

**TOWN OF BARRE, VERMONT
BOARD OF ABATEMENT MEETING**

August 11, 2011

AGENDA

1. Reconvene meeting of June 9, 2011 6:40 p.m.
2. Remind those present the meeting will be audio taped.
3. Give oath to voting members and remind them to sign their oath at the back table:

"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. Hear the requests.
5. Other Business
 - A. Thank you letter to the BCA
 - B. Report on Abated no-transport calls
 - C. Report on BCA SOPs.
6. Adjourn

BOARD OF ABATEMENT MEETING MINUTES

August 11, 2011

The duly warned Board of Abatement Meeting was held on August 11, 2011, Barre Town Municipal Building, Selectboard meeting room, in Lower Websterville at 6:30 p.m.

The following members were present: Chair Pearl Bugbee, Paul Badger, William Bugbee, Robert Harvey, Irene Haskell, J. Guy Isabelle, JP Isabelle, Town Clerk-Treasurer Donna J. Kelty, Caroline Pellon, Virginia Poplawski, and Sheila Walther.

Others present included: Kenneth Alger, Wendy Alger, Doris Riendeau, Floyd Blake, Mason Whitcomb, and Edward Dwinell.

CALL TO ORDER

Chair Bugbee reconvened the June 9, 2011 Board of Abatement meeting 6:450 p.m. Those present were reminded this meeting is being audio taped.

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.

ABATEMENT ITEMS

1. **Alger, Kenneth & Wendy**
44 Sterling Hill Road
Tax Map 031 Lot 001-00
Property Tax request = \$353.08

Background: On May 26, 2011 the Alger property received damage to their land due to the washout of Sterling Hill Road during a rain storm. The house received no noticeable damage as the water flowed around both sides of the home due to the height of the land and dwelling.

The Assessor noted the land sustained severe damage to the land area behind the behind and to the right side of the home as well as to the brook area. The brook area was

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

washed out and filled in with debris from Sterling Hill. He is recommending the value of the land be reduced by \$15,000 for the period of May 27, 2011 - June 30, 2011 (FY 2010-2011) and for the entire FY 2011-2012. The total abatement request is for \$353.08 (\$30.62 + \$322.46).

Ms. Alger was present stated that since this is the second washout in just a few years when the property is sold this information must be disclosed and directly impacts the value of the property. During the discussion Ms. Alger was informed that in order to dispute land value she should use the grievance process. This meeting is for the forgiveness of tax due to property damage/loss.

On a motion by Pellon, duly seconded by Bugbee, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Kenneth & Wendy Alger, and described as tax map 031, lot 001-00, 44 Sterling Hill Road citing the property was lost or destroyed.

- 2. Blake, Floyd Jr. & Paula**
26 Church Street
Tax Map 024 Lot 026-00
Property Tax request = \$235.38

Background: On May 26, 2011 the Blake property received damage from flooding to the basement of their home due to a rain storm.

The Assessor is recommending a \$10,000 property reduction for the current state/condition of the home due to repeated flooding of the basement for the period May 26, 2011 - June 30, 2011 (FY 2010-2011) and for the current fiscal year (FY 2011-2012). The requested amount is \$235.38 (\$20.41 + \$214.97).

On a motion by Haskell, duly seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate property taxes in the amount of \$235.38 on the property owned by Floyd Jr. & Paul Blake, described as tax map 024, lot 026-00, 26 Church Street citing the property was lost or destroyed.

- 3. Bosivert, Harold & Ellie**
38 Sterling Hill Road
Tax Map 031 Lot 002-00
Property Tax request = \$353.08

Background: On May 26, 2011 the Boisvert property received damage to their land and building from flooding due to a rain storm. Today the land still has 3" +/- of gravel in most areas of their land from the stream to the house that sits on a little knoll. This was previously the back yard.

