

approved
4/10/18



Meeting Minutes for March 20, 2018; 6:00 PM, Carver Town Hall, Room 3

This meeting was videotaped for cable cast area 58, channel 15.

Attendees: William Sinclair, Chairman; Bob Belbin; Savery Moore; Johanna Leighton

Also in attendance: Michael Milanoski, Town Administrator

Absent: Brian Abatiello

Meeting opened by Mr. Sinclair at 6:00 PM

Review policies of the CRA

Procedures for disposal of Town Tax Title properties:

Mr. Milanoski – I went to K&P to move forward to clear up any confusion with some online posts. There were some statements made as to what the Board can or can not do with these properties. Memo from K&P was dispersed.

Generally, in the 2nd / 3rd year the process is to foreclose and go to land court. The town continues to accrue interest and does not pay any legal fees. The Town has four alternatives:

1. Public auction

2. Assign rights to a third party
3. Transfer the care, custody and control from tax title custodian to a Town Board or Commission, with the intention that the Board or Commission will retain the property
4. Transfer the care, custody and control of the property from the tax title custodian to, in most cases, the Board of Selectmen, for purposes of conveyance.

Details of each option is listed in the memo.

Section 1, Foreclosure –

Land of low value –

This procedure allows the Town to foreclose upon a parcel without the need to go to Land Court and obtain a judgment. We have worked with DOR for the last year and a half regarding the Cedar swamp area. Procedure is detailed in the memo.

A Deed in lieu of foreclosure –

The Town may, acting through its legislative body, i.e., Town Meeting, accept a deed, in which all persons who have an interest in Title join as grantors, in lieu of foreclosure, to any parcel of land where taxes are delinquent. This procedure applies only to property upon which there are no liens or encumbrances other than the lien of the Town. Procedure is detailed in the memo.

Section II

Public auction of tax title properties – This is when you go to a public auction. Procedure is detailed in memo.

Section III

The assignment of tax titles – This was previously inaccurately responded to. These are under control of the Treasurer in town until the town meeting at which time individual titles are assigned to a Board. Until that vote occurs the Treasurer holds the title in care and custody. Procedure is detailed in the memo.

Section IV

Transfer to and retention by a Town Board or Commission – The Town may transfer the care, custody and control of foreclosed tax title property, to a Town Board or Commission, with the intention that such Board or Commission retain the property. Procedure is detailed in the memo.

Section V

Conveying properties - There are thresholds to determine process. The RDA does not have authority to sell land on its own. In an URP, you can sell property to end user directly, with DHCD approval. Procedure is detailed in the memo.

Mr. Milanoski - Take some time to read this memo; it really goes into detail and clarifies procedure.

Mr. Belbin – This is a new policy created? Mr. Milanoski – No, it is not. Mr. Belbin – Dated 3/2018? Mr. Milanoski – this is not a policy; it summarizes the law. Mr. Belbin – Isn't there a title instead of Treasurer? All the paperwork says Town of Carver? Property record cards states who is in control of property; BOS/City Council. Mr. Milanoski – That is a standard form; the regulation says it's the Treasurer. Mr. Belbin – The RDA has the ability to receive property from town, correct? Mr. Milanoski – Any property listed under Section III, can be requested. Mr. Belbin – In order to get it on the warrant, you need to go to the Board of Selectmen first; tell them what we want to do. For example, with the Mazzilli Way property - Habitat for humanity needs to be discussed at the next meeting. We go to selectmen first with property to acquire; they approve to go or not go to town meeting.

Mr. Dunham, audience - The RDA can submit an article without going to Board of Selectmen. Mr. Milanoski – The RDA has that ability. What Bob just laid out would be a new process. Mr. Dunham – Any Board can submit an article. Mr. Milanoski – You are proposing a new process? Mr. Belbin – No, Mr. Dunham clarified this for me. I want to make sure this Board understands process. Why are we paying for legal fees when we have our own lawyer (Kathleen McDonald)? Mr. Sinclair – We did ask the Town Administrator to do this for us.

