MINUTES

Thursday, April 9, 2015 at 6:15 pm

Town of Springfield - Board of Abatement

Selectmen's Hall - 96 Main Street - Third Floor

Board of Civil Authority Members Present:
Steve Sysko
Cynthia Martin
Warren Cross
Walter Martone
Ernest Lamphere
Kristi Morris
Mark Greenvall
Dave Yesman
Peter Andrews
George McNaughton
Barbara A. Courchesne, Town Clerk

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

Board of Abatement:

The meeting of the Board of Abatement was called to order at 6:20pm by Chairman Ernest Lamphere.

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

   Board Members were sworn in by Clerk and Clerk introduced Listers and Nichole Knight. Town Clerk informed the Board that the Town Assessor, Cy Bailey, took a job with the State of Vermont and was not available, however, Nichole is the Assessor's administrative assistant and is available to answer any questions the Board may have.

2. **Requests for Tax Abatement**

   Donald Allen – 123 French Meadow Road

   Appellant, Listers Lee Murray and Terry Perkins, and Nichole Knight were sworn in by Clerk, and Appellant was handed a copy of the newly adopted Rules of Procedure, Department of Assessment and cost sheet. Chairman Lamphere stated owner's name, property address 123 French Meadow Road and parcel id 005/2/57. Appellant testified to loss by fire on 2/5/15 and described condition of property. Listers inspected property and valued loss at $126,900 on Assessor's Letter. Peter Andrews asked if the calculations have been checked by finance to make sure appellant gets the right proration. Barbara Courchesne confirmed the assessor's letter drives the calculation and the finance department does the calculation based on that letter. Barbara Courchesne suggested reading of assessor's letter. Kristi Morris felt it appropriate that they explain. Walter Martone questioned calculation of number of days of

loss, when is the beginning and end of tax period, questioned if loss was verified by inspection, what happens if loss is corrected before end of tax year and if letter from assessor is recommendation or fact. Barbara Courchesne confirmed tax year for purposes of proration. Nichole Knight confirmed inspection was done, abatement will not change if appellant rebuilds before end of tax year, appellant will have to request abatement again next year if nothing is done, letter is what assessor thinks should be removed from value. Chairman Lamphere thanked appellant and advised that Board would enter deliberative session and a written decision would be issued within 30 days.

Kenneth and Barbara Vandenburgh – 5 Church Street

Appellants were sworn in by Clerk and handed a copy of the newly adopted Rules of Procedure, Department of Assessment and cost sheet. Chairman Lamphere stated owner's name, property address 5 Church Street and parcel id 01B/3/09. Appellants testified to loss by fire on 3/9/15 and described condition of property. Mr. Vandenburgh confirmed assessed value before fire was $190,400, and he provided an insurance estimate of $243,000 and change to rebuild. Mrs. Vandenburgh stated it would take approximately 8 months for repairs. Nichole Knight confirmed inspection of the property and removal of the house value, leaving foundation and water and sewer and value of loss of $131,800. George McNaughton asked if it was determined to be a total loss. Mr. Vandenburgh responded that no one told him that but based on the estimate to repair and the assessed value being less he thought it was a total loss. Chairman Lamphere thanked appellants and advised that Board would enter deliberative session and a written decision would be issued within 30 days. Upon leaving, the appellant submitted a copy of insurance estimate, which the Clerk marked as Exhibit A.

Mary Hamisevicz – 45 Wall Street

David Yesman disclosed knowing appellant and having had dealings in the past. Barbara Courchesne read the definition of "conflict of interest" from the Secretary of State's 2014 Abatement Handbook, and the Board determined there is no conflict of interest at this time. Appellant was sworn in by Clerk and handed a copy of the newly adopted Rules of Procedure, Department of Assessment and cost sheets for 2013-2014 and 2014-2015 tax years. Chairman Lamphere stated owner's name, property address 45 Wall Street and parcel id 027/3/02. Appellant testified that she filed a grievance for the 2013-2014 tax year which was not acted on until the following year. Nichole Knight confirmed appellant filed grievance timely and town is at fault for not acting on it. Barbara Courchesne asked if 2014-2015 year is correct. Nichole Knight confirmed. Walter Martone questioned if Appellant brought this to attention of town. Appellant confirmed she has been in conversation more than once with town. Peter Andrews questioned estimated interest. Barbara Courchesne explained calculation is done by finance department and represents interest on 2013-2014 year. Barbara Courchesne read VLCT opinion as it relates to the statute on interest. Chairman Lamphere thanked appellant and advised that Board would enter deliberative session and a written decision would be issued within 30 days.

Richard Hardie – 38-40 Prospect Street

Appellant was not present. Barbara Courchesne advised that Mr. Hardie had not returned the certified mail response. However, she understood from a conversation with the Lister's Department that he was aware that the hearing was to be held on April 9, 2015. Chairman Lamphere stated owner's name, property address 38-40 Prospect Street and parcel id 026/1/26. Nichole Knight explained she has entered into an owner financed contract with Appellant on this property. She testified that the real estate broker who lists the property pointed out to her when she was looking at the property that the garage currently listed on the property assessment is not owned by Appellant. The garage was mistakenly added to assessment during 2007 reappraisal. Peter Andrews and Ernest Lamphere questioned if there was any guidance on how far back or how many years could be abated. George McNaughton suggested this be discussed in deliberation. Chairman Lamphere thanked the Listers and Nichole Knight and

advised that Board would enter deliberative session and a written decision would be issued within 30 days.

At 6:50 PM, Chairman Lamphere declared the Board in deliberative session. The following motions were made in deliberation:

Allen – 123 Fairground Road

MOTION: George McNaughton moved that abatement be granted in the amount of $1,461.96 under "Reason No. 5" (24 V.S.A. § 1535(a)(5)). Mark Greenvall seconded. Motion passed unanimously.

Vandenburgh – 5 Church Street

MOTION: George McNaughton moved that abatement be granted as of date of fire in the amount of $1,183.31 under "Reason No. 5" (24 V.S.A. § 1535(a)(5)). Mark Greenvall seconded. Motion passed unanimously.

Hamisevicz – 45 Wall Street

MOTION: Warren Cross motioned to abate $1,210.38 [this amount includes statutory interest] under "Reason No. 4" (24 V.S.A. § 1535(a)(4)). Steve Sysko seconded. Motion passed: 10 in favor; 1 opposed.

Hardie – 38-40 Prospect Street

MOTION: Dave Yesman motioned to grant abatement for tax year 2013-2014 in amount of $107.19. Warren Cross seconded. Dave Yesman withdrew his original motion, then motioned to abate taxes in the amount of $88.04 plus statutory interest under "Reason No. 4" (24 V.S.A. § 1535(a)(4)). Warren Cross seconded. Motion passed: 9 in favor, 2 opposed.

Chair asked if there was any other business, hearing none George McNaughton motioned to adjourn. Mark Greenvall seconded. Adjourned at 7:15 PM.

Respectfully submitted,

Maxine M. Aldrich

Maxine M. Aldrich
Assistant Town Clerk