

# SENATE . . . . . No. 2960

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Senate, October 15, 2024 - Text of the Senate amendment (Senator Comerford) to the House Bill amending the charter of the city of Greenfield (House, No. 3725).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
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1 SECTION 1. Article 2 of the charter of the city known as the town of Greenfield, which  
2 is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter  
3 43B of the General Laws, is hereby amended by striking out section 2-2 and inserting in place  
4 thereof the following section:-

5 SECTION 2-2: COUNCIL PRESIDENT AND VICE PRESIDENT

6 (a) Election and Term - On the first business day of the new year, the members of the  
7 city council shall elect from among its members a council president and vice president who shall  
8 serve during the ensuing year.

9 (b) Powers and Duties - The council president shall preside at all meetings of the city  
10 council, regulate its proceedings and shall decide all questions of order. The council president  
11 shall appoint all members of all committees of the city council, whether special or standing. The  
12 council president shall have the same powers to vote upon all measures coming before the city  
13 council as any other member of the city council. The council president shall perform such other  
14 duties consistent with the office as may be provided by charter, by ordinance or by other vote of  
15 the city council.

16 (c) Council Vice-President - The vice-president shall serve as acting president during  
17 the temporary absence or disability of the council president during the ensuing term of office.  
18 The powers of an acting council president shall be limited to only those powers of the president  
19 as may be necessary to the conduct of the business of the city council in an orderly and efficient  
20 manner and which may not be delayed.

21 (d) Vacancies in the Office of President or Vice President - In the event the council  
22 president or vice president shall vacate their office for any reason prior to the end of their term of  
23 office, at the next regularly scheduled meeting after such vacating and prior to conducting  
24 business, the councilors shall elect from among the council members a successor president or  
25 vice president to serve for the remainder of the term.

26 SECTION 2. Subsection (c) of section 2-6 of said article of said charter is hereby  
27 amended by striking out paragraph 2 and inserting in place thereof the following paragraph:-

28 2. Special meetings of the city council shall be held at the call of the council president, or,  
29 on the call of any 5 or more members, by written notice delivered in hand or to the place of  
30 residence of each member or by secure electronic communication that allows receipt  
31 confirmation and which contains a listing of the items to be acted upon. Except in case of an  
32 emergency, of which the council president shall be judge, such notice shall be delivered not less  
33 than 48 hours in advance of the time set for such meeting. A copy of the notice to members shall,  
34 forthwith, be posted upon the city bulletin board.

35 SECTION 3. Section 3-1 of article 3 of said charter is hereby amended by striking out  
36 subsections (c) and (d) and inserting in place thereof the following subsection:-

37 (c) Compensation - The city council shall, by ordinance, establish an annual salary  
38 for the mayor, which shall become effective immediately.

39 SECTION 4. Section 3-3 of said article 3 of said charter is hereby amended by striking  
40 out subsection (a) and inserting in place thereof the following subsection:-

41 (a) The mayor shall appoint, subject to the review of such appointments by the city  
42 council as provided in section 2-10, all city officers, department heads and the members of  
43 multiple-member bodies for whom no other method of appointment or selection is provided by  
44 the charter or by ordinance, excepting only persons serving under the school committee, and  
45 persons serving under the city council. Except as may otherwise be required by the civil service  
46 law or other applicable law, and in this charter or by ordinance, appointments made by the mayor  
47 shall be for indefinite terms. All persons categorized as department heads shall, subject to the  
48 consent of the mayor, appoint all assistants, subordinates and other employees of the agency for  
49 which such person is responsible.

50 SECTION 5. Section 3-4 of said article 3 of said charter is hereby amended by striking  
51 out subsection (a) and inserting in place thereof the following subsection:-

52 (a) City Officers and Department Heads - The mayor may remove or suspend any city  
53 officer, or the head of any city department appointed by the mayor, by filing a written statement  
54 with the city clerk setting forth in precise detail the specific reasons for such removal or  
55 suspension. A copy of the written statement shall be delivered in hand, or mailed by certified  
56 mail, postage prepaid, to the last known address of the said city officer, or head of a department.  
57 The said city officer, or head of a department, may make a written reply by filing such a reply  
58 statement with the city clerk within 10 days following the date the statement of the mayor has

59 been filed; but, such reply shall have no effect upon the removal or suspension unless the mayor  
60 shall so determine. The decision of the mayor in suspending or removing a city officer or a  
61 department head shall be final, it being the intention of this provision to vest all authority and to  
62 fix all responsibility for such suspension or removal solely in the mayor. The removal shall take  
63 effect on the thirtieth day following the date of filing by the mayor of the notice of removal in  
64 the office of the city clerk.

