BOARD OF CIVIL AUTHORITY AGENDA
ABATEMENT MEETING

March 27, 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:
   ✓ Pick up your postcard meeting schedules off the desk.
   ✓ Barre Town Open Meeting will be held on Wednesday, May 8, 2013
   ✓ The BCA will meet on Thursday, May 9, 2013 to update the checklist for the Annual Barre Town Election held on May 14, 2013.

7. Adjourn

BOARD OF ABATEMENT MEETING MINUTES
March 27, 2013

The duly warned Board of Abatement Meeting was held on March 27, 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, Jeff Blow, Gordon Booth, William Bugbee, Pearl Bugbee, Louise Coates, Marion Fish, J. Guy Isabelle, JP Isabelle, Jay Perkins, Christopher Violette, Tom White, R. Lee Walther, and Sheila Walther.

Others present included: Gregory Pinard and Contractor Martin.

CALL TO ORDER

Chair Bugbee called the March 27, 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.
1. **Gregory Pinard**
   2 & 6 McLeod Hill Road
   Tax Map 018 Lot 026-00 and Tax Map 018 Lot 027-00
   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 has an opportunity to sell the property to a contractor (Mr. Martin). However, the delinquencies have to be paid prior to the sale. Abatement is being requested by Mr. Pinard.

   Contractor Martin stated this is a tough project given all the building rehabilitation needs. Once title is taken Mr. Martin expects the property to be back on the tax roles in 6 to 9 months.

   **On a motion by Lee Walther, seconded by Marion Fish, the BOA voted unanimously to go into deliberative session at 7:26 p.m.**

   **On a motion by Pearl Bugbee, seconded by Marion Fish, the BOA voted unanimously to come out of deliberative session at 8:00 p.m.**

   **On a motion by Pearl Bugbee, seconded by Louise Coates, to offer the following conditional abatement to Gregory Pinard, Tax Map 018/027.00, 6 McLeod Hill Road:**
   Abatement in the partial amount of $6,404.68 will be granted on the condition that the remaining balance of delinquent tax and sewer chargers currently owed in the amount of $10,000.00 are paid in full to the Barre Town Treasurer on or before, but not later than, the close of business on Monday, May 13, 2013 citing the collection would work an injustice.

11. **Ford, Thomas**
   9 Orchard Terrace
   Tax map 017 Lot 041-00
   Request: Some of the penalties

   **Background:** Mr. Ford is requesting abatement of sewer use penalties stating he did not receive written notice from the Town they were due or delinquent. Sewer bills are mailed annually each year with the property tax bill. A mortgage company pays his property tax payment and Mr. Ford did not pull the sewer bill prior to sending the property tax bill. Mr. Ford did not respond to any of the sewer courtesy late letters mailed to him. All delinquencies have been paid at this time, including penalties.

   The Treasurer confirmed the facts listed above and added the account had been placed with the Town Attorney for collection and therefore Mr. Ford did not receive the monthly delinquent bills.

   **On a motion by Violette, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to abate sewer use charge penalties in the amount of $510.69 for Thomas Ford, Tax Map 017 Lot 041-00, 9 Orchard Terrace citing the collection would work an injustice.**

2. **Lamberti, Ron**
   71 Miller’s Wood Road
   Tax Map 005 Lot 056-15
   Request: $154.47 (penalties only)

   **Background:** The Town of Barre accepts postmark for property tax payments. Town Charter states that if an installment is not paid on the due date it becomes late and a one-
time 5% late charge is assessed. Since mail service is lacking the 5% is not actually posted for 3 - 4 business days. Once the 5% has been posted the Treasurer receives a list of those who are late. Per Selectboard authority (not by law) the Town sends a courtesy late letter to those on the list. Approximately 325 - 800 late letters can be issued during any one quarter. The letter informs the property owner their payment has not been received, a penalty has been assessed, and if not paid by a date certain additional penalties will accrue in accordance with the Town Charter.

