MINUTES

Thursday, August 13, 2015 at 5:30 pm

Town of Springfield - Board of Abatement

Selectmen's Hall - 96 Main Street - Third Floor

Board of Civil Authority Members Present:
Kathleen Stankevich
Alice Emmons
Steve Matush
Warren Cross
Walter Martone
Ernest Lamphere
Kristi Morris
Mark Greenvall
Dave Yesman
Frank Poole
Steve Sysko
Peter MacGillivray
Barbara A. Courchesne, Town Clerk

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

Board of Abatement:

The meeting of the Board of Abatement was called to order at 5:30 PM by Chairman Ernest Lamphere.

1. **Swearing in of Board/Witness(es)**

   Board Members were sworn in by Clerk.

2. **Requests for Tax Abatement**

   Scott Denyou – 386 Brockway Mills Road

   Chairman Lamphere stated owner's name, property address 386 Brockway Mills Road and parcel id 010/2/44, request made under 24 VSA 1535(a)(3). Appellant, Scott Denyou, Lister Terry Perkins and Assessor Nichole Knight were sworn in by Clerk. Barbara Courchesne introduced into evidence Appellant's letter requesting abatement and distributed copies to all parties. Chairman Lamphere read aloud Appellant's request for abatement and asked Appellant if he had anything to add.

   Peter MacGillivray entered and was sworn in by Clerk.

   Appellant stated he does not have means to pay, not that he doesn't want to, fallen on hard times, plans to pay, needs more time. Appellant introduced as evidence Functional Capacity Test and Disbursement Schedule. Mr. Denyou stated he doesn't like to play the victim.

Nichole Knight noted there is no homestead declaration filed with State of Vermont, stating if income is low Appellant should get a good prebate. She believes Appellant still has until September to file.

Barbara Courchesne referred to the back of the tax bill for information on that form.

Mr. Denyou is not familiar with that form.

Barbara Courchesne asked if Mr. Denyou files income tax returns.

Mr. Denyou replied he's not required to file.

Barbara Courchesne stated she spoke with Mr. Denyou's attorney last year, and Barbara advised the attorney of homestead declaration. Attorney stated he would look into it.

Mr. Denyou stated attorney was looking into his retirement. Mr. Denyou reached a hearing point and received a letter from attorney stating he was retiring and turning over the case to Sam Angell. The new attorney asked for a continuance and judge denied and they talked Mr. Denyou into starting over.

Alice Emmons explained that Mr. Denyou does not need to file income tax returns to claim homestead declaration and explained the process in detail to him.

Warren Cross advised Mr. Denyou can call the Senior Center for assistance in applying for homestead declaration.

Alice Emmons questioned property ownership.

Mr. Denyou confirmed his cousin, Stephen Fletcher, has lifetime tenancy, Mr. Fletcher moved out months after Mr. Denyou bought the place and Mr. Fletcher lives with his mother, Mr. Fletcher has social security income, Mr. Fletcher is almost 70.

Walter Martone asked if this is the first time filing for abatement.

Mr. Denyou confirmed he filed last year but didn't show burden of proof. He tried to obtain financials from Voc Rehab that day but no one was in the office. His abatement request was denied.

Walter Martone asked if Mr. Denyou filed for previous years.

Mr. Denyou replied he did not request abatement before last year.

Barbara Courchesne confirmed property is currently up for tax sale to be held on August 27 referring Board to the warrant amounts due. The property was put up for tax sale last year and there were no bidders, so the property did not sell.

Alice Emmons clarified that the homestead declaration would only apply to upcoming 15-16 tax year.

Barbara Courchesne questioned Mr. Denyou's current attorney and is there anything from the attorney letting us know where Mr. Denyou is in his claim.

Mr. Denyou confirmed he is at the hearing stage. Attorney Angell thinks there should be a hearing schedule by September.

Barbara Courchesne stated the property was not put up for tax sale the first two years because an attorney called the town stating a social security claim was being filed and it was sounding favorable and should be resolved at any time. Ms. Courchesne received a similar call last year.

