

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

September 20, 2017

Greenfield High School, 21 Barr Avenue

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:01 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.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilors Childs, Stempel and Leonovich were absent.

ALSO PRESENT: Mayor William Martin; Town Clerk Deborah J. Tuttle; Finance Director/Town Auditor /Town Accountant Elizabeth Braccia; Director of Administration Mark Smith; Town Attorney Gordon Quinn; Greenfield School Superintendent Jordana Harper; School Committee Secretary Don Alexander; Former GCET Director Daniel Kelly; GCET Employees; Town Employees Phil Wartel, Roxanne Zimmerman, Audrey LaBonte; Public Safety Chairperson Robert Hawkins; Treasurer/Collector Kelly Varner; 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 AUGUST 16, 2017 AND AUGUST 24, 2017.

PUBLIC COMMENT: The following Greenfield people spoke:

- Matthew Kuzmeskus, 20 Chestnut Hill, see attached "Exhibit A."
- Douglas Mayo, 143 Wells Street, spoke regarding the lack of a K9 unit within the Town of Greenfield and a break in of a home on Wells Street.
- Sarah Ahern, 15 Abbott Street, spoke in opposition of the proposed ordinance titled Exchange, Gift and Disposal of Hypodermic Needles.
- David Moscaritolo, 43 Country Club Road, spoke of concerns relating to GCET and the want to see the entity succeed.
- Pete Brown, 24 James Street, spoke of concerns relating to GCET and the want to see the entity succeed.
- Sheila Gilmour, 134 High Street, spoke of concerns relating to GCET and the want to see the entity succeed.
- Bryan Dolan, 77 Hope Street, spoke in opposition of the proposed ordinance titled Exchange, Gift and Disposal of Hypodermic Needles.
- Timothy Dolan, 77 Hope Street, spoke of disappointment in how GCET has been handled and that he was a subscriber and it was a wonderfully faster and cheaper service.
- Page Rico, 68 Deveins Street, GCET employee, Network Administrator, stated she had no knowledge of finances, however, the technology of the network needed to remain private and safe so as not to hand information over to competitors.
- Timothy Mosher, 29 Cypress Street, spoke in opposition of the proposed ordinance titled Exchange, Gift and Disposal of Hypodermic Needles and questioned the proposed zoning amendments to the Large-Scale Ground-Mounted Solar Photovoltaic Installations and where they were supposed to be located.

- Fern Smith, 24 Vernon Street, GCET employee stated the employees were strongly committed to the continued mission of GCET.
- Bruce Bender, 1 Hayes Avenue, asked how many people had found needles in their front yard.
- Virginia Desorgher, 43 Silver Crest Lane, spoke in opposition of the proposed ordinance titled Exchange, Gift and Disposal of Hypodermic Needles and asked the Councilors to do their own homework.

PUBLIC HEARINGS: Councilor Mass read the following Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wed., Sept 20, 2017 at 7:00 p.m. at the Greenfield High School Cafeteria, 21 Barr Avenue. To receive public input on the following:

- That the sum of \$15,000 be appropriated from the Capital Stabilization Fund for the purchase of a new Animal Control Officer Vehicle.

The Town Council will consider the same on Wed., Sept 20, 2017, at 7:00 p.m. at the Greenfield High School Cafeteria, 21 Barr Avenue. 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.

Brickett Allis, Greenfield Town Council President

Councilor Mass held the following second reading:

- That the sum of \$15,000 be appropriated from the Capital Stabilization Fund for the purchase of a new Animal Control Officer Vehicle.

President Allis opened the Public Hearing at 7:35 pm. He asked if anyone from the public wished to speak, seeing none he noted the hearing would remain open.

COMMUNICATIONS:

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

VOIED: TO WAIVE THE TOWN COUNCIL RULES OF PROCEDURE TO TAKE THE AGENDA ITEMS OUT OF ORDER.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendent Harper spoke of activities throughout the district for the beginning of the school year. Mr. Alexander provided an update on School Committee activities. Questions from the Town Council were held regarding:

- The waiting list for students to attend the Math and Science Academy.
- Transportation for the schools from FRTA.
- The status of Civics classes in the school district.
- Cooling options for the Greenfield High School Cafeteria in the summer months.

President Allis explained the process to be undertaken when receiving information requested associated with Charter Section 2-7: Access to Information (a) and the possibility for an Executive Session to be called. He explained the order in which the witnesses' would be sworn in and give testimony to the Town Council. President Allis stated all questions should be addressed to him and he would make the decision if the question were to be allowed. He explained what an Executive Session was and that Councilors would have the opportunity to ask relevant questions to those giving testimony.

Ms. Tuttle asked the Mayor: Raise your right hand, do you swear to tell the truth the whole truth and nothing but the truth so help you God.

Mayor Martin - I do.

Mayor Martin read the attached "Exhibit B."

President Allis asked if any Councilors had questions for the Mayor. Minutes during questioning are verbatim.

Councilor Pyfrom - question about the credit card that GCET had established. It looks like there was questions from the Finance Director about getting bills. submitted I guess there was a bill schedule for September for credit card purchases and it looks like the GCET Manager felt as though the request was in being bully, bullied, over the, saying that there was not in a breach of agreement to provide the Town with timely bill schedule proper invoices W9's. It says they have given every effort to follow guidelines to continue so regardless if you choose to bully us or not. What does the credit card have to do, why was it an issue for GCET to not give the schedule to Finance Director for this and insult.

Mayor Martin – Councilor Pyfrom I'm not clear as to the question. I'm trying to recall the date, time, and amount. Is the question, what is the question?

Councilor Pyfrom – well the question is, it looks like they were wanting to be set up for electronic access to GCET's for a credit card account, and there was a credit card, I guess being used for GCET and apparently it looks like they were looking for the bill schedule for September, which was to be submitted no later than the following month, it was a request I guess, so I'm not sure if that was part of the tension.

Mayor Martin – maybe you are asking several questions?

Councilor Pyfrom – maybe I am the emails are kind of.

Mayor Martin – the credit cards for GCET are like credit cards for other Town departments. They are coordinated by the Treasurer with the bank and approved and monitored by the Town Accountant. The credit card purchases for new businesses have to have a W9 on the business for payment on a bill schedule which would be going to the warrant. The difficulty is the credit card was primarily used because of the purchases of technology equipment on the web, a lot from Amazon and Microsoft that those particular vendors needed to provide W9's. The Accountant could probably give you more specific questions on the W9 and what vendors they were involved in. But often times Google and Amazon don't really respond to a request for W9 that quickly, I think we may have had them all down, I haven't heard any issue about W9's in the past several months. I think that answers your question.

Councilor Pyfrom – so this was GCET's own credit card through the Town as employee. This was their own credit card?

Mayor Martin – Right, to accommodate the purchases on line, you have to have a credit card, you can't send a check, sometimes you have to buy the purchase to receive the delivery. This is not unusual. Departments in Town have their own credit card. Again it's approved by the, coordinated by the Treasurer, bank, and authorized by the Town Accountant.

Councilor Pyfrom – thank you.

Mayor Martin – you're welcome.

Councilor Ricketts – there was a lot of reading in the emails, if I confuse something I'm sorry. I wondered if any of the purchases that it felt like it really should be purchased for GCET it was more of a personal nature or should have been maybe by the employees or by the Director. Were any of those funds asked to be repaid? You know like decorations for donuts or.

Mayor Martin – right those were, I believe that Christmas decorations and the \$29.00 for pizza for the invitation meeting from people out of Town, and I think there was another \$38.00. One I don't recall the exact, those were, I believe, petty cash and were not reimbursed, and I believe that's where the initial discussion began on who controls the accounts of GCET.

Councilor Ricketts – so it was never paid, like the bills came forward like all the rest of the bills so our Accountant when she felt the need that it's not to be paid she simply didn't pay those correct?

Mayor Martin – the process is that she would reject the bill schedule and send it back to GCET and not pay that bill.

Councilor Renaud – thank you Mr. President, I'll direct it to the Mayor but you'll let me know. Mayor Martin, when you were made aware that Dan Kelly was retaining Attorneys to take legal action against the Town, specifically Town Accountant Elizabeth Braccia in her role as Town Accountant, did you investigate?

I ask this because I didn't see anything in the email correspondence between you and the GCET Manager that suggests you were investigating.

President Allis – you can go ahead and answer that if you would.

Mayor Martin – the investigation, it depends on which particular communication you're discussing. I had one very early on I think in February which I was able to speak with the General Manager and it was not filled and it was not going to be filled, I think that answers your question Councilor Renaud.

Councilor Renaud – well actually in the packet, I know the one you're referring to, I'm actually referring to also on Thursday, March 16 email that you were cc'd on and where Dan is telling Elizabeth "GCET is not discussing this anymore. It is apparent you don't want to follow legal process that's your choice it's in Attorney Scobbo hands now. Dan."

Mayor Martin – and the question is?

Councilor Renaud – did you investigate that?

Mayor Martin – well at that point we had legal council, Greenfield considering the attempt to do something with Greenfield from the GCET Attorney, the investigation proved to be, there was not an investigation, it was a continued listing of inability to communicate.

Councilor Ricketts – again reading through the emails, there was a time when a resignation was given and then taken back. Was that primarily because we thought that that committee would be set up. And it was supposed to be on salary, correct?

Mayor Martin – Ya it had to, the resignation is explained once the plan was to go to the State Legislature which we did I think in September 2016 looking for the authorization to create a board or commission for GCET and with the Chapter 164 which is MLP. Toward the end of December it was apparent that it wasn't going to happen. I'm sorry November, and our Representative Paul Mark suggested that we resubmit in January. In January we did resubmit the request for authorization, but initially in the late summer, we had been told that the passage might take place in February 2017. I don't remember the date of the resignation but it was after that the resignation was received by me.

Councilor Mass – I have a large number of questions, so I would defer to other Councilors who wanted to ask questions first.

President Allis – you have the floor at this point.

Councilor Mass – Mr. Mayor, going through your responses to question number 5, you quote what 5-9b says about an "officials who intentionally expends in excess of appropriation being personally liable", but, in the context of GCET is that the Manager, Committee Commissioner, who is that person who would be liable in that Department?

Mayor Martin – the Department Heads are liable according to the Town Charter.

Councilor Mass – that would be the Director.

Mayor Martin – the only, yes that would be the Director of, the Manager of GCET.

Councilor Mass – Mr. Mayor, in question 7, you indicate that Section 56 gives the Manager "express authority" for employment of Attorneys, and I know it, that Section actually says "full control." That section also says that the "Manager operates at your direction and control." Is it your position that he does not exercise that full authority under your direction and control, that he operates independently of your direction and control?

Mayor Martin – it is my understanding that Section 56 gives the Manager complete control of all accounts as well as the employment of Attorneys.

Councilor Mass – and you have no authority to stop that, that's your understanding?

Mayor Martin – that is my understanding. Section 56 gives the Manager complete control and the employment of Attorneys.

Councilor Mass – question number 8, thank you for providing your answer. Your answer which references Section 1-4 of the Charter is very helpful in understanding that we are obviously limited by other State law and we do understand that, but, Section 47D exempts the MLP from very specific disclosure related to public records request from individual in the public. Do you believe that requests from a Legislative body are public records request as defined in the Open Meeting Law?

Mayor Martin – I'm not probably qualified to answer that question 100% with clarity, but I believe all the information is entitled to the Town Council and Legislative body save for my exception.

Councilor Mass – Mr. Mayor would you be willing to get a clearer answer for this body on our authority on 2-7. Whether or not our request are subject to open meeting law, whether they are open meeting law request just like any member off the street?

Mayor Martin – Right, that's, Attorneys have discussed that they have not agreed, parts of the protection are proprietary information including financials and other information particularly the Chapter 164 MLP Telecommunication setup is not clear for the Department of Public Utilities, Department of Revenue, Department of Energy Resources, Department of Telecommunications and Energy at the State level, there are ongoing conversations at that level and at some point Greenfield is not going to be the pioneer in setting out the what is clearly another State agency process. We can't be involved in continuing to argue the interpretation of Chapter 164 and Chapter 39 to 49.

Councilor Mass – I certainly agree with the statement that we can continue we have to get to an answer, I just don't know how we are going to get there. Question number 9 where you say you're in compliance "the interim Manager was in compliance with Charter Section 3-3 (a) (b), which I don't have the Charter in front of me so I apologize, does that provision and exemption from our affirmative action equal opportunity policy?

Mayor Martin – I don't believe so, all appointments as you are familiar with it went, the Mayor appoints and brings to the Town Council for approval and this was an appointment, not a hire, so I followed that particular Section (a)(b) has to do with the process of bringing an appointment to the Town Council. I think (b) has to do with whoever's appointed has some qualifications, experience, and so on, would indicate their selection is legitimate and valid.

Councilor Mass – is part of that qualification doing a search and finding out if there are qualified people of color and who are women who might equally be able to take on that roll?

Mayor Martin – like the other 200 appointments in Town that I make, I don't search for Affirmative Action or EEO issues on appointments.

Councilor Mass –so for employment of, I'm sorry are you saying the Director is not an employee?

Mayor Martin – I didn't say that.

Councilor Mass – so for the appointment of an employee you don't search, don't do affirmative action, equal opportunity searches, or take up those issues?

Mayor Martin – the appointment was an interim appointment to the GCET Manager position and utilizing the Charter as I have always done for appointments, the qualifications were there to hire the Manager.

Councilor Mass – so for interim appointments, hires, you don't use equal opportunity and affirmative action policies. I'm just trying to understand what you're actually saying.

Mayor Martin – on the contrary, we are an affirmative action community and equal opportunity community.

Councilor Mass – we're affirmative action, equal opportunity policies, followed in this particular case in this hire.

Mayor Martin – I can't answer that we had, there was an appointment to a person that was qualified for the position.

Councilor Mass – Mr. Mayor, related to Section 11 irregularities, there are a number of things that have come to my attention that I'm concerned of that may or may not be irregularities, I'd like to ask you about them.

Mayor Martin – what number are we on.

Councilor Mass – Number 11 just irregularities generally related to GCET. Section 37 of 164 requires a transmittal to the department which after conversation with DPU and DCTI understands the Department of Cable and Telecommunication of the vote of the Town. Can you tell us when the certified record of the Election was sent to the department and which department it was sent to and when the Clerk was notified that we need to send such a report?

Mayor Martin – the notification to DPU was done in 2015. I think that was after the election. Did we have that in 2015?

Councilor Mass – so you're saying the Department of Public Utility received notice from the Town in 2015 of the election.

Mayor Martin – yes.

Councilor Mass – Mr. Mayor have you seen the filing? The response from the Department of Public Utility to the Town Council that says they have no filings for Greenfield Community Energy and Technology.

Mayor Martin – Yes it has a functioning telecommunications MLP the Department of Public Utility is not accepting GCET as an MLP. So when you list under MLP across the web on the website you won't find Greenfield you won't find Leveret you won't find other telecommunication MLP's.

Councilor Mass – I'm sorry but you sent notice to them or you had the Clerk send notice to them.

Mayor Martin – I had no idea the Clerk had to send notice to DPU until we were advised by, I'm not sure who advised us, I spoke with an Attorney at DPU a while ago. The Clerk just sent out the notice. We are expecting that might be one of the problems holding everything up, but I did speak with, the Clerk has full information on the contact people I spoke with.

Councilor Mass – so that has happened in the last month.

Mayor Martin – yes.

Councilor Mass – Section 47 D related to what is called proprietary information provided in the course of preceding conducted in pursuant to this Chapter which Municipal Light Board determines that such disclosure will adversely affect the conduct of business in relation to other entities making, selling, distributing energy, electric power energy, pursuant to this Chapter in our context internet service. Who made the determinations that previous request of the Council fell within those categories?

Mayor Martin – the Manager.

Councilor Mass – doesn't Section 47 D specifically give that authority to the Commissioners?

Mayor Martin – I'm not certain.

Councilor Mass – did you, so you're not sure of your authority as the Commissioner to make the final determination on what is proprietary and what is not?

Mayor Martin – actually some of the information I had may have misled me to think that I did not have authority.

