

JOHNSON BOARD OF CIVIL AUTHORITY HEARING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JANUARY 29, 2018

Present:

Board of Civil Authority Members: Rosemary Audibert, Eric Osgood, Jan Perkins, Mary Sladyk, Mike Dunham, Kyle Nuse, Doug Molde, Nat Kinney, Martha Leonard

Others: Robin Chapman (Assessor), Laura and Gilles Lehouillier, Timothy Sullivan

1. Call to order

Eric called the hearings to order at 7:07. Rosemary swore in all BCA members.

2. Gilles and Laura Lehouillier

Eric explained that this is a quasi-judicial hearing in which the Lehouilliers can testify, present evidence, and call in witnesses. He swore in the Lehouilliers.

Laura Lehouillier read a letter she had written giving more detail than the abatement request form they had submitted. The Lehouilliers own a house on Route 100C that they have used as a rental property. They recently discovered that the road had pushed in the foundation of the house. Gilles' professional opinion was that the house was no longer safe to live in. They contacted Brian Story to let him know of the public safety issue that 100C was starting to cave in and pushed their wall in. There was a meeting that included Meredith Birkett and Jim Cota of VTrans. The Lehouilliers believe the foundation will eventually cave in and the road will collapse. They decided the best solution would be selling the house to the state. They met with some people from the state but were told the state didn't have any way to purchase the house. However there may be landslide mitigation grant funds available. The town needs to apply for that grant. Brian Story and LCPC will be looking into it. If the Lehouilliers are not able to get grant funds they have no hope of getting any money for the property. The lot is not usable as a building lot. They can't use it or sell it. It is currently a liability to them, not an asset. They are paying taxes and liability insurance for it. The state told them they should ask for a tax abatement. On November 6 the foundation was pushed in about 6 in. Since then it has caved in 2 more inches. The stones have started to fall down and water has started to come into the basement. They believe the road will collapse sooner rather than later and someone should take care of it. They are asking for most of the taxes on the property to be abated.

Martha asked what the Lehouilliers' plan for the house is. Do they plan to tear it down? The Lehouilliers said they want to but they can't afford to. If they can get the grant that might help with that cost.

Doug asked what it would cost to fix the foundation. Gilles said he believes it would cost at least \$30K. There would be traffic control costs as well. The foundation is very close to the road. They would have to excavate within the road right of way and once they started digging they would be undermining the road.

Kyle asked how much it would cost to tear the house down. Gilles said over \$10K. Laura said it still has to be checked for lead. The state thought it would be cheaper for the Lehouilliers to tear it down than for the state to do it. Someone from the state who works with rivers said it would be okay to tear the house down as long it was blocked off.

Eric suggested that the Lehouilliers might want to appeal their assessment next spring as well. The town is still liable for the current year's education tax. If the assessed value were reduced for next year then the state education tax would be assessed based on the value under current conditions. It would be beneficial to all if that appeal were done in the spring.

Eric said the board will deliberate and send findings to the Lehouilliers in writing within 30 days.

Robin asked, if the state provides funds to remove the house, what would the Lehouilliers do with the land? They said they would like to give it to the town or village. Laura said she thinks if they work with the town to get the grant then after it is fixed up the property goes to the town.

The Lehouilliers left at about 7:30.

3. *Timothy Sullivan*

Eric explained that this is a quasi-judicial hearing in which Tim can testify and call in witnesses and the board can ask questions. He swore in Tim.

Tim said he believes two different sections of the abatement statute apply to his property. He bought an old house recently. He closed on it on June 16. He contacted Arjay West on June 17 to let him know he would make the house available to burn if the fire department found it suitable for training as the house had no value. It was not structurally sound. The foundation was failing and there was rot all through it. Arjay met with the fire warden who deemed it too close to the road and power lines to safely burn. That decision was made in August. The fire department was able to use the house for training without burning it and they did that in September or early October. After that, Tim found he had to get an asbestos abatement permit. It took him until the end of November to get the permit in place. He removed the asbestos and then started demolition. It is done now.

He would argue that the assessment of \$171,007 was a mistake for the property but that process was over by the time he acquired title. The property was offered for \$93K, then on April 1 the asking price was lowered to \$64K. He hopes the BCA will consider abating taxes on the house for as far back as they can see fit. It wasn't worth the assessed value and since he has owned it it has had no value. It is now a pile of rubble.

Eric said Tim's letter says he would like to abate taxes on the house and barn but he is keeping a shed. Tim said the major part of the barn was demolished right after closing because it was unsound and not safe. An 1128 square foot portion of the barn has a poured concrete foundation and they are keeping that. They are also keeping a carport. The septic system had failed. The pipe goes into a bank and disappears. The water supply is a spring across the road that was not hooked up to the house when he bought it. He is hoping the spring is salvageable.

Mike asked if Tim is going to build on the property. He said he will probably put a duplex where the barn is and his brother-in-law will look at building a house on the site.

Doug asked if Tim was aware of the condition of the buildings when he purchased them. Tim said yes. He paid around \$52K for the whole property. He wanted to buy it because it is adjacent to the farm where he grew up and activity there has impact on the farmhouse.

Kyle asked, the plan was always to tear the buildings down? Tim said he didn't have the opportunity to do an invasive inspection of the house before closing. He had hoped he could save

the structure and put a new foundation under it, but he had already talked to Arjay about burning it if that didn't pan out. When he got into the house after closing he found it was not post and beam as he had hoped, so it had less appeal. It didn't have the bones he wanted and he quickly found there was nothing of value worth keeping.

Robin said she does not agree with Tim that there was a manifest error of the listers regarding the assessed value. The last time the property was seen was 2010. When something happens to change the value of a property it is the responsibility of the property owner to contact the assessor's office and let them know. She agrees there is a loss of use but not a mistake of the listers. Any time there is a change affecting the value of the property the owner can let the assessors know and go to grievance.

Eric said the BCA will deliberate tonight and send a written letter of findings. Tim left at 7:43.

4. *Delinquent Tax Collector*

Eric said no one would be coming in to talk about abatement of the next 3 properties so the abatement hearing could start before the scheduled time. The hearing started at 7:43.

Rosemary passed out information on the properties. She said the town has tried to sell these properties at a tax sale but no one has purchased them. Our tax attorney says we can only go back 8 years to collect back taxes. Two of the properties are not collectable. We have tried all we can do to collect the taxes.

One of the properties is a small parcel of land. Eric said a property was subdivided and the survey was not done correctly, resulting in a tiny sliver of property that has no value to anyone. Martha said it hangs over a bank. Mary asked, the owner has never paid the taxes on the small parcel? Rosemary said not since he sold all the lots. Eric asked if there is any way to resolve this. Martha said the owner needs to do a quit claim deed. Robin said a boundary adjustment is all that is needed.

Doug suggested that the town abate these taxes as uncollectable, sell the property and buy it ourselves. Eric asked, if the town bid on the small piece of land at the next tax sale and got ownership, would we be able to do a quit claim deed giving it to the abutting landowners? Rosemary said yes.

Robin said it would be interesting to look at how the lots were defined in the subdivision documents – whether the amount of land is given as an exact figure.

Mary said the owner of one of the properties was very ill the last she heard and she could be deceased. She imagines it would be difficult to collect the taxes. She doesn't think the owner of the other property is likely to pay either.

5. *Deliberations and Adjournment*

Mike moved to enter deliberations, Mary seconded, the motion was passed and the BCA entered deliberations at 7:53. The BCA came out of deliberations at 9:20.