

**BOARD OF CIVIL AUTHORITY MEETING MINUTES
THURSDAY, SEPTEMBER 8, 2011
RANDOLPH TOWN HALL
CONFERENCE ROOM B**

Board Members Present: Barbara Angell, Sheila Jacobs, Ellen Baker, Stephen Webster, Pat Meyer, Ruth Lutz, Pamela Stafford, Jack Cowdrey, Frank Reed, Dennis Brown, Richard Burstein, Jon Kaplan, Larry Richburg and Joyce Mazzucco
Others Present: Don Sweetser, Lister; Polly Frankenburg, Lister; Linda Nissl, Lister; Patrick French, Town Assessor; and Andrew Myrick, taxpayer

Board Chair Richard Burstein called the meeting to order at 7:18 p.m. immediately following the Board of Abatement meeting. This Board of Civil Authority meeting was called to hear the tax assessment appeal of Andrew and Deonne Myrick, and Jesse and Jean Sammis. Mr. Sammis was unable to attend this meeting and the hearing on his appeal has been rescheduled for Thursday, September 22, 2011 at 6:30 p.m. Because Dennis Brown is employed by Mr. Sammis, and he sold property to Mr. Myrick, Mr. Brown recused himself from participating in the two tax assessment appeals. Jon Kaplan recused himself from the Myrick tax assessment appeal because he is a friend of Mr. Myrick.

Town Clerk Joyce Mazzucco administered the following oath to the board members and Mr. Webster administered the same oath to Joyce Mazzucco: "Do you solemnly swear (or affirm) that you will well and truly hear and determine all matters at issue between taxpayers and listers submitted for your decision. So help you God (or under the pains and penalties of perjury)." 32 V.S.A. § 4405. The board members then signed a "Tax Appeals Oath" sheet. Mr. Burstein stated that he will not vote on any of the appeals since he is the Town Agent.

The following oath was administered by Town Clerk Joyce Mazzucco to Andrew Myrick and Patrick French: "Do you solemnly swear (or affirm) that the evidence you shall give relative to the cause now under consideration shall be the whole truth and nothing but the truth so help you God? (or, under the pains and penalties of perjury)." 12 V.S.A. § 5810.

Mr. Burstein turned the meeting over to Mr. Myrick to present his case for the tax assessment appeal. Mr. Myrick contends that the assessed values on properties that are similar to his are going down in value. He lives on Fish Hill Road and is familiar with property valuation because of his background in construction management and his experience with real estate investment. He did a cost analysis of his expenditures in building his house by adding up the receipts for all his expenses, which totaled \$275,000.00. Mr. Myrick had provided a spreadsheet comparing prices of properties sold vs. appraised value for those properties with his original letter of appeal (a copy of this document had been sent to all board members). The spreadsheet purportedly shows that appraised values are remaining high, but that sold prices indicate that property values are actually decreasing. He told the board he had removed all transactions not considered arms-length transactions, including foreclosures and sales between family members. He believes the trend shows a lack of vertical equity and that people are paying more than their fair share.

While Mr. Myrick was presenting his case, the following individuals participated in a discussion of the evidence as it was presented: Stephen Webster, Joyce Mazzucco, Andrew Myrick, Pam Stafford, Barbara Angell, Ruth Lutz, Pat Meyer, Richard Burstein and Sheila Jacobs. Mr. Myrick believes his property should be valued at around \$300,000.00. A recent professional appraisal of the property has not been completed on his property, but he has made an appointment to have one done and was told it will be about 6 weeks before the appraiser can perform the appraisal. There was a discussion about what is on the lot, the lot size, and whether it can be subdivided and how much has been completed on the property. This year the garage is 80% complete and next year it will be 100% complete. There was also a discussion about possibly recessing this meeting to a later date so Mr. Myrick can enter a copy of the professional appraisal as evidence.

Mr. Myrick's letter of appeal, dated August 24, 2011, along with the copy of "Result of Grievance Day Appeal" dated August 19, 2011, a spreadsheet as of 08/01/2011 "Sold Price vs. Appraised Value" and letter of notification of grievance dated August 12, 2011, were entered into evidence as "Exhibit 1". Mr. Myrick had talked about a spreadsheet with his cost analysis, but did not have a copy of it with him. He will submit a copy of that spreadsheet to Town Clerk Joyce Mazzucco so it can be entered in as evidence and will be labeled as "Exhibit 2".

