GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
December 15, 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. Councilors McLellan and Letourneau were absent.

ALSO PRESENT: Director of Municipal Finance and Administration Marjorie L. Kelly; Assistant Town Clerk Deborah Tuttle; Town Attorney Richard Kos; Director of Planning and Community Development Eric Twarog; Agricultural Commission member Denise Leonard; GCTV-15 staff; and members of the public.

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


PUBLIC HEARINGS: Councilor Maloney read the Public Hearing notice as follows: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, December 15, 2010, beginning at 7:00 p.m. at GCTV-15, 393 Main Street to consider the following: Appropriate $65,000.00 from Free Cash to pay a 1 year option to purchase the Lunt Property. Materials in alternative format can be obtained from the Town Clerk’s Office with advance notice at 413-772-1555. President Farrell opened the Public Hearing at 7:13 pm. He asked if anyone from the public wanted to speak. Seeing none, the hearing would remain open.

COMMUNICATIONS:

MAYOR: Acting Mayor Marjorie Kelly updated the Town Council on the following:

- Free Cash had been certified in the amount of $ 824,693.
- Water Fund was certified in the amount of $ 381,771.
- Sewer Fund was certified in the amount of $ 436,092.
- The Fiscal Year 2011 Tax Rate was at $18.14. Tax bills will be sent out on December 27, 2010.
- Effective January 1, 2011 Sullivan, Hayes and Quinn would become the Town Attorney. They would deal with all municipal and labor law for the Town.
- Recognized the service Attorney Richard Kos has provided to the Town of Greenfield.
- High School Building Committee would decide on a project manager on Thursday, December 16, 2010. There was an ambitious goal of summer for being ready to begin the project.
- Reviewed tonight’s first reading for an appropriation of $1,900,000 for “Green Repair” to the Four Corners School.
- Possible sale of two Town properties from which the Town could use the funds for projects which would have needed short term borrowing.

On behalf of the Mayor and his staff, Ms. Kelly wished everyone a Happy Holiday and Healthy and Happy New Year. Regarding an inquiry by Councilor Devlin for information pertaining to the elimination of the Assistant Assessor position, Ms. Kelly would forward the request to Mayor Martin, to obtain facts and figures in the effort of transparency.

SCHOOL COMMITTEE CHAIRMAN: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

President Farrell noted the Public Hearing was still open. Barbara Tillmanns, 80 Deerfield Street, expressed concern that the Town was purchasing property from a local business which was in Bankruptcy Court. She suggested other businesses have gone through the Bankruptcy process and not received assistance from the Town.

Order no. FY 11 - 037

MOTION: On a motion by Councilor Allis, second by Councilor Singer, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 THE TOWN COUNCIL APPROVES OF THE FOLLOWING REAPPOINTMENTS AND APPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM:

APPOINTMENT
Howard Barnard Zoning Board of Appeals 2-year term, June 30, 2012 (currently 1st alternate replacing the seat vacated by Roy Cowdrey)
Scott Conti Zoning Board of Appeals 3-year term, June 30, 2013 (currently 2nd alternate replacing the seat vacated by Susan Welenc)
Jannica Petrik-Huff Planning and Construction 3-year term, June 30, 2013
CarrieAnne Petrik-Huff Planning and Construction 3-year term, June 30, 2013

REAPPOINTMENT
Betty Rice Greenfield Retirement Board 3-year term, December 31, 2013

DISCUSSION: Councilor Allis noted the Appointments and Ordinance Committee forwarded a unanimous positive recommendation for approval of the appointments. He reviewed the task of the Planning and Construction Committee.

It was unanimously,

VOTED: TO APPROVE MOTION ORDER NO. FY 11 -037.

President Farrell closed the Public Hearing at 7:34 pm.

Order no. FY 11 -038

Financial Order

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

MOVED: THAT THE GREENFIELD TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED, THE AMOUNT OF $65,000 BE APPROPRIATED FROM FREE CASH FOR THE PURPOSE OF PAYING YEAR 1 OF AN OPTION TO PURCHASE THE LUNT PROPERTY ON FEDERAL STREET.

