

May 25, 2010 Board of Assessment Review Grievance Day

Members present: Valerie Cutler
Tom Cutler
Virginia Lorrain
Barbara Brooks

Absent: John Studer

Others Present: Peter LaGrasse, Assessor Chairman

Tara T. Fisher, Assessor: Was present to make comments personally due to her relationship with Mr. and Mrs. Gustave Kanakis.

5:30 PM Mr. and Mrs. Kanakis were present with a grievance:

Valerie Cutler stated that Mr. and Mrs. Gustave Kanakis was present and brought in maps showing his property line. Valerie Cutler stated they have the maps here showing the supposed road going to their property. They have a letter of correspondence in reference to September 2009 Freedom of Information Law request. It states that the Root Name is Carbery Road from Harrisburg Road to the end, 1800 feet. The project type was highway resurfacing and the total project cost was \$25,000.00. The final payment was reimbursement for \$25,000.00. The certification was dated 11/20/2008 signed by Highway Superintendent Neil Bradley and it was stamped by the Planning Project Management November 26, 2008. They have a map from DOT called GIS map showing the property.

Tom Cutler stated the road is running between Benchmark 1152 up to 1346. The road goes from Harrisburg Road off to the right, Carbery Road and goes over towards Tucker Road.

Valerie Cutler asked if it was the original Harrisburg Road.

Gustave Kanakis stated the old Harrisburg Road. He has the rest of the deeds if the Grievance Board would like to read them. It's listed in every one. There is one from June Tremaine and Dewitt Tremaine to David Hurlet where they subdivided to get a right of way to use in common with others over and across a certain dirt road sometimes known as the old Harrisburg Road as it extends generally westerly direction from the west side of Tucker Road continuing and adjoining northerly direction across the lands of the Grantor hearing to the lands now once owned by Leo Carbery said right of ways to be for the purpose of ingress and egress to be perpetual and to run with the land and is to be binding on the heirs, successors and the signs this was in 1979.

Another one from 1988 together with a right of way to be used in common with others across certain dirt roads sometimes known as the old Harrisburg Road, generally westerly direction, northerly direction across the lands of the Grantor to the lands now once owned by Leo Carbery said right of way for the purpose of ingress and egress perpetual to run with the land to be binding by the heir, successor and the signs. There is another from David Hurlet and another from David Hurlet when he sold it to Vasey. It has the same paragraph in it. This was dated 1987.

Valerie Cutler stated she would also like to mention that the complaint being filed is for a zero assessment based on the inability to determine exactly what the Kanakis's own.

Gustave Kanakis stated correct and went on to say there is a deed from Robert and Viola Carbery to Ronald Carbery including rights hereinto and maintenance of Cemetery Road and this parcel of land and if you go by his assessment. Tom Cutler interrupted and asked if he had his deed and asked what it says.

Gustave Kanakis stated yes he had his deed.

Tom Cutler asked what does your deed state.

Gustave Kanakis stated his deed does not say anything about a road running through it and he gave a copy of his deed to the Grievance Board with the exhibit on the last page of the deed that doesn't show the road. So that's why a lawsuit was brought because it doesn't show a road. It violated his Warranty Deed. If he has a road running through it, it violated the terms, conveyance of the Warranty Deed.

Valerie Cutler asked if this is also why you couldn't get fire engines or ambulances?

Gustave Kanakis stated the width, the width and still can't. The question he has is where is the \$25,000.00 that they said they paved the road with, they did no maintenance because you were there after that so what is he suppose to do and can he put that house on the market and sell it.

Valerie Cutler stated probably not,

Barbara Brooks stated absolutely not.

Gustave Kanakis stated so what is the value? No one has an idea. He can't disclose, as far as he understands disclosure, if it's in dispute he can't sell it.

Barbara Brooks stated no you can't so there's no value on it if you can't sell it.

Sandra Kanakis stated no and we love it here and we can't get ambulance service, fire service we pay extra for propane to get up there in the winter.

Gustave Kanakis stated he didn't start this fight, that house is all out of pocket for him. Every bit of it is out of pocket. There is no paper on that house at all. Do you know how much this hurts even if he wanted to get out and he can't?

Valerie Cutler stated yes, she can understand that.

Barbara Brooks stated there is nothing in your deed?

