

GREENFIELD CITY COUNCIL
190th Regular Meeting Minutes
February 20, 2019

John Zon Community Center, 35 Pleasant Street

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 p.m. by President Renaud. Recording started at 7:14pm

President Renaud stated this meeting is being recorded, videotaped and broadcast. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the City Council was audio recording and GCTV-15 was video recording and broadcasting.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilors Allis and Pyfrom were absent. Councilor Ricketts arrived at 7:20 pm.

ALSO PRESENT: Mayor William Martin; Assistant City Clerk Geneva Bickford; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Director of Administration Mark Smith; School Committee Chairperson Adrienne Nunez; DPW Director Marlo Warner; GCTV-15 staff; Joshua Solomon *the Recorder*; and members of the public.

MOTION: On a motion by Councilor Gilmour, second by Councilor Wheeler, it was by majority, 1 No,
VOTED: THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS.

Order no. FY 19-083

MOTION: On a motion by Councilor Gilmour, second by Councilor Mass, it was, unanimously,
MOVED: THAT THE GREENFIELD CITY COUNCIL APPROVES THE APPOINTMENT OF MARK BERSON TO FILL THE VACANT PRECINCT 2 CITY COUNCIL SEAT, UNTIL DECEMBER 31, 2019, PURSUANT TO CHARTER SECTION 2-11.

DISCUSSION: Councilor Gilmour reported the Committee to Recommend Candidate for Precinct 2 Vacancy forwarded a positive recommendation for the appointment of Mark Berson as Councilor for Precinct 2. President Renaud accepted recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 19 -083.

Mark Berson is sworn in as Councilor for Precinct 2.

ACCEPTANCE OF MINUTES: On a motion by Councilor Gilmour, second by Councilor Mayo, it was unanimously,

VOTED: TO ACCEPT THE CITY COUNCIL MINUTES OF JULY 10TH, JULY 18TH, JULY 26TH, 2018; AUGUST 2ND, AUGUST 15TH, AUGUST 21ST, 2018; SEPTEMBER 19TH, 2018; OCTOBER 17TH, OCTOBER 30TH, 2018; NOVEMBER 20TH, 2018; DECEMBER 4TH, 10TH, 19TH, 2018; JANUARY 2ND, 16TH, 17TH, 2019.

PUBLIC COMMENT: The following members of the public spoke:

- Karen Larabee, 24 Oak Hill Acres, thanked the Council for their efforts towards the new library project. She spoke to current events at the Public Library.
- Kathy Cole, 64 E Cleveland St, Interim President of the Greenfield Public Library Foundation, spoke to the updates of recent activities since her January report. Over \$700,000 has been pledged towards the new library.

- Susan Worgaftik, 45 Forest Ave., Member of Just Roots Board, spoke to her support of the extension of the lease for Just Roots.
- Garrett Connelly, 84 Congress St., spoke in support of the new library. He also supports a new fire station.
- Janice Adam, 252 Davis St., spoke in support of the new library and approved funding.
- David Moscaritolo, 43 Country Club Rd., spoke to a Big Box Store business in Greenfield. He also supported the new library.
- Maria Burge, 29 Garfield St., thanked President Renaud for her awareness to have the need for shelter from the cold weather for the homeless.
- Wendy Goodman, 529 Green River Rd., spoke to the verbal attacks against the Councilors. She also believes residents in turn should not be verbally attacked by their Councilors.

COMMUNICATIONS:

MAYOR, CITY OFFICERS AND EMPLOYEES: Mayor Martin reported the following:

- Received confirmation from the Financial Advisor regarding the special meeting on February 27th. A confirmation had not been received from the Bond Council.
- Supports the 30 year lease extension for Just Roots.
- Supports the initial zoning amendments for the MDR.
- A new site for the Public Safety Complex has been located between Riddell and Beacon Streets. The architect is expected to submit the floor plan and cost to the Mayor by February 27th.

Finance Director Elizabeth Gilman reported the following:

- The reacceptance of OPEB Trust was a recommendation by the auditors in 2016.
- A financial order on dedicated revenues would be forthcoming. Encouraged Councilors to submit any questions regarding dedicated revenues before the order is submitted.

Mayor Martin and Finance Director Gilman answered questions from Councilors:

- Is there any knowledge of Eversource building a solar farm in Greenfield?
- Is there a written agreement with the solar company as a third party?
- Have any of the Councilors received a copy of the exhibits?
- Where will the skate park be erected?
- Will there be any funds in this year's Operating Budget for the City to conduct a Pay Equity Study?
- When will the City begin the planning process to receive funds for the Municipal Vulnerability Preparedness Program?
- Have there been any additional changes in parking on the streets after the parking garage was completed?
- Why the change of the Safety Public Complex to include just the Fire Station?
- How often will the City receive the Dedicated Revenue for OPEB?

