

MINUTES OF THE MEETING  
BOARD OF CIVIL AUTHORITY  
July 26, 2017  
10:00AM

Present: Jean Strong      Linda Tucker      Terri Carter      Alice Nitka  
          Ulla Cook, Town Clerk  
          Margot Martell – Lister      Terry Thayne – Lister      Mark Gauthier – Lister

The meeting was called to order by Chair Jean Strong at 10:00AM from the recessed meeting of July 19.

**Tax Appeal Hearings:**

**Jeremy and Jessica Lavallee – 89 Northshore Drive – parcel 200324.000**

**Listers** – Mark Gauthier stated this is the second year they are appealing. It is .28 acres a small reduction in acreage from last year due to a survey from abutting landowner with a building built about 1985 consisting of 1222 square feet. The appellant mentions the CLA and it has averaged 100% for the last two years. The approach for valuation is the same for all property owners. Adjustments are made for year built, quality of construction and the land value code for the neighborhood are all treated equally when these factors are considered and the amount of lake frontage is not an issue. You either have lake frontage or you don't. We did grant the appellant a grievance as we noticed the depreciation the appellant had was not in line with their neighbors and basically the same kind of building. We made it average from good and it lowered the assessment by \$7,600. Appellant stated comps in her letter of 49 Northshore being 600 square feet sold for \$340,000 and assessed for \$387,000; 1286 Route 100 North assessed at \$269,400 and sold for \$465,000 (we have not changed the assessment as we are guided not to chase sales either up or down); 9 Northshore sold for \$431,000 assessed for \$537,100 and is now assessed for 481,300 as on inspection for the retaining wall that had collapsed and the damage in the basement prior to sale. There were 15 sales in the residential lake very good district where the CLA is 98 and 11 were above the assessed value and there were 2 sales in the residential lake good where the CLA is 85 meaning they are under assessed. The appellant purchased this for \$315,157 with 8% down and seller holding mortgage with seller having right to use the home for 1 week a year plus the right of first refusal. I am not sure any traditional lenders in our area are offering these kind of terms. PVR state property guidelines clearly state that special financing sales be excluded from reports. We feel that the property is fairly assessed at \$467,000.

**Jessica Lavallee** - Oath was administered. See above for comparable sales as provided by the listers. She stated all she is looking for is fairness and fair market value based on the market of the lake. I am not looking to compare by home with a home that was built in the early 2000's or larger square footage. We live in the oldest neighborhood on the lake. We have difficult topography. At this point I have come to this process twice and if I don't see a fair market value, a reduction of \$7,600 is not enough; she claims she cannot sell her home for what it is assessed for in this market, I will have to take this to court. This home was for sale for 8 years at the assessed value and did not sell. I want fairness. She still claims the amount of lake frontage does matter and they do not have much.

Jean Strong did indicate there is a reduction for the grade of 5%.

Margot Martell indicated that everyone is assessed equally in regard to lake access. Also to determine value we use cost, cost to build and market value. We use a professional appraiser

so he can do all this analysis study to come up with a fair and equitable value for the properties in this Town.

Inspection committee – Linda Tucker, Terry Carter, Chair and Alice Nitka

Hearing recessed.

**Andrew and Mary Ellen Luca – 45 Spaulding Farm Road – 030653.000**

**Listers** – Terry Thayne stated the listers inspected the property during grievance process and we adjusted the LLV space to 40% usable from 90% and also changed the depreciation to average from good and bath adjustments to 3 full and 1 3/4 bath from 4 full. This lowered the value from \$932,300 to \$868,100. Comps used by appellant were 90 Okemo Ridge Road sold on 7/21/16 for \$1,100,000 (the appellant had \$855,700) and is assessed for \$786,500 at 3400 square feet similar to the appellant, located across from the Base Lodge. 267 Upper Cross Roads assessed for \$595,900 sold on 10/30/2015 for \$750,000; this house is half the size of the appellant and unable to walk to base lodge or trail. 142 North Ridge Road is 3 miles from the ski area. Our comps sales are 37 Titcomb Lane sold on 11/2/15 for \$1,275,000 assessed for \$770,000 walk to Base Lodge, 3800 square feet; 267 Upper Cross Road sold on 10/30/15 for \$750,000 assessed for \$595,900. There are 4 additional sales in the RMG but none have access to either the ski trails or the Base Lodge and are 40-50 year old chalets or older contemporary homes. None compare in any way to the subject at 3800 square feet, 4 levels and built in 1996. We are unable to chase sales either up or down. This contemporary home is with 500 feet walk to race shack and Base area.

**Mary Ellen Luca** – oath was administered. Mrs. Luca stated we purchased the house in November and we discovered discrepancies in the data which has been corrected. We had an appraisal done which shows a fair market value of \$745,000. We purchased this house for \$707,500. This property had been on the market for 3 – 3 ½ years and there had been price reductions. We are looking for fairness in light of the value shown on the appraisal.