Gustave Kanakis stated showing a road, no.

Barbara Brooks stated why didn't the lawyer see that when he compared the last deed when he did your new deed?

Gustave Kanakis stated he didn't know.

Valerie Cutler stated who the lawyer was, was there a lawyer.

Tom Cutler stated there should be some kind of map or something with that because you have some legitimate marker in there.

Gustave Kanakis stated there is, there is a map on the third page but conveniently it stop short. But since this information came out and these came out.

Tara T. Fisher stated basically what happened was this whole thing, everything was going along fine as far as everybody knew, power was being brought in, the power company came up and what they were told with this easement there is a tree in the clump of birch trees that Mrs. Carbery has a thing for and they were going to cut them down and put the pole in what was the right of way that had been granted in their deed, the Kanakis's deed, and National Grid was prevented from doing that and then basically from her point of view personally Carbery's began to get nasty and all kind of little tricks were played and games were played, the road was squished over up the side of a bank which an easement doesn't go up a side of a bank. The easement is on level ground they decided to put it up the side of the bank and they basically just in an unending stream of difficulties and though trying to straighten that out and prove that

A) They have an easement through there it is suppose to be on flat ground so they can get to their house or get out of their house then they started to discover, oh my god, we can't have an easement because it's a road and then we have the admission by the town that it's a road and then we have a denial by the town that it's a road and we have an admission by the town that it is a road, so they did more research and came out with more research that the paperwork, this is a drop in the bucket of the paperwork that they have on it.

Gustave Kanakis stated it goes a lot deeper then this because Frank's saying he is not protecting his In-laws.

Valerie Cutler stated he should have repudiated himself.

Tara Fisher stated yes.

Barbara Brooks said yeah, he should have.

Gustave Kanakis stated he said they don't own it, the town doesn't own it. Now if you have to pay for it.

Valerie Cutler stated somebody owns it.

Gustave Kanakis stated is it a road of convenience, you only have a road when you need the money. I don't doubt they bought the paving, where did it go and why am I getting screwed?

Valerie Cutler stated you served papers on.

Tom Cutler stated that isn't so much the big issue whether or not the road was paved or not, what you need to have is a legal access to your house.

Gustave Kanakis stated of course.

Tom Cutler stated and that is a different issue, which wouldn't come under probably this Board of Review.

Valerie Cutler stated you need a road to your house.

Tara T. Fisher stated the road issue isn't, but the value of because of the nonexistent of it.

Peter LaGrasse stated at some point he would like to defend this, he is the only Assessor here defending the assessment.

Tara T. Fisher stated she can't say anything professional but can speak personally.

Peter LaGrasse stated to begin with the lot we are talking about is identified as 232.1-27.2 and on our tax map it is clearly defined. In other words it is established where that property is located there is no dispute that the house that he has assessed on the property belongs to that block.

Now the tax map shows VanAuken Cemetery and it shows the road going to just beyond it.

That's important and every tax map he has from before shows that same thing.

Valerie Cutler stated just pass the cemetery.

Peter LaGrasse showed the map to the Review Board of the cemetery and the road from Harrisburg Road goes to beyond it, but not to the 27.2, but beyond it. It's also through on the map that ended around 2001 when these new maps came out and they changed the lot numbers. Then you look at the older map the same story for that cemetery lot, the road went to just beyond the cemetery. The reason for that is that there is an inventory for State Aid for roads and that inventory up to this year was .25 miles so that is a town road at least to there up to.

Valerie Cutler stated to the edge of his property? Peter LaGrasse stated who knows.

Peter LaGrasse stated that inventory just on the historical point of view, the town inventory of this road which was then called Cemetery Road was three quarters of a mile not one quarter, and was crossed out from the 1963 inventory that he has from Susie when it was three quarters of a mile, obviously going straight through instead of claiming credit, mileage and State Aid for the road from Tucker Road to Harrisburg Road at that point and then he was crossing .25 now it just didn't say is that now the latest inventory is .20 they just changed it again.

Valerie Cutler asked who keeps changing it.

Gustave Kanakis stated Neil the Highway Superintendent.

Peter LaGrasse stated that is just what happened to that situation. But what we got from an appraisal point of view is a road and a deed, which says clearly that the Grantor gives access to the property and is that access 20 feet?

