

## DECREE

**WALDO, SS.**

**COUNTY COMMISSIONERS COURT  
PETITION # 373  
MAY 16 & 22, 2018 ADJOURNED SESSIONS  
TO WIT: MAY 22, 2018**

### **BRIDGET MCKEEN VS. TOWN OF MONTVILLE**

On May 16, 2018 at 10:00 a.m., Waldo County Commissioners William D. Shorey (Chairman), Amy R. Fowler and Betty I. Johnson held a tax abatement appeal hearing at the request of the Petitioner, Bridget McKeen regarding her property at 34 Hogback Mountain Road, Property Map 20 Lot 7.2 in Montville, Maine. Present with the Commissioners was Petitioner Bridget McKeen. Also present was Montville citizen Glenn Martin and Defendants Town of Montville 1<sup>st</sup> Selectperson Jay LeGore and 2<sup>nd</sup> Selectperson Robert Price. Present to record the minutes were Assistant Clerk Lynn Patten and County Clerk Barbara Arseneau.

Commissioner William D. Shorey opened the hearing by reading the rules of the proceedings and swearing in the Petitioner and Defendants. He also stated that after the Commissioners have made a decision, which may or may not be the same day as the hearing, either party may appeal this decision to the Superior Court of the State of Maine in accordance with the Maine Revised Statutes Annotated Title 36, §844 and the Maine Rules of Civil Procedure, Rule 80B.

The County Commissioners had reviewed the application at the February 21, 2018 Commissioners Court Session and found it met the criteria to be heard. The Commissioners instructed Assistant Clerk Lynn Patten to request permission from the Petitioner to hear the appeal after the 60 day deadline on May 16, 2018 due to time constrictions with the Commissioners Court Session schedule. A written statement from the Petitioner allowing the Tax Abatement Appeal Hearing to be on May 16, 2018 was received on March 28, 2018.

The Commissioners heard verbal testimony and received evidence from the Petitioner, Bridget McKeen. The Petitioner's application to the Town of Montville requested abatement of \$21.54 for a hoop house owned by Glenn Martin temporarily erected on her property. She was taxed on this as her real property and requested the owner, Glenn Martin, be taxed for the hoop house. The Town of Montville Assessors denied this request with written notification on December 11, 2017. The Petitioner's Application to the County Commissioners received February 1, 2018 requesting abatement of \$21.54 based on ownership not assessed value of \$1,122.00.

Ms. McKeen read her testimony from a written document and submitted that testimony to the Commissioners in both paper and digital formats. She further submitted the following documentation to the County Commissioners:

Exhibit N1 – Notarized document of G.W. Martin's description of hay cover and agricultural covers.

Exhibit N2 – Notarized statement from Linwood Mitchell about witnessing Moderator declare no discussion on Select Board Candidates at Montville Town Meeting (Commissioners reviewed and found to be irrelevant).

Exhibit N3 – Notarized statement from Charles Martin, Jr. about witnessing Moderator declare no discussion on Select Board Candidates at Montville Town Meeting (Commissioners reviewed and found to be irrelevant).

Exhibit P4 – Pictures of hay and agriculture hay covers.

Exhibit S4 – 2014 Letter from Montville Select Board to Leonard and Shirley Freeman regarding change in assessment policy.

The Commissioners gave everyone the opportunity to ask any questions of the Petitioner; there were none.

The County Commissioners then heard verbal testimony from the Defendants.

2<sup>nd</sup> Selectperson Robert Price stated the Town was reassessed 12 years ago by an assessor, they have found errors and continue to correct them by developing different strategies.

1<sup>st</sup> Selectperson Jay LeGore stated there was no written lease for the hoop house submitted with the application for Abatement. The statutes allow that buildings on individual's properties can be assessed to the land owner and thanked the Petitioner for bringing uncorrected errors to their attention.

There was brief discussion with the Commissioners regarding whether or not a written lease was pertinent to this case.

The Commissioners gave everyone the opportunity to ask any questions of the Defendants; there were none.

The Commissioners stated that they would table deliberations until May 22, 2018 and that no further testimony or evidence would be received during those deliberations.

**\*\* B. Johnson moved, A. Fowler seconded to close the hearing at 10:50 a.m. and to reconvene for deliberations May 22, 2018 at 2:10 p.m. Unanimous.**

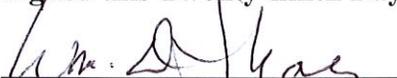
On May 22, 2018 the County Commissioners reconvened the adjourned May 16, 2018 appeal hearing at 2:09 p.m. Present with the Commissioners to record the minutes were Assistant County Clerk Lynn Patten and County Clerk Barbara Arseneau.

The Commissioners discussed testimony and the Maine Statutes. The Commissioners agreed that the majority of the Petitioner's written testimony was irrelevant to the Abatement Appeal, however they were in agreement that the hoop house did not belong to the Petitioner and that inconsistencies and errors in the Town of Montville's assessments was proven.

**\*\*B. Johnson moved, A. Fowler seconded to grant the abatement to Bridget McKeen in the amount of \$21.64 on the assessed value of \$1,122.00. Passed with two in favor, W. Shorey opposed.**

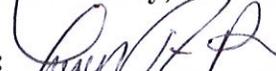
**\*\*A. Fowler moved, B. Johnson seconded to close the reconvened hearing at 2:20 p.m. Unanimous.**

Signed this Twenty-ninth Day of May, 2018 by the Board of Waldo County Commissioners:

  
William D. Shorey, Chairman

  
Amy R. Fowler, Associate

  
Betty I. Johnson, Associate

Attest:   
Lynn A. Patten, Waldo County Assistant Clerk

*Either party may appeal this decision to the Superior Court of the State of Maine in accordance with the Maine Revised Statutes Annotated Title 36, §844 and the Maine Rules of Civil Procedure, Rule 80B.*