Councilor Mass – under Section 55 provides for the election of a board, do you believe that any of the concerns with why the board has not been approved by the legislature has to do with the fact that it is an appointed board rather than an elected board, and there is no provision within 164 for an appointed board or what are the reasons that that legislation has been held up?

Mayor Martin – I am not certain, not familiar with Section 55 as you're reading from the copy of it. I can tell you my continued communication with Representative Mark is that the Telecommunications Committee did not meet until sometime in March or April of 2017 and they have produced one item out of their committee and our item is the only one that had been produced out, and it's in the third reading.

Councilor Mass – thank you Mayor. Section 56 allows for the Mayor to set a form and some austerity which satisfy the Mayor to the performance of the Director. Can you tell us what form and austerities you established?

Mayor Martin – do you mean bonding of the Manager?

Councilor Mass – yes.

Mayor Martin – Bonding of the Manager, that was completed prior to July 1st I believe of 2016 in the amount of \$250,000. It's 5% of the five million dollar bond. Standard for bonding, I've been told.

Councilor Mass – do you know where is that bond held? Who has custody and control of that bond?

Mayor Martin – that's a good question. Can I ask the Accountant or Treasurer or approach GCET or Accountant or Treasurer.

Councilor Mass – so if the Treasurer or Accountant do not have it, it's in the custody and control of GCET, is that fair to say?

Mayor Martin – I don't know where it is.

Councilor Mass – Ok, Section 56 requires a detailed statement to be provided to the department, which in this case is the Department of Cable and Telecommunications at the end of each fiscal year, can you tell us if that was done in 2016 or 2017?

Mayor Martin – I was told that they would not receive any, that they would not receive any communications from GCET until calendar year was complete.

Councilor Mass – you were told by who that they wouldn't expect something until the end of the calendar year rather than the fiscal year?

Mayor Martin – the Manager.

Councilor Mass – and was anything prepared for the end of the calendar year for 2016?

Mayor Martin – no nothing that I saw.

Councilor Mass – has anything been prepared for 2017 to date?

Mayor Martin – not that I know of.

Councilor Mass – Returning to Councilor Ricketts's questions regarding how are items that were rejected were paid for, you indicated petty cash. Can you tell us how much petty cash is held on hand by GCET. And whether or not that petty cash was replenished?

Mayor Martin – the Accountant would have the replenishment answer and the petty cash was authorized at \$500.

Councilor Mass – Section 56 also allows the Mayor to require similar statements that the department may ask for related to the finances and doings of the Manager, and the general direction of the agency and its fiscal stability. Have you ever required such statements of the Manager, and if so when, and are they in the discovery we received.

Mayor Martin – what does that refer to Councilor?

Councilor Mass – Section 56 specifically says “when required by the Mayor, the Manager shall at any time when required by the Mayor, to make a statement to such officers of his doings, business receipts, disbursements balance of the indebtedness of the Town departments of the Town in his department” have you asked for those statements.

Mayor Martin – yes.

Councilor Mass – when did you ask for those statements and do we have them in our discovery.

Mayor Martin – you have them in your discovery. And in addition, the Mayor is responsible for the report to the Council by the end of the first quarter.

Councilor Mass – Section 57 requires that at the beginning of each fiscal year “the Manager of each Municipal Light Plant shall furnish to the Mayor an estimate of the income of sales of gas and electric, which in this case is internet service, to private consumers during the ensuing fiscal year and the expense of the plant during said year.” Were those estimates and revenues provided to you at the beginning of Fiscal Year 2016.

Mayor Martin – no.

Councilor Mass – were they provided to you at the beginning of 2017.

Mayor Martin – oh I'm sorry I jumped the gun.

Councilor Mass – Fiscal year 2016 then my second question was 2017.

Mayor Martin – Fiscal Year 2017 ended on June 30, 2017. Your question is did I receive the P&L before the year started?

Councilor Mass – an estimate of income and sales to consumers during the ensuing, I interpret that as upcoming, fiscal year and the expense of the plant in said year.

Mayor Martin – yes, we had prospectus before FY17 and FY18 was in the process. I got it sometime maybe, it was included in your discovery, but it's prospectus and not exactly what I wanted to see.

Councilor Mass – so those estimates are similar to the estimates the Councilor previously asked for?

Mayor Martin – yes.

Councilor Mass – so I guess my follow up question to that is, if those reports were sent to you Mr. Mayor, in a section that actually contemplates some action by the City Council, why was it determined that they were proprietary and that we couldn't receive them?

Mayor Martin - I can't answer that.

Councilor Mass – under Section 58 it requires, it talks about the schedule of prices do you know when the price schedule was set.

Mayor Martin – when it was published.

Councilor Mass – yes, when it was advertised as adequate.

Mayor Martin – I can't give you the exact date but the first, I'm sure it was before the first of June 2017 because our first installation was in June.

Councilor Mass – was the full scheduled advertised?

Mayor Martin – I'm not certain.

Councilor Mass – were the annual cost of the plant determined by the Department of Cable and Telecommunications prior?

Mayor Martin – that would be unknown to me.

Councilor Mass – so because the statute prohibits the amount of, it prohibits both the amount of yield to be not more than 8%. It also prohibits operating in a loss without a determination by DCT. How was it that price were fix upon?

Mayor Martin – the break even point and covering expenses for the first 3 years.

Councilor Mass – and did you get permission to operate at a loss from DCT?

Mayor Martin – I didn't make any applications to that agency.

Councilor Mass – and Section 59 requires that when the Town fixes its price that they give notice to DCT 60 days in advance by the Manager. Was a price scheduler reported to DCT?

Mayor Martin – I'm not aware of that.

Councilor Mass – Section 3 requires the Mayor himself to “annually on or before the date of the department fixes or makes a return to the Department, meaning the Department of Cable and Telecommunications, for the preceding year, a signed and sworn statement by the Mayor and by the Manager, stating the financial conditions of the business and the amount authorized for existing indebtedness a statement of the income and expenses in such detail as the department may acquire, and a list of all salaried officers and the salary paid to each. The Mayor and Selectmen of the Municipal Light Plant may direct additional returns to be made at such times in detail as he or they may order.” Have you filed those sworn statements with the Department of Cable and Telecommunication?

Mayor Martin – I don't know of any statements that have been filed with any State agency.

Councilor Mass – a review of the vote of the Council was specifically for the department for the use of telecommunications. Can you tell us how “Energy” got into the title of “Greenfield Community Energy and Technology” when it's not authorized under 164 by vote of the public for distribution of energy?

Mayor Martin – no, I cannot.

Councilor Mass – Chapter 30B Section 1B, 14, authorizes a majority vote of the Commissioners to adopt Chapter 30B for the purpose of the Municipal Light Plant. Did you ever take a formal vote or make a record in a formal way of the adoption of Chapter 30B?

Mayor Martin – it was authorized only to use Chapter 30B.

Councilor Mass – when was that done and is that record in our discovery?

Mayor Martin – I'm not certain if that is part of the law of Chapter 64 that the MLP's use 30 B for procurement.

Councilor Mass – it's under 30B 1, actually Municipal Light Plants are specifically excluded from Chapter 30B unless the Commissioners vote to accept it. And what I'm trying to determine is whether or not you actually took that action.

Mayor Martin – we never, there was never a vote to not use 30B. It was always intended, the employees was instructed to use 30B.

Councilor Mass – was there a formal action to adopt 30B?

Mayor Martin – not that I can recall.

Councilor Mass – thank you Mr. Mayor, I appreciate your candid answers to some very, very, difficult questions.

President Allis asked if there was anything further for the Mayor.

Seeing none he called upon the Town Accountant Elizabeth Braccia and Treasurer/Collector Kelly Varner.

Ms. Tuttle asked Ms. Braccia and Ms. Varner: Raise your right hand and do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Ms. Braccia replied, I do.

Ms. Varner replied, I do.

Ms. Braccia and read the attached “Exhibit C.”

President Allis – before we entertain questions if there is anything else you want to say, now is the time.

Ms. Braccia – no, I’m good.

Councilor Ricketts – I would like to know how many subscribers we have or how much money has been coming in.

