

**TOWN OF DERBY  
BOARD OF CIVIL AUTHORITY  
TAX APPEAL HEARING MINUTES  
September 02, 2020**

**MEMBERS PRESENT:** Elizabeth Bumps, Brian Smith, Doug Spates, Sharron Greenwood, Shirley Fournier, Al Loukes, Frank Davis, Karen Chitambar, Stephen Gendreau, Loren Shaw, Karen Jenne-Chair, Town Clerk-Faye Morin.

**LISTERS PRESENT:** Susan Best, Stephen Cross, Nancy Moore & Matt Krajeski (New England Municipal Consultants, Ltd)

**APPROVAL OF MINUTES:**

Karen Jenne asked the board to approve the minutes of the 7/17/19 meeting and the minutes of the 8/19/19 meeting. Frank Davis moved to approve both the meeting minutes of 7/17/19 and 8/19/19 as is, Shirley Fournier Seconded. All were in favor.

**DISCUSSION OF OTHER BUSINESS:**

Faye asked the Board if they would be willing to do daytime tax appeal hearings instead of all evening meetings, the board decided it would be easier with their schedules to do evening meetings. No other business.

**MEETING CALLED TO ORDER & OATHS:**

Karen- Chair called the meeting to order at 5:15 p.m. Karen read the Oaths to all the BCA members and the Listers and Matt Krajeski all signed the oaths.

**TAX APPEALS:**

Karen- Chair explained the procedure. Appellants will go first having 8 minutes to present their case then the Listers will proceed with 7 minutes with any questions or comments for the appellants, all the evidence will be provided for the board, the Board will ask any questions then the Board will schedule an inspection committee of 3 members that will go to the appellants property and after that the board will provide the results of their inspection.

Karen - Chair then read the Vermont State Law requirements with the COVID 19 about appeals and inspections. Karen then discussed an hourly rate \$13.50 and a mileage rate of .575 Frank moved and Doug seconded. Motion carried.

**CASE # 1 PARCEL ID # LAKPK018B1.T GORDAN QUIGLEY & VALERIE & THOMAS STRUNJO 130 LANDS END RD**

Karen explained the rules of procedure to Valerie Strunjol who's presenting her case and gave her the oath. She also stated that each meeting will be only 15 minutes 8 for the appellant and 7 for the Listers.

**Appellant - Valerie Strunjo**

Property is located at 130 Lands End Rd. Valerie brought informational packets for the board. She feels that her property is assessed unfairly. The topography of the water frontage is not functional compared to other waterfront properties, apart from the six foot beach area the rest of the frontage is a cliff which on average is at least 10 feet high, it is unusable as a safe access to the water. Valerie submitted photos of the beach and land-front properties and maps as evidence. The Listers reduced the land value by \$16,100 at their grievance appeal. Our property even with the reduction of \$16,100 is still the highest valued property on Lands End Rd. The other properties have larger beaches and better access to the beaches and shorelines. Valerie then explained the evidence provided color coded maps and color coded photos of the lake front. The first 2 pages are copies of the survey maps which show the minimal amount of beach area on our property. The next page a copy of the online map and the following 3 pages are photos of the other properties water front and amenities. The next page is a photo showing the difference in altitudes from our camp and the neighbor's camp to the beaches, remaining pages are online properties and surveys. Valerie then thanked the Board for their time. Karen asked if the survey had been recorded here at the Town. Yes theirs was but didn't check to see if Halikas's had a survey recorded. Frank asked if she was contesting the value of the building or just the land value, Valerie stated just the land value. Brian asked if the firm distinguished between rocky frontage and beach frontage. Matt (NEMC) said Listers grade the quality of frontage whether murky, mucky verses rocky and sandy potentially yes. Brian

Smith asked if 2 properties were side by side one had a beach frontage and one rocky is it a different value as far as Lake Frontage goes. Matt (NEMC) yes we differentiate those two numbers and take that into consideration in this case topography has been considered and applied there. Karen asked if the Listers had a land schedule for water front for the board, Matt said they can provide one for them. Matt asked again for clarification if she had a survey map recorded at the Town Clerks office. Valerie stated that she asked Nancy Moore in the Listers office yesterday if the map was recorded here and she said yes there is one in the drawer. Faye stated that the Listers office does not have the recorded survey maps the Clerks office does Listers hold the Tax maps. Survey maps are done by professional surveyors and are paid to be recorded in the Clerks office not the Listers office.

