

JOHNSON BOARD OF ABATEMENT
THE ELLSWORTH ROOM, WILLEY LIBRARY
VERMONT STATE UNIVERSITY – JOHNSON
TUESDAY, NOVEMBER 21, 2023

Present:

Board of Abatement Members: Rosemary Audibert, Eric Osgood, Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence, Mike Dunham, Jennifer Burton, Kyle Nuse, Martha Leonard, Randy Manning, Jan Gearhart

Others: Justin Mason, Brian Waxler, Drew Waxler, GiGi Beach, Lydia Putvain

Eric called the meeting to order at 6:30.

Rosemary swore in the BOA members.

Pomerleau Hearing – 115, 117, 131 and 135 Lower Main West

Eric swore in those who planned to testify.

Eric asked if any BOA members have conflicts of interest. Duncan said he has worked with Drew and Brian Waxler in the past and is currently working with them, but he feels he can act fairly. He would recuse himself if they have any doubts about his ability to be fair. They said they do not.

The abatement request category was “taxes or charges upon real or personal property lost or destroyed during the tax year.”

Brian Waxler said the flood caused dramatic problems for the shopping center. The post office is opening again soon. The garage was closed for about 2 months. The grocery store was severely damaged. Associated Grocers has decided not to come back so it is a large vacant building. There are some prospects for a new grocery store. The plan is to put a cement wall around the building which will prevent water from getting in. Hopefully they will be able to announce new tenants in spring and then start work with the expectation that the store could be ready in the fall. In the meantime their income from the shopping center is down by 81%. They are seeking a tax abatement. The intent is to use any money from abatements or grants to rebuild the store. Any money abated will eventually come back to the community.

Eben asked if there was any loss of the heating system. Brian said yes. Eben asked if the generator out back was lost. Brian said yes.

Justin asked what is left inside. Brian said the electrical and HVAC systems were ruined. They will pour a new cement floor on top of the existing one. They are not sure what the tenants will do with the ceiling. Drew said everything below a height of 7 feet was a complete loss. The units on top of the roof were not flooded but were old and will be replaced.

Kyle asked if the post office has heat and electricity now. Brian said yes; it should open Monday or Tuesday.

Shayne asked how long the garage was closed for. Brian said he would guess it reopened around October 1.

Brian said he doesn't think they are looking to abate all the taxes. Their income will be down 81%. They are looking for abatement of whatever portion they can get.

Martha Leonard asked for more information about the planned wall. Brian said it will go around the perimeter of the building. Other man said it will be a 10-inch wall right up against the existing wall. Wherever there is a door or loading dock there will be an opening where 6-ft. high flood gates can be placed. The windows will start at 6 ft.

Shayne advised seeking a variance for form based code and talking to the floodplain administrator.

Martha said one factor contributing to flooding is that when the river goes above the height of the pipes from the storm drains in front of the store and post office, water backs up and comes back out the storm drains. Has thought been given to addressing that issue? Brian said he is not an engineer but he will take that concern back.

Justin asked if the water and sewer supplies are okay now. Brian said yes. Justin asked when they came back. Brian said almost immediately after the flood. Eric said it probably took a while to get electricity back. They probably had to have rewiring done. Brian agreed.

A BOA member asked, the electric system has still not been redone in the store, right? Brian said that is right.

Duncan asked Justin if the property is assessed based on an income approach. Justin said no.

Duncan asked if they have a sense of the dollar amount of damage to the structure. Brian said they haven't had a full assessment yet. They didn't want to put too many resources into the building until they have more assurance they will get a tenant back. Drew said the total amount will be over a million dollars.

Eric closed the hearing. He said he anticipates the BOA will deliberate after the hearings and a written notice of the decision will be sent out within 30 days.

Beach Hearing – 764 Railroad Street

Eric swore in applicant GiGi Beach. He said the BOA received a letter from GiGi requesting to withdraw her abatement request. He read the letter. GiGi said in the letter that due to her past experience with various members of the abatement board she would like to request that her name be removed from the application process. Eric asked if this is still her wish. GiGi said yes.

