

CITY OF RUTLAND, VERMONT
Board of Tax Abatement Minutes
August 13, 2018

MINUTES OF OPEN SESSION

Members present; Treasurer Markowski, Assessor Keefe, Aldermen Notte, Etori, Humphrey, Mattis, Whitcomb and Clifford. Also present, City Clerk Heck and Michel Messier. Mayor Allaire, Aldermen Davis, Ryan, Gillam, Tommola and DePoy were absent.

Clerk Heck opened the meeting at 5:30 PM as the Mayor and Board President were both absent. Clerk Heck explained that there were two (2) requests for abatement. Clerk Heck also noted that the Board would need to elect one member to chair the hearings. A motion was made and seconded (Etori, Whitcomb) to elect Alderman Notte as chair for the proceedings. A motion was made and seconded (Etori, Clifford) closing the nominations. **Motion passed.** Clerk Heck then called for the Notte nomination. **Motion passed.** Alderman Notte took the seat as chair and reviewed the rules of procedure, noting that the Board of Tax Abatement will hear testimony and then move into deliberative session.

Chair Notte asked Michel (Mike) Messier to present his case.

Michel Messier 104 Forest Street

Mr. Messier was requesting abatement for 104 Forest Street. Clerk Heck swore in Mr. Messier and Chair Notte further explained that he would allow Mr. Messier a full 15 minutes to present his case. Mr. Messier thanked the Chair and sought to call expert witnesses, Treasurer Markowski and Assessor Keefe to testify. Chair Notte noted that Treasurer Markowski and Assessor Keefe were both voting members of the Board and would not be testifying. Chair Notte noted that any question that was presented could be answered by anyone.

Mr. Messier's primary evidence was a clipping from the Rutland Herald with a quote from Treasurer Markowski on the un-assigned fund balance. Mr. Messier presented a quick history of his recent complaints and his recollection on the cities misuse of taxpayers' money. Mr. Messier spoke on sediment and how he believes it caused his toilets to leak in this apartment house, thus causing his high usage. Mr. Messier spoke of neighborhoods and their declining values. Mr. Messier noted he may be taking this case to Federal Court. There were several questions from the Board on Mr. Messier's testimony. With no further questions, the Chair asked for a motion to close this hearing. At 6:03 PM a motion was made and seconded (Etori, Mattis) to close the hearing. **Motion passed.**

Chair Notte noted there was one other tax abatement request from Boniface Kadima-Mazela. Chair Notte noted that there was no one present and read the request letter and reason for the abatement. Mr. Kadima-Mazela had a serious fall and was hospitalized on May 5, 2018, thus missing his opportunity to meet with Assessor Keefe.

Boniface Kadima-Mazela 29 Elm Street

Assessor Keefe asked Chair Notte to allow him the opportunity to share some insight with the Board on this request. Chair Notte asked the Assessor to continue. Assessor Keefe then spent approximately 15 minutes noting that as much as it pained him to admit, that this abatement request was due to his manifest error. Assessor Keefe explained that during the setting of the Grand List process and updating all improved properties, this property had been purchased and was being rehabbed by Mr. Kadima-Mazela. Assessor Keefe noted upon his sight visit the exterior was in perfect shape yet the interior was unfinished. When the adjustment was made to the value, Mr. Kadima – Mazela appealed. Assessor Keefe stated that he should have corrected his mistake, but wanting to be transparent, felt the abatement process would do that. The Board

and Assessor Keefe discussed his action and recommendation. The Board wanted to be consistent with its past practice as did the Assessor. The Board felt that the best resolution may be to ask the Assessor to resolve his mistake.

With all questions and discussion finished Chair Notte asked for a motion to close this hearing. This request was so moved and seconded (Ettori, Clifford). **Motion passed.**

Chair Notte noted that this concluded the requests for abatement and sought a motion to enter into deliberative session. That request was so moved and seconded (Ettori, Mattis). **Motion passed.**

At 6:16 PM the Board moved into deliberative session.

At 6:40 PM the Board of Tax Abatement came out of deliberative session.

President Notte noted that the decisions would be drafted by the Clerk/Attorney and mailed within 30 days.

A motion was made and seconded (Mattis, Whitcomb) to adjourn. **Motion passed.**

Respectfully submitted,
Henry A. Heck
Clerk, Board of Tax Abatement