

**TOWN OF SHELBURNE
BOARD OF ABATEMENT HEARING
MINUTES OF MEETING
September 24, 2018**

DRAFT

MEMBERS PRESENT: Tom Little (Chair); Peter Gadue, Lee Suskin, Jennifer Leopold, Nancy Baker, George Schiavone, Jerry Storey, Mary Kehoe, Bill Deming, Rebecca Moore, Laura Gannon-Murakami, Jaime Heins, Joan Lenes, David Webster

ADMINISTRATION: Diana Vachon, Town Clerk, Ted Nelson, Town Assessor

OTHERS PRESENT: Ed Vizvarie, Norm Silcox, Betsy Silcox, Jaime Stanis

1. CALL TO ORDER

Chairman Tom Little called the meeting to order at 7:04 PM.

2. OPENING REMARKS

Chairman Tom Little welcomed everyone. He stated that the abatement process gives the Board broad discretion but little specific guidance. Shelburne has had few abatement proceedings in recent years..

3. OPPORTUNITY TO DISCLOSE ANY CONFLICT OF INTEREST

Chairman Tom Little asked each board member to state any conflicts of interest, ex parte communications or prejudgment statements. No member provided any.

4. Edward Vizvarie old parcel ID# 1880004000. New parcel ID# 060-0043.

Currently addressed as 43 Richmond Drive. Chairman Little administered the Oath as per the Shelburne Board of Abatement Rules of Procedure to Mr. Vizvarie, the property owner, and Mr. Nelson, the Town Assessor. Mr. Vizvarie stated he received a letter in May 2018 from the Town stating his property size decreased from 0.5 acres to 0.27 acres. He has been paying taxes for 27 years on 0.50 acres. All his tax bills from 1992 list 0.50 acres. By Mr. Vizvarie's calculations, he over paid \$3357.01 cumulative since the 1991-1992 tax year. He would like some relief. He is abating his taxes based on 24 V.S.A. 1535 #4. Taxes in which there is a manifest error or mistake of the listers (assessor). Mr. Nelson stated that in any given year a property owner has 3 opportunities to get relief: 1) grieve during an assessment period, 2) go before the Selectboard and ask for an Errors and Omissions, and 3) abatement process. And each year Mr. Vizvarie has had these opportunities. The reduction amount has been entered into the 2018 grand list. All lots in the development are subject to the same change. They all visually look about the same size. Mr. Nelson also stated that "we" did not make a mistake. All properties in Shelburne were looked at and compared the grand list to the tax maps. Approximately 1200 properties were adjusted. About half went up in size and the other half went down in size. 35 property owners grieved. Those properties were sent to the mapper (Dean Russell of Russell Graphics) to be double checked. Appropriate adjustments were made. Mr. Vizvarie did not grieve in May 2018. When the town was assessed in earlier years, determining the size was based first on professional boundary surveys, then on the deeds, which may list acres more or less, or meets and bounds down to the second, and then the

parcel maps. We have new staff member in the assessing office, and to help her understand the process, she looked at her own property and found the discrepancy. She made the adjustment for all Shelburne properties across the board. Mr. Nelson stated the properties are selling for more than the assessed value. Hearing no more questions or testimony, Chairman Little invited a motion to close the hearing.

MOTION by Ms. Leopold to close testimony. Mr. Deming seconded. VOTING: unanimous; motion carried.

5. Tom Couture old parcel ID# 1400040000. New parcel ID# 046-0599. Currently addressed as 599 Martindale Rd. Mr. Couture did not attend the hearing. This parcel was tabled for discussion during the upcoming deliberations.

6. Norman and Betsy Silcox; old parcel ID# 0260034000. New parcel ID# 035-0345. Currently addressed as 345 Birch Road. Chairman Little administered the Oath as per the Shelburne Board of Abatement Rules of Procedure to Mr and Mrs. Silcox. And Chairman Little reminded Mr. Nelson that he was still under oath. Mr Silcox submitted written evidence on 9/17/18. On May 10, 2018 he and his wife had received a letter from the Town stating that property at 345 Birch Rd real value reduced because of a corrected land size from 0.7 to 0.65 acres. They are requesting abatement of their taxes based on 24 V.S.A. 1535 #4 - taxes in which there is a manifest error or mistake of the listers (assessor). In 1986 the land size was listed as 1 acre. In 1992 – 1993 tax year the land size is shown as 0.7 acres. Since the assessment stayed the same, there was no reason for him to grieve. In 2017 the land size was adjusted from 0.7 to 0.65 and the assessment amount changed. Discussion about when did the assessing separate out the building from the land and that there have been four to five assessors since the 1960's. Mr. Nelson stated that land owners carry some responsibility for the information being accurate. Mr. Nelson does not see this correction applying to 24 V.S.A. 1535 #4, taxes in which there is a manifest error or mistake of the listers (assessor). Everyone has been given the same treatment and opportunities to grieve. Hearing no more questions or testimony, Chairman Little invited a motion to close the hearing.

MOTION by M _____ to close testimony. _____ seconded. VOTING: unanimous; motion carried.

- 7. Jaime Stanis, President of the Shelburnewood Association would like to request an abatement of the taxes at 196 Shelburnewood Drive old parcel ID# 5030018000 ORG. New parcel ID# 381-0196 on behalf of the Association.** Chairman Little restated his opening remarks. Chairman Little administered the oath as per the Shelburne Board of Abatement Rules of Procedure to Mr. Stanis. And Chairman Little reminded Mr. Nelson that he was still under oath. Mr. Stanis submitted an affidavit as evidence of his request for an abatement per "Taxes or charges of persons who are unable to pay their taxes,

charges, interest, and / or collection fees. 24 V.S.A. § 1535(a)(3), and Taxes or charges upon real or personal property lost or destroyed during the tax year. 24 V.S.A. § 1535(a)(5)”. As of April 1, 2018, the Property was owned by William Boisvine. Sometime in May 2018, Mr. Boisvine signed transfer of ownership papers to convey ownership of the Property to the Association for consideration of One Dollar (\$1.00). At the time of transfer, the Property was extremely dilapidated, unsafe to occupy and uninhabitable. The Property had been uninhabited for some time, and currently is uninhabited. The Association plans to have the Property removed and disposed of. The Assessor does not dispute these findings. Mr. Boisvine paid the 2017-2018 property taxes on the Property, but made one or more payments late. As of August 31, 2018, \$2.10 in unpaid interest remain unpaid for that tax year. The total amount due for the two tax years in question, plus interest, is \$348.12 as of August 31, 2018. The Association seeks abatement of this sum, plus any interest accruing since that date for both tax years in question. Mr. Stanis also asked that the utilities for water and sewer be abated. This is not within the scope of the Board of Abatement and will need to be taken up with the Selectboard. Hearing no more questions or testimony, Chairman Little invited a motion to close the hearing.

**MOTION by M_____ to close testimony. _____ seconded.
VOTING: unanimous; motion carried.**

**MOTION by M_____ to enter into deliberative session. _____
seconded. VOTING: unanimous; motion carried.**

At 9:20 PM the Board came out of deliberative session and stated that the deliberations were incomplete and would be continued via email conversations.

**At 9:25 PM MOTION by M_____ to adjourn. _____ seconded.
VOTING: unanimous; motion carried.**

Respectfully submitted by Diana Vachon Town Clerk

Please note our regular minute taker Marianne Riordan has been unable to complete the minutes in the five day required time frame due to a family emergency. This is a summary of the proceedings and more complete minutes will be forthcoming.