



TOWN OF WAREHAM
Board of Assessors

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Steven F. Curry, Chairman
Brenda Eckstrom Vice Chairman, Clerk
James M. McCahill
David A. Smith
John T. Donahue

Elsa Miller
Director of Assessment

Meeting Minutes May 15, 2012

Meeting called to order at 1:03pm

Members present:

Steve Curry
David Smith
John Donahue
Brenda Eckstrom

Also present:

Elsa Miller, Director

Approval of minutes:

Mrs. Eckstrom made a motion to accept the regular minutes of 5-1-12; seconded by Mr. Curry.
VOTE: 3 – 0 – 1 (Mr. Donahue abstained).

Mrs. Eckstrom moved to accept the Executive session minutes of 5-1-12, and offered time for the Board to read the minutes. Mr. Curry stated that according to the law, the Board cannot discuss what the reasons are for the denial or approval. He believes the minutes can only mention the application number and if it was abated or denied; the minutes cannot state what was discussed, or it voids the form. He bases this on Attorney Bowen's letter; a review of the letter (draft) does not support this. Attorney Bowen's concern relates to the abatement forms and the Assessors' list; not discussions. Mr. Curry feels it is a "cloudy gray area." Mrs. Eckstrom stated the minutes don't disclose anything if the parcel / the owner is not identified. Mrs. Eckstrom offered to withdraw her motion and forward the minutes to Attorney Bowen for an opinion.

A discussion ensued re: objection to the minutes and why it's necessary that any reasons for an abatement or denial are given. Mrs. Eckstrom stated by citing reasons it shows that there were reasons we gave abatements, not that we're just giving them. Mr. Donahue again expressed his opinion that this should all be in open session; he agrees that the application form is confidential but he feels the Executive minutes should contain identifying information in the Executive minutes; if someone requests them, identifying information should be redacted. Mrs. Eckstrom withdrew her motion and would have counsel review.

Mr. Smith raised 2 concerns; first, he believes the people that have been applying for abatements are under the assumption that the process is confidential, and the second is the law. Mr. Smith was reminded that he was to get a copy of his letter to Mr. Donahue; Mr. Smith stated he would get it.

Abatements:

Mr. Curry stated that given the make-up of the Board members in attendance, he anticipates the vote to go into Executive will be on the same 2 – 2 split, so he wanted to know if the Board wanted to go through the motions of a vote. Mrs. Eckstrom asked if discussing abatements in



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open session is wrong, why is "Review Abatements" listed on the agenda in open session. Mr. Curry stated it should be under "Executive" as it always has been. Mrs. Eckstrom produced previous agendas, none had "Abatements" in Executive session. Mrs. Eckstrom stated she checked other towns (including Cohasset & W. Bridgewater); Appellate Tax Board items are in Executive, but Abatement discussions are in open. Mr. Curry stated it was a mistake; they'll be under Executive from now on.

Mr. Donahue asked that in the future "old business" be on the agenda, as there is usually something left over from last meeting. Mr. Curry agreed.

New Business:

Mr. Curry announced a seminar on May 23rd, put on by Norfolk County Assessors' Association, at Lombardo's, cost is \$25; topics are "Back to Basics:" review of laws covering exemptions, local options, who is exempt from excise, questions assessors encounter, reading and understanding deeds, subdivisions and trusts. Registration deadline is May 17th.

Mr. Smith inquired about the Assistant Assessor position. Mr. Curry stated it is listed on the agenda and we would be discussing it shortly.

Affordable Housing: Mrs. Eckstrom asked the Board to consider implementing a policy relating to Affordable Housing. She hoped if the Board agreed to create a policy, the BOA could request the BOS adopt a policy supporting the Assessors' policy so the departments will communicate the proper information. Currently affordable property is assessed at full-market or it is flagged with a "SR" (sales restriction) of 35. This means the price is reduced by 35%; however, as Ms. Miller discovered, it appears the 35% is coming off of the original purchase price, rather than the assessed value. Mrs. Eckstrom offered to draft a policy if there was an appetite for it. The proposed policy would allow for affordable houses to be assessed in-line with other property, but not to exceed the value that is placed on the property due to the deed restriction. Discussion ensued re: how it could be accomplished through the Vision system and what we would be asking the selectmen to institute within the town. The Board agreed to pursue a policy and work to get town departments to notify the Assessors of restrictions so they can be flagged.

Mr. Smith wanted to know if this was something for the Assessors or for the BOS. Mrs. Eckstrom stated the manner in which we assess is determined by us, but the request to have the Selectmen adopt it as a town policy so all the departments can work together is up to them.

Mr. Donahue suggested creating a new field in the system, then reports could be run. Ms. Miller stated the SR locks in the price and it does not change, so she would have to manually do it. Mr. Smith asked if we were in favor of pursuing it; the Board concurred. Mrs. Eckstrom stated she would look at other towns and the DOR and bring in back in the next couple of meetings; Mr. Donahue offered to check how it is done in the Patriot system. Mrs. Eckstrom will research the properties on the SHI from DHCD.

Assistant Assessor: Mr. Curry stated that at the last meeting, Mr. Foster sent down a proposal on whether the Board wanted to go with a full-time or part-time data collector; we had discussed continuing using a full-time data collector. Prior to that, the position had been posted for a full-time Assistant but when the TA departed, the position was on hold. After the Board discussed it, Mr. Curry sent an email to Mr. Foster stating that the consensus of the Board was to go forward with the full-time position. In doing that, Mr. Foster contacted Barbara Marcosa who set up interviews for some of the



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applicants; Mr. Curry and Ms. Miller reduced some of the applicants who they felt did not have all the qualifications. Interviews were held last Friday; but no decision has been made; recommendations are going to be given to the town administrator for final interviews and hiring for that position.

