

GREENFIELD TOWN COUNCIL

189th Regular Meeting Minutes

January 16, 2019

7:00 p.m.

John Zon Community Center

35 Pleasant St.

Council Vote Summary

WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 19-067

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was by majority, 1 No, **TABLED:** THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED, THAT: THE GREENFIELD TOWN COUNCIL APPROVE THE PAYMENT OF PRIOR YEAR INVOICE FOR NEXTREQUEST CO IN THE AMOUNT OF \$ 4,750 TO BE PAID FROM THE FY19 GREENFIELD TECHNOLOGY BUDGET.

Order no. FY 19-068

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was by majority, 1 Abstention,

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:

FIRE UP TO \$ 27,000
DISPATCH UP TO \$ 13,000

Order no. FY 19-069

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, UP TO \$109,340 BE APPROPRIATED FROM THE GENERAL STABILIZATION FUND FOR WISDOM WAY ROAD DESIGN.

Order no. FY 19-072

MOTION: On a motion by Councilor Ricketts, second by Councilor Dolan, it was by roll call, 8 Yes, 4 No,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES NEW ORDINANCE, AS ATTACHED EXHIBIT A, CHAPTER 343, AN ORDINANCE PROHIBITING SINGLE-USE CARRYOUT BAGS, 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.

EXHIBIT A

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 USED, BURNED, DISCARDED, AND LITTERED, AND TO PROMOTE THE USE OF REUSABLE BAGS BY RESIDENTS AND RETAIL ESTABLISHMENTS WITHIN 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 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 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 RECYCLABLE PAPER BAG OR A REUSABLE BAG;
- A BAG PROVIDED TO CONTAIN AN UNWRAPPED FOOD ITEM OR PREVENT CONTAMINATION;
- A NON-HANDLED BAG THAT IS DESIGNED TO BE PLACED OVER ARTICLES OF CLOTHING ON A HANGER; OR
- ANY BAG MADE OF PAPER 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-PROFIT 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 THE SALE OF 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.
- FOR THE FIRST 12 MONTHS FOLLOWING THE DATE ON WHICH THIS ORDINANCE TAKES EFFECT, RETAIL ESTABLISHMENTS MAY PROVIDE A RECYCLABLE PAPER BAG TO CUSTOMERS FREE OF CHARGE OR FOR ANY FEE SET BY THE RETAIL ESTABLISHMENT. AFTER THIS INITIAL 12 MONTH PERIOD, RETAIL ESTABLISHMENTS SHALL CHARGE CUSTOMERS A FEE OF NO LESS THAN \$0.05 FOR EACH RECYCLABLE PAPER BAG.
- THE MANDATORY 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 \$50, 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 SHALL BE THE ENFORCING PERSON.

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.

Order no. FY 19-073

MOTION: On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously, **REFERRED BACK TO COMMITTEE:** THAT IT BE ORDERED, THAT THE GREENFIELD TOWN COUNCIL APPROVES NEW ORDINANCE, CHAPTER 162, "THE GREENFIELD PATRIOTIC ACTIVITIES COMMITTEE", AS ATTACHED EXHIBIT A. THIS COMMITTEE SHALL BE CHARGED WITH ORGANIZING AND INCREASING PARTICIPATION IN THE VETERANS DAY, MEMORIAL DAY AND FOURTH OF JULY ACTIVITIES OF 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.

EXHIBIT A

AN ORDINANCE ESTABLISHING THE GREENFIELD PATRIOTIC ACTIVITIES COMMITTEE

1. PURPOSE.

2. THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH A COMMITTEE TO FOSTER PUBLIC PARTICIPATION AND EDUCATION RELATED TO PATRIOTIC ACTIVITIES SPONSORED BY THE TOWN OF GREENFIELD. SPECIFICALLY, THIS COMMITTEE SHALL BE CHARGED WITH ORGANIZING AND INCREASING PARTICIPATION IN THE VETERANS DAY, MEMORIAL DAY AND FOURTH OF JULY ACTIVITIES OF THE TOWN OF GREENFIELD.

2. COMPOSITION

THE COMMITTEE SHALL CONSIST OF 31 MEMBERS AND INCLUDE THE FOLLOWING:

1. THE VETERAN'S SERVICE OFFICER OR THEIR DESIGNEE

2. THE RECREATION DIRECTOR OF THEIR DESIGNEE
3. A DESIGNEE OF THE CHAIR OF THE RECREATION COMMISSION
4. A DESIGNEE OF THE CHAIR OF THE TRUSTEES OF THE SOLDIER’S MEMORIAL
5. A DESIGNEE OF THE CHAIR OF THE HUMAN RIGHTS COMMISSION
6. A DESIGNEE OF THE PRESIDENT OF THE TOWN COUNCIL
7. A DESIGNEE OF THE CHAIR OF THE COUNCIL ON AGING
8. THE SUPERINTENDENT OF SCHOOLS OR THEIR DESIGNEE
9. A DESIGNEE OF THE SUPERINTENDENT OF SCHOOLS WHO IS A STUDENT
10. A DESIGNEE OF THE CHAIRMAN OF THE SCHOOL COMMITTEE
11. A DESIGNEE OF THE MAYOR WHO IS A VETERAN
12. A DESIGNEE OF THE MAYOR WHO IS EXPERIENCED WITH FUNDRAISING
13. A DESIGNEE OF THE MAYOR WHO IS A GOLD STAR FAMILY MEMBER
14. A DESIGNEE OF THE MAYOR WHO IS A STUDENT
15. A DESIGNEE OF THE MAYOR WHO IS EXPERIENCED IN CIVIC EDUCATION
16. THE CHIEF OF THE FIRE DEPARTMENT OR HIS DESIGNEE
17. THE CHIEF OF THE POLICE DEPARTMENT OR HIS DESIGNEE
18. A DESIGNEE OF THE CHAIR OF THE PUBLIC SAFETY COMMISSION
19. A DESIGNEE OF THE LOCAL AMERICAN LEGION
20. A DESIGNEE OF THE LOCAL VETERANS OF FOREIGN WAR
21. A DESIGNEE OF THE LOCAL VIETNAM VETERANS OF AMERICA
22. A DESIGNEE OF THE LOCAL DISABLED AMERICAN VETERANS
23. A DESIGNEE OF THE LOCAL MARINE CORPS LEAGUE
24. A DESIGNEE OF THE LOCAL MILITARY ORDER OF THE PURPLE HEART
25. SEVEN ADDITIONAL DESIGNEES OF THE MAYOR DESIGNED TO REPRESENT THE COMMUNITY AS A WHOLE.

