

Board of Civil Authority
Robert Vasseur Town Hall
7/10/18

Board of Civil Authority (BCA): Chuck Martel (Chuck), Michael Jordan (Mike), Tom Bisbee (Tom), Patti Lewis (Patti), and Lisa Koitzsch (Lisa)

Listers: Doug Mosle (Doug), and Sarah Stavraký (Sarah)

Appellants: None

Chuck called the meeting to order at 10:06 a.m.

Lisa nominated Chuck as Chair pro tem. Patti seconded the motion. No further discussion, all in favor, motion passed unanimously.

Chuck introduced the property assessment appeal from Michael Miskulin regarding a property at 1558 Tucker Hill Road. Mr. Miskulin could not be in attendance and neither could his attorney, Dick King. Mr. King sent a letter, dated July 9, 2018, to the BCA documenting his client's issue with the assessment along with pertinent documentation and all members of the BCA received a copy. (See attached) BCA members did agree that they would have preferred that the appellants had been present so that they could ask them questions.

Doug summarized the property details for the BCA. The property is Fayston Parcel #07-043 and is 10.8 acres with a two-story dwelling and a detached garage with a one-bedroom apartment above it. Prior to the 2017 town-wide reappraisal, the property was valued at \$609,000.00. At the time of the reappraisal (Listers visited the property in November of 2016) the value was reduced by \$35,000.00 to \$573,400.00. Mr. Miskulin purchased the property on December 5, 2017 through bankruptcy proceedings for \$497,628.00. In May of 2017, Mr. Miskulin filed a grievance request. Listers visited the property again on June 1, 2018 and lowered the value by \$31,500.00 to its current assessed value of \$541,900.00

Doug reported to the BCA that he thought the current assessed value was fair. He agreed that the sale transaction for the property during bankruptcy proceedings was a bona fide arm's length transaction. This means the Buyer and Seller did not know each other and did not have a relationship that could influence the final sales price. He said that Listers don't normally reappraise a property when it is sold and they don't lower or raise the assessed value of the property based on sales price. Listers will reassess a property during a town-wide re-appraisal, or if there is a building permit or notice that the property is being improved on the exterior.

Doug handed out sales comparisons in the Town of Fayston for the property at 1558 Tucker Hill Road. He reiterated that the sale price is one element that Listers consider but is not the only determinative factor in the valuation of a property. And in this case because of bankruptcy, and the fact that there was a bankruptcy trustee, this took all negotiating power regarding sale price out of the seller's hands. The buyer negotiated with the bankruptcy trustee, not the seller.

He further noted that each year the State asks the Listers to validate all sales within the Town. This means they ask for verification that a sale was arm's length and that there were no other external financial factors that would have affected the purchase/sale price. In this case the Listers had removed

it from the sales study as it was a bankruptcy sale, which could have influenced final sale price, and the State agreed by virtue of accepting the Listers' decision to remove it.

Doug reviewed the comps he had prepared (See attached) and talked about grade, location, neighborhoods, acreage and other aspects of property assessment.

Chuck asked what the property had been listed for prior to bankruptcy. Doug said it had been on the market for \$650,000 for a year, then dropped to \$625,000.00 and then to \$569,000.00.

Lisa asked if the value or assessment of a property is affected by how someone came into its possession. In this case, she asked if the fact that the property was purchased during bankruptcy proceedings had any effect upon the assessment. Doug responded that it does not have an effect.

Chuck explained that the BCA had thirty days in which to reconvene for deliberative session with a site visit to be conducted within that time. Mike, Lisa, and Chuck agreed to be the site visit committee and requested that this take place on 7/13/18 at 9 or 10 a.m. They chose alternative dates of 7/18 or 7/19 with flexible afternoon hours. BCA also agreed that the next BCA meeting on this matter would be on 7/24/18 at 10:00 a.m. Patti will contact the appellants to set up appointment for site visit and send notification of the next BCA meeting to the appellant as the BCA hopes they can attend to answer some questions.

11:00 a.m. Lisa made a motion to adjourn. Tom seconded. No further discussion, all in favor, motion carried.

The BCA then tested election ballots and prepared the voting tabulator for the August 14, 2018 State Primary. Testing was successful and complete at 11:45 a.m.

Respectfully Submitted:

Patti Lewis & Lisa Koitzsch

Approved: Chuck Martel