Mrs. Eckstrom stated she came in last Friday to clarify a couple of issues in the previous meeting minutes, and stumbled across Mr. Curry and Ms. Miller, in what, in hindsight, she believes was them preparing for the interviews. Upon leaving, she saw Ms. Miller returning to the office with what Mrs. Eckstrom felt was an applicant. Mrs. Eckstrom went upstairs. She stated the information she received regarding the interviews was slightly different from Mr. Curry's account. She spoke with the interim town administrator, and her understanding is that on April 13, which was Mr. Andrews' last day, the soon-to-be interim town administrator was approached about getting moving with these interviews. He was on vacation the next week, but when he got back he said he would look at it and discuss it.

When Mr. Foster returned, Ms. Miller had already obtained copies of the resumes and asked Mr. Foster to do the interviews; he stated he did not have time. He was told the Board wanted to go forward with the full-time position. So he said if we wanted to review the resumes and interview the applicants and give him two or three recommendations.

Mrs. Eckstrom spoke to Mr. Foster and agreed he had an absolute right to have someone to interview for him; but that is not how it was portrayed. It came across like he was being pursued to do it, so he finally said, 'okay, do it; have Barbara set them up.' Mrs. Eckstrom's concern is the lack of common courtesy shown by Mr. Curry and Ms. Miller to this Board. At the last meeting we discussed the part-time vs. full-time position. Mrs. Eckstrom stated she deferred to Ms. Miller's expertise as to what she needs, and when Ms. Miller stated the contract proposal would not help, she agreed to have Ms. Miller pursue the idea of full-time with Mr. Foster. Derek's recommendation of two part-timers vs. one full-time position was discussed, which clearly goes to the concerns of benefit costs moving forward.

Mrs. Eckstrom was upset to find out the Ms. Miller and Mr. Curry had the applications, reviewed the applications, made decisions on the applications and had interviews and neglected to inform the Board. Mrs. Eckstrom stated she asked twice if she was interrupting anything Friday and twice was told no. When Mrs. Eckstrom confronted Mr. Curry and Ms. Miller on Friday, she was told Mr. Foster instructed the two of them to do the interviews. Ms. Miller stated that they have not control over what Mr. Foster tells them to do. Mrs. Eckstrom voiced her respect for Mr. Foster, but stressed that this Board doesn't work for Mr. Foster, and while he can instruct Ms. Miller to conduct interviews, he cannot demand the same from Mr. Curry.

Mrs. Eckstrom was concerned that the Board was not consulted; she thought that Ms. Miller and Mr. Curry should've informed the other members and asked if they had any questions to be asked in the interviews. She stated that collectively, we are the "Board of Assessors" and the Chairman has no greater authority than any other member, except to run the meetings and write the agenda.

Mr. Curry said he had spoken with several people since Friday (when they were interviewing) and he was under the assumption that when the Board suggested Ms. Miller pursue the direction of hiring a full-time Assistant, they should move forward. He knew that applicants were confidential, so when Mrs. Eckstrom walked in on them, he debated whether or not he should tell her, because they were confidential, so he elected not to. Mrs. Eckstrom explained that while they are confidential, that does not preclude the rest of the Board to be aware of what's going on; Mr. Curry agreed. He apologized



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for his lack of consideration to the rest of the Board and stated he should have kept everyone in the loop.

Mrs. Eckstrom brought up the issue with the Assessors having a town email address. She said that she stated that through Mr. Foster and Mr. Underhill she was informed that the server doesn't have enough space for the Assessors to have town email addresses. She brought this up in this context because when Mrs. Eckstrom confronted Ms. Miller and Mr. Curry on Friday, Ms. Miller claimed she did not have Mrs. Eckstrom's email. Mrs. Eckstrom brought in emails from Ms. Miller that were sent to Mrs. Eckstrom's personal email address. Mrs. Eckstrom says it bothers her that members of appointed committees have town emails an elected Board does not. She finds it inconceivable that the town is having problems with computer space; something that only came up in the past month.

Mrs. Eckstrom stated that if a member of this Board was participating in the interviews, then perhaps the Board could have acted as a screening committee with the resumes, as many other Boards do.

Mr. Smith added in all fairness a lot if this comes because he has been pretty naïve. In the past year, Mr. Curry has had to take over making decisions that Mr. Smith couldn't make and Mr. McCahill was not around to make; so possibly Mr. Curry has taken on a role because of that, and has just continued on. Mr. Smith noted that Mrs. Eckstrom and Mr. Donahue have been able to see things that Mr. Smith was not able to see and understand. In the future (because we can't go back), he believes we need to treat each individual member as equals.

