

**BOARD OF CIVIL AUTHORITY AGENDA
ABATEMENT MEETING**

June 20, 2013

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. Role Call and 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."
4. Reminder - Legislation was approved, effective July 1st, which allows the BCA to abate penalties only.
5. Review the requests.
6. Other Business:
 - ✓ Tentative tax grievance hearing date.
 - ✓ Checklist purge - do every odd numbered year.
7. Adjourn

BOARD OF ABATEMENT MEETING MINUTES

June 20, 2013

The duly warned Board of Abatement Meeting was held on June 20, 2013, 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 J. Kelty, Gordon Booth, William Bugbee, Pearl Bugbee, Irene Haskell, JP Isabelle, Rob LaClair, Jay Perkins, Caroline Pellon, Christopher Violette, Tom White, R. Lee Walther, and Sheila Walther.

Those absent included: Paul Badger, Jeff Blow, Louise Coates, Greg Donahue, Marion Fish, J. Guy Isabelle, and Jeff Newton.

Others present included: Gregory Pinard and Mary Riby-Williams.

CALL TO ORDER

Chair Bugbee called the June 20, 2013 Board of Abatement meeting to order at 6:30 p.m.

OATH TO VOTING MEMBERS

The following oath was taken by the 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.

BOARD OF ABATEMENT MEETING OF JUNE 20, 2013 continued:
ABATEMENT ITEMS

1. **Riby-Williams, Mary**

26 Lague Lane

Tax Map 035 Lot 007-00

Request: Delinquent sewer = \$350.00 plus penalties

Background: Ms. Riby-Williams made a request based on financial hardship. Property taxes are paid current. An income/expense statement and pay stub was provided.

Ms. Riby-Williams was present. She stated she has been through a divorce and has three children. She has been able to keep the property taxes current but unable to catch up with other legal bills to take care of the sewer. Her request is for the current fiscal year. Ms. Riby-Williams assured the Board she will be able to pay next year's sewer charges and keep her taxes current.

On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to approve the abatement of sewer use charge for fiscal year 2012-2013 in the amount of \$350.00 plus penalties citing financial hardship.

2. **Gregory Pinard**

2 McLeod Hill Road

Tax Map 018 Lot 026-00

Property Tax & Sewer Use Charges - no amount stated.

Background: This request was tabled by the BCA at the June 28, 2012 to allow time for Mr. Pinard to pursue legal action against the prior owner (Sean Donahue). Mr. Pinard would like to settle this issue and put the matter behind him.

On a motion by Jay Perkins, seconded by Caroline Pellon, the Board of Abatement voted unanimously to take the abatement request of Greg Pinard, 2 McLeod Hill Road off the table for discussion.

Mr. Pinard was present and informed the Board he has made a small settlement with the insurance company. However, the ordeal of trying to collect from Mr. Donahue, the deal falling through on 6 McLeod Hill Road, and being a landlord is just too difficult at this time in his life. He is requesting abatement based on financial hardship.

On a motion by Lee Walther, seconded by Sheila Walther, the BOA voted unanimously to go into deliberative session at 6:47 p.m.

On a motion by Gordon Booth, seconded by Pearl Bugbee, the BOA voted unanimously to come out of deliberative session at 7:13 p.m.

On a motion by Tom White, seconded by Irene Haskell, the Board of Abatement instructed the Clerk to offer the following conditional abatement to Gregory Pinard, Tax Map 018/026.00, 2 McLeod Hill Road: Abatement in the partial amount of \$13,471.00 will be granted on the condition that the remaining balance of delinquent tax and sewer chargers currently owed in the amount of \$13,471.01 are paid in full to the Barre Town Treasurer on or before, but not later than, the close of business on Monday, August 5, 2013 citing financial hardship. R. Lee Walther and Sheila Walther voted no.

3. **Lia DeSimone**

469 Camp Street

Tax Map 009 Lot 103-00

Property Tax = penalties in the amount of \$123.18

BOARD OF ABATEMENT MEETING OF JUNE 20, 2013 continued:

Background: Ms. DeSimone's letter stated she moved to the property on February 12, 2013 and noted that one attempt to mail (at the incorrect address on March 20, 2013 - delinquent bill) was made. She feels the Town should have been aware of her mailing address and sent her a bill.

