

BOARD OF CIVIL AUTHORITY MEETING MINUTES
SEPTEMBER 22, 2011
RANDOLPH TOWN HALL
CONFERENCE ROOM B
6:30 P.M.

Board Members Present: Joyce Mazzucco, John Jackson, Bill Brigham, Frank Reed, Richard Burstein, Stephen Webster, Ellen Baker, Barbara Angell, Sheila Jacobs, Ruth Lutz and Tom Harty

Others Present: Don Sweetser, Lister; Polly Frankenburg, Lister; Patrick French, Town Assessor; Jesse "Sam" Sammis, III; and Jean Sammis

The Board of Civil Authority meeting was called to order by Chair Richard Burstein at 6:30 p.m. The first order of business was to hear the tax assessment appeal of Jesse "Sam" Sammis and Jean Sammis, 12.38 acres located on TR 069, parcel #119000.045. Before beginning the hearing, Town Clerk Joyce Mazzucco administered the following oath to the board members and Stephen 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 would not vote on the appeal since he is the Town Agent.

Town Clerk Joyce Mazzucco also administered the following oath to Sam Sammis 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.

The appeal letter, dated August 22, 2011, was entered into evidence and labled as appellant's "Exhibit #1". Mr. French presented a copy of the Town's appraisal of the subject property. This was labeled as "Exhibit A". The assessed value prior to Grievance was \$124,900.00. Mr. Sammis appealed to the Board of Listers through the Grievance process and the value of the property was lowered to \$87,100.00. The subject property is lot #45 of the Green Mountain Stock Farm development, off of Clover Hill Road.

Mr. Burstein turned the hearing over to Mr. Sammis to present his evidence in his appeal. Mr. Sammis told the board he purchased the property late in 2010. He believes the sale is an arm's length transaction between a willing buyer and a willing seller. The property was owned by Joan O'Neil and was previously assessed at \$124,900. Ms. O'Neil has had the property listed for sale since 2007. She originally listed the property for one year at \$99,900.00 but had no offers. She then listed the property with ERA Realty from August 2008 to August 2009 for one year with a sales price of \$90,000.00. Again there were no offers. Ms. O'Neil then took the property off the market in 2009. She approached Mr. Sammis to ask if he would buy back the property. He told her he was not interested at the time. Ms. O'Neil wanted to sell the property because the taxes on the property were too high and she did not need the property. She asked Mr. Sammis again if he would buy back the property and they agreed to a sales price of

\$50,000.00. Mr. Sammis said there were not many comparable sales. The real estate market has been terrible and there have been no sales at the Stock Farm in 2010 to 2011. Mr. Sammis reiterated that he believes this was an arm's length transaction, even though Ms. O'Neil is his wife Jean's cousin. Mr. Sammis believes the property value should be less than \$50,000.00.

A discussion followed with the following individuals participating in the discussion: John Jackson, Richard Burstein, Stephen Webster, Tom Harty, Sam Sammis, and Patrick French. The discussion touched on the fairness of reducing the value of one property and should transitory changes affect the values up or down. The discussion also included the definition of an arm's length transaction and its weight as a factor in determining value, that state law requires assessed values to be no higher than comparable properties, and if the sale was a distressed sale, then it is not an arm's length transaction. Mr. Sammis told the board this was not a distressed sale, but that it was a sale based on a price a willing buyer and a willing seller had agreed to. The last listed sales price was \$90,000.00 and there were no one interested in buying at that price.

Mr. French asked Mr. Sammis if he remembered how much was paid for the lot when it was sold to Ms. O'Neil. Mr. Sammis said he thought the sale took place over 15 years ago and the sales price was around \$60,000.00. Mr. French said the sale took place 18 years ago and presented a copy of the Vermont Property Transfer Tax Form (PTTR), and the sales price was \$65,000.00. The PTTR was labeled as "Exhibit B". Mr. French stated that land values over time usually don't go down. He said there are some sales which are good comparables to the subject property. Mr. French presented a copy of a town tax map of the subject property and the comparable sales properties. This was labeled as "Exhibit C". He also presented an adjusted sales analysis of the subject property and three other sales. The comparable analysis was labeled as "Exhibit D". Mr. French also provided copies of the PTTRs for the three sales listed in the comparable analysis. The PTTR for Sale #1 was labeled as "Exhibit E" (sale from Lowell to Miles and sold at \$115,000.00 in 2008). The PTTR for Sales #2 was labeled as "Exhibit F" (sale from Lowell to Sammis [property has a barn] and sold at \$120,000.00 in 2009). The PTTR for Sales #3 was labeled as "Exhibit G" (sale from Geibel to Dalton and sold at \$80,000.00 in 2007). The Green Mountain Stock Farm tennis courts are partly located on the Geibel/Dalton sale property.

A discussion followed with the following individuals participating in the discussion: Barbara Angell, Stephen Webster, John Jackson, Patrick French, Sam Sammis, Sheila Jacobs, Frank Reed, and Richard Burstein. Mr. Sammis said these sales all took place when the market was stronger. These properties also have river frontage or views of the river. Mr. Sammis said the Green Mountain Stock Farm has not sold any lots recently and there have been no offers to the best of his knowlesge. He believes the values have dropped at least 20%.

Mr. French summarized the position of the Listers in this appeal. The definition of an arm's length transaction is a sale between unrelated parties. Market time is much longer now, but there are still some sales. The media keeps saying there are big drops in value, but that has not been the trend in Vermont. Values in Vermont have not changed significantly. The last listed sales price for the subject property was \$90,000.00. With the comparable market analysis, the value for the subject property should be between \$94,000.00 and \$108,000.00.

Mr. Sammis summarized his position in this appeal. He talked about the cost to develop the property. He also said the comparables Mr. French used are old and does not reflect the current market. He stated he did not approach Ms. O'Neil to purchase the property, but that she approached him. He also stated he has reduced the lot prices on the unsold lots at the Green Mountain Stock Farm by half. Mr. Sammis restated that Ms. O'Neil had listed the property multiple times and had no offers.

The evidence was closed and an Inspection Committee was appointed. Tom Harty, John Jackson and Sheila Jacobs volunteered to serve on the Inspection Committee. The inspection of the property will take place on Wednesday, September 28, 2011 at 2:30 p.m., meeting at the Three Stallion Inn. The board will meet again on Thursday, October 20, 2011 at 6:30 p.m. to hear the Inspection Committee Report and deliberate a decision. This appeal hearing closed at 7:21 p.m.

The next item of business was to review the applications for addition to the voter checklist. The applications were given to the board members to review. After all the board members had reviewed the fifteen applications, a motion was made by John Jackson to accept the addition of the fifteen applicants to the voter checklist and to approve the final list of names of voters to be challenged. The motion was seconded. A voice vote was taken and the motion carried by majority vote. The following names were added to the voter checklist:

Janice R. Conroy	Philip A. Conroy	Kimberly Francis
April M. Greenway	Phillip L. Lease	Mary T. O'Neill
Robert C. Olmstead, III	Thomas M. Paquet	Megan E. Pike
Hannah Sterling Reid	Aric A. Ross	Tamara I. Schellong
Keith R. Shelton	Timothy M. Sinnott	Philip John Stimac

The list of voter names sent challenge letters is attached to these minutes.

There was no further business to consider. Ruth Lutz made a motion to adjourn the meeting. The motion was seconded by Stephen Webster. A voice vote was taken and the motion carried by majority vote. The meeting adjourned at 7:35 p.m.

Attest: _____
Joyce L. Mazzucco, Town Clerk