Mr. Milanoski – There was no problem with the town; the town knows how to follow this. This was done per your request. Mr. Belbin – We've done things differently in the past. I want to make sure that we do have this ability. Mr. Sinclair – To clarify, this is a Board vote, not an individual vote. Mr. Milanoski – The policy is that the TOPS Committee reviews all properties. Ms. Leighton – Ben Ellis was under management there was an MOU (under care and custody) when it came time to put it on the market; did we have to get an updated MOU? Mr. Sinclair – After town meeting approved the taking; given to the Selectmen first, they then transferred to us. Mr. Milanoski – This didn't need to go to town meeting. Ms. Leighton – So, we never really owned it. Mr. Milanoski – Once you sell it, the title would be signed off by the Board of Selectmen, not the RDA. Mr. Sinclair – This document gives the Board more clarity on the process. Mr. Milanoski – When you have an RDA plan in reference to the URP, you can sell for less if the benefit is there. Mr. Belbin – My plan of taking Roberts Way and using it for affordable housing; are you now saying it is not available? Mr. Milanoski – I never said it was available. Mr. Belbin – So we can? Mr. Milanoski – Is that what the Board wants to do? Is that what the Board of Selectmen wants to do? Is that what the Town wants to do? Is it in the best interest of the town? I think you have to do your due diligence, first. There are other properties in town being researched for elderly housing. Mr. Belbin – Is that the meeting on the Council on Aging building being used for elderly housing. Mr. Sinclair – The key is having the proper law in place to understand the process. This is a vision of what may happen. I suggest everyone read this memo from KP Law to get a better understanding. We need to abide by the law and work together as a Board. I don't believe this Board acted within this law for Forest St. Ms. Leighton – Forest St should be grandfathered. Mr. Milanoski – There is no grandfathering for this. Mr. Sinclair – In my opinion we would need to re look at Forest Street. We have an MOU for that property; I think we missed section V (conveyance process). The interested party has not moved on it, so this is a good opportunity to do it right. Mr. Belbin – I would like Mazzilli Way on the next agenda. Mr. Sinclair – That is a sold property and should not be on the next agenda. Mr. Milanoski – I believe the main agenda for this board is the URP. Mr. Sinclair – That and Forest Street are the active ones. I don't believe we should get tied up in multiple projects; we should stay focused on these two items. Let's stay focused on the future. URP is ours to take care of. Mr. Milanoski – We are working towards some type of affordable housing senior complex. I do see a role for the RDA. This won't be coming up until 2019; at that time, we will meet to discuss your role.

Between now and then, the URP should be the main focus. There will be a decent amount of work after the MEPA process is done. Mr. Moore – Lets say that Roberts way was a good thing to do; who would initiate that? Mr. Milanoski – The TOPS committee would analyze the properties coming up to determine the best Board to handle the property. We are not putting any properties on for the April Town Meeting. Mr. Moore – So you don't see our roll as investigating properties? Mr. Milanoski – No, that is the TOPS Committee. Mr. Belbin – I look at it differently, if you leave it up for other people to decide, then you are only going to have one point of view. Mr. Milanoski – There are many different experienced people, with different views, on TOPS to handle this. Mr. Belbin – Roberts Way owed \$35K it has been like that for years! It wasn't until I came here and said this has to be taken care of and taken down. You could use it as one of three things - housing, recreation or leave it as is. Mr. Milanoski – You disagree on everything. You have described everything you want; it needs to be what the team wants. Mr. Belbin – I don't disagree on everything. I went ahead and looked at all these and then discussed with this Board. I would like this board to get behind it and do something about it. Mr. Sinclair – I am going to stop it here; we are way past what is on the agenda.

Mr. Milanoski – Departed for the Board of Selectmen meeting.

Current projects being tracked – Johanna Leighton:

Ms. Leighton –

Walkabout Construction:

- Started in 2015 – The previous new owner of the church in N. Carver – for water line looking for loan. This never materialized so vote to rescind that loan agreement with Walkabout Construction 169 Plymouth Street – no longer owns property.

Motion to rescind the loan agreement with Walkabout Construction, 169 Plymouth Street in the amount of \$12,000: Ms. Leighton

Second: Mr. Moore

Approved: Unanimous (3-0-1 Mr. Belbin)

North Carver Urban Development:

- URP began in 2015 with a deposit of 40K. Listed are the names of people we have paid money to. In 2016, May they deposited and additional \$10K. The balance today is \$3,600 plus interest totaling \$3,614.26.

Forest Street:

Mr. Belbin – The records cards state “0 North Main Street” FYI. Ms. Leighton - We paid out \$2000 for engineering and getting “shovel ready.” Listed with Brenda Titus – On the market without movement for over a year. We did receive an offer \$170K. We did vote to relist for 6 months. Mr. Moore – I am the contact and have heard nothing. Ms. Leighton – So is it listed? Mr. Moore – Yes until July 10th.

