

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

July 19, 2023

John Zon Community Center/Zoom Hybrid

6:30 pm

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

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.”

Due to technical difficulties, the meeting began at 6:44 pm. It was noted that the Council had a physical quorum at the John Zon Community Center in the event the Zoom feed was lost.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilor Ricketts was absent.

ALSO PRESENT: Mayor Roxann Wedegartner; Assistant City Clerk Quinn Jacquins; Administrative Assistant to the City Council Tammy Marciel; Finance Director/City Auditor/City Accountant Diana Schindler; Police Chief Robert Haigh; Fire Chief Robert Strahan; GCTV-17 staff; Mary Byrne, *the Recorder* and members of the public.

The Pledge of Allegiance was held.

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

VOTED: TO ACCEPT THE CITY COUNCIL MINUTES OF APRIL 19, MAY 17, MAY 18, JUNE 21, 2023.

COMMUNICATIONS:

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: The Superintendent of Schools, Dr. DeBarge, submitted the communication in writing (see attached).

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

- The City recently hired Amy Cahillane as the new Community and Economic Development Director in place of MJ Adams, who retired this year. She would start her new position on July 31st, 2023.
- Alina Cecunjanin from GCC (Greenfield Community College), became an intern in the City's Finance Department this summer as part of the Massachusetts Municipal Finance Fellowship Program.
- The new library had its grand opening last week and thanked the Councilors who appeared at the ceremony. Anna Bognolo was recently hired as the new Library Director in place of Ellen Boyer, who retired this year.

Councilors asked the following questions:

- Update on the project to the building formally used by Wilson's Department Store and the situation with finding a space for Cleary Jewelers.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: Police Chief Haigh and Fire Chief Strahan discussed the Removal of the Chiefs' positions from Civil Service:

- All other departments in both police and fire had been removed from Civil Service, the Chiefs' positions remained.
- The City would require a hefty expense for the process to maintain a police Chief in Civil Service due to limited eligible candidates both within and outside the department.
- The police and fire chief positions for civil service were voted in by Town referendum; however, since Greenfield had become a City, the civil service positions were not required to be voted out by Town referendum.

Councilors asked the following questions:

- Original purpose for the adoption of Civil Service and why it was no longer relevant.
- Established process for promoting, hiring and merit for new employees.
- Effect of Chiefs in Civil Service as to complaints and other disciplinary issues.

PUBLIC COMMENT: The following members of the public spoke:

- Joan Marie Jackson, Chestnut Hill, read from a prepared statement in regards to recent Home Equity Surplus ruling and proposed ordinance. (See attached)
- Mitchell Speight, Chestnut Hill, continued to read prepared statement in regards to recent Home Equity Surplus ruling and proposed ordinance. (See attached)
- Al Norman, Grinnell Street, continued to read prepared statement in regards to recent Home Equity Surplus ruling and proposed ordinance. (See attached)
- Stephanie Duclos, Chapman Street, spoke to her proposed resolution, ordinance and charter change(s) regarding the opioid settlement funds. She also spoke to her opposition to the proposed banning of gas powered leaf blowers and requested the Council to table the vote on Civil Service and referred to a subcommittee.
- Jesus Leyva, Deerfield Street, spoke to his experience with, and other instances to, landlords that repeatedly fail to properly maintain their properties and the request an ordinance proposal to address and list landlords as "repeat offenders" and the importance of well funded building and health departments to address, inspect and enforce code violations on apartment and other rented properties.
- Pamela Goodwin, High Street, spoke to State Auditor Diana DiZoglio and her plans to audit many different agencies to address their transparency with other government officials in their Cities and Towns. She supported the proposed ordinances submitted for the ban on gas powered leaf blowers, opioid funds distribution and home equity surplus.

