

Fairhaven Board of Assessors

40 Center Street, Fairhaven, MA 02719

508-979-4018/4021

October 31, 2011

The Fairhaven Board of Assessors held a publicly posted meeting at 40 Center Street, Fairhaven, MA on Wednesday, October 26, 2011.

Ronald Manzone, Chair, called the meeting to order at 5:55 PM announcing minutes were being taken by Jane Bettencourt.

In attendance were Ronald Manzone, Pamela Davis, Ellis Withington and Jane Bettencourt.

At 5:55 PM, Pam Davis motioned to leave Open Session and enter into Executive Session to discuss contractual negotiations with Dr. Brian Bowcock, Selectman. Ellis Withington seconded the motion. A unanimous vote was heard. Roll Call Vote: Three to Zero.

At 6:10 PM, Pam Davis motioned to leave Executive Session and return to Open Session. The motion was seconded by Ellis Withington. A unanimous vote was heard.

Pam Davis motioned to approve minutes of the September 27, 2011 meeting as presented. Ellis Withington seconded the motion. A unanimous vote was heard.

Ronald Manzone, Chair signed Forest Certificates for Glenn Machado (Map 40 Lot 28) and instructed Jane to mail two signed certificates and keep one in file folder.

John Kalisz and Attorney Bor came before the board to discuss vacant land on Huttleston Avenue Map 31 Lot 117C. The FY11 value is being appealed at the ATB with the hearing scheduled for 11/2/11. Attorney Bor began by showing pictures of the vacant land to the Board. He stated wetland issues as cause for land on the market and unable to sell. The Board reviewed Capital Appraisal Services value of \$90,000. Attorney Bor stated no appeal to Con Com to build within the buffer zone has ever been prepared. The Board members requested Mr. Kalisz's engineer to prepare information and show more exactly the dimensions of the area that's undevelopable for review. The Board members requested a postponement of the ATB hearing of 11/2/11 to 2/7/12. Attorney Bor stated he would contact ATB with postponement request and forward same to the Assessors. This postponement would allow sufficient time for review of vacant land wetland issues.

After review of November 2, 2011 ATB schedule, members instructed Jane to contact taxpayers on schedule and request a postponement date to February 2012 and to also confirm postponements with Alan Gold at the ATB.

David Kiernan came before the Board to discuss FY11 value of vacant land on Map 31 Lot 25B. Hearing date at ATB for 11/2/11. Mr. Kiernan asked Board to consider prior sales, LUC of lot and legal opinions regarding whether or not land can be developed. Members reviewed information obtained from Bill Roth, Town Planner regarding this land and right of way shown on map. Pam Davis asked Mr. Kiernan what he was currently doing to rectify the issues of whether or not a building permit would be allowed. Mr. Kiernan stated he was doing nothing because the legal expenses would be too high. Mr. Kiernan

stated he never asked for a permit to build because prior owner had already been denied in 2003. Mr. Kiernan has no immediate plans to develop. Pam Davis asked if Mr. Kiernan would postpone the 11/2/11 ATB hearing to allow more time to review and ask Building Commissioner his recall of permit denial. Mr. Kiernan stated he would agree to postpone the ATB hearing to 2/7/12.

Ron Manzone stated this right of way was similar to Manzone Drive off of Sconticut Neck Road. The Board instructed Jane to copy both maps 29 and 31 for review at the next meeting.

Board members reviewed on-going discussions with Attorney Murphy regarding FY11 appeal for 14 Plaza Way. Ellis Withington reminded members of the sale figure of \$3,300,000 and that leases were less than predicted for economic rents. Pam Davis motioned to offer \$3,600,00 for FY11 and FY12 for settlement purposes. Ellis Withington seconded the motion. A unanimous vote was heard. Jane was instructed to contact Attorney Murphy with offer and also request a postponement for the 11/2/11 ATB hearing scheduled to February 2012 if offer was not accepted.

First Time applicants for FY12 Exemptions were reviewed as follows:

- One Clause 22E approved
- Four Clause 41C approved

Rita McLeod's application was denied. The denial form was signed for mailing. Reason for denial: Over on assets.

Month End Reports were signed for motor vehicle and boat excise and personal property abatements processed.

At 7:25 PM, Pam Davis motioned to adjourn the meeting. This motion was seconded by Ellis Withington. A unanimous vote was heard.

The next scheduled meeting will be held on November 28, 2011 along with the Tax Rate Classification Hearing with the Board of Selectmen.

Respectfully submitted,

Jane E. Bettencourt
Administrative Assistant
BOARD OF ASSESSORS

Minutes were approved on _____ November 28, 2011 _____ by:

