

GREENFIELD TOWN COUNCIL

185<sup>th</sup> Regular Meeting Minutes

September 19, 2018

Greenfield High School Cafeteria, 21 Barr Avenue

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:13 p.m. by President Renaud.

President Renaud 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. Councilor Leonovich was absent.

**ALSO PRESENT:** Mayor William Martin; Town Clerk Kathryn J. Scott; Director of Administration Mark Smith; School Superintendent Jordana Harper, GCET Director John Lunt; GCTV-15 staff; Melina Bourdeau, *the Recorder*; and members of the public.

The Pledge of Allegiance was held (voluntary)

**ACCEPTANCE OF MINUTES:** None

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

- Karen Larabee, 24 Oak Hill Acres, President of Friends of the Greenfield Public Library, spoke about the Friends of the Library and the various events the Library had put together for the community.
- Susan White, 75B Wells Street, spoke to becoming a new resident of Greenfield. She worked for the Health Care Resource Center, which helps people with substance abuse.
- Roxann Wedegatner, 85 Hastings Street, spoke to the veto of the new ordinance to religious organizations hosting the homeless. She urged Councilors to take Mayor Martin's reasons for veto into consideration. She spoke in support of a Public Safety Complex.
- Jean Wall, 40 High Street, Chair of Planning and Construction Committee, requested Councilors, on behalf of the Committee, to allow appropriate time and resources to identify proper solutions for the Public Safety Complex needs.
- John Andrews, 46 Canada Hill, member of the Planning and Construction Committee, spoke on the Public Safety Complex and School repairs.
- Sarah Ahern, 85 Crescent Street, spoke to the ordinance on preservation of Town Common.
- Garrett Connelly, 84 Congress Street, spoke to the Plastic Bag ordinance and the dangers of plastic on a person's health.
- Dorothy McIver, 88 Columbus Avenue, spoke in support of a Public Safety Complex and need of a new Fire Department location immediately and the others could follow at a later time.
- Susan Worgaffik, 45 Forest Avenue, urged Council not to put the Library at risk when making decisions on Public Safety Complex.
- Shannon Kinney, 142 School Street, asked for assistance from the Council regarding the damage caused to her home during the construction of the Community Center.
- David Moscaritolo, 43 Country Club Road, spoke to his request for information on GCET financial records. He responded to a newspaper article regarding the Public Safety Complex.
- Nancy Hazard, 30 Spring Terrace, spoke on the Public Safety Complex and urged the Council to be open to all options.
- Madelynn Malloy, 60 Wells Street, requested Councilors to expedite the Library and Public Safety Complex.

- Henry Albin, 171 Avenue A, Montague, spoke in opposition to the ordinance on Preservation of Town Common.

**PUBLIC HEARINGS:** None

**MOTION:** On a motion by Councilor Mass, second by Councilor Gilmour, it was unanimously, **VOTED:** THAT IT BE ORDERED, THAT THE GREENFIELD TOWN COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS.

**COMMUNICATIONS:**

GCET BOARD OF COMMISSIONER AND/OR GCET DIRECTOR: Direct John Lunt spoke to the following:

- Build out continues, completed Smith Street and would be working from Lincoln Street to Beacon Field for the next few weeks.
- This month marks one year of continuous billing increases.
- Within the next few months GCET will also have TV solutions included with internet and phone.

Direct Lunt responded to questions regarding:

- Update internet billing and paying bills online
- Insight into FY2019 operating costs
- Utilization of senior citizens and veterans as volunteers for GCET

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendent Harper spoke to the following:

- Received \$20,000 grant money from Attorney General for the school's prevention curriculum work.
- Awarded \$625,000 grant from Drug Free Communities, partnered with FRCOG. This was a 5 year Federal Grant to allow Schools and community to continue to find important ways to impact the lives of young people in Greenfield.

Superintendent Harper spoke to the following for the School Committee who could not be present:

- Superintendent evaluations have been completed
- Holding a workshop Wednesday, September 26, from 11:00 am to 1:00 pm to work on goals of the School Committee
- Co-ordinate between Town Council and School Committee to receive draft copies of minutes and votes after Town Council consideration.

