

HARTFORD BOARD OF ABATEMENT
Thursday, January 18, 2024
Hartford Town Hall, Room 1
171 Bridge Street, White River Jct., VT 05001

MINUTES (draft)

Members present: Ken Baldwin; Sara Blood; Lynn Bohi; Lannie Collins; Pat Cook; Mary Erdei; Scott Farnsworth; Nancy Howe, Chair; Susan Kirincich; Joseph Major, Treasurer; Brett Mayfield; Mike Morris; Lisa O'Neil, Clerk; Gayle Ottmann; Nancy Russell, Vice-Chair; Kim Souza; Rick Vincent, Assessor; Rebecca White.

5:15pm: Nancy Howe opened the meeting of the Board of Abatement (BoA). She introduced and welcomed the newly appointed Justices of the Peace Sue Kirincich; Sara Blood; and Ken Baldwin who previously served as a Hartford JP. She reviewed the Abatement process with the members and reminded the board a Board of Civil Authority meeting would follow the Board of Abatement hearings. Lisa commented one of the Abatement applicants, Mr. Barton, indicated he would likely not attend the hearing, so the BoA may want re-order the hearings to hear those for the applicants' present first, then the Barton request.

Hearing #1: Ralph & Susan Barrett
Property Location: 361 South St.
Parcel ID #24-89/SPAN #285-090-10243

The Chair opened the hearing. Susan Barrett was present. Ms. Barrett explained the property sits opposite a 50 to 60-foot ravine. After the July flooding, the embankment eroded dramatically. The structure was once six feet or more from the ravine, now it is only about two feet away. The Barretts hired a geologist, and the State geologist analyzed the property as well as the Hartford Fire Marshal indicated the property was in imminent danger. The property owners have lost complete use of the home. They originally planned to vacate the property on November 30th, 2024, however due to the recommendations by the Fire Marshal and geologists, they vacated on November 21, 2024.

Mary Erdei asked what will happen going forward. Ms. Barrett explained they went before the Select Board to discuss an application for a buyout through the State. The buyout paperwork has been submitted. According to Ms. Barrett, the buyout, if it is approved, is supposed to equal the value prior to the loss. Mike Morris asked if insurance covered anything. Ms. Barrett explained it would have covered the structure but not earth moving. Their claim was denied. Rick Vincent asked if the Barretts obtained an estimate to move the house. Joe Major asked if moving the house 10 feet would be feasible. Ms. Barrett stated they would likely have to move it 30 feet because it is expected the erosion will continue. Ms. Barrett explained they had received an estimate of \$38,000 from Messier House Moving to just move the house; Messier estimated hiring a general contractor, installing a foundation, plumbing, associated with the move would increase the cost to at least \$90,000. The applicant requested an abatement of \$2183.83 representing the amount due for the period of January 1-June 30, 2024. The Chair closed the hearing.

Hearing #2: John P. & Bonnie J. Cray
Property Location: 2033 (2017) Hartford Ave.
Parcel ID#22-50/SPAN #285-090-11101

The Chair opened the hearing. Bonnie Cray was present accompanied by her brother. Ms. Cray explained, she is the landlord at 2033 Hartford Ave. In November 2023, the Department of Public Works (DPW) contacted them regarding increased usage. Ms. Cray and DPW went into the building in the basement and could not detect any water running or pooling water. DPW installed a new water meter, but she is unable to monitor water flow through this type of meter. Ms. Cray had a plumber fix a toilet leak in unit #2. In August, the plumber fixed a meter horn leak, but it did not use the amount of water that was reported by DPW in November. The plumber Ms. Cray used said a leaking toilet would not use the amount of water her bill indicated. Rebecca White asked if the issue was resolved after the leaking toilet was repaired. Ms. Cray indicated she has not yet received a bill for the usage period. She indicated she would contact DPW the next day to get an update. Kim Souza asked what the specific amount Ms. Cray is asking to be abated. Ms. Cray stated the difference between the two bills she provided. Scott Farnsworth shared the billed amounts provided by Ms. Cray as follows: May 31st-\$487.61; August 31st-530.76; November 30th-\$1121.72. Gayle Ottmann asked how many apartments are in the building; Ms. Cray responded there are four apartments. Joe Major stated we still don't know if the problem has been fixed because a subsequent bill has not yet been received. The Chair closed the hearing.

The BoA held hearing #4 (Frazer) prior to hearing #3 (Barton) since Mr. Barton did not plan to attend and Ms. Frazer had arrived early.

