

**Town of Montgomery**  
**Board of Abatement Hearing**

**Monday February 1<sup>st</sup>, 2016**

**5:30 PM**

**at**

**Montgomery Town Office**

**Minutes**

Members: Scott Perry, Wendy Howard, Thomas Stanley, Deanna-Dee Robitaille, Parma Jewett, Mark Brouillette, Patricia Hathaway

Visitors: Robert Worthington (Scout Master, Troop 519), Erik Worthington, Riley Burger and Caleb Beckwith (Boy Scouts)

Appellants: Heather Pepper (via telephone) for Parcel #00036.002X / 51 Rushford Valley Road

Hearing called to order at 5:30 PM

- 1) Scott called the appellant at the number provided in an email correspondence stating she would be unable to attend in person. Scott explained what constitutes a quorum of the Board and that, having 4 Selectboard members, 2 Listers and a Justice of the Peace, there was a quorum present. Scott introduced the members to the appellant.
- 2) Scott administered the oath to the appellant verbally. The oath was affirmed.
- 3) Scott explained the procedures for the hearing and decision.
- 4) Scott described the request letter and subsequent email received from the appellant. The appellant acknowledged these items as being sent by her and gave testimony, reiterating the points in said documents, requesting abatement of interest and penalties. Copies of both were provided to all members of the Board.
- 5) The floor was opened to questions from the Board.
  - a) Patricia asked for clarification on the appellant's statement "I have done this before without penalty". The appellant stated that, in one or more, years she has slipped her payment under the Town Clerk's door, outside normal business hours, on the due date and has never been assessed a penalty.
  - b) Parma asked for an estimate of time that the envelope was deposited under the door. The appellant stated that it was after hours but before the outside door was locked.
  - c) Thomas asked if the appellant had been in town prior to the due date. The appellant stated that she had been in town 2 weeks prior but, because the Treasurer does not accept postdated checks, she did not pay the amount due at that time.

Hearing no more questions or comments, the testimony portion of the hearing concluded and the call with the appellant ended. The Board entered Deliberative Session at 5:43 PM and exited at 5:50 PM.

A majority of the Board did not feel that the appellant's arguments met the statutory reasons for abatement (death, moving out of Vermont, inability to pay, manifest error of the Listers, or loss of real property).

Mark made a motion to deny the request for abatement and was seconded. The motion carried by a vote of 5 to 1, with the final member abstaining.

Hearing adjourned at 5:55 PM

Respectfully Submitted,

Deanna Robitaille  
Board of Abatement Clerk