

**TOWN OF BARRE - TAX GRIEVANCE HEARING**  
**September 28, 2016**

**AGENDA**

(This meeting is being audio taped.)

1. Reconvene the FY 2016-2017 Tax Grievance Hearing 6:30 p.m.

2. Changes to the Agenda

Remind Board they are still under oath. If any Board member has not taken the oath please administer:

"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters at issue between taxpayers and Assessor submitted for my decision. So help me God (or under the pains and penalties of perjury)."

3. Hear Tax Grievance Appeals: (Administer oath to Assessor and Appellant: )

"Do you solemnly swear that the evidence you shall give relative to the cause now under consideration shall be the whole truth and nothing but the truth so help you God?"

A) Tony Tofani 6:40 p.m.

4. Other Business:

A) Set next meeting date.

B) Any other business which may come before the Board.

5. Recess - date to be determined.

**TAX GRIEVANCE HEARING MINUTES**  
**September 28, 2016**

**CALL TO ORDER** - Chair Paul Malone reconvened the Tax Grievance Hearing meeting on this 28<sup>th</sup> day of September 2016 at 6:33 p.m.

Chair Malone noted the Clerk of the Board is not available to take minutes. He inquired if any BCA member would volunteer to take the minutes. There were no takers. The meeting is being recorded and the Clerk will transcribe the minutes from the recording with the Chair taking notes where he can.

**MEMBERS PRESENT AS OBTAINED FROM THE RECORDING:** Chair Paul Malone, Pearl Bugbee, William Bugbee, Charles "Chip" Caste, JP Isabelle, Philip Kolling, Robert LaClair, Ed Paquin, Jay Perkins, Virginia Poplawski, R. Lee Walther, Shelia Walther, and Paul White. Members who were absent included: Town Clerk Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White.

Others present included: Assessor Joseph Levesque

**AGENDA**

The BCA agreed by consensus to amend the agenda to add a discussion point on Item 4 - label 4C - meeting schedule.

**BCA OATH**

The BCA members who were not present at the last meeting were administered their oath. The Chair reminded the Board members and those present the tax grievance hearings are being audio taped. Please speak clearly and identify yourself prior to speaking.

Board member Walther reminded those present that in accordance with our Policy only those members who heard the evidence and hear the inspection committee report can participate in the decision on the appeal.

### HEAR THE INSPECTION COMMITTEE REPORT

Jay Perkins, Chair of the Inspection Committee for the Bellemare and Wagner-Herbert property (Bear Roots Farm), distributed copies of the report which was read for the record. The report also included the approved data inspection sheets.

Additions to property:

- 1) 1 Washroom/shed to main barn, 14' x 23.5' = 329 sq. ft.
- 2) 1 4.5' x 11.5' outhouse on wooden posts = 52 sq. ft.

Deletions: 4 sheds/barns identified on the worksheet

- A. 24 x 36 shed = 864 sq. ft.
- B. 14 x 20 shed = 280 sq. ft.
- C. 8 x 16 barn = 128 sq. ft.
- D. 8 x 24 barn = 192 sq. ft.

Other structures on the property = 4 greenhouses:

- 2 = 30' x 96'
- 1 = 30' x 72'
- 1 = 14' x 68'

It was noted the greenhouses are relocatable and anchored to the ground via steel posts.

The structures which no longer exist have been "noted" on the copy of the Assessors card for BCA members ease of following the written report. After the report is closed a sheet will be presented showing the new location of the additional property.

Follow-up Q & A: The Yurt is attached to posts. However, Mr. Perkins stated he is not sure it meets the definition of a greenhouse but not sure it is real estate either. The 4<sup>th</sup> green house is not shown on the Assessor's Card.

*A motion was made by Lee Walther and duly seconded to go into deliberative session. The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote. Assessor Levesque left the meeting room.*

*A motion was made by JP Isabelle, seconded by William Bugbee, to come out of deliberative session. The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote.*

Assessor Levesque returned to the room.

### HEAR THE APPEAL

Mr. Tofani was not present for the hearing. His letter will stand as his evidence.