Fire/Police/School:

They elected to use call in center; we came up with \$5K with the balance coming from the town. Mr. Sinclair – Just for clarification, \$4700 is still outstanding. The municipal review was for \$9,700; with \$5,000 already from us with \$4,700 outstanding. A letter was sent.

SRPEDD:

\$3,000 receive on 8/2015; balance to come from town in 2018. In April 2017 another check was cut with a letter requesting reimbursement of that \$4K.

Freitas Project:

Two handicapped children in need of ramp, etc. We gave to that in 2014; Habitat for humanity also gave.

Crystal Lake:

Corner lot with issues of neighboring well so we couldn't do anything with it. Community wanted to do a community garden. We came up with \$2800 for tree removal.

Waterview Village Gas Conversion:

Carver Redevelopment Authority 3/20/18

Conversion from propane to gas in 64 homes. Gas company said if they came up with \$1K each they could move forward. Additional costs came up so we loaned (Matures in 2024). Only one person sold so far and they have paid \$1091 to us. I did check to make sure that all of these people are still in their homes. They are all still there.

“Ben” Bargain paint program

This was a good program but we couldn't get it to kick off. We committed \$5K but didn't spend it.

2012 Town Water Connection:

Honey Dew plaza – Hooking them up gave the opportunity for economic development on that corner lot. Mr. Belbin - \$14K has come back to us many folds over.

2012 Housing Rehab:

Jack Hunter obtained a grant to go into Crystal Lake to do rehabs. This one particular house fell short; Jack came and asked for help in the amount of \$915.

Update from the Executive Director:

Housing items opening up for 2019

URP Development - MEPA Process and residential acquirements are in process

Working with the Water district to understand process.

Treasurer's Reports:

The balances, in the following accounts, are as of **February 28, 2018.**

- Checking - \$ 1,454.19
- Urban Renewal Plan Account - \$ 3,614.26 with .17 interest YTD
- Savings Account - \$25,117.07

Savings interest YTD is \$7.16

Motion to approve treasures report as written: Mr. Moore

Second: Mr. Belbin

Approved: Unanimous (4-0)

Rockland Trust line of credit renewal is usually done in April. Valerie does the report and it costs \$300. Mr. Moore – Can we vote on this at April Meeting; how long does it take her to do it? Mr. Sinclair – It is always a standard that Valerie does this. Does the Board wish to authorize this? Mr. Sinclair - Let's put it on the next agenda due to open meeting law. Mr. Belbin – I would like to request that "Members Comments" be on all future agendas.

Bills Payable:

Recording Secretary in the amount of \$75.00, for **February 6, 2018** Meeting.

Minutes:

February 6, 2018 –

Mr. Moore – "Mr. Savery" to "Mr. Moore"

Motion to approve meeting minutes from February 6, 2018, as amended Mr. Belbin

Second: Mr. Moore

Approved: Unanimous (4-0)

Next Meeting: April 10, 2018

Motion to hold next meeting on April 10 at 5:30 PM: Mr. Moore

Second: Mr. Belbin

Approved: Unanimous (4-0)

Adjournment:

Motion was made to adjourn this meeting at 7:14 PM: Mr. Belbin

Second: Mr. Moore

Approved: Unanimous (4-0)

Exhibits

A: Agenda

B: Treasurers Report

C: Memo from KP Law – Options relative to foreclosed Tax Title Property

D: Current Projects list



108 Main St, Carver, MA 23330

PUBLIC MEETING NOTICE
POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A,
SECTION 20B

CARVER REDEVELOPMENT AUTHORITY

Tuesday, March 20, 2018
6:00 pm
Carver Town Hall Room #3

UPDATED - AGENDA

1. Review policies of the CRA
2. Procedures for disposal of Town Tax Title properties
3. Current projects being tracked – Johanna Leighton
4. Update from the Executive Director
5. Treasurer's Reports / Bills payable
6. Minutes: February 6, 2018
7. Next Meeting Date:



Treasurer's Report - March 2018

Post Date	Check Number	Description	Checking Account	Savings Account	Principal Loan Account	Interest Loan Account	Carver Urban Renewal Plan Account
Balance 12/31/2017			\$ 1,679.19	\$ 25,109.91			\$ 3,614.09
1/11/2018	1229	Susan Hannon - Minutes/Sectry	(75.00)				
1/31/2018		Interest on MM		2.34			
1/31/2018		Interest on CURplan					0.09
Balance 1/31/2018			\$ 1,604.19	\$ 25,112.25	\$ -	\$ -	\$ 3,614.18
2/14/2018	1230	Susan Hannon - Minutes/Sectry	(75.00)				
2/14/2018	1231	Susan Hannon - Minutes/Sectry	(75.00)				
2/28/2018		Interest on MM		4.82			
2/28/2018		Interest on CURplan					0.08
Balance 2/28/2018			\$ 1,454.19	\$ 25,117.07	\$ -	\$ -	\$ 3,614.26
3/23/2018	1232	Susan Hannon - Minutes/Sectry	(75.00)				
3/30/2018		Interest on MM		5.68			
3/30/2018		Interest on CURplan					0.09
Balance 3/31/2018			\$ 1,379.19	\$ 25,122.75	\$ -	\$ -	\$ 3,614.35