DISCUSSION: Councilor Maloney noted the Ways and Means Committee forwarded a “weak” positive recommendation with one abstention. He read a statement from Mayor Martin, see attached. Councilor Maloney discussed the following:
- The Bankruptcy Court has ultimate authority over the property.
- Whenever the property was sold, the Town would receive the taxes owed.
- The Town could assist with remediation better than a public corporation.

Discussion was held regarding the difference between Lunt and Bendix properties. Mr. Pyers reviewed the environmental issues pertaining to the Lunt and Bendix properties. President Farrell stated the Department of Environmental Protection (DEP) and Massachusetts Environmental Protection Agency (EPA) has levels of “clean” depending on the use of the site. Councilor Maloney stated if the Town Council did not vote to exercise the option to purchase, Bankruptcy Court could sell the property at any time. The Town Council vote would give the town time to investigate and make an informed decision for future use. Councilor Guin reported the Economic Development Committee did not forward a recommendation on this proposal. The following was discussed:
- $65,000 was not an unreasonable price for a 1 year option to purchase.
- The property owner would continue to be responsible for securing, upkeep and insurance on the property.
- The current tax title was approximately $160,000.
- It was very important to understand the potential environmental issues.
- There were several issues with this proposal. However, this would be the best solution for the community.

MOTION: On a motion by Councilor Allis, second by Councilor Sutphin, it was by majority, 1 opposed,

TABLED: ORDER NO. FY 11 -038.

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

VOTED: TO SUSPEND THE RULES OF PROCEDURE.

Order no. FY 11 -042
MOTION: On a motion by Councilor Maloney, second by Councilor Allis, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT FOR AN OPTION TO PURCHASE PROPERTY OWNED BY GREENFIELD SILVER, INC., f/k/a LUNT SILVERSMITH, INC. LOCATED AT 298 FEDERAL ST., UNIT B, GREENFIELD, MA, DESCRIBED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS, BOOK 3812, PAGE 4, AS AMENDED (THE “CONDOMINIUM”) ATTACHED HERETO AS EXHIBIT A, AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

Exhibit A

DISCUSSION: Councilor Maloney stated the Ways and Means Committee forwarded a positive recommendation for approval. Councilor Singer outlined what an “Option to Purchase” was. He had discussed the option to purchase with Town Attorney Kos and Lunt’s Attorney Sabella. He would like to propose four (4) amendments to the “option to purchase.”

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


DISCUSSION: Councilor Singer stated the Bankruptcy Court had ultimate approval of sale, not the Mayor. Attorney Sabella had no objection to the amendment.

It was unanimously,


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

MOVED: TO AMEND SECTION 12, a (iii) PAGE 5, BY ADDING AT THE BEGINNING OF THE FIRST SENTENCE “SILVER SHALL FAIL TO DILIGENTLY PURSUE OR”

DISCUSSION: Councilor Singer noted this would clarify responsibility for all parties.

It was unanimously,

VOTED: TO AMEND SECTION 12, a (iii) PAGE 5, BY ADDING AT THE BEGINNING OF THE FIRST SENTENCE “SILVER SHALL FAIL TO DILIGENTLY PURSUE OR”

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

VOTED: TO AMEND SECTION 12, SECTION b (i) BY ADDING TO THE BEGINNING OF THE SENTENCE” IF CITY IS IN DEFAULT,”

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

MOVED: MOVE TO AMEND BY CAUSING SECTION 12, b (ii) TO BECOME SECTION 12, b (iii), BY ADDING A NEW SECTION 12, b (ii) WHICH STATED “IF SILVER IS IN DEFAULT, AT IT OPTION, CITY MAY SERVE UPON SILVER NOTICE THAT THIS AGREEMENT IS TERMINATED, NO SUCH EXPIRATION OR TERMINATION OF THIS AGREEMENT SHALL RELIEVE SILVER OF ITS LIABILITY AND OBLIGATION HEREUNDER.”

DISCUSSION: Attorney Kos had reviewed the amendments and did not disagree with the proposals.

