

OPEN SESSION

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The Board of Assessors met on Wednesday, October 7, 2020, at approximately 6:07 PM. Present were Chairman Steve McCarthy, Member Paula Bunker, Principal Assessor John Donahue, and Principal Secretary Daniela Nilsson. Clerk Cheryl Smith was unable to attend. Due to the COVID-19 pandemic the meeting was closed to the public. However, the public was allowed to listen to the meeting via teleconference and to watch a recording of the meeting via community access television.

The Chairman announced that the meeting was being recorded by community access television. The Principal Assessor read aloud the Board of Assessors' State of Emergency Public Access Notice from the publicly posted Agenda stating that, due to the increasing concerns surrounding the Coronavirus pandemic, the meeting would be open to the public through remote participation only, and he also stated the telephone number and access code needed to join the live teleconference.

The Principal Assessor announced that he had received an email from the Department of Revenue regarding approval of Free Cash. He stated that as of July 1, 2020 the General Fund is \$1,014,213.00 and the Enterprise Water Fund is \$471,685.00. He also informed the Board that the town had received a Notice of Intent to Sell, pursuant to Massachusetts General Law Chapter 61, from the Law Firm, Clark, Balboa, and Gildea. The two subject parcels are located off of West Street and United Drive on the Easton town line. Chairman McCarthy inquired about the soil conditions of the land because he has observed significant wetlands in that area of United Drive. The Principal Assessor stated that the Chairman was correct in his thinking and that the subject parcels are located across the street from 35 United Drive. He also stated the Notice of Intent to Sell documentation included a proposal to construct a 204,000 square foot warehouse with paved parking areas. The Chairman briefly discussed several Tax Incremental Funding (TIF) and Payment in Lieu of Taxes (PILOT) agreements regarding other properties in the United Drive area with Member Bunker. The Principal Assessor noted that AJAX Advisors LLC, is one of the companies in that neighborhood which has a PILOT agreement, and he stated that the Board might expect to see another PILOT agreement if the pending sale goes through.

The Principal Assessor also informed the Board that a recent Special Town Meeting passed a zoning change Article - from commercial zoning to industrial zoning - in the area bordered by State Route 24, West Center Street, Lincoln Street, and South Elm Street. The Chairman stated that he had not followed everything but he had seen that the Shell Gas station would get some additional space to expand its operation in exchange for their support of the zoning change. He also noted that many industrial spaces have been built up in that area resulting in an increase in truck traffic. The discussion moved to the recent trend of builders changing mall space into warehouse/distribution centers and/or retail/apartment spaces.

The Principal Assessor moved the discussion to the part-time status of Principal Assessing Secretary, Marianne Pierce. The position was advertised at 25 hours per week which equates

to approximately 1,305 hours per year. The new hire recently retired from the Commonwealth of Massachusetts and, under current law, she may only work 960 hours per year; otherwise, she would have to pay a penalty to the IRS. Legislation was passed to increase State retiree's hours at the end of the legislative session last August but the Governor vetoed it. A new bill has been introduced this legislative session to increase the hours from 960 to 1200 hours per year. Chairman McCarthy stated the Board had to figure out what they could do to keep its new employee and stated he wanted to have a meeting with the Human Resources Officer. Member Bunker asked if the Board should move this issue to Human Resources and felt that if an email had been sent earlier she would have stated that she wouldn't want this discussed at the meeting because she feels it should be handled with the Human Resources Officer. The Chairman stated that he would like to work out some in-house solution. The Principal Assessor stated that he felt a duty to bring this matter to the Board's attention. He also stated it was being discussed in Open Session because he had called the Attorney General's office to ask if it could be discussed in Executive Session and was informed only disciplinary or termination discussions can take place in Executive Session. He presented options which he saw as possible remedies to the Board. His suggestions were: a.) immediate termination, which he did not recommend; b.) phased termination between now and the end of the employee's probationary period of March 5, 2021; c.) termination on March 5, 2021; or, d.) allow the employee to continue working her normal schedule while there is a moratorium on the hourly restriction until such restriction is reinstated. The Chairman feels that time and money has been spent to train the new employee and maybe the hours can be reworked to fit the regulations. He also stated that he is not happy with this news and feels this issue should have been raised before the employee was hired. The Principal Assessor asked that if the hours are re-worked, how will all the work get done? Especially since he and the Board recently attempted to make the position full time because of the current work load? The Chairman was concerned that due diligence had not been exercised by Human Resources Officer; because the 'new hire' had stated during her job interview that that she would be retiring from State employment. He suggested that the Human Resources officer be present at the next meeting and Member Bunker agreed with him that she should be invited to the next meeting to continue the discussion.

The Principal Assessor stated that he had sent meeting minutes via email for the Board's approval. Member Bunker noted that there was no attachments to the email. Action on the minutes was deferred until the next meeting.

Chapter Land applications, Statutory Exemption applications, Bills Payable, and Motor Vehicle Abatements were presented for signatures.

A **motion** was made by Chairman McCarthy to adjourn the Open Session and to enter into Executive Session in order to Review Applications for Abatement/Exemption/Classification, relative to Purpose 7, MGL CH 59, section 60, to review and discuss strategy of pending Appellate Tax Board Cases, relative to Purpose 3 and 7, MGL CH 59, section 60, to discuss negotiation of the Principal Assessor's Employment Agreement, relative to Purpose 2, MGL CH 59, section 60, because to do so in open session could have a detrimental effect on the litigating

position of the Board of Assessors, and not to reconvene in open session at the conclusion of the Executive Session. The motion was seconded by Member Bunker. A **roll call vote** was taken as follows: Chairman McCarthy = affirmative, Member Bunker = affirmative. The Board adjourned Open Session and entered Executive Session at approximately 6:33 P.M.

Next Meeting: October 21, 2020

I certify that the minutes of this meeting are true and accurate to the best of my recollection.

Respectfully submitted,



Cheryl Smith, Clerk

Prepared by Principal Secretary, Daniela Nilsson

Documents referenced during the meeting:

- *Bills payable, Chapter Land Applications, Statutory Exemption Applications, Motor Vehicle Abatements, Department of Revenue email, and other administrative documents referenced during the meeting.*