



**BOARD OF CIVIL AUTHORITY MEETING MINUTES
OF AUGUST 31, 2023**

Members: Darcie Abbene, Ed Wilson, Jane Foster, Julia Compagna, Richard Craig*, Shap Smith, Yvette Mason & Sara Haskins, Clerk.

Listers: Brian Yeaton, Charles Burnham, Duane Sprague, James DeShone (NEMRC), Marla Waring (NEMRC), Edgar Clodfelter (NEMRC)

Appellants: Michael Dunham, Robert Bortree, Ann Howard & Randy Bidwell

**participating via Zoom*

CALL MEETING TO ORDER

Chair Ed Wilson called the meeting to order at 6:00 PM at the Morrystown Municipal Building.

AGENDA CHANGES/ADDITIONS

None

HEARINGS PURSUANT TO TITLE 32 V.S.A § 4404(B) TO CONSIDER TAX ASSESSEMENT APPEALS

1. Administer oaths to BCA members

Sara Haskins, Clerk, administered the oath to all Board of Civil Authority members present.

2. 6:15 PM: Michael & Lorenda Dunham- 0 Lower Elmore Mtn Rd, Parcel ID#13044

Board of Civil Authority Chair, Ed Wilson opened the hearing at 6:07 PM as all members and appellants were present. Chair Wilson began by stating the hearing was for Michael & Lorenda J Dunham, 0 Lower Elmore Mountain Rd, Parcel ID#13044.

Chair Wilson administered the oath to Brian Yeaton, Duane Sprague, Charlies Burnham & James DeShone as Listers and their representative and to Michael Dunham as the appellant.

Chair Wilson asked the appellant if he received a copy of the rules of procedure and if he had any questions about how the hearing would proceed. The appellant stated he had received them and did not have any questions at that time.

Chair Wilson asked the BCA members to disclose any conflicts of interest and/or ex parte communication. There was none.

Chair Wilson asked the Listers to introduce the property on appeal. Lister Chair, Brian Yeaton introduced the property as owned by Michael & Lorenda J Dunham with 2.2 acres and no dwellings located at 0 Lower Elmore Mountain Rd with a current value of \$50,600. The BCA asked for a clarification question regarding where on Lower Elmore Mountain Rd the property was located.

Chair Wilson asked the appellant to present his valuation and supporting evidence. The appellant, Michael Dunham, submitted no written evidence but gave verbal testimony. Mr. Dunham shared testimony that the land will not pass a perk test and it is not a buildable lot. He purchased the land years ago for cheap and was told it would not perk at the time. He was going to trade the land a few years ago and had it tested and confirmed that it will not perk. He believes that the land grade of .5 is too high. He has land in another town that is assessed at a .2 land grade. He shared that it is worthless land because you cannot build on it but he has retained ownership of it because his family has owned property in Morristown since the 1840's and he wants to continue to own a piece of the town where he has roots in the community. He believes his property is overvalued but did not offer a proposed new valuation figure.

Chair Wilson asked the listers to present their valuation and supporting evidence. Brian Yeaton presented written evidence on behalf of the Listers including the property cost sheet and property record card for Michael & Lorenda J Dunham and for the three comparable properties of Brandon & Bradleigh Olson; 1554 Elmore Mountain Rd, Lynda & Michael Gaydos; 105 Carpentier Farm Rd and Thomas Dobbs Jr & Heidi Cruz; 0 Elmore Mountain Rd. The document was marked as Exhibit 1. The Listers shared that it is 2 acres on a very desirable road in town. They do not assess whether the land can perk or whether you can build on it. They assume all land in town can be built upon. They explained that it is wet land and that .5 is the lowest land grade value in town.

The Board of Civil Authority asked questions regarding the land. The appellant shared that it is like a pinnacle or point with water on both sides of it. They ask the Listers if there were any other comparable land in town. The Listers stated that there was not.

