

LYNDON BOARD OF CIVIL AUTHORITY AGENDA
September 8, 2016
Called to order at 6:00 PM

JUSTICES

Dan Daley, Chair
Edith Bell-Brown
Joe Benning, Kevin Calkins
Jean Charles, Ed Fregosi
Brenda Mitchell, Marianne Robotham
Sara Simpson

SELECTBOARD

Dan Daley, Chair
Marty Feltus

CLERK

Dawn Dwyer

LISTERS

Jack Berube
Larry Willey

PUBLIC

Steve Dolgin
David Snedeker
Sal DeMaio

- I. Preliminary Action:
- 1) Call to order by Chair.
 - 2) Overview of handout materials and recording procedure by Chair.
 - 3) Oaths to be taken by all BCA members and signed.
 - 4) Selection of Chairperson.

II. TAX APPEAL HEARINGS: (Chair to administer oath to listers, Mr. Dolgin, Mr. Snedeker, and Mr. DeMaio, Independent Real Estate Appraiser for NVDA)

1. **Steven & Deborah Dolgin (05-0701-812)**
2107 Pudding Hill Road – Hangar

- A) Listers' action:
2015 assessment: \$67,900
2016 reappraised value \$67,900
- B) Appellant response:
Grieved assessment to the listers.
- C) Listers' action:
Hearing held July 14, 2016. Compared three other hangars at the airport (Dexter, Thomas & Starr). Did an interior inspection of the hangar.
Result of grievance was denied on July 28, 2016. Appraised value remained at \$67,900
- D) Appellant response:
Filed tax appeal to the BCA
- E) Listers' testimony:

Listers Evidence (attached): Lister card for Mr. Dolgin's hangar, Vermont Property Transfer Tax Return and lister card for a hangar at Morristown (Berson) and Coventry (Hamblett), lister cards for three hangars located at Morristown (Up,Up, & Away, LLC, Leriche, & 47 Alpha LLC), copy of tax map of Mr. Dolgin's hangar, Town of Lyndon Calculation Table: Building Pricing Table, lister card for a hangar located in Newport (Quirion Luc), and a lister card for a hangar located at the Caledonia County State Airport (CCA) on Pudding Hill Airport (Austin).

The hangar is 3,300 square feet, built in 2010. Metal siding and roof on a slab. Wood frame interior, minimum electricity, no insulation, no heat and six translucent panels on the roof for light. Five sales of hangars at other Vermont State owned Airports.

Hearing held July 14, 2016. Compared three other hangars at the airport (Dexter, Thomas & Starr). Did an interior inspection of the hangar. On July 28th the result of the grievance was denied.

F) Appellant testimony:

Brought one comparison, looking at square footage. Unique situation at Caledonia County Airport. Compared CCA to Stowe and Morrisville airports. Stowe just completed twenty million dollar upgrade including runway and lights. Can't compare to CCA. Look at comparisons at Stowe, not apple to apples. Comparable from Newport, like in size. 3,256 square feet, assessed value \$55,700, 1/3 of hangar is a "man-cave", heat, full kitchen. CCA vs Newport State Airport, spent up to date twenty five million dollars (parallel taxi way, two fuel tanks,).

Cost to replace building is less than assessment. Contracted to be built for \$35,000, concrete slab, 2x4x16 walls and rafters, covered in metal with one light. No heat, never any water/sewer. Zero insulation.

Located at southern end of airport (newer area) and under the control of Act 250 and the rest of the airport is not. Which means he could never enlarge hangar. Four lots on southern side of the hangar, no one has built since Mr. Dolgin has. Mr. Starr's hangar is for sale, using as comparison, price is not being listed, told he's asking \$40,000. No takers, no market for CCA. In looking at comparables, trend in 2010 the hangars were set for X value, and have dropped 40% in value to today. All property is leased land, never going to own it. Five years ago brought to BCA, was told then, "Need to wait three years for the depreciation to get the assessed value, it's been five years".

