

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
April 15, 2009

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:05 pm, by President Maloney.

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

ALSO PRESENT: Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Police Chief David Guilbault; Council on Aging Director Hope Macary; Fire Chief Michael Winn; Deputy Fire Chief Robert Strahan; GCTV-15 staff; and members of the public.

ACCEPTANCE OF MINUTES: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF MARCH 18, 2009.

PUBLIC HEARINGS: Councilor Joseph read the following Public Hearing notice:

In accordance with the Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, April 15, 2009, beginning at 7:00 p.m. at GCTV-15, 393 Main Street: to consider the following:

CATEGORY	MAYOR'S PROPOSED FY 10 BUDGET
LEGISLATIVE	\$ 35,000
EXECUTIVE	\$ 222,950
FINANCIAL ADMIN	\$ 797,900
OPERATIONS SUPPORT	\$ 237,050
LICENSING & REGISTRATION	\$ 190,700
LAND USE & DEVELOPMENT	\$ 90,100
OTHER GEN'L GOVERNMENT	\$ 106,300
PUBLIC SAFETY	\$ 5,229,520
EDUCATION	\$ 16,171,640
PUBLIC WORKS	\$ 2,599,000
HUMAN SERVICES	\$ 646,450
CULTURE & RECREATION	\$ 679,800
DEBT SERVICE	\$ 3,360,500
MISCELLANEOUS	\$ 9,419,700
TOTAL OPERATING BUDGET	\$ 39,786,610
SEWER ENTERPRISE FUND	\$ 2,190,300
WATER ENTERPRISE FUND	\$ 1,639,505

President Maloney opened the Public Hearing at 7:05 pm. He asked if anyone from the public wished to speak. No public spoke. He announced the Ways and Means Committee would hold an additional Public Hearing prior to the final vote for the Fiscal Year 2010 budget. President Maloney closed the Public Hearing at 7:12 pm.

COMMUNICATIONS:

MAYOR: None.

SCHOOL COMMITTEE CHAIRMAN: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS**Order No. FY 09-081**

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL IN ACCORDANCE WITH MGL CHAPTER 40 AND CHAPTER 79 TAKE BY EMINENT DOMAIN SIDEWALK EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, REPAIRING AND MAINTAINING SIDEWALKS ON THE FOLLOWING DESCRIBED LAND, AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN THE EMINENT DOMAIN TAKING ON BEHALF OF THE TOWN COUNCIL.

DISCUSSION: Councilor McLellan stated the EDC forwarded a positive recommendation for approval. President Maloney stated that after discussion with Mr. Larry Petrin, DPW Supervising Engineer, all owners of the land had signed the appropriate paperwork to allow the town to proceed.

It was unanimously

VOTED: THAT THE GREENFIELD TOWN COUNCIL IN ACCORDANCE WITH MGL CHAPTER 40 AND CHAPTER 79 TAKE BY EMINENT DOMAIN SIDEWALK EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, REPAIRING AND MAINTAINING SIDEWALKS ON THE FOLLOWING DESCRIBED LAND, AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN THE EMINENT DOMAIN TAKING ON BEHALF OF THE TOWN COUNCIL:

Sidewalk Easement SW-1:

Beginning at a point, being the northwest corner of the intersection of Main Street and Federal Street, said point also being the southeast corner of land of Pushkin LLC located at 332 Main Street; thence N 77°48'05" W along the northerly line of Main Street a distance of 4.44' to a point; thence N 20°11'44" E a distance of 28.13' to a point; thence S69°48'16" E a distance of 4.14' to a point; thence S 19°39'20" W along the westerly line of Federal Street to the point of beginning. Containing 119 sq. ft. more or less. Being a portion of the premises transferred by Land Court Document from Stephen Haggerty to Pushkin LLC recorded in Book 9 Page 49, Doc. # 7348, Cert. #1401

