

BOARD OF CIVIL AUTHORITY
BENNINGTON, VT

MEETING MINUTES OF AUGUST 7, 2023

Members Present: Jerry Albert, Cassie Barbeau, Barbara Bluto, Tom Haley, Jackie Kelly, Albert Krawczyk, Vickie Lampron, Bruce Lee-Clark, BJ Maroney, James Marsden, Mary Morrissey, Joan Pinsonneault, David Shaffe and Kayla Thompson

Also Present: John Antognioni, Chief Assessor, Cat Bryars and Jon Rose (Via Zoom)

**Meeting called to order at 4:32 PM by Board Chair, David Shaffe.

**David read the Oath to Board members and circulated it for signatures.

**Cat Bryars, Jon Rose and John Antognioni were all given the oath by Board Chair, David Shaffe.

**Appeal 1: Historic Norton House LP, 300 Pleasant Street, 50-54-77-00

Cat Bryars spoke first, indicating that the organization was rescinding their request for tax exempt status due to some information that had come to light just hours before the meeting. However, they are still requesting reconsideration of their new valuation and the method in which their property is being assessed. Norton House is used for transitional and critically homeless. There are no rents collected from tenants. Rent is collected from the Bennington County Coalition for the Homeless and the only income is the same as the expenses. No profit is made. The lessee is a non-profit. The large increase is not budgeted for and there is no way to get the income by tax time. It is the organization's wish that the Housing Subsidy Covenant spreadsheet by the Vermont Department of Taxes be used in valuation of this property. Cat also noted that the organization did not request tax exempt status during grievance to the listers.

**Jon Rose noted that the reason for withdrawing their request for tax exempt status is because they learned the exemption would need to be for all properties owned by the organization and that was not their intent. There are no leases, rents or expenses charged to the tenants. They have an occupancy agreement with the Coalition for the Homeless and BCCH gets grant funding to pay the rents. Ownership is in an LLC and a bank gets the tax credits as a matter of formal structure. When the Subsidy Covenant spreadsheet is completed using no rents, the valuation comes out to \$67,900. To assess using commercial assessment method would be tremendously burdensome to the organization.

**John Antognioni explained to Board members that this is an 1846 two-story building with approximately 4,667 square feet, seven apartments and detached two-story converted garage with two upper-level apartments and ground floor office space, all on .70 acre lot. It was previously assessed at \$241,400 and in June 2021 a building permit was pulled to renovate, with certificate of occupancy being issued last December. This prompted the new assessment this spring at \$300,200. During the listers grievance, John began doing a little research with details being supplied by Cat. However, ultimately, due to the looming deadline and many unanswered questions, the appeal was denied. As testimony to the BCA appeal, John has found in VT Statute (32 VSA 3481 (1)(B)(i) that "fair market value SHALL be determined by an income approach" using market rents and actual expenses. Since this is a new qualified housing project, he does not have actual expenses yet, so he used 60% of actual expenses on other housing that the organization owns. John has also consulted Property Valuation and Review and

the Chief Assessor, who indicated that HUD rents should be used. VHFA was consulted and suggested there could be a 10% reduction in the education portion of assessment. VHFA was not aware of any qualified housing being assessed using the Housing Subsidy covenant spreadsheet that is being requested at this time. John also spoke to the Towns of Brattleboro, Winooski and Essex to inquire about housing projects in those towns and all confirmed they were assessed using the HUD rents.

**Cassie appointed Board members Jim Marsden, Barbara Bluto, Tom Haley and Bruce Lee-Clark as the subcommittee to visit the property and advised Cat that someone would be in touch to schedule that within the next few weeks.

**With no further business, Mary made the motion to adjourn the meeting, seconded by Bruce Lee-Clark. Motion passed unanimously and meeting adjourned at 5:22 PM.

Respectfully submitted,

Cassandra Barbeau
Bennington Town Clerk