

GREENFIELD TOWN COUNCIL
Emergency Meeting
Thursday, August 2, 2018 at 6:00 pm
John Zon Community Center,
Community Meeting Space,
35 Pleasant Street, Greenfield, MA
Council Vote Summary
WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 19-14

MOTION: On a motion by Councilor Renaud, second by Councilor Ricketts, it was, unanimously,
VOTED: THAT IT BE ORDERED THAT A NEW ORDINANCE RELATIVE TO RELIGIOUS ORGANIZATIONS HOSTING THE HOMELESS.

AN ORDINANCE ENABLING RELIGIOUS ORGANIZATIONS TO PROVIDE SHELTER FOR THE HOMELESS

1) PURPOSE

MANY HOUSES OF WORSHIP IN THE TOWN OF GREENFIELD ARE WILLING TO USE THEIR FACILITIES AS PLACES WHERE THE HOMELESS COULD SEEK SHELTER. THE LARGEST IMPEDIMENT TO THIS ARE THE COSTS OF ADHERING TO THE INSPECTION CODE. THIS ORDINANCE WOULD LIFT SOME OF THOSE REQUIREMENTS, ENABLING HOUSES OF WORSHIP TO PROVIDE MUCH NEEDED ASSISTANCE TO THOSE IN NEED, WITHOUT INCURRING ENORMOUS COSTS.

2) TEMPORARY ENCAMPMENTS AND HOUSING FOR THE HOMELESS HOSTED BY HOUSES OF WORSHIP

(1) A RELIGIOUS ORGANIZATION MAY HOST TEMPORARY ENCAMPMENTS OR PROVIDE SHELTER FOR THE HOMELESS ON PROPERTY OWNED OR CONTROLLED BY THE RELIGIOUS ORGANIZATION WHETHER WITHIN BUILDINGS LOCATED ON THE PROPERTY OR ELSEWHERE ON THE PROPERTY OUTSIDE OF BUILDINGS.

(1) THE TOWN OF GREENFIELD WILL LIFT THE RESTRICTIONS THAT:

(a) IMPOSES CONDITIONS OTHER THAN THOSE NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY AND THAT DO NOT SUBSTANTIALLY BURDEN THE DECISIONS OR ACTIONS OF A RELIGIOUS ORGANIZATION REGARDING THE LOCATION OF HOUSING OR SHELTER FOR HOMELESS PERSONS ON PROPERTY OWNED BY THE RELIGIOUS ORGANIZATION;

(b) REQUIRES A RELIGIOUS ORGANIZATION TO OBTAIN INSURANCE PERTAINING TO THE LIABILITY OF A MUNICIPALITY WITH RESPECT TO HOMELESS PERSONS HOUSED ON PROPERTY OWNED BY A RELIGIOUS ORGANIZATION OR OTHERWISE REQUIRE THE RELIGIOUS ORGANIZATION TO INDEMNIFY THE MUNICIPALITY AGAINST SUCH LIABILITY.

(2) FOR THE PURPOSES OF THIS SECTION, "RELIGIOUS ORGANIZATION" MEANS THE FEDERALLY PROTECTED PRACTICE OF A RECOGNIZED RELIGIOUS ASSEMBLY, SCHOOL, OR INSTITUTION THAT OWNS OR CONTROLS REAL PROPERTY.

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was, unanimously, 1 Abstention,

VOTED: TO RESOLVE TO CALL UPON THE MAYOR TO PLACE A PORT –A –POTTY IN THE PARKING SPOT BY THE FARMER'S MARKET SHED BY TOMORROW.

