

**BOARD OF CIVIL AUTHORITY AGENDA
ABATEMENT MEETING**

January 21, 2015

1. Call to Order 6:30 p.m.
2. This meeting is being audio taped. Be sure to speak distinctly and state your name for the record.
3. Amendments to the Agenda (if needed)
4. Role Call and BCA oath (See last page for oath signatures) "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."
5. Review the requests
6. Other Business:
 - ✓ Notary application form & return of Oath of Office
 - ✓ Open Meeting Law Training, April 1, 2015
 - ✓ Oath of office for new term beginning February 1, 2015
 - ✓ Checklist Update meeting February 25, 2015. Be prepared to elect a new Chair!
 - ✓ Next election March 3, 2015 - be prepared to work at polls
 - ✓ Town Caucus March 16, 2015 - 6:30 p.m.
 - ✓ New JPs and resignation information
8. Adjourn

**BOARD OF ABATEMENT MEETING MINUTES
January 21, 2015**

The duly warned Board of Abatement Meeting was held on January 21, 2015, Barre Town Municipal Building, Selectboard meeting room, in Lower Websterville at 6:30 p.m.

The following members were present: Chair Virginia Poplawski, Town Clerk-Treasurer Donna Kelty, Assessor Joseph Levesque, Gordon Booth, Pearl Bugbee, William Bugbee, Tracy Delude, Rolland Tessier, J. Guy Isabelle, Robert LaClair, Paul Malone, W. John "Jack" Mitchell, Tom White, R. Lee Walther, and Sheila Walther. (15 were present)

Those absent included: Jeff Blow, Louise Coates, Caroline Pellon, Christopher Violette, JP Isabelle, Marion Fish (resigned), and Irene Haskell (resigned). (7 were absent)

Others present included: David James and guest, Rita Valliere, Richard Senecal, and Linda Senecal, Rita Anne Valliere, Kim Roy, and Charles Thygesen.

CALL TO ORDER

Chair Poplawski called the January 21, 2015 Board of Abatement meeting to order at 6:30 p.m.

CHANGES TO THE AGENDA

On a motion by Sheila Walther, seconded by Rolland Tessier, the Board of Abatement voted unanimously to accept the changes to the meeting agenda which include:

1. *Item 5, To hear the request of those individuals who are present at this meeting first which include: David James, Rita Valliere, and Linda Senecal; and*

BOARD OF ABATEMENT MEETING OF JANUARY 21, 2015 continued:

- To review the Code of Conduct for the Board of Abatement prior to hearing any appeals.*

OATH TO VOTING MEMBERS

The following oath was taken by the Board members:

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.

CODE OF CONDUCT POLICY AMENDMENT DISCUSSION

On a motion by Lee Walther, seconded by Jack Mitchell, the Board of Abatement voted unanimously to amend the Board of Abatement Hearing and Code of Conduct Policy by adding the following new sentence immediately following Item 7 Deadline:

"Abatement Hearing Request forms, together with all supporting materials, shall be made available to Board members no later than five (5) calendar days prior to the meeting. Each Board member shall be responsible to notify the Town Clerk/Treasurer in advance as to how they wish to receive their packets (i.e., mail or pick-up at the Town Office). Otherwise, packets will be available at the meeting.

Motion discussion centered on the methods of delivery of the packet material (email - too much content which could require several emails and not everyone has the capability of unzipping attachments); and that only since the approval of this policy (last April) has there ever been a deadline for applicants to submit a request.

ABATEMENT ITEMS

3. David & Diane James

23 Phil Street

Tax Map 024 Lot 011.00

Request: \$1,461.80 over paid taxes for last 10 years

Background: In the letter from Mr. James he stated that his house site has been overvalued for at least a decade in the amount of \$8,000. The last town-wide reappraisal was effective April 1, 2004. He is looking to recoup the overpayment for the past 10 years which has been calculated at \$1,461.80. Mr. James was present stating he was under the impression the time frame of overvaluation was longer than 10 years.

