



**PUBLIC MEETING NOTICE  
OFFICE OF THE MILTON TOWN CLERK**

In conformity with the provisions of Chapter 30A, §20, Massachusetts General Laws, I hereby file notice that a meeting of the:

BOARD/COMMITTEE: Select Board

DATE: Monday, February 13, 2023

TIME: 6:30PM

BUILDING: Milton High School \* 25 Gile Road, Milton, MA 02186

ROOM: 201

NOTE Notices and lists of topics are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the hours of operation of the Office of the Town Clerk and make the necessary arrangements to be sure your posting is made in an adequate amount of time one hour prior to the closing of the Town Clerk Office. The timestamp on this document may be up to 15 minutes earlier than what is posted on the website. The Website timestamp is the official posting time of a meeting.

***Susan M Galvin*** 02/09/2023 03:59 pm

Posting Authority

**AGENDA**

(Must be included at time of posting)

1. Call to Order
2. Pledge of Allegiance
3. Public Comment
4. Discussion/Update/Approval-Special Town Meeting - February 13, 2023
  - a. Select Board - Accept the provisions of M.G.L. Chapter 41, Section 110A
  - b. Select Board - Change Treasurer/Collector position from elected to appointed pursuant to M.G.L. Chapter 41, Section 1B
  - c. Select Board - Purchase of Fontbonne Convent located at 930 Brook Road, Milton, MA
5. Discussion/Approval - Letter to the Governor, Secretary of Transportation, and MBTA Interim General Manager regarding the MBTA's plan to demolish the stairs despite Town opposition and pending lawsuit
6. Discussion - Select Board Policy on Decorum at Public Meetings
7. Discussion - Annual Town Meeting Warrant Articles
  - a. Authorize the Select Board to acquire land owned by the Town of Milton located off Gile Road and Blue Hills Parkway (Assessor's Map D, Block 6A, Lot 65)
8. Discussion/Approval - Award of a General Access Easement over a parcel of land approximately shown as Access Road Town of Milton 40' wide on a plan entitled "PLAN OF LAND Access Road, Milton Massachusetts" dated, August 26, 2022 prepared by Merrill Engineers and Land Surveyors

9. Discussion/Approval- One Day Liquor License Applications-Milton Art Center, 334 Edge Hill Road
  - a. February 25, 2023 - 7PM-10PM, Comedy Show
  - b. March 3, 2023 - 6PM-9PM, First Friday, Artist Reception
  - c. April 7, 2023 - 6PM-9PM, First Friday, Musicians at MAC
  - d. April 28, 2023 - 7PM-10PM, Comedy Show at MAC
  - e. May 5, 2023 - 6PM-9PM, First Friday, Artist Reception
  - f. May 6, 2023 – 7PM-10PM, Spring Renewal-Art Auction Fundraiser
10. Town Administrator's Report
11. Chair's Report
12. Public Comment Response
13. Future Meeting Dates: Tuesday, February 21, 2023, Tuesday, March 7, 2023, Tuesday, March 21, 2023
14. Executive Session – Pursuant to M.G.L. c. 30A, § 21(a)(3) - To discuss strategy with respect to litigation against the Massachusetts Bay Transit Authority regarding the condition of the stairs located at the MBTA station located at Adams Street, Milton, MA
15. Executive Session - Pursuant to M.G.L. c. 30A, § 21(a)(6) -To consider the purchase, exchange, lease or value of real property of the Kidder Branch Library located at 101 Blue Hills Parkway
16. Adjourn

**Americans with Disability Disclosure:**

*If you are a person with a disability who needs any accommodation in order to attend and/or participate in this meeting, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Joseph Prondak, Americans with Disabilities Act Coordinator, at 525 Canton Avenue, Milton, MA 02186 or call Joseph Prondak at 617-898-4925. If you are hearing or voice impaired, please call 711.*

# **TOWN OF MILTON 2023**



## **Special Town Meeting**

**Monday, February 13, 2023**

**Milton High School Auditorium**

**7:30 p.m.**

## **WARRANT**

**INCLUDING THE REPORT OF THE WARRANT COMMITTEE  
AND RECOMMENDATIONS ON ARTICLES  
as required by Chapter 3, Section 4, of the General Bylaws of Town**

## **FEBRUARY SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts, SS.  
County of Norfolk

To any of the constables of the Town of Milton in said County:

### **GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Town affairs, to meet at the Milton High School Auditorium on Gile Road in said Milton on Monday, the thirteenth day of February next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-3

And you are directed to warn said inhabitants qualified as aforesaid to meet at the times and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days at least before the thirteenth day of February. Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk, on or before said 13th day of February 2023.

Given under our hands at Milton this 18<sup>th</sup> day of January, two thousand twenty-three.

Arthur J. Doyle  
Michael F. Zullas  
Richard G. Wells, Jr.  
Erin G. Bradley  
Roxanne Musto

**MILTON SELECT BOARD**

A True Copy: Attest

William J. Neville  
CONSTABLE OF MILTON



**INDEX**  
**WARRANT ARTICLES AND RECOMMENDATIONS**

<b>ARTICLE NO</b>	<b>Title</b>	<b>Page</b>
1	Accept the Provisions of M.G.L. c. 41 s. 110A	<u>6</u>
2	Change the Treasurer/Collector Position from Elected to Appointed	<u>7</u>
3	Authorize the Select Board to Acquire Property	<u>9</u>

**In compliance with the American with Disabilities Act, this Warrant can be made available in alternative formats. The February 13, 2023 Special Town Meeting, if requested, will be offered by assisted listening devices or an interpreter certified in sign language. Requests for alternative formats should be made as far in advance as possible.**

**Should you need assistance, please notify the SELECT BOARD at 617-898-4843 or 617-696-5199 TTY.**

**Smoking and other tobacco use is prohibited in school facilities and outside on the school grounds by M.G.L. Chapter 71, Section 37H, “An Act Establishing the Education Act of 1993.” This law applies to any individual at any time.**

**Strong fragrances cause significant adverse reactions in some people, such as migraine headaches. Products with strong fragrances include personal care products such as perfume, cologne, fragranced hair products, after shave lotion, scented hand lotion, etc. Attendees at Town Meeting are requested to avoid wearing products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and restroom, attendees at Town Meeting who are wearing products with strong fragrances, or who think they may be wearing products with strong fragrances, are requested to sit away from the sections nearest to the lobby entrance.**

**MESSAGE FROM THE TOWN MODERATOR**  
**ROBERT G. HISS**

Welcome to the 2023 Winter Special Town Meeting!

As many citizens know, Town Meeting provided for Special Town Meetings to address urgent business facing the town that could not wait for the following Annual Town Meeting held in May of each year. This year, your Warrant Committee has received and voted on 3 articles for your consideration. These articles exclude many of the typical articles Town Meeting considers in the Annual Meeting which has some implications of which you should be aware.

First, I would encourage the members to read each article carefully and send your questions in advance of Town Meeting to the Board or Committee that submitted the article. This preparation on your part can make the best use of your time at Town Meeting. To assist with your preparation, your Moderator will again host our typical show on Milton Cable Access TV broadcast in the weeks preceding this Winter Town Meeting where the Warrant Committee chair will explain the articles. I hope you will have the opportunity to watch. This has proven a useful approach to informing our citizens and I hope you find it useful.

Secondly, since the articles are by definition special, I believe that none of them are candidates for a Consent Agenda like that in our May Annual Town Meetings. Accordingly, we will consider each of the articles individually in the order written in the Warrant.

Thirdly, this Winter Town Meeting will operate under all the rules of our Annual Town Meeting as printed in your May 2022 Warrant.

Fourthly, we are making arrangements for our preferred Electronic Voting vendor to join us to test their technology during this meeting. We will run a test vote before the first article so that all the members can get comfortable with the voting technology.

Lastly, as we did in December, we will return again to our traditional venue and attend Town Meeting in person at the Milton High School Auditorium.

I look forward to seeing you at 7:30 PM on February 13, 2023.

Robert G. Hiss

A handwritten signature in dark ink, appearing to read "Rob G. Hiss", written in a cursive style.

Town Moderator

## **REPORT OF THE WARRANT COMMITTEE FOR THE 2023 FEBRUARY SPECIAL TOWN MEETING**

Greetings to the Honorable Select Board, Town Meeting Members, and Residents:

The Warrant Committee herein presents to the Town Meeting recommendations for action on Articles submitted to the Special Town Meeting to be held on Monday, February 13, 2023.

There are recommendations with regards to Articles 1 and 2 which relate to voter registration and to whether the Town Treasurer should be elected or appointed. The Warrant Committee has recommended that Town Meeting vote in favor of these articles. Article 1 would allow the Town Offices to extend a specific Friday's hours for purposes of voter registration in preparation of town elections so that the offices can remain closed following day, a Saturday, when they otherwise would have to be open to accept walk-in voter registration. Article 2 would change the Town Treasurer/Collector from an elected position to an appointed one. Please read the Comment to this Article carefully because it reflects that this proposed change is the result of many years of study and that the change is expected to lead to important improvements with regard to how the Town manages its finances.

