

GREENFIELD TOWN COUNCIL  
Regular Meeting Minutes  
December 16, 2015

GCTV-15, 393 Main Street

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:04 p.m. by President Hoffman.

President Hoffman 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.

**ALSO PRESENT:** Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Deborah J. Tuttle; Town Accountant Elizabeth Braccia; School Superintendent Jordana Harper; Assistant Superintendent for Curriculum, Instruction, and Professional Development Jen McKusick; Business Manager Education Howard Barber; Director of Student Services Adam Garand; Councilors Elect Vern Sund, Maria Burge, Elizabeth Muzyka-Pyfrom and Robert Wainstein; Senior Center Project Manager Daniel Pallota; GCTV-15 staff; Anita Fritz, *the Recorder*; and members of the public.

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

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF NOVEMBER 18, 2015.

**PUBLIC COMMENT:** The following members of the public spoke:

- Garth Shaneyfelt, 26 Grinnell Street, thanked the Council for their service and urged the incoming Council to work on engaging the community.
- Carol Letson, 29 Allen Street, spoke in appreciation of the Town Council service to the community.
- Maria Burge, 29 Garfield Street, thanked all Council members for the work they had done. She asked them to give her their advice and perspective.
- Vern Sund, 81 Barton Road, thanked all Councilors for everything they had done.
- Dorothy Janke, 186 Davis Street, appreciated the Town Council dedication and urged people to listen with respect when constituents spoke.
- Emily Green, Greenfield Rights of Nature, thanked the Councilor for their patients and understanding over the past year.
- Glenn Johnson, 10 Harrison Avenue, thanked the Council for their engagement and support during the election. He looked forward to the public forums to be held by the Human Rights Commission on diversity.

President Hoffman read the note attached from Teresa Conti.

**PUBLIC HEARINGS:** Councilor Maloni read the following Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wed., Dec. 16, 2015, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- Appropriate \$300,000 from Free Cash to OPEB Trust Fund.
- Appropriate \$200,000 from Free Cash to Compensated Absences Fund.
- Appropriate \$1,425,000 from Free Cash to General Stabilization Fund.
- Appropriate \$285,000 from Free Cash to Capital Stabilization Fund.
- Appropriate \$200,000 from Free Cash to Building Maintenance Stabilization Fund.
- Appropriate \$200,000 from Free Cash to Contractual Agreement Stabilization Fund.

- Appropriate \$20,000 from Water Retained Earnings to underwrite design fees for the Rocky Mountain Water Tank rehabilitation.

The Town Council will consider the same on Wed., Dec. 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.

President Hoffman opened the Public Hearing at 7:22 pm and asked if anyone one wished to speak. Seeing none she noted the Public Hearing would remain open.

Councilor Maloni held the following second readings:

- Appropriate \$300,000 from Free Cash to OPEB Trust Fund.
- Appropriate \$200,000 from Free Cash to Compensated Absences Fund.
- Appropriate \$1,425,000 from Free Cash to General Stabilization Fund.
- Appropriate \$285,000 from Free Cash to Capital Stabilization Fund.
- Appropriate \$200,000 from Free Cash to Building Maintenance Stabilization Fund.
- Appropriate \$200,000 from Free Cash to Contractual Agreement Stabilization Fund.
- Appropriate \$20,000 from Water Retained Earnings to underwrite design fees for the Rocky Mountain Water Tank rehabilitation.

#### **COMMUNICATIONS:**

**MAYOR:** Ms. Kelly extended the Mayor's wish for a happy and safe holiday season to everyone. Mr. Pallota discussed the Senior Center project to date and estimated construction would begin in September 2016. In response to Councilor's question Mr. Pallota and Ms. Kelly spoke of the following:

- The building will be constructed of wood and metal and blend in with the neighborhood. It would be a single story building.
- Progress made with a design and schematics for the School Administration Offices to move to the Middle School. An estimated cost would be available within a few months.
- The cost to raze the Davis Street School Administration building may be included in the Fiscal Year 2017 Capital Budget.
- Remediation for Davis Street School Administration.

In response to Councilor Hirschfeld, Ms. Kelly stated Chief Haigh was dealing with Sergeant McCarthy regarding the issue of the Confederate Flag.

In response to President Hoffman, Ms. Kelly stated the Mayor was aware of the School Committees unanimous resolution regarding requesting money from Stabilization for the Schools. He indicated this would be discussed further when he returned from vacation.