COMMUNICATIONS FROM GCET BOARD OF COMMISSIONER AND/OR GCET DIRECTOR:

None.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: School Committee Chairperson Adrienne Nunez reported the following:

- The School is currently in negotiations with Unit A. Unit C will begin the next week.
- Policy work with the MASC meeting is scheduled for March 4th at 5:00 pm with the Policy Committee.
- Status on the FY20 budget preparations for the School.
- Encouraged Councilors to support the Contract Agreement for Cateteria/Food Service Workers.

Chairperson Nunez answered questions from Councilors:

- Were the wages in the contract paid over a 10 month cycle?
- Were there any updates on the Green River School?
- Which students would be attending the Green River School?
- Was there any consideration for the Green River School to be an Elementary School?

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 19-079

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF THE MAYOR, ORDERED THAT, THE LEASE WITH THE JUST ROOTS, INC. BE APPROVED FOR A TERM OF THIRTY (30) YEARS IN ACCORDANCE WITH MGL CH. 30B §12B.

DISCUSSION: Councilor Wheeler reported the Ways & Means Committee forwarded a majority, 3 Yes, 1 No, positive recommendation. Other discussion included:

- Concern that no recommendations were sought from the Planning/Construction Committee and the Agricultural Commission.
- Suggests the order be tabled for thirty (30) days until Councilors receive and review the appendix/exhibits that were not attached to the lease.

Councilor Dolan requested the Representatives from Just Roots summarize the contents of the appendices. President Renaud granted request.

- Councilors voiced their support for the lease; however, a few Councilors carry reservations that the lease was not submitted to the Council in its entirety and may lead the Council to revisit this matter.

It was by majority, 2 No,

VOTED: TO APPROVE ORDER NO. FY 19-079.

President Renaud explained that Order Nos. FY19-075 and FY19-091 require 12 votes to pass and 11 Councilors are present; therefore, a vote could not go forward.

Order no. FY 19-075

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

TABLED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-062 “THE CITY 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 CITY COUNCIL MEETING

Order no. FY 19-091

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

TABLED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 19-067 “THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN, ORDERED, THAT: THE GREENFIELD CITY 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” WHICH WAS TABLED AT THE JANUARY 16, 2019, CITY COUNCIL MEETING.

Order no. FY 19-084

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN ORDERED TO SEE IF THE CITY WILL VOTE TO REACCEPT THE PROVISIONS OF G.L. C. 32B, §20, AS AMENDED BY THE MUNICIPAL MODERNIZATION ACT, CHAPTER 218 OF THE ACTS OF 2016, UNDER WHICH THE CITY HAS ESTABLISHED AN OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND (THE “OPEB FUND”) AND DESIGNATE THE TREASURER AS CUSTODIAN AND TRUSTEE OF THE FUND.

DISCUSSION: Councilor Wheeler reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 19-084.

Order no. FY 19-089

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

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MOVED THAT IT BE ORDERED THAT THE CITY COUNCIL, PURSUANT TO M.G.L. CH. 40 AND MASSACHUSETTS LAW HEREBY AUTHORIZES THE MAYOR TO GRANT AND EXECUTE AN EASEMENT LOCATED AT 298 FEDERAL STREET, FOR THE PROPOSES AS DESCRIBED IN THE ATTACHED DOCUMENTS.

DISCUSSION: Councilor Wheeler reported this order was not on the Ways & Means Agenda. Councilor Gilmour stated the order was on the Appointments and Ordinances Agenda and decided to forward to the full Council without a recommendation. Other discussion included:

- Administrator Mark Smith presented an overview to the Council at Vice-President Ricketts’ request.
- It’s a utility easement that increases the value of the property for the City.

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

VOTED: TO CALL THE QUESTION.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 19-089.

Order no. FY 19-090

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

MOVED: THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING TO CHAPTER 385: STREETS, SIDEWALKS, AND PUBLIC PLACES, ARTICLE XV: STREET OPENINGS, §72 PARAGRAPH A: PERMANENT PATCH, 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.

