

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 upstairs at the Town Clerk's Office in said town on Thursday, the 11th day of September 2003, opened its meeting at 6:30 P.M.

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

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

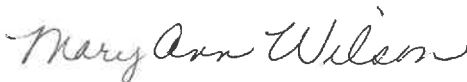
Chairman Favreau requested a moment of silence in remembrance of the victims and heroes of 9-11-01.

AGENDA:

1. Because F. Favreau, as a lister, cannot sit on the board for tax appeals, the B.C.A. was required to nominate and elect a Chairperson to serve throughout the tax appeal process. With a motion by Brian Greenia and a second by Theresa Breault, Thomas Hirschak was nominated and unanimously voted to serve as Chairperson.
2. Clerk Wilson distributed notebooks, asked members about availability of dates for future hearings and talked briefly about the agendas for the hearings.
3. Tom Vickery, professional appraiser, explained that the 2003 reappraisal was considered an "in-house" reappraisal because the Morristown listers did the bulk of the work, under his direction and supervision. That saved the Town about \$75,000. He stated that he was very proud of the fine work done by the listers, and that Morristown now had one of the most complete systems for assessments in the state. Their outstanding work was evident in the fact that there were only 6% of the parcels to come to grievance and only 21 appeals to come before the B.C.A. Mr. Vickery then led a discussion about "fair market value", defined the term and elaborated on it as a guideline for the entire town. He advised the board to use the listers' system of assessment in their findings for each parcel under appeal.
4. Lynn Phelps, head lister, handed out worksheets and spoke about the process of the town-wide reappraisal. With the information that she provided, the board can clearly see what factors were applied to each parcel.
5. At 8:00 PM, 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 administered to the listers, affirming that all evidence given relative to the cause under consideration shall be the whole truth.
6. Appeal #2003-01: Sam and Lorna Guy – Parcel ID #09008.02
 - a. Oath administered to Mr. Guy, and his letter of appeal (See Exhibit I) was read to the board.
 - b. Mr. Guy testified that he had received a letter from Outback Design, Inc. confirming the results of soil testing of the 2 +/- acres on Lazy Lane. The report stated that the soil condition is not suitable for on-site sewage disposal, primarily due to the high seasonal ground water, and also in part by the near impermeable soils at the 22" depth. (See Exhibit II.) Mr. Guy stated that he purchased the land, located across the road from his residence, as a buffer, and it is his opinion that it is not a building lot.
 - c. Lynn Phelps testified for the listers, and said they were waiting for documentation regarding the soil testing to verify any changes in the assessment. Mr. Guy's assessment was unchanged after his appeal

- to the listers - \$36,300. (See Listers' Exhibit I.)
- d. B.C.A. members asked for an additional statement from Outback Design, confirming that the soil conditions do not meet the minimum site requirements for on-site sewage disposal, including a mound system. (See Exhibit III.)
 - e. An inspection committee made up of Ed Wilson - Chair, Jim Paige and Brian Greenia was assigned. They agreed to meet with Mr. Guy on September 13, 2003 at 8:00 am.
7. Appeal #2003-02: Charles Lambert - Parcel #08091
- a. Oath administered to Mr. Lambert, and his letter of appeal (Exhibit I) was read to the board.
 - b. Mr. Lambert testified that a certain described porch was no longer an issue, that a handicapped ramp had been removed, an interior fireplace was non-functioning due to poor installation and repair, and a recently re-located solid waste transfer station approximately 100 yards from his house was detrimental to the quality of his property .
 - c. Lynn Phelps testified for the listers, and said that although the ramp was represented on the listers' card, there had been no value placed on the ramp. The fireplace had been depreciated for its functionality. The neighborhood value, originally set at 1.0, was reduced to .9, however, there is no specific economic depreciation for a transfer station. Mr. Lambert's assessment was changed from \$127,700 to \$124,400. (See Listers' Exhibit I.)
 - d. An inspection committee made up of Ken Campbell - Chair, Peg Lambert and Steve Leach was assigned. They agreed to meet with Mr. Lambert on September 17, 2003 at 4:30 pm.
8. Other business:
- a. A letter of appeal to the B.C.A. from Gerhard Steinhauß was received on September 4, 2003 with a postmark of 9/2/03 at 6:00 pm from Florida. According to the statutory deadlines established by Title 32, Vermont Statutes Annotated, Section 4404(a), Mr. Steinhauß's appeal needed to be in the clerk's hands by August 29, 2003. On a motion by Brian Greenia, with a second by Jim Paige, the board voted unanimously to consider the letter untimely and deny the appeal.
 - b. A letter of appeal to the B.C.A. from Roberta Goddard was received on August 27, 2003. Mrs. Goddard did not grieve her assessment to the listers (32 V.S.A. Section 4222) before appealing to the B.C.A. On a motion by Paul Griswold with a second by Brian Greenia, the board voted unanimously to deny the appeal to the B.C.A. because the grievance process was circumvented.
 - c. The clerk was instructed to advise Mr. Steinhauß and Mrs. Goddard of the board's decision in writing.
 - d. Because the conference room of the municipal building is insufficient to accommodate the needs of the B.C.A. tax appeal hearings, the clerk was instructed to find a new site for all future hearings. When the site is confirmed, updated notices will be posted and mailed.
9. With no other business to come before the board, upon motion, the meeting was recessed at 9:00 pm until September 25, 2003 at 6:30 pm at a location to be determined.

Respectfully submitted,



Mary Ann Wilson
Clerk - B.C.A.