

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

August 16, 2017

Greenfield High School, 21 Barr Avenue

7:00 pm

President Allis explained to the large crowd of people the process the Town Council would undertake during the public comment section of the meeting. He announced that people whose behavior was not in conformance with his directions would be given one warning and then would be asked to leave.

**CALL TO ORDER:** Meeting was called to order at 7:05 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. Others recording were: Andrew Castio, the Recorder, 6 Elm Street; Jeff Cramer, 1300 Liberty Street Springfield; Jessica Osit, 121 Riddell Street; and Alyssa Ranker, 177 Chapman Street.

**ROLL CALL OF MEMBERS:** Roll Call was taken. Councilors Lobik and Stempel were absent.

**ALSO PRESENT:** Mayor William Martin; Assistant Town Clerk Gail Zukowski; Finance Director/Town Auditor/Town Accountant Elizabeth Braccia; Director of Administration Mark Smith; Greenfield High School Principal Karen Patenaude; School Committee Member Adrian Nunez; 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 Mass, it was unanimously,

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF JULY 13, 2017

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

**VOTED:** TO SUSPEND THE TOWN COUNCIL RULES OF PROCEDURE TO ALLOW COMMUNICATIONS OF THE MAYOR, SCHOOL SUPERINTENDENT, SCHOOL COMMITTEE AND TOWN OFFICERS TO OCCUR PRIOR TO PUBLIC COMMENT.

**COMMUNICATIONS:**

**MAYOR:** Mayor Martin read his Executive Order as attached which was issued on July 21, 2017. He also noted that per State Legislation, there would be 20% tax on the most recent Marijuana legislation. Mayor Martin stated the Town was in discussion with three Medical Marijuana dispensaries for Greenfield. A three percent community tax was allowed by law. In response to a question from the Town Council, he stated bids for the repairs at Poet Seat Tower had gone out and the repairs were expected to occur within 90 days, weather permitting.

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** On behalf of the Superintendent Principal Patenaude welcomed the Town Council back to the High School for their regular meetings. She spoke of the following:

- New windows at Federal Street school
- The first day of school would be August 30, 2017.
- There was a new traffic pattern at the Greenfield High School.
- There were “meet and greets” scheduled at several schools and families and public were welcome to attend.
- Schools were looking for donations of new or gently used white tee-shirts.
- Greenfield High School has been chosen as one of the top 100 High School in the country. A banner would be raised in the front office.
- Process for those who would be interested in becoming a Substitute Teacher in Greenfield.

Ms. Nunez spoke of the following School Committee work:

- Current policy review.
- Negotiations were underway with the Cafeteria and Custodial unions.
- Discussion would be held to fill the Assistant Superintendent for Curriculum at the next School Committee meeting.
- The Business Manager position was still open and applications were being accepted.
- Ongoing work merging the Town and School Human Resource department.
- The School Committee would be holding a special “working session” on August 21, 2017.

TOWN OFFICERS: None.

**PUBLIC HEARINGS:** None.

**PUBLIC COMMENT:** President Allis reminded those attending of the behavior that was expected. He noted the Fire Department was monitoring capacity and the exit doors needed to be unobstructed.

The following Greenfield residents spoke in support of the Safe City Ordinance:

- Lisa Turowsky, 729 Colrain Road
- Melinda McCreven, 15 Stanley Street
- Aisha Russell, 51 Garfield Street
- Neal Serven, 30 Abbott Street read a letter on behalf of Diane Clancy, Susan Elkin and Marjorie Dowd, 32 Abbott Street
- Louise Amyot, 56 Madison Circle
- Barnard Baker, 22 Cleveland Street
- Laura Baker, 22 Cleveland Street
- Maryellen Calderwood, 82 Sanderson Street
- Sandra Boston, 15 Abbott Street
- Wendy Goodman, 529 Green River Road
- Elizabeth Shapiro, 17 Hastings Street, Apt 2
- Benjamin Miner, 284 Chapman Street
- Heather Bias, 73 Federal Street
- Douglas Mayo, 143 Wells Street
- Marc Odat, 29 Prospect Street
- Roxann Wedegartner, 85 Hastings Street
- Rachel Gordon, 10 Eastern Avenue
- Patty Morey Walker, 194 High Street
- Adrienne Nunez, 71 Conway Street read a statement on behalf of Katherine Golub, 71 Conway Street
- Trystan Greist, 73 Solar Way
- Hillary Hoffman, 30 Abbott Street
- Arjuana Greist, 73 Solar Way
- Benjamin Woodard, 14 Green Street
- Sheila Gilmour, 134 High Street
- Archie Nahman, 46 Madison Circle
- Andrew Huckins, 172 Highland Avenue
- Alyssa Arthern-Cheye, 45 West Street
- Brian Dolan, 129 Hope Street
- Julia Elingboe, 73 Devens Street
- Ryan Cabanas, 20 Phyllis Street
- Michelle Dalisic, 25 Garfield Street

