

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

November 16, 2022

John Zon Community Center/Zoom Hybrid

6:30 pm

**CALL TO ORDER:** Meeting was called to order at 6:30 p.m. by President Gilmour.

**CHAIRS STATEMENT:** This meeting is being recorded by the City Council and GCTV-17. If any other persons present are doing the same you must notify the chairperson at this time. In accordance with MGLc 30A SS 20(g) “No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.”

**ROLL CALL OF MEMBERS:** Roll Call was taken. All members were present. (Councilor Mayo appeared via Zoom).

It was noted that there were technical difficulties with the audio on the virtual application.

**ALSO PRESENT:** Mayor Roxann Wedegartner; City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Chief of Staff Danielle Letourneau; Greenfield School Superintendent Dr. Christine DeBarge; Vice School Committee Chairperson Jean Wall; Chief Assessor Randall Austin; Board of Assessors Joseph Ruggeri and James Geisman; DPW Director Marlo Warner; GCTV-17 staff; Mary Byrne, *the Recorder*; and members of the public.

The Pledge of Allegiance was held.

**ACCEPTANCE OF MINUTES:** None.

**COMMUNICATIONS:**

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** Dr. DeBarge and Vice Chair Wall reported the following:

- Received a donation of \$304.00 from seven members of the Greenfield High School class of 1954 towards the Greenfield Elementary School Literary Program.
- Would receive a donation of 400 dictionaries from the Greenfield Elks club to be used by every 3<sup>rd</sup> grader attending the schools.
- Middle School physical education teacher and softball coach John Hickey was recognized as the MIAA (Massachusetts Interscholastic Athletic Association) coach of the year.
- Steps were taken to prepare and submit a Safe Routes to School Grant to aid in sidewalk repair and safety.

Councilors asked the following questions:

- Status on contract negotiation settlements with teachers and assistants.
- Status on the reserves of ESSER (Elementary and Secondary School Emergency Relief) funds and their use towards funding teacher negotiated salaries.

**MAYOR, CITY OFFICERS AND EMPLOYEES:** Mayor Wedegartner reported the following:

- City broke ground on the new Fire Station on Monday.

- The Wilson's department store building was sold to Mass Development and TCB (Community Builders) and was expected to construct mixed income housing as well as an extension to the Greenfield co-op.
- Diana Schindler would begin her employment with the City as the new Finance Director to replace Liz Gilman.
- Thanked members of the City Hall staff, notably the new assistant City Clerk Quinn Jacquins and the new Clerk's administrative assistant Kat Chilik, for their handling of the State Elections on November 8<sup>th</sup> while the Clerk was recovering from an illness at home.
- Capital Budget Meetings would begin on Friday, December 2, with Department Heads presenting their requests to the Capital Improvement Committee.
- Mayor's office prepared a program entitled "Dialogues Across Differences: A Community Conversation" which would comprise of 3 meetings pertaining to difficult conversations around some issues the City had been facing including race, gender, etc. This would be facilitated by 2 professionals in the field, Tanisha Arena and JAC Patrissi on Zoom from 5:30 pm to 7:30 pm, on November 28, December 5 and December 19, 2022.
- RFP (Request for Proposal) for the 1<sup>st</sup> National Bank building will go out on November 30, 2022.
- Addressed the orders submitted by the Mayor's office regarding the transfer from Free Cash to various stabilization and other accounts.

Councilors asked the following questions:

- Reason for the additional request for \$500,000 towards the construction of the new Fire Station if the City had previously received a grant from the USDA for almost \$1 million dollars.
- Guarantee from the new owners of Wilson's department store building that mixed income housing would be installed in there.

**MOTION:** On a motion by Councilor Lapienski, second by Councilor Bottomley, it was,

**MOVED:** THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS.

**DISCUSSION:** Suggestion was made to allow the public to speak first in order to have the tax rate presentation and related public hearing consecutively. However, it was noted that the Assessors could be inconvenienced if they had to stay later and wait until after the public comment section.

