

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

May 21, 2014

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:26 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. Councilor Athey was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Deborah J. Tuttle; Assistant Town Clerk Gail Zukowski; Chief Assessor Audrey Murphy; Assistant to the Mayor for Economic Development Robert Pyers; Town Accountant Elizabeth Braccia; Superintendent Dr. Susan Hollins; GCTV-15 staff; Anita Phillips, *the Recorder*; and members of the public.

President Wisnewski introduced new Assistant Town Clerk Gail Zukowski to the Town Council.

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

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF APRIL 16, 2014.

PUBLIC COMMENT: President Wisnewski asked if anyone from the public wished to speak:

- Vern Sund, 81 Barton Road, requested the new Track at the Greenfield High School be dedicated to Patty and Peter Conway.
- Benjamin Miner, 284 Chapman Street, read the attached letter.
- Bob Sunderland, 11 Linden Avenue, read the attached relating to economic development as outlined in the Master Plan.
- Howard Clark, 21 E. Columbus Ave, spoke in favor of the Native American burial ground ordinance on the agenda.
- Joe Graveline, President, Nolumbeka Project, spoke in favor of the Native American burial ground ordinance on the agenda.
- George Touloumtzis, 27 Abbott, stated the in room amplification needed to be improved to allow the Council and audience to hear each other better.
- Pat Allen, Town of Montague resident, spoke in favor of the Native American burial ground ordinance on the agenda.

PUBLIC HEARINGS: President Wisnewski opened the public hearing at 7:45 pm. Councilor Allis read the following Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wed., May 21, 2014, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- Appropriate \$660,000 to purchase 6.62 acres of the Lunt Property at 298 Federal St, known as the baseball fields.
- Appropriate \$50,000 from free cash for matching funds for The Executive Office of Energy and Environmental Affairs Our Common Backyards Grant Program at Hillside Park.
- Appropriate \$150,000 for preliminary engineering design work for replacement of Nash's Mill Bridge.

The Town Council will consider the same on Wed., May 21, 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 413-772-1555, xt. 113.

Mark Wisnewski, Greenfield Town Council President

President Wisnewski asked if anyone from the public wished to speak. The following spoke:

- Mark Zacco, 89 Chestnut Street – spoke in favor of the purchase of the baseball fields noting it was a critical landmark for families.
- Barbara Zacco, 89 Chestnut Street – spoke in favor of having a splash park at Hillside Park and was also in favor of the purchase of the baseball fields.
- Ray Neal, 16 West Street – spoke in favor of having a splash park at Hillside Park.
- Matt Leaf, Birch Street - spoke in favor of the purchase of the baseball fields.
- Scott Cote, 24 Vernon Street – spoke as President of the Little League and asked the Town Council to support the purchase of the baseball fields.

Councilor Allis held the following second reading:

- Appropriate \$660,000 to purchase 6.62 acres of the Lunt Property at 298 Federal St, known as the baseball fields.
- Appropriate \$50,000 from free cash for matching funds for The Executive Office of Energy and Environmental Affairs Our Common Backyards Grant Program at Hillside Park.
- Appropriate \$150,000 for preliminary engineering design work for replacement of Nash’s Mill Bridge.

President Wisnewski asked if anyone else from the public wished to speak, seeing none he closed the Public Hearing at 7:54 pm.

COMMUNICATIONS:

MAYOR: Mayor Martin spoke of the following:

- End of the Fiscal Year 2014 finances.
- Greenfield High School construction.
- DPW road and sidewalk construction.
- The Kennametal TIF before the Town Council.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendant spoke of the following:

- School improvements throughout the Town of Greenfield.
- Enrollment projections.
- Available grants.
- State funding.
- Strategic planning for school budgets
- School choice funding.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 14-159

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH DRAFT ATTACHED HERETO CHAPTER 34, BOARDS COMMITTEE AND COMMISSIONS, ARTICLE

XIII, SUSTAINABILITY ADVISORY COMMITTEE, SECTION 34-41, A. B. AND E. 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.

Proposed Amendments to the General Ordinance Establishing the Sustainable Greenfield Implementation Committee

ARTICLE XIII, SUSTAINABLE GREENFIELD IMPLEMENTATION COMMITTEE

§ 34-41. Sustainable Greenfield Implementation Committee

- A. The Mayor shall establish an nine (9) member body called the Sustainable Greenfield Implementation Committee comprised of the Director of Public Works or his/her designee, the Director of Planning and Development or his/her designee, one Town Councilor appointed by the Town Council President, a member of the Planning Board appointed by the Chairperson of the Planning Board, and five (5) members of the public appointed by the Mayor and confirmed by the Town Council. The Mayor shall be an ex-officio member with voting rights in the case of a tie vote.
- B. Purpose. The Sustainable Greenfield Implementation Committee shall be the entity responsible for coordinating the implementation of Sustainable Greenfield, the Town's master plan. Additionally, the Sustainable Greenfield Implementation Committee's purpose is to assist the Town in meeting its Green Community obligations and 2050 goals by identifying, recommending and implementing programs that foster a vital, sustainable and resilient community, by addressing the oil depletion and climate change crisis, and the three interlocking aspects of sustainability: the economy, the environment, and society.
To achieve its purpose, the Committee will work toward:
- (1) Community self-sufficiency;
 - (2) Economic vitality and resilience with living wage jobs;
 - (3) Quality, energy-efficient housing for diverse people and needs;
 - (4) Energy reduction and development of clean energy sources;
 - (5) Responsible use of natural resources such as land and water;
 - (6) Food security;
 - (7) Sustainable transportation options;
 - (8) Zero waste;
 - (9) Excellent quality of life for all, and
 - (10) Ecosystem health;
 - (11) Other matters as the Mayor or Town Council or the Sustainable Greenfield Implementation Committee deem necessary.
- C. Membership, Terms and Vacancies. The Mayor shall appoint five citizen members of the Sustainable Greenfield Implementation Committee. Citizen members will hold 3-year terms, with staggered reappointments. Initially, of the 5 members, two shall be appointed for 3-year terms, two shall be appointed for 2-year terms, and one will be appointed for a 1-year term. Any vacancy in the membership of the Committee shall be filled by the Mayor for the unexpired term of such member.
- D. The Mayor shall appoint a staff liaison to the Sustainable Greenfield Implementation Committee.
- E. Recommended Committee Member Knowledge/Skills. Environmental sustainability is inherently a comprehensive and wide reaching area of knowledge. Ideally, Committee members will possess a breadth and depth of knowledge from across related disciplines. Following is a list of knowledge and

