

**Minutes of Board of Abatement Meeting
Wednesday December 21, 2016**

Board of Abatement Present:

Jared Cadwell (Jared), Chuck Martel (Chuck), Lisa Koitzsch (Lisa), Gussie Graves (Gussie), Tom Bisbee (Tom), Patti Lewis (Patti), Peter Forbes (Peter), Rick Rayfield (Rick), and Doug Mosle (Doug). (Board)

Guests Present: Joseph Gil via phone.

Jared called the Board of Abatement meeting to order on 12/21/16 at 9:00 a.m. He noted a quorum was present and asked if there were any conflicts of interest. Patti will recuse herself from any vote to avoid any perceived conflict of interest as delinquent tax collector.

1. Lee Gavris – Parcel ID#14-059 – 74 Horseshoe Road

Mr. Gavris had sent a note saying he had used the postage machine in his office (metered mail) to send in his tax payment on 11/1/16. Envelope shows the metered mail mark of 11/1/16 as well as a postmark of 11/2/16. He hopes that the Town can cut him some slack as to interest and penalty.

2. Diane Schellack – Parcel ID#03-119 – 21 Stony Hill Road

Ms. Schellack sent a letter stating that they had made an error in paying the taxes due to family issues and confusing New Jersey tax due dates with the Town of Fayston tax due dates. Her payment was postmarked 11/4/16. She asks that the delinquent charges be reversed.

3. Jennifer Howard – Parcel ID#03-129 – Center Fayston Road

Jennifer Howard wrote an email stating she did not remember receiving the original tax bill and was surprised to receive the delinquent tax bill with interest and penalty. She asks if the penalty could be forgiven.

4. Marvin Ginzel – Parcel ID#06-080 – 460 Farm Rad

Mr. Ginzel had sent a note stating he had mailed this tax payment on 11/1/16. He strongly protests the delinquent tax penalty and interest and questions why it took the Town so long to cash his check once received. The Town received it on 11/10/16 with a postmark on the envelope of 11/7/16. It was deposited 11/21/16 upon return of the delinquent tax collector from a conference the week of 11/14 – 11/18/16.

5. Joseph Gil – Parcel ID#06-063 – Phen Basin Road

Mr. Gil was expected to attend the meeting via phone at 10:00 a.m.

9:24 a.m. – Lisa made a motion to go into deliberative session to discuss #1-#4 of the abatement requests. Peter seconded, no further discussion, all in favor, motion carried.

9:45 a.m. – Jared made a motion to recess deliberative session. Chuck seconded. No further discussion, all in favor, motion carried.

5. Joseph Gil – Parcel ID#06-063 – Phen Basin Road

9:50 a.m. – The Board reached Mr. Gil via phone.

Jared explained to Mr. Gil that there were seven members of the Board present and introduced them all. He then administered the oath to Mr. Gil and explained that this was Mr. Gil's opportunity to state his request.

Mr. Gil stated that he wrote and mailed his check on 8/1/2016. He produced evidence of writing the check in the form of his check register which showed the checks written before and after on the same date. He only realized the check had not been cashed when he received the first delinquent tax bill and upon checking with his bank. He said he has owned the property for 20+ years and never paid late. He stated he has no financial issues and it certainly was not a case of not intending to pay his taxes on time. Chuck asked that if he had written the check in early August had he not seen upon reconciling this checkbook that it had not cleared. Mr. Gil said he does not reconcile his checkbook for a couple of months at a time and had not paid attention and it never occurred to him the check had not been received. Rick asked if he had used meter mail or postage stamps to mail it. The answer was stamps. Lisa asked if any of the other checks written on or around the same time had not been cashed. Mr. Gil answer no, they were all delivered.

Jared explained that the Board would now go into deliberative session and he would receive a written decision within 30 days.

9:57 a.m. – Lisa moves to go back in to deliberative session. Tom seconded. No further discussion, all in favor, motion carried.

10:05 a.m. – Rick makes a motion to close deliberative session. Chuck seconds. No further discussion, all in favor, motion carried.

DECISIONS:

Lee Gavris – Parcel ID#14-059

Jared made a motion to deny Mr. Gavris' request for abatement of interest and penalty. Gussie seconded. The Board reviewed language on the tax bill which clearly states meter mailed is not accepted. They also considered the fact that there were 68 days from the due date to the delinquent date and felt this was an ample grace period. No further discussion, all in favor, motion carried.

Diane Schellack – Parcel ID#03-119

Jared made a motion to deny Ms. Schellack's request for abatement of interest and penalty. Doug seconded. The Board understood the interruption of life circumstances, possible confusion regarding New Jersey tax due dates and Fayston, and her history of always paying on time. However, the Board must treat everyone fairly and felt the 68 day grace period was ample. No further discussion, all in favor, motion carried.

Jennifer Howard – Parcel ID#03-129

Lisa made a motion to deny Ms. Howard's request for abatement of penalty. Jared seconded. They considered that taxes have never been paid late but in the interest of treating everyone fairly could not make a decision to abate based on that fact alone and felt a 68 day grace period was ample.

Marvin Ginzel – Parcel ID#06-080

Doug made motion to deny Mr. Ginzel's request for abatement of interest and penalty. Jared seconded. The Board noted the 11/7/16 postmarked date with receipt of the check by the Town on 11/10/16. They took a moment to clarify that when the Town deposited the check had no relevance as penalty is applied one time after 11/1/16 and interest at the beginning of each month, not on a daily basis. Also in the interest of treating everyone fairly felt the 68 day grace period was ample. No further discussion, all in favor, motion carried.

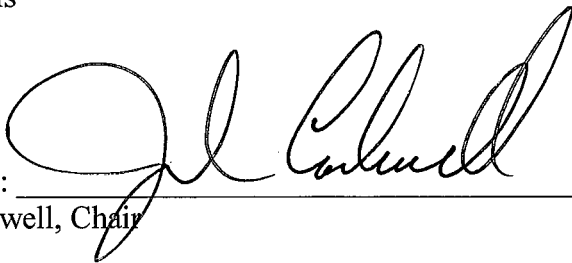
Joseph Gil – Parcel ID#06-063

Doug made a motion to grant Mr. Gil's request for abatement of interest and penalty in the amount of \$435.29 based on the evidence presented. Rick seconded. No further discussion. Motion carried with a 4-3 vote in favor. Rick, Tom, Jared and Doug voted to abate. Lisa, Chuck and Gussie voted against.

10:28 a.m. – Lisa made a motion to adjourn. Jared seconded. No further discussion, all in favor, motion carried.

Respectfully Submitted:
Patti Lewis

Approved: _____
Jared Cadwell, Chair



Date: 1.02.17