Gustave Kanakis stated no, what is it now?

Peter LaGrasse stated what is it in the deed.

Gustave Kanakis they say it's 20 and it's not.

Peter LaGrasse stated there's 20 feet access to that lot whether it stops here or at the beginning of the cemetery, at the end of the cemetery. By the way what happened to the certain point of time somebody put up a picket fence and crushed upon the road and he tried to get an ambulance up there and it was just inches, in the daylight, inches to the mirror. He knew that with the snow on the ground and at night he couldn't get an ambulance up there. He wrote a letter to that effect as a Captain of the Stony Creek Emergency Squad, that he couldn't get an ambulance up in there that it constituted a hazard and that prompted he believes the Highway Superintendent and the town board to have a meeting and went up there and he was there too. There is a survey that Gus hasn't shown you of this property, the cemetery and the road is two-rods. How wide is the road?

Gustave Kanakis stated it's supposed to be two-rods, 30 feet.

Peter LaGrasse stated it's a two-rod road, by the way that road to the cemetery, always define that amount, is a deeded right of way given by VanAuken in 1900. This is in his files.

Gustave Kanakis stated go back further he has the deed. It runs all the way through.

Peter LaGrasse stated when VanAuken deeded that cemetery, he deeded the right of way to it at two-rods.

Gustave Kanakis stated yes.

Peter LaGrasse stated to the Cemetery. So in other words there is evidence, there is written evidence of a road here that can't be avoided. We can play games, does it end at the tip of the cemetery? The line always showed it go through, it's up a hill, the gates at the far end, so to have the road end at the tip of the cemetery, didn't get to where the gate was. It's at the far end of the cemetery so we know that road went all the way through to the far end of the cemetery at two-rods. The survey shows that road about five feet by scale from the gate, so he put a measurement tape with the town board to where the encroachment was and it was the two-rods from the gate, it didn't include the five feet that the survey showed extra because the road that went up into the cemetery was not along the edge of the cemetery, it's was five feet from the fence. That is shown on the survey and it was not, in other words it is clear that the picket fence was in the encroachment. The solution that the town board came to was to cut into the bank and cut in toward the cemetery and give Kanakis the two-rod right of way buy cutting into the cemetery rather than removing the picket fence.

Gustave Kanakis stated but that didn't Peter, because they built a ram. Before the end of the cemetery they built a ram so it encroaches again.

Peter LaGrasse stated it encroaches again.

Sandra Kanakis stated and the cemetery is caving in.

Valerie Cutler stated figure if you are going to take it off it's just going to go more.

Peter LaGrasse stated right now he can get the ambulance up there and with legal access they have widen it, he can get it in the winter with ample access. In other words slip and slid sideways doesn't matter that is access right now.

Gustave Kanakis stated what about the winter.

Peter LaGrasse stated it is access in the winter as far as he is concerned he can get it in because it's not two inches. That was closer then backing it in to the garage. That's how close it was up through there before but not now. Right now he can drive it in.

Gustave Kanakis stated what do you do with Neil's certification to the State since that is a legal document?

Peter LaGrasse stated that is a different issue that is not his, His spiel right now.

Gustave Kanakis stated he knows that is his defense.

Peter LaGrasse stated is to defend the assessment. We have a deed that gives the right of way to that property ok. We have a very cloudy history of the town's treatment of that road in all respects but whatever they have done he still has the two-rods to that property. Is there any dispute that you still have the two-rods to the property?

Gustave Kanakis stated yes there is a fence in the middle of it.

Tara T. Fisher stated absolutely.

Gustave Kanakis stated two-rods is thirty-three feet.

Peter LaGrasse stated yeah, you don't have all of that in paving.

Gustave Kanakis stated no he don't. The paving stopped at Carbery's driveway.

Peter LaGrasse stated yes it did.

Gustave Kanakis stated drive up there. The 1800 feet stopped at Carbery's driveway, which is 800 feet. He didn't start this fight, he foiled the request for that and came up with that.

Peter LaGrasse stated but the big question from an assessment point of view regardless of all this history, there is no cloud entitle to this lot. There is no cloud entitle to the improvement on the lot, and there is no cloud entitle to somehow, there is an access to it.

