

**SELECT BOARD  
MINUTES  
February 21, 2023  
Town Hall, 17 Main Street and via ZOOM**

**Members present:** Michael-Ray Jeffreys, Chairman; Tom Alonzo, Vice Chairman; Lou Franco, Clerk; Todd Dwyer, Heather Sroka

**Also Present:** Julie Belliveau, Assistant Town Manager; Mark Esposito, Prita Pankajkumar Patel, Hardik Patel

Chairman Jeffreys called the meeting to order at 7:02 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:**

Christos Lekaditis, 49 Maple Parkway, President of the Lunenburg Professional Firefighters, requested using ARPA funds to pay for ambulance replacement of Rescue 1. On January 18<sup>th</sup> Rescue 2, our 2019 ambulance, was involved in a motor vehicle accident in North Leominster while returning from the hospital. While we were fortunate that our members nor the other occupants of the other vehicle sustained any injuries, the ambulance sustained major damage which has forced us to use Rescue 1 as our frontline ambulance. During the past month we have had to request mutual aid to handle simultaneous ambulance calls.

Phyllis Luck, 50 Sunset Lane, stated many residents are concerned about the lack of access to the Board of Assessors. She noted their next meeting tomorrow has no public comment and the only discussion will be in Executive Session. She questioned the reason for the Executive Session and if it was valid. She asked why the assessments are not on the agenda. She asked several other questions and then suggested the Select Board and the Assessors hold a joint meeting.

Bill Hudson, 90 Hemlock Drive, on behalf of the Lunenburg Lake Action committee, asked if Mr. Jeffreys thought the assessments that went out to all the residents were correct, have you hired an outside assessor to evaluate the Principal Assessors work, are you aware that if the Town made a mistake that only the Assessors can go to the DOR to request a redo, are you aware that the DOR has a caseworker that can answer questions and provide guidance?

To Mr. Franco he asked if he knew former Assessor Chris Comeau and if he had seen his public comment and if he agreed with his comment. Mr. Franco stated he agreed with some of his

comment but did not know if this would not have happened under his service. Mr. Jeffreys stated he would answer questions asked when the board goes to that agenda topic.

**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 announced the continuation of the public hearing from February 7<sup>th</sup> and asked the applicants to come forward. Attorney Mark Esposito introduced himself as the representative for Priha, Inc. and introduced Ms. Patel as the owner/applicant/manager on record and her husband, Hardik Patel. Attorney Esposito stated after hearing the comments at the last meeting they reviewed suggested policies put out by the MA Package Store Association and drafted a policy reflecting those suggestions and provided assurance that alcohol will not be served to anyone under the age of 21 or made available through second party sales. There are two current employees who will be staying on and they have taken the TIPS training. It will also be a requirement of Jaxx's new owners that all employees take the training. Alan Wernick, the current owner has offered to stay on for up to 30 days in order to provide training and consultation in order to provide a smooth transition.

Mr. Jeffreys thanked the applicant for their written employee policy and advised them to communicate who is trained in that policy. He reminded that the Select Board policy needs to be available in the establishment for all their employees' reference. He had no remaining concerns and opened questions up for the other members. Mr. Franco asked if a new employee came on if they would be informed of the policy and have training in selling alcohol. Mr. Esposito assured him it would be done.

**Motion: T. Dwyer**

**2<sup>nd</sup>: L. Franco**

**To approve the transfer of the license and the pledge of the license and inventory for Priha, Inc. as presented**

**Vote: All in Favor**

The applicant and her attorney thanked the board and exited the meeting.

**INTERVIEWS/APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

Ms. Belliveau reported there was a resignation of a police officer who was moving on to work for the State Police. The other resignation was a staff librarian.

**OLD BUSINESS**

**Status Update on Tax Assessment Investigation**

Mr. Jeffreys read the following aloud:

"The goal of annual property valuations and assessments is to bring every property to within 90 to 110 percent of the fair market value with the ideal being 100% market valuation. The process requires an assessor to evaluate sales data and remove those sales that were not on the general market. For over 25 years, the Town worked with an outside vendor to provide valuation and assessment services and starting in FY21 (which began on July 1, 2020), the Board of Assessors hired an in-house principal assessor. From July 2020 to the present, the Town has had four personnel in the role.

The investigative team has concluded all initial interviews-this included meeting with all previous assessors and the previous vendor, some past and present members of the Board of Assessors, Human Resources, various personnel at MA Department of Revenue, and all staff who have worked in the assessor's office for the past 10 years.

All interviews were conducted independent of one another, in-person, remotely, or via telephone. These interviews revealed five key things.