Mr. Lamberti has owned the property since August 2006. In his letter to the BCA he stated he did not receive the courtesy late letter until Saturday, March 15, 2013 due to the forwarding order. He went to Florida for the winter in late December 2012. The Treasurer noted that Mr. Lamberti has never been late on delinquent on his property tax payments.

The BCA noted that each property owner bears the responsibility of paying his/her taxes and the Town offers many options for tax payment.

On a motion by William Bugbee, seconded by Sheila Walther, the Board of Abatement voted unanimously to deny the abatement request of Ron Lamberti, 71 Miller Wood's Road, Tax Map 005/056.15, citing the penalties were correctly assessed.

3. **Procopio, Sarah & Renette**
   30 Moonlight Drive
   Tax Map 038 Lot 113-00
   Request: Any amount

   **Background:** The property owners currently have delinquent property ($1,059.32 plus penalties) and delinquent sewer ($175.00 plus penalties). On June 24, 2010 the Board of Abatement granted this property owner abatement ($1, 234.32).

   The Board noted the following facts:
   ✓ The property owner was granted abatement in 2010;
   ✓ The Board recognizes and understands the personal and financial issues noted in the request;
   ✓ The property owner's financial standing does not appear to have change in almost 3 years;
   ✓ Any abatement means the property tax payers are subsidizing the taxes/levies of the property owner.

   On a motion by Jeff Blow, seconded by Sheila Walther, the Board of Abatement voted unanimously to deny the request of Sarah & Renette Procopio, 30 Moonlight Drive, Tax Map 038 Lot 113-00 citing the facts listed above.

4. **Pipe Werks, Craig Ohlstein**
   43 Scenic View Drive
   Tax Map 904 Lot 650.00 personal property
   Request: $48.20 plus penalties

   **Background:** Mr. Ohlstein operates his business out of Williston. However, frequently he will park the company truck in his driveway rather than drive back to Williston. The Assessor stated he saw a business car for Mr. Ohlstein which listed the address of his home (43 Scenic View Drive) and that is why he sent a personal property tax form. The Assessor's office spoke with Mr. Ohlstein in January 2013 and informed him to write a letter to this Board.

   In March 2013 the Treasurer spoke with Mr. Ohlstein on the telephone and he confirmed his has never operated a business out of his home and should not be assessed
the personal property tax. The Treasurer confirmed with the Assessor’s Office no personal property tax form was filed.

The Board understands Mr. Ohlstein did not file the form sent by the Assessor for personal property tax and does not run a business out of his home. Mr. Ohlstein is not being billed for personal property tax next fiscal year. The Assessor could not remove the personal property tax for this year as the Error & Omissions deadline is December 31, 2012.

On a motion by William Bugbee, seconded by JP Isabelle, the Board of Abatement voted unanimously to abate the personal property taxes of Pipe Werks, Tax Map 904 Lot 650.00 in the amount of $48.20 plus penalties citing the bill was not properly assessed.

5. Duprey, Tammy
124 West Cobble Hill Road
Tax Map 006/087.043
Request: $29.60 (penalties)

Background: The property owner received a courtesy late letter and immediately contacted my office stating the check had been mailed on February 13, 2013. A carbon of the check was provided, but the check was never received at the Town Clerk-Treasurer’s office.

Ms. Duprey paid the late fee but is requesting a refund of the penalty stating she mailed the payment in good faith.

The Board of Abatement noted the following facts:
✓ In July 2012 Vermont legislation changed allowing this Board to abate penalties only;
✓ The property owner immediately contacted the Town Treasurer upon receipt of the courtesy late letter and has paid the penalty.
✓ The property owner is responsible for ensuring the Town receives payment for any levy;
✓ The Town provides other payment delivery options (electronic collection of payment, a drop box for after hours, and special office hours the day before and day taxes are due) knowing there is an issue with the Post Office delivery system.

On a motion by Jeff Blow, seconded by Jay Perkins, the Board of Abatement voted unanimously to deny the request of Tammy Duprey, Tax Map 006 Lot 087-043, 124 West Cobble Hill Road citing the reasons listed above.

