

**SELECT BOARD
MINUTES
February 7, 2023
Town Hall, 17 Main Street and via ZOOM**

Members present: Michael-Ray Jeffreys, Chairman; Lou Franco, Clerk via ZOOM; Vice Chairman; Todd Dwyer, Heather Sroka

Member not present: Tom Alonzo, Vice Chairman

Also Present: Heather Lemieux, Town Manager; Mark Esposito, Prita Patel

Chairman Jeffreys called the meeting to order at 7:00 p.m. He asked everyone to stand for the Pledge of Allegiance. He announced in accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and broadcast live over the Lunenburg public access channel and Facebook Live and it will be uploaded to the Lunenburg public access YouTube channel within 24 hours after the meeting.

He announced this meeting will be held in person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and or participation is being provided as a courtesy to the public, the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person versus virtual attendance accordingly. The agenda lists all the topics which may be discussed at this meeting and are those reasonably anticipated by the Chair. Votes may be taken as a result of these discussions. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by the Open Meeting Law.

PUBLIC COMMENT:

Mr. Jeffreys announced the board would not be meeting on February 14th but will be meet on the 28th.

Debbie Lincoln, 48 Hemlock Drive, asked even though it is early in the tax assessment investigation if the board finds there is wrongdoing, would the board consider a repeal and replace.

Carl Luck, 50 Sunset Lane, expressed concern in the investigation process; the first is the Town Manager is the supervisor of the Principal Assessor and alleged there is a conflict of interest in her being a member of the investigation team. He also questioned whether the investigation should adhere to Open Meeting Law.

INTERVIEWS/APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

Architectural Preservation District Commission- Nathan Lockwood, 91 Main Street-term to expire June 30, 2023

Nathan Lockwood stated he was part of the Planning Board that drafted and proposed the original Architectural Preservation District bylaw. This was an opportunity to strengthen the bylaw by working with the existing members of the APDC, the Select Board and other town committees to reflect on what we have experienced with it, to strengthen it in order to serve the town better.

Ms. Sroka thanked him for stepping up because he was part of writing the bylaw and what it intended and she would like to see how he will interpret it going forward as opposed to the other

members of the APDC. Mr. Dwyer agreed with Ms. Sroka and also thanked him for stepping forward. Mr. Franco agreed as well. He asked Mr. Lockwood if he would be reapplying for reappointment as his term ends June 30th. Mr. Lockwood stated his intent was to see where things are at and if it is important to stay on at that point. Mr. Jeffreys also thanked him and noted he has been expressing concerns about the APDC with governmental overreach, particularly of their rules and regulations exceeding the intent of the bylaw.

Motion: L. Franco

2nd: T. Dwyer

To appoint Nathan Lockwood to the APDC with a term to expire June 30, 2023

Vote: All in Favor

APPOINTMENTS

Hearing for Transfer of All Alcohol License for a Retail Package Store License located at 1353 Massachusetts Ave. by Priha, Inc. d/b/a Jaxx Country Variety

Mr. Jeffreys opened the hearing for the license transfer application. Attorney Mark Esposito introduced himself as the representative for Priha, Inc. and introduced Ms. Priti Patel as the owner/applicant/manager on record. Attorney Esposito stated the plans are for the transfer to occur and the business to proceed the same as the previous owner. Ms. Patel has had TIPS training for off-premise alcohol sales. They will continue to sell the same types of packaged food as currently offered there. Ms. Sroka asked if this is just the sale of the business to a new person. The answer was yes. Mr. Dwyer had no questions but stated he supported the application. Mr. Franco asked if the applicant had ever been involved with or owned an alcohol license before; the answer was no.

Mr. Jeffreys asked if she had ever served alcohol to anyone in a restaurant or any other setting. Ms. Patel replied she had worked in her father's store selling beer and wine. Mr. Jeffreys asked what her alcohol control plan was for the business and staff. Ms. Patel had no answer for the question. After some discussion, Mr. Jeffreys suggested the hearing being continued until February 21st at 7:15 p.m. so the applicant can present an alcohol control plan/policy for the employees so that it is not sold to anyone under the age of 21.

