

**BOARD OF CIVIL AUTHORITY AGENDA
ABATEMENT MEETING**

October 4, 2017

1. Call to Order 6:30 p.m.
2. Role Call
3. Approve/Amend Agenda
4. This meeting is being audio taped. Be sure to speak distinctly and state your name for the record.
5. 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 Applications:
 - A. Charles Mulcahy - Ambulance
 - B. Jennifer McKelvey - Property taxes
 - C. Vicki Maurais - Property tax and sewer penalties
 - D. Serge & Pattie Dupuis - Property tax penalties
 - E. Roy Datema III - Property taxes
7. Review Treasurer requests:
 - A. Chad Perkins - water charge
 - B. Lonnie Petty - ambulance (deceased)
 - C. Grandfield, Penny - 2014 parking ticket
 - D. Timothy Thompson, 2014 parking ticket
 - E. EAN Holdings LLC - 2014 parking ticket
 - F, Charles Acebo - 2014 parking ticket
 - G. Brandy LaRose - 2015 parking ticket
8. Other Business: -
 - a. Next meeting date is for Tax Grievance on October 25, 2017.
 - b. Special Tax Grievance hearing on November 1, 2017 to take evidence - Valley Concrete. Schedule meeting for inspection committee report.
 - c. How to proceed with the review of application and income/expense sheet.
 - d. Approve amended CAD plans for layout of Polling Place place.
9. Adjourn

BOARD OF ABATEMENT MEETING MINUTES

October 4, 2017

The duly warned Board of Abatement Meeting was held on October 4, 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, Jeff Blow, William Bugbee, Charles "Chip" Castle, J. Guy Isabelle, JP Isabelle, W. John "Jack" Mitchell, Bob Nelson, Edward Paquin, Jay Perkins, Virginia Poplawski, Rolland Tessier, Christopher Violette, R. Lee Walther, Sheila Walther, Paul White, and Assessor Joseph Levesque.

Those absent included: Pearl Bugbee, Jeanne Daniele, and Tom White

Others present included: Charles Mulcahy and Jennifer McKelvey

CALL TO ORDER AND OATH

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 OCTOBER 4, 2017 continued:
OATH TO VOTING MEMBERS**

The Clerk read the following oath which was affirmed by 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.

CHANGES TO THE AGENDA

By consensus this meeting agenda was accepted as presented.

ABATEMENT APPLICATION ITEMS

The Town Clerk-Treasurer, Donna Kelty, stated she will be recusing herself from hearing items 6-B (McKelvey) and 6-D (Dupuis) as she will be available for questions and additional testimony if needed.

6-A Charles R. Mulcahy

Ambulance service on June 27, 2017, Trip #17-8945

Request: \$104.71 - balance of ambulance bill after insurance payment

The application, income and expense statement, and a copy of the ambulance bill were provided to the Board prior to the meeting. The applicant was present and administered the oath. Castle recused himself as he knows the patient through his work.

Mr. Mulcahy was present and administered the oath. Financial statement was reviewed and the applicant reiterated the facts noted in his request.

On a motion by JP Isabelle, seconded by William Bugbee, the Board of Abatement voted to approve the request of Charles R. Mulcahy. Ambulance run #17-8945, date of service June 27, 2017 in the amount of \$104.71 citing the financial hardship. Those not present for the vote included were Pearl Bugbee, Jeanne Daniele, and Tom White. Castle had recused himself.

6-B1 Jennifer McKelvey

25 Windy Wood Road

Tax Map 036 Lot 020-00

Request: \$12,000 on delinquent property tax and sewer use charge bill

Board members were provided with the application, a cover letter, an income & expense statement, emails regarding her paying \$60 every two weeks, copies of pay stubs, copy of property tax bill, and a copy of the delinquent tax bill. Ms. McKelvey was present and was administered the oath.

Ms. McKelvey was present and administered the oath. She reviewed her application packet and provided a new, updated income and expense statement. While reviewing the updated statement she noted that she is trying to refinance the two mortgages which would result in her property taxes being escrowed. She noted the back child support has been paid and she did have to replace her car (newer model but still used) as it would not pass inspection.