Mr. Donahue concurred with Mr. Smith; he stated when he ran for office: open, transparent and accountable. He's concerned last meeting was the first time this issue was brought up to the Board since he has been on it. He has been asking questions since the day he was elected because he is concerned with the overall operations of this office. The proposal that he is seeing for the first time from Vision was handed out the previous week. Ms. Miller stated Mr. Donahue wasn't at the previous meeting. He understands that; however, what the proposal offers does not match the needs of the office. The proposal offers: analyze recent land sales; create sales database; create and analyze a sample of income and expense files; run sales ratio studies; run sales ratios according to DOR Specs.; create new cost in market land building tables to reflect desire ratios meetings and CODs; recalculate new valuation to tables, test the pricing for residential and business. Mr. Donahue stated it doesn't state anywhere about measuring; Ms. Miller concurred. Mr. Donahue was under the assumption that was what the job entails, although he has yet to see a job description. He is aware he didn't participate in the discussion last week, but from the previous minutes (from which he read, *paraphrasing*) Ms. Miller stated she had not been able to get together with Mr. Foster but she wanted to present other ideas to the Board. She brought the Board's attention to a proposal she received in January with the possibility of hiring a part-time position, or Derek suggested 2 part-time positions; Ms. Miller stated wouldn't work; date collector inputs what he sees; proposal came about out of concern that she didn't have commercial license; Mr. Curry stated he she has proven her knowledge; Mr. Foster suggested Vision, but Ms. Miller feels this will not help; she believes we need a full-time Assistant. The Board agreed to have her discuss pursuing a full-time Assistant with Mr. Foster.

He understands that he wasn't here, but he does not see a robust discussion on the various alternatives or even a policy of whether we hire full-time. He wants to make sure this office has the people we need, the budget we need; that the assessors can go to training that they should have. He is concerned that he has been left out of the loop and would like to have a discussion and input on where we are to



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go with this before we go any further. He does not want to come in next week and be told, "We've already hired somebody!"

Mr. Smith asked if it was up to the Board. Mr. Donahue stated we should be involved in deciding; contract an appraiser, a full-time Assistant, 2 part-time, etc. Mrs. Eckstrom agreed who is hired is not our decision; but Mr. Foster recommended bringing it to the Board for our input.

Mr. Smith thought the Administrator had hired the last Assistant. Mrs. Eckstrom stated he had, however, Mr. Foster hasn't had the time, but because Ms. Miller had been very persistent, Mr. Foster offered to have Barbara (Marcosa) assist setting up the interviews and allow us to review and narrow it down. Ms. Miller stated Mark Andrews never said that; for the last appointment Ms. Miller and Mr. Andrews reviewed the applications and they interviewed and hired; but that never happened. She stated she never received the applications until Mr. Foster was in charge; she kept asking. Mrs. Eckstrom clarified that she was not talking about Mr. Andrews, but Mr. Foster, however, she is perplexed that Ms. Miller said she never saw the applicants until Derek made copies and brought them down, because 2 people upstairs (including Derek) told Mrs. Eckstrom that Ms. Miller had already had them; they were taken out of a drawer upstairs. Mrs. Eckstrom will double-check.

In the past, it was the town administrator, but because Mr. Foster presented the idea of the part-timer with this, or the full-timer, and he is so busy, he suggested going to the Board and see what the Board thinks. Based on Ms. Miller's opinion that the proposal was not going to give her what she needed, we agreed to go with the full-timer. Ms. Miller disagreed. She stated that she didn't want to correct minutes, but she was in favor of the contract, "to put a buffer between" her and the Board. Mrs. Eckstrom and Mr. Smith did not recall that being part of the conversation.

Mr. Donahue asked Ms. Miller to clarify what she meant. Ms. Miller stated that if Vision is responsible for the numbers it's going to be a discussion between them and the Board. She stated she never said she didn't want a part-timer. The idea of two part-timers came about because the last Assistant said it was too stressful for one person. So he told Derek and Mark on the exit letter, which they have, that it was too stressful a position for one person to handle; it should be two people. She does not see two people – one getting and one inputting – but they talked about the 19 hours and it not being enough time for the job.

Mr. Donahue asked again what is a "buffer" between her and the Board. Ms. Miller stated that the Board oversees the values she brings to the table; Mr. Donahue clarified that the Board oversees everything. Ms. Miller stated she was going by what the Charter says she is to produce for the Board. Mr. Donahue stated he was going by Mass. General Laws. Ms. Miller stated if they are doing the values and analyzing it, it was taking a responsibility level out of her hair. Ms. Miller stated that when this proposal came in, it went to Mark Andrews and he said, "Forget it, you don't have the budget." So it went away for a couple of months; Mr. Donahue stated this was the first time he has seen it. Ms. Miller stated Mr. Donahue wasn't here when it came in and he has missed a few meetings. Mr. Donahue stated he has missed one meeting, the last one; to which Ms. Miller stated that was the one it was brought up at because Mr. Foster instructed her to get something from Vision. This came up again when John Foster told Ms. Miller to get a bid from them. Ms. Miller told Mr. Foster she already had the bid. Mr. Donahue asked when Mr. Foster asked her to get the bid. She stated, *"After Mark left, when this all – when he came and talked about – I said 'what are we going to about getting an Assistant in here, we need to get going.' That's when it came about. And he had me upstairs right after you two met with him about*



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the Open Meeting Law. I had been waiting to get up to see him on the Assistant Assessor, whatever that day was that you met with Bowen, because Bowen was in the room when John Foster said to me, 'Now's your opportunity if you want to do it now, now's your opportunity to say you don't want a full-time Assistant Assessor, and now's your opportunity to say you want Vision to do the' – and that's exactly the way he worded it to me – 'now's your opportunity to get Vision in here to do the values for you. How are you feeling about the commercial?' Well, I've been comfortable with doing commercial valuations for 15 years, so that's when he said, 'well, here's what I see what we can do, we can do a part-time assistant and drop it down to 19 hours and get Vision in to do the rest of it, and I said I already have one bid, have a letter, not a bid a letter that came from Vision back in January, that Mark Andrews said no, no budget money, it's gotta be a full-time, they slated for a full-time it's in the budget, which the dollars and cents with salaries is in the budget, so John said why don't you discuss it with the Board. So that's how it got down here – I still didn't have the applicants, I still didn't have copies of the applicants on that day...'"