With regard to Article 3, the Warrant Committee recommends a Yes vote that would authorize the Town to purchase land adjacent to Fontbonne Academy. When the Congregation of the Sisters of St. Joseph offered to sell the land to the Town, the School Building Committee moved quickly to develop plans to renovate the property and build a pre-K and kindergarten school that would help alleviate overcrowding in the schools. In light of the dearth of available properties for the Town to buy and build upon, the Warrant Committee recognized the proposed sale as a unique opportunity that should be seized and is in favor of the purchase.

In preparation of Town Meeting, please take an opportunity to watch or listen to recordings of the Boards and Committees that have met, discussed, and voted upon these matters as background. Should you watch or listen to Warrant Committee meetings, I believe that you will see robust discussion and a real grappling between strong personalities and perspectives. There, votes go back and forth and opinions and minds are changed -- you can be assured that a Warrant Committee recommendation is the result of a real creative process. Then, please go into this Town Meeting with an open mind and a willingness to be persuaded by a perspective or an opinion that you did not expect. You and the Town will come out the better for it.

Yours In Service,

Dave Humphreys (Chair)  
Emily L. Cavalier (Secretary)  
Ohene Asare  
Jeremiah J. O'Connor  
Steven R. Geyster  
Kristin G. Kociol  
Lorraine Dee  
Thomas A. Caldwell

Lori A. Connelly  
Allison Gagnon  
Jereem Langlais  
Amanda H. Serio  
Judith A. Steele  
Stephen H. Rines  
Jay Fundling  
Karen Bosworth (Clerk)

**ARTICLE 1** To see if the Town will vote to accept the provisions of M.G.L. Chapter 41, § 110A; and to act on anything related thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote to accept the provisions of M.G.L. Chapter 41, § 110A.**

*COMMENT: Chapter 92 of the Acts of 2022, commonly referred to as the Massachusetts VOTES Act, reduced the voter registration deadline prior to an election from twenty days to ten days prior to the election.*

*The Annual Town Election is always scheduled on a Tuesday. Ten days prior to the election would therefore be a Saturday which is a day that the town offices are not usually open and the election laws require that the offices be open until 5:00 pm.*

*Chapter 41, Section 110A of the Massachusetts General Laws states:*

*Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.*

*By accepting the provisions of M.G.L. Chapter 41, § 110A, the Town would determine that the Town Clerk's offices will remain closed as if it were a legal holiday on the Saturday ten days prior to the town election. As a legal holiday, said Saturday would not count as a day against the ten-day count, and the preceding Friday would therefore be the tenth day. Should the Article be approved, the Town Clerk's office would extend its hours on said Friday and remain open until 5:00 pm in order to register voters.*

*This Article would not affect state and federal elections.*

**ARTICLE 2** To see if the Town will vote to change the Town Treasurer/Collector from a position elected under M.G.L. Chapter 41, § 1 to a position appointed by the Town Administrator under M.G.L. Chapter 41, § 1B and Chapter 65 of the Acts of 2016, as amended, and, further, to amend the General Bylaws, if necessary to accomplish the purposes of this article; and to act on anything related thereto.

Submitted by the Select Board

**RECOMMENDED** that the Town vote to change the office of the Town Treasurer/Collector of Taxes from a position elected under M.G.L. c. 41, §1 to an appointed office, pursuant to M.G.L. c. 41, § 1B, with the appointing authority for such office to be the Town Administrator, pursuant to Chapter 65 of the Acts of 2016, as amended, provided that the appointed Treasurer/Collector of Taxes shall have professional qualifications, background and experience commensurate with the Town's scope and responsibilities for treasury, collections and operations, cash management, investment management, bonding, debt service management, and financial forecasting; and, provided further, that such change in the office of Town Treasurer/Collector of Taxes shall be subject to acceptance by the voters of the Town of the following question to be placed on the official ballot for an annual Town Election: Shall the Town vote to have its elected Town Treasurer/Collector of Taxes become an appointed Treasurer/Collector of Taxes of the Town?

Yes \_\_\_\_\_ No \_\_\_\_\_

*COMMENT: The passage of this article would enable the Select Board to include a question on the April 2023 Town Election Ballot requesting that town residents approve a change from an elected town treasurer to a town treasurer appointed by the Town Administrator.*

*The change to an appointed Treasurer was recommended by the Department of Revenue Division of Local Services in its analysis of the Town's financial management structure in 2013. The Town Government Study Committee then commenced a three-year review from 2015-2018 in which it gathered data and information from:*

- *Surveys of other municipality financial management structures*
- *Interviews of other municipality officials*
- *Interviews of Town of Milton key stakeholders*
- *Review of statewide information and trends provided by the MA Department of Revenue Division of Local Services*

*23 municipalities were surveyed and/or interviewed. Findings included that the larger the municipality, the more likely the appointed Treasurer model is utilized. With operating budgets between \$50 million and \$200 million, more than 90% of those municipalities have appointed Treasurers.*

*Following its extensive three-year review, the Town Government Study Committee provided more detailed recommendations supporting an appointed Treasurer and a more centralized financial management model for the Town.*

*Most residents understand that the Treasurer-Collector has responsibility for collection of taxes. This individual also has cash management, investment management and bond issue/debt service responsibilities. Because some of the decisions the Treasurer makes are multi-million dollar decisions with significant cost or savings implications, it is imperative that the Town is able to recruit the most qualified individual to fill this position. An appointed Treasurer will allow the Town to establish qualifications and experience for the position (an election does not).*

*Regarding accountability, a recent analysis by the Warrant Committee determined that over the 40 years that our last two Treasurers have served, except during their initial election, neither individual has had a contested election, i.e., an opponent. An appointed Treasurer would be a member of the Town's financial management team and would report to and be accountable to the Town Administrator. Further, the elected Treasurer model does not allow for any transparency as to day-to-day activities or to decision-making regarding major funding issues for the Town or strategies for satisfaction of the Town's debt. Finally, an appointed Treasurer reporting within the Town's financial management structure will ensure a higher quality of cooperation, coordination, financial management best practices and short-term and long-term financial planning.*

*The Warrant Committee recommends a Yes vote on this article.*

**ARTICLE 3** To see if the Town will vote to authorize the Select Board to acquire by purchase, eminent domain or otherwise a portion of the property located at 930 Brook Road, Milton, Massachusetts, Milton Assessors' Parcel ID F-18-12, substantially in accordance with the terms of a Purchase and Sale Agreement between the Town and the Congregation of the Sisters of St. Joseph; and to authorize the Select Board to grant and accept all easements necessary to develop said portion of the property; and to raise and appropriate, borrow or transfer from available funds, a sum of money to be used by the Select Board to acquire said portion of the property and to take all actions necessary to complete said purchase, and to authorize the Select Board to accept grants or gifts from any other public or private funding source relating to this appropriation and to act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED** that the Town vote to authorize the Select Board to acquire by purchase, eminent domain or otherwise a portion of the property located at 930 Brook Road, Milton, Massachusetts, Milton Assessors' Records Parcel ID F-18-12, owned now or formerly by the Congregation of the Sisters of St. Joseph, containing 142,833 square feet, more or less; substantially in accordance with the terms of a Purchase and Sale Agreement between the Town and the Congregation of the Sisters of St. Joseph; and to authorize the Select Board to grant and accept all easements necessary to develop said portion of the property, and to take all other actions necessary to complete this acquisition; and that the Town appropriate an amount to pay for the costs of this acquisition, including the payment of all costs incidental and related thereto. To meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to M.G.L. c. 44, §7(1) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Select Board is authorized to accept grants or gifts from any other public or private funding source relating to this appropriation; provided, however, that said appropriation is contingent upon passage by the voters of Milton of a referendum question under Chapter 59, Section 21C(k) of the Massachusetts General Laws which exempts from the provisions of Proposition 2 ½, so called, the amount required to pay for the bond or bonds issued for the purposes of this article.

*COMMENT: In light of the need to alleviate the overcrowding present in Milton schools, the purchase of the convent building adjacent to Fontbonne Academy presents a unique opportunity to position our town to relieve school overcrowding. Specifically, the opportunity presented would:*

- Solve the overcrowding for grades Pre-k thru 5 through the creation of a new early education center (grades Pre-K and K) in a convenient location in the center of town.*
- Prevent the town from having to invest millions into temporary modular classrooms (current cost estimate - \$7-8MM) which will only be a temporary solution to overcrowding.*
- Allow the town to save a substantial amount of money by enabling the repatriation of special needs students who we currently send to other districts for their education.*

*Additionally, due to continued overcrowding it is anticipated that some current special education students who are educated in town will have to be sent to other districts for their education. Finally, this would allow all these children to be educated in their hometown.*

- *Allow the town the unique chance to buy a sizable piece of land in Milton. In the town's previous searches for land to build a school (2 requests for proposal in the last 4 years), there were no offers to sell to the town except for the current one.*

Comment from the Town Administrator: After the Warrant was approved by the Select Board and the Warrant Committee reviewed Article 3, the Congregation of the Sisters of St. Joseph withdrew from negotiations with the Town regarding the sale of this property. In light of this decision, it is anticipated that at the Special Town Meeting the Select Board will request that this article be sent back to the Select Board for further study, unless the Congregation of the Sisters of St. Joseph asks to resume negotiations and the Town and the Congregation reach an agreement.



