

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

September 16, 2015

GCTV-15, 393 Main Street

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:04 p.m. by Vice-President Renaud.

Vice-President Renaud 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. President Hoffman was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Deborah J. Tuttle; Fire Chief Robert Strahan and several members of the Fire Department; Human Resource Director Dennis Helmus; School Superintendent Jordana Harper; Assistant Superintendent Jen McKusick; Business Manager Howard Barber; Director of Student Services Adam Garand; GCTV-15 staff; Anita Fritz, *the Recorder*; and members of the public.

ACCEPTANCE OF MINUTES: None

PUBLIC COMMENT: Lance Smith, 108 N. Hillside Road, Deerfield MA, spoke of the deficit in the Recovery Learning Community in Greenfield (RLC) budget. He stated the Recover Center did not receive funding through the Town of Greenfield CDBG as in past years. His intent was to bring awareness of the situation in the event there were options for the town to contribute funds to the RLC.

PUBLIC HEARINGS: 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., Sept. 16, 2015, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- \$250,000 be appropriated from the Contractual Agreement Stabilization Fund to the Negotiated Salary Account line item for the settlement of contracts.

The Town Council will consider the same on Wed., Sept. 16, 2015, 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, x. 6163.

Vice-President Renaud opened the Public Hearing at 7:10 and asked if anyone from the public wished to speak, seeing none the hearing remained open.

Councilor Allis held the following second reading:

- \$250,000 be appropriated from the Contractual Agreement Stabilization Fund to the Negotiated Salary Account line item for the settlement of contracts.

COMMUNICATIONS:

MAYOR: Mayor Martin spoke of the following items:

- Solar Challenge.
- Green Light project.
- Street light project.
- Community Development Block Grant funding.

In response to Councilor's questions briefed them on:

- A first reading, a proposed appropriation, and the recommended heating system for the School Administration Office on Davis Street.
- Ongoing discussion with the Dispatchers Union
- Fire Code Suppression system requirements.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendent Harper introduced the following new members of her leadership team. Assistant Superintendent Jen McKusick, Business Manager Howard Barber, and Director of Student Services Adam Garand. She spoke of the following:

- The School Committee would be voting at their next meeting on the Greenfield Public Schools DRAFT Strategic Plan which can be found of the School Department website. All input is welcome.
- A Grade Configuration Committee, as a subcommittee of the School Committee, was being created to establish a 10 year plan.
- The School Committee Finance Committee was reviewing the FY2016 Operational Budget as approved by the Town Council
- All schools will have open houses on October 8, 2015 and the Greenfield High School will have an open house with tours on October 24, 2015.

Ms. McKusick and the Superintendent outlined the immediate and long term duties and goals of the Assistant Superintendants.

TOWN OFFICERS: None.

Vice-President Renaud asked if anyone from the public wished to speak at the Public Hearing, seeing none she closed the Public Hearing at 7:40 pm.

MOTIONS, ORDERS, AND RESOLUTIONS

Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for all of the following proposed appointments.

Order no. FY 16-042

MOTION: On a motion by Councilor Siano, second by Councilor Allis, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE LIBRARY BUILDING COMMITTEE:

- KARIN BENSON
- ED BERLIN
- ELLEN BOYER
- CAROLE COLLINS
- DORIS COWDREY
- ANN DILLON
- JEAN WALL

Order no. FY 16-043

MOTION: On a motion by Councilor Siano, second by Councilor Allis, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE CULTURAL DISTRICT COMMITTEE:

- RACHAEL KATZ
- MARTHA STILES
- DR. ROBERT PURA
- HILLARY HOFFMAN
- ELLEN BOYER

Order no. FY 16-044

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

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE LOCAL CULTURAL COMMISSION: CLARA LOPEZ – THREE YEAR TERM EXPIRING JUNE 30, 2018.

Order no. FY 16-045

MOTION: On a motion by Councilor Siano, second by Councilor Allis, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE RECREATION COMMISSION: DONNA DUSELL – REMAINDER OF A THREE YEAR TERM EXPIRING JUNE 30, 2017 (TO FILL THE VACANCY LEFT BY WILLIAM CARDAROPOLI).