skills that are important to have in the skill set of those on the Committee in addition to skills brought to the Committee by Town staff:

- (1) Project Management and Public Relations
 - o Expertise in collaborating with project stakeholders
 - o Creative problem solving skills
 - o Skill at researching and analyzing pertinent issues including, at times, technical information
- (2) Economic
 - o Expertise in business, especially in supporting and expanding a vibrant local economy
 - o Expertise in fundraising and grant research and writing
- (3) Environment
 - o Knowledge of solutions to energy and climate change issues such as land use, infrastructure, energy reduction opportunities, transportation, housing and local zero carbon energy production.
 - o Knowledge of natural resources and how best to conserve them
 - o Expertise in one or more areas of sustainability not yet widely represented on the committee, such as biodiversity, water, food, recreation, education and the arts
- (4) Quality of life issues
- (5) Food – knowledge of food systems and ways to build local food security

D. The Committee shall present an annual report to the Mayor on or near December 31st highlighting its major activities and initiatives and progress toward its mission.

E. The Committee shall adopt its own rules and regulations.

DISCUSSION: Councilor Singer explained the reasons for the amendments to this ordinance. He noted the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

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

MOVED: IN SECTION 34-41 A. DELETE “NINE (9)” AND INSERT IN IT PLACE “ELEVEN (11)” AND ALSO ADD THE FOLLOWING AFTER “TOWN COUNCIL PRESIDENT” “TWO STUDENT REPRESENTATIVES FROM THE GREENFIELD PUBLIC SCHOOLS APPOINTED BY THE GREENFIELD SCHOOL COMMITTEE.”

DISCUSSION: Councilor Renaud proposed the amendments to allow students to have a say in the future and would be an excellent learning opportunity. It was noted if the students were full members they would be allowed to vote.

It was unanimously,

VOTED: TO APPROVE THE AMENDMENT.

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

MOVED: TO AMEND SECTION 34-41 A. TO ADD THIS LAST SENTENCE “THE MAYOR AND OTHER APPOINTING OFFICIALS WILL ENDEAVOR TO CREATE A S.G.I.C. THAT ACCURATELY REPRESENTS GENDER, CLASS, AGE, AND RACIAL BACKGROUNDS OF ALL GREENFIELD RESIDENTS.”

DISCUSSION: Councilor Renaud proposed the amendments to urge the Town to strive to be inclusive of everyone.

It was unanimously,

VOTED: TO APPROVE THE AMENDMENT.

DISCUSSION: Councilor Singer thanked Councilor Renaud for the thoughtful amendments.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -159, AS AMENDED.

Order no. FY 14-136

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 195 – WETLANDS PROTECTION, IN ITS ENTIRETY AND REPLACING WITH THE NEW CHAPTER 195 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE CONTENT AND THE INDEX OF THE CODE AND 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.

**051214 APPOINTMENT AND ORDINANCE COMMITTEE PROPOSAL
CHAPTER 195
WETLANDS PROTECTION**

§195-1. PURPOSE.

This Ordinance is intended to:

- A. Provide guidelines on the protection of wetlands, water resources, lands subject to flooding, and adjoining upland areas.
- B. Utilize the home rule authority of the Town of Greenfield for the protection of wetland resource areas by prior public review.
- C. Control activities likely to have a significant or cumulative effect upon jurisdictional areas as outlined in the Massachusetts Wetlands Protection Act, MGL c. 131 § 40, and 310 CMR 10.00.

This Ordinance also provides additional local enforcement measures in conjunction with the Massachusetts Wetland Protection Act. It is also the intention of this Ordinance, unless otherwise stated, that the jurisdiction, authority, exceptions, exemption, time periods, application procedures, definitions and enforcement standards of the Wetland Protection Act shall apply.

§195-2. JURISDICTION.

Except as permitted by the Conservation Commission (hereafter referred to as ‘the Commission’) no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds, beaches, and lands under water bodies; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; rivers, streams, brooks and creeks, whether perennial or intermittent; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area; lands subject to flooding or inundation by groundwater or surface water (collectively the “resource areas protected by this ordinance”). Said resource areas shall be protected whether or not they border surface waters.

Jurisdiction under this Ordinance shall be the same as in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, except as outlined below.

In accordance with the Massachusetts Wetlands Protection Act and based upon local historical experience, the Commission has determined that the following provisions are necessary to address and clarify issues particular to Greenfield and to protect the interests contained in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40. Each provision is followed by a brief explanation in italics of the intended purpose, which is not binding.