Town of Milton  
525 Canton Ave  
Milton, MA 02186

**Town Meeting will be held on  
Monday, February 13, 2023**  
Beginning at 7:30 p.m.

The Milton High School auditorium  
is reserved for additional Town Meeting sessions  
at 7:30 p.m. Tuesday, February 14, 2023 and  
Monday, February 27, 2023

PRSRT STD  
U.S. POSTAGE  
PAID PERMIT  
NO. 59792  
BOSTON, MA



# Town of Milton

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

TEL 617-898-4846

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Joan Clifford

Applicant's Address: 334 Edge Hill Rd.

Applicant's Contact Information: [REDACTED] Telephone # [REDACTED] E-Mail Address [REDACTED]

Organization Name: Milton Art Center

Name of Event: Comedy show

Description of Event: 3 comedians, show at Milton art center

The Applicant is: ☒ Non-profit Organization or ☐ For Profit Organization

Date of Event: 2/25/23

Hours of Event: 7-10 pm

Location of Event: 334 Edge Hill Road

Number of Participants: up to 100

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Chief of Police

Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Joan Clifford Date: 1/24/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



# Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name:

John Clifford

Applicant's Address:

21 334 Edge Hill Rd.

Applicant's Contact Information:

Telephone #

E-Mail Address

Organization Name:

Milton Art Center

Name of Event:

First Friday, Artist Reception

Description of Event:

First Friday, Artist Reception for gallery show

The Applicant is:



Non-profit Organization

or



For Profit Organization

Date of Event:

3/3/23

Hours of Event:

6-9pm

Location of Event:

Milton Art Center, 334 Edge Hill Rd.

Number of Participants:

600

License For:



All Alcoholic Beverages - Issued only to a non-profit organization



Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned:

SIGNATURE:

Chief of Police

SIGNATURE:

Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE:

John Clifford

Date:

1/24/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



# Town of Milton

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

TEL 617-898-4846

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name:

Tom Clithel

Applicant's Address:

334 Edge Hill Road

Applicant's Contact Information:

Telephone #

E-Mail Address

Organization Name:

Milton Art Center

Name of Event:

First Friday Musicians @ Mac

Description of Event:

MUSICIANS play themed performance

The Applicant is:



Non-profit Organization

or



For Profit Organization

Date of Event:

4/7/23

Hours of Event:

6-9pm

Location of Event:

334 Edge Hill Road

Number of Participants:

100

License For:



All Alcoholic Beverages - Issued only to a non-profit organization



Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned:

SIGNATURE:

Chief of Police

SIGNATURE:

Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE:

Tom Clithel

Date:

1/24/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



# Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Joan Clifford

Applicant's Address: 334 Edge Hill Road

Applicant's Contact Information: [REDACTED]

Organization Name: Milton Art Center

Name of Event: Comedy @ Mac

Description of Event: 4 comedians, Comedy Show at Mac

The Applicant is: ☒ Non-profit Organization or ☐ For Profit Organization

Date of Event: 4/28/23

Hours of Event: 7-10 pm

Location of Event: 334 Edge Hill Road

Number of Participants: 100

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
Chief of Police Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Joan Clifford Date: 1/24/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



## Town of Milton

TEL 617-898-4843

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

### SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Milton Art Center / John Clippel  
Applicant's Address: 334 Edge Hill Road  
Applicant's Contact Information: [REDACTED]  
Telephone # [REDACTED] E-Mail Address [REDACTED]  
Organization Name: Milton Art Center  
Name of Event: First Friday, artist reception  
Description of Event: First Friday, reception for artists  
The Applicant is: ☐ Non-profit Organization or ☐ For Profit Organization  
Date of Event: 5/5/23  
Hours of Event: 6-9pm  
Location of Event: 334 Edge Hill Road  
Number of Participants: 60  
License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization  
☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Chief of Police

SIGNATURE: \_\_\_\_\_

Town Administrator for Select Board

APPLICANT'S SIGNATURE: John Clippel

Date: 1/24/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a bank or certified check in the amount of \$50.00 made payable to the Town of Milton. The Select Board's (Milton's Licensing Authority) approval is required at a public meeting of the Select Board. Please submit the application 30 days in advance of the event for which the license is being applied.



# Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Joan Clifford

Applicant's Address: 334 Edge Hill Road

Applicant's Contact Information: [REDACTED]

Telephone #

E-Mail Address

Organization Name: Milton Art Center

Name of Event: Spring Renewal Art Auction Fundraiser

Description of Event: Fundraiser, art auction for Milton Art Center

The Applicant is: ☒ Non-profit Organization or ☐ For Profit Organization

Date of Event: 5/10/23

Hours of Event: 7-10pm

Location of Event: 334 Edge Hill Road

Number of Participants: 100

License For: ☐ All Alcoholic Beverages - Issued only to a non-profit organization

☒ Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
Chief of Police

SIGNATURE: \_\_\_\_\_  
Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Joan Clifford Date: 1/24/23

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.

Request For Proposals  
For  
Acquisition Of A General Access Easement Over Certain  
Property In The Town Of Milton, Ma

PROPOSALS DUE January 4, 2023, 11:00 LOCAL TIME

NO LATE PROPOSALS WILL BE ACCEPTED



## TABLE OF CONTENTS

1.	INTRODUCTION	P. 3
2.	Section 1 – Instructions to Proposers	P. 4
3.	Section 2 – Description of the Property	P. 7
4.	Section 3 – Pre-Proposal, Conference, Questions and Inquiries, Final Inquiry Date	P. 8
5.	Section 4 – Minimum Submission Requirements	P. 10
6.	Section 5 – Selection Process and Comparative Evaluation Criteria	P. 12
7.	Section 6 – Final Selection and Award of Purchase and Sale Agreement	P. 16
8.	Section 7 – Projected Selection Timeline	P. 17
9.	Section 8 – Compliance with Laws	P. 17
10.	Section 9 – Insurance	P. 18
11.	Section 10 – Appendices	P. 18
12.	Section 11 – Exhibit A	PP. 18 and 34

**REQUEST FOR PROPOSALS  
FOR  
ACQUISITION OF A GENERAL ACCESS EASEMENT OVER CERTAIN PROPERTY  
IN THE TOWN OF MILTON, MASSACHUSETTS**

**INTRODUCTION**

In accordance with the provisions of Chapter 30B, Section 16 of the Massachusetts General Laws, the Town of Milton, MA., by the Select Board of the Town of Milton (hereinafter the “**Board**” or the “**Awarding Authority**”) invite sealed proposals (*hereinafter* “**Proposals**”) from interested parties (hereinafter “**Proposers**”), pursuant to the terms of a Request for Proposals, for the Acquisition of a General Access Easement over certain property in the Town of Milton, MA (the “**Property**”), as more fully described herein.

Use of the Property is subject to the Zoning Bylaws of the Town of Milton.

The Request for Proposals (“**RFP**”) may be obtained from Nicholas Milano, Town Administrator, Milton Town Office Building, 525 Canton Avenue, Milton, MA 02186, Monday through Friday, between 8:30 A.M. and 5:00 P.M. local time, beginning on November 30, 2022. The RFP shall be electronically mailed to interested parties by emailing nmilano@townofmilton.org and requesting a copy.

Three (3) copies of each Proposal in separate sealed envelopes, together with one copy in electronic format, will be received by 11:00 A.M. local time, January 4, 2023 at this address:

Nicholas Milano, Town Administrator  
Milton Town Office Building  
525 Canton Avenue  
Milton, MA 02186.  
Email address: [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org)

The clock in the Milton Select Board Office will be considered official. No late Proposals will be accepted.

The Awarding Authority reserves the right to request further information in order to clarify any portion of the Proposals received.

**The Awarding Authority reserves the right to reject any and all Proposals, wholly or in part, if it determines such action to be in the best interest of the Town of Milton.**

Any Agreement for Disposition of the Property by the Awarding Authority will be awarded, if at all, pursuant to Massachusetts General Laws Chapter 30B, Section 16, to a responsive and responsible Proposer who has submitted the most advantageous Proposal, taking into consideration price and all other evaluation criteria set forth in the RFP.

## **Section 1: Instructions to Proposers**

Proposals will be received at the Procurement Office, Milton Town Office Building, 525 Canton Avenue, Milton, MA 02186, until 11:00 AM local time on January 4, 2023, at which time all Proposals shall be opened in accordance with Chapter 30B, Section 6 of the Massachusetts General Laws.

Addenda – If any changes are made to the Request for Proposals, an addendum will be issued. Addenda will be emailed to all Proposers on record as having picked up or downloaded the RFP and the Proposer shall be responsible for ensuring that all addenda are received prior to the Proposal deadline. The Town will require acknowledgment of any addenda issued to be included on the Proposal form.

Three (3) copies of each Proposal in separate sealed envelopes, together with one (1) copy in electronic format, will be addressed to the Select Board of the Town of Milton, c/o Nicholas Milano, Milton Town Administrator, Milton Town Office Building, 525 Canton Avenue, Milton, MA 02186, and received by 11:00 A.M., local time, on January 4, 2023.

