

Notice of Abatement Decision
Town of Brandon

TOWN OF BRANDON ABATEMENT DECISION

Name, Property Owner on Grand List: Allan Leavitt, 27 Conant Square, Brandon, VT

Name, Applicant: Allan Leavitt

Mailing Address: PO Box 1, Brandon, VT 05733

Telephone: 802-345-8852

Location of Property: 27 Conant Square, Brandon, VT

Water / Sewer Account Number: 0246

Property Type **X Residential**

Date of Hearing: July 21, 2022 7:00 PM

Board of Abatement members present: Chair Marge Munger, Bud Coolidge, Brian Coolidge, Tim Guiles, Laura Peterson, John Peterson, Kathy Clark, Bob Clark, Bruce Blanch, and Clerk Susan Gage, a quorum present for abatement action.

Board Members recused: Seth Hopkins

Persons appearing for the Applicant: No one appeared for the applicant.

Abatement request category:

SEWER FEES Per Town of Brandon Sewer Abatement Policy.

Abatement X Denied Granted **Amount \$** _____

Findings of Fact Mr. Leavitt submitted a letter requesting abatement of outstanding sewer and water fees as well as forbearance of future charges for the same. In his letter he references a period from 2015 to present, wherein his property suffered damage due to frozen pipes in 2015, and he asserts that he did not use water or sewer since the incident in 2015. He then goes on to explain that he requested in 2019 that Ray Counter disconnect water from the property. Mr. Leavitt also enclosed a copy of the letter he claims he submitted to the Water District #1. As there is nothing given in evidence about Mr. Counter's receipt of the letter enclosed, nor confirmation that the water was indeed disconnected, it is unclear to the board what exactly happened. The charges for water and sewer beginning in 2019 were minimum charges only, which leads the board to believe that Mr. Counter was billing as though the water had been disconnected. Mr. Leavitt states that there was a flood in his basement this year, and surmises that the flood occurred because the water had not been terminated at the street. The board remains unclear about the facts.

It was noted that the Board of Abatement has no authority to abate water charges, only sewer charges. The sewer charges outstanding as of this date are \$749.06. It was also noted that the Board of Abatement cannot abate future charges. If Mr. Leavitt wishes to disconnect his home completely, he would need to "turn in" his capacity, which would require any later connection to incur reconnection fees based on the capacity needs.

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Reasons for the Board's Decision The board chose not to abate the \$749.06 in outstanding sewer fees as these fees represent the minimum amount due. Mr. Leavitt has not been charged for usage since at least January of 2019. Although the board commiserates with the financial situation Mr. Leavitt is in, the role of this board is to ensure that fees and taxes are equitable. In this case, Mr. Leavitt was indeed charged the minimum amount, and not charged for usage. There is no inequity apparent to this board.

Certificate: I hereby certify that this is a true record of the action taken on this appeal by the Board of Abatement of the town/city.

Marge Munger, Chair, Board of Abatement

A decision of the Board of Abatement may be appealed to Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.