MINUTES OF THE
ASSESSING STANDARDS BOARD

Approved as Amended

DATE: January 9, 2017
TIME: 9:30 a.m.

LOCATION: NH Dept. of Revenue, 109 Pleasant Street, Concord, NH 03301

BOARD MEMBERS:

- Senator James Gray
- Senator Regina Birdsell (last meeting)
- Representative Peter Schmidt
- Representative Mark Proulx ~ Absent
- Stephan Hamilton, NHDRA
- Len Gerzon, Public Member, Chairman
- Jim Wheeler, Municipal Official, City ~ Absent
- Paul Brown, Municipal Official, Towns >3,000
- Eric Stohl, Municipal Official, < 3,000
- Robert Gagne, NHAO
- Rick Vincent, NHAO, City Official
- Loren Martin, Assessing Official, < 3,000
- Marti Noel, Assessing Official, > 3,000
- Betsey Patten, Public Member
- Thomas Thomson, Public Member

MEMBERS of the PUBLIC:

- Mary Pinkham-Langer, NHDRA
- Scott Dickman, NHDRA
- Jon Duhamel, Nashua
- Norm Bernaiche, Tri-Town
- Scott Bartlett, Goffstown
- Nancy K. Johnson
- Kris McAllister, Tri-Town
- James Michaud, Hudson
- Teresa Rosenberger, Devine Millimet
- Simon Thomson, Sheehan Phinney
- Sue Golden, Concord
- Tom Hughes, BTLA

Discussion: Election of Chairman

Chairman Gerzon opened the discussion on stepping down from the chairmanship and electing a new chairman. Mr. Bob Gagne made a motion to hold off electing a new chair given the potential change in membership coming up. Ms. Marti Noel seconded. A discussion followed with Mr. Gagne, Mr. Eric Stohl and Representative Peter Schmidt all commenting. Mr. Paul Brown asked if the current Chairman would be willing to stay on for a bit longer. Chairman Gerzon replied no. Mr. Gagne withdrew his motion and Ms. Noel withdrew her second.

Introductions

Election of Chairman

Mr. Eric Stohl made a motion to elect Ms. Betsey Patten, and Representative Schmidt seconded. Chairman Gerzon asked if there were any other motions. Mr. Stohl made a motion that the nomination stay and that the chairman or secretary cast one ballot for Ms. Betsey Patten as Chair, Representative Schmidt seconded. All approved, motion passed for Ms. Patten as Chair. Mr. Gagne took a moment to thank former Chair Len Gerzon for his service and contribution(s) to the board. Former Chair Gerzon spoke briefly and commented that the composition of the board may be in question. Mr. Stohl made a motion to nominate Mr. Gagne as Vice Chair, Mr. Len Gerzon seconded. Mr. Stohl made a motion that the chair or secretary cast one vote for Mr. Bob Gagne as Vice Chair. All approved, motion passed.
Minutes

10/28/2016

Chairman Betsey Patten asked for a motion to approve the minutes. **Mr. Gagne made the motion to approve and Mr. Stohl seconded.** Mr. Gagne asked that Ms. (Gagne) be changed to Mr. (Gagne) on page 2 under Sub-committee Rules Minutes (for 8/2/2016). **Motion passed to accept the minutes as amended.**

Final Report of Rules Subcommittee

Chairman Patten commented on three House Bills and an upcoming hearing. She asked for a rules sub-committee update. Mr. Steve Hamilton advised that a communication from the Governor (copies were handed out) had been received requesting a stop to rulemaking while there is a review of the necessity for rulemaking and how it impacts the public. A discussion followed including Mr. Gagne asking for confirmation that it was tabled right now (from last time). He advised that if no one has motioned to take it off the table then “just leave it there” for the time being. Representative Schmidt also spoke briefly on the Governor’s request and JLCAR etc. Chairman Patten asked if Representative McGuire was still the Chair for JLCAR. Representative Schmidt replied that Senator Reagan was now the chair and Representative McGuire was the vice chair. A discussion followed. Chairman Patten stated she agreed it would be best to leave it tabled at this time.