6. Parry, Justin & Kathleen
40 Maplecrest Road
Tax Map 007/020.02
Request: $149.82 (penalties)

Background: The property owner’s letter stated the November 2012 tax payment was mailed from the workplace and has not been cashed. This installment became delinquent and the penalties were paid. Given their payment history they are requesting abatement.

The Board of Abatement noted the following facts:
✓ In July 2012 Vermont legislation changed allowing this Board to abate penalties only;
✓ The property owner stated the check was mailed from their workplace;
✓ The Board recognizes and sympathizes with the property owner as they are not the only individuals who have had difficulty with the United States Postal Service.;
✓ The Town has no control of the Post Office operations;
✓ The property owner is responsible for ensuring the Town receives payment for any levy;
BOARD OF ABATEMENT MEETING OF MARCH 27, 2013 continued:

- The Town provides other payment delivery options (electronic collection of payment, a drop box for after hours, and special office hours the day before and day taxes are due) knowing there is an issue with the Post Office delivery system.

On a motion by Jeff Blow, seconded by Jay Perkins, the Board of Abatement voted unanimously to deny the request of Justin & Kathleen Parry, 40 Maplecrest Road, Tax Map 007/020.02, citing the facts listed above.

7. Brunelle, Jacqueline
   10 Howard Street
   Tax Map 031/005.00
   Request: not specified

Background: This item is continued from the June 2012 meeting. Ms. Brunelle’s property was damaged during the May 2011 rain event. The property did receive an abatement of taxes for damages for the periods FY 2010-2011 and FY 2011-2012. As of last June Ms. Brunelle stated she still does not have use of her lawn due to all the sediment and debris. The Selectboard, even though it was not required, went to the property late last summer/early fall and repaired the lawn.

On a motion by Jeff Blow, seconded by Sheila Walther, the Board of Abatement voted unanimously to deny the request of Jacqueline Brunelle, 10 Howard Street, Tax map 031 Lot 005-00 citing the lawn was restored.

8. Vermont Smoke & Cure
   South Barre road
   Tax Map 905/700.00 (personal property)
   Request: $749.79 (plus penalties)

Background: Vermont Smoke & Cure moved from South Barre to Hinesburg, VT on April 30, 2012. This means the business was located in Barre on April 1, 2012 when the Grand List was created. Property tax bills are generated based on the Grand List. Therefore, a current fiscal year tax bill for personal property bill was issued to Vermont Smoke & Cure. The company is asking the Board to abate the bill as they were not doing business in South Barre this fiscal year.

On a motion by Chris Violette, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to deny the request of Vermont Smoke & Cure stating the bill was properly assessed.

9. Jacqueline Stuart
   12 Orchard Terrace
   Tax Map 017/016.00
   Request: Any amount

Background: Ms. Stuart purchased the property from the Graniteville Presbyterian Church (former manse). It is being taxed at a non-residential rate. The property was purchased on July 6, 2012. At the time of closing, Ms. Stuart understood the property was at a non-residential education rate. However, she was anticipating a homestead rate for next fiscal year. The Assessor’s Office has completed a special letter for the tax department which will allow her to receive a homestead tax rate for next fiscal year.

With great difficulty she has managed to keep her taxes paid to date. Ms. Stuart provided financial statements for the Board’s review.
On a motion by Sheila Walther, seconded by Lee Walther, the Board of Abatement voted unanimously to abate half ($375.84) of the May 15, 2013 property tax installment citing financial hardship.

10. Day, Richard  
6 Howard Street  
Tax Map 031/006.00  
Request: $1,254.96

Background: Mr. Day’s property had damage as a result of the 2007 flood. He received abatement on property taxes in October 2008 for the FY 2008-2009. Mr. Day has not done any repairs to the flood damage. This was confirmed by the Assessor’s letter dated March 22, 2013. Mr. Day’s property value remained the same as the pre-flood value and as stated in his letter he does not intend to do any repairs to the basement. Photos were supplied. He is asking for abate of property taxes for FY 2009-2010, FY 2010-2011, FY 2011-2012, and FY 2012-2013.