#### **Listers – Sue Best**

Stephen handed out information packets. Sue stated the parcel ID number and the location of the property then gave a description of the property and reviewed the Listers card with the Board.

Exhibit A. – Property Description, Property was inspected by NEMC, during grievance property was reduced from \$634,900.00 to \$618,300.00 by reducing the value on the frontage on the lake. Comparables were provided as evidence, equity analysis and comparable assessment cards. Matt (NEMC) Presented 2 comps for this case. 106 Lands End Rd sale was very comparable to this property sold for \$680,000.00 in April of 2015. This is certainly a fair assessment. Karen stated that there will be an inspection committee set up to look at the property. A report will be then sent to you and if you choose to move further to the Court that will be your cost.

Hearing Closed

Inspection Committee

Chair Al Loukes, Brian Smith and Frank Davis

#### **Meeting called to order at 6:00 PM**

#### **CASE # 2**

**VINCENT ILLUZZI**

**PARCEL ID # TRD66009F3.T**

**527 RIDGEHILL DR**

Karen- Chair explained the rules of procedure to Vincent Illuzzi who's presenting his case and gave him the oath. She also stated that each meeting will be 15 minutes 8 minutes for the Appellant and 7 for Listers. Faye will keep the time and all meetings will be recorded. Appellant goes first then the Listers will follow with theirs. The board introduced themselves. Karen Chitambar recused herself from this case.

#### **Appellant - Vince Illuzzi –**

I purchased the home in 2001 from the Campbells. Property was previously a camp for a couple in CT. Vince said the walls were built for a seasonal home with very little insulation. Mike Cole the previous owner revised the camp to a year round home. His issue is that the home is not insulated properly. He had Jim Daigle re-insulate the house but it wasn't built for a winterized home. The house has 2 electric services, from time to time the electric gives out and needs rewiring and he also has concerns with the water there are two wells and they still have to utilize the water to the extent that others usually do. Comparables – properties for sale – comps with pleasant views or lake views, 1<sup>st</sup> comp Kim Austins house larger, brand new, high quality construction, beautiful landscape, better views of the lake, appraised \$351,000.00, the Profera House located on Salem lake was reduced to \$437,000.00 and that property was remodeled before it was bought by Profera. My house is a seasonal home with porches that have been updated to living space, the floors are not level resulting in higher in some places and lower in other places it was just put together to form a living area.

Loren - Is there any part of the home that has no basement in the house – Vince - there is a foundation but there is an overhang which pulls on the foundation. If you leave the basement door open a pipe could burst down there.

Frank – You are not appealing the value of the land correct. Your comps don't have the same square foot. Vince – No I requested Listers cards but never picked them up.

Karen – Chair asked if the firm went into the house.

Matt - yes the firm inspected the property on 9/20/2019. Karen – Chair asked if the 2 wells are adequate Vince - if a couple of people were to fill the tub then no. Vince wants the Board to come and look at the quality of the house.

### **Listers – Sue Best**

Stephen handed out information packets. Sue stated the parcel ID number and the location of the property then gave a description of the property and reviewed the Listers card with the Board. Grievance result decision was denied.

Matt – Biggest difference with these comps is that there is a second livable living dwelling on this property. Listers opinion is that they do not believe that the house was built to be a camp grade residence the overall size and building does not resemble a camp grade residence. All properties need repairs and upkeep especially older houses to be updated and meet today's specs, Listers do not adjust or reduce the value of your assessment according to necessary repairs and maintenance as Listers do not require a permit for such things and it is expected with a home.

