

**BOARD OF CIVIL AUTHORITY AGENDA
ABATEMENT MEETING**

June 7, 2017

1. Call to Order 6:30 p.m.
2. Amendments to the Agenda (if needed)
3. Approve Checklist Meeting minutes of May 3, 2017.
4. This meeting is being audio taped. Be sure to speak distinctly and state your name for the record.
5. 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."
6. Review requests
7. Treasurer requests (one)
8. Assessor Card Training
9. Other Business: -
 - a. Set meeting Schedule for upcoming fiscal year 2017-2018
 - b. BCA Contact listing (update)
 - c. Committee Descriptions - review for next meeting
 - d. Update on mailing of early ballots (new legislation).
10. Adjourn

**BOARD OF ABATEMENT MEETING MINUTES
June 7, 2017**

The duly warned Board of Abatement Meeting was held on June 7, 2017, 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 (arrived at 7:02 p.m.), Jay Perkins, Virginia Poplawski, Christopher Violette, R. Lee Walther, Sheila Walther, Paul White, Tom White, J. Guy Isabelle, JP Isabelle, W. John "Jack" Mitchell, Edward Paquin, and Rolland Tessier and Assessor Joseph Levesque.

Those absent included: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude. Others present included: Assistant Town Manager Elaine Wang, Augustin Gola and Lori Gola.

Chair Malone called the meeting to order at 6:30 p.m.

CHANGES TO THE AGENDA

The Clerk of the Board noted that applicant #2 is present and is requesting they be heard first. The amended agenda was accepted by consensus.

MINUTES

On a motion by Paquin, seconded by J. Guy Isabelle, the Board of Abatement voted to approve the Board of Civil Authority Meeting Minutes of May 3, 2017 with the following corrections:

1. Page 1, agenda item #4, delete 2016 and insert 2017.

OATH TO VOTING MEMBERS

The Clerk read the following oath which was affirmed by the Board members present:

BOARD OF ABATEMENT MEETING OF JUNE 7, 2017 continued:

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.

ABATEMENT APPLICATION ITEMS

The Treasurer, Donna Kelty, stated she will be recusing herself from hearing items 6-1 and 6-2 as she will be available for questions and additional testimony.

6-2 Augustin & Lori Gola

17 Balsam Drive

Tax Map 036 Lot 068.00

Request: \$77.87 - penalties on property & sewer payment.

The application and a letter were provided to the Board. The property owners were present and administered the oath.

During discussion the following facts were presented:

- ✓ The Treasurer confirmed the late letters were mailed on February 22, 2017.
- ✓ The Treasurer confirmed there have been other reports of individuals not receiving their letters as well as post mark issues. USPS processing procedures were shared.
- ✓ The Treasurer stated her payment records go back to 2004 and this is the first late payment from 2004 to present.
- ✓ The Board has denied this type of request in the past.

On a motion by Paquin, seconded by Poplawski, the Board of Abatement voted to approve the request of Augustin & Lori Gola, and abate the property/sewer penalties (8% + 1%) on 9 Bianchi Street in the amount of \$77.87 citing the collection would work an injustice. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, Charles Castle, and Tracy Delude.

6-1 Jennifer McKelvey

25 Windy Wood Road

Tax Map 036 Lot 020-00

Request: \$10,000 on delinquent tax bill

Board members were provided with the application, income & expense statement, copy of property tax bill, copy of delinquent tax bill, copy of correspondence with Treasurer regarding payment plan, and a letter detailing information on her financial situation.

The Treasurer confirmed Ms. McKelvey has paid the February sewer and May property tax bills on time. She has also been faithfully making a small payment every two weeks since August 2016.

Discussion facts included:

1. This is not the first request for the applicant. Discussion was postponed from the last meeting at Ms. McKelvey's request so she could attend this meeting.
2. An application was submitted and the Income/Expense statement left many unanswered questions.
3. The applicant did pay the February 2017 sewer and May 2017 property taxes on time.
4. The applicant has been faithfully adhering to her every other week payment plan since August 2016.

On a motion by Lee White, seconded by Poplawski, the Board of Abatement voted to deny the request of Jennifer McKelvey, 25 Windy Wood Road, Tax Map 036, Lot 020 citing there is not sufficient evidence to support financial hardship. Charles Castle

BOARD OF ABATEMENT MEETING OF JUNE 7, 2017 continued:

abstained as he did not hear the entire request. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-3 Yves & Lisa Cotnoir

180 Mill Street

Tax Map 025 Lot 031-00

Request: \$2,400.00 on water charges.

Background: The applicant owns a mobile home park in East Barre. One of the tenants had a broken toilet and did not realize it. The issue has been fixed. However, the bill for quarter is usually \$800 - \$1,100. The June bill is \$3,583.07. They are seeking partial relief. The applicant did not attend this meeting.

The following facts were noted in discussion:

1. The water bill is for a mobile home park.
2. There are unanswered questions on the landlord/tenant agreement with regards to payment of water.
3. Based on the brief narrative provided by the application it appears the water bill is the property owner's responsibility and considered by this Board to be "part of the business expense."
4. The application was income as the reason for the abatement request was not checked.

