



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, MAA
Director of Assessment

Meeting Minutes May 22, 2012

Meeting called to order at 1:06pm

Members Present:

Steve Curry
Mike McCahill
David Smith
John Donahue
Brenda Eckstrom

Also Present:

Elsa Miller, Director

Approval of the minutes: Mrs. Eckstrom stated that she lost power and could not print them out. She will have them for next meeting.

Executive Session minutes: Mrs. Eckstrom received an email from Counsel that approved the form of the executive session minutes. Mrs. Eckstrom made copies for the Board members who did not have them from the previous week. Mr. Smith asked if we have heard from the Attorney General; Mr. Curry stated no, not yet.

Mr. Curry stated for the Board's information, last week the Board signed some motor vehicle trailer commitments, and there was a question as to why there was only a #3 and #5 special; they were for two different years. Mr. Foster's office confirmed they were for two different years, that's why there was not a #4.

Regarding the minutes, Mr. Curry had a question on page 2. If we haven't received approval on the ATB, should we not put those in the minutes. Mrs. Eckstrom stated we would just approve and hold the minutes; they would not be available to anyone for any reason, except us. Mrs. Eckstrom made a motion to approve and hold the Executive session minutes of 5/1/12. Mr. Smith seconded. VOTE: 3 – 0 – 2. Mr. Donahue and Mr. McCahill abstained.

Warrants and excise abatements: There are a couple of monthly reports; There is the Assessor's warrant from the year 1997, Assessor's second recommitment, notice of recommitment of motor excise for years 1998, 3rd commitment, 1999, 3rd recommitment; and then a notice to commit. Motor vehicle excise commitment 3 for 2012, commitment 9 for 2011, commitment 99. Mr. Curry questioned sending out 99 commitments. Ms. Miller directed his attention to the notes on the commitment – commitment 99 was for farm plates for 2012. Mr. Curry asked if the Board would like to review and sign. The Board signed the commitments.

Schedule Next Meeting: Mr. Curry stated that Mr. Donahue had previously brought up that we consider moving to a later time, in case taxpayers want to come in. Mr. Curry had suggested that we wait to discuss it because Mr. McCahill was away, and he wanted to have a full Board to address it.



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Discussion ensued regarding members' schedules and availability. Ms. Miller stated she has her own Assessor's meetings at 6:00 on the first and third Tuesdays in Cohasset. Mr. Curry stated historically in the summer there's very little for the meetings, so they have only met once in the months of July and August; there are still the monthly reports and excise commitments and things like that that have to be signed on a regular basis. The consensus of the Board was the second and fourth Thursdays at 4:30 – Mr. Donahue stated that he may be a few minutes late. The next meetings will be June 14 and June 28, 2012. Mr. McCahill asked if Ms. Miller or Mr. Curry thought we needed more meetings to get the agenda resolved in the near future. Mr. Curry stated we only needed the two meetings this month – we may need more in September / October when we start doing the view evaluations.

Old Business:

Update on Affordable Housing: Mrs. Eckstrom stated "nothing yet." She reminded the Board that she had stated last week to give her a couple of weeks to try to get some information together and she will let Mr. Curry know when she's ready to put it on the agenda. Ms. Miller gave Mrs. Eckstrom a list of properties that have an "SR" code on them. Mrs. Eckstrom gave Mr. McCahill a brief overview of the discussion regarding a policy to address it going forward and then Mrs. Eckstrom and Ms. Miller will go back and correct the "SR" now. Ms. Miller stated that 'it revealed itself' during the certification, what are these SRs? You have to explain when a field or value is locked. Mr. Curry stated that another reason to address it was that at the previous Town Meeting, a petitioner put forward an article to have the town release affordable housing restrictions so they could sell them on the open market. Someone had gone to a foreclosure, bought it at auction and tried to resell it at fair-market value. Mr. McCahill thought that if it went to foreclosure and the bank took it back, the deed restrictions extinguished. Mrs. Eckstrom stated in this case, it was a Habitat house (non-profit), so there was no bank mortgage; however, in some instances, like a bankruptcy, it is correct that the court can break covenants, although affordable houses receive a mortgage with the deed restriction in place; therefore the mortgage is based on the property having a restriction, so it would run with the land. Mrs. Eckstrom stated she would be reviewing and comparing the lists, and work on them over the next few weeks.

Assistant Assessor Position: Mr. Donahue asked if Mr. Curry had asked the ITA to meet with us. Mr. Curry stated that he went upstairs last week and requested Mr. Foster come to our meeting. However, he received a call on his way to the meeting that Mr. Foster had to meet w/ the Coast Guard regarding a boat that sunk out in the harbor; so that took precedence over us. Mr. Donahue asked if we could reschedule him for the 14th. Mr. Curry stated he would request that.