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** Superintendent Harper thanked the Councilors for their service and communications. She wished everyone a Happy Holiday. Superintendent Harper also spoke of weekly meetings relating to the relocation of the School Administration offices.

**MOTION:** On a motion by Councilor Mass, second by Councilor Renaud, it was by roll call, unanimously, **VOTED:** TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES RELATING TO SCHOOL ADMINISTRATION AND THE BUDGET AT 7:40 PM.

The Town Council reconvened into regular session at 7:45 pm.

Superintendent Harper stated the final report for Greenfield School Accreditation should be complete in the spring.

President Hoffman asked if anyone from the public wished to speak at the Public Hearing, seeing none she closed the hearing at 7:47 pm.

TOWN OFFICERS: None.

## **MOTIONS, ORDERS, AND RESOLUTIONS**

### **Order no. FY 16-101**

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

**MOVED:** THAT IT BE ORDERED THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON NOVEMBER 18, 2015:

### **Order no. FY 16-085**

*On November 18, 2015, the Greenfield Town Council, on a motion by Councilor Renaud, second by Councilor Mass, it was unanimously,*

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN CHARTER ARTICLE 7, SECTION 7-12: RECALL ELECTIONS, SUBSECTION (b), (c), BE AMENDED BY DELETING THE CURRENT SECTION AND INSERTING IN PLACE THEREOF THE FOLLOWING SECTION:

SECTION 7-12: RECALL ELECTIONS

(b) *(paragraph 5)* The Board of Registrars of Voters shall within ten (10) days following the date the petition forms are filed certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters as of the date of the most recent **regular biennial** Town election.

(c) *Recall Election* - If the petitions are certified by the Board of Registrars of Voters to contain a sufficient number of signatures, ~~they~~ **the Town Clerk** shall forthwith submit the same, with their certificate, to the Town Council. Upon receipt of the certified petition forms the Town Council shall forthwith give written notice to the officer whose recall is sought of the validity of such petitions. If the officer whose recall is sought does not resign the office within five (5) days following delivery of the said notice, or by leaving at the last known place of residence, the Town Council shall, after consultation with the Town Clerk and the Board of Registrars of Voters, order a special election to be held on a date not more than ninety (90) days after the date of its notice to the officer whose recall is sought.

AND THAT THE TOWN COUNCIL FURTHER INSTRUCTS THE TOWN CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE TOWN CHARTER.

**DISCUSSION:** Vice-President Renaud requested the motion for reconsideration be allowed to be withdrawn.

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

**VOTED:** TO WITHDRAW THE MOTION FOR RECONSIDERATION FOR ORDER NO. FY 16-085.

### **Order no. FY 16-093**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE RECREATION COMMISSION: MYRT JAQUAY-WILSON – 1<sup>ST</sup> ALTERNATE – REMAINDER OF A THREE YEAR TERM EXPIRING, JUNE 30, 2016 (TO FILL THE VACANCY LEFT BY MICHAEL MANCINI)

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 16 -093.

*Order no. FY 16-094*

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE REDEVELOPMENT AUTHORITY: WENDY MARSDEN – A THREE YEAR TERM EXPIRING, JUNE 30, 2018.

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 16 -094.

*Order no. FY 16-095*

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE HUMAN RIGHTS COMMISSION: GREGORY CORCORAN – REMAINDER OF A THREE YEAR TERM EXPIRING, JUNE 30, 2017 (TO REPLACE SARA MOUSER)

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 16 -094.

*Order no. FY 16-096*

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE LOCAL CULTURAL COMMISSION: KATHLEEN STRUB-RICHARDS – REMAINDER OF A THREE YEAR TERM EXPIRING, JUNE 30, 2017 (TO REPLACE FRANCESCA PASSIGLIA)

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 16 -096.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Lane Kelly, Municipal Finance

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

**MOTION:** On a motion by Councilor Siano, second by Councilor Singer, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Brickett Allis, Trade; Town Councilor

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

**MOTION:** On a motion by Councilor Siano, second by Councilor Singer, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Isaac Mass, Attorney; Town Councilor

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously, Councilor Mass abstained,

**VOTED:** TO APPROVE THE ORDER.

**MOTION:** On a motion by Councilor Siano, second by Councilor Mass,, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: David Singer, Attorney

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously, Councilor Singer abstained,

**VOTED:** TO APPROVE THE ORDER.

**MOTION:** On a motion by Councilor Siano, second by Councilor Singer, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Andrew Killeen, Chair; Business and Finance

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Linda Dunlavy, Region MBI

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Penny Ricketts, CTAC; Town Councilor

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Bob Pura, Education

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Sheryl Sadler-Twyon, CTAC; Banking

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Mic Mueller, CTAC; Technical

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Corrine Fitzgerald, Real Estate

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: Gregory Higgins, Health

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE GREENLIGHT ADVISORY GROUP: William Martin, Mayor; Ad-Hoc

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forwarded unanimous positive recommendation for approval.

