

**TOWN OF WILMINGTON  
BOARD OF CIVIL AUTHORITY  
MONDAY, AUGUST 22, 2016  
MINUTES**

The meeting of the Board of Civil Authority was convened by the Town Clerk at 5:30pm.

**IN ATTENDANCE:** A quorum was achieved quorum was achieved with 9 members present. Selectboard – Tom Fitzgerald (also as JOP), Vince Rice, John Gannon & Susie Haughwout (also as Town Clerk); Justices of the Peace – Elizabeth McEwen, Marcia Dorey, Fred Houston, Peter Barton & Rosemarie Blair

Also Present: Listers – Jerry Osler; Consulting Appraiser – Brian DeCesare; Appellants – Ted Schmidt, David Schlakta, Hal Turkiewicz & Heather Axman, and Jim Shukie

**1. CONVENED:** 5:32pm

**CHANGE TO AGENDA:** added approval of Dec 10, 2015 minutes to item 4

**PUBLIC INPUT:** none

**2. HEARING OF TAX APPEALS:**

**INTRODUCE BCA:** members introduced themselves

**BRIEF EXPLANATION OF QUASI-JUDICIAL HEARING:**

Chair gave brief explanation on composition of the BCA and its duties during tax assessment appeal hearings. Instructed that all testimony be given to the BCA, questions of any party should be directed to the Chair, and no cross-talk is allowed among parties.

**DECLARE CONFLICTS OF INTEREST:** None declared

**ADMINISTER OATHS:** Chair swore in the BCA members, Lister, Consultant and Appellants

**TAX ASSESSMENT APPEALS:**

**SCHMIDT, THEODORE & ANDREA – 40 TWO BROOK DR – HSTWOBRO.041 - \$255,000**

**Summary of Appellant Testimony:** Mr. Schmidt presented a recent bank appraisal which set the value of his property at \$245,000. He testified that he had submitted a previous bank appraisal to the Listers at Grievance which set the value of his property at \$242,000.

**Appellant Exhibits:** Letter to BCA, Copies of Letters to Listers for Grievance, Bank Appraisal

**Summary of Lister Testimony:** Mr. Osler, Chair of the Listers, interjected and stated that this was an unusual situation, and he had reviewed the new appraisal this afternoon. One of the Listers' comparables was valued at \$246,000 the Listers would be happy to accept the valuation of \$245,000.

**Lister Exhibits:** Lister Information Sheet, Appraisal Report, Tax Map

The Chair confirmed that there was a change requested by the Listers to a value of \$245,000 and that the Appellant accepted the value of \$245,000.

## **SCHLATKA, DAVID & LINDA – 126 WEST LAKE RD – 02221008.000 - \$540,000**

**Summary of Appellant Testimony:** Mr. Schlatka testified that the property is a camp that has been in the family for 105 years, seasonal, not used in winter. Wood heat and oil fired heat only services first floor – not sufficient to provide habitable interior environment for winter use. Steep access very difficult in winter conditions. He noted errors in Town's appraisal – porch is not screened; stone patio is not new, it has been repaired; wood deck is not new, it is same as existed during reappraisal of 2009; age of structure is estimated by Listers as 15 years, it is original and about 103 years old; interior finishes are 30 years old; plumbing/electrical/gas/ oil heat not up to current building codes. He testified to deficiencies – house foundation has never been completed and has a major crack in concrete wall, temporary supports in place; basement floor is dirt, not damp proof, water and moisture present, poor drainage; power company easement across property restricts full use of lot. He noted that his neighbor's property increased by \$30,000 compared to \$174,000 increase to subject. Neighbor's lot is larger with more lake frontage and larger house. Lister's comparable is new – not appropriate. Lister comparable 2 does not exist as pictured. He noted that his land had increased by \$200,000, and that a nearby property with two cottages and more land had sold for \$290,000. He submitted a private appraisal setting the value at \$470,000. He estimated that curing the deficiencies would total about \$56,000. Mr. Schlatka believed that a fair increase to his property would be \$70,000, and requested a valuation of \$436,000.

**Appellant Exhibits:** Letter to BCA, copy of Letter to Listers for Grievance, Linda Kersten Appraisal

**Summary of Lister Testimony:** Brian DeCesare explained that the house was lowered since the 2009 reappraisal from \$163,000 to \$134,000/ garage raised from \$13,000 to \$16,000/ site improvements remained same at \$40,000. The biggest change was the value of the land – from \$150,000 in 2009 to new value of \$350,000. He testified that there have been 2 sales of raw land around Lake Raponda each at around \$400,000. He clarified that the nearby property that sold for \$290,000 did not perc and would not support a septic system. The two cottages are more like shed structures. The Listers stand by the land value of \$350,000 as well supported by sales and stand by the total valuation of \$540,000. They presented a private appraisal