Mr. Donahue returned to discussing the Vision proposal. He stated that the \$8,000 proposal doesn't have measuring and listing. Ms. Miller agreed; she stated it was only to do the interim adjustments; she said that was all Mr. Foster was talking about; hire Vision to do the interim then hire a part-time data collector (19 hours). Mr. Donahue asked what was wrong with the proposal; Ms. Miller stated nothing. She's concerned they ran us 3 months late last year; they are overbooked but we didn't have the \$8,000 and she felt what they were offering wasn't conclusive based on what they had given her.

Mr. Donahue asked what was voted on for the salary of the Assistant Assessor. Ms. Miller stated nothing; it is in the salary line. Mrs. Eckstrom asked what it was advertised at. Ms. Miller stated Mr. Andrews never let them advertised the money. Mr. Donahue asked how much did they put in the salary line for the position. Mr. Curry stated it was budgeted at \$46,000. Mr. Donahue stated that these are the questions that he asked for when he asked to see the budget. Ms. Miller stated she left a copy at the office, but he never picked it up. A heated discussion ensued about having the information for the Assessors when requested.

Mr. Curry stated that when they discussed Vision a couple of weeks ago, in the last valuation the Assessor's office found that there were problems with Vision's factors were just straight across the board; they weren't segregating commercial zoning, so they found a lot of bad information that was corrected, so they felt the full-time Assistant would be better quality control for presenting values. Mr. Donahue voiced surprised that Vision doesn't have quality control. Mrs. Eckstrom asked if we hire a full-time Assistant, will there be no problems with setting values this year, will be done on-time, with no problems? Mr. Curry and Ms. Miller stated yes. Ms. Miller stated she already had started and has sheets ready for the Board to start looking at the sales.

Mr. Donahue stated we are talking about 2 different issues; Mr. Curry said they had quality controls with the schedules; not with data collected in the field. Ms. Miller and Mr. Curry stated they didn't do a measure. Mr. Donahue stated we can reject this Vision proposal because it has nothing to do with data collection; this proposal is what Ms. Miller's responsible for; Mrs. Eckstrom was under the impression that the Vision proposal was what Mr. Foster was asking for, which was data collection. So the proposal has nothing to do with what he was asking for. Mr. Curry stated this proposal was only to do the numbers; Ms. Miller and Mr. Curry both stated that Mr. Foster only wanted someone to do the numbers (to do the interim adjustments and hire a part-time data collector). Mrs. Eckstrom asked if what was entailed in the proposal was part of the Assistant's job; Ms. Miller stated no, it was part of her job. Mrs. Eckstrom asked then why was it presented as to help fill the Assistant's role. Mrs. Eckstrom stated that it doesn't make sense that Mr. Foster would ask to get a consultant to do part of Ms. Miller's job, then only hire a part-timer to do the Assistant's. Ms. Miller agreed. Mr. Donahue



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asked if we could invite Mr. Foster to the next meeting to find out what he wanted and what was said. Mr. Donahue doesn't feel it makes any sense if Mr. Foster suggested we spend \$8,000 to hire someone to do part of Ms. Miller's job; Ms. Miller agreed.

Ms. Curry stated the proposal from Vision was to do the numbers because we had no data collector or Director last year. It was to make sure we continued forward and the tax bills go out on time, to have a vendor come in to help Elsa with the commercials and then use a data collector going forward. But Mr. Curry's understanding was after this year, we would still need a full-time data collector, for the size of the town, which was recommended by the DOR years ago, for the number of parcels we have, so we can go back to doing it in-house so we don't have to use outside vendors. This was to get us back on track of getting us certified in September / October instead of waiting until December 28th or 29th for the state to say you're done, you can send your tax bills out. Mrs. Eckstrom reminded Mr. Curry that there have only been a couple on times in the past eight years when the town actually was done in the fall; many years it was being done in January.

Ms. Miller stated that she has been asking since January when the Assistant left to hire. Because she was told by Derek that we could transfer \$5,000 out of the unused salaries to put a person on the street to get the building permits in before next week or two weeks from now; she has two people ready to go that can go collect data. She wanted the \$5,000 to keep the data going, but she can't get approval on that, while they are making up their mind on whether or not an assistant, or this or that...

Mr. Donahue stated that he has been here since April 3rd, and he has continually stated that he would do anything he could do to help to get the budget going to get the job done; so when Ms. Miller states that she has been trying to get this done since January, and she has had people in line, he is concerned that she never brought it up to this Board, until last week,... Ms. Miller stated she brought it up to the Board in December and January, "and then everything hit, it was like the wall hit."

Ms. Miller attempted to summarize that what Mr. Donahue was saying was that she never brought it up to him; she gets it. Mr. Donahue clarified that he wasn't talking about him, but she has never brought it up to the Board. He feels this should've been first thing on Ms. Miller's agenda. Ms. Miller disagreed; the first thing on her agenda was abatements because people aren't going to get their abatements; they are not going on their July bills. The abatements were her first priority. Mr. Donahue asked why she didn't put this on the agenda to ask the Board for assistance with the TA or the Fin Com, or whomever to get this done. Mr. Donahue feels that Vision's proposal should be put aside as it has nothing to do with data collection; he asked if everyone could agree on that; the Board and Ms. Miller concurred.