Interest PD YTD
\$ 12.84

Renewal Plan Account
Interest PD YTD
\$ 0.26



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March 6, 2018

Katharine Lord Klein
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BY ELECTRONIC TRANSMISSION ONLY

Mr. Michael Milanoski
Town Administrator
Carver Town Hall
108 Main Street
Carver, MA 02330

Re: Options Relative to Foreclosed Tax Title Property

Dear Mr. Milanoski:

You have requested an opinion regarding the options available to the Town for properties where taxes are delinquent. The Town may foreclose upon the property, either through obtaining a judgment from the Land Court (G.L. c. 60, §§64 through 73) or through application to the Massachusetts Department of Revenue ("DOR"), for land of low value property assessed up to a maximum value set by the DOR (G.L. c. 60, §§79 through 80C). The Town may also, assuming there are no liens or encumbrances upon the property other than the lien of the Town, accept a deed in lieu of foreclosure, under G.L. c. 60, §77C.

If the Town does foreclose upon the property, the Town has four alternatives, discussed in detail below, being: (1) conduct a public auction, to be held by the tax title custodian (who, I understand, is the Treasurer in Carver); (2) assign its rights to a third party, through the procedures set forth in G.L. c. 60, §52 (auction) or in G.L. c. 60, §2C (sale through RFP); (3) transfer the care, custody and control of the property from the tax title custodian to a Town board or commission, with the intention that the board or commission will retain the property; or (4) transfer the care, custody and control of the property from the tax title custodian to, in most cases, the Board of Selectmen, for purposes of conveyance.

I. Foreclosure by the Town

A. Foreclosure by Land Court

The Land Court has exclusive jurisdiction over tax title foreclosure cases. G.L. c. 60, §64. Pursuant to G.L. c. 60, §65, the Town, after six (6) months from the date of sale or taking, may file a petition for foreclosure of all rights of redemption of the land. The petition shall be in the form prescribed by the Land Court, but must include, at a minimum, a description of the land and its assessed valuation, a reference to the underlying deed and the petitioner's source of title, e.g., instrument of taking, providing the place, book and page of record, and such other facts as may be necessary for the Court. G.L. c. 60, §65. A notice of the petition is recorded after filing with the Registry of Deeds, or Registry District of the Land Court. G.L. c. 60, §66.

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Upon the filing of the petition, the Land Court assigns a title examiner, who shall determine the persons who may be interested in the petition. Upon the filing of the title examiner's report, the Land Court notifies all such persons, whether as equity owners, mortgagees, lienholders, attaching creditors or otherwise, of the pendency of the petition, and notice is sent, by the Land Court, to each by registered mail and return of receipt. The addresses, so far as may be ascertained, are furnished by the petitioner, i.e., the Town. The Court may order further notice by publication. The notice shall contain the name of the petitioner, the names of all known respondents, a description of the land and shall fix the time within which an appearance must be entered and an answer filed. G.L. c. 60, §66.

Interested parties may default (G.L. c. 60, §67) or file an answer (G.L. c. 60, §68). If an answer is timely filed, the Land Court will hold a hearing, at which time the respondent must set forth his right in the land, and offer to redeem upon such terms as may be fixed by the Court. If a default is entered, or if redemption is not made within the time and upon the terms fixed by the Court, a decree shall be entered which shall forever bar all rights of redemption. G.L. c. 60, §69.

B. Foreclosure of Land of Low Value

Ninety (90) days after a taking, an expedited sale without foreclosure is possible through application to the Massachusetts Department of Revenue ("DOR") for property assessed up to a maximum value set by the DOR, which, for calendar year 2017, was \$21,370. An Informational Guideline Release is issued in February or March of each year with the new value. This procedure allows the Town to foreclose upon a parcel without the need to go to Land Court and obtain a judgment.

