



Approved
6/11/19

Meeting Minutes for April 2, 2019 at 6:00 PM, Carver Town Hall, Room 3

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

Attendees: William Sinclair, Chairman; Savery Moore; Sharon Clarke; Johanna Leighton

Also in attendance: Stephen Cole, Planning Director; Mr. Milanoski, Town Administrator

Absent: Bob Belbin

Meeting opened by Mr. Sinclair at 5:38 PM

Forest Street Project:

Advertise the property in the Central Register – Mr. Moore – I thought this is a requirement. Mr. Sinclair – I was given some info from Kathy Kay. Johanna had asked what the amount owed in taxes was. The taxes owed at the time the Town took it was \$35,468.19. This will be repaid at the time of sale. Mr. Moore – Do we bundle that in? Mr. Sinclair – Yes, we know we are giving it back to the town anyway. Mr. Sinclair read the KPLaw memo to the Board. The Town would vote at the Town meeting (2/3 vote). Mr. Sinclair gave the memo to Johanna. Ms. Leighton – distributed material to the Board. I wrote several times to Stephen. How are we going to settle all of this? The information given by Stephen indicated that the property was not worth what we thought or about \$60K. I did some homework. There are two emails. The Waterview gas conversion loans, Balboni Company has the right of first refusal. I uncovered the actual lot, map etc. that was given to our RE Agent. I looked at the website and called Kathy Kay, it is not 94 forest street. It is actually 0 Main Street and is valued at \$187K, which is what the RE Agent copied. I called Kathy Kay and asked her to look it up and she did and came up with the \$35K for tax/title/liens, mentioned earlier. I went back to previous minutes and I came up with a memo from Kathleen M O'Donnell, dated 12/3/12. This memo was distributed to the Board. The Town Administrator gave us paperwork for Chapter 60, but we are under Chapter 30B, not Chapter 60. I personally feel that we should go back to Kathleen O'Donnell and discuss this. Ms. Leighton read the memo to the Board. Our Chairman should be discussing this closely with our own lawyer. Johanna continued to reference information in this memo. Subcommittees – I find this interesting. The sub committee is entitled to claim an exemption from the Open Meeting Law to discuss the "purchase, exchange, lease or value of real property" in EXECUTIVE SESSION if the chair of the sub committee first states in public that a discussion of the real estate transaction in open meeting may have a detrimental effect on the negotiating position of the CRA. Aren't we in that same position? If we are exceptions, can we continue to go at the same role as we did before? Mr. Moore – On Page 2, underlined in blue – The very first word is "certain", it doesn't define what constitutes that? Ms. Leighton – That's why you have to find out which

ones, under 30B. Mr. Moore – Are you saying that if we put it on the Central Registry and a bidding process, that this is illegal. Ms. Leighton – I am suggesting it is a 30 B not a 60. Mr. Moore – On Page 1 it still says it must be advertised in the Central Register, unless it falls under the exception. Ms. Leighton – I just want it clarified by our own attorneys. I am saying that we are 30B not 60! Can we go in the same route we were in? Mr. Milanoski – I disagree. This document was written in 2012. We had an updated document, last year. If it is not in the Urban Renewal Plan boundary, you can't use that. This was based on misinformation that the attorneys had at that time stating that it was in the URP. I would strongly encourage the Board to follow the most recent memo (2018). Ms. Leighton – My point is that we are not Chapter 60, we are chapter 30B. That is my motion to go back to the chairman. We have our own attorney. Mr. Milanoski – You have the town council. You are disposing of town property. Ms. Leighton – It was given to us. Mr. Milanoski – It wasn't, it was entered into an agreement with the Selectmen to go out and advertise the property. You still have to follow town rules. Ms. Leighton – I am asking the Chairman to go and get a new opinion on this, based on all the facts given here. Mr. Ellis is interested in what Mr. Cole announced, in an open meeting for the \$60K property Mr. Cole – My recollection was a different amount. My recollection was what I have in my hand now. I believe Ms. Leighton is off by about \$100K. When I spoke to the Assessor on that property, the assessed value went from \$187K to \$163K. It was a member giving us information that this property was located on Forest Street when it is now clearly labeled as Main Street. All of the facts that are coming out today are a culmination of the last several months. I regret you feel misled and I am not sure what your tone is all about. Ms. Leighton – I heard \$80K You did not produce that. You will regret that. Mr. Milanoski – You have a memo from last year that outlines the public procurement process for disposing of Town owned land. Forest Street is town owned land.

