

GREENFIELD TOWN COUNCIL  
Regular Meeting Minutes  
June 18, 2014

GCTV-15

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:08 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; Town Accountant Elizabeth Braccia; Councilors Elect Penny Ricketts and Isaac Mass; Planning Board Chairwoman Roxann Wedegartner; GCTV-15 staff; Anita Phillips, *the Recorder*; and members of the public.

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

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF MAY 21, 2014.

**PUBLIC COMMENT:** Joan Featherman thanked and applauded Councilor Singer for his service.

**PUBLIC HEARING** President Wisnewski opened the Public Hearing at 7:11 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., June 18, 2014, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- Appropriate \$70,000 from the Contractual Agreement Stabilization Fund to the Negotiated Salary Account

The Town Council will consider the same on Wed., June 18, 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. Seeing none, Councilor Allis held the following second reading:

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

President Wisnewski asked if anyone else from the public wished to speak, seeing none he closed the Public Hearing at 7:13 pm.

### COMMUNICATIONS

**MAYOR:** Mayor Martin thanked Councilors for all their hard work within the past year. He also thanked President Wisnewski and Councilor Singer for their due diligence while serving on the Town Council.

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** None.

**TOWN OFFICERS:** None.

### MOTIONS, ORDERS, AND RESOLUTIONS

President Wisniewski asked if any Councilor wished to individually consider any of the appointments listed on the agenda. The following names were removed from the list to be considered separately: Roxanne Wedegartner, Marsha Stone, and George Touloumtzis.

**Order no. FY 14 -174**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 APPROVES OF THE FOLLOWING REAPPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM:

**REAPPOINTMENT**

Cynthia Dodge	Commission on Disability Access	3-year term (to expire June 30, 2017)
Ginger Carson	Council on Aging	3-year term (to expire June 30, 2017)
Thomas Goodwin	Council on Aging	3-year term (to expire June 30, 2017)
Mary M. Parrott	Council on Aging	3-year term (to expire June 30, 2017)
Richard Roth	Greenfield Local Cultural Council	3-year term (to expire June 30, 2017)
Caitlin von Schmidt	Greenfield Local Cultural Council	3-year term (to expire June 30, 2017)
Benton Cook	Historical Commission	3-year term (to expire June 30, 2017)
Arthur (Terry) Ruggles	Historical Commission	3-year term (to expire June 30, 2017)
William Mason	Greenfield Housing Authority	5-year term (to expire June 30, 2019)
Dr. William F. Doyle	Board of Health	3-year term (to expire June 30, 2017)
Adrienne Boudreau	Greenfield Public Library Trustees	3-year term (to expire June 30, 2017)
Philip Corrinet	Board of Licensing Commissioners	3-year term (to expire June 30, 2017)
Ruth Henry	Board of Licensing Commissioners	3-year term (to expire June 30, 2017)
Adam Provost	Greenfield Redevelopment Authority	3-year term (to expire June 30, 2017)
Loreen Flockerzie	Human Rights Commission	3-year term (to expire June 30, 2017)
Momodou Sarr	Human Rights Commission	3-year term (to expire June 30, 2017)
George Gohl	Parking and Traffic Commission	3-year term (to expire June 30, 2017)
Donna Mollard	Parking and Traffic Commission	3-year term (to expire June 30, 2017)
Roxann Wedegartner	Planning Board	3-year term (to expire June 30, 2017)
George Touloumtzis	Planning Board (2 <sup>nd</sup> Alternate)	3-year term (to expire June 30, 2017)
Jean Wall	Planning & Construction	3-year term (to expire June 30, 2017)
Gary Longley	Public Safety Commission	3-year term (to expire June 30, 2017)
Frederick Clark	Public Safety Commission	3-year term (to expire June 30, 2017)
Francesca Passiglia	Recreation Commission	3-year term (to expire June 30, 2017)
Carrie Diehl	Task force on Domestic Violence	3-year term (to expire June 30, 2017)
Christopher Joseph	Zoning Board of Appeals	3-year term (to expire June 30, 2017)

**DISCUSSION:** Councilor Singer and Hoffman stated the Appointment and Ordinance Committee forward a unanimous positive recommendation for the names listed above.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 13 -052.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 APPROVES OF THE FOLLOWING REAPPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM: Marsha Stone - Council on Aging - 3-year term (to expire June 30, 2017).