§ 385-72 **PERMANENT PATCH.**

- A. PERMANENT PATCH. THE PERMANENT PATCH SHALL NOT BE APPLIED UNTIL ONE WINTER SEASON HAS PASSED SINCE THE COMPLETION OF THE TEMPORARY PATCH, AND SHALL BE THEN PATCHED AS FOLLOWS:

- (1) THE AREA TO BE REPAIRED SHALL BE SWEEPED CLEAN TO REMOVE ALL LOOSE AND FOREIGN MATERIAL.
- (2) A BINDER COURSE OF 2 1/2 INCHES COMPACTED DEPTH SHALL BE PLACED IN ACCORDANCE WITH MDOT M3.11.03.
- (3) A TOP COURSE OF 1 1/2 INCHES COMPACTED DEPTH SHALL BE PLACED AND ROLLED TO GRADE TO MATCH THE SURROUNDING SURFACE AND PROVIDE PROPER DRAINAGE OF THE ROADWAY.
- (4) THE EDGES OF ROLLED AREAS SHALL BE SEALED WITH SUITABLE ASPHALT EMULSION, AND SAND SHALL BE SPREAD OVER THE ENTIRE NEWLY PATCHED AREA.
- (5) THE WORK AREA SHALL THEN BE SWEEPED OF ALL OLD AND EXCESS MATERIAL AND LEFT IN A NEAT CONDITION.
- (6) PERMANENT PATCHES CANNOT BE "T" OR "L" SHAPED AND MUST BE RECTANGULAR. WHERE KEYHOLES OCCUR LESS THAN 20 FEET APART, PATCHES MUST BE CONTINUOUSLY CUT AND PATCHED AS A TRENCH. TRENCHES GREATER THAN 100 FEET RUNNING PARALLEL TO THE STREET LINE WITHIN THE ROADWAY MUST BE PATCHED THE ENTIRE LANE WIDTH FROM CENTERLINE TO EDGE OF PAVEMENT OF A TWO LANE ROAD AND THE ENTIRE STREET WIDTH OF A ONE WAY ROAD. ALL AREAS TO BE PATCHED BEYOND THE LIMITS OF EXCAVATION SHALL BE MILLED DOWN 1 1/2 INCHES AND TACK COATED PRIOR TO PLACEMENT OF HOT MIX ASPHALT.**
- (7) PERMANENT PATCHES MUST BE GUARANTEED FOR A PERIOD OF TWO (2) YEARS WITH NO MOUNDING, SINKING OR JOINT GAPS. THE DPW WILL INSPECT THE PATCH AT THE END OF THE 2 YEAR PERIOD. IF THE PERMANENT PATCH IS NOT HOLDING TO SPECIFICATIONS, IT WILL BE CONSIDERED A "FAILED" PATCH. FAILED PATCHES ARE THE RESPONSIBILITY OF THE CONTRACTOR TO BE REPLACED WITHIN SIX (6) MONTHS OF A NOTICE OF FAILURE. THE DPW SHALL HAVE THE RIGHT TO DENY FUTURE APPLICATIONS TO ANY APPLICANT WHO FAILS TO REPAIR A "FAILED" PATCH WITHIN THE 6 MONTH TIME FRAME.**

B. IT IS RECOGNIZED THAT ASPHALT MANUFACTURING PLANTS ARE NOT OPERATING DURING WINTER MONTHS. THEREFORE, DURING THIS PERIOD CONVENTIONAL METHODS OF TEMPORARY PATCHING SHALL BE USED AT THE DIRECTION OF THE DIRECTOR OF PUBLIC WORKS.

DISCUSSION: Councilor Gilmour reported that Appointments and Ordinances Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 19-090.

Order no. FY 19-092

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL WITHDRAWS THEIR VOTE TAKEN ON FEBRUARY 14, 2019, TO INITIATE A ZONE CHANGE ON ORDER NO. FY19-086:

THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5:

~ 200-7.12. MAJOR DEVELOPMENT REVIEW. BY:
IN SECTION B(1)

REPLACING “ONE THOUSAND (1000)” WITH “THREE THOUSAND (3,000)” AND REPLACING “FIVE HUNDRED (500)” WITH “ONE THOUSAND FIVE HUNDRED (1,500)”; AND
IN SECTION B(4)

REPLACING “ONE HUNDRED THOUSAND (100,000)” WITH “ONE HUNDRED FIFTY THOUSAND (150,000) AND “FIFTEEN THOUSAND (15,000)” WITH “THIRTY-FIVE THOUSAND (35,000) AND “FORTY THOUSAND (40,000)” WITH “SEVENTY-FIVE THOUSAND (75,000)”; AND DELETING SECTION B(5) IN ITS ENTIRETY; AND