According to the Assessor the property damage value was $15,000. The Treasurer calculated the taxes on $15,000 for the FY’s 2009-2010 thru FY 2012-2013 to be $1,254.96.

On a motion by Jeff Blow, seconded by Jay Perkins, the Board of Abatement voted unanimously to abate FY 2011-2012 and FY 2012-2013 in the amount of $646.21 citing the collection works an injustice and the property owner should have come forward sooner to have his property reassessed.

12. Draper, Keith  
27 Granview Drive  
Tax Map 038/127.00  
Request: $175.00 sewer use charge

Background: Mr. Draper was overcharged ½ year sewer unit of $175.00. The records have been changed for next year.

On a motion by Chris Violette, seconded by William Bugbee, the Board of Abatement voted unanimously to approve the request of Keith Draper, 27 Granview Drive, Tax Map 038 Lot 127.00 and abate the sewer charge of $175.00 for the Fiscal Year 2012-2013 citing the bill was not properly assessed.

13. Tina Dindo  
15 Sterling Hill Road  
Tax Map 031/034.00  
Request: $131.49 sewer use charge (pro-rated)

Background: The property owner operates an in-home hair salon. In accordance with the Town Ordinance she has been assessed an additional sewer unit charge for this type of home occupation. On February 14, 2013, the Town amended the sewer ordinance to remove the “automatic” second sewer unit charge for in-home salons based on the fact that they do not consume enough water to warrant a second sewer unit charge. Ms. Dindo has been paying for two sewer units since 2004. She is requesting abatement of the FY 2012-2013 second installment sewer use charge from February 15, 2013 through June 30, 2013 (pro-rated amount of $131.49).

On a motion by William Bugbee, seconded by Jay Perkins, the Board of Abatement voted unanimously to abate the pro-rated FY 2012-2013, February 15, 2013 sewer installment in the amount of $131.49 for Tina Dindo, 15 Sterling Hill Road, Tax Map 031
BOARD OF ABATEMENT MEETING OF MARCH 27, 2013 continued:
Lot 034.00 citing the collection would work an injustice. Chris Violette and Donna Kelty were recused from the vote.

14. Buzzell, Raymond
7 Meadowcrest Lane
Tax Map 033/087.01
Request: $2,048.00 plus penalties (sewer use charge).

**Background:** Mr. Buzzell provided the Board with financials. He is being assessed 2 sewer units as he previously operated a hair salon out of his home. Currently Mr. Buzzell chooses to retain the second unit.

During the discussion the Board noted the following items:
- The Board recognizes and understands the personal and financial issues noted in the request;
- The property owner received abatement in January 2010 ($1,059.66 plus penalties);
- The property owner's financial standing does not appear to have change in almost 3 years;
- Any abatement means the property tax payers are subsidizing the taxes/levies of the property owner.

*On a motion by Jeff Blow, seconded by JP Isabelle, the Board of Abatement voted unanimously to deny the request of Raymond Buzzell, 7 Meadowcrest Lane for abatement of sewer use charges citing the facts listed above.*

15. Radigan, John & Catherine
26 Buena Vista Circle
Tax Map 008/023.18
Request: $1,694.41 (property taxes)

**Background:** During the 2004 townwide reappraisal there was an error made in the lot size for John & Catherine Radigan. The Assessor has confirmed this and corrections have been made for next fiscal year.

In the meantime the Radigan's would like to have abatement of property taxes for that period (9 years). The Assessor valued the error at $8,300 and the Treasurer confirmed the overpayment of taxes for the 9 year period to be $1,694.41.

The Board of abatement noted the following facts:
- An error was made in the dimension of the Radigan property during reappraisal;
- The Assessor has valued the error at $8,300;
- Based on the tax rates for FY 2004 - 2005 through FY 2012-2013 the overpayment in property tax is $1,694.41;
- The property owner must bear some responsibility with regards to knowledge about their property size, etc.

