

Minutes
Swanton Board of Civil Authority
Property Tax Appeals – Inspection Committee Report and Decision
Monday, August 4, 2014
6:00 p.m.
Swanton Town Office
1 Academy Street
Swanton, VT 05488

PRESENT: BCA: Richard Thompson, Chairman; John Hubbard, Vice Chairman; Cathy Fournier, Town Clerk; Warren Fournier, Brian Savage, Steve Pike, and Ed Daniel.

Other: Leigh Smith, Recording Secretary

Purpose: (1) Approve Minutes of 7/24/14 Tax Appeal hearings; (2) Hear Inspection Committee Results from appeal of Kyle Carpenter & Chelsey (Sicotte) Carpenter - 2 Lakeview Drive (LW00020003); (3) Render Decision in above-cited appeal; (4) Any Other Necessary Business.

1. Call to Order: BCA Chairman Dick Thompson called the meeting to order at 6:00 p.m. after having noted a quorum of BCA members for rendering a decision in the above-cited Carpenter-(Sicotte) Carpenter appeal.

2. Pledge of Allegiance. Those present participated in the national Pledge of Allegiance at the invitation of BCA Chairman Dick Thompson.

3. Matter re: Floyd Marcotte Letter to Editor, St. Albans Messenger – 8/4/14. At the request of Chairman Dick Thompson, BCA members turned their attention to copies of a letter from Floyd Marcotte of Swanton to the editor of the *St. Albans Messenger* printed on 8/4/14 (page 4A), a copy of which is attached and incorporated within this body of minutes. In his letter, Mr. Marcotte complains about Swanton listers' reassessment of his property [Floyd & Therese Marcotte, 2 Shetland Lane, SB0002-0013] to a valuation \$20,000 higher than the BCA established following the Marcottes' tax appeal in 2013. [In 2013, the BCA lowered the Marcottes' assessment to \$279,000 from \$299,200.]

Mr. Thompson handed out a series of communications, both regular mail and e-mail copies, which had transpired between himself, Mr. Marcotte, and Town Attorney Brian Monaghan, Esq., respectively. The following is attached and incorporated within this body of minutes:

- 6/19/14 Letter of Mr. Marcotte to Mr. Thompson
- 6/24/14 E-mail of Mr. Thompson to Attorney Monaghan
- 7/5/14 E-mail of Attorney Monaghan to Mr. Thompson
- 7/4/14 [sic] letter of Mr. Thompson to Mr. and Mrs. Marcotte

Mr. Thompson explained the background of the Marcottes' 2013 appeal and Mr.

Marcotte's subsequent communication with the Town.

The BCA Chairman said he had participated on the Inspection Committee at the site visit to the Marcottes' property as part of the latter's 2013 property tax appeal.

Because he was part of that site visit, Mr. Thompson stressed that he felt he/the Town should consult a lawyer following receipt of and before responding to Mr. Marcotte's complaints about the listers' raised property valuation (see Marcotte letter to Thompson, 6/19/14).

At the approval of the Town selectboard, Mr. Thompson e-mailed the Town's Attorney Brian Monaghan about the situation and concerning a draft response to Mr. Marcotte. Mr. Monaghan principally agreed with Mr. Thompson's draft, noting he should add wording concerning appeal options to Franklin County's Superior Court. Mr. Thompson adjusted the draft accordingly and subsequently mailed a response dated 7/4/14 to the Marcottes. (See email exchanges of 6/24/14 and 7/5/14, and letter of 7/4/14, attached.)

Mr. Thompson pointed out that the Marcottes chose not to appeal their property taxes this year [2014].

Mr. Fournier queried Mr. Thompson about Mr. Marcotte's allegation that Thompson had "told him to hire a lawyer." Mr. Thompson countered that he had not advised the former appellant to "hire a lawyer," but that he had specifically written that since Thompson was "only offering [his] opinion," and was not an attorney himself, the Marcottes "might be well served to consult with an attorney." The Chairman explained that he had been hesitant to reply to Marcotte's 6/19/14 letter to him, as he had wanted to avoid *ex-parte* communication (especially having been on the former Inspection team), and without having legal approval to respond. Thompson said he had sent his formal response dated 7/4/14 only after having consulted with the selectboard and, subsequently, the Town's attorney, and after having learned that the Marcottes were not grieving this year [2014].