- a. For activities within jurisdiction, a minimum of a 25-foot "No Disturb Zone," shall be maintained or provided between resource areas and all altered areas. The Commission shall create a wider "No Disturb Zone" within the 100-foot buffer zone when deemed necessary to protect the resource area because of the environmental quality or the hydrology of the resource area. The following are not subject to a "No Disturb Zone":
- i. Utility rights-of-way;
 - ii. emergency activities;
 - iii. any work with Limited Project Status; and
 - iv. activities currently exempted from the requirements for the riverfront area under 310 CMR 10.58(6).

This provision serves to ensure protection from negative impacts during activities within a resource area and the long-term viability of a resource area.

- b. The following activities are prohibited within the 100-year floodplain if implemented after August 7, 1996:
- i. The outdoor storage of autos, auto parts and associated materials, lawn equipment, including but not limited to lawn mowers, weed whackers, snow blowers, etc.
 - ii. Solid waste landfills, junkyards, salvage yards, dumps;
 - iii. The manufacture, storage, or disposal of hazardous, toxic, or radioactive wastes;
 - iv. The temporary or permanent storage or disposal of materials used in snow and ice control including sand, salt or other deicing chemicals;
 - v. The outdoor storage or placement of storage tanks, above or below ground for petroleum products or other hazardous material;
 - vi. The storage, dumping, filling, disposal, of earth, yard waste, or other materials.

These restrictions serve to protect areas within the floodplain from potential sources of contamination from pollutants. Vehicles and their accessories (road salt, sand, oil, gas) stored in the floodplain will pollute surface water during flooding events, as well as themselves becoming dangerous debris.

- c. 100% compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within the 100-year floodplain.

This provision clarifies that the Commission considers all incremental reductions in flood storage capacity to be significant over time, and therefore requires replacement at a 1:1 ratio.

- d. Wetlands crossings to provide access to otherwise unreachable upland areas may be allowed only if:
- i. The only buildable uplands available on the lot have no reasonable alternative means of access from any road, whether publicly or privately owned
 - ii. The crossing is designed to minimize to the greatest extent possible any disruption of the wetland
 - iii. The driveway length and design is the minimum length and width necessary to provide access to the proposed use.

This provision clarifies the criteria for determining the appropriateness of proposed wetlands crossing. The Commission may request the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can, obtain an ownership interest; may impose conditions to protect the wetlands; or the Commission may deny a permit for a wetland crossing if the above criteria have not been satisfactorily met.

- e. To prevent resource area loss, the Commission shall require applicants to avoid or minimize alteration wherever feasible; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting that assures success. Replication shall only be allowed when a preponderance of the evidence demonstrates to the satisfaction of the Commission that the hydrological and ecological value of the replicated wetland would be greater than that of the wetland to be replaced. Estimation of wetland value and guidelines for replication shall be based upon the guidelines for wetland replication as described in the 2002 Massachusetts Inland Wetland Replication Guidelines; Commonwealth of Massachusetts Guidance No. BRP/DWM/WetG02-2.

The purpose of this provision is to provide clarification that the destruction of wetlands shall only be considered as a last resort. Because replication does not in fact substitute for many wetlands values, proposed wetlands replications are at the discretion of the Commission based upon solid scientific reasoning and shall not be permitted simply based upon a proposed 1:1 replication ratio or the "highest and best use" of a property based upon development potential.

§195-3. EXEMPTIONS AND EXCEPTIONS.

- A. The applications and permits required by this Ordinance shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.
- B. The permit and applications required by this Ordinance shall apply to the harvesting of forestry products under the provisions of M.G.L. ch. 132 sec. 40-46 when an approved forest cutting plan has been properly filed with the Commission.
- C. The applications and permits required by this Ordinance shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, wastewater, storm water, telecommunication services, or public transportation (roads, bridges) provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.
- D. Except as otherwise provided in this Ordinance or regulations of the Commission, the definitions of terms, exemptions, limited projects, performance standards, time frames, and requirements shall be as set forth in the Wetlands Protection Act, MGL Chapter 131, Section 40, and in 310 CMR 10.00 ("the State regulations") as may be amended from time to time.
- E. The applications and permits required by this Ordinance shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the

Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Ordinance. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. No work on any emergency project shall be conducted after the expiration of thirty (30) days from the initial certification of the project as an emergency project.

§195-4. APPLICATION AND FEES.

- A. Written application shall be filed with the Commission to perform activities affecting resource areas protected by this Ordinance. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this Ordinance. No activities shall commence without receiving and complying with a permit issued pursuant to this Ordinance.
- B. The Commission may accept as the application and plans under this Ordinance any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.
- C. Any person desiring to know whether a proposed activity or an area is subject to this Ordinance may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.
- D. Procedures under this Ordinance are the same as the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, in terms of procedures and forms, with the following exception:
 - a. At the time of filing an application, the applicant shall pay a Town filing fee specified in *Rules and Regulations of the Commission*. This fee is in addition to that required by the Wetlands Protection Act and Regulations. This fee shall be deposited in the *Greenfield Conservation Commission Ordinance Account*.
 - b. The Applicant shall submit seven (7) copies of each application. Applicant must submit complete application and all supplemental materials by noon at least seven (7) business days prior to the Commission meeting date. *Please note, Town observed holidays might change this timeframe.*
- E. Upon receipt of a Request for Determination of Applicability (RDA), Notice of Intent (NOI), Abbreviated Notice of Intent (ANOI), or Abbreviated Notice of Resource Area Delineation (ANRAD) application, or at any time during the hearing process, the Commission is authorized to require an applicant to pay a fee for the costs and expenses borne by the Commission for securing specific outside consultants including engineers, wetlands scientists, land surveyors, wildlife biologists or other experts deemed necessary by the Commission to come to a final decision on the application. This fee is called the "Consultant Fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a resource survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law.