PUBLIC HEARINGS: Councilor Desorgher read the public hearing:

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., July 19, 2023, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., and Zoom: <https://greenfield-ma.gov.zoom.us/j/95107374357?pwd=K2pzUtnUzZUVnAzc3hVZlYyU0h1QT09> Meeting ID 951 0737 4357, to receive public input on the following:

- Approve payment of \$24,509.88 for GTR Greenfield Millbrook Solar LLC FY 2022 invoice from FY24 WPCF Electricity Account.
- Approve FY2024 Community Preservation Fund Budget – Admin Costs and Reserves.
 - ❖ Appropriate FY24 CPC Administrative Expenses in the amount of \$13,225.00 (5%)
 - ❖ Reserve \$171,925 from the FY2024 Community Preservation Fund Revenues for Community Preservation Fund Purposes (FY24 Annual Budgeted Reserve – 65%)

- ❖ Reserve \$26,450 from FY2024 Community Preservation Fund Revenues for Open Space (10%).
- ❖ Reserve \$26,450 from FY2024 Community Preservation Fund Revenues for Historic Resources (10%).
- ❖ Reserve \$26,450 from FY2024 Community Preservation Fund Revenues for Community Housing (10%).

The City Council may consider the same on Wed., July 19, 2023, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., and Zoom: <https://greenfield-ma.gov.zoom.us/j/95107374357?pwd=K2pzbUtnUzZUVnAzc3hVZlYyU0h1QT09> Meeting ID 951 0737 4357. 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.

Daniel Guin, Greenfield City Council President

President Guin opened the public hearing at 7:50 pm. The following members of the public spoke:

- Stephanie Duclos, Chapman Street, requested reconsideration to the 5% toward Administrative Expenses and could a different portion be used to supplement a salary.

President Guin closed the public hearing at 7:52 pm.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 24-001

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

MOVED: THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL VOTES AN ACT AUTHORIZING THE CITY OF GREENFIELD TO EXEMPT THE POSITIONS OF CHIEF OF POLICE AND CHIEF OF THE FIRE DEPARTMENT FROM CIVIL SERVICE LAW.

SECTION 1. NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, THE POSITIONS OF CHIEF OF POLICE WITHIN THE POLICE DEPARTMENT AND CHIEF OF THE FIRE DEPARTMENT WITHIN THE FIRE DEPARTMENT SHALL BE EXEMPT FROM COVERAGE BY CHAPTER 31 OF THE GENERAL LAWS.

SECTION 2. THIS ACT SHALL NOT IMPAIR THE CIVIL SERVICE STATUS OF A PERSON HOLDING A POSITION DESCRIBED IN SECTION 1 ON THE EFFECTIVE DATE OF THIS ACT.

SECTION 3. THIS ACT SHALL TAKE EFFECT UPON ITS PASSAGE

DISCUSSION: Inquiry was made if the Council could amend this order to have this made retroactive to the current chiefs.

- Issue should be referred to a subcommittee, most likely Appointments & Ordinances, to receive more discussion and answers to any further questions that may arise.
- Removing the positions of the police and fire chiefs had been an issue since the removal of the police and fire departments from civil service beginning in 2019.
- It would hinder the hiring process for the positions of the police and fire chief if they remained in Civil Service and the departments in which they supervise were not.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 24-001.

Councilor Terounzo noted that the second reading was not read at the time of the public hearing. It was suggested until further research was performed on this issue and to ensure the Council was in compliance a second reading should be read. President Guin would confer before the meeting adjourned for the night.

Order no. FY 24-002

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION; SECTION 6-14 (A) & (C): BOARD OF ASSESSORS, BE AMENDED AS INDICATED BELOW, WITH THE BOLD TEXT TO BE ADDED AND STRIKETHROUGH TO BE REMOVED:

SECTION 6-14: BOARD OF ASSESSORS

(a) There shall be a Board of Assessors consisting of three (3) members, ~~one (1) appointed by the Mayor for an indefinite term, who would act as "chief assessor" and two (2)~~ **to be** elected at large by the voters, for staggered terms of 4 years.

(b) The Board of Assessors shall have all powers which are conferred on boards of assessors by the General Laws and such additional powers and duties as may be provided by this Charter, by ordinance or otherwise.

(c) ~~Unless otherwise provided by law, the Assessor appointed by the Mayor shall be a full-time employee of the City and entitled to all the benefits occasioned thereby. The compensation of each Assessor shall be determined by bylaw.~~ **A Principal Assessor shall be a full-time employee of the city, hired by the Mayor and pursuant to the provisions of Charter section 6-3, the Department of Municipal Finances.**

(d) Term of office. The term of office for all elected members of the Board of Assessors shall be four years each, with staggered terms, beginning on the first business day of January after the City election and until the member's successor has been qualified.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

DISCUSSION: Councilor Bullock noted the Appointments & Ordinances Committee did not meet this month and therefore no recommendation would be forwarded.

