



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 July 12, 2012

Members Present:

Steve Curry, Chairman  
Director  
Mike McCahill  
David Smith  
Brenda Eckstrom  
(John Donahue absent)

Also present:

Elsa Miller,  
Peter Tietelbaum,  
Selectman Liaison

Chairman Curry called the meeting to order at 4:30 and welcomed Peter Tietelbaum. Mr. Tietelbaum introduced himself and informed the Board that the BOS understands the critical function the assessors fill in our town government and the BOS supports the Board of Assessors. If there is anything the Assessors need from the BOS (access to Town Counsel or joint discussions) he is the point person to do that. He is a lawyer, but he was elected to be a selectman, not lawyer. We have Town Counsel, we pay him handsomely, so if the assessors have any legal questions that's where they need to go, but if the Board needs access to Counsel, we can go to him, he can go to Steve and they can figure it out and we can get the information you need. Don't ask him what he thinks as a lawyer because he won't tell you; you're not paying him, so you won't get it (humorously).

Ms. Miller gave Mr. Tietelbaum a copy of a letter that Attorney Bowen sent on behalf of the MAAO, to the AG regarding Assessors going into Executive session. Discussion ensued regarding a decision from the AG. Chairman Curry stated it was good to know there was an avenue if we need legal counsel; Mr. Tietelbaum stated the Chariman of the BOS has as good an access to counsel as anyone, so if we let him know, he can let the Chairman know. He stated he would get out of the Board's hair – the members introduced themselves and Mr. Tietelbaum left.

*Review of Minutes:*

*May 15, 2012:*

Mrs. Eckstrom made a motion to accept the minutes, Mr. Curry seconded for discussion. Mr. Curry stated that minutes should be summarized, not transcripts, so he wanted to know why they were 13 pages. Mrs. Eckstrom stated that when there are people looking for the tapes of the meetings, I don't know what is going to happen to the tapes once they go upstairs. The written minutes are the legal minutes, and she wanted as much information as possible. Mr. Curry suggested it looked more like a character rather than what happened in the meeting. He referenced the banter between Ms. Miller and Mr. Donahue. Mrs. Eckstrom stated that when an employee makes an accusation that she is being "badgered" and states that she wants it in the



Town of Wareham  
Board of Assessors  
7-12-2012 Meeting (con't)

minutes, and a member of the Board states he was not badgering, Mrs. Eckstrom stated she wanted as much information in the minutes so if anything ever comes of it, it was there. The tapes are not an official record, the written minutes are. Mr. Curry stated he could see that, but there are other areas, he thinks it's too much. Mrs. Eckstrom will limit the specifics but she wants to make sure that if any issues arise, there is an accurate account.

Mr. Smith thought the tapes were kept and asked if Brenda doesn't mind this, why wouldn't the Board want as much in there as possible? Mr. Curry stated that on the Attorney General cites what should only be in the minutes. Mrs. Eckstrom stated that her understanding was the AG cited what minimally needed to be in minutes.

Chairman Curry called for the vote: 3 – 0 – 1 (Mr. McCahill abstained)

*May 22, 2012:*

Mrs. Eckstrom moved acceptance of May 22<sup>nd</sup> minutes, Mr. McCahill 2<sup>nd</sup>. Vote: 4 – 0 – 0.

*June 14, 2012:*

Chairman Curry asked Ms. Miller to make copies of the minutes.

*(While waiting, a brief discussion regarding recent power outages in the areas)*

Chairman Curry suggested we move on to monthly list of abatements for excise on boats, ships and vessels; monthly list for motor vehicles and trailer excise, and monthly list of personal property; along with one motor vehicle excise denial because abatement is less than amount allowed by law. Chairman Curry passed around forms for the Board to sign. Ms. Miller returned with copies.

*(There were discussions regarding how auto excise abatements are determined, whether boat excise ever expires, Liz providing ice and serving water to Ms. Miller, what code 1010 is – and how state is in 3 numbers and the programs are in 4)*

Mr. McCahill motioned to accept the June 14<sup>th</sup> minutes, Mr. Curry seconded. Vote 2 – 0 – 2 (Mrs. Eckstrom and Mr. Smith abstained)

*Executive of May 22, 2012:*

Motion to accept the Executive minutes of May 22, by Mr. McCahill, seconded by Mr. Curry.