It was unanimously,

VOTED: MOVE TO AMEND BY CAUSING SECTION 12, b (ii) TO BECOME SECTION 12, b (iii), BY ADDING A NEW SECTION 12, b (ii) WHICH STATED “IF SILVER IS IN DEFAULT, AT ITS OPTION, THE CITY MAY SERVE UPON SILVER NOTICE THAT THIS AGREEMENT IS TERMINATED, NO SUCH EXPIRATION OR TERMINATION OF THIS AGREEMENT SHALL RELIEVE SILVER OF ITS LIABILITY AND OBLIGATION HEREUNDER.”

President Farrell thanked the three Attorneys present for their discussion. He requested the record show that Attorneys Kos and Sabella do not disagree with the amendments made. Attorney Sabella noted he could not go to court without the Town Council approval for funding and a purchase and sale for the property.
It was unanimously,
VOTED: TO APPROVE MOTION ORDER NO. FY 11 -042 AS AMENDED.

MOTION: On a motion by Councilor Maloney, second by Councilor Allis, it was unanimously,
VOTED: TO TAKE ORDER NO. FY 11 -038 OFF THE TABLE.

MOTION: THAT THE GREENFIELD TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED, THE AMOUNT OF $65,000 BE APPROPRIATED FROM FREE CASH FOR THE PURPOSE OF PAYING YEAR 1 OF AN OPTION TO PURCHASE THE LUNT PROPERTY ON FEDERAL STREET.

It was unanimously,
VOTED: TO APPROVE MOTION ORDER NO. FY 11 -038.

Attorney Kos thanked the Town Council for having worked with him over the last few years. On behalf of the Town Council, President Farrell thanked Attorney Kos for the work he had done for the Town.

Order no. FY 11-039

MOTION: On a motion by Councilor Allis, second by Councilor Maloney, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 142 RIGHT TO FARM ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE.

November 8, 2010 Code Right to Farm Ordinance - Appointments and Ordinance Committee Final

Chapter 142

RIGHT TO FARM ORDINANCE

§ 142-1. Purpose and Intent. § 142-4. Disclosure Notification.

[History: adopted by the Town Council of the Town of Greenfield on 00-00-0000]

GENERAL REFERENCES

§ 142-1. Purpose and Intent

A. The purpose and intent of this Ordinance is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Greenfield restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

B. This General Ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Greenfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Ordinance shall apply to all jurisdictional areas within the Town.

§ 142-2. Definitions

FARM - The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following: farming in all its branches and the cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities; composting growing and harvesting of forest
products upon forest land, and any other forestry or lumbering operations; raising of livestock including horses; keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following: operation and transportation of slow-moving farm equipment over roads within the Town; control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals; application of manure, fertilizers and pesticides; conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto; maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and on-farm relocation of earth and the clearing of ground for farming operations.

§ 142-3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Greenfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Ordinance are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm Ordinance shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law, nor is it intended hereby that the creation of an implementation of the Ordinance supersedes, replace, modify, alter or change any existing or future Greenfield Town Ordinance or Zoning Bylaw, or State or Federal Law related to agricultural uses within Greenfield.

§ 142-4. Disclosure Notification

A. The Town of Greenfield shall be responsible for providing a copy of the following notice annually to Greenfield property owners/residents through an annual legal notice in the local newspaper. Moreover, the Town will post a copy of this notice prominently at the Town Hall, and will include the notice and a copy of this Ordinance on the Town’s official website.

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Any concerns or complaints regarding agricultural practices in Greenfield shall be addressed to the Mayor, which shall forward them to the appropriate town authorities and the Agricultural Commission for resolution.”

§ 142-5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Mayor, or his/her designee. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Mayor, or his/her designee shall forward a copy of the grievance to the appropriate town authorities, including but not limited to the Board of Health and/or Zoning Board of Appeals. The Mayor, or his/her designee shall also forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Mayor, or his/her designee within an agreed upon time frame.

§ 142-6. Severability Clause

If any part of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Ordinance. The Town of Greenfield hereby declares the provisions of this Ordinance to be severable.
DISCUSSION: Councilor Allis stated the Appointments and Ordinance Committee forwarded a unanimous positive recommendation for approval. He noted the Agricultural Commission had proposed the language which was approved by the Committee. It was noted by approving this Ordinance, the Town of Greenfield supported the “Right to Farm” as the State does.