- Councilor Forgey, who submitted the proposed amendment, noted that a charter amendment on this section was sent to the State Legislature earlier for review; however, they had some questions in regards to the language that was submitted. This amendment was to provide clearer language for subsection (a).
- Clarification as to the number of elected officials on the Board of Assessors and the “staggered terms”.
- This amendment would not go into effect until it was reviewed, passed and returned from the State Legislature. Until then, the language currently in the Charter would need to be followed.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 24-002.

President Guin called for a 5 minutes recess at 8:26 pm.

President Guin resumed the meeting at 8:32 pm.

Order no. FY 24-003

MOTION: On a motion by Councilor Bullock, second by Councilor Terounzo, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENT & RE-APPOINTMENT BY THE MAYOR:

Appointments:

- Diana Schindler; Greenfield-Montague Transportation Area; Term to Expire June 30, 2024; (short term to finish out Danielle Letourneau's term)

Reappointments

- George Gohl; Parking & Traffic Commission; June 30, 2026

Order no. FY 24-004

MOTION: On a motion by Councilor Desorgher, second by Councilor Lapienski, it was, **MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF THE MAYOR WEDEGARTNER, THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN UNITED PUBLIC SERVICE EMPLOYEES UNION (UPSEU) LOCAL 424M BE APPROVED.

DISCUSSION: Councilor Desorgher stated that the Ways & Means Committee did not meet for July and therefore no recommendation would be forwarded.

- Number of employees associated with this union.
- Rationale to why the Council was required to vote on a memorandum of understanding/union contracting.
- Adjustment of step increase calculation to reflect change in timeframe from January 1st to July 1st.
- Correction was made on section (b) of the main order for COLA. In accordance with the chart it should read FY24=2%, FY25=3% and FY26=3%.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 24-004.

Order no. FY 23-161

MOTION: On a motion by Councilor Desorgher, second by Councilor Terounzo, it was, **MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROVES THE PAYMENT OF THE PRIOR YEAR INVOICE FOR GTR GREENFIELD MILLBROOK SOLAR, LLC IN THE AMOUNT OF \$24,509.88 TO BE PAID FROM FY24 WPCF ELECTRICITY ACCOUNT #6000449.5211.

DISCUSSION: Councilor Desorgher reread the order as part of the second reading and reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 23-161.

Councilor Desorgher read the following as a second reading:

- Approve FY2024 Community Preservation Fund Budget – Admin Costs and Reserves.
 - ❖ Appropriate FY24 CPC Administrative Expenses in the amount of \$13,225.00 (5%)
 - ❖ Reserve \$171,925 from the FY2024 Community Preservation Fund Revenues for Community Preservation Fund Purposes (FY24 Annual Budgeted Reserve – 65%)
 - ❖ Reserve \$26,450 from FY2024 Community Preservation Fund Revenues for Open Space (10%).
 - ❖ Reserve \$26,450 from FY2024 Community Preservation Fund Revenues for Historic Resources (10%).
 - ❖ Reserve \$26,450 from FY2024 Community Preservation Fund Revenues for Community Housing (10%).

Order no. FY 23-162

MOTION: On a motion by Councilor Desorgher, second by Councilor Terounzo, it was, **MOVED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, VOTE TO APPROPRIATE AND RESERVE FROM COMMUNITY PRESERVATION FUND ANNUAL REVENUES, THE SUMS RECOMMENDED BY THE COMMUNITY PRESERVATION COMMITTEE FOR COMMITTEE ADMINISTRATIVE EXPENSES AND RESERVES IN FISCAL YEAR 2024, WITH EACH ITEM TO BE CONSIDERED A SEPARATE APPROPRIATION.

APPROPRIATE FY24 CPC ADMINISTRATIVE EXPENSES IN THE AMOUNT OF \$13,225.00 (5%)

RESERVE \$171,925 FROM THE FY2024 COMMUNITY PRESERVATION FUND REVENUES FOR COMMUNITY PRESERVATION FUND PURPOSES (FY24 ANNUAL BUDGETED RESERVE – 65%)

RESERVE \$26,450 FROM FY2024 COMMUNITY PRESERVATION FUND REVENUES FOR OPEN SPACE (10%).

RESERVE \$26,450 FROM FY2024 COMMUNITY PRESERVATION FUND REVENUES FOR HISTORIC RESOURCES (10%).

