

BCA Members
 Peter Hood, Chair
 Dexter Lefavour,
vice chair
 Mary Just Skinner
 Steve Martin
 Liz Scharf
 Phil Hyjek
 Theo Kennedy
 Doug Lombard
 Chris McVeigh
 Charles Merriman

MIDDLESEX BOARD OF CIVIL AUTHORITY
Tuesday, September 5, 2017
3:50 PM
Middlesex Town Hall
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

Minutes*

PRESENT: BCA Chair Peter Hood and Vice-Chair Dexter Lefavour. BCA members Mary Just Skinner, Steve Martin, Liz Scharf, Phil Hyjek, Chris McVeigh, Theo Kennedy, Doug Lombard, Sarah Merriman. Lister Dick Alderman, Appraiser Richard Lewis, Appellants Shona MacDougall, Chris Gendreau, Charles Evans and Don Marsh.

ORGANIZATIONAL MEETING

As former Chair, Peter called the meeting to order at 3:57 p.m. Each BCA member swore to and signed oaths per 32 V.S.A. § 4405 that were then entered into the record.

MOTION: Steve moved and Phil seconded nominating Peter as Chair. The motion passed.

MOTION: Theo moved and Doug seconded nominating Dexter as Vice-Chair. The motion passed.

John and Shona MacDougall Appeal of 269 East Bear Swamp Road Assessment

Peter began the hearing at 4:02 p.m. Rich and Dick both swore to and signed oaths per 12 V.S.A. § 5810, as did Shona. The oaths were entered into the record. Dick and Chris recused themselves from the hearing because they are friends with John. Rich submitted Exhibits A through E that were entered into the record. Rich said he assessed the MacDougalls' land and house at \$254,800. Since Shona had refused entrance into the house during the assessment period, he calculated the value using land schedules and factoring depreciation he could see from the exterior. Otherwise, he said, he relied on his last assessment of the house in 2010 when he had been allowed entry. He said he remembered that the house needed work, though he assumed the MacDougalls had done some improvements, especially since John is a plumber and "handy." He said they had replaced a dirt basement floor with concrete.

As a result, the property increased in value by 19%, approximately 8% over the town-wide increase in 2017. Still, he said, the value was less than \$265,000 which was what the MacDougalls paid for the property when they purchased it in 2007. Rich also noted that unless the MacDougalls permit the BCA subcommittee to enter the house, by state statute (32 V.S.A. §4404(c)), the appeal will be considered withdrawn.

Shona thanked the BCA for coming and said she hoped her and John's appeal would not affect personal relationships she had with some of the members. She asked what Rich's qualification was to assess properties. Peter noted that was not how the hearing process worked, that she could ask that question after she presented her case. Theo outlined the order of a BCA hearing. Shona submitted exhibits 1 through 5 that were entered into the record. Exhibit 1 was a comparative market analysis of similar homes done by Ann Swanson, a Realtor in Thetford Center. By Ann's analysis, Shona noted, her home should be valued at \$215,415. She also questioned why her land was assessed at over \$6,000 per acre when her neighbors, the Nealons, were assessed at \$3,700 per acre. She expressed concerns that Rich said he made "assumptions" on the house's interior condition. She said she and John had nothing to hide, but they just valued their privacy. She also asked for the qualifications of the BCA members and what gave them the right to come inside her house to conduct assessments.

Peter said the qualifications simply were that each person was a member of the Board of Civil Authority who listened to both sides and made a judgment. Rich said his qualification was that he was an appraiser licensed to conduct municipal reappraisals in the State of Vermont. As for the land values, the MacDougalls owned 12 acres whereas the Nealons owned 52. Due to economies of scale, he price per acre decreases according to the number of acres owned. He said he was "not trying to stick it to them" because the MacDougalls denied them entrance.

Shona asked why the CAMA card didn't note the rust on the roof, or that the back porch was in disrepair. She said she was confused by the value of the house.

Peter wrapped up the hearing by noting that Shona and John would have decide whether to permit the BCA inspection committee inside their home. He noted that inspection would not be an extension of the hearing if they did. Mary stressed that the Listers could join the inspection committee only with the expressed permission of John and Shona. Shona did not say if she would allow the subcommittee inside the house. Theo volunteered to be on the inspection committee since he had to leave the meeting. Theo and Shona left at 4:50 p.m. Chris Gendreau and Charles Evans arrived.

Peter postponed the biennial review of the Town checklist until after the BCA appeals due to time constraints.

Chris Gendreau Appeal of 20 Guilmette Road Assessment

Peter began the hearing at 4:55 p.m. Chris Gendreau swore to and signed an oath that was entered into the record. Peter explained the BCA process.

Dick presented the Listers' case, noting that the Town was short one Lister and that the other Lister, Eric Young, was out of the country. Dick said this was another case where Rich was denied entry to the house, which was originally appraised at \$298,500 and then, after Chis Gendreau's grievance hearing, lowered to \$289,700 due, in part, to the landscaping around the house being "rough."

Dick entered exhibits A through E into the record. He said Chris Gendreau purchased the "undeveloped" lot in 2005 and built a home. That was the last time the Listers were permitted in there. He said that during the grievance Chris Gendreau submitted bank appraisals done in 2016 that placed the value of the house at \$266,000. However, Dick noted that the bank appraiser examined only those sales that were available on MLS via realtors, not private sales in Middlesex which would have affected the ultimate appraised value. Rich added that Chris Gendreau purchased the lot at a high price - \$75,000 - even though it was undeveloped.