Mr. Donahue read from the previous meeting's minutes re: data collection services: *"the idea was rather than a full-time Assistant Assessor / data collector, we could use this and then have 19-1/2 hours a week, no benefits. Derek Sullivan...suggested 2 part-timers, no benefits, but Ms. Miller stated that would not work, as a data collector inputs what he sees."*

Mr. Donahue asked if we should have Vision give us a price on data collection including inputting the data; Ms. Miller stated it's \$100 per parcel. Mr. Donahue asked how many parcels we have to look at. Ms. Miller stated about 150 to 200 more; she's waiting for the final reports. She stated they won't be able to get them in now for the billing, they will have to wait until the fall and billed them out next year; we won't be able to get the accelerated growth, other than what she has picked up.



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Mr. Donahue asked Ms. Miller if she stated she had people to pick up the 150 to 200 parcels; she said she did, she stated Mr. Andrews knew about it. She stated one of them is someone whom Ms. Miller asked is Nancy Miller because she is very familiar with the town, very familiar with "her things," it doesn't have to go out to bid. Mr. Curry stated it sounds as if we had the money but because of the budget restraints, it was frozen, and we had no access to it.

Ms. Miller stated she would still like an answer on the salary "bit." Derek told her, although he denies it, she'll go back and find the emails, she told him they were going to run into problems because Gary quit; Derek said you can transfer by law \$5,000 out of the salary budget at anytime for subcontracting. And then when Ms. Miller asked Derek to do it, everything was hitting the fan upstairs, and that was the end. Ms. Miller stated that before Mark left, she would ask, and ask, and ask. Mr. Curry stated the discussion was getting off topic; Mrs. Eckstrom stated that Mark Andrews has been gone a month, what has Ms. Miller done since then. Ms. Miller stated she hasn't been able to get in front of John Foster except the one time when he brought up the whole concept of hiring an assistant.

Mr. Smith asked whether we were talking about hiring a full-time Assistant or not. Ms. Miller claimed that we are still budgeted for a full-time Assistant and the Charter was written for a full-time Assistant / data collector. Ms. Eckstrom questioned whether that position is in the Charter; Mr. Curry stated it was recommended in the DOR report.

Mr. Smith asked the other members whether they were interested in the position being full-time or part-time. Mrs. Eckstrom stated that while we have a responsibility to this office, we also have a responsibility to the taxpayer. Mrs. Eckstrom is concerned that if the town is considering closing Town Hall on Fridays and laying off key department-head positions, do we want to hire someone only to have to lay them off in 6 months, when we "own" them as far as unemployment benefits? Mr. Curry stated that this came up before about the Assistants, when Sheila moved up and then Sheila left, Rich discussed with Vision how much it would cost to have an outside vendor do it with data entry. Their price per parcel was more than if we hired someone; and we weren't sure about the quality control.

Mrs. Eckstrom stated seeing Ms. Miller spoke of having 2 people pick up the work now, what about the 2 – 19 hour a week positions. Mr. Curry stated this was brought up before the posting of the position. Mr. Curry had a conversation with Mr. Andrews and Derek; Derek made the suggestion of using the 2 part-timers to cover the 40 hours. Mr. Curry told them that there would be a problem with quality control because one person would be on the road and one person would be inputting. Also there'd be no vehicle for them to use, and he's not sure if they'd be allowed the benefits of mileage.

Mrs. Eckstrom proposed that one part-timer could do commercial, one residential; or rather than one on the road 19 hours and one inputting 19 hours; each could spend time on the road and time inputting.

Mr. Curry then remembered the other factor that came up was if Ms. Miller went on vacation for two weeks, or something happened, would there be someone in the office who could step forward to continue the valuation. Mrs. Eckstrom stated Barbara LeFavor stepped up before. Mr. Curry stated Ms. LeFavor runs the office but in terms of valuation, Massachusetts Law of Assessing, a lot of times the Assistant has the knowledge and can fill in for that timeframe. Mrs. Eckstrom hopes an Assessor would not take a vacation at a critical time of valuations. Mr. Curry stated that valuations are a year long process. Mrs. Eckstrom asked if there was anytime in which the department could go without an Assessor for two weeks. Mr. Curry stated that we have always had someone who could step up.



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Mrs. Eckstrom stated the Board needs to look at the big picture. The Town lost the HR person 4 years ago; we got rid of an Assistant Town Administrator, we have a part-time Planner, the town keeps trimming. If Ms. Miller is out for an extended period of time, we'd ask one of the part-timers to step up and do the valuations while she was out. Mr. Smith asked for Mrs. Eckstrom to clarify her idea about the part-time positions. Mrs. Eckstrom stated we could have 2 – 19 hr a week positions; if there was an emergency where Ms. Miller was out, we could ask one to step up; if we have budget challenges, we could lay off one and still have one, and not be paying unemployment; Mr. Smith asked Mrs. Eckstrom if she was in favor of part-timer positions. Mrs. Eckstrom stated the idea had merit.

