



**TOWN OF WAREHAM
Board of Assessors**

54 Marion Rd
Wareham, Massachusetts 02571

Telephone: (508) 291-3160
FAX: (508) 291-3167

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 August 23, 2012

Members Present:

Steve Curry, Chairman
David Smith
John Donahue (arrived at 4:42pm)
Brenda Eckstrom

Also Present:

Elsa Miller Director

Also present: Attorney Craig Medeiros (representing Mr. Nazih Elkalassi)

Chairman Curry called the meeting to order at 4:38pm, noting a quorum was present.

Meeting Minutes: August 2, 2012: Mr. Smith moved to approve the minutes of August 2, 2012; seconded by Mrs. Eckstrom. VOTE: 3-0-1 (Mr. Donahue abstained).

Executive session minutes of July 12, 2012: Mrs. Eckstrom asked Chairman Curry if the minutes were to be held; Chairman Curry stated no, as the discussion was held in open session at the following meeting. Mrs. Eckstrom moved to approve the Executive Session minutes of July 12, 2012; seconded by Mr. Smith. VOTE: 3-0-1 (Mr. Donahue abstained).

Signing of Documents: Chairman Curry presented for board approval:

- 1 – 1994 first recommitment of motor vehicles and trailers;
- 2 – 1995 second recommitment of motor vehicles and trailers;
- 3 – 2012 Notice of commitments of motor vehicles and trailers;
- 4 – Office expenses (253.29) – Mr. Donahue asked if the \$102.41 for Ricoh copier was due to repairs or lease; Ms. Miller stated it is the lease payment. Mr. Donahue moved to approve the office expenses; seconded by Mr. Smith. VOTE: 4-0-0.
- 5 – Boat Excise abatement denial: Chairman Curry explained the boat was sold on June 27, 2012; Mr. Donahue moved to deny the request; seconded by Mrs. Eckstrom. VOTE: 4-0-0.

*Mr. Elkalassi arrived at this time.

Appointment: Present before the Board: Mr. Elkalassi and Attorney Medeiros. Attorney Medeiros gave the board a summary of the issue: Mr. Elkalassi bought a large area of property in the Swifts Beach area – 68 lots, of which Mr. Elkalassi owns 67 (excluding lot 67). He files a complaint to landcourt in 2010 to: 1.) redraw the lot lines, and 2.) relocate the paper streets and provide for a 30ft wide access easement on the plan. The land court came back, asking for additional information and for Mr. Elkalassi to get the owner of lot 67 to assent to the plan. Mrs. Eckstrom asked Mr. Elkalassi if this was the property he was in front of the Conservation Commission with a few years ago, where he asked for a “driveway” into the property. Mr. Elkalassi stated that it was. The problem is the owner of lot 67 passed away several years ago, and there are many, many family members who may have claim on the property; they can’t track



down all the owners for approval. So they have asked the court if they can give proper notice in a newspaper and then send out letters to the known owners. They are currently waiting on land court to approve their request. Mr. Elkassai cannot move forward without court approval. Mr. Donahue asked why they were here. Attorney Medeiros stated they were in front of the board because the change in the property assessment; it was originally assessed as one lot; now it is assessed as the proposed three lots. Mr. Donahue asked when did they get a change in how they were taxed. Attorney Medeiros stated the changed occurred on the July 2012 preliminary bill.

A discussion ensued regarding when the plan was approved by the planning board, and whether the property could be transferred or built on now. Mr. Elkalassi stated the property could not be sold; he could put it under agreement, if someone wanted to wait for an answer from land court, but he could not transfer ownership. Mr. Elkalassi stated that he doesn't care how the Board decides to assess properties like this; he just wants to know how so he is aware of it. Chairman Curry stated that this was only for discussion purposes now; we will consider and make a determination once an abatement is requested and filed in January. Mr. Elkalassi and Attorney Medeiros agreed, thanked the Board for their time and left the meeting at 5:22pm.

After they left, Ms. Miller explained she had originally changed it from one lot to three lots, based on the planning board approval, and she asked the building inspector, and he stated that, if approached, he would issue building permits on those lots, based on the approved plan. After further consideration, she chose to change the lots from "buildable" to "potentially buildable," as she feels this better reflects the circumstances. Mr. Donahue agreed with Ms. Miller's decision; he stated that he was from the old school of assessing, "When in doubt, assess."

Chairman Curry agreed, rhetorically asking, "Why wouldn't you? It's being marketed, the building department said they would issue permits, so of course you would think they were three buildable lots."

The consensus of the Board was to keep the assessment as it currently is: three potentially buildable lots.

Old Business:

Ms. Miller gave the Board an update on the estimated growth is approximately \$180,000 so far, but that does not include personal property. Also, Ms. Miller is starting to get sales into the sales file; but we don't have enough 101s to get a true figure. She is allowed to use two years. Rather than using all of 2010 and 2011, she has the figures for the first half of 2012, so she would like to use the second half of 2010, all of 2011 and the first half of 2012. It is still two full years, just ½ of one and ½ of another, but she believes it will give a more accurate picture of the sales. It was the consensus of the Board to use the data in the timeframe she proposed.

Brenda's Workshop:

Mrs. Eckstrom stated that she took exception to the workshop listed on the agenda as "Brenda's Workshop," as it was her understanding that it was the Board's workshop; just because it was her suggestion not to take another meeting off, but to have a working meeting where Mr. Smith and she could ask some questions to gain a better understanding of the duties



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and for the Board to consider policies, but if the Chairman wanted her to run the "workshop" she will talk to the issue of policies.

