

**MEETING MINUTES
BOARD FOR THE ABATEMENT OF TAXES
TOWN OF BARNET, VT
WEDNESDAY, FEBRUARY 22, 2017**

Meeting convened at 6:30 p.m. in the conference room of the Barnet Town Clerk's Office.

Board members present: Steven Adler, John Cook, Sarah Cook, Carrie Dunbar, Dylan Ford, William Graves, Benjamin Heisholt, Susan Jensen, Dennis McLam, and Maurice Roberts.

Others present: Collector of Delinquent Tax Lisa Bowden.

1. Preliminary items

- Town Clerk Benjamin Heisholt called the meeting to order and explained that because this is the first meeting of the Board of Abatement this year it must elect a chair before conducting any other business.
 - Dennis McLam moved that the Board appoint William Graves as Chair. Approved by voice vote.
 - Dennis McLam moved that the Board appoint Benjamin Heisholt as Clerk. Approved by voice vote.
- Chairman Graves gave introductory remarks, as follows:
 - Explained that the Board of Abatement consists of the Board of Civil Authority and the Board of Listers, and introduced the members of the Board present.
 - Read the notice of hearing, including the text of 24 V.S.A. §1535, which describes the role and rights of the Board for the Abatement of Taxes.
- Mr. Graves indicated that Treasurer Benjamin Heisholt had taken a Treasurer oath. Other members of the Board of Abatement are not required to take oaths at this time because the oaths they took when elected to office apply to abatement requests.

2. Tax Abatement Hearing – John & Sharon Bradley (Parcel ID #0020-20-07)

John Bradley appeared as Requestor. Also appearing were Mr. Bradley's friend, Kristie Gilbert, and Collector of Delinquent Tax Lisa Bowden. Mr. Bradley, Ms. Gilbert, and Ms. Bowden signed witness oaths.

Letter of request

Mr. Graves read the letter requesting an abatement hearing, which is signed by John Bradley. The body of the letter is as follows:

I would like to be considered for a tax abatement under Title 24 VSA Section 1535 for the 2011, 2012, and 2016 tax years. I have a very limited income as I am disabled. My wife and I separated a few years ago, and left me with thousands of dollars in back taxes that I was not aware that we had. I have been trying very hard to catch up and pay off the taxes owed. For the last 2 years, I have been paying faithfully to my back taxes. Despite my strong will to get the taxes payed [sic] up I just can't afford to keep going like this. I have so far payed [sic] off the tax years of 2009, 2010, 2013,2014, and 2015. In paying these I have already paid out a considerable amount of tax and interest. I pay all that I can at \$400.00-\$450.00 per a [sic] month, in doing this I have exhausted all my funds and am not able to pay on the current year taxes. I would like to get this all caught up so that I can start to make payments towards my 2017 tax year. If I continue the way that I have I will never be able to be current on my taxes, as my income is the only income paying on taxes and it is not enough to

keep going like this. I have been struggling to be able to pay for my everyday essentials to be able to pay the taxes. At this point I am asking for your help to get back on my feet. I will greatly appreciate your help and consideration in this matter.

Requestor's Testimony

A summary of Mr. Bradley and Ms. Gilbert's testimony is as follows:

- Mr. Bradley's wife, Sharon, had shopping habits that put the couple's finances in jeopardy. She managed the household finances until she left the household in 2015. She also did not inform Mr. Bradley of the delinquent taxes the couple owed, and actively prevented him from obtaining this knowledge. When she departed in 2015 Mr. Bradley first discovered that delinquent property tax was owed, and at that time commenced efforts to pay them.

Discussion

Graves opened the floor to the Board for discussion, which was had as summarized below:

- Ms. Ford asked how much property tax is assessed on the property each year.
 - Mr. Bradley indicated that annual taxes are approximately \$3,600.
- Ms. Ford asked about Mr. Bradley's sources of income.
 - Mr. Bradley responded that his income is limited to a small amount of Social Security income, and \$400 per month in rental income for a trailer on his property.
- Collector of Delinquent Tax Lisa Bowden indicated that the parcel is currently delinquent with regard to 2011 property taxes in the amount of \$3,217.86 (\$992.71 in principal, \$2,037.86 interest, and \$187.29 penalty); with regard to 2012 property taxes in the amount of \$1,221.95 (\$102.58 in principal, \$988.67 interest, and \$130.70 penalty); with regard to 2016 property taxes in the amount of \$773.09 (\$603.19 in principal, \$49.64 interest, and \$120.26 penalty); with regard to a total of all years in the amount of \$5,212.90 (\$1,698.48 in principal, \$3,076.17 interest, and \$438.25 penalty).
- Ms. Bowden indicated that she has been applying all of Mr. Bradley's payments to principal in order to save long-term interest expense.
- Ms. Bowden indicated that when Mrs. Bradley was living with Mr. Bradley she would not allow Ms. Bowden to contact Mr. Bradley to discuss the situation; Ms. Bowden believes it likely that Mr. Bradley was unaware of the delinquent taxes during that time.
- Mr. Roberts asked whether a divorce is pending, and how this affects the responsibility of Mrs. Bradley with regard to the property taxes.
 - Mr. Bradley indicated that it is expected that the divorce will be final in March 2017. Until that time, Mrs. Bradley remains an owner of the parcel, and is liable for property taxes.
- Ms. Bowden indicated that Mr. Bradley has paid \$400 per month for two years, with only two missed payments.
- Mr. Adler asked if Mr. Bradley is asking for an abatement of the entire amount of principal, interest, and penalty due.
 - Mr. Bradley indicated that he is requesting any assistance the Board can provide.
- Mr. Adler asked what Mr. Bradley's opinion would be if the Board decided to abate only interest and penalty, and leave the principal unchanged.
 - Mr. Bradley indicated that he would be pleased with such a decision.