Motion: M. Jeffreys

2nd: L. Franco

To continue the public hearing until February 21st at 7:15 p.m. Vote: 2 in favor, 2 opposed (Dwyer, Sroka)

The board members were divided on the hearing being continued. Mr. Dwyer and Ms. Sroka stated if the applicant agreed with the continuance they would acquiesce and let them come back in two weeks.

Motion: M. Jeffreys

2nd: L. Franco

To continue the public hearing until February 21st at 7:15 p.m.

Vote: All in Favor

OLD BUSINESS

1. Status Update on Tax Assessment Investigation

Mr. Jeffreys read the following aloud:

PRESS RELEASE-FEBRUARY 7, 2023

Fiscal Year 2023 (which began on July 1, 2022 and ends on June 30, 2023) is, in many ways, an ordinary budgetary year for the Town of Lunenburg. To meet the needs of the community, Town Meeting voters approved a budget that increases at a rate similar to previous years; 2.5% plus new growth and excluded debt. For Fiscal Year 2023, the Town's budget is \$50,144,851.65, of which, \$28,618,106.43 is to be raised and appropriated from residential property owners.

In Lunenburg, the Principal Assessor and Board of Assessors are tasked with identifying the fair cash

valuation of all the estate subject to taxation with the Town. Massachusetts' Department of Revenue (DOR) is the regulatory authority for the property valuation and assessment process, and provides rules and guidelines for how municipalities are to assess the value of property within their communities. The focus of the Select Board's investigation is to understand how property values for Fiscal Year 2023 were achieved.

What we have learned, thus far, is that the Town's Principal Assessor and Board of Assessors were qualified to perform and certify assessments for Fiscal Year 2023, as per MA DOR requirements. The principal assessor and two members of the Board of Assessors had their required trainings completed at the time that assessments were finalized and submitted to MA DOR in December, 2022. One member of the Board of Assessors does not have her coursework completed, but based on regulations in place at the time of appointment, she is afforded 2 years to complete the training and is still within that timeline. A CAMA system is a computer-assisted mass appraisal system. Lunenburg previously used the state CAMA system through Fiscal Year 2020, when that system was taken offline. Starting in FY21, we switched over to Vision CAMA, and continue to use that as our software system that assists with tax assessments. The Principal Assessor has confirmed receiving specialized training in Vision CAMA and reports over 7 years of experience working directly with Vision CAMA.

Throughout the year, there are submissions to MA DOR that occur, and MA DOR has confirmed that they interacted with the Town's principal assessor routinely throughout the process, as they do with most communities. All sales data submitted was accepted by MA DOR and valuations submitted were within their guidelines.

In Lunenburg, all residential properties are placed into 5 indexes, for the purpose of assessment. To briefly summarize, the average property is in Index 3. Neighborhoods along major roads, at major intersections, and those with a typically lower sales value compared to the average, are placed in Index 4 or 5. Neighborhoods that are more appealing on the market, and that generally have higher values, are placed in index 1 or 2. All property directly adjacent to Hickory Hills, Lake Whalom, and Lake Shirley are identified as the most appealing on the market and are in Index 1, and includes approximately 434 single family homes.

The valuation and assessment process does not consider impact on property owners. How much someone's taxes increase by, from one year to another, is simply not considered in the process. MA DOR's regulatory goal is for all homes to be brought to 100% of the market value during annual valuations, but they allow for a range of 90 - 110% of the market value. The assessment process is a mathematical and statistical exercise that is part science and part art — and it considers a variety of variables to make qualified estimates on what a property is worth.

Using qualified sales data, that was reviewed and accepted by MA DOR, it was identified that properties in Index 1 had a notably low assessment to sales ratio. The data identified that the average home adjacent to those three lakes had an assessment that was 48.47% of the sale price. The assessment process brought homes in Index 1 to 92% of the assumed market value — which for many, resulted in a significant increase in valuation.