It was by roll call, 7 yes, 5 no,

**VOTED:** TO WAIVE THE RULES OF PROCEDURE.

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

- Ryan Whitney, Chapman Street, spoke to an incident in which Board of Assessors member Joseph Ruggieri failed to obtain a building permit for renovation to his property and asked how many other instances of building without applying for a permit had occurred.
- Paki Wieland, High Street, spoke in favor of the Council and Mayor's support to the passing of HR 3053 regarding home equity distribution.
- Kate Pousont Scarborough, Montague City Road, spoke in favor of the Council and Mayor's support to the passing of HR3053 regarding home equity distribution.
- Jon Magee, Green Street, spoke to the Greenfield Police Department's repeated violation of the Federal Labor Law on behalf of BayState Franklin Hospital against nurses and their unions.
- Sean Thomas, Maple Street, inquired if the Council could establish a Committee to review homes that were about to IRA down south 10 days prior to ensure due process and fair representation for homeowners.

- Joan Marie Jackson and Mitchell Speight, Chestnut Hill, spoke to their experience with their property in tax title and supporting the resolution to urge the State to pass HR 3053 regarding home equity distribution.
- Tom Tolg, Walnut Street, spoke to the discontinuation of “Home Equity Theft” by the City.
- Susan Worgaftik, Forest Avenue, thanked the administration on their work with the Wilson’s building being turned into mixed income housing. Hoped to see the same affordable housing project at the Hope Street parking lot once the new Fire Station was built.
- Tara Cloutier, Colrain Road, spoke to urge the Council cut the [capital] stabilization fund and move \$800,000 to the contract stabilization fund for teacher’s contracts.
- Jean Wall, Country Side Road, spoke to her disappointment with the Ways & Means Committee’s response to the failure of Board of Assessors member Joseph Ruggeri to obtain a building permit for the renovation of his commercial property and the importance of applying for a building permit. She noted that this was not the first offence against Mr. Ruggeri and believed he should resign his position from the Board of Assessors.
- Rose Skriloff, Linden Avenue, spoke to the pay provided to the Greenfield public school’s Instructional Assistants and compared to their pay with higher paying positions in and around the City of Greenfield.
- Pamela Goodwin, High Street, spoke to the lack of bathroom facilities and the promise of a “Portland Loo” installed in downtown Greenfield. She spoke to her work with the State on the prevention of the high number of evictions.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: Chief Assessor Austin and Board of Assessors Ruggeri and Geisman reported the following:

- Provided a presentation of the tax rate classification report as was presented at the Ways & Means Committee meeting the previous night.
- Rationale against a split tax rate.
- Explanation not to adopt a small commercial exemption.
- Explanation not to adopt a residential exemption.

Councilors asked the following questions:

- RO (Residential) percentage of total and CIP (Commercial Industrial) percentage of total.
- Single tax rate recommended due to the volume of residential property compared to commercial.
- Elaboration of the significant increase in personal property and new growth.

Councilor Ricketts left the rail at 8:06 pm.

**PUBLIC HEARINGS:** President Gilmour opened the public hearings at 8:09 pm.

Councilor Forgey read the public hearings:

#### PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., November 16, 2022, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., and Zoom:

<https://greenfield-ma-gov.zoom.us/j/98386735754?pwd=VGFQSFk2OE5Ld0gxVTQvb0tWTytkdz09MeetingID98386735754> to receive public input on the following:

- Appropriate \$2,500,000 from Free Cash to Capital Stabilization Fund 8402.
- Appropriate \$200,000 from Free Cash to Compensated Absences Fund 8450.
- Appropriate \$200,000 from Free Cash to Contract Stabilization Fund 8403.
- Appropriate \$100,000 from Free Cash to General Stabilization Fund 8400.
- Appropriate \$600,000 from Free Cash to reduce the FY2023 tax rate.
- Transfer \$107,300 from Free Cash to FY23 General Fund Vehicle Fuel Accounts.

