

TOWN OF MILFORD  
Milford, Massachusetts  
**NOTICE OF MEETING**

RECEIVED  
MILFORD TOWN CLERK  
2019 NOV 14 PM 4:06

Board or Commission \_\_\_\_\_ Milford Board of Selectmen  
Date and Time of Meeting \_\_\_November 18, 2019 7:00 PM  
Place of Meeting \_\_\_Room 03, 52 Main Street

- A.) SIGNING OF WARRANT, APPROVAL OF Minutes, November 4, 2019  
Executive Session Minutes,**
- B.) INVITATION TO SPEAK**
- C.) PUBLIC HEARINGS\***
  - 1. 7:00 PM Board of Assessors, re: Tax Classification Hearing
  - 2. 7:30 PM Hearing Contracting Yard, LLC Pursuant to Chapter 139, Sec 1
- D.) SCHEDULED APPOINTMENTS**
  - 1. 7:40 PM Encuentro Latino Restaurant, Inc. re: Common Victualler License- Transfer
- E.) TOWN ADMINISTRATOR'S REPORT**
- F.) OLD BUSINESS**
  - 1. TIF Working Group, re: Update- Rentschler Biopharma, Inc.  
- Interactions, LLC
- G.) NEW BUSINESS**
  - 1. 99 West, LLC D/B/A 99 Restaurant & Pub, re: Change of Officer/ Change of Beneficial Interest
  - 2. Milford Youth Center, re: Acceptance of Gift from ANP Bellingham
- H.) CORRESPONDENCE**
- I.) EXECUTIVE SESSION**

The listing of matters above are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Signature RL Gvillani Dated 11/14/19



# TOWN OF MILFORD BOARD OF ASSESSORS

JENNIFER M. SCLAR, MAA  
ASSESSOR/ADMINISTRATOR

52 MAIN STREET  
MILFORD, MA 01757  
508-634-2306 • FAX 508-634-2324

JOSEPH F. NIRO  
CHAIRMAN


JOSEPH F. ARCUDI

JOSHUA M. LIOCE

[ASSESSORS@TOWNOFMILFORD.COM](mailto:ASSESSORS@TOWNOFMILFORD.COM)  
[WWW.MILFORDMA.GOV](http://WWW.MILFORDMA.GOV)

November 13, 2019

To: Board of Selectmen

From: Jennifer Sclar, Assessor/Administrator 

Re: Small Commercial Exemption

At the November 18, 2019 classification hearing, your Board has the option of exempting up to 10% of the value of commercial parcels occupied on January 1, 2019 by qualifying small businesses. If adopted, their tax burden is shifted to the remainder of the commercial and industrial taxpayers but not personal property.

In order for a property to qualify:

1. The class 3 commercial real estate must have a valuation of less than \$1,000,000. Mixed use properties would only receive the exemption on the commercial portion of their value.
2. A qualifying business must have an average annual employment of no more than ten people. The Massachusetts Department of Unemployment Assistance identifies these businesses.
3. If a parcel has multiple tenants, all occupants must be a qualifying business.

The 2018 list has 515 employers. 109 of these are class 3 or mixed use and under one million in value. The list is further reduced by unqualified multi-tenant properties to approximately 90 potentially eligible.

There are 681 commercial and industrial properties, including mixed use. 591 of these properties would have a higher tax rate for the estimated 90 eligible parcels to receive this exemption.

Tax shift scenarios are attached for your review. If an exemption is adopted, the tax bill format will change, our tax billing software must be upgraded, the exemptions must be posted prior to billing and bills need to be mailed by the end of December.

Please let me know if you have any questions in advance of the hearing.

Board of Assessors  
Page 1 of 1

Average value of qualifying property	338,600		
Tax Rate without adopting exemption	\$ 29.93		
Tax	\$ 10,134.30		Ave small com
			Tax Savings
Same property with 10% exemption	304,740		\$ 970.77
Tax Rate	\$ 30.07		
Tax	\$ 9,163.53		

Same property with adopted exemption but doesn't qualify for it	338,600		
	\$ 30.07		Tax Increase
	\$ 10,181.70		\$ 47.40

Higher valued property with no exemption adopted	5,000,000		
	\$ 29.93		Tax Increase
	\$ 149,650.00		
Higher valued property with adopted exemption	5,000,000		\$ 700.00
	\$ 30.07		
	\$ 150,350.00		

Higher valued property with no exemption adopted	1,500,000		
	\$ 29.93		Tax Increase
	\$ 44,895.00		
			\$ 210.00
Higher valued property with adopted exemption	1,500,000		
	\$ 30.07		
	\$ 45,105.00		



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JOSEPH F. NIRO  
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November 13, 2019

TO: Board of Selectmen

FROM: Jennifer Sclar, Assessor/Administrator 

RE: Tax Classification Hearing – FY2020

CC: Rick Villani, Zach Taylor, Paul Abbondanza

The Board of Assessors has prepared a brief presentation for the classification hearing scheduled for November 18, 2019.

We will be discussing the certified values and how they changed from last year, new tax growth, tax rate options and their effect on the average tax bills.

Single family values increased 8.3% and condos increased 5.7%. Commercial values increased 7.3% and industrial values increased 3.5%. Multifamily properties had the most significant increases this year as follows: two families 13.1%, three families 9.9% and apartments 11.1%.

We will review the impact of offsetting the tax rate by \$2.8 million.

