

Article 4 BOARD OF ASSESSMENT REVIEW

[From Chapter 4 of the Bucksport Town Code]

SEC. 4-401 Board of Assessment Review Established

The Bucksport Board of Assessment Review is reestablished pursuant to 30-A M.R.S.A. Section 2526 (6). Current members will continue to serve out the term for which they were appointed. The Board shall consist of three (3) members and two (2) alternates appointed by the Town Council. Each year in the month of March, the Town Council shall meet and appoint a new member and alternate for each of the outgoing members for a term of three (3) years. The terms shall commence April 1st and end March 31st. The first Board shall be appointed in the following manner:

- One (1) member for one (1) year.
- One (1) member for two (2) years.
- One (1) member for three (3) years.
- Two (2) alternates for three (3) years.

SEC. 4-402 Organization; Minutes; Report to Council

The Board shall elect officers and shall keep minutes of all meetings. Copies of the minutes shall be distributed to the Town Council.

SEC. 4-403 Board Member Qualifications

Members of the Board must be a minimum of eighteen (18) years old, legal residents of Bucksport and United States citizens.

Resident is defined for the purpose of this section as: “an individual’s place of domicile.”

Domicile is defined as: “where an individual owns and rents a place of abode eight (8) months out of any calendar year.”

SEC. 4-404 Officers Election

Officers shall be elected annually by the members of the Board at the first meeting held after April 1st.

SEC. 4-405 Vacancies to the Board

A vacancy shall occur if a Board member resigns, is unable to serve, or is absent without acceptable reason for more than two regular consecutive meetings. The Chairman shall notify the Town Council of the vacancy. The Town Council shall then appoint a new member for the balance of the term of the absent member.

SEC. 4-406 Duties of the Board

The duties of the Board shall be to:

1. Hear and determine appeals according to the following provision of law:
 - a. Title 36 M.R.S.A. Section 843.

SEC. 4-407 Meetings

1. Meetings shall be called by the Chairman upon receipt of a written request for appeal filed within sixty (60) days of the decision. The Board will render a decision in

- writing, within sixty (60) days of the date the application is filed unless the applicant agrees in writing to further delay.
2. The business of the Board of Assessment Review is a public proceeding and the Board shall comply with the provision of the Freedom of Access Law in Title 1 M.R.S.A. Sections 401 to 410.
 3. Except as provided by statute, all of its proceedings shall be open to the public and its minutes open to public inspection.
 4. Except as provided by statute, rules of evidence or rules of privilege, all of its records shall be open to public inspection. The Board shall go into executive session, pursuant to the conditions listed in 1 M.R.S.A. Section 405, for permitted deliberations only after a public, recorded vote of three fifths ($\frac{3}{5}$) the members present and voting; and no official action shall be finally approved in such session.

SEC. 4-408 Quorum Approval

A quorum of the Board of Assessment Review is two (2) members. Where no quorum is present at a meeting, no business of the Board of Assessment Review may be conducted except for adjournment.

SEC. 4-409 Conflict of Interest

1. A member of the Board of Assessment Review shall not participate in the deliberation of the Board or vote upon any matter in which the member has a direct or indirect pecuniary interest.
2. In a case where a corporation, business or other economic entity is applying for an abatement, a direct or indirect pecuniary interest is deemed to arise where a member is an officer, director, partner, associate, employee or shareholder of a private corporation, business or other economic entity which the member is directly or indirectly the owner of at least a ten percent (10%) interest in the business or other economic entity making the application.
3. A member having a direct or indirect pecuniary interest in any matter before the Board shall make full disclosure of that interest before any action is taken and shall not participate in the Board's deliberation, or attempt to influence the other members, or vote on the matter. If a Board member steps down from the Board due to a conflict of interest the individual may participate as an audience member.
4. The chairman of the Board shall inquire of the Board members whether any conflicts of interest exist before each matter is presented, but failure to do so shall not, of itself, invalidate any vote.
5. When any member is challenged because of an alleged conflict of interest, that question of disqualification shall be decided by the majority vote of the other Board members. If that member is so disqualified he or she shall not participate on the matter at issue.

