TOWN OF MORRISTOWN
18 LOWER MAIN STREET
MORRISVILLE, VERMONT 05661-0748

BOARD OF CIVIL AUTHORITY MEETING

The Board of Civil Authority of the Town of Morristown, notified and warned to meet at the Conference Room of the Tegue Building at the 43 Portland Street in said town on Thursday, the 23rd day of October 2003, reconvened its meeting at 6:30 P.M.

Members present: T. Breault, K.Campbell, J. Greene, T. Hirchak, M. Lambert, S. Leach, S. Rooney, E. Wilson, S. Bryer, J. Paige, M. Struhsacker, and M.A. Wilson.

Listers present: F. Favreau, and D. Sanborn.

Reappraisal Consultant present: T. Vickery

Chairman Hirchak opened the reconvened hearing at 6:35 pm.

AGENDA:

1. The B.C.A. members signed an oath to hear and determine all matters at issue between taxpayers and listers submitted for their decision. Oath was administered to the listers, affirming that all evidence given relative to the cause under consideration shall be the whole truth.

2. Appeal #2003-11: Oneal Demars – Parcel #20001-01
   a. Oath administered to Mr. Demars, and his letter of appeal was read to the board.
   b. Mr. Demars testified that although the parcel at 63 Professional Drive includes 12.7 acres, much of it is unusable. A ravine running through the parcel encompasses 4.11 acres for drainage. Permits for development of the parcel required that 1.56 acres be reserved for the future alternate truck route. The State denied the use of .6 acres for construction of mini storage warehouses because of the proximity to a stream. Additionally, there is a permanent easement to Vermont Precision Woodworks that runs through the parcel (no acreage declared). Because of these facts, the listers reduced the value at grievance. The parcel is assessed as commercial land, and Mr. Demars testified that much of the surrounding land is assessed as industrial – using a lower cost per acre. Mr. Demars still considers the assessment too high because so much of the land is unusable, and there is limited road frontage.
   c. Tom Vickery responded for the listers. He presented Listers' Exhibit I, and explained that the land is in the business district where values are higher. However, an adjustment was made by grading the entire 12.7 acres of land at a .50 factor for a total of $312,500 which is significantly lower than comparable commercial properties. Comps presented were Menard's Agway Store: 1.4 acres is graded at 1.30 for a total of $227,500 and the Carr property of .65 acres is graded at 1.20 for a total of $162,000.
   d. An inspection committee made up of Paul Griswold - Chair, Jane Greene and Steve Leach was assigned. Ken Campbell, a former Demars' employee, abstained from participation in this tax appeal.

3. Appeal #2003-12: Oneal Demars – Parcel #21130.
   a. Mr. Demars testified that this parcel at 481 Brooklyn Street is contiguous with the parcel at 63 Professional Drive. It has the same land restrictions with the ravine passing through the edge of the property. In order to meet the setbacks for the construction of the new office building and parking area, variances were required. The parcel is located in the Village district, but Mr. Demars feels that it should not be considered commercial property. The adjoining 1.8 acre parcel to the south is assessed as residential property, and the 3.9 acre parcel – formerly Demars Hardware on Harrel Stree, is assessed as industrial property.

b. Tom Vickery responded for the listers. He presented Listers' Exhibit II that showed how the .5 acre parcel had been assessed with a land grade of .80. That is significantly lower than comparable neighborhood properties, ie: the Carr parcel is .65 acres at a land grade of 1.20; Valley Holdings, Inc. is 1.62 acres at a grade of 1.10; Menard parcel is 1.4 acres at a grade of 1.30. For the 2003 Grand List, this Demars' parcel only included the land and site value and no buildings.
c. An inspection committee made up of Paul Griswold - Chair, Jane Greene and Steve Leach was assigned.

4. Appeal #2003-13: Oneal Demars – Parcel #08150
   a. Mr. Demars testified that this parcel is very narrow – only 50' wide on Route 15. It has very limited use and has been grandfathered for zoning for office use only. Parcel 08133, located behind the Ken Wolfe residence will only accommodate parking for the office building.
   b. Tom Vickery responded for the listers. He presented Listers' Exhibit III that showed how the .77 acre parcel had been assessed with a land grade factor of 1.00 and that is lower than comparable parcels in the area. From the Exhibit, see the Carr parcel of .65 acres at a land grade of 1.20; Valley Holdings, Inc. – 1.62 acres at a grade of 1.10; Menard parcel of 1.4 acres at a grade of 1.30. The factor of 1.00 was used because most of the road frontage is on Sunset Drive rather than on Route 15. Mr. Vickery was in agreement that the highest and best use of the parcel is as an office building location.
   c. An inspection committee made up of Paul Griswold - Chair, Jane Greene and Steve Leach was assigned.

5. Appeal #2003-14: Gene Ann Condon – Parcel #12159-01.
   a. Ms. Condon did not appear due to illness. She agreed to have her appeal brought before the B.C.A. without her being present. Clerk Wilson read her letters of appeal that stated that her property is assessed disproportionately above the assessed value of the neighboring Rago and Danforth properties. In her prior grievance letter to the listers, which she references in her appeal letter, she states that the value of her property has been severely reduced by the development of the North Country Animal League located across the street from her property.
   b. Tom Vickery responded for the listers. He presented Listers' Exhibit I that showed how the 2.3 acre parcel had been assessed with a land grade factor of 1.00. This represents a reduction for the proximity of NCAL. Other parcels in the neighborhood that Ms. C to were assigned the same reduction. However, Mr. Vickery testified that becaus sales to use for comparison, it is difficult to calculate what negative dollar effe property has on surrounding properties.
   c. An inspection committee made up of Ed Wilson - Chair, Peg Lambert and Theres assigned. Ken Campbell abstained from serving on Ms. Condon's tax appeal.

Need inspection rept

Tom Vickery left the hearings at 7:25 PM.

6. On a motion by Ken Campbell with a second by Steve Leach, the minutes of the meeting of approved as presented.

7. On a motion by Steve Leach with a second by Mark Struhsacker, the board voted affirmatively to accept the report of the inspection committee for Pinecrest Mobile Home Park – appeal #2003-08.

8. On a motion by Jim Paige with a second by Peg Lambert, the board voted affirmatively to accept the oral affirmation from the inspection committee for appeal #2003-10. Upon receiving the inspection committee at his property on Saturday, October 11, 2003 at 9:00 AM, Mr. Weltman personally stated that the assessment calculated after grievance to the listers was acceptable, and no further action was necessary from the BCA.

9. On a motion by Peg Lambert, with a second by Steve Leach, the board voted to go in to deliberative session at 7:37 pm. The purpose was to prepare notices of decision on the appeals of Pinecrest Mobil Home Park and Ahnna Lake.

10. On a motion by Ken Campbell, with a second by Jim Paige, the board voted to come out of deliberative session at 7:52 pm. The board instructed the clerk to prepare the Official Notice of Decisions for the appeals based on the information gathered in the deliberative session. (See attached *Official Notices.*)

11. Under other business, Clerk Wilson updated the board on the schedule of appeals for the 11/06/03 meeting.

12. Upon motion, the meeting was recessed at 8:00 pm until November 6, 2003 at 6:30 pm.

Respectfully submitted,

Ma Wilson

Mary Ann Wilson
Clerk – B.C.A.