We will ask you to vote on a tax rate shift and whether to adopt the residential exemption, small commercial exemption and the open space discount.

The presentation will focus on data using a 1.5962 shift to commercial, industrial and personal properties. This shift results in a 3.96% increase in the average residential and commercial property classes. Additional shift options are provided in the presentation for your consideration.

Using the 1.5962 shift, the residential tax rate would decrease from \$16.54 to \$15.87 and the commercial rate would decrease from \$30.88 to \$29.93.

Please let me know if you have questions or would like any additional information prepared for the hearing.

# TOWN OF MILFORD CLASSIFICATION HEARING

## FY2020

Jennifer Sclar, MAA  
Assessor / Administrator

Board of Assessors  
Joseph F. Niro, Chairman  
Joseph F. Arcudi  
Joshua M. Lioce

# DISCUSSION

- Certification and New Growth
- Valuation Change 2019 to 2020
- Single Tax Rate Calculation
- Split Tax Rate Calculation / Impact
- Valuation by Class /Share of Levy
- Average Tax Bill 2019 to 2020
- Residential Exemption
- Small Commercial Exemption
- Open Space Discount
- Impact of using \$2.8 million to reduce tax rate
- Motions

# NEW GROWTH

New growth is any property taxable for the first time, exempt to taxable, new construction or additions, new personal property accounts, subdivided land, and condo conversions.

Noteworthy growth this year:

- 18 new sf homes
- 16 new condo units
- 7 new residential lots
- Swim school
- Milford Crossing
- Cumberland Farms
- Restaurant Depot
- 58 new PP accounts
- 10.8 million utility PP growth

2019 Taxable Value	3,437,207,108
2020 Taxable Value	3,724,816,493
+8.4%	

## Residential Growth

◦ Value	16,710,115
◦ Tax	\$276,385

## C/I/P Growth

◦ Value	24,400,983
◦ Tax	\$753,502

2019 Growth	\$1,307,098	
2020 Growth	\$1,029,887	-21.2%

# VALUATION CHANGES 2019 TO 2020

- All classes of property increased in value, multi-families most significantly.
- 2018 market conditions (sales, rents, property expenses) were used to indicate economic trends and develop assessed values for 2020.
- Values were certified by the DOR in September.

Property Type	2019 Average Value *rounded to nearest 100	2020 Average Value *rounded to nearest 100	Percent Change
Single Family	315,000	341,300	+ 8.3%
Condominiums	236,700	250,200	+ 5.7%
Two Family	281,300	318,100	+ 13.1%
Three Family	324,100	356,100	+ 9.9%
Apartments	537,800	597,800	+ 11.1%
Vacant Land	146,000	149,200	+2.2%
Commercial	858,800	921,200	+7.3%
Industrial	1,182,800	1,224,700	+ 3.5%



# SINGLE TAX RATE CALCULATION

2020 Levy Limit	\$73,699,324
2020 Levy	\$69,834,492
2019 Levy	\$67,169,907
3.97% Increase	
Excess Levy Capacity	
2020	\$3,864,832.31
2019	\$3,727,988.76

Total Town Budget	\$119,758,581.74
Less estimated receipts	\$ 49,924,090.05
Equals Tax Levy	\$ 69,834,491.69
Divided by taxable value of town	\$ 3,724,816,493
Times 1000	
Equals single tax rate	\$18.75 / 1000 of value
Average SF tax	\$6,399
Ave Com tax	\$17,272

## Options - Rate Shift and Impact on Average Assessed Value

	Prior Year 2019	2020	2020	2020	2020
<b>Shift</b>	<b>1.58</b>	<b>1.57</b>	<b>1.58</b>	<b>1.5962</b>	<b>1.60</b>
Rate	16.54	16.00	15.96	15.87	15.86
Single Family Value	315,000	341,300	341,300	341,300	341,300
Tax Bill	\$5,210	\$5,461	\$5,447	\$5,416	\$5,412
\$ Change	\$156	\$251	\$237	\$206	\$203
<b>% Change</b>	<b>3.09%</b>	<b>4.82%</b>	<b>4.55%</b>	<b>3.96%</b>	<b>3.89%</b>

<b>Shift</b>	<b>1.58</b>	<b>1.57</b>	<b>1.58</b>	<b>1.5962</b>	<b>1.60</b>
Rate	30.88	29.44	29.64	29.93	30.01
Commercial Value	858,800	921,200	921,200	921,200	921,200
Tax Bill	\$26,520	\$27,118	\$27,306	\$27,572	\$27,645
\$ Change	\$1,187	\$598	\$787	\$1,052	\$1,125
<b>% Change</b>	<b>4.68%</b>	<b>2.26%</b>	<b>2.97%</b>	<b>3.96%</b>	<b>4.26%</b>

# VALUATION BY CLASS

## SHARE OF LEVY

Property Class	Valuation	Share of Levy Without Shift	Share of Levy With 1.5962 Shift	Totals With 1.5962 Shift
Residential	2,962,252,201	79.5275%	67.3200%	67.3200%
Open Space	0	0	0	
Commercial	407,757,807	10.9471%	17.4747%	
Industrial	219,724,477	5.8989%	9.4164%	
Personal Property	135,082,008	3.6265%	5.7889%	32.6800%
Totals	3,724,816,493	100.0000%	100.0000%	

# Average Tax Bill 2019 vs. 2020

Property Type	2019 Tax Using FY19 AAV	2020 Average Value	Tax Rate With 1.5962 Shift	2020 Tax Bill	Tax Change	% Change
Single Family	\$5,210	341,300	15.87	\$5,416	\$206	3.96%
Condo	\$3,915	250,200	15.87	\$3,971	\$56	1.43%
Two Family	\$4,653	318,100	15.87	\$5,048	\$395	8.49%
Three Family	\$5,361	356,100	15.87	\$5,651	\$290	5.41%
Apartments	\$8,895	597,800	15.87	\$9,487	\$592	6.65%
Commercial	\$26,520	921,200	29.93	\$27,572	\$1,052	3.96%
Industrial	\$36,525	1,224,700	29.93	\$36,655	\$130	.356%

Boston	35%
Somerville	35%
Waltham	35%
Cambridge	30%
Chelsea	30%
Malden	30%
Everett	25%
Nantucket	25%
Provincetown	25%
Watertown	23%
Brookline	21%
Barnstable	20%
Truro	20%
Wellfleet	20%
Tisbury	18%
Somerset	10%

## RESIDENTIAL EXEMPTION

The Board of Selectmen can grant an exemption up to 20% of value on all residential properties used as the principal residence of the owner.

This exemption if adopted would increase the residential tax rate because the residential share of the levy must still be met.

This exemption would shift the residential burden from moderately valued homes to summer homes, apartments and higher valued homes.

There are only 16 communities out of 351 that adopt this exemption. Some with special legislation to exempt more than 20%. Typically they have many rentals or summer homes, to offer year round residents tax relief.

Milford has not adopted this exemption in the past.

N. Attleborough	5
Auburn	10
Avon	10
Bellingham	10
Berlin	10
Braintree	10
Chelmsford	10
Dartmouth	10
Erving	10
New Ashford	10
Seekonk	10
Somerset	10
Swampscott	10
Westford	10
Wrentham	10

## SMALL COMMERCIAL EXEMPTION

The Town may exempt up to 10 percent of the value of class three commercial parcels if the property is occupied by small businesses (having an annual employment of 10 or fewer employees) and the value of the property is less than \$1 million.

In effect, the option shifts the tax burden from parcels occupied by small businesses to those occupied by other commercial and industrial taxpayers. If a multi-tenant property, all employers must qualify.

90 properties would likely qualify for the exemption this year. 591 properties would have a higher tax rate if the 90 eligible properties receive this exemption. The CI tax rate would be \$30.07. The average commercial property not receiving the exemption would have a tax increase of \$151; industrial increase \$172.

The average valued eligible parcel (338,600) would save \$970 with the exemption.

15 out of 351 Towns have adopted this exemption.

## OPEN SPACE DISCOUNT

The levy percentages presented tonight are based on no discount to open space parcels. The Board of Assessors has not classified any property as open space to apply this discount.

If there were open space the Board of Selectmen could reduce the valuation of these parcels to not less than 75% of their full and fair cash value.

Any discount given to open space would result in a higher residential tax rate, since the discount is absorbed solely by the residential class. Only one open space discount was adopted in the state last year (Town of Bedford, 25%).

# RESULT OF \$2.8 MILLION ON TAX RATE

Both tax rates would have increased to \$16.51 and \$31.13 / 1000 of value.

Property Type	FY20 Tax Bill With Offset	Without 2.8 Million Offset Tax Would Be	Difference (Reduction in Impact to Taxpayer)
Single Family	\$5,416	\$5,635	\$219
Condo	\$3,971	\$4,131	\$160
Two Family	\$5,048	\$5,252	\$204
Three Family	\$5,651	\$5,879	\$228
Apartments	\$9,486	\$9,869	\$383
Commercial	\$27,572	\$28,677	\$1,105
Industrial	\$36,655	\$38,125	\$1,470



# MOTIONS

- Adopt residential factor
- Open Space Discount
- Acknowledgement of excess levy capacity:  
\$3,864,532.31
- Residential exemption
- Small Commercial Exemption
- Questions
- Thank You



# TOWN OF MILFORD

## LEGAL DEPARTMENT

Room 16, Town Hall, 52 Main St., Milford, Massachusetts 01757-2679  
Phone 508-634-2302 Fax 508-634-2324

CHARLES D. BODDY, JR.  
TOWN COUNSEL  
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MELISSA V. TOMAS  
PARALEGAL  
mtomas@townofmilford.com

October 25, 2019

William D. Buckley, Chairman  
Milford Board of Selectmen  
Town Hall  
52 Main Street  
Milford, MA 01757

Re: Burnt, Dilapidated, and Dangerous Building located at 72 Depot Street, Milford, MA

Dear Chairman Buckley:

Please place this matter on your Board's agenda for November 4, 2019, for a vote to send written notice of hearing to the owner of 72 Depot Street, Milford, MA, and to schedule a hearing, pursuant to Massachusetts General Law Chapter 139, Section 1, relative to 72 Depot Street, Milford, MA to consider the issuance of an order adjudging 72 Depot Street to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition by razing the fire-damaged and dilapidated structure making it safe.

Thank you for your consideration.

