

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 43 Portland Street in said town on Thursday, the 9th day of October 2003, reconvened its meeting at 6:30 P.M.

Members present: T. Breault, K. Campbell, J. Greene, T. Hirschak, S. Leach, S. Rooney, E. Wilson, S. Bryer, B. Greenia, B. Kellogg, M. Struhsacker, J. Paige, P. Griswold, D. Andrews, M. Lambert, D. Yacovone and M.A. Wilson.

Listers present: F. Favreau and D. Sanborn.

Reappraisal Consultant present: T. Vickery

Chairman Hirschak 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 #2003-08: Pinecrest Mobile Home Park – Parcel #12096
 - a. Oath administered to Mr. John Wilking, President of Neville Companies, Inc.
 - b. Letter of appeal was read.
 - c. Mr. Wilking presented appellant's Exhibit I – Arguments for reducing the assessment of the mobile home park.
 - i. Current income stream does not sustain listers' value.
 - ii. Pending sale to a non profit is a non-issue. No contract currently exists, and all negotiations for the purchase have failed.
 - iii. Anticipation of an assessment reduction based on several troublesome issues at the mobile home park including a water system containing uranium and radium, the state's uncertainty on the permitting of filtered by-products into the septic flow, and a sewage collection system dating from the late 1960's and unpaved roads inside the park.
 - iv. Recognition of value loss due to historic and systemic vacancy problems, credit loss and eviction issues.
 - d. Tom Vickery presented the current listers' card for the property and a copy of a Notification to Department of Housing and Community Affairs of *Intent to Sell a Mobile Home Park* as Listers' Exhibit #1. He testified that prior to the reappraisal, the park was listed at \$375,200. The Neville Co. purchased the park in 2001 for \$725,000 which Mr. Vickery considered a fair price. The reappraisal value of \$819,800 was set before the listers received a copy of the purchase and sale agreement. He agrees that the company has begun to address the problems and is improving the situation. Mr. Vickery believes that the income stream supports the current assessment of \$819,800.
 - e. An inspection committee made up of Paul Griswold - Chair, Peg Lambert and Dave Yacovone was assigned. They will arrange a date to meet with the appellant.
 - f. Dawn Andrews recused herself from this tax appeal because she is board chairwoman of the Lamoille Housing Partnership, the non-profit organization that originally made an offer on the park,

3. Appeal #2003-09: Ahnna Lake – Parcel #11054

- a. Oath administered to Ms. Lake and her father, Tim Lake. The letter of appeal was read to the board.
- b. Mr. Lake testified that the original assessment of \$583,500 was reduced to \$452,700 at grievance. He believes that is still too high because, although there are 16.9 acres, the parcel cannot be subdivided due to minimum requirements for a septic system, leaving it a one-house lot without any outstanding views, a medium quality home, 2-car garage with office and a barn. He estimates that the total replacement cost “new” would be \$281,000. He requested that the assessment be lowered to \$375,000.
- c. T. Vickery testified for the listers and presented Lister’s Exhibit I, that included the Lake’s assessments before and after grievance and a correction of a square foot discrepancy. He also included comparables in the Artic Lane area of the town. He stated that the location is heavily influenced by prices reflected in the Stowe real estate market.
- d. An inspection committee made up of Jim Paige - Chair, Ed Wilson and Theresa Breault was assigned. They agreed to meet with the appellant on October 11, 2003 at 8:00am.

4. Appeal #2003-10: James Atkins and John Weltman – Parcel #11029.

- a. Appellants were not present, but their letter of appeal was read to the board.
- b. T. Vickery testified for the listers and presented Lister’s Exhibit I, that included the assessments before and after grievance, showing a reduction from \$352,600 to \$341,500. There has been no response from the appellants since the change of appraisal notice dated 9/23/03. The appellants purchased this unique property for \$343,750 in November 2001. It is similar in square feet and quality of construction as the other properties in the Sterling Valley area under appeal.

An inspection committee made up of Jim Paige - Chair, Ed Wilson, Peg Lambert and Theresa Breault was assigned. They agreed to meet with the appellant on October 11, 2003 at 9:00am.

Tom Vickery left the meeting at 8:15 pm.

