

**TOWN OF WILMINGTON  
BOARD OF CIVIL AUTHORITY  
MONDAY, JULY 9, 2012 AT 5:30PM  
MINUTES**

The meeting of the Board of Civil Authority was convened at 5:30 p.m.

IN ATTENDANCE: A quorum was achieved with 10 out of 14 qualified members present: Justices of the Peace – Rosemarie Blair, Marcia Dorey, Tom Fitzgerald, Fred Houston, Tom Manton, Elizabeth McEwen, Franklin Reeve and Frank Spencer; Selectboard – Meg Streeter & Susie Haughwout (also as Town Clerk). Absent: Tom Consolino, Diane Chapman, Jim Burke and Bill Hamilton; Listers - Jerry Osler, Kay Martin Schwader and Brian DeCesare; Appellants and agents named below; no other members of the public were present

Tom Manton nominated Frank Spencer as Chair, seconded by Fred, hearing no other nominations – Voice Vote - All in favor – So Voted

Franklin Reeve nominated Elizabeth McEwen as Vice Chair, seconded by Tom Manton, hearing no other nominations – Voice Vote - All in favor – So Voted

The chair swore in the BCA members, Listers, Appellants, and Witnesses for all tax appeals to be heard this date.

**BLAKE – PARCEL ID#:00304026.000 – 90 HIGLEY HILL ROAD - \$250,000**

Appellant appeared and testified, submitted a number of real estate listing sheets and stated that he felt his property was assessed \$50,000 to high. Listers defended their comparables and felt that the value was well supported. The hearing was completed. Prior to the BCA inspecting the property, the Appellant withdrew his appeal in writing.

**SHUKIE – PARCEL ID#:02321043.000 - 239 LAKE RAPONDA ROAD - \$250,000**

**Conflict of interest:** Meg Streeter recused

**Appearing for the Listers:** Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** Jim & Peg Shukie

**Summary of Appellant Testimony:** Appellants described the property as a cottage that is less than 600sf with no septic, no well, no bedrooms – it is a studio. The lot is 30' x 190' with the cottage across the road from the lake and a small portion of the property on the water. The existing dock was beached due to Irene and had to be rebuilt after the purchase. Appellants submitted comparables and listing sheets and argued that values have gone down. The subject was on the market in May 2011 at \$210,000, then dropped to \$185,000. Appellants bid in late Aug 2011 and purchased in October 2011 for \$140,000. They testified that this was not a distress sale, and there was no mortgage on the property. Infrastructure cannot be upgraded as the property will not sustain a septic or well. Appellants did not feel the Listers comparables were appropriate for the subject and asked for a value of \$140,000.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2, A-3, A-4, A-5, A-6

**Summary of Lister Testimony:** The Listers testified that the subject is a unique, charming and pristine property with a great view of the lake. The location is ideal and it is a good value at \$250,000. They submitted that the BCA heard a tax appeal on this property two years ago prior to this recent sale, denied the appeal and sustained the \$250,000 value. The Listers admitted that it's a tough property in terms of comparables. They stated that the east side of lake more valuable than west side. Listers don't know why the property recently sold for \$140,000.

**Lister Exhibits:** Listers submitted Exhibit(s) L-1, L-2

**RUTKIN/OLDHAM – PARCEL ID#:01001006.011 - 52 Spruce Lake Estates - \$600,000**

**Appearing for the Listers:** Brian DeCesare, Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** Arnold Rutkin (by phone)

**Summary of Appellant Testimony:** The Appellant submitted a 2009 appraisal of the property which suggested a value of \$550,000 using comparables in Winhall and Jamaica. The appellant testified that the subject property is above average in lot size, approximately 25 acres with a nice view but difficult and steep access. The home is over 12 years old and above average condition and average quality. He testified that there are only 2 fireplaces not 3, the land is steep and yields no particular yard to the home and has a dangerous drop off in front. He submitted a letter from Palmiter Realty stating that the property was listed for \$525,000 for six months with no offers. He testified to two sales – Horowitz right across street, on the lake, better location, no garage, sold for \$425,000, and Wilson, no garage, sold for \$357,500. Appellant stated that he paid \$510,000 seven years ago and is now willing to sell for \$500,000 - he is seeking a value of \$500,000.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2, A-3, A-4

**Summary of Lister Testimony:** Brian DeCesare on behalf of the Listers testified that he checked the numbers by plugging in 3 comparable sales, because some much reference has been made to the age of sales during Grievance. He argued that the comparables were appropriate and supported the valuation. He stated that the subject is different than the comparables offered by the appellant because the subject property is a large 25 acre lot and has an excellent view. The land is more valuable than the Horowitz property and the subject house is slightly larger. He handed out exhibits that were not correct – asked if could submit correct material for review at BCA discretion after adjournment of hearing (the BCA declined to receive late exhibits.) He testified that the percentage of drop in value is different for different properties. Houses depreciate at different rates, not at a flat rate, smaller homes depreciate less and larger homes more.

