



**BOARD OF CIVIL AUTHORITY MEETING MINUTES
OF SEPTEMBER 14, 2023**

Members: Donnie Blake, Ed Wilson, Leah Hollenberger, Monte Mason, Shelley Nolan, Urban Martin, Yvette Mason, Don McDowell, Sara Haskins (Clerk)

Listers: Charles Burnham & Duane Sprague

Appellants: Scott Brinkman, Michael Kochman

**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

Move the administration of oaths to #2 after Brinkman/Giroux hearing.

APPROVE MINUTES

1. Approve minutes of August 15, 2023

Motion made by Monte Mason to approve the minutes of August 15, 2023. Motion seconded by Urban Martin. Motion carried. (8/0)

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 the Board of Civil Authority Members after the Brinkman/Giroux hearing was closed.

2. 6:00 PM: Scott Brinkman & Cheri Giroux- 477 Moren Loop, Parcel ID# 11042

Chair Wilson reopened the hearing at 6:02 PM.

Leah Hollenberger presented the inspection report on behalf of the inspection committee. The inspection committee comprising of Monte Mason, Urban Martin, and Leah Hollenberger inspected the property owned by Scott Brinkman & Cheri Giroux located at 477 Moren Loop at approximately 2:30 PM on Tuesday, August 22, 2023. The residence is located on 3.75 acres on Moren Loop. It is very well maintained. The hillside lot is primarily open meadow with a scenic view toward Mt. Elmore. A chicken coop/garden shed, a large greenhouse with a surrounding garden, and a mound system septic are on the land. The land houses a spring-fed pond from which the house's water is gravity-fed. Its

condition appears to support the testimony that the original building was constructed in 1975 with the addition of an unfinished two-story garage, a finished mudroom, and a finished room with concrete floor (called the “dog room” by the owners). These additions were constructed 8-9 years ago. A screened-in porch with a cathedral ceiling was built in 2012, along with an open small porch/landing at the door to the outside providing space for an outdoor grill. The unfinished, unheated garage houses a woodshop on the second floor, which also has roughed-in electrical to add a bathroom that would connect to the master bedroom. The “dog room” and the mud room are heated and fully finished and used as living space. A wood shed is located off of the “dog room” and is accessible via a door from the “dog room.” The first floor of the house consists of the mudroom, living room, kitchen, dining room, dog room, and screened-in porch. The second floor houses 2 bedrooms, and a full bath. One bedroom had minor water damage by the ceiling. The kitchen had composite countertops and stainless steel appliances. The basement is primarily unfinished with the exception of snap-together flooring in the hallway, and an existing bathroom which was renovated to create a laundry room. The laundry room has finished walls and floor, with a washer/dryer, sink and a counter. The room can be closed off from the rest of the basement with a sliding wooden door. The stairwell to the basement is unfinished. Several stainless steel refrigeration units are located in the basement. The condition of the house is good/very good. Good quality floors and finishes are throughout the house, with good, contemporary lighting/wiring. The value under appeal is \$697,500, with a building grade of 4.00 Good and SI bldg. lot grade of 3.00 valued at \$300,000. The inspection committee observed limited views of several comparable properties, including 2129 Sterling Valley Road and 1725 Sterling Valley Road.

Chair Wilson invited final questions from the BCA. There were none.

Chair Wilson invited final comments from the appellant. There were none.

Chair Wilson invited final comments from the Listers. There were none.

Motion made by Leah Hollenberger to close the hearing. Motion seconded by Donnie Blake. Motion passed (8/0).

Chair Wilson explained to the appellant that the BCA will enter a deliberative session and will issue a written decision within 15 days.

The hearing was closed at 6:09 PM.

The Board entered into a deliberative session at 6:11 PM. Donnie Blake recused himself from voting during the deliberative session as he was not at the initial hearing.

At 6:31 PM the Board exited the deliberative session.

3. 6:30 PM: Craig Santenello- 702 Cote Hill Rd, Parcel ID# 07128

Monte Mason & Don McDowell left the meeting due to scheduling conflicts.

Board of Civil Authority Chair Ed Wilson opened the hearing at 6:40 PM by stating the hearing was for Mavaho Family Trust, Craig Santenello & Josee Gingues, 702 Cote Hill Rd Parcel ID# 07128.

Chair Wilson administered the oath to Duane Sprague & Charles Burnham as Listers. The appellant nor a representative were present.

As the appellant was not present, Chair Wilson could not ask the appellant if he received a copy of the rules of procedure and if he had any questions about how the hearing would proceed.

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 Charles Burnham introduced the property as owned by Mavaho Family Trust, Craig Santenello & Josee Gingues which is a 5.02 acres and a dwelling with an outbuilding located at 702 Cote Hill Rd with a current value of \$560,900. It was reduced during the pre-grievance process from \$572,700.00 and was purchased by the appellant in July 2022 for \$628,000.