RESERVE \$26,450 FROM FY2024 COMMUNITY PRESERVATION FUND REVENUES FOR COMMUNITY HOUSING (10%).

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

- Breakdown of administrative expenses paid with appropriated funds of \$13,225.00 (5%).

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 23-162.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS - None.

REPORTS OF COMMITTEES – None

President Guin commented on the subcommittees not holding meetings, especially during summer when people were on vacation. In the future, the Chair of a subcommittee would need to consult with the Council President before cancelling a meeting.

President Guin noted that the Committee Chairs meeting scheduled for August 1st would be rescheduled to August 8th, 2023.

Councilor Golub informed the Council the ad-hoc committee to review Charter Chapters 7-7 & 7-8 had completed their last meeting and adjourned the process. She and Councilor Helie would prepare the agreed upon language and forward that to the full Council. President Guin made a correction that the report would be forwarded to Appointments & Ordinances Committee first.

UNFINISHED BUSINESS: Councilor Lapienski stated he had on several occasions proposed a discussion to establish a summer scheduled for the Council and could also include subcommittees. President Guin would review the proposal and respond at a later date.

OLD BUSINESS: Councilor Elmer stated a scrivener's error was discovered from the vote taken by the Council in June regarding the rezoning proposal for French King Highway so the Council would need to acknowledge, without objection, the scrivener's error and reaffirm the vote. Without objection, Councilor Elmer read into the record the corrected vote:

THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING MAP TO REZONE THE FOLLOWING PARCELS ON FRENCH KING HIGHWAY FROM GENERAL COMMERCIAL (GC) TO PLANNED INDUSTRY (PI): R04-31, R04-33, **R04-34**, R04-41, R04-44 AND R05-23. (SEE ATTACHED MAP) AND FURTHER AMENDS 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 BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Administrative Assistant to the Council Marciel addressed a concern brought up by Councilor Gilmour at the June 21st Council meeting in regards to appointments to the GCET Board of Commissioners inability to serve on another Boards or Committees. It was discovered there was documentation stating a member of GCET Board of Commissioners could not hold public office. However, further clarification was needed to determine if that meant only elected officials and city employees or if it included other boards and committees. Once determination was made the Council would be notified.

Councilor Desorgher returned to the question she had asked Finance Director Schindler at the June Ways & Means meeting in which she requested a numerical figure for the longevity calculated incorrectly for all departments in favor of the employees. Director Schindler noted she did not have it readily and would forward the information as soon as she was able.

NEW BUSINESS: A number of proposed ordinances and other issues had been submitted by non-Councilors that to date had not been supported by a Councilor.

- Proposed Creation of New Ordinance to Ban Gas Powered Leaf Blowers in Greenfield. – Councilor Lapienski stated that he would support this proposed ordinance and prepare something to present to Appointments & Ordinances Committee.
 - The City did not currently have a noise ordinance; however, there was a zoning regulation that listed times in which issues involving noise was posted.
- Proposed Ordinances for 1.) Disposition of surplus equity and 2.) Providing restitution for surplus home equity. – Councilor Gilmour stated she would support the proposed ordinance.
 - Councilor Desorgher was in contact with Senator Jo Comerford's office regarding State Legislature on this issue and would forward information to clerk's office for distribution that included the law as written currently and new language they were working on.
- Resolution to support amendment to MGL c. 44 §53: Deposit Statewide Opioid Settlement Funds into a Separate Fund (including proposed Ordinance and Charter Amendment). – It was noted that Councilor Bullock had mentioned at last month's Councilor meeting she was working with the Mayor's office on this issue. Councilor Bullock confirmed that she had been in contact with the Mayor who informed her of a meeting was scheduled with providers as well as a follow up meeting with peers.

- Ride for Hire Ordinance. – President Guin stated that he would support this proposed ordinance that originated with former Chief of Staff Danielle Letourneau.

MOTIONS FOR RECONSIDERATION: None.