It was unanimously,

**VOTED:** TO APPROVE THE ORDER.

**Order no. FY 16-098**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL ACCEPTS THE FOLLOWING APPOINTMENT BY THE TOWN COUNCIL PRESIDENT TO THE ELECTED AND APPOINTED COMPENSATION ADVISORY BOARD: PATTY MOREY WALKER.

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee did not believe they or the Town Council had the authority to vote on a Presidents appointment. They recommended withdrawal of the motion and as it was a Presidents appointment it would stand as such. It was clarified that questions were for the process not the proposed appointee. Discussion included the following:

- If the Town Council voted on this it would set a president.
- The time for this discussion/decision was when the committee was being created.
- This was an independent committee and should not be voted on by the Town Council.

Councilors Siano and Singer respectively withdrew the motion.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 16 -098.

Order no. FY 16-099

**MOTION:** On a motion by Councilor Siano, second by Councilor Ronhave, 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 21 – ASSEMBLIES, MASS PUBLIC, IN IT’S ENTIRETY AND REPLACE WITH THE NEW CHAPTER 21 ATTACHED HERETO AND FURTHER AMENDS THE INDEX OF THE CODE.

With Washington DC ordinance 12.2.15(2) (imdjs)

**Chapter 21**

**ASSEMBLIES, MASS PUBLIC**

**[HISTORY: Adopted by the Town Council of the Town of Greenfield as indicated in article histories. Amendments noted where applicable.]**

**STATUTORY AUTHORITY**

**MGL c. 40, § 21**

**GENERAL REFERENCES**

**Peace and good order — See Ch. 121.  
Streets and sidewalks — See Ch. 159.**

**§ 21-1 Definitions.**(a) For purposes of the Ordinance, the term “First Amendment assembly” means a demonstration, rally, parade, march, picket line, or other similar gathering conducted for the purpose of persons expressing their views.

(b) “Licensing Commission” mean the Licensing Commission for the Town of Greenfield.

**§ 21-2 Policy on First Amendment assemblies.**

It is the declared public policy of the City of Greenfield (“City”) that persons and groups have a right to organize and participate in peaceful First Amendment assemblies on the streets, sidewalks, and other public ways, and the in the parks of the City of Greenfield, and to engage in First Amendment assembly near the object of their protest so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in the assemblies to use the streets, sidewalks, and other public ways to travel to their intended destinations, and use the parks for recreational purposes.

**§ 21-3 Reasonable time, place, and manner restrictions on First Amendment assemblies.**

(a) The Licensing Commission shall recognize and implement the City policy on First Amendment assemblies established in § 21-2 when enforcing any restrictions on First Amendment assemblies held on City streets, sidewalks, or other public ways, or in City parks and there is a presumption that an application shall be approved by the Licensing Commission, subject to section 21-3 (b).

(b) The Licensing Commission may enforce reasonable time, place, and manner restrictions on First

Amendment assemblies by establishing reasonable restrictions on a proposed assembly prior to its planned occurrence though the approval of a plan, where the organizers of the assembly give notice.

(c) No time, place, or manner restriction regarding a First Amendment assembly shall be based on the content of the beliefs expressed or anticipated to be expressed during the assembly, or on factors such as the attire or appearance of persons participating or expected to participate in an assembly, nor may such restrictions favor non-First

Amendment activities over First Amendment activities.

#### **§ 21-4 Notice and plan approval process for First Amendment assemblies -generally.**

(a) It shall not be an offense to assemble or parade on a City sidewalk, or in a City park, without having provided notice or obtained an approved assembly plan.

(b) The purpose of the notice and plan approval process is to avoid situations where more than one group seeks to use the same space at the same time and to provide the Licensing Commission and other City departments the ability to provide appropriate police protection, traffic control, and other support for participants and other individuals.

