

HARTFORD BOARD OF ABATEMENT
Monday, May 23, 2022- MINUTES (Draft)
Town Hall Rm 2, 171 Bridge St. White River Jct., VT 05001

Members Present: Sue Buckholz, Chair; Nancy Howe, Vice Chair; Lisa O'Neil, Clerk; Joe Turner, Assessor; Joe Major, Treasurer; Dan Fraser; Ally Tufenkjian; Pat Cook; Mary Erdei; Mike Morris; Nancy Russell; Lannie Collins; Rocket; Gayle Ottmann; Rebecca White; Kevin Christie; Bonnie Field; F.X. Flinn; Don Foster; Gabrielle Lucke.

The meeting was called to order at 5:45pm by Sue Buckholz, Chair. She reviewed the Abatement Procedures with the Board of Abatement.

Hearing: **Steven P. Leninski, Jr., Guardian for Steven Leninski, Sr. (Applicant)**
 72 Wood Rd.; Parcel ID # 12-158; SPAN # 285-090-12887

The applicant, Steven P. Leninski, Jr., was present accompanied by Steven Leninski, Sr. and by Marge Battaglia who also spoke on their behalf. Ms. Battaglia explained Mr. Leninski has gone through a lot during the past few years including bankruptcy and foreclosure proceedings. The foreclosure with Wood Investors, LLC was settled after selling two properties, in Windsor and Hartland were sold for \$400,000, \$350,000 of which was paid to Wood Investors, LLC to satisfy the outstanding mortgage on the Hartford property; the balance was paid for real estate services and bankruptcy fiduciary. According to the applicant, they were waiting for the bankruptcy to be resolved to address back taxes owed. The applicant supplied a copy of the US Bankruptcy Court "Order on Motion to Dismiss" dated 4/21/2022 that stated, "This case is dismissed without prejudice." In addition, she explained they owe a substantial amount in VT Income Taxes (she provided a bankruptcy Trustee's Report indicating past due total owed is \$48,012.75). Mr. Leninski had applied for the Homestead exemption a few times over the past decade and each time it was granted the amount was applied to the past due VT Income Taxes. She stated they were unaware they can/apply each year. After learning of VHAP (Vermont Homeowner's Assistance Program), they applied to the program. Ms. Battaglia further explained Mr. Leninski, Sr. is a Concentration Camp survivor, a Veteran, and has health issues.

Sue Buckholz asked what amount the applicant is asking the Board to abate. Ms. Battaglia stated they are requesting a three-quarter reduction in the amount owed. (According to the statement prepared by the Hartford Finance Office, the total amount owed to Town of Hartford is \$25,941.64; 75% = \$19,456.23).

Rocket asked if the lender has been paid and if in future years, the applicant will be able to pay the property taxes. Ms. Battaglia indicated the Mortgage has been satisfied. She stated Mr. Leninski, Sr. receives a combined \$2,400.00/month from Social Security and VA benefits so she believes they can manage going forward.

Lannie Collins asked if they have set up a payment plan with the Town for past due property taxes and how the property is used. Ms. Battaglia explained they were awaiting the results of the abatement hearing prior to arranging a payment plan. She stated the property is used as a home and there are some animals housed in the barns. In the past there had been an antique shop but is closed due to COVID. Mr. Leninski, Jr. indicated they are trying to clean up the property before determining if they can re-open the shop.

Nancy Howe asked if they had an update on the VHAP application. The applicant stated they do not.

Mike Morris asked the Chair if the new information supplied by the applicants and passed around for the members to view could be forwarded to members attending via Zoom. Lisa forwarded to them via e-mail during the meeting.

F.X. Flinn asked if they had considered re-filing their income taxes with the HS-122/Homestead Declaration form in an effort to get some additional relief. He also questioned the State applying the Homestead exemption funds in the past toward State Income Taxes owed. The applicants re-stated that is what had happened.

Kevin Christie indicated the State has allocated \$50,000,000 of ARPA Funds for the VHAP program. He does not know how much remains but applicants he knows of have been successful in getting relieve from the State; he has seen up to \$30,000 which can be applied to mortgage, taxes and/or utilities-the applicant states was they would use the money for.

Lannie Collins asked how the applicants plans to address the past due VT Income Taxes. Ms. Battaglia explained they hope to establish a payment plan with the State.

Joe Turner asked if the applicant has applied for the Disabled Veteran's Exemption? The applicant was unaware of the program. Mr. Turner provided an information sheet to the applicant.

Upon completion of the applicant testimony and Board questions, the Board moved into deliberations at 6:30pm. A thoughtful and robust discussion ensued.

Rocket moved to grant an abatement in the amount of \$19,456.23. Gayle Ottmann seconded the motion. The motion failed 1-18 (Rocket in favor; balance of the Board was opposed. Joe Major did not vote during the proceedings).

Ally Tufenkjian moved to abate the interest and penalties of \$3,886.39. Gabrielle Lucke seconded the motion. F.X. moved to amend the motion to abate penalties and interest owed on the condition of payment of the property taxes owed. The motion to amend did not receive a second. Nancy Howe offered an amendment to the motion to abate \$6,485.41 (25% of total amount owed). The amendment was accepted by Ms. Tufenkjian and Ms. Lucke. The motion carried 16-3 (In favor: S. Buckholz, K. Christie, L Collins, P. Cook, M. Erdei, B. Fields, D. Foster, D. Fraser, N. Howe, G. Lucke, M. Morris, L. O'Neil, G. Ottmann, A. Tufenkjian, J. Turner, and R. White; Opposed: F.X. Flinn, Rocket, and N. Russell).

Mike Morris made a motion to adjourn. Rebecca White seconded the motion. The motion carried unanimously. The meeting adjourned at 7:30pm.

Submitted by Lisa M. O'Neil
Town Clerk