5. On a motion by Brian Greenia with a second by Ken Campbell, the minutes of the meeting of 9/25/03 were approved as presented.
6. Clerk Wilson reported that on September 30, 2003, she received a letter from appellants Merrill Spaulding and Shirley McLean, withdrawing their appeal and canceling their appointment with the inspection committee.
7. On a motion by Jim Paige with a second by Paul Griswold, the inspection committee report was presented on the Lila Languerand appeal #2003-05. When the question was called, 8 voted to accept the report and 7 disapproved. Motion carried. (See attached.)
8. On a motion by Paul Griswold with a second by Dawn Andrews, the inspection committee report was presented on the Ernest Allen appeal #2003-06. When the question was called, the majority voted to accept the report and one member disapproved. Motion carried. (See attached.)
9. On a motion by Jim Paige with a second by Peg Lambert, the inspection committee report was presented on the Richard Babcock appeal #2003-07. When the question was called, the majority voted to accept the report and one member disapproved. Motion carried. (See attached.)
10. On a motion by Steve Leach, with a second by Jim Paige, the board voted to go in to deliberative session at 8:15 pm. Listers Francis Favreau and David Sanborn were included. The purpose was to prepare notices of decision on the appeals of Lila Languerand, Ernest Allen and Richard Babcock..

11. On a motion by Steve Leach, with a second by Brian Greenia, the board voted to come out of deliberative session at 9:00 pm. The board instructed the clerk to prepare the Official Notice of Decision for the Languerand, Allen and Babcock appeals based on the information gathered in the deliberative session. (See attached *Official Notices*) ✓
12. The Board of Civil Authority, as duly warned, entered into consideration of abatement of real estate and personal property taxes assessed.
 - a. On a motion by Paul Griswold with a second by Peg Lambert, the board voted affirmatively to abate taxes, penalty and interest on the abandoned mobile home property of Mark and Lori Cochran (ID #70001):
 - i. 2001-2002 taxes in the amount of \$132.08
 - ii. 2002-2003 taxes in the amount of \$130.48
 - iii. 2003-2004 taxes in the amount of \$ 65.72
 - b. On a motion by Jim Paige with a second by Mark Struhsacker, the board voted affirmatively to abate the 2002-2003 taxes, penalty and interest of \$323.06 on a mobile home belonging to Kathy Hamel (ID #70060) that was sold in 2001 and moved to Johnson. Listers failed to remove from the grand list.
 - c. On a motion by Theresa Breault with a second by Dawn Andrews, the board voted affirmatively to abate the 2002-2003 taxes, penalty and interest of \$37.66 on personal property belonging to Robert Ianni (ID #90207). His business closed in 2001, and the Listers failed to remove from the grand list.
 - d. On a motion by Dawn Andrews with a second by Ken Campbell, the board voted affirmatively to abate the 2002-2003 interest and certified mail charge totaling \$4.46 of Monica Darrah (ID #70012). The certified letter and her payment crossed in the mail.
 - e. On a motion by Dawn Andrews with a second by Theresa Breault, the board voted affirmatively to abate the 2002-2003 interest and certified mail charge totaling \$4.46 of Bryan and Lisa Baker (ID #09037). The certified letter and their payment crossed in the mail.
 - f. On a motion by Dawn Andrews with a second by Mark Struhsacker, the board voted affirmatively to abate the 2003-2004 taxes, of \$81.72 on personal property belonging to Heller Financial Services ID #90100). The lease was terminated, and the equipment removed from town in 2002. The Listers failed to remove from the grand list.
 - g. On a motion by Dawn Andrews with a second by Jane Greene, the board voted affirmatively to abate the 2003-2004 taxes of \$5,762.16 on parcel # OCOMM.SALE – the Green Mountain Block. This was a worksheet by the appraiser that was inadvertently entered into the grand list. The property is included in the Union Bank parcel.
 - h. On a motion by Ed Wilson with a second by Theresa Breault, the board voted affirmatively to abate the 2003-2004 taxes of \$483.36 on a mobile home owned by Countryside Management (ID #70017). This was the result of a foreclosure, and the mobile home was moved to Maine in June of 2003. All taxes for 2002-2003 were paid in full by Countryside.
 - i. On a motion by Peg Lambert with a second by Theresa Breault, the board voted affirmatively to abate the 2003-2004 taxes of \$165.36 and issue a credit in the same amount on a parcel owned by Mike Dunham (ID #13044). The site had not met the minimum conditions for approval of a house lot, and on-site sewage cannot be located. The listers reassessed it as bulk land, reducing the grand list of the parcel.

j. Recap of abatements:

2001-2002	\$ 132.08
2002-2003	500.12
2003-2004	<u>6,492.60</u>
Total all years	\$7,124.80

13. Under other business, Clerk Wilson read the final decisions for the Guy and Lambert appeals for the board's information.

14. With no other business to come before the board, upon motion, the meeting was recessed at 9:20 pm until October 23, 2003 at 6:30 pm.

Respectfully submitted,



Mary Ann Wilson
Clerk – B.C.A.