MAYOR: Mayor Martin spoke to the following:

- Thanked Lane Kelly for returning from retirement to help in the Finance Department.
- Olive Street Parking Garage was on schedule and within budget and could be open as early as October 24, 2018.
- Received an \$8.9 million allocation from the State for improvement of various initiatives including repairs to Wiley-Russell Dam, dredging of Highland Park, as well as other projects.
- Berkshire Gas was in the process of relining pipes, the moratorium will remain.
- Working with Mass DOT on commuter trains.
- Reconsideration on ordinance for Preservation of Town Common for new signs to be displayed on Common explaining why overnight camping was not allowed.
- Debt to be discussed at October Town Council meeting.
- FY2017 budget was closed late, as well as the Tax Rate. The Final Management Letter and Final Audit was completed several weeks ago.

- FY2018 budget was in the process of being closed. Preliminary report stated there are no departmental budgets that are in deficit in FY2018 except for Snow & Ice Account.
- FY2019 Tax Rate had to be voted at the November or December meeting.
- RRG would present Tax Rate under single classification.

Administrative Director Smith spoke to reconsideration of Town Auditor order. He stated temporary Financial Director Kelly and Accounting staff would be closing the books for FY2018.

Mayor Martin answered questions from the Council regarding the following:

- How much it would cost to park in parking garage.
- Clarification regarding the travel for training outlined on page 45 of agenda packet.
- Was Lane Kelly considered a Town employee despite not being paid for her services.
- Provided an update into quasi volunteers and employees in the Senior Workers Program and the signing of a sexual harassment policy.
- Anticipation of appointing a new Chief Assessor.
- Projection of impact on non parking garage sites when Olive Street opened in October
- Update of 188 Main Street
- How long would Lane Kelly be assisting the Finance Department.
- Requested information regarding how much the Town has spent on the situation of the homeless on the Common.
- Thanked MJ Adams for her work with the homeless on the Common.
- Were other groups using the John Zon Community Center for meetings or events.
- Would there be less expensive parking spots after the parking garage is opened.
- Was Berkshire Gas acknowledging or doing anything about the damage on the roads when they are repairing/replacing their pipelines.
- Status of lunch program at John Zon Community Center.
- Update of lease for Just Roots Community Farm.
- Status on the \$30,000 appropriated for reassessment of Non-Residential properties.
- Were cameras around perimeter of High School active and being monitored.

PUBLIC SAFETY COMPLEX: Mayor Martin; Robin Provost, of Mowry & Schmit, General Contractor; Billy Walker of Dyer Investments, Developer; AJ Bresciano, VP Commercial Loans of Greenfield Savings Bank answered questions from the Council:

- How much input did Mayor Martin have with preparation of lease.
- Current valuation of property is about \$1.6 million.
- What would the Town be responsible for under any warranties.
- Could it be written in the lease that payments were required to be paid to the Bank and not Landlord.
- How would lender's right to enter lease property impact a Police Station's functions.
- Estimate of Town's cost for any fixtures or alterations to the property.
- Did the Planning and Construction committee take a formal vote on the Public Safety Complex and forward a recommendation.
- The property was currently vacant.
- Had there been any discussions to buy the building.
- Was the Mayor interpreting a lease as a purchasing agreement.
- What would be the cost to the Town if we were to build the Complex.
- Would the owner be willing to sell the building to the Town at the assessed fair market value.
- Had the Mayor looked into offsetting cost by selling the Police Station and applying funds to the lease.

- The time frame of the Police to occupy the new Complex.
- Did the Town need to get a grant to buy the property.
- This project would take 2.8% of the Town's budget to bring to fruition.
- What was the difference between buying the building now as opposed to within 10 years, as lease stated.
- What was the difference from the lease that was previously presented to the Council to the lease that is being discussed now.
- What was the plan for the property if this deal did not go through.
- Was there any way to build a Firehouse now and receive the grant money later.

TOWN OFFICERS: None.

## MOTIONS, ORDERS, AND RESOLUTIONS

### Order no. FY 19-021

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

**MOVED:** THAT IT BE ORDERED THAT THE "ORDER NO. FY 19-014 APPROVAL OF "A NEW ORDINANCE RELATIVE TO RELIGIOUS ORGANIZATIONS HOSTING THE HOMELESS" PREVIOUSLY VOTED ON BY THE TOWN COUNCIL ON AUGUST 2, 2018. AND VETOED BY THE MAYOR ON AUGUST 17, 2018, IS HEREBY APPROVED.

**DISCUSSION:** President Renaud informed the Councilors she does not oppose the veto and that she would be further discussing matter with the Mayor.

