

TOWN OF DERBY
BOARD OF CIVIL AUTHORITY
TAX APPEAL HEARING MINUTES
September 09, 2020

MEMBERS PRESENT: Brian Smith, Doug Spates, Sharron Greenwood, Frank Davis, Loren Shaw, Grant Spates, Elizabeth Bumps, Al Loukes, Karen Jenne-Chair, Town Clerk-Faye Morin.

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

MEETING CALLED TO ORDER & OATHS:

Karen-Chair gave the oath to Grant Spates who was not at the previous hearings.

DISCUSSION OF OTHER BUSINESS:

Karen – Chair reminded everyone that when working these meetings the board needs to keep track of their time and mileage so that they can get paid. Frank – Stated that he wasn't pleased with the criticism from the appellants to the Listers and suggested that Karen – Chair mention something before the hearings that it's not the time or place for that and to remind people when someone is speaking not to interrupt them or speak over them.

TAX APPEALS:

Karen explained the procedures that the 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 they may have, then the Board will schedule an inspection committee of 3 members that will go to the appellants property to do the inspection and after that the board will provide the results of their inspection.

CASE # 1 PARCEL ID # TRD88016B2.T DAVID & SUSAN FITZGERALD 474 SUNSET ACRES 5:30 P.M.

Karen-Chair explained the rules of procedure to the Fitzgeralds who presented their case by a phone meeting and gave them the oaths. She also stated that each meeting will be only 15 minutes, 8 for the appellant and 7 for the Listers. Karen-Chair then read the Vermont State Law requirements with the COVID 19 about appeals and inspections. Inspections need written approval in advance.

Appellant – David & Susan Fitzgerald

Susan – The Town pays a lot of money to hire the NEMC to do the Town assessments according to fair market value and it's upsetting to have to compare our assessments with our neighbor's assessments. The inconsistency between our property and our neighbors properties are blaring. Susan felt the firm used houses that are not comparable to her property and pointed out the differences between her property and the properties they used. Then Susan read through some similar properties 384 Sunset Acres property is 3 houses down from theirs and on the same side of the street acreage is .56 vs .48, house with garage, decks comparable to their property. Their house value is \$139,000.00 our house value is \$189,600.00 that's a \$50,300.00 difference. Susan thinks her house should be valued the same as this house. Also the Towns website for the Listers cards doesn't have the breakdowns the values of the land and acreage values and there are certain things that you can't see. Susan stated that the deck they have listed on her card near the water doesn't belong to her it belongs to the State of VT.

Karen Jenne – Susan you are grieving the inconsistency of the Land and houses compared to the ones in your neighborhood. Susan said correct.

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. Susan & David's value changed from \$359,700.00 to \$355,100.00 at the grievance process. In the Listers packet were comps they used to compare the properties and a copy of the realtor card from Conley Country Real Estate for a listing of what Susan & David are currently trying to sell their house for at \$379,900.00.

Matt – In reference to the three sales comparables the firm uses in informational hearings and grievances these are simple sales on the spot they are not the ones we used for comparisons with this property. Doing a sales comparison is common in the reappraisal process. Pitting neighbors against one another is part of the process, there is nothing unfair with that. As for the deck, on the beach issue on the 1st page of your real estate listing, it states new deck on the water front with power and exclusive rights to a lease on the Lake with the State of Vermont, certainly the appellant sees the value there. The full Listers cards are always available upon request either by stopping in and picking up, email or mail so if the appellant felt she didn't have enough information with the online version you can always request one. A sliding scale is used for land value, the more the acreage there is, the less per acre value it will be, it's a very common process used. The inspection on the property was on November 11, 2018.

Doug asked what value she feels would be in the ball park; Susan wants her value to be \$341,400.00.

Matt asked Susan if she dropped value of the property on the listing and how long it was on the market for. Susan said yes it was on the market for 3 years listed at \$399,000.00 for 2 years and dropped it to \$379,900.00 1 year ago. As for the deck Matt said the firm agrees that there is value in owning the deck the appellant maintains the deck, it's on the listing for sale and the State of Vermont knows it's on the property. Susan & David have a 25 year lease with the State of Vermont to use the property as their own. Karen –Chair said the board will inspect the property. Susan will have to email a letter of consent to do the inspection. Susan will call the realtor to let the board in the house.

