DRAFT

Town of Ferrisburgh
Listers Minutes

Date/Time: Thursday, August 7, 2014 @ 3:00 p.m.

Present: Carl Cole, Ferrisburgh Lister
John Bull, Ferrisburgh Lister
Joe Blasius, Ferrisburgh Lister
Justus J. DeVries, Appraiser for Town of Ferrisburgh

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Charles Merriman, Attorney at Law
Betsy Tegatz, Charlotte Lister
Susan Leonard, New Haven Lister
Mel Hawley, Vergennes City Manager
(Absent: Todd Leblanc, South Burlington Assessor)

- Meeting called to order by Carl Cole at 2:55 p.m.

Velco:

- The first item discussed was the Velco issues wherein they under assessed the five towns (Ferrisburgh, Charlotte, New Haven, South Burlington and Vergennes) over the past five years, a total of $14,900,000 per year. The draft total taxes which should have been paid to the towns is **$221,000**. Justus passed out a history of the case from Ferrisburgh's perspective.

- Charles Merriman, an attorney from Montpelier, started the meeting. He had been asked to attend the meeting by the Town of Ferrisburgh to explore the possibility of legal action against Velco and an estimate of the costs to the towns. He felt the towns had a good case of negligent misrepresentation. He explained that it is more of a "tort" type case versus a tax appeal since the statutory time frames for appeals have passed. The issue of statute of limitations of 3 years was discussed, but since the point of discovery by Velco was on October 2, 2013, it is likely we could go back to April 1, 2009 when the errors first began. The issue of the position of the towns versus the actual taxpayers who were wronged was discussed. The basis of the case lies in the signed, sworn affidavits of valuation that Velco annually supplies to the towns.

- Mel Hawley asked if we could determine if the errors are covered by Velco's errors and omissions insurance. He also felt Vergennes would only go along with a legal action if all the towns agreed to join forces and share all costs as one group. In addition, since the amount of the error was significantly smaller in Vergennes than the other towns, he felt that perhaps Vergennes costs should be pro-rated.

- Charlie will develop a formal estimate of the legal costs for the case based on an hourly rate and on a contingency fee basis. His initial estimate of costs for the full case was 200 to 300 hours and in

the $40,000 range. Alternatively, the contingency fee would be between 30% and $33^{1/3}$%. He felt at this point the towns should try and recover all of the money owed plus interest. His feeling was that the towns' chances of winning were greater than 50/50.

- It was discussed that the local agreement taxes should be recovered as well as the municipal taxes. In addition, the Common Level of Appraisal (CLA) will need to be applied in all the calculations of the taxes due each town.

- It was agreed that though the State Property Valuation and Review (PVR) did not inform Velco about the Statute 32 VSA §4261 which allows listers to correct an error or omission from the grand list, it most likely would not be considered a defendant. Had PVR informed Velco in October 2013 when the error was first discovered, all of the towns could have recovered at least the 2013 taxes.

- The towns of New Haven and Charlotte had not informed their Selectboards yet, and will do so before agreeing to proceed; Vergennes had the blessing of the town's attorney.

- Overall it was agreed that the group should proceed, subject to Selectboard approvals and a review and acceptance of the estimated costs which Charlie Merriman will be providing. Justus will contact South Burlington to see if they want to join the group. Once this is done, a written formal agreement among the towns will be signed and the case can proceed.

Other Items Discussed:

- Reviewed minutes from June 25, 2014 listers meeting. Joe made a motion, seconded by Carl to accept the minutes as written. All were in favor.

- Discussed the Wayne Stearns propane cannon nuisance issue with birds and his sweet corn, and the impact on the lake front properties in West Ferrisburgh. Reviewed email letter from Peter Mazeine dated August 6, 2014. Justus advised the listers are waiting for the draft Selectboard minutes from the August 5th meeting where there was significant discussion on the issue. Carl was at the Selectboard meeting and advised there were 30 to 40 lakefront property owners present. He said that there had been some modifications made to the cannon since Tuesday's meeting, which reportedly had reduced the sound to some extent. The listers felt it was a significant issue and deferred any action pending a review of the Selectboards' minutes. It was agreed that the issue needs to be resolved and the listers would follow-up at their next meeting on August 27, 2014.

