

GREENFIELD TOWN COUNCIL

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

October 17<sup>th</sup>, 2018

Greenfield High School Cafeteria, 21 Barr Avenue

7:00 pm

**CALL TO ORDER:** Meeting was called to order at 7:07 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:** All Councilors are present

**ALSO PRESENT:** Town Clerk Kathryn J. Scott; Temporary Finance Director Marjorie Lane Kelly; Director of Administration Mark Smith; Greenfield School Superintendent Jordana Harper; School Committee Chairperson Adrienne Nunez; Board of Health member Dr. William Doyle; Board of Assessors Chairperson Joe Ruggeri; Library Director Ellen Boyer; Town Treasurer/Collector Kelly Varner; DPW Director Marlo Warner; GCTV-15 staff; Joshua Solomon and Melina Bourdeau *the Recorder*; and members of the public.

The Pledge of Allegiance was held (voluntary)

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

**VOTED:** TO ACCEPT THE TOWN COUNCIL MINUTES OF APRIL 18<sup>TH</sup> & MAY 16<sup>TH</sup>, 2018

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

- Steven Adams, Chairperson of the Board of Health, 252 Davis St., spoke of the budget and difficulties with employment in the Health Department. Provided handout to Councilors (see attached).
- Karen Larabee, Friends of the Greenfield Library, 24 Oak Hill Acres, spoke in support of a new Library and listed events that were to be held at the Library. Handed receipt to Council (see attached).
- Andrew Fisk, Executive Director of Connecticut River Conservancy, 15 Bank Row, spoke in favor of the plastic bag ordinance.
- Dr. William Doyle, Member of Board of Health, 10 Congress Street Apt 612, spoke in opposition to the cut of the Health Department budget.
- Jacob Spruyt, 39 Gold Street, spoke in favor of the plastic bag ordinance.
- Louise Amyot, 56 Madison Circle, spoke in favor of the plastic bag ordinance.
- Dorothy McIver, 88 Columbus Avenue, spoke in favor of the plastic bag ordinance.
- Peg Hall, 34 Pierce Street, spoke in favor of the plastic bag ordinance.
- Wendy Goodman, 529 Green River Road, spoke in favor of the plastic bag ordinance.
- Matthew Dean, Foster's Super Market, spoke about business concerns in regards to the bag fee in the plastic bag ordinance.
- Nancy Robbins, 35 Solar Way, spoke in favor of the plastic bag ordinance.
- Faith Kaufmann, 39 Gold Street, spoke in favor of the plastic bag ordinance.

**PUBLIC HEARINGS:** President Renaud opens Public Hearing at 7:43 pm.

Councilor Stempel held the following public hearing notice:

## PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wed., October 17, 2018, at 7:00 p.m. at the Greenfield High School Cafeteria, 21 Barr Avenue. to receive public input on the following:

- Authorize the payment of a bill from FY18 from the FY19 Human Resource budget in the amount of \$142.30
- The sum of \$1,978.90 be appropriated from the Reserve Fund to pay bills from the previous fiscal year
- 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
- The sum of \$23,670 be appropriated from the Contractual Stabilization Fund to fund provisions of terminations provided by contract
- 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

The Town Council will consider the same on Wed., October 17, 2018, at 7:00 p.m. at 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.

Karen Renaud, Greenfield Town Council President

Councilor Stempel read the second reading:

**Town Council – Second Reading- October 17, 2018**

- Authorize the payment of a bill from FY18 from the FY19 Human Resource budget in the amount of \$142.30
- The sum of \$1,978.90 be appropriated from the Reserve Fund to pay bills from the previous fiscal year
- 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
- The sum of \$23,670 be appropriated from the Contractual Stabilization Fund to fund provisions of terminations provided by contract
- 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

**COMMUNICATIONS:**

MAYOR: Director of Administration Mark Smith stood in for Mayor Martin. He introduced Councilors to the newly hired DPW Director, Marlo Warner. Director Warner spoke to starting the position on October 1<sup>st</sup> and his past employment with the Town of Greenfield. He had familiarized himself with the projects and budget for the DPW. Councilors welcomed Director Warner back to the Town and to his new position.

