

MINUTES  
TOWN OF MONTAGUE ASSESSING DEPARTMENT  
1 Avenue A (2<sup>nd</sup> Floor) Turners Falls, MA

**July 10, 2017**

A meeting of the Montague Board of Assessors was held on Monday, July 10, 2017.

Assessors present: Chairman Paul Emery, Teresa Miner, Ann Cenzano and Karen Tonelli, Director of Assessing. The meeting was called to order at 3:30 p.m.

Ann Cenzano made a motion that was seconded to approve the minutes of the previous meeting. The Board voted unanimously.

Time sheets for the Director of Assessing were signed and approved by the Chairman.

The Board voted to appoint Karen Tonelli as Director of Assessing. Chairman Emery signed the annual appointment.

The Board reviewed and approved a request for additional funds of \$5,500.00 that are needed to pay the balance of attorney fees and expert fees/costs for the FY2014 ATB trial which occurred in June, 2017. This request will be forwarded to the Finance Committee for action at their next meeting.

The Board reviewed and signed monthly summaries of abatements that were issued in June, 2017.

At the request of town counsel Katherine Laughman, the Board signed the Agreement for Judgment prepared by Atty. James in the matter of *Kanash v. Lagoy*. This agreement outlines an easement between the parties and settles a long-standing dispute between the neighbors.

At approximately 3:35 p.m. the Board met with Richard Deane, his attorney Michael Pill, Wendy and Mark Beaubien, and their attorney Timothy Flynn to discuss the acreage adjustment that was made in 2014 by the previous Director of Assessing Barbara Miller on the parcel of land owned by Richard and Sara Deane at 4 Meadow Road, Montague, MA (Parcel ID 42-0-21). Photographs taken by the Assessors at their site visit in May were reviewed by those in attendance. Various assessors' maps showing the property going back to 1979 were also reviewed. Karen provided a copy of correspondence from Atty. Kathleen Colleary, Chief of DOR Municipal Finance Law Bureau, which gives direction on how to determine quantity of land for assessment purposes. Karen read aloud the brief

deed description from the Deane's deed. Attorney Pill stated that his clients have no issue with the acreage as it is. He indicated that his clients would not be filing an abatement and he stated that no one other than his clients has standing to challenge the assessment. He also stated that his clients have hired a Harold Eason to prepare a survey of the land. Attorney Pill questioned why the Beaubiens' were asking the Board of Assessors to make determinations concerning the land that are beyond their responsibility and ability. He asked that the Board of Assessors not make a judgment on issues that should be decided by a court or a judge.

Attorney Flynn stated that he felt the process that occurred in 2014 lacked transparency. He said that this is about his clients being treated fairly. Mark Beaubien stated that the action by the Assessors converted the parcel to a buildable lot. Attorney Pill disagreed and stated that since a structure was already on the parcel it was grandfathered. He said that Ch. 240 §14A allows the Land Court to make a determination regarding the zoning status of the Deane property. Attorney Flynn said he takes issue with the logic used by the previous assessor to determine the boundaries of the Deane lot. He said he also disagrees with the Ross survey. The Beaubiens indicated that they had recently recorded the 1993 Ross survey with the Registry of Deeds. Atty. Pill pointed out that the DOR opinion letter states "it is the boundaries of a parcel as stated in the deed, ....and lines set forth in any recorded plan *referenced* in the deed...". There is no reference to the Ross plan in the Deane's deed.

Attorney Flynn brought up the transparency issue again and Chairman Emery responded that he strongly disagreed with his interpretation of what occurred at their meeting in 2014. The Board acted on information presented to them by the Director. Karen Tonelli indicated that assessors regularly make changes to assessment data and maps without having hearings or involving property owners.

Karen asked the Board members if they believed that river could have changed course over the years which would have resulted in a change of acreage. All board members agreed that this was possible.

Attorney Pill reiterated his belief that the Beaubiens should bring this matter to Land Court and that the legal issues surrounding this dispute are beyond the realm of Board of Assessor's decision making authority.

The Board agreed to take no action at this point to change the acreage on the Deane parcel.

The next Assessors meeting will take place on Monday, July 24, 2017.

Upon a Motion duly made and seconded, it was voted to adjourn the meeting at 5:00 p.m.

Respectfully submitted,

Approved:\_\_\_\_\_

Karen M. Tonelli, M.A.A.  
Director of Assessor

**List of Documents**

Time Sheets

Reserve Fund Request

Director of Assessing Appointment dated 7/10/17

Agreement for Judgment Kanash v. Lagoy dated 7/10/17

Various Assessors Map # 42 (several years)

DOR Letter File #2005-448

Numerous photographs of 4 Meadow Road taken by Assessors in May, 2014

Plan of land surveyed for Allen Ross by Robert Rose dated January 1993