Hearing Closed

Inspection Committee

Chair Frank Davis, Doug Spates & Sharron Greenwood (Al Loukes recused himself from the case)

CASE # 2 PARCEL ID # EAGPT001A1.TR NICHOLAS MOROSO 23 POINT DRIVE 6:00 P.M.

Karen-Chair explained the rules of procedure to Nicholas who presented his case and Karen gave him the oath. She also stated that each meeting will be only 15 minutes 8 for the appellant and 7 for the Listers.

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

Inspections need written approval in advance.

Appellant –Nicholas Moroso

Nicholas handed out photos. No one inspected the inside of the house. There is no baseboard trim along the floors, the walls are cracked in every joint, the wall boards were not put in properly, the ceilings where it is slanted in the front of the house has a very small leak and I can't find where the leak is coming from. The rugs all need to be replaced due to the vacuum catching it and ripping it so I have to replace all the rugs in all the rooms. The back door leaks and ruined the subfloor and all the vinyl had to be ripped up. Ground water is coming in around the footings and even a dehumidifier running 24/7 isn't catching up with the water and moisture. Retaining walls are devastated every year due to the ice, every year I have to replace ¾ of the wall this has happened every year since 1995.

Grant – asked if he has put an insurance claim on the water damage. Nicholas said no they consider it an act of God.

Frank asked about Item # 10 on Nicholas evidence sheet - The issue that the Listers didn't mention in his Listers card why they didn't depreciate for the fact that his property is Land Locked. Frank asked if he had a legal ROW or Easement and why he believes his property has a land lock. Nicholas said his neighbor blocks his driveway all the time and that he does have a legal ROW, they share the driveway.

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 not inspected by the reappraisal company. The firm made 3 attempts to inspect but were not able to go in the property. The grievance request was denied. A 5% depreciation and 5% easement was given and a 1% for flooding and basement issues. After further review the sales comparison approach sets a higher value range of \$460,000.00 to \$480,000.00 the Moroso property is likely under assessed at this point with sales ranging between \$485,000 and \$680,000.00.

The Listers are making a recommendation that the board change the assessed value to \$450,000.00 for this property.

Doug – Is surprised with the firms request for the BCA to raise the assessed value without going into the house.

Matt – 5% Depreciation is considered for the siding damage and other imperfections and unfinished things the property may have, they felt that adequate for not having entered the home.

Nicholas felt it unfair to compare his property to the 2 sales provided by the firm, the sale properties are much better properties, more expensive and the designs are much better.

Matt said assessing the subject property in under at \$485,000.00 to \$680,000.00 would be irrelevant but we adjusted it down to \$450,000.00 in this case. The proposed value of \$450,000 decreased from the lowest sales value of \$460,000.00 in the area.

Regardless of inspecting the inside of the property or not the Listers struggle with getting a fair assessment without getting into the homes to do inspections. In this case we have made 3 attempts to visit this property and left a florescent card on the door, still weren't able to go inside.

Frank – questioned how they distinguish whether the beach was sandy, mucky, muddy etc. Matt said the data collector makes a judgment call at the time of the visit and that was in November of 2018.

Brian asked what difference percentage it would make between mucky and sandy for the frontage.

Matt said that it would not be more than 10 or 20% off the frontage.

Karen-Chair stated that there will be an inspection committee set up to look at the property. A report will be sent to you and if you choose to move further to the Court level it will be at the appellants cost.

Hearing Closed

Inspection Committee: Chair Brian Smith, Doug Spates and Elizabeth Bumps

CASE # 3 PARCEL ID # RT111090H7.T KEVIN & PAM BARRUP 2888 VT RT 111 6:30 P.M.

Karen-Chair explained the rules of procedure to Kevin & Pam who presented their case and gave them the oaths. She also stated that each meeting will be only 15 minutes, 8 for the appellant and 7 for the Listers.

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

Inspections need written approval in advance.