The above described easement is particularly shown on a plan entitled "Plan of Sidewalk Easement SW-1, Federal Street, Main Street, Greenfield, MA" dated January 2009

Sidewalk Easement SW-2:

Beginning at a point, being the northeast corner of the intersection of Main Street and Federal Street, said point also being the southwest corner of land of Greenfield Savings Bank located at 400 Main Street; thence N 18°56'59" E along the easterly line of Federal Street a distance of 38.88' to a point; thence S 78°19'02" E a distance of 9.29' to a point; thence S 11°11'50" W a distance of 31.67' to a point; thence S 79°00'08" E a distance of 12.65' to a point; thence S 12°11'55" W a distance of 10.54' to a point; thence N 77°48'05" W along the northerly line of Main Street a distance of 24.30' to a point; thence along a curve to the right with a radius of 25' a distance of 4.27' to the place of beginning. Containing 634 sq. ft. more or less. Being a portion of the premise conveyed by deed of Alan H. Blanker to Greenfield Savings Bank dated December 30, 1993 and recorded in Book 2858 page 14.

The above described easement is particularly shown on a plan entitled "Plan of Sidewalk Easement SW-2, Federal Street, Main Street, Greenfield, MA" dated January 2009.

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL THAT THE TOWN DISCONTINUE AND ABANDON, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 82, SECTION 21 OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, A PORTION OF SILVIO O. CONTE DRIVE, AS SHOWN ON A PLAN ENTITLED "PLAN OF DISCONTINUANCE/ABANDONMENT PORTIONS OF SILVO O. CONTE DRIVE (PARCELS A & B)", AND DESCRIBED IN EXHIBITS A & B ATTACHED HERETO AND FURTHER AUTHORIZES THE MAYOR AND TREASURER TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

DISCUSSION: Vice-President Martin reviewed the process to date. President Maloney stated the EDC forwarded a positive recommendation for approval.

It was unanimously

VOTED: THAT THE TOWN DISCONTINUE AND ABANDON, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 82, SECTION 21 OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, A PORTION OF SILVIO O. CONTE DRIVE, AS SHOWN ON A PLAN ENTITLED "PLAN OF DISCONTINUANCE/ABANDONMENT PORTIONS OF SILVO O. CONTE DRIVE (PARCELS A & B)", AND DESCRIBED IN EXHIBITS A & B ATTACHED HERETO AND FURTHER AUTHORIZES THE MAYOR AND TREASURER TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