Frank my home is over 100 years old and is not insulated well if I were to reinsulate would the value increase. Matt – In a non reappraisal year we would not look to increase the property value without increase the property footprint so it would not increase the value.

Karen- Chair said that Mr. Illuzzi is not grieving the value of the lot only the building. No further comments.

Karen- Chair stated that there will be an inspection committee set up to look at the property. A report will be then sent to you and if you choose to move further to the Court that will be your cost. Vince wrote a letter requesting an inspection committee to check the property and house.

Hearing Closed

Inspection Committee

Elizabeth Bumps Chair, Brian Smith and Stephen Gendreau

### **Meeting called to order at 6:30 PM**

**CASE # 3**

**LAWRENCE LEWIS JR**

**PARCEL ID # TRD4102812.T**

**575 PINE HILL RD**

Karen-Chair explained the rules of procedure to Lawrence Lewis who presented his case and gave him the oath. She also stated that each meeting will be 15 minutes 8 minutes for the Appellant and 7 for Listers. Faye will keep the time and all meetings will be recorded. Appellant goes first then the Listers will follow with theirs. The board introduced themselves.

Karen then read the Vermont State Law requirements with the COVID 19 about appeals and inspections.

### **Appellant - Lawrence Lewis**

Presented 3 copies of evidence prior sales, a fee appraisal he had done for refinancing purposes April 14<sup>th</sup> this year Scott Marsh valued it at \$205,000. He then explained his comps and how the land is extremely wet and drops off so he can't use it as a sugar bush or to get wood off the property, the building increase by \$54,000.00 and the house sat on the market for almost 3 years before we purchased it. Original value was appraised at \$244,000.00. I bought the property for \$175,000.00. I don't believe the property could sell for that much.

Al Loukes – I walked the property at the last appeal you had and said he witnessed a great asset/ treasure on the property it has an excellent spring that the Country Club used for many years for their source of water and water fountains, and an ATV trail on the land was being used for recreational purposes. So he doesn't agree with Mr. Lewis about not being able to use the property. Lawrence said that there were trees down and the land is all grown up and that there is no more ATV trail on his property he no longer has an ATV. The only thing added was an extra bedroom down stairs and he removed the Gazebo.

Karen Chitambar asked if the golf course has any bearing on the property, Matt (NEMC)– the golf course wouldn't necessary have any impact on the property.

### **Listers – Sue Best**

Stephen handed out information packets. Sue stated the parcel ID number and the location of the property then gave a description of the property and reviewed the Listers card with the Board. The property was inspected by the reappraisal firm and at the informational hearing reduced from \$252,300 to \$240,900.00 the Grievance result decision was denied.

Analysis – subject property is equitably assessed.

Matt – The Comps the Listers provided were 1926 Pine Hill Rd sold in May 2019 for \$220,000.00, 866 Ridge Hill Rd sold March 2018 for \$275,000.00 and 429 Jambash Peak Rd sold October 2018 for \$227,000.00.

Matt (NEMC) The firm selected sales as comps for this property our goal is to get everyone as close to fair market value as possible, in reference to the appellant about the land value - in the land we depreciated 8.17 acres with a 30 % on the topography and with Mr. Lewis's comps those properties were sold recently for more than appraised. 100 Nields Landing sold for \$275,000.00 and 8 Sanborn Rd property sold for \$238,000.00.

Karen- Chair stated that there will be an inspection committee set up to look at the property. A report will be then sent to you and if you choose to move further to the Court that will be your cost. Mr. Lewis wrote a letter requesting an inspection committee to check the property and house.

Lawrence will be out of town from Sept. 8 – 20<sup>th</sup>.