Appellant –Kevin & Pam Barrup

The Listers came to my house less than a year ago and dropped my value from \$448,000.00 to \$418,000.00

The house needs major repairs, it needs a new roof, the roof leaks and has done damage to ceilings, the floors and doors need to be replaced, the decks need work and the Lister's card says our house is in A+ condition, my house is not in good condition. Chris Hunt's property just sold and his house is in a lot better condition and the property is better than mine and its appraised \$80,000 less than ours. Other properties mentioned were Dan Delabruere's property, Tom Steele's house on the Lake which has 300 ft frontage on the lake valued \$100,000 less than ours, Omer Choquette on Missionary Acres almost \$100,000 less than ours and he has a better view. I never heard from the firm to do an inspection. Maryann Tetreault has a better house than ours, a commercial sugar bush and the same size house and her assessment is lower than ours we just don't have \$50,000 to \$60,000 to fix it up now and think the assessment is in way too high.

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 not inspected by the reappraisal firm. When the data collector went to the property Mr. Barrup's son said to go ahead and measure the property then a female came and asked him to leave before he could inspect the inside of the property. Matt stated that when the appraisal company goes on a site if there is no one there they leave a tag on the door and they also send multiple letters for them to call the office to set up a time and date for inspection. Mr. Barrup says the Listers already came to my house last year and gave me a new value. The Listers change of appraisal in 2019 is no longer valid. A town wide reappraisal over takes any previously set values. The Listers have 3 sales with properties similar to Mr. Barrup's property, Sale # 1 - 112 Mcinnis Drive also has house comparable in grade and size, Sales # 2 851 Dairninaka Drive the house relatively the same and Sales # 3 located at 21 Hilltop Drive lot has 10 acres with a house in at the same grade as well.

Karen-Chair recessed the meeting to listen to Mr. Barrup's second parcel he is appealing.

Kevin – My assessment went from \$69,300 to \$75,900.00. Kevin thinks his value is appraised unfairly compared to his neighbors property. He thinks the 20 acres should be no more than \$50,000.00, he had it listed for sale for \$80,000 with only one offer of \$40,000.00 from Poulins and the real estate agent said he could only get around \$50,000.00. Kevin brought in some comps : Leaven’s property 120 acres valued at \$241,300 only \$2,010 per acre, William Moore’s property has 170 acres valued at \$278,500 only \$1,635 per acre, Mystiq Heights property has 35 acres on Hayward Hollow Rd valued at \$55,200 only \$1571 per acre and also mentioned a couple of Nelson farms properties. Doug asked Kevin if the comps were of the same size lots and the same area. Kevin said there is a property with 35 acres similar with his lot size.

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 reviewed by the reappraisal company. Comp # 1 this lot is a 20.69 acre lot a vacant property sold for \$125,000 that’s \$6,041 per acre , Comp # 2 11.78 acres sold for \$92,500 that’s \$7,852 per acre Comp # 3 20.1 acres sold for \$95,000 that’s \$4,726 per acre, the three comparable land sales reflects an average of between \$4,477 and \$5,263 per acre. Mr. Barrup’s property is valued at \$3,795 per acre which is well below the price of the sales per acre price. This property is assessed fairly and has a proper fair market value of \$75,900.00.

Matt reminded the board that a sliding scale is used to determine the acreage amount, the more acreage the lower per acre cost so Mr. Barrup’s comps provided do not compare.

Karen- Chair asked Matt (NEMC) if when using the land schedule to compare this property did the firm take Zoning into consideration as West St is in a Commercial Zone.

Matt stated that Kevin’s property is in Traffic Good neighborhood, undeveloped land, the sales speak for themselves.

Karen – Chair asked what Traffic Good meant. Matt said Traffic Good is determined by the characteristics of a property, the sales in the neighborhood, and judgments of characteristics, whether or not the area has a lot of traffic etc.

Doug thought that the comparables the Listers provided were not comparable in Zoning and that Kevin had better comps to present having one being his neighbor’s lot.

Brian – asked the Listers if they based the appraisals on what properties are selling for? Matt – the firm has a cost market hybrid model and sales are a very big part in the appraisal process. An equalization study is done every year on the sales in the area and that determines the CLA- Common Level of Appraisal once that drops below 80% then the state requires a new town wide appraisal.

Karen-Chair asked Kevin for a written consent to do the inspection of his property.

Hearing closed at 7:15 recessed until Sept 10th at 5:15

Inspection Committee

Karen Jenne (Chair), Frank Davis & Al Loukes