

BOARD OF ABATEMENT MINUTES
TOWN OF DANVILLE
September 20, 2018

The Board of Abatement met at 5:30 p.m. at the Danville Town Clerk's office on September 20, 2018 for the purpose of considering abatement request from Vincent Nadeau, Dianna Nadeau, Walter Bernier, and Nicole Bernier. Members present were Kenneth Linsley, Eric Bach, Ted Houle, Phyllis Sweeney, Kellie Merrell, Diane Langmaid, Douglas Pastula and Wendy Somers.

Kenneth Linsley, Vice-Chair called the meeting to order at 5:30 p.m. He had the Board of Abatement members sign the Board of Abatement Oath and then had Vincent Nadeau review and sign the Statutory Oath. The board then listened to testimony from Vincent Nadeau and reviewed the documentation submitted. Additional documentation was submitted by Wendy Somers, Treasurer in regards to the tax sale process.

Mr. Nadeau felt that the wording in his Tax Sale Warning letter did not indicate that he would have any legal fees incurred if he paid his taxes in full prior to March 23, 2018. Therefore, he felt he was not responsible for paying any legal fees. Wendy Somers stated that the legal fees were for the review of the delinquent tax information, preparation, and mailing of the Tax Sale Warning letter for both delinquent properties. She also stated that this has always been the process since she has been here (10 years).

Diane Langmaid questioned whether this request could be abated by the Board, as it really didn't fall under the abatement criteria. It was then determined Mr. Nadeau could qualify under 24 V.S.A. §1535 (a) (5), taxes of persons who are unable to pay their taxes, interest, and collection fees.

Douglas Pastula felt that since the Warning letter did not indicate any incurrence of legal fees, that they should be abated. He made a motion to abate the legal fees, which was seconded by Ted Houle. There was a short discussion. Kenneth Linsley then called the vote, which was defeated 1-7.

The Board felt that they would like a legal opinion from the Town's attorney in regards to the statutory rules and verbiage for the tax sale proceeding and warning letter. Kellie Merrell made a motion to seek a legal ruling on the abatement request before rendering a decision. The motion was seconded by Phyllis Sweeney and voted in the affirmative by a 7-1 vote. Mr. Linsley stated to Mr. Nadeau that he would receive a decision in writing within 30 days.

With no further business, a motion was made by Douglas Pastula and seconded by Phyllis Sweeney to adjourn. The hearing adjourned at 6:16 p.m.

Respectfully Submitted, Wendy M. Somers, Clerk
