

**BOARD OF CIVIL AUTHORITY AGENDA  
ABATEMENT and BCA MEETING**

**June 6, 2018**

1. Call to Order 6:30 p.m.
2. Amendments to the Agenda (if needed)
3. Reminder: This meeting is being audio taped. Be sure to speak distinctly and state your name for the record.
4. BCA Checklist item - Hearing for Julie A. Stark - challenge letter.
5. Approve the meeting minutes of May 2, 2018.
6. Role Call and BCA oath:  
"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters at issue relating to the abatement of taxes and other levies submitted for my decision."
7. Review requests: (See List on next page)
8. Treasurer requests
9. Town-wide conflict of interest policy Committee - representative needed.
10. Other Business: -
  - a. Next meeting will be for tax grievance - date will be late July or early August depending on when the Assessor sends out his grievance notices.
  - b. Future meeting dates for July 2018 - June 2019 will be set at the first tax grievance hearing.
  - c. Primary election is August 14, 2018. The BCA will hold a checklist update meeting on August 8, 2018. As always let Sheila, Ginny, or Pearl know your availability.
  - d. Update from BCA voter challenge/purge list of May 2, 2018.
11. Adjourn

**BOARD OF ABATEMENT MEETING MINUTES  
June 6, 2018**

The duly warned Board of Abatement Meeting was held on June 6, 2018, Barre Town Municipal Building, Selectboard meeting room, in Lower Websterville at 6:30 p.m.

The following members were present: Chair Paul Malone, Town Clerk-Treasurer Donna Kelty, Pearl Bugbee, William Bugbee, Charles "Chip" Castle, Jeanne Daniele, JP Isabelle, Norma Malone, Bob Nelson, Edward Paquin, Jay Perkins, R. Lee Walther, Sheila Walther, Paul White, and Tom White.

Those absent: Jeff Blow, J. Guy Isabelle, Virginia Poplawski, W. John "Jack" Mitchell, Dottye Ricks, Christopher Violette, and Assessor Joseph Levesque.

Others present: Julie A. Stark, Samantha Hiscock, and Lisa Larock.

**CALL TO ORDER**

Chair Malone called the meeting to order at 6:30 p.m. and proceeded with the role call. He noted the meeting is being audio taped. Be sure to speak distinctly and state your name for the record.

**BOARD OF ABATEMENT MEETING OF June 6, 2018 continued:  
CHANGES TO THE AGENDA**

The agenda, by consensus, was accepted as amended:

- Item 8, Treasurer items remove item #1 David Kitch as this is a duplicate request from the January 24, 2018 meeting.
- Add Item 9A - Discuss the Victory Court case.
- Add Item 10 e. - Draft Abatement Income/Expense presentation.

**BCA HEARING FOR VOTER CHECKLIST CHALLENGE**

On May 10, 2018 per the BCA request a challenge letter was mailed to Julie A. Stark at her Barre City address. The letter questioned her eligibility based on residency. May 22<sup>nd</sup> the Town Clerk received the response form in person which states she would like to remain on the Barre Town checklist and is out of town temporarily. This hearing is to provide an opportunity for Ms. Stark to validate her request. She was notified by mail, on May 24, 2018 that the hearing will be held June 6, 2018 and she will appear before the Board at 6:35 p.m.

Ms. Stark was present and administered the oath. She verified her current physical location of Allen Street, Barre City is her primary residence, but stated temporarily. In further testimony to the Board the following items were provided:

- You have lived at the address of this letter for almost two years.
- You moved to the City after the sale of your home on Silver Circle (37 years lived there) with plans to move out of state. The plans fell through due to the loss of two children and cancer surgery.
- You moved to Barre City as no suitable place could be found in Barre Town.
- You may not be in Vermont by the end of 2018.
- If you stay in Vermont, the landlord may have an apartment available in Barre Town soon.
- If you are removed from the Barre Town checklist you will not register to vote in any other Town/City.

The Board closed the hearing and stated a decision would be made in deliberative session. Ms. Stark will receive written notice of the Board decision.