**Lister Exhibits:** Listers submitted Exhibit(s) L-1, L-2, L-3, L-4

**DONAHUE – PARCEL ID#:00701012.000 – 446 STOWE HILL ROAD – \$700,000**

The Appellant testified (by phone) that after grievance 356 Stowe Hill Road (house with land) was lowered to \$350,000, and 446 Stowe Hill Road (21.2 +/- acres of land across the street) was left at \$350,000. The Listers agreed that this was in error and submitted an assessment sheet that showed corrections listing 356 Stowe Hill Road (house with land) at \$450,000, and 446 Stowe Hill Road (21.2 +/- acres of land across the street) at \$250,000 for a total value of \$700,000. The Listers agreed to send confirmation to Appellant that the house should be listed at \$450,000 and the land at \$250,000.

**Appellant withdrew the appeal.**

**AHERN - PARCEL ID#:HSCOUNTR.010 - 17 FIRST LANE-UNIT 10 - \$220,000**

**Appearing for the Listers:** Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** Timothy & Jennifer Ahern

**Summary of Appellant Testimony:** Appellants submitted an appraisal suggesting a value of \$165,000. They submitted newer comparables than those used by the Listers, in Spyglass and Country Club dated from 4/1/11 to 9/30/11, selling between \$146,000 and \$164,000. They purchased the subject property at arms-length in February 2012 for \$140,000 and are seeking that as a value.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2, A-3, A-4, A-5, A-6, A-7

**Summary of Lister Testimony:** The Listers stated current lowest listed price for a similar unit is \$164,900 is current lowest listed price. They commented that \$140,000 was a great price, but that one sale doesn't make the market. The Listers consider the subject sale to be an outlier and stand by their assessment.

**Lister Exhibits:** Listers submitted Exhibit(s) L-1, L-2

**HAYSTACK HIGHLANDS LLC – PARCEL ID#: HSHIGHLN.000 - LAND ONLY - \$300,000**

**Appearing for the Listers:** Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** John Redd

**Summary of Appellant Testimony:** The Appellant described the undeveloped parcel as anticipating future 10 units. The Listers assessed the yet to be developed parcel at \$30,000 per unit x 10 future units = \$300,000. Although the listers mentioned that Haystack Highlands development was reduced in 2010 by 15%, the unbuilt portion of the development (10 units) was not reduced. He submitted comparables for single family home lots in Chimney Hill which sold for a range of \$18,000 to \$28,000. Appellant recommends \$24,000 per unit for a total property value of \$240,000, because the market indicates a decline in excess of 20%.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2

**Summary of Lister Testimony:** The Listers argued that their comparables are good and the adjustments are appropriate. In 2010 the Listers agreed to a "special deal" that would be right for developer in terms of valuing the undeveloped portion of Haystack Highlands. The value of the lots submitted by the Appellant is not appropriate for "developer's lots" because they are single family home lots which require the owner to construct a septic system. The developer's lots already have some of the sewer infrastructure in place. The Listers stated that they stand by their current value as it is well supported.

**Lister Exhibits:** Listers submitted Exhibit(s) L-1, L-2

**LORUSSO – PARCEL ID#: HSHIGHLN.R02 - 7 GREEN TEE PLACE - \$298,000**

**Appearing for the Listers:** Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** John Redd (agent for LoRusso)

**Summary of Appellant Testimony:** The agent for Appellant testified that two Haystack Highland units sold before April 1, 2012. Unit #N1 sold for \$365,000 in March 2012, and Unit #R1 sold for \$285,000 in February 2012. The subject unit #R2 went under contract for \$306,000 in April 2012, and was 80% complete. He testified that the valuation of #R2 should be 80% of \$320,000. He testified that the value should be based on

the average of the sale of #N1 (minus \$30,000) and #R2, or \$310,000, plus views and upgrades of \$10,000. Therefore, Appellant is seeking a value of \$252,000.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2,

**Summary of Lister Testimony:** The Listers testified that they reappraised Haystack Highlands in 2011, and that the BCA denied this appeal last year. They reappraised all the condos because they were hurt the most in the downturn. The Listers stated that they stand by their current value as it is well supported.

