

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

April 16, 2014

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:15 p.m. by President Wisnewski.

President Wisnewski 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 Deborah J. Tuttle; Town Accountant Elizabeth Braccia; Assistant to the Mayor for Economic Development and Marketing Robert Pyers; Library Director Ellen Boyer; Greenfield School Superintendant Susan Hollins; GCTV-15 staff; Anita Fritz, *the Recorder*; and members of the public.

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

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF MARCH 19, 2014.

PUBLIC COMMENT: Scott Cote spoke in favor of the Town of Greenfield's appropriation and purchase of the ball fields on the Lunt Property.

Penny Ricketts questioned the process for citizens regarding vacant and abandoned properties within Greenfield.

PUBLIC HEARINGS: Councilor Allis read the following Public Hearing:

In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wed., April 16, 2014, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- The sum of \$435,000 be appropriated from the premium paid to the City/Town upon the sale of bonds or notes issued for the Greenfield High School Project, which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the City/Town, by the same amount
- With the recommendation of the Capital Improvement Committee and approval of the Mayor, the Town Council will hold a Public Hearing to receive public input on the Mayor's Proposed Fiscal Year 2015 Capital Budget.

FY15 CAPITAL BUDGET

GEN'L GOVT	SOURCE	AMT
REPAIRS TO THE TOWN CLOCK	Capital Stabilization	15,000
REPLACE CM VEHICLE	Capital Stabilization	15,000
REPLACE HVAC TECH VEHICLE	Capital Stabilization	24,000
POLICE DEPT		
CRUISER TECHNOLOGY UPGRADE	Capital Stabilization	21,000
REPLACE FLOORING PD	Capital Stabilization	25,000
PURCHASE EVIDENCE REFRIGERATOR AND LOCKER	Borrowing	66,000
FIRE DEPT		
REPLACE FIREFIGHTING EQUIPMENT	Capital Stabilization	37,000
SCHOOL DEPT		
UPGRADE SCHOOL SECURITY	Borrowing	40,000

TECHNOLOGY	Borrowing	80,000
SCHOOL VEHICLES	Borrowing	70,000
REPAIR GREEN RIVER SCHOOL ROOF	Borrowing	35,000
REPLACE NORTH PARISH SCHOOL ROOF	Borrowing	225,000
DPW		
PURCHASE Z TRACK MOWER	Capital Stabilization	14,000
REPAIR DPW YARD ROOF	Capital Stabilization	20,000
BUILD PAINT BOOTH AT DPW YARD	Capital Stabilization	15,000
REPLACE GUARDRAILS	Borrowing	40,000
SIDEWALKS	Borrowing	250,000
EQUIPMENT	Borrowing	230,000
SCREENING OF MATERIAL	Borrowing	40,000
ENGINEERING OF NASH'S MILL BRIDGE	Borrowing	150,000
LIBRARY		
PLANNING/DESIGN GRANT	Capital Stabilization	5,000
REPAIR FRONT STEPS	Capital Stabilization	20,000
PAINT REAR OF LIBRARY	Capital Stabilization	15,000
RECREATION		
PURCHASE VEHICLE	Capital Stabilization	15,000
PURCHASE PORTABLE STAGE	Borrowing	98,000
SEWER FUND		
PURCHASE AIR COMPRESSOR	Retained Earnings	12,000
WATER FUND		
REPLACE 1 TON DUMP TRUCK	Retained Earnings	55,000
PAINT ADAMS ROAD WATER TANK	Retained Earnings	40,000
REPLACE DAMAGED/UNDERSIZED WATER PIPE	Borrowing	100,000
REPLACE GREEN RIVER PUMP STATION PIPE	Borrowing	85,000
	TOTAL	1,857,000

The Town Council will consider the same on Wed., April 16, 2014, at 7:00 p.m. at GCTV-15 Studio, 393 Main St. Materials can be obtained from the Town Clerk's Office, 14 Court Sq. from 8:30 a.m.-5:00 p.m., Mon. - Fri. or phone 414-772-1555, xt. 113.

Mark Wisnewski, Greenfield Town Council President

Councilor Allis held the following second reading:

- The sum of \$435,000 be appropriated from the premium paid to the City/Town upon the sale of bonds or notes issued for the Greenfield High School Project, which are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the City/Town, by the same amount.

