

**BOARD OF CIVIL AUTHORITY AGENDA
ABATEMENT MEETING**

June 15, 2016

1. Call to order 6:30 p.m.
2. Remind those present the meeting will be audio taped.
3. Role Call
4. Approve/amend the agenda
5. Approve meeting minutes:
 - A. Checklist Update Meeting held on May 4, 2016; and
 - B. Abatement Meeting, both held on May 4, 2016.
6. Administer oath to BCA (remember to sign their 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."

7. Hear the requests.
8. Other Business as may come before the Board:
 - A) Review of Policy regarding notification of BCA members when an employer is mentioned in an application.
 - B) Ambulance - Blow's report on what portion of revenue on No-Transport calls come from insurance versus private pay - not available at this time.
 - C) Discussion - Communicating with the Public - knowing when to clarify that you are speaking as individual not as a representative of your office.
 - D) Setting the meeting calendar for July 2016 through June 2017.
 - E) Discuss replacement JP for Gordon Booth - yes/no/wait until next Feb. 2017; and possible appointment of Asst. Presiding Officer.
 - F) Committee work - preparing for November Presidential Election.
 - G) Reminder for those who signed up for election training in Montpelier - Tuesday, July 12th, 6:00 p.m. - 8:00 p.m.
9. Adjourn

**BOARD OF ABATEMENT MEETING MINUTES
June 15, 2016**

The duly warned Board of Abatement Meeting was held on June 15, 2016, Barre Town Municipal Building, Selectboard meeting room, in Lower Websterville at 7:49 p.m.

The following members were present: Chair Paul Malone, Town Clerk-Treasurer Donna Kelty, Tracy Delude, J. Guy Isabelle, JP Isabelle, Philip Kolling, Edward Paquin, Jay Perkins, Rolland Tessier, R. Lee Walther, Sheila Walther, and Assessor Joseph Levesque

Those absent included: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette (attending another meeting), and Thomas White. Others present included Christopher Dessureau.

The June 15, 2016 Board of Abatement meeting was called to order at 6:30 p.m.

CHANGES TO THE AGENDA - None

OATH TO VOTING MEMBERS

Role Call was taken those Board members present took the following oath:

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 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.

MINUTES

On a motion by J. Guy Isabelle, seconded by William Bugbee, the Board of Abatement voted to approve the Checklist Update Meeting Minutes of May 4, 2016 as presented. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

On a motion by Paquin, seconded by Delude, the Board of Abatement voted to approve the Abatement Meeting Minutes of May 4, 2016 as presented. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

With the Board's blessing item #4 Christopher Dessureau was heard first as the applicant was present.

ABATEMENT ITEMS

4. Christopher Dessureau

Property located at 13 Barclay Quarry Road
Tax Map 014 Lot 007-00
Request: \$1,499.30 (sewer penalties)

Background: Mr. Dessureau purchased the above mentioned property in December 2012. In June 2012 the Assessor reviewed the building and determined that it had zero value and has been taxed on land only since then. Mr. Dessureau noted in his letter that the lot cannot support a septic system. He has an issue paying for sewer when there is no connection being used and feels this is unfair. After speaking with the Engineer, beginning July 2016 the sewer service will be "disconnected" in accordance with the Sewage Allocation Policy.

He is asking for abatement of the delinquent sewer totaling \$1,499.30 (with penalties - principal in the amount of \$1,117.00) stating it was not calculated correctly.

Mr. Dessureau was present and was administered the oath.

In his testimony he stated his 2 ½ year divorce was finally settled a couple of weeks ago. This property is now in his name. He apologized for not coming sooner but on the advice of his attorney (in both his and the ex-wife's name) he was advised not to. He stated the building is gutted pretty much and will be torn down tomorrow. The iron/copper piping was removed by theft. There are no toilets or anything moving down the sewer lines. It was his understanding when he purchased the home no one had lived there for several years. The delinquent property taxes were paid in full a couple of days ago.

Shortly after his purchase there was a claim that the house had an asbestos issue. \$12,000 later there was only a small amount found (in some floor tiles). By this time the divorce was in progress and all his assets frozen.

On a motion by Richard Walther, seconded by Tessier, the Board of Abatement voted to go into deliberative session at 6:47 p.m. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White. Mr. Dessureau left the room.

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 continued:

On a motion by Delude, seconded by William Bugbee, the Board of Abatement voted to come out of deliberative session at 6:55 p.m. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

Mr. Dessureau returned to the meeting.