MOTION: On a motion by Councilor Mass, second by Councilor Leonovich, it was, unanimously, 1 Abstention

TABLED: THAT IT BE ORDERED FOR THE PRESERVATION OF THE TOWN COMMON

1. PURPOSE.

THE GREENFIELD TOWN COMMON IS A LOCATION FOR COMMUNITY GATHERING, RECREATION, AND EXPRESSION OF FIRST AMENDMENT RIGHTS BY ALL PERSONS. THIS LOCATION IS INTENDED FOR PUBLIC USE AND MUST BE MAINTAINED IN AN ORDERLY AND SAFE CONDITION. THE SPACE INCLUDES A MEMORIAL TO THE FALLEN SOLDIERS WHO SERVED THE UNITED STATES IN THE CIVIL WAR. IT IS THE LOCATION OF WORLD RENOWNED POET FREDRICK GODDARD TUCKERMAN'S DEDICATION TO THAT MEMORIAL. THE GROUNDS, FLOWER BEDS, TREES AND STRUCTURES ARE ALL OWNED AND MAINTAINED BY THE TOWN. THE COSTS OF LANDSCAPING AND REPAIRS TO AMENITIES CAN BE EXPENSIVE. REPAIR AND RESEEDING OF THE GROUNDS CAN MAKE THE GROUNDS UNSUITABLE FOR USE FOR SIGNIFICANT PERIODS OF TIME. THIS ORDINANCE IS DESIGNED TO PRESERVE AND PROTECT THE MEMORIAL, GROUNDS, BEDS AND STRUCTURES WHILE MINIMIZING THE COSTS AND DURATION OF ANY REMEDIATION FROM OVER-USE.

2. PERMANENT ERECTIONS

NO PERMANENT STRUCTURE OF ANY KIND SHALL BE ERECTED ON THE TOWN COMMON WITHOUT APPROVAL OF THE MAYOR AND A VOTE OF THE TOWN COUNCIL.

3. TEMPORARY ATTACHMENT

NO ARTICLE SHALL BE TEMPORARILY ATTACHED TO ANY EXISTING TREE OR STRUCTURE ON THE TOWN COMMON IN SUCH A MANNER SO AS TO PERMANENTLY DAMAGE THE PROPERTY. THIS SHALL INCLUDE BUT NOT BE LIMITED TO AFFIXING MATERIAL BY NAIL OR SCREW, AND THE USE OF PAINT.

NO ARTICLE SHALL BE TEMPORARILY ATTACHED TO ANY EXISTING TREE OR STRUCTURE ON THE TOWN COMMON WITHOUT APPROVAL FROM THE BOARD OF LICENSE COMMISSIONERS. THIS SHALL NOT INCLUDE THE PLACEMENT OF A SIGN OR WREATH IN THE GROUND BY FRAMED STAKES NO GREATER ONE QUARTER INCH IN DIAMETER, WHICH SHALL BE ALLOWED WITHOUT PERMIT WHILE IN THE PRESENCE OF THE PERSONS ERECTING.

4. PROTECTION OF THE GRASS

NO TENTS, MATTRESSES, SLEEPING BAGS, PLASTIC SHEETING, TARPS OR OTHER MATERIAL EXCEEDING TWO SQUARE FEET, SHALL BE SPREAD ON THE GRASS WITHOUT APPROVAL OF THE BOARD OF LICENSE COMMISSIONERS.

EXEMPTED FROM THE RULE SHALL BE YOGA MATS, TOWELS AND PICNIC BLANKETS USED FOR A PERIOD NOT TO EXCEED TWO HOURS.

5. LIMITS OF EXCESSIVE USE

OVERNIGHT SLEEPING AND ACTIVITIES OCCUPYING MORE THAN 5% OF THE TOWN COMMON SHALL NOT BE PERMITTED FOR PERIODS OF MORE THAN FOUR CONSECUTIVE HOURS WITHOUT A PERMIT FROM THE BOARD OF LICENSE COMMISSIONERS.

6. DISABILITY ACCESS

NO ACTIVITY THAT IMPEDED THE ABILITY OF ANY PERSON WITH OR WITHOUT A DISABILITY FROM ACCESSING ALL AREAS OF THE COMMON ACCESSIBLE BY WALK WAY SHALL BE PERMITTED.

7. PENALTIES.

VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE SHALL CARRY A FINE OF \$50.00 FOR THE FIRST OFFENSE, \$100.00 FOR THE SECOND OFFENSE AND SUBSEQUENT OFFENSES.

