

GREENFIELD TOWN COUNCIL
188th Regular Meeting Minutes
December 19, 2018
7:00 p.m.
Greenfield High School Cafeteria
21 Barr Avenue
Council Vote Summary
WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 19-038

THE SUM OF ~~\$72,800~~ **\$28,330** 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 \$18,830
241	BUILDING DEPARTMENT	\$22,800 \$ 9,500
	TOTAL	\$72,800 \$28,330

AS AMENDED,

It was by roll call, 11 Yes, 1 No

VOTED: TO APPROVE ORDER NO. FY19-038

Order no. FY 19-047

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MGL CH.44 §63, ORDERED THAT, \$25,000 BE APPROPRIATED FROM FUND 1610, SALE OF TOWN OWNED LAND, TO PROVIDE MATCHING FUNDS FOR A GRANT FOR JUST ROOTS.

CURRENT FUND BALANCE: \$98,101

Order no. FY 19-048

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was unanimously, **VOTED:** THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, ORDERED THAT, THE FOLLOWING SUMS BE APPROPRIATED FROM THE CONTRACTUAL STABILIZATION FUND TO FUND RETROACTIVE PROVISIONS OF CONTRACT AGREEMENTS:

SSEA UP TO \$ 40,000
CLERICAL UP TO \$ 26,000
CONTRACTUAL STABILIZATION BALANCE: \$196,100

Order no. FY 19-050

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was by roll call, 7 Yes, 6 No,

TABLED: THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT THE SUM OF \$19,541,296 BE APPROPRIATED FOR THE CONSTRUCTION OF A NEW PUBLIC LIBRARY, AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$19,541,296, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7 (3) OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

Order no. FY 19-061

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was by roll call, 11 yes, 1 no

VOTED: THAT IT BE ORDERED THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION DEFEATED BY THE TOWN COUNCIL ON NOVEMBER 20, 2018:

Order no. FY 19-038

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was by roll call, 3 Yes, 6 No,

DEFEATED: THE SUM OF ~~\$72,800~~ **\$42,800** 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 \$20,000
241	BUILDING DEPARTMENT	\$22,800
	TOTAL	\$72,800 \$42,800

AS AMENDED,

Order no. FY 19-062

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was unanimously, **TABLED:** THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR, ORDERED THAT, THE COUNCIL AUTHORIZES THE PAYMENT OF FY18 BILLS FOR \$1,546.82 FROM THE FY19 ENERGY DEPT BUDGET.

EVERSOURCE	\$263.14
EVERSOURCE	\$1,283.68

Order no. FY 19-064

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL ACCEPTS MASSACHUSETTS GENERAL LAW CHAPTER 40U AS ATTACHED (EXHIBITA).

EXHIBIT A

GENERAL LAWS CHAPTER 40U – ALTERNATE PROCESS FOR COLLECTOR OF CERTAIN FINES

WHILE MANY MUNICIPALITIES UTILIZE NONCRIMINAL DISPOSITION (G.L. c. 40,§21D) AND SPECIAL HEARINGS FOR VIOLATIONS OF THE BUILDING AND FIRE CODE (G.L. c.148A), A LESS WIDELY KNOWN PROCEDURE EXISTS FOR COLLECTING OTHER LOCAL PENALTIES. SPECIFICALLY, G.L. c. 40U, A LOCAL ACCEPTANCE STATUTE, ALLOWS MUNICIPALITIES TO IMPOSE FINES THROUGH AN ADMINISTRATIVE HEARING PROCESS FOR FAILURE TO REMOVE SNOW AND ICE ON SIDEWALKS AND BROADENS MUNICIPAL OFFICIALS’ ABILITY TO COLLECT FINES FOR STATE HOUSING AND SANITARY CODE VIOLATIONS AND MUNICIPAL SNOW AND ICE FINES.

WITH RESPECT TO SNOW AND ICE FINES, THE STATUTE PERMITS A MUNICIPALITY TO IMPLEMENT, THROUGH ADOPTION OF A BY-LAW OR ORDINANCE, PROCEDURES FOR REQUIRING PROPERTY OWNERS TO REMOVE SNOW AND ICE ON SIDEWALKS ABUTTING THEIR PROPERTY. SUCH BY-LAW OR ORDINANCE MUST ESTABLISH THE TIME AND MANNER FOR SNOW AND ICE REMOVAL AND SET PENALTIES FOR A PROPERTY OWNER’S FAILURE TO CLEAR THE SIDEWALKS. OF NOTE, CHAPTER 40U REQUIRES SUCH BY-LAWS AND ORDINANCES TO “BE SPECIFIC AS TO THE WIDTH OF THE AREA TO BE CLEARED AND THE STANDARDS FOR CLEARANCE.” UNDER THE STATUTE, FINES FOR THE REMOVAL OF SNOW AND ICE MAY NOT EXCEED \$200 FOR

EACH VIOLATION (COMPARE THE MAXIMUM PENALTY OF \$300 UNDER THE NONCRIMINAL DISPOSITION PROCESS).

