

MINUTES OF THE BOARD OF ABATEMENT

Thursday, October 21, 2021 at 6:00 PM

Present: Chair, Marge Munger, Joan Thomas, Brian Coolidge, Bruce Blanch, Bud Coolidge, John Peterson, Wendy Rowe Feldman, Laura Peterson, Bob Clark and Clerk, Sue Gage
Guests present: Susan Lamoureux, Kirk Thomas and Walter Salzman

I) TAX ABATEMENT – Charles and Susan Lamoureux, 49 North St, Brandon, VT, SPAN 078-024-11000
Requesting abatement under 24 VSA § 1535(a)(3) Taxes of persons who are unable to pay their taxes, sewer, interest and collection fees.

Chair Marge Munger opened the hearing at 6:00 pm. She requested that any board members with conflicts of interest or ex parte communications recognize themselves. There were none. Ms. Munger then swore in Susan Lamoureux who was presenting evidence. Clerk, Sue Gage passed out Ms. Lamoureux's letter requesting abatement, proof of payment of current taxes, listing of delinquent taxes and notes indicating previous agreements made with the delinquent tax collector.

Ms. Lamoureux stated that she lost her job last summer due to COVID-19, and that her job is seasonal and her income has not been steady. She contacted Jackie Savela/Dave Atherton in the spring about making a new agreement to catch up on her sewer and tax delinquencies. Her request was denied, so she began paying the town monthly payments to try and clear up the delinquencies on her own outside of an agreement. She recently received a tax sale notice from Mr. Atherton. Ms. Lamoureux stated that her income is limited and her husband is on disability and not able to help with bills. Laura Peterson asked how far behind Ms. Lamoureux is on her taxes. Ms. Lamoureux stated that she is up to date on the current year, but not clear about her delinquent balance. Ms. Gage clarified the delinquent balance and stated that it was on page 4 of the handout and amounted to \$5,825.20. Ms. Lamoureux stated that she has applied for help with sewer and water through the state VCAAP program, so she was only requesting abatement for taxes in this hearing.

Ms. Munger asked whether Susan was currently employed. She said she was. Ms. Munger also inquired whether her husband was employed. Susan stated that he was on disability, and would rather not talk about it. Ms. Gage asked whether Ms. Lamoureux had sought any help from Neighborworks. Ms. Lamoureux stated that she met with them recently about weatherization charges. Ms. Gage stated that she may be better off getting a refinance to cover her delinquent taxes and sewer. Ms. Gage also suggested that Ms. Lamoureux file a homestead with the state so that her taxes could be reduced to her income level. Ms. Lamoureux stated that they usually file a homestead but she wasn't sure what happened this year. Ms. Lamoureux is very concerned about losing her house in a tax sale.

The hearing was closed at 6:10 pm. Ms. Munger stated that the board would then go into deliberative session and she would receive the decision with 15 days.

II) SEWER ABATEMENTS- Kirk Thomas, 17 Franklin St, Brandon, VT 05733, AC# 0847
Abatement of Sewer Fees after water was shutoff on property.

Hearing was opened at 6:12 pm. Chair Marge Munger asked whether there were any conflicts of interest or ex parte communications on the board. Joan Thomas recused herself from the meeting citing a conflict of interest. Ms. Munger swore in Kirk Thomas. Clerk, Sue Gage passed out Mr. Thomas' letter requesting

abatement as well as a copy of the deed when purchased, a copy of the approved land use permit applying for a change of use from a multi-family residence to a single-family residence, which included removing part of the structure, an email from the zoning administrator to Mr. Thomas addressing the removal of the entire structure and an accounting of the balances outstanding for sewer and water. Mr. Thomas contributed and email conversation he had with Ray Counter in October of 2020, wherein he requested that the bills be reduced to one unit or possible zero units.

Mr. Thomas stated that his property was purchased in November of 2019. It was a 6-unit apartment house that had fallen into disrepair. There was no water turned on at the unit when he purchased it. He received a permit to remove the third floor and an addition on the back of the structure. He had spoken to Jeff Biasuzzi and inquired about removing the water and sewer service at that point. In August of 2020, Mr. Thomas received the first water and sewer bill for the property which was for 6 units. At that point Mr. Thomas contacted Ray Counter, and chased him down for many months. Mr. Thomas feels the town and water district are not clear about how to sever services for water and sewer. Mr. Thomas indicated that Ray did send an email apologizing for lack of contact and indicated that his office had not received any official information regarding the plans for the connections at 17 Franklin Street. Mr. Thomas then asked how to move forward, but did not hear back from Mr. Counter. Mr. Thomas indicated that he is frustrated trying to communicate with the water district and town about severing services. He feels it is not clear and that town officials are not clear about how to do this process. Mr. Thomas has not used any water and sewer since owning the property, and would like a portion of the bills abated and would like an explanation about how to sever services.