Faxed Proposals are not acceptable.

All Proposals shall conform to the requirements of Massachusetts General Laws Chapter 30B, Section 16 and applicable procurement regulations.

Each proposal shall be submitted in a sealed envelope, clearly marked “Acquisition of A General Access Easement Across Certain Property in Milton, MA”. The Proposer’s name, address and contact phone number shall be clearly visible from the outside of the sealed envelope. Each Proposal shall be submitted in accordance with the Proposal Submission Requirements set forth herein in order to be considered for award.

After the Proposals are opened, no Proposer may withdraw its Proposal prior to the execution of the Purchase and Sale Agreement by both parties unless an award is not made after one hundred eighty (180) days from the opening of the sealed Proposals, (Saturdays, Sundays, and legal Holidays excluded). All prices submitted in response to the RFP shall remain firm for one hundred eighty (180) days following the opening of Proposals. All Proposals shall be properly

signed. The Purchase and Sale Agreement will be awarded, if at all, within one hundred eighty (180) days of the opening of Proposals as described above.

By submission of a Proposal, the Proposer agrees, if its Proposal is accepted, to enter into an Easement Agreement with the Board that incorporates all of the requirements of this RFP. The Proposer further accepts all of the terms and conditions of this RFP. The successful Proposer shall be required to execute an Easement Agreement substantially similar to the Easement Agreement which is attached hereto and incorporated herein by reference.

Submission of a Proposal shall be conclusive evidence that the Proposer has examined the Property and this RFP and is familiar with all the conditions of the proposed Purchase and Sale Agreement. Upon finding any omissions or discrepancy in this RFP, the Proposer shall notify the Milton Town Administrator immediately so that any necessary addenda may be issued. Failure of the Proposer to investigate completely the Property and/or to be thoroughly familiar with this RFP and any addenda shall in no way relieve any such Proposer from any obligation with respect to the Proposal.

Proposals may include conditions for consideration by the Awarding Authority.

The Awarding Authority may cancel this RFP or reject, in whole or in part, any and all Proposals, if the Awarding Authority determines that cancellation or rejection is in the best interest of the Town of Milton. The Awarding Authority may reject as non-responsive any Proposal that fails to satisfy any of the Proposal Submission Requirements.

The Awarding Authority may waive minor defects in a Proposal, or allow the Proposer to correct them. Changes, modifications or withdrawal of Proposals shall be submitted in writing to the Awarding Authority, c/o the Town of Milton Town Administrator, prior to the deadline and shall be contained in a sealed envelope clearly marked "CORRECTION, MODIFICATION OR WITHDRAWAL OF PROPOSAL FOR Acquisition of A General Access Easement Across Certain Property in Milton, MA." No corrections, modifications, or withdrawal of Proposals will be permitted after Proposals have been opened.

The successful Proposer who enters into an Easement Agreement with the Awarding Authority shall be responsible for obtaining, at its own expense, all required federal, state and local permits, licenses and approvals.

The Town of Milton **will not** reimburse Proposers for any costs incurred in preparing Proposals in response to this RFP, including costs incurred for site visits or preliminary engineering analyses.

Massachusetts General Laws Chapter 30B, Section 16 which is incorporated herein by reference, will govern all procedures.

## **Section 2: Description of the Property**

The Town of Milton currently holds title to the Dump Access Road, which was historically used to access Milton's Town Dump. It is currently closed to general vehicular traffic. Milton Town Meeting has authorized the Select Board to enter into access easements over the Dump Access Road with other entities previously, including Quarry Hills Associates, Inc. (Granite Links) and National Grid.

The Town is seeking proposals for an easement over a parcel of land approximately shown as "Access Road Town of Milton 40 on a plan entitled "PLAN OF LAND Access Road Milton, Massachusetts," dated August 22, 2022, prepared by Merrill Engineers and Land Surveyors, which Plan is appended hereto as Exhibit "A."

The Grantee of the easement shall have the right to improve the Access Road, at its own cost, including but not limited to roadway, sidewalks, landscaping, lighting, new signage, traffic light adjustment if needed and utilities.

The Awarding Authority makes no representations of any kind with respect to the Property's adequacy for Use. The Property is offered for sale in "AS IS CONDITION," as the Town of Milton has no intentions of making any improvements to the Property prior to sale thereof.

At the December 5, 2022, Milton Special Town Meeting, Town Meeting will consider approval of a warrant article to authorize the Select Board to grant the general access easement.

## **Section 3: Pre-Proposal Conference, Questions and Inquiries, Final Inquiry Date**

### **A. Pre-Proposal Conference**

There will be no pre proposal conference.

### **B. Site Visits/Building Inspections**

Interested parties submitting proposals may request access to the Property in writing to: Nicholas Milano, Town Administrator, [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org). The Town will not allow any inspections that require alteration or damage to the Property. Any damage incurred during inspections shall be repaired /restored to its condition at the time of the inspection by the person conducting the inspection. Interested parties will be permitted to inspect the Property and perform engineering surveys at their own expense. Interested parties shall be responsible for determining the adequacy of the Property to support their proposed Use.

### **C. Questions and Inquiries**

Any questions or clarifications about the RFP shall be in writing and shall be directed to Nicholas Milano, Milton Chief Procurement Officer, by fax at (617)-698-6741 or by email at [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org).

D. Final Inquiry Date

All other questions and inquiries concerning this RFP should be submitted in writing no later than 11:00 local time on December 29, 2022.

Inquiries **will not** be answered directly. The Awarding Authority will issue an addendum to address the written questions submitted by the aforementioned deadline. Any addenda will be issued via email to interested Proposers; therefore, Proposers shall provide a valid email address.

It is the responsibility of the Proposer to contact the Office of the Milton Chief Procurement Officer at 617-898-4877 prior to the submittal deadline to ensure that the Proposer has received all addenda issued by the Awarding Authority.

The Awarding Authority reserves the right to amend this RFP based on questions and issues raised prior to and at the Pre-Proposal Conference.

#### **Section 4: Minimum Submission Requirements**

I. **PRICE PROPOSAL**

To be considered responsible and eligible to submit a Proposal for consideration of having the most advantageous Proposal, Proposers shall submit their Proposal and all completed attachments in a sealed envelope in accordance with the instructions provided herein.

Proposals shall comply with the following format:

**A. Letter of Transmittal**

Proposers shall submit cover letters with their Proposals. Each cover letter shall be signed by the Proposer, stating that the Proposal is effective for at least one hundred twenty (120) calendar days from the opening of Proposals, or from the date upon which this RFP is cancelled, whichever occurs first.

**B. Table of Contents**

Proposals shall include a table of contents, properly indicating the section and page numbers of the information included.

### **C. Proposal Form and Related Documents**

The following documents are included in the Appendix:

- 1) A fully executed Price Proposal Form.
- 2) A fully executed Certificate of Non-Collusion.
- 3) A fully executed Certificate of Tax Compliance (M.G.L., c.62C, §49A).
- 4) A fully executed Disclosure of Beneficial Interests in Real Property Transaction M.G.L. c. 7, §40J).
- 5) A fully executed Conflict of Interest Certification (M.G.L. c.268A).
- 6) A fully executed Conflict of Interest Statement.
- 7) A fully executed Certificate of Corporate Proposer.
- 8) A fully executed Certificate of Compliance with M.G.L. c. 151B.
- 9) A fully executed Certificate of Non-Debarment.

The following documents must be obtained and submitted by each Proposer:

- 1) A certificate of insurability from an insurance company that is licensed to do business in the Commonwealth of Massachusetts indicating that all the provisions of the insurance specifications can be met, shall be submitted with the proposal documents.
- 2) The name, address, telephone number and email address of the individual submitting the Proposal who will serve as the organization's primary contact with the Town.
- 3) A description of the organization, its year of founding, its mission/purpose, legal status (specifying any parent/subsidiary companies), its business structure, and its leadership structure. Each Proposer shall include a list of members of the board of directors of the organization and their credentials/background.
- 4) A summary of the Proposer's intended Use of the Property. Within this section, each Proposer shall include the following information:
  - a. The Proposer's proposed Use of the Property.
  - b. The estimated number of vehicular trips per day, types of vehicles and types of trips – customers, employees, residents, etc. - going to and from the Property,
- 5) A statement that the Proposer has visited the Property and is fully acquainted with the conditions as they exist.
- 6) Contact name and phone number for three (3) current references, ideally for projects completed.
- 7) A statement of financial stability of the Proposer. The Town reserves the right to request that Proposers provide the last two (2) year-end Financial Statements with supplemental schedules or the last two (2) year's Balance Sheets. Financial information shall generally not be considered a public record, as defined by M.G.L. c. 4, §7, cl. 26<sup>th</sup>.

### **D. Elevation Drawings:**

(omitted)

#### **E. Cost Estimate for Proposed Renovations:**

(omitted)

### **Section 5. Selection Process and Comparative Evaluation Criteria**

Proposals will be reviewed to determine compliance with the foregoing Minimum Submission Requirements. Any Proposal which fails to meet any of the Minimum Submission Requirements will be rejected as non-responsive. Proposals which comply with all of the Minimum Submission Requirements will be submitted to the Review Committee, comprised of the Board's designee(s), to choose **no more than three (3) Proposals** for final consideration.