Mr. Myrick disagreed with the value for the 16 acres of non-homestead land. He believes the value is inflated. He also disputed the value of the chicken house which is not on a permanent foundation (it is on skids and can be moved). Also at issue is the fact that the assessment was not completed until July 29th. Mr. Myrick talked about LVL (less than value of land—usually reserved from when a sale is related to a foreclosure or auction sale) and wondered why the LVL box is checked on sales records in Randolph. There was a discussion about how long it took to build the house, about sweat equity and what the bank appraisal was. Four years ago the bank valued the property at \$289,000.00 (not including the new barn/garage), which was lower than the town assessment.

Mr. Burstein then turned the meeting over to Patrick French, Town Assessor, to present the position of the Board of Listers. Mr. French asked if this hearing is recessed to a later date, will the Listers be given the opportunity to present further evidence and be allowed to refute any additional evidence presented by the appellant. As Mr. French was presenting the Listers' argument, there was a discussion of the evidence, with the following individuals participating in the discussion: Patrick French, Pam Stafford, Richard Burstein, Joyce Mazzucco, Stephen Webster, Pat Meyer, Sheila Jacobs, Larry Richburg, Andrew Myrick and Frank Reed. Mr. French told the board that the Listers had asked to see the bank appraisal but were not given a copy of it. He also commented about some of the properties listed on Mr. Myrick's spreadsheet of sales vs. appraised values. The appraised value listed for Hebard Hill property listed on Mr. Myrick's spreadsheet is not accurate. This was the sale of a lot—the appraised value reflects the value for all the lots. Mr. French also pointed out that the Forest Street and Olsson Road properties listed on the spreadsheet were sales due to foreclosure. Mr. French said he would like to review any future sales comparisons Mr. Myrick might submit as evidence.

Mr. French talked about two approaches to appraising property—the cost approach and the market approach (tells you what the contractor cost you to build and what the value is on the

market). He told the board that Lister Linda Nissl and he went to re-inspect the Myrick property after the Grievance Hearing. Mr. Myrick mentioned some other comparable properties at 2954 Ridge Road, 981 Rand Road and 202 Lefebvre Road. Mr. French submitted a copy of the "Itemized Property Costs" sheet on the Myrick property into evidence. This was labeled as "Exhibit A". He told the board he has gone back each year because additional work had been done to the property. In the first year the house was partially completed and there was no garage. In the second year the house was basically completed. In the third year the garage was partially completed. In the fourth year the garage was 80% complete. The value before Grievance was \$331,900.00. After re-inspecting the property, the value of the property was lowered to \$321,800.00.

Mr. French took a look at the values of three properties mentioned by Mr. Myrick. Mr. French told the board he did not include the 981 Randolph Road property in his analysis because it is an older log home in poor condition. He said changes were made to the assessment on 981 Rand Road and the value was lowered. Mr. French did a comparable market analysis between Mr. Myrick's property and 2954 Ridge Road (Angell property) and 202 Lefebvre Road (Meyer property). This analysis was entered into evidence and labeled as "Exhibit B". Mr. French said these were good comparables because there were many similarities between the properties. All three properties have 8 rooms. He felt the Angell property (2954 Ridge Road) was the best comparable and indicated a value of \$328,500.00 for the Myrick property.

Mr. Myrick summarized his position in this appeal. He stated that the bank appraisal was available to the Listers. He thought it unfair for Mr. French to discredit some of the properties Mr. Myrick had listed on his "Sold Prices vs. Appraised Values". He believes, based on his analysis of sales in Randolph that properties are over appraised and there is lack of vertical equity. He believes the value of his non-homestead land is inflated. He also believes the values for the dwelling, other buildings and structures and land improvement are inflated. He also had issues with the fact that his property assessment was not completed until July 29th. Mr. Myrick said the notifications from the Listers were confusing and misleading.

Mr. French summarized the position of the Listers in this appeal. He stated that the comparable market analysis entered into evidence shows a market analysis of actual sales with adjustments. Mr. French also stated that he asked Mr. Myrick to suggest which sales Mr. Myrick thought were the best comparable to his property. Mr. Myrick suggested the Angell property and the Meyer property.

Pat Meyer made a motion to recess the Myrick tax assessment hearing to October 20, 2011 and to recess the Sammis tax assessment appeal to September 22, 2011 at 6:30 p.m. The motion was seconded by Stephen Webster. A voice vote was taken and the motion carried by majority vote. The hearing was recessed until September 22, 2011. The meeting ended at 8:52 p.m.

Attest: _____
Joyce L. Mazzucco, Town Clerk