Mr. Sinclair – We are going to take Forest Street off the table for tonight. We need to get clarification and will readdress at the next meeting. I believe the updated information that was given to us from town council steps we need to follow are different from the 2012 memo. We know that under the law we have to follow a certain process. Mr. Moore presented the memo dated March 6, 2018. Ms. Leighton – But we are chapter 60. Mr. Sinclair – The law is the law. Mr. Milanoski – Now that I am seeing this document, I can provide some clarification. This document provides options relative to foreclosure property for tax title property. As a Redevelopment Authority, you follow as an RDA you need to follow every statute. Chapter 60 is specifically for tax title foreclosures. The town owns the property. Section 2 give the option for public auction. Section 3 under chapter 60 you can transfer or assign title to someone else. After this point it goes into 30B, 40, 183, etc. Chapter 60 is Treasurer/Collector; you have no role in it. Town meeting took this property over and gave it to the Board of Selectmen. The RDA did not do section 5 correctly, which is under 30B and 40. This is not part of an urban renewal plan so you don't get that exemption. What was discussed in 2012 is not relevant, this 2018 document is what you need to follow (section 5). The RDA is acting as an agent of the Board of Selectmen to convey the property. You are not signing the deeds. This is different than Chapter 60, you have no role in Chapter 60. Ms. Leighton – I still hold my ground. We have a lawyer and I want her to look at. Mr. Milanoski – Town Counsel is the most adept firm at handling this issue. You are saying you don't believe town council is giving you good advice so you are saying you want to spend public funds to get a second opinion? Ms. Leighton – It would be our funds, not public funds. Mr. Milanoski – You would use public funds to use your lawyer. Ms. Leighton – When we use Kathleen O'Donnell, we use our funds. Mr. Milanoski – The RDA is public body. I am just advising the Board. Ms. Leighton – It is not a waste of time; I have made my motion. I ask the chairman to get the opinion on this. Mr. Milanoski – What if you are following Chapter 60, you don't. Ms. Leighton – We don't. Mr. Cole visited the Assessor. When I saw the value, I knew it was not right. She said it was only valued at \$60K? That was public. Are you Mr. Ellis? Did you hear that the RDA was putting the sale up for \$60K? Mr. Ellis – I'll write you a check. Mr. Milanoski left the meeting at 6:05PM. Ms. Leighton – It's 94 Forest Street, it was supposed to have been transferred, why wasn't it Mr. Cole? Mr. Cole – Any time a communication comes from a Board member; I think that the Chairman should be included. I am sure the Assessor would be glad to be here but was unable to attend. I think that it is unjust to take issue with the

Assessor when she is not here. Mr. Sinclair – Ms. Leighton, you will look at the tape for clarification? Ms. Leighton – I will. You could let Mr. Ellis speak. Mr. Sinclair – I am going to keep that with this Board. Mr. Moore – I have the minutes of that meeting here. This is lot 49-61. Mr. Cole – We needed to clarify the lot as 94 Forest Street did not exist. This assessed value was 187K. Mr. Moore – At the November 13 meeting, it was stated that there was an assessed value of \$88K but it appears it is in reference to a different property. It looks like he was talking about Main Street, where the road would cross at Main Street. Mr. Cole – So he's talking about a separate property? Mr. Sinclair – What do you want for clarification? Ms. Leighton – I want you to ask her, what rules do we have to follow? Can we do what we were doing before? Mr. Sinclair – So you disagree with the opinion of K&P Law from March 2018. You can make a motion.

Motion to ask the chairman to speak with Kathleen O'Donnell to verify Chapter 30B and the rules to dispose of property given by MOU to us and approval by the town. Can we continue the way we did before?: Ms. Leighton
Second: None heard/ Motion fails.

Mr. Moore – If you are looking for a second opinion, can I suggest that we share this information with her and see if this is correct? Mr. Sinclair – Yes, it would take a motion. That is an option, we have used her before. Ms. Leighton – I want clarification and what we should do in the process of selling the property. Mr. Moore – From what the Town Administrator said, we are only exempt from within the Urban Renewal. This is not so those exemptions would go away. Ms. Leighton – I want to hear that from our lawyer. Mr. Moore – Shouldn't the first step be to determine the actual worth of the property? Ms. Leighton – Yes, that's truly conflicting. Mr. Moore – Let's find out why the conflicting information and get a market value from the town. There are two pieces of information that are miles apart. Ms. Leighton – Also, why has the town continued to keep it at 0 Main Street? Mr. Moore – I know a lot of properties in the town are "0". Ms. Leighton – We started this in 2015! Mr. Sinclair – Let's get some clarification, I agree with Savery, we need a True Value/Market Value. Ms. Leighton – We can't do assessed value! Mr. Sinclair – I would entertain a motion to give this back to the Board of Selectmen. This has been in front of this board since 2015. Ms. Leighton – 2015 it was given to us. We advertised 3-4 times. We had an offering, we have a check from Century 21, we got assurity from his bank, Minutes reflect a purchase price of 170K. Morse engineering did preliminary work. We accepted and voted on it. Now you want to throw it back to the selectmen. Mr. Moore – What happened to the sale? Ms. Leighton – We lost the election, Mr. Sinclair wasn't here! Mr. Boulay resigned, it was chaos. Ms. Clarke – Wasn't there a title issue? Mr. Sinclair – The area being advertised stated of the assessing records, stated the sq. ft. of the lot – Mr. Ellis discovered the area was wrong which stopped the process. There was a major difference. The Registry of Deed had a certified engineer plan that differed from the Assessor. Ms. Clarke – It was different from Assessors map and lot vs. a registered land survey which would take precedence. Mr. Moore – What that rectified? Ms. Clarke – The registry of deed overrides. Ms. Leighton – They didn't. Mr. Cole – According to Assessors records, correct acreage size was fixed on the Assessors card. Mr. Ellis – I actually found four different sizes! Ms. Clarke – It is safe to say that we don't know what is for sale? When it's advertised, can we refer to the registered survey listing. Getting another opinion from council, I think there is enough information at the town hall; I don't think we need to get too caught up in the 30B/60 issue, that information is available to us here. Mr. Sinclair – I think it is just a matter of moving forward with the process. We have a process from K&P that we are supposed to go by. I will agree to disagree with Johanna. Ms. Clarke – We are the agent; we do the grunt work (value, advertising, fielding offers). Ms. Leighton – Can we advertise? Where? Ms. Clarke – We did it with Century 21 last year, why not the same? Ms. Leighton – We were told no. Ms. Clarke – Will? Mr. Sinclair – In the legal opinion from K&P, it is very clear there is a process and does not fall in the URP. This property is under the care of the Board of Selectmen. We are designated as an agency to dispose of the property under there jurisdiction. They have to follow Chapter

60. In the past, this Board has solicited Century 21, reached an agreement and sold other properties. Under the MOU that we have with the TOWN/Board of Selectmen, following those criteria, there is a road map that we did not follow in the past as we were unaware. Ms. Leighton – When the TA gave us the dissertation, I told him that we had been doing this a long time, are we grandfathered? The TA said No, you must follow what I tell you. In 2012, we brought up the situation, we are a 30 B. Ms. Clarke – I am satisfied. Ms. Leighton – Do you know the R&R under 30B? Mr. Sinclair – We are not going to badger each other because you have a difference of opinion. Ms. Clarke – I think we should do as Savery suggested and get a market analysis (independent). It has no bearing that you will list with a RE agent. By next meeting we should have a fair view between town assessment and the market analysis. Mr. Sinclair – Will you make that a motion?