Order no. FY 16-046

MOTION: On a motion by Councilor Siano, second by Councilor Allis, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE UPPER PIONEER VALLEY VETERANS DISTRICT: JOSHUA CARNES – THREE YEAR TERM EXPIRING JUNE 30, 2018.

Order no. FY 16-047

MOTION: On a motion by Councilor Siano, second by Councilor Allis, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE SOLDIERS MEMORIAL BOARD OF TRUSTEES: JOSHUA CARNES – THREE YEAR TERM EXPIRING JUNE 30, 2018.

Order no. FY 16-048

MOTION: On a motion by Councilor Siano, second by Councilor Allis, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE HUMAN RIGHTS COMMISSION: URSA SCHERER – THREE YEAR TERM EXPIRING JUNE 30, 2018.

Order no. FY 16-040

Financial Order 16-09

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 \$250,000 BE APPROPRIATED FROM THE CONTRACTUAL AGREEMENT STABILIZATION FUND TO THE NEGOTIATED SALARY ACCOUNT LINE ITEM FOR THE SETTLEMENT OF CONTRACTS.

DISCUSSION: Councilor Allis stated the Ways and Means Committee forwarded a unanimous positive recommendation with 1 abstention. Mayor Martin and Mr. Helmus responded to Councilor's questions by stating the requested amount would cover Fiscal Year 2016, 2017, and 2018 proposed contracts. The Labor Attorney will be contacted to find out if the tentative agreement could be given to the Town Council. The Mayor stated if the Attorney stated the Town Council could have a copy of the agreement, it will be delivered right away. It was noted the financial portion of the agreement would not change regardless of when the Town Council voted the order. Comments from the Town Council included:

- Councilors should not be involved with contracts. The only aspect of contracts the Town Council had any dealing with was financial.

- If the Ways and Means Committee is asking for additional information we should pay attention to the request.
- Three (3) Ways and Means Committee members voted to approve the request, only 1 abstained for additional information.
- The Town Council has the right to see the tentative agreement prior to voting the appropriation.
- In light of the CSO Resolution voted in August by the Town Council, review of, the terms should be done prior to approval.
- The Town Council can not make changes to the language or the amount requested.

MOTION: On a motion by Councilor Singer, second by Councilor Ronhave, it was by roll call, 7 yes and 4 no,

TABLED: ORDER NO. FY 16 -040, Financial Order 16-09. "THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$250,000 BE APPROPRIATED FROM THE CONTRACTUAL AGREEMENT STABILIZATION FUND TO THE NEGOTIATED SALARY ACCOUNT LINE ITEM FOR THE SETTLEMENT OF CONTRACTS."

Order no. FY 16-041

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR TOWN CLERKS OFFICE TO BE TRANSFERED INTO ACCOUNT NUMBER 1550.161.5200 IN THE AMOUNT OF \$119.96.

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

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 16 -041.

Order no. FY 16-049

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

MOVED: THAT IT BE ORDERED THAT THE TOWN OF GREENFIELD ACCEPTS A GIFT OF LAND FROM THE MACKIN CONSTRUCTION COMPANY, INC. AND THE ESTATE OF HELEN MACKIN. THE PROPERTY IS LOCATED OFF CANADA HILL ROAD, GREENFIELD, MASSACHUSETTS, PARCEL R04-16.

DISCUSSION: Councilor Devlin stated the EDC forwarded a unanimous positive recommendation for approval of all three parcels of land on tonight's agenda. He gave a brief description of the parcels of land. Councilor Devlin noted the Planning Director had reviewed and made recommendation for all three properties to be considered tonight. Of the three properties parcel R04-16 was not recommended for approval due to of the lack of use to the Town. Councilor Siano questioned why the Town would accept gifts of land when the Town was trying to sell unwanted parcels of land. Councilor Maloni suggested the Town Council accept all three parcels of land.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 16 -049.

Order no. FY 16-050

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

VOTED: THAT IT BE ORDERED THAT THE TOWN OF GREENFIELD ACCEPTS A GIFT OF LAND FROM MACKIN CONSTRUCTION COMPANY, INC. AND THE ESTATE OF HELEN

MACKIN. THE PROPERTY IS LOCATED ON FRENCH KING HIGHWAY, GREENFIELD, MASSACHUSETTS. PARCEL R04-50.

