

**TOWN OF HYDE PARK
ABATEMENT BOARD MEETING**

June 5, 2017

Present: Selectboard – Roger Audet, Susan Bartlett, Lucy Hankinson; Justices of the Peace – Gary Anderson (also a Lister), Brickett Bailey, Vicki Emerson, Brian Jones, Pixie Loomis, Orah Moore, Wendell Peake and Marilyn Zophar; Listers – Deanna Judkins and Julie Rohleder; Town Treasurer/Town Clerk – Kimberly Moulton

Others

Present: Brad and Deanna McKnight

K. Moulton called the meeting to order at 7:00pm. It was determined there was a quorum of the board to proceed.

K. Moulton asked for nominations for chairman. B. Bailey nominated Deanna Judkins for chairman. J. Rohleder nominated Brickett Bailey for chairman. There were no other nominations and nominations were closed. Voted by voice to elect Brickett Bailey for chairman. K. Moulton turned the meeting over to Chairman Bailey

1) Board of Abatement Procedures and Rules of Conduct

D. Judkins made a motion that was seconded by G. Anderson to accept the Board of Abatement Procedures and Rules of Conduct as printed. K. Moulton states there have been no changes to what is being presented. The motion passed unanimously.

2) Abatement request from Brad and Deanna McKnight

Chairman Bailey stated that today was Monday, June 5, 2017. The Board of Abatement is meeting at the Municipal offices to hear the abatement request of Brad and Deanna McKnight. Chairman Bailey noted that Brad and Deanna McKnight were here representing themselves. Chairman Bailey asked board members to disclose conflicts of interest, prejudicial opinions or ex parte communication. There were none.

Chairman Bailey administered the following oath to the appellants:

“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 pains of penalties of perjury?”

Mr. and Mrs. McKnight both stated yes.

Chairman Bailey asked the appellants to share the reason for their request. D. McKnight restated their reasons for the abatement request as they were listed in their letter to the Abatement Board. They stated they purchased this property assuming it was a buildable lot but in the process of applying for building permits, they have had nothing but problems. J. Rohleder stated one of the issues was an Act 250 permit from the 1970's that was missing an update to show the property has been properly subdivided. B. McKnight states that without the Act 250 permit, the lot is not buildable and they have been paying taxes on a buildable lot. They want some tax money back because they state it is not a buildable lot as it is assessed and taxed. J. Rohleder stated it was assessed as buildable as they had no reason to believe it wasn't. K. Moulton asked if the lot was represented as buildable when they purchased it. B. McKnight stated they thought they were buying a buildable lot. K. Moulton stated that there was no error on the part of the Listers as they assessed the property as how it was represented at the time of

the McKnight's purchase. B. McKnight stated they now have an email from the state that says the Act 250 issue is resolved but he doesn't quite trust the email until he has a letter from Act 250 in hand. B. McKnight stated they applied for a building permit and the permit was denied. V. Emerson asked what reasons were given for the denial. D. McKnight pulled out the building permit and read the reason for the permit application to be returned which was that it was returned as an incomplete application. V. Emerson asked what their intentions are with the property and where are they in the process. B. McKnight stated that they still hope to build on the lot and are meeting with the DRB on Tuesday night, June 6, 2017 to discuss how to move forward. Right now, there is an issue with the grade of the driveway.

Chairman Bailey stated that the board may abate the interest and penalty that a tax payer may owe the town. He explained that the board may deny an abatement request or may abate in whole or in part taxes, interest and collection fees (penalties) only in situations that meet the criteria listed in 24 VSA § 1535. If an amount of tax is abated, so must the interest and fees related to that amount. Interest on taxes paid and later abated will accrue from the date payment was due or made, whichever is later.

O. Moore moved to close the public session and enter into deliberative session. S. Bartlett seconded the motion. The motion passed unanimously. Brad and Deanna McKnight left and the board entered into deliberative session at 6:29pm. There was a motion by R. Audet that was seconded by J. Rohleder to come out of deliberative session at 7:20pm.

P. Loomis made a motion that was seconded by V. Emerson to abate the property taxes for Brad and Deanna McKnight on parcel # 10040150.200 for the 2014/2015, 2015/2016 and 2016/2017 tax years based on a reduction of \$41,000 of assessment as a result of an error that goes back to the 1970's with the original Act 250 permit # 5L0001/5L0007 and the selling entity failing to obtain a modification of the Act 250 permit to allow for subdivision into building lots. This reasoning falls under 24 V.S.A. §1535(a)(4) taxes in which there is a manifest error or a mistake of the Listers. This is later clarified on page 6, 4th paragraph of the 2014 version of *About Abatement* that a manifest error can be made by anyone, not necessarily the Listers or a town official. The motion passed unanimously.

3) Other Business

K. Moulton states there will be a Board of Civil Authority meeting in mid-August. The purpose of the meeting will be to complete the biennial purge of the voter checklist. That item could not be included on tonight's agenda as we can not challenge or purge anyone within 90 days of an election. There is a Lamoille North Modified Unified Union School District Special Election on June 20th. It was decided that Monday's work best for everyone.

M. Zophar made a motion that was seconded by S. Bartlett to adjourn the meeting. The motion passed unanimously. Meeting adjourned at 7:30pm.