Gustave Kanakis stated there is cloud to the title to the lot, there is now Neil certified that there is a road that runs through that lot. He certified to the State that it was paid for and the town cashed the check.

Peter LaGrasse stated there are roads going through every lot in town, doesn't hurt the property value.

Gustave Kanakis stated it does if his deed does not show a road. It clouds the title right there.

Sandra Kanakis stated and they can't sell.

Gustave Kanakis stated it clouds the title because his deed does not show a road on it.

Barbara Brooks stated there is no way in hell that you would sell that property right now.

Peter LaGrasse stated even though there is access, deeded guaranteed access. Even though the property is correctly, he has a deed to that property.

Barbara Brooks stated it's disputed.

Valerie Cutler stated you have a lawsuit now?

Gustave Kanakis stated yes, it's a dispute.

Barbara Brooks stated it's a dispute.

Gustave Kanakis stated it's a filed lawsuit

Barbara Brooks stated nobody is going to buy a piece of property no matter how beautiful the house is or anything else, if it's disputed. Why would they want to buy it?

Gustave Kanakis stated well how could I.

Barbara Brooks stated to continue with what they are going through? She doesn't think so.

Gustave Kanakis stated the dispute is this, who is going to refute Neil? He is the Highway Superintendent. He is an elected official, he says the road is 1800 feet long, which crosses his property. So what does he own or what does he not own?

Peter LaGrasse would like the FOIL request from DOT put in the record.

Virginia Lorrain asked if he ever measured the road himself instead of taking Neil's word for it.

Gustave Kanakis stated yes he did it runs through his property.

Virginia Lorrain asked if it was the same measurement that Neil got.

Gustave Kanakis stated it runs right to the edge, it runs from Harrisburg, pass the cemetery, runs through his property and then runs on the people named Graham, who bought the property from Hurl. It runs to their property line and the deed picks up again and says it's the old Harrisburg Road.

Peter LaGrasse stated he wants the record to show one of the things that the complainant said here and this is a request for payment for CHIPS Capital Reimbursement Program. It is a NYS DOT document signed by Neil Bradley, dated 11/20/08, and it has item three Carbery Road from Harrisburg Road to the end of the road 1800 feet. Cost of the project \$25,000.00, final payment \$25,000.00 highway resurfacing. So there is a claim on this document that he has 1800 feet, dated March 2009 reimbursement. It was applied for in November of 08 and the reimbursement was received in 2009. That's a record that shows.

Gustave Kanakis stated an official document.

Peter LaGrasse stated that something wrong happened because we know that and asked Gustave Kanakis what he had there how many feet, 1800 feet?

Gustave Kanakis stated it's not his to call.

Tom Cutler stated you gave them the information that's paved up to Carbery's driveway, which is approximately distance that you know of. 800 feet?

Gustave Kanakis and Peter LaGrasse stated 800 feet, yes.

Gustave Kanakis stated there is 1000 feet of unpaved.

Tom Cutler stated there is 1000 feet of unpaved road that is being complained about.

Peter LaGrasse stated there is lots of complaint here. He looks back on all the complaints, He steps back from it. He doesn't know why it's clouding it.

Gustave Kanakis stated it's not the money, it's not the paving. It's the length of the road, which clouds title to his property.

Barbara Brooks stated exactly and that is why you cannot sell it now. There is nobody.

Peter LaGrasse stated Barbara Brooks says you can't sell it, He doesn't know why you can't sell it because you still have title to the access and to the lot. So he would think very much about the wash of this off the roll. He would think very much about it because he has title, you have access, you have a guaranteed access on the deed. It's just an argument on just how much of it is paved and how much of it is town road, and how much of it is private usage. One of the private easement is town road. That is a big title, problem. It doesn't matter either way. One way or the other way you get into it, you get out of it. You drive it no one is stopping you. There is no question of stopping the access to this property, there has never been a question. The question is whether the town works it.

Sandra Kanakis stated one great issue we have is we do not know at this point exactly how much property we do own because of the road issue and the width and the length. We don't know where on their property it runs though exactly.

Barbara Brooks stated she doesn't even know how you got clear title to that property.

Sandra Kanakis stated no, not much less guaranteed clear title.

Gustave Kanakis stated they went through two title searches.

Tara T. Fisher stated as it lays, its four acres, if the road goes through is it three point two acres.