FY15 CAPITAL BUDGET

	SOURCE	AMT
GEN'L GOVT		
REPAIRS TO THE TOWN CLOCK	Capital Stabilization	15,000
REPLACE CM VEHICLE	Capital Stabilization	15,000
REPLACE HVAC TECH VEHICLE	Capital Stabilization	24,000
POLICE DEPT		
CRUISER TECHNOLOGY UPGRADE	Capital Stabilization	21,000
REPLACE FLOORING PD	Capital Stabilization	25,000
PURCHASE EVIDENCE REFRIGERATOR AND LOCKER	Borrowing	66,000
FIRE DEPT		
REPLACE FIREFIGHTING EQUIPMENT	Capital Stabilization	37,000

SCHOOL DEPT

UPGRADE SCHOOL SECURITY	Borrowing	40,000
TECHNOLOGY	Borrowing	80,000
SCHOOL VEHICLES	Borrowing	70,000
REPAIR GREEN RIVER SCHOOL ROOF	Borrowing	35,000
REPLACE NORTH PARISH SCHOOL ROOF	Borrowing	225,000

DPW

PURCHASE Z TRACK MOWER	Capital Stabilization	14,000
REPAIR DPW YARD ROOF	Capital Stabilization	20,000
BUILD PAINT BOOTH AT DPW YARD	Capital Stabilization	15,000
REPLACE GUARDRAILS	Borrowing	40,000
SIDEWALKS	Borrowing	250,000
EQUIPMENT	Borrowing	230,000
SCREENING OF MATERIAL	Borrowing	40,000
ENGINEERING OF NASH'S MILL BRIDGE	Borrowing	150,000

LIBRARY

PLANNING/DESIGN GRANT	Capital Stabilization	5,000
REPAIR FRONT STEPS	Capital Stabilization	20,000
PAINT REAR OF LIBRARY	Capital Stabilization	15,000

RECREATION

PURCHASE VEHICLE	Capital Stabilization	15,000
PURCHASE PORTABLE STAGE	Borrowing	98,000

SEWER FUND

PURCHASE AIR COMPRESSOR	Retained Earnings	12,000
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WATER FUND

REPLACE 1 TON DUMP TRUCK	Retained Earnings	55,000
PAINT ADAMS ROAD WATER TANK	Retained Earnings	40,000
REPLACE DAMAGED/UNDERSIZED WATER PIPE	Borrowing	100,000
REPLACE GREEN RIVER PUMP STATION PIPE	Borrowing	85,000

TOTAL 1,857,000

President Wisnewski opened the Public Hearing regarding the above at 7:26 pm.

COMMUNICATIONS:

MAYOR: Mayor Martin and Ms. Kelly spoke regarding:

- The Mayor's proposed Fiscal Year 2015 Operating Budget was presented to the Town Council.
- Purchase/Sale agreement and appropriation for the ball fields on the Lunt Properties.
- Municipal Telecommunications System.
- Acquisition of Mohawk Meadows Golf Course. Mayor Martin requested the Town Council consider a resolution regarding the purchase.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendant Hollins discussed:

- Support for the Fiscal Year 2015 Capital requests.
- Support for the Fiscal Year 2015 Operating budget.
- Number of students with-in the Greenfield school system.
- Cost associated with choice-out and charter school students.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 14-149

MOTION: On a motion by Councilor Hoffman, second by Councilor Renaud, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE BOARD OF HEALTH: STEVEN ADAM – REMAINDER OF A THREE-YEAR TERM EXPIRING JUNE 30, 2016 (DUE TO THE RESIGNATION OF DR. DAVID TAYLOR).

DISCUSSION: Vice-President Hoffman stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -149.

Order no. FY 14-150

MOTION: On a motion by Councilor Hoffman, second by Councilor Singer, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE CEMETERY COMMISSION: WILLIAM ALLEN –TERM TO EXPIRE JUNE 30, 2015.

DISCUSSION: Vice-President Hoffman stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -150.

Order no. FY 14-151

MOTION: On a motion by Councilor Hoffman, second by Councilor Singer, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE CEMETERY COMMISSION: PETER MILLER – TERM TO EXPIRE JUNE 30, 2017.

DISCUSSION: Vice-President Hoffman stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -151.

