

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

February 15, 2017

GCTV-15, 393 Main Street

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:14 p.m. by President Allis.

President Allis 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.

President Allis announced that Councilor Verne Sund would be participating via Remote Participation due to geographic distance. Because of this participation all votes would be taken in the form of roll call.

**ROLL CALL OF MEMBERS:** Roll Call was taken. Councilors Childs was absent.

**ALSO PRESENT:** Mayor William Martin; Town Clerk Deborah J. Tuttle; Director of Municipal Finance and Administration Marjorie Lane Kelly; Town Accountant Elizabeth Braccia; Library Director Ellen Boyer; Assistant Library Director Lisa Prolman; School Business Manager Howard Baker; School Committee member and Budget Subcommittee Chairperson Adrienne Nunez; DPW Director Donald Ouellette; GCTV-15 staff; Aviva Luttrell, *the Recorder*; and members of the public.

The Pledge of Allegiance was held.

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

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF DECEMBER 21, 2016, JANUARY 3, 2017 AND JANUARY 18, 2017

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

- Benjamin Miner, 284 Chapman Street, spoke in opposition:
  - Of the proposed appointment of Timothy Mosher to the Human Rights Commission.
  - Installation of cameras on the Town Common.
  - Councilor Mass proposal to restrict public comment during meetings.
- Louise Amyot, 56 Madison Circle, spoke regarding:
  - Support for the Library applications.
  - Opposition of cameras on the Town Common.
  - Opposition of the appointment of Timothy Mosher to the Human Rights Commission.
  - Councilor Mass proposal to limit public speech.
- Brian Moreinis, 16 Myrtle Street, spoke in opposition of the proposed appointment of Timothy Mosher to the Human Rights Commission.
- Albert Norman, 21 Grinnell Street, spoke regarding:
  - Opposition of Timothy Mosher to the Human Rights Commission.
  - Support for the Library application.
  - Concern and confusion surrounding several aspects of the proposed zone change to the French King Corridor Overlays District.
  - Objection to the proposed limitation on public speech.
- Sarah Ahern, 15 Abbott Street, noted she had applied to be a member of the Human Rights Commission and was told by office personnel she was next on the list of applicants. She questioned how the appointment of Mr. Mosher was being considered prior to her application?
- Peter Brown, 24 James Street, had been trying to get information on what's going on in town government and its like "pulling teeth." He suggested the town make getting involved accessible.

President Allis noted the remote connection was lost with Councilor Sund at 7:30 pm. Reconnection was in process. Connection was made with Councilor Sund at 7:46 pm.

**PUBLIC HEARINGS:** None.

**COMMUNICATIONS:**

MAYOR: Mayor Martin spoke regarding:

- Timelines for proposing the Public Safety and Library construction projects. Including support for the projects as well as payments.
- Action for the proposed Human Rights Commission resolution relating to an ordinance for a Safe Community would come from the Mayors' Office.
- Requested support for the appointment of Timothy Mosher to the Human Rights Commission. In response to questions he spoke of making appointments to ensure balance on committees.

Jean Wall, Chairperson of the Library Building Committee spoke:

- Regarding the process to date for the committee and the extensive number of people who have worked on the project.
- A positive vote on the grant application would allow the Commonwealth to decide if Greenfield should have a new library. If the state says yes the committee would come back to the Town Council for a funding request.
- A positive vote for the schematic design would support the conceptual design and location.

Councilor Ricketts thanked the DPW for all the work over the past few weeks.

Mayor Martin responded to Councilor Mass's questions regarding the ticketing of parking permit holders on Saturday and stated a proposal had been made to allow parking Monday through Saturday.

Councilor Stempel spoke of user-friendly software on the Easthampton website which allowed users the ability to search and locate information with ease.

President Allis noted the remote connection was lost with Councilor Sund at 7:59 pm.

**MOTION:** On a motion by Councilor Mass, second by Councilor Renaud, it was unanimously, **VOTED:** TO TAKE A RECESS AT 7:59 PM TO ALLOW RECONNECTION WITH COUNCILOR SUND.

President Allis noted the meeting reconvened at 8:08 pm, remote connection was cancelled with Councilor Sund.

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** Ms. Nunez and Mr. Baker spoke of the following:

- The School Committee was deep into the Fiscal Year 2018 budget process.
- In response to Councilor questions it was noted the department policy for public and municipal use of school buildings was available on the website and currently under review.

