

Board of Civil Authority

September 7, 2022, 6:30pm

Present:

BCA Members - Michael Ketchum, Lee Ann Isaacson, Zach Cavacas, Ryan Knox, Kathie Burns, Patrick Giordano
BCA Clerk - Lori Scott
Listers – Beth Dawley, Richard Furman, Janet Whitaker.
Agent to Prosecute and Defend Suits – Joanne Mills.
Plaintiff Claudia Homan – Third Branch Investments

Elect Chair for the Hearing

Zach nominated Lee Ann and Mike seconded. Lee Ann Isaacson was elected as Chair for the Hearing.
Lee Ann called the meeting to order at to order at 6:31pm.

Oaths

Oaths were given to Claudia Homan, Beth Dawley, Richard Furman, and Janet Whitaker.

Listers:

Beth Dawley explained that the valuation was determined using the map provided by F&W Forestry with 722.50 acres. The listers consulted with the appraisal unit of New England Municipal Resource Center (NEMRC). NEMRC completed the Town of Stockbridge's last two townwide reappraisals. They used the Bulk Land Schedule for large properties. The property was valued as follows:

First 50 Acres (Base)	\$50,000
672.5 Acres @ 1,000	672,500
Total	772,500
Neighborhood Multiplier	1.0
Total	772,500
Land Grade Multiplier	.6
Total	\$463,500

Third Branch had submitted an appeal to the listers, that this was an arm's length transaction and as such, the value of the property should only have increased by the sales price of the land rather than per schedule. Rich Furman said there was no evidence to suggest that this parcel had been listed for sale and was a sale between parties who had previously transacted similar property.

Beth said that given the current real estate market there is no way to know what a property like this would have sold for in the market. Janet Whitaker stated that it is not customary practice to drop valuation to the selling price of property.

The valuation process that the lister used is a standard practice.

The Listers submitted into evidence:

PTTR, Wilde v. Town of Norwich (1989), Index Cards, Third Branch appeal requests, Lister response letter, Bulk Land Schedule, Arm's length Transaction definition.

Plaintiff evidence

The Span numbers in question 615-194-10063 and 618-194-10053

Third Branch has two assertions.

1. They were overbilled on the 2021 bill for 10063.

Claudia Homan provided the history of the parcels and transactions done by VT Department of Property Valuation Review (PVR) and submitted to the Lister office which caused multiple rebills. The PVR process had delays during 2020 due to the pandemic. Claudia submits that the parcels should have been combined in 2020 but were not until 2022. If they had been combined and the Current Land Use values applied, then they assert their bill would have been lower. Additionally, in December 2021, PVR took Span 10063 out of current use which generated a new bill. Third Branch paid it which they feel created an over charge. The credit requested is \$2,188.54

2. The total assessment of the property once combined in 2022 is overvalued.

Claudia asserts that the purchase of the Bones property is a bona fide sale. A statement from the Third Branch's attorney states "Here, that two sellers, even though related to each other, sold their adjoining property to a third party who is not related to either seller. These facts, without more, are insufficient to disprove an arm's length transaction."

Lee Ann asked about the value per acre of the previous purchase from the Bones Estate and confirmed that prices per acre on both sales were comparable. This sale in question occurred in May of 2020, before the real estate market heated up to where it is currently.

Although there was a discrepancy in acreage between the old tax bills, the current total acreage of 722.50 is agreed upon between Third Branch and the Town of Stockbridge.

Third Branch is asking for the property valuation to be decreased from \$463,500 by \$17,900 bringing it to a revised value of \$ 445,600. This would also create a credit for 2021 of \$185.31 and 2022 of \$406.58.

The total appeal is a refund of \$2,780.43 and a valuation reduction \$17,900.

Claudia submitted into evidence:

Appeal letter to BCA, Settlement Statement for 78.7 acres, History of PVR for 10053 and 10063, Tax bills for both parcels, Grievance and Resolution D Bones Prop Purchased, Legal Definition of Related party transaction and Schedule of refund requested.

Inspection Committee:

The Chair appointed Mike Ketchum, Ryan Knox, and Patrick Giordano to the Inspection Committee. They will reach out to Third Branch to schedule the inspection date and time. Once that is scheduled, they will communication back to the BCA Clerk to schedule the next session to review the committee's inspection report.

Adjournment:

The Chair adjourned the hearing at 7:51pm to be reopened at a time to be scheduled after the site inspection and report.