

JOHNSON BOARD OF CIVIL AUTHORITY HEARING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, JULY 13, 2016

Present:

Board of Civil Authority Members: Rosemary Audibert, Eric Osgood, Doug Molde, Jan Perkins, Mary Sladyk, Alan Manchester, Margo Warden, Mike Dunham

Others: David Smith (appellant), Ben Saunders (assessor from NEMRC)

Eric called the meeting to order at 7:00. Rosemary swore in the board members. Introductions were made. Eric explained how the quasi-judicial process of the hearing will work. Following the hearing the BCA will set up a site visit committee of at least 3 members. Then the BCA will convene and deliberate and issue a written decision. The burden of proof is on the complaining taxpayer. The BCA has the power to sustain the original decision or to lower or increase the assessed value. Appellant David Smith was sworn in.

David Smith had a data sheet of properties sold on Gould Hill Rd. He said all the properties have a neighborhood code of 1.2, which means sales there are 20% above average. He believes the current Common Level of Appraisal for Johnson is 107, which is 7% above average.

His property has a current grade of 1.2. He asked the listers if they have any documentation they use to determine the land grade. They said they do not use any. The land grade is an arbitrary number they determine based on a site visit. He believes the land grades in the same neighborhood should be similar. Properties adjacent to his have land grades of 1 or 1.1. He believes there is some discrepancy in land grades on Gould Hill Rd.

He replaced his garage this past year with a new one he built. He doesn't believe the assessed value of the garage is indicative of market value. His property is a 35 year old single wide mobile home. He has a spring, not a drilled well. He doesn't have town water or sewer. There is no way his property would sell on an open market for its assessed value. He has talked to 3 banks. None of them will accept an application for a single wide mobile home. A buyer would have to go through a credit union or financial operation to get financing and they usually have higher rates than a bank. The garage is probably overbuilt. There is no way he will get back the money it cost him to build it. Looking at garage values per sq. ft., there are major discrepancies on Gould Hill. One neighbor's garage has an assessed value of \$15K. Another neighbor put in a 2-story shed that a vehicle can't be driven into that was assessed at \$12K. He feels the assessed values don't indicate fairness. He has not seen any sales data indicating Gould Hill has a higher value than the rest of Johnson.

Ben Saunders said the mobile home is assessed for more than most mobile homes built at that time. He came up with a new proposed value based on his impression.

Eric asked if any adjustment was made when David appealed to Rose. David said no.

Ben said his new proposed value for the home and outbuildings drops the bottom line from \$104,300 to \$94,800. He hasn't walked through the property. He heard from Rose that there are updates in the house.

David said there are updates. The original owner did some updates. He has removed some that were not to his taste. His complaint is not really about the mobile home value. He thinks the garage value is where there is a big problem. He feels there is no way it has a value of \$27,900.

Doug asked how Ben would compare this to other mobile homes and garages within our book of appraisals.

Ben said without walking through and seeing the updates he doesn't know if the dollar per square foot value can be defended. David's mobile home is in the category of mobile homes in good condition. His is in for more per square foot than similar mobile homes. This shows there is something wrong with the mobile home value, not just the value of the outbuildings. CLA is 107, so the town is assessing all properties 7% above fair market value. Mobile homes are 15-16% above fair market value.

Mike asked how having a spring affects the property value. Ben asked if the spring has water year round. David said he has only been there 5 years. He has been told that the previous owners had low water in August. A bank won't touch a spring. They will make you drill a well. Ben said a spring does affect the property value. But mobile homes are something of a niche market, especially when they are this old, so a buyer would not be looking at typical financing anyway. So an exception doesn't have to be made for the water source. If there were issues with quality and availability the assessment would be adjusted, but as long as it works an adjustment does not need to be made.

Mike asked David for clarification about what he said in his letter. Does he mean that he thinks the value of his property is between \$92K and \$97K? David said he thinks it would be in that range. Mike asked, so he is saying he would be happy with a reappraisal between \$92K and \$97K? David said yes. He said of the mobile homes that have sold in Johnson, most had no land. It is not easy to find the sale value of landed mobile homes in Johnson.

Mike said Rose started this process. Why didn't she finish it? Eric said because as of July 1, she was no longer assessor. Mike said he understands that she was more than willing to come and answer questions. We have asked someone to jump into something he was not part of. He thinks that is irresponsible. The lister should have been here to defend her position. Ben said she asked if she was needed and NEMRC told her they could handle it. Eric said a site committee will go to the property. If the BCA feels there is value in having Rose's testimony later on, they could bring that in, but he feels we could come to resolution without it.

Eric asked for volunteers to be on the site visit committee. Margo, Mary, Mike, and Eric all agreed to be on it. Mike suggested simply taking the assessor's recommendation to revalue the property at \$94,800 and ending the process now. Eric explained that by statute the BCA must make a site visit. It was agreed to schedule a site visit for July 27 at 6:00. Eric invited Ben to go. David said Ben would be welcome.

Eric said the committee will make the visit and write up a report. Then the BCA will reconvene and deliberate. Normally that is done without the public present. Then they will issue a written decision.

The meeting was recessed at 7:41.

Minutes submitted by Donna Griffiths