

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



4-27-10

Selectmen's Meeting
66 Westford Rd., Ayer, MA 01432

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA
Tuesday, April 27, 2010

Meeting Date: 4-27-10

Present:

Gary J. Luca, Interim Chairman (Mr. Luca)	X	Carolyn McCreary, Member (Ms. McCreary)	X
Richard D. Gilles, Vice-Chairman (Mr. Gilles)	X	Frank F. Maxant, Member- (Mr. Maxant)	X
James M. Fay, Clerk (Mr. Fay)	X	Jeff Ritter, Town Administrator (Mr. Ritter)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Open 1:00p.m. The Board called the meeting to order.

Selectman Luca moved the 1st order of business be the selecting an Interim Chairman until the Board of Selectmen's reorganization on 5-4-10. Selectman Fay moved the Board designate Selectman Luca as Interim Chairman until the Board's formal reorganization on 5-4-10, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Selectman Fay moved the Board vote to approve the Agenda as presented, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Chairman Luca opened the meeting re Foreclosure of property at 66 Westford Rd., Ayer, MA. Selectman Fay, moved the Board enter into Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #6, 2nd by Selectman Maxant for discussion. This met with questions from citizens/reporter challenging posting re meeting, publicized as Open Session. Selectman Maxant expressing concerns re Exemption #6 reading exemption into record (see attached) drawing attention to language "if such discussions may have a detrimental effect on the negotiating position of the governmental body". Selectman Maxant urging meeting be held in Open Session. Town Administrator stated his assurance re Board's ability to enter into Executive Session re protecting individuals personal information disclosure, as well as having spoken with individual prior to today's meeting and of his desire to meet in Executive Session, adding that the Board may also request Mr. McNiff to leave the room while the Board is deliberating. Chairman Luca called for a vote: Selectman Fay aye, Selectman McCreary aye, Selectman Gilles aye, Chairman Luca aye, Selectman Maxant no, 4-1 motion passes. Interim Chairman Luca took this opportunity to congratulate the newly elected officials participating in today's session and also expressing the Board's sincere appreciation of gratitude to the retiring officials present.

1:15p.m. Executive Session opened.

Present for discussion: Retiring Town Treasurer Denis Callahan, newly elected Town Treasurer Stephanie Gintner, Retiring Town Clerk/Collector Ann Callahan, newly elected Town Clerk/Collector John Canney. The Board requested Denis Callahan to give the Board background re Foreclosure of property. Mr. Callahan advised to tax taking date of record being 8-10-08 and foreclosure decree against Ralph McNiff covering the

property at 66 Westford Rd. on March 29, 2010. Mr. Callahan advising to taxes owed to the Town of Ayer as of 4-21-10 in tax title \$20,092.55 plus Fy -2009 in the amount of \$4,351.07 and in Fy-2010 in the amount of \$3,627.55 for a total amount of \$28,071.17 plus \$9.47 per day until amount paid in full. Chairman Luca requesting to hear from Mr. McNiff. Mr. McNiff advising to not being aware to Land court working so fast trying to get money up by refinancing- to buy back property prepared to pay tax bills in sixty (60) days. Mr. McNiff explaining recent health issues/hospitalization impacting progress. The Board addressed liability issue with Mr. McNiff allowing him to stay on property while taxes are being paid. Mr. Ritter, Town Administrator advising to coverage of property under town's blanket policy but advising to personal property, house, and animals not covered. Mr. McNiff advising to his home owner's policy in effect, clean up of his property started.

The Board requested Mr. McNiff leave the room while the Board deliberated.