Pursuant to the provisions of G.L. c. 60, §§79 through 80C, the Town may submit an application to the DOR for the issuance of an Affidavit from the Commissioner that the property subject to the taking is "Land of Low Value." Once issued, the Town must record the Affidavit with the Registry of Deeds, or file the same for registration with the Registry District of the Land Court, as appropriate.

C. Deeds in Lieu of Foreclosure

The Town may, acting through its legislative body, i.e., Town Meeting, accept a deed, in which all persons who have an interest in title join as grantors, in lieu of foreclosure, to any parcel of land where taxes are delinquent. Upon acceptance and recording of the deed, any real estate taxes and other municipal charges and liens shall be treated as having been paid, and shall be accounted for by the Town in the same manner as if a tax title foreclosure had been completed. Note that this

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procedure applies only to property upon which there are no liens or encumbrances other than the lien of the Town.

II. Public Auction of Tax Title Property

If the property is held by the tax title custodian, after foreclosure, the only method by which the property may be disposed of to a third party is through a public auction in accordance with the procedures contained in G.L. c. 60, §77B. Prior to the auction, the tax title custodian must give notice to the owner(s) of record, which notice shall provide the information required by the statute, by registered mail, to the address of such owner(s) appearing on the Assessor's records at least fourteen (14) days before the auction. A similar notice must be posted in two or more convenient and public places in the Town. Specific terms and conditions with respect to the sale of tax title property may be established by the Town prior to the commencement of the auction proceedings, which should be set forth in the notice issued prior to sale. The Town may elect to establish a minimum bid price for the real estate prior to the commencement of the auction, but may determine not to, in order to generate greater activity. The approximation of fair market value for each parcel may be determined by reviewing the Assessor's valuation, as well as any other data available with respect to the subject real property. In the final analysis, it is the opinion of the custodian which will determine the minimum acceptable bid for the parcel to be sold.

The Town may, depending on the number of properties, and the value thereof, retain an auctioneer to assist in preparation for and to conduct the auction. Generally, the auctioneer is paid a "buyer's commissioner," payable by the purchaser, which is a percentage of the sale price. The auctioneer may do additional advertising, targeting specific markets.

A Memorandum of Sale, which is similar to a purchase and sale agreement, is used at the auction, which sets forth the terms of the sale, as well as limitations on the Town's responsibility for the condition of the property and for the state of title. The Memorandum of Sale is read at and explained in detail prior to the auction.

The custodian may reject any and all bids at the public auction of tax foreclosed property if, in the custodian's opinion, no bid approximates the fair value of the property. It is this value, not the amount owed in unpaid taxes (which may bear no relation to the amount a purchaser in an arm's length transaction might agree to pay for the property), that the tax title custodian may consider in determining whether or not to accept a bid. In my opinion, a tax title custodian is required to generate the maximum revenue for the Town under G.L. c. 60, §77B. Accordingly, it is not appropriate for the custodian to impose restrictions or other conditions upon the sale that might reduce the price paid for the property. The tax title custodian does, however, in my opinion, have discretion to accept a bid that is less than the fair value of the property, so long as the procedures under Chapter 60 have been followed.

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III. Assignment of Tax Titles

The Town may, alternatively, elect to “assign” its interests to private entities through an auction or bid process governed by statute. Under G.L. c. 60, §52, the Treasurer holds a public auction after giving notice to the property owner, and sells the tax title, or bundles of tax titles, to the highest bidder. The minimum bid is the balance due on the account(s). The successful proposer must make payment in full within two weeks of the auction, which means the amount of the winning bid, plus tax title interest accruing between the auction date and the date the instrument is executed. Under G.L. c. 60, §2C, the Treasurer sells a bundle of delinquent property tax receivables, through an RFP process, and, in this case, the price may be discounted up to 50% of accrued interest. The tax receivables must be sold to the most responsible and responsive offeror, taking into consideration evaluation criteria, including the price offered, the bidder’s qualifications and experience and the plan for communicating with taxpayers.

An assignment does make the Town whole, however, the municipality loses the ability to gain from a sale at auction, i.e., the private assignee takes the gain at the expense of the Town; the Town cedes control over the ability to work with financially challenged taxpayers to allow them an opportunity to keep their property and the Town may be left with the most problematic properties.

IV. Transfer to and Retention by a Town Board or Commission

The Town may transfer the care, custody and control of foreclosed tax title property to a Town board or commission, with the intention that such board or commission retain the property. For example, it is common for vacant tax title properties to be transferred to the Conservation Commission, if there is a determination that the property has conservation value.

