



Tax Abatement Committee Hearing 10/24/2018

Board of Tax Abatement

October 24, 2018

Minutes

Committee Members: Councilors Chip Mason (CM) (Chair); Joan Shannon (JS); Ali Dieng (AD).

Others Present: Richard Haesler (RH), City Attorney's Office; Kenneth Nosek (KN), Committee Administrator (City Assessor's Office); John Vickery, Advisor to Committee and City Assessor; Jeffrey Herwood, C/T Financial Assistant.

Public Members and Petitioners Present: Michael Zakaras

At 5:38 p.m. Chair Mason commenced the meeting.

Agenda:

Motion to adopt by **CM**

Second by **JS** – passed **2-0**

Approval of minutes of 2/6/18:

Motion to adopt by **JS**

Second by **CM** – passed **2-0** (**AD** not here at this point)



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Public Forum:

None

Petitioners

Michael Zakaras, 054-1-035-000, 58 Bayview St

Requests penalties abated of \$241.29 (actually this is a state applied late filing penalty).

Michael and his wife are first time homeowners.

The couple recently moved from San Francisco Bay Area.

They filed their taxes on turbo tax but the couple did not file a 2017 Vermont Income Tax Return because they were not Vermont income earners. Therefore, turbo tax did not prompt the couple to file for VT Homestead with associated documents.

The couple's real estate attorney did not inform them they would need to file for VT homestead.

State of Vermont requested couple request an abatement.

Homestead request and associated documents filed late-late filing penalty applied by the state.

Homeowner is now aware that filing for homestead is a yearly process.

The late fee is not part of the planned city budget and not funds due to the state.

Late filing penalty for homestead added to the City of Burlington General Fund.

Recommendation of Committee:

Recommend to grant abatement. The evidence shows taxpayer unaware of need to file homestead paperwork for 2018. Evidence shows taxpayer did not need to file a Vermont Income tax return. Manifestly unjust.

3-0 in favor to grant

Joshua T. Safran, 033-3-063-000, 127 Saratoga Avenue

Joshua is one of three owners on the Grand List.

The owners were unaware owed back taxes.

The bank was supposed to have payments in escrow.

Petitioner requests abatement for penalties and interest of \$183.36.



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Correct figure, per Treasurer's office, is \$198.81.

Recommendation of Committee:

Recommend to deny the abatement request.

The City was not at fault. Evidence shows taxes not paid on time through no fault of the city. Dieng wanted to see more information about whether taxpayer had received tax bill and was aware of need to pay taxes timely.

2-1 Shannon & Mason deny, Dieng voted to grant.

Robin Fawcett, 049-4-063-000, 354 Saint Paul St

Petitioner seeking abatement of interest in amount of \$51.08

Bank error.

Recommendation of Committee:

Recommend to deny the abatement request.

While sympathetic to the appeal the record shows late payment was attributable to the bank and the bank's verification systems.

3-0 to deny

Joyce B. Flanagan, 050-2-076-000, 37 Cliff St

Requests abatement of interest in amount of 119.09.

Owned house 58 years and they have never been late.

Away visiting son and paid late.

They cut their own checks and pay directly to the city.

Recommendation of Committee:

3-0 to deny

Record does not show error or fault on part of the city.

Ted B. Flanagan, 057-1-014-000, 51 Sears Ln

Requests abatement of interest of \$107.66.

Away visiting son and paid late.

They cut their own checks and pay directly to the city.



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Recommendation of Committee:

3-0 to deny

Record does not show error or fault on part of the city.

Herman Poklukar, 056-4-045-920, 20 Oak Beach Dr.

Petitioner requests abatement of penalties and interest of \$19.19.

He paid on the original amount but he paid late.

A corrected tax bill not received in time.

City treasurer office states the State of Vermont did not download homestead claims in time for original bill.

Corrected homestead info received from state on July 30, 2018. Tax bills revised and sent to property owners on July 30th (same day).

Taxes due August 12th. Almost two weeks later.

Address to send tax bills to Mr. Poklukar was accurate.

Recommendation of Committee:

2-1 to grant abatement of \$19.19

Shannon and Mason voted to grant. Dieng voted to deny.

City error in that property owner did not receive the bill in time.

Statutory finding is manifestly unjust.

The fact Mr. Poklukar paid the higher amount, of original bill, although late, would show he never received the revised tax bill. Anecdotally, committee aware of postal mail issues in the south end of Burlington.

Deliberative Session

Motion **JS**

Second **AD**

Motion passes **3-0**

ADJOURNMENT



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Motion - **CM**

Second - **JS**

Motion passed **3-0** – meeting adjourned at 6:44 p.m.