Gustave Kanakis stated don't know what it is.

Sandra Kanakis stated they don't know what they own. For all they know it could go right through their living room.

Gustave Kanakis stated he doesn't know as silly as it sounds.

Peter LaGrasse stated he wouldn't say that, where is the probability, you know the road doesn't go through your living room.

Sandra Kanakis stated no she is just pointing out Peter, we don't know exactly how much they do own and only an idiot would buy a house there. We cannot sell.

Peter LaGrasse stated he wants to answer that. How many surveys do we have for property in this town? Some of it varies twenty percent from claimed, from the deed, to the tax map, even more because it's a mess. He has one property, bad survey, the line goes off to an angle, can he come in and say he doesn't know how much property he owns he shouldn't be paying taxes because it's screwed up, the surveyor screwed it up bad, big time, so what.

Sandra Kanakis stated we are talking bridge of a warranty deed here.

Peter LaGrasse stated you can say all of those terms, it doesn't matter whether you own ten acres, nine acres and six acres. He goes by what the tax map says because that is a standard that we are using.

Barbara Brooks stated those tax maps are all screwed up, you know it and you just said it.

Peter LaGrasse stated he did not say that, what he said is a tax map ran by a survey, and a survey screwed up.

Barbara Brooks stated you know what you look at a survey of her property it does not in any way, it's not in the same spot that it shows to be on the tax map, if you look at her survey and you look at the tax map. The tax map has her house across from her neighbor. Surveys and tax maps do not agree.

Peter LaGrasse stated it doesn't matter, could you sell you property.

Barbara Brooks stated yes, she sold her property.

Peter LaGrasse with the problem with the tax map doesn't show it right.

Barbara Brooks stated she doesn't have a problem like they have.

Peter LaGrasse stated did that influence it? No. of course not.

Barbara Brooks stated but her title is not clouded. All it is is a tax map default. All she is saying is tax maps are, almost every single page of those tax maps has a discrepancy on it, almost every single one. Paula Centrone is another one.

Peter LaGrasse stated he doesn't care if there is discrepancies, does it mean that there isn't property that has value. He sees the sales, he sees the value.

Barbara Brooks stated sure it has value, but their property has hardly any value right now.

She isn't saying there is no value on it, there is value but very low value on it.

Peter LaGrasse checked her property on the map and asked if that should be further down the hill.

Barbara Brooks stated her property should be moved up across from the vacant lot.

Peter LaGrasse stated you would get more acreage.

Barbara Brooks stated no. The whole lot should be moved up because her line is right across from the neighbor's line.

Peter LaGrasse asked if that cloud title?

Barbara Brooks stated no but she doesn't have a problem with a right of way. She is just saying that.

Peter LaGrasse stated he doesn't have a problem he has a guaranteed right of way. Regardless of how you read that deed, there is a guaranteed right of way to that property.

Sandra Kanakis stated it's running up hill.

Gustave Kanakis stated no that's not it, he knows what he's saying and also stated you're wrong Peter because if a town road runs through it he doesn't own it. The town owns it.

Peter LaGrasse you can't use the road if the town owns it?

Gustave Kanakis stated how much does he own at that point?

Peter LaGrasse stated how cares?

Gustave Kanakis stated thank you, thank you very much.

Peter LaGrasse stated you might care but did it lose the value to begin with? Who uses it whether it's a town road or a private road? Who lost? He still uses it.

Barbara Brooks stated it could lose value with a town road running right through it. She wouldn't want a town road running right through her property, she would lose value on her property.

Tom Cutler stated but you wouldn't have brought the property.

Barbara Brooks stated you got it she wouldn't have.

Tom Cutler stated they bought the property.

Gustave Kanakis stated that too, he didn't know it and now it comes up.

Tom Cutler stated you have an original deed to your property.

Gustave Kanakis stated yes.

Tom Cutler asked what did your original deed tell you on the property. We read it there, that you have a section of land that is marked off. It doesn't say anything about the road there.

Gustave Kanakis stated no it does not.

Tom Cutler stated but yet you have several other deeds that give you the road going through there. Gustave Kanakis stated yeah. Tom Cutler stated but your original deed didn't.

Gustave Kanakis stated no it does not it doesn't say anything about a road.

Tom Cutler stated and you bought it with no access to it.

