

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
February 18, 2009

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:04 p.m. by President Maloney.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilor McLellan was excused.

ALSO PRESENT: Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Department of Public Works Superintendant Sandra Shields; Police Chief David Guilbault; GCTV-15 staff; and members of the public.

MOTION: On a motion by Councilor Allis, second by Councilor Farrell, it was unanimously
VOTED: SUSPEND THE TOWN COUNCIL RULES OF PROCEDURE.

Order no. FY 09 -073

MOTION: On a motion by Councilor Joseph, second by Councilor Allis, it was

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE APPOINTMENT OF MARY-CATHERINE SULLIVAN TO FILL THE VACANT PRECINCT 9 TOWN COUNCIL SEAT, UNTIL JUNE 30, 2009, PURSUANT TO CHARTER SECTION 2-11.

DISCUSSION: President Maloney introduced Mary-Catherine Sullivan. He noted the Committee Chairmen forwarded a positive unanimous recommendation to appoint Ms. Sullivan to fill the vacant Precinct 9 position until the end of Fiscal Year 2009.

It was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE APPOINTMENT OF MARY-CATHERINE SULLIVAN TO FILL THE VACANT PRECINCT 9 TOWN COUNCIL SEAT, UNTIL JUNE 30, 2009, PURSUANT TO CHARTER SECTION 2-11.

Town Clerk Winseck administered the oath of Office to Ms. Sullivan.

ACCEPTANCE OF MINUTES: On a motion by Councilor Farrell, second by Councilor McLellan, it was unanimously
VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF JANUARY 21, 2009.

PUBLIC HEARINGS: President Maloney opened the Public Hearing at 7:10 pm. Councilor Joseph read the following: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, February 18, 2009, beginning at 7:00 p.m. at GCTV-15, 393 Main Street to consider the following:

- Appropriate \$500,000.00 from Free Cash to the Stabilization Fund.

The Town Council will consider the same at their meeting on Wednesday, February 18, 2009, which begins at 7:00 p.m. at the GCTV-15 Studio, 393 Main Street.

President Maloney asked if anyone from the public wished to speak. Seeing none, he closed the Public Hearing at 7:10 pm.

Councilor Joseph held the second reading: Appropriate \$500,000.00 from Free Cash to the Stabilization Fund.

COMMUNICATIONS:

MAYOR: None

TOWN OFFICERS: Superintendant Shield reviewed and explained the request related to deficit spending for the Snow and Ice budget for Fiscal Year 2009.

SCHOOL COMMITTEE CHAIRMAN: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 09 -063

Financial Order 09-13

2009

MOTION: On a motion by Councilor Joseph, second by Councilor Farrell, it was,

MOVED: THE SUM OF \$500,000.00 BE APPROPRIATED FROM FREE CASH TO THE STABILIZATION FUND.

DISCUSSION: Councilor Joseph stated the Ways and Means Committee forwarded a unanimous positive recommendation for Council approval.

It was unanimously

VOTED: THE SUM OF \$500,000.00 BE APPROPRIATED FROM FREE CASH TO THE STABILIZATION FUND.

Order no. FY 09 -070

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

MOVED: THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL LAYS OUT AND ACCEPTS DAVENPORT WAY AND CHAMPNEY ROAD (AKA CHAMPNEY EXTENSION) AS A PUBLIC WAY AS DESCRIBED ON EXHIBIT A ATTACHED TO THIS MOTION AND MADE A PART OF IT.

DISCUSSION: President Maloney stated the Economic Development Committee held a Public Hearing and forwarded a unanimous positive recommendation for Council approval. Superintendent Shields stated the DPW supported this proposal. It was safer for citizens and emergency vehicles to have the roads cared for by the Town.

It was unanimously,

VOTED: THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD THROUGH ITS TOWN COUNCIL LAYS OUT AND ACCEPTS DAVENPORT WAY AND CHAMPNEY ROAD (AKA CHAMPNEY EXTENSION) AS A PUBLIC WAY AS DESCRIBED ON EXHIBIT A ATTACHED TO THIS MOTION AND MADE A PART OF IT.

