BCA Hearing Bagley

Date: 08/05/2025
Hearing time: 4:00 p.m.

Present: BCA Members: Lindsey MacCuaig, Betsy Reddy, Susannah Loffredo, virtual, Assessor: Spencer Potter, Chair/Town Clerk: Jesse Bridge, Secretary/Assistant Clerk: Joy Hatfield, Appellants, Fred & Jennifer Bagley

Call to Order: Jesse Bridge called the meeting to order at 4:00 p.m. Spencer, Fred and Jennifer Bagley are sworn in.

Appellant Info: Fred & Jennifer Bagley, 230 Deer Run, Mendon.

Parcel(s) ID: 070016000 / 070016100

Jesse Bridge asked if anyone needs to excuse themselves from the hearing due to conflicts of interest or ex parte communication, no one does.

Case Introduction: Spencer handed out the property card and introduced the subject property as a piece of land, 9.84 acres on Deer Run, assessed at $527,100 which is the parcel of the Appellants' primary residence and is recorded as Bagley, Frederick H. & Jennifer Bagley, owners, (marked as Bagley T1). Spencer asked for clarification that the hearing was only to address this parcel and not the 10.75 acres located on parcel 070016100, currently held in ownership by Bagley Frederick H. 1995 Revocable Trust and Bagley Jennifer 1995 Revocable Trust. The Appellants answered they wanted both parcels addressed in the hearing. Spencer handed out the property card and introduced the second subject property as a piece of land, 10.75 acres on 0 Milliway, assessed at $147,100, (marked as Bagley T2).

Appellant Testimony: Mr. Bagley passed out a packet marked A1 and introduced himself. Exhibit A1 is the summary of his presentation. "In 2024, we chose, for conservation purposes, to put lots 13 and 14 in a revocable trust. We are the co-owners of that trust and the beneficiary of that trust, upon the passing of the second one of us, is going to be the City of Rutland for transfer of those two parcels to the Rutland City Forest for protection of the watershed. And I just want to point out that Mendon and its town plan recognize it has a reasonable responsibility to help protect Rutland's watershed. So, it's our contention that because the property was transferred from our individual names to a revocable trust, there was no change in ownership of lots 13 and 14. Therefore, the reappraisal initiated in 2025 was a misinterpretation of state tax policy. Because we are the sole and joint co-owners with the ability to alter that trust, we thought it was inappropriate to initiate a reappraisal, it was inappropriate to give lots 13 and 14 a new address, and inappropriate to give them a separate parcel of tax identification. In your packet, see a letter from Robert Pratt of Pratt Vreeland & Martin White Limited, stating that we developed this revocable trust for the specific reasons of not changing ownership of the property and you can read his opinion at your leisure but he sites from an opinion by the Vermont Department of Taxes at the bottom of the first page of Appendix B. Based on the Vermont case from 130 years back that supports our position that placing land in a revocable trust is not altered ownership. Looking at this, it's quite clear that change in ownership did not occur and therefore it was inappropriate to initiate a re-appraisal. We are requesting that the Town Assessor restore lots of 13 and 14 to the original address at 230 Dear Run, restore all five lots to their original single parcel and tax identification number and to restore the value of the 2024 appraisal. Just because I have a hockey puck in my right hand, and I convey it to my left hand, it has changed hands, but it has not changed ownership. Thank you".

Evidence Presented: Bagley A1

Assessor's Response: It's my understanding that this is different ownership. I'm not an attorney. All things being what you said, if the decision was mine, I would still leave it as two separate parcels, but the decision is not mine anymore. It is up to the BCA. Essentially, I don't want to put words in your mouth, but basically, you're asking a legal issue as opposed to an evaluation issue.

Appellant's Response: It was the opinion of our attorney, Mr. Pratt, who's been doing this a long time, that there being no transfer of ownership, it's our understanding there was no filing of the Property Transfer Tax form. There was no form filed with the town, supporting our contention that there was no actual transfer.

Assessor's Response: I'm trying to do this from memory but I'm going to be a little surprised if there's not a PTTR for that transfer.

Appellant's Response: According to Mr. Pratt, he did not file a Vermont property transfer tax form.

BCA'S Questions: Are you getting two tax bills or just one tax bill?

Appellant's Response: Yesterday we received two tax bills. For the past 25 years, we've received a single tax bill for all five lots. And since 2013, have received the homestead deduction since lot 3 is a primary residence.

BCA's Question: And how did that affect your tax bill when you got two?

Appellant's Response: We haven't seen the bills; we chose not to open them.

Date of Inspection: TBD

Discussion: The BCA concurred more discussion and investigation was warranted. The meeting was adjourned at 4:45 pm.

Jesse Bridge, Chair/Town Clerk

Joy Hatfield, Secretary/Assistant Clerk