

Town of Middlebury Board of Abatement  
September 20, 2016  
Minutes submitted by Ann F. Webster

Present: Board Members: Laura Asermily, Walter Calhoun, Julie Coons, David Dorman, Ted Foster, Margaret Klohck, Kevin Newton, Victor Nuovo, Michael Olinick, Andrew Pezzulo, Robert Poppenga, Heather Seeley, Susan Shashok, Jackie Sullivan, Hudson Tilford, Ann Webster.

Witnesses: David Broughton

The meeting was called to order at 7:00pm by Webster. Webster noted that a quorum of the Board of Abatement was met, asked members of the Board to introduce themselves, then opened the floor for nominations for Chair. Julie Coons moved to nominate Susan Shashok as Chair of the Hearings. Seconded by Hudson Tilford. With no other nominations **Motion passed unanimously.**

By Statute the Board is only allowed to consider abatement for limited reasons. Shashok read those reasons to all present. Shashok also read the Town's Conflict of Interest Policy and asked if any members had any conflicts of interest or ex parte communication to declare.

Michael Olinick recused himself from warning hearings numbers 4 (Faith Lowell) and 5 (David & Cindy Broughton) due to conflict of interest.

As the only witness present for this evenings hearings was David Broughton, Webster moved to amend the agenda to move Broughton's case from 5<sup>th</sup> to 1<sup>st</sup> place. Seconded by David Dorman. **Motion passed unanimously.**

**Shashok invited Broughton to present his case on 990 Lower Foote St (008242.000).** Broughton indicated that at some point he had gotten behind on property tax obligations and had set up a payment plan with Town Treasurer, Jackie Sullivan. He said that the agreement was for \$400 per month, but that he had been making payments of \$450. He was finding with monthly interest charges continuing to accrue he was not able to get to a point of decreasing his principal tax amount.

Dorman asked if the additional \$50 per month was being applied to principal as an additional mortgage payment would be. Sullivan responded that only a couple of \$450 payments had actually been received, but that Broughton had indeed been timely with his contracted payments. She further responded that payments always go toward interest and penalty first unless otherwise indicated by the property owner.

Webster asked what amount of relief Broughton was seeking and if interest and penalty were abated would payments cover principal amount during the tax year? Coons responded that her calculations show that a \$400 per month payment would be \$4,800 towards a typical \$4,500 liability. Without relief he will not get caught up, but with relief of current interest & penalty his payments should be more than enough to cover annual obligations within a two year period.

Shashok inquired if Broughton had any additional evidence that he would like to present and if there were any additional questions from the Board. Hearing none Shashok informed Broughton that the Board would enter a deliberative session and that he would receive a written Decision within 15 Days. (Attached).

With no other witnesses present the Board went in to deliberative session to view, assess and deliberate on evidence provided for each case warned and on the agenda. All materials and Decisions included with these minutes.