On a motion by Guy Isabelle, seconded by Paul White, the Board of Abatement voted to abate the sewer penalties of \$382.30, leaving an outstanding balance of \$1,117.00 in principal due, on the property owned by Christopher Dessureau, known as 13 Barclay Quarry Road, Tax Map 014 Lot 007-00 citing the collection would work an injustice. The motion passed with 9 yes votes, and 5 no votes. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

Role call vote: Yes = Paul White, William Bugbee, J. Guy Isabelle, Philip Kolling, Paul Malone, Edward Paquin, R. Lee Walther, Sheila Walther, and Assessor Levesque. No = Tracy Delude, JP Isabelle, Donna Kelty, Jay Perkins, and Rolland Tessier.

During the discussion it was noted that the sewer for the property was being disconnected and would not be charged in future fiscal years for the sewer connection. The Town's Sewage Allocation Policy allows for the waiving of fees. At such time the sewer line is reconnected the property owner will pay the sewer use charges for the period not paid or the sewer connection permit fee, whichever is less.

1. Shaylene Whitney Bell

Ambulance (2 trips)

Date of Service October 31, 2013

Request: \$906.00 (partial abatement - half of total due)

Background: The patient was in an auto accident and did not have health insurance. The auto policy was limited as to what was paid. She is requesting abatement on half of the two bills which total \$1,812.00. An income/expense statement was received with her application.

A motion was made by Lee Walther, seconded by Rolland Tessier to deny stated the application was incomplete and that is violated Section 34 (d) of the Town Charter. The motion failed 4 voting yes, 9 voting no, and 1 abstention. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

Role call vote: Yes = Paul White, Rolland Tessier, Lee Walther, and Sheila Walther. No = William Bugbee, Tracy Delude, J. Guy Isabelle, JP Isabelle, Donna Kelty, Phil Kolling, Edward Paquin, Jay Perkins, and Assessor Levesque. Malone abstained.

During the motion discussion the focus was on the definition in Section 34(d) of the Town Charter - responsibilities of this Board. The word in question is "taxpayer." Does this literally mean the property owner who pays taxes or something else? It was believed among some that this had already been resolved during the Charter changes made a couple of years ago. Tax referred to any levy of the Town including taxes.

On a motion by Guy Isabelle, seconded by JP Isabelle, the Board of Abatement voted to table items 1, 2, and 3 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed with Jay Perkins voting no. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 continued:

The Town Clerk-Treasurer inquired if the applicants would need to provide "new" applications for the next meeting. Consensus is that a definition should not take long to prepare. Once this information is in hand a special meeting can be held to hear those appeals which were tabled. The hope is this special meeting could be held in the beginning of August immediately following the Checklist Update meeting.

2. Jessie W. King

Ambulance

Trip # 15-11102, Date of service was July 26, 2015

Request: 50.00 (balance after insurance)

Background: The application and income/expense statement was received in March 2016. The patient stated she has no income and there is a balance of \$50.00 remaining on her ambulance bill after an insurance payment. She is requesting abatement of the balance due to financial hardship.

On a motion by Guy Isabelle, seconded by JP Isabelle, the Board of Abatement voted to table items 1, 2, and 3 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed with Jay Perkins voting no. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

3 James Greene

Ambulance

Trip #15-9624, Date of service June 20, 2015

Request: \$575.00

Background: Mr. Greene informed the Board through his application of a major injury which has resulted in his inability to work. He was recently laid off and has no job prospects and expects what little he receives from unemployment to cover the cost of Cobra insurance. An income/expense statement was provided. He is requesting full abatement of the ambulance bill.

On a motion by Guy Isabelle, seconded by JP Isabelle, the Board of Abatement voted to table items 1, 2, and 3 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed with Jay Perkins voting no.

5. Arthur & Joanne Chickering

246 Phelps Road

Tax Map 009 Lot 174-00

Request: \$106.52 (penalties on the May 16, 2016 property tax installment)

Background: Mr. Chickering paid his May property tax installment using the USPS. The Treasurer sent Mr. Chickering a letter informing him a late charge had been assessed due to the envelope not being postmarked the 16th. In his letter to the BOA he stated the envelope was mailed from the East Montpelier Post Office on May 14th which is timely and therefore he should not be penalized. His application cites the collection of the penalty will work an injustice.

The Treasurer noted the Postmark issue is very burdensome. It is not uncommon to receive postmarked items a week or more after a due date even though they are sent through a local office.

