

Board of Civil Authority Meeting Minutes for Appeals Continuation August 15, 2017 Approved

Members Present: Nancy Ertle, Linda Weiss, Chris Groschner, Kathy Chapman, Tim O'Dell, Amy Peberdy, Bonnie Blodgett, Hal Drury, Laurie Sheridan, Steve Long and Russ Pazdro

Guests: Karen Galayda- Lister, John Copoulos and Mike Tkac

Meeting called to order at 6:08 p.m. by chair Linda Weiss

The minutes from the July 31, 2017 were reviewed. Steve moved to approve minutes with typo corrections. Amy seconded, the aye's have it.

Nancy spoke on an accusation of ex-parte communication. Chris had given Susan Fortunati the report from the inspection committee that went to the John Copoulos property to type up. Susan mentioned this to Nancy and gave her the hand written copy for the files. Nancy stated that she wished the committee's would put more information about the condition of the properties in the reports, however Chris did put in that the sheet rock was deteriorated. Karen over heard this and accused Nancy of having ex parte communication. Karen state that Nancy was discussing the particulars of a property inspection with Susan Fortunati." Nancy brought evidence in the form of Vermont State Statue's that this was not ex parte communication because "3 V.S.A. 813 says (1) may communicate with other members or employees of the agency; and (2) may have the aid and advice of one or more personal assistants." Also "24 V.S.A. 1207 says (a) A presiding officer shall not communicate, directly or indirectly, with any party, party's representative, party's counsel or any person interested in the outcome of the proceeding." The "party" being the Appellant. Linda read a section from the Handbook on Property Tax Appeals that also stated "a party to an appeal" Linda asked that the BCA be careful of what is discussed outside the meeting.

Nancy also spoke on the taking of pictures. Nancy Merrill from Property Tax and Review from the State stopped by her desk on the way into see the Listers and told her she had a complaint from someone saying that our BCA was taking pictures in people's houses and that it was against the law. Nancy checked in the Appeals handbook, the VLCT training guide and in the Vermont State Statues and couldn't find anywhere that it was against the law for the BCA to take pictures. She asked Nancy Merrill who called because she would redact the photos for that person's file if they weren't comfortable with it. Nancy Merrill said it was second hand information from her office and she didn't know. Nancy Merrill advised we ask the home owners before we take pictures.

There were questions about if we should retain pictures as part of the report. Chris said pictures were easier to show the rest of the committee the condition of the property. Linda said she would check with the state.

Karen asked to speak before the meeting started. She said the town spent \$60,000.00 hiring this professional company to do the reappraisal and that they had decades of experience in this. That Tom Cain did a fair and equitable evaluation and that we shouldn't change anything. She said if we changed anything we would be throwing off the balance of the Grand List and it wouldn't be fair and equitable anymore.

Linda moved the agenda to accommodate the Appellants that were present.

John Copoulos case: Nancy handed out the inspection reports. John commented on the sales comparison analysis that Tom Cain had submitted as evidence. He said the first two comparable's were too large and not legitimate comparable's for his property. He believes the third comparable is a legitimate comparable. Karen said they were limited in their comparable's because Tom would only let them use what was in our town and sold last year. John stated he thought his comparable was reasonable. Linda said his comp will be looked at in deliberative session. Karen said John's comparable has no basement or insulation or protection for the plumbing making it not comparable. John said that it was newer and has features his doesn't, like hot water etc.

Linda asked if there were any more questions, there were none.

Mike Tkac is present so the Board reviewed his next. Nancy handed out the inspection report. Mike wanted to point out that his unit costs on the Listers sheet had the floor rating more than double the comparisons the Listers provided. He stated the roof rating is also higher. Karen stated the unit cost is controlled by quality. Mike said his quality is higher and

asked how the Listers know this since they haven't been in. Mike said his quality last time was much lower. Karen said it was the same as his neighbors, Mike said no it's not. The unit cost for the floor in 2016 was 2.59 and the roof .85. Now in 2017 the floor is 7.07 and the roof is 2.05. Karen said that's because the Tom raised the quality from 3.5 to 4.5 which is based on viewing from the road of the windows and corners of the building. That more corners make it a higher quality because it costs more to make them, the same with the roof. Tim said the Listers system based on something seen from the road could seem like a fancy place but may not necessarily be so. Karen said that's why we do interior inspections.

Linda asked if there was additional information for Patty Duffy's property, there was none.

Linda asked if there was additional information for Christine Wilson. Nancy said there was a letter and pictures that Christine had sent in for evidence, which was labeled as evidence #3 which was passed out to all the BCA members. Karen said the Listers hadn't gone in until the day the inspection committee went in. There is no heat, foundation is held with a turnbuckle that goes to a retaining wall at the road side. It has been that way the whole time Christine Wilson has owned it, 10 years. Christine's evidence spoke about the land she lost due to the new bridge being put in. Karen said she was paid \$6000.00 for the land. Amy asked the value of the 1/3 of an acre, Karen said it was 13-14 thousand dollars. Amy asked if there was a view tax, Karen said sort of. Everyone has a house site value on the first 2 acres of \$25,000.00. Linda asked if it should be less, Karen said no it's based on driveway, septic and well. Karen said they have it listed as below average.

Discussion followed on valuing a property, costs, facts, quality and not acting like Listers.

Karen said the next avenue for people would be either the Supreme Court where they pay a few of \$350.00 or the State PVR with a fee of \$75.00. The State PVR would send an appraiser and would fix the value for 3 years.

Linda read from the handbook about how a conclusion was reached and read an example.

Chris asked if the Listers gave consideration to the loss of land on the Wilson property, Karen said the Listers think it's an improvement. Chris said if the loss of property was considered not the way the bridge looks. Karen said it was a wash the taking of land in comparison of the way it was left from the bridge being built. There was more discussion about next years and the Listers updating the land acreage. There was discussion about the BCA making decisions.

Linda asked for a motion to go into deliberative session. Hal moved to do so, Chris seconded, and the ayes have it.

The Board came out of deliberative session to make the following decisions:

On the Christine Wilson property- Russ moved to change the depreciation from 50% to 75% because the chimney is unsafe, racked framing, distressed interior finishes and sagging ridgeline. Chris seconded the ayes have it. The new value is \$54,132.00.

On the John Copolous property- Chris moved to reduce the listed value from \$111,900.00 to \$110,525.00 to account for the reduction of the usable square footage of the basement from 360 square feet to 270 square feet. Tim seconded, the ayes have it.

On the Mike Tkac property- Steve moved to adjust the total square footage of the Tkac property from 4516 square feet to 4218 square feet, which reduces the property value to \$572,172, Russ seconded the ayes have it.

On the Patty Duffy property- Linda moved we reduce the value from \$164,100 to \$155,893.00 because porch # 3 value changed to \$1125.00 because of no ceiling, functional depreciation changed from 1% to 5% due to the size and location of stairwell and condition of basement and porch #1 and the building lot changed from \$27,000.00 to \$25,000.00 for an average lot. The new valuation is \$155,893.00. Laurie seconded the ayes have it.

A review of the John Copolous decision- Linda moved to amend the decision on the Copolous property to adjust for porch #3 having no value, unsafe not usable as a result bottom line value is \$109,735.00.

Tim moved to adjourn with a continuation Russ seconded the ayes have it. Meeting adjourned at 9:40 p.m.