On a motion by Lee White, seconded by J. Guy Isabelle, the Board of Abatement voted to deny the request of Yves Cotnoir for water charges on Tax Map 025 Lot 031-00, citing the facts as listed above. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-4 Yves Cotnoir

180 Mill Street, Unit #7

Tax Map 225 Lot 031.07

Request: \$4,224.29

Background: Penny Bancroft (deceased) owned a mobile home in the East Barre Mobile Home Park currently owned by the applicant. When the Park owner stopped receiving the lot rent he found two of her children were living there (the property was in disrepair). He reached an agreement with the children to leave and they signed a handwritten statement releasing any claim to the mobile home.

He later learned the documents were not adequate to transfer ownership of the mobile home and had to go through probate process. At the same time, he also learned the mobile home was going up for tax sale. Upon legal advice Mr. Cotnoir was advised to purchase the mobile home at tax sale, which he did. Now he must wait the one-year redemption period before he can obtain ownership.

Mr. Cotnoir is requesting abatement of property taxes paid at tax sale as the person liable for the debt is deceased.

The following facts were noted:

- Mr. Cotnoir purchased the mobile home park in May 2013.
- Ms. Bancroft (mobile home owner) passed away in December 2013.
- Applicant does not hold title to the mobile home until the 1 year redemption period has expired and a tax collectors deed is issued. The Estate is the current legal title holder.
- As a mobile home park owner, there have been two mobile homes purchased by the applicant in 2014 and the "legal" paperwork to transfer ownership was completed successfully. As such it is the conclusion of the Board the applicant is aware/knows

BOARD OF ABATEMENT MEETING OF JUNE 7, 2017 continued:

how to legally transfer title of a mobile home (mobile home bill of sale, tax settlement, PTTR to be filed with the TC).

- The applicant was not present and there were unanswered questions regarding the paperwork signed by the children.

On a motion by William Bugbee, seconded by Tessier, the Board of Abatement voted to deny the request of Yves Cotnoir for the abatement of property taxes on a mobile home owned by the Penny Bancroft Estate, Tax Map 225 Lot 031.07 citing the reasons as listed above. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-5 David & Janet Peake

353 Cutler Corner Road

Tax Map 010 Lot 006-01

Request: \$380.80 for property taxes (due to fire)

Background: On February 14, 2017 there was a fire at the applicant's property destroying the house. The Assessor has a value of \$72,700 on the building and the house is uninhabitable for the remaining 136 days of the fiscal year. The abatement request is for \$380.80, for the period February 15, 2017 through June 30, 2017.

On a motion by William Bugbee, seconded by Violette, the Board of Abatement voted to abate property taxes for the period of February 15, 2017- June 30, 2017 in the amount of \$380.80 on the property of David & Janet Peake, 353 Cutler Corner Road, Tax Map 010 Lot 006-01 citing property was destroyed in a fire. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-6 Brad Mattson

110 Orchard Terrace

Tax Map 010 Lot 026-03

Request: \$1,078.48 for property taxes (due to fire)

Background: On February 28, 2017 there was a fire at the applicant's property destroying the house and attached garage. The Assessor has a value of \$229,400 for the complete loss for 122 days (March 1, 2017 - June 30, 2017) of the fiscal year. The abatement request is for \$1,078.48

Tessier recused himself as he is a friend of the applicant.

On a motion by William Bugbee, seconded by Lee White, the Board of Abatement voted to abate property taxes for the period of March 1, 2017- June 30, 2017 in the amount of \$1,078.48 on the property of Brad Mattson, 110 Orchard Terrace, Tax Map 010 Lot 26-031 citing the property was destroyed in a fire. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-7 Gary & Betty Winders

7 Silver Circle

Tax Map 027 Lot 026-00

Request: \$1,968.00 for property taxes

Background: The Assessor was given letters and photos of the property dated February 22, 2017. Applicant is seeking abatement based on the condition of the house citing it was destroyed.

The following facts were noted:

- Applicant purchased the property on October 6, 2016 through foreclosure knowing the condition of the property.

BOARD OF ABATEMENT MEETING OF JUNE 7, 2017 continued:

- The property is not the applicants' primary residence but an investment property.
- The property assessment for next fiscal year has been reduced to recognize the deficiencies.
- The abatement request amount is for the entire fiscal year but was not owned by the applicant for the entire year.
- Applicant has already made property repairs/improvements which will not be taxed until fiscal year 2018-2019, thus receiving a tax break for next fiscal year.

On a motion by William Bugbee, seconded by Perkins, the Board of Abatement voted to deny the request of Gary & Betty-Jean Winders, for the property of 7 Silver Circle, Tax Map 027 Lot 026-00 citing the reasons listed above. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude. J. Guy Isabelle abstained. Nelson and Tom White voted no.

6-8 Paul Widmer

Ambulance Service 11/14/2016, trip #16-14624

Request: \$110.34 balance after insurance

Background: The applicant is seeking abatement of the remaining balance citing financial hardship. An application and income/expense statement were provided.