Very truly yours,

Charles D. Boddy, Jr.  
Town Counsel

November 5, 2019

Contracting Yard, LLC  
c/o Marshall Newman, Esq.  
Newman & Newman  
one McKinley Square  
Boston, MA 02109

**Re: Notice of Hearing Pursuant to Massachusetts General Law Chapter 139,  
Section 1  
Burnt, Dilapidated, and Dangerous Building located at 72 Depot Street,  
Milford, MA**

Dear Attorney Newman:

This Notice is sent to you pursuant to Massachusetts General Law Chapter 139, Section 1, relative to 72 Depot Street, Milford, MA. You are hereby advised that the Board of selectmen of the Town of Milford, Massachusetts will conduct a hearing on Monday, November \_\_, 2019 in the Selectmen's Chambers, 52 Main Street, Room 3, Milford, MA to consider adjudicating the premises located at 72 Depot Street, Milford, MA, a nuisance to the neighborhood, or otherwise dangerous, and prescribing its disposition by razing the fire-damaged and dilapidated structure making it safe.

At the hearing the Milford Board of Selectmen acting under the authority delegated to them by M.G.L. c. 139 will take notice of the Town's file on the premises, and will hear testimony as to whether the premises are a nuisance to the neighborhood. Prior notices to you of the dilapidated conditions, dated February 19, 2015 and August 8, 2019, are attached.

You may appear on your own behalf or with an attorney. Please note that it is important for property owners and those interested in this matter attend the hearing to present evidence and testimony. The Milford Board of Selectmen acting in their statutory capacity has the authority to order the demolition of the premises, or to abate and remove any such nuisance and recover the cost of removal as provided by statute.

Yours truly,

Richard A. Villani,  
Town Administrator



*Town of Milford*  
***Department of Inspections***

52 Main Street, Milford, MA 01757  
Tel. (508) 634-2313 Fax (508) 473-2358

Matthew Marcotte  
Building Commissioner / Zoning Officer  
E-mail: mmarcotte@townofmilford.com

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**NOTICE OF VIOLATIONS AND ORDER**  
**PURSUANT TO MILFORD GENERAL BY-LAWS**

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Date: **August 8, 2019**

**Contracting Yard LLC**  
**C/O Newman & Newman**  
**One McKinley Square**  
**Boston MA 02109**

**RE: 72 Depot St**

Dear **Property Owner**

This Notice is sent to you pursuant to the General By-Laws of the Town of Milford, Massachusetts as presently in effect adopted under the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by M.G.L., Ch. 139, §§ 1-3A. Particular General By-Laws were adopted to help protect the health, safety, and welfare of the citizens of Milford by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This bylaw will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, including lenders, trustees and service companies and the like, to properly maintain their respective properties.

A recent inspection of your property located at **72 Depot St, Milford MA** revealed several violations regarding nuisance conditions, vacant and abandoned structures, or other violations affecting the community.

The following violations (as checked off by the inspector) were noted:



**Section 31.2.6 Permitting Blight** such as any condition constituting a nuisance that seriously impairs the value, condition strength, durability or appearance of real property;



**Section 31.2.6 Maintaining a Dilapidated Structure** permitting or allowing a condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to: Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors; Property having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering; Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.



**Section 31.2.6 Maintaining a Hazardous Condition** permitting or allowing a condition of decay or partial ruin by reason of neglect, misuse, or deterioration.



**Section 31.3 Permitting Nuisances** permitting, allowing, causing, or creating any substantial interference with the common interest of the general public in the maintenance of decent, safe, and sanitary structures that are not dilapidated, and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings.

The term nuisance includes but is not limited to:



(a) burned structures not otherwise lawfully habitable or usable;



(b) dilapidated real or personal property;



(c) dangerous or unsafe structures or personal property;



(d) overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values;



(e) dead, decayed, diseased or hazardous trees, debris or trash;



(f) vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil;



(g) personal property which has been placed for collection as rubbish or refuse in violation of any rule or regulation of the Board of Health, or left in public view for more than three (3) days. The exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish, or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days.

The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators, or other cast-off material of any kind whether or not the same could be put to any reasonable use;

☐ (h) the storage of building materials upon residential properties unless there is in force a valid building permit issued by the building official for construction upon said property and said materials are intended for use in connection with said construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure;

☐ (i) gravel, rocks, and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve months upon the owner's premises.

☒ **Section 31.2.6 Failure to Adequately Maintain Vacant Properties.**

☒ (a) failure to maintain vacant properties subject to this bylaw in accordance with the relevant sanitary, building, and fire codes;

☒ (b) failure to secure vacant properties subject to this bylaw to prevent unauthorized entry and exposure to the elements;

☒ (c) failure to maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features;

☒ (d) failure to repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days;

☐ (e) failure to shut off the utilities for properties vacant for six months or more including removing or cutting and capping such utilities to prevent accidents;

These enumerated violations should not be considered a comprehensive list of the actual violations existing on the site.

You are hereby ordered, in accordance with the General By-Laws, to make said premises safe and secure and compliant with the By-Laws. You are allowed until twelve o'clock noon of **September 5, 2019** , to employ sufficient labor to remove such structures or conditions, to ameliorate such violations, to demonstrate compliance with law, and to make said premises of structures safe.

Failure to comply with this Notice within the time limits shall result in further action being taken, up to and including legal action to obtain compliance. Such action may include a Petition to Appoint a Receiver for the premises. If the structures require demolition, non-compliance shall result in a careful survey of the premises by a board consisting of a surveyor, the head of the fire department and one disinterested person to be appointed by the local inspector shall be made. A written report of such survey shall be made, and a copy thereof served upon you.