- Appropriate \$8,500 from Sewer Retained Earnings to FY23 Sewer Vehicle Fuel Accounts.
- Appropriate \$10,000 from Water Retained Earnings to FY23 Water Vehicle Fuel Accounts.
- Appropriate \$14,387 from FY22 Reserve Fund to FY23 Weights and Measures Contracted Services.

The City Council may consider the same on Wed., November 16, 2022, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., and Zoom: <https://greenfield-ma.gov.zoom.us/j/98386735754?pwd=VGFQSFk2OE5Ld0gxVTQvb0tWTytkdz09> Meeting ID 983 8673 5754. Materials can be obtained from the City Clerk's Office, 14 Court Sq. from 9:00 a.m.-4:00 p.m., Mon. - Fri. or phone 413-772-1555, x. 6163.

Sheila Gilmour, Greenfield City Council President

#### PUBLIC HEARING

The Greenfield City Council will hold a public hearing on Wednesday, November 16, 2022, at 6:30 pm, at John Zon Community Center, 35 Pleasant St., and via Zoom: <https://greenfield-ma.gov.zoom.us/j/98386735754?pwd=VGFQSFk2OE5Ld0gxVTQvb0tWTytkdz09> Meeting ID 983 8673 5754 to adopt a residential factor in accordance with the provisions of Massachusetts General Laws, Chapter 58, Section 1A, which shall be used by the Board of Assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property.

The Assessors shall provide all information and data relevant to making such determination and the fiscal effect of the available alternatives.

The hearing is required under Section 56 of Chapter 40, Massachusetts General Laws.

Sheila Gilmour, Greenfield City Council President

The following members of the public spoke:

- Stephanie Duclos, Chapman Street, spoke to the increased amount requested for the Absences Fund. She also inquired as to specifically at what loss the City had on one industrial parcel and seven personal property parcels.

President Gilmour asked if anyone else would wish to speak at the public hearings. Seeing none, she closed the public hearings at 8:15 pm.

Councilor Forgey read the second reading:

#### **City Council – Second Reading- November 16, 2022**

- Appropriate \$2,500,000 from Free Cash to Capital Stabilization Fund 8402.
- Appropriate \$200,000 from Free Cash to Compensated Absences Fund 8450.
- Appropriate \$200,000 from Free Cash to Contract Stabilization Fund 8403.
- Appropriate \$100,000 from Free Cash to General Stabilization Fund 8400.
- Appropriate \$600,000 from Free Cash to reduce the FY2023 tax rate.
- Transfer \$107,300 from Free Cash to FY23 General Fund Vehicle Fuel Accounts.
- Appropriate \$8,500 from Sewer Retained Earnings to FY23 Sewer Vehicle Fuel Accounts.
- Appropriate \$10,000 from Water Retained Earnings to FY23 Water Vehicle Fuel Accounts.
- Appropriate \$14,387 from FY22 Reserve Fund to FY23 Weights and Measures Contracted Services.

President Gilmour called for a recess at 8:17 pm.

President Gilmour resumed meeting at 8:30 pm.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 23-049**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Guin, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$600,000 BE APPROPRIATED FROM FREE CASH TO REDUCE THE FY 2023 TAX RATE.

**DISCUSSION:** Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Rationale was provided for the amount requested in order to reduce the tax rate.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-049.

**Order no. FY 23-075A**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Terounzo, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL ADOPT A MINIMUM RESIDENTIAL FACTOR OF 1(ONE), RESULTING IN AN EQUAL TAX RATE FOR ALL CLASSES OF PROPERTY FOR THE FISCAL YEAR 2023.

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-075A.

**Order no. FY 23-075B**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Elmer, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL VOTES THAT NO RESIDENTIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2023.

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-075B.

**Order no. FY 23-075C**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Terounzo, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL VOTES THAT NO SMALL COMMERCIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2023.

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-075C.

All Councilors present signed off on the tax rate classification.

