

**CITY OF ESSEX JUNCTION  
BOARD OF CIVIL AUTHORITY  
REGULAR MEETING  
MINUTES OF MEETING  
DECEMBER 12, 2023**

**JUSTICE OF THE PEACE/BCA MEMBERS PRESENT:** Dylan Giambatista, Chair; Andrew Brown; Marcus Certa; Raj Chawla (remote); Diane Clemens; Cheri Davis (remote); Susan McNamara-Hill, Clerk/Treasurer; Deja Murray (remote); Patrick Murray; Gibson Smith; Dennis Thibeault (remote), Carmon Verasamy

**CITY COUNCILORS PRESENT:** Amber Thibeault (remote)

**ADMINISTRATION:** Karen Lemnah, Assessor

**OTHERS PRESENT:** Atty. Jim Barlow; Betsy Dunn, Brian Shelden (remote)

**1. CALL TO ORDER**

Mr. Giambatista called the meeting to order at 5:37 PM. He noted the death of Board of Civil Authority (BCA) member Bernie Couture in August and commended him for his service to the community. Several members shared memories of Mr. Couture.

**2. AGENDA ADDITIONS/ CHANGES**

None.

**3. APPROVE AGENDA**

No changes, thus no approval required.

**4. BUSINESS ITEM**

Due to the tardiness of the guest speaker, the BCA requested that Ms. Lemnah speak on Veterans Exemptions for taxes. She said that veterans need to reach out the Vermont Veterans Administration to qualify, and a list of qualifying veterans is sent to all municipalities. It is necessary for most veterans to reapply each year. Failure to do so would result in higher taxation at the local level. Mr. Giambatista informed the BCA of the Taxpayer Advocate position at the state level. Ms. Thibeault asked for clarification on the statutory basis of the abatement amounts, and Ms. Lemnah said that the Town of Essex has voted to increase the exemption to the higher level of \$40,000, rather than the base level of \$10,000. The BCA discussed the various state statutes regarding such abatements.

**5. ADJOURNMENT**

**Motion by MARCUS CERTA, seconded by PATRICK MURRAY to adjourn the meeting. All in favor, motion passed at 5:37 PM.**

**6. CALL TO ORDER**

Mr. Giambatista called the meeting to order at 5:56 PM.

**7. GUEST PRESENTATION**

Atty. Barlow said that he would be speaking on the process of municipal abatement. There are eight statutory provisions for which abatement can be granted by law, and the BCA has discretion to grant or not to grant abatements within these provisions.

These include:

- Death of the property owner in insolvency.
- Inability to locate the property owner.

- Inability to pay (hardship exception).
- Mistake of the listers.
- Manifest error (error by any party).
- Destruction of property logs.
- Abatement of an individual who would otherwise qualify for the veteran's exception however they were late with the paperwork.
- Closure of a mobile home park.

Atty. Barlow said that requests must fall under one of these categories, and that the BCA is a quasi-judicial board. He suggested that the BCA adopt Rules of Procedure for future meetings. If the BCA chooses to do so, they may deliberate in closed session. A decision does not need to be made publicly and may be written up via e-mail between the BCA. Atty. Barlow recommended that the decision is presented in written format, instead of in-person at the meeting. Additional information may be requested from the applicant after the fact without re-opening the hearing. When issuing a decision, the BCA must provide the statutory category, amount of abatement, and how a decision was reached. There is no deadline for issuing a decision. These decisions could be appealed to the Superior Court and should procedure and documentation back up the BCA's decision it is unlikely to be overturned.

The BCA discussed the amount given for veteran's exceptions in taxes, noting that this may need to be voted upon during Annual Meeting this spring. Mr. Murray asked if proof should be requested if a taxpayer says that they do not have the funds to pay, Atty. Barlow said that they can and should do so. Atty. Barlow suggested creating a standardized abatement form, requesting documentation from taxpayers. Atty. Barlow discussed managing conflicts of interest and ex parte communication. He also suggested clarifying with the City Attorney regarding the Assessor's role as a voting member of the BCA. The Vermont League of Cities and Towns have a basic BCA rules and procedures that can be used as a template. The BCA will work on developing draft rules of procedure in January and intends to implement these in February.

## **8. BUSINESS ITEM**

### **b. Request for Abatement: Young B. Kwon & Andrew A. Kwon, 37 West Street**

**MOTION by MARCUS CERTA, seconded by RAJ CHAWLA to take up Business Item 5B and then continue along. Motion passed unanimously.**

Mr. Giambatista opened the hearing, and asked staff for information on the request. Ms. McNamara-Hill said that the applicant did not fill out the appropriate forms with the state Department of Veteran's Affairs prior to the due date.

**Motion by DIANE CLEMENS to move that the BCA either table this until the applicant has come forward with the appropriate paperwork that tells us that they qualify for the exemption or deny this and request that they come back with completed paperwork. Motion withdrawn by DIANE CLEMENS.**

Ms. Thibeault asked if this exception had been granted in previous years, Ms. Lemnah said that it had not. Mr. Murray said that the applicant had missed both deadlines (on-time and late) and did not submit the form correctly. He suggested that the BCA decline the appeal and request that the applicant come back with additional information.

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**Motion by PATRICK MURRAY to decline the abatement. Motion withdrawn by PATRICK MURRAY.**

**Motion by PATRICK MURRAY, seconded by MARCUS CERTA to close the Public Hearing on Item B. Motion passed unanimously.**

**a. Request for Abatement: Edward Butzirus, 32 Orchard Terrace**

Ms. McNamara-Hill said that the applicant said that he submitted a form for automatic payments, however this is not on file. Ms. Verasamy asked if the applicant had brought this form to the Town Offices by mistake. Ms. McNamara-Hill said that the Town would have given the form to her. Ms. Lemnah said that the Town does a test payment to ensure that the payment is valid prior to tax day. Mr. Chawla asked how the City notified the applicant of this hearing. Ms. McNamara-Hill said that she e-mailed the applicant but did not hear back, and told the applicant that a hearing would occur in person when he submitted the application.

**Motion by MARCUS CERTA, seconded by GIBSON SMITH to close the hearing. Motion passed unanimously.**

**c. Other Business**

None.

**9. DELIBRATIVE SESSION**

**10. ADJOURN**

**Mr. Giambatista adjourned the meeting at 7:44 PM.**

Respectfully Submitted,  
Darby Mayville  
Recording Secretary