Vote 3 – 0 – 1 (Mrs. Eckstrom abstained)

*Old Business:*

*Affordable Housing Trust:* Sandy Slavin and Peter Tietelbaum will be working to see if they can get the exact addresses; DHCD does not give addresses, only streets for confidential use for assessors.

*Director's Report:*

Ms. Miller gave out a packet regarding the Cherry Sheet, and how it impacts us throughout. She does not use it in the recap, but it does come to the assessors. Also, she has the state-owned land (which we don't tax) and chapter land and the values. Mr. Curry asked how long between state land assessments? 3 or 5 years; Ms. Miller stated she thought it was 5 years; the last one was 2009. Mr. Curry stated 2009 sounded right, as Bourne recently sued the state for undervaluing the state owned land for reimbursement. Ms. Miller stated that she does not fill that in the recap, but we may want to look at it. It was last valued in 2005, then 2009, and she believes it will be done again in 2014.

We got our new growth on the pipelines, \$35,300 in value, state determined value.



Town of Wareham  
Board of Assessors  
7-12-2012 Meeting (con't)

Community Preservation Act, assessors sign the CP-1 form in Gateway. Members should have their passwords to get in, but if not she will call us and give them to us, or she can log on and the members can sign when they want. Note that the form is 2012, because we are identifying what we already have. CP-2 is the accountant's end of it, and that will show what they have going forward. Ms. Miller explained the lines on the CP forms. She needs three signatures; she asked Mr. Curry if he had the list; he said he did not have; Ms. Miller stated she would get the passwords again from Matt and call each of us.

Application request on a charitable non profit for exemption – Ms. Miller stated it was her fault that it was late coming to us, she will own up to it. It is a 3of ABC – Mr. Curry asked if the filed within the time limit; she stated they did file on time, but requested an extension and it got stuck on a desk out there but didn't get to her, but they are still in the timeframe. A discussion ensued as to the timeline and deadline. Mr. Curry believes this should be in executive session.

Only other issue for discussion is Murphy street; Mrs. Eckstrom asked if this was Nazi's property – Ms. Miller asked if she (Brenda) would need to recuse herself; Mrs. Eckstrom said, no, she just knew the property from it being in front of Conservation a few years ago. Ms. Miller stated he is very mad at her. We have been billing it as one lot; one lot \$338K; it went through our planning board as an ANR (Form A) and when Ms. Miller received the plan, she split it out to 3 parcels at \$300K each. He filed the subdivision but it is not approved through land court. He has them listed on MLS on the market for \$400K. We value for use; she has spoken to a few assessors and they feel we can win it at ATB; Mr. Curry asked if he had separately deeded them yet. Ms. Miller stated, "no." Mr. Curry asked if it is essentially has a master deed and won't separate until he has a binding offer. She called the Broker and introduced herself; the Broker said he doesn't want to split them out because he doesn't want you to assess them; she feels that's fraud, well maybe not fraud, but it's not right.

This is a preliminary one; this endorsement makes no determination of adhering to Wareham Zoning By laws. Mr. Curry asked if it is an accepted street; paved? Ms. Miller stated she doesn't know. She has calls in to land attorneys for this. Mr. Curry stated he thinks we should wait until we get a legal opinion before we separate. Ms. Miller states assessors do not value in legal, but in use. Mrs. Eckstrom stated he isn't using it for anything. Ms. Miller stated he is marketing it.

Mr. McCahill stated that it's still on one deed; he asked if the Form A process complete yet. Ms. Miller stated it is as far as our town is concerned. She said we will probably have to give him back the money – he doesn't want to pay the \$15,000 in taxes. She believes he can deed part of it out, this plan may take 10 years to go through land court. She offered Mrs. Eckstrom a pile of information to review.

Ms. Miller's helper will not be in for a few weeks. Mrs. Eckstrom suggested that rather than skipping a meeting, we should use the time to do a workshop.

Next Meeting will be August 2, at 4:30pm.

Respectfully submitted,

Brenda Eckstrom

Clerk

Approved 8-2-12