

Blythe Robinson

From: Gregg J. Corbo <GCorbo@k-plaw.com>
Sent: Thursday, September 08, 2016 12:58 PM
To: Blythe Robinson
Cc: Lauren F. Goldberg
Subject: RE: Property liens - process

Dear Blythe:

The steps for recovery of amounts spent by the Town in enforcing the Board of Health's nuisance orders is recoverable in accordance with the procedure set forth in G.L. c. 139, s. 3A, and is as follows:

1. The first step is for the Board of Selectmen to render an account to the property owner. In this regard, I recommend that the Board issue a bill and require payment by a date certain. The statute does not specify how much time you need to give, so I recommend that you give a reasonable amount of time in light of the amount owed.
2. If the bill is not paid when due, within ninety (90) days after the debt becomes due, the Board of Selectmen may sign a Statement of Claim setting forth the amount owed, without interest, and record it at the Registry of Deeds.
3. The lien takes effect when the Statement of Claim is recorded and continues in effect for two years from the first day of October next following the date of filing.
4. If the lien is not paid by the time the Assessors prepare the real estate tax list, the Board of Selectmen shall certify the debt to the assessors, who shall add it to the tax bill for the property.
5. Once the lien is added to the tax bill, it may be collected in the same manner that property taxes are collected.

Here is a link to the statute: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter139/Section3A>.

Please do not hesitate to contact me if you have any further questions in this regard.

Very truly yours,

Gregg J. Corbo

Kopelman and Paige is now **KP | LAW**

Gregg J. Corbo, Esq.
KP | LAW
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This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any



TOWN OF UPTON, MASSACHUSETTS

BOARD OF SELECTMEN

September 21, 2016

Ms. Sheila Black
2 Parkhurst Street
Milford, MA 01757

RE: Invoice for Condemnation Expenses – 60 School Street

Dear Ms. Black,

Beginning on August 3, 2016 various departments of the Town responded to your property to address conditions that required the Board of Health to take action to condemn this property. That required the Town to have your property emptied of its contents, the house and yard sprayed for the flea infestation, services by Animal Control and the Fire Department to safely remove cats in the home, board up the property to protect it from anyone who sought unlawful entry, and legal expenses to manage the process through the court system.

At this point the Town has incurred **\$27,844.12** for the above costs, which are further detailed on the attached spreadsheet. Therefore, please consider this letter an invoice from the Town to recoup these costs borne by its taxpayers. The full amount is due and payable with 35 days of the date of this letter. If the invoice is not paid in this timeframe, the Town will seek relief by filing a claim with the Worcester County Registry of Deeds, among other things.

Should you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Blythe C. Robinson
Town Manager

Cc: Board of Selectmen
Board of Health

Enclosure

BOARD OF SELECTMEN
James A. Brochu, Chairman
Robert J. Fleming
Gary Daugherty

TOWN MANAGER
Blythe C. Robinson
One Main Street • Suite 1 • Upton, MA 01568
T: 508.529.6901 • F: 508.529.1010



TOWN OF UPTON, MASSACHUSETTS

BOARD OF SELECTMEN

September 21, 2016

Ms. Maureen Guido
51 Neck Hill Rd
Mendon, MA 01756

RE: Invoice for Condemnation Expenses – 60 School Street

Dear Ms. Guido,

Beginning on August 3, 2016 various departments of the Town responded to your property to address conditions that required the Board of Health to take action to condemn this property. That required the Town to have your property emptied of its contents, the house and yard sprayed for the flea infestation, services by Animal Control and the Fire Department to safely remove cats in the home, board up the property to protect it from anyone who sought unlawful entry, and legal expenses to manage the process through the court system.

At this point the Town has incurred **\$27,844.12** for the above costs, which are further detailed on the attached spreadsheet. Therefore, please consider this letter an invoice from the Town to recoup these costs borne by its taxpayers. The full amount is due and payable with 35 days of the date of this letter. If the invoice is not paid in this timeframe, the Town will seek relief by filing a claim with the Worcester County Registry of Deeds, among other things.

