

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
November 17 2010

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:10 p.m. by President Farrell.

President Farrell stated this meeting was being recorded. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the Town Council was audio recording and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. All Councilors were present.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Chief Assessor Audrey Murphy; Board of Assessor Member Joseph Ruggeri; Greening of Greenfield member Nancy Hazard; Director of Planning Eric Twarog; Agricultural Commission member Marie Francoise; Mount Grace Foundation Representative Jen Smith; Just Roots member Jay Lord; GCTV-15 staff; and members of the public.

PUBLIC HEARINGS: Councilor Maloney read the Public Hearing notice: The Greenfield Town Council will consider the following on Wednesday, Nov. 17, 2010, beginning at 7:00 p.m. at GCTV-15, 393 Main Street:

- Reduce FY 2011 Central Maintenance budget by \$50,000 and transfer to the Fire Dept. Salary & Wage line.
- Reduce FY 2011 Franklin County Technical School budget by \$50,000 and transfer to the Police Dept. Salary and Wage line.

A full copy of the proposals are available in the Greenfield Town Clerk's Office, 14 Court Square, between the hours of 8:30 a.m. and 5:00 p.m., Mon. - Fri.

President Farrell noted the Public Hearing had been published and items were amended. The Town Council would not be considering some of the items published in the Legal Ad. President Farrell opened the Public Hearing at 7:10 pm. He asked if anyone from the public wished to speak. Seeing none, the Hearing would remain open.

Councilor Maloney explained the two items before the Council this evening were:

- The Fiscal Year 2011 Central Maintenance budget be reduced by \$50,000.
- The Fiscal Year 2011 Regional School Assessment be reduced by \$50,000.

These items needed to be dealt with to close the Fiscal Year 2010 budget and certify Free Cash.

President Farrell closed the Public Hearing at 7:15 pm.

PUBLIC HEARING Councilor Maloney read the Public Hearing notice: The Greenfield Town Council will hold a public hearing on Wednesday, November 17, 2010, at 7:15 p.m., at GCTV15 Studio, 393 Main Street, Greenfield, to adopt a residential factor in accordance with the provisions of Massachusetts General Laws, Chapter 58, Section 1A, which shall be used by the Board of Assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property for Fiscal Year 2011. The Assessors shall provide all information and data relevant to making such determination and the fiscal effect of the available alternatives. The hearing was required under Section 56 of Chapter 40, Massachusetts General Laws.

President Farrell opened the Public Hearing at 7:15 pm. Seeing none, the Hearing would remain open.

Councilor Maloney held a second reading:

- The Fiscal Year 2011 Central Maintenance budget be reduced by \$50,000.
- The Fiscal Year 2011 Regional School Assessment be reduced by \$50,000.
- Appropriate \$65,000.00 from Free Cash for the purpose of paying year one (1) option to purchase the Lunt property on Federal Street.

COMMUNICATIONS:

MAYOR: Mayor Martin discussed the following items:

- Police Department Unit B's signed contract extension through June 30, 2011.
- His disappointment in the chosen mode of communication by the My Turn article in the *Recorder* on Wednesday, November 17, 2010, by members of the Police Department. He noted there was an ongoing effort with all Town

departments to review staffing and improve communication. He handed out a packet of information regarding the Police Department.

Mr. Twarog spoke about the proposed Agricultural Preservation Restriction (APR) for the Town Farm. He reviewed the process to date, noting the APR was proposed for approximately 32 acres of land off Leyden Rd and Glenbrook Dr. If the APR was approved, the State would pay the Town \$198,000.00, which would go into the General Fund. Mr. Twarog reviewed the list of support letters received from several community groups and citizens. He stated the final date for the State to vote on this issue was Friday, November 19, 2010.

SCHOOL COMMITTEE CHAIRMAN: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 11 -034

Financial Order

MOTION: On a motion by Councilor Maloney, second by Councilor Sutphin, it was,
MOVED: UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MGL CH.44 §33B THAT IT BE ORDERED THAT THE FISCAL YEAR 2011 CENTRAL MAINTENANCE BUDGET BE REDUCED BY \$50,000.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation.

It was unanimously
VOTED: TO APPROVE MOTION ORDER NO. FY 11 -034.

