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TOWN OF HIGHGATE

Board of Civil Authority

Property Value Appeal Hearing

Monday, November 24, 2014

9:30am

Minutes

Present were: Mr. Merle Van Gieson – State of Vermont Property Tax Hearing Officer; Aimee Reynolds, Shirley Fecteau, Peter St. Germain – Listers; John Ferland & Dennis Nolan – BCA members; Wendi Dusablon – Town Clerk; Thomas Dukeshire – husband of the appellant.

Mr. Van Gieson opened the hearing at 9:28am. This proceeding will be similar to that of a court, but less formal. He asked everyone to identify themselves for the record and asked that only one person speak at a time. Both parties have the right to appeal his decision in writing within 30 days to the Supreme Court. There were no further questions from either party. Mr. Van Gieson noted that he received a call at 8am this morning that Tiffanie Dukeshire would not be able to attend and that her husband would attend on her behalf. Normally this would require a notarized statement. There were no objections by the town to Mr. Dukeshire participating in this hearing.

Mr. Van Gieson was audio recording this hearing, as was the town (Wendi). He swore in anyone who would be providing testimony (Shirley, Peter, Aimee, John, Dennis and Mr. Dukeshire). Mr. Van Gieson identified documents entered into evidence:

A = appellant T = town

- Cost sheets, property tax transfers for three comparable sale properties. There was no grid analysis of these properties. These were listed as exhibit A-1. Shirley Fecteau was given a copy of A-1.
- Cost sheet of the subject property, and a residential quality sheet. These were listed as exhibit T-1.
- BCA decision with inspection report and minutes. These were listed as exhibit T-2.
- Appraisal report of subject property prepared by Spillane Appraisal in 2013. This was listed as exhibit T-3.
- Cost sheets on four comparable sale properties. No PTTs were submitted by the town on these. Shirley said she must have missed that piece on the instructions of what to send. This was listed as exhibit T-4.

Mr. Dukeshire was given copies of T1 – T4. Shirley had no objections to exhibit A-1 presented by Mr. Dukeshire, and Mr. Dukeshire had no objections to the towns exhibits T1-T4, but stated that the town did not submit PTTs and that one of the comps is not in Highgate, it is in Swanton. Shirley noted afterwards that the property has a Swanton address but is in the town of Highgate.

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Mr. Van Gieson explained the process. He has to determine an estimate of fair market value with an appraisal from April 1, 2013. Mr. Dukeshire said there had not been any substantial changes to the property since April 1, 2014. Mr. Van Gieson stated he needed to make sure that the Dukeshire property is entered in the grand list at the same percentage of fair market value as the all other properties in town, which means he needs to apply an equalization ratio to the fair market value. Neither party has presented evidence of a ratio, which leads him to use the CIA, which is 112.2% in the 2014 grand list. In that case the ratio he will use is 100%. The Supreme Court has stated that they cannot knowingly list property above fair market value. There were no questions from either side on the process.

Shirley Fecteau gave a description of the property @ 701 Jones Road in Highgate and entered it into the record. This is land and dwelling on 10.1 acres. The home is 2640 square feet, and is a 1.5 story home. The home itself is valued by the town at \$214,400.00 and the land is valued by the town at \$88,400.00, making the total property value listed by the town at \$316,800.00. Mr. Van Gieson asked Mr. Dukeshire if this is their homestead. It is not. They do not reside at 701 Jones Road in Highgate, but they do own the home. The housesite value total is \$286,900.00. Mr. Van Gieson asked about the most recent town wide appraisal, which was done by Doug McArthur in 2008. Mrs. Dukeshire acquired the property in 1999 and began to build the main home at that time, which was completed in 2000. Mr. Van Gieson asked Mr. Dukeshire what is their estimate of fair market value on the home as of April 1, 2013, to which Mr. Dukeshire answered \$242,629.00. This is based on the property and the fact that they have been trying to sell it and have not been able to receive any offers above that price. They had a few market analysis' done by real estate agents and none have come back any higher than \$242,000.00. The Dukeshire's had an appraisal done on their own, which came back at \$275,000.00. No one from the town wished to cross examine Mr. Dukeshire at this time.