➡ A transfer from the tax title custodian to another board or commission, for another municipal purpose, is accomplished through a Town Meeting vote, pursuant to G.L. c. 40, §15A. The tax title custodian must make a determination, often called a “surplus” vote, that the property is no longer needed for tax title purposes. The Town would vote, by a two-third’s vote at a regular or special town meeting, to transfer the care, custody and control of such land to another board or commission of the Town. A word of caution – when property is conveyed to the Conservation Commission, with the intent that it be subject to and protected by Article 97 of the Articles of Amendment of the Constitution, it is advisable to record a certified copy of the Town Meeting vote, along with an affidavit of the Town Clerk (known as a Chapter 183, Section 5B affidavit) with the Registry of Deeds. The question whether property is subject to Article 97 arises frequently, and the notice would be found in a Registry of Deeds search, and, at a minimum, constitutes *prima facie* evidence that the property is subject to Article 97. Moreover, if the Town inadvertently sought to convey the

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property to a third party, there would be record notice that the property is subject to Article 97, so a purchaser could not claim to be a bona fide purchaser of the property.

V. Conveyance by the Town

X A fourth option is to transfer, at Town Meeting, the care, custody and control of the tax title property for the purpose of conveyance. Once more, the tax title custodian must make a determination that the property is no longer needed for tax title purposes. Again, the Town would vote, by a two-third's vote, pursuant to G.L. c. 40, §15A, at a regular or special town meeting, to transfer the care, custody and control of the property from the tax title custodian to the designated board or commission (generally, the Board of Selectmen), in this case, for the purpose of conveyance.

Once the property is held by the Board of Selectmen for the purpose of conveyance the procedures for the disposition of real property contained in G.L. c. 30B, §16 must be followed (unless a determination is made that the property is worth less than \$35,000). The disposition of real property must conform to state law requirements governing the disposition of Town-owned land generally.¹ The Board of Selectmen may not, under G.L. c. 30B, §16, simply negotiate a sale with a private party.

The Board of Selectmen, in disposing of property by sale, is required, by G.L. c. 30B, §16, to "determine the value of the property through procedures customarily accepted by the appraising profession as valid." Section 16 does not require that the Board of Selectmen engage a professional "outside" appraiser, only that valid appraising procedures be used. The Town's Assessor could apply such procedures and determine the value of the property.

If the value of the property is in excess of \$35,000, the Board of Selectmen will be required to issue a request for proposals ("RFP"), which must be formally advertised in accordance with the procedures set forth in G.L. c. 30B, §16(d). The Town must place an advertisement inviting the submission of sealed bids in a local newspaper with a circulation "sufficient to inform the people of the affected locality." The advertisement must be published at least once a week for two consecutive weeks, the last publication occurring at least eight days prior to the day proposals are to be opened. The advertisement must also specify the geographical area, terms and requirements of the proposed transaction and the time and place for the submission of proposals. In most cases, the Town must

¹ Please note that Chapter 30B does not apply to all transactions. See G.L. C. 30B, Section 1(b) for a list of transactions that are exempt. These include the sale, lease or acquisition of residential, industrial, institutional or commercial property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of real property in accordance with a plan approved by the appropriate authorizing agency. G.L. c. 30B, §1(b)(25)

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also publish the advertisement inviting proposals, at least 30 days before the opening of proposals, in the Central Register published by the Secretary of State.

The RFP must set forth the terms and requirements of the proposed transaction. The Board of Selectmen has greater flexibility, in this case, than under Chapter 60, in my opinion, to impose conditions upon the sale of the property, e.g., requiring the purchaser to use the property for a specific purpose, for instance, affordable housing. The Town may ensure that the Town's objectives are achieved through recording a land development agreement, which may, among other things, mandate that the developer have adequate financing to complete the project, place time limitations on the commencement and completion of construction, require the posting of a surety bond and prohibit alteration of the use for a term of years. Additionally, the Town may require that a restriction be imposed, e.g., for historic preservation or community housing.

The Board may (but is not obligated to) establish a minimum bid for the property to be sold. Multiple factors would be relevant in setting an appropriate selling price. In my opinion, the minimum price need not be the full value, as defined above. In sales of this nature, it is more common than not that a property will not generate full value offers. There is frequently a limited group of buyers for small, unbuildable lots; indeed, there may only be one logical purchaser. In such a situation, the Board may, in my opinion, discount the minimum bid, if it can justify the discount due to the nature of any restrictions affecting the property.