Inspection committee – Jean Strong, Terry Carter and Alice Nitka, Chair.

Hearing recessed.

**Kevin and Ann Morris – 27 Waterside Lane – 020139.000**

Kevin Morris stated we still feel that our assessed value is still out of line with our neighbors. The square footage was corrected but the per square foot value went up. In comparing this with the Conheeny home and the Marinelli home our square foot cost should be in the range of \$144-\$164 range instead of the \$179.25. The net assessment should be in the range of \$424,480 - \$482,980. On the land size we included 3 Waterside as well as 39 and 61. Our neighbors assessment per acre ranges from \$87,000 - \$129,000 so our per acre cost is over \$88,000 higher. Our waterfront is compromised by the natural occurrences (water plants, muck). The comparable properties – Weiss and Marinelli have usable waterfronts with clear, open water.

**Listers** – Terry Thayne stated this is a new home built about 2015 containing 2945 square feet. The Morris's main concern at grievance was the value we have on their land. This parcel is in the Lake Pauline average area and all the parcels are assessed from our land model by neighborhood. We have include the 2 neighbors on Waterside Lane and a copy of the Lake Pauline Land Model (exhibit B). The land schedule is set that the larger the parcel the less per acre assessment. The 3 closest sales to the subject, in fact just about next door, are in the Lake Pauline Fair neighborhood and all three sold higher than assessment. In the Lake Pauline

Average area there are only 2 sales, one is a 75 year old camp that is being torn down and the other is on busy Red Bridge Road and is a 50 year old house. Of course none of the comp sales are in line with the subject as it is a brand new home. General info on lake sales the residential lake very good have since 2015, 17 sales, and the CLA is 98.2 which means we have our assessments close to 100%. The residential Lake Good has 2 sales and both are higher than assessments with and CLA at 85 indication that nicer homes on the lake are selling near assessment or higher. We have given a total of 30% deduction on the land. At grievance we did adjust for the unfinished area over the garage.

Inspection committee - Linda Tucker, Terry Carter, Chair and Alice Nitka

Hearing recessed.

### **Adams House - 030301.300**

**Listers** – This is quarter shares of 39 units times 4 or 156 quarter shares. We have this as a building built about 2006. At grievance we reduced the value from \$14,337,000 to \$11,564,632. The appellant based the value on per square foot, we feel it should be based on sales or listings that are out there. The appellant listed 9 sales, 2 are after April 1.

**Attorney John Facey** – Sales that occur after April 1 according to a Supreme Court Decision are just as relevant and can be used as comparables. Vermont Law says the value of a property is what a willing buyer will pay a willing seller in an arm's length broker transaction and the sales date nearest to April 1 is what you look at. A sale a month after April 1 is no worse or better than a month before. You can see by the graph line that the 9 sales that the fair market value is trending down. On the nine sales the average value per square foot is \$38.40 times the square footage of 56,287 times 4 leaving a value of \$8,646,433.

Terry Thayne stated that looking at the adjustment made in 2017 with the sales that have taken place will give you the new assessed value of \$11,564,632.

Inspection committee – Terry Carter, Chair, Jean Strong, Linda Tucker

Hearing recessed.

### **CLP Okemo - 030666.000**

**Eric Velto** – He presented a survey of the lifts showing exact locations, Mount Holly, State Land and Okemo property. No portion of any Okemo chairlift located in Mount Holly is taxable by Ludlow. The listers have made a reduction in the portion in Mount Holly. No portion of any Okemo chairlift located on State Lease land is taxable by Ludlow. Lift towns, cables, pulleys and chairs can be removed and must be considered personal property which is not currently taxed. Ludlow may therefore only lawfully tax Okemo on 73 lift tower foundations located in Ludlow. Therefore the total taxable value would be \$325,436.27 for those concrete foundations.

**Listers** – This property is in litigation from tax year 2015 so the listers do not wish to comment at this time.

Eric Velto stated this is the same issue as 2015 that is in Superior Court and that is a continuing action between CLP Okemo and the Town of Ludlow and there have been discussions between town counsel and our office that at the conclusion of this process if the board were to sustain the listers this action would be stayed and combined because of the basis for this grievance is the same as 2015. In order to preserve the right CLP is required to grieve this years' taxes as well and follow the process and the town is required by statute to continue the process until

the conclusion of this board decision and the town can agree with the mountain to stay these proceedings.

Inspection committee – Jean Strong, Terry Carter and Alice Nitka, Chair

Hearing recessed.

Next meeting scheduled for August 14 at 9:00AM for inspection reports.

Meeting adjourned at 11:45AM.

Respectfully submitted,

Ulla P. Cook, Town Clerk