Exhibit A

PETITION – PUBLIC WAY

Re: Lauren Acres – Davenport Way / Champney Road

Date: November 28, 2008



PURSUANT to section 880-39 - NOW COMES the Petitioner, Christopher Davenport and hereby requests the Inhabitants of Greenfield through its Town Council to accept and approve to take the premises in said Lauren Acres encompassing the roadways now known as Davenport Way and Champney Road (aka Champney Extension) as public ways and to accept and approve to take all of the existing drainage easements thereto

Attached hereto please find proposed deed with necessary legal description for said Davenport Way and Champney Road (aka Champney Extension).

Also please find mylar plan for each of the two roadways and three copies of each.

Further, the following are the names of owners abutting any portion of said Davenport Way and/or Champney Road (aka Champney Extension).

EXHIBIT A

TRACT ONE: - Davenport Way

BEGINNING at a concrete bound set in the southerly sideline of South Shelburne Road;

thence with a curve turning to the left; with an arc length of 37.83', a radius of 30.00', a chord bearing of S 31°45'27" W, a chord length of 35.37' to a concrete bound set;

thence S 04°22'02" E a distance of 331.09' to a concrete bound set;

thence with a curve turning to the left with an arc length of 100.78', a radius of 125.00', a chord bearing of S 27°27'50" E, a chord length of 98.07' to a concrete bound set;

thence with a curve turning to the left with an arc length of 19.75', a radius of 30.00', a chord bearing of S 69°25'08" E, a chord length of 19.39' to a concrete bound set;

thence with a curve turning to the right with an arc length of 296.80', a radius of 60.00', a chord bearing of S 53°26'08" W, a chord length of 74.35' to a concrete bound set;

thence with a curve turning to the left with an arc length of 30.45', a radius of 30.00', a chord bearing of N 13°55'33" W, a chord length of 29.16' to a concrete bound set;

thence with a curve turning to the right with an arc length of 118.00', a radius of 175.00', a chord bearing of N 23°41'00" W, a chord length of 115.77' to a concrete bound set;

thence N 04°22'02" W a distance of 300.86' to a concrete bound set;

thence with a curve turning to the left with an arc length of 53.40', a radius of 30.00', a chord bearing of N 55°21'38" W, a chord length of 46.62' to a concrete bound set on the southerly sideline of South Shelburne Road;

thence N 73°38'27" E a distance of 46.68' to an unmarked point;

thence N 67°52'57" E a distance of 85.51' to a concrete bound at the place of beginning, the last two courses being along the southerly sideline of South Shelburne Road..

The land in Greenfield, Franklin County, Massachusetts, as more specifically shown on a Plan entitled "STREET ACCEPTANCE PLAN, DAVENPORT WAY" TOWN OF GREENFIELD, MASS., FRANKLIN COUNTY, dated Oct. 15, 2008 and recorded at the Franklin County Registry of Deeds in Plan Book _____ Page _____

TRACT TWO - Champney Road (aka Champney Extension)

BEGINNING at a concrete bound set in the southerly sideline at the end of the existing 1935 layout of Champagne Way;

thence N 67°54'15" W a distance of 77.83' to a concrete bound set;

AFFECTED PREMISES:
Davenport Way / Champney Road (aka Champney Extension)
Greenfield, MA

QUITCLAIM DEED

I, CHRISTOPHER DAVENPORT of Shelburne, Massachusetts 01370, for no monetary consideration paid, no documentary stamps required grant to THE INHABITANTS OF GREENFIELD, MASSACHUSETTS, Town Hall, 14 Court Square, Greenfield, Massachusetts 01301,

with QUITCLAIM COVENANTS,

The land in Greenfield, Franklin County, Massachusetts, bounded and described as follows:

SEE ATTACHED EXHIBIT "A" INCORPORATED HEREIN BY REFERENCE

BEING a portion of the premises conveyed to CHRISTOPHER DAVENPORT by deed of Avis M. Kirchofner, Executor of the Estate of Sebastian J. Ruggeri, dated August 29, 2005 and recorded at the Franklin County Registry of Deeds in Book 4937, Page 23.

