

**Sterling Board of Assessors  
Room 109, Butterick Municipal Building, 1 Park St., Sterling MA 01564**

**Minutes of Meeting March 12, 2014  
Amended 4/3/14 by Debbie Dreyer**

**Present: Donlin Murray (Don), Chairman  
Robert Cutler (Bob), Vice-Chairman  
Michael Rivers (Mike), Clerk  
Harald Scheid (Harald), Contract Assessor (RRG/Regional Resource Group)  
David Manzello (David), Contract Assessor (RRG/Regional Resource Group)  
Debbie Dreyer (Debbie), Assistant to the Assessor**

**Meeting Opened at 8:05am**

**Roll Call & Approval of Agenda**

Robert Cutler, Michael Rivers & Donlin Murray present along with Harald Scheid, David Manzello & Debbie Dreyer. Harald asked that his RRG update be moved forward in the agenda. Bob made a motion to accept the amended agenda, 2<sup>nd</sup> by Mike, all in favor, aye.

**Contract Regional Assessor (RRG) Update**

***Clause 45 / Solar Parks***

Harald wanted to present an update on solar parks, specifically the Clause 45 exemption as it applies to domestic solar. Harald learned last week of an ATB case in Westboro – a property owner owns 5 commercial properties & has built on a 6<sup>th</sup> property a solar park with the intent that the electricity generated would offset his electric bills on the other 5 properties. The Westboro Board of Assessors, acting on the advice of DOR counsel, issued a property tax bill – it was appealed & went to the Appellate Tax Board. The case was heard in October & there was a decision in November finding for the property owner. Harald spoke with the Westboro Assessor & was told the whole assessing community is wondering what the implications of this decision will be. The ATB hasn't issued their findings yet – those findings will probably give us some guidance in determining what types of properties are exempt. Yesterday Harald was at a Department of Revenue meeting in Worcester where this discussion came up. The Chief of the Bureau of Local Assessment suggested that what would likely be in the findings is an opinion that if a commercial or residential property owner owns the solar assets & the energy comes back to them alone from that solar development, then Clause 45 applies. There's a "wait & see" feeling – when the findings come out, we'll have to determine whether there are any implications for us, whether Pandolf will fall under those ATB rulings & guidelines. There's a general frustration in the assessing community concerning DOR's inattention to this whole issue.

There's another whole issue to deal with – how we now treat pilot payments – they have to be translated into a valuation that needs to be part of the property tax base. How is that done if there's a fixed annual payment – is last year's tax used or do we guess what next year's tax rate will be & do the math to determine what the valuation should be – what happens to communities where the pilots are not based on annual payments, but on energy generated & reported quarterly – this could vary greatly.

Since the Westboro case has received so much attention, we should be hearing something on the findings soon. Mike doesn't think we should put too much stock in this because he feels this case is different since they were net metering with an investor-owned utilities & they would appear to fall under this exemption. Harald said they are not even looking at the net metering – they are basing the Clause 45 exemption on 2 basic facts: does the property owner own the solar assets & are they in any way deriving any financial offset or benefit from the generation of electricity from those panels that comes back to them in servicing their own property.

Don says we have 2 choices; we can sit & wait & see what they come back with, or we can go forward with our own & if a judgment comes through before it reaches them, then we'll pull ours. Harald says we have a timeline – revised/omitted assessments have to be issued by June 20<sup>th</sup> – based on that Don feels we should wait until they make a determination, see how it applies to us & make our decision. The Board will make their decision the first week of June – if there's an earlier judgment, the Board will address that & move the date up.

Mike asked if we're ready with our valuation – Harald has a draft valuation that he's shared with Sean & the Light Department – he's learned that there's a template the DOR wants us to use & Harald needs to see how that compares to his workup. Mike asked if we can review this at our next meeting.

***Previous Request***

Harald had previously supplied each Board member a copy of an updated Chapter list & asked for any input. The list includes applications granted this year with provisional approval – next year they need to supply us with stepped-up reporting. The updated master list will provide a more accurate mailing for next year. We'll also look into including a cover letter instructing what information we require to accompany next year's application. The result of RRG's Sharon Vincent's research will be a master spreadsheet to more easily track ownerships, liens, forestry plans, etc.

## **OLD BUSINESS**

### ***Review department budget***

We had a placeholder of \$5,000 for updating of liens & lien releases for Chapter – the Board decreased the amount to \$2,500 at a recent meeting. Mike asked if we would know how many liens we'd be responsible for & the cost before Town Meeting – Harald replied that RRG's Sharon Vincent is still deep in the project of researching all of our Chapter land & once she's completed her research, the task will move on to Harald & David to upload all the updated information into Vision – this will be a "function of time". Mike feels that this project should be completed in a much shorter period of time – Bob asked if we need more help to facilitate a quicker completion. Harald asked if the Board was considering a warrant article since he is not charging the Town any extra fee for RRG's current undertaking of this project. Harald expects that by mid-summer he'll have a master spreadsheet ready for the Board to review. Harald was asked if he could have an approximate cost for updating liens available for the next meeting.

### ***Review department's draft job description***

We have a draft generic job description form HR & Harald has also supplied a breakdown of responsibilities for RRG & administrative. The generic version is fine with a few minor tweaks – Harald's breakdown can be attached to HR's, but it's best used as an internal document for the Board. The Board will post a joint meeting with the Personnel Board Thursday, March 20<sup>th</sup> @7:00pm to find out more about the job descriptions & the proposed Classification and Compensation Plan for Non-Union Positions.

*Harald Scheid left the meeting @8:55am*

### **Vote: Executive Session**

Chairman Don Murray made a motion that the Board convene in executive session under M.G.L. Chapter 39: Section 23B, Clause 7 to comply with, or act under the authority of, any general or special law; session expected pursuant to the review and possible vote to approve 22 Real Estate and 7 Personal Property abatement applications and their supporting documentation so that personally identifiable confidential information shall not be subject to disclosure as public records.

**Roll Call Vote: Rivers aye, Cutler aye, Murray aye**

The Board convened in Executive session at 8:57 am and reconvened in public session at 9:57 am.

### **Review and Acceptance of Past Meeting Minutes**

Approval of Mike's amended meeting minutes for 1/29/2014 – Bob made a motion to approve, Mike 2<sup>nd</sup>, Donny aye – all in favor.

### **Future Agenda**

1. RRG update on possible costs for Chapter liens
2. Review Personal Property exemption threshold impact
3. Review remaining R.E. & Personal Property Abatements
4. Review Pandolf Perkins draft valuation & the template the DOR wants us to use to see how they compare
5. Review 3ABC applications in executive session
6. Discuss meeting scheduling

Mike moved to close the meeting, 2<sup>nd</sup> Bob Cutler, Donny aye, all in favor.

**Meeting Adjourned at 10:34am**

**Attachments:** Town of Sterling, Board of Assessors Abatement Review, Sterling Board of Assessors Fiscal Year 2014 Interim Revaluation - Prevaluation A/S Statistics, Abatement Log – PP Fiscal 2014

Respectfully Submitted  
Debbie Dreyer  
Assistant to the Assessor