Motion to have the Authority obtain a market analysis for 0 Main Street, from an independent commercial appraiser for the next meeting: Ms. Clarke
Second: Mr. Moore
WITHDRAWN

Discussion – Mr. Moore – amend to exclude “by the next meeting”. The Soil test data dimensions do not match the town website either. I think we should get everything in town to match before we can have someone tell us what it is worth. Frontage is different by 50’. Mr. Ellis – The recorded deed is only .92 acres. Mr. Moore – Before we get a market analysis, we need to know exactly what the property is. Ms. Leighton – When all the discrepancy started, in January 2016, Mr. Hassett, Morse Engineering, came in to discuss the plans and survey. Will, did you look at that? Mr. Sinclair – No, I was not involved in that. I excused myself. Ms. Leighton – Should we go back to Mr. Hassett and ask what action he took when it was revealed that there was a discrepancy? Ms. Clarke – This was an instrument survey. It has a job number so we can get information. Mr. Cole – PK Consulting Firm will be in town on Tuesday of next week. They should work with the Assessor to address. Will, can you and I get together on that? Mr. Moore – I would suggest Sharon’s motions be withdrawn and make a new one. Ms. Leighton – Can you check on “Forest Street” as well? Mr. Moore – When you look on the map, it actually says Main Street. Mr. Cole – The Building Commissioner Authority has the authority.

Ms. Clarke withdrew her motion.

Ms. Clarke – We have our list – Discrepancy on size, Market Analysis, address, etc. Mr. Sinclair – The issue is the lot. The registry of deed or the town may be correct. We are in Care and Custody. There is a discrepancy that needs to be addressed by the Assessors Office. Then we can go to the next step, appraisal, etc. I will take this to the TA/Board of Selectmen and give him the information for it to be fixed so that we can market it correctly. Ms. Clarke – You show a correction on the Assessors property card. They haven’t changed the plans, but sometimes that note is all that is needed. I will pull those plans. Mr. Sinclair – If the town makes that change in a note, is it filed with the Registry of Deeds? Ms. Clarke – No. We could, for \$75, record an affidavit, but even that might change. Mr. Sinclair – What if this Board paid for a professional survey? Ms. Clarke – That would be great. Ms. Leighton – We paid \$2100; shouldn’t we go back to him? Mr. Sinclair – I don’t know where he got that information. Mr. Ellis – I was told that the house behind put the septic in the wrong place and they just moved the property stakes. Ms. Clarke – I feel we probably should get a new one; it will be more than \$2100. Once we get a certified plan, we give it to the Board of Assessors and record at the Registry of Deeds. We don’t want to go further down the line and find the same issues. Mr. Cole – I think this is a collaborative approach and far less antagonistic than what was discussed earlier. Ms. Leighton – Can we also get clarification on 94 Forest Street? Ms. Clarke – We should go to the Assessors and go back as far as we can go to see when it was changed. Mr. Cole – That is why we

use Maps and Lots; this town has a history of complications with numbers/names. Ms. Leighton – Jack Hunter did all the things you said and he came back and said it was 94 Forest Street, we then hired the engineer to get Shovel Ready. Mr. Sinclair – We are going to take this back to the selectmen to get true boundaries done.

*Motion to send back to the Board of Selectmen for an updated plot plan. After which, have the Assessors change the records to match the plot plan, with approval for new survey. Payment from the RDA budget: Mr. Moore
Second: Ms. Clarke*

Discussion – Ms. Leighton - I would like the address included. Ms. Clarke – The address will be what it is on the survey. Mr. Ellis – Can it be marked with Concrete? Mr. Sinclair - Absolutely

Approved: Unanimous (4-0)

- Discussion and possible vote on minimum bid –

TABLED

Update and Discussion RDA Projects:

- Status for each current project has been updated. A handout was given to the Board Members.
 - URP – Active 2015-2109
 - Forest Street / 0 Main Street
 - Municipal Site Review: Fire Police and School – Article for \$4700 is slated for Town Meeting
 - SRPEDD - \$4000 is slated for the Town Meeting
 - Habitat for Humanity
 - Crystal Lake Community Garden
 - Waterview Village Gas Conversion Loans – Met with Manager on 3/27/19, Manager has put a note in each owners file who has O/S Liens/Amounts. If owners sell, there will be a lien noted.
 - Municipal Site Review – Fire, Police and School
 - The BEN – Bargain Paint Program – Never really went forward with this.
 - Town Water Connection
 - Housing Rehab
- Discussion on 2014 Waterview Village Gas Conversion Loans

Audit Report 2018-2017:

- Due April 30, 2019 to Rockland Trust

- Valerie will be doing this at a cost of \$325. Her statement is attached. If you have any questions, I can bring them back to her.

Motion to accept audit report as prepared by Valerie: Mr. Moore

Second: Ms. Clarke

Approved: Unanimous (4-0)

Motion to approve invoice from Valerie Varraso in the amount of \$325: Mr. Moore

Second: Ms. Clarke

Approved: Unanimous (4-0)

- Rockland Trust to review and approve continuance of \$30K line of credit

Treasurer's Reports:

February report will be included as the meeting was cancelled

The balances, in the following accounts, are as of **February 28 2019**.