- Emily Hilderbrand, 167 Conway Street
- Tara Amena, 172 Highland Avenue
- David Singer, 41 Grinnell Street
- Suzanne Carlson, 24 D Elm Street read a letter from Harris Freedmen, Professor, Western New England University
- Karen Fogliatti, 30 Spring Street read a letter from Jeff Napolitano, Director of American Friend Service Committee
- Dorothy McIver, 88 Columbus Avenue
- Rachel Mason, 72 Beech Street
- Gloria Matlock, 132 Federal Street
- Ursa Sherer, 63 Madison Circle,
- Warren Lett, 33 High Street
- Jamie Pottern, 83 Crescent Street
- Garrett Connelly, 84 Congress Street
- Maria Agudelo, 192 Wells Street

The following Greenfield residents spoke in opposition of the Safe City Ordinance:

- Andrew Killeen, 104 Wells Street
- Sandra Kosterman, 141 Barton Road
- Daniel Guin, 717 Lampblack Road
- David Moscaritolo, 43 Country Club Road
- Tracy Brooks, 263 Silver Street
- Raymond Dew, 14 Little Avenue
- Bruce Bender, 1 Hayes Avenue
- Nicholas Moscaritolo, 43 Country Club Road
- Scott Conti, 88 Lovers Lane
- Timothy Mosher, 29 Cypress Street
- Russell A. Johnson, 113 School Street
- Anne Broski, 109 Green River Road
- George Broski, 109 Green River Road
- Allison Garriss, 17 Revere Circle
- Katherine Batsis, 15 Meridian Street
- Robert Barber, 24 A Elm Terrace
- Carol Fletcher, 469 Country Club Road

Other comments from citizens included:

- Wendy Goodman, 529 Green River Road, spoke of the problematic activities at the Pumping Station and suggested solutions should be found rather than closing the area.
- John Parks, 9 Wells Street, expressed his anger and frustration with the lack of a Panhandling Ordinance in Greenfield along with harassment and bullying by people on Main Street.
- Edward Berlin, 20 Orchard Street, Vice-Chairperson of the Library Trustees and member of the Library Building Committee objected to the proposed ballot question asking citizens about a preferred amount to increase taxes due to a Public Safety Complex and Library. This was very premature to the proposal.
- Timothy Mosher, 29 Cypress Street, spoke in favor of the proposed ballot question for body cameras.

- David Singer, 41 Grinnell Street, spoke in opposition to the proposed nonbinding questions to be considered tonight. He noted this was not the proper method for consideration of ballot question.

The following Non-Greenfield residents spoke in support of the Safe City Ordinance:

- Brenda Ross, 100 Cave Hill Road, Leveret
- Alexis Cespades, 270 Bridge Street, Northampton, Mass
- Tow bee Keyes, 100 Cave Hill Road, Leveret

President Allis thanked everyone for speaking and extended the gratitude of the Town Council for the participation. He stated the Town Council would take a short recess at 9:54 pm.

President Allis noted the meeting reconvened at 10:02 pm.

No second readings were held.

President Allis accepted a request by Councilor Mass to consider Agenda item VI. New Ordinance – 0347 Safe City Ordinance before the other orders.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 18 -017**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 347 SAFE CITY ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF CONTENTS OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

**Chapter 347**

**SAFE CITY ORDINANCE**

[History: Adopted by the Town Council of the Town of Greenfield on August 16, 2017. Subsequent amendments noted where applicable.]