ADJOURNMENT: On a motion by Councilor Elmer, second by Councilor Gilmour, it was unanimously, **VOTED:** TO ADJOURN THE MEETING AT 9:24 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center/Zoom Hybrid
Regular Meeting
July 19, 2023

Attendance

1. Golub, Katherine	Y					
2. Guin, Daniel President	Y					
3. Desorgher, Virginia	Y					
4. Bottomley, John	Y					
5. Bullock, Marianne	Y					
6. Gilmour, Sheila	Y					
7. Lapienski, Jasper	Y					
8. Mayo, Douglas	Y					
9. Helie, Derek	Y					
10. Elmer, Philip	Y					
11. Forgey, Christine Vice - President	Y					
12. Ricketts, Penny	N					
13. Terounzo, Michael	Y					

**GREENFIELD PUBLIC SCHOOLS**

195 Federal Street, Suite 100, Greenfield, MA 01301

"Every Child's Success is Our Mission"

Ph: 413-772-1310 / Fax: 413-772-1379

Dr. Christine DeBarge, Superintendent of Schools

July 19, 2023

This Friday, Chair Proietti will speak on behalf of the Greenfield Public Schools at a press conference with Congressman McGovern. The Congressman will be at the Summer Eats Hillside Park location at 12:30 to celebrate the Summer Eats programs in his district.

The GPS Extended Year Program for students receiving Title I and Special Education summer services is in full swing. The program is running at the Academy of Early Learning for students in PK - 2 and at the Greenfield High School for students in grade 3-7 and high school credit recovery. We are providing summer services to approximately 150 students. Programs run through Aug 2 for most students and Aug 16 for several specialized, special education programs.

We are planning for the start of the 2023-2024 academic year. Professional development during our Convocation and one and a half days following are very busy with required training and additional work for staff regarding various curriculum and instructional topics.

We do ask that any student who will be attending GPS in the fall that has not been registered, contact our registrar at the Central Office as soon as possible. It is very important that students get registered in time to start school on the first day.

A Re-envisioning our School Facilities subcommittee meeting was held Monday July 17th. We are making progress toward Option 2b - a K-5, 6-8 and 9-12 model with the school boundary lines redrawn to better represent the City within each school. A staff survey showed that 85% of the staff who responded prefer Option 2b to the Option 1 of grade banded schools. A few more details related to staffing and schedules are being worked on, with the goal to address final points by the September School Committee meeting.

The Greenfield Public Schools is an Equal Opportunity Employer and does not discriminate on the basis of age, sex, marital status, race, color, creed, sexual orientation, gender identity, national origin, disability, ancestry, genetic information or military service. The Greenfield Public Schools maintain a commitment to ensuring that the school community is free from discrimination in education and employment.

Joan Marie Jackson Pubic Comments, July 19, 2023

Members of the Council, my name is Joan Marie Jackson. I live on Highland Avenue..Later this evening you will take up two motions to address our city's unconstitutional taking of surplus home equity. We submitted these motions on June in a memo to President Guin.

Last November 16th, the Greenfield City Council unanimously voted to send a resolution to the Massachusetts General Court urging adoption of legislation relative to tax deeds, amending Section 53 of Chapter 60, so that after a public auction of a foreclosed property, the distribution of proceeds would go first to "the tax title holder"--the City—and the property owner would receive any surplus equity in excess of what was owed—and after giving the city all collection costs it expended. We thank you for support that resolution to the General Court.

Five months later, on April 12, we, and Housing Greenfield, emailed the Council urging you to use the provisions of Chapter 60, s. 87 of our Massachusetts General Laws, to adopt a local ordinance in Greenfield directing the Tax Collector, using the language found in Chapter 60, section 87, to stop using the power of taking—but instead use the "power of sale" process used by banks dealing with foreclosed properties. You, the City Council, have the power to pass this ordinance now---and we urge you to do this as soon as you can.

On May 25, 2023, the earth shifted on this debate. The United States Supreme Court, in the case *Tyler v. Hennepin County* The Court ruled that the County had the power to sell a 94 year old woman's home to recover the unpaid property taxes---but it could not use the toehold of the tax debt to confiscate more property than was due. The Court noted that a government could not take more property than it was owed, because that violated the 14th Amendment right of the property owner to receive "just compensation" for any property taken by government.

The City of Greenfield should not be in the business of "unhousing" our citizens who are struggling to pay their property taxes. Now that the U.S. Supreme Court has ruled that property owners who lose their home at auction should receive "just compensation" for that taking, we must change our ordinances to prevent this from ever happening to any other property owner.