- F. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional Consultant Fees shall be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services. Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission.
- G. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to be given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing. An applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Law.

§195-5. NOTICE AND HEARINGS.

- A. An application for any wetland permit (NOI, RDA, ANOI, or ANRAD) shall be filed with the Commission, Greenfield Department of Planning and Development by mail, electronic , or hand delivery. Applicant shall give written notice to the property owner if other than the applicant.
- B. When submitting any wetland permit, other than a Request for Determination of Applicability, applicant shall notify by certified mail all abutters and owners of property within 300-ft of the property lines, as determined by the most recent assessor's maps, of nature and intent of proposed project and dates of applicable public hearing, if known. The notice to abutters shall also state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice to abutters, shall be filed with the Commission.
- C. The Commission shall conduct a public hearing on any wetland permit application (NOI, RDA, ANOI, or ANRAD). Notice of said hearing shall be published in a local newspaper of general circulation at least five working days prior to said hearing at the expense of the applicant. The published notice, which shall be prepared by the Commission, shall contain the following information: the date, time, and place of hearing; the location of the property affected; the name of the applicant; and the action requested from the Commission. The Commission shall have authority to continue the hearing, with the applicants' approval, to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission.
- D. The Commission shall issue its wetland permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission shall send the wetland permit, other order or determination to the property owner as well as the applicant, if different. The Commission in an appropriate case may combine its hearing under this ordinance with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00). *Applicants may contact the Conservation Agent or refer to the Greenfield Conservation Commission Rules and Regulations for more information on meeting structure.*

§195-6. COORDINATION WITH OTHER BOARDS.

An applicant must provide, at their own expense, seven (7) copies of the application and associated materials to the Commission. One (1) copy is distributed to each Commissioner; two (2) copies are on file at the Department of Planning and Development for review by other Boards/Departments (Zoning Board of Appeals, Agricultural Commission, Building Department, Health Department, Planning Board, and the Assessor's office). Once finalized materials are received, the Conservation Agent shall notify relevant Boards/Departments that materials are available for review. Comments from other boards and departments should be submitted to the Conservation Agent prior to the scheduled public meeting.

§195-7. PERMITTING CONDITIONS.**A. Permits**

If the Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this ordinance, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

B. Conditions

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions.

C. Denials

Where no conditions are adequate to protect resource areas, the Commission may deny a permit for failure to meet the requirements of this Ordinance. It may also deny a permit for:

- a. failure to submit necessary information and plans requested by the Commission;
- b. failure to comply with the procedures, design specifications, performance standards, and other requirements of the Commission;
- c. failure to avoid, minimize, or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this Ordinance.
- d. failure to correct any outstanding violations within the Town of Greenfield under this Ordinance or the Massachusetts Wetlands Protection Act, MGL c. 131, § 40.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

D. Waiver

The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; and that avoidance, minimization and mitigation have been employed to the maximum extent

feasible; and to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

E. Buffer Zone

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the ordinance.

F. Riverfront

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise. No permit issued hereunder shall permit any activities within the riverfront unless the applicant, in addition to meeting the otherwise applicable requirements of this ordinance, has proved by a preponderance of the evidence that:

- a. there is no practicable alternative to the proposed project with less adverse effects, and;
- b. such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this ordinance.

The Commission shall regard an alternative as practicable that which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

G. Alteration and Replication

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting that assures success. Replication shall only be allowed when a preponderance of the evidence demonstrates to the satisfaction of the Commission that the hydrological and ecological value of the replicated wetland would be greater than that of the wetland to be replaced. Estimation of wetland value and guidelines for replication shall be based upon the guidelines for wetland replication as described in the 2002 Massachusetts Inland Wetland Replication Guidelines; Commonwealth of Massachusetts Guidance No. BRP/DWM/WetG02-2.

H. Special Studies

The Commission may require a special study (i.e., wildlife habitat, geomorphic, hydrologic, stormwater studies) of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of

wildlife “corridors” in the area, actual or possible presence of rare plant or animal species in the area, physical properties of the site, or proximity of the site to nearby resource areas of particular importance. Special studies shall be performed by an individual who at least meets the qualifications set out in the Wetlands Protection Act regulations (310 CMR 10.60).

I. Special Resource Areas

The Commission may assign special resource area status to sites that perform unique resource functions and condition protections for those special resource areas. These areas may include (but are not limited to) rare species habitat, wildlife migration corridors, areas sensitive to runoff, flooding, erosion, desiccation, and vernal pools. The Commission shall presume that all areas meeting the definition of “vernal pools” under §195-9 (Definitions) of this ordinance, including the adjacent area, perform essential habitat functions, and warrant protection. Assignment of special resource areas may be supported or refuted only by credible evidence which, in the judgment of the Commission, demonstrates that the area does or does not provide essential or special resource functions. Any formal special resource area evaluation should be performed by an individual who at least meets the qualifications under the Wetlands Protection Act regulations.

J. Term of Applicability, Renewals, Revocations, and Amendments

- a. A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.
- b. For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this ordinance after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.
- c. Amendments to permits shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.
- d. The Commission in an appropriate case may combine the decision issued under this ordinance with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

K. Initiation of Work

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

§195-8. REGULATIONS.

Rules and Regulations, and any changes or modifications, shall be adopted and take effect only following Public Notice and Public Hearing, a vote by the Commission, approval by Town Council, and the filing with the Town Clerk. Rules and Regulations are established to carry out the purpose of this Ordinance, to explain the conduct and procedures of the Commission, and to provide guidance to applicants seeking to conduct a regulated activity. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Ordinance. At a minimum, these regulations shall reiterate the terms defined in this Ordinance, define additional terms not consistent with the Ordinance, and impose filing and consultant fees.