Report of Income & Expense Subcommittee

Chairman Patten asked Ms. Marti Noel if she had a report or an update on the Income & Expense. Ms. Noel replied she did not have a report per se; however, she did remind the board that at the last meeting it was left that they would go through it page by page and discuss. Chairman Patten asked the board members if they wanted to wait on this also and address the legislative issues instead. Ms. Noel agreed as there were more pressing matters to address.

Minutes cont

11/17/2016

The meeting was brought back to the November 17, 2016 minutes. (A reminder: the minutes for this meeting were not recorded nor was the clerk for the board, Elizabeth McGill present for the public forum.) The minutes were taken from notes from a board member, Ms. Loren Martin. Ms. Martin advised that there was a sign-in sheet for the public to add to the minutes. Mr. Eric Stohl asked for clarification on page 2, near the top of the page, “**Mr. Jim Michaud asked if the board had considered recommending legislation or promoting**”. The topic was Income and Expense and it was asked that “**Income and Expense**” be added to the above sentence. Mr. Tom Thomson asked for clarification on page 1, under “Recent Items” near the middle of the paragraph regarding “**recent completion of review of property record cards...**” He was not comfortable with that wording. It was decided that it would be changed to “**recent discussion of review of property record cards...**” Chairman Patten asked if the board wished to approve the minutes now or wait until the public sign-in sheet was received. Mr. Hamilton moved to approve the minutes and when the list of public attendees was received, attach it to the minutes. **Representative Schmidt seconded. Motion passed.**

Annual Report

The meeting then turned to former Chair Gerzon’s annual report. A discussion followed including changes to be made to the report, too many different references to property records cards, consistency with Rev 600 rules, RSA 21-J:14-b and wording of USPAP Standard 6 etc.
Chairman Patten then discussed the hearing on January 10, 2017 and members that would be attending etc.

Mr. Jim Michaud stated she could not support the bill as it is written at this time. She advised there would be a hearing on this on January 10, 2017, and she would like to listen to what has been going on in the legislature. She felt this was pushback from last year and this would decimate membership of the board. Senator Birdsell commented regarding lines 18 – 22, and asked that the board list the changes they would like to see. Mr. Gagne advised that the board is anxious to hear the rationale for changes in the board. He advised they are already a board that has the least amount of professional representation of any board in the state and expounded on this. He commented that it appeared the consensus is that the members’ experience and expertise was not needed or wanted. Mr. Thomson asked Mr. Gagne what he feels is the problem in Mr. Gagne’s opinion. Mr. Gagne feels it is push back for the pole and conduit issues last year.

Chairman Patten spoke on issues with telecommunications, utilities and Representative Abrami’s apparent issue/concern with commercial representation. Chairman Patten advised that she feels that if they want that opinion and want that input, they should add a commercial and a taxpayer utility company representative to the board. She spoke of pulling in the stakeholders in the past, telecommunications, utility representation, and the need to look at Representative Abrami’s concerns and address them, as well her concern that if HB 254, HB 323 and HB 324 all go through then there might as well not be an Assessing Standards Board. Mr. Gagne commented on the early days of the committees etc and how the assessors were the people who did the “grunt work”. He wondered who would then get the work done if the number of assessors is cut down. Ms. Loren Martin cited her concern that since two sponsors of the HB 254 bill are on the board, the board should already have an insight as to what the perceived problem is but doesn’t feel that they do. She went on to say that the board had done a tremendous amount of work over the years and to receive notice of the bill was like a “slap in the face” after all the hard work they had done. She also stated her position would be to vote inexpedient to legislate.

Mr. Hamilton commented on existing limitation (such as in the Current Use Board), public members limited to who has not been certified under RSA 21-J:14-f, keeping “important voices” present on the board, defining a commercial property taxpayer and what is a utility company representative etc. Mr. Paul Brown asked about residency requirement, his concern that a couple hundred thousand taxpayers are being omitted from specific representation and contract assessor/on staff assessor. Senator Birdsell commented that she signed her name as she had a number of people come to her with complaints that they felt there were too many assessors on the board. She felt the bill may have gone a little too far; but she did listen to the concerns of people who came to her. However, she advised that she is willing to look at it and make some changes etc.