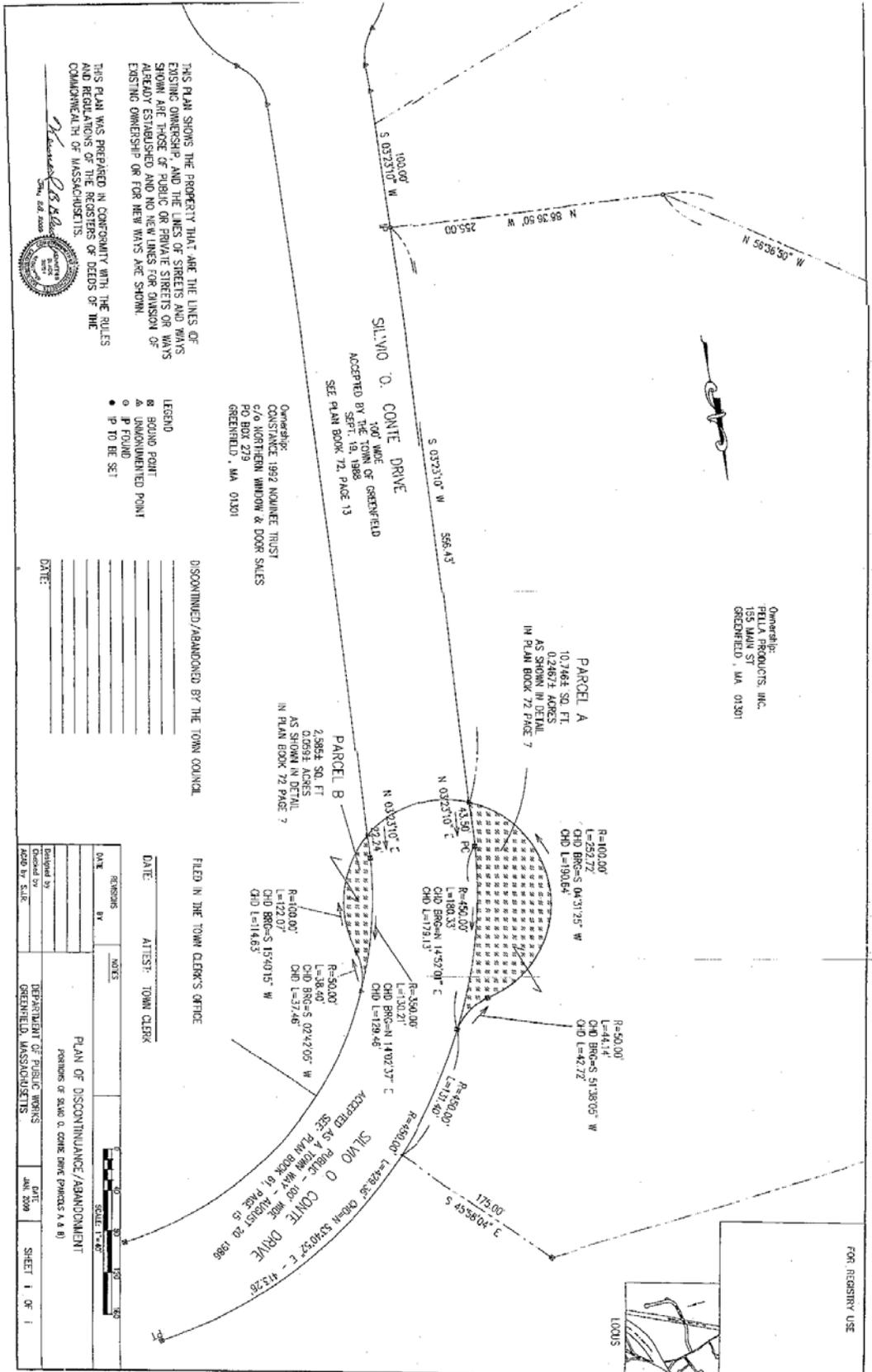
EXHIBIT A

Parcel A:

Beginning at a point on the northwesterly side of Silvio O. Conte Drive, said point being the northeasterly point of said parcel as shown on plan entitled Phase III Interstate 91 Industrial Park prepared for the Greenfield Redevelopment Authority Dated May 23, 1988 in plan book 72 page 7, shown as parcel A; thence on a curve to the right, with a radius of 50.00', a distance of 44.14' to a point; thence on a curve to the left, with a radius of 100.00', a distance of 252.72' to a point on the westerly side of Silvio O. Conte Drive; thence N 3°23'10" E a distance of 43.50' to a bound; thence on a curve to the right with a radius of 450' a distance of 180.33' to the point of beginning. Containing 0.247 Acres (10,746 s.f.).

Parcel B:

Beginning at a point on the southeasterly side of Silvio O. Conte Drive, said point being the northeasterly point of said parcel as shown on plan entitled Phase III Interstate 91 Industrial Park prepared for the Greenfield Redevelopment Authority Dated May 23, 1988 in plan book 72 page 7, shown as parcel B; thence on a curve to the left, with a radius of 50.00', a distance of 38.40' to a point; thence on a curve to the right, with a radius of 100.00' a distance of 122.07' to a point on the southerly side of Silvio O. Conte Drive; thence N 3°23'10" E a distance of 22.24' to a bound; thence on a curve to the right with a radius of 350' a distance of 130.21' to the point of beginning. Containing 0.059 Acres (2,585 s.f.).



