

Board of Abatement Minutes

September 20, 2023

Members present:

JPs: Ernie Ciccotelli, Fran DeGasta, Linda Gray, Corlan Johnson, Dave Krimmel, Alix Manny, Stuart Richards, Emily Scherer

Listers: Ernie Ciccotelli, Cheryl Lindberg (also Treasurer), Jonathan Vincent

Selectboard: Marcia Calloway, Pam Smith, Priscilla Vincent

Clerk: Lily Trajman

For the Appellant: Laura Brown (Norwich Farm Creamery), Anthony Gemignani (Norwich Farm Foundation Board Member), Omer Trajman (NFF Treasurer)

C. Lindberg called the meeting to order at 7:01pm

Lindberg presented the proposed rules of procedure and asked for questions or discussion. Calloway questioned the length of time allowed for each Abatement case to be heard; Lindberg stated that precedent was used to determine the proposed length of the hearing. Gray stated that she wanted extra time to be allowed at the discretion of the board; Lindberg suggested the board grant extra time on a case-by-case basis. Johnson asked if we could introduce ourselves as part of section 2e. Richards moved to approve as presented; seconded by Trajman. Gray moved to amend using Johnson's proposed language – under 5.e. sections vi and vii the following text should be added at the end: "Time may be extended by a vote of the board." Richards and Trajman accepted the amendment to their motion and second, and the motion passed unanimously.

Lindberg opened the hearing for the Abatement request from the Norwich Farm Foundation, Inc. at 7:14pm. Address is 701 Turnpike Road, parcel ID 10-076.100. Lindberg asked members to report conflicts of interest or *ex parte* communications that would preclude them from hearing the case. L. Trajman noted that she had a conflict of interest (married to an NFF board member) and would take minutes for the hearing but excuse herself prior to deliberations.

All members present introduced themselves and Lindberg administered the oath to Brown, Gemignani and O. Trajman. Gemignani stated that their statutory reason for abatement is 24 V.S.A. § 1535 (a)(3): "taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees." Norwich Farm Foundation is a small group trying to grow community involvement in the farm; they have formed a nonprofit with the goal of supporting the property and its tenants. They raised \$400,000 to purchase the farm but haven't been able to meet their fundraising goals this year. They did not receive any of the grants for which they applied. Abatement would allow them time to develop as a nonprofit and look for additional partners.

Questions from the board:

- DeGasta: Are you falling behind on other obligations? Gemignani: Not currently, but soon.
- DeGasta: Do you consider these extraordinary circumstances? Gemignani: NFF had hoped to fundraise more by this point, so yes.

- Smith: Does not see the farm property listed as an asset on the balance sheet. Asked about \$53,000 lease payment. O. Trajman: \$50,000 was a one-time payment for the solar array installed on farm property. \$3,000 from other tenants.
- Johnson: How did NFF get into this situation? Gemignani: after incorporating as a non-profit we thought there would be a good chance we would be exempt from town taxes as the previous owner was.
- Gray: Looking at the tax bill, are you looking for a total abatement of taxes and interest? Gemignani: Yes.
- P. Vincent: Has NFF paid any property taxes to this point? Gemignani: No. Vincent: What will you do differently next year? Gemignani: We are evaluating our options.
- Calloway: Abatement statutes say that the Board of Abatement may abate taxes or charges of *persons* unable to pay – does a company or non-profit fit into the statutory requirements for abatement?
- Smith: States that the farm has \$17,772 in its savings account, so it *can* pay this installment of taxes.
- P. Vincent: The mortgage company did not require escrow for property taxes? Gemignani: No.
- J. Vincent: Abatement is meant to help in extraordinary circumstances and should not be repeated year to year. How will you increase your income next year? Gemignani: Evaluating options, including the further viability of our organization.
- Richards: Should we expect future abatement requests? Gemignani: We would have to see.
- Lindberg: Note that appellant letter is incorrect in paragraph 3 in that abating the property taxes for the farm does affect the Town's revenue stream, since the tax rate was calculated based on the assumed payment of taxes. Also, should an abatement be granted for the entire amount, the town is still responsible for the education portion of the taxes, while the municipal portion would be written off.

Lindberg closed the hearing at 7:37pm and the Board entered their deliberative session. L. Trajman left prior to the board entering deliberative session.

Respectfully submitted,

Lily Trajman

Lily Trajman, Clerk
9/21/2023

Minutes approved by Board of Abatement on December 12, 2023.

Cheryl A. Lindberg, Chair
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