65 SECTION 6. Section 3-6 of said article 3 of said charter is hereby amended by striking  
66 out subsection (b) and inserting in place thereof the following subsection:-

67 (b) Special Meetings of the City Council - The mayor may at any time call a special  
68 meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered  
69 in hand or to the place of business or residence of each member of the city council, or by secure  
70 electronic communication that allows receipt confirmation. Such notice shall, except in an  
71 emergency of which the mayor shall be the sole judge, be delivered not less than 48 weekday  
72 hours in advance of the time set and shall specify the purpose or purposes for which the meeting  
73 is to be held. A copy of each such notice shall, forthwith, be posted on the city bulletin board.

74 SECTION 7. Section 3-8 of said article 3 of said charter is hereby amended by striking  
75 out subsection (a) and inserting in place thereof the following subsection:-

76 (a) Acting Mayor - The mayor shall, by a letter filed with the city council and a copy  
77 filed with the city clerk, designate a qualified city officer or city to exercise the powers and  
78 perform the duties of the office during the temporary absence of the mayor for periods of less  
79 than 15 business days and to serve only when the needs of the city require and only to the extent  
80 necessary under the then circumstances.

81           Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be  
82 unable to perform the duties of the office for a period of 15 successive business days, or more,  
83 the president of the city council shall be the acting mayor. In the event of the absence or  
84 disability of the president of the city council, the vice-president of the city council shall serve as  
85 acting mayor; and the mayor's qualified city officer or city employee designee shall assist the  
86 acting mayor in their duties of the office during the absence or disability of the mayor.

87           SECTION 8. Section 3-9 of said article 3 of said charter is hereby amended by striking  
88 out subsection (b) and inserting in place thereof the following subsection:-

89           (b)     Council Election - If a vacancy in the office of mayor occurs in the last nine 9  
90 months of the term for which the mayor is elected, whether by reason of death, resignation,  
91 removal from office, or otherwise, the president of the city council shall become the mayor.  
92 Upon the qualification of the president of the city council as the mayor, under this section, a  
93 vacancy shall exist on the city council, which shall be filled in the manner provided in Section 2-  
94 11. In the event the council president or vice president shall vacate their office for any reason  
95 prior to the end of their term of office, at the next regularly scheduled meeting after such  
96 vacating and prior to conducting business the councilors shall elect from among its members a  
97 successor president or vice president to serve for the remainder of the term.

98           SECTION 9. Section 4-2 of article 4 of said charter is hereby amended by striking out  
99 subsection (b) and inserting in place thereof the following subsection:-

100           (b)     Power and Duties - The school committee chair shall preside at all meetings of the  
101 school committee, regulate its proceedings and shall decide all questions of order. The school  
102 committee chair shall appoint, in accordance with school committee policy manual, all members

103 of all committees of the school committee, whether special or standing. The school committee  
104 chair shall have the same powers to vote upon all measures coming before the school committee  
105 as any other member of the school committee. The school committee chair shall perform such  
106 other duties consistent with the office as may be provided by charter, by ordinance or by other  
107 vote of the school committee.

108 SECTION 10. Said section 4-2 of said article 4 of said charter is hereby further amended  
109 by adding the following subsection:-

110 (d) Secretary - The Secretary of the school committee will keep or cause to be kept an  
111 accurate journal and permanent record book of all committee meetings in which all its votes,  
112 orders and proceedings shall be recorded; will comply with state law and committee policy  
113 regarding notification of meetings; and will render such reports as may be required by the state.

114 SECTION 11. Section 4-5 of said article 4 of said charter is hereby amended by striking  
115 out subsection (b) and inserting in place thereof the following subsection:-

116 (b) To make all reasonable rules and regulations for the management of the public  
117 school system and for conducting the business of the school committee as may be deemed  
118 necessary or desirable and as required by and allowed by law.

119 SECTION 12. Said article 4 of said charter is hereby further amended by striking out  
120 section 4-6 and inserting in place thereof the following section:-

121 SECTION 4-6: FILLING OF VACANCIES

122 Filling of Vacancies by School Committee - Whenever a vacancy shall occur in the office  
123 of school committee member more than 90 days before the next regular biennial election, the

124 vacancy shall be filled according to the procedures outlined in the school committee policy  
125 manual at the time of such vacancy. Persons filling a vacancy by the school committee shall  
126 serve only until the next regular election at which time the vacancy shall be filled by the voters  
127 and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the  
128 remainder of the unexpired term of the vacated seat. Persons serving as school committee  
129 members under this section shall not be entitled to have the words "candidate for re-election"  
130 printed against their names on the election ballot. In the event of an impasse, the president of the  
131 city council shall have a vote.

