

Town of Cornwall
Board of Civil Authority Tax Appeal Hearing Minutes
Tuesday, July 26, 2016
6:00 PM

BCA members present: Ben Marks, Ben Wood, Magna Dodge, Brian Kemp, Sue Johnson, David Anderson, Judy English, John Roberts

Listers present: Sue Burdick, Liam English

Appellant: John Burton

The meeting was called to order by Sue Johnson at 6:00 PM. Sue Johnson spent a few moments explaining the procedures that were followed in preparation for the hearing and would be followed at the hearing and after. The last day that a taxpayer could have appealed their assessment after grievance was July 12, 2016. The warning of the hearing was posted in a timely manner on July 19, 2016. The hearing will be recorded. Three members of the BCA make up a quorum for the hearing. Robert's Rules of Order will be used for the hearing.

At this point in the hearing the recording device was turned on and the date, time and reason for the hearing was entered into the record. The BCA and Witnesses Oaths were given and signed.

Sue Johnson called for nominations for Chair for the hearing. John Roberts/Magna Dodge nominated Ben Marks. There were no other nominations. Ben Marks was voted in as Chair.

Ben Marks gave an overview of the hearing process.

Sue Burdick spent a few minutes going over the Listers evaluation of the John Burton/Patricia Sgrecci property at 2137 North Bingham Street. The neighborhood land values were created by an outside appraiser at the time of the 2009 town wide reappraisal. The lot is a 6.30 acre lot, the 2 acre house site is valued at \$93,800 with a 1.25 neighborhood multiplier, and the balance of the acreage is valued at 90% of a regular lot in that neighborhood. When the listers evaluated the property last year, Mr. Burton indicated that the Yurt was 90 % complete. Mr. Burton told the Listers the Yurt was 100% complete this year. The Listers were told that they would not be able to go inside the house, so they were only able to measure the footprint of the building. When the measurements were evaluated, they did not make sense, so they reviewed Mr. Burton's building permit application and used the measurements from the sketch on the application to determine that the house was 1200 square feet. Mr. Burton came in to the grievance meeting and indicated that the building is actually 768 square feet, so that number was changed to reflect this information. Liam English indicated that last year there was a drilled well, but it was not connected to the house, so they removed the value of the well from the assessment. Sue Burdick mentioned that Mr. Burton has put in several trees and indicated that what was considered pasture was now forested. The listers did not consider it a forest and indicated that if they valued

the land as “other land” rather than pasture, there would be no change in the value. It was also mentioned that there are two buildings to the north of the house. Only one of these buildings was assessed as the other is too small. Sue B. handed out copies of the land schedule. Sue B. also had copies available of the assessment numbers used to value the Yurt. The Yurt is not a standard building, so a separate hand calculation needed to be done for the Yurt. The State Assessor sent out a letter related to the average value of a Yurt and the listers used that information as well when valuing the Yurt. All of this information was offered to the BCA members and Mr. Burton was given this information as well.

Ben Marks then opened the floor to Mr. Burton to provide evidence as to why his property assessment should be reduced by the town.

Mr. Burton began by mentioning that he had asked for minutes from a grievance meeting his wife attended in June of 2015. The listers were unable to provide those minutes. Mr. Burton circulated a letter and email exchanged between Patricia Sgrecci and Sue Johnson. Sue Burdick mentioned that at that time a Property Transfer Tax Return had not been filed for the property, so in the eyes of the state, Mr. Burton and Ms. Sgrecci did not own the property. Ben Marks asked that Mr. Burton move on to items that related to the current property assessment.

Mr. Burton also mentioned that the property was assessed \$4000 in 2015 for a well that was not hooked up to the building. The listers did remove the \$4000 from last year's assessment. That amount was added back in to this year's assessment.

Mr. Burton talked about the value of the Yurt and a general email from Edgar Clodfelter (professional appraiser) in regard to valuing Yurts, as there are no comparable structures in the state. Mr. Burton indicated that the 2015 value of the Yurt was \$27,900, and the 2016 value is \$30,700. He wondered why the difference in value. The listers indicated that last year's value was calculated at 90% complete and this year it was valued at 100% complete. The listers indicated that they were not able to see inside the building, but there was a railing added to the outside.

Mr. Burton next talked about the square footage measurements done by the Listers. The measurements of the storage shed and deck were correct, but the house measurement was not correct. The listers did change the total square footage of the house to 768 after the grievance meeting with Mr. Burton. Mr. Burton indicated that he was concerned by this error.

The next point was the two bedroom septic system. Cornwall rates septic systems as typical, extensive or minimal. This particular septic system is rated as typical and is valued at \$6000. Mr. Burton is concerned that the two bedroom system is not being considered. There are not many two bedroom systems in Cornwall. The figure of \$ 6000 comes from the Marshall & Swift formula through the computer program.

The Listers have acknowledged that there are no comparable houses in town.

Mr. Burton indicated that the land was purchased for \$75,000; it was appraised at \$127,000 in 2014. There was discussion about the need for a reappraisal when there is more than a 20% disparity in the Common Level of Appraisal. Unless and until that happens and a town wide reappraisal is called for the land values are bound by the 2009 numbers. The land was appraised at \$124,000 for 2015. Sue Burdick explained that the value changes when a house site is added to the land, the 2 acre house site is valued at a minimum of \$75,000 and the balance of the land is valued at a different grade, this lowered the land value by \$3,000.

Mr. Burton talked about Fair Market Value for the land. He indicated that information from the Secretary of State's website indicates that the true test of fair market value is a bona fide sale. Ben Marks asked if Mr. Burton had any information about other properties in town that are comparable. There were five land sales in the last two years. Three of the sales were in the Foote Farm Development, the lots are approximately 2 acres, and are valued between \$80,000 and \$99,000. The cost sheets for the properties belonging to Langis/Romero, Kappel/Bondi & Deppman were circulated amongst the board.

Mr. Burton provided an appraisal of his house and property done by Bill Benton, principal of W.D. Benton, Inc., Appraisers. For the record, Mr. Burton indicated that the Benton appraisal came in at \$265,000. Mr. Benton also states in writing that he values the land at \$100,000. The town's total assessment is \$285,000.

Ben Marks opened up the hearing to any questions from BCA members.

Sue Burdick mentioned that the land when Mr. Burton bought it was raw land and is now developed land adding value to the property. Mr. Burton is unable to accept that explanation.

Ben Marks indicated that the next step was to name an inspection committee. Ben Marks, Magna Dodge and John Roberts were named to the inspection committee. The purpose of the inspection is to observe the physical nature of the property and report back, it is not an evaluation. It will be a factual interpretation of what is observed. Sue Johnson handed out a sample inspection committee report. The inspection committee will be allowed access to the property. The inspection must be completed by August 25, 2016. The date selected for the site visit was July 30, 2016 at 10:00 AM. Mr. Burton asked if the committee would be covered by any liability insurance, since Mr. Burton does not have any insurance. At the request of Mr. Burton, no photos will be taken at the property. The date set for the continuation of the hearing was Thursday, August 4, 2016 at 7:00 PM. Mr. Burton is allowed to attend the continuation of the hearing, but not the deliberative session at the close of the hearing.

Ben Marks reiterated the date, time and reason for the BCA hearing, and that the BCA and Witnesses oaths were given and signed.

Magna Dodge/John Roberts moved to adjourn the hearing to August 4, 2016 at 7:00PM.

Respectfully Submitted,
Susan Johnson, Town Clerk