

TOWN OF GILL

M A S S A C H U S E T T S



www.gillmass.org

SELECTBOARD MEETING MINUTES

July 25, 2018

Joint meeting with Board of Assessors

Called to Order: The meeting was called to order at 5:33 PM.

Selectboard Members Present: Greg Snedeker and Randy Crochier Members Absent: John Ward
Board of Assessors Members Present: Bill Tomb, Pam Lester, Tim Storrow Members Absent: None
Others Present: Ray Purington, Administrative Assistant; Lynda Hodsdon Mayo, Assessors' Assistant

The meeting was held to provide an opportunity for the Board of Assessors and Selectboard to discuss the status of Appellate Tax Board (ATB) cases between the Town and FirstLight Power Resources, and appraisals of FirstLight properties done jointly by Gill and Montague. The suggestion for this meeting arose during the Assessors' budget meeting with the Selectboard in April.

A handout of "FirstLight Facts" was reviewed. FirstLight has filed for abatement on its property taxes every year since FY14, with four of those years (FY14-FY17) having been appealed to the ATB. The Assessors' denied FirstLight's abatement request for FY18, and it is anticipated that year will be appealed to the ATB as well.

Of the four years appealed to ATB, only FY14 has been decided by the ATB. The ATB found in Gill's favor, but it could be March 2019 or later before it is known if FirstLight will appeal the ATB decision. There will be no further action by the ATB on the other cases until the FY14 case is fully resolved. If the ATB ever finds against the Town's position, the Town will owe 8% interest per year going back to when the taxes were originally paid.

A recent email to Bill Tomb from Montague's Director of Assessing Karen Tonelli was reviewed. Gill has partnered with Montague on the FY14 and FY17 appraisals of FirstLight properties and assets in both towns, with the appraisal costs being split in proportion to the appraised value in each town. The split has been roughly 90% Montague and 10% Gill.

By an agreement between the two Towns' Boards of Assessors, the legal fees for defending the FY14 appraisal at the ATB were also split 90/10. Montague is no longer comfortable with that cost split, but has not suggested an alternate ratio. In discussion, the Gill Selectboard and Assessors agreed a 50/50 split is not reasonable given Montague's overwhelming share of the appraised value. Sharing legal representation is beneficial to both towns, and the Gill Assessors will reach out to their counterparts in Montague to continue the conversation on this.

An alternative to 5-year appraisals of FirstLight's properties is to negotiate a valuation agreement, often called a PILOT (payment in lieu of taxes), between the Town and FirstLight. Such an agreement would typically have a term of 15 – 25 years, and would need to be approved by Town Meeting. The agreement could also resolve any outstanding ATB cases. Bill Tomb had a preliminary meeting several months ago with FirstLight's Jon Shue to start a discussion about a PILOT, but has not heard back from him.

The Selectboard meeting adjourned at 6:45 PM. The Board of Assessors continued with the remainder of their agenda.

Minutes respectfully submitted by Ray Purington, Administrative Assistant.

Signed copy on file. Approved 8/6/18

John Ward, Selectboard Clerk

Town of Gill-----Firstlight Facts

53 Parcels
10 Camps

8.14% of town value/tax

Total Value Real Estate 2018
Town of Gill= 143,304,098.00 Firstlight = 17,602,300

Total Value Personal Property
Town of Gill=10,758,310 Firstlight = 257,480

Highest valued land owner in Gill

ATB Value amount in question at ATB Parcel 101-120
2018----14,717,900 Denial
2017----14,717,900 ATB
2016----12,680,700 ATB
2015----12,680,700 ATB

2014----12,672,700 This case was found in favor of Gill by ATB—Firstlight has requested a “Finding of Fact” which may lead to appealing the verdict of ATB. This action will cause all pending appeals to stop progress until the “Finding of Fact” is released and they have had three months to act on it. The”Finding of Fact” was requested December 20, 2017 and will take at least one year to create.

Total Acres owned by Firstlight 339.42 Total acres in Gill 8,765.30

LUC 101	2.8	acres	Residential
LUC 442	331.7	acres	Industrial
LUC 388	4.9	acres	Commercial/Recreational
Total	339.4	acres	

Gill Assessors

From: Karen Tonelli - Montague Assessors <KarenT@montague-ma.gov>
Sent: Monday, July 23, 2018 9:40 AM
To: Bill Tomb
Cc: Gill Assessors; Pamela Lester; Tim S
Subject: RE: Relations moving forward

Good morning Bill,

I'm just getting your message this a.m. as I was out Thursday and we're closed on Fridays. I hope all is well in Gill and you and Linda are moving along well with your tax rate setting process for Fy19.

As far as Montague's current position on this issue, I don't believe it has changed from our last meeting. After the hearing last summer and the resulting ATB decision, we felt it was necessary revisit the 90/10 split with respect to litigation costs. When I became Director nearly three years ago, I recognized how important it was to Montague to resolve these pending cases. I pushed hard to get a hearing and we were (and I'm sure you were) very happy with the result. As indicated in my emails to you and at our meeting, we feel the burden in defending our assessments should be more equal. A specific point to that is the hourly rate that you've paid for legal representation -- it is extremely low (in fact it was noted that we pay our clerks a higher hourly rate). While we certainly did not want to change the agreement between the towns while the case was pending, we do feel strongly that we are not bound by that % share for all years contested by FirstLight (especially in light of the fact that those later years had not been appealed at the time the agreement was made. Upon receiving the favorable decision from the FY2014 case, we believed it was a good time to broach this subject.

It did not appear to me or to the Board of Assessors that you were willing to move from the 10% which was disappointing to us mainly because it is very clear to me that we are in this together and we are in many ways stronger in defending our assessments together. However, I do feel that the cost sharing with respect to legal fees, expert fees, court related fees needs to be more equitable before we would move forward together against FirstLight .

I'll show your most recent email to the Board of Assessors at their meeting later today. While they will not make any formal decision without placing it on the agenda, I'm certain they will always welcome continuing discussions with the Town of Gill regarding this matter.

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

-----Original Message-----

From: Bill Tomb [mailto:williamtomb@gmail.com]
Sent: Thursday, July 19, 2018 3:42 PM
To: Karen Tonelli - Montague Assessors
Cc: Gill Assessors; Pamela Lester; Tim S
Subject: Relations moving forward

Hello Karen,