132 SECTION 13. Section 5-2 of article 5 of said charter is hereby amended by striking out  
133 subsection (a) and inserting in place thereof the following subsection:-

134 (a) Public Hearing - Not less than 21 days before the meeting at which the school  
135 committee is scheduled to vote on its final budget request, the school committee shall cause to be  
136 published in a local newspaper, and on the city website, a general summary of its proposed  
137 budget. The summary shall specifically indicate any major variations from the current budget  
138 and the reasons for such changes. The notice shall further indicate the times and places at which  
139 complete copies of the proposed budget are available for examination by the public, and it shall  
140 indicate the date, time and place not less than 7 nor more than 14 days following such  
141 publication, when a public hearing will be held by the school committee on the proposed budget.  
142 The school committee shall not take its final vote on its proposed budget until all persons who  
143 desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

144 SECTION 14. Said article 5 of said charter is hereby further amended by striking out  
145 section 5-3 and inserting in place thereof the following section:-

146 SECTION 5-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

147 Not later than 90 days before the start of the 's fiscal year, the mayor shall submit to the  
148 city council a proposed operating budget for the ensuing fiscal year with an accompanying  
149 budget message and supporting documents. The mayor shall simultaneously provide for the  
150 publication in a local newspaper, and on the city website, of a notice and a general summary of  
151 the proposed budget. The summary shall specifically indicate any major variations from the  
152 current operating budget and the reason for such changes. The notice shall further indicate the  
153 times and places at which complete copies of the proposed operating budget for the city are  
154 available for examination by the public.

155 SECTION 15. Subsection (b) of section 5-7 of said article 5 of said charter is hereby  
156 amended by striking out the second paragraph and inserting in place thereof the following  
157 paragraph:-

158 The city council may, by majority vote, on recommendation of the mayor, transfer within  
159 the last 2 months of a fiscal year or during the first 15 days of a new fiscal year to apply to the  
160 previous fiscal year, an amount appropriated for the use of any department; provided, however,  
161 that no transfer shall be made at any other time of any amount appropriated for the use of a city  
162 department to the appropriation for any other department except by a 2/3 vote of the city council;  
163 and provided further, that the city council shall, by ordinance, provide a procedure governing  
164 such requests, which shall include at least 2 readings and a public hearing by the city council and  
165 it shall specify the circumstances under which notice by publication in a newspaper shall be  
166 required. A request for a transfer of funds from 1 municipal agency to another shall be made by  
167 the mayor, in writing, to the city council and shall include a statement setting forth the reason the



168 additional funds are needed by the agency to which it is proposed they be transferred. The  
169 request shall be accompanied by a certificate, signed by the finance director, accountant and head  
170 of the agency from which the appropriation is proposed to be taken, that such transfer will not  
171 prevent that agency from performing its vital functions.

172 SECTION 16. Article 6 of said charter is hereby amended by striking out section 6-2 and  
173 inserting in place thereof the following section:-

174 SECTION 6-2: MERIT PRINCIPLE

175 All appointments and promotions of city officers and employees shall be made on the  
176 basis of merit and fitness demonstrated by examination, education and certification, or by other  
177 evidence of competence and suitability.

178 SECTION 17. Said article 6 of said charter is hereby further amended by striking out  
179 section 6-3 and inserting in place thereof the following section:-

180 SECTION 6-3: DEPARTMENT OF MUNICIPAL FINANCE

181 (a) Establishment, Scope - There shall be a department of municipal finance  
182 responsible for the performance of all of the fiscal and financial activities of the city. The  
183 department of municipal finance shall include within it the city accountant, the city treasurer, the  
184 city collector and the board of assessors; and it may have such additional powers, duties and  
185 responsibilities with respect to municipal finance related functions and activities as the city from  
186 time to time provide, by ordinance. So much of the powers of a chief procurement officer which  
187 the mayor does not personally exercise, shall be assigned to the department of municipal finance.

188 All activity by the mayor acting as a chief procurement officer shall be processed through the  
189 department of municipal finance.