Order No. FY 09-080

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

MOVED: THAT THE GREENFIELD TOWN COUNCIL ACCEPTS M.G.L.C. 59, § 5, CLAUSE 5 A AS ATTACHED EXHIBIT A.

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee forwarded a positive unanimous recommendation to the Town Council. Councilor Joseph noted the Ways and Means Committee forwarded a positive unanimous recommendation to the Town Council.

It was unanimously

VOTED: THAT THE GREENFIELD TOWN COUNCIL ACCEPTS M.G.L.C. 59, § 5, CLAUSE 5 A AS ATTACHED EXHIBIT A.

Exhibit A

**PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE IX. TAXATION**

CHAPTER 59. ASSESSMENT OF LOCAL TAXES

PERSONS AND PROPERTY EXEMPT FROM TAXATION

Chapter 59: Section 5. Property; exemptions

Fifth A, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of four hundred thousand dollars, if actually used and occupied by such association, and if the net income from said property is used for charitable purposes; but it shall not be exempt for any year in which such association or the trustees holding for the benefit of such association wilfully omit to bring into the assessors the list and statement required by section twenty-nine. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Fifth shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement, if any, granted to such city or town under said clause Fifth for the most recent fiscal year in which it received such reimbursement.

Order no. FY 09 -082

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

MOVED: THAT THE TOWN OF GREENFIELD HEREBY PETITIONS THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS TO PASS SPECIAL LEGISLATION RELATIVE TO THE ESTABLISHMENT OF SCHOOL REGIONAL TRANSPORTATION DISTRICTS AND FURTHER ADOPTS THE RESOLUTION ATTACHED HERETO "RESOLUTION TO ESTABLISH A SCHOOL REGIONAL TRANSPORTATION DISTRICT."

DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee forwarded a positive unanimous recommendation to the Town Council. Councilor Joseph noted the Ways and Means Committee forwarded a positive unanimous recommendation to the Town Council. President Maloney reviewed the reimbursement rates for transportation for non-regional schools and regional schools. Currently the law does not allow non-regional schools to join a regional school transportation bid process to obtain higher percentage reimbursements. This proposed legislation would allow that to happen. President Maloney read the definition of the proposed legislation. Councilor Allis read the resolution.

It was unanimously

VOTED: THAT THE TOWN OF GREENFIELD HEREBY PETITIONS THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS TO PASS SPECIAL LEGISLATION RELATIVE TO THE ESTABLISHMENT OF SCHOOL REGIONAL TRANSPORTATION DISTRICTS AND FURTHER ADOPTS THE RESOLUTION ATTACHED HERETO "RESOLUTION TO ESTABLISH A SCHOOL REGIONAL TRANSPORTATION DISTRICT."

DEFINITION - SCHOOL REGIONAL TRANSPORTATION DISTRICT -A collaboration of two or more districts whereby a regional, city or town, or other school district combines to jointly purchase school transportation services whether for regular education, or special education or other students.

Proposed Legislation-

Notwithstanding the provisions of Chapter 71 Section 16C any city or town school district that joins with other school districts to jointly bid and purchase transportation services for school age children, for either regular education or special

education, shall be deemed to be a part of a school regional transportation district and shall be reimbursed at a rate not less than regional school districts as defined under Chapter 71 Section 16C.