Hearing Closed

Inspection Committee

Sharron Greenwood Chair, Karen Chitambar and Doug Spates

### **Meeting called to order at 7:00 PM**

**CASE # 4**

**RAPHAEL MARTONE**

**PARCEL ID # LKPKR004B2.T**

**64 LAKE PARK EXT**

Karen-Chair explained the rules of procedure to Raphael Martone who is presenting his case and gave him the oath. She also stated that each meeting will be 15 minutes 8 minutes for the Appellant and 7 for Listers. Appellant goes first then the Listers will follow with theirs. The board introduced themselves. Al Loukes recused himself from this case.

Karen-Chair then read the Vermont State Law requirements with the COVID 19 about appeals and inspections.

**Appellant Raphael** - No one has been in my camp except for 1 relative. Raphael stated that he was denied at the grievance hearing without any reasons so is here to follow through with the appeal process. He feels his property is not assessed fairly compared to his neighbors properties, both received values that declined by 28% and 33% while his only a small amount. Raphael is requesting a value of \$170,000 which would be 7% higher than his neighbors. His lake front is rocky while the neighbor has beach front property. His neighbor has a drilled well while he uses the lake water. His property holds the ROW access to the other 2 neighbors. Raphaels property is 49% higher than his neighbor.

### **Listers – Sue Best**

Stephen Cross handed out information packets. Sue stated the parcel ID number and the location of the property then gave a description of the property and reviewed the Listers card with the Board. The property was NOT inspected by the reappraisal firm and the Grievance result decision was denied. The total assessment dropped from 2019 to 2020 by \$8,000.00 at the reappraisal process. Matt (NEMC) believes that Raphaels evidence provided does not compare to his property, the frontage was minimal and the building was a mobile home not a stick built house. Listers comparables were 60 Lake Circle & 70 Cove Rd, which are more in line with his property.

Karen-Chair asked Raphael if he wanted an inspection done on the property and that he needed to give written permission to inspect the property.

Hearing Closed

Inspection Committee

Frank Davis Chair, Stephen Gendreau, Brian Smith and Douglas Spates

**Meeting called to order at 7:30 PM**

**CASE # 5**

**RAYMOND PIETTE**

**PARCEL ID # TRD41086M3.T**

**PINE HILL RD**

Karen-Chair explained the rules of procedure to Raymond Piette & Mona Gillfillan who is presenting the case and gave them their oaths.

She also stated that each meeting will be 15 minutes 8 minutes for the Appellant and 7 for Listers. Faye will keep the time and all meetings will be recorded. The board introduced themselves. In this case the Listers went first with the corrections made to the property then the Appellants.

Karen-Chair then read the Vermont State Law requirements with the COVID 19 about appeals and inspections written approval for inspection

**Listers – Sue Best**

Stephen Cross handed out information packets. Sue stated the parcel ID number and the location of the property then gave a description of the property and reviewed the Listers card with the Board. The property was NOT inspected by the reappraisal firm inside but an outside inspection did take place.

After further consideration the Listers reserve the right and changed the value from \$62,900 to \$43,700 due to the fact that they could not find enough information to present their case and no comparable sales to back up there assessment. Mr. Piette’s property has a severe access issue through the Town of Coventry through a ROW so the Listers increased the site access by 75% depreciation which changed the value to \$43,700.00. Sue Best called Mr. Piette the previous night around 4 pm to give him a heads up about the change. The Listers just need to know if they accept the new value or not.

**Appellants - Raymond Piette & Mona Gillifan**

Raymond stated that the building was just a little building. The property has 25 Acres in the Town of Derby only accessible through the Town of Coventry. Mona asked why there is a kitchen in the camp and there is not kitchen. The change in value was made on the land only not the camp.

Mr. Piette accepted the change in value.

Frank made a motion to move the change in value of the property from \$62,900 to \$43,700.00 seconded by Brian Smith all were in favor.

Mona thanked the Board of Listers for their patience.

Meeting Recessed – until Sept 3<sup>rd</sup> at 5:15 p.m.

*Faye Morin, BCA Clerk Unofficial until approved by board*