Mr. Donahue asked if we could look at the numbers; how many building permits, how many parcels have to be done on a cyclical inspection. Mr. Curry clarified the 150 to 200 figure was just the building permits left; there are approximately 1,500 parcels that have to be done annually (9 year cyclical review). Mr. Curry stated the DOR required all this work be done and the town must budget for the Assessor's office to complete all the requirements of the DOR. So if the DOR letter required a full-time Director and a full-time Assistant; that's what their recommendation was to stay in compliance with the DOR. Ms. Miller stated the letter was on the Assessor's webpage. Mrs. Eckstrom asked why did the DOR write a letter. Mr. Curry stated it was written back in 1994 or 1995 when the Board was reorganized. Ms. Miller stated there was a new one in 2010. Mrs. Eckstrom asked if this was the DOR Management Review; Ms. Miller stated she is referring to both. Mr. Curry reiterated the DOR has in the law that in order to do the valuations in full fair cash value, the town must budget to get the job done. Mr. Donahue asked where we were in the 9 year cycle. Ms. Miller stated as far as she can tell, we are in the third year. She stated we completed approximately 1,500 last year (2011), she has them in a box, because we needed them for certification; and approximately 1,500 each year for the previous 2 years from what she can tell from the maps that were left for her; so we are in our third year: that's what went into the DOR, based on what she could find. Mr. Curry stated as we had no data collector, some were done by Vision; at a cost of approximately \$30 – 50,000 and then senior work-off.

Mr. Donahue asked if we could get a proposal from Vision to do data collection, DOR's analysis of time to do a parcel, and quotes from private vendors that exclusively do this. Ms. Miller asked if Mr. Donahue had names of any of them; he said he would get them for her. Mr. Smith asked if that was in lieu of hiring someone; Mr. Donahue stated he would like to see what it would cost because we think it'll cost \$45,000 for a full-timer, but we don't know because we haven't seen the budget.

Ms. Miller stated there's a certain percentage of expected interior inspections required. Mr. Donahue asked if Ms. Miller said she had people lined up. Ms. Miller stated she wanted to get this done before the billing in July. Mr. Donahue asked how they would be paid: per parcel, hourly? Ms. Miller stated she was going to offer an hourly rate. Mrs. Eckstrom asked if they needed some sort of certification to do this. Ms. Miller stated no, she was going to have to do the data entry, but it was so she could keep the town up to speed with getting the money in so the town could collect the tax dollars in July; they should be in for the July billing, but they're not. So she was going to go out and get what we can on the permits. Anybody can go out and measure a deck and put it on a card for her and she can get it in the system. She has been working on the weekends with data collecting; take the cards and work on them.

Mr. Donahue confirmed with Ms. Miller that the Data Collection Manual was complete, because that was a requirement of the last re-valuation; so anyone doing data collecting for the town would have to do it in accordance with the manual. Ms. Miller confirmed the manual would tell them what a cape is, what a ranch is, how to measure a deck, how to measure a house, etc.



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Mr. Smith asked Mr. Donahue how we are going to get this information. Mr. Donahue stated he assumed we would be getting it from our Director, hopefully by our next meeting. Ms. Miller stated she would not be able to get it by then because she has abatements to get done; they are already three weeks late and they need to get done before the date of the letters.

Mr. Donahue requested short of getting that data, he would like to invite the ITA and the financial analyst to our next meeting so we can determine what was said and understood, or not said or not understood so we can keep this moving. Mr. Smith stated we need to get a full-time Assistant or part-time with contracted services; that's a priority. Mr. Donahue and Mrs. Eckstrom concurred. Mr. Curry feels to get someone in the seat is a priority because we have to move forward to get new growth and we need to continue our inspections on the cycle. Ms. Miller stated that this wouldn't be able to come to fruition until next year's cycle; we would not be able to get it in place. Mr. Donahue disagreed. Ms. Miller stated we booked Vision a year ahead and they didn't show up. Mr. Donahue stated he wasn't talking about the past but about moving forward. Ms. Miller stated, "whatever." Mr. Donahue stated it's not 'whatever,' he agrees with Mr. Smith – we need to make some decisions. He'd like the ITA and the financial analyst to be invited to our next meeting to work something out. It'd be nice to know what the budget is. Ms. Miller stated she gave Mr. Donahue that information. Mr. Donahue stated that she did, but not the breakdown in salaries; Ms. Miller states B. Marcosa has that information. Mr. Curry stated the pay step plan for that position averaged \$46K, he stated they asked for the position to be posted and asked what the salary would be, and they have been told over the past few months, it depended on experience; we couldn't get a number. Ms. Miller stated the middle step is \$45,600.

Mr. Donahue stated to summarize, we have a priority, but it is not a top priority, the abatements are the top priority, and we will deal with this as soon as possible. Mr. Smith volunteered to help find out this information. Ms. Miller stated that if she can get it in, but she can't count on it being here next week because of the abatements and because of the permits that should go in. She needs to release the file to Vision in 2 weeks; all changes have to be done to get billed in July. If she doesn't release the file to Vision in 10 days to convert to get to Vadar to get the bills out, Foster's not going to have any bills to go out. So she is under the wire to get what she can in values and the abatements in, so she is picking up the permits as it is, and doing the data entry with it and all her other jobs as the Director.

Mrs. Eckstrom asked to confirm that Ms. Miller stated she only has 10 days to get all this done; Ms. Miller stated "yes." Mrs. Eckstrom stated that even if they hired someone, they would not be in place to help with any of this; Ms. Miller concurred that a new hire would not be in place to do this work, but they will be able to help her finish up getting some more growth, hopefully, it just won't get billed out on accelerated growth, which is our ability to pick up 6 months extra.