**DISCUSSION:** The Appointment and Ordinance Committee forwarded a unanimous positive recommendation for approval. Councilor Hirschfeld would abstain because Ms. Stone was his wife.

It was unanimously, (1 abstention)

**VOTED:** TO APPROVE THE ORDER.

**MOTION:** On a motion by Councilor Singer, second by Councilor Hoffman, it was, **MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 APPROVES OF THE FOLLOWING REAPPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM: Roxann Wedegartner - Planning Board - 3-year term (to expire June 30, 2017).

**DISCUSSION:** The Appointment and Ordinance Committee forwarded a 4 yes and 1 abstention recommendation for approval. Councilor Singer would abstain due to the fact he was providing legal services for the Planning Board. In reply to Councilor Devlin, Ms. Wedegartner explained the recent changes to the Planning Boards Rules of Procedure relating to “alternates” voting on the board.

It was by majority, 1 no, (1 abstention)

**VOTED:** TO APPROVE THE ORDER.

**MOTION:** On a motion by Councilor Singer, second by Councilor Hoffman, it was, **MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10 APPROVES OF THE FOLLOWING REAPPOINTMENTS, BY THE MAYOR TO THE FOLLOWING BOARDS AND/OR COMMISSIONS FOR THE EXPRESSED TERM: George Touloumtzis - Planning Board (2<sup>nd</sup> Alternate) - 3-year term (to expire June 30, 2017)

**DISCUSSION:** The Appointment and Ordinance Committee forwarded a 4 yes and 1 abstention recommendation for approval. Councilor Singer would abstain due to the fact he was providing legal services for the Planning Board.

It was unanimously, (1 abstention)

**VOTED:** TO APPROVE THE ORDER.

*Order no. FY 14-173*  
*Financial Order 14-46*

**MOTION:** On a motion by Councilor Allis, second by Councilor Hoffman, it was, **MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$70,000 BE APPROPRIATED FROM THE CONTRACTUAL AGREEMENT STABILIZATION FUND TO THE NEGOTIATED SALARY ACCOUNT LINE ITEM.

**DISCUSSION:** Councilor Allis stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval. It was noted that Police Units A and B are complete and the Dispatch union negotiations will be settled within several weeks.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 14-173, FINANCIAL ORDER 14-46.

*Order no. FY 14-160*

**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 BY INSERTING CHAPER 107, EXCESSIVE NOISE ORDINANCE 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.

Appointment and Ordinance Committee v. 06-09-14

**Chapter 107**  
**EXCESSIVE NOISE ORDINANCE**

§ 107-1. Findings; purpose

§ 107-2. Definitions

§ 107-3. Noise prohibited

§ 107-4. Exceptions

§ 107-6. Enforcement and Penalties

**107-1. Findings and purpose**

A. **Findings.** The city council hereby finds that excessive and unnecessary noise is a significant threat to the health, welfare, safety, and the quality of life of the public; that excessive and unnecessary noise over an extended period of time leads to hearing loss; that excessive and unnecessary noise may interfere with personal communication, cause sleep disturbances, create anxiety and distress and aggressive behavior. The city council further finds that a substantial body of science and technology exists by which excessive and unnecessary noise may be substantially abated.

B. **Purpose.** In consideration of the above findings, and recognizing that Amendment Article 97 to the Constitution of the Commonwealth of Massachusetts establishes that the people have a right to be free from excessive and unnecessary noise, it is hereby declared to be the public policy of the city to reduce the ambient noise level in the city to safe and reasonable levels and to eliminate the episodic creation of excessive and unnecessary noise so as to preserve, protect and promote the public health, safety, welfare and peace and quiet of the inhabitants of the city, to prevent injury to human, plant and animal life and property, to foster the convenience and comfort of its inhabitants, and to facilitate the enjoyment of the natural attractions of the city .