(c) Except as provided in subsection (d) of this section, a person or group who wishes to conduct a First Amendment assembly on a City sidewalk, street, the Town Common or a City park, shall give notice and apply for approval of an assembly plan before conducting the assembly.

(d) A person or group who wishes to conduct a First Amendment assembly on a City sidewalk, the Town Common or in a City park, is not required to give notice or apply for approval of an assembly plan before conducting the assembly where:

(1) The assembly will take place on public sidewalks and crosswalks and will not prevent other pedestrians from using the sidewalks and crosswalks and will not illegally interfere with pedestrian or vehicular traffic;

(2) The person or group reasonably anticipates that the number of persons participating in the assembly will not illegally interfere with pedestrian or vehicular traffic, the space has not already been reserved through the submission of an assembly plan by another group and the assembly will not occur on a City street; or

(3) The assembly is for the purpose of an immediate and spontaneous expression of views in response to a public event.

(e) The Licensing Commission shall not enforce any user fees on persons or groups that organize or conduct First Amendment assemblies.

(f) The Mayor or Licensing Commission shall not require, separate from or in addition to the requirements for giving notice of or applying for approval of an assembly plan for a First Amendment assembly that persons give notice to, or obtain a permit or plan from, the Chief of Police, or other District officials or agencies, as a prerequisite for making or delivering an address, speech, or sermon regarding any political, social, or religious subject in any City street, sidewalk, other public way, or park, except to implement reasonable time, place and manner restrictions.

#### **§ 21-5. Notice and plan approval process for First Amendment assemblies -processing applications; appeals; rules.**

(a) (1) Subject to the appeal process set forth in subsection (d) of this section, the authority to receive

and review a notice of and an application for approval of a plan for a First Amendment assembly on City streets, sidewalks, and other public ways, and in City parks, and to grant, deny, or revoke an assembly plan, is vested exclusively with the Licensing Commission.

(2) Persons or groups providing notice to and applying for approval of a plan from the City government to conduct a First Amendment assembly on a City street, sidewalk, or other public way, or in a City park, shall not be required to obtain approval for the assembly from any other official, agency, or entity in the City government; however the Licensing Commission may seek approval from other City Departments before issuing a decision in order to implement time, place and manner restrictions as provided in Section 21-4 (f) .

(b) (1) The Licensing Commission shall take final action on a notice of and an application for approval of a plan for a First Amendment assembly at its next regular meeting following receipt of the completed application and in any event prior to the date of the proposed assembly considering such factors as the anticipated size of the assembly, the proposed date and location, and the number of days between the application date and the proposed assembly date, and shall establish specific timetables for processing an application by rules issued pursuant to subsection (e) of this section.

(2) Except as provided in paragraph (3) of this subsection, where a complete application for approval of a First Amendment assembly plan is filed 60 days or more prior to the proposed assembly date, the application shall receive final action no later than 30 days prior to the proposed assembly.

(3) Following the approval of an assembly plan in response to an application pursuant to paragraph (2) of this subsection, the Licensing Commission may, after consultations with the person or group giving notice of the assembly, amend the plan to make reasonable modifications to the assembly location or route up until 10 days prior to the assembly date based on considerations of public safety.

(c) The Licensing Commission shall inform the person or group giving notice of an assembly, in writing, of the reasons for any decision to:

(1) Deny an application for approval of a First Amendment assembly plan;

(2) Revoke an assembly plan prior to the date of the planned assembly; or

(3) Approve an assembly plan subject to time, place, or manner restrictions notwithstanding that the applicant has advised the Licensing Commission are objectionable to the applicant.

(d) (1) Any applicant whose proposed assembly plan has been denied in whole or part, revoked prior to the date of the planned assembly, or granted subject to time, place, or manner restrictions deemed objectionable by the applicant, may appeal such decision to the Mayor or the Mayor's designee, who shall concur with, modify, or overrule the decision of the Licensing Commission.

(2) The Mayor shall make a decision on appeal 2 days after receiving written notice and prior to the date and time the assembly is planned to commence, and shall explain in writing the reasons for the decision.

(e) (1) Within 180 days of the passage of this Ordinance by the Town Council of Greenfield, the Licensing Commission, in accordance with this subchapter, shall issue procedural rules for implementation of this Ordinance, including but not limited to specific rules for the Town Common.