**TOWN OFFICERS:** None.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 17-083**

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

**MOVED:** THAT IT BE ORDERED THAT IN ACCORDANCE WITH GREENFIELD HOME RULE CHARTER, SECTION 2-8(b) THE GREENFIELD TOWN COUNCIL REELECTS DEBORAH J TUTTLE AS TOWN CLERK FOR A TERM OF THREE YEARS.

**Order no. FY 17-082**

**MOTION:** On a motion by Councilor Maloni, 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 HUMAN RIGHTS COMMISSION: TIMOTHY MOSHER – REMAINDER OF A THREE YEAR TERM TO EXPIRE, JUNE 30, 2017 (TO FILL THE VACANCY LEFT BY THE REGISTRATION OF PENNY RICKETTS).

**DISCUSSION:** Councilors comments included the following:

- The Mayor has the right to appoint who he sees fit in any timeline he chooses.
- This appointment would increase the perspective of the Human Rights Commission (HRC) as Mr. Mosher was a veteran.
- Mr. Mosher was not the correct fit for the HRC.
- Other applicants have been attending HRC meetings for over a year prior to Mr. Mosher's application.
- The appointment was for four months. The HRC members should speak up if this was not a good fit for the committee.

It was by majority, 1 no,

**VOTED:** TO APPROVE ORDER NO. FY 17 -082.

**Order no. FY 17-093**

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

**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE GREENFIELD PUBLIC LIBRARY BUILDING COMMITTEE IS AUTHORIZED TO APPLY FOR ANY STATE FUNDS WHICH MIGHT BE AVAILABLE TO DEFRAY ALL OR PART OF THE COST OF THE DESIGN, CONSTRUCTION AND EQUIPPING OF THE LIBRARY PROJECT AND TO AUTHORIZE THE LIBRARY BUILDING COMMITTEE TO ACCEPT AND EXPEND ANY SUCH FUNDS WHEN RECEIVED WITHOUT FURTHER APPROPRIATION

**DISCUSSION:** Councilor Stempel stated the Ways and Means Committee forwarded a unanimous positive recommendation. Councilor's comments included the following:

- For reasons to numerous to mention this should be a yes vote.
- This motion was only for the right to apply, funding would come later.

It was unanimously, by roll call, 11 yes,

**VOTED:** TO APPROVE ORDER NO. FY 17 -093.

**Order no. FY 17-094**

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

**MOVED:** THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR, THAT THE TOWN COUNCIL ACCEPTS THE SCHEMATIC DESIGN FOR THE GREENFIELD PUBLIC LIBRARY CONTINGENT ON THE RECEIPT OF A STATE GRANT.

**DISCUSSION:** Councilor Stempel stated the Ways and Means Committee forwarded a majority, 3 yes and 2 no, positive recommendation. Councilor's comments included the following:

- A no vote would imply the design was not acceptable and would jeopardize the process.
- Both votes need to be favorable. If either is not favorably voted the process would be stopped.
- Primary concern was cost. A smaller structure that cost less would be appreciated.
- No need for extra community meeting space in town there was plenty now.
- Taxpayers are concerned with paying for new building projects.
- Will vote yes to move this forward to the funding process.
- This would be another economic driver for the downtown area via the creation of foot traffic.
- This was an open and extensive process.
- There was a need for a new Library however the size and cost were a concern.

It was my majority roll call vote, 9 yes and 1 no,

**VOTED:** TO APPROVE ORDER NO. FY 17 -094.

**Order no. FY 17-096**

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

**VOTED:** THAT IT BE ORDERED THAT THE TOWN COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGES IN ACCORDANCE WITH M.G.L.C 40A SECTION 5:

Zoning Amendment #1 - Amend Section 200-2.1. Terms and words of the Zoning Ordinance by amending the definition of "Farm, Poultry."

Zoning Amendment #2 - Amend Section 200-6.11. Driveways and entrances, Subsection D(3b) by revising the minimum width for Common Driveways from eighteen (18) feet to twenty (20) feet.

Zoning Amendment #3 - Amend Section 200-8.1. Enforcement of the Zoning Ordinance requiring a certificate of occupancy by adding a new subsection 5.