It was unanimously,

**DEFEATED:** ORDER NO. FY 19 -021.

### Order no. FY 19-022

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Allis, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON AUGUST 15, 2018:

#### **Order no. FY 19-015**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Mass, it was by majority vote,

**VOTED:** THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "RESOLUTION FOR THE CONSOLIDATION OF PUBLIC SAFETY SERVICES"

**MOTION UNDER RECONSIDERATION:** THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "RESOLUTION FOR THE CONSOLIDATION OF PUBLIC SAFETY SERVICES"

It was by majority roll call, 11 No, 1 Yes

**VOTED:** TO DEFEAT ORDER NO. FY 19-015.

President Renaud stated Town Attorney Gordon Quinn was being consulted relating to order FY19-023. This Order would be taken up out of order.

### Order no. FY 19-024

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

**VOTED:** THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON AUGUST 21, 2018:

#### Order no. FY 19-020

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

**VOTED:** THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED ORDINANCE FOR THE PRESERVATION OF THE TOWN COMMON

**MOTION UNDER RECONSIDERATION:** THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED ORDINANCE FOR THE PRESERVATION OF THE TOWN COMMON

**DISCUSSION:** Discussion included:

- There are regulations regarding use of the Town Common through the Licensing Board of Commissioners.
- Need for clarity as to what the regulations are on the Town Common between the Licensing Commission, Board of Health and Town Council.

**MOTION:** On a motion by Councilor Mass, second by Councilor Stempel, it was by majority, **VOTED:** THAT ORDER BE REFERRED TO COMMITTEE.

**Order no. FY 19-025**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 400, TREES, §400-2 AND §400-9, AND FURTHER AMENDS THE INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

**Chapter 400**  
Trees

**[HISTORY: Adopted by the Town of Greenfield as amended 5-18-2016 by Order No. FY 16-160 (Ch. 172 of the 2002 Bylaws). Subsequent amendments noted where applicable.]**

**GENERAL REFERENCES**

Public lands — See Ch. 346.

Streets, sidewalks and public places — See Ch. 385.

Article I

**Purpose and Definitions**

**§ 400-1 Purpose.**

It is the purpose of these regulations to provide standards for the protection, preservation, resilience and improvement of Greenfield's urban forest; provide for the health, safety and general welfare of the residents by allowing appropriate shade and ornamental trees to be planted within the public right-of-way; and to provide guidance to the Town and its residents in planting, caring for, and removing trees.

**§ 400-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AMERICAN NATIONAL STANDARD or ANSI A300 STANDARDS**

ANSI A300 standards are the generally accepted industry standards for tree care practices. They are voluntary industry consensus standards developed by TCIA and written by a committee called the "Accredited Standards Committee (ASC) A300," whose mission is to develop consensus performance standards based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

**CALIPER**

Diameter of a tree trunk (in inches). For trees up to and including four inches in diameter, the caliper is measured six inches above the existing grade at the base of the tree. For trees larger than four inches in diameter, the caliper is measured 12 inches above the existing grade at the base of the tree.

**CERTIFIED ARBORIST**

A professional arborist possessing current certification issued by the International Society of Arboriculture (ISA) and/or the Massachusetts Arborist Association (MAA).

**DIAMETER AT BREAST HEIGHT (DBH)**

The average diameter of the trunk of a tree measured 4'h feet above mean ground level at the base of the trunk. If the tree splits into multiple trunks above ground, but below 4'h feet, the DBH is the average diameter of the narrowest point beneath the split. If the tree has excessive swelling at 4'h feet, the DBH is the average diameter of the narrowest point beneath the swelling.

**HAZARDOUS TREE**

A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

**PLANNED SOLAR COLLECTION SYSTEM**

A solar collection system in which a permitting process has been initiated or notice has been given to the Building Inspector that the permitting process will be initiated within a specified time line.

**PUBLIC SHADE TREE**

As defined in MGL c. 87, § 1, a public shade tree is a tree within or on the boundaries of a public way other than a state highway, such as a road, street, bike path, or walkway.

**TOWN**

The Town of Greenfield.

**TREE**

Any self-supporting woody perennial plant which has a trunk diameter of 1.5 inches or greater measured at a point 12 inches above the ground level and which normally obtains a height of at least 10 feet at maturity.

**TREE BELT**

The portion of the public way available for tree planting. It is typically the area between the sidewalk and the edge of pavement.

**TREE PIT**

The cut out in pavement on municipal walkways in which trees are planted.

