

**BOARD OF CIVIL AUTHORITY MEETING  
PROPERTY TAX ASSESSMENT APPEAL HEARING MINUTES  
RANDOLPH TOWN HALL  
OCTOBER 4, 2017  
5:30 P.M.  
CONFERENCE ROOM B**

**Board Members Present:** Richard Burstein, Martha Lawrence, Ruth Lutz, George Phillips, Michael Ross, James Sault, Joyce Mazzucco, Tom Harty, Janice Russell and Gerry Reymore

**Others Present:** Damian DiNicola, Lisa Preston (Lister), Edward Luce (Lister), and Patrick French (Lister)

**1. Call to order.**

The Board of Civil Authority meeting was called to order at 5:39 p.m. by Board Chair Richard Burstein.

**2. Public Comment.**

Mr. Burstein congratulated Joyce Mazzucco on receiving the Treasurer of the Year award from the Vermont Municipal Clerks' and Treasurers' Association.

**3. Approve the agenda.**

James Sault made a motion to approve the agenda as presented. Michael Ross seconded the motion. A voice vote was taken and the motion carried by majority vote. The agenda was approved.

**4. Approve the last meeting minutes.**

James Sault made a motion to approve the meeting minutes as presented. Janice Russell seconded the motion. A voice vote was taken and the motion carried by majority vote. The minutes from the last BCA meeting were approved.

**5. To hear the Inspection Committee Report and continue the property tax assessment appeal of Damian and Christina DiNicola, property located at 1475 Hebard Hill Road, Parcel #105032-010, SPAN #507-159-14208.**

Town Clerk Joyce Mazzucco distributed copies of the Inspection Committee Report to everyone present at the meeting. After everyone had an opportunity to read the report, Mr. Burstein had the Inspection Committee Report entered into evidence and labeled as "Exhibit I" (Roman Numeral 1). Mr. Burstein asked if any of the Inspection Committee members wished to comment or add to the Inspection Committee Report. James Sault and Damian DiNicola commented about the Inspection Committee Report.

Mr. French submitted a three-page document which included information from Exhibits B and C and the last page from the Town's Equalization Study. Mr. French told the Board that "R1" is a classification for a house and less than 6 acres of land, and "R2" is the classification for a house and over 6 acres of land. There was a discussion about the information provided. Participating in the discussion were the following people: James Sault, Patrick French, Edward Luce, George Phillips, Ruth Lutz, Joyce Mazzucco, Richard Burstein and Damian DiNicola. Items discussed: the purpose of the

Equalization Study, the 102.95% CLA (Common Level of Appraisal), COD (Coefficient of Dispersion), when a town is required to perform a town-wide reappraisal.

There was no additional evidence submitted. Mr. Burstein asked for closing statements from Mr. DiNicola and the Listers. Mr. DiNicola summarized the information he submitted into evidence. He provided an abundance of evidence of numerous properties which he believes are similar to his and are valued significantly lower than his property. Mr. DiNicola stated there appears to be no evidence that his property has been assessed in proportion to other properties in town. He does not accept a sales price as evidence of fair market value. He questioned the relevance of the two appraisals submitted into evidence. He believes these appraisals have marginal relevance. The appraisers who prepared the appraisals were not available to question. Mr. DiNicola also questioned the standard used to change the land grade of the additional 5+ acres from a 1.0 to 1.2, increasing the land value. He feels a different standard was applied in assessing his property. Mr. DiNicola stated he thinks the Giles land provides more protection than his, yet it is valued less than his.

Mr. French spoke on behalf of the Listers. He stated the appraisals entered into evidence are pertinent because they confirm the value for the property. The purchase price for the additional 5+ acres was \$50,000 and the Listers have valued it at \$20,000. Mr. French stated he agreed that the Listers need to reassess the Giles property as they have had some work done on the property. He asked the Board to consider the evidence in Exhibit C and Exhibit H. He stated that the Listers made adjustments considering the age of the property and actual depreciation. He urged the Board to support the Listers' value.

Mr. DiNicola rebutted Mr. French's comments about the land and its value. He further commented that no evidence was presented by the Listers showing another house in Randolph that is similar to his property. He stated the Listers need to adjust for proportionality.

Mr. French stated that by law the Listers must appraise all properties at their fair market value.

The evidence was closed. Joyce Mazzucco made a motion to go into closed deliberative session. George Phillips seconded the motion. A voice vote was taken and the motion carried by majority vote. The Board went into deliberative session at 6:20 p.m.

The Board came out of deliberative session at 6:41 p.m. Mr. Burstein announced the Board's decision to set the assessed value for the subject property at \$620,000. The vote was 6-0-4 (abstentions—Burstein, Harty, Reymore, Russell). A written decision will be sent to Mr. and Mrs. DiNicola within 14 days.

**6. Other Business.**

There was no other business to consider.

**7. Adjournment.**

Mr. Sault made a motion to adjourn the meeting. Janice Russell seconded the motion. A voice vote was taken and the motion carried by majority vote. The meeting adjourned at 6:44 p.m.

Attest: \_\_\_\_\_  
Joyce L. Mazzucco, Town Clerk