It was unanimously,
VOTED: TO APPROVE MOTION ORDER NO. FY 11-039.

Order no. FY 11-036

MOTION: On a motion by Councilor Guin, second by Councilor Allis, it was unanimously,
VOTED: THAT IT BE ORDERED THAT ORDER NO. FY 11-036 TABLED AT THE NOVEMBER 17, 2010 TOWN COUNCIL MEETING BE REMOVED FROM THE TABLE.

MOTION: 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 32 ACRES OF LAND OWNED BY THE MUNICIPALITY LOCATED AT LEYDEN ROAD/GLENBROOK DRIVE, ASSESSORS MAP R31, LOTS 1, AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

MOTION: On a motion by Councilor Guin, second by Councilor Sutphin, it was unanimously,
MOVED: TO AMEND BY DELETING THE WORDS “APPROXIMATELY 32” AND REPLACING WITH “31.057” AND INSERTING THE FOLLOWING LANGUAGE AFTER LOT 1 “AS SHOWN ON EXHIBIT A ATTACHED HERETO.”

DISCUSSION: Councilor Guin reviewed discussion and reasons the original order was tabled. He referred to the new map and amendments in order to clarify the acreage. Mr. Twarog reviewed the APR boundaries and land remaining for Town use. Councilor Maloney read the attached memo from Mayor Martin dated December 11, 2010, received in the Town Council office on December 13, 2010.

It was unanimously,
VOTED: 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 31.057 ACRES OF LAND OWNED BY THE MUNICIPALITY LOCATED AT LEYDEN ROAD/GLENBROOK DRIVE, ASSESSORS MAP R31, LOT 1, AS SHOWN ON EXHIBIT A ATTACHED HERETO, AND AUTHORIZES THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.
MOTION: On a motion by Councilor Maloney, second by Councilor Allis, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR RECREATION SUPPLIES TO BE TRANSFERRED INTO ACCOUNT NUMBER 0100.630.5400 IN THE AMOUNT OF $4,000 00.

DISCUSSION: Councilor Maloney noted the Ways and Means Committee forwarded a unanimous positive recommendation for approval. The funds would be used for an update to an electrical panel for Beacon Field. Ways and Means Committee discussed the benefits to the Town relating to the Central Maintenance Department.

It was unanimously,
VOTED: TO APPROVE MOTION ORDER NO. FY 11 -044.

Order no. FY 11-040
MOTION: On a motion by Councilor Guin, second by Councilor Allis, it was,
MOVED: THAT IT BE ORDERED THAT PURSUANT TO CHARTER SECTION 7-2 (a), THE TOWN COUNCIL APPROVES APRIL 20, 2011, AS THE DATE OF THE NEXT PRELIMINARY ELECTION.

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

It was unanimously,
VOTED: THAT IT BE ORDERED THAT PURSUANT TO CHARTER SECTION 7-2 (a), THE TOWN COUNCIL APPROVES APRIL 19, 2011, AS THE DATE OF THE NEXT PRELIMINARY ELECTION.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS: None.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Maloney held first readings:
   • Appropriate $15,000 for the 200th Anniversary of Greenfield as the County seat
   • Appropriate $196,500 Fiscal Year 2011 Supplemental Budget
   • Appropriate $1,900,000 for repairs to Four Corners School
   • Appropriate $340,000 from Free Cash to Stabilization

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: None.

President Farrell wished everyone a Happy Holiday season. Nomination papers would be available in the Town Clerk’s Office for various town seats after the first of the year.

Councilor Allis announced the next meeting of the Charter Commission would be December 29, 2010, 5:30 pm at the Greenfield Police Department Meeting Room. Volunteers were need for the Greenfield Winter Carnival. Councilor Guin asked for toy donations for the Salvation Army. The need far exceeds the donations so far this year.

ADJOURNMENT: On a motion by Councilor Maloney, second by Councilor Allis, it was unanimously,
VOTED: TO ADJOURN THE MEETING AT 9:25 P.M.

A true copy,

Attest: ________________________________
### GREENFIELD TOWN COUNCIL MEMBERS

**GCTV-15**  
Regular Meeting  
December 15, 2010

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