Order no. FY 11 -035

Financial Order

MOTION: On a motion by Councilor Maloney, second by Councilor Sutphin, it was,
MOVED: UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MGL CH.44 §33B THAT IT BE ORDERED THE FISCAL YEAR 2011 REGIONAL SCHOOL ASSESSMENTS BE REDUCED BY \$50,000.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation.

It was unanimously
VOTED: TO APPROVE MOTION ORDER NO. FY 11 -035.

President Farrell closed the Public Hearing at 7:21 pm.

Order no. FY 10 -033 A

MOTION: On a motion by Councilor Maloney, second by Councilor Sutphin, it was,
MOVED: THAT IT BE ORDERED THAT THE TOWN COUNCIL ADOPT A MINIMUM RESIDENTIAL FACTOR OF ONE (1) RESULTING IN AN EQUAL TAX RATE FOR ALL CLASSES OF PROPERTY FOR THE FISCAL YEAR 2011.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation. He reviewed the classes of properties. If the town chose to utilize a split tax rate this would place a very heavy burden on non-residential classes of properties. Councilor Letourneau suggested residential taxes have risen more drastically over the last years than commercial taxes.

It was unanimously,
VOTED: TO APPROVE MOTION ORDER NO. FY 11 -033 A.

Order no. FY 10 -033 B

MOTION: On a motion by Councilor Maloney, second by Councilor Sutphin, it was,

MOVED: THAT IT BE ORDERED THAT THE TOWN COUNCIL VOTE THAT NO RESIDENTIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2011.

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a unanimous positive recommendation. Assessors Murphy and Ruggeri explained that voting no residential exemption keeps the burden evenly based on all residential homeowners within the Town. Councilor Maloney stated there were tax abatements available for citizens in difficult situations.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -033 B.

Order no. FY 10 -033 C

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

MOVED: THAT IT BE ORDERED THAT THE TOWN COUNCIL VOTE THAT NO SMALL COMMERCIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2011.

DISCUSSION: Councilor Maloney reported the Ways and Means Committee forwarded a unanimous positive recommendation. He explained that voting no commercial exemption keeps the burden evenly based on all commercial businesses within the Town.

It was unanimously

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -033 C.

Order no. FY 11 -036

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AUTHORIZES THE MAYOR TO TAKE SUCH ACTION AS IS NECESSARY WITH THE MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES FOR ESTABLISHING AN AGRICULTURAL PRESERVATION RESTRICTION FOR PROPERTY CONSISTING OF APPROXIMATELY 50 ACRES OF LAND OWNED BY THE MUNICIPALITY LOCATED AT LEYDEN ROAD/GLENBROOK DRIVE, ASSESSORS MAP R31, LOTS 1 AND 5, AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

DISCUSSION: Councilor Guin stated the Economic Development Committee (EDC) forwarded a unanimous positive recommendation. At the EDC meeting on Monday, November 15, 2010 the Committee discussed the following:

- EDC has never approved an APR before for economic reasons, however, the town has never stopped one either.
- At the end of the day, the town does not know what the end use would be.
- The Mayor would maintain a community garden at that location.
- Funds put into the General Fund cannot be “earmarked.”
- Chapter 30B requires an RFP be created for use of the property.

Councilor McLellan pointed out there was disparity between the language in the order for 50 acres and the appraisal for 32 acres. Mr. Twarog noted originally 50 acres were requested, however land was taken out by the Town and the total acreage was now 32 acres.

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

MOVED: TO DELETE “50” AND INSERT “32”.

DISCUSSION: Councilor Bitters noted that the order also referenced Lots 1 and 5. It was questioned whether this information should change with the amendment of the acreage. Mr. Twarog said the map attached was incorrect. Town Clerk Winseck stated the Council had not received updated information regarding the reduction of acreage. Mr. Twarog noted lot 5 should be removed because it was not part of the 32 acres proposed for the APR. Lot 1 was fine. President Farrell suggested the motion be amended to remove lot 5.

Councilors McLellan and Allis withdrew their motion and second respectively.

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

MOVED: TO DELETE “50” AND INSERT “32” AND REMOVE LOT 5 FROM THE MOTION.

DISCUSSION: The following was discussed:

- Only a 32 acre portion of lot 1 would be included in the APR and did not include the wooded acreage.
- The error was not so much in having an incorrect map as much as it was not have the correct information for the order.
- Councilors were perplexed by incorrect information.
- EDC did not have an order to vote during their meeting on November 15, 2010. It was noted the order was in the Town Council packet.