Ms. Braccia – I can’t speak to the number of subscribers because that information is not given to us. The number of, the weekly deposits range from \$800 to \$2,400 on any given week. I believe it’s like a little under \$30,000, almost about \$30,000 total revenue since the spring.

Councilor Ricketts – so \$30,000 has come in from the people that are on the service more than that have already started the service.

Ms. Braccia – correct.

Councilor Ricketts – and so do we have a pending account for those that haven’t received the service yet, they’re just waiting for more people like on their street or in their area?

Ms. Braccia – I can’t answer that, I suspect GCET would know that information

Councilor Ricketts – has anyone asked for their money back since this became headline news?

Ms. Braccia – again I wouldn’t know. I don’t recall doing any refunds. So, perhaps not.

Councilor Ricketts – ok, so your office does get all the subscriber money, that as far as you know.

Ms. Braccia – yes, it’s turned over to the Treasurer, yes.

Councilor Ricketts – again I will ask, how much of the five million is left.

Ms. Varner – around \$850,000 is left.

Councilor Ricketts – and I’ll ask you the same question I asked the Mayor. The credit card bills that you did not sign because you felt they were personal in nature. Did they get paid to you somehow?

Ms. Braccia – no.

Councilor Ricketts – personally so that you could pay the bill.

Ms. Braccia – well the bill, the credit card bill, is automatically debited from our bank account, that’s how we set it up, because the sooner we pay it we get a rebate from that bank account so we set it up to do it the first of the next month.

Councilor Ricketts – ok so all of that has been paid.

Ms. Braccia – it has been paid by the bank, but none of the personal charges have been reimbursed to the Town.

Councilor Ricketts – ok, since our August meeting or I’m not sure when, it’s been a blur, so I cannot remember the date of all the emails. Has the spending for decorations and coffee and all of that, has that ceased at all, since you’ve spoken to Mayor or the emails were back forth between you and the Director?

Ms. Braccia – there were additional purchases on the last credit card I processed this month.

Councilor Ricketts – so from the last month we still, I think that’s all for now, thank you.

Councilor Burge – yes, first of all I would like to apologize for this treatment that you have received, it is, and I don’t even have words for what has happened. It has taken a lot of courage for you to come through. And I really hope that there will not be any type of retaliation against you.

Ms. Braccia – thank you.

Councilor Burge – Thank you for coming through. We all work in some type of, we’ve all worked in some type of hostile environment but you have the right to always feel safe when you’re working, and not to be, your job not to be jeopardized because you speak up. I really hope this type of treatment stops immediately. I have a question about the common practice of setting up petty cash. You have a petty cash account?

Ms. Braccia – yes.

Councilor Burge – for every department?

Ms. Braccia – Not every department. Not every department has requested one, we have, it has for several departments.

Councilor Burge – so it is a common practice.

Ms. Braccia – yes, ok.

Councilor Burge – thank you.

Ms. Braccia – Your welcome.

Councilor Ricketts – yes I do have a follow up. I just wondered what the \$850,000 how much longer will that sustain the business right now with the incoming of subscribers and then what we need to pay for salaries and anything else. Because you know it is my wish that this is a success and it continues on. So when you look at the books what does this \$850,000 tell you?

President Allis – I'm going to jump in real quick, I think with the changes that have recently been made that I think any answer, if they were to give that answer, would not actually be an accurate answer. Given that I think that is something GCET would know and now, we are not sure what is going to happen with the position that has been vacated. So I don't, I think the question is a good question, but I'm not sure the answer is going to actually be something that we could rely on and something we would want to rely on at this point. I don't know if you have a different answer for the question but I think that may be the answer.

Ms. Braccia – I would like to make a statement on it. Penny you're not alone in wanting to see this succeed. I want to see this succeed and watching the expenses and the revenue flow has stressed me out. Because it's getting close, and I don't want it to get close. I weekly look at and get a turnover and get excited like we are getting there, we are going to get there, I really believe we are going to get there. But my job is a fiduciary responsibility to look at those expenses; I'm trying to keep them down.

Councilor Ricketts – my very last question is, I understand by reading the emails where the stress and tension was coming with the Director of GCET, and I just wondered if there has been any mediation between you and the Mayor because it seems like that is some of the problem as well.

Ms. Braccia – what do you mean by mediation between the Mayor and myself?

Councilor Ricketts – if the Mayor took up Director Kelly and thought he was doing the right thing in telling you please go along with it. Has there been anything to help that process of you two being able to work together with HR or with anyone. So it's not just between you two and it's not butting heads but it can be move forward and everybody can be heard.

Ms. Braccia – yes, I believe we are working on moving forward, on all this.

Councilor Ricketts – that's important, thank you.

Councilor Sund – I just wanted to say I appreciate all you have done because I know it's been hard. I worked for the government too. It's hard to put up for two sides. And I just want to thank you for the job you're doing now and have done.

Ms. Braccia – Thank you Councilor Sund.

Councilor Pyfrom – I just want to say thank you for being open with this discussion for the Town of Greenfield. Greenfield does need to hear what is going on. They need to know everything and it is not easy to be the one to speak up but you did it and thank you for that.

Ms. Braccia – Thank you.

Councilor Renaud – I just want to reiterate what has already been said, thank you Elizabeth. I know it's been hard. I've known you the entire time you've been here in Greenfield. I think I've been on the Town Council and I've never seen you as stressed out since I have this past year and I hope things start getting easier now. I have a couple questions. In your experience being the Town Accountant and working with all the departments in Greenfield. Did you feel as though different standards apply to GCET than to other departments? Like was there less scrutiny to GCET than other departments when it came to the Mayor, or do you feel like it was applied evenly?

Ms. Braccia – that's a tough question. I feel that the Mayor has, is very invested in GCET's success as I think everyone is and he really wants to see it succeed. He was trying to get the Attorneys to come to some sort of agreement of what is and what isn't. Do I think there was a little more latitude, yes.

Councilor Renaud – and also in your statement and we see in our information you gave us after you were threatened with a law suit and you said you pleaded for it to stop was there ever any investigation that you

were aware of into, because you were being accused by another employee? Do you feel like there was an independent investigation that took place that could have helped this process come to an end?

Ms. Braccia – I'm not aware of anything. I do know that we had both the Attorney for GCET and the Attorney for the Town talking to one another and trying to come to some sort of resolution on it. But I don't know about an actual investigation.

Councilor Renaud – and lastly just as, in your expertise, could you give us examples of what would be considered proprietary information and what wouldn't? Like earlier tonight one of the GCET employees came in and spoke of where the roll out happens would be proprietary information, which, I guess I'm not always certain why that would be proprietary information. Because, it's assumed that Comcast is everywhere and so it would be assumed that GCET would be everywhere. But maybe that is and I'm not saying that the GCET employee wasn't, I mean, I'm just trying to understand what is, because we've heard that a lot, that these are trade secrets and proprietary information, and I'm just trying to figure out what is and what isn't that type of information.

Ms. Braccia – I can't say that I have an expertise on that information. I do believe there are some pieces that are trade secrets. I also know that technology changes on a regular bases and I find it hard to believe that we are ahead of that curve. Than these companies that have billions of dollars to invest to uses as technology. Certainly the invoices regarding advertisements for employment, other purchases that aren't related to the actual fibers and where ever else we are getting our equipment from I can't imagine that's trade secret. That's my opinion.

Councilor Renaud – thank you.

Councilor Mass – Finance Director Braccia, first let me say, you've answered a lot of my questions in your testimony. Which is always helpful. I, like my colleges appreciate your diligence and forthrightness in the performance of your duties. I also appreciate your diligence and hard work of the Treasurer/Collector and the many GCET employees sitting in the back of the room tonight. They are also doing hard work and trying to make this happen. I think I can speak for the Council as a whole that we appreciate and value the hard work of employees and are here for all of our employees. But I do have a number of questions and these questions are designed to try to get some answers so that we can go forward in a way we are doing things correctly. The Mayor had suggested that you might be in possession of the performance bond for the Director, is that correct.

Ms. Braccia – Yes.

Councilor Mass – you are in possession of that. The Mayor indicated that there's been no formal vote to accept the provisions of Chapter 30B pursuant to Section 1B, 14. You've never received notice of that right?