190 (b) Director of Municipal Finance - The department of municipal finance shall be  
191 under the direct control and supervision of a director of municipal finance who shall be  
192 appointed by and who shall be responsible to the mayor. The mayor shall also appoint the  
193 person, or persons, performing the duties of city collector and city treasurer. The director of  
194 municipal finance shall be a person especially fitted by education, experience and training to  
195 perform the duties of the office. The director of municipal finance shall be responsible for the  
196 supervision and coordination of all activities of the department of municipal finance in  
197 accordance with General Laws, city ordinance, administrative code and rules and regulations.  
198 The director of municipal finance shall serve, as the mayor may from time to time specify, as the  
199 city Treasurer, city collector, treasurer-collector or city accountant.

200 SECTION 18. Said article 6 of said charter is hereby further amended by striking out  
201 section 6-6 and inserting in place thereof the following words:-

202 SECTION 6-6: RESERVE SECTION FOR FUTURE USE.

203 SECTION 19. Section 6-7 of said article 6 of said charter is hereby amended by striking  
204 out subsection (b) and inserting in place thereof the following subsection:-

205 (b) Powers and Duties - The planning and construction committee shall be  
206 responsible for monitoring the physical condition of all municipal buildings and other facilities.  
207 The committee shall meet quarterly and file a written report not less than annually with the  
208 mayor in which it shall make recommendations as to the need for any project or projects. The  
209 committee will meet with representatives of municipal agencies to evaluate the need for

210 additions, renovations, or remodeling of any existing building or facility or for the construction  
211 of new buildings or other facilities, as necessary.

212 Whenever any construction work on any municipal building or other facility is  
213 authorized, the planning and construction committee shall monitor the work through contact with  
214 the department of planning and development and building inspections department.

215 SECTION 20. The first sentence of the second paragraph of section 6-8 of said article 6  
216 of said charter is hereby amended by inserting after the word “include” the following words:- ,  
217 but not limited to.

218 SECTION 21. Said article 6 of said charter is hereby further amended by striking out  
219 section 6-11 and inserting in place thereof the following section:-

220 SECTION 6-11: PUBLIC SAFETY COMMISSION

221 (a) There shall be a public safety commission consisting of 7 members, all of whom  
222 shall be residents and registered voters of the city, appointed by the mayor subject to provisions  
223 of section 2-10.

224 (b) At the first meeting in each calendar year, the commission shall elect a chair vice  
225 chair and secretary and the secretary shall keep a record of the commission’s meetings.

226 (c) The members shall serve 4-year staggered terms. commission members shall  
227 serve without compensation.

228 (d) Powers and Duties: The commission shall assist the mayor in the supervision and  
229 oversight of all departments, including police, fire, emergency management and dispatch,

230 including the coordination of the administration of all departments with one another, and with  
231 other city departments and agencies by making recommendations to the mayor concerning.

232 1. Setting priorities within said departments;

233 2. The annual operating budgets of all departments, after the mayor and commission  
234 have met with the public safety department heads to discuss the proposed budgets;

235 3. The capital budget requests of all public safety departments, shall be submitted to  
236 the mayor after the commission has met with the public safety department heads to discuss the  
237 requests, provided, however, that commission members may only inspect the departments on an  
238 annual basis in connection with budget review. Inspections can include facility and equipment  
239 maintenance, department records, status of policies and procedures and reviews of any other  
240 aspect of the departments deemed necessary to the smooth operation of said departments.  
241 Inspections shall be made only after approval from the public safety department heads has been  
242 obtained to insure it will not disrupt department operations.

243 4. Final interviews for appointments and promotions of all personnel in the police or  
244 fire department, shall be conducted by the commission and the respective public safety  
245 department heads. The respective public safety department heads shall submit recommendations  
246 to the commission and the commission, if it does not agree with said recommendations, shall  
247 submit written reasons for not concurring with said recommendations to the mayor.  
248 Appointments and promotions of public safety personnel shall be made in accordance with  
249 collective bargaining agreements and applicable General Laws, and local hiring policy  
250 requirements as defined by the mayor, respectively.

251 (e) The commission shall review written complaints made by the public concerning  
252 the operation of the public safety departments, and the conduct of employees of both those  
253 departments.

254 The operation of the police and fire departments, and the conduct of employees of both  
255 departments.

256 All written complaints received shall be forwarded to the chief of the department to  
257 which they relate and the chief shall investigate or cause to be investigated said complaints and  
258 submit his findings and recommendations, in connection therewith, that he deems appropriate.

259 The commission shall adopt such rules and regulations, consistent with this ordinance,  
260 the civil service statute and police and fire collective bargaining agreements, as it deems  
261 necessary to establish procedures to be followed in filing of written complaints by the public,  
262 investigating complaints and holding hearings concerning complaints made to it regarding the  
263 operation of the police or fire department and the conduct and officers and employees of each  
264 department. Citizen complaints shall be considered part of the employee's personnel file.