Councilor Maloney stated there was a motion to amend on the floor and he had additional questions beyond the motion to amend.

It was unanimously,

VOTED: TO DELETE “50” AND INSERT “32” AND REMOVE LOT 5 FROM THE MOTION.

DISCUSSION: President Farrell stated discussion would be held on the amended order.

- The maps that were forwarded did not include any additional information other than what was included in the amended order.
- Councilors were concerned that the information in the packet was incorrect and not enough information for an informed vote.
- The Council was not apprised of the change in acreage.
- Could language define the area on a map i.e. the barn area, woods area, farm area? Would Councilors be comfortable if the order specified the area being considered for APR?
- An exact plot plan or legal description of the 32 acres did not exist.
- The State would be voting on the APR on Friday, November 19, 2010 without specific legal references to the land or a survey. It was noted the survey would be conducted after the State vote. The State vote was not the end of the process; a closing would take place within the next year.
- If the APR was approved by the Town and State, the Town would be required to contribute \$22,000.00 toward the APR. The current value of the entire parcel was \$305,000.00.
- The State process was explained.
- At the end of the day, the Town of Greenfield was not selling the land just the development rights.
- Camp Kewanee use of the land was not jeopardized.
- The State was willing to pay for the development rights. Thirty-two (32) acres of land would still be farm land.
- A hand written map could be attached to the order denoting the Council’s intentions.
- This was not just an APR, the Council would be authorizing the Mayor to sell an asset of Greenfield.
- The land was currently being leased and was under control of the DPW. Perhaps it could remain that way if included in an APR.
- It appeared this was being held to a higher standard than other items before the Council for consideration.
- The APR appeared to be a win-win situation for the Town.
- There was a community of people who were very excited about this APR.
- It was suggested that the Council table the order and the Town mark the boundaries of the land proposed for inclusion in the APR; create a map showing the markers; and submit a general description of the major points of the land.
- This was not an emergency vote.
- It was believed there would not be consequences if the Council did not vote this evening.
- This could be voted during the Town Council December 15, 2010 meeting.

MOTION: On a motion by Councilor Singer, second by Councilor Allis, it was by majority roll call, 6 no and 7 yes,

TABLED: MOTION ORDER NO. FY 11 -036 AS AMENDED.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Allis stated the Right to Farm Ordinance should have been on tonight’s agenda for consideration. He reviewed the committees’ work on other ordinances and the general review of ordinances as required by Charter.

Councilor Allis stated the Charter Review Commission has a meeting scheduled for Tuesday, November 23, 2010, 5:30 pm, Town Hall Meeting room. The agenda items would include Articles 5 Finance and Fiscal Procedures and Article 6 Administrative Organization.

ECONOMIC DEVELOPMENT COMMITTEE – Chairman Guin noted the committee held initial discussion regarding the Lunt Property during the Monday, November 15, 2010 meeting. President Farrell announced the Lunt property would be considered by the Town Council on December 15, 2010. It would also be considered by the Ways and Means Committee and the Economic Development Committee. Councilors were urged to submit any questions.

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Letourneau reviewed the November 9, 2010 meeting at which time discussion was held with the Schools regarding the Massachusetts Virtual Academy at Greenfield. Discussion would be held and guests invited to attend the December 14, 2010 committee meeting regarding the Skate Park relocation efforts.

President Farrell announced Town Council Committee Chairs would meet on December 6, 2010, at 6:00 pm at the Veteran’s/Planning Office, 114 Main Street.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

ADJOURNMENT: On a motion by Councilor Maloney, second by Councilor Allis, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:06 P.M.

A true copy,

Attest: _____

Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15

Regular Meeting

November 17, 2010

Table Order No. FY 11 -036

1. Bitters, Paul	P	Y					
2. McLellan, Thomas	P	N					
3. Allis, Brickett	P	Y					
4. Maloney, Mark	P	Y					
5. Singer, David	P	Y					
6. Letourneau, Danielle	P	N					
7. Sluter, Shenandoah	P	N					
8. Vicencio-Rasku, Iris	P	N					
9. Hirschfeld, Norman	P	N					
10. Farrell, Timothy	P	Y					
11. Guin, Daniel	P	N					
12. Devlin, Patrick	P	Y					
13. Sutphin, Tracey	P	Y					

6 no
7 yes