

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

September 20, 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. 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. Councilors Helie and Elmer were absent

**ALSO PRESENT:** Mayor Roxann Wedegartner; City Clerk Kathryn J. Scott; Assistant City Clerk Quinn Jacquins; Finance Director/Interim Chief of Staff Diana Schindler; Greenfield School Superintendent Dr. Christine DeBarge; School Committee Chairperson Amy Proietti; Library Director Ann Bognolo; Health Director Jennifer Hoffman; Treasurer/Collector Kelly Varner; DPW Director Marlo Warner; Tax Title City Attorney Iris Leahy; City Attorney Jesse Belcher-Timme; GCTV-17 staff and members of the public.

The Pledge of Allegiance was held.

**ACCEPTANCE OF MINUTES:** On a motion by Councilor Desorgher, second by Councilor Ricketts, it was unanimously,

**VOTED:** TO ACCEPT THE CITY COUNCIL MINUTES OF JULY 19 AND AUGUST 16, 2023.

**COMMUNICATIONS:**

**SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE:** - In compliance with open meeting law, the schools did not submit their discussion items in time to be listed on the agenda for this meeting; therefore, they informed President Guin they would submit their report in writing.

Councilors voiced their frustration to how the new open meeting laws caused a hindrance in receiving communications from departments. Other comments included:

- Topic items on the agenda posted less than 24 hours from the meeting.
- Agendas can no longer list “vague business headings”; specific topics were required to be listed in order to be discussed.
- Why public comment did not fall under the same guidelines as other agenda headings.
- Instances where a topic needed to be addressed but did not appear on the agenda.
- More clarification was required on the specifics of how the agenda had to meet open meeting law requirements.
- In the interest of providing citizens with sufficient governing practices, the new open meeting laws should be disregarded.

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

**WITHDRAWN:** TO DISREGARD THE TOPICS ADDED TO THE AGENDA TODAY UNDER 48 HOURS.

**DISCUSSION:** Councilors voiced their frustrations with items submitted to the agenda under 48 hours and do not give them ample time to prepare. However, Councilors did want to hear from the Mayor on the issues received so they could receive information that may aid in their decision making.

- Clarification was made as to the posting of the agenda within 48 hours of the meeting as opposed to placing items on the published agenda.

Councilor Forgey had request to move the question.

Councilor Terounzo withdrew his motion, with Councilor Lapienski withdrawing his second.

**MAYOR, CITY OFFICERS AND EMPLOYEES:** Finance Director/Interim Chief of Staff Schindler reported the following:

- The City was in receipt of the DEP (Department of Environmental Protection) notice of the conditional approval for the Phase Two scope of work regarding the Lunt property at 298 Federal Street. The approval did outline some additional responsibilities that needed to be addressed, including additional testing and monitoring, many of the items brought forth by the PIP (Public Improvement Plan) group. DEP's expectation was the City would respond within 21 days with more information. The notification from DEP would become part of the public repository on their website under the RTN (Release Tracking Number) 1-18869.
- The City had anticipated receiving \$2 million dollars from the Library Foundation towards the new library building; with that said, the third installment was received by the City. The total received to date was \$1.5 million.
- Received an update from Servicenet in regards to the immigrants housed at the Days Inn. Currently, there were 45 families, with a total of 143 individuals (78 adults and 63 children). Of the children, 21 were elementary, middle and high school aged; 7 were preschool and 37 were under the age of 4. Acceptance of donations would begin through the Health Department as before; especially items for winter preparation. Servicenet would be working on obtaining volunteers; however, they would firstly request to hire a paid staff and have proper training before beginning the vetting process for volunteers. Many other resources were involved including the Days Inn staff and owner, Servicenet, the School system, City of Greenfield, City Center for New Americans, Community Action and many local churches.
- The City did establish a plan to address the condition and repair of sidewalks. Residents would be able to obtain information regarding the status of sidewalks in their area by contacting the Department of Public Works and there also provide the information on the City website.
- The City was in the process of receiving the first round of public engagement by creating a survey that was intended to be sent out today or tomorrow. There was a grant application for the library to facilitate an oral history project based on discussion at previous Council meetings.
- Received a fairly significant grant from EPA (Environmental Protection Agency) to convert the City's recycling system to a more electronic system with containers. The City was in the infant stage of this process; a contract has not been entered into between the City and the EPA as of this date.
- The City received a grant for a wage and classification study to begin reviewing the director and supervisory positions for comparisons, job descriptions and rating positions. This process was expected to be completed by the end of the year.