The Committee will evaluate Non-Price Proposals based on the following Evaluation Criteria:

#### **A. Proposed Use of the Property**

#### **B. Reference Checks**

#### **C. Financial Viability**

### **Evaluation of Proposals**

Each responsive and responsible Proposer will be evaluated on the following criteria for determination of the most advantageous responses.

#### **A. Proposed Use of the Property**

Proposals with a Use of the Property that serves a distinct need to provide access to abutting parcels will be rated highly advantageous. Proposals that do not demonstrate a clear need for access over the Dump Access Road will be rated less favorable.

#### **B. Quality and number of references in both public and private contexts**

Proposers will be rated highly advantageous if all reference checks are positive. Proposers with 1 or more negative reference will be rated not advantageous.

#### **C. Financial Viability**

Proposers that demonstrate that it has access to funds to improve and maintain the easement shall be rated highly advantageous. Upon the Town's request, Proposers shall provide a statement of financial stability and/or provide a commitment letter from a lending institution. Proposers who



do not demonstrate access to funds or financial stability will be rated less favorable.

## **Section 6. Final Selection and Award of Purchase and Sale Agreement**

The Review Committee will review and rate the Proposals and rank them.

Based upon the Review Committee's analysis of the Proposals, the Review Committee will submit its top-ranked proposal for consideration by the Awarding Authority. The Awarding Authority will then decide whether an Easement Agreement will be awarded. Any Easement Agreement for the Property by the Town of Milton will be awarded, if at all, pursuant to Massachusetts General Laws Chapter 30B, Section 16, to a responsive and responsible Proposer who has submitted the most advantageous Proposal, taking into consideration price and all other evaluation criteria set forth in the RFP.

## **Section 7. Compliance with Laws**

The Successful Proposer shall comply with all applicable provisions of Federal, Massachusetts and Town of Milton law, including, without limitation, statutes, by-laws, rules, regulations, orders and directives, as amended in effect throughout the term of or this Purchase and Sale Agreement.

## **Section 8. Insurance**

The Successful Proposer shall keep in force throughout the term of the Easement Agreement the amount of insurance as required by the Town. Policies shall include language naming the Town as an additional insured.

## **Section 9. Appendices**

1. Price Proposal Form.
2. Certificate of Non-Collusion.
3. Certificate of Tax Compliance. (M.G.L., c.62C, §49A).
4. Disclosure of Beneficial Interests in Real Property Transaction Form (M.G.L. c. 7C, §38).
5. Conflict of Interest Certification
6. Conflict of Interest Statement (M.G.L. c. 268A).
7. Certificate of Corporate Proposer.
8. Certificate of Compliance with M.G.L. c. 151B.
9. Certificate of Non-Debarment.
10. Easement Agreement.

**Appendix 1**  
**Price Proposal Form**  
Page 1 of 1

**Please print legibly.**

**To the Select Board of the Town of Milton:**

**Proposer submits the following purchase price for the General Access Easement Across  
Certain Property in the Town of Milton, MA, as described more fully in the foregoing  
RFP:**

\_\_\_\_\_  
**Total Price in numbers:**

\_\_\_\_\_  
**Total Price in words**

**Other Consideration:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Printed Title**

**If a Corporation:**

**Full Legal Name** \_\_\_\_\_

**Officers of Corporation and Addresses**\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**State of Incorporation**\_\_\_\_\_

**Principal of Business** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

**Qualified in Massachusetts** **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**Place of Business in MA** \_\_\_\_\_ **Zip Code** \_\_\_\_\_ **Tel.** \_\_\_\_\_

**Appendix 2**  
**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies, under penalties of perjury, that this Proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Address of Proposer

\_\_\_\_\_  
Telephone Number

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

**Appendix 3**  
**CERTIFICATE OF TAX COMPLIANCE**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that the Proposer named below has complied with all laws of the Commonwealth of Massachusetts pertaining to the payment of taxes, to the reporting of employees and contractors, and to the withholding and remitting of child support.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Address of Proposer

\_\_\_\_\_  
Telephone Number

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

**Appendix 4**  
**DISCLOSURE OF BENEFICIAL INTERESTS IN REAL PROPERTY**  
**TRANSACTION**

**DISCLOSURE STATEMENT FOR**  
**TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY**  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)

**INSTRUCTION SHEET**

**NOTE:** The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

**Section (1):** Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

**Section (2):** Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

**Section (3):** Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

**Section (4):** Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

**Section (5):** Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

**Section (6):** List the names and addresses of **every** legal entity and **every** natural person that has or will have a **direct or indirect** beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

**Section (7):** Write "none" in the blank if none of the persons mentioned in Section 6 is employed by DCAMM. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM.

**Section (8):** The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

**Section (9):** Make sure that this Disclosure Statement is signed by the correct person. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15<sup>th</sup> Floor, Boston, MA 02108

**DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:

Sale of Real Property

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY (IF NOT AN INDIVIDUAL):

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

\_\_\_\_ Lessor/Landlord      \_\_\_\_ Lessee/Tenant

\_\_\_\_ Seller/Grantor      \_\_\_\_ Buyer/Grantee

\_\_\_\_ Other (Please describe):

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a timeshare that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

- (7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert “none” if none):
- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

*No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the Securities and Exchange Commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and timeshares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arm's length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.*

*Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.*

*The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.*

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

---

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

---

AUTHORIZED SIGNATURE of DISCLOSING PARTY      DATE (MM/DD/YYYY)

---

PRINT NAME & TITLE of AUTHORIZED SIGNER





**Appendix 5**  
**CONFLICT OF INTEREST CERTIFICATION**

The Proposer hereby certifies that:

1. The Proposer has not given, offered, or agreed to give any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of a Purchase and Sale Agreement pursuant to this RFP.
2. No consultant to, or subcontractor for, the Proposer has given, offered, or agreed to give any gift, contribution, or offer of employment to the Proposer, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a Purchase and Sale Agreement by the Proposer.
3. No person, corporation, or other entity, other than a bona fide full time employee of the Proposer has been retained or hired to solicit for or in any way assist the Proposer in obtaining the Purchase and Sale Agreement (pursuant to this RFP) upon an agreement or understanding that such person, corporation or entity be paid a fee or other compensation contingent upon the award of a Purchase and Sale Agreement to the Proposer.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Address of Proposer

\_\_\_\_\_  
Telephone Number

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

**Appendix 6**  
**CONFLICT OF INTEREST STATEMENT**

The Proposer hereby certifies:

I hereby certify that the Proposer understands that the Massachusetts Conflict of Interest Law, Chapter 268A of the Massachusetts General Laws, applies to the Proposer with respect to the transaction outlined in the Request for Proposals. I also certify that the Proposer understands that the Proposer, its officers, employees, agents, subcontractors, and affiliated entities, shall not participate in any activity which constitutes a violation of the Massachusetts Conflict of Interest Law or which creates an appearance of a violation of the Massachusetts Conflict of Interest Law.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Address of Proposer

\_\_\_\_\_  
\_\_\_\_\_  
Telephone Number

By: \_\_\_\_\_

(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

**Appendix 7**  
**CERTIFICATE OF CORPORATE PROPOSER**

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the Corporation named as Proposer in the attached Proposal; that \_\_\_\_\_, who signed said Proposal on behalf of the Proposer was then \_\_\_\_\_ of said Corporation; that I know his/her signature hereto is genuine and that said Proposal was duly signed, sealed and executed for and on behalf of its governing body.

(Corporate Seal)

Name of Proposer

\_\_\_\_\_

Address of Proposer

\_\_\_\_\_

\_\_\_\_\_

Telephone Number

By: \_\_\_\_\_

(Signature)

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Printed Title

\_\_\_\_\_

Date

This Certificate shall be completed where Proposer is a Corporation and shall be so completed by its Clerk. In the event that the Clerk is the person signing the Proposal on behalf of the Corporation, this certificate shall be completed by another officer of the Corporation.

**Appendix 8**  
**CERTIFICATE OF COMPLIANCE WITH M.G.L. c. 151B**

The Proposer hereby certifies that it is in compliance with and shall remain in compliance with Massachusetts General Laws (M.G.L.) Chapter 151B and shall not discriminate on any prohibited basis outlined therein.