SEC. 4-410 Public Notice

Notice of meetings of the Board of Assessment Review shall be posted at the town Office and a copy of the notice provided to local representatives of the news media by the same method used to notify the Board members. The notice shall set forth the location, date, time and the nature of the meeting.

SEC. 4-411 Presiding Officer

The Chairman of the Board of Assessment Review or in his/her absence another chosen by the members present, shall preside at all meetings. The Chairman shall:

1. Establish the agenda for each meeting.
2. Regulate the course of the meeting or hearing, set the time and place of adjournment and fix the time for filing of written submissions.
3. Rule upon all issues of procedure or evidence.
4. Take such other actions authorized by statute that maybe necessary for the efficient and orderly conduct of the Board of Assessment Review.

SEC. 4-412 Conduct of Meeting

1. The Chairman shall inquire whether the applicant has sufficient standing to present the matter to the Board.
2. The Chairman shall invite the applicant or a duly authorized representative to make an opening statement and to present evidence or testimony in support of the application.
3. Witnesses shall state for the record their name, address, business affiliation, and the nature of their interest in the proceedings.
4. Any oral or written evidence which is relevant to the appeal and not unduly repetitious may be admitted. The Board is not bound by formal rules of evidence and it may accept or exclude evidence when in the Chairman's judgment it is necessary or appropriate to bring about the production of proper information and to afford the parties a full and fair hearing.
5. The Chairman shall then invite the Board members to ask questions of the applicant, applicant's representative, and witnesses.
6. The Chairman shall then invite the assessor or assessor's representative to ask questions.
7. The Chairman shall then invite the assessor or assessor's representative to make an opening statement and to present evidence or testimony in support of the assessor's position.
8. The Chairman shall invite the Board members to ask questions of the assessor, assessor's representative or witnesses.
9. The Chairman shall invite the applicant or applicant's representative to ask questions.
10. At the end of the initial testimony by all parties, the Board members or Board attorney may direct questions to the applicant, assessor, or anyone else who has previously testified or offered evidence.
11. The Chairman may grant the applicant, assessor, or interested party an opportunity to present evidence in rebuttal to other evidence heard. Rebuttal evidence shall be limited to those matters which were the subject of direct evidence by an opposite party and no new evidence may be offered without permission of the Chairman.
12. The Chairman will offer the applicant, assessor or their representatives an opportunity to provide a summation if such is requested.

SEC. 4-413 Record

The record of each proceeding shall consist of the application and all exhibits attached to it, all other written evidence introduced by the applicant, assessor, interested parties and others, the recording or stenographic record of the testimony presented and of the Board's deliberation, the briefs filed by the applicant, assessor, interested parties and others, the minutes of the meetings, and the Board's written decision.

To be included in the record those items must be filed with the Board at the time of the meeting or with the application at the time of filing the application.

Persons present at the Board meetings may make written, taped or filmed records of the proceedings but such records shall not constitute part of the Board's record.

The Chairman shall have the right to regulate the placement and use of tape recorders and cameras as necessary to allow for the orderly conduct of the meeting.

SEC. 4-414 Decision

The Board of Assessment review shall make a written decision for its final action on each application and shall set forth in the decision the reason(s) for its decision. Such decision will be made in conformance with appropriate state laws.

The Chairman may assign the responsibility for preparing the written decision to another member, or legal counsel to the Board.

SEC. 4-415 Appeal

The applicant may appeal the Board's decision within sixty (60) days to the State Board of Property Review if the property which is the subject of the appeal is nonresidential property and has an equalized municipal valuation of one million dollars (\$1,000,000) or greater. All other parties must appeal directly to Superior Court within thirty (30) days in accordance with Rule 80B.