Chris Gendreau said his exhibit of the bank appraisals had been included in the Listers' packet as exhibit D and showed a \$33,000 difference between the bank's assessment of his property and the Town's. He questioned the fairness of property taxes, the bulk of which go to pay for schools, even though he doesn't "burden the school system." He also noted that the lot wasn't entirely undeveloped; it was improved. Chris Gendreau questioned how his property could be valued at \$289,700 of the bank would be willing to give him a loan for only \$266,000.

Mary asked if he had allowed the bank appraiser inside the house. Chris Gendreau said he had, but that he didn't know the Listers or any members of the BCA. He wasn't inclined to allow strangers in the house. Peter said if he didn't allow the BCA inspection committee inside, then that would void his appeal. Chris Gendreau said, in that case, the higher valuation would be the price for keeping his privacy. He left the meeting at 5:20 p.m.

Charles Evans Appeal of 89 Wood Road Assessment

Peter began the hearing at 5:22 p.m. Charles swore to and signed an oath that was entered into the record. He stated that he was not contesting the valuation of his house, only the land.

Rich entered exhibits A through F into the record. He said Charles had sold off some property and his previous house and built a new home on 114.79 acres that had frontage on Wood and Macey roads. There was also an extra 3-acre building lot with access to Wood Road. Rich said he considered the steep land and moderate grades on the property, the openness and woodiness, as well as the neighborhood grades. Macey Road was a "10" neighborhood, whereas Wood Road was a "12." Rich compared the 3-acre parcel (valued at \$63,000) to 3+ acres owned by Evans's neighbor, John Rahill and Paul Dayton, who owns 3.6. The parcel sits back 550 feet from the road and has no power or water. He said the Hahns' property off Story Road was comparable, although they had better views. The Listers did not lower the value during the grievance process, maintaining that the total acreage and house was accurately valued at \$652,900.

Charles entered exhibits 1 and 2 (an aerial photo and subdivision map) into the record. He said the 3-acre parcel was completely landlocked with poor views, further than 550 feet from the road, and that he retained it as a separate parcel in case one of his children wanted to build there. He said the fair market value would be closer to \$35,000. He also said much of his acreage had lost value because it was logged and, furthermore, some big trees had fallen and blocked the valuable logging roads into his property. He said his neighbors' lands were valued at \$750 per acre, though Rich said that was impossible. They agreed to check the figures later. Charles asked if Rich had walked the entire property; Rich said he had walked only part. Charles asked the BCA to reference a 10-acre parcel owned by Iona Kemp which is actually 8.55 acres with a house in which the land is valued at \$75,400. Peter said the Board would check her property. Charles and Doug left the meeting at 5:55 p.m.

Don Marsh Appeal of 178 McCullough Hill Road Assessment

Peter began the hearing at 5:58 p.m. Don swore to and signed an oath that was entered into the record.

Rich submitted exhibits A through H into the record. Dick said Don purchased the 28.3-acre lot in 2008 for \$125,000 and put it in current use. Before Don built the cabin in 2016, current use cut the taxes in half. However, after the camp was built, the taxes increased substantially, from \$74 to \$1,390 in 2017, mostly because of the 2-acre housing site that was valued at \$64,800. After the 2017 grievance hearing, the Listers reduced the site grade to 1.00 and the total assessment from \$121,100 to \$110,300. Dick noted there was no power or sewer at the cabin. Rich said that Don would need to get an easement from neighbor Pat Freeman for a true driveway. He said Don paid way too much for the acreage in 2008, but that the chunk of the property's new value was in the house site.

Don submitted exhibits 1 and 2 (a parcel comparison and a map) into the record. He said he bought the land from a friend when it was still in current use. He had no intention to purchase it as a housing site because that would have been "tax prohibitive." He was not appealing the appraisal of the cabin. He said seasonal access to the property was dependent upon the permission of his friend and neighbor, Pat. His objection was to the valuation of the 2-acre house site which he considered unreasonable, especially when compared to open land on his list of parcels.

Peter explained that, under state law, whenever a house is placed on undeveloped land it creates a 2-acre house site that retains the lion's share of the land's value, in most cases. Peter said you could not compare a 2-acre house site to raw land, even if the cabin was primitive. Don left the meeting at 6:20 p.m.

Appointing Inspection Subcommittees

Peter appointed the following subcommittees who will visit each property and submit a report to the BCA within 30 days.

MacDougall subcommittee: Theo, Liz and Dexter (Chair)

Gendreau subcommittee: Sarah, Doug and Mary (Chair)

Evans subcommittee: Steve, Chris and Peter (Chair)

Marsh subcommittee: Phil, Liz and Chris (Chair)

At 6:30 p.m. Peter adjourned the hearing portion of the BCA meeting until it is reconvened at 6 p.m. on September 26, 2017, during which it is the BCA's prerogative to take additional testimony.

Biennial Review of the 2017 Town Checklist

MOTION: Phil moved and Steve seconded sending challenge letters to voters on the list who had not voted in the last two General Elections. The motion passed.

The Board then reviewed those voters who had not voted, but were definitely known to be living in Town along with voters who might have voted in the last two General Elections but who were definitely known to have moved from town, along with voters who had died.

MOTION: Phil moved and Mary seconded sending challenge letters to 248 voters who were thought to have left Town.

The motion passed. In addition, the BCA identified eight voters who had died and three others who were listed as duplicates.

OTHER BUSINESS

MOTION: Mary moved and Liz seconded approving the 2.28.2017 BCA meeting minutes. The motion passed.

Peter adjourned the meeting at 7:30 p.m.

Respectfully submitted,
Sarah Merriman, Town Clerk/Select Board Assistant

*This hearing was digitally recorded, a copy of which is available from the Town Clerk's Office if appropriate storage medium is provided by the requesting party.