

BOARD OF ASSESSMENT REVIEW MEETING  
MONDAY, MAY 9, 2011 – 6:30 P.M.

Chair Parkinson opened the meeting at 6:43 p.m., in Town Hall, Council Chambers. The following members were in attendance:

Robert Jolicoeur  
Michelle Parkinson  
Robin Dube  
George Greene, Assessor  
Robert Crawford, Law Firm of Bernstein, Shur, Sawyer and Nelson  
Margaret Michaels, excused absence  
Kerri-Lynn Hodgkins, excused absence  
Lucien Huot, excused absence

Attorney Crawford passed out a “findings of Fact” example to each of the members. He explained what is expected of the Board, including that expectancy that they be impartial representatives of the community. He gave each Board member a sheet entitled, “Expectations for a Board Member”.

He explained that it is important that cases not be discussed outside meetings, and that Board members cannot inspect a subject property alone. It must be conducted in a formal proceeding. He handed out to each Board member a packet, entitled “Conducting the Public’s Business: Standards of Behavior Applicable to and Expectations of the Public Officials”.

Attorney Crawford continued by going over the conflict of interest section of the Board’s Rules and Procedures. There would be a conflict of interest if the relationship between the Board member and the applicant were monetary in nature, for example. The Board cannot have any appearance of impropriety by the public at large. They cannot have bias, nor a pre-disposition to the case. He then gave each Board member another packet entitled, “Conflicts of Interest and Bias – Legal and Practical Ways to Address These Concerns in Administrative Proceedings”. There needs to be six degrees of consanguinity of relationship between the Board member and the applicant.

He advised the Board they can only look at present legal issues when reviewing a case, not the potential uses.

He then went over the Findings of Fact that he handed out to the Board to use as a template. He told the Board it was very important that the date of the application was timely filed with the Assessor’s Office, within 185 days after the date of commitment—186 days is too late, and the Board will not have jurisdiction over the case. Then, was the application to the Board of Assessment Review filed within 60 days of the denial of the application from the Assessor? If the 60 day period lands on a Sunday or holiday, he advised to contact his office.

He advised the Board that taxes must be paid on the property, before the Board can hear the case, if the property is assessed at \$500,000 or more.

He told the Board an appraiser or Real Estate Broker, **LICENSED IN MAINE**, can give an opinion of value.

Chair Parkinson inquired of Attorney Crawford if the Board can ask the applicant to provide more evidence.

Attorney Crawford responded that the Board has the right to ask for more evidence, but that evidence must be credible to show something is wrong with the assessment. The evidence of fair market value that the Board deems credible.

He advised that any time the Board of Assessment Review receives any information before the meeting, the Assessor and the applicant must both have that information.

He explained that it is important to treat all taxpayers reasonably, with no one paying a disproportionate share, and he went over page 4 of the Findings of Fact, Manifest Error, and page 4/5, Discrimination.

He told the Board the public does not participate in deliberations unless the Board agrees in consensus.


Assessor, George Greene, asked which 10% ratio applies. Attorney Crawford stated there aren't any guidelines, and to treat it in a generality, broad overview. If anyone wanted to review it further, he would give them the SD Warren case, which dealt with this situation in depth.

Attorney Crawford state the importance of the Findings of Fact being the facts as the board sees them, and support the final decision. When the Board makes a motion, make sure to reference the standards.

The Board then thanked Attorney Crawford for his presence and the information he brought to the meeting.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted.

  
Kim McLaughlin  
Town Clerk

I, Kim McLaughlin, Town Clerk of Old Orchard Beach, do hereby certify that the foregoing document consisting of two (2) pages is a true copy of the original Minutes of the Board of Assessment Review Meeting held May 9, 2011.

Kim M. McLaughlin