

**BOARD OF CIVIL AUTHORITY MEETING MINUTES
RANDOLPH TOWN HALL
OCTOBER 17, 2016
6:30 P.M.
CONFERENCE ROOM B**

Board Members Present: Joyce Mazzucco, Ruth Lutz, Martha Lawrence, Richard Burstein, Jessamyn West, George Phillips, Mike Ross, and Jack Cowdrey

Others Present: Pamela Simendinger; David Simendinger; Ed Luce, Lister; and Pat French, Lister

1. **Call to order.**

The Board of Civil Authority meeting was called to order at 6:32 p.m. by Board Chair Richard Burstein.

2. **Public Comment.**

There was no public comment.

3. **Approve the agenda.**

Mike Ross made a motion to approve the agenda as presented. Jessamyn West seconded the motion. A voice vote was taken and the motion carried by unanimous vote. The agenda was approved.

4. **To continue the property tax assessment appeal of Wesco, Inc., property located at 16 North Main Street, SPAN #507-159-13648, Parcel #234014-000.**

Mr. Burstein continued the Wesco tax assessment appeal hearing by turning it over to Mr. Simendinger. Mr. Simendinger explained to the Board why he cannot hire Atlantic Valuation Consultants to perform work for him while he is in the midst of trying to settle his brother's estate. Mr. Simendinger received a letter from Kenneth Currier, MAI, from Atlantic, to try and answer some of the Board's questions about the appraisal. Mr. Simendinger submitted this letter into evidence and it was labeled as "Exhibit #3". The document summarized some of the information from the appraisal and explained the change in the EBITDA between 2009 and 2015. Mr. Currier's conclusion is that the subject property is not financially feasible to continue as a convenience store/gas station, and the highest and best use of the property is as a commercial lot. Mr. Currier states in his letter that use of sales of convenience/gas station stores that are financially feasible leads to an erroneous value conclusion. He used commercial land sales in his appraisal. Mr. Simendinger told the Board that Randolph is a tough town for competition. He mentioned the Summit property up near the Interstate but did not think it was his major competition. He cited Cumberland Farms as one of the major competitors with his business. He also stated that he fears Dollar General. Dollar General is a formidable competitor. They sell everything that he sells. Due to their size they have tremendous buying power and Mr. Simendinger said he cannot match that. Mr. Simendinger believes the \$270,000 value is reflective of current market value. The Town's value is \$164,000 more. He told the Board he was bothered by the use of the Winooski Citgo store as a comparable. It is located in an area with a high dense population—7,000 per square mile as compared to Randolph, which is 100/square mile. Mr. Simendinger told the Board he intends to keep the property. Currently, until his brother's estate is settled, no bank will loan him money. The State has in the past loaned money to businesses to replace underground tanks, and only to owners of single stations. Currently the State does not have the funds to

loan. Mr. Simendinger had no further evidence to submit.

Mr. Burstein turned the hearing over to Mr. French. Mr. French summarized the evidence presented thus far. There are two values under consideration. One value is the Town's value at \$438,300. The other value is \$270,000 which was done by a fee appraiser, and was done for a different purpose. Mr. French told the Board he had other questions that the letter from Mr. Currier did not answer. Some of the questions Mr. French had were: Why did they use actual income and expense costs? Typically in an income approach an appraiser would use income and expense figures projected under good management. Would the appraised value have been higher if more recent comparable sales were used? How does the quality of management affect the property value? Would more aggressive management and sales have affected the value? In the end you have to look at the highest and best use of the property. Is it as a vacant commercial lot? Mr. Simendinger says he wants to continue to run the business as a convenience store/gas station.

There was a discussion. Participating in the discussion were: Martha Lawrence, Richard Burstein, Joyce Mazzucco, Jessamyn West, George Phillips, David Simendinger, and Mike Ross. The discussion touched on the 3 gas tanks and the probable replacement of the two regular gas tanks by the end of 2017, strategies being used to promote more business, sales of micro-beer and possible compromise on the assessment value.

There was no further evidence to present and the evidence was closed. An Inspection Committee was appointed and the following Board members volunteered to serve on that Committee: Jack Cowdrey, Jessamyn West and Martha Lawrence. The site inspection will take place on Monday, October 24th at 4:30 p.m. This Board will meet on Monday, November 14, 2016 at 5:30 p.m. to hear the Inspection Committee Report.

5. Other Business

There was a discussion about problems with completing the Bilodeau inspection and the 30 day deadline. The inspection is now scheduled to take place on Monday, October 24th at 2:30 p.m. The following individuals participated in the discussion: George Phillips, Martha Lawrence, Joyce Mazzucco, Richard Burstein and Jessamyn West. Joyce Mazzucco will contact VLCT, the Secretary of State's Office and PV&R (Property Valuation & Review) about what happens if the site inspection is not completed within the 30 days and how to proceed. Ms. Mazzucco will replace Martha Lawrence on the Bilodeau Inspection Committee.

Town Clerk Joyce Mazzucco told the Board she is having difficulty finding enough people to work at the polls as ballot clerks and asked the Board members for suggestions of names of people to contact. Some of the suggestions were Margaret Osbourn, Betty Phillips, Revell Allen and Carolyn Tonelli. Ed Luce volunteered to help at the polls from 7 a.m. to 10 a.m.

6. Adjournment.

Jack Cowdrey made a motion to adjourn the meeting. Martha Lawrence seconded the motion. A voice vote was taken and the motion carried by unanimous vote. The meeting adjourned at 7:16 p.m.

Attest: _____
Joyce L. Mazzucco, Town Clerk