Councilors asked the following questions:

- Guidelines in place regarding donations for the immigrants currently housed in the Days Inn.
- Status on the oral history project on the impact of opioid use (Councilor Bullock was involved in this issue and made a brief presentation.)
- Future updates and presentation from DPW Director Warner regarding the Recycling Grant.
- Inquiry as to whether a plan was in place for the Health Department to continue their work and upcoming issues with the winter season now the Health Director left the position.

- Update on the reopening of Court Square for resuming use for traffic lanes.
- Presentation to the Council on their cold weather plan.
- The recycling grant factoring into the City's Capital planning. (DPW Director Warner provided a more detailed explanation.)
- Inquiry on whether single stream recycling produced more of an environmental impact than dual stream recycling.

President Guin noted the following discussion was reviewed by the Appointments & Ordinances Committee as a proposed ordinance 279 that was submitted by residents of Greenfield. The motion was removed from the City Council agenda to have a presentation before the full Council.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: Treasurer/Collector Kelly Varner; City Attorney for Tax Titles Iris Leahy and City Attorney Jesse Belcher-Timme spoke to the following:

- Treasurer/Collector Warner noted that the Massachusetts General Laws that she had to follow were as they are written now and not how they would be changed in the future.
- Chapter 60 Section 87 allowed the Council to create a bylaw/ordinance that would dictate how the Treasurer/Collector enforced tax takings; whether it's selling them or placing a lien on a property.
- Tax sales were not the common practice as before due to the fact the process was not very advantageous for the taxpayer; it involved selling the lien to an outside party who would collect the money and not work with the property owner, as it would be a money making venture on the part of the purchaser of the lien.
- When tax title liens were addressed with the City, the Treasurer/Collector will work with the taxpayer to set up payments plans or find ways to reduce their tax liability if the taxpayer requests it.
- At this time, the Council could not adopt an ordinance to return funds to taxpayers who had been foreclosed on at auction, as it would go against Massachusetts General Law as it was currently written. The City would have to wait until the State took steps to update or amend the tax title statutes, which was believed they would make.
- The State had allowed the creation of an agency fund in cases where any foreclosure sales in the future between now and when the laws change, the funds collected would be set aside. If any equity excess from the sales were collected, they could possibly be returned depending on how the law was changed.
- As the current law stated, all proceeds collected from tax title taking became public funds; and public funds could not be spent unless it's for a public purpose and cannot be accessed by a private entity.
- Attorney Leahy noted that Greenfield was very fair, consistent and reasonable with tax title collections and reiterated the importance of the City working with their constituents to provide help in paying their tax commitments.
- Taxpayers had a right to redeem up to the completion of the Land Court process once there's a tax lien perfected on a property, such as payment of the full balance, sell or mortgage their property, or enter into a payment plan with the Treasurer/Collector.
- Clarification to the Supreme Court decision on this matter pertained to the law practiced in Minnesota and not Massachusetts law. It was mentioned the service bulletin from the Department of Revenue stated they were aware how the decision had sparked uncertainty related to comparable foreclosure practices in Massachusetts; however, pending further instruction from the courts as to whether surplus funds would need to be returned to property owners, future funds that were in excess to tax title foreclosure could be placed in an agency fund.

Councilors asked the following questions:

- What ordinances could the City of Greenfield pass that would allow for more leniency or financial support for low-income homeowners in Greenfield to stay in their homes and beyond the

procedures that the City already takes to give taxpayers time to pay their taxes and stay in their home.