§ 347-1.	<b>Preamble</b>	§ 347- 4.	<b>Effective Date</b>
§ 347-2.	<b>Definitions</b>	§ 347- 5.	<b>Severability</b>
§ 347- 3.	<b>Safe City Provisions</b>	§ 347- 6.	<b>Compliance with Federal Law</b>

**§ 347-1: Preamble:**

The City of Greenfield is an open and welcoming community that serves and protects its citizens regardless of their immigration status. In the spirit of Pope Francis’ recent statements on immigration, our city aims "not to create walls but to build bridges."<sup>1</sup> Furthermore, as stated in a letter from the Law Enforcement Immigration Task Force, a number of law enforcement leaders across the country, stated that, “immigration enforcement is, first and foremost, a federal responsibility,” and that “local control has been a beneficial approach for law enforcement for decades – having the federal government compel state and local law enforcement to carry out new and sometimes problematic tasks undermines the delicate federal balance and will harm locally-based, community-oriented policing.<sup>2</sup> In keeping with our commitment to honor and

<sup>1</sup> <http://thehill.com/homenews/news/318653-pope-francis-appears-to-knock-trump-with-appeal-not-to-create-walls-but-to>

<sup>2</sup> <https://drive.google.com/file/d/0B-L6JGDMbnf8eEpFckVTa2NkSGg0TFdIRk43SXZsTU9JdEpB/view?usp=sharing>

uphold these values the City will make certain that every citizen feels safe; that families stay together; and that we protect every person’s rights to life, liberty and the pursuit of happiness.

**§ 347-2: Definition:**

- A. "Law enforcement official" means Greenfield department, or officer or employee of a city department, authorized to enforce criminal statutes, regulations, or local bylaws; operate jails or maintain custody of individuals in jails; or operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.
- B. "Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that person is eligible for release from local custody, or to notify the requesting federal immigration office prior to the release of that individual.
- C. "ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

**§ 347- 3: Safe City Provisions:**

- A. A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest, or any other contact.
- B. A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
- C. No employee or agent of the City shall cooperate with or enforce any federal program requiring the registration of individuals on the basis of religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual orientation or age. This prohibition shall not apply to any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal.
- D. To the extent permissible by law, a City of Greenfield department, or officer or employee of a city department, shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

**§ 347- 4: Effective Date**

This ordinance will become effective upon passage.

**§ 347- 5: Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

**§ 347- 6: Compliance with Federal Law**

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any City employee or agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

DISCUSSION: Councilor Mass proposed the following two friendly amendments which were accepted by Councilor Renaud as the author of the Ordinance:

- Amendment 1) “Move to amend by striking § 347- 3 (C) in its entirety”
- Amendment 2) “Move to amend by striking the second sentence of the Preamble in its entirety”

Councilor Renaud proposed the following friendly amendments which were not opposed by any Town Councilors and accepted on behalf of the Town Council President:

- Change the first paragraph under Safe City Provisions to include the bolded words. “A law enforcement official shall not initiate an investigation **of any person** or take law enforcement action **against any person** on the basis of **their** actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest, or any other contact.”

Councilor Renaud explained how the bold language above makes it clear that an investigation of a Hate Crime is different from what the ordinance prohibits - you can still investigate and prosecute a hate crime because the addition to the provision makes clear that you can't initiate an investigation or a criminal complaint/arrest based on immigration status.

President Allis noted the ordinance would not be discussed as amended. Councilor Renaud stated:

- No part of this ordinance was intended to take away anyone’s second amendment rights.
- It’s time to put all the rhetoric and politics aside.
- The students from Four Rivers Charter School were the inspiration to draft and submit this ordinance.
- There are human stories behind this proposal.
- Don’t want the Greenfield Police Department to serve as U.S. Immigration and Customs Enforcement (I.C.E.) Enforcement agents.

Comments by Councilors included:

- Stories of immigrant family members and their process to become citizens.
- Oaths were taken to uphold the constitution.
- We cannot choose what portions of the constitution we want to uphold.
- Spoke to people since supporting the proposal at CRE and have since had a change of opinion.
- Now support the proposal because of the removal of § 347- 3 (C).
- Would not vote to support a Sanctuary City Ordinance, but will vote to support a Safe City Ordinance.
- This ordinance doesn’t change what Greenfield already does.
- Create a resolution to correct immigration reform.
- Don’t understand why we would want local law enforcement to work for ICE.
- Would be proud to say Greenfield was a “Safe City.”