Name of Proposer

---

Address of Proposer

---

---

Telephone Number

By: \_\_\_\_\_

(Signature)

---

Printed Name

---

Printed Title

---

Date

**Appendix 9**  
**CERTIFICATE OF NON-DEBARMENT**

The Proposer hereby certifies that it is presently not debarred, suspended, or otherwise prohibited from practice by any federal, state, or local agency, and that, should any proceeding arise in which it is debarred, suspended, or otherwise prohibited from practice by any federal, state, or local agency, the Proposer shall inform the Town of Milton within one (1) business day of such debarment, suspension, or prohibition from practice.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Address of Proposer

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number

By: \_\_\_\_\_

(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

**Appendix 10**  
**Easement Agreement**

## **ACCESS EASEMENT**

TOWN OF MILTON, a municipal corporation with an address of 525 Canton Avenue, Milton, Massachusetts 02186, owner of a parcel of land known as [IDENTIFYING INFORMATION], by virtue of a [TITLE INFORMATION] and

For \_\_ Dollars (\$\_\_) and other valuable consideration the receipt of which is hereby acknowledged,

And in accordance with the vote of Town Meeting on Article 4 at the Special Town Meeting on December 5, 2022,

Hereby grant to the \_\_\_\_ (“Grantee”), a general access easement over the area shown as “ACCESS ROAD TOWN OF MILTON 40” on a plan entitled “PLAN OF LAND Access Road Milton, Massachusetts,” dated August 26, 2022 prepared by Merrill Engineers and Land Surveyors, which Plan is appended hereto as Exhibit “A” and incorporated herein by reference to provide access to and from the Grantee owned parcel known as Assessor’s Parcel ID: 1-38D-4 on the Town of Milton Assessor’s Maps, also known as 728 Randolph Avenue, and as more particularly described in a deed to Grantee dated \_\_\_\_\_ and recorded with Norfolk Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Benefited Land”). The use of this easement shall be limited to all means of access reasonably necessary for the use and benefit of the Benefited Land, including without limitation all uses for which public ways are commonly used in the Town of Milton.

This easement is appurtenant to the Benefited Land and runs in perpetuity for the benefit of the Grantee and its successors and assigns, including without limitation a condominium association or homeowners association in connection with the improvements to be built on the Benefited Parcel; provided, however, this easement shall terminate if and when the Access Road shown on said Plan (the “Access Road”) is accepted as a public way.

Grantee shall have the right to improve the Access Road at its sole cost and expense, including without limitation adding sidewalks, landscaping, lighting, new signage, utilities, and traffic light adjustments (if such traffic light adjustments are approved by the Massachusetts Department of Transportation).

**SIGNATURES APPEAR ON FOLLOWING PAGES**



Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF MILTON**  
**By Its SELECT BOARD**

\_\_\_\_\_  
Arthur J. Doyle, Chair

\_\_\_\_\_  
Michael F. Zullas, Vice-Chair

\_\_\_\_\_  
Richard G. Wells, Jr., Secretary

\_\_\_\_\_  
Erin G. Bradley

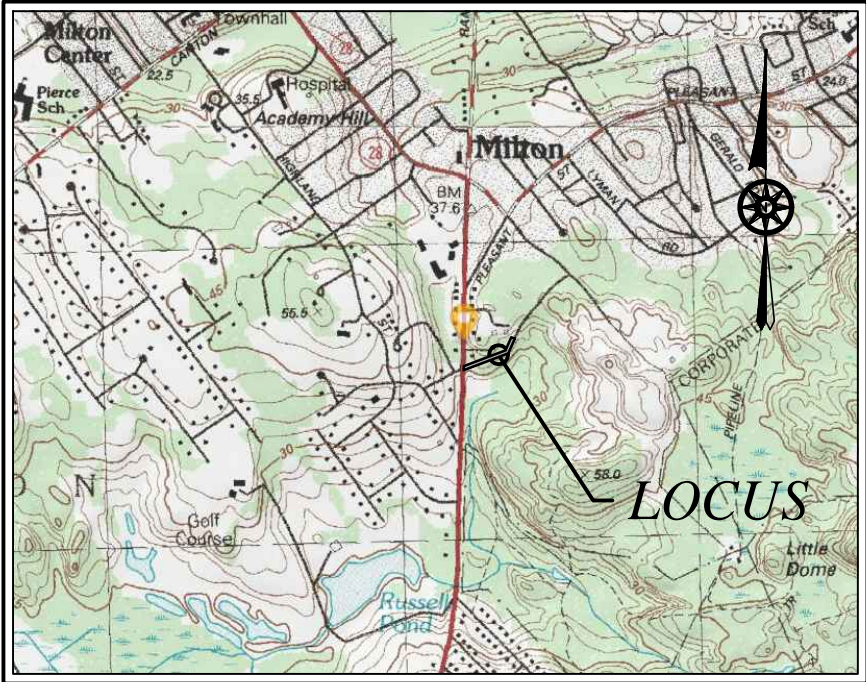
\_\_\_\_\_  
Roxanne Musto

**COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned notary public, personally appeared Arthur J. Doyle, Michael F. Zullas, Richard G. Wells, Jr., Erin G. Bradley, and Roxanne Musto proved to me through satisfactory evidence of identification, which were \_\_\_\_\_ to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose in their capacity as Members of the Town of Milton Select Board.

\_\_\_\_\_  
Notary Public  
My commission expires:

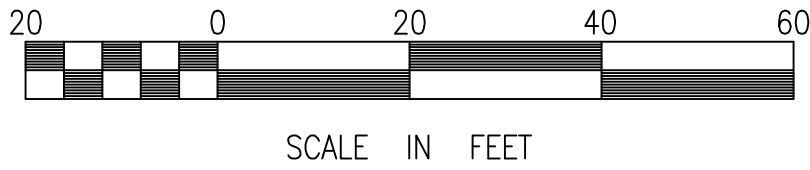
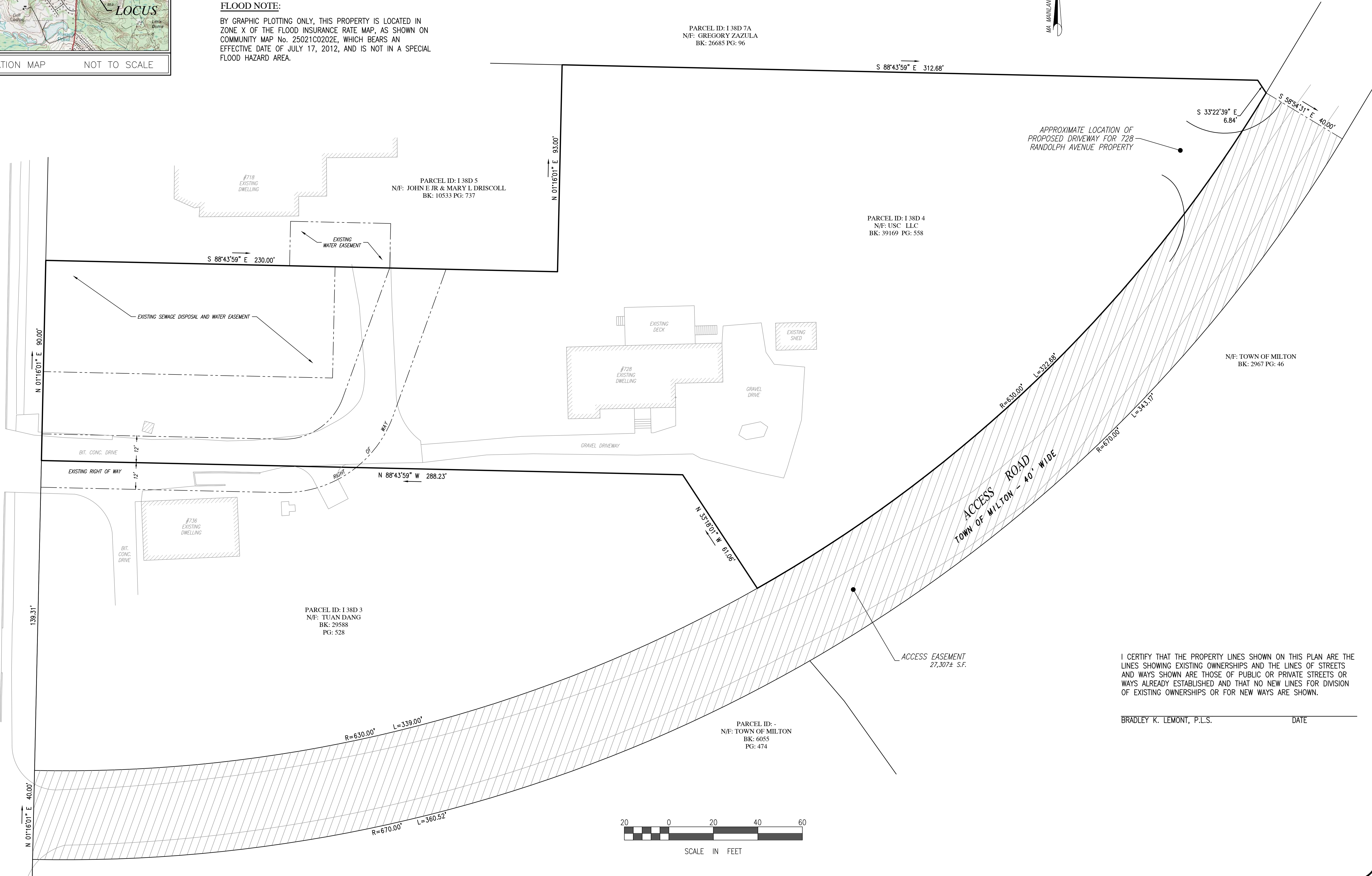


LOCATION MAP NOT TO SCALE

RECORD OWNER:  
ACCESS ROAD  
TOWN OF MILTON  
DEED BOOK XX PAGE XX

FLOOD NOTE:  
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN  
ZONE X OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON  
COMMUNITY MAP No. 25021C0202E, WHICH BEARS AN  
EFFECTIVE DATE OF JULY 17, 2012, AND IS NOT IN A SPECIAL  
FLOOD HAZARD AREA.