**107-2. Definitions** - For purposes of this section 1A, the following words shall have the meanings respectively set forth below:

**“A” level** - means the total sound level of all noise as measured with a sound level meter using the “A” weighting network. The unit of measurement is the dB(a).

**Ambient** - means the background level of sound immediately preceding the sound produced by the object or person under scrutiny and, when measured mechanically or electronically, is the A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.

**Device** - means any mechanism which actually produces sound when operated or handled.

**Motor Vehicle** - means any device which is propelled by an engine in or upon which a person or material may be transported on the ground and which is intended to be operated upon a public highway.

**Person** - means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof.

**Plainly Audible** - means any sound that can be detected by a person using his or her unaided hearing faculties. (As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound).

**Public Place** - shall include any public way, any private way open to public use and on the official map of the city or any way for vehicular travel in any city park, playground, public school property or land under the control of any city department.

**Sound Level Meter** - means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner.

**Sound Reproduction Device** - means any device, electronic or otherwise, which is capable of producing, reproducing or amplifying sound, including but not limited to any musical instrument, radio, television, tape recorder, compact disc or DVD player, public address ("P.A.") or other sound amplifying system.

**Sound Signal** - means any sound produced by an electronic sound signal device designed to transmit information.

### 107-3. Noise prohibited

#### A. Motor Vehicles

- (1) No person shall operate any motor vehicle or any sound reproduction device within any motor vehicle in such a manner that the vehicle or sound reproduction device is plainly audible in a public place at a distance of 50 feet or more in any direction from the vehicle.
- (2) Except where necessary to avoid a collision or as otherwise required by law, no person shall operate a horn or warning device from any motor vehicle such that the sound emanating from such act is plainly audible in a public place at a distance of 125 feet or more from said vehicle.
- (3) No person shall operate any siren in any public place except authorized employees of public entities providing law enforcement, fire suppression, first responder or advanced life support services in the immediate act of responding to an emergency or engaged in a training exercise.

#### B. General

- (1) No person shall operate any electronic sound reproduction device so as to create sound which is plainly audible in a public place at a distance of 25 feet or more in any direction from the device or the premises containing the device, whichever is greater.
- (2) No person shall create any sound on any street adjacent to a hospital or medical treatment facility at any time which is plainly audible at any place within 25 feet of the property of such hospital or facility or which unreasonably disturbs the comfort or repose of any person of normal sensitivities in such hospital provided a plainly visible sign has been displayed on such street indicating the presence of such hospital or medical treatment facility.
- (3) No person shall create any sound on any street adjacent to any public or private school, institution of higher learning or court whenever the same is in session which is plainly audible at any place within 25 feet of the property of such hospital or facility or which disturbs the operation of any such school or the proceedings in any such court provided a

- plainly visible sign has been displayed on such street indicating the presence of such school or court.
- (4) No person shall engage in persistent or repeated yelling, shouting, hooting, whistling, singing, or the making of other loud noises between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible in any public place at a distance of 25 feet or more in any direction or so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, or of any persons in the vicinity of any such person in or on the public sidewalks, ways or other public places.
  - (5) No person shall operate any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise, in connection with any commercial or business enterprise in front or outside of any building, place or premises abutting on or adjacent to a public street, park or place where the sound therefrom is plainly audible on any public street, park or place, or from any stand, platform or other structure or anywhere on the public streets, parks or places.
  - (6) No person shall make or cause or permit to be made or caused any music or sound originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound increases the broad band sound level, when measured at the property line of the establishment, by more than 10 dB(A) above ambient, or produces a pure tone condition (a condition is created when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more).
  - (7) No person shall operate any power saw, drill, grinder, lawn mower, lawn or garden tool, or similar tool at any time between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturday or between the hours of 9:00 p.m. and 9:00 a.m. on Sunday and legal holidays, such that the sound emanating from any such activity is plainly audible in a public place at a distance of 50 feet or more.
  - (8) No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and Saturday, and between the hours 9:00 a.m. and 7:00 p.m. on Sundays except for work performed by a public service or municipal utility department or "emergency work" performed with the express written permission of the building inspector or DPW. Emergency work shall be limited to such work that is clearly essential to response to a sudden and unexpected threat to public health or public safety. Emergency work permission may be granted to a general or sub-contractor on a blanket basis governing all persons working on a specified portion of a particular job. Emergency work permission may be granted for not more than one week at a time, and may be renewed for additional one week periods at the discretion of the commissioner who granted the initial permission.