Ms. Braccia – correct.

Councilor Mass – given that we never formally accepted Chapter 30B were you ever trained in procurement procedures formally under Chapter 164.

Ms. Braccia – no.

Councilor Mass – are you aware that there are lower thresholds for bidding requirements and advertising under 164.

Ms. Braccia – yes.

Councilor Mass – you did testify that you haven't received any contracts which are required to be produced semiannually open to the public for review in excess of \$5,000 I think its \$10,000 under 30B. How many contracts do we have over \$5,000 do you have an estimate?

Ms. Braccia – for the whole Town?

Councilor Mass – no for GCET. How many expenditures over \$5,000. I won't hold you to a hard number but if you could give us a ballpark.

Ms. Braccia – there's a lot because of the type of equipment we are purchasing is very expensive so I actually ran number for purchase over \$25,000 is the threshold I used. Which I think is in 164, its \$10,000 and \$25,000. So over two million dollars worth of purchases, not with one vender but over \$25,000.

Councilor Mass – Chapter 164 under Section 56D requires bidding for anything over \$25,000. Were you provided any bid documents in relation to any of the purchases from GCET.

Ms. Braccia – no.

Councilor Mass – were you provided advertisements for bidding related to items, contracts over \$25,000?

Ms. Braccia – no all the bills were processed through the Town warrant process and I did not see anything one the, the Recorder bills or any other advertisement.

Councilor Mass – you never paid any bills for or to the Recorder for advertising legal notices?

Ms. Braccia – no.

Councilor Mass – did you ever pay any bills for advertising in the Central Register for GCET?

Ms. Braccia – no.

Councilor Mass – how about Goods and Services.

Ms. Braccia – no.

Councilor Mass – I just want to make sure I heard the numbers correctly are you saying there is over two million dollars in purchase over \$25,000?

Ms. Braccia – collectively, yes?

Councilor Mass – and the purchases, Chapter 30B, if we went with the more liberal standard that was adopted after the Municipal Modernization Act as adopted by the figures set by the Secretary of State is \$100,000 for bidding. Do we have purchase over \$100,000 from GCET?

Ms. Braccia – we do. There are some of them that are on the State bid list that you don't are not required to go out to bid. One of the largest vendors, largest amount we paid a vendor is two million is on the State bid list, there are some who are not.

Councilor Mass – so there were purchases over \$100,000 that were not on the State bid list?

Ms. Braccia – no, if we are going with 164, I don't know which procurement law we are following. So I don't believe there is anything over \$100,000 that was not on the State bid list. I would have to recheck I can't really answer that right here.

Councilor Mass – we received, and you don't know whether bids were received in public when or where, you don't know where any bids were open.

Ms. Braccia – no.

Councilor Mass – we received copies of voided checks, some were original color copies some of them were black and white copies. The first four of those checks were, there were no checks. Were those checks voided?

Ms. Braccia – I voided them and returned them. I did not make copies because I asked it to cease and it didn't.

Councilor Mass – and why did, you were aware that those checks are supposed to be held by the Treasurer/Collector.

Ms. Braccia – correct.

Councilor Mass – why did you return them?

Ms. Braccia – the short answer, I was trying to play nice.

Councilor Mass – play nice with who, who asked you to return those checks.

Ms. Braccia – no one asked me to return the checks. I returned them, and asked that it stop.

Councilor Mass – the second set of checks that came in from five through about twenty-something, that were black and white, do you still have those checks.

Ms. Braccia – I don't have the originals.

Councilor Mass – where are those originals.

Ms. Braccia – I was told to return them.

Councilor Mass – who told you to return those.

Ms. Braccia – I was told by the Mayor, Director of Administration and advised by our own Town Attorney.

Councilor Mass – ultimately there is a series of checks that you have the originals of or the Treasurer/Collector has the originals of. At that point was there, when was the decision made to change whether or not we going to hold those checks or return those checks?

Ms. Braccia – I made the decision myself, I basically dug my feet in.

Councilor Mass – did you request the return of the previous checks.

Ms. Braccia – I did not. I requested the return of the unprinted checks so we could destroy them.

Councilor Mass – did you ever receive those unprinted checks back.

Ms. Braccia – I did not, you” see any email in the answer to my request.

Councilor Mass – do you know where those unprinted checks are.

Ms. Braccia – I have no idea where they keep them.

Councilor Mass – do you know where the previously voided checks are.

Ms. Braccia – no.

Councilor Mass – the, you were accused of theft in one of the emails that we’ve seen, and as the Town Auditor that is a particularly telling charge. I’m curious as to what you think the appropriate procedure would be for anyone else, who was accused of theft in the Town. What actions would you recommend as our Town Auditor to take regarding accusations of theft?

Ms. Braccia – well we have a fraud policy and part of that policy is to review the situation and do what I would call an internal audit and pull all the information together to try to determine if it is an accurate accusation before you take any action to the accusation.

Councilor Mass – and was that the policy that was followed when the accusation came against you, that internal audit policy.

Ms. Braccia – no, I don’t know what action was taken.

Councilor Mass – Thank you.

Councilor Ricketts – I’m just looking at what if any recommendations do you have for a better performance by GCET. One of them was we may want to have a GCET financial personnel attend training. Do they have their own financial person now?

Ms. Braccia – yes.

Councilor Ricketts – do they meet regularly with you?

Ms. Braccia –no.

Councilor Ricketts – they don’t. The next thing is you said the Town bank account previously set up for GCET deposits should be closed. Has that been closed now?

Ms. Braccia –no.

Councilor Ricketts – it’s still open. And I guess that’s Councilor Mass’s question who has that bank account, who has it, you?

Ms. Braccia – the Treasurer does.

Councilor Ricketts – and my last question is, through these accusations did you ever have to get your own lawyer?

Ms. Braccia – I have consulted with a lawyer, he was unable to be here this evening.

Councilor Ricketts – ok, I’m sorry for that.

Ms. Braccia – me too.

President Allis asked if there was anything further for the Ms. Braccia. Seeing nothing he called upon the Treasurer/Collector Kelly Varner. He noted she had already been sworn in.

Ms. Varner read the attached “Exhibit D.”

President Allis – before we entertain questions if there is anything else you want to say now is the time.

Ms. Varner – no.

Councilor Ricketts – I’m not sure if this is an Executive Session question, but I wonder with the Director being let go do we have in our possession the checks and the credit cards.

President Allis – I don’t believe that is an Executive Session question.

Ms. Varner – we do not at this time.

President Allis – that may be a question for the Mayor. I assume, I’m going to ask him again about his desire for an Executive Session so we can ask him when we, yet you can, do you need follow-ups?

Councilor Ricketts – no that would be all.

Councilor Pyfrom – do we know how many credit cards GCET has and how many signers?

Ms. Varner – I am the only signer for GCET but there are three credit cards.

Councilor Mass – how many other departments in the Town have three credit cards.

Ms. Varner – none.

Councilor Mass – when the Auditor has, Town Accountant acting as Auditor, has rejected expenditures has she filed written statements with you.

Ms. Varner – yes, in the instances when it was petty cash. The warrants that were for the credit card payments which are automatically debited from our account she did not sign the warrant; there was no memo on those occasions.

Councilor Mass – Chapter 56B requires that where, under 164 requires that where the amount involved is \$5,000 or more, “contracts shall be in writing and those shall be accompanied with a bond of surety satisfactory to the Municipal Light Commission and that those shall be deposited with Town Treasurer. Are there any performance bonds for contracts filed with you?

Ms. Varner – no there are not.

?Time 2.25 listen? Councilor Mass – I’m looking at a combined bid and this is the only bid I’ve been able to find related to GCET dated May 25, 2017 is the bid conference for this particular bid and under part 1.20 it says bond labor material payment bonds are required in the amount of 15% of the bond contract. You’re not aware where that bond is kept.

Ms. Varner – I do not have it in my possession, I don’t know about.

Councilor Mass – and this is, just for the record this is a bid for trenching and isolation of conduit for fiber optic cable you’ve observed trenching and, so someone did that?

Ms. Varner – made a noise indicating yes.

Councilor Mass – those are all the questions I have for the Treasure/Collector.