§195-9. DEFINITIONS.

- A. Except as otherwise provided in this ordinance or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this ordinance shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).
- B. The following definitions shall apply in the interpretation and implementation of this ordinance:
 - a. The term “agriculture” shall refer to the definition as provided by 310 CMR 10.04 (Agriculture).
 - b. The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance:
 - i. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
 - ii. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
 - iii. Drainage, or other disturbance of water level or water table
 - iv. Dumping, discharging, or filling with any material which may degrade water quality
 - v. Placing of fill, or removal of material, which would alter elevation
 - vi. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
 - vii. Placing of obstructions or objects in water
 - viii. Destruction of plant life including cutting or trimming of trees and shrubs
 - ix. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
 - x. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
 - xi. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this ordinance.
 - c. The term “bank” shall include the land area, which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.
 - d. The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to city ordinances, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.
 - e. The term “pond” shall follow the definition of 310 CMR 10.04.

- f. The term “rare species” shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.
- g. The term “vernal pool” shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.
- h. The term “cumulative effect” shall include any impact on the resource area environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.

§195-10. SECURITY.

As part of a permit issued under this ordinance, in addition to any security required by any other municipal or state board, or official, the Commission may require that the performance and observance of the conditions imposed there under be secured wholly or in part by one or more of the methods described below:

- A. Surety – By bond, deposit of money, or other undertaking of financial responsibility sufficient in the opinion of the Commission payable to the Town of Greenfield, to be released in whole or in part upon the issuance of a certificate of compliance for work performed pursuant to the permit; or
- B. Restriction – By conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage. This method shall be used only with the consent of the applicant.

§195-11. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- A. Activities which remove, fill, dredge, build upon or otherwise alter resource areas protected by this ordinance, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or enforcement order issued pursuant to this ordinance shall constitute a violation.
- B. The Commission shall have authority to enforce this ordinance, its regulations, and permits issued thereunder by violation notices, non-criminal citations under G.L. Ch. 40 /21D, and civil and criminal court actions. Any person who violates provisions of this ordinance may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.
- C. When a violation is believed to have occurred, the following procedures for violations shall be followed by the Conservation Agent or member(s) of the Commission:

- a. Contact the property owner to:
 - i. Request oral permission from the property owner to conduct a site visit; or
 - ii. If the property owner cannot be contacted or refuses entry onto the property, verify violation from a public way or a cooperative neighboring property; or
 - iii. Obtain the necessary court order to allow entry onto the property and send a certified letter to the property owner's mailing address according to the most recent Tax Assessor information notifying property owner of a scheduled site visit.
 - b. Conduct a site visit. Determine if a violation has occurred and the extent of the violation through examination, survey, or sampling as determined by the Commission.
 - c. Based upon the severity of the violation, issue a cease and desist order and require any of the following remedies:
 - i. Stoppage of work and implementation of soil erosion control measures if necessary;
 - ii. Owner to attend a scheduled Commission meeting to present a "mitigation plan";
 - iii. Filing of a request for determination of applicability;
 - iv. Filing of a notice of intent.
- B. If the property owner does not comply with the cease and desist order or order of conditions in a timely manner the Commission shall issue an enforcement order as per 310 CMR 10.08.
- C. If the property owner fails to comply with the enforcement order by the specified date, a maximum of a \$500 a day fine shall be levied at the discretion of the Conservation Commission under the Noncriminal Disposition Act. The property owner shall be notified of the fine by certified mail or served by the enforcing person(s) who shall be the Conservation Commission, any of its designees or any police officer.
- D. Upon request of the Commission, the Town shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this ordinance, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300 per day. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the ordinance, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which has been adopted by the Town in §1-3 and §1-9 of the general bylaws.

§195-12. BURDEN OF PROOF.

The applicant requesting a permit under this Ordinance shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have a significant or cumulative effect upon the jurisdictional resource areas protected by this Ordinance. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§195-13. APPEALS.

A decision of the Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.

§195-14. RELATION TO THE WETLANDS PROTECTION ACT.

This Ordinance is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this Ordinance that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

This Ordinance establishes expanded jurisdiction over all resource areas, beyond the Act. The standards applied, however, are not intended to be identical for all resource areas, as they differ. For instance, it is expected that the Commission's regulations and decisions will be stricter for wetlands and vernal pools than they will be for floodplains. It is expected that the test of avoid-minimize-mitigate set forth in the Ordinance will be applied to activities within all resource areas, but that the stricter two-part "no practicable alternative" and "no significant adverse impact" test set forth in the Ordinance will be applied within the riverfront area. The Commission will develop and apply its own standards within the buffer zone, especially to protect its buffering function.

§195-15. SEVERABILITY.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination, which previously has been issued.

DISCUSSION: Councilor Singer reviewed the process and versions of the ordinance used to come to this version of the ordinance. The Appointment and Ordinance Committee forwarded a unanimous positive recommendation for approval. He thanked the committee and the Conservation Commission for all the work put towards this language.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -136.

