

MINUTES OF THE BRANDON BOARD OF ABATEMENT

Thursday, July 21, 2022, 7:00 pm

Brandon Town Hall

1 Conant Square, Brandon, VT

Present: Chair Marge Munger, Seth Hopkins, 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.

Hearing was opened by Chair Marge Munger at 6:57 pm.

SEWER ABATEMENT

Helyn Anderson, 42 Park St, Brandon, VT; Requesting abatement of Sewer Fees.

Chair Marge Munger asked whether there were any conflicts of interest or ex parte communications regarding the abatement under consideration. There were not. Clerk, Susan Gage passed around a request for abatement from Helyn Anderson and provided a verbal summary of what occurred. The VTRANS Segment Six project failed to reconnect Helyn Anderson's sewer under the ground and her sewer instead leached into the neighbor's property. She is seeking an abatement of sewer fees for the period that her sewer was disconnected. Ms. Anderson had indicated on an attachment to her letter the period she is seeking abatement, and Ms. Gage suggested eliminating her payment on the 7/15/2020 bill which was for six months beginning in January 2020 and adding in the sewer fees assessed on 4/15/2022. Ms. Gage said that we must also calculate interest on the same, as we assess interest for nonpayment.

Seth Hopkins moved to abate the sewer fees and interest in the amount of \$848.42 which was seconded by Bob Clark. Motion passed unanimously. Request for abatement was approved.

Allan Leavitt, 27 Conant Square, Brandon, VT; Requesting abatement of Sewer Fees

Chair Marge Munger asked whether there were any conflicts of interest or ex parte communications regarding the abatement under consideration. Seth Hopkins stated that he had ex parte communications with the property owner and recused himself from the hearing. The result of said communication was that Mr. Hopkins advised Mr. Leavitt to address the Board of Abatement with the issue. A quorum was still present after Mr. Hopkins' recusal.

Ms. Gage passed out the letter requesting abatement from Mr. Leavitt. In Mr. Leavitt's letter he speaks to 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. 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.

Mr. Leavitt states in his letter that he is requesting abatement of water and sewer bills outstanding as well as future billings. It was noted that the Board of Abatement has no authority to abate water charges, only sewer charges. The sewer charges outstanding 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.

Ms. Gage moved that the abatement request be declined, seconded by Bruce Blanch. The motion passed unanimously.

Town of Brandon, 389 Newton Rd, Brandon, VT; Abatement of Taxes on property acquired through FEMA (Federal Emergency Management Agency) flood abatement.

Ms. Gage requested abatement of taxes for property acquired by the Town of Brandon as part of its floodplain FEMA buyouts. The property is at 389 Newton Road. The abatement was approved unanimously.

TAX AND SEWER ABATEMENT INFORMATION ONLY

Abatement of Taxes and Sewer Fees, Abandoned Mobile Home of Greg Sears, 51 Brookdale St, Brandon, VT; Abated from court order.

Ms. Gage included an abatement of taxes and sewer charges by court order on a mobile home at 51 Brookdale St in Brandon. The park owner sought a court order based on abandonment, which the court allowed, with all liens and encumbrances removed. Ms. Gage abated \$4,286.52 in sewer and water charges and \$847.91 in property taxes based on the court order.

II) Meeting was adjourned at 7:47 pm. Clerk Susan Gage will write up decisions for board approval and email to board members present.

Susan Gage, Clerk

Marge Munger, Chair