#### 107-4. Exemptions

- A. Sound from activities in the public parks, playgrounds, playing fields, or public property or buildings of the city used under the written permission of the municipal official or body charged with the care, custody and control of said facility; provided that, any amplified sound generated by such activities

shall not be plainly audible at a distance of 50 feet or more from said public park, playground, playing field, or public property or building.

- B. Sound from parades, rallies, public assemblies, demonstrations, special events, sporting events or sound trucks may for brief periods reasonably exceed the sound level limits contained herein; provided, however, that no person shall increase the amplification level of the sound generated by such activities to the point where it is consistently and plainly audible in a public place at a distance of more than 50 feet from the perimeter of the property containing such activity.
- C. Sound from bells, chimes, or carillons from a structure operated for non-commercial purposes between the hours of 8:00 a.m. and 9:05 p.m., and during special events.
- D. Sound from snow blowers, snowplows, and other snow removal equipment during or within 8 hours after a snowfall, and the use of power equipment necessary for emergency repairs or debris removal due to severe weather.
- E. Sound from trains, boats and personal watercraft operated in compliance with state law.
- F. Sound from lawfully permitted fireworks displays.

#### **107-5. Enforcement and Penalties**

A warning will be issued for the first violation of this Chapter 107. The penalty for each subsequent violation of this Chapter 107 shall be fifty (\$50.00) dollars. The provisions of this Chapter 107 shall be enforced using the noncriminal disposition process as provided in General Laws, chapter 40, § 21D by the chief of police and every city police officer.

**DISCUSSION:** Vice-President Hoffman stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation for approval. She noted the language before the Town Council was based on Worcester Massachusetts Ordinance. During the public hearing several people spoke with a majority of the public noting early morning dumpster noise as one of the largest issues. Comments from the Council included:

- This ordinance generated more public participation than any others in recent history.
- This would give people leverage to be unreasonable and would be abused.
- The language set a line for courteous behavior.
- The purpose was to create a set of standards for courteous reasonable behavior
- Citizens obviously see a need for a noise ordinance.
- The Greenfield Police Department has more pressing community issues than responding to repeated noise issues.
- Conflicting times between this and the snow removal ordinance.
- Special permits issued by the ZBA and License Commission conflict with times outlined in this ordinance.
- Neighbors need to communicate with each other if there was an issue not always contact the Police.
- Enforcement of this would be a costly issue for the Police Department.
- Ordinances can be amended at any time.

**MOTION:** On a motion by Councilor Hirschfeld, second by Councilor Shapiro Miller, it was by majority, **DEFEATED:** to call the question.

**MOTION:** On a motion by Councilor Maloni, second by Councilor Singer, it was unanimously, **VOTED:** TO AMEND THE ORDINANCE IN SECTION B-1 BY STRIKING “25” AND INSERTING “50” IN ITS PLACE.

**MOTION:** On a motion by Councilor Singer, second by Councilor Hoffman, it was by majority, **VOTED:** TO AMEND THE ORDINANCE IN SECTION B-4 TO READ AS FOLLOWS “HOURS OF 10:00 P.M. AND 7:00 A.M. MONDAY THROUGH SATURDAY AND 12:01 AM AND 7:00 AM ON SUNDAY IN SUCH...”

**MOTION:** On a motion by Councilor Allis, second by Councilor Maloni, it was by roll call 7 yes and 3 no, **VOTED:** TO AMEND THE ORDINANCE IN SECTION 107-4 D BY STRIKING “8” AND INSERTING “24” IN ITS PLACE.