The land in Greenfield, Franklin County, Massachusetts, as more specifically shown on a Plan entitled "Plan of Land in GREENFIELD (Franklin Co.), MA Surveyed For CHRIS DAVENPORT", dated 08/21/2008 and recorded at the Franklin County Registry of Deeds in Plan Book 122, Page 4. Also see plans recorded in said Registry of Deeds in Plan Book 120, Page 69; Plan Book _____, Page _____ and Plan Book _____, Page _____

Executed as a sealed instrument this _____ day of November, 2008

WITNESS _____ CHRISTOPHER DAVENPORT

County of Franklin
COMMONWEALTH OF MASSACHUSETTS
November _____, 2008

On this _____ day of November, 2008, before me, the undersigned Notary Public, personally appeared CHRISTOPHER DAVENPORT, proved to me through satisfactory evidence of identity, which was PERSONALLY KNOWN to be the person whose name is signed on this document and acknowledged to me that he signed it voluntarily for its stated purpose.

Kenneth H. Chaffee
Notary Public
My Commission Expires: January 12, 2012

thence with a curve turning to the left with an arc length of 92.36', a radius of 200.00', a chord bearing of N 81°08'00" W, a chord length of 91.54' to a concrete bound set;

thence S 85°38'16" W a distance of 94.40' to a concrete bound set;

thence with a curve turning to the left with an arc length of 47.13', a radius of 30.00', a chord bearing of S 40°38'07" W, a chord length of 42.43' to a concrete bound set in the easterly sideline of Davenport Way;

thence N 04°22'02" W a distance of 110.00 to a concrete bound set in the easterly sideline of Davenport Way;

thence with a curve turning to the left with an arc length of 47.12', a radius of 30.00', a chord bearing of S 49°21'53" E, with a chord length of 42.42' to a concrete bound set;

thence N 85°38'16" E a distance of 94.40' to a concrete bound set;

thence with a curve turning to the right with an arc length of 115.44', a radius of 250.00', a chord bearing of S 81°08'00" E, a chord length of 114.42' to a concrete bound set;

thence S 67°54'15" E a distance of 59.06' to a concrete bound set in the northerly sideline at the end of the existing 1935 layout of Champagne Way,

thence S 01°30'47" W a distance of 53.41' along Champney Road to a concrete bound at the place of beginning.

The land in Greenfield, Franklin County, Massachusetts, as more specifically shown on a Plan entitled "STREET ACCEPTANCE PLAN, CHAMPNEY ROAD" TOWN OF GREENFIELD, MASS., FRANKLIN COUNTY, dated Oct. 15, 2008 and recorded at the Franklin County Registry of Deeds in Plan Book _____, Page _____

TRACT ONE and **TRACT TWO** above being a portion of the premises conveyed to CHRISTOPHER DAVENPORT by deed of Avis M. Kirchoffer, Executor of the Estate of Sebastian J. Ruggen, dated August 29, 2005 and recorded at the Franklin County Registry of Deeds in Book 4937, Page 23.

