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**TOWN OF PHIPPSBURG  
SELECT BOARD MEETING AGENDA  
May 15<sup>th</sup>, 2024**

*The Members of the Select Board convened at Town Hall at 5:00PM with Board Member House, Board Member Read, and Administrator McLellan present.*

**I. Adjustments - NONE**

**II. New Business**

1. Community Action Grant Presentation, Bob Reyes, Conservation Commission Chair and Alex Gray, GEI Consultants. *Last year, Phippsburg was awarded a \$50,000 grant from the state to address flooding on Sam Day Hill Road. GEI assessed the situation and are working on a Hydrologic and Hydraulic Model. They gathered rain, soil, and terrain data. A surveyor group studied the culverts in the area. KELT was also involved in the project and gathered tidal information. GEI is currently monitoring tide cycles and is working on 50- and 100-year rain event scenarios and the impacts that would have on the area. The results of their research will be available by the end of September. This report will not reflect costs of correcting the issue, but McLellan and Reyes agree that this report is the right first step.*
2. Final budget recommendations for FY25. *House asked McLellan about RSU1 submissions, McLellan stated that the recommended number was the Budget Committee's middle option (RSU budget \$3,818,351) which includes not eliminating the Bath Middle Librarian, 5 Day a Week Nurse at Phippsburg Elementary, as well as other positions. This option is \$420,000 more than the basic option. Also discussed was that last year, the Town used \$950,00 out of surplus as we did the year before, according to House, "If we use \$1,150,000 to reduce taxes, the overall increase would be \$310,000. With all the new property splits that may not possibly affect the Mil Rate". But the Town has not received their audit yet. She hopes there will be a more solid number by Town Meeting. The County budget is set at \$1,605,293 (up \$229,000). Municipal is set at \$3,815,605. If we use \$1,150,000 to reduce taxes, the overall will be \$8,089,249 (\$310,000 increase overall). Read motioned to approve. House seconded. Approved 2-0. McLellan thanked all the Committee's for the hard work they put in on their budgets for the year.*
3. Abatement #FY24-09 – Susan & David Duncan – Map 027 Lot 042 – Account 616. *House motioned to deny because the Board received the request past the 185-day limit from the commitment date. (Tax year 2022/2023, received April 2024).*  
*Becky Farnum, on council for the Duncans, spoke and suggested that the Duncans would like to challenge the suggestion that the abatement request has to be done annually and continues in perpetuity even though there has been a past successful determination that the original assessed value of the land was manifestly wrong and was overvalued. The property tax cards have not been adjusted to reflect the determination of the Board of Assessment review for the fiscal year 2021/2022 and they are still be assessed on a land value that was addressed by the Board of Property Tax Review and the Superior Court, both bodies indicating that land assessment was wrong, and there was over valuation. To date, those property tax cards have not been modified, or adjusted, to reflect the independent determination made by the Board of Assessment Review and the Superior Court. With the interpretation that it has got to be filed annually, if the tax cards are not adjusted to reflect the decisions to these independent bodies, as to the appropriate value, the tax assessment going forward is wrong, or at least inconsistent with the prior determination. When you're evaluating whether the request for abatement for 2022/2023 was untimely, just recall you had a property tax review board that didn't get a chance to take a look at the issues because the Board had no composition, there were no members*

appointed, so we didn't get a hearing until August 2022. If the town had adjusted the tax card, they wouldn't have needed to file an abatement request related to the land in either 2022/2023 or this year. It seems impractical to force a resident to keep filing the abatement request when there has already been a determination that the initial land value was manifestly wrong.

House said that the determination was for one year only. This abatement that they filed is late and cannot be considered. She stated that The Select Board requested current land information for this year's abatement. The Duncan's stated that the land has not changed. House stated they requested a new updated appraisal. The Duncans stated there has been no change since the Board walked the land two years ago. The Duncan's questioned if the Board requests the same information from every abatement request, they receive every year. House asked for an updated appraisal as of April 1 2023. The Duncan's stated again that the land hasn't changed and questioned the Select Board's request. House stated that it is because it is a new abatement and is looking for current information for the current year.

Farnum asked if the Town will correct the existing property card to reflect the previous year's decision. House said yes, for that year. The Duncans asked what would happen going forward, stated "Everyone I've talked to has said that the obligation should be to change the tax card as soon as that decision comes down from the court. I don't know what you're waiting for."

The first abatement request from the Duncans was in 2019/2020. The Duncans stated that the land value doubled the day after they closed on the property. The Duncans said that "In other towns, we've asked for protocol, and not one town has said we would make our people do this every year." House responded, "We cannot go back, because we have started new year's, to change 2021's value". Duncan responded "Let's start with 2024, which is when this would take effect, that the tax card should be changed after the December 7<sup>th</sup> decision. When would that tax card be changed, and are you saying even when you change it, we have to come back and reapply every year?" House responded "No." then "We need a current appraisal, and we can address this".

Farnum commented "As best I read the statutes, as well as the case law, once there has been a determination that the land value was manifestly wrong, which has occurred here, the property tax card is to be adjusted. That land value cannot be altered by the Town. The obligation will fall on you to demonstrate that there should be an adjustment. We have already carried the original burden to demonstrate that the initial assessment for the land was manifestly wrong and over-valued. At the point that you heard from the court, the property tax card should have been adjusted to reflect the value that the court and the property tax review board determined. There is no case law that supports the position that the Duncans are taking. Once that land value has been established, if the Town wants to go ahead and challenge it, its up to you (The Town) to demonstrate that the land value has changed. It's not up to them (The Duncans) to do it." Then "How do we move forward with this? When is the tax card going to be altered?"