As the appellant was not present, Chair Wilson read the letter submitted by Mr Santenello dated July 19, 2023 as testimony. Mr Santenello wrote that he submitted evidence on grievance day to the Board of Listers that the listed value for his property exceeds the percentage of listed value actually applied to the general mass of property in the community. His findings were conveyed by reviewing MLS sheets of 5 recently sold properties. He believes that the Listers did not meet their burden of justifying the appraisal with evidence demonstrating compliance in regard to uniformity. There were no specific properties mentioned in the letter. He believes his property is overvalued but did not offer a proposed new valuation figure nor did the letter specify if he was grieving just the land, just the dwelling or the whole property.

Chair Wilson asked the Listers to present their valuation and supporting evidence. Charles Burnham presented written evidence on behalf of the Listers including the property cost sheet and property record card for Mavaho Family Trust, Craig Santenello & Josee Gingues and the three comparable properties of Anton Voinov, 3503 Walton Rd; Spencer & Dana Weneck, 2421 Walton Rd; and Peter Boyle Revocable Trust, 1247 River Ridge Rd. The document was marked as Exhibit 1. The Listers stated the property was valued at 10% less than what the appellant purchased the property for a year ago. The Listers testified that they do not review MLS sheets but review Listers property record cards and that the two are different and can't be used to compare each other.

The Board of Civil Authority had questions regarding the information submitted during the grievance process. The appellant was not present to answer the questions.

The inspection committee was appointed of members Urban Martin, Shelley Nolan & Yvette Mason. They instructed Sara Haskins to reach out to the appellant to set a time that will work for him but proposed the tentative dates of September 19 or 22, 2023.

Motion made by Leah Hollenberger to recess the hearing until 6:00 PM on Thursday, October 5, 2023. Motion seconded by Shelley Nolan. Motion passed (6/0.)

4. 7:00 PM: Michael Kochman & Cheryl Gaza- 104 Grey Farm Rd, Parcel ID#16111-0702

Board of Civil Authority Chair Ed Wilson opened the hearing at 7:03 PM by stating the hearing was for Michael Kochman & Cheryl Gaza, 104 Gray Farm Rd Parcel ID# 16111-0702.

Chair Wilson administered the oath to Duane Sprague and Charles Burnham as Listers and to Michael Kochman 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, Charles Burnham introduced the property as owned by Michael Kochman & Cheryl Gaza which is 2.65 acres and a dwelling located at 104 Gray Farm Rd with a current value of \$563,100.

Chair Wilson asked the appellant to present his valuation and supporting evidence. The appellant, Michael Kochman submitted a packet including a letter, a photo of their pond, a Zillow listing of his property, and a list of properties on the page of the change of appraisal notices where his property was listed. The appellant highlighted a few properties on the list with high jumps in value. Additionally, he averaged the changes in values on his spreadsheet; the average was 65% whereas his was a 112% increase. This packet was marked as Exhibit 2. The appellant shared three reasons for his appeal. The first is due to the change in the value of his property not being in line with the average of the valuation increase. The second reason was that the Listers did not take into consideration that the pond has a negative impact on the value in his opinion. His property is located next to the Moran Farm and there is effluence from that farm flowing directly into the pond. The pond has no recreational value and it is not safe to swim in. The third was that the fair market value listed by Zillow was \$493,200 on 9/10/2023. He believes his property is overvalued but did not offer a proposed new valuation figure. He is grieving both the value of the land and the dwelling.

Chair Wilson asked the Listers to present their valuation and supporting evidence. Charles Burnham presented written evidence on behalf of the Listers including the property cost sheet and property record card for Michael Kochman & Cheryl Gaza and for the three comparable properties of William & Caroline Kennedy, 5027 Randolph Rd; Spencer & Dana Weneck, 2421 Walton Rd; Alexander Alfonso, 1725 Sterling Valley Rd; and Kevin & Linnae Faith, 42 Moren Loop. The document was marked as Exhibit 1. The Listers testified that the pond was valued at \$5,000 which is a low value for a pond.

The Board of Civil Authority asked the appellant if the condition of the pond was similar now to how it was in 2018 when the submitted photo was taken. The appellant asked the Listers if they had calculated and average of the increase for all properties in town. The Listers testified they had not because different neighborhoods have different values, so you can't accurately compare them. The appellant also testified that there is a nine-unit apartment building currently assessed for less than his. The Listers explained they didn't know which property that was and therefore did not have information regarding the differences between them.

The inspection committee was appointed of members Urban Martin, Shelley Nolan & Yvette Mason. They instructed Sara Haskins to reach out to the appellant to set a time that would work for him once she had heard back from Craig Santenello to schedule them on the same day, but proposed the tentative dates of September 19 or 22, 2023.

Motion made by Leah Hollenberger to recess the hearing until 6:00 PM on Thursday, October 5, 2023. Motion seconded by Shelley Nolan. Motion passed (6/0.)

The Board recessed the hearings at 7:37 PM.

Submitted and filed this 18 of September, 2023

Sara Haskins, Clerk

Updated for typos corrected on September 21, 2023

ADJOURN

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