Temporary Finance Director Lane Kelly spoke to debt repayment. Discussion included:

- The figure that should represent five to ten percent and that is bonded debt.
- There is currently \$43,000,000 worth of general obligation debt that's general fund in addition to \$7,000,000 in water & sewer
- Debt limit is 5% of EQV (equalized valuation), Town is well within the debt limit.

- Operating Budget figure goes up on average .75% yearly, but the earned fixed cost rate goes up every year that is over the .75%.
- Existing non exempt debt was voted on by council back in 2014 and was passed for debt exclusion for the High School. Whatever the Prop 2 ½ increase can be every year then gets the exempt debt added on to it.
- The Town runs an average of about 2.3 million dollars in bonded debt and bonded debt interest and the High School debt.
- General bond issues will be on June 1, 2019.

Temporary Finance Director Lane Kelly answered Councilors' questions regarding:

- Clarification of the current BANS on the books.
- Director of Administration Mark Smith was asked why Mayor did not send corrections to budget book when he had the information and Councilors did not.
- Inquired about the Health Department budget and staffing issues.
- Reason why the bond was not done.

Temporary Finance Director Lane Kelly reported to the Council that cash is reconciled with the exception of two (2) months. Estimated complete reconciliation by the end of this month – perhaps first week of November. Receivables are having some issues due to conversion of new software. Closing of FY 2018 should take place between second or third week of November, possibly by December 1, 2018.

COMMUNICATIONS FROM GCET BOARD OF COMMISSIONER AND/OR GCET DIRECTOR  
None

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: School Superintendent Jordana Harper and School Committee Chairperson Adrienne Nunez spoke to the following:

- Closely overseeing FY 2019 budget.
- Special Meeting scheduled for Monday, October 29<sup>th</sup> @ 5:00pm to discuss Superintendent's goals for this year.
- In a short time the School Committee would begin negotiations with Unit A, the teachers, and Unit C, the instruction assistants.
- At subcommittee level, the School looked forward to continual deliberations on use of the Green River School building and Green River School programming.
- Attorney General sent a template for Resource Officer and Committee will begin a review of current Resource Officer Memorandum of Understanding (RO MOU).
- Ongoing initiative to use new technology for school messenger roll out. Encouraged parents to sign up for program.
- "Mathmania Night" at Newton School was a successful project.
- Thursday, October 25<sup>th</sup> and Friday, October 26<sup>th</sup> the School will have early release days for students so School can host open houses for parents.
- Friday, October 19<sup>th</sup>, the Harvest Sampler at Four Corners will begin at 5:00 pm to 6:00 pm.
- Tuesday, November 6<sup>th</sup>, no School due to election.
- Greenfield High School's Field Hockey team won.

Superintendent Harper answered Councilors' questions regarding:

- Was the School aware of the graffiti in the bathrooms at the middle school.
- Congratulations were given on the acquisition ads on the radio.
- When could the Council anticipate PA systems for the elementary schools and would they see it before or in this year's Capital Budget.

- Should the Council choose to have an Executive Session next month would it be possible to get an update on the status of the FBI probe.

TOWN OFFICERS: None.

President Renaud closed public comment at 8:23 pm.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 19-042**

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

**MOVED:** THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING RE- APPOINTMENT BY THE MAYOR OF CHRISTOPHER JOSEPH TO THE FRANKLIN COUNTY TECHNICAL SCHOOL BOARD FOR A THREE YEAR TERM TO EXPIRE DECEMBER 31, 2021

**DISCUSSION:** Vice President Ricketts reported the Appointment and Ordinance Committee voted a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 19-042.