The Assessor is recommending a \$15,000 reduction in valuate for the current state/condition of the land and building. The abatement request is for \$353.08 (\$30.62 for FY 2010-2011 and \$322.46 for FY 2011-2012).

On a motion by Guy Isabelle, duly seconded by Irene Haskell, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Harold & Ellie Boisvert, described as tax map 031, lot 002-00, 38 Sterling Hill Road citing the property was lost or destroyed.

- 4. Brunelle, Jacqueline**
10 Howard Street
Tax Map 031 Lot 005-00
Property Tax request = \$353.08

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

Background: On May 26, 2011 the Boisvert property received damage to their land and home from washout of Sterling Hill Road and flooding in the area.

The Assessor feels the value of the land and building value should be reduced due to the loss of use and the cost associated with the repairs and cleanup. He is requested the property value be reduced by \$15,000 which would equate to an abatement of \$353.08 in property taxes (\$30.62 for the FY 2010-2011 and \$322.46 for FY 2011-2012).

On a motion by Guy Isabelle, duly seconded by William Bugbee, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Jacqueline Brunelle, described as tax map 031, lot 005-00, 10 Howard Street citing the property was lost or destroyed.

5. Day, Richard

6 Howard Street
Tax Map 031 Lot 006-00
Property Tax request = \$353.08

Background: On May 26, 2011 the Day property received damage to the land from the washout of Sterling Hill Road and flooding in the area.

The Assessor stated there was substantial damage to the land. At the bridge on Howard Street, the brook jumped the banks and washed out the Day land to the house. After visiting the property the Assessor recommends reducing the land value by \$15,000 which equates to a property tax reduction of \$353.08 (\$30.62 for FY 2010-2011 and \$322.46 for FY 2011-2012).

On a motion by Caroline Pellon, duly seconded by William Bugbee, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Richard Day, described as tax map 031, lot 006-00, 6 Howard Street citing the property was lost or destroyed.

6. Garbacik, Joel

20 Sterling Hill Road
Tax Map 031 Lot 013-00
Property Tax request = \$235.38

Background: On May 26, 2011 the Garbacik property received damage to the land from the washout of Sterling Hill Road and flooding in the area.

The Assessor noted that at the bridge on Howard Street, the brook jumped the banks and washed out the land of many neighbors onto the land of Mr. Garbacik as well as broken sewer lines and gravel from Sterling Hill Road. He is recommending the land value be reduced by \$10,000 which would equate to an abatement request of \$235.38 (\$20.41 for FY 2010-2011 and \$214.97 for FY 2011-2012).

On a motion by Sheila Walther, duly seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate property taxes in the amount of \$235.38 on the property owned by Joel Garbacik, described as tax map 031, lot 013-00, 20 Sterling Hill Road citing the property was lost or destroyed.

7. Lamery, Robert & Rebecca

9 Howard Street
Tax Map 031 Lot 003-00
Property Tax request = \$353.08

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

Background: On May 26, 2011 the Lamery property received damage to the land and home from the flooding in the area.

The Assessor feels the value of the land and building value should be reduced due to the loss of use and the cost associated with the repairs and cleanup. He is requested the property value be reduced by \$15,000 which would equate to an abatement of \$353.08 in property taxes (\$30.62 for the FY 2010-2011 and \$322.46 for FY 2011-2012).

On a motion by Irene Haskell, duly seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Robert & Rebecca Lamery, described as tax map 031, lot 003-00, 9 Howard Street citing the property was lost or destroyed.

8. Riendeau, Doris

48 Sterling Hill Road

Tax Map 027 Lot 042-00

Property Tax request = \$353.08

Background: On May 26, 2011 the Riendeau property received damage to the land and building due to the washout of Sterling Hill Road and flooding in the area.