Selectman Fay offering the Board enter into a Seventy-Five day (75) written Agreement with Mr. McNiff to settle his back taxes in the amount of \$30K. Ms. Gintner requesting how Mr. McNiff can refinance his property if he doesn't own it and advised to livestock valued over \$30K. Selectman Gilles expressing his concerns re liability issues i.e. property clean-up, cattle. Town Administrator suggesting placing a rider on the policy and urging the Board shorten time frame re obtaining the money suggesting two (2) weeks or as soon as possible due to town's exposure. The Board reviewed past practice of Mr. McNiff re payment of taxes with Mr. Callahan and advised to Mr. McNiff going into tax title in 1996 and making payment up until the last two (2) years. Which is why he and his predecessor allowed Mr. McNiff to stay in title so long before going into foreclosure. Selectman Fay moved the Board enter into a written agreement with Mr. McNiff for payment of taxes in arrear of \$30K owed to the Town of Ayer payable not later than June 30, 2010 (60 days) or the Town will proceed with eviction, 2nd by Selectman McCreary, VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Gilles aye, Chairman Luca aye, Selectman Maxant aye, Unanimous, so moved. Town Administrator to draft Agreement for the Board's review. The Board called Mr. McNiff back into the room. Chairman Luca advised Mr. McNiff to the Board's decision advising Mr. McNiff to his having sixty (60) days to come up with \$28,700.17 plus \$9.47/per diem or the Board to begin eviction proceeding on 7/1/10. Mr. McNiff agreeing to decision having no problem with Board's decision, and advised by Board it being his responsibility re liability issues, should problems come up Mr. McNiff to be in immediate contact with Mr. Ritter.

1:45p.m. Selectman Gilles moved the Board adjourn from Executive Session to recess until 2:00p.m, to enter into another Open Session re Johnson Controls with the Energy Committee, 2nd by Selectman Fay, VOTE: Selectman Gilles aye, Selectman Fay aye, Selectman Gilles aye, Selectman Maxant aye, Chairman Luca aye, Vote unanimous, so moved.

1:45p.m. Executive Session ended.

DATE: _____

James M. Fay, Clerk
AYER BOARD OF SELECTMEN

COPPOLA AND COPPOLA
ATTORNEYS AND COUNSELLORS-AT-LAW
40 SOUTH STREET, MARBLEHEAD, MA 01945

JAMES E. COPPOLA
JAMES E. COPPOLA, JR.

JUDITH O. TRUFANT
ELAINE A. BYRNE

781/639-0140
FAX 781/639-4416

April 26, 2010

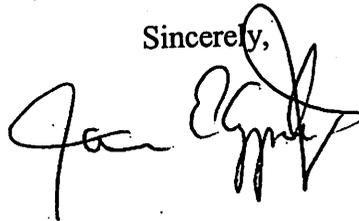
Mr. Denis J. Callahan
Town Treasurer
P.O. Box 294
One Main Street
Ayer, MA 01432

Dear Mr. Callahan:

Enclosed herewith please find a foreclosure decree in the Town's tax lien foreclosure case No. 139214 against Ralph Andrew McNiff, covering the property at 66 Westford Road, Map 7, Parcel 8.

The decree was recorded on March 29, 2010 in Book 54461, Page 278.

Sincerely,



JEC,Jr.:jsc
Enclosure

[SEAL]

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

LAND COURT
FILED

Case No.: 09 TL 139214



JUDGMENT IN TAX LIEN CASE

Bk: 54461 Pg: 278 Doc: JUD
Page: 1 of 1 03/29/2010 11:38 AM

Town of Ayer ✓

vs.

Ralph Andrew McNiff ✓

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the Town of Ayer in Middlesex County and said Commonwealth:

Certificate of

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Title No.</u>
Recorded	08/10/2008	51648	311		

By the Court: Deborah J. Patterson

Attest:

Deborah J. Patterson
Recorder

Entered: February 16, 2010

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

*Return to
The Land Court
226 Causeway St 2nd Fl
Boston, MA 02114*

Return to: Coppola and Coppola, 40 South St.,
Woburn, MA 01945

To Jeff Ketter 4/21/10

Ralph McNiff - Taxes Owed As Of 4/21/2010	
Tax Title	\$ 20,092.55
FY 2009	\$ 4,351.07
FY 2010	\$ 3,627.55
	\$ 28,071.17
Per Diem	9.47