The Treasurer confirmed Ms. McKelvey has paid the February sewer bill on time and a made a partial to the May 2017 tax installment. She has also been faithfully making a payment bi-weekly for a little over a year; said payment was recently increased from \$50 to \$60 every 2 weeks.

Discussion facts included:

- This is not the first request for the applicant.

BOARD OF ABATEMENT MEETING OF OCTOBER 4, 2017 continued:

- She noted she cannot borrow from her retirement, state system and participation is mandatory.
- Any tax refund she receives will be applied to her past due taxes.

On a motion by Lee Walther, seconded by Joseph Levesque, the Board of Abatement voted to go into deliberative session to discuss the Jennifer McKelvey application. The motion passed with Castle voting no and the following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

During deliberative session the income/expense statement was reviewed. Several motions were made and either failed or were withdrawn by the maker and second.

On a motion by JP Isabelle, seconded by Chris Violette, the Board of Abatement voted to come out of deliberation session and announce their decision for the record.

On a motion by Jeff Blow, seconded by Jack Mitchell, the Board of Abatement voted to abate all the 5% late charges, 8% collectors fees, and 1% interest penalties on all the outstanding delinquent charges (totaling \$3, 3,536.06) for Jennifer McKelvey, 25 Windy Wood Road, Tax Map 036, Lot 020 citing financial hardship; and in notifying the applicant of this decision to encourage the applicant to refinance as soon as possible to pay the remaining principal and increase the bi-weekly allotment in an effort to stay current. The motion passed with the following voting no: JP Isabelle, Charles Castle, Dottye Ricks, Chris Violette, and Jay Perkins. Kelty abstained and the following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

6-C Vicki Maurais

Several parcels

Request: \$215.95, the total of penalties paid on the delinquent property tax and sewer use charges.

Background: The Board was provided a copy of the application, a cover letter, copies of the property tax/sewer use charge bills for each parcel.

The following facts were noted in discussion:

- The request was based on the criteria "the collection works an injustice."
- Property tax/sewer bills were mailed July 14, 2017 at least 30 days prior to the first due date. Adequate notice was given of the upcoming due date.
- The Board acknowledges you were out of state due to a family death and are deeply sorry for the loss.
- A variety of payment methods are available to pay on time which include: online through the website, by calling the office to pay with a credit card, by using the United States Postal Service and having the mailed payment postmarked.
- The penalties were assessed correctly in accordance with the Town Charter.

On a motion by JP Isabelle, seconded by Sheila Walther, the Board of Abatement voted to deny the request of Vicki Maurais, for penalties on a late payment citing the penalties were properly assessed. The motion passed with Ed Paquin, Charles Castle, and Joe Levesque voting no and Paul Malone abstaining. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

6-D Serge & Pattie Dupuis

10 Tamarack Lane

Tax Map 032 Lot 016.00

Request: \$3,739.64 interest and penalties paid.

The Board was provided a copy of the application, cover letter, and the taxes and penalties paid through Town Attorney Michael Monte.

BOARD OF ABATEMENT MEETING OF OCTOBER 4, 2017 continued:

A motion was made by JP Isabelle, seconded by Mitchell to abate the penalties of Serge & Pattie Dupuis, 10 Tamarack Lane in the amount of \$3,739.64.

During the motion discussion the following facts were noted:

- The request is based on three (3) criteria (taxes were not properly assessed, financial hardship, and the collection would work an injustice).
- The application is considered incomplete as there is no income and expense statement as requested in the application and in the meeting notification letter sent by the Clerk.
- In the application cover letter, it states the income and expense statement was intentionally omitted.