A discussion then followed about the possibility of board members feeling there were too many assessors on the board, quorum and the impossibility of a majority of just assessors. Mr. Thomson commented that he represents taxpayers – the largest block of stakeholders; but there are more professional assessors on the board vs. taxpayers and he would like to see more public members. Mr. Gagne understood the perception and gave his thoughts that if assessors are doing their job then they are taking care of 100% of the taxpayers and stated that assessors are not to blame for taxes – their job is to make sure they are fair across the board.

Senator James Gray commented on options, required participation and encouraged attending the meeting/hearing.

Mr. Scott Bartlett advised that if this bill passes the way it is currently written, he would not be able to serve on the board again (having served 6 years in the past). He also commented that all 3 bills are going in the same direction. He also advised if they all pass, the tax rate would go up and is unsure how that is helping the common taxpayer. He then asked about a public member who is a representative of a utility company - he feels that is a conflict of interest.

Mr. Jim Michaud advised he had a survey on the 46 boards in the state that showed on average 73% industry representation on the boards. He also had a document available regarding the Assessing Standards Board accomplishments etc.

Chairman Patten then discussed the hearing on January 10, 2017 and members that would be attending etc.
Ms. Kris McAllister asked if Chairman Patten would be going as the Chair of the board and wondered if Chairman Patten could share what she would say. Chairman Patten advised she would be going as a member of the Assessing Standards Board, not the Chair. Chairman Patten responded that she would be bringing up all of the issues that have been brought up i.e. commercial/utility person on the board, smaller towns being removed, the 10,000 breakdown etc. Mr. Hamilton advised he would be there representing the commissioner not the Assessing Standards Board. Chairman Patten also advised that the board has to be very clear that they are not taking a stand. Mr. Brown asked Mr. Hamilton if the NH DRA had taken a position and Mr. Hamilton replied that they had not. Mr. Hamilton advised he would probably speak and probably “give some voice” to the concerns he enumerated earlier about some of the technical items that seem to be missing etc. Ms. Martin advised she would be representing Avitar, not the Assessing Standards Board. She also commented that another concern she had that she did not think had been addressed was the importance of attendance at meetings. A discussion followed.

Representative Schmidt added that he believed including another house member would automatically, to some degree, add a partisan issue. Chairman Patten stated that was a good point. Mr. Gagne does not feel the board can take a position but they can relay their thoughts and concerns. Chairman Patten agreed and a discussion followed. Mr. Gerzon agreed with Mr. Gagne and wanted to state that they wouldn't be where they are right now without the attendance and participation of the assessors on the board and from the public. He advised that in the past, it was often difficult to have a quorum and an environment had to be created to bring assessors back to the table for conversations/input etc.

**Next Meeting**

The next meeting was tentatively set for Friday, January 27, 2017 (or Friday, February 10, 2017 - snow date). Ms. Martin asked about trying to keep future meetings on Fridays. Chairman Patten advised she would bring a proposed list, and asked Mr. Thomson to bring a list of his concerns including the property record cards.

**HB 323**

Chairman Patten introduced the discussion and advised one question she would ask is why there is not a fiscal note, and after reading it through quickly, it appears they want the commissioner of the NH DRA to step in and do what the board has been doing. She advised that respectfully submitted she really did not want the commissioner of the NH DRA doing the Assessing Standards Board. Mr. Hamilton stated that the Department (DRA) had not been asked to complete a fiscal note analysis, it is new to them. Mr. Gagne commented that to him it appeared as just one more step toward eliminating the board. Chairman Patten agreed. Mr. Gagne talked about the original reason for creating the Assessing Standards Board and that while they have accomplished the vast majority of the tasks that were assigned, things do come up all the time. He stated that if this bill goes through then - disband the board. Ms. Martin agreed with Mr. Gagne that if this goes through, then they could save a lot of time and money and disband. Mr. Michaud talked of a spreadsheet (handouts) he completed regarding rulemaking authority for the 46 boards and advised that 91% of those 46 boards have rulemaking authority. Mr. Gagne voiced his thoughts including whether DRA’s rates would double and every jurisdiction should have a right to follow the RSA’s on what their inventories are etc. Mr. Gerzon discussed Mr. Michaud’s handouts and asked that the members take the handouts and look them over. Mr. Michaud replied that it is information that he gathered and believed he is representing it accurately. Chairman Patten and Mr. Gagne asked about the NH DRA having a synopsis or an older report to refer to. Mr. Hamilton replied that he was certain they have been done in the past, but he was unsure of their status and where they are especially with the time constraint they are under. A discussion followed between Mr. Gagne and Representative Schmidt. Ms. Martin discussed HB 242 back in May of 2003.