Order no. FY 14-152

MOTION: On a motion by Councilor Hoffman, second by Councilor Devlin, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE CEMETERY COMMISSION: JAMES MORIN – TERM TO EXPIRE JUNE 30, 2016.

DISCUSSION: Vice-President Hoffman stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -152.

President Wisniewski asked if anyone wished to speak regarding the Public Hearing. Seeing none he closed the Public Hearing at 7:58 pm.

Order no. FY14-148

Financial Order 14-40

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$435,000 BE APPROPRIATED FROM THE PREMIUM PAID TO GREENFIELD UPON THE SALE OF BONDS OR NOTES ISSUED FOR THE GREENFIELD HIGH SCHOOL PROJECT, WHICH ARE THE SUBJECT OF A PROPOSITION 2½ DEBT EXCLUSION, TO PAY COSTS OF THE PROJECT BEING FINANCED BY SUCH BONDS OR NOTES AND TO REDUCE THE AMOUNT AUTHORIZED TO BE BORROWED FOR SUCH PROJECT, BUT NOT YET ISSUED BY THE CITY/TOWN, BY THE SAME AMOUNT.

DISCUSSION: Councilor Allis reviewed the benefits of the order to the Town of Greenfield and stated the Ways and Means Committee forwarded a unanimous positive recommendation.

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -148, Financial Order 14-40.

Order no. FY 14-138

Financial Order 14-30

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$241,000 BE APPROPRIATED FROM THE CAPITAL IMPROVEMENT STABILIZATION FUND FOR THE FOLLOWING PURPOSES AND AMOUNTS:

<u>Description</u>	<u>Amount</u>
Repair of DPW Yard Roof	\$20,000
Building of DPW Paint Booth	15,000
Purchase Z Track Mower	14,000
Repairs to the Town Clock	15,000
Replacement of Central Maintenance Vehicle	15,000
Replacement of Plumber's Vehicle	24,000
Replacement of Recreation Dept. Vehicle	15,000
Purchase Firefighting Equipment	37,000
Upgrade Police Cruiser Technology	21,000
Replace Flooring at Police Station	25,000
Repair front Steps at Library	20,000
Paint Rear of Library Building	15,000
Provide Additional Match for Lib Planning Grant	<u>5,000</u>
Totals	\$ 241,000

DISCUSSION: Councilor Allis stated the Capital Improvement Planning Committee and the Ways and Means Committee forward a unanimous positive recommendation. This would be the final time the Town would provided funds to repair the Town Clock.

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -138, Financial Order 14-30.

Order no. FY 14-139

Financial Order 14-31

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was,**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$300,000 BE APPROPRIATED FOR THE FOLLOWING PURPOSES AND AMOUNTS:

<u>Description</u>	<u>Amount</u>
Upgrade School Security	40,000
Replace North Parish School Roof	225,000
Repair Green River School Roof	<u>35,000</u>
Totals	\$300,000

AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$300,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (3A) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

DISCUSSION: Councilor Allis stated the Capital Improvement Planning Committee and the Ways and Means Committee forward a unanimous positive recommendation on all of the capital items presented tonight. Ms. Kelly spoke regarding the upgrades to school security systems through out the town.

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -139, Financial Order 14-31.**Order no. FY 14-140**

Financial Order 14-32

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was,**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$464,000 BE APPROPRIATED FOR THE FOLLOWING DEPARTMENTAL EQUIPMENT:

<u>Description</u>	<u>Amount</u>
Purchase Evidence Refrigerator and Locker	66,000
Purchase Student Transport Vehicles	70,000
Purchase 1 Ton Dump Truck DPW	55,000
Purchase Loader DPW	175,000
Purchase Portable Stage	<u>98,000</u>
Total	464,000

AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$464,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (9) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

DISCUSSION: Councilor Allis reviewed discussion held by the Capital Committee and Ways and Means Committee regarding the request for funding for the above listed portable stage. He spoke with community

event planners who expressed interest in renting the stage from the Town which could become a neutral investment for the town.

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -140, Financial Order 14-32.

Order no. FY 14-141

Financial Order 14-33

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$80,000 BE APPROPRIATED FOR THE PURCHASE OF SCHOOL COMPUTER TECHNOLOGY: AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$80,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (28 & 29) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

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

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -141, Financial Order 14-33.