A motion was made by JP Isabelle, seconded by Jay Perkins to call the question. The motion passed unanimously. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

The original motion was voted on and failed: 10 voted no, (J. Guy Isabelle, Jeff Blow, William Bugbee, Joe Levesque, Paul Malone, Paul White, Lee Walther, Sheila Walter, Rolland Tessier, and Bob Nelson), and 8 voted yes (JP Isabelle, Ed Paquin, Jack Mitchell, Charles Castle, Dottie Ricks, Chris Violette, Virginia Poplawski, and Jay Perkins). Kelty abstained and the following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

On a motion by J. Guy Isabelle, seconded by JP Isabelle, the Board of Abatement voted to table the request of Serge & Pattie Dupuis for the abatement of property tax penalties on the property known as 10 Tamarack Lane to give the applicant time to submit an income and expense statement. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

6-E Roy Datema III

2 McHugh Road

Tax Map 014 Lot 064-00

Request: \$203.24 for property taxes as building was removed from property.

Background: The Board received a copy of the application, copies of the property tax bills for the current and prior fiscal year for review prior to the meeting.

On a motion by Jack Mitchell, seconded by Chris Violette, the Board of Abatement voted to abate property taxes for the period of November 1, 2016 - June 30, 2017 in the amount of \$203.24 on the property of Roy Datema III, 2 McHugh Road, Tax Map 014 Lot 064.00 citing the building was destroyed and removed from the lot. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

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.

7A. Chad Perkins

Tax Map 025 Lot 043.00

Amount: \$127.97 for a water meter replacement

On July 1, 2016, ownership of 150 Mill Street sold to Christopher Facini. The prior owner (Chad Perkins) had an outstanding manual invoice for the replacement of a frozen water meter on February 26, 2015. Unfortunately, the outstanding invoice was not paid at the time of closing. The bill continued to be mailed to the prior owner who forwarded it to the new owner. Mr. Facini and the Town Treasurer feel it is unjust for Mr. Facini to be

BOARD OF ABATEMENT MEETING OF OCTOBER 4, 2017 continued:

presented with a bill which the former owner was responsible for. The Treasurer is requesting abatement citing the collection of the tax would work an injustice.

On a motion by Jack Mitchell, seconded by William Bugbee, the Board of Abatement voted to abate the Town of Barre Invoice #15-201, to Chad Perkins in the amount of \$127.97 for the replacement of a frozen water meter on Tax Map 025, Lot 043.00, known as 150 Mill Street citing the collection would work an injustice. The motion passed with Jeff Blow and Guy Isabelle voting no. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

7B. Lonnie Petty

Date of Service December 25, 2016, Trip #16-18142

Amount: \$4,023.50

The Town Treasurer stated the patient died on February 8, 2017 in New York. There is no estate or insurance to pay the bill. All mail is being returned. The Treasurer is requesting abatement citing the person liable for the levy has died insolvent.

On a motion by Jack Mitchell, seconded by William Bugbee, the Board of Abatement voted to abate the ambulance bill of Lonnie Petty, Trip #16-18142, date of service is December 25, 2016, in the amount of \$4,023.50 citing the person liable for the levy has died insolvent. The motion passed with Lee Walther and Jeff Blow voting no. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

7C See Table below for list of items being presented:

Name	Description	Amount
Grandfield, Penny	8-12-2014 Fine #0183, parking	\$15.00 plus penalties
Thompson, Timothy	7-10-2014, Fine #179, parking	\$15.00 plus penalties
EAN Holdings LLC	8-19-2014, Fine #185, parking	\$15.00 plus penalties
Acebo, Charles	12-6-2014, Fine #348, winter parking	\$15.00 plus penalties
Larose, Brandy	1-22-2015, Fine #429, winter parking	\$15.00 plus penalties
McElroy, Steven J.	3-9-2015, Fine #438, winter parking	\$15.00 plus penalties

The above table are delinquent parking tickets with no valid mailing address which the Treasurer is unable to locate. Due to age and dollar amounts a request for abatement is made citing the collection would create an undue expense for the Town.

On a motion by JP Isabelle, seconded by Chris Violette, the Board of Abatement voted to abate the table of 6 parking tickets listed above citing the collection would create an undue expense for the Town. The motion passed with Jeff Blow voting no. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

During the motion discussion it was noted that perhaps the Selectboard needs to revisit the process for the collection of parking ticket monies to possibly include using a "boot."