Mr. Van Gieson asked Mr. Dukeshire if the home was on the market as of April 1, 2014. Mr. Dukeshire stated that it was not listed with an agent but was listed with MLS and they represented themselves. It was on the market for six months in 2014 on MLS with an asking price of \$259,000.00. It is currently not on the market. They had previously tried this asking price in 2013 for a six month term and there was no interest, so they resorted to finding tenants. Due to financial constraints they could not leave the home vacant through the winter. Mr. Van Gieson asked if they had received any offers in either year it was listed with MLS. A verbal offer for \$250,000.00 with concessions was received in 2014 with a handshake agreement. This deal did not come to reality and the potential buyers chose another home not in the town of Highgate. When the MLS listing expired they began to look for new tenants.

Mr. Van Gieson asked if the market analysis' that he spoke of were presented as evidence today. No, they were not. They were submitted at an earlier meeting and are referenced in the minutes. Mr. Dukeshire had some documents from 2012 which Mr. Van Gieson stated do not carry any weight. Mr. Van Gieson asked about the appraisal the Dukeshire's had done that came back at \$275,000.00 and who that was done for. Mr. Dukeshire said it was done for them (The Dukeshire's). Mr. Van Gieson asked Mr. Dukeshire if he and his wife believed the appraisal coming in at \$275,000.00. No, they do not.

Referring to exhibit A-1, Mr. Van Gieson found that the property at 53 Homestead Drive was closest in square footage to the Dukeshire property. Mr. Dukeshire acknowledged that the lot on Homestead is much smaller, but feels that their property on Jones Road has a building lot of closer to one acre, not two as listed on the property card. Mr. Van Gieson noted to Mr. Dukeshire that in the State of Vermont it is common practice to list two acres as the housesite if there are two acres or more on the property.

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The town was again asked if they wanted to cross examine Mr. Dukeshire. Shirley wanted to mention that it is practice to list two acres as the house site if two acres are available. To compare the Gilmore home on Homestead you could add in the land value that the Dukeshires have and you would be quite close with the dollar value. As far as the design of the house, Shirley said it is not comparable. The Gilmore home is a two story and the Dukeshire home is a 1.5 story. Shirley does not see the similarities as a whole. Mr. Van Gieson agreed, it is very hard to find an exact clone, unless you are talking about a condominium. To clarify, Mr. Van Gieson said adding in the amount of land that the Dukeshires have to the Gilmore property would increase the Gilmore value a total of \$33,000.00 if they had 10.1 acres on Homestead. Shirley agreed with this statement.

Shirley also recapped the process that has happened so far. Mrs. Dukeshire came and met with the listers in June and it was explained at that time that our CLA was 112.2% and that we are all assessed that way. This is based on the same value from the 2008 town wide reappraisal. Unless the state tells us to reappraise the whole town, we can't do that on our own. The town looked at the appraisal submitted and in one area it was stated that the market value of the property was a value of \$359,000.00 and that was through the cost approach method. The town went and did a site visit and found that the basement area had some finish work. They also looked at the land as a whole and reduced it from .9 to .85 due to some wet area and some area with ledge also. The bedroom count went from two to three. These changes brought the value up, not down. With regard to landscaping, the town has that at a lower value than most because of the condition of the area around the home. Mr. Dukeshire had some questions to ask during cross examination. He asked about the grade of the building lot and how it compares. Shirley said that there are people in that area, the Ashtons, Novaks and Murrays, that have similar land to what he has. Mr. Dukeshire asked for clarification on the land grades and what it means. 1.0 = good land, flat, no rocks and perkable – things of that nature. The scale goes down from there and takes into consideration what the land consists of. The property at 701 Jones Road does have some wet area and also some ledge, so they decided to drop the grade. Mr. Van Gieson clarified that 1.0 is average. So the town is saying that your site is 10% below average and the bulk of your land is 15% below average. A lot of it is very subjective, that is why analysis of sales is so important and carries evidence weight of value when you are comparing actual sales. There were no other questions from the town or Mr. Dukeshire. Peter St. Germain felt everything was pretty well covered.