Order no. FY 14-142

Financial Order 14-34

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$40,000 BE APPROPRIATED TO INSTALL AND REPAIR TOWN GUARDRAILS, AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$40,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (7) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

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

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -142, Financial Order 14-34.

Order no. FY 14-143

Financial Order 14-35

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$250,000 BE APPROPRIATED FOR TO REPLACE TOWN SIDEWALKS AND TO MEET

SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$250,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (6) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a unanimous positive recommendation. He further noted the funds could be used over a two (2) year period if not completely utilized this fiscal year.

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -143, Financial Order 14-35.

Order no. FY 14-144

Financial Order 14-36

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$40,000 BE APPROPRIATED TO GRIND, RECYCLE, AND PRODUCE ROAD MATERIALS, AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$40,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (6) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

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

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -144, Financial Order 14-36.

Order no. FY 14-145

Financial Order 14-037

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$55,000 BE APPROPRIATED FROM THE WATER FUND RETAINED EARNINGS TO PURCHASE A NEW 1 TON DUMP TRUCK FOR THE WATER DEPARTMENT.

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

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -145, Financial Order 14-37.

Order no. FY 14 -146

Financial Order 14-38

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was,
MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$100,000 BE APPROPRIATED TO REPAIR AND REPLACE WATER MAINS, AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$100,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 8 (5) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

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

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -146, Financial Order 14-38.

Order no. FY 14 -147

Financial Order 14-39

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was,
MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$12,000 BE APPROPRIATED FROM THE SEWER FUND RETAINED EARNINGS TO PURCHASE A NEW AIR COMPRESSOR FOR THE SEWER DEPARTMENT.

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

It was unanimously, 13 yes, 0 no, 0 abstain,

VOTED: TO APPROVE ORDER NO. FY 14 -147, Financial Order 14-39.

Councilor Allis noted the Fire and Police Department vehicle cost would now be included in their operating budgets.

Order no. FY 14 -153

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was,
MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE BOARD OF TRUSTEES OF THE GREENFIELD PUBLIC LIBRARY IS AUTHORIZED TO PROCEED WITH A FEASIBILITY STUDY TO EXAMINE THE OPTIONS FOR EXPANDING AND RENOVATING ITS CURRENT LIBRARY BUILDING, OR BUILDING A NEW FACILITY, AND FURTHER THE MAYOR IS AUTHORIZED TO APPLY FOR, ACCEPT, AND EXPEND ANY STATE GRANTS WHICH MAY BE AVAILABLE FOR A LIBRARY BUILDING PLANNING AND DESIGN PROJECT.”

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a unanimous positive recommendation. This State required the vote as the feasibility study was in process. Ms. Boyer spoke to of the importance of the feasibility study.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -153.

Order no. FY 14 -154

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER INTO ACCOUNT NUMBER 0100.141.5820 IN THE AMOUNT OF \$15,000.00.

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a unanimous positive recommendation. This was for an upgrade of computer software utilized by several departments

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -154.

Order no. FY 14 -137

MOTION: On a motion by Councilor Devlin, second by Councilor Maloni, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 108 NUISANCES AND VACANT PROPERTY ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

**Chapter 108
NUISANCES AND VACANT PROPERTY**

- § 108-1. Authority and Purpose
- § 108-2. Definitions
- § 108-3. Nuisances Prohibited

- § 108-4. Requirements for adequate maintenance of vacant properties.
- § 108-5. Administration

§ 108-1. Authority and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by M.G.L., Ch. 139, §§ 1-3A, this ordinance is adopted to help protect the health, safety, and welfare of the citizens of Greenfield by preventing blight, protecting property values and neighborhood integrity, protecting the Town’s resources, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This ordinance will help secure the welfare of the Town’s residents and neighborhoods by requiring all property owners, including lenders, trustees and service companies and the like, to properly maintain their respective properties.

§ 108-2. Definitions

BLIGHT -- Any condition constituting a nuisance described in Section C below that seriously impairs the value, condition strength, durability or appearance of real property, including real property owned or occupied by an Interested Party as defined below.

DILAPIDATED -- A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

- (a) Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors;
- (b) Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

HABITABLE SPACE -- A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HAZARD -- A condition likely to expose persons to injury or negative health impacts, or property to damage, loss or destruction.