**Lister Exhibits:** Listers Information Sheet, Listers Appraisal Report, Tax Map

## **TURKIEWICZ, HAL – 29 BRANDI LN – 00302013.600 - \$450,000**

**Summary of Appellant Testimony:** Mr. Turkiewicz and Ms. Axman argued that the values in their neighborhood are stable as noted in the Listers Appraisal Report – growth is stable, value is stable, demand/supply is stable, market sale time is over 6 months. The Listers Appraisal Report indicates no adverse conditions – they argued that a large portion of the parcel is wetlands and much of the property close to the house is wet/swampy – map submitted. They noted that the house is on a concrete slab, no basement, no attic, no air conditioning. The Listers Appraisal Report shows a 2 car garage – they argued that it is only a 1 car garage because the utilities are housed one side – no heat, no insulation, no water in the garage. Listers Appraisal Report indicates both a spa and whirlpool tub on the deck – they clarified that there is only a hot tub on the ground level. They testified that the rooms in the house are smaller size, just 2 bedrooms and 2 ½ baths. The land is 6.9 acres not 7.3 acres. They argued that the comparables used by the Listers were not in their nearby neighborhood; the comparables were larger, some dates of appraisals were not given. They presented 22 comparables in their nearby neighborhood – 7 of which they felt were more appropriate than those used by the Listers. They discounted the West Dover comparables used by the Listers. The listed a number of sales that they believe show no upward pressure on value. They submitted a private appraisal which gave a value of \$380,000 for the property. Mr. Turkiewicz and Ms. Axman requested a value of \$400,000 - \$410,000.

**Appellant Exhibits:** Letter to BCA, Listers Appraisal Report, Wetland Map, Tax Maps, Photos, 22 Comparables, Douglas Whitney Appraisal

**Summary of Lister Testimony:** Brian DeCesare explained that it's not always true that the comparables closest in location to the subject are the best. For example 77 Smith Road is a 46 year old ranch style house which is not comparable at all to the subject. Ives Road is up by the Hermitage entrance, not comparable, same holds for Chimney Hill. No sites in Chimney Hill are valued at \$70,000, rather around \$25,000. Although Titus Farm Road says view, it's not long range like subject. He argued that the appraiser chosen by the Appellants does not know the area well. He argued that the Appellants did not meet the burden of production and persuasion in that the information submitted, except for the professional appraisal, had not been reconciled in a format that supports the value they request. He testified that the Listers stand by their comparables as appropriate and the value is well supported.

**Lister Exhibits:** Listers Information Sheet, 2 Listers Appraisal Reports, Tax Map, 19 Real Estate Listing Sheets – most Closed, Lister Appraisal Reports for some comparables, Print out of closed properties.

**SHUKIE, JAMES & MARGARET – 239 LAKE RAPONDA RD – 02321043.000 - \$205,000**

**Summary of Appellant Testimony:** Mr. Shukie noted inaccuracies in Listers appraisal – there is no bedroom, the driveway fits 1 car not 2. The cottage does not have a well or septic system. There is an electric incinerator toilet and a cistern for water. The cottage is useable in winter. He noted that the comparables used by the Listers have more acreage and are larger. The cottage is across the road from the waterfront. There is a piece of property on the water that is included. Mr. Shukie requested a value of \$175,000 - \$180,000.

**Appellant Exhibits:** Letter to BCA

**Summary of Lister Testimony:** Brian DeCesare testified that the Listers used the lowest sale of a lake property they could find as a comparable. The property is unique, and the Listers adjusted the for the subject for lack of water and septic, as well as the small size lot.

**Lister Exhibits:** Lister Information Sheet, Lister Appraisal Report, Tax Map

**ASSIGN INSPECTION TEAMS:**

Team 1: Marcia Dorey, Rosemarie Blair, Tom Fitzgerald  
Team 2: Elizabeth McEwen, John Gannon, Peter Barton

**DATES/TIMES FOR INSPECTON AND NEXT MEETING:** Teams will schedule directly with Appellants, confirm to Clerk, Clerk will inform Listers of appointments. Next meeting is September 12, 2016 at 5:30pm.

**INSPECTION REPORT:** CRANNY inspection report presented by Fred Houston.

**DELIBERATIVE SESSION:**

MOTION TO ENTER DELIBERATIVE SESSION made by Marcia Dorey, seconded by Fred Houston.  
Voice Vote – All in Favor

Exit Deliberative Session

**DECISION SETTING VALUE:**

MOTION made by Fred Houston, seconded by Elizabeth McEwen, to set the value of the property owned by **CRANNY, COLLEEN & JOHN – 76 DAVIS DRIVE – ID#00301060.000** as follows:

**Total Value \$202,000 (House \$147,000; Site \$30,000; Land \$25,000)**

Voice Vote - 8 in Favor – 1 Abstained (Peter Barton – not present for hearing)

**4. MINUTES:**

MOTION TO APPROVE MINUTES of July 25, 2016 and December 10, 2015 made by Rosemarie Blair, seconded by Marcia Dorey. Voice Vote - All in Favor

**5. OTHER BUSINESS:** None

**6. RECESS:**

MOTION TO RECESS the BCA Tax Assessment Appeal Hearing to September 12, 2016 for Inspection Report/Decision meeting made by Marcia Dorey, seconded by Rosemarie Blair. Voice Vote – All in Favor

Recessed at 7:30pm.

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, AUGUST 22, 2016.

MINUTES PREPARED ON THURSDAY, AUGUST 25, 2016 & SUBMITTED TO WEBMASTER ON FRIDAY, AUGUST 26, 2016 AT 2:00PM.

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

DATE: August 25, 2016

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, AUGUST 22, 2016.

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