If such report declares such structure to be dangerous or to be unused, uninhabited or abandoned, and open to the weather, and if you continue such refusal to make the premises safe, or neglect to do so, the local inspector shall cause it to be made safe or taken down, and, if the public safety so requires, said local inspector may at once enter the structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure or remove the same. In the case of such demolition, the local inspector shall cause such lot to be levelled to uniform grade by a proper sanitary fill. The costs and charges incurred shall constitute a debt due the town upon completion of the work and the rendering of an account therefor to the owner of such structure, and shall be enforced in an action of contract.

Furthermore, every day's continuance of such refusal or neglect after being so notified, shall be punished by a fine of not less than one hundred dollars. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of claims for such debt. During the time this order is in effect it shall be unlawful to use or occupy such structure or any portion thereof for any purpose.

Please contact the department within 48 hours of this letter, with your plan and course of action.

Very truly yours,

Matthew Marcotte,  
Building Commissioner



***Town of Milford***  
***Department Of Inspections***  
52 Main Street, Milford, MA 01757  
Tel. (508) 634-2313 Fax (508) 473-2358

John Erickson  
Building Commissioner / Zoning Officer  
E-mail: Jerickson@MilfordMA.com

Loriann Braza-Butts  
Asst. Zoning Enforcing Officer  
Email:LBraza@townofmilford.com

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Contracting Yard LLC  
C/O Newman & Newman  
One McKinley Square  
Boston, MA 02109

RE: Parcel 53-0-8, 72 Depot St.

February 19, 2015

Dear Property Owner:

I was called to inspect the structure at the above referenced property today by Milford Fire Department. Upon arrival, I found that a substantial portion of the roof has collapsed inward, apparently due to the heavy snow load.

**Immediate action is necessary, as I have deemed the building unsafe.**

These conditions place the property in violation of Massachusetts State Building Code **780 CMR R155. 1** which references **MGL C. 143 § 6** which reads:

*Section 6. The local inspector, immediately upon being informed by report or otherwise that a building or other structure or anything attached thereto or connected therewith in that city or town is dangerous to life or limb or that any building in that city or town is unused, uninhabited or abandoned, and open to the weather, shall inspect the same; and he shall forthwith in writing notify the owner, lessee or mortgagee in possession to remove it or make it safe if it appears to him to be dangerous, or to make it secure if it is unused, uninhabited or abandoned and open to the weather. If it appears that such structure would be especially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the local inspector may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him. Upon such notice under either of the preceding sentences, the owner, lessee or mortgagee in possession shall furnish a floor plan of such building or other structure to the chiefs of the fire and police departments of the city or town.*

*Section 7. Any person so notified shall be allowed until twelve o'clock noon of the day following the service of the notice in which to begin to remove such structure or make it safe, or to make it secure, and he shall employ sufficient labor speedily to make it safe or*



remove it or to make it secure; but if the public safety so requires and if the aldermen or selectmen so order, the inspector of buildings may immediately enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passers-by, or to be made secure. If such a building or structure is taken down or removed, the lot shall be levelled to uniform grade by a proper sanitary fill to cover any cellar or foundation hole and any rubble not removed.

*Section 8. If an owner, lessee or mortgagee in possession of such unsafe structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not made safe or taken down as therein ordered, or made secure, a careful survey of the premises shall be made by a board consisting in a city of the city engineer, the head of the fire department, as such term is defined in section one of chapter one hundred and forty-eight, and one disinterested person to be appointed by the local inspector, and in a town of a surveyor, the head of the fire department and one disinterested person to be appointed by the local inspector. If there is no city engineer in such city or no head of the fire department in such city or town, the mayor or selectmen shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A written report of such survey shall be made, and a copy thereof served on such owner, lessee or mortgagee in possession.*

Section 9. If such report declares such structure to be dangerous or to be unused, uninhabited or abandoned, and open to the weather, and if the owner, lessee or mortgagee in possession continues such refusal or neglect, the local inspector shall cause it to be made safe or taken down or to be made secure, and, if the public safety so requires, said local inspector may at once enter the structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure or remove the same, and may remove and evict, under the pertinent provisions of chapter two hundred thirty-nine or otherwise, any tenant or occupant thereof, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway. In the case of such demolition, the local inspector shall cause such lot to be levelled to uniform grade by a proper sanitary fill. The costs and charges incurred shall constitute a debt due the city or town upon completion of the work and the rendering of an account therefor to the owner of such structure, and shall be enforced in an action of contract, and such owner, lessee or mortgagee in possession shall, for every day's continuance of such refusal or neglect after being so notified, be punished by a fine of not less than one hundred dollars. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of claims for such debt, shall apply to any debt referred to in this section, except that the local inspector shall act hereunder in place of the mayor or board of selectmen. During the time such order is in effect it shall be unlawful to use or occupy such structure or any portion thereof for any purpose.

**In the interim I have placed a notice of unsafe condition on the premise and am prohibiting entry until the situation is fully evaluated.**

I have concerns regarding **780 CMR AJ102.11** as well which states:

**AJ102.11 Latent Conditions.** When latent conditions are observed and which are determined by the licensed construction supervisor, the owner or the *building official* to be dangerous or

unsafe, or when a component or system is determined to be unserviceable, said conditions shall be corrected in accordance with applicable provisions of this code. A building *permit* shall be obtained or the building *permit* shall be amended in accordance with the provisions of Section R105 in order to reflect the necessary required work and the approval shall be obtained from the *building official* prior to commencement of the corrections.