265 The commission shall apply the principle of progressive discipline, except those instances  
266 where more severe punishment is warranted.

267 (f) Meetings.

268 1. The commission shall meet on a regular basis.

269 2. Special meetings may be called by the mayor, chair of the commission or majority  
270 vote of the commission,

271 3. Minutes shall be kept of all public meetings, including executive session in  
272 accordance with open meeting laws.

273 4. The commission may establish its own rules of procedure including those  
274 governing the conduct of its meetings.

275 (g) In the event of a vacancy, the mayor shall make an appointment for the balance of  
276 said term subject to city council approval pursuant to section 2-10.

277 (h) No member of the commission shall be an employee of the police department or  
278 fire department, nor shall any member of the commission member's be an employee or retired  
279 member of the police or fire department within 36 months of the commission member's  
280 retirement date.

281 "Family member" shall mean father, mother, spouse, child, stepchild, grandchild, brother,  
282 sister, brother-in-law, sister-in-law, nephew, niece and grandparent.

283 (i) commission members shall be special municipal employees.

284 SECTION 22. Section 6-12 of said article 6 of said charter is hereby amended by striking  
285 out subsection (e) and inserting in place thereof the following subsection:-

286 (e) The board of trustees of the Public Library shall, in all matters of general  
287 municipal policy and procedures, be subject to policy directives designed to achieve uniformity  
288 and better administrative control as may from time to time be issued by the mayor, with  
289 consultation of the Library trustees. Responsibility for the ordinary maintenance of library  
290 buildings and grounds may be transferred to a city central maintenance department by ordinance

291 adopted by the city council. The board of trustees of the Public Library shall have all the other  
292 powers and duties as may be provided by General Law, by charter, by ordinance or otherwise.

293 SECTION 23. Section 6-14 of said article 6 of said charter is hereby amended by striking  
294 out subsection (a) and inserting in place thereof the following subsection:-

295 (a) There shall be a board of assessors consisting of 3 members, to be elected at large  
296 by the voters, for staggered terms of 4 years.

297 SECTION 24. Said section 6-14 of said article 6 of said charter is hereby further  
298 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

299 (c) A principal assessor shall be a full-time employee of the city, hired by the mayor and  
300 pursuant to the provisions of section 6-3 of this charter relative to the department of municipal  
301 finance.

302 SECTION 25. Section 6-18 of said article 6 of said charter is hereby further amended by  
303 striking out subsection (a) and inserting in place thereof the following subsection:-

304 (a) There shall be a council on aging consisting of not less than 3 and no more than  
305 11 members, appointed by the mayor for staggered 3-year terms.

306 SECTION 26. Section 6-24 of said article 6 of said charter is hereby further amended by  
307 striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

308 (a) There shall be a mayor's task force against domestic and sexual violence to advise the  
309 mayor with regard to the formation of public policy, public education and outreach on domestic  
310 and sexual violence. The task force shall consist of 7 members, 3 of whom shall be appointed by  
311 the mayor with review by the city council as provided in section 2-10, and 4 of whom shall be

312 appointed as provided in subsection (c) and two alternate members appointed by the mayor as  
313 above.

314 Alternate members shall sit on the committee in case of the absence, inability to act or  
315 apparent conflict of interest on the part of any committee member, or as part of a regularly  
316 scheduled rotation among the regular members.

317 (b) In making the mayoral appointments, the mayor shall seek persons who are: (i)  
318 experienced in the field of youth services; (ii) members of relevant advocacy groups; (iii) mental  
319 health providers; (iv) probation officers in the district or superior court system; and (v) medical  
320 professionals on the staff at the Baystate Franklin Medical Center. The 3 members and two  
321 alternate members to be appointed by the mayor shall serve for terms of 3 years.

322 SECTION 27. Section 7-12 of article 7 of said charter is hereby amended by striking out  
323 subsection (b) and inserting in place thereof the following subsection:-

324 (b) Recall Petition - Not less than 500 voters may file with the board of registrars of  
325 voters an affidavit containing the name of the elected at-large officer sought to be recalled and a  
326 statement of the grounds for recall. The signatures on such affidavit shall contain the names of  
327 not less than 25 voters in each of the precincts into which the city is divided for the purpose of  
328 elections. One hundred or more voters of an individual precinct may file with the board of  
329 registrars of voters an affidavit containing the name of their individual precinct elected officer  
330 sought to be recalled and a statement for the grounds for recall.