Order no. FY 14-081

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD BY INSERTING CHAPTER 105, NATIVE AMERICAN BURIAL GROUND AS WRITTEN HEREIN AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND 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 105
NATIVE AMERICAN BURIAL GROUND
General Reference

25 USC Chapter 32

42 USC 1996

Section 106 of the National Historic Preservation Act

§ 105-1**§ 105-1 Native American Burial Ground Ordinance**

The Town of Greenfield recognizes, to the extent provided for in State and Federal law, any known place where American Indian remains have been buried or reburied as an American Indian Burial Ground, and as such, it shall be accorded the treatment and protections specified by Federal or State Laws, including but not limited to 25 USC Chapter 32 (Native American Graves Protection and Repatriation), 42 USC 1996 (The American Indian Religious Freedom Act, and Section 106 of the National Historic Preservation Act, MGL Part I Title VI Ch. 38 sec. 6, MGL 114 Ch. 17. It is, furthermore ordered that as soon as human remains of a Native American and/or a Native American Burial Ground is discovered and reported and which falls within the jurisdiction of State and Federal law, a local advocate for Native Americans shall immediately be appointed by the Mayor and the Narragansett Indian Tribes, who shall have local jurisdiction over and participate with others having jurisdiction in the enforcement of State and Federal law relating to the treatment and protection of American Indian Burial Grounds within the Town of Greenfield.

Nothing in this Native American Burial Ground Ordinance shall be deemed as acquiring and interest in land, or as imposing and land use regulation which is properly the subject of State and Federal law, nor is it intended by the creation and implementation of this Ordinance to supersede, modify, alter, change, or enlarge any existing Greenfield Town Ordinance, Zoning Bylaw, or State and Federal law related to Native American Burial Grounds.

DISCUSSION: Vice-President Hoffman reviewed the process and stated this ordinance acknowledged State and Federal law. The Appointment and Ordinance Committee forwarded a unanimous positive recommendation for approval. The language also requires a Native American representative be contacted if remains were found. Councilor Singer asked for Council clarification for what the ordinance did other than support laws and appointed a Native American representative. He would request the Native American be appointed by the tribes not Mayor. Discussion included the following:

- This ordinance brings Native American issues to the forefront which had always been pushed aside.
- This ordinance gives the same amount of respect to all burial locations regardless of culture.
- Questioned how an appointment from outside the town would work.
- This was not a “big box” issue, this was a civil rights issue.
- Why an ordinance was being created to follow existing laws.
- How could the Town of Greenfield have local jurisdiction over state and federal laws.

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

MOVED: TO DELETE THE FOLLOWING IN THE SECOND SENTENCE OF THE FIRST PARAGRAPH: THE MAYOR AND.”

DISCUSSION: Councilor Singer explained reasons for the amendment. Vice President Hoffman would not support the amendment due to the fact that the Mayor was the appointing “hub” for the Town. Councilor Ronhave noted the language in the ordinance indicated collaboration between the Mayor and the Narragansett tribe for the appointment.

It was by roll call, 5 yes and 6 no,

DEFEATED: TO DELETE THE FOLLOWING IN THE SECOND SENTENCE OF THE FIRST PARAGRAPH: THE MAYOR AND.”

It was by majority, 2 opposed,

VOTED: TO APPROVE ORDER NO. FY 14 -081.

Order no. FY 14 -158

Financial Order FY14-42

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$150,000 BE APPROPRIATED FOR THE ENGINEERING OF THE REPLACEMENT OF THE NASH'S MILL ROAD BRIDGE AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$150,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (22) 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,

VOTED: TO APPROVE ORDER NO. FY 14 -158, Financial Order FY14-42.

Order no. FY 14 -156

Financial Order 14

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$40,000 BE APPROPRIATED FROM THE WATER FUND RETAINED EARNINGS TO PAINT THE ADAMS ROAD WATER TANK

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

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -156, Financial Order 14.

Order no. FY 14-157

Financial Order 14

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THE SUM OF \$85,000 BE APPROPRIATED TO REPAIR AND REPLACE PIPE AT THE GREEN RIVER PUMP STATION, AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$85,000, 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,

VOTED: TO APPROVE ORDER NO. FY 14 -157, Financial Order 14.

Order no. FY 14-168

Financial Order 14-45

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 \$660,000 BE APPROPRIATED TO PURCHASE 6.62 ACRES OF PROPERTY OWNED BY GREENFIELD SILVER, INC., f/k/a LUNT SILVERSMITH, INC. KNOWN AS THE "BALL FIELDS" AND IDENTIFIED AS "PARCEL 2" ON A SURVEY DATED NOVEMBER 27, 2013 AND REVISED FEBRUARY 3, 2014 AS PREPARED BY ROBERGE ASSOCIATES OF GREENFIELD, MA., AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$660,000 PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (3) 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 THIS PROJECT.

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a majority, 4 yes and 1 abstention, positive recommendation. Mayor Martin and Mr. Pyers spoke regarding:

- Remediation of the properties.
- Ground water contamination.
- Building issues and vapors.
- EPA had begun cleanup of the property.
- Tax title taking, liability and liens.

Councilor Allis stated he abstained at Ways and Means because if the Town waited the fields would become town property and money would not have to be spent to purchase the property.

It was by majority, 9 yes, 0 no, 2 abstentions,

VOTED: TO APPROVE ORDER NO. FY 14 -168, Financial Order 14-45.

Order no. FY 14-164

Financial Order 14-43

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$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.

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a majority positive recommendation, 4 yes and 1 no.

Discussion included the following:

- A parcel of land needs to be found for a skate park.
- The Town of Greenfield should have organized teen activities.
- Hypodermic needles found at Highland and Beacon parks.
- More difficult for people to live in Greenfield due to the increasing cost.
- A splash park would need constant maintenance and water testing multiple times per day.
- The splash park would be a valuable asset for the Town.
- Actively support teen activities in the future and reinstating a Youth Commission.
- This money could be used to assist with the drug problem in Greenfield.
- Create a needle exchange and drug recovery center.

It was by majority, 10 yes, 2 no,

VOTED: TO APPROVE ORDER NO. FY 14 -164, Financial Order 14-43.

Councilor Allis stated the Ways and Means Committee forwarded a majority positive recommendation, 4 yes and 1 no relating to the next two motions.

