

Minutes of Board of Civil Authority Meeting
Thursday, June 28, 2012

Board Present: Robert Vasseur (Robert), Ann Day (Ann), Patti Lewis (Patti), Rick Rayfield (Rick), Lisa Koitzsch (Lisa), Tom Bisbee (Tom), and Edward Read (Ed)

Listers Present: Tony Egan (Tony), Fred Spencer (Fred), Gussie Graves (Gussie).

Appellant: Vivien Hardy

Meeting called to order 9:04 a.m.

Robert opened the meeting instructing the BCA Members to read aloud their oaths and to sign the same. All did so.

Robert then swore in Vivien Hardy (Appellant) and the Listers.

He asked Appellant if she had received a copy of the procedures for this meeting. Answer yes. He asked if there were any conflicts of interest in this matter. There was none.

Gussie Graves (GG) informed the Board that the property was located at 133 Old Quarry Road and the present assessed value of \$794,800.00.

Appellant asked to go around the table to understand who was present.

Appellant explained that she would give an outline of her points, then go into more detail and then summarize her presentation.

Appellant built the current house (after living 25 years on Tucker Hill Road) in 2000. Act 60 and Act 68 developed during this time and increased their estimated taxes by four times the amount they had expected.

Appellant then went over all the material presented to the Board including a letter dated June 13, 2012 and reference material Section I – III. See attached.

Appellant referred to the Secretary of State (SOS) Handbook regarding tax appeals and its description of three ways to evaluate market value. Those being income approach (not relevant in this case), market approach and summation approach.

Appellant noted current market conditions (six houses above \$600,000.00 have sold in the past three years, none this year and no pending sales.). She talked about properties that have been on the market and reductions of asking price.

Rick noted that the SOS Handbook is a guide not law. He asked what it suggested for time frame of comparable properties. Appellant answered two years.

Rick asked GG if Listers used both the summation approach and fair market value approach in the Town's assessment. GG answered yes.

Ed asked about the square footage of comparable properties and that that made a difference on the assessment. GG would address this in a moment.

Robert suggested that on one comparable the barns were actually a detriment to the property.

Appellant wished to emphasize Wild Turkey Lane and Deer Run Lane comparable properties. She asked the Board to take the time to digest the tables within her material and suggested that if

the Board were to take into account her methodology for using comparable sales and summary markets they would conclude that her property be assessed for between \$680,000.00 and \$720,000.

GG then spoke on behalf of the Listers.

She complimented Appellant on her diligence and work.

Ann also noted she appreciated the Appellant's report.

GG handed out Silbernagel, Lanser, Wilson and Renke property comparables.

GG wished to clarify with Appellant that there is a shower bath on the third floor and therefore there are four baths not three. In addition, Porch 1 should not have "screen" and there was a double fireplace vs. single. With these changes, the assessed value would have increased a couple of thousand dollars but the Listers decided to leave it the same.

GG then went over each of the comparable properties and referred to Appellants material.

In her opinion, Cashus Ridge probably best compares to Appellants home. However, during reappraisal they did not look to Warren or Waitsfield for comparable properties, as there were enough sales in Fayston. She also would not use this one due to the fact this was a developer/builder sale and that there was probably value there that one cannot see. Also permitted for a two family dwelling, has detached barn, and has below grade finish, which is always valued lower than above ground.

188 Cross Road in Waitsfield. Does not believe it is a good comparable, as it does not have a finished interior.

Silbernagle – she described the difference in number of stories, grade of each property, year build, forced air vs. baseboard hot water, underground garage vs. attached, differences in fireplace and the big difference of assessment on the land. Silbernagle at \$354,000 and Hardy's at \$252,500.00.

Lanser – differences in this property were modern vs. old, finished walkout basement, no fireplace, and attached garage. Land difference is \$214,000.00 vs. \$252,500.00. Also, take into consideration the shape of the lot.

Wilson – built same year, post and beam. Land, neighborhood and views are significant differences.

Renke – difference of three vs. 10 acres, quality, detached garage and land are factors.

GG – If Appellant agrees that, the cost card is correct then we are not talking about value and the only area of consideration would be depreciation.

Ed asked what the depreciation percentage was. GG said they had looked at that but did not change it and that they use a chart to figure percentages.

Robert asked if Appellant had questions for the Listers.

Appellant stated that if you go out there and look for comparable properties you are never going to find one exactly the same and reiterated her belief that Wild Turkey and Deer Run Lane properties are the most comparable and she believes there is a \$100,000.00 in her assessment that Board needs to consider. She also felt that just because the sale of a home was from a developer/builder that was no reason to exclude the comparable.

Rick suggested that the builder/developer would be looking out for himself and that one had to consider his motivation and the difference between retail and wholesale costs.

Board thanked Appellant and arranged for an inspection committee consisting of Lisa, Ed, Rick and Robert to meet at the Hardy property on July 12, 2012 at 8 a.m. Lisa will generate the inspection committee reports.

10:09 a.m. – Hearing began for Ralph Richter

Robert swore in Mr. Richter.

Robert asked if he had received a copy of the procedures for this meeting.

Mr. Richter was unclear but Patti assured him he had with the notice of hearing.

Robert asked if anyone has a conflict of interest with this Appellant. There was none.

Appellant explained that his property has been on the market since August/September 2008. Listed at \$490,000.00. He has dropped the asking price and recently had an unofficial offer of \$190,000.00. See attached. He has had an independent appraisal that came in at \$260,000.00. The structure on the property is a shell with no facilities inside except for water and an electrical hookup. Building is used for storage.

GG noted that this property is located on Stage Coach Road and assessed at \$290,600.00.

Appellant went on to state that the property is basically a storage barn, designed as a carriage house. 1400 square feet of unfinished living space upper level. He feels it will take a lot for someone to turn the entire building into living space as it has reinforced poured concrete walls from top to bottom. Acreage is 4.39, building constructed in 1996. Has no septic but does have a well.

GG spoke on behalf of the Listers. They had not gone to view the property during the grievance process, as she knows the property well. She explained the success of his grievance hearing in that they had decreased the functional number to 12% and changed the grade from 170 to 150. The assessed value went from \$323,700.00 to \$290,600.00.

Rick asked Appellant what he was asking for.

Appellant replied he would like to see the assessed value around \$260,000.00.

Board asked Appellant to provide them with a copy of the independent appraisal he had done.

Rick asked if there was anything on the Lister sheet that he questioned.

Ralph indicated that the grievance process was successful but that he should have grieved in 2009 when the market value went down.

Board set the site visit for July 12, 2012 at 9.a.m. Appellant granted Board access to the property at any time. Bill Elliot has a key.

10:28 a.m. – Ed made a motion to adjourn. Lisa Koitzsch seconded, no further discussion, motion carried.

Respectfully Submitted:

Patti Lewis

Town Clerk

Approved: Robert Vassens

Date: 8/8/12