Assessor Levesque stated the error begin with the April 2004 Town-wide reappraisal. An inspection was completed on the property due to the installation of a handicap ramp. Upon further review of the Assessor Card the error was found. Mr. James was notified through the "Change of Appraisal" notice. The current fiscal year bill was amended through Error's & Omissions.

A motion was made by Lee Walther, seconded by Paul Malone to abate the property taxes of David & Diane James in the amount of \$1,461.80 citing there was a manifest error. The motion failed with 7 voting yes (Lee Walther, Mitchell, LaClair, Malone, Booth, William Bugbee, and Pearl Bugbee) and 8 voting no (Delude, Isabelle, Kelty, Poplawski, Tessier, White, Sheila Walther, and Assessor Levesque).

Discussion of this motion focused on the homeowner's bearing some responsibility to know how his property is being valued and the length of time the error has been in place. Mr. James stated during testimony that he had reviewed his Assessor's card before, but not since the town-wide reappraisal.

On a motion by White, seconded by Sheila Walther, the Board of Abatement voted to abate property taxes of David & Diane James, 23 Phil Street, Tax Map 024 Lot 011-00

BOARD OF ABATEMENT MEETING OF JANUARY 21, 2015 continued:

*in the amount of \$730.90 citing there was a mistake on the Assessor's manifest/card.
(Isabelle voted no.)*

4. Linda and Robert Senecal

352 Sierra Lavin Road

Tax Map 036 Lot 082-02

Request: \$1,918.89 property taxes

Background: On May 30, 2014 the property owner's house was destroyed by a drunk driver. It was not habitable and the double wide mobile home was removed and not replaced with a new one until September 2014. Taxes for last fiscal year and this fiscal year were calculated on the old homes value (\$77,500) and have been paid through December 2014. They are seeking abatement for the period May 30, 2014 - June 30, 2015 citing the property was destroyed.

The property owners were present and administered the oath.

On a motion by Kelty, seconded by William Bugbee, the Board of Abatement voted unanimously to abate the property taxes of Linda and Robert Senecal, 352 Sierra Lavin Road, Tax Map 036 Lot 082-02 in the amount of \$1,918.89, for the period May 30, 2014 through June 30, 2015 citing the property was destroyed.

1. Gary Gallagher

Ambulance Trip 14-10083, DOS 7-14-14

Request: \$65.00 - no transport.

Background: The Clerk/Treasurer received a letter asking for abatement. In accordance with the Board of Abatement Code of Conduct Policy a request must be made using the approved application. Mr. Gallagher was mailed a letter on September 30, 2014 asking that the appropriate paperwork (which was included with the letter) be completed and returned by January 12, 2015. As of yesterday the paperwork was not received. The Clerk/Treasurer, for the record, is asking this Board note for the minutes the request was received but is incomplete and therefore no action will be taken on the request.

On a motion by Tracy Delude, seconded by Paul Malone, the Board of Abatement voted unanimously to take no action on this request of Gregory Gallagher as there was not enough information to make an informed decision.

2. Lorraine Brochu - Agent Bonnie Chouinard

Ambulance Trip #14-14607, DOS October 11, 2014

Request: \$115.77

Background: The Clerk/Treasurer received a letter asking for abatement. In accordance with the Board of Abatement Code of Conduct Policy a request must be made using the approved application. Ms. Chouinard was mailed a letter on December 8, 2014 asking that the appropriate paperwork (which was included with the letter) be completed and returned by January 12, 2015. As of yesterday the paperwork was not received. The Clerk/Treasurer, for the record, is asking that this Board note for the minutes the request was received but is incomplete and therefore no action will be taken.

On a motion by Tom White, seconded by William Bugbee, the Board of Abatement voted unanimously to take no action on the request of Lorraine Brochu as there was not enough information to make an informed decision.

5. Clarence Campbell, Agent Barre Town Treasurer

Ambulance Trip #14-14071 Date of Service September 27, 2014

BOARD OF ABATEMENT MEETING OF JANUARY 21, 2015 continued:

Request: \$92.33 (the balance after insurance payment)

Background: The Treasurer has confirmed the patient is deceased; there is no estate and no valid mailing address. The request amount is the balance due after Medicare made payment.