Order no. FY 14-166 A

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GREENFIELD, MASSACHUSETTS TO DEDICATE THE LAND WITHIN THE HILLSIDE PARK PERMANENTLY FOR PARK, PLAYGROUND OR RECREATION PURPOSES”.

**A RESOLUTION
OF THE TOWN COUNCIL
OF
THE TOWN OF GREENFIELD, MASSACHUSETTS**

**TO DEDICATE THE LAND WITHIN THE HILLSIDE PARK PERMANENTLY FOR PARK,
PLAYGROUND OR RECREATION PURPOSES**

Whereas, the Hillside Park is a public open space and recreation area that was taken under MGL Chapter 45, §3, and

Whereas Hillside Park is intensively used by families and people with disabilities; and

Whereas, the Town wishes to upgrade and maintain the existing playground facilities to meet the present and future needs of all Town residents; and

Whereas, the Town wishes to preserve this resource for recreational purposes in perpetuity; and

Whereas, the Town has the opportunity to make improvements to the site using state grant funds that require Hillside Park be permanently dedicated for park, playground or recreation purposes.

NOW, THEREFORE, BE IT RESOLVED

That the Mayor is hereby authorized to take such action as is required to comply with the requirement of the Executive Office of Energy and Environmental Affairs Our Common Backyards Grant Program that the Hillside Park, as shown on Greenfield Assessor’s Map 70, Block 26, become permanently dedicated for park, playground or recreation purposes under MGL Chapter 45, §3.

Order no. FY 14-166 B

MOTION: On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “A RESOLUTION AUTHORIZING THE BUILDING OF A SPRAY PARK AT HILLSIDE PARK BY APPROPRIATION OR BORROWING SUBJECT TO REIMBURSEMENT FROM THE “OUR COMMON BACK YARD GRANT””.

**A RESOLUTION
AUTHORIZING THE BUILDING OF A SPRAY PARK AT HILLSIDE PARK
BY APPROPRIATION OR BORROWING SUBJECT TO REIMBURSEMENT
FROM THE “OUR COMMON BACK YARD” GRANT.**

Resolve, that the Town Council of the Town of Greenfield hereby votes to appropriate, and to authorize the Treasurer, with the approval of the Mayor, to borrow up to the sum of \$250,000 for the purpose of building a spray park area; and that the Town of Greenfield be authorized to file any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Our Common Back Yard Grant Program and/or any others in any way connected with the scope of this Resolution, and the Town of Greenfield and the Recreation Department be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Greenfield to affect said project.

Hillside Park- Recirculation Budget

Spray Features	\$ 10,855.00
Recirculation & Mechanical Systems	\$ 81,468.00
Design & Construction Drawings	\$ 6,391.00
Sealed Engineering Stamp	\$ 3,800.00
System Activation	\$ 6,719.00
Freight	\$ 12,450.00
General Contractor for Installation	\$ 113,000.00
Benches	\$ 2,400.00
Paved Path to Pad	\$ 1,200.00
Trees & Signage	\$ 2,000.00
Contingency	\$ 10,000.00
Total Project Costs	\$ 250,283.00

Grant Funds	\$ 200,000.00
City Contribution	\$ 50,000.00
Total Project Budget	\$ 250,000.00

Order no. FY 14-163

MOTION: On a motion by Councilor Hoffman, second by Councilor Renaud, it was unanimously, **VOTED:** THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED JUNE 10, 2014 TOWN ELECTION WARRANT AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

**ANNUAL TOWN ELECTION
TOWN OF GREENFIELD
COMMONWEALTH OF MASSACHUSETTS**

TOWN OF GREENFIELD

SS. FRANKLIN

To either of the Constables of the Town of Greenfield

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town of Greenfield who are qualified to vote in the Annual Town Election to vote at:

Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9

Guiding Star Grange Hall

401 Chapman Street

on **TUESDAY, THE TENTH OF JUNE, 2014**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To choose by ballot the following Town Officers:

One Town Councilors-at-Large	3 Years
One Town Councilor – Precinct 2	1 Year
One Town Councilor – Precinct 4	3 Years
One Town Councilor – Precinct 5	3 Years
One Town Councilor – Precinct 6	3 Years
Two School Committee Members	3 Years
One Trustee of A.K. Warner Fund	3 Years
One Trustee of Jennie L. Bascom Fund	3 Years
One Elector Under Will of Oliver Smith	1 Year
One Trustee of Soldiers’ Memorial (Veteran)	3 Years
One Trustee of Soldiers’ Memorial (Non-Veteran)	3 Years

BINDING BALLOT QUESTION

"Shall an act passed by the general court in the year 2014, entitled 'An Act amending the charter of the city known as the town of Greenfield' be accepted?"

“The proposed Greenfield Town Charter amendment would extend the terms of office for elected officials, including proposed four (4) year terms for the Mayor, Town Councilors and School Committee. The date of the regular elections would be moved to the first Tuesday after the first Monday in November in all years ending in an odd number and the administration of the oaths of offices to elected officials would occur on the first business day of January. Following acceptance, current, elected office holders’ terms of office would expire in December 2015 and a transitional election would be held for elected officials in November 2015.”

_____YES _____NO

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under my hand the 21, day of May, 2014.

Mark P. Wisnewski
President, Greenfield Town Council

As authorized by vote of the Greenfield Town Council on May 21, 2014.

DISCUSSION: Councilor Renaud clarified that if the ballot question passed all sitting Councilors in July would need to run again in next years election.

It was unanimously,
VOTED: TO APPROVE ORDER NO. FY 14-163.