Mike Dunham moved to deny GiGi Beach's abatement request and the motion was seconded and passed unanimously.

Putvain Hearing – 274 Railroad Street

Eric swore in applicant Lydia Putvain.

Eben noted that Lydia is a town employee. He believes selectboard members can be fair in dealing with her request. Lydia said she is comfortable with selectboard members being involved. Eric noted that Lydia directly reports to Rosemary. Rosemary said she feels she can fairly adjudicate.

The abatement request category was “taxes or charges upon real or personal property lost or destroyed during the tax year.”

Lydia said there is a workshop that is about 5 feet lower than the garage. That is where the majority of the water came in. There is a ramp from the workshop to the basement. Water came through the shop into the basement. There was about 4 1/2 to 5 feet of water in the basement and 3 feet in the shop. They lost thousands of dollars worth of equipment for her husband’s business. It happened about halfway through his season so they lost about 50% of their revenue from that business. They have a forced hot water tank that also provides their heat. It is still not working correctly. Someone is coming to look at it tomorrow because it started malfunctioning again. About 2 or 3 weeks after the flood they got hot water back. Currently the basement and shop are not dry storage because there are leaks in the foundation where the water was pushing in. They have filled some as they have found them but there are still leaks in places. FEMA requested a proposal for them to move their hot water tank up. That is the only way they said they would give them money. After the appeal letter she sent for that they responded with a request for childcare costs. The Putvains don’t have any children.

Martha asked about damage in the house. Lydia said the wood floors are buckled due to humidity but the biggest damage was to the hot water system and heater. They don’t have a second source of heat because the wood stove was submerged and they lost the wood.

Lydia said she did some calculations to come up with a dollar figure for the loss of use of the flood-affected areas based on the taxes for the basement and shop. That does not take into account the foundation damage and the new support structures they need.

A BOA member asked if they were unable to live in the house for any period of time. Lydia said they stayed in the house.

Eric asked about the support structure replacement Lydia had mentioned. Lydia said there were two cement columns in the basement that were destroyed. They currently have 3 hydraulic tubes holding up soft spots in the floor. A quote for structural fixes is among the evidence she provided

A BOA member asked what the basement made of. Lydia said one side of it is all insulation and she is not sure what is behind it but the rest is all cinder block. The BOA member asked if mold has been an issue. Lydia said they have sanitized everything as well as they can. They haven’t had any mold so far.

Mike asked if they used a dehumidifier to try to dry out the floor. Lydia said there was one running in the main house for several weeks and they have had two running in the basement since the flood.

Duncan said the pictures seem to show a wall-hung unit. Is that the hot water heater she referred to? Lydia said yes. The control box was partly submerged. It is their only heat source now. It is tied to radiators and also provides hot water.

Shayne asked if the electrical panel was submerged. Lydia said no.

Justin asked about damage on the first floor. Lydia said the wood floor buckled due to humidity and 2 rows of tiles in the bathroom have come together.

Justin asked if they lost any of their land during the flood. Lydia said yes. She doesn't know exactly how much but in the 5 years they have lived there they have probably lost 40 or 50 feet of land to the river.

Lydia provided an estimate of the cost to move the water heater and the largest of the bills for fixing it. They have had to have work done on it 3 or 4 times since then. It is not working currently. It has worked on and off since the flood.

Martha asked if there is a figure requested for abatement. Lydia said she doesn't have a specific figure. She provided the calculations for what the affected areas of their house are valued at.

Duncan asked if she has gotten cost proposals for work on the foundation. Lydia said she included a quote for that in what she submitted. Three people came out to look at it and they got one quote. They still haven't heard back about what needs to be done to the wood stove. She submitted the proposal to FEMA for raising the water heater.

Eric closed the hearing. He said he anticipates the BOA will deliberate after the hearings and a written notice of the decision will be sent out within 30 days.

Cleveland Hearing – 46 West Highland Drive

Jennifer Cleveland sent a letter canceling her hearing as she has sold the mobile home in question.

Beth moved to deny the abatement request from Jennifer Cleveland and the motion was seconded and passed unanimously.