First, there is no indication that CJ Carroll, our current principal assessor, was advised by any member of

the Board of Assessors or by previous assessors to specifically look at lake values. Second, for at least the past ten years, there's been concern about the frequency of cyclical property inspections and the quality of data available. Cyclical inspections are required to be performed on every property every 10 years. Third, that valuations are a cumulative process that builds on data in the CAMA system and that our maps and data lack expected granularity — specifically that there are minimal property attributes that distinguish a property from a neighborhood (identified as an index). Fourth, the tax impact to property owners is unrelated to the identification of fair market value of property — and there are no mechanisms in the Commonwealth to gradually increase property values or taxes for property owners. And fifth, many of the residents elected to serve on the Board of Assessors and all staff hired to work in the Assessor's office indicated that prior to FY23, they believed that residential properties nearest lakes were undervalued, but could not be adjusted due to the lack of sales.

The four assessors we've hired have reported over 65 years of cumulative experience and anecdotally commented that lake values are difficult to establish accurately each year because the formulas to identify property values are based on market sales and because homes on lakes don't often become available on the market. Assessors commented that properties nearest a body of water tend to pass down through families or are sold to family members.

The assessment to sales ratio references the relationship between the Town's assessed value of a property and the assumed or actual market value. In 2021, on average, residents in index 2 had an assessed value that was 81% of their sale price. Residents in index 3 had an assessed value that was 88% of the sale price. In index 4, it was 78%. In index 5, it was 81%. In index 1, it was 48%. Every home in town received at least a 15% increase in value for FY23, which then brought all residential properties in indexes 2 - 5 to within 94 - 97% of the assumed fair market value.

Sales in index 1: A property was assessed at \$526k that sold for \$1.2 million; a property was assessed for \$407k and sold for \$887k; a property was assessed for \$381k and sold for \$780k; a property was assessed for \$543k and sold for \$1.29 million; a property was assessed for \$386k and sold for \$751k; a property was assessed for \$372k and sold for \$775k; a property was assessed for \$338k and sold for \$440k; a property was assessed for \$421k and sold for \$695k; a property was assessed for \$372k and sold for \$1.4 million. The average property in index 1 sold for more than double the assessed value, but no other residential property owner in any other index had an assessment to sales ratio that was below 59%.

It appears that 2021 saw more sales in index 1 than previous years, and the additional sales required the principal assessor to use the sales data and make property value adjustments to the neighborhood. We are continuing to look into when properties were last inspected. It appears that a serious effort was taken about 8 years ago to identify values on Lake Shirley. However, several residents in Whalom and on Hickory Hills that submitted abatement applications haven't had their properties evaluated since 2006, 2007, or 2008. Why does this matter? There could have been more gradual increases to properties over time and/or more granularity added to the neighborhood maps that were used, and not adjusted to identify fiscal year 2023 values.

On December 7, 2022, some of the attendees of the Board of Assessor's meeting recall CJ mentioning that property values on lakes would increase. One attendee remembers him noting that there would likely need to be additional public meetings in the New Year to explain the increase. Prior to January 1, 2023 it does not appear as though any member of the Board of Assessors, any member of the Select Board, or Town Manager had any intimation of how dramatic property values would increase in index 1. The Board of Assessors do not have operating procedures that require an impact notice to be provided to residents who see increases above a pre-determined threshold. Last, we received confirmation and additional verification in the form of an affidavit and postal receipt that all Quarter 3 and Quarter 4 payments were mailed on December 30, 2022 and prior to the statutory deadline.

We will upload LA3 and LA4 reports to the Town website this week as well as excel documents that detail valuations across town and impact by index. As a next step, we will conduct follow-up interviews and continue to work on procuring independent assessors to assist with our investigation as they will

provide vital feedback about the art of the valuation and assessment process and compliance with professional norms. The next investigative update will be provided on March 7, 2023.”

Mr. Jeffreys in response to an earlier question whether he believed the assessments for fiscal year 23 were correct, stated he did not know but believed some of them were. When he looked at the fiscal year 2022 values, he believed they were way off. He added he hasn’t been in 99% of those homes. In response to the question whether the town has hired an assessor, he replied no. There were some companies he spoke to that had expressed some interest but decided not to provide a proposal due to the amount of public scrutiny.

Replying to the question, are you aware of a total redo of taxes if a clerical error was identified, he replied there is a mechanism to resend bills when there is one, but we have submittals that have been approved by the MA Dept. of Revenue. In response to are you aware the DOR has caseworkers, Mr. Jeffreys stated absolutely; we have been working with them. We have met with our direct representative, Becky Boucher and her supervisor and the Chief of Assessments, Chris Wilcox. We have had several conversation through our legal contacts through the legal division of MA DOR as well.

Discussion about the Request for Proposals that was posted ensued as well as codes/reasons for not considering a sale of a home, such as being sold to a family and the house never being listed on the general real estate market or a private sale. Ms. Sroka asked about an email sent that asked Mr. Alonzo to recuse himself from the investigation due to “his personal relationships with people who live on the lakes.” Another question asked was has will there be any investigation as to why the lakefront homes were valued so low prior to the recent valuations.

Discussion turned to the person, Holly Sullivan, who sent the email and her lack of listing a town address which is required for public comment. Mr. Alonzo stated he would be willing to speak with her if she provided an address and via phone as there were errant things in the email from her.

