

**TOWN OF PITTSFORD  
BOARD OF CIVIL AUTHORITY  
July 19, 2017**

The meeting was convened by C. Shaw at 6:00 P.M.

**Attendance:**

**BCA Members Present:** Charles “Butch” Shaw, Matt Candon, David Soulia, Thomas “Hank” Pelkey, Ernie Clerihew, Jane Cornell, David Trombley, Susan Markowski, Thomas Hooker, Bonnie Stewart, Terry Poor, Helen McKinlay.

**Listers Present:** John Eugair, Donna Wilson, Dan Adams

**Appellants Present:** Derek Saari

**Others Present:** Liz Willis, Kellee McLean, Joseph Garrigan, Peter Hadeka, Kelly Gard

Motion by T. Pelkey and seconded by D. Soulia to adopt the agenda as presented. Motion passed unanimously 12 – 0.

Motion by T. Pelkey and seconded by D. Soulia to accept the Vermont League of Cities and Towns Rules of Procedure for this hearing. Motion passed unanimously 12 – 0.

Helen McKinlay administered the Oath to the members of the Board of Civil Authority.

The Board of Civil Authority began the hearing at 6:06 PM with no objection.

**1. Derek Saari Trustee of the Derek S Saari Rev. Living Trust, Biddie Knob Road, Pittsford, VT 05763**

C. Shaw asked if any member of the BCA had a conflict of interest or had any ex parte communication with regard to the Saari property. No conflicts of ex parte were noted.

H. McKinlay swore in Mr. Saari, Ms. McLean, Mr. Garrigan, and Mr. Hadeka.

H. McKinlay swore in the Listers’ (D. Adams, D. Wilson and J. Eugair).

H. McKinlay introduced the property to the BCA. The parcel is identified as being parcel number 0835, located at 1700 Old Hubbardton Road; as a camp, home and 59 acres.

Mr. Saari stated that he submitted an e-mail, which was followed by a certified mailing to the Town Clerk, which was presented as ‘A1’.

Mr. Saari read his letter and explained the layout of his property with a map. Mr. Saari explained that the road is considered as “Class 4” and he maintains the road. Mr. Saari also stated that it is 2 miles to his mailbox.

Mr. Saari stated that he was issued Zoning Permit 14-44 and the Listers contacted him on April 24 to schedule a site visit/inspection for April 29. Mr. Saari stated that the property value went from \$76,900 to \$176,600 with no explanation of which line items had changed on the property card, other than “2017 new home”. Mr. Saari stated that in years past, with this project, he had received updated property cards.

Mr. Saari submitted a Grievance Appeal on June 9, 2017, which was denied by the Listers on June 26, 2017.

Mr. Saari presented an assessment history on the property, which, in 2015, the grievance with the Listers resulted in the land value being lowered and in 2016, the camp was assessed at \$7,000; garage was assessed at \$9,700; the land was assessed at \$88,600; and the home was assessed at \$56,000. Mr. Saari seeks relief to the land, garage, home and camp assessments.

Mr. Saari stated that he wrote to the Listers’ on June 9 regarding the road not being passable and requested answers in writing, with no answers received and feels disrespected. Another instance that Mr. Saari feels disrespected include request for 9-1-1 address denied in Pittsford, however, was received from Hubbardton.

Mr. Hadeka spoke on behalf of Mr. Saari and stated that he also owns property near the Saari property and there is no access to his deer camp from mid-November for about 5 months, depending on snowfall amounts and melting times.

On behalf of the Listers’, Donna Wilson presented the Listers’ Packet (‘L-1’).

Donna Wilson made the presentation for the Listers’. A written grievance was received on June 9, 2017 due to the increased assessment. The grievance resulted in no evidence for adjustment, therefore was denied. Ms. Wilson presented comparable sales in the area as: 1) – 26.1 acres - \$42,000 (\$1609 per acre) – property is adjacent to the Saari property; 2) 272.65 acres - \$185,000 (\$678.52 per acre); 3) 11 acres - \$2,775 (\$250 per acre) on a mountain with no access; 4) 19 acres - \$4,725 (\$242 per acre) on a mountain with no access; 5) 22.9 acres - \$160,000 (\$6,987 per acre) with road frontage.

Ms. Wilson stated that the home was found as being 35% incomplete with a discount for plumbing and electrical of \$31,000 for the home.

The Listers’ required a property status on April 1 and the request was made on February 1 to Mr. Saari, with a date of April 29 chosen.

Ms. Wilson stated that the home being constructed is a 2 bedroom single family home, as issued on the permit; the property owner receives all community services, such as the use

of the Transfer Station, Recreation Department, Town Office and school; the 911 issue was resolved through Hubbardton; there are other residents that live off the grid; mail is obtainable; delivery of power and phone is available by safe access; VAST trails are plowed; view factor is not applied; 10% discount has been applied for the 2 acre site; there was no evidence in the inappropriate services claim; and there was no third party appraisal.

Mr. Saari stated that the first comparable property was purchased by himself, Mr. Hadeka and Mr. Garrigan at a price of \$42,000.

D. Trombley inquired if a 9-1-1 address has been obtained. John Eugair stated that an address has not been obtained from Pittsford, however, there are other residents that have 9-1-1 addresses from other towns.

E. Clerihew inquired if the compared property is on a ridgeline. Ms. Wilson stated that the property is located across from the Saari property.

M. Candon inquired the reasonable value from Mr. Saari, who stated \$50,600 for the home as well as the assessment of the camp and land.


C. Shaw inquired about the past Board of Civil Authority change. J. Eugair stated that the Board of Civil Authority ruling gives a number to the system that produces a property override.

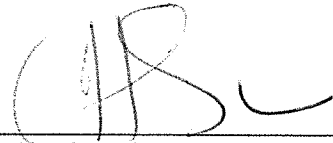
D. Trombley inquired if there was a change following the town-wide reappraisal. J. Eugair stated that Mr. Saari did not allow the assessment team access and canceled the meeting that was arranged. Mr. Saari stated that the assessment team wanted to assess prior to the Board of Civil Authority decision on the past appeal and he felt it should occur after.

C. Shaw explained that a team of the Board of Civil Authority would be in contact to schedule a visit to inspect the property and report back to the Board at a later date. Mr. Saari presented a phone number of 603-903-4559. C. Shaw explained that the property visit would occur within 10 days and decision reached within 30 days of the entire property being assessed. The decision could result in the assessment being raised, lowered, or remain as originally stated.

Motion by T. Pelkey and seconded by D. Trombley to enter in to Deliberative Session at 6:32 PM. C. Shaw recessed the hearing at 6:32 PM.

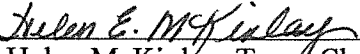
Respectfully submitted,

  
Kelly Giard, Recording Clerk



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Charles Shaw, BCA Chair



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Helen McKinlay, Town Clerk