On a motion by Sheila Walther, seconded by JP Isabelle, the Board of Abatement voted to abate the ambulance bill of Paul Widmer, Date of Service November 14, 2016, Trip #16-14624 in the amount of \$110.34 citing financial hardship. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-9 Winton Walbridge

1 Clover Lane

Tax Map 036 Lot 060-00

Request: \$27.05 for property taxes penalties

Background: The elderly property owner was 9 days late paying the property tax bill resulting in a 5% late charge of \$27.05 and is requesting abatement citing the collection works an injustice.

The Treasurer confirmed there have been no late payments from August 2005 until the May 2017 late charge.

On a motion by Castle, seconded by Violette, the Board of Abatement voted to abate the May 2017 5% penalty charge for Winton Walbridge, 1 Clover Lane, Tax Map 036 Lot 060-00 in the amount of \$27.05 citing the collection would work an injustice. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

6-10 Arland Carter

19 Cedar Cliff

Tax Map 005 Lot 010-00

Request: \$912.56 for property taxes penalties

Background: There was a house fire on November 19, 2016 which destroyed the primary residence. The applicant is requesting an abatement to be determined on the value of the home for the period November 19, 2016 through June 30, 2017. The building value is \$86,800.

On a motion by William Bugbee, seconded by JP Isabelle, the Board of Abatement voted to abate property taxes for the period of November 19, 2016 through June 30, 2017 in the amount of \$912.56 on the property of Arland Carter, 19 Cedar Cliff, Tax Map

BOARD OF ABATEMENT MEETING OF JUNE 7, 2017 continued:

005 Lot 010-00 citing property was destroyed in a fire. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

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.

T1. Town of Barre/Cota Hospitality Care Home

Tax Map 901 Lot 415.00 - Delinquent property tax with penalties \$85.79

In the winter of 2016 Cota Care Home was shut down by the State. Equipment was seized to pay the debt and there are no remaining funds. The personal property taxes for January 1, 2017 through June 30, 2017 are \$122.79 (principal of \$108.32). Since there is nothing to attach for tax sale purposes and the dollar amount is small the Treasurer is requesting abatement citing the collection of the tax would create an undue expense for the town.

On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to abate the delinquent property taxes plus penalties for Cota Hospitality Care Home, Tax Map 901 Lot 415-00, in the amount of \$122.79 which includes penalties citing the collection would create an undue expense for the Town. The following members were not present for the vote: Dottye Ricks, W. John "Jack" Mitchell, and Tracy Delude.

ANNUAL MEETING SCHEDULE

The BCA, to meet quorum requirements, sets fiscal year meeting schedule. During this discussion, by consensus, the Board chose to hold their meetings on the 1st or 4th Wednesday, in the Municipal Building beginning at 6:30 p.m. unless otherwise warned. The Clerk will bring a list of tentative dates to the next meeting.

OTHER BUSINESS

The BCA Contact list is being updated please check your information.

Committee Descriptions - please review as they will be on the next meeting agenda for review.

The Board was informed that legislation has passed regarding the mailing of early ballots on a "revote" (voting on the exact same question). The Clerk will be required to mail early ballots to any individual who received an early ballot on the original vote.

ASSESSOR CARD TRAINING

In preparation for the upcoming tax grievance season the Board of Abatement asked Assessor Levesque to provide training on how to read a Lister's Card.

Assessor Levesque provided four types of Lister's cards (Commercial, Exempt, Residential, and Residential merging of lots). There was good discussion and key points noted.

ADJOURN

On a motion by Nelson, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to adjourn at 8:55 p.m.

Board of Civil Authority

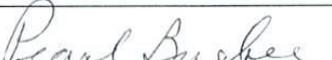
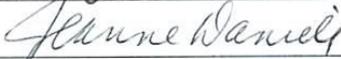
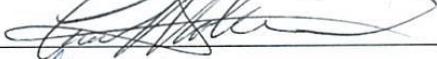
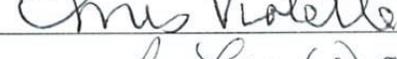
Donna J. Kelty, Town Clerk-Treasurer

BOARD OF ABATEMENT MEETING OF JUNE 7, 2017 continued:

APPENDIX - BOARD OF ABATEMENT OATHS

TOWN OF BARRE - ABATEMENT MEETING
 OATH OF BOARD MEMBERS
 June 7, 2017

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
Bugbee, Pearl	
Bugbee, William	
Castle, Charles	
Daniele, Jeanne	Absent 
Delude, Tracy	
Isabelle, J. Guy	
Isabelle, J.P.	
Kelty, Donna	
Nelson, Bob	
Malone, Paul	
Mitchell, W. John "Jack"	Absent
Paquin, Edward	
Perkins, Jay	
Poplawski, Virginia	
Ricks, Dotty	Absent
Tessier, Rolland	
Violette, Christopher	
Walther, R. Lee	
Walther, Sheila	
White, Paul	
White Thomas	
Assessor Joseph Levesque	