

UNAPPROVED MINUTES-to be approved at the next BCA meeting

**Town of Westfield
Board of Civil Authority Grievance Hearing Minutes
August 12, 2015 – 6 p.m. – Town Offices**

Board Members present: Chairman Jacques Couture, Yves Daigle, Richard Degre, Mike Piper, Joyce Crawford, LaDonna Dunn and Yvan LaPlume

Board Members absent were: Pat Sagui and Anne Lazor

Others present included: Lister Steve Dykeman, Lister Scott Dunn, Lister Danny Young, Appellant, Sister Benedict McLaughlin and William M. O'Brien, Esq., legal representative for the Benedictine Monastery

- 1. Call the meeting to order:** Chairman Couture called the meeting to order at 6:00 p.m.
- 2. Changes to the Agenda:** There were no changes to the agenda.
- 3. Approve Minutes of the 6/1/15 Organizational Meeting:** Motion by Yvan and second by Yves to approve the minutes with no changes. Motion carried.
- 4. Approve Minutes of the 7/20/15 Tax Grievance Hearing:** Motion by Mike and second by Joyce to approve the minutes with one change. Motion carried.
- 5. Reconvene Benedictine Monastery Hearing:** The hearing recessed on 7/20/15 was reconvened at 6:10 p.m. The Board was reminded they were still under oath. The Listers and the Appellants were administered their oaths.

A. Hear Site Inspection Report & Additional Evidence: Chairman Couture gave everyone present time to review the Inspection Team's report. Mr. O'Brien commented on the portion titled, Chapel. Mr. O'Brien and Sister Benedict felt it would be more accurate to say, "The chapel appeared to be well constructed with the pews being made of quality wood." The Board had no objection to this change. The Clerk noted this on the original document. Mr. O'Brien asked to clarify the 'appellant testimony' section of the July 20, 2015 minutes. He stated the Appellant believes the value of the buildings is \$500,000 (\$450,000/Monastery and \$50,000/Outbuildings). They feel the value of all the land and buildings together is \$768,000. The Clerk asked Mr. O'Brien if he could concisely clarify what the Appellant was asking the BCA to consider. He stated they would like the correct value of the buildings to be the fair market value of \$500,000, based on the assessment the Sisters paid to have done and not the \$4.3 million insurance replacement value currently being used as the assessed value. No written evidence was presented to the BCA substantiating this value. They feel the entire property should be exempt from taxes. Mr. O'Brien urged the BCA to read Exhibit 9. That being said they feel the 445.55 acres should be valued at \$268,000 and not the current value of \$432,200. The Listers recapped their testimony from the previous hearing.

B. Motion to close Hearing: With no further questions from any of the parties, a motion was made by Mike and second by Joyce to close the hearing. Motion carried.

- 6. Reconvene Green Mountain Chipping Hearing:** The hearing recessed on 7/20/15 was reconvened at 7:15 p.m. The Listers were administered their oaths.

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A. Hear Site Inspection Report & Additional Evidence: With no questions on the Site Inspection Report there was a motion by Richard and second by Mike to accept the report. Motion carried. LaDonna read a note from David Villeneuve explaining he could not be present. He supplied a Right-of-Way Memo via email that was prepared by Joseph R. Flynn, Licensed Surveyor. Mr. Flynn states that no right-of-way could be found in the Westfield land records for this parcel through the abutting properties. This evidence was entered as Appellant Exhibit #3. Copies of this evidence were distributed to BCA members. The Listers presented additional evidence in the form of the Westfield Tax Map marked with the neighborhood rating and grade for each of the abutting properties. This was entered as Lister evidence, Exhibit B. The Listers also provided the BCA with values for the property if it were graded at .10, .20, .30, .40 or .50. Following the Lister's Grievance Hearings, this property was changed from a .60 grade to a .40 grade.

B. Motion to close Hearing: With no further questions, there was a motion by Mike and second by Joyce to close the hearing. Motion carried.

7. Motion to enter Deliberative Session: The Board went into deliberative session at 7:45 p.m. on motion by Mike and second by Joyce. Motion carried.

BCA Decisions:

Benedictine Monastery: Richard made a motion, which was seconded by Yves, to place a \$700,000 value on the Monastery building including the outbuildings. The land was left at the Listers assessed value of \$432,200. Motion carried. The Board agreed to change the assessed value of the Monastery building and other outbuildings from the insurance replacement value of \$4,341,000 to a fair market value approach of \$700,000. The Board felt the Monastery building is a specific and limited use building that would be very expensive to retrofit for other purposes if it were to be sold. Yvan LaPlume was not present for deliberating or voting.

Green Mountain Chipping: Yves made a motion, which was seconded by Mike, to change the grade of the land to .30 thereby changing the assessed value of the 28.9 acres to \$30,800. Motion carried. The Board voted to change the grade of the land from .40 to .30 to reflect the remoteness of the land and lack of right-of-way access. Yvan LaPlume was not present for deliberating or voting.

Motion to close Deliberative Session: The Board came out of deliberative session at 8:54 p.m. on a motion by Mike and seconded by Richard. Motion carried.

8. Conduct any other business of the Board: There was no other business.

9. Motion to adjourn: Motion by Joyce and second by Richard to adjourn the meeting at 8:55 p.m. Motion carried.

An audio transcript of the open portion of the meeting is available in the Clerk's Office.

Westfield Board of Civil Authority Approval: Date: _____ with _____ changes

LaDonna Dunn, Clerk of the Board

Jacques Couture, B.C.A. Chair