Mr. Van Gieson is required to look at the subject property, inside and out. He is not authorized to go on any other property, but driving by and looking at other properties presented can give him an idea of the neighborhood etc. Mr. Van Gieson stated that the comp property on Thak Blvd owned by the Gordon's is not a good example. The listed value is far below what theirs is. Mr. Van Gieson thought that all of the A-1 exhibits were low comps. And with regard to the appraisal report, two comps are in St. Albans and one in Sheldon. The Sheldon property is fairly close by the subject property, though. The comps at 285 St. Armand Road and 53 Homestead Lane he will take a look at, as well as the subject property at 701 Jones Road. Mr. Van Gieson asked the listers for the best route to take, so they don't backtrack. They will go by St. Armand Road, then Homestead Lane and on to Jones Road. He will follow the listers.

There was no further testimony from Mr. Dukeshire. There was no further testimony from the town.

In closing statements, Shirley Fecteau stated she feels it is very important that everyone's property is valued equally. The Town of Highgate is currently set at amounts from 2008 when we had our town wide reappraisal. Mr. Dukeshire did not have any closing statements.

The hearing ended @ 10:07am. The listers will lead the way on to the three properties mentioned. A decision should be received in 4-6 weeks and both parties have the right to appeal the decision within 30 days to the Supreme Court. If we do not receive the decision in 4-6 weeks, please give Mr. Van Gieson a call. Sometimes they get help up at PV&R. The thanked everyone for coming and for a pleasant hearing.

Minutes submitted by:

Wendi Dusablon , Town Clerk
Nov. 24, 2014

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MERLE VAN GIESON
Property Tax
Hearing Officer



October 28, 2014

PROPERTY VALUE APPEAL HEARING

{ Tiffanie Dukeshire	} Docket No. PVR 2014-29
{	}
re: { v.	} 2014 Grand List
{	}
{ Town of Highgate	} Parcel I.D. No. (Not Given)

A Hearing for the above captioned appeal is scheduled for **Monday, November 24, 2014 at 9:30am.** The Hearing will be held at the Town Clerk's Office located at 2996 VT Route 78, Highgate, VT. No Motion for a Continuance will be granted after November 11, 2014 except for an emergency.

INSTRUCTIONS

Municipality: Prior to November 20, 2014 forward to me at the address below, two copies of the Lister's Data Cards, Itemized Property Cost sheets, and Official Notice Decision of the Board of Civil Authority for the property under appeal, and two copies of any documentary evidence the Town wishes to have entered into the record as evidence.

Appellant: Prior to November 20, 2014, forward to me at the address below, two copies of all documentary evidence you wish to have entered into the record as evidence.

Both Parties: Include copies of Lister's Data Cards, and/or Itemized Property Cost sheets, and Property Transfer Tax Returns for all Comparable Sale properties presented as evidence of Fair Market Value. This includes comparable sale properties in appraisal reports.

Documents forwarded to me must be legible, and they are subject to discovery by the opposing party. All discoveries and/or interrogatories shall be completed prior to November 24, 2014.

Immediately after closing the Hearing, I will inspect the Subject property including the interior of all buildings, and may view comparable sale properties that have been entered into the record as evidence.

APPELLANT IS RESPONSIBLE FOR PROVIDING ME ACCESS TO THE PROPERTY AND THE INTERIOR OF ALL BUILDINGS SUBJECT TO THE APPEAL.

If there are general questions on procedure, I may be contacted by phone. I will not give legal advice or discuss the appeal with either party unless it is by conference call with a legal representative of each party on the line.

Mark Van Alstine

Merle Van Gieson
Property Tax Hearing Officer
3539 West Hill Rd.
Enosburg, VT 05450

phone: 1-802-326-4536

cc: Jim Knapp, Director of Property Valuation & Review
Highgate Town Clerk
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