3. Tax Abatement Hearing – Ronald & Sylvia Cushing (Parcel ID #0000777070.000)

The requestors did not appear at this hearing, leaving only their letter of request as testimony. Collector of Delinquent Tax Lisa Bowden appeared at the hearing, and signed a witness oath.

Letter of request

Mr. Graves read the letter requesting an abatement hearing, which is indicates that it is from Ronald and Sylvia Cushing, but is unsigned. The body of the letter is as follows:

We would like to have an abatement on the property taxes for Roys [sic] Campground for lot 65 for the tax years 2015 and 2016 because we didn't camp there those years. Our last year camping there was 2014.

Discussion & Decision

Graves opened the floor to the Board for discussion, which was had as summarized below:

- Ms. Bowden indicated that the parcel is currently is delinquent with regard to 2014 property taxes in the amount of \$4.60 (\$3.09 in principal, \$1.26 interest, and \$0.25 penalty); with regard to 2015 property taxes in the amount of \$236.79 (\$181.48 in principal, \$40.79 interest, and \$14.52 penalty); with regard to 2016 property taxes in the amount of \$209.38 (\$186.12 in principal, \$8.37 interest, and \$14.89 penalty); with regard to a total of all years in the amount of \$450.77 (\$370.69 in principal, \$50.42 interest, and \$29.66 penalty).
- Ms. Bowden indicated that the unlanded recreational vehicle, which was at the Roy Campground, was removed in May 2015.
- The Listers testified that the removal of the property occurred after the April 1, 2015 date for setting Grand List values. The value of the property persisted in the 2016 Grand List because the Listers were not informed of its removal.
- Mr. McLam moved that the Board find that the 2015 and 2016 listing of the Parcel in the Grand List resulted from a manifest error of the owners in their failure to report its removal, and to therefore grant abatement of property taxes for all outstanding tax, all outstanding interest, and all outstanding penalty for the property tax years 2015 and 2016, for a total abatement of \$446.17.

4. Tax Abatement Hearing – Joyce Narey (Parcel ID #0025-01-17)

Joyce Narey appeared as Requestor. Also appearing were Ms. Narey's niece, Janice Narey, and Collector of Delinquent Tax Lisa Bowden. Joyce Narey, Janice Narey, and Ms. Bowden signed witness oaths.

Letter of request

Mr. Graves read the letter requesting an abatement hearing, which is signed by Joyce Narey. The body of the letter is as follows:

I am requesting the town of Barnet to grant me an abatement of my property taxes for 2016.

My current income is \$898 a month and \$200 of that is taken out every month for medical bills, leaving with me just under \$700 a month.

When I purchased my home in Vermont, the plan was for my brother and sister to move in with me. My brother's income was around \$3,000 a month and my sister's income was \$800 a month.

My brother had no health issues that we knew of and this seemed like a logical plan. He died very suddenly last May and my sister was hospitalized and cannot leave CT. to join me here in Vermont.

My family is trying to help me come up with a sustainable plan, but with my property tax due, I am afraid I will fall even further behind.

Thank you so much for your time and consideration.

Requestor's Testimony

A summary of Joyce Narey's testimony is as follows:

- Ms. Narey indicated that her letter contains the majority of the substance of her request. She also indicated that she has been hospitalized during her ownership of the property, and that her sister recently died.