INTERESTED PARTIES -- In connection with the notification requirements of this ordinance Interested Parties are the Building Inspector; owner(s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting such abutting property and which is within 300 feet of the property line of the subjected property. Other persons who own or occupy property and who demonstrate to the satisfaction of the Building Inspector that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties by the Building Inspector.

NUISANCE -- See § 108-3 below.

OCCUPANT -- A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

OWNER -- Every person who alone or jointly or severally with others

- (a) has legal title to any building, structure or property to this Ordinance; or
- (b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, guardian or conservator of the estate of the holder of legal title; or as life tenant; or
- (c) is a lessee under a written lease agreement; or
- (d) has a mortgage in possession; or
- (e) is an agent, trustee or other person appointed by the courts.

RESPONSIBLE PARTY -- The owner or occupant (in the case of real property) of property that is the subject of proceedings under this ordinance. The singular use of the term includes the plural when the context so indicates.

VACANT PROPERTY -- Any property that is continuously unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to occupancy thereof.

§ 108-3. Nuisances Prohibited

It shall be a violation of this ordinance to maintain, cause or create a nuisance which is any substantial interference with the common interest of the general public in the maintenance of decent, safe, and sanitary structures that are not dilapidated, and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the zoning ordinance does not create an exemption from the application of this ordinance. The term nuisance includes but is not limited to:

- A. Burned structures not otherwise lawfully habitable or usable;

- B. Dilapidated real or personal property;
- C. Dangerous or unsafe structures or personal property;
- D. Overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values;
- E. Junk as defined in Section 200-2.1(B) of the Zoning Ordinance, see Chapter 83 of Greenfield's Code for requirements to be a Junk Dealer;
- F. Unregistered motor vehicles, pursuant to Section 200-6.10 of the Zoning Ordinance;
- G. Personal property which has been placed for collection as rubbish or refuse in violation of any rule or regulation of the Board of Health, or left in public view for more than three (3) days. The exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish, or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators, or other cast off material of any kind whether or not the same could be put to any reasonable use (see also Chapter 94 - Littering of the General Ordinances);
- H. The storage upon property of building materials upon residential properties **for a period of more than 45 days** unless there is in force a valid building permit issued by the building official for construction upon said property and said materials are intended for use in connection with said construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure;

§ 108-4. Requirements for adequate maintenance of vacant properties.

Owners of vacant properties must fulfill the following minimum adequate maintenance requirements for any such property they own:

- A. Maintain vacant properties subject to this ordinance in accordance with the relevant sanitary, building, and fire codes;
- B. Secure vacant properties subject to this ordinance to prevent unauthorized entry and exposure to the elements;
- C. Maintain vacant properties subject to this ordinance in a manner that ensures their external/visible maintenance, including but not limited to, the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features;
- D. Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows for habitable properties is prohibited except as a temporary measure for no longer than thirty (30) days or as required by 780 CMR Massachusetts State Building Code;
- E. Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

§ 108-5. Administration

A. Enforcement - This Ordinance shall be enforced by the Building Inspector.

- (1) If the Building Inspector shall be informed or have reason to believe that any provision of this Ordinance has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If he finds any violation he shall give immediate notice in writing to the Owner and to the Occupant of the premises to immediately cease such violation.
- (2) In making such inspection, the Building Inspector shall have such right of access to premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States. If, after such notice and order, such violation continues, or if any Owner or Occupant fails to obey any lawful order of the Building Inspector with respect to any violation of the provisions of the Ordinance, the Building Inspector may make complaint to the Superior Court or any court of competent jurisdiction seeking an injunction or order restraining any further use of the premises and the continuation of the violation, and shall take such other action as is necessary to enforce the provisions of this Ordinance.
- (3) In addition to the foregoing remedy, whoever violates any provision of this Ordinance or fails to obey any lawful order issued by the Building Inspector in enforcing this Ordinance shall be liable **as follows:**
A fine of not more than:
 1st month - \$100.00
 2nd month - \$200.00
 3rd month - \$300.00
Plus the cost of legal fees.

Each violation of this Ordinance shall constitute a separate offense. Each **month** that any such violation continues shall constitute a separate offense.