*On a motion by Jay Perkins, seconded by Sheila Walther, the Board of Abatement voted unanimously to abate property taxes for FY 2011-2012 and FY 2012-2013 ($357.57) for John & Catherine Radigan, 26 Buena Vista Circle, Tax map 008/023.18 citing the bill was not properly assessed.*

16. Monley, Shawn
Ambulance Service 1/2/2013, Trip 350
Request: $1,719.80
Background: Shawn Monley requested abatement based on financial hardship. No financial information was included.

On a motion by William Bugbee, seconded by JP Isabelle, the Board of Abatement voted unanimously to instruct the Clerk to send a letter to Mr. Monley requesting financial information for the next meeting; should the information not be received the request may be denied. Blow voted no.

17. Russell, Gladys (by Sharon Russell)
   Ambulance bill Trip #11668, date of service 8/14/2012 = $92.72
   Ambulance bill Trip # 12680, date of service 8/31/2012 = $46.56
   Balance after insurance

   Background: Ms. Russell’s daughter provided a death certificate and noted there was no additional insurance or estate.

   On a motion by Jeff Blow, seconded by JP Isabelle, the Board of Abatement voted unanimously to abate the two ambulance bills (Trip #11668, DOS 8/14/12 = $92.72 plus Trip # 12680, DOS 8/31/2012 = $46.56) for Gladys Russell in the amount of $139.28 citing the person liable for the levy is deceased.

18. Kennison, Vernon
   Ambulance bill Trip #11668, date of service 8/14/2012 = $92.72
   Balance after insurance

   Background: Mr. Kennison provided financials and stated he has no supplemental insurance. The abatement request is the balance after primary insurance has paid.

   On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to abate the ambulance bill of Vernon Kennison, Trip #11668, date of service August 14, 2012 in the amount of $92.72 citing financial hardship.

19. Long, Gwendolyn
   Ambulance bill Trip #8856, date of service 6/18/2012 = $215.67
   Balance after insurance

   Background: The patient provided financials and has no supplemental insurance.

   On a motion by JP Isabelle, seconded by Guy Isabelle, the Board of Abatement voted unanimously to abate the ambulance bill of Gwendolyn Long, Trip #8856, date of service June 18, 2012 in the amount of $215.67 citing financial hardship.

20. Bailey, Florence by Nancy Hallstrom
   Ambulance bill Trip #1121, date of service 1/21/2012 = $140.00
   Balance after insurance

   Background: The patient did not provide financials; the outstanding balance is what is due after Medicare and supplemental insurance payment. Ms. Bailey is deceased.

   On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted unanimously to abate the ambulance bill of Florence Bailey, Trip #1121, date of service January 21, 2012, in the amount of $140.00 citing the person liable for the levy is deceased.

20. Rossi, Frederick
   Ambulance bill Trip #5921, date of service 4/21/2012 = $916.40
   No insurance
BOARD OF ABATEMENT MEETING OF MARCH 27, 2013 continued:

Background: The patient provided financial statement and wife does not work (lost her job).

On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted to abate the ambulance bill of Frederick Rossi, trip # 5921, date of service April 21, 2012 in the amount of $916.40 citing financial hardship. Blow voted no.

22. Plante, Linda
Ambulance bill Trip #15291, date of service 10/19/2012 = $708.20
No insurance

Background: The patient provided a financial statement and has no insurance.

On a motion by Sheilia Walther, seconded by JP Isabelle, the Board of Abatement voted to abate $354.10 of the ambulance bill for Linda Plante, trip #15291, date of service October 19, 2012 citing financial hardship. Jeff Blow voted no.

23. Glassford, Candice
Ambulance bill Trip #17758, date of service 12/14/2012 = $1,896.20
No insurance

Background: The patient provided a financial statement.

The Board discussed there was no payment made on this account and responsibility for bills.

On a motion by Jeff Blow, seconded by Sheila Walther, the Board of Abatement voted to abate $632.07 of the ambulance bill for Candice Glassford, trip # 17758, date of service December 14, 2012 citing financial hardship. Guy Isabelle voted no.