Mitch Speight's comments will continue to explain the rest of our request. Thank you

MITCHELL SPEIGHT COMMENTS JULY 19 HOME EQUITY**REFORMS**

What we are doing today regarding home equity is unconstitutional, but there are ways to get back on a legal path.

We urge the City Council to adopt the following two motions to address our unconstitutional taking of surplus equity:

MOTION 1. The City Council should adopt an ordinance regarding the disposition of surplus equity: “Pursuant to M.G.L. chapter 60, section 87, the City directs the Collector of Taxes to use the “power of sale” to enforce a lien for taxes, not to exercise the “power of taking” under chapter 60, section 53. Pursuant to the provisions of M.G.L. 183, section 21 and 27(1), after an order of public sale of a foreclosed property, the distribution of proceeds shall treat the tax title holder [the city] like a mortgagee with the first priority interest in the proceeds from the property, and treating the delinquent debtor [the property owner] as a mortgagor, rendering the surplus, if any, to the mortgagor.”

MOTION 2. “Based upon the property auction records of the Tax Collector, the City shall make reasonable efforts to contact all property owners, who fall within the statute of limitations, and who

were subject to unconstitutional surplus equity taking, to offer said property owners compensation for any excess equity taken, including all collection costs, legal fees and interest, plus interest calculated from the date of taking by the City up to the date of final restitution.”

This means that any property owner who was forced to pay not only their back taxes, but on top of that legal fees and court costs---should have that money returned to them, because the **whole process was unconstitutional**, and denied them just compensation. We need to make these people whole. One man lost roughly \$265,000, including the confiscation of 13 acres of wooded nature trails.

One of the lead attorneys at the Pacific Legal Foundation who participated in the *Supreme Court* case has written: “Hopefully, we get something passed soon that clearly lays out collection procedures consistent with *Tyler*. Otherwise, cities continuing to take equity can expect lawsuits and liability.” Greenfield faces litigation costs if we fail to proactively compensate property owners who can bring claims in court to recapture their lost equity, This proposed ordinance will protect the city from the legal costs of unnecessary lawsuits, because it compensates victims who lost equity, and pays for all their loss.

We ask you to adopt these two proposed ordinances, and to work as quickly as possible to ensure that Greenfield does not take excess

equity in the future, and that the property owners we have already harmed are made whole.

Al Norman's comments will conclude our testimony. Thank you.

Al Norman Comments, July 19th Home Equity Reform

My name is Al Norman, I live on Grinnell St.

Last week, the Mayor issued a policy statement on the subject of home equity reform. On June 7, Joan Marie Jackson, Mitch Speight and I sent her an email urging prompt action to make the home equity reforms we sent to President Guin. I wish to respond publicly to 4 statements by the Mayor:

THE MAYOR WROTE: "It is rare that the city carries out a tax sale. Rather, we try hard to assist the homeowner in paying their back taxes in order not to have to foreclose on the property. It's even rarer that the city keeps the equity funds that may be involved in the sale."

MY RESPONSE: Such equity theft should not be "rare," it should NEVER happen. It's unconstitutional. 5 property owners in Greenfield had excess home equity stolen by Greenfield in 2020 and 2021, including one man who lost around \$266,000.

THE MAYOR: "We are allowed under the law to utilize the sale proceeds to cover legal costs and other expenses associated with a foreclosure process, and we will do that."

MY Response: Current law in Massachusetts is unconstitutional. If a city in the course of an unconstitutional tax taking charged the homeowner with court fees, legal costs and other collection costs, the homeowner should be compensated for those losses as well.

MAYOR: “Currently, there is no legal path for the city to pay back any equity retained by the city from foreclosures that happened in the past.”

MY RESPONSE: There are 5 former property owners in Greenfield who had their homes sold at auction, and who lost home equity over the past 3 years. The city can meet with those former property owners, and enter into settlement agreements, or face potential litigation in state or federal court. We should avoid litigation, and proactively begin discussions with these injured parties.

THE MAYOR: “The City of Greenfield shall publish an annual report prepared by the Treasurer/Collector’s office showing all tax title activity in the city by street address, all proceeds from tax title sales and the net equity revenue collected by sale that is in excess of tax debt and all collection costs...and state any expenses paid towards tax title.”

MY RESPONSE: An annual report of all tax title taking was one of 10 reforms we presented to the Mayor 14 months ago. We are pleased the Mayor is now promising this report to all taxpayers.

Thank you.