**Exception.** If the public safety so warrants, the building permittable corrective actions are permitted to be made prior to amending the building *permit* application, providing that the *building official* is notified in writing within 24 hours of actions taken pursuant to this exception. This exception shall not be construed as to authorize constructive approval nor set aside the requirements to amend the *permit* application, nor shall the authority of the *building official* to enforce this code be abridged. Such corrective actions shall be documented by the construction supervisor or the owner and submitted to the *building official* within 48 hours of the completion of the action under this exception. Such corrective

work shall not be concealed until the *building official* has inspected and approved the work.

Latent conditions are numerous, and will require extensive evaluation and surveying of the structure to determine the course of action necessary to remediate.

**Please contact this office upon receipt of this notice.**

John Erickson  
Building Commissioner

CC: Richard Villani, Town Administrator  
John Touhey, Fire Chief  
Mark Nelson, Fire Inspector  
Paul Mazzuchelli, Health Officer

**NEWMAN & NEWMAN, P.C.**  
**ATTORNEYS AT LAW**  
ONE MCKINLEY SQUARE  
BOSTON, MASSACHUSETTS 02109  
(617) 227-3361  
FACSIMILE (617) 723-1710  
WWW.NEWMANLEGAL.COM

MARSHALL F. NEWMAN  
RICHARD JOYCE  
REBECCA H. NEWMAN\*

November 15, 2019

ABRAHAM NEWMAN  
(1915 - 1995)  
SAMUEL NEWMAN  
(1912 - 2008)

\*ALSO ADMITTED IN NEW YORK

**VIA E-MAIL – [cboddy@townofmilford.com](mailto:cboddy@townofmilford.com)**

Charles Boddy, Jr., Esquire  
Town Counsel  
Town of Milford  
Town Hall  
52 Main Street  
Milford, MA 01757

**Re: 72 Depot Street, Milford**

Dear Mr. Boddy:

This letter is intended to confirm our telephone conversation of November 14, 2019. At that time, you acknowledged that I have been in touch with Inspector Lawrence Hester and have established the timetable for the initial stages of corrective action with respect to the building at 72 Depot Street. The schedule includes, without limitation, an analysis by an architect or engineer as to the emergency actions which should be undertaken and an onsite meeting between Mr. Hester and the owner's principal on November 26, 2019.

As I told you, I do not intend to appear at the Selectmen's meeting on November 18, 2019, as I believe it more prudent that my client use its money for the repairs instead of paying me to appear at the Hearing. As I understand, the Selectmen will make a determination that the subject premises constitute a nuisance, but the Town will suspend enforcement action while my client undertakes a program to remedy the situation. If my understanding as set forth in the preceding sentence is erroneous, please contact me immediately.

**NEWMAN & NEWMAN, P.C.**

Charles Boddy, Jr., Esquire  
Town Counsel  
November 15, 2019  
Page Two

Thank you for your continued courtesy in this matter.

Very truly yours,

NEWMAN & NEWMAN, P.C.

By:   
Marshall F. Newman

MFN/jtd

cc: Contracting Yard, LLC



# MILFORD BOARD OF SELECTMEN

Room 11, Town Hall, 52 Main St. (Route 16), Milford, Massachusetts 01757-2679

508-634-2303

Fax 508-634-2324

[www.milford.ma.us.com](http://www.milford.ma.us.com)

## LICENSE APPLICATION

(CHECK ONE)

- ☐ APPLICATION FOR A NEW LICENSE  
☒ TRANSFER OF AN EXISTING LICENSE  
☐ AMENDMENT TO EXISTING LICENSE (Change of operating days/hours, change of location, etc.) describe on reverse

1. ☐ AUCTIONEER
2. ☐ BOARDING HOUSE
3. ☐ BOWLING ALLEY(S)
4. ☒ COMMON VICTUALLER
5. ☐ FORTUNE TELLER
6. ☐ HAWKERS/PEDDLERS
7. ☐ INNOLDERS
8. ☐ POOL TABLES
9. ☐ 2<sup>ND</sup> HAND/ANTIQUA DEALER
10. ☐ PAWNBROKER

11. ☐ LIVE ENTERTAINMENT (describe on reverse)
12. ☐ AUTOMATIC AMUSEMENT (Coin-Operated Games)
13. ☐ TRANSIENT VENDORS
14. ☐ CARNIVAL/CIRCUS  
Location: \_\_\_\_\_
15. ☐ CHRISTMAS TREE SALES
16. ☐ \$ VALUE OF GOODS
17. ☐ CLASS I (NEW CARS)
18. ☐ CLASS II (USED CARS)
19. ☐ CLASS III (JUNK CARS) - Public Hearing Required (Describe on Reverse)
20. ☐ WORKERS COMPENSATION IF NEEDED

SEE ADDITIONAL INFORMATION REQUIRED BELOW

BUSINESS NAME: ENCUENTRO LATINO Restaurant, Inc.

BUSINESS ADDRESS: 163 main st Milford MA.

DAYS/HOURS OF OPERATION \_\_\_\_\_

(Some Sunday licenses may require approval of State DPS)

I/We, the undersigned, apply for this license in accordance with the provisions of all Statutes relating thereto. I/We further certify, under penalties of perjury, that, to the best of my/our knowledge and belief, I/We have filed all state tax returns and paid all state taxes required under law.