**Order no. FY 23-045**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Lapienski, it was,

**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROPRIATE THE SUM OF \$2,500,000 FROM FREE CASH TO THE CAPITAL STABILIZATION FUND 8402.

**DISCUSSION:** Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Councilor Desorgher read a prepared statement which expressed opposition to the amount requested for this appropriation and believed some of the funding could go to other accounts (see attached).

**MOTION:** On a motion by Councilor Desorgher, second by Councilor Bottomley, it was, **MOVED:** TO AMEND THE AMOUNT OF APPROPRIATION BY \$300,000; THEREBY REDUCING THE AMOUNT FROM \$2,500,000 TO \$2,200,000.

**DISCUSSION:** Rationale was provided as to the specific reduction of \$300,000. Other comments included:

- It was noted that as a Council they could not direct the Mayor to place the funds into another suggested account.
- Suggestion was made to have joint meetings with the School Committee to have a better handle on how the School Committee was handling their funding from other resources and still need to ask the City for additional funds.
- It was noted that while it was correct the Council could not tell the Mayor which funds to place the monies in, the Council still had the authority to vote down any request the Mayor submitted if there was rationale to do so.
- Clarification on certain allocations for the schools and when they must be spent.
- Allocating monies for the schools maybe a premature venture until it became clearer as to how much money the schools received and will be receiving for FY2024.

**MOTION:** On a motion by Councilor Lapienski, second by Councilor Mayo, it was by majority, 2 yes, 9 no,

**DEFEATED:** TO CALL THE QUESTION.

Motion to amend Order No. FY23-045 was still on the floor.

**DISCUSSION:** Continued discussion in regards to urging the Mayor to allocate more funding into contract stabilization for teacher contracts and more information on how the schools were handling monies in their budget.

It was by roll call, 11 yes, 0 no,

**VOTED:** TO AMEND ORDER NO. FY 23-045.

Order No. FY 23-045 as amended, was now on the floor: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROPRIATE THE SUM OF ~~\$2,500,000~~ **\$2,200,000** FROM FREE CASH TO THE CAPITAL STABILIZATION FUND 8402.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-045, AS AMENDED.

**Order no. FY 23-046**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Desorgher, it was,

**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROPRIATE THE SUM OF \$200,000 FROM FREE CASH TO THE COMPENSATED ABSENCES FUND 8450.

**DISCUSSION:** Councilor Forgey reported the Ways & Means Committee forwarded a majority recommendation, 3 yes, 2 no. Rationale provided for the significant increase to the request for funds as compared to previous years. Further information was given as to the need of the funds for individual departments.

It was unanimously,  
**VOTED:** TO APPROVE ORDER NO. FY 23-046.

Councilor Mayo left the rail at 9:35 pm.  
Councilor Lapienski left the rail at 9:37 pm.  
Councilor Lapienski returned to the rail at 9:39 pm.

**Order no. FY 23-047**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Guin, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROPRIATE THE SUM OF \$200,000 FROM FREE CASH TO THE CONTRACT STABILIZATION FUND 8403.

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

It was unanimously,  
**VOTED:** TO APPROVE ORDER NO. FY 23-047.

**Order no. FY 23-048**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Elmer, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROPRIATE THE SUM OF \$100,000 FROM FREE CASH TO THE GENERAL STABILIZATION FUND 8400.

**DISCUSSION:** Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. It was noted this order was moot due to the fact that it would have been a designated amount to pay for a police audit which was defeated by the Council.

It was unanimously,  
**DEFEATED:** TO APPROVE ORDER NO. FY 23-048.

