

BCA Minutes

6/29/17

BCA Present: Jared Cadwell (Jared), Ed Read (Ed), Chuck Martel (Chuck), Patti Lewis (Patti), Tom Bisbee (Tom), Peter Forbes (Peter), Rick Rayfield (Rick)

Listers Present: Doug Mosle (Doug) and Sarah Stavraky (Sarah)

Guests: Alan Menard, Allen Spector and Brian Shea

10:03 a.m. – Jared called the meeting to order.

Jared began the meeting by stating that the purpose of this meeting is to hear tax appeals, and that the Board of Civil Authority (BCA) would hear and make decisions on those appeals.

Jared then read and administered the oath to all BCA Members. Likewise, he administered the oath to the Listers and each appellant in turn.

1. Alan Menard (Alan) – Parcel ID 03-042.

The Listers described the property as located at 269 Randell Road, having 1548 Sq. ft. on 1.25 acres. The previous grand list price was \$205,600.00. 2017 Re-Appraisal resulted in an increase to \$210,00.00. Alan grieved and following grievance the Listers lowered the price to \$205,300.00 due to a technical observation that the foundation was inaccurately reflected on the Lister data sheet.

Alan then stated his case saying he simply could not afford the taxes on the property with his limited social security income. Jared wanted to be clear that this Board was to hear evidence or arguments that would challenge the value that has been placed on the property. Ed further noted the tax bills have not been generated yet and would not be until July.

Alan expressed concern about a parcel bought in 2009, which is a contiguous parcel, which was merged together by the town. Doug explained that yes, the two parcels would need to be merged for taxation purposes. Doug further noted that the Listers had not been granted access to his house during reappraisal but that they had changed the data card from a concrete foundation to piers brought up during the grievance process. Doug further noted quality of the home and depreciation schedules.

Alan then asked about the Lister qualifications and the answer was State training courses. Doug also has a background as a real estate agent. Jared brought the hearing back to the fact that Alan was there to ask questions about the value of the property.

Jared then noted that the BCA would be in touch to set a date for a site visit within 30 days. Doug asked if he was willing to have the Listers present at the site visit and Alan said that would be fine.

Jared made a note that the 30-day requirement for the inspection committee to report back to the full Board began ticking today with this meeting.

2. Allen (Allen) Spector – Parcel ID #06-089

Jared stated to Allen that the purpose of this meeting was to hear an appeal of the appraisal of your property and swore Allen in.

The Listers described the property as 2 undeveloped acres on Farm Road. It was previously valued at \$72,000.00 with a new value of \$108,000.00. Allen grieved and no change was made as a result of that process.

Jared asked if the parcel was adjacent to Allen's home and the answer was yes and below his home on Stage Coach Road. Board, Allen and Listers discussed comparable parcels that the Listers had prepared. See attached.

Allen explained that he had, since grievance, hired an independent appraiser for the property and explained some of the comparable parcels that appraiser had used. This study came in with a value of \$84,000.00. Jared asked if Allen would like to have those comparable sales submitted. Allen responded he just had notes thus far and that the report would be forty pages long. He did submit the abbreviated analysis, see attached. Rick and Ed both stressed that anything he has to help his argument should be submitted for consideration by the Board. Allen further explained that this lot would be merged with his home but for the fact that title of the properties, while owned by him, were in different names. He also noted that access to the lot was by a right-of-way only and that septic is approved but based on an easement that is not established yet with another lot. Allen owning that lot as well.

Doug explained the Lister basis for mass re-appraisal which took into account many factors including, but not limited to, land schedules, 2 acre parcels, proximity to ski area, views, development on the parcel, land grade, and neighborhood grade.

There was some discussion about if the lot was developable with the current septic regulations. The Board felt it was up to the Allen to prove it was not if that is the case. However, Allen does not feel that a costly burden for an engineering study is burden he should have to bear.

Jared then explained that the hearing is open until after inspection. Any information that Allen wished to provide to support his position and argue that the lot is not developable will be accepted.

Jared, further explained that the Board will establish a date and time to inspect the property and let Allen know that information.

3. Brian Shea (Brian)– Parcel ID #14-041.003

Jared stated to Brian that the purpose of this meeting was to hear an appeal of the appraisal of your property and swore Brian in.

The Listers described the property as 4.3 acres on German Flats Road. It was assessed at \$105,600.00. There is no previous value as it was part of a larger parcel. Parcel is right across from the Beaver Pond on German Flats Road. It has a developed driveway.

Brian noted he is one of the Principal Brokers of Sugarbush Real Estate, with 36 years of experience. It's his opinion that the \$76,500.00 purchase price (purchased in December) is the fair market value of the parcel. He noted it was an arms-length transaction and he did not get any special preference even though the property was listed with his company. He explained that two offers came in, his being one of them. Both were told to make their best offer, he prevailed. He received no special preference. He does not believe that 9 months later it can be worth 30% more. He presented some Valley wide statistics and comparable parcels. See attached. He also thinks the grade aspect of the Town appraisal is inaccurate.

Ed, wanting to eliminate a concern, noted that the parcel did not exist until Brian purchased it and that Brian had helped set the selling price of the piece. Brain stated he had no input on the sale price of the parcel. One of his agents took the listing and helped set the sale price with comparable data for the Seller. Brian said that she was the only one representing the Seller. Ed stated that the agency had a financial stake in the sale.

Jared explained that the Board would visit the property within 30 days, would likely get the process done within the next 20-25 days.

Doug then spoke stating he had not come prepared to defend it as an arm's length transaction but since it had come up he did note that Brian had stated during grievance that he had been able to forfeit his portion of the real estate commission to make the deal happen. Brian said yes, he did not take the \$4000.00 commission. Doug stated that therefore his best offer was better than the other offer.

Doug continued, saying Brian was absolutely right in that they (the Listers) consider quality, access (road built in to lot), and developability. He said the land grade is 9, consistent with other undeveloped land in both the sales study and the grand list recent sales. See attached comparable parcels. Doug went over those comparable parcels as presented.

Sarah said the Listers had considered the site grade and build grade and felt the Listers did a pretty good job with grade 9. Yes, it was subjective but felt they were treating the properties across the Town of Fayston equitably.

Doug noted that mass appraisal is very different from real estate appraisals.

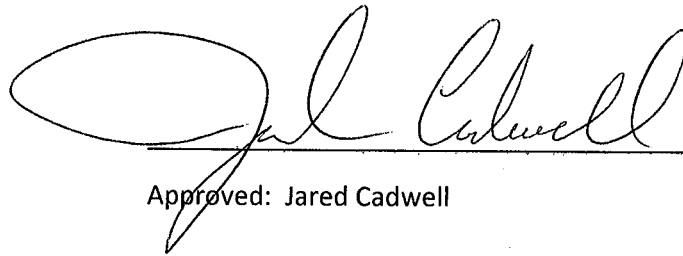
Jared then asked for a committee of three to do site inspections. Rick, Jared, and Tom volunteered and agreed to meet on July 6th, 2017 at 10:30 beginning at Alan Menards, moving at 11:00 to Allen Spector's, and then 11:30 to Brian Shea's property.

They will report back to the entire BCA on July 10, 2017 at 1:00 p.m.

Meeting adjourned at 11:30 a.m.

Respectfully Submitted:

Patti Lewis

A handwritten signature in black ink, appearing to read "Jared Cadwell", is written over a horizontal line. The signature is fluid and cursive.

Approved: Jared Cadwell