The Assessor stated the house received minor damage to the exterior siding and foundation with minimal flooding to her basement garage and basement area (mud deposits). The brook eroded which took a good portion of her land away making it impossible to use or access her property on the other side unless you cross the brook by foot and climb a bank, a walkway bridge had been used prior to the storm. He feels the value of the land and building value should be reduced due to the loss of use and the cost associated with the repairs and cleanup. He is requested the property value be reduced by \$15,000 which would equate to an abatement of \$353.08 in property taxes (\$30.62 for the FY 2010-2011 and \$322.46 for FY 2011-2012).

On a motion by Sheila Walther, duly seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Doris Riendeau, described as tax map 027, lot 042-00, 48 Sterling Hill Road citing the property was lost or destroyed.

9. Tillou, Dan

9 Seager Lane

Tax Map 030 Lot 036-00

Property Tax request = \$353.08

Background: On May 26, 2011 the Tillou property received damage to the land from the wash out of Sterling Hill Road.

The Assessor noted the Tillou land still has 3 - 6" of gravel in most areas of their land which abuts the stream (back yard). . He is requested the property value be reduced by \$15,000 which would equate to an abatement of \$353.08 in property taxes (\$30.62 for the FY 2010-2011 and \$322.46 for FY 2011-2012).

On a motion by Sheila Walther, duly seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate property taxes in the amount of \$353.08 on the property owned by Dan Tillou, described as tax map 030, lot 036-00, 49 Seager Lane citing the property was lost or destroyed.

10. Wells, Duane

120 Richardson Road

Tax Map 008 Lot 009-00

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

(Wells, Duane continued)

Property Tax request = \$1,320.12

Sewer Use Charge request = \$1,750.00

Background: On April 13, 2011, the apartment house (5 units) of Duane Wells burned. As a result the house has been rendered uninhabitable. Mr. Wells is also asking for an abatement of the five sewer unit charge for the FY 2011-2012. The two abatements will be discussed separately.

A. Property Tax: The Assessor states the building is a total loss and recommends reducing the value \$75,400 which equates to an abatement request of \$1,320.12 (\$385.04 for FY 2010-2011 and \$935.08 for the period July 1, 2011-December 31, 2011). If no progress/restoration work has been completed after December 31, 2011 Mr. Wells may ask for an additional abatement for the remainder of FY 11-12.

On a motion by Irene Haskell, seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate property taxes in the amount of \$1,320.12 for the period of April 14, 2011 through December 31, 2011 for the property owned by Duane Wells, described as 120 Richardson Road, tax map 008, lot 009, citing the property was lost or destroyed.

B. Sewer Use Charge: The Treasurer reminded the BCA to keep in mind that sewer charges are calculated based by combing the costs for administration/salaries, treatment, debt, line repair and maintenance.

This Board acknowledges there will be no flow from the building, and the property owner has stated he does not plan renovation/repairs before August 2012. The Town's Sewage Allocation Policy for disconnecting/reconnecting service lines was discussed.

On a motion by Caroline Pellon, seconded by J.P. Isabelle, the Board of Abatement voted unanimously to deny the request of Duane Wells to abate the Fiscal Year Sewer Charges on the property known as 120 Richardson Road, tax map 008, lot 009-00, citing the bill was properly assessed and the property owner has options which are outlined in the Barre Town Sewage Allocation Policy which will be provided to the property owner.

11. White, Susan Willis

285 Snowbridge Road

Tax Map 005, Lot 144-00

Property Tax request = \$202.07

Background: At the June 9, 2011 Board of Abatement meeting Ms. White was granted an abatement of \$6.37 for the loss of her mobile home fire. The Assessor is requesting an additional abatement for the FY 2011-2012 for the total loss of all her buildings. The total value of the buildings is \$9,400 which represents \$202.07 in property tax.

On a motion by Caroline Pellon, seconded by Irene Haskell, the Board of Abatement voted unanimously to approve the abatement request for the property of Susan Willis White, 285 Snowbridge Road, tax map 005, lot 144-00, in the amount of \$202.07 for Fiscal Year 2011-2012 citing the property was lost or destroyed.