**Order no. FY 19-027**

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

**MOVED:** THAT THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IS BE ORDERED THE COUNCIL AUTHORIZES THE PAYMENT OF A BILL FROM FY18 FROM THE FY19 HUMAN RESOURCE BUDGET IN THE AMOUNT OF \$142.30

**DISCUSSION:** Councilor Stempel reported the Ways and Means Committee voted a unanimous positive recommendation. Other discussion included:

- Was the Town legally obligated to pay from current budget if the policy was not followed.

It was by roll call, 12 yes, 1 no,

**VOTED:** TO APPROVE ORDER NO. FY 19-027.

**Order no. FY 19-028**

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

**MOVED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED, THE SUM OF \$1,978.90 BE APPROPRIATED FROM THE RESERVE FUND TO PAY BILLS FROM THE PREVIOUS FISCAL YEAR.

**DISCUSSION:** Councilor Stempel reported the Ways and Means Committee voted a unanimous positive recommendation.

It was by majority, 1 no,

**VOTED:** TO APPROVE ORDER NO. FY 19-028.

**Order no. FY 19-029**

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

**MOVED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THE SUM OF \$28,357 BE APPROPRIATED FROM THE

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**COMPENSATED ABSENCES FUND 8450 TO FUND BUYBACKS FOR UNUSED VACATION/PERSONAL/SICK TIME AS PROVIDED BY CONTRACT**

**DISCUSSION:** Councilor Stempel reported the Ways and Means Committee acknowledged that the order was an effort of good faith and voted 3 yes, 2 abstained. Other discussion included:

- Inquired if this motion was previously withdrawn.
- Clarified that Council did not have to vote, it was provided as “opened”.
- Concerned order was provided to the Council who’s vote was not needed.

**MOTION:** On a motion by Councilor Mass, second by Councilor Pyfrom, it was,  
**MOVED:** TO TABLE ORDER INDEFINATELY

It was by majority,

**TABLE:** ORDER NO. FY 19-029.

**Order no. FY 19-030**

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

**MOVED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THE SUM OF \$23,670 BE APPROPRIATED FROM THE CONTRACTUAL STABILIZATION FUND TO FUND PROVISIONS OF TERMINATION AS PROVIDED BY CONTRACT

**DISCUSSION:** Councilor Stempel reported the Ways and Means Committee voted 2 positive, 3 negative. There were differences of opinion as to what fund this amount should derive from. Other discussion included:

- Money should come from Accounting Department or another source.
- Contractual Stabilization Fund existed for this purpose.
- Question as to whether motion can be amended to take the money out of another fund.

It was by Roll Call, 5 Yes, 7 No,

**DEFEATED:** TO APPROVE ORDER NO. FY 19-030.

**Order no. FY 19-031**

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

**MOVED:** THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED 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.

**DISCUSSION:** Councilor Stempel reported the Ways and Means Committee voted unanimous positive recommendation with the caveat of voting for the full amount of \$43,000, with the understanding that the Council receive a supplemental motion of \$2,000 next month.

It was by unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 19-031.

**Order no. FY 19-041**

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

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO APPROVE THE FORMATION OF THE “GREENFIELD AFFORDABLE HOUSING PARTNERSHIP COMMITTEE”, AN AD-HOC COMMITTEE FOR THE PURPOSE OF CREATING

AND EFFECTUATING THE AVAILABILITY OF AFFORDABLE HOUSING IN THE TOWN OF GREEFIELD. THE COMMITTEE WILL COMPRISE OF 2 TOWN COUNCILORS; 2 REPRESENTATIVES FROM NON-PROFITS WHO WORK ON HOUSING ISSUES; 3 CONCERNED CITIZENS WITH RELEVANT EXPERIENCE; 2 MEMBERS FROM ZONING, PLANNING OR PLANNING AND CONSTRUCTION COMMITTEE. THE PRESIDENT WILL CHOOSE THE MEMBERS OF THE COMMITTEE, INCLUDING THE CHAIR PERSON.

**DISCUSSION:** President Renaud explained why she wanted to form this Committee and for the Council to give any input. Additional discussion included:

- Question as to when Committee should provide a final report. President Renaud suggested one year.