**A RESOLUTION BY THE TOWN COUNCIL OF GREENFIELD, MASSACHUSETTS
Adopted on April 15, 2009**

**RESOLUTION IN SUPPORT OF THE CREATION OF
SCHOOL REGIONAL TRANSPORTATION DISTRICTS**

WHEREAS, Chapter 71 Section 16C requires the transportation of school aged children by the Greenfield School Department, and;

WHEREAS, Greenfield has not received any funding for the transportation of school aged children since Fiscal Year 2003 and;

WHEREAS, Chapter 71 Section 16C has not been rescinded, we declare this to be an unfunded state mandate and;

THEREFORE, the Greenfield Town Council petitions the General Court to allow the establishment Of School Regional Transportation Districts as defined in the accompanying legislation ... thus accomplishing the goal of the Governor, the Department of Early and Secondary Education, and the Legislature, of increased cooperation and efficiency amongst the cities, towns and districts... thereby increasing stability, efficacy, and the long term viability of the Greenfield School Department and the other cooperating districts,

BE IT RESOLVED, THAT THE CITY OF GREENFIELD KNOWN AS THE TOWN OF GREENFIELD, AS EVIDENCED BY THE SIGNATURE OF ITS PRESIDENT, DO HEREBY SUPPORT THE ADOPTION OF LEGISLATION AND THE CREATION OF SCHOOL REGIONAL TRANSPORTATION DISTRICTS.

**MARK MALONEY, PRESIDENT
GREENFIELD TOWN COUNCIL**

PRESENTATION OF PETITIONS AND SIMILAR PAPERS - None

REPORTS OF COMMITTEES

COMMUNITY RELATIONS COMMITTEE- Chairman McLellan announced the committee would meet on Monday, April 27, 2009. Agenda items include discussion with the Recreation Department and the Greenfield Tennis Association.

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Allis stated the committee would meet on Monday, May 11, 2009. Agenda items include the Tree Ordinance.

WAYS AND MEANS COMMITTEE – Chairman Joseph announced the committee reviewed an Ordinance, which would be proposed by Councilor Farrell under new business tonight. The committee had set a Fiscal Year 2010 budget meeting schedule, which was available in the Town Clerk’s office. Councilor Joseph urged Councilors to submit specific questions for departments in writing in advance of the appropriate meeting.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Joseph held a first reading:

☐ MAYOR'S PROPOSED FY 10 BUDGET

CATEGORY

LEGISLATIVE	\$	35,000
EXECUTIVE	\$	222,950
FINANCIAL ADMIN	\$	797,900
OPERATIONS SUPPORT	\$	237,050
LICENSING & REGISTRATION	\$	190,700
LAND USE & DEVELOPMENT	\$	90,100
OTHER GEN'L GOVERNMENT	\$	106,300
PUBLIC SAFETY	\$	5,229,520
EDUCATION	\$	16,171,640
PUBLIC WORKS	\$	2,599,000
HUMAN SERVICES	\$	646,450

CULTURE & RECREATION	\$	679,800
DEBT SERVICE	\$	3,360,500
MISCELLANEOUS	\$	9,419,700
TOTAL OPERATING BUDGET	\$	39,786,610
SEWER ENTERPRISE FUND	\$	2,190,300
WATER ENTERPRISE FUND	\$	1,639,505

✧ APPROPRIATE \$2.00 TO AWARD EMINENT DOMAIN DAMAGES FOR EACH ENTITY FOR THE TAKING OF SIDEWALK EASEMENTS SW-1 AND SW-2

Councilor Farrell proposed an ordinance that would establish a procedure to be followed for the addition or change of any fees brought forth by any city official, department, board, commission, or agency regarding a fee or rate change so said changes shall be submitted to the City Clerk’s office. The ordinance included the process the Town Council must follow, including a Public Hearing. He noted this was fairly common in other states and communities. This would give another layer for public input for town government. President Maloney stated this would be on the next Committee Chairpersons agenda and forwarded to the Ways and Means and Appointments and Ordinance Committees.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

President Maloney reviewed Senator Rosenberg’s Conference which he and Councilor Joseph attended. He discussed the dark economic picture on Federal, State, and Local levels.

ADJOURNMENT: On a motion by Councilor Allis, second by Councilor McLellan, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 7:46 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
April 15, 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	Ab.						
12. Siano, Alfred	P						
13. Mason, John	P						