On a motion by JP Isabelle, seconded by Guy Isabelle, the Board of Abatement voted to deny the request of Arthur & Joanne Chickering, for penalties on their property

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 continued:

tax installment for the property located at 246 Phelps Road, Tax Map 009 Lot 174-00 citing the board is not responsible for the actions of a third party vendor when making tax payments. The motion passed with Malone voting no.

6. Donald Crete

Tax Map 024/030-00,
430 Websterville Road
Request: \$588.83

Background: Mr. Crete provided his application and income/expense statement for review. He is requesting abatement of the delinquent penalties (for water and sewer) paid on July 29, 2015.

On a motion by Shelia Walther, seconded by Lee Walther, the Board of Abatement voted to deny request of Donald Crete, 430 Websterville Road, tax map 024 lot 030-00 in the amount of \$588.83 (penalties paid in July 2015). The motion passed with 7 yes votes, 6 no votes, and 1 abstention. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

Role call vote: Yes = Paul White, William Bugbee, Phil Kolling, Paul Malone, R. Lee Walther, Sheila Walther, and Assessor Levesque. No = Tracy Delude, J. Guy Isabelle, JP Isabelle, Donna J. Kelty, Edward Paquin, and Jay Perkins. Tessier abstained.

7. Kim and Richard Lakin

Tax Map 025 Lot 184-01
15 Central Street
Request: \$54.20 (partial)

Background: Ms. Lakin has been unable to work for over a year and has not had any income since February 2016. She had a water line problem in April of 2011. Her water bill was extremely high. She is paying all current bills and trying to pay off the old one. To date she has paid \$65.00 leaving an outstanding balance of \$130.20. The request is to abate \$54.20 leaving a balance of \$76.00. Her plan is pay off the debt at \$10 per month.

On a motion by, William Bugbee, seconded by JP Isabelle, the Board of Abatement voted unanimously to abate \$54.20 from the delinquent water bill of Kim and Richard Lakin, 15 Central Street, Tax Map 025 Lot 184-01, citing financial hardship and accepting her offer to pay \$10.00 per month toward the delinquency until paid in full.

REQUESTS FROM THE TREASURER

A) John Snow (deceased)

Ambulance Trip #15-14104, Date of Service is September 26, 2015.
Request: \$855.00

Background: A letter was received stating the patient is deceased, there is no insurance/money to pay the levy. The Treasurer is requesting abatement citing there is no probability the bill can be collected and the person liable for the debt is deceased.

On a motion by JP Isabelle, seconded by Levesque, the Board of Abatement voted to table the Treasurer's request for John Snow, Ambulance Trip #14-14104, date of service September 26, 2015 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed 10 yes and 3 no (Perkins, Tessier and Malone) and Treasurer Kelty abstaining. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 continued:

LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

B) Samantha Dickinson

Parking fine #92, dated 6-7-2011

Request: \$15.00 plus penalties

Background: The mail has been returned - no forwarding address, the Town Clerk-Treasurer has been unable to locate a new address, and the amount is too small to send to collections. The Treasurer is requesting abatement citing the collection would create an undue expense for the Town.

On a motion by JP Isabelle, seconded by Levesque, the Board of Abatement voted to table the Treasurer's request for Samantha Dickinson, Parking fine #92, dated June 7, 2011 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed 10 yes and 3 no (Perkins, Tessier and Malone) and Treasurer Kelty abstaining. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

C) Matthew Ballard

Parking fine #177, dated 11-7-2010

Request: \$15.00 for penalties

Background: The mail has been returned - no forwarding address, the Town Clerk-Treasurer has been unable to locate a new address, and the amount is too small to send to collections. The Treasurer is requesting abatement citing the collection would create an undue expense for the Town.

On a motion by JP Isabelle, seconded by Levesque, the Board of Abatement voted to table the Treasurer's request for Matthew Ballard, parking fine #177, dated November 7, 2010 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed 10 yes and 3 no (Perkins, Tessier and Malone) and Treasurer Kelty abstaining. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

D) John & Brittany Burt

Parking Fine #302, dated June 29, 2012

Request: \$15.00 plus penalties

Background: The mail has been returned - no forwarding address, the Town Clerk-Treasurer has been unable to locate a new address, and the amount is too small to send to collections. The Treasurer is requesting abatement citing the collection would create an undue expense for the Town.