24. Martel, Lisa by Lyn, Lynn & Blackman
Ambulance bill Trip #16562, date of service 11/10/2012 = $431.37
Part of legal settlement

Background: The ambulance bill was part of litigation. The patient’s attorney requested abatement of 1/3 of the bill.

On a motion by Gordon Booth, seconded by JP Isabelle, the Board of Abatement voted to abate $431.37 of the ambulance bill for Lisa Martel, trip # 16562, date of service November 10, 2012 citing there is no probability the levy can be collected. Sheila Walther, Guy Isabelle, and Jay Perkins voted no.

25. Bedia, Priscilla
Ambulance bill Trip #5788, date of service 4/14/2012 = $153.25
Balance after insurance

Background: The patient is deceased, there is no estate, and the balance due is payment after insurance.

On a motion by JP Isabelle, seconded by William Bugbee, the Board of Abatement voted unanimously to abate the ambulance bill of Priscilla Bedia, trip # 5788, date of service April 14, 2012 in the amount of $153.25 citing the person liable for the levy is deceased.

26. Jacobs, Austin by Sue Jacobs
Ambulance bill Trip #10402, date of service 7/16/2012 = $65.00
No transport charge
Background: Ms. Jacobs (mother of minor) stated her son was in a passenger in an auto accident. No insurance was involved and there was no treatment.

While abatement requests for no transport calls are down the Board asked for a synopsis of the Town’s policy regarding the “who, when, why” of billing for these calls.

On a motion by Lee Walther, seconded by William Bugbee, the Board of Abatement voted to abate the ambulance bill of Austin Jacobs, trip #10402, date of service July 16, 2012 in the amount of $65.00 citing there is no probability the levy can be collected. Tom White and Sheila Walther voted no.

27. Benoir, Mary Lou
Ambulance bill Trip #1421, date of service 1/25/2012 = $91.29
Balance after insurance

Background: The balance due is after insurance payment and Medicaid has denied.

On a motion by William Bugbee, seconded by Jeff Blow, the Board of Abatement voted unanimously to abate the ambulance bill of Mary Lou Benoir, trip #1421, date of service January 25, 2012, in the amount of $91.29 citing there is no probability the levy can be collected.

28. Jones, John
Ambulance bill Trip #3447, date of service 3/10/2012 = $1,792.00
Ambulance bill Trip #5977, date of service 4/24/2011 = $ 859.10
No insurance

Background: The patient sent a letter but did not provide the financial statement.

On a motion by JP Isabelle, seconded by William Bugbee, the Board of Abatement tabled this item and instructed the clerk to write a letter to the patient requesting a financial statement and to state that if one is not received the requests may be denied.

29. Warren, Troy
Ambulance bill Trip #8624, date of service 6/12/2012 = $583.00
Insurance denied

Background: The patient’s insurance denied payment and a financial statement/pay stubs were provided.

On a motion by JP Isabelle, seconded by Pearl Bugbee, the Board of Abatement voted to abate the ambulance bill of Troy Warren, trip #8624, date of service June 12, 2012 in the amount of $583.00 citing financial hardship. Blow voted no.

30. Ribu-Williams, Mary
26 Lague Lane
Tax Map 035 Lot 007-00
Request: Delinquent sewer = $350.00 plus penalties

Background: Ms. Ribu-Williams made a request based on financial hardship. Property taxes are paid current.

The consensus of the Board is to have the clerk write a letter to the property owner and request a financial statement.

OTHER BUSINESS

The Board of Abatement would like to recommend the Selectboard review the possibility of having other Towns pay for ambulance bills which do not get paid.
As a reminder the Clerk will ask the EMS Director to provide this Board with a synopsis of the policy regarding "No Transport" calls.

**ADJOURN**

On a motion by Marion Fish, seconded by Jeff Blow, the Board of Abatement voted unanimously to adjourn at 9:15 p.m.

Submitted by Clerk of the Board
Donna J. Kelty