Hearing #4: Katherine Frazer
Property Location: 959 Woodstock Rd.
Parcel ID# 9-173/SPAN#285-090-11773

The Chair opened the hearing. Kathy Frazer and her daughter, Allison Marlar, were present. Ms. Marlar said they had presented a written, detailed timeline of the events, but they did want to respond to the e-mail the BoA received from the Department of Public Works (DPW). Ms. Marlar explained over a three- year period they have tried to make contact with the DPW. There was an apparent leak in the line. Ms. Marlar indicated DPW said the line from the house to the meter is the responsibility of the property owner. She said there was once a meter in the basement, but at some point, the Town removed it stating they no longer could go into homes to read the meter. She said the meter is approximately 300 yards from the house on undeveloped land and crosses both State and private property; to their knowledge there is not an easement to access the line. She indicated they would basically need to build a road to access the line to repair it. Mike Morris asked who owned the water line. Ms. Marlar indicated the Town said they owned 8 feet to the isolation valve. Ms. Frazer said they notified the Town they had installed a well and capped the water line no longer in use. Ms. Frazer had Jerm's Plumbing assess the situation. According to the applicant, Jerm's suggested the Town should be responsible. Ms. Frazer said she reached out to DPW regularly seeking guidance as the bills continued to increase but the response was limited. She indicated she could no longer afford the bills without a resolution with the Town. She said she felt backed-into a corner and ended up installing a private well for about \$30,000 and subsequently, an additional \$5,000 filter to make the water potable. She said this has been stressful for the family. They are seeking abatement on the overpayment of the bills. Kim Souza asked the specific amount requested.

Ms. Frazer stated \$5,000. This includes the Jerm's billing and the excess water billing. (She estimated the average bill prior to the leak had been \$200). The Chair explained the BoA can only consider charges assessed by the Town. The Chair closed the hearing.

Hearing #3: Michael Barton
Property Location: 35 Apple Lane
Parcel ID #9-64-1/SPAN #285-090-13859

The chair opened the hearing. The applicant was not present. The Chair asked if the BoA had any questions. The BoA indicated they were prepared to deliberate. The Chair closed the hearing.

6:25pm: Mike Morris made a motion to enter into deliberative session. Scott Farnsworth seconded the motion. The motion carried unanimously. **7:30pm** Brett Mayfield moved to come out of deliberative session. Gail Ottmann seconded the motion. The motion carried unanimously.

Hearing # 1: Ralph & Susan Barrett-361 South St.

Lannie Collins moved to abate \$2,911.60. Nancy Russell seconded the motion. The applicant had requested \$2,183.83, however the BoA felt it was important to take into consideration the date the applicants loss use of the property. The Board pro-rated the taxes to include the months of November and December 2023 to equal \$2,911.60. The motion passed unanimously (Rick Vincent did not vote on this application because he had visited the property as Town Assessor and provided testimony).

Hearing #2: John P. & Bonnie J. Cray- 2033 Hartford Ave.

Nancy Russell made a motion to deny the request for abatement. Mike Morris seconded the motion. The BoA did not feel they had sufficient information to determine the cause of the issue or if the issue had been resolved at the time of the request. The motion passed unanimously.

Hearing #3: Michael Barton-35 Apple Lane

Lannie Collins made a motion to deny the abatement request. Brett Mayfield seconded the motion. The majority of BoA indicated the cause of excessive use in this instance is the responsibility of the property owner and/or their tenant. The motion passed 17- 2 (Mike Morris and Lynn Bohi opposed the motion).

Hearing #4: Katherine Frazer-959 Woodstock Rd.

Sara Blood made a motion to abate \$3,152.00; Scott Farnsworth seconded the motion. The amount of abatement represents water billing in excess of the average bill of \$200 estimated by the applicant for the period from January 2021 to October 2023. The motion passed unanimously.

7:40pm the BoA adjourned.

The Board of Civil Authority immediately commenced their meeting to discuss the upcoming elections. The Chair expressed the importance of BCA member participation in the upcoming 2024 elections beginning with the March Presidential Primary and Town/School Meeting cycle.

She reminded the members voters will be required to state which party ballot (Democratic or Republican) if they wish to vote in the Presidential Primary. At times, voters are upset by this. She explained since Vermont does not require party registration, for the State to host a Presidential Primary, voters must declare which ballot they want to vote when they are checked in at the polling place or request an early/absentee ballot. Lisa explained we plan to have ample signage regarding this requirement at the polling site and BCA and/or Assistant Election staffing the lobby entrance to prepare voters for the question.

Lisa also reminded the BCA our voting tabulator machines are not connected to the internet. The machine simply reads and tabulates the marks on each voter's ballot(s). The paper ballots verify the results. Write-ins are hand-counted. The tabulators have proven to be extremely reliable and accurate. Lisa also expressed a desire to process the early/absentee ballots through the tabulators in advance of the election, as is permitted, to make election day run more smoothly. To do that, the BCA would need to authorize the Clerk to do so.

Nancy Russell made the following motion: The Board of Civil Authority authorizes the Town Clerk and two election officials to process Early/Absentee ballots through the voting tabulators prior to any & all 2024 elections. Mary Erdei seconded the motion. The motion passed unanimously.

Lisa mentioned there will be many pre-election activities for BCA participation including, ballot folding, stuffing, opening, tabulator testing, Accessible Voting Machine set-up & testing and processing ballots plus election set-up. On election day, she expressed the hope BCA members will commit to at least two four-hour shifts. On election day we will also have two JP's deliver ballots to any voters who have requested JP delivery.

Lisa also mentioned Rick Vincent, Assessor, had brought to her attention pending legislation related to Abatement (H. 629). Becca White mentioned there is another Abatement bill in the Senate; she is unsure how far either bill will go. Lisa will forward a copy of H. 629 to BoA members in case they wish to review it.

The Meeting adjourned at 8:05pm.

Submitted by Lisa O'Neil, Town Clerk