

Goshen Historical Commission

Meeting Minutes

October 16, 2014

1) Call to order

- a) Bob Labrie called to order the regular meeting of the Goshen Historical Commission at 7:10PM on October 16, 2014 at the Goshen Historical Museum.

2) Roll call

- a) The following persons were present: Bob Labrie, Margaret Waggoner, Floyd Merritt

3) Approval of minutes from last meeting

- a) The minutes for the September 18, 2014 meeting were reviewed and accepted as amended.

4) Finance Report

- a) YTD Expenses as of 9/18 were \$253.36 out of a budget of \$3,600.00
- b) Gift Fund balance = \$3,280.59
- c) Book Fund balance = \$323.50
- d) Finance Report was accepted as presented (no change from prior month)

5) Report on endangered historical properties – Williams / Boltwood House

- a) Discussed details of the flashmob book cataloging event. Will set up conference call with Erin Stalberg (Mt. Holyoke College) prior to 11/22 event to discuss final details.
- b) Read 9/24/2014 letter from Joe Roberts (Goshen Selectboard) regarding the Williams House (see attached).

6) Status of completion of and summary of MHC inventory forms on historical properties

- a) No change in status

7) Report of GHC representative on CPA Committee

- a) CPC approved \$25,000 for a new playground adjacent to the Town Office building. Special Town meeting to be scheduled for voter approval.

8) Report of the Curator

- a) Floyd reported the following visitor count:

- i) 2011 – 75
 - ii) 2012 – 52
 - iii) 2013 – 42
 - iv) 2014 - 63
- b) On 9/19 – attended GHS talk on the Packard Diaries
 - c) On 10/5 – attended program on William Cullen Bryant

9) New Business

- a) Sandy Papush (CPC Chair) is looking for a letter from the GHC which lays out the historic significance of the Town Hall. Bob to prepare draft for Commission review.
- b) Arlene Harry brought us a piece of birch bark flashing from the steeple of the Goshen Congregational Church.

10) Adjournment

- a) Bob Labrie adjourned the meeting at 9:00PM.**
- b) Minutes submitted by: Bob Labrie**

Date: Wed, 24 Sep 2014 16:50:12 -0400

Subject: Williams House update

From: joedonroberts@gmail.com

To: bdbushee@verizon.net; sjbisbee@gmail.com; selectboard@goshen-ma.us;
m2wagg@verizon.net; bslabrie@msn.com; Spapush@external.umass.edu;
Rocks01032@yahoo.com

All,

Sandy Papush and Bob Labrie were in to talk with the Select Board recently, and asked where things stand with Williams House. I decided to update that information, and in the process learned that I was misinformed about some matters. I've been emailing on the subject, and rather than do a lot of forwarding and explaining in this email, I've copied and pasted so that the discussion can be read top to bottom in one message. Please share this message with the interested parties as you see fit.

The first thing I discovered was that the Select Board's (when it was me, Judd, and Adams) determination not to spend Town money to clear the title on Williams house was nonsense. According to Town Treasurer Allan Kidston, the tax taking requires that the title be cleared before the Town comes into possession of the property. To clear title is the job of a land court attorney we've used for years, who clears the title and bills the Town. The Treasurer pays the attorney's bill from a budget assigned for the purpose, and if that budget is not adequate, he can assess a tax on the property owners of the Town to meet the cost. So the Town bears the expense, and the Select Board has no say in the matter.

I apologize to those of you who were misinformed by the Select Board's blunt talk for my part in inflicting a needless worry. Of course, what the Town gains from the taking is a piece of property it can sell. Mr. Judd and I also expressed our view that the taking of Williams House not cost the Town, because the Town Hall needs repairs that could be quite costly. By selling Williams House, the Town may be able to recover the costs it incurred in clearing the title, and I think that is not only desirable but do-able.

I asked Mr. Kidston where the taking stands, and his reply is part of this email.

In thinking ahead, it is worth knowing whether an important interested party, namely the 501c3, can be a favored bidder, or must bid for the property in open auction. I asked Town Counsel for advice on that matter, and that email appears below.

I hope this email will help with a situation that has seemed a little murky to me. As Allan's email points out, this is not a speedy process, and discussing what we want to do and how to do it might be a good use of the long wait. Thank you, Joe Roberts

Note: in gmail parlance "me" is Joe Roberts.

Joe Roberts <joedonroberts@gmail.com>

Sep 17 (7 days ago)

Reply
to Alan, Diane, Scott, Goshen

Hi, Allan,

Thank you for taking the SB through the tax taking process at the SB meeting of 15 Sep 2014. You cleared up something I had misunderstood - namely, that the SB's stated policy not to pay the legal expenses for clearing the title to Williams House was not relevant. As I understand what you said, the Town has to pay for clearing the title, and the Treasurer can levy real estate taxes as required to pay the bill.

So where are we in the process of taking Williams House? The family has written us a letter indicating that they are OK with the Town taking the property, so the Town can expect to take it without the owner(s) redeeming it by paying back taxes. What has been done to date, and, if you can, what kind of time and expense would you estimate before the Town owns the property? thanks, joe



Town Treasurer
Sep 18 (6 days ago)

to me, bdbushee, sjbisbee, Board

Joe,

First, let me say Monday was the first time I ever heard the Selectmen did not want to allow spending for legal fees on the "Williams house" tax title matter.