It was noted that if the Marcottes pursue an appeal to the State level, and if the State rules in their favor, the lowered assessment [\$279,000, from 2013 BCA decision], would stand for 2014 and for "two more years" without the listers' ability to reassess it (unless there are changes or additions to the property).

BCA members encouraged Mr. Thompson that "he did what he had to do," although Mr. Fournier complained that he hated to "see people [Marcottes] hurt" and felt the letter to the editor could gravely color the public's perception of the integrity of Swanton officials.

4. Approve 7/24/14 Tax Appeal Hearings Minutes. Mr. Daniel moved that the BCA approve the 7/24/14 tax appeal hearing minutes as recorded. Mr. Savage seconded the motion, which was carried unanimously.

5. Carpenter & (Sicotte) Carpenter [2 Lakeview Drive (LW00020003)]– Tax Appeal Inspection Committee Report - Results. The inspection committee for the Carpenters' property appeal on 7/24/14 entered their written report as **INSPECTION COMMITTEE REPORT – EXHIBIT 1**, a copy of which is attached and incorporated in this body of minutes. BCA members each read the report of the inspection conducted on 7/30/14 at 2:00 p.m. The inspection team did not make a recommendation to the BCA

concerning the Carpenters' valuation.

6. Deliberative Session re: Carpenter Appeal. Vice Chairman John Hubbard moved that the BCA enter Deliberative Session to discuss and render a decision on the above-cited Carpenter appeal. Mr. Savage seconded the motion, which was carried unanimously.

The BCA entered Deliberative Session at 6:10 p.m.

Mr. Daniel moved that the BCA exit Deliberative Session. The motion was seconded by Mr. Hubbard and carried unanimously.

The BCA exited Deliberative Session at 6:50 p.m.

7. BCA Decision re: Carpenter Appeal. Within Deliberative Session, Mr. Fournier moved that the BCA reduce the current valuation and reaffirm the reduced assessment value at \$199,700, which was assigned upon the appellants' 2013 appeal -- given that there had been no changes or additions to the property upon inspection since 2013. Mr. Savage seconded the motion. Upon vote, Messrs. Hubbard and Daniel declined the proposal. Messrs. Pike, Fournier, and Savage upheld the assessment reduction to \$199,700. Mr. Thompson abstained from voting. **Result: Carpenters' assessment value will be relowered to \$199,700 from current \$237,200.**

8. Camera for Future Inspection Committees. Mr. Daniel voiced a desire for future inspection committees to have a digital camera they can use during site visits, the results from which could be viewed by the entire BCA at reporting. He was assured there is a Town camera available; however, site teams must secure permission from property owners before taking pictures.

9. State and Local Highway Operation / State Funding Discussion. Mr. Fournier complained that the State exerts restrictions on local highway crews while freeing State trucks to course over local roads with heavy loads. He discussed his displeasure with the State's administration of various funding, including the education fund formulas. Mr. Savage provided his perspective on various points of Mr. Fournier in the former's role as a State Legislator.

10. Adjourn. Mr. Daniel moved that the BCA adjourn its tax appeal proceedings for 2014, seconded by Mr. Fournier and carried unanimously. There being no further business at hand, Chairman Thompson adjourned the BCA at 6:53 p.m.

Minutes by Leigh Smith
Typed on August 5, 2014
Received and filed by:

Richard Thompson
Chairman, Board of Civil Authority

Cathy Fournier, Town Clerk

Attachments, included and incorporated into these Minutes:

1. Floyd Marcotte – Letter to Editor of *St. Albans Messenger* dated Monday, August 4, 2014, page 4A.
2. Sequence of Letters between Messrs. Marcotte, Thompson, and Town Attorney Brian Monaghan (6/19/14, 6/24/14, 7/5/14, and 7/4/14 [sic], respectively).
3. Inspection Committee Report – Exhibit 1 (Carpenter & (Sicotte) Carpenter, 2 Lakeview Drive (LW0002-0003).