The inspection committee was appointed of members Shap Smith, Darcie Abbene & Jane Foster. They will inspect the property the morning of Friday, September 8, 2023. The homeowner stated that he does not need to be there but will plan to meet them at the time of the inspection.

*Motion made by Shap Smith to recess the hearing until 6:00 PM on Thursday, September 28, 2023.
Motion seconded by Darcie Abbene. Motion passed. (5/0)*

3. 6:45 PM: Robert Bortree & Ann Howard- 4603 Randolph Rd, Parcel ID#17009-08

Julia Compagna joined the meeting in person. Richard Craig & Edgar Clodfelter joined the meeting via zoom. Sara Haskins, Clerk, administered the oath to Julia & Richard.

Board of Civil Authority Chair, Ed Wilson opened the hearing at 6:45 PM by stating the hearing was for Robert Bortree & Ann Howard, 4603 Randolph Rd, Parcel ID#17009-08.

Chair Wilson administered the oath to Brian Yeaton, Duane Sprague, Charlies Burnham & James DeShone as Listers and their representative and to Robert Bortree & Ann Howard as the appellants.

Chair Wilson asked the appellants if they received a copy of the rules of procedure and if they had any

questions about how the hearing would proceed. The appellants stated they had received them and did not have any questions at that time.

Chair Wilson asked the BCA members to disclose any conflicts of interest and/or ex parte communication. There was none.

Chair Wilson asked the Listers to introduce the property on appeal. Lister Chair, Brian Yeaton introduced the property as owned by Robert Bortree & Ann Howard with 7.6 acres and dwellings located at 4603 Randolph Rd with a current value of \$644,900.

Chair Wilson asked the appellants to present their valuation and supporting evidence. The appellants, Robert Bortree & Ann Howard, submitted written evidence including a packet of information containing a land use permit, protective covenants, restrictions for the Act 250 process, and a map of the property. The document was marked as Exhibit 2. They also submitted a list of 6 comparable properties to review: Peter Wilcox; 4925 Randolph Rd, Peter Grasso; 0 Small Farm Rd, Kevin Hackett; 432 Small Farm Rd, Michael Palermo; 979 Stancliff Rd, Laura Streets; 359 Campbell Rd, and Kary Bennett; 1089 Campbell Rd. The document was marked as Exhibit 3. They are not grieving the value of the dwelling, only the land. The appellants testified that although they own 7.6 acres all but about 2 acres are encumbered by easements and the housesite size is only about 1/3 of an acre. The rest of the property is restricted by the Act 250 process and by easements and covenants. There is a wetland boundary, the land can not be subdivided, there is a community leach field easement, a stream buffer, building zone limits, telephone easements, road easements, sewer easements, community wastewater disposal system easements, and cull du sac easements. They can not add solar, a garage, or cut down any trees for a view. They have their own house and a tiny shed on stilts for the lawn mower & snow blower. They tried to offer this evidence during the grievance process but it was not received. There are brand new houses around them with no restrictions and their home is 20 years old and assessed for more. They believe their property is overvalued. They presented the dwelling and site improvement value of \$387,500 and a land value of \$200,000 for a total fair appraisal value of \$587,500.

Chair Wilson asked the listers to present their valuation and supporting evidence. Brian Yeaton presented written evidence on behalf of the Listers including the property cost sheet and property record card for Robert Bortree & Ann Howard and for the three comparable properties of Christopher Graham & Ekaterina Roze; 124 Adams Way, William Kennedy & William Carleton; 5027 Randolph Rd, and Nicholas Stolowitz, 4605 Randolph Rd. The document was marked as Exhibit 1. Brian Yeaton explained that the homesite value is the first two acres with the dwelling and that the land of the homesite value is billed at one rate and any additional acres are billed at a lower rate. The first two homesite acres were valued at \$300,000 and the additional 5.6 acres were valued at \$17,500.