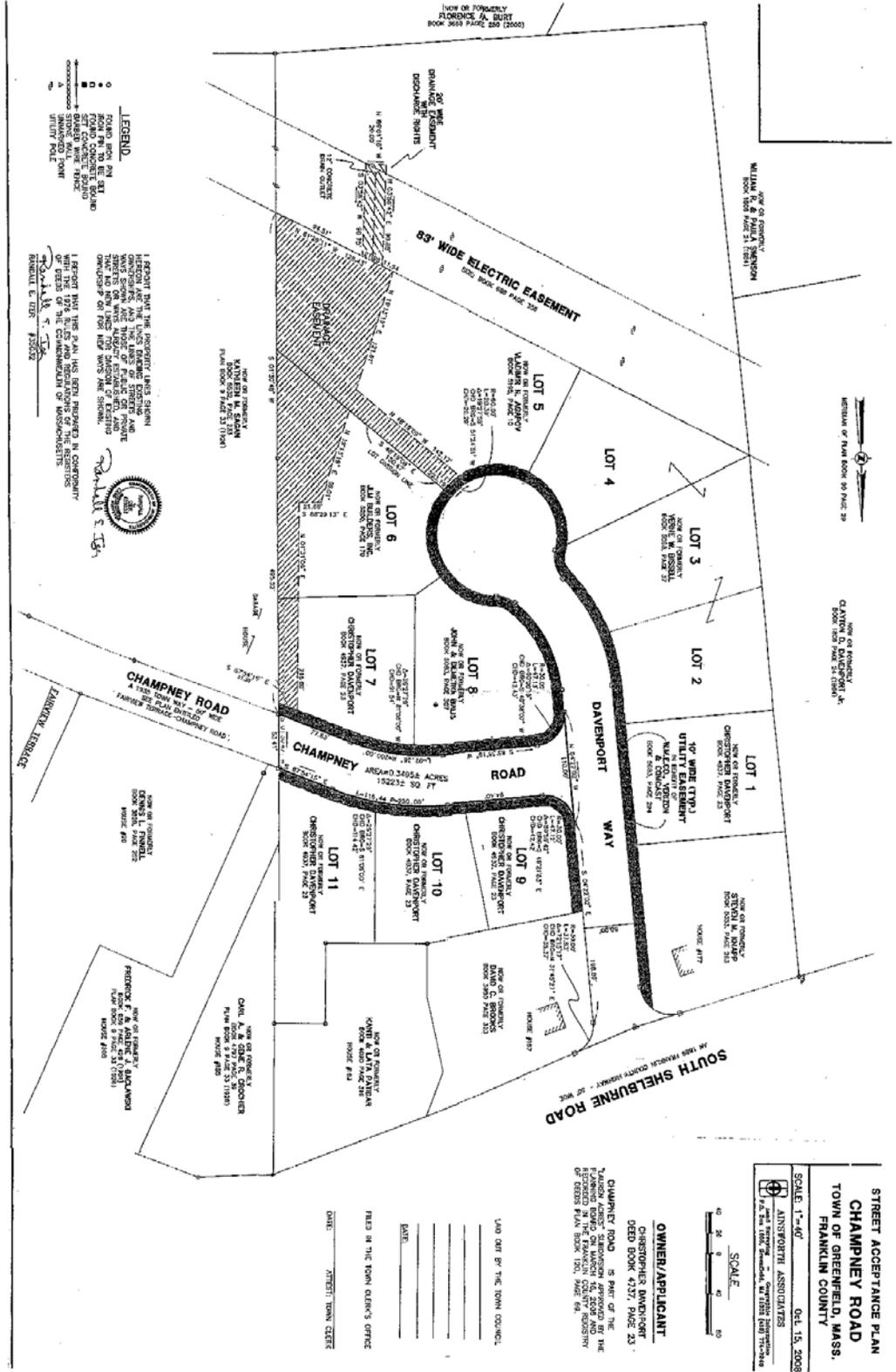
TOGETHER with drainage easements all as more specifically set forth on plans recorded in said Registry of Deeds in Plan Book 120, Page 69; Plan Book 122, Page 4, Plan Book _____, Page _____ and Plan Book _____, Page _____

The above two tracts are subject to the following:

SUBJECT to the rights of others to pass and repass over Davenport Way and Champney Road (aka Champney Extension) as shown on the aforesaid plan recorded in said Registry of Deeds at Plan Book 120, Page 69.

SUBJECT to a utility easement granted by Christopher Davenport to Western Massachusetts Electric Company, Verizon New England, Inc. and Comcast of Massachusetts/Virginia, Inc. dated April 18, 2006 and recorded in the Franklin County Registry of Deeds in Book 5083, Page 294.

SUBJECT to a utility easement as more specifically set forth in instrument recorded at the Franklin County Registry of Deeds in Book 688, Page 356.



STREET ACCEPTANCE PLAN
CHAMPNEY ROAD
TOWN OF GREENFIELD, MASS.
FRANKLIN COUNTY

SCALE: 1"=40'
OCT. 15, 2008
ANSWERITE ASSOCIATES
1000 Main Street, Greenfield, MA 01302
TEL: 413-232-1111 FAX: 413-232-1112

OWNER/APPLICANT
CHRISTOPHER DANVERS
DEED BOOK 4737, PAGE 23
CHAMPNEY ROAD IS PART OF THE
PLANNING BOARD ON MARCH 15, 2008 AND
OF GREEN PLAN BOOK 1201, PAGE 69

