

MINUTES OF THE MEETING
BOARD OF CIVIL AUTHORITY

JULY 9, 2018

Present: Jean Strong Linda Tucker Harry Welch
Alice Nitka John Bohrer Terry Carter
Ulla Cook- Town Clerk
Listers: Margot Martell Mark Gauthier Terry Thayne

The meeting was called to order by Chair Strong at 10:00AM.
The oath was administered to the BCA members.
The oath was administered to the Listers.

Antoine Dirk Roeland Van Horen 41 Apache Ridge, parcel 030662.000

Listers: This property has an assessed value of \$428,400. This is a contemporary, B- grade built in 1982, 1,616 square feet, clapboard exterior, 3 baths 7 rooms total with 4 bedrooms. Seller offered two comps in their original grievance 17 Silverstein Lane and 89 Spaulding Farm Road. Both are quite a bit older and do not feel they are decent comps. We also included in our package sales that took place in the RMG neighborhood in the last three years. A couple of them sold much higher than the assessed value and we did not change the value. We went to a VLCT meeting in May and we told the Listers assessment enjoys the presumption of validity and the tax payer must convince the BCA that the listers are wrong. If the taxpayer can show credible evidence that reasonably tends to show that the property is assessed more than fair market value or the listed value exceeds the percentage of listed value actually applied to the general mass of property in a community, the listers presumption bursts and the listers must defend their assessment, but the taxpayer's evidence must still outweigh listers to win appeal.

Attorney Birmingham: The concept is the same in all four of these appeals (other three are Francis and Laura Marino, Elias and Bogna Sakalis and MDB Properties). We went through this issue last year. Last year two of the appeals ended in Woodstock at the Superior Court House and the taxpayers were sustained in both appeals. The Supreme Court has said that according real property is taxed at an estimated fair market value which is defined as the price which the property will bring in the market when offered for sale and purchased by another. There needs to be no further estimation when there is a bona fide sale to illustrate fair market value. In short the two cases last year were the same as these four. If there has been a bona fide arms length , no rigged transaction, that is the market value. In Van Horen's case, the property was purchased on October 27 for \$350,000. Therefore, applying the law that defines the value to be \$350,000.

There was discussion on the guidelines the listers have to follow being they cannot chase sales and change property values according to sale price and the court says the opposite. Mark Gauthier stated they job is to maintain equity among properties and neighborhoods.

Jean Strong stated there is a cost associated with an appeal going forward to the State or Court and we should try to resolve these at our level.

Inspection committee to consist of Terry Carter, Chair, Alice Nitka and Jean Strong

Francis and Laura Marino, 12 Country Ridge Road parcel 040369.000

Listers: This property as an assessed value of \$415,000 and contains 1.24 acres of land mainly Classified as Residential I with a contemporary building grade B- built about 1996 having primarily clapboard exterior and 2,366 square feet. There have been two sales 5/2016 by Fannie Mae for \$260,800 and 4/2015 foreclosure sale at \$400,000 both not valid sales. We reduced this at grievance by \$63,300. Comps are 89 Black Diamond Lane sold for \$375,000 assessed for \$397,400, 48 Cedar Drive sold for \$370,000 and assessed at \$368,600 and 75 Highland Views South sold for \$490,000 and assessed for \$354,100. We do not chase sales up or down.

Attorney Birmingham: This property sold on 5/27/16 for \$260,800. Unrelated parties, arms length transaction. I use the same argument as the previous appeal. Terry makes a legitimate point that when Fannie Mae sells a property there be a bona fide price issue, however I still state there is unrelated parties arms length transaction in this case. This was a foreclosed property.

Mark Gauthier stated a foreclosed property typically sells for less than assessed value.

John Bohrer asked Attorney Birmingham that earlier he stated if a property sold for \$25,000 and valued at \$250,000 would not be a bona fide sale. Attorney Birmingham responded there is a reasonable argument that when a lending institution owns property at foreclosure and sells it may not qualify as a bona fide sale.

Inspection committee John Bohrer, Linda Tucker, Chair, Jean Strong

Elias and Zachura Sakalis, Trailside 24B Lower parcel 060123.00.

Listers: Terry Thayne stated we lowered the value of this unit from \$204,000 to \$153,000 prior to grievance. The owners purchased this for \$130,000. Unit 23D sold on 7/2016 for \$161,000 and on 3/1/2018 for \$155,000. Unit 17C sold for \$145,000. We feel there is enough data to show these units are assessed properly.

Attorney Birmingham: He stated he will advise his client that the \$153,000 assessment is fair.

MDB Properties LLC 14 Main Street parcel 230554.000

Listers: This is the car wash building on lower Main Street assessed for \$355,900. This was reduced by \$71,100 at grievance. There are no comps as this is the only restaurant/apartment/car wash in town. Last year it was determined that the Fair Market Value of the property at 488 Route 103 South should be valued at \$200,000 which was the purchase price. If the selling price is the Fair Market Value it appears we have assessed this property below the FMV of \$360,000.

Attorney Birmingham: He will advise the property owner that \$355,900 assessment is fair.

The meeting further discussed the issue of how the listers assess property as they cannot chase sales and the decision of the court on how fair market value is determined by the price which the property will bring in the market when offered for sale and purchased by another.

Meeting recessed.

Respectfully submitted,

Ulla P. Cook, Clerk