Mrs. Eckstrom stated that the Board of Assessors are charged as the policy making board for the assessing department, and she believes that things need to be codified. Ms. Miller interjected and asked Mrs. Eckstrom where did she come up with that; Mrs. Eckstrom stated that it's in the Charter. Ms. Miller proceeded to her desk, presumably to look up the Charter. Mrs. Eckstrom stated it's section 3 -5 (b). While Ms. Miller stayed at her desk, Mrs. Eckstrom continued.

She stated there are several things that could be addressed through policy. She understands the difference between day-to-day and policy, and she certainly does not want the Board to get involved in the day-to-day, but she thinks there are several things that the Board should address through policy. While the issue with Mr. Elkalassi today wasn't one of Mrs. Eckstrom's examples, it is a good one: if we had a policy regarding subdivisions approved by the Planning Board, but not by land court, Ms. Miller would have known what to do, and we could have pointed to it during that discussion, which is essentially what Mr. Elkalassi wanted. Chairman Curry agreed.

Note: Ms. Miller got up from her desk and left the meeting at this time, quietly telling Mr. Curry that she had an appointment.

Mrs. Eckstrom went on to state that she has over twenty years experience in training, customer service management, and program development for training and service seminars. She was concerned regarding the proper office staffing, in light of some recent events. Mr. Curry stated that the Board cannot increase the number of employees the office has; that is up to the Town Administrator, who addresses that within his budget. Mrs. Eckstrom stated she is not talking about increasing the number of employees, but making sure there are enough employees in the office.

Mrs. Eckstrom stated that while she does not know all the ins and outs of assessing, she would assume that the first couple of weeks in July are the busiest; the estimated tax bills get mailed out July 1st, so if people had any questions, that is when they would contact the office. This year, Ms. Miller took off Monday and Tuesday, July 2nd and 3rd. Mrs. Eckstrom knows this because Ms. Miller called Mrs. Eckstrom at home that Saturday, and in the conversation, Ms. Miller stated she was taking off Monday and Tuesday, which she said would be her first opportunity to take time off. Wednesday was the holiday, then Barbara LeFavor took off Thursday and Friday. The second week, both Nancy and Barbara took vacation. It was during this week that Ms. Miller's car broke down, so she left work on Tuesday morning, she was out Wednesday and did not get back to work until after 2:30 on Thursday. This left Robin and Liz alone for most of the week. Then Liz had an appointment on Wednesday afternoon, so it left Robin alone for the whole afternoon. The office window was closed when she went to lunch, when she took her break and when she had to step out to the ladies' room. This is unacceptable.



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Mr. Curry stated that sometimes things happen that can't be avoided and Ms. Miller's car breaking down was unforeseeable. Mrs. Eckstrom stated that in the real world, if your car breaks down, you are still expected to get to work; Mr. Curry stated he didn't know, he has never had a car break down, but he has run out of gas many times. Mrs. Eckstrom stated that she does not want to sound insensitive, but for Ms. Miller to leave work because her car broke down, and then claim she couldn't get back to work for two days because she was waiting to get a rent-a-car, and as proof pointed out the license plate on her rent-a-car to Mrs. Eckstrom and Mr. Smith after the last meeting, as if she had to wait for a car to be brought up from the Carolinas! Those are issues

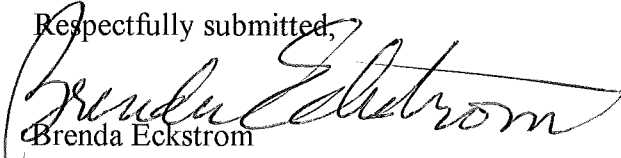
that the Board cannot address, however, the Board can set a policy that limits times of year that people can take vacation, or limits the number of people who can take vacation at the same time. Mr. Smith suggested we do need to be so specific; he would prefer to set a policy that states a minimum staffing requirement, and then it's up to the office to adhere to it. Mr. Donahue agree with Mr. Smith, stating the Board doesn't want to micro-manage the staff, but the members of the Board are the elected officials who are responsible to the taxpayer.

Mrs. Eckstrom also stated that there is no reason for the phone to go unanswered. If Robin and Liz are waiting on customers at the window, then the phone still should be answered; with the proper staffing, Nancy or Barbara or even Ms. Miller should be answering the phone; the phone should be answered by the third ring. Mrs. Eckstrom stated she's had problems with caller ID on the phones since she was a selectman, but she knows that is an administrative decision; she feels the phone should be answered regardless of who is calling, which she had seen that was not the case in certain offices.

Chairman Curry stated that he believes these are good suggestions. He suggested we all work on some ideas for suggested policies and bring them back at the next meeting to discuss and get started. Mr. McCahill will be back, so he will be able to give his input too. Mrs. Eckstrom stated that she believes the policies should begin with the Charter and by-laws. Mr. Donahue suggested we come up with a mission statement for the department, and use that as the first piece of the policy book. The Board agreed that was a good idea.

Chairman Curry determined the next meeting will be held on September 13, 2012 at 4:30pm, and the Board can continue the workshop then. Mrs. Eckstrom motioned to adjourn at 6:04pm, seconded by Mr. Donahue. VOTE: 4-0-0.

Respectfully submitted,


Brenda Eckstrom
Clerk / Vice Chairman

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*Approved 9-13-12
(David Absent; Mike Abstained
Steve opposed, too much info)*