- The process of the power of sale versus the process of the power of taking.
- Any reason as to why Greenfield couldn't create an agency fund now for the collection of excess equity funds.
- Were seniors notified of the senior tax work off program the City provided.

President Guin called a 5 minute recess at 8:18 pm.

President Guin resumed the meeting at 8:53 pm.

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

- Marion Griswold, Hastings Street, provided an update on her experience with the smell and traffic coming from a business located near her residence and unfavorable dealings with the Health Department on the issue. She also noted said business made contributions to the Mayor's campaign.
- Tom Tolg, Walnut Street, spoke to his support for the City of Greenfield to follow the current US Supreme Court decision regarding "home equity theft" on tax title taking and a plan to provide reasonable restitution to individuals who lost their homes in tax title takings.
- Sarah Ahern, Mill Street, spoke to the ongoing opioid abatement funds designated to the victims and their families and her experience with the issue as a certified addiction recovery coach and supervisor; as well as a licensed EMT (Emergency Medical Technician), and personal loss.
- Annie Hassett, Leonard Street, thanked the Council for their work for the community and commented on the discussion regarding equity tax taking.
- Joan Marie Jackson, Highland Avenue, spoke to her continued support to the proposed ordinances on tax title taking and restitution to individuals who lost their equity after payment of the taxes and other costs due to tax title taking.
- Mitchell Speight, Highland Avenue, spoke to his experience with almost losing his property to tax title taking and voiced his continued support for the proposed ordinances on tax title taking and restitution. He also mentioned other states that had taken steps to comply with the US Supreme Court's decision and requested the City of Greenfield to follow suit.
- Peg Hall, Pierce Street, spoke to the single stream recycling program and her experience in solid waste and recycling issues. She noted that she would be meeting with DPW Director Warner on this issue.
- Susan Worgaftik, Forest Avenue, spoke to the resignation of Health Department Director Jennifer Hoffman and how that was a great loss to the community, especially to the continued matter with the Lunt Property contamination cleanup.
- Jennifer Hoffman, Former Director of the Health Department, stated that though she submitted her resignation as Health Department Director, she would continue to be involved in some issues. She assured the community that the Health Department had continued to deal with matters regarding the rise in COVID cases and other diseases.
- Glen Ayers, Davis Street, spoke to his discussion with the City Clerk in regards to his concern the Executive Session held last month was improperly called; specifically items that were discussed but not listed on the executive session and would not be considered an item for executive session. He wanted President Guin to correct the record at tonight's meeting and acknowledge the executive session was improperly called.
- Al Norman, Grinnell Street, spoke to the City of Greenfield's lack of effort to make corrections to the taking of excess home equity in tax title takings. He also read a portion of a letter from Pacific Legal Foundation, the people who brought this issue before the Supreme Court, to the City Council President, which stated "On September 15, 2023, we sent correspondence to Greenfield Treasurer Kelly Varner, urging the City to immediately halt any property tax foreclosures that may result in the theft of home equity. Each property owner who is deprived of equity under the current scheme has

a takings claim against the government—exposing the public to millions of dollars in imminent claims.” He urged the Council to adopt the proposed ordinances submitted, or in the interim, instruct the Collector of Taxes to simply stop taking the properties to public auction.

- Pamela Goodwin, High Street, spoke to her efforts to being a contributing member of Greenfield. She addressed many topics including the removal of Daniel [Cantor Yalowitz] as Chair of the Human Rights Commission by the Mayor; the City’s decision to appeal Chief [Robert] Haigh’s case nor his return from his leave of absence; the ongoing work with the PIP (Performance Improvement Plan) committee regarding the Lunt Property; and the resignation of Jennifer Hoffman as the Health Department Director, among other issues.
- Gary Seldon, Traver Ct., spoke to his support of the proposed home equity ordinances and voiced his frustration with the executive branch not taking responsibility to correct this issue and to have the legislative branch make the decision for them.