**TREE PLANTING PERMIT**

**A permit issued to a resident by the Tree Warden or designee that authorizes the planting of trees on Town property.** ~~A permit issued to a resident by the Director of the Department of Public Works or Tree Warden that authorizes the planting of trees on Town property.~~

**TREE REMOVAL**

Cutting down and taking away a tree.

**TREE REPLACEMENT COSTS**

The costs of tree replacement include the cost of a 2.5-inch to three-inch caliper tree, planting, and soil as needed, set by the DPW.

**TREE WARDEN**

The agent of the Town having primary enforcement responsibilities under this chapter and MGL c. 87, and charged with the responsibility for approvals required pursuant to this chapter.

Article II  
**General Provisions**

**§ 400-3 Applicability.**

The terms and provisions of this chapter shall apply to any activity on Town property and any activity that requires the issuance of a tree planting permit. No tree planting permit shall be issued by the Town without it being determined that the proposed activity is in conformance with the provisions of these regulations and approved by the Tree Warden.

**§ 400-4 Powers of Tree Warden.**

This chapter shall not abridge the powers of the Tree Warden as provided by MGL c. 87. The Tree Warden shall have the care and control of all public shade trees, shrubs and growths in the Town, except those within a state highway, and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths. The Tree Warden shall expend all money appropriated for the setting out and maintenance of such trees, shrubs and growths, and no tree shall be planted within a public way without the approval of the Tree Warden. The Tree Warden may make regulations for the care and preservation of public shade trees; which, when posted in one or more public places, shall have the effect of Town ordinances.

**§ 400-5 Determination of location on Town or private property.**

The Town, through the DPW Director or designee, will determine if a tree is on Town or private property.

**§ 400-6 Damage to trees prohibited.**

No person shall in any manner cut, girdle, mutilate, break off limbs, or deface any tree on Town land, including posting notices, except as permitted herein.

**§ 400-7 Attachment of wires, ropes, and fixtures.**

- A. No electric wires, decorative lights, cables, guys, ropes, poles, cross arms, brackets, insulators, or other wires or electrical fixtures shall be attached to or come into contact with any tree on public property without the written consent of the Tree Warden. Upon consent, the Tree Warden will provide guidelines for proper installation of decorative lights that will allow for tree growth.
- B. Installations will be inspected regularly for the safety of people and trees.

**§ 400-8 Interference with light and solar systems.**

The Tree Warden and DPW Director shall not allow a tree to be planted on Town property, or on private property where the Town is paying for the tree, that will negatively impact an active or planned solar collection system, public lighting, street lamps or privately illuminated freestanding commercial signage without the consent of the sign owner.

**§ 400-9 Enforcement.**

It shall be the duty of the Tree Warden to enforce this chapter. The Tree Warden or the ~~Director of Public Works~~ **designee** shall have the authority to revoke, suspend or void the tree planting permit and shall have the authority to suspend all work on a site or any portion thereof and levy fines as provided by § 400-10.

**§ 400-10 Violation and penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and subject to the cost of repair or replacement and a fine of \$100 for the first offense, \$200 for the second offense and \$300 for the third or subsequent offenses. Any fines collected pursuant to this chapter shall be used to replace or maintain Town trees.

## Article III

**Tree Planting and Maintenance****§ 400-11 Tree planting guide.**

All trees on public property will be planted as specified in the ANSI A300 Standard. Trees planted on private property, paid for by the Town, shall also be planted per the ANSI A300 Standard. Tree species will be chosen from Appendix C.

**§ 400-12 Planting and protection of trees in tree belt.**

- A. Planting of trees within the tree belt may be conducted by Greenfield's Department of Public Works where the tree will not interfere with buried or above-ground utilities; will not obstruct visibility for cars making turns; will not cause major damage to streets and sidewalks; and will not become a nuisance, e.g. trees that shed branches or are short-lived.
- B. Businesses that are hired by the Town of Greenfield to plant trees must sign a contract that clearly states that they are responsible for replacement of the tree if it dies within 12 months. Any work will be performed in a good and workmanlike manner and in accordance with § **400-11**.
- C. Planting of trees by citizens is allowed in the tree belt after securing a tree planting permit. Following are guidelines to a successful tree planting permit application.
  - (1) If the person seeking the permit is not the property owner immediately behind the proposed tree planting location, he/she must provide written permission from the property owner to plant the tree.
  - (2) Citizens shall select a native species, as identified in Appendix C, appropriately sized and suited for the location that will not interfere with buried or above-ground utilities; will minimize root damage to streets and sidewalks; and will not become a nuisance, e.g., trees that shed branches or are short-lived.
  - (3) All costs incurred shall be the responsibility of the citizen planting the tree, and work will be performed in a good and workmanlike manner and in accordance with § **400-11**.