RANDOLPH (ROUTE 28) AVENUE  
1932 STATE HIGHWAY LAYOUT NO. 2907



I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE  
LINES SHOWING EXISTING OWNERSHIPS AND THE LINES OF STREETS  
AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR  
WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION  
OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

BRADLEY K. LEMONT, P.L.S. DATE

REVISIONS	

DRAFT

DRAWN BY: DLA/DB  
DESIGNED BY: ---  
CHECKED BY: BKL



**Merrill**  
Engineers and Land Surveyors  
427 COLUMBIA ROAD, HANOVER, MA 02339 / T: (781) 826-9200  
26 UNION STREET, PLYMOUTH MA 02360 / T: (508) 746-6060  
WWW.MERRILLINC.COM

PLAN OF LAND  
ACCESS ROAD  
MILTON, MASSACHUSETTS

PREPARED FOR:  
ROB CELIBERTI, CRL, INC.  
355 WAREHAM STREET, UNIT 5  
MIDDLEBOROUGH, MA 02346

AUGUST 26, 2022  
SCALE: 1" = 20'  
JOB NO. 21-048  
LATEST REVISION:



**Request for Proposals for Acquisition of a General Access Easement Over Certain  
Property in The Town Of Milton, Ma**

**Addendum #1 – December 29, 2022**

Proposal Submission Date: The Town hereby amends the Request for Proposals for Acquisition of a General Access Easement Over Certain Property in The Town Of Milton, Ma with a new Proposal Submission Date of **January 13, 2023 at 11:00 AM, local time**.

All proposals must be received in the Select Board Office on January 13, 2023 by 11:00 AM, local time, at which time proposals will be opened.





**Request for Proposals for Acquisition of a General Access Easement Over Certain  
Property in The Town Of Milton, Ma**

**Addendum #2 – January 12, 2023**

The Town is hereby correcting a typographical error in Section 2: Description of the Property.

The plan is entitled “PLAN OF LAND Access Road Milton, Massachusetts,” dated August 26, 2022, prepared by Merrill Engineers and Land Surveyors, which Plan is appended hereto as Exhibit “A.”

**USC LLC**  
**906 North Bedford Street, Unit 1**  
**East Bridgewater, MA 02333**

---

Via 3 sealed envelopes hand delivered and a .pdf copy  
emailed to [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org)

January 12, 2023

Select Board of the Town of Milton  
c/o Nicholas Milano, Milton Town Administrator  
Milton Town Office Building  
525 Canton Avenue  
Milton, MA 02186

Re: Request for Proposals for "Acquisition of A General Access Easement Across Certain Property  
in Milton, Massachusetts"  
Proposer: USC LLC

Dear Mr. Milano:

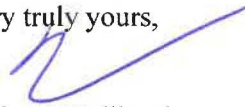
Please find enclosed herewith three (3) counterpart original copies of the Proposal from USC LLC in response to the Town of Milton Request for Proposals for "Acquisition of A General Access Easement Across Certain Property in Milton, MA".

This Proposal is effective for at least one hundred twenty (120) calendar days from the opening of Proposals, or from the date upon which this RFP is cancelled, whichever occurs first.

If selected, USC LLC agrees to enter into an Easement Agreement as per the Request for Proposals and to abide by the terms and conditions of the Request for Proposal and this Proposal.

Thank you.

Very truly yours,



Umberto Celiberti  
Manager of USC LLC

**USC LLC**  
**PROPOSAL FOR ACQUISITION OF A GENERAL ACCESS EASEMENT**  
**OVER CERTAIN PROPERTY IN THE TOWN OF MILTON**  
**JANUARY 12, 2023**

**TABLE OF CONTENTS**

**SECTION I**

1. Certificate of insurability from an insurance company that is licensed to do business in the Commonwealth of Massachusetts PAGE 5
2. Name, address, telephone number and email address of the individual submitting the Proposal who will serve as the organization's primary contact with the Town PAGE 6
3. Description of the organization, its year of founding, its mission/purpose, legal status (specifying any parent/subsidiary companies, its business structure, and its leadership structure) PAGE 7
4. Summary of the Proposer's intended Use of the Property PAGES 8 & 9
5. Statement that the Proposer has visited the Property and is fully acquainted with the conditions as they exist PAGE 10
6. Contact name and phone number for three (3) current references PAGE 11
7. Financial Viability PAGES 13 & 14

**SECTION II**

8. Fully Executed Price Proposal Form PAGES 17 & 18
9. Fully executed Certificate of Non-Collusion PAGE 20
10. Fully executed Certificate of Tax Compliance (M.G.L., c.62C, §49A) PAGE 22
11. Fully executed Disclosure of Beneficial Interests in Real Property Transaction M.G.L. c.7, §40J) PAGES 24, 25 & 26
12. Fully executed Conflict of Interest Certification (M.G.L. c.268A) PAGE 28

13. Fully executed Conflict of Interest Statement	PAGE 30
14. Fully executed Certificate of Corporate Proposer	PAGE 32
15. Fully executed Certificate of Compliance with M.G.L. c. 151B	PAGE 34
16. Fully executed Certificate of Non-Debarment	PAGE 36

## **SECTION I**



## SECTION I

### 1. CERTIFICATE OF INSURABILITY



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/06/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Insurance Services Solutions, LLC 208 South Colony Rd. PO Box 4047 Wallingford CT 06492	<b>CONTACT NAME:</b> Timothy Hogan <b>PHONE (A/C, No):</b> [REDACTED] <b>FAX (A/C, No):</b> [REDACTED] <b>E-MAIL ADDRESS:</b> [REDACTED] <b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Nautilus Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	<b>NAIC #</b> 17370
---	---	------------------------

**COVERAGES** **CERTIFICATE NUMBER:** CL2182407401 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			NN1357493	01/06/2023	01/06/2024	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
						GENERAL AGGREGATE \$ 2,000,000	
						PRODUCTS - COMP/OP AGG \$ 2,000,000	
							\$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			AN1253736	01/06/2023	01/06/2024	COMBINED SINGLE LIMIT (Ea accident) \$
			BODILY INJURY (Per person) \$				
			BODILY INJURY (Per accident) \$				
			PROPERTY DAMAGE (Per accident) \$				
						\$	
							EACH OCCURRENCE \$ 4,000,000
							AGGREGATE \$ 4,000,000
							\$
	<input checked="" type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RFP for Acquisition of a General Access Easement Over Certain Property In The Town of Milton, Massachusetts

## CERTIFICATE HOLDER

Town of Milton 525 Canton Ave  Milton MA 02186
---

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
AUTHORIZED REPRESENTATIVE 

SECTION I

2. NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF  
THE INDIVIDUAL SUBMITTING THE PROPOSAL WHO WILL SERVE  
AS THE ORGANIZATION'S PRIMARY CONTACT WITH THE TOWN

Umberto Celiberti

[REDACTED]

East Bridgewater, MA 02333

[REDACTED]

[REDACTED]

## SECTION I

### 3. DESCRIPTION OF THE ORGANIZATION

USC LLC is a Massachusetts limited liability company that was founded in 2016. The company is in good standing with the Massachusetts Secretary of State (Corporations Division). There are no parent or subsidiary companies. Its business structure is that of a single-member limited liability company. The sole member and Manager is Umberto Celiberti, a/k/a Rob Celiberti.

The mission/purpose of the company is to engage in real estate investment, development and management and equipment leasing and any activities directly or indirectly related or incidental thereto.

The sole Member and Manager of the company is Umberto Celiberti, a/k/a Rob Celiberti. (As a limited liability company, there is no board of directors.)

Umberto Celiberti, a/k/a Rob Celiberti, is an experienced site contractor, builder and developer of both commercial and residential properties who has many years of experience building subdivisions, residential and commercial buildings, and managing property. He is a second-generation Builder-Developer. He holds a Massachusetts Construction Supervisor's License and related construction licenses.

Mr. Celiberti earned a Bachelor of Science degree from Wentworth Institute of Technology in 2002.

## SECTION I

### 4. SUMMARY OF THE INTENDED USE OF THE PROPERTY

#### A. Proposed Use of the Property

NOTE: Wherever the terms "USC LLC" or "Proposer" are used they include USC LLC and its successors and assigns.

USC LLC is the owner of the parcel of land adjacent to the Property, located at 728 Randolph Ave., Milton, MA and shown as Parcel No. 1-38D-4 on the Town of Milton Assessor's Maps (the "728 Parcel"); for Proposer's title to the 728 Parcel see deed recorded with Norfolk Registry of Deeds in Book 39169, Page 558. USC LLC proposes to obtain for itself and its successors and assigns a general access easement over the Dump Access Road as described in the Request for Proposals, generally as shown on a plan entitled "Plan of Land Access Road, Milton Massachusetts" dated August 26, 2022 prepared by Merrill Engineers and Land Surveyors (Exhibit A to the Request for Proposals).