Should you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Blythe C. Robinson
Town Manager

Cc: Board of Selectmen
Board of Health

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60 School Street Condemnation Expenses

<u>Item</u>	<u>Date(s)</u>	<u>Provider</u>	<u>Cost</u>	<u>Funding Source</u>	<u>Explanation</u>	<u>Acct to Transfer</u>
<i>Contracted Services</i>						
House Cleanout	August 10 - 12, 2016	24 Trauma	\$ 12,500.00	Risteen B Fund	Remove all contents & dispose	Not Applicable
Flea Spray of Yard	August 4, 2016	Westborough Pest Control	1,200.00	Reserve Fund	Treat property with flea control	BOH Expense
Flea spray of House Interior	8/14, 8/16, 8/18	Westborough Pest Control	900.00	Reserve Fund		BOH Expense
Board Up House Exterior	September 1, 2016	Maximum Emerg. Services	2,575.00	Reserve Fund	Waiting for Written Estimate	BOH Expense
Pest Control - Abutting Properties	To Be Determined	Westborough Pest Control	300.00	Reserve Fund	Est. of \$300/house x 4 houses	BOH Expense
Legal Fees		Kopelman & Paige	4,690.00	Town Counsel Exp.	Prepare motions, court, etc.	Not Applicable
<i>Town Expenses</i>						
Animal Control Officer	August 3 - 12, 2016	Michael Moran	1,738.50	Reserve Fund	36 hrs @ 19.00 + 37 hrs + 28.50	ACO Wages
	August 13 - 19, 2016	Michael Moran	190.00	Reserve Fund	10 hrs @ 19.00/hr	ACO Wages
Fire Dept - Add'l Staff	Aug. 3 - 12, 2016		1,515.30	Reserve Fund	Fire Overtime & P/T Staff	Fire Dept. Wages
Fire Dept - other supplies			2,235.32	Reserve Fund	Suits, boots, materials, etc.	Fire Dept. Expense
		Total	\$ 27,844.12			
		Less Risteen & Legal Fees	\$ 17,190.00			
		Reserve Fund Request	\$ 10,654.12			9/14/2016



TOWN OF UPTON, MASSACHUSETTS

BOARD OF SELECTMEN

September 21, 2016

Ms. Tara Mezei
c/o Karen Goranson
50 Scott Hill Boulevard
Bellingham, MA 02019

RE: Invoice for Condemnation Expenses – 92 Hopkinton Road

Dear Ms. Mezei,

Beginning in October, 2015 various departments of the Town responded to your property to address conditions that required the Board of Health to take action to condemn this property. That required the Town to relocate your tenant and her belongings, board up the property to protect it from anyone who sought unlawful entry, and legal expenses to manage the process through the court system.

At this point the Town has incurred **\$15,528.78** for the above costs, which are further detailed on the attached spreadsheet. Therefore, please consider this letter an invoice from the Town to recoup these costs borne by its taxpayers. The full amount is due and payable with 35 days of the date of this letter. If the invoice is not paid in this timeframe, the Town will seek relief by filing a claim with the Worcester County Registry of Deeds, among other things.

Should you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Blythe C. Robinson
Town Manager

Cc: Board of Selectmen
Board of Health

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92 Hopkinton Road Condemnation Expenses

<u>Item</u>	<u>Date(s)</u>	<u>Provider</u>	<u>Cost</u>	<u>Funding Source</u>	<u>Explanation</u>
<u>Contracted Services</u>					
Board Up House Exterior	11/6/15 & 12/1/15	Maximum Emerg. Service	\$ 6,404.88	Reserve Fund	Board up house, drain pipes
Legal Fees	April '15 - July '16	Kopelman & Paige	6,936.00	Town Counsel Exp.	Prepare motions, attend court, etc.
Tenant Temporary Housing	Dec. 1 - 15, 2015	Red Roof Inn, Milford	1,187.90	Risteen Fund	Court order to provide tenant housing
Relocation of Tenant 's Property	March 28, 2016	Gozzo Moving & Storage	<u>1,000.00</u>	Risteen Fund	Relocate Tenatn Possessions
		Total	\$ 15,528.78		
					9/12/2016