

TREASURY DEPARTMENT

Minutes

Public Facilities Commission
Treasury Department
26 Court Street, 1st Floor, Winter Chambers
Boston, MA 02108

December 12, 2018

ATTENDING:

Katherine P. Craven, Chair (Not Present)

Lawrence D. Mammoli, Commissioner

Dion S. Irish, Commissioner

Angela D. Atchue, Legal Advisor PFC/PFD, Law Department

Colleen M. Daley, PFC Secretary/ Senior Legal Assistant, Law Department

Catherine P. Pendleton, Articled Clerk PFC/PFD, Law Department

Henry C. Luthin, First Assistant Corporation Counsel, Law Department

ThyThy Le, Assistant Corporation Counsel, Law Department

Richard DePiano, Second Assistant Collector Treasurer, Treasury Department

Commissioner Mammoli called the meeting to order.

VOTE 1: Richard DePiano, Second Assistant Collector Treasurer, Treasury Department

Distribution of Property to The Benjamin Franklin Institute of Technology (BFIT): land located at 41-47 Berkeley Street, Boston, Massachusetts.

Consideration: \$1.00

Ward: 05

Parcel Number: 00688000

Square Feet for Land: 16,000 (total)

Assessed Value Fiscal Year 2018: \$5,875,000 (total)

Appraised Value November 3, 2017: \$10,000

WHEREAS, the Massachusetts Supreme Judicial Court on October 4, 2018 ordered¹ the City of Boston to distribute property², held in a charitable trust for the sole benefit of The Benjamin Franklin Institute of Technology, a Massachusetts Corporation, with an address of 41 Berkeley Street, Boston, MA 02116; and

¹ The Benjamin Franklin Institute of Technology v. Maura Healey, et al., Supreme Judicial Court for Suffolk County, No. SJ-2018-0418.

² The property is not held by the City of Boston for a specific municipal purpose. Instead the property is held in title by the City, as trustee, in compliance with the terms of a charitable trust for the sole benefit of The Benjamin Franklin Institute of Technology.

WHEREAS, the property consists of approximately 16,000 square feet of land located at 41-47 Berkeley Street in the City of Boston (Ward: 05, Parcel: 00688000); and

WHEREAS, the City of Boston serves as trustee of a charitable trust, which holds legal title to the property for the sole benefit of The Benjamin Franklin Institute of Technology; and

WHEREAS, distribution of the property to The Benjamin Franklin Institute of Technology is consistent with the original purpose of the charitable trust and is in the best interest of The Benjamin Franklin Institute of Technology, as the sole beneficiary; and

WHEREAS, pursuant to G.L. c. 203E, §§ 410 and 412, the charitable trust was declared terminated by the Massachusetts Supreme Judicial Court³; and

WHEREAS, the City of Boston is ordered by the Massachusetts Supreme Judicial Court to distribute the property to The Benjamin Franklin Institute of Technology; and

THEREFORE, subject to the approval of the Mayor under St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12) the Public Facilities Commission does hereby vote in accordance with the order of the Massachusetts Supreme Judicial Court to distribute the property to The Benjamin Franklin Institute of Technology, a Massachusetts Corporation; and

FURTHER VOTED: the Chief Financial Officer, Collector-Treasurer be, and hereby is, authorized to deliver an instrument, approved as to form by the City's Corporation Counsel, distributing said property, on behalf of the City of Boston with the approval of the Mayor, to The Benjamin Franklin Institute of Technology in consideration of ONE DOLLAR (\$1.00).

NOTE: Angela Atchue addressed the Commission and read the vote in its entirety into the record.

NOTE: On a motion duly made and seconded, the vote was unanimously approved by Commissioners Mammoli and Irish.

NOTE: The December 12, 2018 Treasury Department agenda was publicly posted stating the vote concerned "Distribution of Property to The Benjamin Franklin Institute of Technology (BFIT): land with building located at 41-47 Berkeley Street." However, the distribution of property concerns land only. Accordingly, the meeting minutes acknowledge the scrivener's error and such is corrected for the record. Both the agenda and vote certificate reflect the correct information as presented at the public meeting.

Exhibits: December 3, 2018, project background memorandum with the following enclosures: 1) October 4, 2018 Notice of Docket Entry and the Judgement for *The Benjamin Franklin Institute of Technology v. Maura Healey, et al.*, Supreme Judicial Court for Suffolk County, No. SJ-2018-0418; 2) St. 1905 c.448; and 3) Unsigned deed conveying the property title to The Benjamin Franklin Institute of Technology.

³ *The Benjamin Franklin Institute of Technology v. Maura Healey, et al.*, Supreme Judicial Court for Suffolk County, No. SJ-2018-0418.

NOTE: The December 12, 2018 Public Facilities Commission Meeting is available at the web address of https://www.cityofboston.gov/cable/video_library.asp?id=26981.

A True Record.

The meeting commenced at 9:34 a.m. and adjourned at 9:37 a.m.


Colleen Daley, PFC Secretary