

## Special Town Meeting Minutes 6/24/03

Pursuant to the foregoing warrant, a Special Town Meeting was called on June 24, 2003, 7:00 p.m. at Becket Town Hall, 557 Main Street, Becket. There being a quorum present, the meeting was called to order at 7:04 p.m. by the Moderator. A total of 55 voters were present.

Present: Bruce Garlow, Moderator; William Cavanaugh, John Murray and L. Douglas Walter, Selectmen; Jeanne Pryor, Town Clerk; Richard Furlong, Town Administrator.

The Moderator opened the meeting stating the rules to be followed. He asked for a showing of hands of non-registered voters and welcomed them, indicating that they could participate but not vote. Town Clerk, Jeanne Pryor, read the call of the meeting and officer's return of service and the Moderator noted the warrant as having been duly posted. The following articles were voted on:

**Article 1:** To see if the Town will vote to appropriate and transfer from the Stabilization Account the sum of \$29,000 for the purpose of paying an agreed upon settlement sum to a landowner whose property was erroneously taken by the Town for non-payment of taxes and subsequently sold to a third party purchaser for a value; and, furthermore, to authorize the Town, acting by and through its Board of Selectmen, to accept a deed or deeds conveying title to the real property located on Silver Leaf Drive, identified on Becket Assessor's Map 213 as Lots 110 and 111, and to convey title to all, or a portion, of said parcels for the purpose of effecting the settlement and resolving all title issues and claims relative to said parcels, or take any other action relative thereto.

**Selectmen: Recommend                      2/3 Vote Required**

**Finance Committee: Recommend**

**Article 1** was moved by Robert Melle and seconded by Barbara Thomas. Discussion followed. Barbara Lacascia asked what was the price that the Town received from the sale of the property. Mr. Webb stated that \$2,170 was received for one of the two lots. Mr. Furlong noted that the other lot was never taken. Mr. Falcone, although in favor of Mr. Webb being made whole in this situation, feels that we are entitled to an explanation as to how we arrived in this position, what would happen if we reject this motion, is there some liability coverage on the part of the town for any losses incurred, is there title insurance? Mr. Cavanaugh noted that this happened 20 years ago when there was a mixed up in the numbers and it is not known who made the error but the error was not recognized until the lots started to be transferred. To make this right, the Town will take a loss. If we do not make this settlement, then the Town could be sued for large amounts of money. Preston Webb said that, when this occurred, Richard Furlong called him and they spoke with Assessor Sue Donnelly who explained the situation. Mr. Webb called his attorney and also called Sally Bell, the town attorney, and Ms. Bell told him that the Town is responsible for guaranteeing title on the property. If it isn't resolved then he and the other owner could sue. He indicated that the other landowner is being cooperative and the matter is being settled out of court. Madeleine Swindlehurst noted that if there are so many steps involved in tax taking perhaps we can more closely monitor this process in the future so that this doesn't happen again. Mr. Furlong explained that this piece of property went through state Land Court and was given to the Town for back taxes. The land court supposedly hires attorneys to do title research and they never picked up this error. He noted that the mistake was only found when the other owner came in with their deed. For the Town's last sealed bid sale, Sally Bell checked every piece of property and some were taken off the sale list because we couldn't determine how a previous owner obtained the property. Ann Spadafora agreed that the Town really has no other option and if we reject this it could take years to settle this matter causing Mr. Webb to be unable to sell his property. Joe Lacascia asked, if we agree to this settlement, is the Town going to try to recoup it's losses by going back 20 years and see who was at fault? Selectman Murray suggested that we could try and Selectman Cavanaugh noted that there would expenses involved in that process. Discussion followed on what insurance policy was in effect at the time. Mr. Furlong noted that there was an insurance policy and it is possible to check on that. He explained that, before moving to the current Town Hall in 1992, they worked out of the old fire station, some town records were kept in peoples' houses and some old records were not returned to the town. This may cause a problem finding some records from that timeframe. Mr. Furlong indicated it was unclear who to contact about the title insurance from 1971. In response to a question, Mr. Furlong indicated that at one time the town identified lots by the developer's block/lot numbers and then they switched over when they went on the computer system originally to what the town now uses which are our lot and map numbers even though we carry the old developer's numbers on the maps. In this case, one of the lots was block 7 lot 9 and the other was block 9 lot 7 so it appears that a transcription error was made. In response to a question, Mr. Furlong indicated that it was the attorney's advice that we correct this matter by passing this article and the price was negotiated with the town attorney and the other owner. After further discussion, it was suggested that the town attorney be asked to provide a written opinion that might be needed in the future. Rich Cromwell noted that there were two lots and asked what happened to the other lot. Mr. Furlong indicated that it is a legal building lot that the Town will probably put up for sale. The other lot belongs to Sherwood Greens Development Corp. Following discussion, a vote was taken.

**Article 1 passed unanimously.**

**Article 2:** To see if the Town will vote to appropriate the following sums to the following accounts:

Transfer Station	\$ 9,000.00
Advertising	1,000.00
Municipal Utilities	4,000.00
Postage	<u>1,994.00</u>

**Total \$15,994.00**

and to fund these appropriations by transferring \$15,994.00 from Free Cash.

**Selectmen: Recommend**

**Majority Vote Required**

**Finance Committee: Recommend**

**Article 2** was moved by Robert Melle and seconded on the floor. There was no discussion. **Article 2 passed unanimously.**

**Article 3:** To see if the Town will vote to accept as a gift the following parcel of land:

A. Map 216, lot 354 (0.27 acre), located on King Richard Drive from the owner Gail Rybiski. Recorded at the Berkshire Middle District Registry of Deeds in Book 936, Page 127.

**Selectmen: Recommend**

**Majority Vote Required**

**Finance Committee: Recommend**

**Article 3** was moved by Robert Melle and seconded on the floor.

Richard Furlong made a motion to amend article 3 by adding another parcel as follows:

B. Map 416, lot 29.2 (2.75 acres), located on Bonny Rigg Hill Road by the owners William Hersh and Leo Sagen. Recorded at the Berkshire Middle District Registry of Deeds in Book 1314, Page 891.

The amendment to the article was seconded on the floor. In response to a question, it was indicated that the parcel to be added was not in Indian Lakes. A vote was taken on the amendment to the article and it passed. There was no discussion on the amended article 3.

**The amended Article 3 passed.**

**Article 4:** To see if the Town will vote to declare the following town owned properties as surplus and direct the Board of Selectmen to sell these parcels at a sealed bid sale at their discretion:

A. Map 216, lot 354 (0.27 acre), located on King Richard Drive. Recorded at the Berkshire Middle District Registry of Deeds in Book 936, Page 127.

**Selectmen: Recommend**

**Majority Vote Required**

**Finance Committee: Recommend**

**Article 4** was moved by Robert Melle and seconded on the floor.

Richard Furlong made a motion to amend article 4 by adding another parcel as follows:

B. Map 416, lot 29.2 (2.75 acres), located on Bonny Rigg Hill Road. Recorded at the Berkshire Middle District Registry of Deeds in Book 1314, Page 891.

The amendment to the article was seconded on the floor. Following brief discussion on the amended article 4, a vote was taken and the amendment to the article passed.

**The amended Article 4 passed unanimously.**

The Moderator reminded those present that there will be a Special Town Election on June 28, 2003, from 12:00-7:00 p.m. A motion to adjourn was moved and seconded on the floor. The meeting adjourned at 7:25 p.m. The Poll Workers were Gale LaBelle and Jonathan Melle.

Respectfully submitted,

Jeanne W. Pryor

Town Clerk