

HARTFORD BOARD OF ABATEMENT
Monday, April 24, 2023
Hartford Town Hall, Rm 2
171 Bridge St., White River Jct., VT 05001

MINUTES (draft)

Members Present: Lynn Bohi; Melinda Brooks; Lannie Collins; Pat Cook; Scott Farnsworth; Don Foster; Dan Fraser; Nancy Howe, Chair; Joe Major, Treasurer; Brett Mayfield; Mike Morris; Lisa O'Neil, Town Clerk; Gayle Ottmann; Rocket; Nancy Russell, Vice Chair; Joe Trotter; Ryan Walther; and Rebecca White.

Nancy Howe called the meeting to order at 5:30pm. She explained this is the first Board of Abatement (BoA) meeting since the members took office therefore a Chair and Vice Chair need to be elected. She invited nominations. Pat Cook nominated Nancy Howe for Chair; Lynn Bohi seconded the motion. The motion passed by unanimous vote. Mike Morris nominated Nancy Russell for the position of Vice Chair; Rocket seconded the motion. The motion passed by unanimous vote.

Nancy H. provided an overview to the Board of the Abatement Hearing process. Scott Farnsworth asked if BoA discussions must adhere to the statutory criteria selected by the applicant. Nancy H. explained the conversation may evolve to include other information. Lannie Collins asked what types of questions the members can ask. Nancy H. suggested questions be respectful and pertain to the request of the applicant. Nancy H. asked if any member had a conflict of interest related to applications or any ex-parte communication with any of the applicants. The Chair indicated the deliberations would happen after all the hearings had concluded; deliberative sessions are not public.

Nancy H. stated past BoA have established a schedule for two Abatement Hearings per year in March and September then held additional hearings as needed. She asked if the current BoA is comfortable with that approach. The BoA agreed by general consensus.

Hearing #1: Gregory & Christopher Boulbol; Julia Boulbol, Life Estate
Property Location: 580 Murphy's Road, Unit 8C
Parcel ID #12-8124 FHC-8C/SPAN #285-090-14785

The Chair opened the hearing. The applicants were not present; Lisa O'Neil indicated the applicant had sent an e-mail indicating they did not plan to attend. Nancy H. noted the applicants had selected two statutory criteria: Manifest Error and Mistake of the Listers. Nancy H. explained the second criteria does not apply in this instance since water & sewer charges do not pertain to the role of Listers/Assessor. The Department of Public Works notified the applicant of unusual usage; the applicant contacted a plumber, and it was determined a malfunctioning toilet caused the excess usage.

Hearing #2: Marcia Landon
Property Location: 40 Currier St
Parcel ID #45-156/SPAN #285-090-13059

The Chair opened the hearing, administered the Oath to the Applicant and confirmed the applicant had received a copy of the Rules of Procedure. Nancy H. asked Ms. Landon to name the applicable statutory criteria; Ms. Landon stated Manifest Error. The applicant explained she is requesting relief from a portion of the sewer charges because the water did not go into the sewer, it went in the ground under the concrete basement floor. She explained the Town DPW staff notified her the usage was unusually high. DPW went through the building with her to see if the issue was obvious; they suspected the water was going to the steam heat system. Ms. Landon contacted a vendor to address the issue. The vendor worked on the heating system, and they thought the problem was resolved. The applicant stated the next quarterly bill remained unusually high, so she contacted another vendor to look at the heating system. After

a thorough review of the system, hearing running water and seeing evidence of water seeping up through an area of the concrete basement floor the applicant hired someone to cut into the concrete floor and discovered a large amount of water going into the dirt under the concrete. It was determined a pipe below the basement floor had separated and the water flowed under the floor rather than circulating through the system. The applicant stated insurance will not cover this incident. Gail Ottmann asked if the applicant had received a bill since the issue had been resolved. She indicated she had not. Lisa stated the most recent bill provided by the Finance Department reflects a "reading date" of March 1, 2023. The applicant stated she believes the final fix occurred around April 11, 2023. Rebecca White asked the applicant if she is requesting a specific Abatement amount. The applicant stated she did not have an amount in mind but would like relief since the water was not going into the Town system. Joe Major stated it would be helpful to the Board if she had a number in mind. She said she has owned the building since 1997 and knows the usage history. She asked the Board to consider the billing history then decide an amount. Rebecca stated DPW had provided the BoA a calculation based on average usage from four previous bills, subtracted the past average from this past quarter's bill (DPW recommended a credit of \$726.17 for this period). Rebecca asked the applicant if she would be satisfied with that amount. The applicant said she did not think it was sufficient since there were two bills reflecting unusual usage and the water was not going into the sewer.

Hearing #3: Kimberly B. Rogers for the Estate of Susan G. Rogers
Property Location: 98 Nutt Lane
Parcel ID #49-13/SPAN #285-090-13921

The Chair opened the hearing, administered the Oath to the Applicant and confirmed the applicant had received a copy of the Rules of Procedure. The applicant confirmed she had selected "Manifest Error" and "Persons removed from the State" because she was unsure which criteria applied.