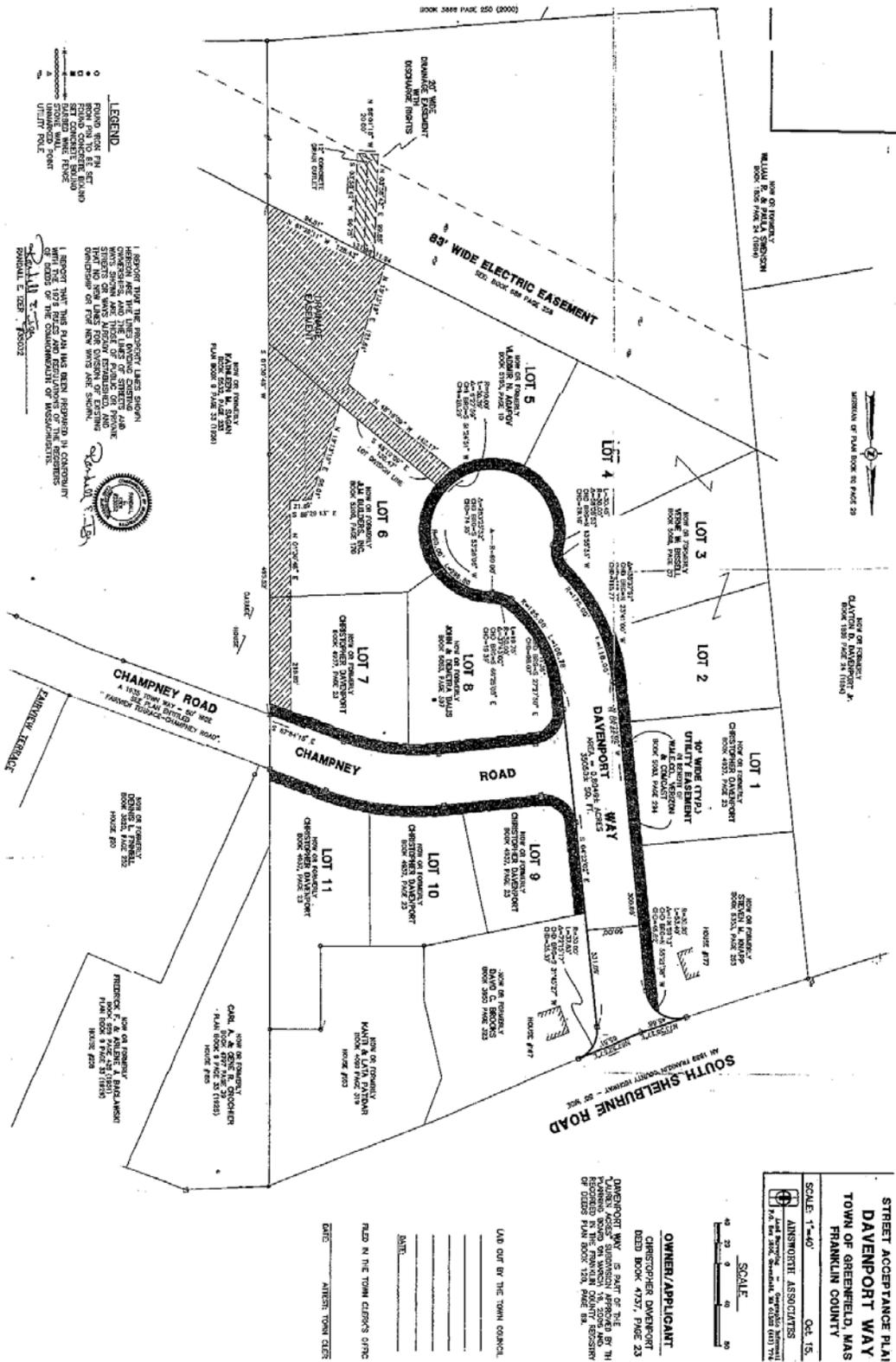
LAND OWNED BY THE TOWN COUNCIL:
DATE: _____ TOWN CLERK

LEGEND
 ○ ROAD FROM PLAN SET
 □ FOUND CONCRETE BOARD
 ▨ DRAINAGE EASEMENT
 ○ UTILITY POLE

I REPORT THAT THE PROPERTY LINES SHOWN
HEREON ARE THE TRUE AND CORRECT
BOUNDARIES AND THE LOTS ARE THE
SAME AS SHOWN ON THE RECORDS OF THE
TOWN OF GREENFIELD AND THAT THE
OWNER HAS NO OTHER CLAIMS OR
INTERESTS IN THE PROPERTY OR
ADJACENT PROPERTY.

I REPORT THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE
WITH THE TOWN BY-LAWS AND REGULATIONS OF THE RESISTANCE
AND THE TOWN OF GREENFIELD.

Robert C. Danvers
TOWN CLERK



President Maloney stated the order for the appropriation of \$250,000.00 from Free Cash to the Fiscal Year 2009 Reserve Fund was withdrawn by the Mayor.

