

**Minutes of Board of Abatement Meeting
Monday, December 10, 2012**

Board of Civil Authority Present:

Robert Vasseur, Chair (Robert), Lisa Koitzsch (Lisa), Ed Read (Ed), Tony Egan (Tony), Fred Spencer (Fred), Ann Day (Ann), Patti Lewis (Patti), Jared Cadwell (Jared), and Gussie Graves (Gussie)

Guests Present:

Robert Love and Jane Barnett via telephone

8:00 a.m. – Robert called the meeting to order.

Parcel ID# 05-066 – Robert Love participated via telephone.

Mr. Love thanked the Town for the development layout on Bragg Hill Road and thanked the Board for convening this meeting and for the democratic process.

Mr. Love went over the scenario of Hurricane Sandy which began on October 29th, 2012. Due to all communication being down, banks closed (Wells Fargo) and lack of mail service he was unable to postmark his tax payment on October 30 or 31st as he normally would have done and hoped everyone understood this was an unusual event. (See attached email dated 11/27/12).

Robert then had the BOA Members introduce themselves.

Jared asked if it was Mr. Love's practice to send his payment at the end of October. The answer was yes and that he always marked his calendar clearly to remind himself. Ann asked if he would consider moving the mark on his calendar up. Mr. Love answered yes and that he was not going to be late with his payment ever again. Robert stated that Mr. Love must realize that by reading the tax bill that taxes are due thirty days after receiving the bill. Mr. Love said yes he understood that and would not wait this long again.

8:23 a.m.

Parcel ID# - 007-001 – Jane Barnett participated via telephone.

Robert had the BOA Members introduce themselves.

Ms. Barnett explained that Patti had gone to the trouble of letting her know she was not receiving her mail and sent her a copy of the 2012 tax bill in time for her to pay without penalty or interest. Ms. Barnett stated that as soon as she received the bill she mailed a check on October 21, 2012 (See attached letter and copy of second check received.). Then from Patti again, she discovered that her check had never arrived in Fayston. She then sent a second check via UPS. She had contacted the Moretown post office and was

told that there had been some trouble with the East Coast mail due to Hurricane Sandy. Ms. Barnett explained that not only did the Fayston tax check not arrive, but she also had a similar experience with several other checks that she mailed on the same day. Lisa asked what the issue with the original address was. Ms. Barnett said she had come back to Vermont for a week and had changed her address to her Vermont address while she was here in order to receive mail. She said that she had changed her address back to her Seattle address but found out several months later that the change had not taken effect.

Ed asked if all the checks that had not been received or cashed had been mailed the exact same day and time. The answer was yes. She had checked with her neighbors, none had mail problems this time but one had had this issue five years before and that the post office said this was not unusual. In the future she will use a tracking system such as UPS.

Ms. Barnett explained a State permitting situation that had caused her \$20,000.00 in land gains tax due to not building her home in Fayston within two years. She feels that the Town of Fayston had some responsibility in this scenario. If she had not been ill she would have taken the case to court.

She hopes that the BOA understands and takes into consideration that she has never been late paying taxes and the storm was a large disaster and that she does not want to be charged for something that was out of her hands.

Lisa told Ms. Barnett that they had her payment record in hand and it did show she paid on time.

8:36 a.m.

Parcel ID# 05-019 – Elizabeth Cochrane – Not present.

BOA went over Ms. Cochrane's letter dated 11/16/12 (see attached), her payment history and amount of the penalty and interest.

8:41 Ed made a motion to go into deliberative session. Ann seconded, no further discussion, all in favor, motion carried.

Patti recused herself from the vote due to a possible perceived conflict of interest as she is the Fayston Delinquent Tax Collector.

Fred had to leave the meeting prior to votes taken.

The BOA considered each case on its own merits and made the following decisions:

Jared made a motion to deny Robert Love's request of abatement of interest and penalty because the BOA felt there was sufficient advance notice of the storm and sufficient time to pay. Furthermore, the Board directed Patti not to charge interest for December or January if payment in full is made by January 15, 2012. Lisa seconded, all in favor, motion carried by unanimous majority.

Ed made a motion to deny Elizabeth Cochrane's request of abatement of interest and penalty because the BOA felt there was sufficient advance notice of the storm and sufficient time to pay. Ann seconded, all in favor, motion carried by unanimous majority.

Lisa made a motion to waive the entire penalty for Jane Barnett but keep the interest. Jared seconded.

Ed made a motion to amend the first motion by reducing the penalty by half and keep the interest. Gussie seconded.

Robert asked for those in favor of the amendment. Tony, Gussie, Ed and Robert were in favor of the motion, Jared, Lisa and Ann against. Motion carried.
Robert asked for those in favor of the original motion as amended. All in favor, motion carried by unanimous majority.

BOA asked that Patti have these minutes and their decision ready for review within five business days. From the time the minutes and decision are sent out to the BOA, Board members will be expected to respond with their changes or approval. The Chair of the BOA will have to sign the decision prior to sending it out to the individuals.

Jared will work on updating procedures for drafting, approving and dispersing these minutes and decisions in the future.

9:25 a.m. - Lisa made a motion to close the meeting. Jared seconded, all in favor, motion carried by the majority.

Respectfully Submitted:

Patti Lewis

Approved: Robert Gasser Date: 12/12/12