(2) Existing procedures for the issuance of permits to persons or groups seeking to conduct a First Amendment assembly on City streets, sidewalks, or other public ways, or in City parks, that are not inconsistent with this subchapter shall remain in effect pending the issuance of the procedural rules promulgated under paragraph (1) of this subsection.

**§ 21-6. Exceptions.**

1. Funeral Processions pursuant to M.G.L.c 85, Section 14A.
2. In order to protect and preserve the sanctity of the home and assure that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility, and privacy, no demonstrations shall be permitted that are targeted at an individual's residence.
3. It shall be unlawful for any person to engage in picketing or other protest activities within 300 feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral.

**§ 21-7. Violations and penalties.**

Violation of this ordinance (§§ 21-8 through 21-12, inclusive) shall result in a civil penalty not to exceed one hundred dollars (\$100) for each offense, which shall inure to the benefit of the Town, all pursuant to MGL c. 40, § 21.

**§ 21-8. Conflicts Arising from Assemblies without prior plan approval occurring at same time and space.**

If notice and application for approval of an assembly plan is not provided to the Licensing Commission before such assembly and more than one assembly occurs at the same time and space, then neither assembly has a superior right to the space.

**§ 21-9. Effect.**

**This ordinance, when adopted, shall supersede all previous ordinances on this subject.**

**DISCUSSION:** Councilors Siano reviewed the Appointment and Ordinance Committee Public Hearing held on December 14, 2015.

**MOTION:** On a motion by Councilor Mass,

**MOVED:** TO TABLE CHAPTER 0021 ASSEMBLIES/ MASS PUBLIC TO A DATE CERTAIN OF TUESDAY, DECEMBER 29, 2015 AND TO A LOCATION TO BE SET BY THE TOWN COUNCIL PRESIDENT.

President Hoffman noted no second was received. Councilor Singer noted License Commission Chairperson Conti attended the Appointment and Ordinance Committee and requested Article II from the current ordinance be included in the proposed language. Councilor Singer read an email from Town Clerk Tuttle which recommended tabling the ordinance to allow for an additional Public Hearing to be held for public clarity. Councilor Maloni stated he would not be in the state to attend a meeting on December 29<sup>th</sup>. Councilor Hirschfeld objected to section 21-6, 2 which did not allow public demonstration at peoples homes.

**MOTION:** On a motion by Councilor Singer, second by Councilor Mass, it was unanimously.

**VOTED:** TO TABLE CHAPTER 0021 ASSEMBLIES/ MASS PUBLIC TO A DATE NO LATER THAN THURSDAY, DECEMBER 31, 2015 AND AT A LOCATION TO BE SET BY THE TOWN COUNCIL PRESIDENT.

**Order no. FY 16-100**

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

**MOVED:** THAT IT BE ORDERED THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL DELETE THE CURRENT TOWN COUNCIL RULES OF PROCEDURE SECTIONS:

- § 1261-1. RULE 1, ORGANIZATION - ORGANIZATIONAL MEETING
- § 1261-8. RULE 8, ORDERS AND DISPOSITION OF BUSINESS. A. AGENDA

AND REPLACE THEM WITH THE FOLLOWING, SHOWN IN STRIKE DRAFT FORMAT:

**§ 1261-1. Rule 1, Organization.**

**A. ORGANIZATIONAL MEETING**

The Town Council shall meet for organization on the first business day in ~~July~~ **January** following the regular town elections. This organizational meeting shall be held before the regular Town Council meeting. (Charter 8.8: (a))

**§ 1261-8. Rule 8, Order and Disposition of Business.**

**A. AGENDA**

(1) At every regular meeting of the Town Council order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Minutes from Previous Meeting
4. Public Comment
5. Public Hearings
6. Communications from Mayor, Town Officers and Employees
7. Communications from Superintendent of Schools and School Committee
8. Motions, Orders, and Resolutions
9. Presentation of Petitions and Similar Papers
10. Reports of Committees
11. Unfinished Business
12. Old Business
13. New Business
14. Motions for reconsideration
- ~~15. Public Forum~~
16. Adjournment

(2) The above shall not be departed from except by vote of the majority of members present. Posted Council agendas shall state this order of business.

**DISCUSSION:** Councilor Siano reviewed the discussion held by the Appointment and Ordinance Committee. He reviewed reasons the Town Council would remain meeting at GCTV-15 rather than moving to Greenfield High School. Councilor Kelner would not vote in favor of removing item 15 from the agenda.