**Miscellaneous**

Ms. Noel asked if there is an actual complaint form for assessing complaints on the website. Mr. Hamilton advised there is not but currently forms for complaints about assessing officials is in their forms committee at NH DRA. He also stated it is a robust committee (for forms), they were drafted last fall and explained further. Ms. Noel asked about a flow chart being included with the 600 rules. Mr. Hamilton answered that it was not part of the 600 rules process and explained what the 600 rules cover etc. He also stated that the flowchart Ms. Noel referred to that was looked at by the Assessing Standards Board was one they were looking to recommend to the commissioner for his rules on the hearing of complaints about assessing officials. Currently, there is no
specific set of rules that have been promulgated for that process. He explained when a complaint is filed, it goes through the regular “show cause” hearing procedure within the Hearings Department; there has not been a creation of a separate volume of rules for that (although Mr. Hamilton has requested them from NH DRA’s Legal Division). Mr. Michaud spoke on HB 117, exemption emergency generators etc. Mr. Scott Bartlett talked about the flowchart from 2010, (when he was on the board), and how they spent an inordinate amount of time on the flowchart and it was a concern of a lot of the assessors (and some members) that there should be a clear procedure for how disciplinary measures were taken care of. He recalled that it was decided not to be put in Asb rules, but it was strongly recommended to be put in the NH DRA rules. He admitted that he “dropped the ball and didn’t follow up on this and then when he was recently going through some of the old minutes” he found it again and wondered “where is this, and from what Mr. Hamilton is saying, it’s nowhere”. He advised he finds this disturbing because the board spent a lot of time making sure there were rules and a procedure and that there was a guarantee that assessors had due process. He further stated that he wouldn’t say it’s not being done, but that it seemed that often when it gets to the NH DRA, there’s a little bit of a black box. Chairman Patten advised if she remember correctly they had a confidential executive session with NH DRA’s rules hearing lawyer. She believed that what they had determined was that if there was a complaint it was going to be taken through NH DRA’s hearing procedure which they already had rules for. Mr. Hamilton commented if he remembered correctly, after seven years’ time, that there was some confusion on whose rulemaking authority it was that this process would work under. He seemed to recall that they had come down on the side of the NH DRA’s (Hearings Bureau) procedure which already has a set of administrative rules in place. He explained the process and advised that he has asked the Legal Division to create a special set of rules to guide this process, particularly certification issues. The Legal Division was unwilling to proceed with adopting rules and trying to change procedure while they had any of them open. They have been trying to find an opportunity to make those changes and find the resources available for that prioritization. A discussion followed regarding Rev 200 rules etc. 2/6/2017

Mr. Gagne motioned to adjourn, Mr. Stohl seconded, all approved.

Respectfully submitted,

Elizabeth McGill

Municipal and Property Division
NH Department of Revenue Administration

All meetings are recorded and are available upon request.

Documentation relative to the Assessing Standards Board may be submitted, requested or reviewed by:

Telephone: (603) 230-5967
Facsimile: (603) 230-5947
Web: www.revenue.nh.gov
E-mail: asb@dra.nh.gov

In person at:
109 Pleasant Street, Concord

In writing to:
NH Department of Revenue
Assessing Standards Board
PO Box 487
Concord, NH 03302-0487