Councilors Renaud, Wainstein, Ricketts, and Maloni stated they would vote in favor of the proposed ordinance. Councilors Pyfrom, Burge, Sund, Leonovich, and Mass stated they would vote in opposition of the ordinance.

It was by roll call, 4 yes and 6 no,

**DEFEATED:** THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 347 SAFE CITY ORDINANCE AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF CONTENTS OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD, AS AMENDED.

**Chapter 347**

SAFE CITY ORDINANCE

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§ 347-1. Preamble

§ 347- 4. Effective Date

§ 347-2.	<b>Definitions</b>	§ 347- 5.	<b>Severability</b>
§ 347- 3.	<b>Safe City Provisions</b>	§ 347- 6.	<b>Compliance with Federal Law</b>

### § 347-1: Preamble:

The City of Greenfield is an open and welcoming community that serves and protects its citizens regardless of their immigration status. ~~In the spirit of Pope Francis' recent statements on immigration, our city aims "not to create walls but to build bridges."~~<sup>3</sup> Furthermore, as stated in a letter from the Law Enforcement Immigration Task Force, a number of law enforcement leaders across the country, stated that, "immigration enforcement is, first and foremost, a federal responsibility," and that "local control has been a beneficial approach for law enforcement for decades – having the federal government compel state and local law enforcement to carry out new and sometimes problematic tasks undermines the delicate federal balance and will harm locally-based, community-oriented policing."<sup>4</sup> In keeping with our commitment to honor and uphold these values the City will make certain that every citizen feels safe; that families stay together; and that we protect every person's rights to life, liberty and the pursuit of happiness.

### § 347-2: Definition:

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### § 347- 3: Safe City Provisions:

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- B. A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
- C. ~~No employee or agent of the City shall cooperate with or enforce any federal program requiring the registration of individuals on the basis of religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual orientation or age. This prohibition shall not apply to any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal.~~
- D. C. To the extent permissible by law, a City of Greenfield department, or officer or employee of a city department, shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

### § 347- 4: Effective Date

This ordinance will become effective upon passage.

### § 347- 5: Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional

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<sup>4</sup> <https://drive.google.com/file/d/0B-L6JGDMbnf8eEpFckVTa2NkSGg0TFdIRk43SXZsTU9JdEpB/view?usp=sharing>

or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

**§ 347- 6: Compliance with Federal Law**

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any City employee or agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

President Allis stated all motions to appoint would be considered as one motion. The Appointment and Ordinance Committee forwarded unanimous positive recommendation for all appointments.

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

- PUBLIC LIBRARY BOARD OF TRUSTEES: DEB KLEIN – TERM TO EXPIRE JUNE 30, 2020 TO FILL AN EXISTING VACANCY.
- COMMISSION ON DISABILITY ACCESS: VIRGINIA DESORGHIER – TERM TO EXPIRE JUNE 30, 2020 TO FILL AN EXISTING VACANCY.
- ZONING BOARD OF APPEALS: PETER WOZNAK – TERM TO EXPIRE JUNE 30, 2020 TO FILL AN EXISTING VACANCY.
- COUNCIL ON AGING: HAZEL DAWKINS – TERM TO EXPIRE JUNE 30, 2020 TO FILL AN EXISTING VACANCY.
- DOMESTIC VIOLENCE TASK FORCE: ILANA GERJOUY – TERM TO EXPIRE JUNE 30, 2019 TO REPLACE DAWN JENNER AND KAREN FRIEDMAN – TERM TO EXPIRE AT THE DISCRETION OF THE MAYOR

**Order no. FY 18-018**

**MOTION:** On a motion by Councilor Mass, second by Councilor Leonovich, it was, **MOVED:** THAT IT BE ORDERED THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO PLACE THE FOLLOWING NON-BINDING QUESTION ON THE NOVEMBER 7, 2017 TOWN ELECTION BALLOT:

“HOW MUCH PER YEAR SHOULD THE AVERAGE PROPERTY TAX BILL BE INCREASED FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY COMPLEX AND LIBRARY?