8. ENFORCEMENT.

THE GREENFIELD POLICE DEPARTMENT AND OTHER DESIGNEES OF THE BOARD OF LICENSE COMMISSIONERS SHALL HAVE THE POWER TO ENFORCE THIS ORDINANCE

THROUGH NON-CRIMINAL DISPOSITION. ENFORCEMENT OF THIS ORDINANCE SHALL INCLUDE THE POWER TO DISBURSE FROM THE SCENE ANY PARTY ISSUED A CITATION OR WARNING FOR VIOLATION OF THIS ORDINANCE.

AND BY ALLOWING THE TOWN CLERK TO MAKE NON-SUBSTANTIVE CHANGES TO THE NUMBERING AND FORMATTING SO AS TO BE CONSISTENT WITH THE REMAINDER OF THE CODE.

RATIONALE:

THE TOWN SPENT A SIGNIFICANT SUM OF MONEY AND MAN POWER TO RESEED THE TOWN COMMON LAST SPRING DUE TO OVER USE. DURING THE RESEEDING OF THE TOWN COMMON, THE BULK OF THE PROPERTY WAS COMPLETELY UNUSABLE. THE CURRENT INCIDENCE OF HOMELESS ENCAMPMENTS ON THE TOWN COMMON PUT IT AT RISK FOR THE SAME DAMAGE TO OCCUR. THE REMAINDER OF THE ORDINANCE IS A CODIFICATION OF LONG TIME BOARD OF LICENSE COMMISSIONER POLICIES WHICH IS APPROPRIATE GIVEN AMENDMENTS TO THE ASSEMBLIES ORDINANCE THAT ALLOWS MOST DEMONSTRATIONS TO FORM WITHOUT NOTICE OR OVERSIGHT BY THE BOLC. AMENDING 346-2 ALLOWS AN ESCAPE VALVE FOR THE CURRENT HOMELESS POPULATION TO RELOCATE TO A LARGER AND BETTER SHADED PIECE OF PROPERTY MORE SUITABLE FOR CAMPING, WHOSE LANDSCAPING IS LESS MANICURED AND INCLUDES MORE SHADE AND MORE PROTECTION FROM THE DANGERS OF REGULAR VEHICULAR TRAFFIC IMMEDIATELY ADJACENT. WEDGEWOOD GARDENS IS ALSO WELL CONTAINED WITH CLOSE FOR LAW ENFORCEMENT IDENTIFICATION IF NEEDED. IT IS CENTRALLY LOCATED CLOSE TO DOWN TOWN SO AS TO ALLOW THE HOMELESS TO ACCESS SERVICES. THIS LOCATION DOES NOT ALLOW PERMANENT ERECTIONS AND IS UNSUITABLE FOR ANY DEVELOPMENT DUE TO FEMA RESTRICTIONS. WHILE ULTIMATELY, CONNECTING HOMELESS INDIVIDUALS WITH THE APPROPRIATE SOCIAL SERVICE AGENCIES IS THE REMEDY TO THE PROBLEM OF TRANSIENCE, AS A TEMPORARY MEASURE THIS RECOGNIZES THE REAL ISSUE AND PROVIDES A MORE APPROPRIATE OUTLET THAN THE TOWN COMMON.

MOTION: On a motion by Councilor Dolan, second by Councilor Mass, it was, unanimously, 1 Abstention,

VOTED: THAT IT BE ORDERED TO AMEND THE CODE OF TOWN OF GREENFIELD §346-2 BY ADDING AFTER THE WORDS “TOWN COMMON”, AND BEFORE THE WORDS “AND CONSERVATION LANDS”, THE WORDS “, MUNICIPALLY OWNED PROPERTY ALONG KIMBALL DRIVE OFF COLRAIN STREET, KNOW AS WEDGEWOOD GARDENS.

Order no. FY 19-008

MOTION: On a motion by Councilor Gilmour, second by Councilor Dolan, it was, unanimously,

TABLED: THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL RESCIND ORDER 17-123 “THAT THE GREENFIELD CITY COUNCIL VOTE TO “OPT OUT” OF REMOTE PARTICIPATION AUTHORIZED BY EXECUTIVE ORDER OF THE MAYOR DATED SEPTEMBER 1, 2015” APPROVED ON MAY 17, 2017.