Councilor Pyfrom – I just want to thank you as well Kelly for being able to speak in public.

Ms. Varner – I hate public speaking.

Councilor Pyfrom – I know no one likes it but it’s not easy but this is what Greenfield needs to hear.

Ms. Varner – thank you.

Councilor Burge – yes I have a question about the balance and what we have left. Did I hear you correctly when you say there was \$850,000 is left from five million dollars that we appropriated how long ago?

Ms. Varner – yes, 2016.

Councilor Burge – thank you.

Councilor Renaud – thank you Mr. President and thank you Kelly Treasurer, Treasurer Kelly for your honesty and coming and speaking like this. I know it’s not easy and again I think we all feel collectively sorry for everybody involved in this and whose been made to feel not valued and not good about what they are doing. I have a couple questions. When the, I didn’t notice this email chain in Finance Director Braccia’s exhibits, but maybe it was but I’m just noticing, and hear that, so Elizabeth you write a nice email on December 1st. its stern, I mean it talks about some processes, Thursday December 1st at 1:03 pm where your like “hay folks I want to take this opportunity to explain the processes of bank accounts and Town funding,” it ends with a thank you, it’s very professional. You get less than 16 minutes and an email that starts will all caps “STOP” and then kind of a finger wagging from Dan Kelly the former GM and also where he tells you that he is the only person with the authority to borrow. I mean any body looking at these emails can see the tone in it and was, when you, was any investigation done after an email like this was sent to you. With this obviously condescending, bullish tone. Were any questions asked of you like what happened after this email was sent, in some places of work somebody would be told “hey cool it” you answered an email in less than 14 minutes and it seems like you didn’t take a second to breath. Was there a follow up apology emailed? I noticed he liked to address you as “ladies” so hey ladies, was there an email like, I am sorry for that tone of that email.

Ms. Braccia – no there was no follow up, I don’t know if you have the whole string there but this went back and forth a few times of me just trying to explain how it works. We did out of that have a meeting with then Finance Director Lane Kelly, the Treasurer, myself, two folks from GCET, the Mayor, Attorney Scobbo and Attorney Quinn. Attorney Scobbo was on conference and we discussed the process and everyone agreed the Town was going to pay the bills out of our one AP account we use for all departments enterprise funds etcetera. And then we would transfer the money once that bill schedule was approved and went through the warrant process to the, from the GCET, setup GCET depository account over to the AP accounts. That was the follow up to that but was there an apology, no.

Councilor Renaud – had there ever before in your dealings with the Town, I guess either of you, but I know we are right now focused on the Treasurer, that doesn't mean you can't answer a question Elizabeth. When you would receive emails like this was there ever any action taken. Have you ever received the kind of emails of this tone? Because there a couple I've seen with that same tone, condescending, belittling and bullish.

Ms. Varner – often they were of that tone from the General Manager. Generally speaking, no I don't receive other emails like that from other coworkers in Town or other department heads.

Councilor Renaud – so would none of these emails and even after the, you were threatened with the lawsuit there was never an investigation to your knowledge.

Ms. Varner – no.

Councilor Renaud – and just for the record I do want to say I don't think it's a bad idea for people to buy employees lunch and try to increase moral. I get what your saying that it's not fair because you all have to buy yourselves lunch, and you're, but I would encourage that maybe everybody get lunch bought for them every now and then who works for the Town and I think the tax payers in Greenfield might be ok for that, if the cost were ok, not to extravagant. We've been talking a lot about these lunches I don't think that in and of itself is such a bad thing but it has to be applied equally across the board to everybody and I think that's what you're saying. Thank you again.

Councilor Ricketts – I'm not even sure if I can ask this, were you only allowed to speak with Director Kelly, were you ever allowed to speak with the financial people of GCET and did they say yes or no or we get it but we were told Director Kelly said to do it this way.

Ms. Varner – we had some communication with the other financial people but it was minimal. Majority of the commutations were with the GM. On a day to day basis of how much money did we spend this week, what are we transferring, that would go through the financial team at GCET. But that was for the most part the only communication that went through them.

Councilor Ricketts – so it was never like financial people on both entities ever been able to talk. It was you always to the Director?

Ms. Varner – yup.

Ms. Braccia – in my packet you'll see an email that was not permitted. I was told that the Attorneys were working it out.

Councilor Pyfrom – I just had a question. Who is St Denis? An email, St Denis that was approved for a wage increase?

Ms. Varner – he works for GCET. I'm not sure what his exact title is but.

Councilor Pyfrom – so there was a wage increase one year after the Council approved the five million dollars.

Ms. Varner – I'm not sure what your referring to

Councilor Pyfrom – there is an email on April 11, 2017.

President Allis - that may be a question more appropriate for the Mayor. I would think but it would also maybe a question GCET would have to give the answer to which is not in our purview tonight.

Councilor Pyfrom – nope I'm just going through my emails.

President Allis – any other questions, get the microphone closer to you.

Councilor Pyfrom – thank you, the other question I had is do we know how many currently are signed up for the GCET program and how many may be waiting to sign up, at this point?

Ms. Varner – we have not been given any of that information.

Councilor Leonovich – it's more of a statement than a question. I just want to thank you both for your due diligence with, what we have to remember this is the people's money, the tax payers of Greenfield that footed this bill. I'm sure they are happy at home knowing that there's people really working hard make sure they stay on top of it. Thank you guys both.

Ms. Varner and Ms. Braccia – thank you.

President Allis asked if there was anything further, seeing nothing.

Ms. Varner and Ms. Braccia – thank you

Councilor Mass – point of order, Mr. President I know you had intended to have the Mayor up for discussion of Executive Session. However I'm wondering if that might be more appropriate under unfinished business. We have a lot of people here who I think are interested in the motions on the agenda related to the resolution and the call for the State Auditor to conduct an audit. If the Council feels it's necessary to have that information before taking those votes I think it's, we could certainly do that but I would hate to have people sent away and not hear what we do in response to everything we have heard tonight.

President Allis – I would tend to agree. Does the Council feel they may want to hear the Executive Session prior to any vote on the State Auditor which is on the agenda?

Councilor Ricketts – we may not go into Executive Session right? Like these questions we may be able to ask.

President Allis- the Mayor indicated in his written testimony that he needed to be in Executive Session to answer one of the questions. So I was going to offer that ability to go into Executive Session so we could get the answer to that question.

Councilor Ricketts – and can I ask more questions of him at that time.

President Allis- yes.

President Allis stated the Rules of Procedure had been suspended, the Town Council would move to Motions, Orders, and Resolutions and then under Unfinished Business we will have Executive Session.

President Allis asked if anyone else wanted to speak at the Public Hearing; seeing none he closed the hearing at 9:37 pm.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 18-030

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

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF MAYOR MARTIN, AN ORDER TO APPROPRIATE \$15,000 FOR THE PURCHASE OF AN ANIMAL CONTROL OFFICER VEHICLE, THE SUM OF \$15,000 TO BE APPROPRIATED FROM THE CAPITAL STABILIZATION FUND FOR THE PURCHASE OF A NEW ANIMAL CONTROL OFFICER VEHICLE.

DISCUSSION: Councilor Mass stated the Ways and Means Committee forwarded a unanimous positive recommendation to table this until October. The reasons for this recommendation were:

- 1.) No one from the department attended to discuss the proposal.
- 2.) The vote required a 2/3, 9 favorable votes, to pass and there were only 10 members attending. Which meant if two Councilors voted no it would not pass.

Councilor Ricketts stated she would vote in favor of the proposal.

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

VOTED: THAT IT BE ORDERED, UPON RECOMMENDATION OF MAYOR MARTIN, AN ORDER TO APPROPRIATE \$15,000 FOR THE PURCHASE OF AN ANIMAL CONTROL OFFICER VEHICLE, THE SUM OF \$15,000 TO BE APPROPRIATED FROM THE CAPITAL STABILIZATION FUND FOR THE PURCHASE OF A NEW ANIMAL CONTROL OFFICER VEHICLE.

TABLED: TO APPROVE ORDER NO. FY 18 -030.