MA DOR does not provide an audit service for municipalities. So we are actively soliciting proposals to hire independent tax assessors with experience working for municipalities, to perform a thorough review of the assessment process that was undertaken by the principal assessor. This will allow us to have unbiased feedback on the quality of the sales data utilized and the calculations employed, across all indexes, to achieve property values.

Every five years, the Town goes through a detailed assessment of all properties. For our Town, this will occur this calendar year, in preparation for fiscal year 2024. Calculations that occur in the four years between comprehensive reviews are data-driven exercises and are not personalized to any property. It's a review of neighborhoods, home types, and a variety of other factors. The Board of Assessors has received approximately 420 abatement applications for Fiscal Year 2023, and we intend to use available data in our investigation, to quantify the difference between actual values assessed, and values identified after the abatement process.

As part of the investigation process, we have been logging all questions from residents that we receive

and we will continue to attempt to provide updates and answers, twice a month. The investigative process that we've laid out is occurring in phases. The pre-investigative phase identified the ten core questions we are seeking to answer and the rules we're following. The current phase of the investigation is the data collection phase, in which we are procuring a variety of documentation and data and conducting interviews. The next phase is the analysis phase, in which we will purpose to establish facts, supported by the evidence we collect.

The timeline of this independent investigation will be determined by the availability of outside support, our ability to conduct thorough interviews, and the quality of data we received. We are committed to providing an investigative summary, as required by the Town Charter, and will additionally provide our full investigative report, including all exhibits, when the investigation concludes. We want to be thorough and complete in the information that we provide and will provide another update on February 21st.

Mr. Jeffreys referring to the earlier public comment about Open Meeting Law, believed the investigative team was complying with the Open Meeting Law. He noted when conducting an interview, as we've done with several people, and you're talking with one person or if two people are talking with one person you usually get honest feedback. If you have 50 or 100 people there, it is a very different feeling in terms of who we're interviewing. What's important is to collect and get information as directly as we can. There have been incidents in which we've conducted interviews and the interviewee due to public comments and news stories that exist, are only willing to meet with us with certain people with them whether that be counsel or PR specialist whomever. That is a challenge to the investigation.

We are providing investigative reports and all those reports of the questions we ask and the answers will be made public and provided as part of the report. As we conclude phases of the investigation we will make information that we've gathered public. We don't release any data that we have not verified and confirmed as being accurate.

Mr. Dwyer asked when the data collection phase would be completed and when they would move on to the analysis phase. Mr. Jeffreys stated there is still data that we are actively securing. Our intention is to wrap this up before residents need to pay their fourth quarter tax bills. We met with the Mass DOR Chief of Assessment for the Commonwealth, with our local agent as well as their supervisor and additional parties from DOR. Mass DOR provided that the sales data and all the valuations were accepted by them. They are a regulatory agency and that if they were not going to accept them, if they identified errors previous, it would not have been accepted data. The focus is heavily dependent upon our ability to bring in independent assessors; people who can sit with the Principal Assessor, meet with him and go through the manual CAMA vision system and look through everything that happened. The state was pretty clear that they do not provide auditing services. What they offered was basically a reconfirmation of the conversations that we had with them in the week immediately between the 10th and the 17th. In the multiple conversations that we had with DOR, it was a restatement for us to perform a historical analysis. Mr. Dwyer asked if they were going to respond to us in terms of the Town identifying an error in our data, it would be our responsibility to identify that error or validate it which is why it's critical to have the third party come in to help review that sales data and the assessments. Mr. Jeffreys confirmed.

Mr. Dwyer asked where in the process of getting independent assessors was. Mr. Jeffreys stated we've reached out to several companies in terms of capacity to be able to provide this support especially since we already have an RFP for the assessment. We've tried to make sure that we phrase the scope in a way that would allow us to get responses. We've started reaching out to surrounding communities who have principal assessors on staff, not ones who subcontract and

are making offers to them that we would like to utilize the services of their assessors. So there's two different approaches to try to bring on people in the area who have experience in this field and some outside vendors. We were advised by MAAO that there are approximately 17 openings statewide for principal assessors and that there is a shortage of them.