Any other old business: Ms. Miller stated that she had the withdrawal from the Appellate Tax Board, but it needs one more stamp on it if the Board wants to close that. Mr. Curry asked what stamp was needed. Ms. Miller stated from the attorney. She then clarified that it has not been stamped by the ATB yet, but it went in. Mr. Curry stated it wasn't a processed document until we received it stamped. Ms. Miller stated they did withdraw. Mr. Curry clarified they started their withdrawal process.

New Business: Ms. Miller stated that she had nothing for the Board; she is just working on the tax bills. Mr. Curry asked if that was with Vadar and Vision. Ms. Miller stated she has to get as many plans on it as she can and she will be picking up the newest construction next week. Some of the new buildings will get in, because it has to go out next week to Vadar; it has to lock down in Vision; we'll lose Vision until we can get it back; from Vision they'll convert the file to Vadar, send it to us, it goes to



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Vadar. Our deadline goal from them is June 1st in order for them to have 10 days to get it back to us so we can check our accounts, our mismatches, then it goes to John Foster.

Vision Training: Mr. Donahue asked if there was any training on Vision, in-house. Ms. Miller stated that you need to go to their office in Northborough; they offer periodic classes. Mr. Smith stated he would like to go to that. Mr. Donahue suggested that both Mrs. Eckstrom and Mr. Smith attend, but in the alternative, if members of the Board could possibly come into the office, and sit with employees to go through the basics of the Vision software system. Mr. Smith asked how we could find out when the next training is. Ms. Miller stated that Vision sends out periodic emails; they just had a class, down in Newport at a cost of \$1,000. Mr. Donahue stated that's why he was thinking we could do it in-house and Board members could come in and sit down with staff. Ms. Miller stated she didn't attend; it was Vision's meeting and training. Mr. Donahue asked if members could sit down with her or the staff; Ms. Miller said it would not be until after July. Two employees don't use anything but read-only; Barbara doesn't, so she believes we'd have to check with the union contract to see if Nancy can teach. Mrs. Eckstrom stated that in the job descriptions it states "and other duties as required." Ms. Miller stated that it was up to the Board to find out; she can not ask Nancy to do "training" on Vision. Mr. Donahue asked if, in the alternative, he could come in with Mr. Smith and Mrs. Eckstrom to take them through the basics. Ms. Miller stated she would have "permits" running on the Assistant's terminal and "plans" on hers, so they would not be available; so there would be one terminal available out in the main office area. Mr. Smith asked Mr. Donahue to set it up for any day but Friday. Ms. Miller stated there was a good tutorial, with a manual on it. Mr. Donahue asked if she could him the manual at the next meeting then he could brush up on it. She stated she would have to print it; it's about 150 pages, but Vision didn't give them a manual; we just went into a new version and they didn't print a manual, and she didn't print it because she doesn't have the paper to print it. Mrs. Eckstrom asked if it was in a PDF format that Ms. Miller could send Mr. Donahue. Mr. Donahue stated he just wanted Mrs. Eckstrom and Mr. Smith to have knowledge of "Vision 101."

Ms. Miller asked why, what did they want to do with it. Mr. Smith stated he would like to learn how to input, to find out how it works and stuff like that. Ms. Miller stated then the Board would have to rely on Vision. Mr. Curry stated that Ms. Miller could contact Vision and see if they could send us a PDF file versus printing out a ream of paper. She stated if she knew what level – she knows he said basics, but each one has it's own section that you go out in the internet and get to learn about; it has about 22 sections; it's not one package like Patriot Properties, it's far more complex. Mr. Donahue stated that we have to start somewhere. Ms. Miller stated then Vision going to have to do it. Mr. Curry stated for us to start with Ms. Miller getting the PDF so the members can review it. Ms. Miller concurred.

Mrs. Eckstrom reminded Ms. Miller that Ms. Miller had offered Mrs. Eckstrom the opportunity to come in and sit with one of the employees to see how it operates. Ms. Miller initially agreed; but then stated Mrs. Eckstrom would have to ask the employees; it's up to them.

Mr. Donahue stated that the Data Collection Manual that had to be submitted to the DOR may be useful to have when we sit down to look at the Vision system; so Mr. Smith and Mrs. Eckstrom can see the different types of properties, regression analysis, etc.



