preparation of the Public Involvement Plan (PIP) to 401 Liberty Street, LLC, (Raipher Pellegrino) the lessee of the Lunt property who has a financial conflict of interest in the outcome;

WHEREAS, OTO has lost the confidence of the public by the above actions;

WHEREAS, by failing to adequately control the contamination and to prevent the continuing migration of contamination off-site, it significantly increases the City's exposure to potential liability related to the hazardous wastes present at the Lunt property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Greenfield has lost confidence in the further involvement of OTO acting as the LSP for the Lunt property clean-up and directs the Mayor of Greenfield to retain the services of a different LSP who will gain control of the remaining contaminants at the Lunt property and actually implement the Public Involvement Plan to guide the clean-up process going forward.