

Town of Montgomery
Board of Abatement Hearing

Monday, April 22nd, 2019

5:30 PM

Public Safety Building Conference Room – 86 Mountain Rd

Unapproved Meeting Minutes

Board of Abatement members present: Charlie Hancock, Mark Brouillette, Lynda Cluba, Liz Reighley, Erin Kopacz, Gabrielle Lumbra, Tosca Smith, Christina Suarez, Leanne Barnard, Joseph Jones

Visitors: Dale Davidson, Darren Davidson, Anita Woodward, Larry Letourneau

Charlie called the meeting to order at 5:35 p.m.

1. **Organizational action of the Board.** Charlie began the meeting by opening nominations to elect a Chair of the Board of Abatement. Liz nominated Charlie Hancock, hearing no others so named, Charlie was elected to Chair by unanimous vote. Lynda nominated Mark Brouillette to serve as Vice Chair, hearing no others so named, Mark was elected to Vice Chair by unanimous vote. Erin nominated Liz Reighley to serve as Clerk, hearing no others so named, Liz was elected Clerk.
2. **Review / make changes to the agenda.** No changes or additions.
3. **Consider / act on abating the balance of the taxes, penalties, and/or interest (or a portion thereof) on the request of the taxpayer, Town Treasurer, or Delinquent Tax Collector, on the following parcels:**
 - a. **Parcel ID 0S118.157X Dale Davidson, Dawn & Eric Savoy-**
 - a. Lynda, as head Lister, submitted the tax bill and other pertinent information regarding the above listed Parcel ID, and recused herself from active vote based on presenting evidence on behalf of the requestor. Dale Davidson was invited to bring the abatement application form before the board and give his testimony. This request for abatement falls under the third category under statutory criteria: “Taxes of persons who are unable to pay their taxes, interest, and collection fees. 24 V.S.A. §1535(a)(3)”. Mr. Davidson presented his request with supporting documents. Board members reviewed documentation. Discussion ensued and members were given the chance to ask questions about the total amount due in taxes, including penalties and interest, and what Mr. Davidson has paid so far to the Delinquent Tax Collector. The breakdown of 2017 and 2018 taxes is as follows:

- b. 2017
 - i. Taxes: \$4,583.21
 - ii. Penalty: \$366.66
 - iii. Interest: \$70.77
- c. 2018
 - i. Taxes: \$2,700.53
 - ii. Penalty: \$200.58
 - iii. Interest: \$165.42

Lynda clarified that because there are currently three names on the deed to the property that the board, should they choose to abate any tax, can only act on 33% of this tax liability. Mr. Davidson indicated that he is currently working with a lawyer to obtain full title, free and clear of the other two members, in order to sell the property. After all testimony was heard the board thanked Mr. Davidson for presenting his evidence and indicated their intent to contact him once a verdict was reached. Visitors exited the conference area. Mark motioned to enter into deliberative session at 6:07 p.m. to consider the request of Mr. Davidson. Tosca motioned to come out of deliberative session at 6:43 p.m. Mark made a motion to deny the request of abatement, citing that Mr. Davidson has further work to conduct with respect to ownership of the property and should he be successful in clearing the title into sole ownership, he can submit a new request to the board of abatement at that time, Tosca seconded this motion and this was passed 9-0-1 abstention.

- b. **Parcel ID 00033.077X Alphonse & Anne Gratton, Raymond Gratton.** Board members in agreeance to pass over this request citing that, in lieu of applicant not being present to give oral testimony, there was no written documentation submitted in advance of the meeting for members to consider the request as outlined in the Request Form mailed to each applicant.
- c. **Parcel ID 00042.020X Archie & Diane Dentone.** Board members in agreeance to pass over this request citing that, in lieu of applicant not being present to give oral testimony, there was no written documentation submitted in advance of the meeting for members to consider the request as outlined in the Request Form mailed to each applicant.
 - i. *addendum to this request was received (4/23/19) retracting the original request by the applicant stating plans to sell the property and satisfy the tax liability.
- d. **Parcel ID 0N118.056X Justin Green.** Board members in agreeance to pass over this request stating that the proper venue, based on the information provided to the board, is for the applicant to pursue Lister Grievance which allows the property owner to grieve the assessed value of their property.

Respectfully submitted,

Elizabeth Reighley, Clerk of the Board of Abatement