The easement shall provide access from Randolph Ave. to the 728 Parcel. The easement will provide vehicular and pedestrian access to a forty (40) unit residential condominium project proposed by USC LLC on said property, including without limitation access to construct said project and access for all owners, residents, tenants, occupants, guests, postal deliveries, delivery services, construction, snow plowing, landscaping and maintenance services and personnel, and trash/refuse and recycling vehicles, and the proposed easement, which shall run with the land and be in perpetuity, shall give USC LLC the right at its own cost to improve the Dump Access Road within the easement area with roadway improvements which include without limitation paving, sidewalks, landscaping, lighting, new signage, utilities including without limitation an up-to eight (8") inch water main, drainage facilities, electrical, television, and telephone lines and cables in accordance with the Town of Milton technical requirements (the "Town Standards"). Snow plowing and the ongoing repair and maintenance of the easement shall be the responsibility of the Town of Milton, unless otherwise agreed to by USC LLC. Any improvements to the easement area beyond the Town Standards and/or required for development of any other parcels of land adjacent to the Dump Access Road but not for the aforesaid development of the 728 Parcel shall be the responsibility of others.

#### B. Vehicle Trips and Vehicle Information

Condominium Project Operations: Total vehicle trips per day expected to be generated: 216 vehicles per day.

Types of vehicles: passenger vehicles, SUV's, light duty trucks and heavy-duty trucks.

Types of trips including without limitation: building occupants and guests, maintenance, delivery, trash/recycling, maintenance staff, landscaping, snow plow, USPS deliveries, delivery

services such as but not limited to FedEx/UPS/Amazon, on-site management staff/leasing, grocery shopping deliveries, food deliveries such as but not limited to local pizza shops, GrubHub, and UberEats), and RideShare (Uber, Lyft).

Construction Phase: Total vehicle trips per day: 86 vehicles per day.


Types of vehicles: passenger vehicles and construction vehicles, including without limitation light duty trucks, heavy-duty trucks, low bed trucks, crane trucks, dump trucks, concrete trucks, and pump trucks

Types of trips: including without limitation construction personnel, contractors and sub-contractors, material and equipment deliveries, trash/recycling, snow plowing, site-work and paving equipment.

SECTION I

5. STATEMENT THAT THE PROPOSER HAS VISITED THE SITE AND IS FULLY ACQUAINTED WITH THE CONDITIONS AS THEY EXIST

The undersigned, Umberto Celiberti, as Manager of USC LLC, hereby states that he has visited the dump access road site and is fully acquainted with the conditions as they exist.

---

Umberto Celiberti, Manager of  
USC LLC

SECTION I

6. CONTACT NAME AND PHONE NUMBER FOR THREE (3) CURRENT REFERENCES

Scott Fitzgerald

[REDACTED]

William R. Laferriere

[REDACTED]

Justin Oliver

[REDACTED]



SECTION I

7. FINANCIAL VIABILITY



January 6, 2023

Umberto Celiberti  
USC, LLC

[REDACTED]  
East Bridgewater, MA 02333-1276

RE: RFP for Acquisition of a General Access Easement Over Certain Property in the Town of Milton, Massachusetts Owned by Town of Milton MA, 525 Canton Ave., Milton MA 02186

Dear Rob:

In response to our recent discussions related to the above noted, the Bank of Canton (hereinafter "the Bank") is pleased to make the following proposal as detailed below. The Bank's final approval and commitment is subject to its internal credit approval process. Please bear in mind that this letter, if signed by you, will be used solely to continue to guide our further discussions and be the basis for the Bank's due diligence. This loan proposal does not constitute an offer, agreement or commitment to extend credit. The actual terms and conditions upon which the Bank may continue to extend credit to you will be subject to the Bank's internal approval, completion of due diligence and such other terms and conditions as the Bank may determine.

PROPOSED BORROWER:	USC, LLC or Nominee
LOAN TYPE:	Construction Loan
PURPOSE:	Provide financing for access road improvements related to the 40-unit Multifamily Construction Project at 728 Randolph Street, Milton
TERM/MATURITY:	Twenty-Four (24) Months
RECOURSE/GUARANTY:	Umberto Celiberti to provide an unlimited personal guarantee
REPAYMENT SCHEDULE:	Interest Only
COLLATERAL:	First mortgage and assignment of leases, permits, approvals, licenses, contracts, etc., related to the Project
OTHER CONDITIONS:	1. Receipt and review of all budgets, permits plans, and approvals

2. Other due diligence as determined by the Bank prior to closing, including but not limited to: receipt and satisfactory review of construction budget by 3<sup>rd</sup> party inspector, receipt and satisfactory review of an "as is" and "as complete" appraisal prior to closing, receipt and satisfactory review of environmental due diligence.

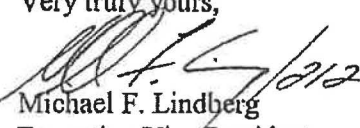
FINANCIAL REQUIREMENTS: Upon Request

CONDITIONS PRECEDENT: Usual and customary in transactions of this type, including without limitation, completion of customary due diligence, satisfactory legal documentation, usual and customary representations and warranties, affirmative and negative covenants and events of default. If a commitment is issued, the Borrower is responsible to pay all fees and expenses incurred by the Bank, including, but not limited to, appraisal, environmental and legal fees whether or not the loan closes.

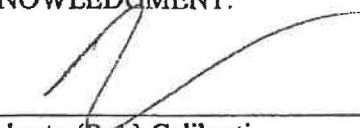
This proposal (i) is subject to the Bank's credit and other internal approvals, (ii) is not a commitment to extend credit and (iii) is not an attempt to define all terms and conditions, which would be included in final documentation. The cost and expense associated with the preparation and closing of such documentation, including legal, appraisal, etc. shall be at the Borrower's expense regardless of whether the proposed loan is approved and closed.

The Bank of Canton appreciates the opportunity you have given us to consider this financing request. Should you have any questions, please call Dana MacKinnon at 781.830.6225.

Very truly yours,

  
Michael F. Lindberg  
Executive Vice President  
The Bank of Canton

ACKNOWLEDGMENT:

By:   
Umberto (Rob) Celiberti

Date: 1/9/23

## SECTION II

## SECTION II

### 8. FULLY EXECUTED PRICE PROPOSAL FORM

Appendix 1  
Price Proposal Form  
Page 1 of 1

Please print legibly.

To the Select Board of the Town of Milton:

Proposer submits the following purchase price for the General Access Easement Across  
Certain Property in the Town of Milton, MA, as described more fully in the foregoing  
RFP:

\$ 100.00

Total Price in numbers:

One Hundred Dollars

Total Price in words

Other Consideration:

---

---

---

USC LLC

Printed Name

Authorized Signature

January 12, 2023  
Date

Umberto Peliberti

Printed Name

Manager

Printed Title

If a Corporation:

Full Legal Name

USC LLC

Officers of Corporation and Addresses

Umberto Celiberti

[REDACTED]

East Bridgewater, MA 02333

State of Incorporation

Massachusetts

Principal of Business

Umberto Celiberti

Zip Code

02333

Qualified in Massachusetts

Yes

☒

No

Place of Business in MA

East Bridgewater

Zip Code

02333

[REDACTED]

MA

## **ACCESS EASEMENT**

TOWN OF MILTON, a municipal corporation with an address of 525 Canton Avenue, Milton, Massachusetts 02186, owner of a parcel of land known as [IDENTIFYING INFORMATION], by virtue of a [TITLE INFORMATION] and

For \_\_ Dollars (\$\_\_) and other valuable consideration the receipt of which is hereby acknowledged,

And in accordance with the vote of Town Meeting on Article 4 at the Special Town Meeting on December 5, 2022,

Hereby grant to the \_\_\_\_ (“Grantee”), a general access easement over the area shown as “ACCESS ROAD TOWN OF MILTON 40” on a plan entitled “PLAN OF LAND Access Road Milton, Massachusetts,” dated August 26, 2022 prepared by Merrill Engineers and Land Surveyors, which Plan is appended hereto as Exhibit “A” and incorporated herein by reference to provide access to and from the Grantee owned parcel known as Assessor’s Parcel ID: 1-38D-4 on the Town of Milton Assessor’s Maps, also known as 728 Randolph Avenue, and as more particularly described in a deed to Grantee dated \_\_\_\_\_ and recorded with Norfolk Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Benefited Land”). The use of this easement shall be limited to all means of access reasonably necessary for the use and benefit of the Benefited Land, including without limitation all uses for which public ways are commonly used in the Town of Milton.

This easement is appurtenant to the Benefited Land and runs in perpetuity for the benefit of the Grantee and its successors and assigns, including without limitation a condominium association or homeowners association in connection with the improvements to be built on the Benefited Parcel; provided, however, this easement shall terminate if and when the Access Road shown on said Plan (the “Access Road”) is accepted as a public way.

Grantee shall have the right to improve the Access Road at its sole cost and expense, including without limitation adding sidewalks, landscaping, lighting, new signage, utilities, and traffic light adjustments (if such traffic light adjustments are approved by the Massachusetts Department of Transportation).

**SIGNATURES APPEAR ON FOLLOWING PAGES**