Zoning Amendment #4 - Amend Section 200-8.4(F) of the Zoning Ordinance to require as-built plans for all approved projects by adding a new subsection F(3).

Zoning Amendment #5 - Amend Section 200-8.4(G) of the Zoning Ordinance to read as follows:

"G. Appeals. Decisions on site plans reviewed by the Inspector of Buildings or the Planning Board may be appealed to the Zoning Board of Appeals in accordance with ~ 200-8.6 of this ordinance and with Sections 8 and 15 of the Zoning Act, MGL c. 40A. Decisions on site plans reviewed by the Planning Board or by a Special Permit Granting Authority as part of a special permit application may be appealed to superior court in accordance with Section 17 of the Zoning Act, MGL c. 40A.

Zoning Amendment #6 - Amend Section 200-7.17. Medical Marijuana Dispensaries/Treatment Centers of the Zoning Ordinance by amending the title of this section to read "Medical Marijuana Dispensaries" and revising the same throughout Section 200-7.17.

Zoning Amendment #7 - Amend Section 200-8.4, Subsection C2 of the Zoning Ordinance by changing Building Inspector to Inspector of Buildings and by adding the Board of Health.

**Order no. FY 17-080**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION SUBMITTED BY COUNCILOR WANDA PYFROM ON JANUARY 3, 2017 RELATING TO SECURITY CAMERAS ON THE GREENFIELD TOWN COMMON AND AS AMENDED BY THE COMMUNITY RELATIONS AND EDUCATION COMMITTEE ON JANUARY 23, 2017 AS SHOWN IN THE STRIKE DRAFT ATTACHED HERETO AS EXHIBIT A.

**EXHIBIT A**

**Community Relations and Education Committee amended 1-23-17**

**Whereas** the Greenfield Town Council in December of 2015 unanimously adopted an ordinance on public demonstrations which in its preamble “affirms the rights of citizens to assemble pursuant to the First Amendment of the United States Constitution and applicable parts of the Massachusetts Constitution, and it is also cognizant of its rights and responsibilities to impose reasonable order and to insure public safety”; and

**Whereas** the Greenfield Town Council in June of 2016 unanimously adopted a Resolution of Respect which stated in part “[t]he City of Greenfield pledges from this day forward to do our best to combat prejudice and to stop those who, because of hate or ignorance, would hurt any business or person and violate their civil rights”; and

~~Whereas the Supreme Court of the United States has stated that “the Constitution [does not] require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.” Lynch v. Donnelly, 465 U.S. 668, 673 (1984); and~~

~~Whereas there has been recent vandalism of the Crèche placed independently on the Greenfield Town Common by the Keeping Christ in Christmas Committee; and~~

~~Whereas the property of the Keeping Christ in Christmas Committee has been vandalized or the subject of larceny many times in the many years it has been displayed; and~~

~~Whereas the destruction of religious symbols on display is or is perceived by many to be motivated by religious bigotry; and~~

~~Whereas the Crèche as well as other religious and secular displays on the Greenfield Town Common have the effect of drawing the public into our downtown, spurring both robust community dialogue, civic participation and commercial engagement; and~~

**Whereas** we as a community have an obligation to protect the safety and security of those people in the public square; now therefore

**Be it Resolved that:**

The Greenfield Town Council calls upon the honorable Mayor William Martin to as soon as is reasonably ~~appropriate~~ **practicable** to send to the Greenfield Town Council for adoption an appropriation for the full cost of the purchase and maintenance of one or more cameras to provide security for people and property on the Greenfield Town Common, and to authorize the Mayor to apply for and expend any state, federal or private grants or gifts for such purpose, and further that he adopt a policy for the retention of such video footage to be in conformity with the policies governing security footage of other town owned property.

**DISCUSSION:** Councilor Burge noted the Community Relations and Education Committee forwarded a unanimous positive recommendation. Councilor comments included:

- The reports in the police logs don’t substantiate the need for a camera on the Town Common.
- This was a valuable conversation to have held.
- A camera may be intimidating to those who participate in protest.
- There was a large protest recently and no one complained about the cameras at Town Hall.
- This was a resolution; funding request would need to come from the Mayor’s office.
- Three years in a row there was the same vandalism on the Common; the town should stand up to this behavior.
- There are other areas in town with more consistent vandalism that would be a better candidate for cameras.
- The Chief of Police was in support of cameras on the Common.
- If you’re doing anything wrong than you shouldn’t have to be concerned with cameras.