- Checking - \$ 454.19
- Urban Renewal Plan Account - \$ 3015.32
- Savings Account - \$ 25202.85

Savings interest YTD is \$ 23.26

Urban Renewal interest YTD \$0.23

Discussion –

Motion to approve the March Treasures Report as written: Mr. Moore

Second: Ms. Clarke

Approved: Unanimous (4-0)

Motion to move 1,000 from savings into checking: Mr. Moore

Second: Ms. Clarke

Approved: Unanimous (4-0)

Members Comments:

- Ms. Leighton – I apologize to Stephen for insulting you in any way. Mr. Cole – Thank you.
- Mr. Belbin –
- Mr. Sinclair – We had a TOPS meeting today. TOPS has made motions and recommended on all properties there and what to do with them. You will see those on the agenda for the next meeting.

- Mr. Moore -
- Ms. Clarke -

Mr. Cole – The chairman has exhaustively worked on affordable housing. Mr. Sinclair identified four sites that would be suitable. Thank you Mr. Sinclair for doing this.

In attendance were Mr. Sinclair, Mr. Milanoski, Mr. Cole, Meg, Kathy Kay and Brooke Monroe. Missing was Kevin Ford, the Health Agent.

Minutes:

January 15, 2019 –

Discussion –

Mr. Cole – The attorney Generals office has stated that you need not be in attendance at a meeting, to vote. You are only voting on the legalities. This is up to the individual.

Motion to approve minutes of January 15, 2019, as written: Mr. Moore

Second: Ms. Leighton

Approved: (3-0-1, Ms. Clarke)

February 19, 2019 -

Discussion –

Motion to approve the minutes of February 19, 2019, as written: Mr. Moore

Second: Ms. Leighton

Approved: Unanimous (4-0)

Next Meeting:

Motion to schedule for May 7, 2019 at 5:30: Mr. Moore

Second: Ms. Clarke

Approved: Unanimous (4-0)

Adjournment:

Motion was made to adjourn this meeting at 7:16 PM: Ms. Clarke

Second: Mr. Moore

Approved: Unanimous (4-0)

Exhibits□

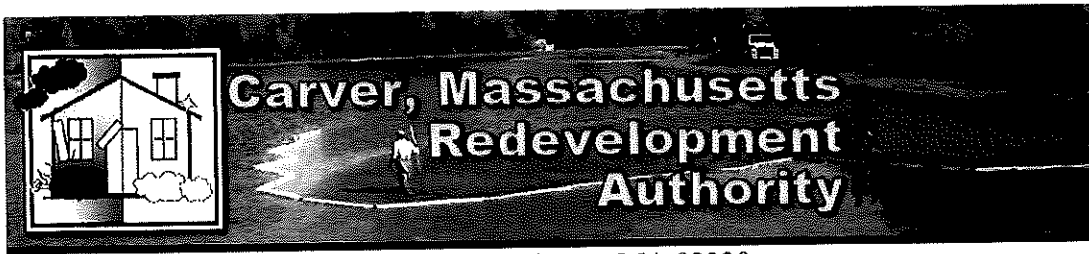
A: Agenda

B: Treasurers Report

C: Kathleen O'Donnell, ESQ Memo dated 12/3/12

D: Project Tracking

E: Valerie Varrasso Report



108 Main St, Carver, MA 02330

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

CARVER REDEVELOPMENT AUTHORITY

**Tuesday April 2, 2019
5:30 pm
Carver Town Hall Room #3**

AGENDA

1. Forest St. Project

- Advertise a property in the central register
- Discussion and possible vote on minimum bid

2. Update & Discussion RDA projects

- Status for each current project has been updated
- Discussion on 2014 Waterview Village Gas Conversion Loans

3. Audit Report 2018-2017

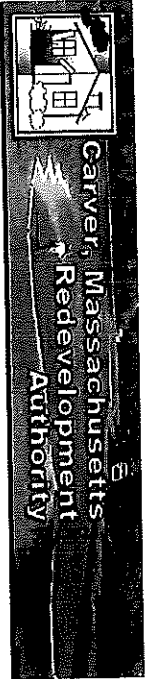
- Due April 30, 2019 to Rockland Trust
- Rockland Trust to review and approve continuance of \$30K line of credit

4. Treasurer's Report/Bills Payable

- February report will be included as the meeting was cancelled

5. Members Comments

- Minutes: January 15, 2019 & February 19, 2019
- Next meeting

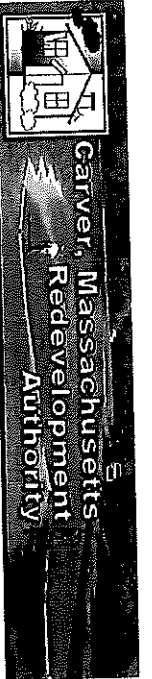


Treasurer's Report - January 2019

<u>Post Date</u>	<u>Check Number</u>	<u>Description</u>	<u>Checking Account</u>	<u>Savings Account</u>	<u>Principal Loan Account</u>	<u>Interest Loan Account</u>	<u>Carver Urban Renewal Plan Account</u>
Balance 12/31/2018			\$ 529.19	\$ 25,179.59			\$ 3,015.09
1/28/2019	1242	Susan Hannan - Minutes/Secdy	(75.00)				
1/31/2019		Interest on MM		6.97			0.08
1/31/2019		Interest on CURplan					
Balance 1/31/2019			\$ 454.19	\$ 25,186.56	\$ -	\$ -	\$ 3,015.17

