BAKER HILL ROAD DISTRICT

PRUDENTIAL COMMITTEE

WILLIAM PRENDERGAST, CHAIR

20 Bridge Street, Lanesborough, MA
July 9,2025 – 12:00 P.M

Attendees: William Prendergast (Chairman), Hank Sayers, Linda Pruyne (Treasurer), Mark Siegars (Attorney), Lorna Gayle (Secretary)

Also attending: Jane Kaufman (Berkshire Eagle), Kate Lemansky (Town Accountant), Preston Repenning (Town Resident)

Absent: John Goerlach, Charles Durfee (Director, DPW)

Meeting Called to Order: 12:00 pm

Public Comment: None forthcoming.

Approval of Minutes
Minutes for June 10, 2025. Motion to approve with correction by Mr. Sayers, seconded by Mr. Prendergast.

Road Maintenance
Mr. Durfee was not present to deliver his monthly report. He did not submit a written report of activities on the road for the previous month.

Mr. Sayers mentioned that the damaged guardrails discussed at the last meeting have not been replaced.

Mr. Sayers also reported that a light pole had been sheared off. Mr. Siegars will follow up on the guardrails and damaged light pole with the Town Administrator.

Legal Issues
Mr. Siegars updated the Committee on the action taken and the additional options open to the BHRD to collect the taxes owed by JMJ since 2024. Mr. Prendergast asked for a recap of the legal actions taken in the past 6 months.

Mr. Siegars explained that a suit was filed approximately six months ago for FY24 non-payment. To date discovery has been completed, with document requests and interrogatories answered. There is approximately 18 months remaining to file a motion for summary judgment, though the goal is to file sooner.

The Board discussed the ongoing case against JMJ for non-payment of FY25 taxes. Two potential courses of action were outlined:

1. File a new case for the current tax year, consolidate it with the existing case, and seek summary judgment to collect payment.

2. Initiate tax taking (tax title) proceedings through Land Court, a three-year process, which would involve hiring a real estate broker to sell the property before the process is complete.

It was noted that pursuing tax title would not prevent other litigation from moving forward.

Mr. Siegars explained that pursuing a tax taking, the estimated cost is approximately $125 per parcel for nine parcels (~$1,000), plus $500–$550 to commence a new suit for non-payment of last year's taxes. The Tax Collector must confirm that the final demand for 2025 taxes was sent and remains unpaid. JMJ, having not paid any real estate taxes for FY24 or FY25, owes a total amount, including interest, estimated at around $1 million.

Mr. Siegars will provide the Committee with a more comprehensive list of fees once the Committee decides the best way to proceed.

Board Member Items

JMJ Tax Non-Payment Discussion

The Board discussed the ongoing case against JMJ for non-payment of FY24 and FY25 real estate taxes. Mr. Prendergast requested a recap of actions taken so far.

Mr. Siegars explained that a suit was filed approximately six months ago for FY24 non-payment. Discovery has been completed, and there is approximately 18 months remaining to file a motion for summary judgment, though the goal is to file sooner. JMJ has not paid any real estate taxes for FY24 or FY25, with the total amount owed, including interest, estimated at around $1 million.

Two potential courses of action were outlined:

1. File a new case for FY25 non-payment, consolidate it with the existing case, and seek summary judgment to collect payment.

2. Initiate tax taking (tax title) proceedings through Land Court, a three-year process, which would involve hiring a real estate broker to sell the property before the process is complete.

It was noted that eminent domain is not an available option, and pursuing tax title would not prevent other litigation from moving forward.

Clarification is needed from the Tax Collector on whether the Board must proceed with a tax taking or can instead file a tax lien. Recording a claim was deemed prudent.

Mr. Siegars explained that for pursuing a tax taking, the estimated cost is approximately $125 per parcel for nine parcels (~$1,000), plus $500–$550 to commence a new suit for FY25 non-payment. The Collector must confirm that the final demand for FY25 taxes was sent and remains unpaid before proceeding. Filing another claim may allow the Board to recover funds more quickly than waiting for the tax title process to conclude.

Legislative & Redevelopment Discussions

Mr. Siegars provided an update on recent discussions with Senator Mark's office. A meeting took place at the Dalton Senior Center with Senator Mark's representative, where two topics were addressed:

1. **Name Change Proposal** – Recommendation to change the Road District's name to Baker Hill Business District to better reflect its primary focus on business development and redevelopment efforts. While the District owns the road, the Board noted that its central mission is economic development, not solely road maintenance. The road remains essential to the district's boundaries, but for the past decade, the focus has been attracting redevelopment partners. Despite meeting with 10–12 potential developers, various issues have prevented progress. The name change is intended to make the district a more attractive investment destination. Senator Mark's office will reach out to Representative Barrett to initiate the legislative process, and the Board Chair will also contact Representative Barrett directly.

2. **Meeting with Target & Legislative Delegation** – Discussion on arranging a meeting with Target, the legislative delegation, the Road District, and the Town to explore redevelopment plans for the property. Senator Mark's office expressed enthusiasm. Target has invested approximately $10 million in improvements over the past five years and is interested in working with the Road District and Town, seeing no other viable partner. Coordination will occur after Ms. Dario, Town Administrator returns, as the Town may play a critical role in any redevelopment plan.

Treasurer's Report

Ms. Pruyne reported that, as of today, available funds total $11,128.96, following use of stabilization and overlay accounts. Payment of that amount will be issued once the next Target receipts are received, which are expected to total $95,772.50.

Once those receipts are applied, the account will have an estimated balance of $94,902.71. Based on projected August expenses—using historical data for recurring costs such as police, highway, electricity, and retainer fees—August's total is expected to be approximately $49,000, leaving about $45,000 by mid-August.

Looking ahead:

- September – Warrant estimated at $66,500, requiring adjustments to the payment schedule to maintain cash flow.
- October – Warrant estimated at $57,500, coinciding with annual insurance premiums. Payments will be prioritized according to available funds, with any deferred items addressed following the next Target receipt in November.
- November – Target receipts of $95,000 are anticipated, which will allow for payment of previously deferred items and result in a projected post-payment balance of approximately $17,675. November's warrant is estimated at $49,000.

Some larger, planned expenditures—such as the police vehicle ($40,000), public safety equipment ($50,000), and collector's fee ($1,200)—are being temporarily deferred to preserve operating funds.

Ms. Pruyne noted that payment scheduling will be managed carefully, balancing obligations while ensuring that essential services, insurance, and any necessary filing fees are covered. Mr. Prendergast recommended reserving funds specifically for filing fees related to ongoing matters. Ms. Pruyne agreed, noting that if such expenses are anticipated, they should be included in the August warrant while the projected $45,000 balance remains.

Mr. Siegars suggested holding a follow-up meeting in two weeks to review options, including potential short-term borrowing, and to make decisions on payment priorities. The Town has been advised that payment schedules may be adjusted as needed.

The Committee scheduled a meeting for July 30th, 2025 to review options.

Future Meeting: August 13, 2025, at the Water District Office, 20 Bridge Street, at 12 PM

Motion to adjourn moved by Mr. Sayers, seconded by Mr. Prendergast.

Meeting adjourned at 12:49 PM