- D. Notice of planting of a tree. The immediately abutting owners' right to object shall be given to the immediately abutting property owners either in person or by first class mail to the address registered with the Treasurer/Collector's office no less than 14 days in advance of the planting. If the abutting owner objects in person or in writing three or more days prior to the planting, the tree shall not be planted.

**§ 400-13 Town planting of trees on private property.**

If a resident's property cannot accommodate tree plantings in the tree belt, and if the property owner wishes to plant a tree in his/her front yard, he/she can apply to the DPW front yard tree-planting program. As funds allow, the DPW may work with the property owner to select an appropriate location (a distance not exceeding 20 feet from the layout of such public way) and tree, order Dig-Safe; and install the tree at no cost to the resident. The Town shall have no responsibility for maintenance of the tree after planting is complete.

**§ 400-14 Protection and maintenance.**

- A. Businesses that are hired by the Town of Greenfield to mow around trees must sign a contract that clearly states that they are responsible for protecting the trees. If trees are damaged and subsequently die due to poor maintenance practices such as scarring trees with mowers and weed whips, the business shall pay the replacement cost of the tree, including dead tree removal, purchase, planting and watering for three years as specified in the ANSI A300 Standard. (See the Tree Replacement Table § **400-16C**.)
- B. Businesses or residents who hire someone to mow around trees in the tree belt shall be responsible for the tree replacement cost (see definition) of trees that die due to poor maintenance practices such as scarring trees with mowers and weed whips.

Article IV  
**Tree Removal**

**§ 400-15 Town rights; emergency removal.**

Nothing in this chapter shall preclude the Town, or a public utility, from removing a tree on Town property without prior notice if the tree represents an immediate threat to the public way or public safety (e.g., tree seriously damaged by storm, uprooted). In such cases, the Town shall remove the portion of the tree that poses an immediate threat (e.g., a hanging limb).

**§ 400-16 Removal of hazardous trees within tree belt and on other publicly owned land.**

- A. Nothing in this chapter shall abridge the powers of the Tree Warden to act in the interest of public safety regarding the removal of hazardous trees. The Tree Warden may remove a tree, which, because of its condition and location, is deemed to endanger the health and/or safety of the general public, as outlined in the ISA Tree Assessment Form (Appendix A).
- B. Requests or petitions for removal of hazardous trees shall be made to the Department of Public Works. The discretion and sound judgment of the Tree Warden alone determines whether a tree shall be removed after such request for removal has been made.
- C. With the goal of improving Greenfield's tree canopy, each tree removed which is replaced will be replaced as outlined in following Tree Replacement Requirements Table:

**Tree Replacement Requirements Table**

Size of Tree Removed	Replacement Required	Replacement Schedule
Less than 12 inches' DBH	1 tree with a minimum 3-inch caliper if in a tree pit; 1.5 trees with a minimum 2-inch caliper in all other locations	During the same calendar year's growing season or, if removed in winter, the following spring or fall
Greater than 12 inches' DBH	2 trees with a minimum 3-inch caliper if in a tree pit; 1.5 trees with a minimum 2-inch caliper in all other locations	During the same calendar year's growing season or, if removed in winter, the following spring or fall

**§ 400-17 Removal of nonhazardous trees within tree belt or tree pit.**

- A. Trees on public property belong to all residents of Greenfield and provide many benefits. It is a priority of the Town to preserve and protect all trees on Town property. If on the rare occasion the Tree Warden determines that a nonhazardous tree must be removed, as funds allow it will be replaced by planting as required in the Tree Replacement Table § **400-16C**.
- B. Following is the procedure for requesting the removal of a nonhazardous tree:
- (1) Requests for the removal of a tree shall be filed with the Tree Warden and acted upon by the Tree Warden and the Planning Board in a public hearing as provided by MGL c. 87.
  - (2) Replacement trees that die within the first year will be replaced, subject to appropriation.
  - (3) The Tree Warden will select the appropriate trees and locations that will not interfere with buried or above-ground utilities; will minimize root damage to streets and sidewalks; and will not become a nuisance. A replacement tree is not required to be located on the section of public right-of-way from which it was removed. It may be planted on an approved location as follows: a) on public property, b) on their own property next to a public right-of-way, or c) on other private property that is next to a public right-of-way with permission of the property owner. The petitioner shall provide the Planning Board and the Tree Warden with a suitable guarantee that the replacement trees will be provided prior to the removal of the live tree in question.
  - (4) All costs incurred, including related work, regardless of contractor, shall be the responsibility of the citizen making the nonhazardous tree removal request, unless otherwise stated in a written agreement with the Town.
  - (5) All work related to tree removal must be done by the DPW or a contractor hired or approved by the Town.
  - (6) All work in a public right-of-way shall be conducted to the specifications of the Director of the Department of Public Works and the Tree Warden.