**Order no. FY 23-050**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Guin, it was,  
**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, THE SUM OF \$107,300 BE TRANSFERRED FROM FREE CASH TO THE FY23 GENERAL FUND VEHICLE FUEL ACCOUNTS AS FOLLOWS:

|               |                    |          |
|---------------|--------------------|----------|
| 01002100.5482 | POLICE NO LEAD GAS | \$12,300 |
| 01002200.5482 | FIRE FUEL          | \$24,000 |
| 01004290.5482 | DPW SERVICE GAS    | \$20,000 |
| 01004290.5483 | DPW SERVICE DIESEL | \$ 5,000 |

|               |                        |           |
|---------------|------------------------|-----------|
| 01004330.5482 | DPW SOLID WASTE GAS    | \$ 1,000  |
| 01004330.5482 | DPW SOLID WASTE DIESEL | \$40,000  |
| 01001920.5482 | CENTRAL MAINT GAS      | \$ 5,000  |
|               | TOTAL:                 | \$107,300 |

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

**MOTION:** On a motion by Councilor Lapienski, no second, it was, **FAILED FOR LACK OF SECOND:** TO AMEND THE ORDER BY DECREASING THE AMOUNT BY \$12,300; REDUCING THE AMOUNT FROM \$107,300 TO \$95,000.

Order No. FY23-050, as originally read, was still on the floor.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-050.

**Order no. FY 23-051**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Guin, it was, **MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, THE SUM OF \$8,500 BE APPROPRIATED FROM SEWER RETAINED EARNINGS TO THE FOLLOWING FY23 SEWER FUEL ACCOUNTS FY23:

|               |              |         |
|---------------|--------------|---------|
| 60004290.5482 | SEWER GAS    | \$2,500 |
| 60004290.5483 | SEWER DIESEL | \$6,000 |
|               | TOTAL:       | \$8,500 |

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-051.

**Order no. FY 23-052**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Terounzo, it was, **MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, THE SUM OF \$10,000 BE APPROPRIATED FROM WATER RETAINED EARNINGS TO THE FOLLOWING FY23 WATER VEHICLE FUEL ACCOUNTS:

|               |              |          |
|---------------|--------------|----------|
| 61004290.5482 | WATER GAS    | \$5,000  |
| 61004290.5483 | WATER DIESEL | \$5,000  |
|               | TOTAL:       | \$10,000 |

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-052.

**Order no. FY 23-053**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Desorgher, it was,



**MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETT'S GENERAL LAWS, THE SUM OF \$14,387 BE TRANSFERRED FROM THE FY22 01001320.5781 RESERVE FUND TO FY23 WEIGHTS AND MEASURES CONTRACTED SERVICES ACCOUNT 01002440.5200

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-053.

President Gilmour called for a 5 minute recess at 10:09 pm.

President Gilmour resumed meeting at 10:18 pm.

**Order no. FY 23-073**

**MOTION:** On a motion by Councilor Forgey, second by Councilor Desorgher, it was, **MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, VOTE TO RESCIND THE FOLLOWING BORROWING AUTHORIZATION BY \$500,000. REVISED AUTHORIZATION \$18,541,296

| PURPOSE     | DATE OF VOTE   | ART #  | AMT AUTH   |
|-------------|----------------|--------|------------|
| NEW LIBRARY | 03/20/19       | 19-050 | 19,541,296 |
|             | VOTED 10/19/22 | REDUCE | -500,000   |
|             | PENDING        | REDUCE | -500,000   |

REVISED AUTHORIZATION: 18,541,296

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

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-073.

**Order no. FY 23-066**

**MOTION:** On a motion by Councilor Golub, second by Councilor Lapienski, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "A RESOLUTION TO URGE THE MASSACHUSETTS GENERAL COURT TO PASS H. 3053, AN ACT RELATIVE TO TAX DEEDS, AS FILED IN THE 192<sup>ND</sup> SESSION.

**Greenfield City Council/Home Equity/Tax Title Taking Reform  
Resolution & Background**

**Resolution:**

Order no. FY 23-\_\_\_\_\_

MOTION: On a motion by Councilor \_\_\_\_\_, second by Councilor \_\_\_\_\_, it was VOTED:

That the Greenfield City Council resolves to urge the Massachusetts General Court to Pass H. 3053, An Act Relative to Tax Deeds, as filed in the 192nd Session.

