

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 25th day of September 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, and M.A. Wilson.

Listers present: L. Phelps, F. Favreau, D. Sanborn.

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 #2003-03: Gene Ann Condon – Parcel #12159.01
Ms. Condon was ill and unable to attend this hearing. She has been rescheduled on 10/23/03 at 8:30 pm.
3. Appeal #2003-04: Merrill Spaulding and Shirley McLean – Parcel #13149.
 - a. Oath administered to Mr. Spaulding, Ms. McLean and Sherry Bowl, and their letter of appeal was read to the board.
 - b. Ms. Bowl testified that the parcel cannot be sub-divided or built upon. There are structural deficiencies in the dwelling, including the porch which needs to be torn down and will not be replaced. The windows are very old, and the furnace is 30 years old. She submitted comparables from Linda Seville as Appellants Exhibit #1, and asked for a reduction in the listed value
 - c. Lynn Phelps presented the current listers' card for the property as Listers' Exhibit #1. She clarified the land value, putting the 2 acre homesite at grade 1.0 and the additional 2.4 acres at .7. The house was given an additional 15% physical depreciation beyond the average depreciation for a home built in 1976, and the porch was depreciated to \$1300.00. Landscaping was valued below average.
 - d. An inspection committee made up of Jane Greene - Chair, Theresa Breault and Mark Struhsacker was assigned. They agreed to meet with the appellants on October 2, 2003 at 5:30 pm.
4. Appeal #2003-05: Lila Languerand – Parcel #11006
 - a. Oath administered to Ms. Languerand, and her letter of appeal was read to the board.
 - b. Ms. Languerand testified that her 10.1 acres cannot be divided into lots comparable to Jersey Heights, she does not have any village amenities, and she feels that her property has not been fairly assessed. She also expressed that she felt it was unfair of the listers to add a deck, 8 dormers and increased floor space.
 - c. L. Phelps testified for the listers. The assessment included one eight- foot dormer, not 8 dormers. Prior to this reappraisal, the second floor had only been estimated. The current listers measured the space from the 4' knee wall and considered it usable space. They have done this consistently for all properties. They valued the condition of the house as good, and gave an additional 15% physical depreciation. They valued the land grade as 1.0 for the homesite of 2 acres, and the other 8.1 acres were valued at .8. Along with the listers' card, Lynn submitted a chart showing how the adjoining properties of her brothers and

sisters had been valued. (Listers' Exhibit I) At grievance, the assessment was reduced from \$172,400 to \$168,500.

- d. An inspection committee made up of Steve Leach - Chair, Siri Rooney and Shaun Bryer was assigned. They agreed to meet with the appellant on September 30, 2003 at 5:00pm.
5. Appeal #2003-06: Ernest Allen – Parcel #11007.
 - a. Oath administered to Mr. Allen, and his letter of appeal was read to the board.
 - b. Mr. Allen testified that his assessment had been increased by \$60,000, and he has made no improvements. There is no road frontage, and there is a 50' right of way that cuts through his land to reach his brother's parcel. The construction of the house is 2" x 4" and not 2" x 6", and the water well has plenty of capacity but the quality is below average according to a report by the H.A. Manosh Corp. (Report not submitted.) Mr. Allen disputed the value of \$10,099 for his basement when he had an estimate of \$7,800. He questioned the value of dormers that do not exist.
 - c. Lynn Phelps responded for the listers. The dwelling was assessed as a 1 ½ story with a dormer rather than a two story house. The basement has been depreciated to \$8,000. A physical depreciation of 19% was assigned rather than the normal 13% based on the age of the house. The land value for the 2 acre homesite was set at 1.0 with the remaining 8.1 acres valued at .8 like the rest of the adjoining parcels. (See listers' Exhibit I.)
 - d. An inspection committee made up of Brian Greenia - Chair, Ed Wilson and Brian Kellogg was assigned. They agreed to meet with the appellant on September 27, 2003 at 7:00am.
6. Appeal #2003-07: Richard Babcock – Parcel #02002.
 - a. Oath administered to appellant's representative, George Babcock, father of Richard, and his letter of appeal was read to the board.
 - b. Mr. Babcock brought photos and maps for viewing, but did not submit them as evidence. He stated that the land was a swampy, undeveloped parcel located on an impassable Class 4 road. He stated that Richard's land was valued at \$6000/acre, but adjoining property owners' land was valued well below Richard's, i.e. Watson @ \$1300/acre; Tanner @ \$1800/acre; M. Cote @\$5200/acre; and A Cote @\$5600/acre.
 - c. Lynn Phelps responded for the listers. The property is a wooded area with frontage on Patch Road. The land value grade for the 2 acre homesite was set at .9, well below the adjoining property owners, i.e. C. Cooley @ 1.0; G. Babcock @1.2; and Watson @ 1.5. The remainder of 8.1 acres was graded at .6, the factor used consistently for unbuildable bulk land.
 - d. An inspection committee made up of Mark Struhsacker - Chair, Shaun Bryer and Ken Campbell was assigned. They agreed to meet with the appellant on October 6, 2003 at 5:00 pm.
7. On a motion by Shaun Bryer with a second by Theresa Breault, the minutes of the meeting of 9/11/03 were approved as read.
8. On a motion by Steve Leach with a second by Theresa Breault, the inspection committee report on the Sam and Lorna Guy appeal was discussed and approved. (See attached.)
9. On a motion by Steve Leach with a second by Ken Campbell, the inspection committee report on the Charles Lambert appeal was discussed and approved. (See attached.)
10. On a motion by Shaun Bryer, with a second by Mark Struhsacker, the board voted to go in to deliberative session at 8:50 pm. The purpose was to prepare notices of decision on the appeals of Sam and Lorna Guy and Charles Lambert.
11. On a motion by Steve Leach, with a second by Brian Greenia, the board voted to come out of deliberative

session at 9:55 pm. The board instructed the clerk to prepare the Official Notice of Decision for the Guy and Lambert appeals based on the information gathered in the deliberative session. (See attached.)

12. Under other business, Clerk Wilson advised the B.C.A. that there would be cases for abatement presented at the 10/9/03 meeting. Notices will be mailed and posted.
13. With no other business to come before the board, upon motion, the meeting was recessed at 9:58 pm until October 9, 2003 at 6:30 pm.

Respectfully submitted,

Mary Ann Wilson

Mary Ann Wilson
Clerk - B.C.A.

10/7/2003