Interest PD YTD
\$ 6.97

Renewal Plan Account
Interest PD YTD
\$ 0.08

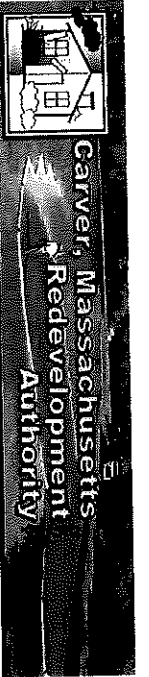


Treasurer's Report - February 2019

Post Date	Check Number	Description	Checking Account	Savings Account	Principal Loan Account	Interest Loan Account	Carver Urban Renewal Plan Account
Balance 1/23/2018			\$ 529.19	\$ 25,179.59			\$ 3,015.09
1/28/2019	1242	Susan Hannon - Minutes/Secty	(75.00)				
1/31/2019		Interest on MM		6.97			0.08
1/31/2019		Interest on CURplan					
Balance 1/31/2019			\$ 454.19	\$ 25,186.56	\$ -	\$ -	\$ 3,015.17
2/28/2019		Interest on MM		7.73			0.07
2/28/2019		Interest on CURplan					
Balance 1/31/2019			\$ 454.19	\$ 25,194.29	\$ -	\$ -	\$ 3,015.24

Interest PD YTD
\$ 14.70

Renewal Plan Account
Interest PD YTD
\$ 0.15



Treasurer's Report - March 2019

Post Date	Check Number	Description	Checking Account	Savings Account	Principal Loan Account	Interest Loan Account	Carver Urban Renewal Plan Account
Balance 12/31/2018			\$ 529.19	\$ 25,179.59			\$ 3,015.09
1/28/2019	1242	Susan Hannon - Minutes/Secdy	(75.00)				
1/31/2019		Interest on MM		6.97			0.08
1/31/2019		Interest on CURplan					
Balance 1/31/2019			\$ 454.19	\$ 25,186.56	\$ -	\$ -	\$ 3,015.17
2/28/2019		Interest on MM		7.73			0.07
2/28/2019		Interest on CURplan					
Balance 2/28/2019			\$ 454.19	\$ 25,194.29	\$ -	\$ -	\$ 3,015.24
3/31/2019		Interest on MM		8.56			0.08
3/31/2019		Interest on CURplan					
Balance 3/31/2019			\$ 454.19	\$ 25,202.85	\$ -	\$ -	\$ 3,015.32

Interest PD YTD
\$ 23.26

Renewal Plan Account
Interest PD YTD
\$ 0.23

MEMORANDUM

TO: CARVER REDEVELOPMENT AUTHORITY ("CRA")
FROM: KATHLEEN M. O'DONNELL, ESQ.
SUBJECT: OPERATIONAL ISSUES
DATE: 12/3/12
CC: MR. JACK HUNTER

The CRA has asked me to address a few issues that have arisen out of discussions at past meetings. I understand these issues to be 1) compliance with the Uniform Procurement Act; 2) establishing subcommittees for project review and 3) potential censure of members of the CRA. I will deal with these issues in order.

1. Uniform Procurement Act

Chapter 30B, the Uniform Procurement Act, controls the procurement of supplies, services and real estate. Under ordinary circumstances, Section 16 of the Act would apply to any acquisition of real estate by purchase or rental with a cost greater than \$25,000 and in the disposition of real estate by sale or rental with a value (not a sale price) greater than \$25,000. There are however some transactions that are exempt from c. 30B; inter-municipal transactions, and contracts to sell, lease or acquire residential, institutional, industrial or commercial real property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of said real property in accordance with a plan approved by the appropriate authorizing authority. (M.G.L. c. c. 30B §1(b)(25).

The transactions that I have reviewed for the CRA have, in most cases, involved sales of land for less than \$25,000. Dispositions of land for a price above that threshold have been made in accordance with a Memorandum of Understanding executed by the Board of Selectmen at the time a parcel has been transferred to the CRA. In my opinion, these dispositions have been done by the CRA "in accordance with a plan approved by the appropriate authorizing authority" and comply with the exemption stated in Section 1(b) (25). All transactions of any size have been reported to the Division of Capital Asset Management through Disclosures of Beneficial Interests executed by the buyers as required under M.G.L. c. 7 §40J.

2. Sub-committees

The Open Meeting Law (M.G.L. c. 30A§§18-25 was amended in 2010 to address some ambiguities in the prior version. The CRA may establish a sub-committee to focus on particular projects. However, the sub-committee must contain fewer members than a quorum of the CRA. The sub-committee can include members that are not members of the CRA. The sub-committee is subject to the Open Meeting Law and must post

meetings, keep minutes, etc. just as the CRA is required to do. The sub-committee is entitled to claim an exemption from the Open Meeting Law to discuss the "purchase, exchange, lease or value of real property" in Executive Session if the chair of the sub-committee first states in public that a discussion of the real estate transaction in open meeting may have a detrimental effect on the negotiating position of the CRA.

3. Censure

A motion to censure is typically designed as a way to warn a member that he/she has "offended" the members of the legislative body in some serious way through dictatorial acts, violations of by-laws or rules, or embarrassment or humiliation of other members. (Obviously, censure on the basis of violations of rules requires the establishment of the rules in the first place.) The purpose of a censure motion is the reformation of these actions of the member and a warning that continuation of the offending behavior may result in suspension or expulsion of the member. Censure itself does not remove the member from office and requires just a majority vote. If removal is permitted under c. 121B or other chapters of the General Laws, a two-thirds vote would be required.

If you have any further questions on these issues, please contact me.