The Act amends Section 53 of Chapter 60 so that upon issuance of an order on the taking of title and an order of public sale of a foreclosed property, the land court shall also order a public sale of the foreclosed property and order distribution of proceeds consistent with the provisions of M.G.L. Chapter 183 §. 21, §. 24-27 inclusive, treating the tax title holder like a mortgagee with the first priority interest in proceeds from the property, and treating the delinquent debtor as a mortgagor.

**Background:**

This is recommendation 10 presented by Mitch Speight, Joan Marie Jackson, and Al Norman, who ask that the Mayor and Council ask Greenfield's state legislative delegation to pass H. 3053 abolishing home equity collection beyond debt.

**Definitions:**

Mortgagee= the bank or lender. In this context the city—the tax title holder—would be treated as the mortgagee.

Mortgagor= the borrower, in this case, the homeowner.

**Text of H. 3053:**

Bill H. 3053: An Act relative to tax deeds.

(Emphasis added in **boldface** to bring attention to the language in the resolution.)

**SECTION 1.** Section 53 of Chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the first paragraph in its entirety and replacing it with the following new paragraph:

“If a tax on land is not paid 14 days after demand therefore and remains unpaid, the collector shall request a hearing in the land court seeking authorization to exercise the power of taking.

The collector must give 14 days notice of his intention to exercise such power of taking and of the hearing in the land court, which notice shall be served in the manner required by law for the service of subpoenas on witnesses in civil cases and shall be published and shall conform to the requirements of section 40.

He shall also, 14 days prior to the hearing, post a notice so conforming at the property proposed for taking, in a newspaper of general circulation and in two or more convenient and public places where the property is located and the last known address of the owner.

At the hearing, the court shall make inquiry into the nature of the debt owed and whether there is sufficient evidence to demonstrate that the city or town has not received payment from the debtor.

The court shall also make inquiry and findings relative to the sufficiency of notice provided by the collector. The land court may authorize the taking only after issuing its findings in writing.

**Upon issuance of an order on the taking, the land court shall also order a public sale of the foreclosed property and order distribution of proceeds consistent with the provisions of M.G.L. 183 §. 21, §. 24-27 inclusive, treating the tax title holder like a mortgagee with the first priority interest in proceeds from the property, and treating the delinquent debtor as a mortgagor.”**

**SECTION 2.** Section 53 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “forty” in line 7, the following new words:

“and must include a clear statement in bold print that ‘Failure to act will result in losing ownership of your property.’”

**SECTION 3.** Section 53 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “thereto” in line 18, the following new sentence:

“Upon fulfillment of the tax debt through the collection of rents or other income from the land, the tax collector shall file a document reflecting that the property was redeemed through the collection of rents or other income from the land, and shall withdraw possession of the property.”

**SECTION 4.** Section 64 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “foreclosure” in the title of the subsection, the new words: “and sale”

**SECTION 5.** Section 64 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the following words in line 2 “be absolute after” and replacing them with the following new words:

“convey a right to collect rents from the property until the debt is paid or to obtain payment, with first priority over all other liens from the proceeds of a judicial sale, upon”

**SECTION 6.** Section 64 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following new paragraph:

“If deemed appropriate and just by the land court, it may order seizure of rents or other income from the property if doing so would fully satisfy property tax liens and applicable interest and costs. **Upon issuance of a judgment foreclosing the right of redemption, the land court shall also order a public sale of the foreclosed property and order distribution of proceeds consistent with the provisions of M.G.L. 183 §. 21, §. 24-27 inclusive, treating the tax title holder like a mortgagee with the first priority interest in proceeds from the property, and treating the delinquent debtor as a mortgagor.**”

**SECTION 7.** Section 66 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “shall” in line 12, the new words:

“include language expressing the amount necessary to redeem the property and the consequences of failing to pay,”

**SECTION 8.** Section 66 of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking all words after the word “fixed” in line 17 and replacing them with the new following words:

“that failure to act will result in losing ownership of your property and a public sale of your property. If applicable, this could also result in eviction.”