The Board of Civil Authority asked questions regarding the comparables presented by the Listers and the difference in land grades they were valued at. The BCA asked the Listers if they take into account easements or covenants on a property. The Listers testified that by state statute they are not allowed to look at easements on the first two acres but they can on any additional acres. They can not consider convenances as they are not legally enforceable by the town. The Listers further testified that the land in that area is selling at that land grade rate. The appellants shared that their property is very different than others in the area and the only person who would buy that land would be someone who wanted to be a steward of the land.

The inspection committee was appointed of members Julia Compagna, Yvette Mason & Jane Foster. They will inspect the property on the evening of Thursday, September 7, 2023. The homeowners wish to be in attendance at the time of the inspection.

*Motion made by Jane Foster to recess the hearing until 6:00 PM on Thursday, September 28, 2023.
Motion seconded by Yvette Mason. Motion passed. (7/0)*

4. 7:15 PM: Donald & Lela Avery– 637 Duhamel Rd, Parcel ID: 07206 (Withdrawn)

Sara Haskins announced that the appellants Donald & Lela Avey have submitted a written withdrawal for their appeal and the hearing was closed.

5. 7:15 PM: Randy Bidwell, 1244 Cole Hill Rd, Parcel ID: 12029-01

Having conflicts with the next appeal, Julia Compagna recused herself and left the meeting.

Board of Civil Authority Chair, Ed Wilson opened the hearing at 6:25 PM by stating the hearing was for Randy Bidwell, 1244 Cole Hill Rd, Parcel ID#12029-01.

Chair Wilson administered the oath to Brian Yeaton, Duane Sprague, Charlies Burnham & James DeShone as Listers and their representative and to Randy Bidwell as the appellant.

Chair Wilson asked the appellant if he received a copy of the rules of procedure and if he had any questions about how the hearing would proceed. The appellant stated he had received them and did not have any questions at that time.

Chair Wilson asked the BCA members to disclose any conflicts of interest and/or ex parte communication. There was none, as Julia Compagna recused herself and had already left the meeting.

Chair Wilson asked the Listers to introduce the property on appeal. Lister Chair, Brian Yeaton introduced the property as owned by Randy Bidwell with 2.5 acres and dwellings located at 1244 Cole Hill Rd with a current value of \$171,600.

Chair Wilson asked the appellant to present his valuation and supporting evidence. The appellant, Randy Bidwell, submitted no written evidence but gave verbal testimony. Mr. Bidwell shared testimony that it is an old mobile home on the corner of Cole Hill & Mud City Loop and that the assessment is an incredible increase for a 40-year-old mobile home. He believes his property is overvalued but did not offer a proposed new valuation figure. He is grieving both the land and dwelling assessments.

Chair Wilson asked the listers to present their valuation and supporting evidence. Brian Yeaton presented written evidence on behalf of the Listers including the property cost sheet and property record card for Randy Bidwell and for the three comparable properties of Brothers Rte 15 LLC; 354 VT Rte 15W, Jewel of the Hill LLC; 394 Cote Hill Rd, and 174 Dear Run LLC; 174 Dear Run Ave. The document was marked as Exhibit 1. The Listers shared that the value of the dwelling was depreciated by 53%. The first two acres were valued at a land grade of 1 and the remaining acres at a land grade of .8.

The Board of Civil Authority asked questions regarding the land. It is a buildable lot that is located on the corner of a busy intersection. The Listers shared that the land is valued at the lowest grade and would only be lower if it was swamp land or land on a cliff. The appellant further shared that it is not

an ideal lot and only 1 acre of it can be used as a building site.

The inspection committee was appointed of members Shap Smith, Darcie Abbene & Yvette Mason. They will inspect the property on the morning of Tuesday, September 19, 2023. The homeowner stated that he would like to be there at the time of the inspection.

Motion made by Darcie Abbene to recess the hearing until 6:00 PM on Thursday, September 28, 2023.

Motion seconded by Shap Smirth. Motion passed. (6/0)

Please note all minutes are in Draft form and are subject to approval at the next Board of Civil Authority meeting.