Bob Clark asked for clarification about how water and sewer is billed. Ms. Gage explained that there is a base fee and then usage if it goes beyond a certain level. Ms. Gage also clarified that the billings that followed Mr. Thomas' email with Mr. Counter were not billed at 6 units but possible 2 units. (NOTE: it was clarified after the meeting that Mr. Thomas is being billed as a single unit). The August billing in 2020 was for six months, and the billing was for 6 units. The subsequent billings were for less than 6 units.

Ms. Munger asked when Mr. Thomas first tried to reach Mr. Counter. Mr. Thomas said he was not sure, but it was likely after he received the bill in August of 2020. Ms. Gage clarified that the August 2020 bill would have been the first bill that Mr. Thomas received after purchasing the property. He was not aware that he was being billed until he received this first bill.

Bob Clark again asked for clarification about whether there was a meter at the property. Mr. Thomas said there is not a meter at the property. Ms. Gage clarified that there is a minimum charge that all property owners pay a fee for capacity and access. If there is usage it will be billed based on metered usage. Ms. Gage also stated that shutting off the service then reconnecting the service can be costly.

Hearing was closed at 6:29 pm. Ms. Munger stated that the board would then go into deliberative session and she would receive the decision with 15 days.

III) SEWER ABATEMENTS - Nancy and Walter Salzman, 65-2 Bryant Circle, Brandon, VT 05733, AC# 1046 Abatement of Sewer Fees due to incorrect billing.

Hearing was opened at 6:30 pm. Chair Marge Munger asked whether there were any conflicts of interest or exparte communications on the board. Bruce Blanch recused himself from the meeting citing a conflict of interest. Ms. Munger swore in Walter Salzman. Clerk, Sue Gage passed out the Salzman's letter requesting abatement, as well as a follow up email with Nancy Salzman clarifying dates of absence from their condo and a billing statement outlining their absences and the billing during those periods.

Mr. Salzman stated that their water meter was broken and that Ray came over, examined it and stated that it was failing, and he told them that it was fixed in late July of 2021. The Salzmanns recognized a problem when they

received their water and sewer bill for the quarter ending 4/15/21, indicating usage of over 8,000 gallons when they were not at their condo. The Salzman's requested but never received any credit for these errors. Clerk Sue Gage asked for clarification about the times that they were absent. Mr. Salzman stated that they were gone from November of 2019 through March 15 of 2020 and again from November of 2020 returning in late May of 2021. Ms. Munger asked for clarification on the amounts that the Salzman listed in their letter requesting abatement. Mr. Salzman was not able to explain where the figures came from. He stated that he and his wife went through the billings, but he is unsure how they calculated the figures requested. He stated that he wanted to pay the bill, but they are not comfortable paying a bill when they were not present to use any water.

Mr. Salzman offered to show the board his most recent bill. Ms. Munger asked to see a copy of it, and clarified that the Salzman's were here at the condo during the billing period on the bill he shared. Ms. Munger clarified that this bill would indicate average usage. Ms. Munger also asked whether there might have been an outside faucet that was left on. Mr. Salzman said that was not the case. He also mentioned that their washer no longer works, and so there was no water usage for laundry either.

Hearing was closed at 6:37 pm. Ms. Munger stated that the board would then go into deliberative session and she would receive the decision with 15 days.

IV) TAX ABATEMENT - Kelly Disorda, 149 North St, Brandon, VT, SPAN 078-024-11137
Requesting abatement under 24 VSA § 1535(a)(5) Taxes upon real or personal property lost or destroyed during the tax year.

Kelly Disorda did not attend the meeting, so Clerk Sue Gage shared the letter of request and indicated that the Disorda's garage burned down on August 8, 2021. Ms. Disorda is seeking abatement of taxes on the garage for the remainder of the year. Ms. Gage included a calculation of the barn taxes based on a value of \$19,200. The amount to be abated is \$405.69 which is the tax on the garage for the remainder of the year.

Brian Coolidge stated that it appears they have rebuilt the garage already. This was concurred by Marge Munger. Susan Gage stated she would clarify with Kelly Disorda, and they would remedy the situation in deliberative session.

The hearing was closed at 6:40 pm.

V) Meeting was adjourned at 6:40 and Board went into deliberative session. Deliberate session continues until decisions are written and approved.

Marjorie Munger, Chair

Susan Gage, Clerk