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Mr. Donahue asked if we have any pending Appellate Tax Board cases. Ms. Miller stated no, only old, old cases that were batched together on utilities – Verizon, the poles, etc. Ms. Miller looked in the file cabinet and corrected herself. We do have some “conglomerated” that she has; but they are not coming up on the ATB list of Dockets. She called Alan Gold; he said he feels they have all been withdrawn, but they just haven’t sent us the paperwork and he doesn’t have it. Mr. Donahue asked if she could get a list for the next meeting. Ms. Miller stated at this point we have none; those ones are being researched as to why we don’t have withdrawals on them. Ms. Miller asked if Mr. Donahue got updates on utilities in his town; he stated he called Alan Gold last week and there were several that had withdrawn in September; Ms. Miller asked what did Mr. Gold do for Mr. Donahue. Mr. Donahue stated that he (Mr. Donahue) called the attorneys; Ms. Miller stated that is the step she is in now.

Mr. Smith asked if there were anymore interviews for Assistants. Mr. Curry stated, no, it they gave their recommendation to upstairs. Ms. Miller stated they were asked to give two names. Mrs. Eckstrom asked who the names were. Ms. Miller stated that was confidential. Mrs. Eckstrom stated they were no longer confidential if they have become finalists; Ms. Miller stated they work in neighboring communities; she stated she can’t give their names. Mrs. Eckstrom stated she would go upstairs and ask. She restated it’s not confidential once they become finalists. Ms. Miller stated they are not finalists, they are only recommendations and John Foster isn’t even going to entertain it; Ms. Miller cannot give us their names – the applicants are people that people know and they have current jobs. Mrs. Eckstrom stated for whatever reason Ms. Miller doesn’t trust her Board to let them know.

Ms. Miller stated she wanted to clear this up now. Attorney Bowen and the Board of Selectmen said to her to have her Board read the Charter. The Board has no jurisdiction or anything (she provided an excerpt from the Charter in our paperwork) over anything to do; the hiring of an Assistant / Data Collector doesn’t fall under the Board. Mrs. Eckstrom stated she knew the Charter, and again, to reiterate, if Mr. Foster wanted to give Ms. Miller the authority to review and interview, that was his prerogative, but it comes back to Mr. Curry. Mr. Foster has no authority over Mr. Curry, and if Mr. Curry was going to participate in the process, the Board should have been informed; and if decisions came out of that, the Board has the right to be aware of them. Mrs. Eckstrom stated that once again, she will go about her business and find out for herself. She stated that they don’t want her “digging” when she could find out the answers from Ms. Miller. Ms. Miller stated that Mrs. Eckstrom can dig all she wants; Ms. Miller has to rely on their confidentiality in sending in an application, and the other part is the Charter; it isn’t an area in which the Board has purview. Mrs. Eckstrom told Ms. Miller not to throw the Charter in her face; she knows what the Charter says, and she believes the Charter doesn’t even mention the position of Assistant Assessor. Ms. Miller stated she was referring to the role of the Assessors, and that’s what she was told to follow when she started.

Mr. Donahue told Mr. Smith that he brought up the position of Assistant under “*old business*” because he thought we could get an update on the status; but obviously the Coast Guard takes precedence over our request, so it was put off until the 14th. Ms. Miller asked who said it was put off until the 14th. Mr. Smith stated we decided previously in the meeting that we were going to invite Mr. Foster for the 14th.

Mr. Donahue stated that he didn’t understand why the Board of Selectmen is involved in this at all. Ms. Miller stated that they weren’t involved in this; she is telling them what they told her when she started to work here and she hired the prior assistant. Ms. Miller stated that when she met with the



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Board of Selectmen and Mark (Andrews) they told her it was not the purview of the Board of Assessors. Mr. Donahue asked for clarification of why the Board of Selectmen would tell her she couldn't discuss it with us. She stated we were not here; this was when she was hiring the previous Assistant. Mr. Donahue again asked for clarification to the statement that Ms. Miller made just stated a few minutes ago that the Board of Selectmen and Town Administrator told her that the Board didn't have any business making any inquiries in this. He wanted confirmation that the BOS told Ms. Miller this when they hired her. She stated she was told this when she was hiring the last Assistant Assessor, she had asked who was going to be on the committee, because assessors interviewed her. Mr. Andrews told her "no, no, refer to your charter." Mr. Donahue stated he was trying to get a timeline, and confirm that no one said anything in the last two weeks regarding this hire. Ms. Miller stated no, it was when Gary was hired; she was referring to within the last year. Mr. Donahue stated he misunderstood; her statement sounded like she just had this discussion with the selectmen. Ms. Miller apologized if her statement misled him. She was referring to previously. Mr. Donahue asked if the Board of Selectmen got involved then. Ms. Miller stated no they did not; she went to the Board of Selectmen because she and Mark Andrews did not have a good relationship after Mark said, "no, it's you and I who interview them" she went to them to ask for clarification and was sent to the Charter by the Board of Selectmen. Mr. Donahue asked if she went to them in open session. Ms. Miller stated no, she emailed them, called them, whatever, she doesn't remember. Mr. Donahue stated he just wanted to get this clear. Ms. Miller asked "what more clear do you want?" Mr. Donahue stated she said she spoke with the BOS, he just wanted to know if it was in open session. She stated that she spoke directly with Cruz, Chairman Cruz is whom she had all contact with. Chairman Cruz told her to refer to the Charter; the BOS, nor the Board of Assessors, have anything to do with the day-to-day operations of your office. He(Cruz) stated the Board of Selectmen can't intervene here when she wanted some assistance with getting in an assistant in here 6 months ago, a year ago.