Order no. FY 18-031

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

MOVED: BE IT RESOLVED, THE GREENFIELD TOWN COUNCIL, CALLS UPON THE OFFICE OF THE AUDITOR OF THE COMMONWEALTH TO INITIATE AND CONDUCT AN INVESTIGATION INTO THE FINANCIAL ADMINISTRATION OF GREENFIELD COMMUNITY ENERGY AND TELECOMMUNICATIONS, A MUNICIPAL LIGHT PLANT LOCATED IN THE TOWN OF GREENFIELD, AND ITS RELATIONSHIP TO THE TOWN OF GREENFIELD, TOGETHER WITH ANY COLLATERAL MATTERS WHICH MAY BE DEEMED APPROPRIATE BY YOUR OFFICE FOR MAKING OF RECOMMENDATIONS RELATED TO GOOD GOVERNANCE FOR THE PEOPLE OF GREENFIELD AND THE COMMONWEALTH OF MASSACHUSETTS.

DISCUSSION: Councilor Mass noted the State Auditor's Office required a formal vote from the Town Council prior to consideration of an investigation. Discussion included the following:

- Town Council responsibility to clarify questions.
- Confusion between State entities relating to regulation of these entities.
- This is an importation program for Greenfield and we need to move forward.
- The approval of the Commission was still months away.
- The State Auditor has access to experts to get answers.
- Monthly communication with the Mayor regarding GCET.
- Investigate proposed General Managers for GCET.
- It is important to know the facts to correct and make the situation better.
- The President will attach a cover letter to emphasize the important of the investigation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 18 -031.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES None.

OLD BUSINESS: None.

NEW BUSINESS:

Order no. FY 18-034

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

MOVED: THAT IT BE THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "GREENFIELD CITY COUNCIL SUPPORTS THE SUCCESS OF GCET."

Greenfield City Council supports the success of GCET

WHEREAS, the Greenfield City Council is committed to supporting GCET to become a successful community owned voice, data and internet provider; and

WHEREAS, we supported this project with \$5 million trusting this would be necessary and sufficient to jump start this project; and

WHEREAS, the community was able and willing to weigh in at the polls. There was an overwhelming vote to bring this to Greenfield citizens; and

WHEREAS, many of Greenfield's residents choose not to have cable or satellite due to economics. This is a welcome and necessary relief; and

WHEREAS, many of Greenfield’s youth come from low-income families that lack access to affordable internet services needed to keep those children in school and learning; and

WHEREAS, it’s important to increase access to the internet, as it facilitates vast opportunities for affordable and inclusive education globally, or provides other resources for education, especially across the digital divide; and

WHEREAS, our train and bus transportation systems are not fully developed to allow many people daily commuting to and from work. Access to affordable internet allows many to work from home or local business spaces; and

RESOLVED, that the Greenfield City Council continues to support GCET and encourages residents and businesses to consider this extraordinary opportunity.

BE IT FURTHER RESOLVED, that this body, Greenfield City Council is and will be taking steps to ensure all employees of the city are treated in the upmost respect by the Director and all employees of GCET.

DISCUSSION: Comments included the following:

- Anything as novel and innovative as GCET will have bumps in the road.
- Incumbent on the leadership to voice support for the project.
- The Town Council needed to be accountable for the funds issued to the project.
- Success of GCET was of the utmost importance.
- Thanked the Clerk’s office and the IT department for the fantastical amount of work done.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 18 -034.

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

MOVED: TO AMEND THE COUNCIL RULES OF PROCEDURE § 1261-8. RULE 8, ORDER AND DISPOSITION OF BUSINESS, BY ADDING SUBSECTION A(1)(7)(A) TO READ: **“COMMUNICATIONS FROM GCET BOARD OF OMISSIONERS AND/OR GCET DIRECTOR”**. WITH THIS AMENDMENT § 1261-8. RULE 8, ORDER AND DISPOSITION OF BUSINESS WILL READ AS FOLLOWS:

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 of Members
3. Pledge of Allegiance (voluntary)
4. Approval of Minutes from Previous Meeting
5. Public Comment
6. Public Hearings
7. Communications from Mayor, Town Officers and Employees
 - a) **Communications from GCET Board of Commissioner and/or GCET Director,**
8. Communications from Superintendent of Schools and School Committee
9. Motions, Orders, and Resolutions
10. Presentation of Petitions and Similar Papers
11. Reports of Committees
12. Unfinished Business
13. Old Business
14. New Business

15. Motions for reconsideration
16. Adjournment

DISCUSSION: Councilor Pyfrom explained the reasons for making this amendment. Comments included the following:

- Questions of what the amendment accomplishes. Monthly reports have already been discussed.
- This solidifies the engagement of GCET with the Town Council.
- The difference of practice and theory, this makes it a practice.
- The Mayor could appoint an Interim Director.
- There is an obligation of oversight until a resolution is found.
- There can be regular communication without amending the Rules of Procedure.
- A friendly amendment was agreed to make Communications from GCET Board of Commissioner and/or GCET Director Number 8 rather than a subsection of 7.

It was unanimously,

VOTED: TO APPROVE THE FOLLOWING AMENDMENT TO THE TOWN COUNCIL RULES OF PROCEDURE.

A. AGENDA

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

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance (voluntary)
4. Approval of Minutes from Previous Meeting
5. Public Comment
6. Public Hearings
7. Communications from Mayor, Town Officers and Employees
8. Communications from GCET Board of Commissioner and/or GCET Director
9. Communications from Superintendent of Schools and School Committee
10. Motions, Orders, and Resolutions
11. Presentation of Petitions and Similar Papers
12. Reports of Committees
13. Unfinished Business
14. Old Business
15. New Business
16. Motions for reconsideration
17. Adjournment

Councilor Burge invited the public, on behalf of the Massachusetts Trial Court to the First Annual Franklin County Justice Center Cultural Appreciation Day on Thursday, September 28, 23017 between 2 pm and 4 pm at the Court House on the third floor.

MOTIONS FOR RECONSIDERATION: None.

UNFINISHED BUSINESS: None.

President Allis - the last thing on our agenda other than adjournment is unfinished business. I would like to invite the Mayor up. Do you still fee that there is the need for an Executive Session. And if there is so who, looks like we don't have many people left, who would we need to have for Executive Session?

Mayor Martin – this is Executive Session. I apologize, I thought I explained during that particular question that I would not need to go into Executive Session and I answered the questions that were asked.

President Allis – I like it. Perfect. I did suggest that you could ask questions, so if you have questions.

Councilor Ricketts – Mayor Martin if you can't answer any of these I'm fine you can come back later. My first question is do you know the monthly expenses for GCET.

Mayor Martin – about \$19,000. I'm sorry that's weekly, about \$76,000.

Councilor Ricketts – when Director Kelly was let go, was it in his office and were you there.

Mayor Martin – yes, I went to his office.

Councilor Ricketts – and then did he just leave immediately then. Or did we leave him there for a while?

Mayor Martin – there's a policy; we understand pretty much solid process for terminating employee. And that is to go and monitor and escort.

Councilor Ricketts – and are you able at this point to either contact him or the financial people at GCET to ask for checks or charge cards so that you at least have them in your position and decide then when. What?

Mayor Martin – that is also part of the process is we collect keys, permits, credit cards, everything that is associated with the entity.

Councilor Ricketts – so you did get all the voided checks and the bank account?

Mayor Martin – no that's another issue, the disconnection from the net and from the system servers all of that takes place.

Councilor Ricketts – do we know is everything going on just as planned? Like I saw GCET on Main Street working on the boxes and I was like "are they shutting it off" I just don't want to be scared, is it like business as usual, have you met with the staff and you're aware of everyone's duties.? Now you are there direct boss?