The Board noted the following facts:

1. The owner purchased the property on February 11, 2013. The deed was recorded in the Town Clerk's Office on February 13, 2013. The property transfer tax return listed Ms. DeSimone's mailing address as a PO Box in Middlebury, VT. There was no check enclosed with the recording for the February 15th property tax installment.
2. All realtors, attorneys, etc., are given a copy, upon request, of the property tax bill at no charge.
3. Ms. DeSimone stated it is the Town's fault she was assessed penalties because she never received a bill due to us mailing to the wrong address.
4. A courtesy late letter was mailed (PO Box in Middlebury, then the street address of 469 Camp Street) and was not returned.
5. The parties at the closing should bear some responsibility for providing Ms. DeSimone with a copy of the tax bill.
6. The Board of Abatement appreciates the fact that Ms. DeSimone paid the delinquent bill upon receipt.

On a motion by JP Isabelle, seconded by Tom White, the Board of Abatement voted unanimously to deny the request citing the reasons listed above.

4. Damian Barnett

64 Phelps Road

Tax Map 009 Lot 193-03

Property Taxes = \$2,270.59

Background: On November 28, 2012 Mr. Barnett lost his home to a fire. The property was a total loss. A value of \$178,600 was placed on the building by the Assessor. Property Taxes paid for fiscal year 2012-2013 on the home only, for the period November 28, 2012 - June 30, 2013, are \$2,270.59.

On a motion by Caroline Pellon, seconded by Christopher Violette, the Board of Abatement voted unanimously to abate property taxes on 64 Phelps Road, owned by Damian Barnett, in the amount of \$2,270.59 citing the property was destroyed.

5. David & Nina Witham

363 East Montpelier Road

Tax Map 009 Lot 033-00

Property Taxes = \$268.40

Background: Mr. & Ms. Witham purchased the property on March 21, 2013 through a foreclosure. The subject property was in need of extensive repairs. The Assessor was asked to look at the building as it was believed the value was too high. (Photos of the property in question were provided.) The Assessor visited the property and stated the value should be lowered to \$60,100 (on the Grand List as \$104,600) - a difference of \$44,500. Taxes were calculated on the difference for the period of March 21, 2013 through June 30, 2013 and equal \$268.40. The Grand List for next fiscal year has been amended to reflect the lower building value.

On a motion by William Bugbee, seconded by JP Isabelle, the Selectboard voted unanimously to abate property taxes on 363 East Montpelier Road, Tax Map 009, Lot 033-00 for fiscal year 2012-2013 in the amount of \$268.40 citing the bill was not properly assessed.

BOARD OF ABATEMENT MEETING OF JUNE 20, 2013 continued:

6. Hannah Magee

Ambulance Bill

Trip #13-3402, date of service is March 7, 2013

Amount = \$100.00

Background: Ms. Magee is a full-time student. The requested amount is the balance due after her insurance paid.

On a motion by Gordon Booth, seconded by Rob LaClair, the Board of Abatement voted to approve the request of Hannah Magee, Trip #13-3402, date of service March 7, 2013 in the amount of \$100.00 citing financial hardship. Tom White voted no.

7. John Jones

Ambulance Bill

2 trips which total \$2,651.10

Background: On March 27, 2013 this board tabled discussion on this item pending a request for additional financial information to support financial hardship. The Clerk mailed a letter to Mr. Jones on April 4, 2013 making the request. No documentation was provided.

On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to take the request of John Jones ambulance abatement request off the table for discussion.

On a motion by Rob LaClair, seconded by JP Isabelle, the Board of Abatement voted unanimously to deny the abatement request of John Jones for two ambulance bills citing there was not enough documentation provided to support the request for financial hardship.

8. Town of Barre Treasurer

Various Parking Tickets

3 -5 years old

Amount: \$135.00 plus penalties

Background: The Treasurer is asking for abatement of 7 parking tickets (3 -5 years old) as there is no mailing address, telephone number, or on the statewide checklist.

