

**TOWN OF WILMINGTON
BOARD OF CIVIL AUTHORITY
MONDAY, SEPTEMBER 12, 2016
MINUTES**

IN ATTENDANCE: A quorum was achieved quorum was achieved with 7 members present. Selectboard – Tom Fitzgerald (also as JOP), 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, Len Chapman; Appellants – Ted Schmidt (by phone)

CONVENED: 5:35pm

1. CHANGE TO AGENDA – Items 3 and 9 will not be Executive Session, they will be open session.

2. PUBLIC INPUT - none

3. Chair Elizabeth McEwen explained why the hearing for Schmidt is continuing to be heard during this meeting. At the hearing on August 22, 2016, the Listers had offered a revised value of the Schmidt property. Mr. Schmidt accepted the value. Upon review of this action, it was determined that the Listers do not have the authority to offer such a change during the tax appeal process. The hearing on August 22 had, in fact, been recessed allowing the BCA to further hear from Mr. Schmidt and the Listers. The BCA will allow for full testimony from each party during this meeting. The BCA will conduct the required inspection. The Inspection Committee will report back to the BCA on September 19th, and send a Final Decision to Mr. Schmidt within 15 days.

4. REOPEN HEARING originally heard and recessed on 8/22/16

The Chair administered the Witness Oath to Lister Len Chapman who was not present at the initial hearing. All others present remain under oath from the August 22, 2016 meeting. Susie Haughwout recused herself from this hearing. She will not participate in the inspection nor vote on the matter. She will continue with ministerial duties during the hearing.

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

Summary of Appellant Testimony: Mr. Schmidt presented two recent bank appraisals, one which set the value for his property at \$242,000, and a second appraisal which set the value of his property at \$245,000. Both of the Appellant's Appraisals and the Town Appraisal used the following two comparables:

15 West Road: Listers' value = \$246,000
Appellant's Appraisal #1 = \$240,280
Appellant's Appraisal #2 = \$245,810

5 Low Land Loop: Listers' value = \$258,500
Appellant's Appraisal #1 = \$244,100
Appellant's Appraisal #2 at \$242,940

The Town Appraisal added \$10,000 for condition to the subject which he questioned, as no interior inspection of the property was conducted. He argued that the added \$10,000 adjustment should be invalid. The Town also did not take off for the smaller size land parcel, and did not deduct for the lack of fireplace against the other comparables. He noted that the Listers' value for 5 Low Land Loop skews his property's value.

The Appellant requested a value of \$242,000 to \$245,000.

Appellant Exhibits: Letter to BCA, Copies of Letters to Listers for Grievance, 2 Bank Appraisals

Summary of Lister Testimony: Mr. Osler, Chair of the Listers, apologized for the confusion ensuing since the last meeting. He stated that the Listers agree that the comparable of 15 West Road at \$246,000 is a very close comparable to the Appellant's property, and the Board of Listers believes the value of \$245,000 for the subject property of 40 Two Brook Drive is appropriate.

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

The Inspection was set for 3:00pm on Friday, September 16, 2016.

5. MINUTES:

MOTION TO APPROVE MINUTES of August 22, 2016 made by Tom Fitzgerald, seconded by Fred Houston.
Voice Vote - All in Favor

6. INSPECTION COMMITTEE REPORTS:

SHUKIE – 02321043.000 – 239 Lake Raponda Road – Report presented by Marcia Dorey
SCHLATKA – 02221008.000 – 126 West Lake Road – Report presented by Rosemarie Blair

TURKIEWICZ – 00302013.600 – 29 Brandi Lane – Report will be presented at September 19th meeting

7. DELIBERATIVE SESSION:

MOTION TO ENTER DELIBERATIVE SESSION made by Fred Houston, seconded by Marcia Dorey.
Voice Vote – All in Favor (6:17pm)

Exit Deliberative Session 6:45pm

8. DECISION SETTING VALUE:

MOTION made by Fred Houston, seconded by Marcia Dorey, to set the value of the property owned by **SHUKIE, JAMES & MARGARET – ID#02321043.000 – 239 Lake Raponda Road** as follows:

Total Value \$185,000: (House \$110,000; Site \$10,000; Land \$65,000)

Voice Vote - All in Favor

MOTION made by Marcia Dorey, seconded by Peter Barton, to set the value of the property owned by **SCHLATKA, DAVID & LINDA – ID#02221008.000 – 126 West Lake Road** as follows:

Total Value \$455,000: (House \$115,000/Barn \$10,000/Site \$40,000/Land \$290,000)

Voice Vote - All in Favor

9. OTHER BUSINESS – The Board discussed recent actions of a Lister present for a Property Inspection. BCA Chair Elizabeth McEwen will contact Lister Chair Jerry Osler to discuss.

10. ADJOURN

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

Recessed at 7:13pm.

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, SEPTEMBER 12, 2016.

MINUTES PREPARED ON WEDNESDAY, SEPTEMBER 14, 2016 & SUBMITTED TO WEBMASTER ON THURSDAY, SEPTEMBER 15, 2016 AT 2:15PM.

ATTEST: _____
Susan Joy Haughwout

DATE: September 14, 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, SEPTEMBER 12, 2016.

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