- A) \$0
- B) \$60/YEAR OR LESS
- C) \$120/YEAR OR LESS
- D) \$180/YEAR OR LESS
- E) \$240/YEAR OR LESS
- F) IN EXCESS OF \$240 PER YEAR”

**DISCUSSION:** Councilor Mass explained his reasons for proposing this ballot question. He stated there have been lengthy discussion and several capital project request both within the Capital Budget process and not. This vote would be influential to him in the decision making process. Councilor’s comments included:

- The format of the question is confusing.
- Would rather the ballot question be if citizens want a new library or public safety complex?
- Data is always helpful; however, this question is devoid of context.
- Premature question.

It was unanimously,

**DEFEATED:** TO APPROVE ORDER NO. FY 18-018.

**Order no. FY 18-019**

**MOTION:** On a motion by Councilor Mass, second by Councilor Sund, it was,  
**MOVED:** THAT IT BE ORDERED THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO PLACE THE FOLLOWING NON-BINDING QUESTION ON THE NOVEMBER 7, 2017 TOWN ELECTION BALLOT:

“SHOULD THE GREENFIELD POLICE USE BODY CAMERAS IN THE PERFORMANCE OF THEIR DUTIES?”

**DISCUSSION:** Councilor Mass explained his reasons for proposing this ballot question. He spoke of previously held conversation by the Town Council and Human Rights Commission relating to the use of body cameras. Councilor’s comments included:

- There are logistical issues to using body cameras.
- Perhaps vehicle dash cams could be an alternative.
- More time is needed before putting this question to the voters.

It was by show of hands, 3 yes and 7 no,

**DEFEATED:** TO APPROVE ORDER NO. FY 18-019.

**Order no. FY 18-020**

**MOTION:** On a motion by Councilor Mass, second by Councilor Renaud, it was,  
**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO PLACE THE FOLLOWING NON-BINDING QUESTION ON THE NOVEMBER 7, 2017 TOWN ELECTION BALLOT:

“SHOULD GREENFIELD ADOPT ANY AUTHORIZED LOCAL OPTION TAX ON THE SALE OF RECREATIONAL MARIJUANA?”

**DISCUSSION:** Councilor Mass explained his reasons for proposing this ballot question. He discussed the legislation proposed by the State which includes a 17% State tax and 3% local tax which would need to be accepted locally. Councilor’s comments include:

- This is a decision the Town Council can make on its own.
- The public is upset with the length of time this is taking to proceed through the Legislature.
- This is a question proposed for convenience.
- This would provide clarity from the voters.
- They voters should decide on this tax.

It was by show of hands, 6 yes and 4 no,

**VOTED:** TO APPROVE ORDER NO. FY 18-020.

Councilor Mass withdrew the following questions as listed on the agenda for consideration:

**Order no. FY 18-021**

THAT IT BE ORDERED THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO PLACE THE FOLLOWING NON-BINDING QUESTION ON THE NOVEMBER 7, 2017 TOWN ELECTION BALLOT:

“PARKING ENFORCEMENT IN GREENFIELD SHOULD:

- A) BE REDUCED
- B) REMAIN THE SAME
- C) BE INCREASED”

**Order no. FY 18-022**

THAT IT BE ORDERED THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO PLACE THE FOLLOWING NON-BINDING QUESTION ON THE NOVEMBER 7, 2017 TOWN ELECTION BALLOT:  
 “SHOULD THE GREENFIELD PUBLIC SCHOOLS ENFORCE THEIR OWN POLICY ON NOT PROVIDING BUSSING TO STUDENTS WHO LIVE WITHIN 1.5 MILES OF THE SCHOOL?”

**Order no. FY 18-023**

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

**MOVED:** THAT IT BE ORDERED THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO PLACE THE FOLLOWING NON-BINDING QUESTION ON THE NOVEMBER 7, 2017 TOWN ELECTION BALLOT:

“SHOULD GREENFIELD ALLOW THE SALE OF FLAVORED TOBACCO PRODUCTS TO ADULTS 21 AND OVER?”