President Renaud accepted a “friendly amendment” made by Councilor Mass to add “Current or Former members from Zoning, Planning, or Planning and Construction Committee”.

President Renaud accepted a “friendly amendment” made by Councilor Mass to add “of making recommendations as to the creating and effectuation of.”

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 19-041: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL VOTES TO APPROVE THE FORMATION OF THE “GREENFIELD AFFORDABLE HOUSING PARTNERSHIP COMMITTEE”, AN AD-HOC COMMITTEE FOR THE PURPOSE **OF MAKING RECOMMENDATIONS AS TO THE OF CREATING AND EFFECTUATION OF** THE AVAILABILITY OF AFFORDABLE HOUSING IN THE TOWN OF GREEFIELD. THE COMMITTEE WILL COMPRISE OF 2 TOWN COUNCILORS; 2 REPRESENTATIVES FROM NON-PROFITS WHO WORK ON HOUSING ISSUES; 3 CONCERNED CITIZENS WITH RELEVANT EXPERIENCE; 2 **CURRENT OR FORMER** MEMBERS FROM ZONING, PLANNING OR PLANNING AND CONSTRUCTION COMMITTEE. THE PRESIDENT WILL CHOOSE THE MEMBERS OF THE COMMITTEE, INCLUDING THE CHAIR PERSON, AS AMENDED.

**Order no. FY 19-040**

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

**MOVED:** THAT IT BE ORDERED, THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED STATE ELECTION WARRANT FOR NOVEMBER 6, 2018, AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

**DISCUSSION:** Councilor Gilmour read the Warrant included in the packet.

It was by unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 19-040.

**Order no. FY 19-043**

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

**MOVED:** THAT IT BE ORDERED, THAT THE TOWN OF GREENFIELD COUNCIL APPROVES THE NEW ORDINANCE AS ATTACHED, CHAPTER 343, “ORDINANCE PROHIBITING SINGLE-USE CARRYOUT BAGS”, WHICH SEEKS TO REDUCE THE NUMBER OF PLASTIC AND PAPER BAGS THAT ARE BEING BURNED, USED, DISCARDED AND LITTERED, AND TO PROMOTE THE USE OF REUSABLE CARRYOUT BAGS BY RETAIL ESTABLISHMENTS LOCATED IN THE TOWN OF GREENFIELD AND FURTHER AMENDS THE TABLE AND INDEX OF CONTENTS OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES

TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

**An Ordinance Prohibiting Single-Use Carryout Bags**

**Purpose.**

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Greenfield (the "City") is a public purpose that protects the marine environment, reduces greenhouse gas emissions, protects waterways, and lowers the cost to the municipality of litter collection, recycling, and solid waste disposal.

This Ordinance seeks to reduce the number of plastic and paper bags that are being burned, used, discarded and littered, and to promote the use of reusable carryout bags by Retail Establishments located in the City.

**Definitions.**

The following words shall, unless the context clearly requires otherwise, have the following meanings:

"Department" means the City's Health Department.

"Director" means the director of the city's health department or the director's designee.

"Reusable Bag" means a bag with handles that is manufactured of cotton, polyester, nylon or a similarly durable material but not polyethylene or polyvinyl chloride. Such Reusable Bags must be designed to be reused at least 125 times, and to be washed and sanitized between uses.

"Recyclable Paper Bag" means a paper bag that is 100 percent recyclable, including any handles, and that contains at least 40% post-consumer recycled content material, and displays the language to this effect in a visible manner on the outside of the bag.

"Single-Use Carryout Bag" means a bag made of plastic, paper, or other material that is provided by a Retail Establishment to a customer at the point of sale, and that is not a Recycled Paper Bag or a Reusable Bag. A Single-Use Carryout Bag does not include the following:

- o A paper bag provided by a pharmacy to a customer purchasing a prescription medication;
- o A non-handled bag used to protect items from damaging or contaminating other purchased items placed in a Recycled Paper Bag or a Reusable Grocery Bag;
- o A bag provided to contain an unwrapped food item; or
- o A non-handled bag that is designed to be placed over articles of clothing on a hanger.
- o Paper bags with dimensions of less than 144 square inches on the largest side and a basis weight of 35 pounds or less, intended to protect products while in transit.