**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., September 20, 2023, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., and Zoom:

<https://greenfield-ma-gov.zoom.us/j/92722775558?pwd=UFdyd1lLMGJwVkZ0c1gwZFdWN2xJUT09>

Meeting ID: 927 2277 5558 to receive public input on the following:

- Interfund Transfer of \$7,650 from Executive Administration Salaries F/T to Accounting Salaries F/T.

The City Council may consider the same on Wed., September 20, 2023, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., and Zoom:

<https://greenfield-ma-gov.zoom.us/j/92722775558?pwd=UFdyd1lLMGJwVkZ0c1gwZFdWN2xJUT09> Meeting ID: 927 2277

5558. 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 9:43pm and asked if anyone would like to speak to this issue; seeing none, Councilor Desorgher read the second reading:

**City Council – Second Reading- September 20, 2023**

- Interfund Transfer of \$7,650 from Executive Administration Salaries F/T to Accounting Salaries F/T.

President Guin closed the public hearing at 9:44 pm.

**MOTIONS, ORDERS, AND RESOLUTIONS**

**Order no. FY 24-011**

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

**MOVED:** THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL, AS REQUIRED BY THE VOTES ACT, SECTION 72, ASSIGN A SUFFICIENT NUMBER OF POLICE OFFICERS (UP TO TWO) TO OUR POLLING LOCATION, GREENFIELD HIGH SCHOOL GYMNASIUM, FOR ALL ELECTIONS AND PRIMARIES HELD IN THE CALENDAR YEAR 2023 AND AUTHORIZE THE CITY CLERK, IN COORDINATION WITH THE POLICE CHIEF OR A POLICE DEPARTMENT DESIGNEE, TO ASSIGN SPECIFIC OFFICERS FOR THIS PURPOSE.

**DISCUSSION:** There was a question as to why the Council was responsible for voting on this issue when it could be handled by the Administration and suggested they amend the law.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 24-011.

**Order no. FY 24-007**

**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, THE SUM OF \$7,650.00 BE TRANSFERRED FROM EXECUTIVE ADMINISTRATION SALARIES F/T TO ACCOUNTING SALARIES F/T TO ADJUST COMPENSATION OF FINANCE DIRECTOR FOR FY24.

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

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

**VOTED:** TO APPROVE ORDER NO. FY 24-007.

**Order no. FY 24-012**

**MOTION:** On a motion by Councilor Bullock, second by Councilor Ricketts, it was,  
**MOVED:** THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENTS BY THE MAYOR:

Human Rights Commission - Lance Smith, Term to Expire December 31, 2026

**DISCUSSION:** Councilor Bullock reported the Appointments and Ordinances Committee forwarded a unanimous positive recommendation.

It was unanimously,

**VOTED:** TO APPROVE ORDER NO. FY 24-012.

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

**REPORTS OF COMMITTEES** – None

**UNFINISHED BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilor Forgey submitted a request to discuss the selection of a Council Attorney(s):

- She noted the Council would need to decide how to proceed with appointing its own legal representation separate from representation provided for the Mayor for the purpose of seeking legal opinions.
- It was noted the Council had discussed this issue and a procedure for the Council to request a legal opinion had been adopted and was now part of its Rules of Procedure.
- It was suggested to forward this matter to Appointments & Ordinances Committee to prepare a guideline on appointing a specific attorney(s) to provide assistance with providing legal assistance to the Council.
- Suggestion was made to forward this matter to the Ways & Means Committee due to the fact it may be more impactful to the City’s financial issues as well as monitoring the budget for the Council’s legal funds.

**MOTIONS FOR RECONSIDERATION:** None.

**ADJOURNMENT:** On a motion by Councilor Lapienski, second by Councilor Bullock, it was unanimously,

**VOTED:** TO ADJOURN THE MEETING AT 10:08 P.M.

A true copy,

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

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center  
Regular Meeting  
September 20, 2023

Attendance

FY24-007

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

11 y  
0 no