

**TOWN OF HYDE PARK
ABATEMENT BOARD MEETING
November 17, 2014**

Present: Gary Anderson, John Anderson, Roger Audet, Pierre Couture, Vicki Emerson, Brian Jones, Mary Paul Loomis, Orah Moore, Kimberly Moutlon, Greg Paus, Wendell Peake, Julie Rohleder and Duncan Tingle

Others

Present: Dan Foss

Orah Moore called the meeting to order at 7:06pm.

V. Emerson nominated Orah Moore as Chairman. Nomination was seconded by G. Paus.

1) Daniel Foss and Angela Yartz, 4162 VT 100

Dan Foss was present. O. Moore asked D. Foss to explain why they were requesting the abatement. D. Foss stated that in 2009 a neighbor did some construction and it opened up a wetland issue that flooded parts of the Foss/Yartz property that was not previously a wetland. They had received a permit to locate a mobile home on their own property prior to the wetland issue. Since the mobile home installation and the flooding, the state came out and inspected the property which resulted in a \$18,000 fine. Due to the cost of fighting the state's fine and a job loss, their property taxes fell behind. D. Foss also stated that he feels the property value has decreased due to the flooding issue. D. Foss stated that he has attempted to make payments to the delinquent tax collector and the tax sale attorney, David Polow, but the payments were returned. O. Moore asked why the payments were returned. D. Foss indicated he didn't know. G. Anderson and K. Moulton both mentioned that if payments were sent in after the property went to the attorney for tax sale preparation, only payments that paid the taxes in full for the tax sale year would be accepted.

K. Moulton stated that she had talked to Marvin Locke, the Delinquent Tax Collector to obtain the most current information for this parcel. M. Locke stated that the mortgage company had been in contact with the tax sale attorney to obtain the total due for all outstanding tax amounts. Although they stated they would be paying the taxes on behalf of D. Foss and A. Yartz, no payments have been received from the mortgage company yet.

O. Moore asked general questions regarding the acreage of the property and the acreage of the wetlands. D. Foss indicated that he has 10.2 acres and he has no idea about the wetlands because it was not classified as wetlands when they purchased the property.

D. Tingle stated that he has heard two concerns from D. Foss tonight. One concern is the abatement of property taxes and the other is the value of the property.

G. Anderson and J. Rohleder both stated that this board can do nothing to help with the property value at this time. This is a grievance issue. J. Rohleder recommended that D. Foss meet with the Listers during the grievance process next year. She stated that all we can do tonight is make a decision on the abatement request.

G. Anderson stated that since the mortgage company has indicated they will be paying the outstanding taxes, the board should wait for action from the mortgage company before moving forward with the abatement request.

The Abatement Board recommended that D. Foss contact David Polow, the tax sale attorney, for further information about the mortgage company paying the taxes as well as contacting the mortgage company directly. It was also suggested that D. Foss call the State of VT 2-1-1 seeking assistance for the legal work he is doing for the wetland issue.

The abatement hearing was closed due to the intention of the mortgage company to pay the taxes.

2) Board of Abatement Procedures and Rules of Conduct

O. Moore turned the meeting over to K. Moulton, the Town Clerk. K. Moulton stated that she had been to a VT Municipal Clerks & Treasurers annual meeting with educational sessions provided. One of the sessions was on Procedures and Rules of Conduct for Abatement Boards. K. Moulton referenced the sample that was provided in the board packets. This document and the attached checklist are used in towns to help guide the board with the procedures that must take place at every meeting, who is responsible for the different steps of the process, who participates and when meetings are held. There is a separate checklist that will assist the Chairman, Vice-Chairman or any member of the board nominated in the absence of the Chair and Vice-Chair on all the steps to follow for each meeting. This checklist will provide consistency for all future meetings. K. Moulton stated that the Planning Commission and the DRB have adopted Procedures and Rules of Conduct.

There was general discussion regarding the documents provided.

D. Tingle made a motion that was seconded by J. Rohleder to meet on a set schedule twice a year. There was discussion regarding what months to meet.

G. Paus amended the motion to prepare draft Procedures and Rules of Conduct, adopt the checklist and meet twice a year with dates to be decided. There was more general discussion regarding when we want these documents in place and when we will meet again to approve the draft Procedures and Rules of Conduct. G. Anderson stated we should meet again in January to approve these documents so they are in place when the next group of Justice of Peace officials take office on February 1, 2015. The amended motion passed unanimously.

The original motion by D. Tingle passed unanimously.

K. Moulton will work on the draft Procedures and Rules of Conduct specific to the Town of Hyde Park that will be reviewed at a January meeting.

There was no other business.

G. Paus made a motion that was seconded by V. Emerson to adjourn. Motion passed unanimously. Meeting adjourned at 8:00pm