NAME OF APPLICANT: Maria Roja castro

HOME ADDRESS: 43 Lawrence st 1

APPLICANT'S SIGNATURE: [Signature] DATE: 10/29/19

(Individual or Corporate Officer)

(978) 914 6001  
Weekday Telephone Number

The name signed above must be typed or printed on this line

APPLICANT'S MAILING ADDRESS: Same

No. & Street Town State Zip

Social Security No. (Voluntary)

Or Federal Identification No. (Mandatory)

**IMPORTANT:** Read this section carefully. Provide required information on reverse side.

Additional Information Required:

License # Above

- 1 Provide copy of State and/or County Auctioneer's License
- 3, 8, 12 Indicate number of alleys, pool tables and number and types of coin-operated games
- 6, 9, 10, 13 Request Town By Laws, which states applicant's responsibility
- 6, 13 Describe in detail: type, quantity, and cost (to you) of goods to be offered for sale
- 11 Describe in detail: type of live entertainment to be licensed
- 14 Applicant must request and agree to abide by established policy

**CONTINUE APPLICATION PROCESS ON REVERSE SIDE OF THIS FORM**

## DEPARTMENT HEAD REVIEW FORM

1. Name of Business: **Encuentro Latino Restaurant, Inc.**  
Business Address: **163 Main Street**  
Assessors ID#: \_\_\_\_\_ Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_
2. Has applied for: **Transfer of an existing Common Victualler License, from Cantinho Goiano Restaurant, Inc.**
3. Selectmen will take action on: **Monday November 18, 2019** \_\_\_\_\_
4. Hearing Continued/Postponed/MGL Deadline: \_\_\_\_\_
5. Abutters Notified: \_\_\_\_\_ N/A \_\_\_\_\_ Published: \_\_\_\_\_ N/A \_\_\_\_\_
6. Inquiry Sent To Dept. Heads on: \_\_\_\_\_ 11/7/2019 \_\_\_\_\_
7. Please Respond By: **11/13/2019** \_\_\_\_\_
8. License Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Tabled: \_\_\_\_\_ On \_\_\_\_\_

.....  
**Building Commissioner:** (Zoning, Occupancy, Building/Handicap Access, Restroom Handicap Access, etc.) - **CA ZONE, OCC. LOAD N/A, BUILDING AND BATHROOMS ARE ACCESSIBLE**

**Town Planner:** (Site Plan/Special Permit; Other Requirements/Stipulations) - **Ok- no change of actual use**

**Tax Collector:** (Outstanding Taxes) - **No outstanding Taxes**

**Town Treasurer:** (Outstanding Tax Liens) - **None**

**Fire Chief:** (Information/Comment) - **Approved**

**Police Chief:** (Information/Comment) - **No issues or concerns**

Criminal Offense Record Info: (CORI) Approved ☐ Disapproved ☐

**Board of Health:** (Information/comment) - **Inspection scheduled for Friday 11/8/19**

**Sewer Commission:** (Information/Comment) -

**Milford Water Company:** (Information/comment) -

**Commission on Disability:** (Information/comment) -

**Dept. Head Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

.....  
**Applicant Name:** Maria Loja Castro \_ **D.O.B.** \_\_\_\_\_ **SS #:** \_\_\_\_\_

**Applicant Mailing Address:** 43 Lawrence Street Milford MA 01757

**Applicant Phone:** \_973-914-6001 **e-mail:** \_\_\_\_\_

5-1  
11-18-19



DEVLIN LAW

SERVING MASSACHUSETTS & NEW HAMPSHIRE

PH: 617-514-2828  
Fax: 617-514-2825

jdevlin@devlinlawoffices.com  
mcabot@devlinlawoffices.com  
www.devlinlawoffices.com

September 19, 2019

ATTN: License Administrator  
Town of Milford  
52 Main Street  
Milford, MA 01757

RE: Change of Officer and Change of Beneficial Interest application for an Annual Restaurant  
All Alcoholic Beverages License of 99 Restaurants of Boston, LLC or 99 West, LLC  
d/b/a 99 Restaurant & Pub

Dear License Administrator:

I am writing on behalf of 99 Restaurants of Boston, LLC and 99 West, LLC (collectively the "Licensee"), one or both of which are licensed entities in your community owned by the same corporate structure.

Per the letter you received from the Massachusetts Alcoholic Beverages Commission (the "ABCC"), a copy of which is also enclosed the "Licensee" has been granted preliminary approval for a Change of Officer and Change of Beneficial Interest relative to all 65 of their Massachusetts locations using the "inverted approval process".

Relative to the Officer Change, Kurt Schnaubelt is being named an LLC manager and the Chief Financial Officer, and W. Craig Barber is being named an LLC manager and the Chief Executive Officer of the Licensed Entities. Brent Bickett, Timothy Janszen and Greg Hayes are being removed as LLC Managers.

Relative to the Change in Beneficial Interest, as a result of a reorganization, Fidelity National Financial Ventures, LLC ("FNV"), a publicly traded company which owned 55% of the 99 Restaurants, created a new publicly traded company with the exact same stockholders, Cannae Holdings, Inc. ("CNNE"), and transferred all of its ownership in the 99 Restaurants to CNNE. The other previously approved stockholders also transferred a share of their stock to the new publicly traded company, so that CNNE now owns 88.5% of the 99 Restaurants, and the remaining owners hold a smaller ownership percentage, all as shown in the structure chart included in the application.

