

1 Town of Middlebury Board of Abatement

2 May 11, 2015

3 Minutes submitted by Ann Webster, Clerk

4  
5 Present: Board Members: Gary Baker, Brian Bauer, Walter Calhoun, Francois Clemmons, Beth  
6 Diamond, Donna Donahue, Ted Foster, Dean George, Margaret Klohck, Kevin Newton, Robert  
7 Poppenga, Jackie Sullivan (Town Treasurer), Hudson Tilford, Ann Webster (Town Clerk).  
8 Witnesses: Janice Beayon-Phelps, Cathy Dunn.

9  
10 The meeting was called to order at 6:30pm by Webster. Webster noted that a quorum of the  
11 Board of Abatement was met with 14 members present w/ Poppenga on the phone. Webster  
12 called for nominations for Chair of the Hearing. Hudson Tilford nominated Dean George,  
13 seconded by Walter Calhoun. With no other nominations **Motion passed unanimously.**

14  
15 George asked if there was any reason to change the order of hearings on the Warning and due to  
16 the late start of the hearings and the absence of anyone present to represent the Andrew McCabe  
17 request **Webster made a motion to move item three, Cathy Dunn, to second on the agenda**  
18 **and move McCabe to third. Seconded by Calhoun. Motion Passed Unanimously.**

19  
20 George asked if anyone had any conflicts of interest or ex parte communication regarding any of  
21 the hearings. Webster noted that in her role as Town Clerk she frequently guides people in the  
22 process of abatement or answers their questions regarding admissible evidence and has had  
23 conversations with both Janice Beayon-Phelps and Cathy Dunn regarding their cases, but has not  
24 had such conversations with Andrew McCabe.

25  
26 George asked Webster if taxpayers present had been informed of the limitations of the Board and  
27 the responsibility of the tax payer. Webster indicated that they had not and proceeded to cite the  
28 limited reasons for which the Board could abate taxes, that the Board had no requirement to  
29 abate taxes, and that it was the responsibility of the taxpayer to persuade the Board of the  
30 suitability to abate taxes in their circumstances.

31  
32 **Webster introduced request for abatement from Janice Beayon-Phelps regarding 14**  
33 **Brookside Drive. Parcel # 025094.000.** George invited Beayon-Phelps to present her case  
34 which was that the dwelling was a complete loss due to fire.

35  
36 Tilford asked if Beayon-Phelps had seen the Assessor's memo and she indicated that she had just  
37 received it this evening. Webster noted that a state payment based on income sensitivity had been  
38 made on the tax liability just in case that fact was to come up in deliberation. **With no further**  
39 **questions George closed the hearing.**

40  
41 **George introduced the request for abatement from Cathy F. Dunn regarding 230 Monroe**  
42 **Street. Parcel #028132.000.** George indicated to the Board that Dunn had previously requested  
43 abatement and that former request and decision were also included in the Board packets. George  
44 invited Dunn to present her case which was based on inability to pay.

45  
46 Dunn cited her husband's mental health issues were interrupting standard financial practices, her  
47 own inability to work while they were living on only her husband's social security payments, and  
48 their NY property being in foreclosure.

49  
50 Baker asked if there was a mortgage or lien on the Middlebury property, if she herself had any  
51 retirement income, if she had been in touch with legal aid, and if she had considered renting the  
52 Middlebury property in order to pay Middlebury taxes. Dunn indicated that the property was

53 owned outright with no liens and was in her name only. Dunn did not receive any income herself  
54 and was unaware that she may be able to receive a spousal income based on her husband's social  
55 security. She did not feel that she had been successful acquiring legal help. She also felt the  
56 property was not in a condition that she could rent it, that she herself frequently uses the property  
57 and that there are too many of their possessions in the house for them to consider renting.  
58

59 Sullivan noted that the property is currently slated for tax sale on May 26<sup>th</sup> and that tax sale may  
60 not be the worst case scenario. The taxpayer has a year to redeem the property and pays 12%  
61 interest to the buyer to redeem. The taxpayer currently pays 18% interest to the town primarily  
62 because the town does not want to be a lender or a bank. The taxpayer also has complete control  
63 of the property until the redemption period is reached.  
64

65 Tilford questioned the equity in the NY property stating that her evidence indicated that they had  
66 a \$300,000 mortgage on a house currently assessed at \$450,000. Did Dunn feel that she would  
67 not have any equity from that property? Dunn indicated that the banks had said that she would  
68 not have anything from that property.  
69

70 As a realtor, Poppenga suggested that Dunn may want to consult with an attorney to see if she  
71 could actually sell the property while it is under tax sale. It may be another option that could get  
72 her out from under the tax burden and leave her with some of the equity. **With no additional  
73 questions George closed the hearing.**  
74

75 **Webster introduced request for abatement from Andrew McCabe regarding 107**  
76 **Weybridge Street. Parcel # 024034.000.** The property had been damaged by fire on March 28,  
77 2015 and was considered a total loss. McCabe was not present for the hearing and Webster  
78 indicated that the Board would have to rely heavily on the memorandum from the Assessor, Bill  
79 Benton. **With no further discussion George closed the hearing.**  
80

81 **George introduced the Treasurer's request for abatement regarding three separate**  
82 **properties. Parcel #s 005033.010, 009109.001 and 200922-PP.** Sullivan recused herself from  
83 the Board in order to act as witness in the presentation of each case.  
84

85 Sullivan indicated that John Morcombe Jr. owned a trailer, parcel # 005033.010 on his brother's  
86 property at 1690 Quarry Road. The trailer was removed from the property in 2013-14 with no  
87 notice to the town and therefore continued to be taxed. The mobile home no longer exists and  
88 chances of taxes being paid is highly unlikely.  
89

90 George Trautwein is deceased, but previously owned a mobile home located on his son's  
91 property at 223 Airport Road, parcel 009109.001. The mobile home has been removed from the  
92 property and there are no assets in the estate of the deceased to pay the taxes.  
93

94 Siemens Diagnostics Finance Co LLC changed names to Healthcare Equipment Funding LLC  
95 and was mistakenly billed under both names for personal property under parcel numbers  
96 200922.PP at \$150.30 and 990034.PP at \$244.11. The later amount was paid under the new  
97 name, but the \$150.30 should be abated to clear the records. **With no additional questions  
98 George closed the hearing.**  
99

100 **The Board entered into deliberative session. Decisions of which are attached as part of**  
101 **these minutes. The Board adjourned at 7:50pm.**  
102

103 Respectfully submitted by Ann F. Webster, Middlebury Town Clerk