Mayor Martin – this is the first time I've ever terminated anyone personally and it was very uncomfortable for me. But I knew it would be uncomfortable for the GCET employees so I arraigned to meet with all of them about an hour later. Since then, I've met with staff a couple of times, and met with the entire group another time. So we are planning to, the communication is to with GCET employees, they are very valuable employees. They've done a fantastic job, they are really dedicated and motivated to the mission which is to provide accessible, affordable, internet, and telecommunications for everyone in Greenfield. It's quite a challenge. If it was easy it would have been done all over the place. It's very difficult, we are doing it we have low triple number digits' of subscribers at this point. Having very few to zero issues and problems. There are nearly another 300 or so that are on the waiting list and our movement up the, not up the valley, but into a number of neighborhoods at GCET.net has an interactive map so every time you see that color change from light blue to dark blue it means its lit. Everything that's light blue is where they are moving into. That's active, it's live, so that when the actual installer makes that final connection to the home it lights ups on the interactive map, online, even that is quite an accomplishment. So we have a lot of plans I've outlined the plans. Will be meeting again with the group on Friday. Everyone is working together and there are a number of say issues that were involved over the past. Since I am the Commissioner and we are looking for a Manager, I'm sure that we can bring everything together before another Manager comes.

Councilor Ricketts – and right now is there a contact person, if someone were to walk in or there calling are all the calls or conversations all directed to one main employee so that you'll have direct connection with somebody in GCET?

Mayor Martin – yes there are two main people that handle customer service and they are available to walk-ins and phone calls.

Councilor Ricketts – will you have those financial, the two financial people from GCET begin to meet with your two financial people and have them work together more? Do you think after all of this that has gone on?

Mayor Martin – my plan is to have, and I would rather not divulge names tonight but certainly by the hopefully when I confirm the schedule with everyone, Friday or Saturday. My plan is to bring in some people who are familiar with specific disciplines within GCET. That would be technology, finance, sales and marketing and be there to assist the ongoing momentum that GCET has and to provide support for the expansion in certain areas. The expansion is in the areas of subscriptions and installations. We want to change the graph; we want to generate revenue to move to a quicker payoff time. There are, I'm not sure I heard correctly what the Treasurer and Accountant said this evening but I will verify with them. There is a process for paying the interest for the first two years and the third year pay it down and go into a mortgage

bonding type of situation. So we will proceed on that schedule unless it changes. So we are looking forward to no more money from the Town, but I can't do that until I, I can't say that as a guarantee until I need probably another two to three weeks to create the budget for this year.

Councilor Ricketts – ok that was my next question. So that's good. And then finally, I believe it's finally, when you begin to look for this new Director or interim Director are you going to do it with a team of people or will it just be you and are you going to cast a wide net, like other Towns or States even?

Mayor Martin – That's a, let me first say that we are on we are working with the FCOG and getting together the contract that is going to bring in a retired, bring in a finance person, who's going to work with the Accountant to verify all our procedures, he's a retired DOR person and so that is going to be very helpful for us to work out everything on the Town side. We have the funds for that within the accounting office. The Accountant has, I've discussed that with her and she is prepared and ready to do that. I lost the second part of your question.

Councilor Ricketts – how are you going to set up looking for the Interim Director, with yourself or a team of some people?

Mayor Martin – in a preliminary discussion its, we've focused on the fact that it will be very hard to find an interim when we are almost having a commission so whose going to want to come in and learn something than leave. Even if they have the ability to apply to the commission for the permanent job. So I haven't quite worked that out but it won't be a singular sole person selecting the Manager.

Councilor Ricketts – I had one more questions and I just lost it.

Councilor Sund – when you're looking for a Manager do you ever think of somebody right here in Franklin County that does this for work.

Mayor Martin – since this is so very new nobody really does it for work. So you've got to find some special people who have some talents that understand network design and I have not any source of this information. Network design and the ability to work as an entrepreneur and steadfast to the budgets and expectations. But anybody from anywhere would be welcome.

Councilor Renaud – Thank you Mr. President. Mayor Martin and Mr. President the elephant in the room is that GCET Director was fired two days ago, well maybe one day ago, and I would like to ask questions about that but it's my belief that would require Executive Session we could do that but also notice to the terminated Manager, so he has been noticed. I don't, I know it's been a long night, I would almost rather put this off to the next meeting, if there was a way to do that because it would give people a chance more to think about the questions but I think we would be remiss in our obligation and duties if we don't ask some questions about this.

President Allis – So what I will say is that, ok so to answer your question yes Executive Session is the only way to ask those specific questions. 2.) he was noticed there would be an Executive Session and given the opportunity to be here and he has since left. So, if we were in fact to have Executive Session we could talk about that, is that correct.

Attorney Quinn – yes.

President Allis –that's correct, so, that's the answer to the first two, than you had some other ones that I forgot.

Councilor Renaud – my question is could we put this off to the next meeting?

President Allis – we could do that. So it's my feeling that if we are going to do it we should do it tonight because I don't particularly want to drag it out any longer than is necessary to get our questions answered. So if there, if that answers all of your questions, was there another one I, think about those answers, I'm going to Councilor Mass than.

Councilor Ricketts – I thought of my question.

Councilor Mass – I don't necessarily off the top of my head have any questions about the firing of the GCET Manager, however, I many have some as discussion comes up. I would say, I think we deliberately kept this agenda pretty thin to deal with this issue and next month's agenda is probably going to suffer as a result of it, so we are going to have a long agenda next month and we are likely to have a lot of public who wants to comment at least on the needle ordinance if nothing else at next month's meeting and so I actually

thing that will be a longer meeting than tonight so I'm inclined if there is desire to ask the questions I would vote to go into Executive Session if someone wants to make that motion tonight.

President Allis – you've thought of your question.

Councilor Ricketts – Yes, so this is for the Mayor and maybe Counsel what can we do to, first of all we had a lawyer on each side of this discussion and we really paid for all of it, and there was conflicting, so what do you do hire that third lawyer to break the tie, what can we do in the future, how can we set this up better so we are not going to go through this again. I mean they are, I guess by right they could have a lawyer, but he still work for us, maybe not the employees there, but the general Manager and then there's you. I'm just having a problem with all the money we paid for legal, sorry, you probably do well, but.

Mayor Martin – I think I understand your question. In simple terms I am the Commissioner and I will interpret liberally Section 56 and 57 and we will, as prone for me to list the difficult areas and make undifficult.

President Allis – did you have a comment you wanted to make.

Attorney Quinn – I just think it's, if you don't mind, I just think, I can't comment on legal bills submitted from relating to GCET, that were submitted by GCET's Counsel I don't, wasn't privy to that. I just want to make sure that the Council understands that our financial arrangement as Town Counsel/Town Attorney involves the payment of a fixed fee each month. I'm not sure if that information had been provide to the Town Council, but it's a fixed fee amount. It's in the \$3,000 dollar plus range and that covers all Town Attorney professional services such as reviewing contracts, reviewing ordinances, consulting Town department heads on a variety of issues. And it would have covered the GCET professional services that I would have been part of. So I just think that's important clarification to know that the fixed fee agreement, which I think has been in place and hasn't been changed for quite some time, is in place, and I think was used, with respect to our legal service to capture. There weren't any additional hourly rated charges, I believe, under that fixed fee arraignment under the GCET work. It may have occupied a prominent role in the last few months as it heated up but I just want to make sure the Council understands our financial arraignment with the Town.

President Allis – Thank you Attorney Quinn.

Councilor Renaud – Thank you President Allis:

MOTION: On a motion by Councilor Renaud, second by Councilor Mass, it was by roll call,
VOTED: TO GO INTO EXECUTIVE SESSION TO DISCUSS THE REPUTATION, CHARACTER, PHYSICAL CONDITION OR MENTAL HEALTH, RATHER THAN PROFESSIONAL COMPETENCE, OF AN INDIVIDUAL, OR TO DISCUSS THE DISCIPLINE OR DISMISSAL OF, OR COMPLAINTS OR CHARGES BROUGHT AGAINST, A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL. THE INDIVIDUAL TO BE DISCUSSED IN SUCH EXECUTIVE SESSION SHALL BE NOTIFIED IN WRITING BY THE PUBLIC BODY AT LEAST 48 HOURS PRIOR TO THE PROPOSED EXECUTIVE SESSION; PROVIDED, HOWEVER, THAT NOTIFICATION MAY BE WAIVED UPON WRITTEN AGREEMENT OF THE PARTIES.

President Allis stated the Town Council would adjourn to Executive Session at 10:26 pm.

A true copy,

Attest: _____
Deborah J. Tuttle, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

Greenfield High School Cafeteria
Regular Meeting
September 20, 2017

Attendance

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