On a motion by Caroline Pellon, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to abate the following seven parking tickets citing there is no probability the levy can be collected and the collection would create an undue expense for the Town:

Name	Description	Comments	Amount
Krishjan Lyon	Ticket 8-15-2009	No address, no checklist	15.00
Everett Kidder	Ticket 3-3-2009	No address, no checklist	25.00
Jennifer Anderson	Ticket 2-3-2008	No address, no checklist	15.00
Bruce English	Ticket 9-29-2009	No address, no checklist	25.00
Geraldo Mercaob	Ticket 11-3-2010	No address, no checklist	15.00
Patrick Rielly	Ticket 3-12-2009	No address, no checklist	25.00
Jean-Ann Pallas	Ticket 11-2-2010	No address, no checklist	15.00
Total			135.00

BOARD OF ABATEMENT MEETING OF JUNE 20, 2013 continued:

9. Raymond Buzzell

7 Meadowcrest Lane

Tax Map 033 Lot 087-01

Sewer Use: \$1,024.00 plus penalties

Background: Mr. Buzzell has been paying for two sewer units since 2001. He has recently asked for a reduction of units as he no longer has a business in the home citing financial hardship. Mr. Buzzell provided financial statement in March 2013 which is still relevant.

Treasurer Kelty and Board member Christopher Violette recused themselves from the discussion/decision citing their business history with Mr. Buzzell.

The Board noted the following facts:

1. The property owner has decreased the number of sewer units to one commencing next fiscal year.
2. The Board granted sewer abatement in 2010 based on financial hardship.
3. Abatement of any Town levy means the other users are subsidizing your share.
4. The Board recognizes Mr. Buzzell's financial standing based on documents provided at the March 2013 meeting.
5. The Board noted that in the newspaper was a legal notice stating the 7 Meadowcrest Lane is in foreclosure.
6. In a foreclosure situation the financial institution, in the majority of cases, will pay any and all delinquent levies on a property.

On a motion by Sheila Walther, seconded by Irene Haskell, the Board of Abatement voted unanimously to deny the sewer abatement request of Raymond Buzzell, 7 Meadowcrest Lane, Tax Map 033 Lot 087-01, citing the facts as listed above.

OTHER BUSINESS

The next meeting of the Board has been tentatively set for Wednesday, July 24, 2013 and will be a Tax Grievance Hearing. Once this date is confirmed a reminder letter will be mailed. The agenda will include review of "Code of Conduct Policy" (time allotted for oral presentation), Committee Inspection Reports (template of information needed/not needed), Exparte Communication, and to set future meeting dates (usually in mid September) to take evidence. Pellon, Haskell, and the Bugbees will not be able to attend this meeting.

This is the year the Town needs to do a biennial checklist purge. After discussion the members present asked if a list could be put into an Excel spreadsheet and made available for review by July 1st. The Town Clerk will attend to this.

ADJOURN

On a motion by JP Isabelle, seconded by Chris Violette, the Board of Abatement voted unanimously to adjourn at 7:34 p.m.

Submitted by Clerk of the Board
Donna J. Kelty

BOARD OF ABATEMENT MEETING OF JUNE 20, 2013 continued:

BOARD MEMBER OATHS

TOWN OF BARRE - ABATEMENT MEETING
OATH OF BOARD MEMBERS

June 19, 2013

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).

X Robert B. Callan

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X Irvin M. Asbell

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X William Bugbee

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X Paul Bugbee

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X Gordon J. Bault

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X R. Lee Walker

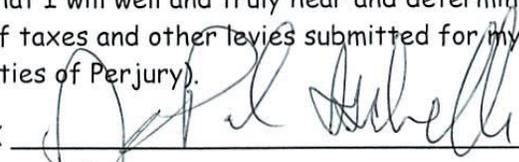
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X Steve Walker

BOARD OF ABATEMENT MEETING OF JUNE 20, 2013 continued:

BCA ABATEMENT MEETING FOR June 28, 2012 continued:

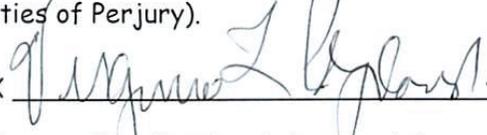
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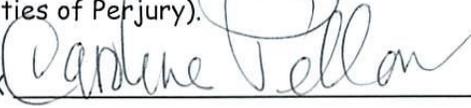
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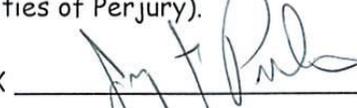
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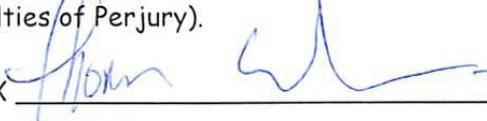
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