Ms. Rogers stated she is requesting an Abatement based on water/sewer charges. She explained the property was her mother's, Susan Rogers, property. Ms. Rogers was out of state attending to her mother who was undergoing cancer treatments and then passed away. When Ms. Rogers returned to Vermont after her mother's funeral, she discovered the relief valve on the heating system and the expansion tank had failed at her mother's property which had been unoccupied when the failure happened. The basement was full of water and the water was pouring out of the valve. Simple Energy repaired the system. The water did not enter the sewer system; it went onto the floor. ServPro provided remediation services at the property and pumped the water out of the basement then hauled it away.

Ms. Rogers requested an abatement on the excess sewer amount for the two quarterly billing periods impacted by this event. She also expressed she would like the BoA to consider a concession on the water portion of the bills since no one was actively utilizing the water when the property was unoccupied. She explained insurance only covered damage caused by the water but not the cost of heating system repair or water/sewer bills. Rocket asked Ms. Rogers if she is requesting \$242.33 for sewer charges and \$152.56 for water charges. Ms. Rogers concurred.

At 6:55pm Gail Ottmann made a motion to enter deliberative session; Mike Morris seconded the motion. The motion passed.

Hearing #1 (Boulbol): Mike Morris made a motion to deny the request. Lynn Bohi seconded the motion. The vote was 17-0-1 (*In favor*: L. Bohi; M. Brooks; L. Collins; P. Cook; S. Farnsworth; D. Foster; D. Fraser; N. Howe; B. Mayfield; M. Morris; L. O'Neil; G. Ottmann; Rocket; N. Russell; J. Trottier; R. Walther; R. White. *Abstained*: J. Major).

Hearing #2 (Landon): Rebecca White made a motion to credit \$1,500.00 for sewer charges; Dan Fraser seconded the motion. The vote was 16-0-2. (*In favor*: L. Bohi; M. Brooks; L. Collins; P. Cook; S. Farnsworth; D. Foster; D. Fraser; N. Howe; B. Mayfield; M. Morris; L. O'Neil; G. Ottmann; N. Russell; J. Trottier; R. Walther; R. White. *Abstained*: J. Major; Rocket).

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Hearing #3 (Rogers): Rebecca White made a motion to credit \$245.00 on the account of Susan Rogers toward sewer charges. Lannie Collins seconded the motion. The vote was 17-0-1. (*In favor*: L. Bohi; M. Brooks; L. Collins;

P. Cook; S. Farnsworth; D. Foster; D. Fraser; N. Howe; B. Mayfield; M. Morris; L. O'Neil; G. Ottmann; Rocket; N. Russell; J. Trottier; R. Walther; R. White. Abstained: J. Major).

Nancy Russell made a motion to come out of deliberative session. Mike Morris seconded. The motion carried.

The BoA discussed the proposed revision of the Abatement request packet as submitted for consideration by the Town Clerk. Nancy Howe noted typos on page two of the proposed revised Abatement Request form to be amended as follows:

- Criteria two on the list should read:
Taxes or charges of persons who have ~~removed~~ moved from the State. 24 V.S.A. §1535(a)(2).
- Criteria four and five on the list should be combined and corrected to read:
Taxes ~~or charges~~ in which there is a manifest error or mistake of the listers. 24 V.S.A. §1535(a)(4).

The BoA had a robust discussion about the proposed Abatement Financial Information Sheet for Income and Expenses. Many members felt the specificity of the items requested on the Financial Form was invasive and/or did not apply to all statutory criteria or request types. The consensus of the BoA was to incorporate the request for additional information on page two of the Request for Abatement application as follows:

Provide a brief description of the basis for the request. ~~Include~~ Add any supporting documentation to include, if applicable: Financial documentation; timeline of events; and a summary of communication with the Finance Dept. and/or Dept. of Public Works. Attach a separate sheet if necessary.

Under the pains and penalties of perjury, I/We swear the information herein, any supporting documentation & the financial information sheet provided related to the Abatement Request is true.

Rocket made a motion to adjourn the meeting of the Board of Abatement. Ryan Walther seconded the motion. The Motion passed.

Board of Civil Authority Meeting

Nancy Howe called to order the Board of Civil Authority (BCA) Meeting. Lisa gave an overview of the upcoming Biennial Checklist Review process. She suggested holding the Review meeting in June. Lisa also explained maintenance of the checklist is an ongoing activity in the Clerk's Office; certain methods are permitted by law (e.g., purging voters if there is a death notice; out of state notification of voter registration in a different jurisdiction). The Clerk may send Challenge letters to voters, with the BCA's authority, based upon certain types of public information. In addition, she stated there are 88 voters eligible to be purged from the checklist: these are voters who were issued a challenge letter prior to November 2020, have not responded to the challenge letter and/or voted for the last two general election cycles.

Lannie Collins made a motion to: Authorize the Town Clerk to regularly maintain the voter checklist by issuing **Challenge Letters** to Voters on the checklist based upon information obtained from the following: Property Transfer Returns; Returned Mail; Word of mouth, newspaper articles, or other public information indicating the voter may no longer reside in Hartford. Nancy Russell seconded the motion. The motion carried.

Rebecca White made a motion to: Authorize the Town Clerk to conduct a **Batch Purge** of voters who were challenged, have not voted, or responded to the challenge letter after TWO GENERAL ELECTIONS per 17 V.S.A. 2150(d)(5). Brett Mayfield seconded the motion. The motion carried unanimously.

Nancy Russell moved to adjourn. Rebecca White Seconded. Motion carried.

The meeting adjourned at 7:58pm.

Submitted by Lisa O'Neil, Town Clerk