Back *on the* Roll IN MASSACHUSETTS

A REPORT ON STRATEGIES
TO RETURN TAX TITLE PROPERTIES
TO PRODUCTIVE USE

Sponsored by the Citizens' Housing and Planning Association





Disposition of Tax Title Property

ommunities should have a strategy to dispose of tax title property once the municipality owns the property for three primary reasons. First, a plan for the end use helps to prioritize properties for action and creates interest in moving properties through the complex tax taking process. Second, a clear disposition plan executed promptly eliminates worry that a municipality will be "stuck" with problem property and, third, disposing of the property to an "innocent" buyer prevents frivolous motions to vacate the decree of foreclosure. Property acquired in tax title foreclosure can be disposed of under Chapter 60 by auction or under Chapter 30B when the tax title custodian transfer the property to another municipal agency. We have described below the options for disposition of property by a municipality. The chart summarizes these options.

	Auction	Negotiated Sale	RFP
Who	Tax Title Custodian	Municipal Agency (CD, Planning)	Municipal Agency; Community Development Agency
Circumstances	When the property is acquired in tax foreclosure under MGL c.60	When the value of the property is <i>below</i> \$25,000 and the municipality is disposing of it through another agency under Chapter 30B	When the value of the property is <i>above</i> \$25,000 and the municipality is disposing of the property under Chapter 30B
How	The tax title custodian auctions the property to the highest bidder.	The municipality negotiates with a purchaser for the sale of the property. The sale may include requirements that the property be developed within a time frame and for what uses, such as affordable housing.	The RFP must describe the property, the reuse, and the evaluation criteria and submission requirements. It must be advertised and published in the Central Register.

Disposition Process

The town may appoint a Tax Title Custodian who is responsible for property in tax possession. (MGL c.60, s77B). Frequently this is the Treasurer. Chapter 30B of the General Laws, which governs procurement and disposition of property, does not apply to land acquired by eminent domain or by tax taking. Property in tax possession is usually sold at auction under provisions of Chapter 60. Many municipalities have recently been reluctant to use the auction process for fear that it gives them less control over the outcomes. In those cases, the municipality may designate another community agency, frequently the Planning or Community Development Department, to dispose of the property through a negotiated sale or a Request for Proposal (RFP). These options have allowed more targeted disposition in coordination with community development efforts. Chapter 30B governs sale of property other than by auction. The Inspector General's Office (IG) oversees the administration of Chapter 30B.

Policy Issues in Disposition

While one of the Treasurer's objectives is to maximize the dollar amount raised in sales of property in tax possession, a community stabilization perspective dictates a less narrow view of the definition of "return" to the community. The disposition process is critically important to the stabilization of the community that is digging out from tax delinquencies.

- The process and timing of taking tax title property and the political will to accomplish this strongly depend on a consensus about the ultimate use of the property. This is particularly true for property that has shaky market value. Frequently, municipal officials are wary of being landlords of occupied, hazardous or other unmarketable property unless there is a disposition strategy in place.
- Properties that go to auction without restriction, as to buyer or use, may be recycled into another round of disinvestment and abandonment. This is particularly true for properties with low market value. Restricting buyers to those who have no tax delinquencies, as now required by law, may help some, but that requirement can be avoided by using a "straw" i.e.: a party that has a disguised interest in collusion with the previous owner.

In distressed communities, some properties may be obsolete or not economically viable or desirable in the present market. Perhaps this is because the housing type or zoning no longer meets the needs of the

community. Without planning for the end use and thinking about ways to use the property that are appropriate for the market today, the municipality may be setting itself up for the same cycle of abandonment to recur.

Chapter 30B

Chapter 30B of the General Laws is the Commonwealth's "Uniform Procurement Act". Among other things, Chapter 30B establishes procedures for disposing of real property. These procedures and regulations govern the disposition processes of municipalities that opt not to auction tax title property. The city or town, by a vote of the proper body, may transfer property within the municipality. Chapter 30B governs dispositions by other agencies within the municipality. The Request for Proposals (RFP) process is used when disposing of property valued at over \$25,000 under this statute. Properties with a value under \$25,000 may be sold by negotiated sale. Prior to 1995, any property with a value of \$500 or over was subject to Chapter 30B provisions. Certain real property transactions entered into by urban renewal agencies and economic development agencies are exempt from Chapter 30B provisions.⁹

Obstacles to Quick Disposition

Many communities successfully craft RFPs that meet their community development objectives, are fair and equitable and comply with Chapter 30B. This can be accomplished in a timely way. Others communities find that the chief obstacle to quick disposition is the lack of consensus about the use of the property. This has paralyzed many communities. Fearful of offending political constituencies by an unpopular disposition, often disposition agents let the property languish, offending almost everyone. Some communities have unwieldy and unresponsive bureaucracies to administer the disposition of property. It is difficult to obtain information and help.

⁹Section 1 (b) 25 of Chapter 30B.

Carver Redevelopment Authority
PROJECT TRACKING

Project Status CLOSED as of 2016

RDA 3/21/2018 voted to recind loan agreement in amt of \$12K for Walkabout Construction

2015 - 2016 169 Plymouth Street Town Water Hookup/Connection

COMMITMENT 12,000.00

Name	Address	Date		Maturity Date	Loan		Legal Fee/ Admin Fee	Total Loan Amount	TOTAL INVESTMENT
		Promissory Signed			Amount				
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

Carver Redevelopment Authority
PROJECT TRACKING

Project Status ACTIVE as of 2019
2015 - 2019 Route 44 N. Carver Urban Development