Mr. Franco agreed in regards to the DOR statement, noting that more abatement applications will result in more granular data. If every assessment turned out based on abatement analysis to be correct, then you would have the highest possible degree of confidence in the process that was undertaken. If ninety percent of them didn't, that would obviously be a low degree of confidence, but it's just too early to tell. Secondly, in regard to the 90 day window for abatement applications, he believed the BOA has the discretion to extend that deadline and not deem the outstanding cases denied. However that doesn't solve the due date of the fourth quarter taxes. Mr. Jeffreys stated we have core questions that we're looking to answer and a series of questions underneath them. Many of the questions that we've received from residents are already on our list or we've added them to our list.

Mr. Jeffreys in regards to speaking with our state delegation, stated the feedback that we've received has been that the state legislature has no oversight over the assessment process; that it is a municipal function that's overseen by Department of Revenue and is outside of their purview. John Fortune, 50 Hemlock Drive asked if they brought in more assessors, who would they report to? Mr. Jeffreys stated they would report directly to the investigative committee. I'm the principal investigator supported by the Vice Chair and Ms. Lemieux certainly is here to be supportive as well and that's based on the Town Charter. Mr. Fortune asked if after all this investigation is done, is there any discussion about still using a Principal Assessor or going back to an outside company for those services. Mr. Jeffreys stated the Assessors are the ones who expressed they did not want to use the outside company. That decision is up to them.

Pete Lincoln, 45 Hemlock Drive, stated the reason we are all here is the land was highly assessed and that is not going to change when the Assessors come around. Mr. Jeffreys stated as far as he knew from conversations with DOR and the Assessors, the abatement process involves the entire property, not just the land. Mr. Franco agreed adding that opening up the abatement process triggers an evaluation of the entire property; you do have the right not to let the Assessors in to examine the house. But the Assessors could make presumptions least favorable to the applicant in terms of improvements that could result in more taxation.

Nicole Waters, 80 Horizon Island Road, via ZOOM, asked if during the investigation you are looking into why the non-lake properties' valuations have not increased. Mr. Jeffreys stated we are looking at all properties across town.

Alex Yawor, 226 Sunset Lane, asked if the investigation is going to look at the certification standards and the amount of interpretation involved or just looking at pure data. Mr. Jeffreys stated absolutely, we are looking at the art side of the equation of this as well. DOR does not see an error in the science of it so we need to look at that.

Phyllis Luck, 50 Sunset Lane, asked for further information but Mr. Jeffreys stated providing that today would compromise the team's ability to get good answers, but it will be made known on the 21st. She asked about details of the assessment inspection. Mr. Jeffreys stated he could not provide answers as the Select Board members are not Assessors. Further discussion ensued about what the assessment could involve depending on particular situations on each property.

Carol Hatch, 41 Hilltop Lane, spoke about the differences between the different lakes in town.

Mr. Jeffreys noted during the recertification process there will be changes to the neighborhood maps due to the data that comes out of the assessment process. Mr. Jeffreys advised if there are any more questions, to email them and they will be logged and they are working to answer them. Discussion ensued about how Proposition 2 ½ works. Mr. Jeffreys clarified the overall budget can only go up 2 ½ percent.

The Board took a three minute break while the meeting room emptied.

Review Committee Assignments

Ms. Sroka confirmed she would not be the liaison to the School Committee going forward. Mr. Jeffreys stated he would reach out the School Committee Chair and see if they could provide one to the Select Board.

CURRENT BUSINESS

Discussion on Annual Town Meeting Warrant articles

Mr. Jeffreys stated this is a placeholder on the agendas until the Annual Town Meeting in May, but currently there are no articles to discuss.

Mr. Franco had discussed changing some Sewer bylaw wording with the Sewer Commission last year, but they had not wanted it to go on the Special Town Meeting in November, so he will revisit the discussion with them.

Mr. Jeffreys suggested adding a warrant article to vote to override the APDC's denial of the Ritter Building renovation. Discussion ensued about what one APDC member had stated at the November 2022 Special Town Meeting and the override vote at that time being passed over due to his statements. Since then the APDC has not taken any action on the application. It was noted it has now been 90 days since that statement and now the APDC expects a new application. It was also noted that this could push a new application out another 90 days and the opportunity to override the decision would have to wait until November Town Meeting, which would have pushed the renovation work out a full year from the initial time of application to alter.