Discussed comparables (attached). Dexter (evidence #2) - about 2,000 square feet, assessed at \$23,800; Thomas (evidence #3) - built by Casey Rodd, about 1,500 square feet, assessed at \$17,400; Starr (evidence #4) - 50' x 40', 2000 square feet, assessed at \$62,700.

G) BCA action:

The board named Marianne Robotham, Kevin Calkins and Marty Feltus to the inspection committee. The inspection committee will inspect the property on Monday, September 26, 2016 at 5:00 PM.

After conferring with Mr. Dolgin, it was determined that the Lister's could attend the inspection.

2. Northeastern VT Development Association (Charles Carter Center) (33-0621)

50.29 acres land, industrial building located at 1713 Industrial Pkwy.

A) Lister's action:

2015 assessment: \$394,800

2016 reappraised value \$1,183,800

B) Appellant response:

Grieved assessment to the listers.

C) Listers' action:

Hearing held July 13, 2016. Several Vermont Statutes were talked about in regard to vacant land and vacant space inside the building. Interior inspection followed on July 15, 2016. Result of grievance was upheld on July 28, 2016 and the value of vacant land and vacant building space was removed. Value changed from \$1,183,800 to \$739,600.

D) Appellant response:

Filed tax appeal to the BCA.

E) Listers' testimony:

Listers Evidence (attached): Comparables of four sales of industrial light sales in Lyndon. Commercial, industrial building located at 1713 Industrial Pkwy. Assessed value \$739,600. Built 2004, 20,848 square feet, metal siding and roof, four loading docks, parking lot for approx. 50 cars, 3 phase power, 100 Sprinkled, propane heat in warehouse section, hot air in office space, electric heat in restrooms, office space air conditioned. 50 Acres of land on the Lyndon side, several agreements between the Industrial Park and NVDA with the Town of Lyndon and Town of St. Johnsbury. The undeveloped land and the vacant space in the building is not assessed. Highway & general fund taxes are turned over to the Industrial Park Board. Jack Berube gave a brief overview of the depreciation value that was afforded. At the time the building came on line, it was 80% vacant and an 80% depreciation was given per the agreement. That figure was never adjusted until 2016 when the 10 year agreement expired.

F) Appellant testimony:

David Snedeker, Executive Director of NVDA shared from his letter (Appellant Evidence # 1) explaining the building history, conditions of ownership, current occupancy, uniqueness of non-profit owner, and appraisal report. He also submitted a copy of the mortgage with United States Department of Commerce, Economic Development Administration (EDA), and a floor plan outlining the occupied and vacant spaces. (Evidence Attached). Sal DeMaio went over the Appraisal Report that he prepared as contracted by NVDA. After inspecting the building, inside and out, he did two analyses; sales comparison and direct capitalization or income approach. The income approach resulted in an appraised value of \$386,600 which he rounded to \$390,000. For the sales comparison he used four sales, three in Lyndon and one in St. Johnsbury. The sales comparison resulted in a value of \$640,000. Mr. DeMaio felt that because of the non-profit status and the title conveyance the value would be better reflected by the income approach so he gave that analysis more weight which is how he came up with the \$400,000 value.

G) BCA action:

Joe Benning and Marty Feltus excused themselves from this hearing. As State Senator and Legislator respectively, Joe & Marty have a conflict of interest as they are voting members on the NVDA Board. Marty also clarified to those present that the Town of Lyndon is a member of the NVDA organization.

The BCA named Edie Bell-Brown, Sara Simpson and Dan Daley to the inspection committee. The inspection committee will inspect the property on Thursday, September 15, 2016 at 1:00 PM.

After conferring with Mr. Snedeker, it was determined that the Lister's could attend the inspection.

The inspection committee will report back to the BCA at the Municipal Office Building on Wednesday, October 5, 2016 at 6:00 PM. (Must be within 30 days)

Motion made by Ed Fregosi, seconded by Dan Daley, to adjourn. Meeting adjourned at 7:18 PM.