Ms. Sroka pointed out there have been a few emails with no names because people don’t want to put their name out there and face public scrutiny.

Mr. Dwyer stated his personal opinion was that Mr. Alonzo was above reproach having proven through his actions over the years, and no other person has stated that Mr. Alonzo should recuse himself. Mr. Alonzo acknowledged that he was friends with people mentioned in the email, but he did not know 75% of the people who live on the lake. He was looking out for the interest of the residents and the Town looks to lose a lot of revenue, so is also looking out for the interest of the Town.

Discussion continued about a Facebook post by former Assessor Chris Comeau regarding the current Board of Assessors, and the effect of under and over assessing to the Town.

Mr. Franco stated there was concern expressed about the Board of Assessors not having public comment listed on their agendas. In fact they never have had it on their agendas. They do allow it and will tomorrow at their meeting. He wondered if they were allowed to answer any general questions during this investigation.

Mr. Alonzo noted he did not participate in any interviews except one with the DOR. He noted he has not been involved in this investigation directly but has researched the data that was provided to him. He added that some data was unable to be

accessed. Further discussion ensued about the investigation and the assessment process as well. The next update will be provided on March 7<sup>th</sup>.

## **CURRENT BUSINESS**

### **Discussion on enforcement of Liquor License Regulations Section 1.01, 1.09, and 1.19 in the Select Board Policies and Procedures**

Mr. Jeffreys reported he and Town Manager have discussed the Police Department doing investigations of alcohol licensees to identify compliance. Mr. Jeffreys stated we may want to enforce our already existing regulations in regards to Regulatory, Section 4.01 Liquor Licenses; section 1.01, Availability of Rules and Regulations; 1.09 Inspections and Investigations; section 1.19 Service Training, in advance of the compliance checks. He reported Ms. Lemieux had noted that previously the Police had not done this and wanted clarification from the board that this would be a standard practice going forward. Discussion ensued and it was agreed that the Police could conduct an investigation or inspection at any time, not at the request of the Select Board as it is the board's policy. Mr. Dwyer stated he did not believe enforcement should be increased unless the Police are providing feedback to this board that during enforcement they have identified a problem, otherwise we should stick with the status quo.

### **FY23 3<sup>rd</sup> Quarter Water Commitment of \$12,257.75**

**Motion: T. Alonzo**

**2<sup>nd</sup>: L. Franco**

**To approve the FY23 3<sup>rd</sup> Quarter Water Commitment of \$12,257.75**

**Vote: All in Favor**

### **Approval of Minutes of January 17, 2022 (Session I & Session II)**

**Motion: T. Alonzo**

**2<sup>nd</sup>: T. Dwyer**

**To approve the minutes of January 17, 2023 (Session I)**

**Vote: All in Favor**

The other minutes will be approved after further review.

### **Warrants/Action Items**

The board signed an accounts payable warrant in the amount of \$380,227.89.

### **Committee Reports**

Ms. Belliveau reported the Personnel Committee has been working with an HR consultant who has been reviewing job descriptions for ADA compliance. She is also reviewing the classification and compensation plan for the salary administration plan and the job descriptions for the clerical union employees. Once finalized it will be presented to Town Meeting.

Mr. Alonzo reported the Finance Committee starts meeting this Thursday to review budget requests from departments.

Mr. Dwyer reported the Storm Water Task Force met last Thursday and got an update from the DPW Director on the ongoing tracking of manpower and dollars that have been expended on storm water tasks since the beginning of the fiscal year. Next year is year five of the Ms4 permit and the Town needs to perform a best management practice (BMP) as part of that. There will be more information on that coming.

## **OLD BUSINESS**

### **Review American Rescue Plan Act Funding Requests, Evaluation Criteria and Process**

Mr. Jeffreys stated tonight is a vote on approving \$986,000 for an ambulance and two dump

trucks. Town Manager attended both the Finance Committee and Capital Planning Committees to present the proposal to purchase those vehicles with ARPA funding and both went well.

**Motion: T. Alonzo**

**2<sup>nd</sup>: L. Franco**

**That the Select Board commit \$986,000 of ARPA funding for the purchase of an ambulance for the Fire Department and two six-wheeler dump trucks for DPW as outlined in the Capital Plan**

**Vote: All in Favor**

**PUBLIC COMMENT**

John Fortune, Hemlock Drive, asked for confirmation that the town lacks digital data from the previous five years. Mr. Alonzo confirmed but added it is available in hard copy form.

Discussion ensued about assessed values between the board members.

Mr. Franco noted there was a time discrepancy between the town calendar and the Board of Assessor's agenda. He added the actual meeting time is 2:30 p.m. as you have to go by the agenda listing not the calendar. He stated he thought a joint meeting with the Board of Assessors was a good idea to check in with them.

**Motion: T. Dwyer**

**2<sup>nd</sup>: L. Franco**

**To adjourn the meeting**

**Vote: All in Favor**

The meeting adjourned at 8:56 PM

Respectfully submitted,



Elaine M. Peterson

Executive Assistant to the Town Manager