**DISCUSSION:** Councilor Mass explained his reasons for proposing this ballot question. He referenced discussion and deliberation by the Town Council and the Board of Health within the past few years. By Board of Health regulation flavored tobacco can no longer be sold in Greenfield; this went into effect when the sale of all tobacco was restricted to being sold to persons 21 and over. Questions have been posed since that time why this product cannot be sold to persons 21 and over. This question would give the Board of Health clear information from the public. Councilor’s comments include:

- Discussion at the time of the new regulation was meant to prohibit the sale to persons under 21 not adults.

It was by majority, 2 no,

**VOTED:** TO APPROVE ORDER NO. FY 18-023.

**Order no. FY 18 -011**

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

**MOVED:** THAT IT BE ORDERED, THAT THE TOWN COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, OF THE CODE OF THE TOWN OF GREENFIELD SECTION 200-6.7 SIGN REGULATIONS, BY STRIKING FORM § 200-6.7 SIGN REGULATIONS, SECTION E, SUBSECTION (5): “NO POLITICAL ADVERTISEMENT OR POLITICAL SIGN SHALL BE PLACED ON ANY PUBLIC PROPERTY INCLUDING BUT NOT LIMITED TO BUILDINGS, LAND, FENCES, UTILITY POLES, OR TREES. POLITICAL SIGNS SHALL NOT EXCEED SIX (6) SQUARE FEET IN AREA.”

AND REPLACING WITH: “NO PRIVATE ADVERTISEMENT OR SIGN SHALL BE PLACED ON ANY PUBLIC PROPERTY INCLUDING BUT NOT LIMITED TO BUILDINGS, LAND, FENCES, UTILITY POLES, OR TREES EXCEPT BY PERMIT OF THE GREENFIELD BOARD OF LICENSE COMMISSIONERS.”

FURTHER BY STRIKING IN ITS ENTIRETY: SUBSECTION “(8) PORTABLE SIGNS SHALL BE PROHIBITED. PORTABLE SIGNS ARE SIGNS NOT PERMANENTLY ATTACHED TO THE GROUND OR A BUILDING OR NOT DESIGNED TO BE PERMANENTLY ATTACHED TO THE GROUND OR A BUILDING INCLUDING SIGNS ATTACHED TO VEHICLES, TRAILERS, OR OTHER MOVABLE OBJECTS REGULARLY LOCATED FOR DISPLAY.” AND BY RENUMBERING THE REMAINDER OF THE SECTION.

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

**DISCUSSION:** Councilor Leonovich stated the EDC forwarded a unanimous positive recommendation including the Planning Boards recommendation to amend the language as follows: “NO PRIVATE **SIGN OR ADVERTISEMENT** ~~OR SIGN~~ SHALL BE PLACED ON ANY PUBLIC PROPERTY INCLUDING BUT NOT LIMITED TO BUILDINGS, LAND, FENCES, UTILITY POLES, OR TREES EXCEPT BY PERMIT OF THE GREENFIELD BOARD OF LICENSE COMMISSIONERS.” As the author Councilor Mass accepted this friendly amendment.

It was unanimously,

**VOTED:** THAT IT BE ORDERED, THAT THE TOWN COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, OF THE CODE OF THE TOWN OF GREENFIELD SECTION 200-6.7 SIGN REGULATIONS, BY STRIKING FORM § 200-6.7 SIGN REGULATIONS, SECTION E, SUBSECTION (5): “NO POLITICAL ADVERTISEMENT OR POLITICAL SIGN SHALL BE PLACED ON ANY PUBLIC PROPERTY INCLUDING BUT NOT LIMITED TO BUILDINGS, LAND, FENCES, UTILITY POLES, OR TREES. POLITICAL SIGNS SHALL NOT EXCEED SIX (6) SQUARE FEET IN AREA.”

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**Order no. FY 18 -025**

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

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

AMEND THE ZONING ORDINANCE, CHAPTER 200-7.16 NON-COMMERCIAL SCALE SOLAR ENERGY INSTALLATIONS C. ACCESSORY INSTALLATIONS, GROUND-MOUNTED, BY STRIKING THE WORDS “DISTRICTS AND PERMITTED BY SPECIAL PERMIT FROM THE ZONING BOARD OF APPEALS WITHIN THE” THIS WOULD ALLOW SMALL SCALE GROUND MOUNTED SOLAR ENERGY SYSTEMS IN THE RURAL RESIDENTIAL (RC), SUBURBAN RESIDENTIAL (RB), URBAN RESIDENTIAL (RA), AND SEMI-RESIDENTIAL (SR) DISTRICTS.