Order no. FY 16-051

MOTION: On a motion by Councilor Devlin, second by Councilor Maloni, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE TOWN OF GREENFIELD ACCEPTS A GIFT OF LAND FROM THE MACKIN CONSTUCTION COMPANY, INC. AND THE ESTATE OF HELEN MACKIN. THE PROPERTY IS LOCATED ON ADAMS ROAD/ROUTE 2 BYPASS, GREENFIELD, MASSACHUSETTS, PARCEL R05-23A.

Order no. FY 16-052

MOTION: On a motion by Councilor Siano, second by Councilor Mass, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE APPOINTED OFFICIAL COMPENSATION ADVISORY BOARD TO REFLECT THAT THE TOWN COUNCIL PRESIDENT WILL APPOINT, 1 FORMER ELECTED OR APPOINTED PERSON FROM THE TOWN OF GREENFIELD; 1 FORMER EMPLOYEE OF THE TOWN OF GREENFIELD EITHER UNION OR NON UNION; 1 GREENFIELD RESIDENT TAX PAYER AND THE MAYOR WILL APPOINT, 1 MEMBER CURRENTLY WORKING IN HUMAN RESOURCES OR WITH EXPERIENCE IN HUMAN RESOURCES AND NOT EMPLOYED BY THE TOWN OF GREENFIELD; 1 MEMBER CURRENTLY WORKING IN ACCOUNTING OR RELATED WORK AND NOT EMPLOYED BY THE TOWN OF GREENFIELD.

MOTION: On a motion by Councilor Mass, second by Councilor Siano, it was unanimously,
VOTED: TO DELETE “NOT” USED TWICE IN THE ORDER AND INSERT THE FOLLOWING IN ITS PLACES “MAY OR MAY NOT BE”.

It was unanimously,
VOTED: TO APPROVE ORDER NO. FY 16 -052 AS AMENDED “THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE APPOINTED OFFICIAL COMPENSATION ADVISORY BOARD TO REFLECT THAT THE TOWN COUNCIL PRESIDENT WILL APPOINT, 1 FORMER ELECTED OR APPOINTED PERSON FROM THE TOWN OF GREENFIELD; 1 FORMER EMPLOYEE OF THE TOWN OF GREENFIELD EITHER UNION OR NON UNION; 1 GREENFIELD RESIDENT TAX PAYER AND THE MAYOR WILL APPOINT, 1 MEMBER CURRENTLY WORKING IN HUMAN RESOURCES OR WITH EXPERIENCE IN HUMAN RESOURCES AND **MAY OR MAY NOT BE** EMPLOYED BY THE TOWN OF GREENFIELD; 1 MEMBER CURRENTLY WORKING IN ACCOUNTING OR RELATED WORK AND **MAY OR MAY NOT BE** EMPLOYED BY THE TOWN OF GREENFIELD.”

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Kelner announced the committee would hold a Public Forum on Monday, September 28, 2015 regarding residential woodburning.

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Siano stated the committee continued to work on the Tree Ordinance, Assemblies Ordinance, and Charter Amendments. The committee will be holding two meetings per month; the extra meetings will be “working meetings”, for the time being to get these items finished by the end of the year.

Vice-President Renaud requested the Appointment and Ordinance Committee also review the Town Council Rules of Procedure relating to Organizational meetings because of the new election schedule.

WAYS AND MEANS COMMITTEE – Chairman Allis spoke of the continued discussion for the appropriation of \$250,000 and hopeful receipt of the information requested.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Allis held the following first reading:

- 1.) Upon recommendation of the Mayor, The sum of \$10,000,000 is appropriated for the costs of planning, design, and construction of a parking garage and for the payment of all costs incidental and related thereto, and to meet said appropriation, the Treasurer with the approval of the Mayor, is hereby authorized to borrow said sum of \$10,000,000, 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 these projects.
- 2.) The sum of \$90,000 is appropriated for the costs of installing a heating system for the School Administration Offices located at 141 Davis Street and to meet said appropriation, \$90,000 shall be transferred from Account 1610 Sale of Real Estate to Account 40161920.5840.