Address		Name	Project	
North of RT 44 & West of RT 58 Contract for services \$33K		George McLaughlin & Bob DelHome	9/29/2015	\$40,000.00 rt 44 development, llc
		Maureen Hayes	2/2/2016	(\$6,675.00) rt 44 n carver urban renewal plan
		Maureen Hayes	4/7/2016	(\$4,650.00)
		Maureen Hayes	5/24/2016	(\$1,800.00)
		Rte 44 Development LLC	5/24/2016	\$10,000.00 rt 44 economic site plan
Contract for services Marion MA		FXM Associates	8/26/2016	(\$8,000.00) FXM economic study
		Maureen Hayes	12/30/2016	(\$12,975.00)
		Relocation Stratg	2/1/2017	(\$2,250.00)
		Maureen Hayes	2/7/2017	(\$7,125.00)
		Maureen Hayes	7/26/2017	(\$2,925.00)
		Comphnsive Envron	7/24/2018	(\$600.00)
Rt 44 N. Carver Urban Development Payout as of 12/2018				\$3,000.00
add in interest as of 2/2015				\$3.08
as of 2/2016				\$9.51
as of 2/2017				\$1.50
as of 12/2018				\$1.00
Balance as of 12/2018				\$3,015.09

Carver Redevelopment Authority
PROJECT TRACKING

Project Status ACTIVE as of 2019

2015 - 2019 0 North Main Street Map 49 Parcel 61

Address	Name			Project
94 Forest Street	Morse Engineering	10/28/2015	\$2,100.00	engineering & survey plan
	Kathleen O'Donnell	7/13/2015	\$0.00	legal fees
Century 21	Brenda Titus	6/30/2016		on market \$210K
				off market fall 2017
				offer late 2017 \$170K
				on market \$200K Jan 2018
				for 6mos (7/10/2018) - todote no offer
TOTAL			\$2,100.00	

Carver Redevelopment Authority
PROJECT TRACKING

Project Status ACTIVE as of 2019

2015 - 2019 (2013 - Municipal Site Review: Fire, Police, School)

	Paid	Date	Reimbursement	\$9,700.00
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Town Reimburse -

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 \$\$
TA -amt request on 4-2019
twn mtg

Project Status ACTIVE as of 2019

2015 - 2019 Carver Master Plan (SRPEDD end date December 2016)

COMMITMENT \$11,000.00

Carver Business (BDC)	Paid	Date	
RDA pd SRPEDD	\$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 \$\$
TA -amt request on 4-2019
twn mtg

Total due to RDA \$4,000.00

Carver Redevelopment Authority
PROJECT TRACKING

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

Carver Redevelopment Authority
PROJECT TRACKING

Project Status ONGOING until 2024

2014 - Waterview Village Gas Conversion Loans

COMMITMENT

4,000.00

Balboni Companies owners of the park (64 units) ...130-2 Camelot Dr. Ply, 508-746-6243, mgr Kathy Maguire

- * Balboni Companies has right of 1st refusal
- * Balboni Companies updates 5yr lease annually w/owner
- * RDA lien held by Owner & RDA Attorney ...UCC filing => liens
- * Mtg w/mgr on 3/27/19 to update ... mgr has put note in each owners file who has o/s liens/amts
- * Homeowners hold "Certificate of Origin" not a title

Date

Name

Address

Promissory
Signed

Maturity Date

Contractor
Fee

Legal Fee

Total Loan
Amount

Total
Repayment

Coulstring, Nannette	4 Jill Marie Drive	1/13/2014	1/13/2024	\$520.00	\$270.00	\$790.00	
Mouthrop, Jacqueline	43 Jill Marie Drive	1/24/2014	1/24/2024	\$800.00	\$270.00	\$1,070.00	
Mouthrop, Jacqueline repayment 5/24/2016 sold the home	43 Jill Marie Drive		5/24/2016				\$1,091.40
Pratt, James & Carol	11 Jill Marie Drive	1/13/2014	1/13/2024	\$800.00	\$270.00	\$1,070.00	
Pratt, James(died) & Carol sold thru reators in 6/2018 ...info given to our lawyer	11 Jill Marie Drive						
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

Carver Redevelopment Authority
PROJECT TRACKING

2013 - Municipal Site Review: Fire, Police, School			COMMITMENT	\$9,700.00
Paid		Date		
Collins Center Project		9/9/2013	\$4,000.00	
		7/8/2014	\$5,700.00	
Collins Center Balance to be Paid				\$0.00


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			
Address	Name		Project
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	

To Whom It May Concern:

I have compiled the accompanying financial statements of Carver Redevelopment Authority as of December 31, 2018 and 2017. Management is responsible for the preparation and fair presentation of the financial statements. My responsibility is to assist management in presenting the information in the form of financial statements.



Valerie J. Varrasso

CARVER REDEVELOPMENT AUTHORITY
Comparative Balance Sheet
For Years Ending December 31,

	<u>2018</u>	<u>2017</u>
<u>ASSETS</u>		
Cash		
Checking	529	1,679
Money Market	25,180	25,110
Carver Urban Renewal	<u>3,015</u>	<u>3,614</u>
Total Cash	28,724	30,403
Receivables		
2013 Municipal Site Review Receivable	4,700	4,700
Carver Master Plan Receivable	<u>4,000</u>	<u>4,000</u>
Total Receivables (Note 1)	8,700	8,700
Land North Carver (Note 1)	<u>210,000</u>	<u>210,000</u>
TOTAL ASSETS	<u><u>\$ 247,424</u></u>	<u><u>\$ 249,103</u></u>
<u>LIABILITIES</u>		
Due to Rte 44 Development, LLC	3,000	3,600
Conditional Contribution	<u>210,000</u>	<u>210,000</u>
TOTAL LIABILITIES (Note 2)	<u>213,000</u>	<u>213,600</u>
<u>NET WORTH</u>	34,424	35,503
TOTAL LIABILITIES AND NET WORTH	<u><u>\$ 247,424</u></u>	<u><u>\$ 249,103</u></u>