Gustave Kanakis stated it says access to. It doesn't say anything about town road.

Tom Cutler stated even if it is a town road you still have access to.

Gustave Kanakis stated oh, it's not landlocked.

Tom Cutler stated he can understand where Peter's coming with this because he is giving you a estimate on your property knowing that you have a right of way to it, whether it's by a town road or whether it's by a separate road from the end of the town.

Gustave Kanakis stated you don't pay tax on town roads, so how much.

Tom Cutler stated you don't own an assessment, he has a right of way going into which is basically what you have. I don't own the road he owns up to that road. When they came in and redid a map on his road he isn't trying to knock his down, he's trying to explain it to him. They came in and did an assessment on his, he lost a piece of property, gained a piece of property, got nothing off the right of way he had, but he maintains the right of way. He plows it and if there is a hole he has to take care of it. There is no difference on the value of his house because he has a right of way. Whether it's 12 feet wide or 25 feet wide.

Gustave Kanakis stated we are not talking 12 or 25 feet wide, any road in existence for eight years has to be 50.

Tom Cutler stated it could be 50, he is just giving numbers.

Gustave Kanakis stated it affects the value of his property and the amount of property he owns, does it not, if a 50 foot wide road goes through his property.

Sandra Kanakis stated yes.

Gustave Kanakis stated he fixes what he owns.

Peter LaGrasse stated he was disagreeing with this absolutely that is a misreading of the law. The law says that all town roads should be 50 feet.

Gustave Kanakis stated it says that.

Peter LaGrasse stated it does say that, but they are not 50 feet and the roads that are not 50 feet do not get widen to 50 feet without paying the property owner for it. The Highway Superintendent just can't widen the road passed its worked width. They are customary because these are roads by use. So in other words, the roads by use, except for this one which is two rods. The roads by use and that use whatever it is, if they haven't cut the tree in six years, than there are six rings on that tree, there not allowed to cut that legally and not allowed to widen it legally without asking permission of the owner to do so even if it's a single rod wide road. Whatever the traveled width is is where they go. So to say the 50 feet swap if you look at the survey of his property, he hasn't presented it but the road is going through his corner. It's not swapping the middle of that lot, it's going through the beginning corner of that lot and what have minimal effect if the town were to pave it the way, if they have the money to pave it. It would not affect anything.

Gustave Kanakis stated actually it runs along that one line all the way down.

Peter LaGrasse stated if it runs along that line that would let him gain access to the property without private roads going into it. He could use it, more than one access to it.

Gustave Kanakis stated and that clouds the title. Because the deed says nothing, his deed says nothing about a town road, which clouds the title. The way it reads I cannot sell it because it says no mention of a road.

Tara T. Fisher stated how do we do this?

Valerie Cutler stated one of the things.

Peter LaGrasse stated can that be clarified.

Valerie Cutler stated one of the things for a complaint of a real property assessment, the form has to be filled out.

Peter LaGrasse got the form that needed to be filled out for this.

Barbara Brooks asked what his assessment is now.

Gustave Kanakis stated he didn't know, this is done without any knowledge at this time, because every place he lived you get your assessment then you have a Grievance Day. He doesn't know what it is.

Tom Cutler stated you should have gotten your assessment already.

Sandra Kanakis stated no, we didn't.

Tom Cutler asked his wife if they got their assessment she didn't know.

Gustave Kanakis stated no he didn't get his assessment this year.

Barbara Brooks stated her daughter didn't have her assessment when she went to Grievance Day last year.

Tom Cutler stated they were supposed to be out.

Sandra Kanakis stated what is the sense in that, we lived in different States you get your assessment first.

Tom Cutler stated isn't it suppose to be out the first week of May. He told Peter they haven't gotten their tax assessment yet. So they don't have any idea what it is.

Gustave Kanakis stated no idea.

Tom Cutler stated isn't it suppose to go out the first two weeks in May.

Peter LaGrasse stated there's been no change in assessment for the prior year. He doesn't have to send him notice of any assessment increase. He doesn't send out everyone's assessment unless there is a change.

Gustave Kanakis stated he missed last years by one day when he wanted to complain about last year's assessment for this same issue. He missed it by one day because he didn't know it. You know it wasn't in the paper this week either. It wasn't in the Journal or last week.