Order no. FY 09 -067

MOTION: On a motion by Councilor Allis, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE TOWN OF GREENFIELD HEREBY PETITIONS THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS TO PASS SPECIAL LEGISLATION RELATIVE TO SPECIAL POLICE OFFICERS. AND THAT THE TOWN COUNCIL FURTHER INSTRUCTS THE TOWN CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS.

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee forwarded a positive unanimous recommendation for Councilor approval after speaking with Police Chief Guilbault. He noted this would not affect collective bargaining. Chief Guilbault stated the special officers would not receive benefits and would only be used after the regular and reserve officers were expended.

It was unanimously,

VOTED:

THAT THE TOWN OF GREENFIELD HEREBY PETITIONS THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS TO PASS SPECIAL LEGISLATION RELATIVE TO SPECIAL POLICE OFFICERS AND THAT THE TOWN COUNCIL FURTHER INSTRUCTS THE TOWN CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS.

SECTION 1. The Mayor of the city known as the Town of Greenfield may appoint such special police officers for the city as the Mayor deems necessary for the safety and protection of the citizens of the city.

SECTION 2. Special police officers shall have the same power to make arrests and to perform other police functions as reserve/intermittent police officers and shall be subject to the same training requirements as reserve/intermittent officers established by the Municipal Police Training Committee and the Town of Greenfield.

SECTION 3. Special police officers shall be appointed for a term to be determined by the Mayor, subject to removal by the Mayor with the recommendation of the Chief of Police. Special police officers shall be sworn before the city who shall keep a record of all such appointments.

SECTION 4. A special police officer appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements including training requirements of the police department and the chief of police, including restrictions on the type of assignments, requirements regarding medical examinations to determine continued capability to perform the duties of a special police officer.

SECTION 5. Special Police Officers appointed under this act will be assigned only when Permanent or Part Time Intermittent/Reserve police officers are unavailable or otherwise assigned.

SECTION 6. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws.

SECTION 7. This act shall take effect upon its passage.

Order no. FY 09 -071

Financial Order 09-19

MOTION: On a motion by Councilor Joseph, second by Councilor McLellan, it was,

MOVED: THAT IT BE ORDERED THAT THE SNOW & ICE REMOVAL BUDGET FOR FISCAL YEAR 2009 MAY MAKE EXPENDITURES IN EXCESS OF APPROPRIATION IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 31D.

DISCUSSION: Councilor Joseph stated the Ways and Means Committee forwarded a unanimous positive recommendation for Council approval.

It was unanimously,

VOTED: THAT IT BE ORDERED THAT THE SNOW & ICE REMOVAL BUDGET FOR FISCAL YEAR 2009 MAY MAKE EXPENDITURES IN EXCESS OF APPROPRIATION IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 31D.

Order no. FY 09 -072

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO INITIATE THE PROCEDURE TO ABANDON/DISCONTINUE A PORTION OF SILVIO O. CONTE DRIVE AND REFERS THE PETITION TO THE PLANNING BOARD FOR A NON-BINDING RECOMMENDATION AND REPORT.

DISCUSSION: Vice President Martin stated as a member of the Greenfield Redevelopment Authority he would abstain from this vote.

It was unanimously (Councilor Martin abstained)

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO INITIATE THE PROCEDURE TO ABANDON/DISCONTINUE A PORTION OF SILVIO O. CONTE DRIVE AND REFERS THE PETITION TO THE PLANNING BOARD FOR A NON-BINDING RECOMMENDATION AND REPORT.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Allis stated agenda items for March were the Tree Ordinance (pending receipt) and discussion with the Historical Society regarding to the Demolition Delay Ordinance.

COMMUNITY RELATIONS COMMITTEE- Chairman McLellan declared the committee would not meet in February. Some future agenda items would include an invitation to the Tennis Association to discuss fundraising and discussion with the Recreation Director related to the swimming pool area.

ECONOMIC DEVELOPMENT COMMITTEE – Chairman Guin affirmed the committee would meet on Thursday, February 26, 2009.

WAYS AND MEANS COMMITTEE – Chairman Joseph reflected that the Town Council had voted on the issues discussed by the committee this evening.

EDUCATION TASK FORCE COMMITTEE- Chairman Joseph noted the committee would meet on Wednesday, February 25, 2009. Agenda items were; the Marketing Project, Facilities Update, and Regionalization.