It was by majority, 3 no,

**VOTED:** TO APPROVE ORDER NO. FY 14-160 AS AMENDED.

**Chapter 107**

**EXCESSIVE NOISE ORDINANCE**

§ 107-1. Findings; purpose

§ 107-4. Exceptions

§ 107-2. Definitions

§ 107-6. Enforcement and Penalties

§ 107-3. Noise prohibited

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**107-1. Findings and purpose**

A. **Findings.** The city council hereby finds that excessive and unnecessary noise is a significant threat to the health, welfare, safety, and the quality of life of the public; that excessive and unnecessary noise over an extended period of time leads to hearing loss; that excessive and unnecessary noise may interfere with personal communication, cause sleep disturbances, create anxiety and distress and aggressive behavior. The city council further finds that a substantial body of science and technology exists by which excessive and unnecessary noise may be substantially abated.

B. **Purpose.** In consideration of the above findings, and recognizing that Amendment Article 97 to the Constitution of the Commonwealth of Massachusetts establishes that the people have a right to be free from excessive and unnecessary noise, it is hereby declared to be the public policy of the city to reduce the ambient noise level in the city to safe and reasonable levels and to eliminate the episodic creation of excessive and unnecessary noise so as to preserve, protect and promote the public health, safety, welfare and peace and quiet of the inhabitants of the city, to prevent injury to human, plant and animal life and property, to foster the convenience and comfort of its inhabitants, and to facilitate the enjoyment of the natural attractions of the city .

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### 107-3. Noise prohibited

#### C. Motor Vehicles

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- (3) No person shall operate any siren in any public place except authorized employees of public entities providing law enforcement, fire suppression, first responder or advanced life support services in the immediate act of responding to an emergency or engaged in a training exercise.

#### D. General

- (1) No person shall operate any electronic sound reproduction device so as to create sound which is plainly audible in a public place at a distance of ~~25~~ **50** feet or more in any direction from the device or the premises containing the device, whichever is greater.
- (2) No person shall create any sound on any street adjacent to a hospital or medical treatment facility at any time which is plainly audible at any place within 25 feet of the property of such hospital or facility or which unreasonably disturbs the comfort or repose of any person of normal sensitivities in such hospital provided a plainly visible sign has been displayed on such street indicating the presence of such hospital or medical treatment facility.
- (3) No person shall create any sound on any street adjacent to any public or private school, institution of higher learning or court whenever the same is in session which is plainly audible at any place within 25 feet of the property of such hospital or facility or which disturbs the operation of any such school or the proceedings in any such court provided a

plainly visible sign has been displayed on such street indicating the presence of such school or court.

- (4) No person shall engage in persistent or repeated yelling, shouting, hooting, whistling, singing, or the making of other loud noises between the hours of 10:00 p.m. and 7:00 a.m. **Monday through Saturday and 12:01 am and 7:00 am on Sunday** in such a manner as to be plainly audible in any public place at a distance of 25 feet or more in any direction or so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, or of any persons in the vicinity of any such person in or on the public sidewalks, ways or other public places.
- (5) No person shall operate any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise, in connection with any commercial or business enterprise in front or outside of any building, place or premises abutting on or adjacent to a public street, park or place where the sound therefrom is plainly audible on any public street, park or place, or from any stand, platform or other structure or anywhere on the public streets, parks or places.
- (6) No person shall make or cause or permit to be made or caused any music or sound originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound increases the broad band sound level, when measured at the property line of the establishment, by more than 10 dB(A) above ambient, or produces a pure tone condition (a condition is created when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more).
- (7) No person shall operate any power saw, drill, grinder, lawn mower, lawn or garden tool, or similar tool at any time between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturday or between the hours of 9:00 p.m. and 9:00 a.m. on Sunday and legal holidays, such that the sound emanating from any such activity is plainly audible in a public place at a distance of 50 feet or more.
- (8) No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and Saturday, and between the hours 9:00 a.m. and 7:00 p.m. on Sundays except for work performed by a public service or municipal utility department or "emergency work" performed with the express written permission of the building inspector or DPW. Emergency work shall be limited to such work that is clearly essential to response to a sudden and unexpected threat to public health or public safety. Emergency work permission may be granted to a general or sub-contractor on a blanket basis governing all persons working on a specified portion of a particular job. Emergency work permission may be granted for not more than one week at a time, and may be renewed for additional one week periods at the discretion of the commissioner who granted the initial permission.