**§ 400-18 Tree Warden responsibility for trees on private property.**

If the Tree Warden assesses that a tree on private property may pose a hazard to the public right-of-way in the near future, he/she will contact the owner of the tree about the condition of the tree with a request that the owner remedy the situation by pruning or removing the tree.

**§ 400-19 Appeals process.**

If a tree is deemed unhealthy, but does not fit the definition of a tree in need of emergency removal as defined in § **400-15**, below is the tree removal decision process. If, during the process, the tree poses an immediate threat to the public way or public safety, the DPW may exercise its emergency removal responsibilities. If a tree has been posted for removal, anyone may file an appeal of the Tree Warden's decision with the DPW Director, within 20 days after the notice has been posted. If an objection to removing a tree is made in writing at or before a public hearing, the Tree Warden shall not cut down or grant a permit for cutting down a public shade tree. Such objection, however, may be overruled by the Mayor.

**Attachments:**

[Attachment 1 - Appendix A, Basic Tree Risk Assessment Form](#)

[Attachment 2 - Appendix B, ANSI A300 Standards](#)

[Attachment 3 - Appendix C, List of Approved Trees for Town Street Planting](#)

**DISCUSSION:** Councilor Ricketts reported Appointment and Ordinance Committee voted a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 19-025.

**Order no. FY 19-026**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “FIRE HOUSE RESOLUTION”

WHEREAS THE GREENFIELD FIRE HOUSE IS IN DISREPAIR AND IS NO LONGER SUITED TO THE CURRENT OR FUTURE NEEDS OF GREENFIELD;

WHEREAS THE GREENFIELD FIRE HOUSE HAS BECOME A DANGEROUS WORK ENVIRONMENT FOR GREENFIELD’S FIRE FIGHTERS;

WHEREAS THE GREENFIELD FIRE HOUSE CANNOT BE ADEQUATELY REHABBED TO CORRECT STRUCTURAL DEFICIENCIES;

WHEREAS PUBLIC SUPPORT IS LACKING FOR A LEASE AGREEMENT WITH A PRIVATE INVESTMENT FIRM FOR A PUBLIC SAFETY COMPLEX;

WHEREAS THE GREENFIELD TOWN COUNCIL DOES NOT BELIEVE THAT A LARGE PUBLIC SAFETY COMPLEX IS NECESSARY TO MEET GREENFIELD’S CURRENT OR FUTURE NEEDS;

NOW THEREFORE BE IT RESOLVED THAT THE GREENFIELD TOWN COUNCIL URGES THE MAYOR TO PURSUE A PUBLIC WORKS PROJECT TO BUILD A NEW FIRE HOUSE FOR THE TOWN OF GREENFIELD ON PUBLIC LAND SUCH AS SHATTUCK PARK OR ANOTHER SIMILAR LOCATION. FURTHERMORE, THE GREENFIELD TOWN COUNCIL INSISTS THAT THIS PROJECT INCLUDE: A TRANSPARENT PLANNING PROCESS THAT IS OPEN TO THE PUBLIC; AND A BUILDING COMMITTEE THAT INCLUDES MEMBERS OF THE PUBLIC AND AT LEAST ONE REPRESENTATIVE FROM THE GREENFIELD TOWN COUNCIL AND ONE FIREFIGHTER.

**DISCUSSION:** Councilor Stempel reported Ways and Means Committee voted unanimous positive recommendation to table and provided reasons to table order. Councilor Gilmour agreed that more work would need to be done on this resolution.

Councilors Gilmour and Mass withdrew their motion, respectively.

President Renaud informs council that Councilor Mass was correct in that our Charter does take precedence over the rules of procedure. This reconsideration had to have been done by September 15<sup>th</sup>. Recommended to vote no to stay within our Charter and for Audit purposes.