UNFINISHED BUSINESS: None.

OLD BUSINESS: Councilor Guin asked for an update/clarification regarding the School Administration Building on Davis Street.

NEW BUSINESS: President Maloney read three letters from the Department of Agricultural Resources (DAR). The following was a summary of the letters: The Department of Agricultural Resources (DAR) has notified the Town of Greenfield of the States intent to purchase, rent, sell or significantly change the use of one or more acres of real estate, per M.G.L. Chapter 7 Section 401. Per Section 401, it is required that these proposals be made public in a local forum. The Council need not take any formal action concerning the proposed acquisition as the announcement is for informational proposes only.

The land is described as:

- ❖ 634 Leyden Road – approximately 65 acres of land for inclusion in the Agricultural Preservation Restriction (APR) Program.
- ❖ 88 Log Plain Road - Assessors Map R17, Block 11– approximately 28 acres of land for inclusion in the Agricultural Preservation Restriction (APR) Program.
- ❖ Plain Road - Assessors Map R28, Block 31-0– approximately 68 acres of land for inclusion in the Agricultural Preservation Restriction (APR) Program.

President Maloney forwarded the aforementioned to Economic Development Committee for comment. A request would be forwarded to the Assessor's Office requesting the total acreage of APR land within Greenfield.

Councilor Joseph held the second reading:

- ❖ The sum of \$192,350 be transferred from Free Cash to be used as another financing source in the General Fund for FY09.
- ❖ The Fiscal Year 2009 Operating Budget be reduced by \$192,650 by reducing the following lines:
 - ❖ The Office of the Mayor Expenditures by \$1,000
 - ❖ Assessor Salary and Wages \$11,800
 - ❖ Treasurer Expenditures by \$8,000
 - ❖ MIS Expenditures by \$5,300
 - ❖ Town Clerk Salary and Wages by \$5,200
 - ❖ Registrars Expenditures by \$2,500
 - ❖ Licensing Salary and Wages by \$4,950
 - ❖ OPCD Salary and Wages by \$31,500
 - ❖ Police Salary and Wages by \$12,350
 - ❖ Police Expenditures by \$16,950
 - ❖ Parking Enforcement Salary & Wages by \$10,000
 - ❖ Dispatch Expenditures by \$4,200
 - ❖ Building Inspector Salary and Wages by \$9,450
 - ❖ DPW Salary and Wages by \$14,000
 - ❖ DPW Expenditures by \$4,500
 - ❖ Council on Aging Salary and Wages by \$22,750
 - ❖ Library Salary and Wages by \$8,520
 - ❖ Library Expenditures by \$3,580
 - ❖ Recreation Salary and Wages by \$10,100
 - ❖ Baptist Church Parking Lot Annual Lease by \$1,400
 - ❖ Worker's Compensation by \$4,600
- ❖ \$ 35,400 be transferred from Worker's Compensation budget to the Unemployment Compensation Budget for FY2009.

President Maloney stated these first readings were the Mayor's proposals resulting from the Governors 9C cuts. The Town Council would consider these proposals during the March Town Council meeting. President Maloney emphasized services to citizens would be affected in those departments being cut although the departments would provide the best service possible. President Maloney believed the state has already taken into account available funding from the Federal Stimulus package when presenting the 9C cuts. He acknowledged the "C Union" for the alternative plan proposed to the Mayor to continue level services. Councilors Farrell and Martin spoke to the staff reduction in the Town Clerk's office. They noted the Town Council Administrative Assistant would provide very limited support to the Town Clerk's Office. Councilor Joseph spoke of the potentially difficult budget years in the near future.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

ADJOURNMENT: On a motion by Councilor Allis, second by Councilor Guin, it was unanimously
VOTED: TO ADJOURN THE MEETING AT 8:18 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
February 18, 2009

1. Lashier, Dennis	P						
2. McLellan, Thomas	P						
3. Allis, Brickett	P						
4. Maloney, Mark	P						
5. Singer, David	P						
6. Letourneau, Danielle	P						
7. Martin, William	P						
8. Joseph, Christopher	P						
9. Sullivan, Mary-Catherine	P						
10. Farrell, Timothy	P						
11. Guin, Daniel	P						
12. Siano, Alfred	P						
13. Mason, John	A						