"Retail Establishment" means any commercial enterprise, defined as the following, whether for or not for profit, including, but not limited to pharmacies, convenience stores, grocery stores, seasonal and temporary businesses, jewelry stores, and household goods stores. However, this does not include restaurants drawing more than 80% of revenue from prepared food, liquor stores, bazaars operated by nonprofit organizations or religious institutions. Food pantries, soup kitchens, and other governmental and not for profit agencies that distribute food or other products to the needy free of charge are not included in this category, and are exempt from the terms of this ordinance.

**Requirements.**

- Except as provided for in this Chapter, no Retail Establishment shall provide a Single-Use Carryout Bag to a customer.
- A Retail Establishment may make available for purchase a Recyclable Paper Bag for a charge of no less than \$0.25.

- The fee charged by a Retail Establishment for a Recyclable Paper Bag may be retained by the Retail Establishment.
- The Director shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

**Effective Date.**

- This ordinance shall take effect one year from the date of enactment.

**Exemption.**

- The Director may exempt a Retail Establishment from the requirements of this Chapter for a period of one year upon a finding by the Director that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Director pursuant to this section shall expire after one (1) year. A retail establishment may re-apply when the exemption expires. An "undue hardship" shall only be found in:
  - Circumstances or situations unique to the particular Retail Establishment or category of Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags or Reusable Bags, or
  - Circumstances or situations unique to the Retail Establishment or category of Retail Establishment such that compliance with the requirements of this Chapter would deprive a person of a legally protected right, or
  - Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of Single Use Carryout Bags. Any Retail Establishment receiving such an exemption shall file with the Director quarterly reports on inventory reduction and remaining stocks. Any exemption so granted will expire when the inventory of single-use plastic carryout bags has been exhausted.
- Any Retail Establishment shall apply for an exemption to the Director using forms provided by the Department, and shall allow the Director, access to all information supporting its application.
- The Director may approve the exemption request, in whole or in part, with or without conditions.
- Any Exemptions granted shall be a matter of public record as to the name of the Retail Establishment, the expiration date of the Exemption, and the subsection of this ordinance under which it was granted.

**Enforcement.**

- Any Retail Establishment who shall violate any provision of this Chapter shall be issued a warning notice. The warning notice issued for the first offense shall provide at least 14 days to correct the violation, after which the Retail Establishment in question shall be liable for a fine of not more than \$300, and each day's violation shall constitute a separate offense.
- Whoever violates any provision of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Director of the Health Department, the Executive Director of the License Commission, the Executive Director of Inspectional Services Department and the Director of the Health Commission, or their designees shall be the enforcing persons.

**Severability.**

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

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**DISCUSSION:** Vice President Ricketts reported Appointment and Ordinance Committee voted unanimous positive recommendation. Discussion included:



- Opposition to the motion as it was written
- This should go back to the voters, and not be enforced by the Council

Councilors Gilmour and Dolan accepted a “friendly amendment” made by Vice President Ricketts to strike “the Executive Director of Inspectional Services Department” and to remove “Director of the Health Commission” and replace with “Board of Health”.

Councilors Gilmour and Dolan rejected a “friendly amendment” made by Vice President Ricketts to amend the effective date of this Ordinance two (2) years in place of one (1) year.

**MOTION:** On a motion by Councilor Dolan, second by Councilor Gilmour, it was, by majority,  
**VOTED:** TO AMEND THE EFFECTIVE DATE OF THIS ORDINANCE TO 18 MONTHS IN PLACE OF ONE (1) YEAR.

**MOTION:** On a motion by Councilor Dolan, second by Vice President Ricketts , it was, by majority,  
**VOTED:** TO AMEND THE FINE OF NOT MORE THAN \$300.00 AND REPLACE WITH “OF NOT MORE THAN \$50.00”

**MOTION:** On a motion by Councilor Dolan, second by Councilor Gilmour, it was,  
**MOVED:** TO AMEND CHARGE TO PURCHASE A RECYCLABLE PAPER BAG TO \$0.15 IN PLACE OF \$0.25.

