

Town of Springfield - Board of Abatement

Selectmen's Hall - 96 Main Street - Third Floor

Thursday, February 2, 2017 at 6:15pm Minutes

Board of Civil Authority Members Present:

Ernest Lamphere
Warren Cross
Mark Greenvall
Kathleen Stankevich
Steve Sysko
Beth Gray
Cynthia Martin
Tom Hall
John Stettner
Dave Yesman
Stephen Matush
Scott Farr
Peter MacGillivray
Walter Martone
Chuck Gregory
Barbara A. Courchesne, Town Clerk

Others:

Maxine Aldrich, Assistant Town Clerk
Nichole Knight, Assessor
Terry Perkins, Lister

After the quorum being met, the meeting of the Board of Abatement was called to order at 6:08pm by Chairman Ernest Lamphere.

1. Requests for Tax Abatement

Keith Albee – 15 Goodyear Avenue

Appellant was sworn in by Clerk. Assessor, Nichole Knight, and Lister, Terry Perkins, were introduced and sworn in by Clerk. Clerk distributed copies of letter to Appellant, abatement request under "Reason No. 5" (24 V.S.A. § 1535(a)(5)), tax bill, cost sheet and calculation. Chairman Lamphere asked the Appellant to explain his request for abatement. Mr. Albee states the property abuts property he's lived at since 1985, the property wasn't taken care of, there was a massive water leak, back room full of mold, floor joists rotted, and furnace was laying on the ground, so he decided to tear it down. He is asking the taxes on the building be abated.

Chairman Lamphere asked for the Assessor's testimony. Nichole Knight confirmed she visited the property to see house was gone. The house value is \$48,800; land, water and sewer are \$46,000. The property was torn down as of December 1, 2016. The house was a blight in Springfield. Dave Yesman asked if the abatement includes interest. Barbara Courschesne confirmed Mr. Albee is current on property taxes so there is no interest.

MOTION: Dave Yesman moved to abate \$820.79. Mark Greenvall seconded motion. Warren Cross questioned the amount of taxes being abated. Barbara Courchesne explained calculation. John Stettner commented Mr. Albee wants to pay taxes on what he has. Ms. Courchesne commented the Selectboard is doing a lot to have blighted properties removed from the grand list so this would be setting the stage for that to happen so the Board will want to treat future folks who are taking down homes for that reason in the same manner. Chairman Lamphere asked for any further questions on motion. No further discussion. Motion passed unanimously.

Stephen Matush departed the meeting at 6:26pm.

The Board was sworn in by the Clerk, and the Board reaffirmed its decision on the Keith Albee hearing.

Mary J. Soubble – 7 Birch Court

Appellant was not present. Clerk distributed copies of letter to Appellant, abatement request under “Reason No. 5” (24 V.S.A. § 1535(a)(5)), tax bill, cost sheet and calculation. Barbara Courchesne confirmed Appellant received letter. Appellant is current on her taxes so there is no interest. Nichole Knight testified there was a fire on November 8, and it appears to be uninhabitable and a total loss. The house value is \$98,300, minus the foundation of \$14,165 for an abatement house value of \$84,135. Ernest Lamphere confirmed with Nichole Knight that \$1,638 should be abated. Mark Greenvall asked if there is a determination from the insurance investigation. Nichole Knight stated it hasn’t been completed. Barbara Courchesne stated she heard from insurance agent and it’s a long, arduous process. They were trying to get something for the hearing but haven’t given the Appellant anything. Nichole Knight stated from past experience, there were a couple of fires last year, one of which looked less damaged and the insurance company called it a total loss. They were able to use the foundations so that’s why the foundation value was deducted. Mark Greenvall questioned the garage. Nichole Knight confirmed it’s a detached garage and is still there. Warren Cross confirmed the land value. Walter Martone asked if they rebuild does it get reassessed. Nichole Knight confirmed it gets reassessed when the house is complete.

MOTION: John Stettner moved to \$1,638.00. Beth Gray seconded motion. Dave Yesman stated it shouldn’t be abated until insurance company reports what’s going to happen. Scott Farr stated with respect to the listers, maybe we should wait to hear from insurance company and then Appellant can come back to abate later. Barbara Courchesne explained the calculation and asked a reason to be included. John Stettner amended the motion to include “Reason No. 5” (24 V.S.A. § 1535(a)(5)). Motion passed: 10 in favor, 4 opposed.