On a motion by JP Isabelle, seconded by Levesque, the Board of Abatement voted to table the Treasurer's request for John & Brittany Burt, parking fine #302 dated June 29, 2012 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed 10 yes and 3 no (Perkins, Tessier and Malone) and Treasurer Kelty abstaining. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

E) Jennette Chartrand

Parking Fine #57, dated August 26, 2012

Request: \$15.00 plus penalties

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 continued:

Background: The mail has been returned - no forwarding address, the Town Clerk-Treasurer has been unable to locate a new address, and the amount is too small to send to collections. The Treasurer is requesting abatement citing the collection would create an undue expense for the Town.

On a motion by JP Isabelle, seconded by Levesque, the Board of Abatement voted to table the Treasurer's request for Jennette Chartrand, parking fine #576 dated August 26, 2012 until clarification is received from the Selectboard with regards to the definition of "taxpayer" as used in Section 34(d) of the Barre Town Charter. The motion passed 10 yes and 3 no (Perkins, Tessier and Malone) and Treasurer Kelty abstaining. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

OTHER BUSINESS

8A. Policy review regarding the Clerk notifying a BCA member and Chair when an employer is mentioned in an application. The current policy is upon receipt of an abatement application the Clerk will review the document(s) for completeness. Should an employer of a BCA member be mentioned in the document, the Clerk is to provide a copy to said BCA member and the Chair immediately.

During the February 2016 meeting an employer was mentioned. However, due to the time the application was received and the Clerk not necessarily knowing who all BCA members work for created a situation where the member did not receive advance notice. The BCA decided this policy needs to be revisited, thus this discussion item.

Mr. Walther reminded Board members that it was his request which prompted the amendment to the Abatement Policy, Section 5. However, what was approved was in fact a watered down version of what he was requesting. After use and review he has concluded the Policy would be better off without the amendment as it unfairly places the burden of scrutinizing all information received and is unreasonable to assume she would know who each member of the BCA works for.

On a motion by Lee Walther, seconded by Sheila Walther, the Board of Abatement voted unanimously to amend the Board of Abatement Hearing and Code of Conduct Policy by eliminating Section 5, paragraph 2. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

8B. Ambulance no transport report from Blow. Jeff Blow is no longer a BCA member as he did not seek re-election to the Selectboard. The information is not available at this time, but will be put on the Clerk-Treasurer's work list of things to do.

8C. Discussion on BCA communicating with the public. This topic is to ensure that BCA members, when speaking with the public, should clarify they are speaking as an individual not as a representative of the BCA. JP Isabelle asked for this item to be placed on the agenda. This is just as an informational item for the protection of all.

8D. Setting the meeting calendar for July 2016 through June 30, 2017. The Town and City share an Assessor. The Assessor is a member of the Board of Abatement and needs to be present during Tax Grievance hearings. Therefore, in prior years, arrangements were made with Barre City that the Town would hold their meeting on Wednesday or Thursday nights so the City could have Monday and Tuesday nights.

BOARD OF ABATEMENT MEETING OF JUNE 15, 2016 continued:

The BCA has determined they like knowing in advance when meeting dates are so they do not make other arrangements. The Clerk has prepared a list of tentative meeting dates for review.

On a motion by JP Isabelle, seconded by Delude, the BCA voted unanimously to hold all their meetings on Wednesday night, noting that the first tax grievance will be determined by the mailing of the Assessor's Finding of Grievance. Those not present for the vote were: Pearl Bugbee, Charles Castle, Robert LaClair, W. John "Jack" Mitchell, Virginia Poplawski, Christopher Violette, and Thomas White.

8E. Vacant position - should the Town seek a replacement or wait until next February?

Possible appointment of Assistant Presiding Officer. In accordance with the Barre Town Charter the Presiding Officer of all elections will be the Town Clerk-Treasurer. It further states that if the Presiding Officer is not available then one of the Justices of the Peace will be appointed as the Presiding Officer. With the recent changes to election law (same day voter registration coming in January 2017) and a Presidential Election in November 2016 the Town Clerk would like to discuss appointing an Assistant Presiding Officer.

During discussion it was noted this person would not necessarily need to know the entire detail of the behind the scenes work. The consensus of those present is to put it on the agenda for the February 2017 - during our reorganizational meeting.

ADJOURN

On a motion by Paquin, seconded by LaClair, the Board of Abatement voted unanimously to adjourn at 9:05 p.m.

Board of Civil Authority

Donna J. Kelty, Town Clerk-Treasurer

Chair/Vice Chair