Mr. Smith asked Mr. Curry to invited Mr. Foster and Mr. Sullivan to our next meeting and tell them how important this is; Mr. Curry stated they know it's important for us to get an Assistant because we have to continue moving forward as the obvious route. Mr. Donahue disagreed; he stated unless the previous minutes are wrong – it was Mr. Sullivan who suggested the 2 part-timers no benefits; he does not read that as it's important to get an Assistant in here. Mr. Curry said he stated previously that came from a discussion he had in a phone call with Mr. Andrews and Derek back in February, instead of a full-timer, what would 2 part-timers do. Ms. Miller stated that came as a result of the exit interview with Gary Misers, in which he said he was under too much stress; he felt it should be two positions. Mrs. Eckstrom stated through her conversation with Derek last week, her understanding was that Gary said nothing at his exit interview and the reason Derek suggested the 2 part-timers was to save on



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benefits / operational cost for the town. Ms. Miller stated that he didn't mention it her that way. Mr. Donahue added concerns of paying unemployment costs if we have to lay someone off; so although it may seem like it's a good idea to hire someone, in the long run, it may not – we may be better off with part timers, or a contractor (if the number's right). We can address the concerns of time by putting in the contract penalties if it's not done by a certain date. Ms. Miller stated she did have that in the previous contract with Vision, but no one would enforce it for her.

Mr. Smith believes we may be moving forward. Ms. Miller stated she knows what the priorities are now. Mr. Donahue suggested Mr. Smith call him and he'll get some names of private contractors if Mr. Smith wanted to call them and have them send a proposal to the Board of Assessors. Ms. Miller asked if it had to go out on an RFP. A discussion ensued on value requiring RFPs vs. quotes.

Mr. Curry stated that from a past experience, even decks and building permits, Vision was \$30-\$40 per parcel; that was just for permits, no cyclical inspections, just drive by, there's the deck. Mr. Donahue asked for confirmation on that quote. Mr. Curry stated it was \$35 or \$40 per permit, but that was 2 years ago. Ms. Miller concurred – she stated it was \$100 - \$110 per parcel; Mr. Curry stated those numbers were according to Rich (Gonsalves) so they were probably closer to three years ago. Mr. Donahue stated that is why he suggested we look at private vendors because Vision may feel they have a "lock" with us in terms that it's their software system. Mr. Curry stated that was just inspections; Ms. Miller stated Vision didn't do any data entry. It would still be a hang up on the data entry.

Mr. Curry stated he'd go upstairs and get an appointment for our request to have Mr. Foster and Derek come to our next meeting. Ms. Miller asked what the Board was doing regarding abatements this week. Mrs. Eckstrom stated she thought she "stepped up" at the previous meeting by agreeing to go into Executive Session to see why the other members felt these discussions needed to be in Executive. This week, she would respectfully request that the Board agree to stay in open session to see it can be done, as she contends it can be. Rather than using a name or address, we refer to the number.

Mr. Curry states that he has a conflict that the law says the information on the form is not for public disclosure, so discussing it would be public disclosure. Mrs. Eckstrom disagreed. She agrees that the form, itself, is not a public document; she was not even allowed to review the applications – she saw one for only about 5 seconds. She believes it can be discussed without disclosing what is on the form. Mr. Smith stated that he has learned that we can come into the office at anytime and review the forms; that's what he does. Mrs. Eckstrom thanked Mr. Smith for the information. Mr. Smith believes that this is something the public needs to be aware of, and if we want to do that, he thinks it's a great idea, but he thinks we should test it; make it known and see what the responses are.

Mrs. Eckstrom stated that again, she went into Executive last week, after making a statement about her feeling that it was illegal, out of deference to Mr. Smith and Mr. Curry. She abstained from everything and didn't participate in the votes. But her request is that either Mr. Smith or Mr. Curry agree to try it in open session. If they choose not to, then she will recuse herself and she will leave. There was only one issue, which was a tax appellate board appeal, which she stated she did believe that was properly in executive. Mr. Donahue agreed that the appeal should be in executive, because it is litigation.

Mr. Smith doesn't feel comfortable doing it unless the public is aware we're doing it. Mrs. Eckstrom stated then she wants it on the record that when the complaints are upstairs that we could not get things done, it was because Mr. Curry and Mr. Smith have elected not to try to do this in open session. Both



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Mr. Curry and Mr. Smith have known she has felt this way since she was elected and if they felt that the community needed to know that we would be in open, they should have notified them; she doesn't believe they should be in Executive, so she doesn't need to notify anyone to get their feedback. If Mr. Curry or Mr. Smith feel that the public needs to be notified, then they should do that; but she will not accept the blame for the work not being done because she won't go into executive session, despite what has already been said. Mr. Donahue wanted to go on the record to state that in West Bridgewater, where he works, they do discuss the applicant in open session. He doesn't feel there needs to be public notification, although he respects Mr. Smith's opinion; he knows Mr. Smith wrote a letter to the editor regarding this issue and he would appreciate seeing what was written. Mr. Smith stated he would get it to Mr. Donahue. Mr. Donahue stated, for the record, we do not make copies of the application for abatement; they are not a public document, that's what the law says. That does not mean we cannot have a discussion about the document in front of us in public; we cannot make photocopies of it and we should use discretion not to reveal any information that may be of a personal nature that is on the document. Property record cards are public records and anyone can see those; there is not much more information on the application. Yet the applications are not subject to the public records law, so we can't make copies of them. But in West Bridgewater, they discuss them in open session, they take their votes in open session and he doesn't see why this Board cannot do the same.