**DISCUSSION:** Councilor Dolan explained the amount of the original charge. Additional discussion included:

- Why not let the retail establishments make their own charge.

It was by unanimously,

**VOTED:** TO APPROVE AMENDMENTS AS FOLLOWS:

- Whoever violates any provision of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Director of the Health Department, the Executive Director of the License Commission, ~~the Executive Director of Inspectional Services Department~~ and the ~~Director of the~~ **Board of Health Commission**, or their designees shall be the enforcing persons.
- This ordinance shall take effect ~~one year~~ **18 months** from the date of enactment.
- Any Retail Establishment who shall violate any provision of this Chapter shall be issued a warning notice. The warning notice issued for the first offense shall provide at least 14 days to correct the violation, after which the Retail Establishment in question shall be liable for a fine of ~~not more than \$300,~~ **\$50** and each day’s violation shall constitute a separate offense.
- A Retail Establishment may make available for purchase a Recyclable Paper Bag for a charge of no less than ~~\$0.25.~~ **\$0.15.**

**MOTION:** On a motion by President Renaud, second by Councilor Mass, it was, by majority,  
**VOTED:** TO STRIKE THE 2<sup>ND</sup> & 3<sup>RD</sup> LINE UNDER REQUIREMENTS: “A RETAIL ESTABLISHMENT MAY MAKE AVAILABLE FOR PURCHASE A RECYCABLE PAPER BAG FOR A CHARGE OF NO LESS THAN \$0.25. THE FEE CHARGED BY A RETAIL ESTABLISHMENT FOR A RECYCLABLE PAPER BAG MAY BE RETAINED BY THE RETAIL ESTABLISHMENT”.

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

**MOVED:** TO AMEND TO ADD LINE UNDER REQUIREMENTS “A RETAIL ESTABLISHMENT MAY CHARGE FOR OR PROVIDE FREE OF CHARGE A RECYCLABLE PAPER BAG.

Councilor Wheeler accepted a “friendly amendment” made by Councilor Mass to add under Definitions, Single Use Carry-Out Bag: “and that is not a Recycled **or Recyclable** paper bag or a reusable bag”.

It was unanimously,

**VOTED:** TO APPROVE AMENDMENTS AS FOLLOWS:

**Requirements.**

- Except as provided for in this Chapter, no Retail Establishment shall provide a Single-Use Carryout Bag to a customer.
- ~~A Retail Establishment may make available for purchase a Recyclable Paper Bag for a charge of no less than \$0.25.~~
- ~~The fee charged by a Retail Establishment for a Recyclable Paper Bag may be retained by the Retail Establishment.~~ **A Retail Establishment may charge for or provide free of charge a Recyclable Paper Bag.**
- The Director shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

**Definitions.**

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Department” means the City’s Health Department.

“Director” means the director of the city’s health department or the director’s designee.

“Reusable Bag” means a bag with handles that is manufactured of cotton, polyester, nylon or a similarly durable material but not polyethylene or polyvinyl chloride. Such Reusable Bags must be designed to be reused at least 125 times, and to be washed and sanitized between uses.

“Recyclable Paper Bag” means a paper bag that is 100 percent recyclable, including any handles, and that contains at least 40% post-consumer recycled content material, and displays the language to this effect in a visible manner on the outside of the bag.

“Single-Use Carryout Bag” means a bag made of plastic, paper, or other material that is provided by a Retail Establishment to a customer at the point of sale, and that is not a Recycled **or Recyclable** Paper Bag or a Reusable Bag. A Single-Use Carryout Bag does not include the following:

- A paper bag provided by a pharmacy to a customer purchasing a prescription medication;
- A non-handled bag used to protect items from damaging or contaminating other purchased items placed in a Recycled Paper Bag or a Reusable Grocery Bag;
- A bag provided to contain an unwrapped food item; or
- A non-handled bag that is designed to be placed over articles of clothing on a hanger.
- Paper bags with dimensions of less than 144 square inches on the largest side and a basis weight of 35 pounds or less, intended to protect products while in transit.