House said "We cannot go back and change a year that is closed up. We can change the current when we receive the supporting document we have requested".

The discussion continued as the Duncans, Farnum, McLellan, and the Select Board discussed again what had happened in the past, what the current status of the property and tax card are, and what needs to happen in order to proceed. House asked McLellan to confirm whether the Duncan's have received a monetary refund or not.

Farnum said "We requested the opportunity to have this discussion because we need to understand how best to proceed." "I just need to understand where I go to find this process (written practice) that you are saying is how to proceed." "There is no written confirmation of what you are requesting?"

House stated, "This is general, what we request of everybody." "There is no ordinance".

Farnum asked "How is a taxpayer supposed to understand what is necessary?"

Read said "That is why we sent you the letter."

Farnum responded "In the letter it doesn't say that we have to have the property appraised".  
House said, "It says supporting documents as of April 1<sup>st</sup> 2023".

Mr Duncan said, "So we go out today...get an appraiser, they go out and appraise it today. These (the numbers in the abatement) were numbers from when we started the process 3 or 4 years ago. That's what we're basing all this on. So, if we're going to go out and get an appraisal, maybe the land is worth more now? We're still arguing with what Juanita put on our tax bill from 4 or 5 years ago. I came in as soon as we found our tax bill in 2018, it had been sent to the wrong place because you had the wrong year on it. You had 2019 as the purchase year instead of 2018. We never got it. When we finally got it in late December, I came in and talked to Juanita about this. We have been talking to her for about 5 years, in our minds this is based on 5 years ago when she made the initial mistake. I tried the next year to come in and she kicked me out of the lobby because I didn't have the information from one person that she insisted we have. I can go into more detail if you want. Then we started again. So we have been doing this for a really long time. We're still working on when we first bought the piece of property. I don't understand why an assessment from this year relates back to when we started this process. We certainly from BAR got an assessment much lower than Juanita had put down in tax credit. I don't understand how we have to get a new assessment because we already got granted what we asked for two years ago. I don't understand it, you don't have it written down, you say 'That's what we ask for', it doesn't say it in here (the letter from the Select Board), that's the first time I knew we had to have an appraisal. We assumed because we have to send the same information because it is consistent with that the BAR voted on. This is the strange thing, they voted on this when they voted on it. Now what you're saying is you have to provide different information from what they voted on. So that abstracts the whole process over it sounds like. That land did not change from when we got the abatement until now. It's the same piece of land. It's the same topography, it's the same piece of land. We didn't do anything to it."

Read responded "You built another building on it."

Mr. Duncan said, "We're only talking about the land value".

Read said, "You said you hadn't done anything to it".

Mr. Duncan said, "We didn't change the topography, we didn't change the shape, the location, the size, we didn't change any of that. And it's a subdivision." "Juanita has us at 180% at rate to ratio. Most people in town are at 40, 50, 60%. Since Juanita did this in 2018, we're the highest sales rate to ratio in town. That has to be a red flag to somebody".

House said "One more time, we're not talking about that abatement. We're discussing 24-09 from year 22/23". That's the one on the agenda".

Mr Duncan asked "If we do this this year, do we have to come in the year after and do this all over again?"

House said, "No, we're trying to get this cleaned up".

Mrs Duncan asked "You don't need anything more from us for 23/24?"

House responded "23/24 is the current year. We want an appraisal as of April 1<sup>st</sup> of last year".

"In 60 days From April 8<sup>th</sup>, if you can't get an appraiser, get it in writing."

Read seconded the motioned. Denied 2-0.

4. Consider accepting a \$11,000 donation from the Phippsburg Land Trust to the Center Pond Fishway Capital Reserve account. Read motioned to accept the donation. House seconded. Approved 2-0.

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**III. Unfinished Business**

1. Status of Map 044 Lot 036-AB, John Koehling Jr., 11 Waltons Way. (Tabled – 03/27/24) House stated that it cannot be used as a controlled burn. The Town Legal representative suggested selling the property and putting it out to bid. Read motioned to table.

**IV. Department and Committee Reports - NONE**

**V. Correspondence - NONE**

**VI. Courses, Meetings, and Seminars**

1. Transfer Station attendants attending Hazardous Waste training on 05/17.
2. Code Enforcement Officer attending annual training – 05/20 & 05/21.

**VII. Administrator/Members of the Select Board Comments and Announcements**

1. RSU1 Budget Referendum – May 28<sup>th</sup> - 6PM – Morse High School
2. Candidates Night/Public Hearing/Warrant Overview – June 3<sup>rd</sup> – 6:30PM – Town Hall  
*Changed to 6:00 PM.*
3. Town/State/RSU1 Elections - June 11<sup>th</sup> – 8AM-8PM – Town Hall
4. Town Meeting – June 12<sup>th</sup> – 6:30PM - PES

**VIII. Review and/or Sign:**

1. Payroll and Accounts Payable Warrants.
  - a. Payroll Warrant – #110 - \$16,545.66 *Read motioned to review and sign. House seconded. Approved 2-0.*
  - b. Accounts Payable Warrant – #111 - \$348,950.23 *Read motioned to review and sign. House seconded. Approved 2-0.*

**IX. Public Forum - NONE**

**Adjournment** – *Read motioned to adjourn to a Town Report Workshop. House seconded. Approved at 6:12 pm.*

- Town Report Workshop