- Discussed the tax mapping bids and reviewed the bid from Christine Chamberlain from Robert Turner's company. Justus will send the RFP to Heindel and Noyes and Grass Roots GIS. Justus advised we should decide on a company by early fall.

- Justus will draft a letter on the new tax rate for the town's website detailing the fact that the town's municipal rate went down, but the education rate increased significantly.

- Justus advised that Ferrisburgh had won the Michael Hinsdale State Board of Appraisers Appeal.

- Joe asked about the file cabinet and Justus will follow-up on it with Pam.

- At the next listers meeting on August 27, 2014, the listers will discuss the clerk's office protocol with Gloria, Pam and Garrit, as it pertains to the listers work.

- Joe made a motion to adjourn the meeting; seconded by Carl. All were in favor and so moved.

Meeting Adjourned:	4:35 p.m.
Respectfully Submitted:	Justus J. DeVries
Dated:	August 11, 2014

VELCO - Assessment Errors (2009 - 2013)

Town of Charlotte

Fiscal Year	Assessment	Tax Rate	Taxes
2009	$3,600,000	$0.1600	$5,760.00
2010	$3,600,000	$0.1829	$6,584.40
2011	$3,600,000	$0.1671	$6,015.60
2012	$3,600,000	$0.1129	$4,064.40
2013	$3,600,000	$0.1670	$6,012.00
		Total Taxes:	**$28,436.40**

Town of Ferrisburgh

Fiscal Year	Assessment	Tax Rate	Taxes
2009	$4,900,000	$0.2622	$12,847.80
2010	$4,900,000	$0.2667	$13,068.30
2011	$4,900,000	$0.2490	$12,201.00
2012	$4,900,000	$0.2744	$13,445.60
2013	$4,900,000	$0.2527	$12,382.30
		Total Taxes:	**$63,945.00**

Town of New Haven

Fiscal Year	Assessment	Tax Rate	Taxes
2009	$1,800,000	$0.4862	$8,751.60
2010	$1,800,000	$0.5043	$9,077.40
2011	$1,800,000	$0.5546	$9,982.80
2012	$1,800,000	$0.6203	$11,165.40
2013	$1,800,000	$0.3920	$7,056.00
		Total Taxes:	**$46,033.20**

Town of South Burlington

Fiscal Year	Assessment	Tax Rate	Taxes
2009	$3,700,000	$0.3606	$13,342.20
2010	$3,700,000	$0.3622	$13,401.40
2011	$3,700,000	$0.3831	$14,174.70
2012	$3,700,000	$0.4041	$14,951.70
2013	$3,700,000	$0.4240	$15,688.00
		Total Taxes:	**$71,558.00**

Town of Vergennes			
Fiscal Year	**Assessment**	**Tax Rate**	**Taxes**
2009	$376,000	$0.6030	$2,267.28
2010	$376,000	$0.6032	$2,268.03
2011	$376,000	$0.6114	$2,298.86
2012	$376,000	$0.6494	$2,441.74
2013	$376,000	$0.6639	$2,496.26
		Total Taxes:	**$11,772.17**

VELCO - Assessment Errors (2009 - 2013)

All Towns (2009 through 2013)	
Town	**Total Municipal Taxes Not Paid**
Charlotte	**$28,436.40**
Ferrisburgh	**$63,945.00**
New Haven	**$46,033.20**
South Burlington	**$71,558.00**
Vergennes	**$11,772.17**
Total Combined Assessment Error in Muncipal Taxes by VELCO (2009-2013):	**$221,744.77**