

**TOWN OF SHELBURNE
BOARD OF CIVIL AUTHORITY
MINUTES OF MEETING
June 24, 2019**

DRAFT

MEMBERS PRESENT: Tom Little (Chair); Peter Gadue, Lee Suskin, Jennifer Leopold, Mary Kehoe, Bill Deming, Laura Gannon-Murakami, David Webster, Joan Lenes, Cate Cross, Jerry Storey, Mike Donohue, Randy Rowland

ADMINISTRATION: Diana Vachon, Town Clerk;

OTHERS PRESENT: Chris Pratt, Appellant, Sean Moran, Vivian Jordan, Sandy Combs

1. CALL TO ORDER

Chairman Tom Little called the meeting to order at 7:05 PM.

2. APPROVAL OF MINUTES

February 11, 2019

Chair Little recommended to defer minutes to next meeting scheduled for July 8, 2019. Hearing no objections, approval of the February 11, 2019 minutes are deferred to the next meeting.

3. PUBLIC COMMENT

Chair Little stated a reminder that Public Comments are for general issues not already listed on the agenda. Tonight's meeting is a hearing on a tax appeal. The Board understands there are one or two Lakeview owners that would like to be heard regarding the appeal, who are not the appellant. Any comments made now need to address separate matters.

Mr. Moran, President of the Lakeview Cooperative, said that he would like to educate the Board on how the cooperative is set up. He submitted a letter to clerk and was told it was not shared with the Board. Chair Little stated that in his opinion and the opinion of Town Attorney Brian Monahan, the grievance appeal law does not permit the Board to hear from third parties who have not been called by either the appellant or the assessor, because we need to protect the appellant's rights to due process. It's difficult to determine whether or not the presentation would violate the appellant's rights to due process. Mr. Moran said the presentation is regarding the Park as whole and how it and all 64 homesteads are following the law. Chair Little replied, if there is a difference of opinion as to how the town is taxing the Park, the assessor and the appellant may call witnesses at the evidentiary hearing.

**4. OPPORTUNITY TO DISCLOSE CONFLICTS OF INTEREST FOR THE
BCA MEMBERS**

Chair Little asked the Board if anyone had any conflicts of interest to disclose at this time. Chair Little disclosed that he owned and sold a home in the park before the

cooperative was formed. He extended a mortgage to the new owner, which comes due next February 2020. This property was not either property being appealed today. Chair Little feels that he may still be objective in this hearing. No one on the Board expressed disagreement. Clerk Vachon disclosed that she has read the letter Mr. Moran submitted and recuses herself from voting on the matter due this ex-parte communication. Mr Suskin asked if this property is related to the Champlain Valley Land Trust. Mr. Pratt stated no. Mr. Suskin stated he has no conflict of interest.

5. HEARING TAX APPEALS FOR 132 AND 142 PENNY LANE

Chair Little led the discussion. We may need to put together a site visit of three or more Board members who will draft a report to be submitted after the full evidentiary hearing. All parties agreed to meet on Monday July 8th at 7 PM in Meeting Rm 1 for the evidentiary hearing. The Board agreed to meet on August 5th at 7 PM in Meeting Rm 1 for the follow up meeting. Chair little confirmed at the July 8th meeting, the Board will first hear testimony for the appeal from 7 PM to 7:30 PM. At 7:30 PM the Board will review the checklist.

6. OTHER BUSINESS

The Board discussed the duties of reviewing the checklist. A subcommittee met to discuss the best way to review the checklist. Clerk Vachon will send around two lists: one to review voters to be challenged and the second is the list of voters marked to be purged. Please review these lists and be prepared to discuss them on July 8th after the evidentiary hearing.

7. OATH AND OVERVIEW STATEMENT FROM MR. PRATT

The Board returned to the appeal hearing at the request of Mr. Pratt so that he could read his Overview Statement into the record. Chair Little administered the oath to Mr. Pratt.

Mr. Pratt submitted a memo, an Overview Statement, and photo. He wanted his Overview Statement read into the record:

Overview Statement
Prepared by Chris Pratt

Tax appeals for 132 and 142 Penny Lane
parcel id's 363.0132 and 363.0142

June 24, 2019

I am not a Lakeview Co-Op member. I do not own any land here. I will comply with the financial aspects of the Non-Member Occupancy Agreement which contains no provisions for paying taxes to the town for anything other than the buildings that sit on the land that I rent.

In fact, "the \$15,000 misc. tax adjustment" imposed by the previous Town Assessor - that has been added to my assessed value - should be dropped. I will pay property taxes to Shelburne for the buildings I own. Everything else is lot rent.

In every lease agreement I have ever seen (including the new one from Lakeview Cooperative) the word **LOT** is used heavily. It is used here to describe the land on which our trailer's sit and some unspecified amount of land that surrounds them.

This **LOT** is what we pay rent for and what we are responsible for maintaining, upgrading, and controlling. The problem here is our trailer lots are not defined and have not been surveyed.

The new tax assessment being implemented by the town will lump all these rented lots into one individual parcel of land divided by 64. We thus become owners in common of one 8+ acre parcel of land divided by 64. This new tax assessment is based on the premise that our lots sizes and values are the same. This "one size fits all" approach that simply is not true. Let me illustrate :

One acre of land = 43,650 square feet. The coop owns 8.664 acres. Therefore the land I rent (my lot) should approximate the total sq feet (378,183) divided by the number of units here at the park (64).

According to the 1/64th rule my lot size would be approximately 5,909 sq feet and my lot value would be the purchase price of \$1,836,800 of this land divided by 64 units or \$28,700 per unit. The problem is each lot is different in size, condition and location.

For example, my lot at 132 Penny Lane measures 5,280 sq feet not 5,909. I get this generous measurement by starting in the middle of the road in front of the trailer to the brook in the back. That is 120'. The width was arrived at by measuring the outside of the trailer located at 132 to the inside of the trailer located at 142 which is 44'. Thus my measured lot is 120' x 44' or 5,280sq' not 5,909sq'.

All the **LOTS** are different. Some support doublewide trailers, some support single wide trailers, some have double and triple lot sizes far in excess of 5,909 sq ft, some have less footage, some have lake views some do not, some have seen significant capital improvements with decks, sheds, flowers, shrubs, new soil, pools and landscaping while some are baren and totally unimproved.

Some even have Board approved fences that mark land boundaries that are far in excess of 1/64th ownership rule which is now trying to be executed by the town.

Smaller lots have been subsidizing the larger units with their rents for awhile. Now the Tax Department is proposing the same with this one size fits all tax plan Which is not fair or equitable, Lot sizes and boundaries must be established, respected and reassessed.

Sincerely — Chris Pratt

8. ADJOURNMENT

MOTION by Pete Gadue **SECOND** by David Webster, to adjourn the meeting.

VOTING: unanimous; motion carried.

The meeting was adjourned at 8:17 PM.

Respectfully submitted: Diana Vachon, Town Clerk