Due to the size of the transaction, the ABCC has reviewed and investigated the applications and found that the transaction is in compliance with M.G.L. Chapter 138. Per the letter sent by the ABCC, you will not be required to send back any other forms, documents or

**MAILING ADDRESS:**

Devlin Law Offices, PLLC  
171 High Street  
Newburyport, MA 01950

Clients/99-Cannae restructure/Letter municipalities

112 Water St., Ste 201  
Boston, MA 02109

information in connection with the application other than the LLA Form. **If you have any questions, you can call Investigator Jack Carey at 617-727-3065, ext. 736.**

Enclosed please find the following documents relative to the transaction for your records:

- 424. Letter from Ralph Sacramone, Executive Director of the Alcohol Beverage Control Commission (the "ABCC").
- 425. Monetary Transmittal Form.
- 426. Retail alcoholic beverages application – change of beneficial interest.
- 427. Proof of US Citizenship for new officers.
- 428. CORI Request Forms for new officers.
- 429. Certificate of Authorization.
- 430. Exhibits.
- 431. Sales agreements for the two transactions.
- 432. Source of funds.

We would appreciate you putting this on your next available meeting schedule. We will call shortly hereafter to follow-up and see if you need us to attend the meeting, though we are anticipating from past experiences that many communities will not require it.

We look forward to speaking and working with you again. If you should have any questions with regards to this application, please feel free to call Mariel Cabot at extension 102.

Very truly yours,

  
Joseph H. Devlin

JHD/mrc  
Enclosures





*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone 617-727-3040  
Facsimile: 617-727-1510*

**Jean M. Lorizio, Esq.**  
*Chairman*

October 11, 2019

**LOCAL BOARDS**

Attleborough; Canton; Danvers; East Longmeadow; Fall River; Fitchburg; Gardner; Hudson; Mashpee; Milford; North Attleboro; Revere; Salem; Saugus; Seekonk; Taunton; Walpole; Waltham; Wareham; Weymouth; Woburn; Worcester; and Yarmouth.

The Alcoholic Beverages Control Commission ("Commission") has received an application from of 99 West, LLC for a Change of Officers/Directors and Change of Ownership Interest in the above-noted cities and towns. Relative to the Officer Change, Kurt Schnaubelt is being named an LLC manager and the Chief Executive Officer of the Licensed Entities. Brent Brent Bickett, Timothy Janszen and Greg Hayes are being removed as LLC Managers. Relative to the Change in Ownership Interest, there has been a transfer of stock at an upper-tier level that has resulted in a publicly traded company owning 88.5%, and a redistribution of the remaining ownership percentages among the other previously approved ownership entities, as detailed in a structure chart contained in the application.

Due to the magnitude of these transactions, the Commission has received the information and documents provided by the licensee. The review was to determine whether the contemplated transaction is consistent with the provisions of M.G.L. c. 138. Based upon our review, we are satisfied that the transaction is consistent with the purposes of the law and would not result in the individual corporate licenses being deemed to be out of compliance with the applicable statute. Accordingly, this letter sets forth our recommended procedure for the processing of these applications.

Arrangements have been made for the Corporation to pay all of the \$200 application fees directly to the Commission. Therefore, no fee needs to be collected by the Local Board(s).

The Commission has reviewed and accepted copies of the following documents and instruments:

- 1) Change of Officers/Directors and Change of Ownership Interest
- 2) CORI Request Form
- 3) Vote of the Board of Directors

**4) Certificate of change of the LLC**

Where there will be no change of existing managers, the Commission will not require that a Manager Form be completed, nor will the Commission require background information on the managers as such information should already be on file.

The applicant will contact you directly for processing the application. Please forward to the Commission the Local Licensing Authority Record. The Commission will require no other forms, documents or information in connection with these applications.

Should you or your town counsel/city solicitor have any questions or require information or assistance, please contact Investigator Jack Carey at (617) 727-3040, extension 736.

Sincerely,



**Ralph Sacramone  
Executive Director**

cc: Ted Mahony, Chief Investigator  
Ryan Melville, Licensing Coordinator  
Joseph H. Devlin, Esq.

G-2  
11-18-19



## TOWN ACCOUNTANT

52 Main Street, Milford, MA 01757  
Phone: 508-634-2309 \* Fax: 508-634-2324

Email to Accountant

Email to Town Admin.

### GIFT ACCEPTANCE FORM

Donor Name ANP Bellingham (Vistra Corporate Services Compant, as Agent) Address 155 Maple St.  
City, State. & Zip Bellingham, Ma 02019 Phone (508) 966-5606

Name of Gift ANP Bellingham 2019 United Way Community Project for the Milford Youth Center

Purpose To support 2019 Telethon to create music & multi-purpose media center

Total Amt. of Gift \$2,500.00

Contact Person Mike Volpe, Managing Director

☒ Attached is a copy of correspondence received

☐ There was no written correspondence with this gift

☐ The Board of Selectmen/School Committee have been notified of this gift and have approved of the expenditures for the purpose stated

#### Board of Selectmen

\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### School Committee

\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person \_\_\_\_\_

\*\*\*\*\*

#### Town Accountant Use

Assigned Account Number \_\_\_\_\_

Date Received \_\_\_\_\_

Revised 8/8/12