12. Pinard, Jason

19 Camire Hill Road

Tax Map 009 Lot 096-10

Property Tax request = \$401.48

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

Background: For the 2010, the Pinard property was valued at \$365,500, was appealed to the BCA, then to the State of Vermont. During the inspection process for the current fiscal year the Assessor noted the Pinard's garage was described as "a half story over a 2 car garage" which is incorrect. Upon correcting the record Mr. Pinard withdrew his State appeal and the property value was corrected for the current fiscal year.

The Assessor has placed a value error of \$19,400 and is requested the BCA abate property taxes in the amount of \$401.48 for last fiscal year (2010-2011).

On a motion by William Bugbee, seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate the property tax of Jason Pinard, 19 Camire Hill Road, Tax Map 009 Lot 096-10, in the amount of \$401.48 for fiscal year 2010-2011 citing the bill was not properly assessed.

13. Williamstown, Town of & Dwinell, Edward

311 Cogswell Street
Sewer Use Charge
Request = \$4,266

Background: Many years ago the Barre Town sewer line was extended into Williamstown. Many of their residents connected. As a result the Town of Barre bills Williamstown directly for those sewer units. Williamstown in turn collects from their residents.

Property owner Edward Dwinell purchased the property in 1999 with the understanding he was connected to the municipal sewer line and has been paying the sewer charge to Williamstown during this time. In June 2011 he thought he had a sewer line break only to find out he had never been connected to the municipal sewer. He has had to bear the cost to clean up the failed septic and connect to the municipal sewer which he has been paying for since the property was purchased. He is asking for an abatement.

Mr. Dwinell was present and stated the Town of Williamstown had abated \$2,000 of the sewer fees. Their records do not go back beyond 2006.

During the discussion it was noted that Williamstown did bear some responsibility in notifying the Town of Barre as to the number of connections. However, the Town also bears some responsibility in that the sewer line belongs to us and connections should have been inspected.

On a motion by William Bugbee, seconded by Virginia Poplawski, the Board of Abatement voted unanimously to abate the sewer charges for Edward Dwinell, 311 Cogswell Street in the amount of \$1,980.00 (FY 1999-2000 through 2005) citing the bill was not properly assessed, and the refund should be paid directly to Mr. Dwinell with a copy of the letter being sent to Williamstown.

14. Fecteau Homes/Barbara Shangraw

Mobile Home Sale
Formerly located at 596 South Barre Road
Property Tax request = \$1622.49

Background: In June 2011 Fecteau Residential purchased a mobile home from Barbara Shangraw. The mobile home has been removed from Barre Town. Therefore, an estimated property tax for Fiscal Year 2011-2012 was collected (\$1,622.49).

In Fecteau Residential's letter dated June 17, 2011, Mr. Fecteau states the mobile home had to be moved due to eviction and the company does "not feel that this policy is equitable."

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

When the event occurred in June, the Town Treasurer contacted the Town Attorney as she believed this was not policy but law which allow for the estimated tax collection. A copy of the Attorney's correspondence was provided to the BCA which points to the relevant statutes: 32 VSA 5079(e) which states that the due date for taxes on a mobile home being removed from the Town is the date of removal; and 9 VSA 2602 (b) (2) (B) which states the Town Treasurer is not to endorse the bill of sale unless all taxes assessed against the mobile home have been paid. These provisions prevent a person from moving a mobile home after April 1 to avoid paying taxes. Since the mobile home was not in its new town on April 1, it will not be taxed by the new town for the current fiscal year. It is the opinion of the Treasurer Fecteau Residential does not qualify under any of the reasons for abatement, unless the mobile home park is closing, or at least that lot in the park is being discontinued.

On a motion by Irene Haskell, seconded by JP Isabelle, the Board of Abatement voted unanimously to deny the request of Fecteau Residential citing the property tax was property assessed.