**SECTION 9.** Section 69A of chapter 60 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “date” in line 7, the new sentence:

“Except in the interest of justice, no petition to vacate a decree of foreclosure entered under section sixty-nine and no proceeding at law or in equity for reversing or modifying such a decree shall be commenced after the date of the judicial sale and distribution of proceeds required under section sixty-four.”

**Massachusetts General Law, Chapter 183. Section 27.**

(This text describes how proceeds of the sale would be handled.)

Chapter 183, Section 27: Disposition of proceeds of foreclosure sale; itemized accounting provided to mortgagor.

Section 27. The holder of a mortgage [bank] of real estate, or his representatives, out of the money arising from a sale under the power of sale shall be entitled to retain all sums then secured by the mortgage, whether then or thereafter payable, including all costs, charges or expenses incurred or sustained by him or them by reason of any default in the performance or observance of the condition of the mortgage or of any prior mortgage, rendering the surplus, if any, to the mortgagor [homeowner] or his heirs, successors or assigns, unless otherwise stated in the mortgage. No person other than the holder of the mortgage shall be bound to see to the application of the money arising from such sale.

The holder of a mortgage of real estate [bank], or the holder's representatives, shall provide to the mortgagor [homeowner] or the mortgagor's heirs, successors or assigns a written notice containing an itemized accounting of the disposition of the proceeds arising from a sale under the power of sale including, but not limited to, the sale price, legal fees, auctioneer fees, publication costs and other fees, and any surplus due to the mortgagor, within 60 days after the receipt of such funds provided, that if such sale is subject to further legal proceedings, such accounting shall be stayed until the conclusion of such proceedings.

Vice President Guin requested, without objection, to forward the following Orders to the December agenda: FY23-044; FY23-069; FY23-070 and FY23-071. He explained that due to issues in the Clerk's office the Appointments & Ordinances Committee meeting was cancelled for November. Therefore, these orders could not be addressed before forwarding them to the full Council.

**Order no. FY 23-072**

**MOTION:** On a motion by Councilor Guin, second by Councilor Elmer, it was,

**MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENTS AND RE-APPOINTMENTS BY THE MAYOR AS FOLLOWS:

Appointments:

- Commission on Disability Access - Lynne Kelley (moving from full member to alternate), Term Expires December 31, 2025
- Human Rights Commission - Grady VerPlanck, Term Expires December 31, 2024
- Mayor's Task Force Against Domestic Violence - Katie Rosewarne (representative of Franklin County District Attorney's Office designated by the FC district attorney, two-year term, per charter), Term Expires December 31, 2024

Reappointments:

- Board of License Commissioners - Alan Ball, Term Expires December 31, 2025
- Cemetery Commission - Jeffrey Hampton, Term Expires December 31, 2025
- Conservation Commission - Christin McDonough and Erika LaForme, Term Expires December 31, 2025
- Constables - Peter Clark and Joseph LaChance, Term Expires December 31, 2025
- Council on Aging - Randie Handleman, Janice Colbert and Margot Peck, Term Expires December 31, 2025
- Franklin County Tech School Committee - Paul Doran, Term Expires December 31, 2025
- Historical Commission - Robert Moorhead, Term Expires December 31, 2025
- Mayor's Task Force Against Domestic Violence - Ilana Gerjuoy, Term Expires December 31, 2025
- Parking & Traffic Commission Sebastian Gutwein and Jean Wall, Term Expires December 31, 2025

- Planning & Construction - Nancy Hazard, Term Expires December 31, 2025
- Public Library Board of Trustees - Doris Cowdrey and Samantha Wood, Term Expires December 31, 2025
- Recreation Commission - Heather Valenta (Alternate) and Barb Zaccheo, Term Expires December 31, 2025
- Retirement Board - Marianne Fiske, Term Expires December 31, 2025
- Sustainable Greenfield Implementation Committee - Hannah Rechtschaffen and Jonah Keane, Term Expires December 31, 2025

**DISCUSSION:** Vice President Guin reported that since the A & O Committee didn't meet for November there was no recommendation to forward; however, he noted that he received no inquires from any Councilors regarding these appointments and re-appointments.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 23-072.