*On a motion by JP Isabelle, duly seconded by Sheila Walther, the BCA voted to continue the hearing process for the property owned by Tony Tofani, Tax Map 005 Lot 145-00, 69.53 acres on Snowbridge Road, and ask the Assessor to present his evidence, to use Tony Tofani's appeal letter, dated July 8, 2016, as the appellant evidence, to appoint the inspection committee when needed, and to note for the record this hearing is continued from the September 14, 2016 hearing as the appellant had requested the*

*extension. The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote.*

### DECISION

Chair Malone noted for the record a decision has been reached with regards to the appeal of *Jonathan Wagner-Herbert & Karin Bellemare, property described as tax map 005 Lot 138-00, 175 Snowbridge Road*, to value the property at \$362,025. *The motion passed with Castle and Paquin voting no, Violette and Mitchell abstaining, Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote..*

### Tofani Appeal

Assessor Levesque was administered the oath. The appellant was not present.

The Assessor noted that as a result of his hearing the value was lowered from \$215,400 to \$175,600 based on a revised amount for the RV hookup and trailer value. The value of \$215,400 was based on improvements to property and usability of land. Evidence presented included a cover letter and assessor cards.

Inquiries - where is lot #6 (Lot 145-005) located - way down on Snowbridge Road (roughly 2+ acres) and accessed by driveway off West Road. He stated all parcels have driveway access. Mr. Tofani has a large parcel (69.53 acres) and additional parcels.

The Assessor will go to get additional copies of the subdivided lots (01-02-03-04-05). Two lots have been sold and he still owns 145, 145-03, 145-04, and 145-05.

While waiting for the Assessor to print additional information, Mr. Walther noted the property owner was not present (even though a continuance was granted and he is receiving a second chance) and has not submitted any additional evidence. How far does this process have to go? The answer is through the entire process. However, JP Isabelle stated his motion was to forego any continuance and to appoint an inspection committee immediately following the testimony of the Assessor.

*A motion was made by Perkins, seconded by JP Isabelle to not have a continuance of this hearing for Tofani. The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote.*

*A motion was made by JP Isabelle, seconded by Mitchell to appoint an Inspection Committee to review the property of Tony Tofani, Snowbridge Road. Violette and Pearl Bugbee voted no. The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote.*

The inspection committee will include: Paul White, Phil Kolling, and Lee Walther.

### OTHER BUSINESS

Email addresses for BCA use: Chair Malone one housekeeping matter - requested barretown.org emails. Some BCA members have been assigned email address and have never been able to make it work. Selectboard/staff have emails which work. Why can't BCA emails work using external access? The new Assistant Town Manager is now the IT person. There was discussion regarding public records request and access to your personal email when used for town business.

Does appointing an Inspection Committee automatically close the evidence on a hearing? It is the understanding of Board members that by appointing an inspection committee this automatically closes the presentation of new evidence and testimony .

Setting the next meeting date: Violette noted that in the past the BCA use to hold their meetings on Thursdays. However, he has issues with Wednesdays as there are standard meetings he needs to attend for the town that are held on Wednesdays. Perkins noted that Wednesdays was because the City holds tax grievance on Thursday and the Assessor cannot be in two places at one time.

*On a motion by JP Isabelle, seconded by Paul White, the BCA voted to set the next Tax Grievance hearing date for Thursday, October 13, 2016, 6:30 p.m. at the Barre Town Municipal Building, Selectboard meeting room. The motion passed with Donna J. Kelty, Tracy Delude, The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote.*

There is no other business.

### RECESS

*On a motion by William Bugbee, seconded by Mitchell, the Tax Grievance Hearing was recessed at approximately 8:15 p.m. to reconvene on Thursday, October 13, 2016 at 6:30 p.m. The motion passed with Donna J. Kelty, Tracy Delude, The motion passed with Donna J. Kelty, Tracy Delude, J. Guy Isabelle, Rolland Tessier, and Tom White not present for the vote*

---

*Donna J. Kelty, Town Clerk-Treasurer*

---

*B.C.A. Chair*

*Note - These are the minutes as transcribed from the audio tape titled "m092816" on file in the Barre Town Clerk's office.*

**BARRE TOWN BOARD OF CIVIL AUTHORITY**