**Order no. FY 19-023**

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

**DEFEATED:** THAT IT BE ORDERED THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON AUGUST 15, 2018:

**Order no. FY 19-016**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Mass, it was by majority vote,

**VOTED:** THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO SECTION 5-11 TO APPOINT THE FIRM OF BLUMSHAPIRO FOR THE PURPOSE OF AN OUTSIDE AUDIT.

**MOTION UNDER RECONSIDERATION:** THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO SECTION 5-11 TO APPOINT THE FIRM OF BLUMSHAPIRO FOR THE PURPOSE OF AN OUTSIDE AUDIT.

**Order no. FY 19-032**

**MOTION:** On a motion by Councilor Allis, second by Councilor Gilmour, it was, unanimously, **VOTED:** THAT IT BE ORDERED THAT THE TOWN COUNCIL, PURSUANT TO M.G.L. CH. 40 AND MASSACHUSETTS LAW HEREBY AUTHORIZES THE MAYOR TO GRANT AND EXECUTE AN EASEMENT AND RIGHT OF WAY FOR THE PROPOSE OF ACCESS, REPAIR AND MAINTENANCE OF THE SEPTIC SYSTEM AT 541 MOHAWK TRAIL, AS SHOWN ON THE ATTACHED DRAWING AND AS DESCRIBED IN THE ATTACHED DOCUMENTS.

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

**REPORTS OF COMMITTEES**

**COMMUNITY RELATIONS AND EDUCATION COMMITTEE** – None

**ECONOMIC DEVELOPMENT COMMITTEE** – None

**APPOINTMENTS AND ORDINANCE COMMITTEE**- None

**WAYS AND MEANS COMMITTEE** – None

**TREASURER REPORT** - None

**UNFINISHED BUSINESS:** - None.

**OLD BUSINESS:** - None.

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

- I. Authorize the payment of a bill from FY18 from the FY19 Human Resource budget in the amount of \$142.30
- II. The sum of \$1,978.90 be appropriated from the Reserve Fund to pay bills from the previous fiscal year
- III. The sum of \$28,357 be appropriated from the Compensated Absences Fund 8450 to fund buybacks for unused vacation/personal/sick time as provided by contract
- IV. The sum of \$23,670 be appropriated from the Contractual Stabilization Fund to fund provisions of terminations provided by contract
- V. The sum of not to exceed \$43,000 be appropriated from the Contractual Stabilization Fund to fund retroactive wage provisions of a new contract agreement with Unit B of the Police Union

- President Renaud addressed the following:
  - The Pledge of Allegiance Ordinance that starts in January.
  - Town Council meeting in November.
- Councilor Pyfrom addresses the Councilors regarding rude and insulting comments directed at them and other people.

**MOTIONS FOR RECONSIDERATION:** None.

***Order no. FY 19-019***

**MOTION:** On a motion by Councilor Mass, second by Councilor Allis, it was, by roll call majority, 9 yes, 3 no,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO ENTER TO EXECUTIVE SESSION FOR PURPOSE 3 – TO DISCUSS STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING OR LITIGATION IF AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING OR LITIGATING POSITION OF THE PUBLIC BODY AND THE CHAIR SO DECLARE AND INDICATES THAT WE WILL ADJOURN FROM EXECUTIVE SESSION

Town Councilor President Renaud announced the Council would enter into Executive Session at 10:57pm and that the Council would adjourn from Executive Session.

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

**VOTED:** TO ADJOURN THE MEETING AT 10:57 P.M.

A true copy,

Attest: \_\_\_\_\_  
Kathryn J. Scott, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

Greenfield High School Cafeteria  
 Regular Meeting  
 September 19, 2018

	Attendance	FY19-015 Cons Pub Srv				
1. Sund, Verne	Y	N				
2. Lobik, John	Y	N				
3. Allis, Brickett	Y	N				
4. Muzyka-Pyfrom, Wanda	Y	N				
5. Dolan, Timothy	Y	N				
6. Gilmour, Sheila	Y	N				
7. Wheeler, Otis	Y	N				
8. Mayo, Douglas	Y	N				
9. Leonovich, Daniel	Abs					
10. Mass, Isaac	Y	N				
11. Renaud, Karen	Y	N				
12. Ricketts, Penny	Y	N				
13. Stempel, Ashley	Y	Y				