Peter LaGrasse stated it was advertised May 1st by law. It was posted on the bulletin board out front. In other words what he is supposed to do is give notice of the completion of the tentative rolls.

Tara T. Fisher stated it says four acres and the full market value is \$124,200.00.

Peter LaGrasse stated that isn't what we need.

Tara T. Fisher stated she wants to clarify that she cannot speak professionally as an Assessor on this because of her close relationship to them. Her comments are strictly personal.

Peter LaGrasse stated he is helping Gus figure out how to fill out the form. He is saying unequal assessment and not excessive assessment.

Gustave Kanakis stated excessive succeeds the full value of property.

Peter LaGrasse stated he is saying you can't exceed the full value of the property unless he is at 100%.

Gustave Kanakis stated he can say you can exceed.

Peter LaGrasse stated because you are saying then that his \$1230.00 exceeds the full value of this property.

Gustave Kanakis stated the property is worth zero because the title is in question.

Peter LaGrasse stated then put it down if you want to put it down. He thinks it should be unequal because we always use unequal because another property that is worth \$1200.00 is worth \$1200.00 and he says his is not worth \$1200.00 its unequal compared to others. That is what he is saying. That is what you do with fractional assessment, you only use the excessive full. But if there is an extreme claim that the Board may not go to that extreme to say zero and if you're not going to zero then it's better to put unequal then excessive however it's a minor form. Gustave Kanakis stated fine I'll use that.

Peter LaGrasse stated there is more to it than that. You believe the property should be assessed at 1.01% full value but then you're saying the value of the property is, that's the bottom line and you believe the assessment should be reduced to. Those are the two lines that you would fill out.

Peter LaGrasse stated you don't do part 4 before part 5 certification, he (Gustave Kanakis) certifies that the statements made on this statement are true.

Valerie Cutler stated if the Board can't decide tonight we can table it.

Peter LaGrasse stated you can table it for a month but the County will go very crazy if he doesn't get a roll back to them quickly. He asked Gustave is he wanted a copy of the form.

Gustave Kanakis stated when it is all done and completed.

Peter LaGrasse stated do you want it before or after the determination.

Gustave Kanakis stated after the determination.

Peter LaGrasse stated it is in the hands of the Board.

6:30 PM Peter LaGrasse stated the Board of Assessment Review is deliberating on this. The Assessor's and complainers are leaving the room.

The Board of Assessment asked Gustave Kanakis what the purchase price of the property was.

Gustave Kanakis stated before or after improvements.

Valerie Cutler stated when you bought it.

Peter LaGrasse stated say vacant.

Barbara Brooks asked for a copy of the deed. Today not tomorrow.

Virginia Lorrain stated him and his wife they spend more time talking, and do nothing, it's unreal. It takes six lines to say no. Barbara Brooks stated seriously, it does. Virginia Lorrain stated you can ask her a question to get an answer either yes or no it would take her six lines before she gets to the point to say no. Barbara Brooks stated him too and you don't know whether he said yes or no. She tells him that all the time anyway.

Tom Cutler stated it was the one page you had to fill out.

Virginia Lorrain asked what his value for the house, what did he pay?

Tom Cutler stated he paid \$2500.00.

Barbara Brooks stated for the land. Vacant land.

Virginia Lorrain stated \$2500.00 for the land?

Tom Cutler stated yes without improvements on it.

Description for any buildings or improvements located on property include year of construction and present condition.

Gustave Kanakis gave a copy of the deed to the Board.

Peter stated they are back now and giving 5217 form to Barbara Brooks that has the Kanakis and presenting this property described together with appointments and all estate and rights of the parties of the first two from the premises and with a copy of a portion of a survey which is part of a deed showing their property lines, showing the right of way, the roadway going to just the edge of the far end of the cemetery. That is part of the deed and he is leaving the room.

Valerie Cutler stated the Board of Assessment Review has voted and they concurred to keep the assessment on the Kanakis property the same as it has been.

The Board of Assessment Review is back in and has Mr. and Mrs. Kanakis here and the Board has unanimously, we all concurred that it should stay the way it is.

The Board of Assessment adjourned at 7:15 PM

Respectfully submitted,

Susan Harrington

Minutes transcribed from tape for Board of Assessment Review