On a motion by Rob LaClair, seconded by Sheila Walther, the Board of Abatement voted unanimously to abate the ambulance bill of Clarence Campbell, Trip #14-14071, date of service September 27, 2014 in the amount of \$92.33 citing the person liable for the bill has died insolvent.

6. Wayne Dunlap - Agent is State of VT, Division of Fire Safety

Ambulance Trip #14-9395, Date of Service June 24, 2014

Request: \$65.00 (no transport)

Background: Mr. Dunlap works for the Division of Fire Safety. While on duty the ambulance was called and Mr. Dunlap declined transport or services. The Fire Safety Division is asking for abatement of the no transport charge.

The Town Treasurer stated the new application form was not signed because it was never forwarded to the applicant for signature. As a result a motion to deny was withdrawn by the first and second.

On a motion by Sheila Walther, seconded by Lee Walther, the Board of Abatement voted unanimously to table action on the ambulance bill of Wayne Dunlap, Trip #14-9395, date of service June 24, 2014 in the amount of \$65.00 and to instruct the Clerk to forward the application to the patient for signature.

7. Carl J. Lindgren

Ambulance Trip # 13-9804, date of service is July 12, 2013

Request: \$1,134.60

Background: Mr. Lindgren stated that as a result of an accident he has not been able to work. His insurance through the VA denied payment stating this was not an emergency. The application paperwork was complete and received on November 12, 2014.

During the discussion it was noted the Board approved Income/Expense form was lacking monthly earned income information.

On a motion by Paul Malone, seconded by William Bugbee, the Board of Abatement voted unanimously to table action on the ambulance bill of Carl J. Lindgren, Trip #13-9804, date of service July 12, 2013 in the amount of \$1,134.60 and to instruct the Clerk to send a letter requesting the additional income information which is needed to make an informed decision.

8. Shirley Bowley - Agent Kate Reilly-Fitzpatrick (CVCOA)

Patient: Roger Bowley (deceased husband)

Ambulance Trip # 13-12851 date of service is September 6, 2013

Request: \$645.80 (VA insurance)

Background: A completed application was received from the Ms. Bowley on behalf of her deceased husband. The insurance only paid \$25.00 of the bill. Paying the remaining balance would be a hardship for Mrs. Bowley and she is asking for some relief.

On a motion by Lee Walther, seconded by William Bugbee, the Board of Abatement voted to abate the ambulance bill of Roger Bowley, Trip # 13-12851, date of service September 6, 2013 in the amount of \$645.80 citing the patient is deceased and to thank Ms. Bowley for her offer to make payments. Guy Isabelle abstained from the vote.

BOARD OF ABATEMENT MEETING OF JANUARY 21, 2015 continued:

Motion discussion focused on the fact that Ms. Bowley is not responsible for the ambulance bill but is willing to pay even though she is on a fixed income.

10. Donald & Edith Harding

360 Sierra Lavin Road

Tax Map 036 Lot 084-00

Request: \$54.62 (Homestead late filing penalty)

Background: The property owner is requesting abatement of the homestead late filing penalty. Mr. Harding stated he filed his return on March 14, 2014 long before the deadline. After receiving his tax bill he noted the "nonresidential tax rate." Upon contacting the Tax Department they stated there was no record of receiving the filing and filed for him at that time. The result was his tax bill was changed to a homestead tax rate but he was assessed the late filing penalty.

The Board discussed centered on the recent voter approved amendment to our Town the Charter, which has not been approved by Legislature, and how it differs from state law with regards to the abatement of penalties and interest. Lee Walther stated that when State law has a broader scope than the Charter, then State law trumps the Charter.

On a motion by Lee Walther, seconded by Paul Malone, the Board of Abatement voted to approve the request of Donald & Edith Harding, 360 Sierra Lavin Road, Tax Map 036 Lot 084-00 in the amount of \$54.62 (late filing penalty) citing the collection would work an injustice. Delude and Kelty voted no.