#### 107-4. Exemptions

- G. Sound from activities in the public parks, playgrounds, playing fields, or public property or buildings of the city used under the written permission of the municipal official or body charged with the care, custody and control of said facility; provided that, any amplified sound generated by such activities

shall not be plainly audible at a distance of 50 feet or more from said public park, playground, playing field, or public property or building.

- H. Sound from parades, rallies, public assemblies, demonstrations, special events, sporting events or sound trucks may for brief periods reasonably exceed the sound level limits contained herein; provided, however, that no person shall increase the amplification level of the sound generated by such activities to the point where it is consistently and plainly audible in a public place at a distance of more than 50 feet from the perimeter of the property containing such activity.
- I. Sound from bells, chimes, or carillons from a structure operated for non-commercial purposes between the hours of 8:00 a.m. and 9:05 p.m., and during special events.
- J. Sound from snow blowers, snowplows, and other snow removal equipment during or within 24 hours after a snowfall, and the use of power equipment necessary for emergency repairs or debris removal due to severe weather.
- K. Sound from trains, boats and personal watercraft operated in compliance with state law.
- L. Sound from lawfully permitted fireworks displays.

#### **107-5. Enforcement and Penalties**

A warning will be issued for the first violation of this Chapter 107. The penalty for each subsequent violation of this Chapter 107 shall be fifty (\$50.00) dollars. The provisions of this Chapter 107 shall be enforced using the noncriminal disposition process as provided in General Laws, chapter 40, § 21D by the chief of police and every city police officer.

#### **Order no. FY 14 -184**

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

**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT IT BE ORDERED THAT THE TOWN COUNCIL, PURSUANT TO M.G.L. CH. 40 AND MASSACHUSETTS LAW HEREBY AUTHORIZES THE MAYOR TO RELOCATE, GRANT, EXECUTE AND DELIVER A NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY TO THE VERIZON OVER TOWN OWNED LAND ON LENOX AVENUE AS SHOWN ON A DRAWING ENTITLED "GREENFIELD HIGH SCHOOL, 1 LENOX AVE., GREENFIELD, MA 01301 - SITE UTILITY PLAN" AND DESCRIBED IN THE ATTACHED DOCUMENT.

**DISCUSSION:** Councilor Devlin stated the EDC forwarded a unanimous positive recommendation for approval.

**MOTION:** On a motion by Councilor Renaud, second by Councilor Hoffman, it was unanimously (1 abstention),

**VOTED:** TO AMEND THE LANGUAGE OF THE EASEMENT BY DELETING THE WORD "MEN" AND REPLACING IT WITH THE WORD "PERSONS" IN THE FIRST SENTENCE.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 14 -184 AND EASEMENT AS AMENDED.

Councilor Allis stated the Ways and Means Committee forwarded a unanimous (4 yes and 0 no) positive recommendation for approval of all financial orders.

#### **Order no. FY 14 -175**

**Financial Order 14-47**

**MOTION:** On a motion by Councilor Allis, second by Councilor Devlin, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THE SUM OF \$250,000 BE APPROPRIATED FROM THE GENERAL STABILIZATION FUND TO THE GREENFIELD PUBLIC SCHOOLS FOR THE PURPOSE OF PAYING FORWARD SPECIAL EDUCATION TUITIONS FOR FY2015.

**Order no. FY 14 -176****Financial Order 14-50**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE SUM OF \$33,000 BE APPROPRIATED FROM THE CAPITAL STABILIZATION FUND TO THE FOLLOWING CAPITAL EXPENSE ACCOUNTS TO COVER DEFICITS:

- \$5,000 TO 4009.210.5820 Police Station Roof Replacement
- \$20,000 TO 4005.499.5845 Cooke Street Water Main Replacement
- \$8,000 TO 4700.499.5866 Chapter 90

**Order no. FY 14 -177****Financial Order 14-48**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT \$203,400.70 BE APPROPRIATED FROM FREE CASH TO THE FOLLOWING BUDGETS:

- \$78,000 for Dispatch
- \$50,000 for MIS
- \$30,000 for Town Attorney Services
- \$25,000 for Tax Title Collections
- \$15,000 for the Treasurer/Collector
- \$5,400.70 for the EMD Training Grant for Dispatch

**Order no. FY 14 -178****Financial Order 14-56**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$1,000 BE TRANSFERRED FROM THE FINANCE DIRECTOR TO THE ASSESSOR TO OFFSET A DEFICIT IN THE FY14 OPERATING BUDGET.