OTHER BUSINESS

The Town Clerk distributed several items: 1) a copy of the letter for Tax Grievance stating that Facey Goss & McPhee are the acting agent for Valley Concrete and

BOARD OF ABATEMENT MEETING OF OCTOBER 4, 2017 continued:

North East Materials Group LLC; 2) a new Contact List; 3) a copy of the 2018 Elections calendar; and 4) An Election Bulletin from the Secretary of State's Office detailing the changes made this past year to the election laws.

The next meeting will be a Tax Grievance hearing on October 25, 2017. Expect a small packet of material to include an Attorney opinion regarding "evidence." There is also a Tax Grievance hearing scheduled for November 1, 2017 to take evidence for Valley Concrete. The inspection committee must make their report to the Board within 30 days of taking testimony, so an additional meeting date must set. By consensus the date of Wednesday, November 29, 2017 was selected to hear the inspection committee report for Valley Concrete.

In reviewing the "to do list" the Town Clerk noted Board of Abatement wanted to look at revising the Income & Expense form attached to the Abatement application. Option on proceeding included: 1) have the full Board review; 2) have a few members work on changes and present their recommended revisions to the full board; 3) have the Clerk/Treasurer make changes based on a discussion; or 4) do nothing. Consensus is to have the Policy Committee to make recommendations. The Town Clerk will email the document to Committee members (JP Isabelle, Lee Walther, Sheila Walther, and Ed Paquin).

POLLING PLACE LAYOUT AMENDMENT

With same day voter registration in place as of January 1, 2017, the CAD plans detailing the polling place setup need to be revised. This past winter several layouts were tried and eventually agreed to verbally. William Bugbee made the necessary changes to the plans and the Clerk-Treasurer is seeking Board approval to amend the plans formally approved in September 2016. Board members were provided with copies prior to the meeting for review.

On a motion by Jay Perkins, seconded by Rolland Tessier, the Board of Civil Authority voted to amend the Polling Place Plans to incorporate the same day voter registration function; said plan was originally approved on September 14, 2016. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

ADJOURN

On a motion by J. Guy Isabelle, seconded by Rolland Tessier, the Board of Abatement voted unanimously to adjourn at 8:38 p.m. The following members were not present for the vote: Pearl Bugbee, Jeanne Daniele, and Tom White.

Board of Civil Authority

Donna J. Kelty, Town Clerk-Treasurer

BOARD OF ABATEMENT MEETING OF OCTOBER 4, 2017 continued:

APPENDIX - BOARD OF ABATEMENT OATHS

TOWN OF BARRE - ABATEMENT MEETING
OATH OF BOARD MEMBERS
October 4, 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
Blow, Jeff	<i>Jeff Blow</i>
Bugbee, Pearl	Absent
Bugbee, William	<i>William Bugbee</i>
Castle, Charles	<i>Charles Castle</i>
Daniele, Jeanne	Absent
Isabelle, J. Guy	<i>J. Guy Isabelle</i>
Isabelle, J.P.	<i>J.P. Isabelle</i>
Kelty, Donna	<i>Donna Kelty</i>
Nelson, Bob	<i>Bob Nelson</i>
Malone, Paul	<i>Paul Malone</i>
Mitchell, W. John "Jack"	<i>W. John Mitchell</i>
Paquin, Edward	<i>Edward Paquin</i>
Perkins, Jay	<i>Jay Perkins</i>
Poplawski, Virginia	<i>Virginia Poplawski</i>
Ricks, Dottye	<i>Dottye Ricks</i>
Tessier, Rolland	<i>Rolland Tessier</i>
Violette, Christopher	<i>Christopher Violette</i>
Walther, R. Lee	<i>R. Lee Walther</i>
Walther, Sheila	<i>Sheila Walther</i>
White, Paul	<i>Paul White</i>
White Thomas	
Assessor Joseph Levesque	<i>Joseph Levesque</i>