**MINUTE APPROVAL**

*On a motion by JP Isabelle, seconded by William Bugbee, the Board of Civil Authority voted to approve the meeting minutes of May 2, 2018 with the following corrections:*

- *Page 1, MEETING MINUTES, first paragraph, last sentence delete the words Middle & Elementary School and Spaulding Union High School Elections and insert "Annual Elections of Officers and Voting by Australian Ballot.*

*Those not present for the vote included: Jeff Blow, J. Guy Isabelle, Virginia Poplawski, W. John "Jack" Mitchell, Dottie Ricks, Christopher Violette, and Assessor Joseph Levesque.*

**ROLE CALL AND ABATEMENT OATH TO VOTING MEMBERS**

The Chair reminded the BCA members present to sign their oaths and the Clerk administered the following to the Board members present:

I do solemnly swear (or affirm) that I will well and truly hear and determine all matters at issue relating to the abatement of taxes and other levies submitted for my decision.

**BOARD OF ABATEMENT MEETING OF June 6, 2018 continued:  
ABATEMENT APPLICATION ITEMS**

**7-A Samantha Hiscock for Francis Baker**

9 Carnes Road

Tax Map 025 Lot 163-00

Request: \$6,537.70 for property, sewer, and water charges plus penalties.

The application, income and expense statement, copy of delinquent bill, copy of the current property tax/sewer bills, agent letter, and letter detailing request were given to the Board to review prior to the meeting.

Samantha Hiscock and Lisa Larock were administered the oath. Discussion points were:

- Mrs. Baker passed away 2  $\frac{1}{2}$  years ago and she managed the finances. No bills have been paid since. Ms. Hiscock (daughter-in-law) only recently learned no bills were paid.
- Ms. Hiscock stated she has been helping Mr. Baker with his finances to include providing additional funding for heating and electricity.
- Mr. Baker (property owner) cannot afford the property based on his income. With the additional funding from Ms. Hiscock from this point forward Mr. Baker can stay current.
- Based on the income and expense statement there are no funds to pay back property, sewer, and water charges.
- Mr. Baker has filed the homestead tax paperwork so a portion of his taxes will be at the lower homestead education rate. The current year education taxes are calculated at the non-residential rate.
- Mr. Baker retains 50% ownership of the property. An estranged daughter, living out of state, owns the other 50%. No financial information was available for the daughter.
- Ms. Hiscock and Ms. Larock have stated the daughter wants nothing to do with the property and refuses to pay anything.
- Mr. Baker is not in good health and has literacy issues.
- The abatement request does not include the late May 15, 2018 property tax installment (\$839.70) or the June water bill (\$118.64).

Ms. Hiscock and Ms. Larock were informed the Board will decide later this evening after deliberative session. In accordance with law a written decision letter will be mailed to Ms. Hiscock (as the agent).

**7-B Eagle Floors - Richard Johnson**

Tax Map 901 Lot 830-00

Request: \$24.19 in personal property tax with a refund of \$18.07 in previously paid taxes.

Background: The Board was provided copies of the application and a copy of the current fiscal year property tax bill (noting installments that have been paid).

Discussion noted the following:

- Mr. Johnson stated he sold the business in June 2017.
- The Assessor's Office was notified.
- The bill was generated as the business was there April 1, 2017.
- The first 3 installments of the fiscal year were paid and the fourth is outstanding.
- The Assessor's Office has confirmed the company is out of business and no bill will be generated for next fiscal year.
- The request is being made citing the collection works an injustice (not operating the business the entire fiscal year). Not the dollars so much as the principle.

**BOARD OF ABATEMENT MEETING OF June 6, 2018 continued:**

*On a motion by Nelson, seconded by William Bugbee, the Board of Abatement voted to abate the personal property tax of Eagle Floors in the amount of \$24.19 (principal of \$23.33 plus penalties) and to refund Richard Johnson \$18.04 (the amount already paid) citing the collection works an injustice. Those not present for the vote included: Jeff Blow, J. Guy Isabelle, Virginia Poplawski, W. John "Jack" Mitchell, Dottye Ricks, Christopher Violette, and Assessor Joseph Levesque.*

**TOWN TREASURER ABATEMENT REQUESTS**

The Town Clerk-Treasurer noted for the records that she will not be voting on the following request as she is the applicant.

