

BOARD OF CIVIL AUTHORITY

Monday, April 10, 7:00 PM

Members Present:

JPs: Dianne Amme, Carolyn Clinton, Fran DeGasta, Linda Gray, Corlan Johnson, Dave Krimmel, Stuart Richards, Arline Rotman, Emily Scherer

Selectboard: Roger Arnold, Marcia Calloway, Pam Smith, Priscilla Vincent

Town Attorney: Bob Fletcher, Stitzel, Page & Fletcher

Listers: Ernie Ciccotelli, Cheryl Lindberg, Jonathan Vincent

Appellants: Omer Trajman, Norwich Farm Foundation; Chris Gray, Lucky Us Ranch LLC

Linda Gray opened the meeting at 7:03 PM

Gray explained that Lily Trajman, Town Clerk, was away on a pre-planned trip.

1. SELECT A CHAIR AND VICE CHAIR

Gray asked for nominations for Chair. Rotman moved (2nd Johnson) to nominate Linda Gray as Chair. Motion passed unanimously.

Gray asked for nominations for Vice Chair. Johnson moved (2nd Clinton) to nominate Arline Rotman as Vice Chair. Motion passed (Richards abstained).

2. ADOPT RULES OF PROCEDURE

Gray suggested the Board make a motion to adopt the Rules of Procedure that the Board has been using but to organize a small group to review them and to possibly consult the model rules from the Vermont League of Cities and Towns. She noted that paragraph 2 of the current Rules include references to the BCA not hearing tax exemption appeal, which seem to be inaccurate.

After some discussion, Rotman (2nd Clinton) moved to adopt the Rules of Procedure with the deletion of 1) the word "exemption" in para 2/sentence 1 and 2) the entire sentence 3 ("For tax exemptions, property owners should make their case to the Norwich Selectboard."). Motion passed (Vincent - no).

The Board agreed by consensus that Rotman and Johnson would review the Rules of Procedure with Gray.

3. OPEN THE HEARING ON THE APPEAL FILED BY NORWICH FARM FOUNDATION

Gray asked for any disclosure of conflict of interest or ex-parte communications. Gray administered the witness oath to Appellants and Listers.

Rotman discussed the process of a quasi-judicial proceeding for new members of the Board.

Lindberg, Chair of the Board of Listers, introduced the property, at 701 Turnpike Road, parcel ID 10-076.100, 6.32 acres with multiple buildings, assessed at \$1,239,600.

Omer Trajman, Appellant, said the Norwich Farm Foundation purchased the property from Vermont Technical College in 2022. Trajman said the mission of the Norwich Farm Foundation is to preserve value-added dairy and provide educational programs. The Foundation runs a community-centric property with a mission-aligned partner, Lucky Us Ranch LLC, to save value-added dairy and model a sustainable Vermont dairy.

Trajman said their appeal is based on the Foundation's belief that the Listers did not apply statutory three-part test correctly to the facts:

- (1) the property must be dedicated unconditionally to public use;
- (2) the primary use must directly benefit an indefinite class of persons who are part of the public, and must also confer a benefit on society as a result of the benefit conferred on the persons directly served; and
- (3) the property must be owned and operated on a not-for-profit basis.

Questions were asked about the Foundation's lease with the private business associated with the Foundation; educational programs held in the last year and how they are advertised to the public; which of the buildings are leased; whether the property is in current use; other examples of non-profit companies that partner with private organizations; details of NFF's exemption application form; public access to the property; how NFF ensures that their tenant operates in alignment with the NFF mission; NFF bylaws and governance structure

The Listers summarized their position as all three statutory conditions must be met, and they are not: 1) the property is not dedicated unconditionally for public use; 2) NFF has not yet implemented educational programs; 3) Lucky Us Ranch is a for-profit entity. They note that NFF can reapply for tax exemption in the future.

Trajman, on behalf of NFF, said that the statute does not prohibit a partner from being non-profit, but only be mission-aligned.

DeGasta, Clinton, and Gray volunteered to make up the Inspection Committee and to meet at the property on April 18th at 2:30 pm.

Arnold moved to recess (2nd Calloway) the meeting until Monday, April 24, at 6:30 pm to receive the Inspection report and to deliberate. Motion approved unanimously.

Meeting recessed at 8:50 pm.

Submitted by Roger Arnold