Order no. FY 19-009

MOTION: On a motion by Councilor Gilmour, second by Councilor Allis it was, It was by roll call, 7 yes and 2 no,

TABLED: THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING CHAPTER 338 PRIVATIZING CITY SERVICES 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 CITY OF GREENFIELD.

Chapter 338

PRIVATIZING CITY SERVICES

§ 338 - 1: Definitions	§ 338 - 2:???
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§ 338 - 1: Definitions

Privatization: The transfer of programs, services, or goods from public ownership to a private enterprise.

City Services: activities currently performed by City employees or City departments under public oversight, whether financed directly through taxation or through a user fee.

§ 338 - 2:???

The City of Greenfield will not privatize any City services without first complying with each of the following requirements:

- (1) The Mayor shall prepare a written statement of the services to be the subject of the proposed privatization contract, and make said statement available to members of the City council and the public. This statement should include details related to expected savings to result from the privatization contract.
- (2) A public hearing and opportunity for public comment shall be provided.
- (3) Every privatization contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified regular employees of the City whose City employment is terminated because of the privatization contract. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons protected by MGL chapter one hundred and fifty-one B, and to take affirmative steps to provide such equal opportunity for all such persons.
- (4) After soliciting and receiving bids, the City shall publicly designate the bidder to which it proposes to award the contract. The Mayor shall prepare a comprehensive written analysis of the contract costs and benefits based upon the designated bid.
- (5) No bid shall be awarded that does not significantly save the taxpayers money over the term of the contract.
- (6) Before the bid is awarded it must be approved by a 2/3rds vote of the City Council.
- (7) The School Department is not subject to this ordinance.

Order no. FY 19-010

MOTION: On a motion by Councilor Allis, second by Councilor Sund, it was, unanimously, **VOTED:** THAT IT BE ORDERED, THAT IT BE ORDERED, THE GREENFIELD CITY COUNCIL HEREBY APPROVES THE ATTACHED STATE PRIMARY ELECTION WARRANT FOR SEPTEMBER 4, 2018 AND FURTHER AUTHORIZES THE CITY COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE CITY COUNCIL.

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
WARRANT – STATE PRIMARY – SEPTEMBER 4, 2018

SS. FRANKLIN

To either of the Constables of the City of Greenfield

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said City who are qualified to vote in Primaries to vote at: **GREENFIELD HIGH SCHOOL GYMNASIUM, BARR AVENUE, PRECINCTS – 1,2,3,4,5,6,7,8&9.**

On **TUESDAY, THE FOURTH DAY OF SEPTEMBER, 2018**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

- To cast their votes in the State Primaries for the candidates of political parties for the following offices:
- SENATOR IN CONGRESSFOR THIS COMMONWEALTH
- GOVERNOR FOR THIS COMMONWEALTH
- LIEUTENANT GOVERNOR..... FOR THIS COMMONWEALTH
- ATTORNEY GENERAL..... FOR THIS COMMONWEALTH
- SECRETARY OF STATE FOR THIS COMMONWEALTH
- TREASURER AND RECEIVER GENERAL.....FOR THIS COMMONWEALTH
- AUDITOR FOR THIS COMMONWEALTH
- REPRESENTATIVE IN CONGRESS..... SECOND DISTRICT
- COUNCILLOR..... EIGHTH DISTRICT
- SENATOR IN GENERAL COURT.....HAMPSHIRE, FRANKLIN & WORCESTER DISTRICT
- REPRESENTATIVE IN GENERAL COURT SECOND BERKSHIRE DISTRICT
- DISTRICT ATTORNEY..... NORTHWESTERN DISTRICT
- CLERK OF COURTS..... FRANKLIN COUNTY
- REGISTER OF DEEDS FRANKLIN DISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 18th day of July, 2018.

City Council President Karen Renaud
As authorized by a vote of the Greenfield Council

By Constable posting:

Constable

Date of posting.