Proposals received in response to the invitation must be opened publicly at the time and place designated in the advertisement. If, for some reason, the Town decides to dispose of the property at a price less than the value determined by customary appraising procedures, it must publish notice of its decision in the Central Register, explaining the reasons for its decision and disclosing the difference between the appraised value and the price received. In my opinion, if the Board has exercised "sound business practices," as discussed herein, in the context of a sale at a price lower than full value, the Board has fulfilled its responsibility under the statute.

Once the Board has identified the successful proposer and voted to sell the property to that buyer, the Town would proceed as follows:

(a) *Execute Purchase and Sale Agreement:* the parties should enter into a purchase and sale agreement (P&S). Upon the execution of the P&S, a deposit is generally paid by the buyer to be held in escrow and applied to the purchase price.

(b) *Allow Time for Property Inspection/Title Research:* a P&S typically allows the buyer a certain amount of time to inspect the property, satisfy itself that it can obtain the permits necessary to use the property as it intends to, and confirm that the Town has good, record and marketable title to the property. These are typically obligations of the buyer that are carried out at the buyer's

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expense. If the buyer determines that the property does not conform to the agreement within the inspection period, the deposit is generally refunded and the P&S terminated.

(c) *Closing:* At the closing, the Town, as the seller, will be required to provide the buyer with a deed to the property. The Town is required by G.L. c. 44, §63A to collect a payment in lieu of taxes from the buyer. The buyer must also execute a Disclosure of Beneficial Interest Form (G.L. c. 7C, §38) that the Town must file with the Division of Capital Asset Management and Maintenance. The buyer may have some customary conveyancing forms for the Town's signature.

The Board of Selectmen will generally sell the property to the person submitting the highest bid from among those quotes that meet the restrictions or other conditions set forth, however, the Board may have established comparative criteria in the RFP, and a proposal may be deemed superior, even if the monetary consideration offered is not as high.

If a minimum bid has been established, and there are no offers that qualify, the Board must reject all the offers, and issue a new RFP. The Board would then, if it determines that continued efforts to convey the property are warranted (rather than holding onto the property for a period of time until conditions change), consider reducing or eliminating entirely, the minimum bid.

If the property is valued at less than \$35,000, the Board of Selectmen need not issue an RFP, but must utilize "sound business practices." In my opinion, this requirement is met if the Board publicly advertises that a property is for sale, setting forth any restrictions that may apply, and, at a minimum, posting at those Town sites where public notices are placed (including the Town's website), that a parcel is for sale, and providing a date and time by which bids must be received. Notices may, and should, be given to abutters, who frequently have an interest in property contiguous to their own. The Board of Selectmen may, if in its opinion the value and nature of the parcel warrant it, also advertise the sale in a local paper.

Please do not hesitate to contact me with any questions.

Very truly yours,



Katharine Lord Klein

KLK/jsh

604343/CARV/0001

Carver Redevelopment Authority
PROJECT TRACKING

Project Status CLOSED as of 2016

2015 - 2016 169 Plymouth Street Town Water Hookup/Connection

COMMITMENT 12,000.00

Name	Address	Promissory Signed	Maturity Date	Loan Amount	Legal Fee/ Admin Fee	Total Loan Amount	TOTAL INVESTMENT
Walkabout Construction	169 Plymouth St		24months	\$10,000.00	\$2,000.00	\$12,000.00	
Condo #1	169-1 Plymouth St			\$2,000.00			
Condo #2	169-2 Plymouth St			\$2,000.00			
Condo #3	169-3 Plymouth St			\$2,000.00			
Condo #4	169-4 Plymouth St			\$2,000.00			
Condo #5	169-5 Plymouth St			\$2,000.00			
Balance Due			24months	\$2,000.00			

Total due to RDA \$0.00
Walkabout Construction Balance Available 0.00

Project Status ACTIVE as of 2016

2015 - 2016 Route 44 N. Carver Urban Development

Address	Name	Project
North of RT 44 & West of RT 58	George McLaughlin & Bob DelHome	rt 44 development, llc
Contract for services \$33K	Maureen Hayes	rt 44 n carver urban renewal plan
	Maureen Hayes	
	Maureen Hayes	
	Rte 44	
	Development LLC	rt 44 economic site plan
Contract for services	FXM Associates	FXM economic study
Marion MA	Maureen Hayes	
	Relocation Stratg	
	Maureen Hayes	

Carver Redevelopment Authority
PROJECT TRACKING

Maureen Hayes 7/26/2017 (\$2,925.00)

