

**TOWN OF SHELBURNE
BOARD OF ABATEMENT
MINUTES OF MEETING
August 27, 2018**

DRAFT

MEMBERS PRESENT: Tom Little (Chair); Jennifer Leopold, Nancy Baker, George Schiavone, Mary Kehoe, Bill Deming, Rebecca Moore, Laura Gannon-Murakami, David Webster, Jaime Heins, Joan Lenes, Jerry Storey, Randy Rowland,
ADMINISTRATION: Diana Vachon, Town Clerk;
OTHERS PRESENT: None.

1. CALL TO ORDER

Chair Tom Little called the meeting to order at 7:05 PM.

2. PUBLIC COMMENTS

None.

3. APPROVE AGENDA

MOTION by George Schiavone, SECOND by Laura Gannon-Murakami, to approve the agenda as presented. VOTING: unanimous; motion carried.

4. APPROVAL OF MINUTES

July 23, 2018

Tom Little has one correction. On Page 2 – “Tom stated the law does not allow retroactive payments”. The law does give the BOA the ability to abate past years more than the current year. Take out the “not”.

MOTION by David Webster, SECOND by Mary Kehoe to approve the minutes of July 23, 2018 with Tom Little’s revision. VOTING: unanimous; motion carried.

5. CONSIDER THE DRAFT RULES OF ABATEMENT PROCEDURE FROM THE SUBCOMMITTEE

Tom Little, Mary Kehoe, David Webster, and Nancy Baker served on the subcommittee. The Rules of Abatement Procedure for Hearings was drafted based on the VLCT model rules for Board of Abatement and on the Rules of Procedure for Board of Civil Authority of Shelburne. Tom submitted today amendments to the Draft. Adding the following to Page 3 (new text in italics):

12. *SITE VISIT: In its discretion, the BOA may recess a hearing to a date certain in order to conduct a site visit to the subject property, and then reconvene at the designated date to complete the hearing or, if the hearing previously was completed, for a deliberative session.*

13. *FORMS: The BOA may adopt model forms for abatement proceedings, including forms for taxpayers to use in making abatement requests and submitting financial hardship information, and for the BOA’s Agendas, Hearing Notices, and Notices of Decision, and may revise the forms from time to time.*

MOTION by David Webster, SECOND by Joan Lenes to accept #12 SITE VISIT amendment as presented to the Rules of Abatement Procedure Hearing. VOTING: unanimous; motion carried.

MOTION by Bill Deming, SECOND by George Schiavone to accept #13 FORMS amendment as presented to the Rules of Abatement Procedure Hearing. VOTING: unanimous; motion carried.

MOTION by Nancy Baker, SECOND by Becky Moore to approve and adopt the Rules of Procedure for Abatement Hearings. Discussion regarding the ability to limit how far back the abatements may go. It was agreed to follow the statute of abatement not to limit the ability to go back to abate taxes from prior years. There is no limit as to how far a board of abatement may go when it abates taxes, although a majority of the towns we heard from do not seem to abate prior years. 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. 24 V.S.A. § 1535(a). **VOTING: unanimous; motion carried.**

The Board discussed the definition of “manifest error” The dictionary definition is “obvious” or “clear”.

6. ABATEMENT HEARING SCHEDULE

Tom Little noted there are four abatement requests. The Board agreed on Monday September 24, 2018 at 7PM. Diana Vachon will send out copies of the Board’s 2005 ruling on an abatement similar to the requests in 2018.

7. OTHER BUSINESS

Tom Little asked if anyone thinks they may have a conflict of interest with the four owners: Norman and Betsey Silcox, Thomas and Jill Couture, Edward and Jane Vizvarie, and Joan Mollica. Norm Silcox used to be on the Board. Laura Gannon-Murakami stated she knows Ed Vizvarie. George Schiavone stated he knows the owners of 345 Birch Rd.

8. ADJOURNMENT

MOTION by David Webster SECOND by Jenny Leopold, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 7:45 PM.

RScty: Diana Vachon