**REPORTS OF COMMITTEES** None.

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** None.

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

- The Sum of \$15,000 to be appropriated from the Capital Stabilization Fund for the purchase of a new Animal Control Officer vehicle.

President Allis approved without objection by Councilors Mass and Ricketts to dedicate two pages in the minutes to Mary Poirier and Skip Hammond.

President Allis noted the next agenda item was “Convene to Executive Session” to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, with respect to litigation with h. Mayor Martin stated that for the Town Council to have an Executive Session there had to be a formal notification of legal action and in his opinion that did not exist.

Conversation included the following:

- In response to a question from Councilor Mass, Mayor Martin stated the GCET Manager did not send him an email threatening the Town because the Town Accountant had committed the crime of theft from the GCET accounts. Councilor Mass then asked if the GCET Manager had ever sent him an email with the word theft in it. The Mayor responded that yes he had. He made reference to an internal email containing discussion going on for the past 10 ½ months regarding the operations and procedures of GCET. He stated he found it concerning for internal affairs of the town to be leaked to outside individuals who could pick up different ideas on how the operations of GCET and the Town are run. There is a policy in place regarding confidential emails where there is internal investigation being held and this is a clear violation of that policy. He further stated there were many misinterpretations of procedures on both sides. GCET falls under Chapter 164 of Massachusetts General Laws where rules and regulations of the entity lie.
- Mayor Martin stated it was clear the Town Council did not understand both sides of the discussion. GCET operates under Chapter 164 of the Massachusetts General Laws which authorizes the Town Accountant permission to give special information to the Town Treasurer and the process by which that takes place. There has been much debate and discussions with Attorneys’ from GCET, the Town Attorney, as well as Attorneys from DOR and other interested parties who have been involved in MLP’s throughout Massachusetts. The facts are that within MLP’s the withdrawal of funds from those accounts are not similar to Town enterprise funds so when it is withdrawn upon, you need the permission of GCET’s General Manager. When the General Manager does not approve, it then becomes theft out of one account which is an opinion of one side of the argument. The other side of the argument is that when you accuse somebody of an accusation you need to back up those allegations
- A meeting was held this afternoon with the Mayor and Town Attorney Gordon Quinn to the fact that there was intent to sue the Town of Greenfield which constitutes a legal reason to have an Executive Session to discuss the potential litigation. However; Attorney Quinn said that if there was not an intent, or if there was a verbal or written withdrawal of that intent to bring to suit, there would be no threat which would then warrant no Executive Session to be held
- In response to a question by Councilor Mass, Mayor Martin stated there was a withdrawal received from GCET of a threat to sue the Town of Greenfield. The Mayor would not discuss if he believed criminal conduct had occurred by anyone in the Accounting Department and stated it was being interpreted. Mayor Martin stated procedures for placing employees on administrative leave or investigating criminal conduct would be questions for Human Resources or the Town Attorney. He

further stated he wouldn't place employees on administrative leave if he was not sure there was criminal conduct.