Mr. Smith wants to make it clear he is not looking for the public input, but he merely wants to notify the public that we are doing it. Mr. Curry stated his reservations go back to the law; the opinion he received stated they should not be discussed, but we are all awaiting the AG's decision. Mr. Donahue asked if the opinion Mr. Curry received stated they should not be discussed or we were allowed to go into Executive session. Mrs. Eckstrom stated if the opinion is that we may go into Executive session, does not mean we have to. The law is clear: there are reasons you may go into executive session, no reasons in which you have to. Mr. Donahue stated he believes it is possible that the AG will say it is permissible for Boards of Assessors to go into Executive session, but that doesn't change his position.

Mr. Curry stated that he believes we are at a standstill; Mr. Donahue asked if he was going to call for a vote. Ms. Miller stated we could take a vote and get a 2 -2 tie again, but she thinks we should just schedule the next meeting. But she does need something so she can answer why she can't go forward.

Ms. Miller stated she understands what Mrs. Eckstrom is saying and she agrees with Mrs. Eckstrom, but feels she needs to explain to her something about Barbara LeFavor so that Mrs. Eckstrom doesn't misunderstand what Ms. Miller meant about Barbara not being capable. Mrs. Eckstrom stated she does not think Ms. Miller needs to explain anything; Mrs. Eckstrom knows Barbara is not the assistant. Ms. Miller stated no one out in that office does values. Mrs. Eckstrom stated she did not take Ms. Miller's statement as Ms. LeFavor can't do it; she understands that Ms. LeFavor oversees the office staff.

Mr. Curry suggested the next meeting is May 22, 2012 at 1 pm.

Mr. Donahue asked that the record reflect the Board is signing motor vehicle trailer excise tax warrants, the 3rd special commitment and the 5th special commitment. The 4th special commitment was not included. Ms. Miller stated Robin was out today, so we don't know about the 4th. Ms. Miller stated that may have been the way they came out. Mr. Donahue wanted it also reflected the Board signed a motor vehicle excise abatement denial notice, and the Board monthly personal property taxes abated and denied for April.



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Mr. Donahue asked if we would be meeting in the evenings anytime soon. Mr. Curry stated yes, but he was waiting for Mr. McCahill to be present so the full Board could have input.

Any other Business: Ms. Miller handed out sales reports for the Board to start looking at so the Board can be ready to discuss the adjustments; she made a copy of the sales for 2011 and the first quarter of 2012; 2010 has already been looked at because we used it for 2012. These are all the comp reports of all sales in the town of Wareham. This is raw data; it is where we start with the sales so we have copies so when they come before us in the format out of Vision; some of these we may know and say "oh, ok, that sale is not an arms length sale;" we can mark them on the list and we can be part of the process.

All of 2011 will be used; she will probably rank 2010 and 2012, because there appears to be some changes coming through a little stronger and differently in 2012 and DOR suggested we look at 2012 and rank it both ways. The paperwork she handed out is the raw data for the Board to review; not all will be used; she already processed most of them to know if they're arms length or not. But if we know them or we drive by, we can cross them off and say not a good one.

Mrs. Eckstrom stated she tried to look up (LA-3) on the DOR website, but she doesn't have a password to get on to see this stuff. Mr. Curry stated they're password protected due to the sensitivity; Schedule A is for the town's grant money (accessible by the TA and the accountant); the tax recapitulation is done by the Director of Assessment and the town accountant; the clerk - treasurer signs another one. These are password sensitive; the Board does not fill these out. Mr. Donahue stated the Board doesn't fill them out, but the Board has to sign them so each Board member needs access to sign.

Mrs. Eckstrom stated she spoke with Mr. Underhill and he told her that anything she may need, she can get in public records. He continued by making statements that Mrs. Eckstrom won't repeat because she feels they were defamatory towards a former employee; Ms. Miller stated she knows what Mr. Underhill said because she was part of it last year and does not want to go back to when Mr. Andrews was here. Mrs. Eckstrom stated Mr. Underhill's comments were not regarding Mr. Andrews, but about someone else and she won't repeat it. Mr. Underhill stated that if anything was changed, there would be a record and he could try to figure out a way for us to "view only."

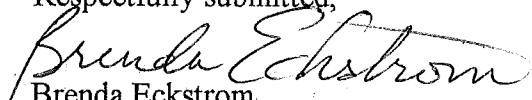
Ms. Miller stated Mrs. Eckstrom can get into see anything without a password. Ms. Miller stated she uses the middle list to get information for other towns. Mr. Donahue asked how the Board signs with no passwords. Mr. Curry and Ms. Miller stated that they're printed out and signed, not electronically. Mr. Donahue stated the bottom line is as an elected official Mrs. Eckstrom is entitled to it.


Ms. Miller handed out the LA4s from last year and the analysis that is coming out by land use code so we can see where we stand for adjustments.

Mr. Smith moved to adjourn; Mrs. Eckstrom seconded. Ms. Miller noted she had things to discuss, but they were for executive session, so they can wait.

Vote 4-0-0

Respectfully submitted,


Brenda Eckstrom
Clerk

 7-12-12
3-0-1