**8-1. David Kitch** - removed from agenda as this is a duplicate request from the January 24, 2018 meeting.

The Board did a blanket motion to approve items 8-2, 8-3, 8-4, and 8-5. For clarity each item is specifying what is being abated. *On a motion by Paquin, seconded by William Bugbee the Board of Abatement voted to approve the Barre Town Treasurer's request and abate items 8-2,8-3, 8-4, and 8-5 as listed below citing the respective reasons. Tom White and Nelson voted no due to the parking tickets. Those not present for the vote included: Jeff Blow, J. Guy Isabelle, Virginia Poplawski, W. John "Jack" Mitchell, Dottye Ricks, Christopher Violette, and Assessor Joseph Levesque.*

The approved items are:

**8-2 Aronson, Althea** - request to abate two ambulance bills (Run #18-3030 = \$227.00 + Run #18-3115 = \$212.18) for a total of \$439.18. The patient is deceased, there is no estate, and remaining balance due on the two bill is after insurance payment. *Approved citing the person liable for the levy has died insolvent.*

**8-3 Burge, Robert** - request to abate ambulance run #17-13454 in the amount of \$35.00 as the patient is deceased, there is no estate and remaining balance due is after insurance payment. *Approved citing the person liable for the levy has died insolvent.*

**8-4 Quality One Auto & Detail** - the request is for the abatement of personal property in the amount of \$330.09 plus penalties and interest for a total of \$410.02. The business closed in September 2017 and there are no assets to attach. The owner lives in Tennessee and refuses to pay saying he does not owe the taxes. *Approved citing the collection would create an undue expense for the Town.*

**8-5 Various miscellaneous items** - see table.

sgaiser@campbell-bo	Appraisal Card	\$ 1.50
Jacob Rollins	Winter Ban #452 11-22-15	\$25.00
Hillary Messer	Appraisal card 1-18-2016	\$ 1.50
Hillary Messer	Appraisal card 9-9-2015	\$ 1.50

There are no current mailing addresses, the amounts are too small for the credit agency, and the collection would create an undue expense for the Town. *Approved citing the collection would create an undue expense. Tom White and Bob Nelson voted no due to the parking ticket.*

**TOWN-WIDE CONFLICT OF INTEREST POLICY**

Vermont Legislature passed a law that every Town will have a Conflict of Interest Policy by July 1, 2019. This policy will apply to ALL appointed/elected officials and the

**BOARD OF ABATEMENT MEETING OF June 6, 2018 continued:**

various Town Boards. The Selectboard has created a policy work group and is asking a representative from each Board to participate.

At the request of the Board Chair, R. Lee Walther volunteered and by consensus was appointed the BCA representative to the Barre Town Conflict of Interest Policy work group. The Clerk of the Board was directed to send a letter to the Manager informing of our appointment.

**VICTORY COURT CASE - RESIDENCY REQUIRMENTS**

The Board noted the purpose of this discussion is to understand the challenging of voters and the role/responsibilities of the BCA. Ms. Walther noted that it is extremely important that the individuals at the check-in tables pay attention to the voter status column, follow the rules (even though signs are listed) asked for voters to state their name and domicile location (physical address of where they are living).

**DELIBERATIVE SESSION**

*On a motion by Paquin, seconded by William Bugbee, the Board of Civil Authority/Board of Abatement entered deliberative session at 7:54 p.m. to discuss the Stark checklist residency issue and abatement requests for Baker. Those not present for the vote included: Jeff Blow, J. Guy Isabelle, Virginia Poplawski, W. John "Jack" Mitchell, Dotty Ricks, Christopher Violette, and Assessor Joseph Levesque.*

While in deliberative session the following decisions were made.

*The Board of Civil Authority voted to deny the request of Julie A. Stark and direct the Clerk to remove her from the Barre Town checklist.*

*The Board of Abatement denied the request of Francis Baker, 9 Carnes Road for abatement citing Mr. Baker only owns 50% of the property and the Board has no evidence to support the joint owner (Melissa Greenwood) is financially unable to pay.*

*On a motion by Norma Malone, seconded by Tom White, the Board of Abatement came out of deliberative session at 8:30 p.m. Those not present for the vote included: Jeff Blow, J. Guy Isabelle, Virginia Poplawski, W. John "Jack" Mitchell, Dotty Ricks, Christopher Violette, and Assessor Joseph Levesque.*

**OTHER BUSINESS**

The next BCA meeting will be for Tax Grievance Hearings. The Assessor will be lodging the Grand List on June 12, 2018. Provided his grievance notices are mailed on that day he anticipates holding the Assessor Grievance hearings on June 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>. See the table below for possible hearing dates.