Miles P. O’Donnell – 269 Brook Road Lot 2B

Appellant was not present. Clerk distributed copies of letter to Appellant, abatement request under “Reason No. 5” (24 V.S.A. § 1535(a)(5)), tax bill, cost sheet and calculation. Nichole Knight explained in August 2013, the unlanded mobile home was awarded to park owner, Steven Rupsis, by the court. In September, 2013, the mobile home was torn down by the park owner. Our grand list is open in July, any changes after that are rolled over to put in a working grand list. For some reason, this change didn’t get put in so it rolled over for two years before Appellant advised us he was still receiving a tax bill. Ernest Lamphere confirmed 2016-2017 tax year is not included. Nichole Knight

confirmed 2016-2017 was removed due to errors and omissions. Barbara Courchesne confirmed amount to be abated is \$257.28. David Yesman questioned if the Board does not have to go back several years to abate. Barbara Courchesne read from the handbook, "there is no limit as to how far a Board of Abatement may go when it abates taxes. The Board of Abatement may abate, in whole or in part, taxes from prior years so long as one of the statutory reasons for granting abatement applies." John Stettner questioned the amount and reason for abatement. Barbara Courchesne confirmed the property was removed from the grand list in 2016-2017 and the abatement is for the 2014-2015 and 2015-2016 year to clean up the grand list. Barbara Courchesne explained that this happened because she had mailed Mr. O'Donnell stating the property was going to tax sale, and Mr. O'Donnell came in to say he did not own the property. When people fill out the request, they don't always understand the statutory requirements and to Mr. O'Donnell, the property was lost or destroyed meaning it was torn down during the tax year. Nichole Knight explained it was an abandoned trailer, the park owner went to court to get ownership, it legally went into the new owner August 1, 2013 and it should have been changed in the grand list going forward, that was her error. But the town was also not advised it was torn down.

MOTION: Dave Yesman moved to deny request for tax abatement based on the fact that he filled out the application incorrectly. John Stettner seconded the motion. Warren Cross stated that's not good policy, the guy just made a mistake. He did not own the property and shouldn't be taxed. Motion put to vote. Motion failed: 3 in favor; 11 opposed.

MOTION: Warren Cross moved to abate \$257.28. Mark Greenvall seconded motion. Peter MacGillivray asked if anyone paid taxes on land. Nichole Knight confirmed the owner of the park paid taxes on the land. Motion put to vote. Motion passed: 11 in favor; 3 opposed.

Clerk Requests– Jasinki's Market; Jonathan's Restaurant; Vermont Machine Tool

Clerk distributed and explained copies of delinquent tax report for each property, Jasinki's Market for the 2014-2015 year, Jonathan's Restaurant for 2009-2010 and 2010-2011 years, and Vermont Machine Tool which was brought before the Board last year. Steve Ankuda advises to abate these. She also explained copy of Bankruptcy Court information provided by Steve Ankuda regarding Vermont Machine Tool. All would fall under "Reason No. 5" (24 V.S.A. § 1535(a)(5)): VACLTL advises there is no Supreme Court ruling over lost or destroyed. Mark Greenvall confirmed that these abatements are not issuing a check to anyone, just wiping off the grand list.

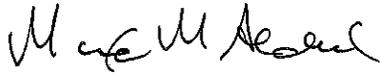
MOTION: Dave Yesman moved to abate \$30.48 for Jasinski's Market. John Stettner seconded motion. No further discussion. Motion passed.

MOTION: John Stettner moved to abate \$970.25 for Jonathan's Restaurant. Mark Greenvall seconded motion. Warren Cross asked why we did not pursue earlier. Barbara Courchese explained Steve Ankuda advised to abate instead of pay the cost of collecting in court. Motion put to vote. Motion passed: 11 in favor, 3 opposed.

MOTION: John Stettner moved to abate \$9,443.46 for Vermont Machine Tool. Walter Martone seconded motion. Chuck Gregory and Scott Farr abstained. Motion passed: 10 in favor, 2 opposed.

Dave Yesman moved to adjourn. Steve Sysko seconded motion. Adjourned at 7:10pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maxine M. Aldrich".

Maxine M. Aldrich
Assistant Town Clerk