

**TOWN OF STRATTON
BOARD OF CIVIL AUTHORITY**

PROPERTY TAX APPEAL HEARING

Minutes – August 15, 2019

BCA members present: Greg Marcucci (Chair), Chris Lillier, Nancy Ferrucci, Helen Eddy, Lorraine Weeks-Newell, Pat Coolidge

Listers present: Kent Young (Chair), Candie Bernard

Others present: Town Assessor, Gary Fournier, representing Purvis & Associates
Robert Lahue (no affiliation)

The Stratton Board of Civil Authority met as warned in said town on Thursday, August 15, 2019 at 7:00PM to hear the appeal of Mark Newman who is aggrieved by the action taken of the Board of Listers at their Grievance Hearing on July 3, 2019. Chairman, Greg Marcucci, called the meeting to order at 7:00PM and advised that the Hearing would be recorded.

7:00 PM: Mark Newman, Landmark #407 – 19 Village Lodge Road

Mr. Newman was not present and had no one representing him. The Listers and the Town Assessor were given the Witness Oath. BCA members were asked to disclose any conflict of interest they might have regarding this hearing. There were none.

Mr. Marcucci asked that all evidence for the Appellants and the Listers be introduced and identified by the Clerk.

“Newman/Appellant – Exhibit A” included the following:

1. Letter addressed to “Listers” from Mark Newman arguing that the assessment of his unit should be substantially lowered due to its current condition
2. Photographs showing evidence of that condition

“Newman/Listers – Exhibit A” included the following:

1. Listers response to the Newman appeal
2. Copy of original Grievance letter to the Board of Listers
3. Active Real Estate Listing information as of January 6, 2019
4. Listers card for Landmark #407
5. List of all Landmark units with those that grieved highlighted
6. Landmark Sales Sheet

Listers Introduction:

Kent Young introduced the property under appeal as Landmark unit #407 located at 47 Village Lodge Road. The property is owned by Mark Newman and identified in the Grand List as 0302003.00407L. The current assessment is \$382,500 reduced at Grievance from \$502,300.

Mr. Young deferred to Gary Fournier, Town Assessor, to provide testimony supporting the assessment of this property.

Listers Evidence and Testimony:

Mr. Fournier outlined the history of the Landmark units to date. The assessments had been reduced by 50% in 2017 due to major structural issues that were being remediated. This year the Listers removed the 50% believing that remediation was complete. All of the units were restored to their full value prior to 2019 Grievance. Numerous owners grieved, including Mr. Newman, arguing that in order to get the structural issues fixed they had to take out large loans. The financial liability they incurred to pay back the loans negatively impacted the value of their units because those payments were now attached to each unit through the HOA. The listers agreed and reduced the values by an amount approximating the liability of each owner. The new values were determined by each owner's square footage and their percent interest in the complex. From this, and the amount borrowed, the Listers were able to calculate an estimated liability of each owner. The values of their units were adjusted by this amount.

Mr. Fournier added that sales data during this time is limited to one sale which occurred during remediation on January 5, 2018 for \$240,000. That unit grieved and is currently assessed at \$215,100. The Listers are aware of only one active listing of a Landmark unit for sale. It is on the market for \$360,000 and is currently assessed at \$296,900. The owners did not grieve this year so it has no adjustment for the HOA liability.

As to the pictures the Appellant submitted...Mr. Fournier felt that the lack of explanation and only a general reference to paint and foundation repairs needed made it unclear whether these problems have been addressed or are still pending.

Appellant's Evidence:

The Board reviewed Mr. Newman's letter and considered it and a series of pictures to be his appeal. Mr. Newman stated that although he was appreciative of the reduction in the value of his unit, as it exactly covered the HOA assessments he had due to the remediation, he was still looking for a substantial decrease in his assessed value. Arguments for this included:

1. Faulty construction of the building
2. Assessments to deal with the deficiencies in the building will continue to be ongoing
3. Roof leakage was discovered after remediation in several units
4. Building is in disrepair as all of the funds had been used to just make the building liveable. Still needed are foundation repairs and the building painted.
5. Ongoing litigation costs will be approximately \$300,000

6. Future sales will be affected adversely as prospective buyers will not want to incur the original HOA assessments and the additional assessments for general repairs during remediation, and future ongoing repairs, as well as litigation costs.

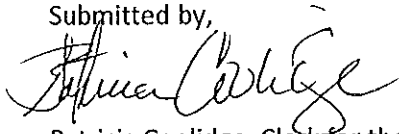
For these reasons Mr. Newman requested that the Board consider reducing the value of his unit to \$270,000.

Site Inspection:

After discussion, the Board agreed to meet at the Town Office on Monday, August 19, 2019 and proceed to the Landmark complex for the inspection of Mr. Newman's property. The Clerk agreed to notify Mr. Newman and have him make arrangements for the Inspection Committee to gain entrance to his unit.

There being no further business, Pat Coolidge motioned to recess the Hearing to Wednesday, September 4, 2019 at 7:00PM, Chris Liller second. All in favor. The Hearing adjourned at 7:40PM.

Submitted by,



Patricia Coolidge, Clerk for the BCA

Cc: Posting places, BCA members, Listers, Appellants, Town Agent, Town Web Site.