

HARTFORD ABATEMENT HEARINGS
September 28, 2021-MINUTES (DRAFT)
Town Hall-Rm 2, 171 Bridge St., White River Jct., VT 05001

Members Present: Sue Buckholz, Chair; Nancy Howe, Vice Chair; Lisa O'Neil, Clerk; Joe Turner, Assessor; John Clerkin, Treasurer; Pat Cook; Dennis Brown; Becca White; Roy Black; Kim Souza; Ally Tufenkjian; Mike Morris; Lannie Collins; Joe Major; Linda Trombley; Nancy Russell; Dan Fraser; Don Foster; Gabrielle Lucke (arrived 6:00pm); Dawna Nadeau (non-voting), Finance Office.

The meeting was called to order at 5:30pm by Sue Buckholz, Chair.

Hearing #1: Terrace Communities, LLC (Kate Heaton, Applicant)
2820 Christian St.; Parcel ID#4-31-1/SPAN#285-090-15655

The applicant was not present. The Chair introduced the property. Prior to the start of the meeting the Clerk distributed to the Board the supplemental documentation submitted by the applicant on the afternoon of the hearing. The Board reviewed Terrace Communities, LLC's written request and supplemental documents. Dennis Brown asked if the applicant had received any CARES funds and/or payroll protection due to the COVID pandemic. He also inquired whether insurance covered the \$80K damage caused by a burst pipe as referenced in Ms. Heaton's e-mail dated September 28, 2021 at 4:46pm. Kim Souza also inquired whether any federal funds were received. The confidential financial statements and other additional information provided by the applicant did not indicate whether assistance resulting from the pandemic was received.

Joe Turner, Assessor, stated the valuation has been adjusted through the agreement established through the applicant's appeal to Property Valuation and Review; it was based on 54% occupancy. The adjustment reduced the taxes significantly. Lisa O'Neil noted the applicant indicated in an e-mail dated September 25, 2021 at 12:00am, the current occupancy is 70%. Lisa reminded the Board assessed value is not a consideration for Abatement. The criteria are spelled out in statute. Nancy Howe noted the Board of Abatement did abate taxes for a similar property in the past. John Clerkin noted, the Board should consider each Abatement request on its merits independent of past or future Board decisions. He noted the request is being made on the criteria of "inability to pay".

John Clerkin moved to have deliberation on the Hearing moved to the end of the agenda (after the other scheduled hearings). Mike Morris seconded the motion. The Motion carried unanimously.

Hearings #2: Denis and Brenda Carpenter (participated via telephone)
42 Harper Savage Lane; Parcel ID#2-59/SPAN#285-090-10703

The Chair introduced the property. She verbally administered the Oath to the applicants. Brenda Carpenter expressed they recently learned the piece of property they own cannot be developed due to the size of the well shield for the abutting property. She explained they purchased the property formerly owned by Burnham; they had the house removed from the property due to its poor condition. This property abutted another home they owned at the time. She further explained the former General Store property also abuts this property and, according to Ms. Carpenter, the owner of the General Store expanded the use, thus enlarging the well shield area. She referenced the e-mail communication from Terry Shearer, Regional Engineer, VT Agency of Natural Resources, Department of Environmental Conservation, dated June 16, 2021 stating there is not space to install a wastewater disposal system on the property due to Chapter 1 Environmental Protection Rules. Dennis Brown asked if this was discovered through the purchasing process or if insurance would cover it. The applicant said, "no".

Hearing #3: Eli Mercer (Perry Seale, Representative for Applicant)
222 Campbell St.; Parcel ID#31-29-1/SPAN#285-090-13620

Lannie Collins recused himself from this hearing and was absent from the hearing & deliberation.

The Chair introduced the property and administered the Oath to Perry Seale, who was present as the representative for Eli Mercer. Mr. Seale explained Mr. Mercer has dementia and lives on a fixed income. The third quarter water bill was \$2,257.97. He explained the average quarterly bill based on the last 2.5 years of billing, was \$286.17 (the previous high was \$637.86). He referred to the e-mail correspondence from the tenant dated September 26th explaining the circumstances of the issue causing the excess water usage and the reason for delay in discovery on her end. The applicant acknowledged the Town notified them of the potential leak.