Mr. Denyou stated he was told same thing by his attorney, but when it came time for the hearing, the attorney talked Mr. Denyou out of going to hearing because the attorney wasn't ready for it.

Christine Mayhew, was sworn in.

Ms. Mayhew stated the first attorney convinced Mr. Denyou to drop it because if he went and lost he would not get the retro from social security, which is what he planned on to pay the taxes. That is why they started over again.

Walter Martone asked what is the relationship of Ms. Mayhew to Mr. Denyou.

Mr. Denyou confirmed they've been together for 9 years.

Walter Martone asked if Ms. Mayhew lives at the house and if she pays rent.

Ms. Mayhew replied she does not pay rent. She was on unemployment for a while. She is waiting for drug test results to start a new job.

Alice Emmons stated any income Ms. Mayhew has would be included on the homestead declaration form.

Barbara Courchesne asked if the entire Board had a chance to review evidence.

Chairman Lamphere asked for any more questions from the Board. Hearing none, Chairman Lamphere advised Appellant that he would be notified in writing within 15 days of the Board's decision.

Bubbling Brook Farm – 47 Randall Hill Road

Appellant's request for abatement was withdrawn in writing on August 13, 2015.

Town of Springfield – Inactive Personal Property (see attached list)

Nichole Knight confirmed the list of inactive personal property accounts, explaining some companies foreclosed, closed or moved from Springfield. They are no longer active in the grand list. They are all old debts.

Barbara Courchesne confirmed she has shown the list to Stephen Ankuda, and his advice is to abate them.

Kristi Morris asked if the Main Street Market building is still there.

Nichole Knight confirmed the building is still there. This is personal property.

Alice Emmons asked if there have been attempts to collect these.

Nichole Knight confirmed the owners are still receiving tax bills.

Barbara Courchesne stated the mailings come back undeliverable or cannot be forwarded.

Frank Poole asked under what criteria the taxes would be abated.

Barbara Courchesne confirmed it would be under Rule 5.

Walter Martone asked if town has ever assigned to collection agency.

Barbara Courchesne stated she is not aware of further collection efforts in the past.

Kristi Morris believes Kiosko went to court.

Barbara Courchesne restated that she ran the list by Steve Ankuda to see if any were collectible. She stated that what is shown the list includes penalty and interest for many years. She has a breakdown if the Board wants it.

MOTION: Mark Greenvall moved to abate the taxes on personal property as presented under Rule 5. Kristi Morris seconded. Discussion ensued. Motion passed.

Town of Springfield – Unlanded Mobile Homes (see attached list)

Nichole Knight confirmed the list are all unlanded mobile homes. All but the last one are in the Vermont Housing Park on Town Farm Road. The mobile homes are no longer there. They were abandoned, then destroyed and pulled out of the park. The State of Vermont does not talk to the town when they do this. There is not a transfer recorded so the town is not aware when this happens. Tax bills are still being mailed to owners at the address on file.

Kristi Morris asked if there is any way to collect on these.

Nichole Knight confirmed tax bills are sent. Town only has those addresses. The mailings keep coming back. At least one owner has passed away.

MOTION: Warren Cross moved to abate taxes as presented on the list under Rule 5. Kristi Morris seconded. Discussion ensued. Motion passed.

Terry Perkins and Nichole Knight were dismissed.

At 6:00 PM, the Board entered open deliberative session.

Scott Denyou – 386 Brockway Mills Road

David Yesman pointed out there was no information presented from the attorney. Mr. Denyou should file homestead declaration. Barbara Courchesne reminded the statute allows to abate separately taxes, interest and penalty. Alice Emmons stated homestead declaration is calculated on assessed value and income and whoever lives in the house, Mr. Denyou may not get that much help. Walter Martone questioned tax sale and mortgages. Barbara Courchesne confirmed there is no lienholder. The minimum bid would be warrant amount, possibly constable fee and additional interest. Warren Cross questioned tax sale. Barbara Courchesne confirmed if it sells, Mr. Denyou has a year to redeem.