- There have been safeguards in place for several months but cannot be discussed without an Attorney or HR present.
- Mayor Martin stated he was struggling because the Town has an opportunity as the first telecommunication MLP to be part of the Massachusetts MLP. The Town's obligations and parts therein has been a three year discussion and the next level is where we can purchase electricity from a generated source if not the ISO. The next level which would serve everyone in Greenfield who pays an electric bill anywhere from an additional 25% to 30%. However; we cannot proceed to the next level because we don't have a procedure set up between GCET and the Town of Greenfield. In addition MWACK has to go to the Legislature to change their charter to allow telecommunications Chapter 164 entities to go into that. Greenfield is the first, but there are also forty others behind us. This is a benefit for people in Greenfield, their electric bills, and cheaper electricity on a wholesale market for Greenfield.
- President Allis read an employee email which was received from GCET'S General Manager which partially stated "GCET is taking legal action against the town". Mayor Martin replied the General Manager was informed by his Attorney that if he did not pursue proper and legal procedure as perceived by Chapter 164 process, than HE would be in violation.
- In response to President Allis's question, Mayor Martin stated the GCET General Manager had not purchased anything for GCET with town funds that ultimately were unable to be purchased with town funds and he has not been billed for those things to date.
- In response to a question by Councilor Mass, Mayor Martin stated GCET had been following State procurement policies.
- President Allis suggested DOR be contacted and advise GCET and the Town which procedures to follow. Mayor Martin responded by stating this had been done by the Town Accountant and Town Attorney and nothing had been clarified in writing. Mayor Martin stated the DOR did free audits for cities and town within the State.
- Mayor Martin asked the Council if these issues could be worked out within the parameters of the 21square miles of Greenfield, within the two departments of the town, or should extreme decisions be made.
- The Town Council doesn't get involved in other multidepartment conflicts. There is friction at times in government and we try to work it out internally. Councilors are always welcome to attend staff meetings.
- The reason the Mayor has not taken action definitively was because he is waiting for multiple legal opinions.
- Taking issue with the discussion sounding like the TA has done something wrong and that is not ok.
- President Allis opinion of GCET has been hovering over the operation for several months.

Councilor comments included:

- Legal expenses are being paid by both the Town of Greenfield and GCET.
- The email being discussed had not been sent to the full Town Council membership. The email was sent from GCET General Manager Dan Kelly to several town employees. The email was sent to President Allis in hopes of notifying the Council of threats and allegations against those two employees. This individual was upset with the way they were being treated and were afraid of retribution and retaliation.
- Many Councilors expressed disappointment and concern that the information being discussed had not been provided to all Councilors before the meeting. President Allis stated he only shared the information with Vice President Mass.
- Councilor Ricketts shared the conversation being had was stirring up rumor and could hurt GCET.

- The discussion should be tabled until everyone has the same information.
- If this is a personnel issue it should be discussed in Executive Session.
- President Allis stated the Council was in no way suggesting the Town Account had done anything wrong. He strongly believed another party was doing things very wrong.
- President Allis stated his opinion of GCET operations changed dramatically after the General Manager tried to “shake down” the Town Council for a raise for which he threatened to leave his position if he did not receive. The General Manager did not receive a raise and now he has threatened in an email to sue the Town of Greenfield.

President Allis expected an update at the next Town Council meeting as long as there was no active litigation at that time. Councilor Mass suggested placing an Executive Session on the September Town Council agenda and invite the Human Resource Director and Town Attorney to the meeting for discussion as well as personnel to be discussed.

The Mayor read an email from the General Manager of GCET regarding the Executive Session: “GCET has not filed or given the Town of Greenfield notice of litigation. I am not clear what discussion could be had. What I do see occurring is speculative discussion which would be publicly damaging to the Town and GCET and potentially disruptive given our recent productive discussion regarding resolution. I wanted to pass these thoughts along and let you know it continues to be GCET’s desire to swiftly resolve this eleven month dispute without the need for legal action.”

**MOTIONS FOR RECONSIDERATION:** None.

**ADJOURNMENT:** On a motion by Councilor Mass, second by Councilor Sund, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 11:59 P.M.

A true copy,

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

GREENFIELD TOWN COUNCIL MEMBERS

Greenfield High School Cafeteria  
 Regular Meeting  
 August 16, 2017

	Attendance	FY18-017				
1. Sund, Verne	Y	N				
2. Lobik, John	N	--				
3. Allis, Brickett	Y					
4. Muzyka-Pyfrom, Wanda	Y	N				
5. Wainstein, Robert	Y	Y				
6. Burge, Maria	Y	N				
7. Childs, William	Y	N				
8. Stempel, Ashley	N	--				
9. Leonovich, Daniel	Y	N				
10. Mass, Isaac	Y	N				
11. Renaud, Karen	Y	Y				
12. Ricketts, Penny	Y	Y				
13. Maloni, Mark	Y	Y				

4 Yes  
 6 No

IN MEMORY OF

*MARY E. POIRIER*

*JULY 19, 1931 – AUGUST 15, 2017*



# IN MEMORY OF

## *EDWARD "SKIP" HAMMOND*

*JUNE 2, 1941 – JULY 19, 2017*