**Lister Exhibits:** Listers submitted Exhibit(s) none

**TRYJANKOWSKI – PARCEL ID#: HSHIGHLN.N02 - 33 FORE SEASONS DR #N2 - \$385,000**

**Appearing for the Listers:** Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** Elaine Tryjankowski

**Summary of Appellant Testimony:** Appellant submitted a grid containing 5 comparable sales along with MLS listing sheets for sale. She referred specifically to a recent sale of a “mirror image” condo to her unit which sold in March 2012 for \$365,000. Appellant argued that her property should be adjusted further down due to level of finishes in her unit compared to the mirror. The subject unit is a 3 bedroom, 3 bath, unfinished basement. Appellant is asking for a value of \$333,000.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2, A-3, A-4, A-5, A-6

**Summary of Lister Testimony:** The Listers also submitted MLS listing sheets. For the 2010 Grand List year, the Listers reviewed the entire complex and lowered units not previously adjusted by the BCA by 15%. The Listers argued that they made the appropriate adjustments for the comparables they used and the subject’s value is supported.

**Lister Exhibits:** Listers submitted Exhibit(s) L-1, L-2

**KETTERER – PARCEL ID#: 02121088.000 - 76 EAST MAIN ST (LAND ONLY) - \$60,000**

**Appearing for the Listers:** Jerry Osler & Kay Martin Schwader

**Appearing for the Appellant:** Gordon & Ann Ketterer

**Summary of Appellant Testimony:** The Appellants testified that the land only at 76 East Main Street is .11 acre, does not have its own driveway or parking area. Appellants questioned why is the Listers assign a standard value on village lots without regard to size, and further believe the property should be lowered in value due to its size and lack of access.

**Appellant Exhibits:** Appellant submitted Exhibit(s) A-1, A-2, A-3, A-4

**Summary of Lister Testimony:** Listers testified that the lot is a buildable site with water and sewer. This is a standard value for village parcels. Realize some lots in town are larger and this is one of the smallest.

**Lister Exhibits:** Listers submitted Exhibit(s) L-1, L-2

The Appellants also questioned the assessment of the property located at 78 East Main Street – ID#:02121089.000, and stated that there is a problem with the value of the land for that parcel. The Listers testified that the main house is valued at \$70,000 and the land at \$35,000; the studio is valued at \$40,000 with

the land at \$15,000; and the garage is valued at \$5,000. A member of the BCA noted that the land for this property has been given two values \$35,000 and \$15,000. The Listers agreed to correct the error by subtracting \$15,000, and will now assess the property at 78 East Main Street – ID#:02121089.000, as follows: House = \$70,000; Studio = \$40,000; Garage = \$5,000; Land = \$35,000; for a total value of \$230,000. The Listers further agreed to correct the Lister card to reflect this change.

Appellants agree to withdraw appeals on ID#:02121089.000 and ID#:02121070.000. The only property remaining under appeal is ID#:02121088.000

**INSPECTION COMMITTEES:**

Formed Inspection Committees and committees will set up inspection appointments with appellants. Appellants gave consent to inspect, and contact information to Inspection Committee members. The Committees will notify Clerk of inspection times and will inform listers. Team members as follows:

(Reeve/Houston/McEwen/Manton) – Haystack Highlands, Tryjankowski, Ahern  
(Blair/Streeter/Dorey/Fitzgerald) – Shukie, Rutkin, Blake, Ketterer

The above Inspection Committee Reports will be presented on July 23, 2012.

**OTHER BUSINESS:**

MOTION TO RECESS made by Fred Houston, seconded by Marcia Dorey. Voice Vote – All in favor.

Recessed at 8:25pm.

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THESE MINUTES ARE A TRUE AND OFFICIAL RECORD OF ALL ACTION TAKEN AT THE BOARD OF CIVIL AUTHORITY MEETING HELD, JULY 9, 2012.

MINUTES PREPARED ON JULY 19, 2012.



ATTEST: \_\_\_\_\_  
Susan Joy Haughwout

DATE: July 19, 2012

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THESE MINUTES ARE A TRUE INDICATION OF THE BUSINESS OF THE BOARD OF CIVIL AUTHORITY MEETING HELD, JULY 19, 2012.

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