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

**REPORTS OF COMMITTEES** None

**TREASURER REPORT** None

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilor Forgey held the following first reading:

**City Council – First Reading- November 16, 2022**

- Repurpose \$67,060.51 from School Department Capital Accounts for School Phone System.
- Appropriate \$100,000 from Free Cash to Contract Stabilization Fund 8403.

**MOTIONS FOR RECONSIDERATION:** None.

**ADJOURNMENT:** On a motion by Councilor Guin, second by Councilor Forgey, it was unanimously

**VOTED:** TO ADJOURN THE MEETING AT 10:30 P.M.

A true copy,

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

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center/Zoom Hybrid  
 Regular Meeting  
 November 16, 2022

|                        | Attendance | Waive ROP<br>Suspend Rules | FY23-045<br>Amendment |  |  |  |
|------------------------|------------|----------------------------|-----------------------|--|--|--|
| 1. Golub, Katherine    | Y          | Y                          | Y                     |  |  |  |
| 2. Guin, Daniel        | Y          | N                          | Y                     |  |  |  |
| 3. Desorgher, Virginia | Y          | Y                          | Y                     |  |  |  |
| 4. Bottomley, John     | Y          | Y                          | Y                     |  |  |  |
| 5. Bullock, Marianne   | Y          | Y                          | Y                     |  |  |  |
| 6. Gilmour, Sheila     | Y          | ----                       | ----                  |  |  |  |
| 7. Lapienski, Jasper   | Y          | Y                          | Y                     |  |  |  |
| 8. Mayo, Douglas       | Y          | Y                          | Y                     |  |  |  |
| 9. Helie, Derek        | Y          | N                          | Y                     |  |  |  |
| 10. Elmer, Philip      | Y          | Y                          | Y                     |  |  |  |
| 11. Forgey, Christine  | Y          | N                          | Y                     |  |  |  |
| 12. Ricketts, Penny    | Y          | N                          | ----                  |  |  |  |
| 13. Terounzo, Michael  | Y          | N                          | Y                     |  |  |  |

7 y    11 y  
 5 n    0 n

**Statement as read by Councilor Desorgher at the November 16, 2022 City Council meeting:**

Something about last night's ways and means meeting didn't set right with me.

We have \$4 million in free cash, the largest figure we've ever had certified by the state. It needs to be allocated into different funds.

We heard an impassioned plea from Director Gilman. She talked about the need for keeping up with deferred maintenance and infrastructure. It sounded as if we had been ignoring this. That just did not ring true.

This council has done a fabulous job of voting for needed deferred maintenance and infrastructure .

Think about it. The new fire station and Every rusting truck and unsafe vehicle has been approved by us along with Every water /sewer project and sidewalk request. The ONLY thing we didn't vote money for was paving a parking lot we didn't own.

Think about what was said last night at our ways and means meeting.

Then think about what was not said.

No one has said a word about taking care of the employees. Those buildings are only as good as the fabulous staff we have inside of them. Those projects will only get done if we have in house staff to do them

I'm not sure how many teachers we have lost to other school systems that pay more. I am not sure how many positions in DPW remain unfilled because their pay is too low

I am sure our largest unions are either in the midst of negotiations or about to start them. . I AM SURE food costs are up 12 % this year and that it will be 28% more expensive to heat our homes this year.

I hope you will join me in voting a \$300,000 in capital stabilization with the ask that the Mayor send us a new order for that money to go into contractual stabilization so that we can pay our beloved employees a fair wage.

I move to reduce the allocation to capital stabilization to \$2,200,000