

1 Town of Middlebury Board of Abatement
2 October 19, 2015
3 Minutes submitted by Ann Webster, Clerk
4

5 Present: Board Members: Nick Artim, Gary Baker, Donna Donahue, Ted Foster, Margaret
6 Klohck, Kevin Newton, Andrew Pezzulo, Robert Poppenga, Susan Shashok, Jackie Sullivan,
7 Hudson Tilford, Ann Webster.

8 Witnesses: Joan Forbes, Terrence Morris, Jeffrey & Leilani Schnoor.
9

10 The meeting was called to order at 7:15pm by Webster. Webster noted that a quorum of the
11 Board of Abatement was met with a majority of the Select board, a majority of the Listers and
12 the Treasurer present. Webster asked members of the Board to introduce themselves then moved
13 to nominate Susan Shashok as Chair of the Hearings. Seconded by Donna Donahue. With no
14 other nominations **Motion passed unanimously.**
15

16 By Statute the Board is only allowed to consider abatement for limited reasons. Shashok read
17 those reasons to all present.
18

19 **Shashok invited Forbes to present her case regarding parcels 006035.030, 006064.000,**
20 **006065.000 and 006044.100.** Forbes reminded the Board that due to hardship she had requested
21 relief from interest and penalties in the past, but at that time the Board had been concerned about
22 her ability to pay principal tax amounts and keep current after relief was granted. She has now
23 paid all taxes, interest and penalties in full on all parcels. She felt over the time of the
24 delinquencies she had paid an unfair amount in interest and penalties and would like a portion of
25 that refunded in a credit towards future taxes.
26

27 Forbes asked for clarification on the status reports she had received for each parcel where it
28 looked like tax year 12/13 accrued interest at a higher rate than the other years. Treasurer
29 Sullivan explained that the status report was a snapshot in time of what had been charged and
30 what had been paid, but did not differentiate when payments were made and on what principle
31 amounts. The tax year 12/13 had more principle due than the previous year and accrued interest
32 for a longer period of time than the subsequent years.
33

34 Shashok asked Forbes if she was requesting a specific amount that she thought would be fair.
35 Forbes is looking for somewhere in the range of \$21,000 which is the approximate amount paid
36 for tax years 11/12 through 14/15 paid on May 22, 2015.
37

38 Webster asked Forbes to confirm that she was requesting relief in the form of a credit which
39 would go towards any current and future tax liabilities with the Town. Forbes confirmed, also
40 indicating that current tax liability for the four parcels is just over 29,000.
41

42 With no further questions Shashok informed Forbes that the Board would enter a deliberative
43 session and that she would receive a written Decision within 15 Days.
44

45 **Shashok invited Morris to present his case regarding parcel 028162.000.** Morris presented
46 that he had serious health problems in 2009 which effected his ability to work. Finally had to
47 resign in 2012 and has been spending down his retirement since that time. Now working with a
48 VT State disabilities counselor he is applying for Social Security benefits which he hopes will
49 provide an estimated \$300 per month. He said that he had also applied for the income sensitivity
50 State payment on property taxes and the Town would be receiving a payment of \$1,300 towards
51 the 15/16 taxes. He has a Home Equity loan of \$98,000, but has already drawn \$70,000 from that
52 balance and has no way to draw additional and maintain an ability to make the payments.

53

54 Morris would like to avoid tax sale and is looking for a clean start. He indicated that he knew the
55 Board could waive interest & penalties, forgive the entire balance due, or do nothing at all. He is
56 asking that the Board consider forgiving the balance due for both 13/14 and 14/15 tax years
57 which is a total of \$6,154.00.

58

59 Webster asked if Morris had approached the Town for a payment plan. Morris said he had
60 considered it, but it had not worked out. Webster took this to mean that there was not a plan that
61 he would be able to maintain the payments. Sullivan indicated that the Town has had successful
62 payment plans with Morris in the past.

63

64 Shashok asked if he was confident that he could make payments in the future if he is granted
65 relief at this time. Morris indicated that he felt confident if he receives Social Security. Other
66 debts are paid and he is getting by. He felt he could sell the property and leave the area, but is
67 hoping he does not have to do that.

68

69 Shashok informed Morris that he would receive a written Decision within 15 days.

70

71 **Shashok invited the Schnoor's to present their case regarding parcel 024165.000.** Webster
72 informed the Board that the Schnoor's case was based on damage and loss and that the Board
73 could only look at abatement based on the actual loss and effect on property value.

74

75 Jeffrey Schnoor described the damage as happening back in June. Three homes on North
76 Pleasant St had never been properly tied in to the sewer system and the Town started a project to
77 rectify that situation. Contractors hired to make the corrections were Weston and Phelps. At
78 some point the storm drains became blocked and backed up and the Schnoors had thousands of
79 gallons of water flood their home through the sewer system. The damage is not necessarily
80 evident because the house is older and major cleanup has been done, but floors and walls need to
81 be removed and replaced. They are looking to repair and maintain the integrity of the historical
82 nature of the house. They have some preliminary estimates from GW Savage which range from
83 \$70,000 to \$80,000.

84

85 Klohck asked if the Schnoors were currently living in the property and they indicated that they
86 were.

87

88 Baker asked if a Homeowner's Insurance claim had been filed. J. Schnoor indicated that one had
89 and there was a small amount of \$5,000 paid based on storm water drain coverage. Their
90 Homeowner's Insurance would be looking to recoup the amount of payment from the insurance
91 company that is deemed responsible for covering the damages.

92

93 Baker then asked why the Schnoors were not paying for construction themselves to prevent the
94 damage from getting worse and then deal with the insurance companies to be reimbursed. J.
95 Schnoor indicated that he did not readily have the funds available and could not get a line of
96 credit due to the condition of the house. L. Schnoor added that the estimate was over half the
97 value of the entire home and they just didn't have that amount available.

98

99 L. Schnoor indicated that there were a few errors on the Lister's card. Their roof is asphalt not
100 slate, it is a three bedroom, not four bedroom, dwelling, and they use it as a primary residence,
101 there is no business located at the property.

102

103 Shashok asked the Schnoors to explain what they would like to see happen with the Board's
104 decision. J. Schnoor asked that there be no expectation around property tax payments from the

105 date of the damage until the situation gets resolved. He felt this provided incentive to the Town
106 to resolve the situation.

107
108 Shashok indicated that the Assessor's memo indicated that we should determine the extent of the
109 damage and deduct that from the assessed value of the dwelling to determine a taxable value.
110 She felt that we needed more information.

111
112 Webster indicated that the Assessor should inspect the property and provide an updated
113 assessment to the Board. Also that the Schnoors should provide construction or insurance
114 estimates, pictures and videos if available, and any other documentation to substantiate claims.

115
116 Baker indicated to the Schnoors that they should not anticipate that abatement would forgive the
117 entire tax due. As the Assessor's memo indicates there are values, such as lot and site
118 improvements, that would not be affected by damage to the dwelling.

119
120 Webster also indicated that the Board would be able to make a determination on damage and
121 taxable value, but would not have the authority to suspend a tax deadline in order to compel a
122 resolution to the situation.

123
124 A new date will be set to reconvene the Schnoor's Hearing in about one month. The Schnoors
125 indicated that a Monday 7pm time would work well for them.

126
127 Baker moved to enter deliberative session. Seconded by Hudson Tilford. Upon coming out of
128 deliberative session Ann Webster moved to adjourn, seconded by Nick Artim. Hearings
129 adjourned at 8:50pm.

130
131 Respectfully submitted by Ann F. Webster, Middlebury Town Clerk