

**BOARD OF ABATEMENT MEETING
MAY 26, 2016
RANDOLPH TOWN HALL
CONFERENCE ROOM B
6:00P.M.**

Present: Justices of the Peace: Martha Lawrence, Richard Burstein, Michael Ross, George Phillips, Jack Cowdrey, Jessamyn West and Tom Harty

Board of Listers: Ed Luce, Lisa Preston and Patrick French

Town Clerk & Treasurer: Joyce Mazzucco

Others: Michelle and Shane LaPlante

1. Call to Order

Board Chair Richard Burstein called the meeting to order at 6:05 p.m. when a quorum of the Board was present.

2. Public Comment

There was no public comment.

3. Approve the Agenda

Martha Lawrence made a motion to approve the agenda as presented. Jessamyn West seconded the motion. A voice vote was taken and the motion carried by unanimous vote.

4. To consider the abatement request of Shane and Michelle LaPlante, property located at 5338 Vermont Route 66, Parcel #110017-000, SPAN #507-159-12553. Abatement request being made under 24 V.S.A. §1535(a)(6)

Mr. Burstein asked if any of the Board members had a conflict of interest in this abatement hearing. Martha Lawrence indicated that she knew one of the appellants and will abstain in making a decision on this hearing. Mr. Burstein then asked that anyone presenting evidence in this case be sworn in. Town Clerk Joyce Mazzucco administered the following oath to the appellants, Mr. and Mrs. LaPlante: "Do you solemnly swear or affirm that the evidence you shall give relative to the cause now under consideration shall be the whole truth and nothing but the truth so help you God or under the pains and penalties of perjury?"

The following items were entered into evidence and labeled as follows:

Exhibit #A: The LaPlante's Abatement Hearing Request application, received on April 29, 2016

Exhibit #B: A copy of the LaPlante's April 2016 Delinquent Tax Notice

Mr. Burstein asked Mr. and Mrs. LaPlante to present their evidence in support of their abatement request. Mr. and Mrs. LaPlante are seeking any reduction in their FY 2016 property taxes, penalties and interest as the Board deems appropriate. Mr. LaPlante told the Board he had sustained an injury to his arm while working on the job on September 8, 2013. Since then he has had surgery on his arm, and is unable to return to the type of work he was doing. He had been working in construction. He did not collect

unemployment because he did not qualify. He had been collecting Worker's Comp from 12/2/2013 until March 2016. The only income the family now has is from his wife's employment. Mrs. LaPlante works at The Barn, located near the Interstate and is run by Summit. He has gone to Voc Rehab to see if he qualifies for training that will enable him to find a job.

Mr. Burstein asked Mr. LaPlante a couple of questions to clarify under which section of Title 24 §1535 the appeal is being made under. Mr. LaPlante is not serving in the military and the injury was not service related. Mr. Burstein pointed out that the abatement request was made under the wrong section of Title 24 §1535 and should have been made under 24 V.S.A. §1535(a)(3), "persons unable to pay their taxes, interest and collection fees".

Mr. LaPlante told the Board he just learned he qualifies for Voc Rehab training and will be meeting with them again next week. He plans on taking some courses that will enable him to work possibly as a project manager.

A discussion followed, with the following individuals participating in the discussion: George Phillips, Joyce Mazzucco, Tom Harty, Shane LaPlante, Pat French, Jessamyn West, Martha Lawrence, Michelle LaPlante and Richard Burstein. The discussion was about filing the Homestead Declaration form with the Vermont Department of Taxes to qualify for a possible reduction in the education tax portion of the property tax bill. Since the LaPlantes have owned the property, no Homestead Declaration form was ever filed. The property has been billed at the Non-Residential tax rate which is higher than the Homestead rate. If the LaPlantes had filed the Homestead Declaration, the education tax rate would have been slightly lowered and they may have qualified for a reduction in the education tax due to income sensitivity.

Michael Ross made a motion to abate \$2,097.16 in taxes, penalties and interest. The motion did not receive a second. There was further discussion about the penalties and interest charges and about what some members of the Board felt would be appropriate to abate. Participating in that discussion were Jessamyn West, Lisa Preston, and Michael Ross. Jessamyn West made a motion to abate \$216.36 in penalty and interest charges. Lisa Preston seconded the motion. A voice vote was taken and the motion carried by majority vote (9-0-2) (abstentions: Richard Burstein and Martha Lawrence). A written decision will be sent to Mr. and Mrs. LaPlante.

5. Other Business.

There was no other business.

6. Adjournment.

Joyce Mazzucco made a motion to adjourn the meeting. Jessamyn West seconded the motion. The meeting adjourned at 6:23 p.m.

Attest: _____
Joyce L. Mazzucco, Town Clerk