- (4) The Building Inspector may require disclosure to him/her of the identity of the person bringing a complaint of nuisance. The Building Inspector may require that such complaint be made under oath or subject to the penalties of perjury. If the Building Inspector determines that a reported condition may warrant immediate action, constitute a substantial violation of this Ordinance, or adversely affect protected interests of others than the complainant, the Building Inspector may commence action under this Ordinance without requiring the disclosure of the identity of the complainant.
 - (5) If the Building Inspector determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this Ordinance, he shall refer the matter to the Board of Health of the town or any other appropriate state or town officials for action.
 - (6) During his investigation of the matter, the Building Inspector may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this Ordinance without the need to issue a notice of violation.
- B. Notice to Complainant - In any matter in which a complaint has been made by a person other than the Building Inspector, the Building Inspector shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.

- C. Removal of Nuisance - If the Responsible Party fails to remedy the nuisance upon notice from the Building Inspector to do so, the Mayor may cause the nuisance to be removed as provided in M.G.L., Ch. 139.
- D. Review by the Mayor - Any interested Party who has filed a written complaint of a nuisance with the Building Inspector upon which complaint the Building Inspector has determined that the condition is not a nuisance, or has taken other action that the Interested Party claims is inadequate shall have a right to a review of the matter by the Mayor. At the request of such an Interested Party, the Mayor shall confer with the Building Inspector and shall recommend appropriate action to the Building Inspector.
- E. Reports by Building Inspector - The Building Inspector shall file with the Mayor each quarter a report that shall include all complaints of nuisance made to him during the prior **quarter**; all proceedings begun by him under this Ordinance; all pending complaints and all investigations and enforcement actions taken by him or referred to the Board of Health. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party(ies), and the disposition or the status of the matter.

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was unanimously,
VOTED: THAT IT BE ORDERED TO AMEND § 108-3. NUISANCES PROHIBITED H. BY INSERTING THE WORDS “ FOR A PERIOD OF MORE THAN 45 DAYS” BETWEEN THE WORDS PROPERTIES AND UNLESS IN THE FIRST SENTENCE TO READ AS FOLLOWS “ PROPERTIES FOR A PERIOD OF MORE THAN 45 DAYS UNLESS.”

MOTION: On a motion by Councilor Devlin, second by Councilor Hoffman, it was,
MOVED: THAT IT BE ORDERED TO AMEND § 108-3. NUISANCES PROHIBITED H. BY DELETING “NAILS, SCREWS,” IN THE LAST SENTENCE.

DISCUSSION: Councilor Devlin stated the EDC forward a unanimous positive recommendation for the amendment feeling this was unnecessary.

It was unanimously,
VOTED: TO APPROVE THE AMENDMENT.

MOTION: On a motion by Councilor Devlin, second by Councilor Hoffman, it was,
MOVED: THAT IT BE ORDERED TO AMEND § 108-5. ADMINISTRATION A. (1) BY DELETING THE FOLLOWING “OR IS LIKELY TO BE”.

DISCUSSION: There was no objection to the amendment however, it was noted to be grammatically correct the word “or” should be added to the sentence. The section of the sentence would then read “has been or, is being violated,” President Wisniewski, Councilor Devlin and Vice-President Hoffman accepted this as a friendly amendment.

It was unanimously,
VOTED: TO APPROVE THE AMENDMENT TO READ AS FOLLOWS: “HAS BEEN OR, IS BEING VIOLATED”.

MOTION: On a motion by Councilor Devlin, second by Councilor Hoffman, it was,

MOVED: THAT IT BE ORDERED TO AMEND § 108-5. ADMINISTRATION A. (1) BY DELETING THE FOLLOWING “HAS BEEN OR”.

DISCUSSION: It was noted the language would be more concise without “has been or”.

It was unanimously,

VOTED: TO APPROVE THE AMENDMENT.

MOTION: On a motion by Councilor Devlin, second by Councilor Hoffman, it was,

MOVED: THAT IT BE ORDERED TO AMEND § 108-5. ADMINISTRATION A. (1) BY DELETING THE WORK “IMMEDIATE” FROM THE LAST SENTENCE”.

DISCUSSION: The following was discussed:

- Replacing “immediate” with “within 30 days”
- Inserting “within 30 days” after the word “violation” in the same sentence.
- If there were an immediate health concern the word “immediate” would be important to have in the language as part of the timeline.
- If this amendment were to pass, additional amendments would be required in other sections.
- What was the appeal’s process for the property owner?
- State law already covers blighted properties, this may not be necessary.
- Language should be added to delineate hazardous and emergency situations and situations of visual displeasure or non emergency situations.