THE PROCESS FOR ISSUING CITATIONS UNDER G.L. c. 40U FOR HOUSING OR SANITARY CODE VIOLATIONS OR SNOW AND ICE REMOVAL VIOLATIONS IS SIMILAR TO THE NONCRIMINAL DISPOSITION PROCESS. FIRST, BE AWARE THAT A MUNICIPALITY THAT ACCEPTS CHAPTER 40U MUST APPOINT A MUNICIPAL HEARING OFFICER TO HEAR APPEALS OF FINES FOR HOUSING OR SANITARY CODE VIOLATIONS OR SNOW AND ICE REMOVAL. THE G.L. c. 40U HEARING OFFICER MAY BE THE SAME PERSON AS THE OFFICER THAT HEARS APPEALS UNDER G.L. c. 148A. CITATIONS MUST BE PRE-NUMBERED AND PREPARED IN TRIPPLICATE OR BE ISSUED BY AN AUTOMATED TICKETING DEVICE. CITATIONS MUST BE PLACED ON THE BUILDING OR BE HAND-DELIVERED TO A PROPERTY MANAGEMENT OFFICE. EACH CITATION MUST INCLUDE THE DATE, TIME AND PLACE OF VIOLATION AS WELL AS THE SPECIFIC VIOLATION CHARGED, AND THE NAME, DIVISION AND BADGE NUMBER OF THE OFFICER OR INSPECTOR WHO ISSUED THE VIOLATION. TO AVOID DELINQUENCY CHARGES, THE PERSON CHARGED MUST PAY THE FINE IN FULL NO LATER THAN 21 DAYS AFTER THE CITATION ISSUED OR REQUEST A HEARING BEFORE THE MUNICIPAL HEARING OFFICER. NOTICE OF LATE PAYMENT SHALL BE SENT TO THE VIOLATOR AND AFTER AN ADDITIONAL 30 DAYS, FINES AND INTEREST MAY BE ATTACHED AND ASSESSED ON AN INDIVIDUAL'S TAX BILL OR A LIEN MAY BE PLACED ON THE PROEPRTY. THE COSTS OF FILING AND RELEASING SUCH LIENS MAY ALSO BE ASSESSED.

Order no. FY 19-065

MOTION: On a motion by Councilor Allis, second by Councilor Mass, it was, unanimously,
VOTED: THAT IT BE ORDERED THE TOWN COUNCIL, AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, STIPEND FOR SCHOOL BOARD MEMBERS AND TOWN COUNCILORS, SECTION 56-20, REDUCTION IN STIPEND FOR ABSENCES, BY DELETING THE WORD "FISCAL", AND INSERTING IN ITS PLACE, "CALENDAR" 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.

Order no. FY 19-066

MOTION: On a motion by Councilor Allis, second by Councilor Mass, it was, unanimously,
VOTED: THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, MOVED THAT IT BE ORDERED, TO AMEND ORDER NO. FY19-016 TO EXCLUDE THE 2017 RETIREMENT PLAN AUDIT FROM THE SCOPE OF THE BLUMSHAPIRO OUTSIDE AUDIT. MELANSON HEATH WILL COMPLETE THE RETIREMENT PLAN AUDIT FOR THE CALENDAR YEAR ENDING 2017.

Order no. FY 19-070

MOTION: On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL, PURSUANT TO CHARTER SECTION 6-14a, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE BOARD OF ASSESSORS: KIMBERLY MCDONALD MEW AS ~~ACTING~~ CHIEF ASSESSOR FOR AN INDEFINITE TERM, AS AMENDED

Order no. FY 19-071

MOTION: On a motion by Councilor Allis, second by Councilor Ricketts, it was, unanimously,
VOTED: THAT IT BE ORDERED, THE TOWN COUNCIL, MOVED THAT IT BE ORDERED, THAT THE GREENFIELD TOWN COUNCIL AMEND ORDER NO. FY16-145 BY DELETING THE WORD "WIRELESS" TO ALLOW THE SCHOOLS TO PURCHASE PUBLIC ADDRESS SYSTEM.

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