**Requirements.**

- Except as provided for in this Chapter, no Retail Establishment shall provide a Single-Use Carryout Bag to a customer.
- ~~A Retail Establishment may make available for purchase a Recyclable Paper Bag for a charge of no less than \$0.25.~~
- ~~The fee charged by a Retail Establishment for a Recyclable Paper Bag may be retained by the Retail Establishment.~~
- The Director shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

Councilor Pyfrom left meeting at 10:30 pm.

**MOTION:** On a motion by Councilor Mass, second by Councilor Allis, it was, by majority, 1 No, **VOTED:** TO CALL THE QUESTION.

It was by roll call, 5 Yes, 6 No,  
**DEFEATED:** ORDER NO. FY 19-043.

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

**REPORTS OF COMMITTEES**

**COMMUNITY RELATIONS AND EDUCATION COMMITTEE** – Chairperson Mass announced that the CRE Committee would be discussing the Library’s drop-off box at their meeting on October 22.

**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. The sum of \$12,000 be transferred Assessor Full-time Wages to Assessor Property Assessment Services in the FY19 Operating Budget.
- II. The sum of \$63,832 be transferred from 2601 the FEMA reimbursement fund to offset a deficit in Bonded Debt Pay Downs in the FY19 Operating Budget:
- III. The sum of \$121,168 be transferred from 1627 Bond Premiums to offset a deficit in Bonded Debt Pay Downs in the FY19 Operating Budget:
- IV. The sum of \$72,800 be transferred from General Stabilization for Food Inspections Services and to increase a Local Building Inspector from Part-time to Full-time in the FY19 Operating Budget

511	Food Inspection Services	\$50,000
241	Building Department	\$22,800
	Total	\$72,800

V. The sum of \$439,850 be transferred from the following accounts to offset a deficit in the Temporary Interest Account in the FY19 Operating Budget:

8400	General Stabilization	\$364,850
197	Central Services	\$ 20,000
491	Cemeteries	\$ 10,000
543	Veterans' Benefits	\$ 25,000
913	Unemployment	\$ 20,000
	Total	\$439,850

**MOTION:** On a motion by Councilor Mass, second by Councilor Sund, it was, by unanimously, **VOTED:** TO DEDICATE THE OCTOBER 17, 2018, TOWN COUNCIL MEETING MINUTES TO FORMER TOWN COUNCILOR DIRK KUMMERLE.

**MOTIONS FOR RECONSIDERATION:** None.

**ADJOURNMENT:** On a motion by Councilor Sund, second by Councilor Allis, it was unanimously, **VOTED:** TO ADJOURN THE MEETING AT 10:32 P.M.

A true copy,

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

GREENFIELD TOWN COUNCIL MEMBERS

Greenfield High School Cafeteria  
 Regular Meeting  
 October 17, 2018

	Attendance	19-027 FY18 \$142.30	19-030 CSF \$23,670	19-043 Plastic Bag Ord.		
1. Sund, Verne	Y	Y	N	N		
2. Lobik, John	Y	Y	N	N		
3. Allis, Brickett	Y	A(Y)	N	N		
4. Muzyka-Pyfrom, Wanda	Y	Y	N	---		
5. Dolan, Timothy	Y	Y	Y	Y		
6. Gilmour, Sheila	Y	Y	Y	Y		
7. Wheeler, Otis	Y	Y	Y	Y		
8. Mayo, Douglas	Y	Y	Y	N		
9. Leonovich, Daniel	Y	Y	N	N		
10. Mass, Isaac	Y	N	N	N		
11. Renaud, Karen	Y	Y	---	---		
12. Ricketts, Penny	Y	Y	Y	Y		
13. Stempel, Ashley	Y	Y	Y	Y		