11. Raymon & MaryClaire Bullis

17 Church Street

Tax Map 025 Lot 040-00

Request: \$192.10 property taxes

Background: On July 22, 2014 a letter was received from the property owner stating they no longer had a pool or the pool house. The Assessor informed the Treasurer that as of July 21st the value of the pool/pool house was \$8,400.00. The homeowner would like an abatement of taxes for the current fiscal year.

The Town Treasurer stated the new application form was not signed because it was never forwarded to the applicant."

On a motion by Sheila Walther, seconded by Jack Mitchell, the Board of Abatement voted unanimously to table the request of Raymon & MaryClaire Bullis, 17 Church Street, Tax Map 025 Lot 040-00 in the amount of \$192.10 and to instruct the Clerk to send the application to the property owner for signature.

12. Jeanne Leno, Agent Barre Town Treasurer

Ambulance Trips - various

Request: \$1,226.93 (11 trips - balance after insurance payments)

Background: The Town Treasurer submitted a list of 11 trips for the patient of Jeanne Leno. The patient is deceased, there is no supplemental insurance or estate, and the balances due are after Medicare payments.

On a motion by Jack Mitchell, seconded by Tracy Delude, the Board of Abatement voted unanimously to abate the 11 ambulance trips, for the period April 25, 2007 through March 10, 2014, in the amount of \$1,226.93 citing the person liable for the bill is deceased and insolvent.

BOARD OF ABATEMENT MEETING OF JANUARY 21, 2015 continued:

13. Estate of Bruce Booth

Ambulance Trip #14-11141, date of service August 1, 2014

Request: \$111.61 (10% of total bill)

Background: Edna Stuart, sister of the patient Bruce Booth requested a 10% abatement of the bill. She is on a fixed income and is looking for relief.

A motion was made by Lee Walther, seconded by Tom White to abate 50% of the bill because the patient was deceased and insolvent. The motion was withdrawn after discussion.

The Board discussed that Ms. Stuart is not responsible for her brother's ambulance bill. A copy of his death certificate was provided and there is no money from the estate to pay this bill. The Board was deeply touched and sincerely grateful for the offer of payment by the sister, and that such actions are rare.

On a motion by Lee Walther, seconded by William Bugbee, the Board of Abatement voted unanimously to abate the ambulance bill of Bruce Booth, Trip #14-11141, Date of Service August 1, 2014, in the amount of \$1,116.12 citing the person liable for the debt is deceased and to instruct the Clerk to thank Ms. Stuart for her offer to make payment.

14. Green Mountain Piano Inc., Lowell Trecartin

Tax Map 902 Lot 535-00, personal property tax at 689 South Barre Road

Request: \$22.35

Background: On August 14, 2014 the Assessor's Office mailed the owner a letter stating that due to the non-filing of the personal property tax form a tax bill was automatically generated. The owner paid the first 2 installments (\$11.18) of the fiscal year and is requesting abatement as the business no longer exists.

BCA members noted the owner passed away in the Fall of 2014 and the Town's ability to collect will be more expensive than abating.

On a motion by William Bugbee, seconded by Tracy Delude, the Board of Abatement voted unanimously to abate the Fiscal Year 14-15 personal property tax for Green Mountain Piano Inc., Tax Map 902 Lot 535-00, in the amount of \$11.17 citing the collection of the tax would create an undue expense for the Town.

9. Rita Valliere

Various parcels located off Leo Avenue,

Morin Road and King's Row in South Barre

Request: Delinquent Taxes total \$74,199.06

Background: Ms. Valliere came before the Board in June 2014 and was denied a request. She is seeking relief of some of the penalties and interest.

Before hearing this appeal the Board raised a concern that we may not have the authority to hear this appeal. The request is the same (except for dollar amount) as the request the one presented during the June 25, 2014 meeting. The request was denied.