It was unanimously,

DEFEATED: THE PROPOSED AMENDMENT TO § 108-5. ADMINISTRATION A. (1) BY DELETING THE WORK “IMMEDIATE” FROM THE LAST SENTENCE”.

DISCUSSION: Councilor Allis did not believe the Town had the right to tell people how to keep their properties or choose to live their lives. He stated if the property was vacant, the Building and Health Inspectors have laws at their disposal to deal with dangerous or blighted properties. He noted he would not vote in favor of this ordinance if proposed tonight. Councilor Singer noted other ordinances did not have the strength of enforcement of occupied homes within neighborhoods which cause a health risk to a particular community. Additional topics of discussion included:

- Vacant vs. occupied properties.
- Visual displeasure vs. safety hazards
- Mayoral control vs. jurisdictional.
- Table the ordinance or continue and vote?
- The Town needs an ordinance “with teeth” to get properties cleaned up and made safe.

President Wisnewski asked all Councilors to send suggested amendments to the EDC for consideration.

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

TABLE: ORDER NO. FY 14 -137.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Singer and Vice-President Hoffman discussed the past two meetings which included a Public Hearing relating to the Wetlands Ordinance. Questions regarding the Wetlands Ordinance were forwarded to the Conservation Commission. Also in discussion is the Noise Ordinance and Councilors are urged to forward all questions or comments to the Town Council office prior to May 1, 2014. The reusable plastic bag ordinance remains in committee and might possibly be withdrawn.

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Renaud announced Town Councilors would begin holding office hours on Thursday April 24, 2014, Councilors Hoffman and Kelner would attend.

ECONOMIC DEVELOPMENT COMMITTEE – Chairman Devlin stated deliberations and draft language for the Nuisance and Vacant Property Ordinance would continue.

WAYS AND MEANS COMMITTEE – Chairman Allis spoke of the Fiscal Year 2015 budget meetings. The budget meeting schedule would be put on the website for accessibility.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Mayor Martin and Mr. Pyers spoke regarding the possible purchase of the former Mohawk Meadows Golf Course. The following was discussed:

- Asked for a Town Council resolution supporting the purchase of the property.
- History relating to the property including potential sale and flooding.
- The total acreage equaled approximately 50 acres.
- Appraisal as a golf course was \$500,070. The town would not use the property as a golf course and would not pay that amount for the property.
- Varying passive recreational uses for the property. How flooding would effect the recreational uses for the property.
- How the purchase could benefit the town.
- FEMA had not created new flood maps for Greenfield to date.

MOTION: On a motion by Councilor Singer, second by Councilor Hoffman, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL CHARGE THE MAYOR TO PURSUE AN OPTION TO PURCHASE THE MOHAWK MEADOWS GOLF COURSE PROPERTY. THE FINAL PURCHASE DEPENDENT UPON A VOTE TO APPROPRIATE FUNDS BY THE TOWN COUNCIL.

Councilor Allis held the following first readings:

- Ordered that the amount of \$50,000 be appropriated from free cash to provide Matching Funds for The Executive Office of Energy and Environmental Affairs Our Common Backyards Grant Program at Hillside Park.
- To appropriate \$150,000 for the preliminary engineering design work for the Replacement of the Nash's Mill Bridge.
- Ordered that the amount of \$660,000 be Appropriated for the purchase of 6.62 Acres of the Lunt Property located at 298 Federal Street known as the Baseball Fields.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: Mayor Martin thanked the Town Council for their due diligence regarding the Nuisance and Vacant Property Ordinance. He noted an ordinance addressing vacant properties within the Town of Greenfield would be beneficial.

ADJOURNMENT: On a motion by Councilor Allis, second by Councilor Devlin, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:35 P.M.

A true copy,

Attest: _____
Deborah J. Tuttle, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
April 16, 2014

1. Kelner, Marian	P						
2. Siano, Alfred	P						
3. Allis, Brickett	P						
4. Ronhave, Steven	P						
5. Singer, David	P						
6. Hoffman, Hillary	P						
7. Renaud, Karen	P						
8. Shapiro Miller, Karen	P						
9. Hirschfeld, Norman	P						
10. Athey, Dalton	P						
11. Wisnewski, Mark	P						
12. Devlin, Patrick	P						
13. Maloni, Mark	P						