Councilor Singer discussed the following two policy issues relating to the attached letter penned by Councilor Mass. The first was the nonstandard letterhead used, and the feeling that the body of the letter represented the Council as a whole and not just the individual writing the letter. He suggested the Town Council should have standard letterhead for use by Councilor's and a policy for the use and destitution of letters on the letterhead. He requested the Mass Municipal Associates be contacted for a policy regarding the use of letterhead. Councilor Mass agreed that Councilor's should have access to letterhead. All the statements within the letter are a matter of public record. Councilor Hirschfeld had never heard of this being done before and suggested this should have been submitted as an individual or a committee member but not as a singular Councilor. Councilor Devlin did not appreciate the threatening tone in the letter relating to litigation. Councilor Mass stated that he would continue to advocate for legal adults to have the full exercise of their rights. He stated the letters were not a threat, he was advocating, and the intention was to work collaboratively with the Board of Health. Councilor Ronhave questioned and it was confirmed that the Greenfield Town Council did not have a procedure or policy for the use of letterhead. Councilor Maloni acknowledged the use of a title and any letterhead increased the level of formality of the document and content even if it was a misinterpretation. Councilor Allis agreed that each Councilor should have access to letterhead and understands that the seal may not be available. He believes that Councilors should be able to write letters with their name and title on it. Ms. Tuttle acknowledged if Councilor's want a letter to be put on Town letterhead they would submit the language to the office for review and approval of the President. She would also contact the MMA for policy. Additional comments included:

- The Town Council is supposed to advocate.
- The discussion was in regards to the public impression of the Town Council body.
- The letter was about a Councilor advocating in a medium that does not include other Councilors.
- All information in the letter was public knowledge; the document was a public document.
- The topic is scheduled to be discussed at a Board of Health meeting.
- Initiating procedure was welcome.
- If a policy was created it should include language assuring that in the event a majority of the Councilors disagree with the position of the author, the letter would still need to be sent.

Isaac Mass, Greenfield Town Councilor At-Large

Greenfield Board of Health
14 Court Square
Greenfield, MA 01301

September 1, 2015

Dear Board of health Members,

I am writing you to urge you to reconsider the ban on flavored tobacco that you passed earlier in the year and which went into effect on July 1st. I know you are fully familiar with all the arguments both for and against the ban. I know that before the July 1st implementation you did reconsider this issue and at least one member changed their mind. Subsequently, while the Town Council voted down my proposed ordinance there was significant support for the portion which overturned the flavored tobacco ban. I know Councilors Ricketts and Ronhave have been before you asking you to reconsider this portion of your regulation.

Now that you have a new member of the Board of health it is my hope that you will revisit this issue once again. As you know there is likely to be a markedly different Town Council in the fall (At least 9 new members, possibly up to 11 and only 1 of 4 who voted for my proposed ordinance is not seeking re-election). It is my hope however that we will not have to revisit this issue on the Council next year because the Board of Health will begin to take accommodating steps. We all agree that a conflict of laws between the Board of Health regulation and Council ordinance would create a legal problem which the courts have yet to resolve. I know that the taxpayers of Greenfield do not need unnecessary litigation. One good faith sign of the Board listening to a sizable segment of the community would be to rescind the flavored tobacco which creates a monopoly at one permitted location and which treats tobacco far more restrictively than even alcohol.

While I continue to be concerned about the taking away of 18-20 year old rights, I share your concerns regarding keeping tobacco out of the hands of minors. As a compromise, I hope that you might also consider either or both of the following changes:

- 1) Lowering the age to 19 rather than 21 would be far less objectionable. The number of students who are 19 or 20 in the Greenfield public school system is very small. As was reported in public hearings some communities have adopted 19 rather than 21.

PO Box 832, Greenfield, MA 01302 Phone 413-774-0123

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: Jim Hutchinson, 136 Main Street, advocated for the Greenfield Area Skate Park (GASP). He also suggested the Teen Center be reopened rather than using the 1st floor at 20 Sanderson Street for storage.

ADJOURNMENT: On a motion by Councilor Ricketts, second by Councilor Allis, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:11 P.M.

A true copy,

Attest: _____
Deborah J. Tuttle, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Regular Meeting
September 16, 2015

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