Assessor hearing	Assessor's Notice of Change mailed on	14-day BCA appeal of Assessor result	1 <sup>st</sup> BCA Tax Grievance Hearing by
June 26-28	June 29 <sup>th</sup>	July 12, 2018	July 25, 2018
	Week of July 9 - 11	July 22 - 24	August 1, 2018
	Week of July 12 <sup>th</sup>	July 25	August 8, 2018

The Clerk reminded Board members there is a checklist update meeting on August 8, 2018, primary elections on August 14, and property taxes due on August 15. The Board has expressed great concern that it should take evidence at the first tax grievance hearing. Given the late BCA hearing date taking evidence will create issues.

Timetable of Board actions given varying possible first tax grievance hearing dates:

1. First meeting on July 25<sup>th</sup> with the inspection committee reporting back on August 8 and notices out by the 10<sup>th</sup>.

**BOARD OF ABATEMENT MEETING OF June 6, 2018 continued:**

2. First meeting on August 1<sup>st</sup> would require the inspection committee(s) to report back to the full board no later than August 31<sup>st</sup>. The Clerk will be on vacation the last two weeks of August which could pose a legal issue with sending out notices to appellants.
3. First meeting on August 8<sup>th</sup> would require the inspection committee(s) to report back to the full board no later than September 7<sup>th</sup>. This is doable.
4. The last option would be to hold the first tax grievance hearing without taking evidence and recess to a date certain in September.

Other items discussed:

- Future BCA calendar will be created at first tax grievance hearing.
- August 8, 2018 there will be a checklist update meeting.
- Primary election is August 14, 2018. Please let Sheila, Ginny, or Pearl know if you are available to work.
- The Clerk provided the Board with a follow-up on the May 2, 2018 regarding the challenge/purge of 10 voters. One item added to that list included a challenge that was requested on voting day May 8, 2018.

**REVISION OF INCOME/EXPENSE STATEMENT**

A volunteer committee was tasked with revising the Income/Expense statement which is part of the abatement application. Members included: R. Lee Walther, Sheila Walther, Ed Paquin, and JP Isabelle. Several drafts had been distributed through email asking for comments. The second draft was provided for Board review. Lee Walther stated while the committee did not have "face to face" meetings comments made by email responses were incorporated. Other items that were discussed needing possible change included language, headings, formulas, and minor other changes. During the conversation Lee Walther submitted his resignation from this Committee.

The remaining members will continue to work on the revisions and schedule a face-to-face meeting for more in depth discussion prior to the first Tax Grievance Hearing. The Clerk-Treasurer did have comments which are to be sent via email to this committee for consideration.

**ADJOURN**

*On a motion by Nelson, and duly seconded, the Board of Civil Authority/Board of Abatement voted unanimously to adjourn at 8:59 p.m.*

These are the minutes as taken by the Clerk of the Board.

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*Donna J. Kelty, Town Clerk-Treasurer*

(See next page for administered oaths)

**APPENDIX - BOARD OF ABATEMENT OATHS**

**BOARD OF ABATEMENT MEETING OF June 6, 2018 continued:**

**TOWN OF BARRE - ABATEMENT MEETING  
OATH OF BOARD MEMBERS  
June 6, 2018**

I do solemnly swear (or affirm) that I will well and truly hear and determine all matters at issue at issue relating to the abatement of taxes and other levies submitted for my decision. So help me God (or under the pains and penalties of Perjury).

Name	Signature
Blow, Jeff	Absent
Bugbee, Pearl	Pearl Bugbee
Bugbee, William	William Bugbee
Castle, Charles	Charles Castle
Daniele, Jeanne	Jeanne Daniele
Isabelle, J. Guy	Absent
Isabelle, J.P.	Isabel Assahul
Kelty, Donna	Donna F. Kelty
Nelson, Bob	Bob Nelson
Malone, Norma	Norma Malone
Malone, Paul	Paul Malone
Mitchell, W. John "Jack"	Absent
Paquin, Edward	Ed Paquin
Perkins, Jay	Jay Perkins
Poplawski, Virginia	Absent
Ricks, Dottye	Absent
Violette, Christopher	Absent
Walther, R. Lee	R-lee Walther
Walther, Sheila	Sheila Walther
White, Paul	Paul White
White Thomas	Paul White
Assessor Joseph Levesque	Absent