Rt 44 N. Carver Urban Development Balance as of 2/2018 \$3,600.00

incl interest as of 2/2015 \$3.08
as of 2/2016 \$9.51
as of 2/2017 \$1.50
as of 2/2018 \$0.17

as of 2/2018 \$3,614.26

Project Status ACTIVE as of 2016

2015 - 2016 0 North Main Street Map 49 Parcel 61

Address	Name	Project
94 Forest Street	Morse Engineering	engineering & survey plan
	Kathleen O'Donnell	legal fees
Century 21	Brenda Titus	on market \$210K
		off market fall 2017
		offer late 2017 \$170K
		on market \$200K Jan 2018
		for 60 days - todate no offer
		<i>b w r s .</i>
TOTAL		\$2,100.00

Project Status ACTIVE as of 2016

2015 - 2016 (2013 - Municipal Site Review: Fire, Police, School)

Town Reimburse -	Paid	Date	Reimbursement
Collins Center Project	\$5,000.00	9/23/2015	FY2016
balance to come from town	\$4,700.00		FY2018
			Total due to RDA
			\$4,700.00

letter sent 4/2017 to TA for \$\$

Carver Redevelopment Authority
PROJECT TRACKING

Project Status ACTIVE as of 2016

2015 - 2016 Carver Master Plan (SRPEDD end date December 2016)				COMMITMENT	\$11,000.00
		Paid	Date		
Carver Business (BDC)		\$3,000.00	8/18/2015		
RDA pd SRPEDD		-\$3,675.56	9/20/2016		
RDA pd SRPEDD		-\$948.88	12/9/2016		
balance to come from town		\$4,000.00		FY2018	
RDA pd SRPEDD		-\$764.58	4/19/2017		
letter sent 4/2017 to TA for \$					
Total due to RDA					\$4,000.00

2014 - Habitat for Humanity - Freitas Family Project		
Name	Paid	Date
Habitat for Humanity	\$8,000.00	8/5/2014

2014 - Crystal Lake Community Garden		
Name	Paid	Date
Newcomb Tree Service	\$2,800.00	3/12/2014

Project Status ACTIVE/ONGOING as of 2016		
2014 - Waterview Village Gas Conversion Loans		COMMITMENT
Balboni owners of the park (64 units)		4,000.00
* Balboni has right of 1st refusal		
* Balboni updates 5yr lease annually w/owner		

Carver Redevelopment Authority
PROJECT TRACKING

* RDA lien held by Balboni & RDA Attorney

Name	Address	Date		Contractor	Fee	Legal Fee	Total Loan Amount	Total Repayment
		Promissory Signed	Maturity Date					
Coustring, Nannette	4 Jill Marie Drive	1/13/2014	1/13/2024	\$520.00	\$270.00		\$790.00	
Moulthrop, Jacqueline Moulthrop, Jacqueline repayment 5/24/2016 sold the home	43 Jill Marie Drive	1/24/2014	1/24/2024	\$800.00	\$270.00		\$1,070.00	
Pratt, James & Carol	11 Jill Marie Drive	1/13/2014	1/13/2024	\$800.00	\$270.00		\$1,070.00	
Richmond, Frank & Linda	21 Jill Marie Drive	1/6/2014	1/6/2024	\$720.00	\$270.00		\$990.00	
Waterview Village Balance due to RDA								\$2,828.60
Actual Project Cost								\$3,920.00

2013 - Municipal Site Review: Fire, Police, School

COMMITMENT		\$9,700.00	
Paid		Date	
Collins Center Project		\$4,000.00	9/9/2013
		\$5,700.00	7/8/2014
Collins Center Balance to be Paid		\$0.00	

Carver Redevelopment Authority
PROJECT TRACKING

2013 - "The Ben" Bargain Paint Program with Aubuchon's of Carver					COMMITMENT	\$5,000.00
Name	Address	Vouchers Received	Number of Vouchers	Value	Completed	
MacDonald, Katherine	29 Cross Street	8/8/2013	7	\$140.00		
Signs By Design		2/4/2013		\$100.00		
TOTAL SPENT				\$240.00		
Ben Paint Program Balance Available						4,760.00

2012 - Town Water Connection			Project		
Address	Name				
96 North Main Street	WR Logan	8/21/2012	\$4,518.00	water connection contractor	
	Kathleen O'Donnell	9/20/2012	\$1,065.00	legal fees	
	WR Logan	9/20/2012	\$4,518.00	water connection contractor	
	WR Logan	12/3/2012	\$4,520.00	water connection contractor	
TOTAL			\$14,621.00		

2012 - Housing Rehab			
61 West Street	AMC Construction	10/18/2012	\$915.00 Pd LHP due to CDBG program shortage