It was by majority, 2 no,

**VOTED:** TO APPROVE ORDER NO. FY 16 -100.

Councilor Maloni stated the Ways and Means Committee forwarded a unanimous positive recommendation for approval of the following financial orders.

**Order no. FY 16 -086**

**Financial Order 16-21**

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

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$300,000 BE APPROPRIATED FROM FREE CASH TO THE OPEB TRUST FUND.

**Order no. FY 16-087**

Financial Order 16-20

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

**VOTED:** THAT IT BE ORDERED UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$200,000 BE APPROPRIATED FROM FREE CASH TO THE COMPENSATED ABSENCES FUND.

**Order no. FY 16-088**

Financial Order 16-16

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

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$1,425,000 BE APPROPRIATED FROM FREE CASH TO THE GENERAL STABILIZATION FUND.

**Order no. FY 16-089**

Financial Order 16-18

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

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$285,000 BE APPROPRIATED FROM FREE CASH TO THE CAPITAL STABILIZATION FUND.

**Order no. FY 16-090**

Financial Order 16-19

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

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$200,000 BE APPROPRIATED FROM FREE CASH TO THE BUILDING MAINTENANCE STABILIZATION FUND.

**Order no. FY 16-091**

Financial Order 16-17

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

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$200,000 BE APPROPRIATED FROM FREE CASH TO THE CONTRACTUAL AGREEMENT STABILIZATION FUND.

**Order no. FY 16-092**

Financial Order 16-22

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

**VOTED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$20,000 BE APPROPRIATED FROM WATER RETAINED EARNINGS TO UNDERWRITE DESIGN FEES FOR THE ROCKY MOUNTAIN WATER TANK REHABILITATION.

**Order no. FY 16-102**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL ACCEPTS THE ALTERATION TO THE ROAD LAYOUT FOR RUGG PLACE AS SHOWN IN THE SIGNED MAP DATED NOVEMBER 13, 2015.

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 16 -102.

**Order no. FY 16-103**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL ACCEPTS MASSACHUSETTS GENERAL LAW CHAPTER 41 SECTION 100 B AS ATTACHED (EXHIBIT A).

**EXHIBIT A**

Section 100B. Any city operating under a Plan D or Plan E charter which accepts this section by the affirmative vote of two thirds of all the members of its city council, and any other city which accepts this section by a majority vote of its city council with the approval of its mayor, and any town which accepts this section by a majority vote of its inhabitants at an annual town meeting or a special town meeting, may, upon written application by any of its police officers or fire fighters retired either before or after the acceptance of this section under a general or special law specifically relating to retirement for accidental disability, except a special law applicable to one person, or in the event of the death of any such police officer or fire fighter, upon written application by his widow or, if he leaves no widow, by his next of kin, indemnify, out of any funds appropriated for the purposes of this section, such police officer or fire fighter or, in the event of his death, his widow, or if he leaves no widow, his next of kin, for all reasonable hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry incurred by such police officer or fire fighter after his retirement; provided, however, that no person shall be indemnified under this section unless a majority of the members of a panel consisting of (a) the chairman of the retirement board of the city or town, (b) the city solicitor, town counsel or other officer having similar duties or a person designated in writing by such solicitor, counsel or officer to act for him, and (c) such physician as the city or town manager or, if there is none, the mayor or selectmen in writing appoint shall, upon receipt from the applicant of due proof, certify: (1) that the expenses for which indemnification is sought were the natural and proximate result of the disability for which the police officer or fire fighter was retired; (2) that such expenses were incurred after the acceptance of this section; (3) that the hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry to which such expenses relate were rendered within six months before the filing of the application; (4) that such expenses were in no ways attributable to the use by the police officer or fire fighter of any intoxicating liquor or drug or to his being gainfully employed after retirement or to any other willful act or conduct on his part; and (5) that such expenses are reasonable under all the circumstances.

**DISCUSSION:** Councilor Siano stated the Appointment and Ordinance Committee forward a unanimous positive recommendation to table the order. Vice-President Renaud would provided additional information for consideration.