Mr. Donahue stated that we have gone from she went to the Board of Selectmen, to she sent them an email, to... Ms. Miller interrupted and stated, "Oh, John, Give it up! Come on, no! Do you really need to know what day and hour?" Mr. Curry stated that was enough, end of discussion. Mr. Donahue stated that Ms. Miller did not have to treat him with that attitude either. Mr. Curry felt Mr. Donahue was doing the same to her. Mr. Donahue stated to Mr. Curry that he was just asking a few questions until she over-reacted, and he's telling her that she doesn't have to act that way toward him or any member on this Board. Mr. Curry agreed. Mr. Donahue stated he did not say anything or do anything except ask factual questions, until this behavior emanated. Ms. Miller stated that Mr. Donahue "badgered" her, and she wants it in the record that he "badgered" her. Mr. Donahue stated he did not badger her. Ms. Miller stated it's on tape, let's drop it. She's ready to move on or out. Mr. Donahue stated he wants to make it clear, he did not badger her. She stated that there were no more specifics; that's it, she doesn't remember. Mr. Donahue stated that he asked, under "old business" about the Assistant Assessor position. He was told Mr. Foster wasn't available. He said that's fine, let's discuss it on the 14th, and he was done with it. Then Mr. Smith asked a question about the Assistant Assessor, and a different discussion ensued. So he (Mr. Donahue) was not badgering anybody. He was satisfied with the answer he received when he made the inquiry under "old business," so let's not make him the scapegoat. Mr. Curry stated no one was making anybody the scapegoat. Mr. Donahue stated he did not want to hear any comments about being badgered, either. He asked his question, his question was answered and he was ready to move on. Mc. McCahill suggested we move on and do some assessing



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business. Mr. Donahue stated to Mr. McCahill, for the record, the assessing business is a budgetary matter, and that's what he's looking at.

Mr. Curry stated "*Executive session for the review and discussion of abatements which had an extension granted by the applicants, by the BOA.*"

Mrs. Eckstrom asked Mr. Curry if the Chairman was going to be entering Executive session, she assumed that seeing he will have a quorum to go into Executive, she assumes that he will not entertain the idea of staying in open session to discuss these things. Mr. Curry stated he would not. Mrs. Eckstrom stated then, she would be leaving once they voted to go into executive session. She asked if they would be coming back into open session after. Mr. Curry stated they would not. Mrs. Eckstrom stated she wanted to know if she had to wait around. Mr. Donahue stated he will also be leaving, so who will be taking the minutes. Mrs. Eckstrom stated they would have to vote for a clerk-pro-temp. Mr. Curry stated he would "entertain a motion to go into executive session and the purpose of under the open meeting law is for the requirements of MGL chapter 59, section 60, Applications not open to public. At the conclusion of the Executive session, the Board will not return to open session." Moved by Mr. McCahill, seconded by Mr. Smith.

ROLL CALL VOTE:

Mr. McCahill – YES

Mr. Smith – YES

Mrs. Eckstrom – NO

Mr. Donahue – NO

Mr. Curry – YES

3 – 2 – 0

Mrs. Eckstrom asked if they would need the tape recorder for the Executive session, if so, she can wait around to get it after. Mr. Curry stated no; his understanding is tape recorders are not allowed in Executive session. Mrs. Eckstrom stated they are allowed, but she doesn't believe they are required under the policy. Ms. Miller stated they are not going to use it, Mrs. Eckstrom can take it. The Board went into Executive Session at 1:53 pm. Mr. Donahue and Mrs. Eckstrom left at this time.

Respectfully submitted,

Brenda Eckstrom
Brenda Eckstrom
Clerk

Approved 7-12-12
4-0-0