15. Town of Barre

Various ambulance bills
Request = \$18.70

Background: Medicare changed their allowable rates back to 2010. After making the adjustments to the various payments it mean many individuals had a small balance to pay. Needless to say supplemental insurances would not pay as the "deadline to submit a claim had passed." The result is the Town has five (5) ambulance bills totaling \$18.70 which remain unpaid. The Treasurer is recommending abatement.

On a motion by JP Isabelle, seconded by Robert Harvey, the Board of Abatement voted unanimously to abate the following ambulance bills citing the collection would create an undue expense for the Town:

<i>Name</i>	<i>Date of Service</i>	<i>Amount</i>
<i>Hebert Washer</i>	<i>3/3/2010</i>	<i>1.58</i>
<i>Hebert Washer</i>	<i>2/26/2010</i>	<i>2.94</i>
<i>Shirley Trevett</i>	<i>1/8/2010</i>	<i>7.74</i>
<i>Maria Redmond</i>	<i>3/2/2010</i>	<i>3.50</i>
<i>Elaine Larose</i>	<i>2/26/2010</i>	<i>2.94</i>

16. Lussier, Amanda

Parking ticket dated 6/21/2010
Request = \$15.00 plus penalties

Background: A Barre Town Police Officer issued a ticket in error. The Police Chief was made aware of the issue and agreed to dismiss the ticket as the local ordinance does not cover parking in the right-of-way. An affidavit was present to the Treasurer asking for abatement.

On a motion by William Bugbee, seconded by JP Isabelle, the Board of Abatement voted unanimously to abate the parking ticket #103 of Amanda Lussier, dated June 21, 2010 citing the bill was not properly assessed.

17. Capetta, Carmella

Ambulance trip # 15750, Date of Service November 20, 2010
Request = \$137.46

BOARD OF CIVIL AUTHORITY MEETING OF AUGUST 11, 2011 continued:

Background: At the June 9, 2011 Board of Abatement meeting this request was denied as no financial information was presented to support financial hardship. Ms. Capetta provided her monthly income, a list of expenses which do not include a total for meds and food.

Board discussion included: Town's budget process to determine charges; public insurance write-offs; allowance for bad debt; and there does not appear to have been any payment attempt.

On a motion Sheila Walther, seconded by William Bugbee, the Board of Abatement voted unanimously to advise the patient that if she agrees to pay \$25.00 a month commencing September 2011, signs and returns the agreement which will be included with her notification letter, and that once the \$100 is paid, authorize the Treasurer to abate \$37.46 on the ambulance bill of Carmella Capetta, trip #15750, date of service November 20, 2010 citing financial hardship.

18. Robinson, Helen

Ambulance trip #966, Date of Service January 14, 2011

Request = \$200.00

Background: A synopsis of Ms. Robinson's income and expenses were given.

On a motion by Caroline Pellon, seconded by William Bugbee, the Board of Abatement voted unanimously to abate the ambulance bill of Helen Robinson, trip #966, date of service January 14, 2011 in the amount of \$200.00 citing financial hardship.

OTHER BUSINESS

The Town Clerk-Treasurer read a thank you note from Hsuani Chiu for their action of granting his request for abatement.

The BCA had requested the number of ambulance no transport calls billed and abated over the past few years. The Treasurer reported in 2008, 217 billed and 12 abated; 2009, 158 billed and 3 abated; 2010, 138 billed and 2 abated; and in 2011 to date there has been 7 abatements.

The BCA SOP notebook will be available prior to the next Tax Grievance Hearing in September.

BCA members expressed concern that Selectboard members are not attending meetings and sharing the workload as is their duty. The Town Clerk-Treasurer was directed to write a letter to the Selectboard stating their concerns and lack of attendance.

ADJOURN

On a motion by Caroline Pellon, duly seconded, the Board of Abatement voted unanimously to adjourn at 8:10 p.m.

Submitted by Clerk of the Board
Donna J. Kelty