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

**TABLE:** ORDER NO. FY 16 -103.

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

**REPORTS OF COMMITTEES** None.**UNFINISHED BUSINESS:** None.**OLD BUSINESS:** None.**NEW BUSINESS:****Order no. FY 16-104****MOTION:** On a motion by Councilor Mass, second by Councilor Singer, it was,**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "RESOLUTION RELATIVE TO MUNICIPAL LIQUOR REGULATION."**Resolution Relative to Municipal Liquor Regulation**

WHEREAS, The Town of Greenfield has a long history of efficient and effective management of liquor licenses including legislatively approved licenses in excess of the quota system; and

WHEREAS, The Town of Greenfield has an able License Commission and Public Safety Commission with long and cooperative relationships with the ABCC; and

WHEREAS, The Town of Greenfield's Sustainable Master Plan calls for the expansion of nightlife especially in the Down Town area as a way to attract business and young professionals; and

WHEREAS, the safe and well-regulated sale alcohol is a key driver for business expansion geared to meeting the goals of the Greenfield Master Plan; and

WHEREAS, Greenfield which serves as the seat of Franklin County has long been at or beyond its allowable limit under the quota system, while surrounding communities use far below or none of their allotted licenses; and

WHEREAS, the honorable Governor Charles Baker has proposed legislation which would give municipalities control over the number of liquor licenses in each community; and

WHEREAS, as this legislation was filed after a long and searching dialogue with municipalities about regulations which unduly burden cities and towns; and

WHEREAS, cities such as Boston have inequitably recently received increases of five new unencumbered licenses; and

WHEREAS, the Town of Greenfield has previously been denied an application for four unencumbered liquor licenses designed to spur growth in our downtown; and

WHEREAS, some communities including Haverhill have no caps for restaurant licenses without problem; and

WHEREAS, the people of Greenfield and Franklin County deserve and are entitled by the rights of equanimity to the same tools of economic development as our eastern sisters; and

WHEREAS, the only benefit to preserving state control of the quota system is to preserve the parochial interests of a current license holders over the will of the many; and

WHEREAS, no other industry which is regulated by the Commonwealth has a cap or quota system in restraint of trade; and

WHEREAS, this has long been a grievance of our community and others like us.

NOW THEREFORE BE IT RESOLVED THAT the Town Council of Greenfield Massachusetts

1. Calls upon the General Court to adopt the Governor’s proposed legislation to give control over the number of liquor licenses issued in Greenfield to the Town of Greenfield.
2. Shall cause a copy of this resolution to be presented to the Honorable Representative and Senator for the Town of Greenfield in the General Court, to his Excellency the Governor of the Commonwealth of Massachusetts, and the Franklin County Selectman’s Association and the Massachusetts Municipal Association for distribution to their members.

**DISCUSSION:** President Hoffman referred the Resolution to Committee Chairs for review.

It was unanimously,

**TABLED:** TO APPROVE ORDER NO. FY 16 -104.

Councilor Allis held the following first readings:

- \$62,000 for a Wacker-Neuson WL-32 loader. \$16,000 to come from Water Retained Earnings, \$16,000 to come from Sewer Retained Earnings, and \$30,000 to come from Chapter 90.
- \$14,500 from Free Cash to provide matching funds for the first year of the two-year Adams Art Program Grant
- \$25,000 from Free Cash to provide matching funds for the Community Clean Energy Resiliency Initiative Grant for a PV array and storage system at the Greenfield High School
- Authorize the borrowing of \$350,000 to advance the new Senior Center project through Design Development
- Authorize the borrowing of up to \$5,600,000 for Federal Street School Accelerated Repair Program for roof, window, and boiler replacement

**MOTIONS FOR RECONSIDERATION:** None.

Councilor’s Devlin, Hirschfeld, Kelner, Ronhave, Renaud Siano, Singer, Mass, Stempel, and Hoffman thanked the citizens and those they had worked with while serving on the Council. They urged citizens to be active in their community.

**ADJOURNMENT:** On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:00 P.M.

A true copy,

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

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15  
 Regular Meeting  
 January 21, 2015

Attendance Roll Call out of  
 Executive Session

1. Kelner, Marian	P	Y					
2. Siano, Alfred	P	Y					
3. Allis, Brickett	Arrived 8:40pm	---					
4. Ronhave, Steven	P	Y					
5. Ricketts, Penny	P	Y					
6. Hoffman, Hillary	P	Y					
7. Renaud, Karen	P	Y					
8. Stempel, Ashley	P	Y					
9. Hirschfeld, Norman	P	Y					
10. Singer, David	P	Y					
11. Mass, Isaac	P	Y					
12. Devlin, Patrick	P	Y					
13. Maloni, Mark	P	Y					