MOTION: Mark Greenvall moved to abate collection fees and interest, in the hopes he makes further inroads with his other endeavors to get ability to pay, in the amounts of $342.28 plus $1,815.58. Steve Matush seconded. Discussion ensued. Walter Martone asked if the motion is approved, does the property still go to tax sale. Barbara Courchesne confirmed this abatement would not stop tax sale: the

full amount needs to be paid to avoid tax sale. Walter Martone stated we're making it more affordable for someone to bid on it. Motion passed (2 opposed).

Peter MacGillivray asked if language could be included in decision to ask for additional documentation from Mr. Denyou. Barbara Courchesne read VLCT's opinion regarding what can be asked for.

MOTION: Peter MacGillivray moved to add language to decision: respectfully suggest that if he wants to come back again that he provide some documentation in the form of legal advice of where he stands on the social security claim. Walter Martone seconded. Discussion ensued. Barbara Courchesne confirmed reference to homestead declaration will be in findings of fact. Motion passed (2 opposed).

Chair asked if there was any other business. Barbara Courchesne reminded Board of hearing to be held on September 3, 2015 for challenges. Mark Greenvall motioned to adjourn. Kristi Morris seconded. Motion passed. Adjourned at 6:15 PM.

Respectfully submitted,

Maxine M. Aldrich
Assistant Town Clerk

PARCEL	TAXPAYER	ADDRESS	TYPE	YEAR	TAXES/PENALTY/INTERST	24 VSA 1535(5)
0PP08434-	MORNING DEW REAL E		PP INACTIVE	11-12	11373.19	PP gone - to be abated
0PP00227-	NBC SOLID SURFACES		PP INACTIVE	11-12	4053.66	PP gone - to be abated
0PP00100-	CAPSTONE ADVISORY (Kiosko)		PP INACTIVE	11-12	39363.64	PP gone - to be abated
0PP02044-	MICROCUT LASER		PP INACTIVE	09-10	741.23	PP gone - to be abated
0PP00544-	AT&T CAPITAL LEASING		PP INACTIVE	11-12	541.23	PP gone - to be abated
0PP00265-	RADIO SHACK		PP INACTIVE	12-13	501.00	PP gone - to be abated
0PP01460-	THURBER AUDIO VIDEO		PP INACTIVE	09-10	338.23	PP gone - to be abated
0PP09801-	MAIN STREET MARKET		PP INACTIVE	13-14	84.30	PP gone - to be abated

PARCEL	TAXPAYER	ADDRESS	TYPE	YEAR	TAXES/PENALTY/INTERST	24 VSA 1535(5)
002/1/37-L65	PLOOF GORDON	242 Town Farm Road Lot 65	MHU	10-11	1213.60	MH removed per Niki visit - to be abated
002/1/37-L61	LOEWE STEPHEN	242 Town Farm Road Lot 61	MHU	10-11	801.73	MH removed per Niki visit - to be abated
002/1/37-L21	RICHARDSON GLENNA	242 Town Farm Road Lot 21	MHU	10-11	774.43	MH removed per Niki visit - to be abated
002/1/37-L51	TIE KYLE	242 Town Farm Road Lot 51	MHU	12-13	734.00	MH removed per Niki visit - to be abated
002/1/37-L23	GOULD DIANA M	242 Town Farm Road Lot 23	MHU	11-12	527.61	MH removed per Niki visit - to be abated
002/1/37-L10	ROGERS SPICER TERR	242 Town Farm Road Lot 10	MHU	09-10	445.77	MH removed per Niki visit - to be abated
002/1/37-L55	STONE CHRISTY	242 Town Farm Road Lot 55	MHU	13-14	106.56	MH removed per Niki visit - to be abated
123776	PARKER, JULIANNA	269 BROOK ROAD LOT 3	MHU	14-15	90.02	MH removed per Niki visit - to be abated