IN SECTION C

STRIKING (1) AND (2) IN THEIR ENTIRETY AND REPLACING WITH “(1) THE SPGA SHALL BE THE ZONING BOARD OF APPEALS”; AND

IN SECTION E

STRIKING “ADVERSELY IMPACT” AND REPLACE WITH “CREATE A MATERIALLY ADVERSE IMPACT ON”; AND

IN SECTION F

ADDING PRIOR TO THE WORDS “UPON THE REVIEW OF THE PROJECT” THE FOLLOWING LANGUAGE: “NOTWITHSTANDING, THE PROVISIONS OF MGL C. 40A, ALL DECISIONS OF THE SPGA SHALL BE MADE WITHIN 210 DAYS FROM THE INITIAL DATE OF APPLICATION. THE FAILURE TO ISSUE A DECISION WITHIN 210 DAYS SHALL RESULT IN THE GRANTING OF THE SPECIAL PERMIT AS PRESENTED AND A CONSTRUCTIVE GRANT SHALL BE ISSUED IN ACCORDANCE WITH THE PROVISIONS OF MGL 40A.” AND FURTHER AMEND THE TABLE OF CONTENTS AND INDEX OF THE CODE, AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT FOLLOW THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

DISCUSSION: The purpose of the withdrawal was to add severability language to the amendment.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 19-092.

Order no. FY 19-093

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

VOTED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5: 200-7.12. MAJOR DEVELOPMENT REVIEW. BY:

IN SECTION B(1)

REPLACING “ONE THOUSAND (1000)” WITH “THREE THOUSAND (3,000)” AND REPLACING “FIVE HUNDRED (500)” WITH “ONE THOUSAND FIVE HUNDRED (1,500)”; AND

IN SECTION B(4)

REPLACING “ONE HUNDRED THOUSAND (100,000)” WITH “ONE HUNDRED FIFTY THOUSAND (150,000) AND “FIFTEEN THOUSAND (15,000)” WITH “THIRTY-FIVE THOUSAND (35,000) AND “FORTY THOUSAND (40,000)” WITH “SEVENTY-FIVE THOUSAND (75,000)”; AND DELETING SECTION B(5) IN ITS ENTIRETY; AND

IN SECTION C

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THE PROVISIONS OF THIS REGULATION SHALL BE SEVERABLE. SHOULD ANY SECTION OR PROVISION OF THIS REGULATION BE HELD TO BE INVALID OR UNENFORCEABLE FOR ANY REASON, THIS SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF ANY OTHER SECTION OR PROVISION OF THIS REGULATION AND THIS REGULATION, EXCLUSIVE OF THE INVALID OR UNENFORCEABLE SECTION OR PROVISION, SHALL TO THE FULL EXTENT CONSISTENT WITH LAW REMAIN IN FULL FORCE AND AFFECT.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Councilor Leonovich announced that the first meeting will be on February 25th, 2019

ECONOMIC DEVELOPMENT COMMITTEE – Chairperson Stempel announced their future work with downCity businesses and for upcoming joint meetings with CRE on the presentation with the GCC President.

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairperson Gilmour reported that at the next chairs meeting there will be discussion as to what was decided on how to make Council Meetings shorter.

WAYS AND MEANS COMMITTEE – Chairperson Wheeler reported their discussions with the Mayor on the Residential Exemption and the Dedicated Revenues.

TREASURER REPORT - None

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Wheeler held the following first reading:

- The following sums be appropriated from the Contractual Stabilization Fund to fund retroactive provisions of contract agreement:

Local 274 –Cafeteria/Food Service Workers	
2017-2018 School Year	\$5,092.77
2018-2019 School Year	<u>\$8,685.28</u>
Total	\$13,778.05

 Contractual Stabilization Balance: \$91,687.09
- President Renaud announced the creation of a Sheltering Task Force. Anyone with interest in being on the task force can contact President Renaud.

MOTIONS FOR RECONSIDERATION: None.

ADJOURNMENT: On a motion by Councilor Ricketts, second by Councilor Gilmour, it was unanimously

VOTED: TO ADJOURN THE MEETING AT 8:56 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center
Regular Meeting
February 20, 2019

Attendance

1. Sund, Verne	Y					
2. Berson, Mark	Y					
3. Allis, Brickett	A					
4. Muzyka-Pyfrom, Wanda	A					
5. Dolan, Timothy	Y					
6. Gilmour, Sheila	Y					
7. Wheeler, Otis	Y					
8. Mayo, Douglas	Y					
9. Leonovich, Daniel	Y					
10. Mass, Isaac	Y					
11. Renaud, Karen	Y					
12. Ricketts, Penny	Y					
13. Stempel, Ashley	Y					