Discussion

Graves opened the floor to the Board for discussion, which was had as summarized below:

- The Listers indicated that the Town's assessed value of the parcel is \$203,900, and that Ms. Narey purchased the property in November 2014.
- Ms. Dunbar asked for details about the "sustainable plan" referenced in Ms. Narey's letter.
 - Joyce Narey indicated that she does not wish to sell the property. Janice Narey indicated that the property is unencumbered of any mortgage or lien; as such Joyce Narey is in the process of application for a reverse mortgage, which will leverage the \$192,000 in bank-appraised value in the property to generate income. Ms. Narey expects to hear a result from the application in March 2017; the bank has encouraged her to expect the application to be approved. The reverse mortgage would pay a large sum to begin with, including payment of all outstanding taxes, then would provide monthly payments thereafter.
- Ms. Bowden indicated that the parcel is currently delinquent with regard to 2015 property taxes in the amount of \$4,426.06 (\$3,391.64 in principal, \$763.09 interest, and \$271.33 penalty); with regard to 2016 property taxes in the amount of \$4,691.42 (\$4,170.16 in principal, \$187.65 interest, and \$333.61 penalty); with regard to a total of all years in the amount of \$9,117.48 (\$7,561.80 in principal, \$950.74 interest, and \$604.94 penalty).
- Joyce Narey indicated she has made interest payments of \$100 per month on her delinquent taxes.
 - Ms. Bowden indicated that she has received approximately \$700 in total from Joyce Narey since she acquired the property.
- Mr. Adler asked if Joyce Narey has explored options other than a reverse mortgage to resolve her financial troubles.
 - Joyce Narey indicated that she is awaiting the result of the reverse mortgage application before pursuing other options.
- Mr. Adler asked if a favorable result in the reverse mortgage application would render Ms. Narey's abatement request unnecessary.
 - Joyce Narey responded in the affirmative.

5. Tax Abatement Hearing – Martha Rivard (Parcel ID #0014-01-45)

Martha Rivard appeared as Requestor. Also appearing was Collector of Delinquent Tax Lisa Bowden. Ms. Rivard and Ms. Bowden signed witness oaths.

Letter of request

Mr. Graves read the letter requesting an abatement hearing, which is signed by Martha Rivard. The body of the letter is as follows:

Requesting abatement #24 VSA 1535 for taxes 2011 and 2012.

In 2013 after a mammogram, I was sent to Dartmouth-Hitchcock. After many tests, I was told I had breast cancer. I was scheduled for surgery. Dartmouth called me: didn't did clean margins. I [had] to go back for a second surgery. I had twenty radiation treatments: five days a week for four weeks. Taking cancer pills for five years. 2017 is only [the] fourth year.

In August 2016 had my left knee replaced. For three weeks went to St. Jay for physical therapy.

My car needs to be replaced. I was told in April 2017 [the garage] would not inspect my car again. Have to get a used one.

Requestor's Testimony

- Ms. Rivard indicated that her letter contains the substance of her request.

Discussion

Graves opened the floor to the Board for discussion, which was had as summarized below:

- Ms. Bowden indicated that the parcel is currently delinquent with regard to 2011 property taxes in the amount of \$4,373.64 (\$2,159.75 in principal, \$2,041.11 interest, and \$172.78 penalty); with regard to 2012 property taxes in the amount of \$1,724.65 (\$899.67 in principal, \$743.60 interest, and \$81.38 penalty); with regard to a total of all years in the amount of \$6,098.29 (\$3,059.42 in principal, \$2,784.71 interest, and \$254.16 penalty).
- Ms. Rivard indicated that her husband died eighteen years ago, and that she has been the sole owner of this parcel since that time.
- Ms. Rivard indicated that although she is out of work due to her knee surgery, she hopes to return to work in March 2017.
- Mr. Graves asked Ms. Rivard if her request for abatement is based on health and medical reasons.
 - Ms. Rivard responded in the affirmative.

6. Deliberation & Decisions

The Board discussed amongst itself, and with Ms. Bowden, the merits of each request. Ms. Bowden then left the meeting, and the Board rendered decisions as follows:

John & Sharon Bradley (Parcel ID #0020-20-07)

Mr. Adler moved to abate property taxes for all outstanding tax, all outstanding interest, and all outstanding penalty for the property tax years 2011, 2012, and 2016, for a total abatement of \$5,212.90, based on medical hardship, and financial inability to pay taxes. Seconded by Mr. McLam and approved by voice vote.

Ronald & Sylvia Cushing (Parcel ID #0000777070.000)

The Board noted that it had already rendered a decision to abate during the hearing itself, as documented above.

Joyce Narey (Parcel ID #0025-01-17)

Mr. Adler moved to consider this abatement request for the property tax years 2015 and 2016, and to deny the request, finding that the circumstances presented by Ms. Narey are not temporary in nature, and that without leveraging the equity in the property through a reverse mortgage or sale of the parcel there is no reason to expect that Ms. Narey will not find herself in a similar condition in the future. Seconded by Mr. McLam and approved by voice vote.

Martha Rivard (Parcel ID #0014-01-45)

Mr. McLam moved to abate \$2,059.42 in principal, all outstanding interest, and all outstanding penalty for the property tax years 2011 and 2012, for a total abatement of \$5,098.29, based on medical hardship, and financial inability to pay taxes. Seconded by Ms. Ford and approved by voice vote.

7. Adjournment

Ms. Jensen moved to adjourn. Seconded by Mr. McLam and approved by voice vote. Meeting adjourned at 9:05 p.m.

A true copy.

Attest: _____
Town Clerk