Order no. FY 14-162 1 of 3

MOTION: On a motion by Councilor Devlin, second by Councilor Allis, it was,
MOVED: THAT IT BE ORDERED TO ADOPT THE RESOLUTION AUTHORIZING THE CREATION OF A KENNAMETAL, INC. ECONOMIC OPPORTUNITY AREA (EOA) AS WRITTEN IN THE APPLICATION FILED WITH THE GREENFIELD TOWN COUNCIL ON

MAY 8, 2014 INCLUDED IN THE AGENDA PACKET, AND TO WAIVE THE READING OF THE RESOLUTION.

DISCUSSION: Councilor Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation. He reviewed the discussion at the EDC meeting with the Mayor, Mr. Pyers and Chief Assessor Murphy. Councilor Allis explained what a TIF agreement was and how they benefited businesses.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -162 1 of 3.

Order no. FY 14-162 2 of 3

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

VOTED: THAT IT BE ORDERED TO ADOPT THE RESOLUTION AUTHORIZING THE CREATION OF A TAX INCREMENT FINANCE (TIF) ZONE AND ACCEPTING THE TAX INCREMENT FINANCING PLAN WITHIN THE KENNAMETAL, INC. ECONOMIC OPPORTUNITY AREA (EOA) AS WRITTEN IN THE EOA APPLICATION FILED WITH THE GREENFIELD TOWN COUNCIL ON MAY 21, 2014 AND TO WAIVE THE READING OF THE RESOLUTION.

Order no. FY 14-162 3 of 3

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

VOTED: THAT IT BE ORDERED TO ADOPT THE RESOLUTION APPROVING THE APPLICATION OF KENNAMETAL, INC. AS A CERTIFIED PROJECT, AS WRITTEN IN THE CERTIFIED PROJECT APPLICATION DATED MAY 21, 2014 AND THE FORM OF THE TIF AGREEMENT ATTACHED THEREIN, AS INCLUDED IN THE AGENDA PACKET, AND TO WAIVE THE READING OF THE RESOLUTION.

Order no. FY 14 -161

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

MOVED: THAT IT BE ORDERED THAT THE TOWN OF GREENFIELD HEREBY AUTHORIZES THE CREATION AND OPERATION OF A MUNICIPAL TELECOMMUNICATIONS SYSTEM AS ALLOWED BY MASSACHUSETTS GENERAL LAWS, CHAPTER 164, SECTIONS 36 AND 47E.

DISCUSSION: Councilor Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation. Mayor Martin and Mr. Pyers reviewed the process and the votes required by the Town Council to create a Municipal Telecommunications System. A Greenfield Technology Department (GTD) would be created to oversee the process. Vice-President Hoffman expressed enthusiasm.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -161.

Order no. FY 14 -167

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, IN ACCORDANCE WITH M.G.L. CHAPTER 30B, §12B, THE GREENFIELD TOWN COUNCIL APPROVES A FIVE (5) YEAR BUS CONTRACT BETWEEN THE GREENFIELD PUBLIC SCHOOLS AND F.M. KUZMESKUS AS NEGOTIATED IN COLLABORATION WITH THE FRANKLIN COUNTY PUBLIC SCHOOLS.

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a unanimous positive recommendation. He discussed the reasons this was before the Town Council and the increase in transportation cost.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -167.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Renaud announced the committee would meet on Tuesday, May 27, 2014 at Leyden Woods. Discussion will be held with representatives of the Department of Public Works, Franklin Regional Transportation Agency and Land Use Division of Franklin Regional Council of Governments.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS:

President Wisniewski announced the Town Council Annual Budget meeting will be held on Wednesday, May 28, 2014, GCTV-15, 393 Main Street, 6:30 pm.

Councilor Devlin congratulated the Mayor and Town Departments on the exceptional reduction in municipal energy use and carbon footprint as outlined in a recent press release.

Councilor Devlin spoke regarding the attached anonymous letter. He thanked whoever wrote it and for the accompanying information enclosed with the letter. He urged any citizen to contact their Town Councilor any time they have an issue they would like to discuss. Councilor Devlin stated the Mayor had withdrawn the Nuisance and Vacant property ordinance.

Councilor Allis held the following first readings:

- \$70,000 be appropriated from the Contractual Agreement Stabilization Fund to the Negotiated Salary Account line item.

• **MAYOR'S PROPOSED FISCAL YEAR 2015 OPERATING BUDGET**

CATEGORY

LEGISLATIVE	\$ 49,330
EXECUTIVE	\$ 249,700
FINANCIAL ADMIN	\$ 969,510
OPERATIONS SUPPORT	\$ 518,055
LICENSING & REGISTRATION	\$ 237,640
LAND USE & DEVELOPMENT	\$ 132,750
OTHER GEN'L GOVERNMENT	\$ 1,349,330
PUBLIC SAFETY	\$ 5,704,130
EDUCATION	\$ 18,218,830
PUBLIC WORKS	\$ 2,402,910
HUMAN SERVICES	\$ 1,043,660
CULTURE & RECREATION	\$ 739,700

DEBT SERVICE	\$ 2,200,000
MISCELLANEOUS	\$ 11,150,000
TOTAL OPERATING BUDGET	\$ 44,965,545

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: the following public spoke:

- o James Hutchinson, 136 Main Street, spoke regarding the Native American Burial Ordinance and the Cemetery Commission.
- o Penny Ricketts, 497 Main Street, hoped the town would find a way to have additional police presence and clean up the drug paraphernalia at Hillside Park.

ADJOURNMENT: On a motion by Councilor Allis, second by Councilor Maloni, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:38 P.M.

A true copy,

Attest: _____
Deborah J. Tuttle, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
May 21, 2014

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