

Goshen Historical Commission

Meeting Minutes

October 8, 2015

1) Call to order

- a) The regular meeting of the Goshen Historical Commission was called to order at 7:15PM on October 8, 2015 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 of the September 10, 2015 meeting were approved as printed.

4) Finance Report

- a) National Grid and George Propane invoices submitted to Melissa Papillon (Selectboard Admin. Asst.) for processing
- b) No other invoices submitted.
- c) Treasurer's Report accepted as presented.

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

- a) BL shared Allan Kidston's (Goshen's Treasurer) e-mail dated 10/08/2015 (see attached) with the Commission. Discussion ensued.

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) Discussed latest update on the Town Hall rehabilitation – project delayed until Spring, 2016 and the 1937 Dodge Restoration Project – 90% complete, will store vehicle at the Goshen Transfer Station for the winter, expect to complete the project in Spring, 2016.

8) Report of the Curator

- a) Two more gifts received from Lawrence Packard

- (1) Notebook / Log Book from volunteers who manned the observation post at Dresser Pond (now Hammond Pond) and on East Street.
 - (2) Framed photograph of Minnie Keziah Barrus (indefinite loan) and the story that goes along with her.
- b) FM noticed several leaks in the basement after the last rain storm which deposited 5" in Goshen.
 - c) Roof needs to be inspected as there are several water stains appearing on the ceiling.
 - d) BL to order new toner cartridge for Canon PC920 copier
 - e) Discussion about the Finding List and how to categorize certain items to make them easy to find in the future.

9) New Business

- a) Historic review / clearance form for Laura Baker – copy of submission reviewed by Commission

10) Adjournment

- a) Meeting was adjourned at 9:08PM.
- b) Minutes submitted by: Bob Labrie



HILLTOWN

Community Development Corporation

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413-296-4536 • FAX: 413-296-4020 • STAFF@HILLTOWNCDC.ORG

Historic Review/Clearance

Property Address: 41 Main Street, Goshen, MA

Current Use of Structure: Vacant house and barn (formerly used as parsonage)

Property Owner and Address: Goshen Congregational Church, 45 Main Street, Goshen, MA

Work description: Demolition of existing, vacant house and barn

Does the property meet the National Register Criteria for eligibility? Yes ___ No X

Comments: In our opinion, this property is not associated with events that have made a significant contribution to the broad patterns of our history, is not associated with the lives of persons significant in our past, does not embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction and has not yielded, or may be likely to yield, information important in prehistory or history.

Property is: ___ Individually Significant
___ Contributing Structure
X Neither of the above

Comments: _____

Signature: Robert H. Leli
Chair, Goshen Historical Commission

Date: 09/14/2015

Re: Williams House update

Bob Labrie

Thu 10/8/2015 4:32 PM

To: Town Treasurer <Treasurer@goshen-ma.us>;

Allan,

I've just been assured by Nancy Clifford - the person who is getting the tax bills - that the Town has never spent any money on that property. She has copies of the invoices she paid related to the roof and chimney repairs that are being questioned.

Is there any chance I could speak to the attorney who did the title search? Nancy was trying to understand why this issue is just being found now ~ especially since she's already had other attorneys look into this.

Bob

Sent from my mobile office.

On Oct 8, 2015, at 10:59, Town Treasurer <Treasurer@goshen-ma.us> wrote:

The money expended question was a comment about repairs made to either the roof or the chimney. If nothing was spent by the Town then no need to tract.

I will have clearer picture when I review the Title Searcher's report. The tax title attorney will be directing the Assessors with the details of the correct party to assess.

As for a letter to the Town from heirs, I am unaware of such letter.

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

PH (413)268-8236 x-108
Fax (413)268-8237

From: Bob Labrie [<mailto:bslabrie@msn.com>]
Sent: Thursday, October 08, 2015 10:50 AM
To: Town Treasurer
Subject: Re: Williams House update

I am not aware that the Town has expended any funds on the property. Where did you hear that from?

I will check with Margaret at tonight's meeting.

Do you have any details on who was assessed previously and who (if anyone) will be assessed going forward? That's an interesting issue. Did the letter to the Town from the heirs come from the 'right' people?

Bob

Sent from my mobile office.

On Oct 8, 2015, at 10:36, Town Treasurer <Treasurer@goshen-ma.us> wrote:

Bob,

This matter continues to drag on. Now with an assessment error, that is the property has been assessed to the wrong party (not the party in which title is held). The tax title attorney had a comprehensive title search completed before moving on to Land Court. The assessment issue is fundamental to the process.

So the Town will be restarting at square one on the whole tax takings process. It is my understanding that once the takings is restarted, we are looking at about one year time to get through the entire foreclosure.

On the same issue, I recently learned that the Town has expended funds on repairs to the house. Those amounts need to be included in the tax title accounts as they are recoverable should the tax payer redeem. Can you tell me when those repairs were undertaken and the approximate amounts. I will then work with the town accountant.

This news will undoubtedly be a disappointment, but I will endeavor to get this done – once and for all

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

PH (413)268-8236 x-108
Fax (413)268-8237

From: Bob Labrie [<mailto:bslabrie@msn.com>]
Sent: Wednesday, October 07, 2015 10:26 AM
To: Town Treasurer
Subject: RE: Williams House update

Anything new on the taking?

The Goshen Historical Commission is meeting on Thursday night and was looking for an update I could bring to the group.

Please advise.

Bob

From: Treasurer@goshen-ma.us
To: bslabrie@msn.com
Subject: RE: Williams House update
Date: Tue, 11 Aug 2015 20:16:41 +0000

Bob,

Just back from Treasurer school at U-Mass.

Our attorney has advanced the matter. She has had a title search complete that revealed glitches in the trust documents. This precludes the Town's ability to structure a deed in lieu of foreclosure directly with the Trustee(s), a method I was hoping would save time and money. But alas, the attorney's recommendation and forward action is to move foreclosure. The attorney will file a petition of foreclosure and the matter will be in the hands of the State Land Court.

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

PH (413)268-8236 x-108
Fax (413)268-8237

From: Bob Labrie [<mailto:bslabrie@msn.com>]
Sent: Tuesday, August 11, 2015 9:44 AM
To: Town Treasurer; Allan Kidston
Subject: RE: Williams House update

Allan,

The Goshen Historical Commission is meeting tomorrow night at 7PM. Any chance you can give me an update on where the Town of Goshen stands on the tax taking of the Williams-Boltwood house?

Bob

From: bslabrie@msn.com
To: robert_labrie@uhc.com
Subject: FW: Williams House update
Date: Thu, 11 Dec 2014 17:04:11 -0500

> 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)

> class="hB T-I-J3" role=button v:shapes="_x0000_i1030"> Reply

> class="hA T-I-J3" role=menu v:shapes="_x0000_i1031">

> to me, bdbushee, sjbisbee, Board

> class=ajz role=button data-tooltip="Show details" aria-label="Show
> details" v:shapes="_x003a_118">

>

> 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)

> class="hB T-I-J3" role=button v:shapes="_x0000_i1034">Reply

> class="hA T-I-J3" role=menu v:shapes="_x0000_i1035">

>

> to Pat, Diane, Scott

> class=ajz role=button data-tooltip="Show details" aria-label="Show

> details" v:shapes="_x0000_i1036">

>

> 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/30bmanl.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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