

BOARD OF ABATEMENT MEETING MINUTES
MAY 28, 2013
RANDOLPH TOWN HALL
CONFERENCE ROOM B

Present: Justices of the Peace: James Sault, Richard Burstein, Ruth Lutz, Tom Harty, Martha Lawrence, Barbara Angell, Ellen Baker, and Sheila Jacobs
Selectboard: Larry Richburg and Tom Schersten
Board of Listers: Donald Sweetser and Mimi Burstein
Town Clerk & Treasurer: Joyce Mazzucco
Others: Patrick French and Raymond Bowen

The Board of Abatement meeting was called to order at 5:40 p.m. by Board Chair Richard Burstein when there were a sufficient number of board members present for a quorum.

The first order of business was to consider the abatement request of Kathleen Tortolano, property located at 2469 Vermont Route 14 North, Parcel #115028.000. The request was being made under 24 V.S.A § 1535(a)(3) "...taxes of persons who are unable to pay their taxes, interest and collection fees." Ms. Tortolano was not present at the meeting. Joyce Mazzucco, Town Clerk and Treasurer, provided a copy of additional information Ms. Tortolano had provided to confirm her medical condition. A discussion followed, with the following individuals participating in the discussion: Barbara Angell, Joyce Mazzucco, Tom Harty, Ruth Lutz, Richard Burstein, Jim Sault, Martha Lawrence, Sheila Jacobs, Larry Richburg, Don Sweetser, Mimi Burstein and Ellen Baker. The discussion touched on how much was owed in delinquent taxes, what income she is receiving, what the status is with her mortgage company, how long Ms. Tortolano is likely to be unable to work and whether she will be approved for disability benefits, and what her plan is going forward if she does receive an abatement of the taxes and other charges for the current tax year. The Board felt it needed more information before proceeding further. Jim Sault made a motion to table action on this request and to form a committee to visit Ms. Tortolano to gather additional information. Barbara Angell seconded the motion. There was no further discussion. Mr. Burstein called the voice vote and the motion carried by majority vote, with one abstention (Mr. Burstein). Jim Sault and Don Sweetser volunteered to visit Ms. Tortolano and request additional information. The Board will meet again at an undetermined future date to continue consideration of Ms. Tortolano's abatement request.

The next order of business was to consider the abatement request of Raymond Bowen for the Beatrice Bowen Estate, property located at 6 Fairview Street, Parcel #213005.000. The request was being made under 24 V.S.A § 1535(a)(5) "...taxes upon real or personal property lost or destroyed during the tax year." The house was severely damaged due to a fire on December 29, 2012 and was a total loss. Mr. Bowen was present at the meeting. Town Clerk Joyce Mazzucco administered the following oath to Mr. Bowen and Mr. French: "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)?" A discussion followed, with the following individuals participating in the discussion: Barbara Angell, Joyce Mazzucco, Richard Burstein, Raymond

Bowen, and Patrick French. Mr. French told the Board that the Listers had visited the property. The house was totally damaged and the debris has since been removed. The foundation remains and is still useable. Mr. Bowen stated he did not intend to rebuild on the site and hopes to sell the site. Mr. French had prepared some information for a suggested abatement of taxes on the destroyed house and a copy of that information was provided to all present. The value of the destroyed house was \$81,600. The total amount of taxes on the house for one year was \$1,948.36. The number of days of loss was 184. Based on this information, Mr. French suggested that an abatement of \$982.19 in taxes was appropriate. Ms. Mazzucco stated that if the Board were to abate the property taxes as suggested by Mr. French, the remaining principal amount of taxes due would be \$571.00. Ms. Mazzucco also told the Board that the current interest and penalty charges amounted to \$155.32. Tom Harty made a motion to abate \$982.19 in taxes and \$155.32 in interest and penalty charges. Martha Lawrence seconded the motion. Mr. Burstein called for a voice vote and the motion carried by majority vote, with one abstention (Mr. Burstein). Mr. Bowen was informed that the \$571.00 remaining balance would need to be paid in full before the end of the week to avoid additional interest charges. A written decision will be sent to him.

The next order of business was to consider the abatement request of Mary Orfini, property located at 3958 East Bethel Road, Parcel #117070.000. Mrs. Orfini is seeking an abatement of the penalty and interest charges, a total of \$198.70. She stated in her letter that she had mailed her payment so it would arrive in a timely manner and was not aware there was a problem until she received the delinquent tax notice on April 8th. She immediately placed a stop payment on the lost check and sent a replacement check which was received by the Town on April 11th. Mrs. Orfini provided a copy of the stop payment order. A discussion followed, with the following individuals participating in the discussion: Tom Harty, Joyce Mazzucco, Richard Burstein, Barbara Angell, Jim Sault, Larry Richburg, Sheila Jacobs, Mimi Burstein and Ellen Baker. The discussion touched on the postal system and the timeliness of deliveries or lack thereof, the amount of the penalty and interest charges, and the total amount of property taxes on the property. Ms. Mazzucco told the board members that the first check Mrs. Orfini sent was never received by the Town. Larry Richburg made a motion to abate the \$198.70 in penalty and interest charges. Jim Sault seconded the motion. Mr. Burstein called for a voice vote, and the motion carried by majority vote, with one “No” vote (Barbara Angell) and one abstention (Richard Burstein). Written notification of the Board’s decision will be sent to Mrs. Orfini.

There was no further business to consider. Jim Sault made a motion to adjourn the meeting. Larry Richburg seconded the motion. A voice vote was taken and the motion carried by majority vote. The meeting adjourned at 6:25 p.m.

Attest: _____, Town Clerk
Joyce L. Mazzucco