Note: See accompanying Notes to Financial Statements

CARVER REDEVELOPMENT AUTHORITY
Comparative Income Sheet
For Years Ending December 31,

	<u>2018</u>	<u>2017</u>
<u>REVENUE</u>		
Carver Master Plan Income	-	-
Carver Urban Development Income	600	12,300
Reimbursements Town of Carver	-	-
TOTAL REVENUE	<u>\$ 600</u>	<u>\$ 12,300</u>
GROSS PROFIT	600	12,300
<u>OPERATING EXPENSES</u>		
Accounting Services	325	300
Secretarial	825	525
Carver Master Plan	-	765
Route 44 N. Carver Urban Development	600	12,300
TOTAL OPERATING EXPENSES	<u>1,750</u>	<u>13,890</u>
TOTAL OPERATING PROFIT	<u>(1,150)</u>	<u>(1,590)</u>
<u>OTHER INCOME (EXPENSES)</u>		
Interest Income/Misc Income	71	28
TOTAL OTHER INCOME (EXPENSES)	<u>71</u>	<u>28</u>
NET INCOME(LOSS)	<u><u>\$ (1,079)</u></u>	<u><u>\$ (1,562)</u></u>

Note: See accompanying Notes to Financial Statements

Carver Redevelopment Authority
Cash Flow
December 31,

	<u>2018</u>	<u>2017</u>
Net Income (loss)	(1,079)	(1,562)
(Increase) decrease in Receivables	-	-
(decrease)increase in Liabilities	<u>(600)</u>	<u>(12,300)</u>
Total Change in Cash	<u>(1,679)</u>	<u>(13,862)</u>
Beginning Cash	30,403	44,265
Change in Cash	<u>(1,679)</u>	<u>(13,862)</u>
Ending Cash	<u>28,724</u>	<u>30,403</u>
Cash per BS	<u>\$ 28,724</u>	<u>\$ 30,403</u>

CARVER REDEVELOPMENT AUTHORITY
Notes to Financial Statements
Comparative Years Ended December 31, 2018 and 2017

GENERAL INFORMATION

The Carver Redevelopment Authority (CRA) was established by Carver Town Meeting in 2006 to provide the Town with another useful tool in increasing the Towns commercial/industrial tax base, to encourage balanced growth and work toward a better community as a whole.

The CRA opened it's own checking account on April 16, 2009 with \$500.00 in funds from the Town of Carver through the June 16, 2006 appropriation.

Note 1: Assets

During 2015 CRA inherited a parcel of land in North Carver at fair market value of \$210,000. The property went through a valuation through engineering and surveys at a cost of \$2,100. As of December 31, 2018 and 2017 the land was taken off the market due to low activity. In January of 2018 for six months land was on market for \$200,000 but no offer was received. At year end December 31, 2018 and 2017, the property incurred expenses of \$0 and \$0, respectively. The land is held at the original fair market value of \$210,000 and as a Conditional Contribution until the land is sold. After the sale, the proceeds will be turned over to the Town of Carver and the asset will be adjusted on the books.

During 2015 CRA was awarded reimbursement commitment of \$9,700 for work completed on the 2013 Municipal Site Review: Fire, Police, School. In September of 2015 \$5,000 of this reimbursement was received. At year end December 31, 2018 and 2017 outstanding funds due were \$4,700 and \$4,700 respectively. Balance is due from the Town of Carver in fiscal year 2019.

	<u>2018</u>	<u>2017</u>
2013 Municipal Site Review Receivable	4,700	4,700
Master Plan Carver Business (Note 2)	4,000	4,000
TOTAL RECEIVABLE	<u>\$ 8,700</u>	<u>\$ 8,700</u>

Note 2: Liabilities

The CRA maintains a \$30,000.00 line of credit from Rockland Trust to meet cash flow needs. For the years ended December 31, 2018 and 2017 the outstanding balance was \$0 and \$0, respectively.

September 2015, The CRA received \$40,000 in reserve funds for the Route 44 N Carver Urban Redevelopment. May 2015, the CRA received an additional \$10,000 in reserve funds for the Route 44 N Carver Urban Redevelopment. The funds are held in a separate bank account and beginning balance at January 1, 2017 was \$15,900 because the 2016 expenditures incurred to that point were \$34,100 as previously reported. For the years ended December 31, 2018 and 2017 expenses incurred were \$600 and \$12,300. For the years ended December 31, 2018 and 2017 the outstanding balance in the account was \$3,000 and \$13,600, respectively. Upon completion of the plan, the remaining funds will be returned to Route 44 Development, LLC.

August 2015, The CRA received \$3,000 in reserve funds for the Carver Master Plan update. This is part of the Southeastern Regional Planning and Economic Development District (SRPEDD) to manage community growth. For the years ended December 31, 2018 and 2017 incurred expenses of \$0 and \$765, respectively. For the years ended December 31, 2018 and 2017 the outstanding fund balance was (\$4,000) and (\$4,000), respectively. Balance of \$4,000 due from Town of Carver in fiscal year 2019.

	<u>2018</u>	<u>2017</u>
Due to Rte 44 Development, LLC	3,000	3,600
Master Plan Carver Business (Note 1)	-	-
TOTAL LIABILITIES	<u>\$ 3,000</u>	<u>\$ 3,600</u>

Valerie Varrasso

8 Lillian Way

Carver, MA 02330

508-728-8422

vjdonovan@comcast.net

Invoice

Date	Invoice #
4/2/2019	96

Bill To

Carver Redevelopment

Johanna Leighton

108 Main Street

Carver, MA 02330

Quantity	Description	Rate	Amount
1	Preparation of 2018 -2017 Comparative Financial Statements	325.00	325.00
THANK YOU FOR YOUR BUSINESS			
Total			\$325.00