**Order no. FY 14 -179****Financial Order 14-51**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$108,500 BE TRANSFERRED FROM DEPARTMENT 914 HEALTH INSURANCE TO BALANCE THE FOLLOWING FY14 ACCOUNTS:

- LIFE INSURANCE: \$ 8,500
- HEALTH INSURANCE MITIGATION: \$100,000

**Order no. FY 14 -180****Financial Order 14-52**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$3,968.42 BE TRANSFERRED TO FUND 2557 THE FIRE SAFER GRANT FROM THE FIRE DEPARTMENT BUDGET TO COVER A DEFICIT IN THE FUND BALANCE.

**Order no. FY 14 -181**

**Financial Order 14-53**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$10,000 BE TRANSFERRED FROM TEMPORARY INTEREST TO BONDED DEBT PRINCIPAL TO OFFSET A DEFICIT IN THE FY14 OPERATING BUDGET.

**Order no. FY 14 -182**

**Financial Order 14-54**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$2,500 BE TRANSFERRED FROM ANIMAL CONTROL TO THE DEPARTMENT OF PUBLIC HEALTH TO OFFSET A DEFICIT IN THE FY14 OPERATING BUDGET.

**Order no. FY 14 -183**

**Financial Order 14-55**

**MOTION:** On a motion by Councilor Allis, second by Councilor Ronhave, it was unanimously,  
**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$200 BE TRANSFERRED FROM THE TOWN CLERK TO THE TOWN COUNCIL TO OFFSET A DEFICIT IN THE FY14 OPERATING BUDGET.

**PRESENTATION OF PETITIONS AND SIMILAR PAPERS** None.

**REPORTS OF COMMITTEES**

**COMMUNITY RELATIONS AND EDUCATION COMMITTEE** – Chairman Renaud noted the committee would hold meetings on June 23 and June 30<sup>th</sup>. She reviewed the agenda items to be discussed.

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilor Allis held the following first readings:

- The sum of \$125,000 for a feasibility study relating to the renovation of the Green River School located at 62 Meridian Street, Greenfield, Massachusetts.
- Appropriates \$150,000 from the Capital Stabilization Fund for the purpose of upgrading technology, internet access, and phones for town departments.

Councilor Allis asked fellow Councilors to sign up to collect funds for the Greenfield Fireworks on behalf of the Recreation Department. He also stated he and Councilor Renaud would be celebrity bartenders at Taylors Tavern on June 24, 2014 to raise funds for the Fireworks.

President Wisnewski stated he had reappointed Mark Maloney to the Franklin County Technical School, School Committee.

Vice-President Hoffman noted Town Council office hours would be held on Thursday, June 26, 2014 at Town Hall between the hours of 5:30 pm and 7:00 pm.

**MOTIONS FOR RECONSIDERATION:** None.

**PUBLIC FORUM:** James Hutchinson, 136 Main Street spoke regarding the Town Council process for appointments.

Councilor Singer thanked President Wisnewski for his service and hard work on the Town Council. He also thanked the Council membership, Town Clerk staff, Lane Kelly, Mayor Martin and his wife Linda. Councilors Hoffman, Allis, Renaud, Kelner, Ronhave, Shapiro Miller, Devlin and Siano thanked President Wisnewski and Councilor Singer for their knowledge and hard work while serving on the Town Council. President Wisnewski thanked the Town Clerk staff, Lane Kelly, Mayor Martin and appreciated all of the Councilors he had served with while a member of the Town Council. He also thanked his wife for all of her on going support.

**ADJOURNMENT:** On a motion by Councilor Singer s, second by Councilor Allis, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:12 P.M.

A true copy,

Attest: \_\_\_\_\_  
Deborah J. Tuttle, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15  
Regular Meeting  
June 18, 2014

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

7 yes  
3 no