Approval of Minutes of January 10, 2023

Mr. Franco stated he would like to amend one line before approving them. He wanted to change on page four (three quarters of the way down the page) the statement that read, "Mr. Franco stated it is definitely not immediate, it's a *prorated* process to *protracted* process."

Motion: T. Dwyer

2nd: H. Sroka

To approve the minutes of January 10, 2023 with the noted correction from Selectman Franco

Vote: All in Favor

TOWN MANAGER REPORT

Announcement on Existing Vacancies

The following is a list of current vacancies on the following committees:

- 300th Anniversary Committee (5 vacancies)
- Architectural Preservation District Commission (1 vacancy)
- Council on Aging (2 vacancies)
- Finance Committee (1 vacancy)

- Green Communities Committee (1 Associate vacancy)
- Historical Commission (2 vacancies)
- Open Space Committee (1 Member at Large vacancy)
- Personnel Committee (1 vacancy)
- Zoning Board of Appeals (1 Associate vacancy)

Interested persons can find Volunteer Applications on the Town Website and completed forms can be sent to the Select Board's Office. Anyone that has any questions on volunteer opportunities can contact the Select Board's Office at (978) 582-4130 x 144.

Current Employment Opportunities with the Town

The following is a list of current employment opportunities with the Town:

- Administrative Assistant IT (Part Time Non-Benefitted)
- Administrative Assistant Police (Part Time Non-Benefitted)
- Assistant Town Accountant (Part Time Benefitted)
- Heavy Equipment Operator (Full Time Benefitted)
- Library Assistants (Part Time Non-Benefitted)
- Tax Collector Principal Clerk (Full Time Benefitted)
- Production Technician (Part Time Benefitted)
- Recreation Director (Part Time Non-Benefitted)
- Seasonal Lifeguards (Seasonal)
- Beach Director (Seasonal)
- Videographer (Part Time Non-Benefitted)

More information on each position can be found on the job postings, which are located on the town website.

FY 2023 Budget Updates

There will be a projected deficit in the Health Insurance line this year due to changes in enrollment for both active and retirees. The Finance Director and I have identified accounts within the budget that there are projected surpluses to do end of the year transfers to cover the shortage.

The FY23 Snow and Ice budget is currently over by approximately \$170,000. This is largely due to increase in rates for contractors, which we have to depend on more right now due to 4 of our 7 large trucks being out of service, and the cost of salt increased more than 12% from FY22 with our primary vendor. The Finance Director, DPW Director, and I met today and although not ideal, would be able to cover the projected deficit within the Pavement Management line.

Invitation for Bids:

The 30 School Street Hazardous Materials/Demolition bids are due February 16th at 2 PM. The Town Hall building envelope project bids are due February 23rd at 10 AM. There was a site visit on January 30th and there were no attendees.

Meetings, Events, and Other Announcements:

- The next Public Hearing for Pond View Commons is on February 8th at 7 PM at Town Hall.
- The Annual Town Meeting warrant is open for submission of articles until March 20, 2023 at 4 PM. Articles must be submitted to the Select Board's Office in writing.
- The Annual Town Meeting is Saturday, May 6, 2023 at 9 AM at the Lunenburg Middle/High School.

UPCOMING MEETING/EVENTS SCHEDULE

Mr. Jeffreys reminded all that this board meets again on February 21 and 28.

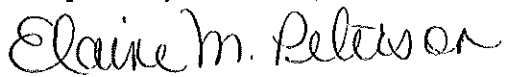
PUBLIC COMMENT: There were none at this time.

Motion: H. Sroka
To adjourn the meeting

2nd: T. Dwyer
Vote: All in Favor

The meeting adjourned at 9:36 PM

Respectfully submitted,

A handwritten signature in cursive script that reads "Elaine M. Peterson".

Elaine M. Peterson
Executive Assistant to the Town Manager