The Department of Public Works indicated in an e-mail dated September 17th notices were left at the property on both July 12th and July 14th regarding the high usage but they did not receive a reply from the property owner until they received the bill for the high usage.

Becca White asked if the tenant would be responsible for the bill. Mr. Seale explained he did not think the tenant had the ability to pay that amount. He said the tenant did forward the notices to Mr. Mercer and turned off the water to the toilet when the problem was discovered.

Kim Souza asked who would pay the bill; Mr. Seale indicated Mr. Mercer would have to pay the bill from savings. She also asked what Abatement criteria he was applying to the request. Mr. Seale indicated, "Unable to pay" and "manifest error". Mike Morris asked if an insurance claim was filed. Mr. Seale indicated the deductible is higher than the bill amount. Dennis Brown asked if the water ran the entire quarter to reach the billed amount. Mr. Seale indicated he did not know how long the problem went on.

Mike moved to deliberate at the end of the agenda; Gabrielle Lucke seconded the motion. The motion carried by unanimous vote.

Hearing #4: Martha Hetnik (Brenda Hetnik, representative for Applicant participated by phone)
218 Willow Circle; Parcel ID#13-43-18/SPAN#285-090-11241

The Chair introduced the property and administered the Oath verbally. Brenda Hetnik explained Martha Hetnik struggles with health issues as well as financially. She shared some income and expense information (also referenced in Martha's Abatement request). Kim Souza asked if there is a future remedy to the situation. Ms. Hetnik indicated they have sought out various social service agency resources for support; Martha does get fuel assistance and food stamps.

Kim Souza moved to go into deliberative session. Mike Morris Seconded the motion. The motion passed unanimously. The Board deliberated in the following order: Hearing # 1, #2, #4 and, #3 (Lannie Collins left the meeting for hearing #3 since he had recused himself).

Hearing #1 (Terrace Communities, LLC)-Decision: Becca White made a motion to deny the abatement request; Dennis Brown seconded the motion. The motion passed unanimously (Gabrielle Lucke abstained since she was absent for this hearing; Joe Turner did not vote since he provided Assessor testimony for this hearing). The Board did not feel there was sufficient information available to make an informed decision about the granting an abatement.

Hearing #2 (Denis & Brenda Carpenter)-Decision: Mike Morris made a motion to deny the Abatement request. Pat Cook seconded the motion. John Clerkin and Joe Turner Abstained from the vote. Nancy Russell and Linda Trombley voted against the motion; the remainder of the Board voted in favor of the motion; the motion passed 15 to 2 with 2 abstentions. A Board majority felt both the Town and the Applicants had acted in good faith based on the information available to them about the property both at the time prior assessments were established by the Town and at the time the applicants purchased the property. When the Town was notified of the State determination rendering the parcel unbuildable, the assessment was promptly amended.

Hearings #4 (Martha Hetnik)-Decision: Kim Souza moved to abate the taxes in the amount of \$169.46. Gabrielle Lucke seconded the motion. John Clerkin proposed an amendment to the motion to abate in the amount of \$335.59 representing the full year taxes; Gabrielle Lucke seconded. Kim Souza accepted the amendment. The Amended motion was passed by unanimous vote. The decision by the Board was based upon applicant hardship/inability to pay.


Hearing #3 (Eli Mercer)-Decision: Dan Fraser moved to deny the Abatement request. Joe Major seconded the motion. The motion passed unanimously (Lannie Collins was not present). The Board determined the Town provided timely notice of a potential issue to the property owner so the issue could be remedied however, reply from the property owner was not received until after the owner received the water bill.

Other business: The Clerk notified the Board members of the following:

- They will be receiving information from her regarding legislative re-apportionment/redistricting.
- The Secretary of State's Office, Elections Division, will be ordering new voting tabulators for use no later than the 2022 statewide elections; we will need to be trained on the new tabulators.
- The BCA has a recap of activities in each Town Report; the Clerk has prepared this in the past and will do so again unless the Board prefers to be involved.

Mike Morris made a motion to adjourn. Kim Souza seconded. The motion carried. The meeting adjourned at 7:50pm.

Respectfully Submitted,



Lisa M. O'Neil, Town Clerk

9/30/2021