Sheila Walther noted that the Abatement Handbook, dated May 2014 (as published by the Secretary of State's Office) on Page 7 states:

Decisions of the board are final. Title 24 does not provide a specific route of appeal from a decision by the board of abatement. If a taxpayer believes the board of abatement has abused its discretion in denying his or her request, case law in Vermont suggests that an appeal can be taken through Rule 74 or Rule 75 of the

BOARD OF ABATEMENT MEETING OF JANUARY 21, 2015 continued:

Rules of Civil procedure. Appeals taken under these rules are not de novo and generally only review the proceedings for abuse of discretion, but the avenue for a limited appeal does exist despite the silence in Statute....

On a motion by Sheila Walther, seconded by Lee Walther, the Board of Abatement voted unanimously to table the request of Rita Valliere until the Clerk obtains a legal opinion from the Vermont League of Cities and Towns as to whether or not this Board can hear this appeal.

The consensus of the Board is to schedule a special abatement meeting once the Clerk receives the VLCT legal opinion. A copy of the opinion will also be forwarded to Ms. Valliere.

MISCELLANEOUS

Justices of the Peace can be a Notary Public at no cost. However, they must complete an application. In the packet is a blank application. Please complete the document as soon as possible and return to the Town Clerk. Current commissions expire February 10, 2015.

As requested by the BCA there will be a training session on the Open Meeting Law. The event will take place on Wednesday, April 1, 2015 at 6:30 p.m. in the Barre Town Municipal Building, Selectboard meeting room. Other Town Board and Committee members have also been invited.

New Justice of the Peace terms begin February 1, 2015. There are a few new members. Our next meeting will be February 25, 2015 (Checklist Update). One of the agenda items will be to elect a new Chair and Vice Chair.

The next Election is March 3, 2015. I will need workers on election day. Please let me know what hours you can work.

The Town Caucus will be Monday, March 16, 2015, 6:30 p.m. at the Selectboard Meeting Room. Petitions will be due Monday, March 30, 2015. Town offices up for election are: Selectboard (LaClair and Tessier), Town Clerk-Treasurer (Donna Kelty), Moderator (Tom Koch), Auditor (Fred Thumm), and Constable (Dave Freeman).

It is with deep sadness the Town Clerk stated that Irene Haskell has resigned as Justice of the Peace. Notice has been sent to the Democratic Party for a recommended replacement. Once the formal recommendation has been received it will be forwarded to the Governor's Office for action.

Caroline Pellon will not be returning as Justice with the next term. The Clerk stated the office of Justice of Peace was held by Ms. Haskell for 27 years and Ms. Pellon for 18 years. Certificates of Appreciation will be presented to these two individuals. The consensus of the Board is to hold some type of Open House in the Spring to honor these two people and to invite the public. A date and time will be determined.

ADJOURN

On a motion by J. Guy Isabelle, seconded by William Bugbee, the Board of Abatement voted unanimously to adjourn at 8:27 p.m.

Submitted by Clerk of the Board
Donna J. Kelty

ABATEMENT MEETING OATHS

TOWN OF BARRE - ABATEMENT MEETING
OATH OF BOARD MEMBERS
January 21, 2015

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	Not Present
Booth, Gordon	
Bugbee, Pearl	<i>Pearl Bugbee</i>
Bugbee, William	<i>William Bugbee</i>
Coates, Louise	Not Present
Delude, Tracy	<i>T. Delude</i>
Isabelle, J. Guy	<i>J. Isabelle</i>
Isabelle, J.P.	NOT PRESENT
Kelty, Donna	<i>Donna Kelty</i>
LaClair, Robert	<i>Robert LaClair</i>
Malone, Paul	<i>Paul Malone</i>
Mitchell, W. John "Jack"	<i>W. John Jack Mitchell</i>
Pellon, Caroline	Not present
Poplawski, Virginia	<i>Virginia Poplawski</i>
Tessier, Rolland	<i>Rolland Tessier</i>
Violette, Christopher	NOT PRESENT
Walther, R. Lee	<i>R. Lee Walther</i>
Walther, Sheila	<i>Sheila M. Walther</i>
White, Thomas	<i>Thomas White</i>
Assessor Joseph Levesque	<i>Joseph Levesque</i>