- Some members of our community will not participate in activities if cameras are present for fear of retribution.

It was by majority roll call, 7 yes and 4 no,

**VOTED:** TO APPROVE ORDER NO. FY 17 -080.

**Order no. FY 17-097**

**MOTION:** On a motion by Councilor Leonovich, second by Councilor Ricketts, it was,

**MOVED:** THAT IT BE ORDERED 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 Greenfield Town Council unanimously approved a resolution relative to municipal liquor licenses in fiscal year 2016 in support of the Honorable Governor Charles Baker’s proposed legislation; and

WHEREAS the Massachusetts Legislature did not adopt such legislation; and

WHEREAS, the honorable Massachusetts Municipal Association has proposed legislation, House docket 561, Rep. Denise Provost and Senate docket 354 Sen. Jaime Eldridge, which would give municipalities control over the number of liquor licenses in each community; and

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 downtown area as a way to attract business and young professionals; and

WHEREAS, the safe and well-regulated sale of alcohol is a key driver for business expansion geared towards 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, 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 of Greenfield Massachusetts

1. Calls upon the General Court to adopt the Massachusetts Municipal Association'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:** Councilor Leonovich stated the Economic Development Committee forwarded a unanimous positive recommendation. It was noted this resolution was part of the MMA proposal for liquor legislation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 17 -097.

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

**REPORTS OF COMMITTEES** None.

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** Councilor Mass announced he would make a motion at the March Town Council meeting to withdraw the propose zoning amendment for the French King Corridor Overlay District. The Town Council participated in lengthy discussion relating to the proposed amendment and the process to date. A legal opinion was obtained stating a portion of the process was not legal. It was likely that a motion to withdraw the proposal would be on the March 15, 2017 Town Council agenda for consideration.

**NEW BUSINESS:** Councilor Stempel held the following first reading:

- Fiscal Year 2018 Capital Plan totaling \$2,080,000:
  - General Fund Borrowing \$450,000
  - Capital Stabilization \$225,000
  - Building Maintenance \$185,000
  - General Stabilization \$250,000
  - Sewer Fund Borrowing \$425,000
  - Water Fund Borrowing \$200,000
  - Water Fund Retained Earnings \$125,000
- The sum of \$50,000 be appropriated from General Stabilization for the Snow and Ice Account

**MOTION:** On a motion by Councilor Renaud, second by Councilor Ricketts, it was **MOVED:** TO DEDICATE A PAGE IN THE MINUTES TO TERESA CONTI.

**DISCUSSION:** Councilor Renaud and President Allis stated they would fondly and humorously remember long conversations with Ms. Conti. Councilor Renaud remembers her calls were always spirited. President Allis stated when he first received calls from her she disagreed with his opinion and she eventually came around to his way of thinking.

It was unanimously,

**VOTED:** TO DEDICATE A PAGE IN THE MINUTES TO TERESA CONTI.

**MOTIONS FOR RECONSIDERATION:** None.

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

**VOTED:** TO ADJOURN THE MEETING AT 9:08 P.M.

A true copy,

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

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15  
Regular Meeting  
February 15, 2017

		093	094	080		
1. Sund, Verne	Remote Participation	---	---	---		
2. Lobik, John	Y	Y	Y	Y		
3. Allis, Brickett	Y	Y	---	Y		
4. Muzyka-Pyfrom, Wanda	Y	Y	Y	Y		
5. Wainstein, Robert	Y	Y	Y	Y		
6. Burge, Maria	Y	Y	Y	Y		
7. Childs, William	A	---	---	---		
8. Stempel, Ashley	Y	Y	Y	N		
9. Leonovich, Daniel	Y	Y	Y	Y		
10. Mass, Isaac	Y	Y	N	Y		
11. Renaud, Karen	Y	Y	Y	N		
12. Ricketts, Penny	Y	Y	Y	N		
13. Maloni, Mark	Y	Y	Y	N		

11 yes      9 yes 1 no      7 yes 4 no



# IN MEMORY OF

*TERESA ANN "TREE" CONTI*

*DECEMBER 5, 1952 - JANUARY 25, 2017*

