

BOARD OF CIVIL AUTHORITY MEETING
AUG. 5, 2015

Upon due notice to each member of the Board, the Listers and the Appellants, the Board met at the Bethel Town Clerk's Office on Aug. 5, 2015 at 6:30 pm to hear the reports of the inspection committees and to make a decision on the appeals heard on July 8, 2015. Members present were: Lisa Hill and Bill Hall, Selectmen; Jean Burnham, Clerk; Cathy Day, Ola O'Dell, Scott Putney, Kirk White and Eric Benson, Justices. Others present were Beth Perry, David Kenny and Seward Hawley, representing the Green Mt. Bible Conference and John Griffith, Willo Griffith and Grace Clark representing Toni Deslaurier.

Green Mt. Bible Conference

Kirk White read the following inspection report of those inspecting the above property:

**Report of the Inspection Committee
Bethel, Vermont**

To: The Board of Civil Authority
From: Eric Benson, Ola Odell, Kirk White; inspection committee
Date: August 5, 2015
RE: Inspection of Green Mountain Bible Conference Camp (ID 02-003200)
112 Camp Brook Road, Bethel, VT

Inspection was made on July 15, 2015 at 1:00 p.m. by Kirk White and Eric Benson. The property included several rustic private cabins, dormitories, shower buildings, kitchen/ dining hall and a chapel building called "the tabernacle".

The apparent issue is whether or not any of this property qualifies for tax exemption under current Vermont law. Previously all of the camp was exempt except for the private cabins but a 2013 court case brings this into question.

The Inspection Committee sought the legal advice of the town's outside attorney, Eric G. Derry of Stitzel, Page & Fletcher, P.C., 171 Battery Street, Burlington, VT 05402-1507. Via email dated 7/21/15, Mr. Derry's advice was as follows:

Under 32 V.S.A. § 3802(4), for church property to be exempt it must be dedicated to pious use and owned and operated by the church on a nonprofit basis. However, 32 V.S.A. §3832(2) limits the pious use exemption to:

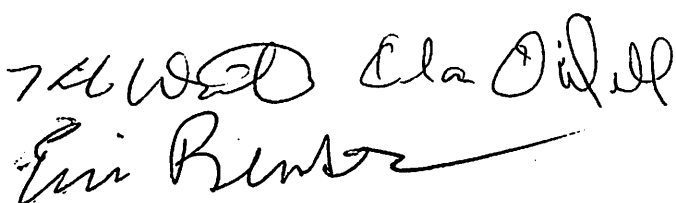
"[A] church edifice, a parsonage, the outbuildings of the church edifice or parsonage, a building used as a convent, school, orphanage, home or hospital, land adjacent to any of the buildings named in this subsection, kept and used as a parking lot not used to produce income, lawn, playground or garden and the so-called glebe lands."

As to the specific question of whether Brownington Center Church of Brownington, Vermont, Inc. v. Town of Irasburg, 2013 VT 99 would apply to this property, the answer is likely yes. The Brownington Court found that the types and intended uses of properties that are eligible for the pious-use exemption under § 3832(2) include a "church edifice" and "convents, schools, orphanages, and hospitals." The Court then said that the absence of church camps from this "specific and limited list" meant that church camps are not entitled to the exemption.

If the property is improved with "typical camp" features such as cabins, a mess hall, etc., as in Brownington, the Court's holding in Brownington would preclude an exemption. If the property is improved with other features such as a church or school building, an argument could possibly be made that the pious use exemption applies IF the use and ownership requirements of §3802(4) are also met. However, since the camp is only offered for one-week each year, such use is probably not the primary use, and exemption is unlikely.

Respectfully Submitted,

Eric Benson, Ola Odell & Kirk White



A motion was then made to go into deliberative session by Eric Benson and seconded by Ola O'Dell.

A motion was made by Lisa Hill and seconded by Ola O'Dell that based on legal precedent and upon the advice of our attorney, that the appeal be denied and that the value be left as is at \$486,900. This passed by a voice vote.

