

MINUTES OF THE BRANDON BOARD OF ABATEMENT

TOWN HALL BASEMENT Meeting Room

Tuesday, May 28, 2019

6:00 pm

Present: Chair, Del Cook, Doug Bailey, Brian Coolidge, Bud Coolidge, Seth Clifford, Sally Cook, Marge Munger, Laura Peterson, John Peterson, Joan Thomas, Kathy Clark, Clerk, Sue Gage (quorum present); Richard Morris and Seth Hopkins providing testimony.

- I) Board of Abatement Rules of Procedure – The board read through and approved the new rules of procedure for abatement hearings. Motion by Doug Bailey and second by Seth Clifford to approve the rules of procedure. Motion was approved unanimously.
- II) Take action on the following abatement requests:

SEWER/TAX ABATEMENT - 6:00 pm Hearing – Richard Morris; Account 0663; 17 Carver Street; Per Town of Brandon Policy on Sewer Bill Abatements and 24 VSA 1535(a)(3)

Chair Del Cook swore in Richard Morris, who is representing himself in the abatement hearing. Mr. Cook also asked if there were any conflicts of interest or ex parte communications. Seth Hopkins stated that he was present not as a Selectboard member but rather to present evidence he gathered from Department of Public Works (DPW) Director, Daryl Burlett, and the information was gained through ex parte communications. Clerk, Sue Gage passed out Mr. Morris' letter requesting abatement which included a print out of sewer fees incurred and paid over the course of the last two years. This packet was logged as evidence #1. Mr. Morris also presented a packet of information logged as evidence #2, which included a similar letter of request, sewer fees incurred, a timeline of events, some photos, and Vermont statutes around Consumer Protection laws.

Mr. Morris claims that his sewer line was damaged by construction initially in 2016, by the construction company doing work for the water department. Mr. Morris indicated that he reached out at that time to the construction company and to the town, but they believed that his sewer line ran in a different direction and that the pipe that was destroyed was not his. The damage was further exasperated in construction activity of 2017, and eventually, sewer began backing up into Mr. Morris' apartment building. After reaching out to DPW Director Daryl Burlett and sewer plant employees, it was found that Mr. Morris' pipe was damaged by the construction, and the line was replaced in mid-October of 2018. Mr. Morris dug up his line to determine which direction it went, and the sewer employees were able to confirm that the pipe did run in the direction of the construction.

Mr. Morris is seeking a refund of charges paid from 8/16/2016 to 10/18/2018 as he believes his sewer did not go into the sewer plant at all but was absorbed into the ground and backed up into the apartment building.

Chair Del Cook swore in Seth Hopkins to provide testimony on behalf of the town. Mr. Hopkins clarified that he was not representing the Selectboard, nor Town Manager, David Atherton, but that he was merely providing information from DPW Director, Daryl Burlett who was not able to attend the meeting. Mr. Burlett indicated that the line in question is the lateral line which was broken by Hutchins Construction, and was ultimately replaced by the town, at no cost to Mr. Morris. The line was replaced in October of 2018. The line was a three-foot segment of six-inch pipe. Mr. Burlett contends that the flow continued into the sewer system, because the pipe, though damaged, was still there, but there is no way to measure how much leached into ground and how much went into the sewer system.

Clerk, Sue Gage explained that the board will enter deliberative session, and Mr. Morris should hear the results of the hearing within two weeks.

The Board went into deliberative session at 6:25 pm. The board came out of deliberative session at 6:35 pm.

- III) The Board set upcoming dates for future Board of Abatement Meetings. These will only occur if there has been a request for abatement that requires a hearing. Tuesday, August 20 and Tuesday, November 19. We will set 2020 dates when we meet in January at our organizational meeting.

IV) The Sewer Abatement Policy was changed by the Selectboard at their meeting on May 27th. The policy will now have a time period of one year in which to make a request for a sewer abatement.

V) Meeting was adjourned at 6:40 pm

Respectfully Submitted,

Susan Gage

Susan Gage, Clerk