Bellevance Hearing – 59 Railroad Street

Eric swore in applicant Heather Bellevance.

Eric asked if any BOA members had conflicts of interest. Beth said she knows Heather from a long time ago but has no conflict of interest.

The abatement request category was "taxes or charges upon real or personal property lost or destroyed during the tax year."

Heather Bellevance brought some evidence, including proof of loss from her insurance company. She and her husband are trying to get the property ready to live in again. They have several tenants who want to come back. They are asking if their taxes can be abated to some degree.

Eric asked what property was lost and what loss of use there was. Heather said there have not been any tenants in 4 of the 5 units since July 10. The heating system and water heaters were lost. Everything up to 3 ½ or 4 feet in every ground floor apartment needed to be taken out and replaced. All the wiring had to be taken out. Rather than splicing any wiring they decided, with their electrician's input, to redo all the wiring on the first floor. Duncan asked, the wiring needed to be replaced because it got wet? Heather said yes.

A BOA member asked when the heating system was made usable again. Heather said she thinks in October. The BOA member asked when the water heaters were replaced. Heather said instead of having 5 different water heaters they replaced them with one big heater connected to the boiler. That system was installed in October. For one tenant who lives upstairs they were able to have a temporary water heater for him. He is the only tenant left in the building.

Eric asked if there were any structural loss issues. Heather said no.

Justin asked how many bathrooms each unit has. Heather said one unit has two and the other four each have one. One of the four affected units is an upstairs/downstairs unit with one bathroom upstairs and one downstairs. The upstairs bathroom was not affected. Justin asked how many bathrooms were affected. Heather said five.

Martha asked if the affected bathrooms are full baths. Heather said they each have a shower, toilet and sink. The one that was not affected also has a bathtub. Of the six bathrooms, four bathrooms were affected and the two that are upstairs were not affected.

Heather said the full cost of repair or replacement was determined to be \$164,432. They got a check for about \$139K.

Duncan said if the assessed value is \$193,500 and there is \$164K of damages, that is more than 50%.

Justin asked if there is a finished basement. Heather said no; it is dirt and rock and there are spots where she thinks it has some concrete.

Eric closed the hearing. He said the BOA will enter in deliberations tonight and issue a written decision within 30 days.

Bellevance Hearing – 78 Railroad Street

The abatement request category was “taxes or charges upon real or personal property lost or destroyed during the tax year.”

Heather said most of what she said about 59 Railroad Street also applies to this property. This is a 4 unit building with 2 downstairs and 2 upstairs apartments. The tenants of one of the upstairs apartments were not affected at all. The other upstairs apartment has an electrical panel and water heater in the basement. That tenant was out for about month and the other upstairs tenant

did not have to leave. The other two are still gone. Two bathrooms were affected. Both are full baths. The boiler needed to be replaced. Three water heaters needed to be replaced. The heating system needed to be replaced. All the appliances, walls and electrical system up to about 4 feet needed to be replaced.

A BOA member asked if any electrical work needed to be done for the upstairs apartment other than replacing the panel. Heather said not yet. The electrician was able to certify and set it up so the apartment could be used but the wiring will need to be replaced.

Heather said exterior damage was pretty minimal. The gas tanks came undone. One landed near the library. The vinyl siding held up. All the insulation had to be replaced in both buildings. There was a hole in one that was minimal. There were a couple sets of steps swept away. The porch was okay.

Justin asked if there were any issues with the basement or foundation. Heather said no continuing issues. They just needed to clean out water and debris.

There was a question about whether this building has a dirt basement. Heather said no; it has a concrete floor and some stone on the walls.

Beth asked about the FEMA loss. Heather said the building was assessed at \$227,800 but insurance said it was worth \$219,400. They said the full cost of repair would be \$171,326. The Bellevances got a check for about \$140K.

Rosemary asked if they had flood insurance or regular insurance. Heather said flood insurance.

Eric closed the hearing. He said the BOA will enter in deliberations tonight and issue a written decision within 30 days.

Minutes submitted by Donna Griffiths