Toni Deslaurier

The following inspection was read by Eric Benson.

**REPORT OF THE INSPECTION COMMITTEE
Board of Civil Authority
Bethel, VT**

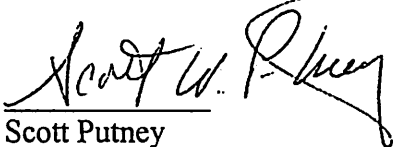
To: Board of Civil Authority
From: Ola O'Dell, Eric Benson, Scott Putney, Inspection Committee
Date: July 23, 2015

Property inspection of: 188 Birch Hill Road

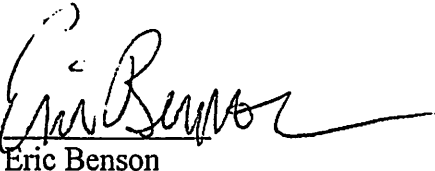
Inspection was made on July 22, 2015 at 1:00 PM. Toni L. Deslaurier was present and accompanied the Inspection Committee, along with Jim Grey, Lister. The structure in question was found to be an approximately 8' x 20' "shed" currently on a metal frame with tandem axles, wheels and a hitch. The structure is of basic design with Texture 1-11 exterior siding and corrugated metal roofing. The interior is rough stud walls with a minimal amount of rough electrical wiring. There have been 5 windows and one passage door installed in the structure. It was reported that this is being built as a "tiny house" and will be removed from the property by the end of Summer.

The decision before the board comes down to the interpretation of State and local statutes regarding outbuildings/travel trailers and the appropriate taxation of such items.

Respectfully Submitted,


Scott Putney


Ola O'Dell


Eric Benson

A motion was then made by Lisa Hill and seconded by Eric Benson that we go into deliberative session.

A motion was made by Lisa Hill and seconded by Kirk White that we grant the appeal due to the fact that this is a temporary structure located on the property and it was never meant to be a part her homestead and that the \$8300 for the value of the tiny house be removed from the Grand List. This passed by a voice vote.

Demi Aldrighetti/Casey Novotny

Eric Benson excused himself from this hearing.

The following report of the examining committee was read:

BCA

On Tuesday July 14, 2015 Cathy Day, Lisa Hill and Scott Putney did a site review of the property of Demi Aldrighetti and Casey Novotny. We then drove to 2016 Dartt Hill Road #2 ac 395 Campbell Road #3. Both had acreage #2-18ac-\$82,000 and #3 39.2ac-\$115.800 compared to Aldrighetti 35,3ac-\$113.200. All 3 had ponds and site improvement seemed consist ant #2 \$25.00 #3 310.00 and #1 15,000. The dwelling and the out buildings were not comparable.

We looked at 798 Dart Hill valued at \$245.200 less acreage 9.8 and no pond. Bigger house and smaller out building.

482 Royaltan Hill Road wasn't comparable except acreage 27.8 \$ 103.800 and long driveway.

~~Casey~~^{Aldrighett}to/Novotny paid #239,000 there is a question of whether they paid less than value because property going to foreclosure (distress sale] although the property has been for sale at higher price with no action for a couple years.

Eric Benson appraisal company appraised at \$244,000. We did not look at Eric's comparables other than 395 Campbell and 795 Sanders Road which sold for \$140,00 less than asking price.

The question really comes down to fair market value.

The property is unique in that the out building and site are set up for horses and the long steep curving drive way would limit people interested in he property.

Scott W. Putney, Cathy Day, Lisa Hill

A Motion was made by Scott Putney and seconded by Kirk White that we lower the value from \$284,300 to \$244,000, due to the condition and size of the dwelling and the steep, winding access road. This is the value that Eric Benson Appraisal Co. showed as the market value. This passed by a voice vote.

Meeting was adjourned at 7:25 pm.

Respectfully,


Jean Burnham, Town Clerk