I did hear from Mr. Labrie that the family owning the Williams house was not going to contest the tax title action and suggested to him that competent lawyers for the estate and town could fashion a "friendly" sale without going through a tax title foreclosure process. However, Bob commented that there might be an heir who was opposed, which could extend time and expense required for a friendly sale. Hence the foreclosure process is the best way forward and will result in clean the title.

Now for the status; this account and several others have been or will be turned over to our Tax Title attorney, Dawn Bloom for process. She informs me the time will be as short as one year, if the foreclosure is uncontested. Of course, the legal costs will vary according to amount of work required. I am consulting with Atty. Bloom in an attempt to assess a budget and will then determine if it is necessary to tack on some of those expenses to the upcoming tax rate calculation.

Allan L. Kidston
Town Treasurer
Town of Goshen
42 Main Street
Goshen, MA 01032



Joe Roberts <joedonroberts@gmail.com>
Sep 17 (7 days ago)

to Pat, Diane, Scott

Hi, Pat (Cantor, of Kopelman and Paige),

Goshen has an old house (site of first Town Meeting) in tax taking, that the Town will own in time, based on the owner(s)' written declaration that they want the Town to have the property, will pay no more taxes, and will not contest the taking.

Once the Town owns the property, past selectboards have expressed the intention to sell it, and have come to an informal understanding with a local 501c3 to sell it to that organization if we can figure out how to do it. The current SB may want to do something different, but I want to understand the auction process.

In looking through the legal primer you sent, I find a summary of Tax Title procedures, that does not include anything on how to auction off a Town property. Come the day the Town sells the property, does the 501c3 have to bid in a wide-open auction, or is there a way it can have first claim. If you have a summary sheet on this subject, please send us a copy.



Jeffery D. Ugino <JUgino@k-plaw.com>
Sep 23 (1 day ago)

Reply to me, Patricia

Mr. Roberts:

Patricia Cantor asked me to respond to your question about auctions following tax title foreclosures. In short, the answer to your question about an auction being required to be fully open, the answer is "yes".

Alternatively, the Town could dispose of the property under Chapter 30B by advertising for a specific use tailored to the designs of the non-profit organization you mention. Ordinarily, Chapter 30B is considered by municipalities to be more cumbersome and possibly result in a lower purchase price than a traditional auction following a tax foreclosure, but the facts you describe may make it a good option for the Town in this instance. Below is an outline of auction procedures which you requested and hopefully you find helpful. A good summary of the procedures for selling real property under Chapter 30B can be found in Chapter 8 of this State IG publication:

<http://www.mass.gov/ig/publications/manuals/30bman1.pdf>

General Laws Chapter 60, Section 77B sets forth auction procedures to dispose of

property acquired by towns through tax title foreclosure. Under this statute, the Select Board serves as the default tax title custodian charged with the care, custody and management of such property. The Select Board may appoint an individual to be the custodian. If this power is exercised, it is usually given to the Treasurer/Collector.

Prior to holding an auction, the tax title custodian must undertake the following steps as outlined in Section 77B:

1. Send notice of the auction by registered mail at least 14 days before the auction to the owner of record immediately prior to the acquisition of the property by the Town. The notice must: (1) contain a description of the property to be sold sufficient to identify it; (2) state the date, time and place appointed for the auction; and (3) state the terms and conditions of sale.
2. Post a similar notice in two or more convenient and public places in the Town at least 14 days before the auction.

Though it is not required by Section 77B (but see Section 79, below), you may wish to provide notice at large by some other means, such as newspaper advertising or the Town website, to help obtain the highest bids.

During the auction, Section 77B gives the custodian the right to “reject any and all bids” in the event that “in his opinion no bid is made which approximates the fair value of the property.” Ordinarily, an auctioning Town requires that the buyer pay Registry of Deeds recording fees and pro forma taxes through the current fiscal year. I recommend that such details be included in the statutory notices.

For “land of low value” parcels for which the Town has received an Affidavit from the DOR Commissioner which has been recorded in preparation for auctioning the parcels, auction procedures are governed by Chapter 60, Section 79. They are very similar to the Section 77B procedures, with the exception that instead of notice being sent to the prior owner, newspaper publication is required within 14 days of the auction.

Customarily, a tax title custodian will require a down payment at the auction along with the execution of a purchase and sale agreement under which the purchaser must close the transaction within a reasonable time period, such as 30 days. Additionally, a purchaser at auction must submit an affidavit stating that he has not been convicted of arson or of a crime involving the fraudulent filing of a fire insurance claim, and, finally, must not owe any taxes to the Town.

At the closing, the balance of the purchase price is paid and the Town executes a Tax Title Custodian/Treasurer’s Deed, which it records at the Registry of Deeds. This is the case for both traditional and land of low value foreclosures.

Please do not hesitate to contact me if you have any further questions or you need assistance generally with the auction process.

Jeff

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