3. GOVERNANCE OF THE COMMITTEE

THE COMMITTEE SHALL BE GOVERNED BY AN EXECUTIVE COMMITTEE CONSISTING OF THE VETERANS SERVICE OFFICER OR DESIGNEE, THE RECREATION DIRECTOR OR DESIGNEE, ANY OF THE DESIGNEES OF THE MAYOR APPOINTED TO THAT ROLL.

4. MEETINGS

MEETINGS MAY BE CALLED AT ANY TIME AS REQUESTED BY THE EXECUTIVE COMMITTEE, BUT THE COMMITTEE SHALL MEET NO LESS THAN QUARTERLY.

Order no. FY 19-075

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was unanimously, **DEFEATED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-062 “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

WHICH WAS Tabled AT THE *DECEMBER 19, 2018 TOWN COUNCIL MEETING.*

Order no. FY 19-076

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was unanimously, **VOTED:** THAT IT BE ORDERED THE TOWN COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED THAT: THE FOLLOWING BORROWING AUTHORITIES TOTALING \$8,120,802 BE RESCINDED:

Date	Order	Authorized	Balance	Amount To
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<u>Auth.</u>	<u>No.</u>	<u>Project Authorized</u>	<u>Amount</u>	<u>Unissued</u>	<u>Rescind</u>
5/23/07	06-105	Replace Elementary School Windows	78,000	58,000	58,000
5/27/09	09-103	Water Department Dump Truck	49,000	49,000	49,000
6/16/10	10-082	Paint Elem. School Trim	100,000	50,000	50,000
7/21/10	10-094	Energy Upgrades To Buildings **	3,935,725	25,725	25,725
6/22/12	12-153	2-Tractor Mower (13-07)	14,500	14,500	14,500
5/20/15	15-130	Replace Modular Space-Newton School	350,000	72,000	60,000
10/22/15	16-054	Parking Garage	10,000,000	7,500,000	7,500,000
1/26/16	16-111	Senior Center Planning	350,000	90,000	63,000
5/1/12	12-095	High School	66,325,237	300,577	300,577
			Total Rescission:		8,120,802

Order no. FY 19-077

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 MAYOR MARTIN, AN ORDER ESTABLISHING AN ASSESSMENT FOR SEWER IMPROVEMENTS UNDER MGL CHAPTER 80 AND 83, ORDERED THAT: SEWER IMPROVEMENTS SHALL BE MADE ON AND IN PICKETT LANE, A PUBLIC WAY, AND THE BETTERMENT ASSESSED ON ALL PRIVATELY OWNED PARCELS OF LAND ON PICKETT LANE, AND SPECIFICALLY THE FOLLOWING PARCELS – R23 22A 0, R23 22B 0, R23 22C 0, R23 25C 0, R23 39A 0, R23 40 0, R23 41 0, R23 43 0, R23 44 0, R23 45 0, R23 46 0, R23 46A 0, R23 46B 0, R23 47 0, R23 49 0, R23 60 0, R23 62 0.

THE SEWER IMPROVEMENTS SHALL BE MADE PURSUANT TO THE PLANS CREATED BY THE CITY OF GREENFIELD ENGINEERING DEPARTMENT, AFFIXED HERETO, WHICH SHALL BE RECORDED AT THE FRANKLIN COUNTY REGISTRY OF DEEDS WITHIN NINETY DAYS OF THIS ORDER;

THE ESTIMATED BETTERMENT ASSESSMENT FOR THE SEWER IMPROVEMENT ON EACH PARCEL REFERENCED HEREIN SHALL BE IN THE AMOUNT OF SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS.

Order no. FY 19-078

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was by majority, 1 No,
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, THAT THE GREENFIELD TOWN COUNCIL APPROVES THE FOLLOWING REPURPOSING OF PREVIOUSLY AUTHORIZED FINANCIAL ORDER FY18-107 FOR THE BASCOM BRIDGE RAIL PROJECT TO PURCHASE AND INSTALL GUARDRAILS ON ADAMS ROAD IN THE AMOUNT OF \$13,990.00

Order no. FY 19-080

MOTION: On a motion by Councilor Stempel, second by Councilor Ricketts, it was by majority roll call, 6 Yes, 5 No, 1 Abstention,

DEFEATED: THAT IT BE ORDERED, THE TOWN COUNCIL WAIVE THE REQUIREMENTS SET FORTH IN CHAPTER 27 ARTICLE 1, CONTRACT REVIEW, TO ALLOW THE TOWN COUNCIL TO CONSIDER A CONTRACT BETWEEN THE TOWN OF GREENFIELD AND JUST ROOTS, INC.