

Meeting Minutes: Royalton Board of Abatement
May 26th, 2022, at 7:00 p.m. 2460 Vermont Route 14, South Royalton, Vermont 05068
Zoom conferencing available

Scott Durkee submitted an application to abate sewer charges for 2018, 2019, 2020 and the first half of 2021 to the Royalton Town Clerk. Mr. Durkee's property is located at 108 Rainbow Street; Parcel ID K-270. The meeting was set for May 26th, 2022 at 7:00pm. On May 19th, 2022, notice and hearing of meeting were e-mailed/mailed Mr. Durkee, Board of Abatement members, Collector of Delinquent Taxes and Prudential Board and posted to town website, town office, post office, Chelsea Street and Royalton Academy.

On May 26th, 2022, at 7:00pm, the meeting was called to order.

Members Present: Justices of the Peace: BOA Chair, Allison Fulcher, Matt Angel(7:15pm), Hoyt Bingham, Kate Caldwell, Kathy Hassey, Bushrod Powers, Geo Honigford and Bruce Post. Selectboard: BOA Vice Chair, David Barker, Jerry Barcelow, John Dumville, and Tim Murphy Lister: Jeff Barcelow. Treasurer: Rita Hull. BOA Clerk: Karmen Bascom. Members Absent: Justices of the Peace: William Ballou and Peg Ainsworth. Selectboard: Chris Noble. Listers: Walter Hastings and Samantha Bruce. The body was asked if anyone had a conflict of interest and/or privy to ex parte communications. Bascom, as Town Clerk, noted she was privy to such communications and would abstain from participation as a BOA member. Scott Durkee appeared, was sworn in and presented his case to the board.

Scott Durkee's abatement request was made under 24 V.S.A. § 1535(a)(3). He alleges that during that time, the sewer taxes were accrued under the ownership of Bennett Zapletal and that he is not responsible for, nor is he able to pay the outstanding taxes, delinquencies, and penalties.

Mr. Durkee stated they had a verbal agreement in which Zapletal was to pay all of the back taxes and all back taxes on water and sewer bills with the proceeds of Zapletal's sale of the former Braley's Feed Store to new owner Chris Babcock. Durkee said he was acting solely as the bank for the sale of Crossroads which included a five-year default clause where Durkee could regain the property if he chose. Zapletal defaulted 3 1/2 years into the contract, at which time Durkee was unaware of the accruing charges. Zapletal under his own 2 business LLCs then purchased Braley's Feed at auction. Durkee then brought a buyer to Zapletal and stated the two agreed that the back taxes owed by Zapletal on Crossroads would be paid off by Zapletal after Zapletal sold off Braley's Feed for fifty thousand dollars. Durkee noted that this was re-iterated at an earlier selectboard meeting at which Mr. Durkee was discussing liquor license renewals. Mr. Durkee said he took back over Crossroads to return it to a viable business, but was unable to pay the delinquencies from 2018, 2019, 2020 and ½ of 2021 under Zapletal's ownership because Mr. Zapletal did not pay Durkee what Durkee was owed.

Honigford asked for clarification on the handshake deal. Durkee said they shook hands because Zapletal was a (former)friend. Fulcher asked for clarification on breakdown and amounts of abatement request. Durkee stated approximately twenty-four thousand but was uncertain how much was water or sewer. Board clarified that water was under the Prudential Board. Bushrod Powers asked if there were legal deeds submitted. Mr. Durkee said there were and that Bennett Zapletal bought the building Crossroads under his own two corporations. Jeff Barcelow asked for the amount Durkee was paid by Zapletal. Durkee noted he was paid about three hundred thousand with \$130,000 in combined mortgage, back taxes, back water and sewer combined. Durkee said he never received the tax bills. Honigford asked if any tax bills were also due and questioned whether or not Durkee might be asking for property taxes as well, to which Mr. Durkee said he wasn't sure if other taxes were due. When questioned, Treasurer Hull noted she believed about 12-14K was sewer, but Jeff Barcelow reminded everyone that it was Mr. Durkee's job to provide accurate information for the board to vote on. Both Jeff Barcelow and Tim Murphy called for adjournment into Executive session. (It should be correctly noted that the BOA enters deliberative session not executive session.) Before leaving, Durkee says he can't speak to anything except K-270. (Crossroads) Barker asked for tax information on both businesses. Chair Fulcher said normally the board only receives information given by the appellant and then votes to abate or deny, but suggested Durkee could come back with specifics later on. Durkee is thanked for his time and leaves.

Based on the evidence received above the Board of Abatement makes the following findings of fact:

Mr. Durkee sold Crossroads Bar & Grill to Mr. Zapletal. Mr. Zapletal defaulted in his payments to Mr. Durkee (who was acting solely as the bank). Mr. Durkee was paid \$300,000 but was left with combined expenses, delinquencies, and unrecoverable mortgage payments of approximately \$130,000. No attorney was utilized during what Mr. Durkee states was a handshake deal between friends to allow the sale of Braley's Feed by Mr. Zapletal to offset delinquencies of approximately \$24,000 which had accrued during the time Mr. Zapletal owned Crossroads. This handshake deal was not honored by Mr. Zapletal.

Jerry Barcelow made a motion to abate the taxes and sewer bills. The motion was seconded by Dumville. The motion was put to a vote and defeated. Motion was made and seconded to adjourn. The motion to adjourn passed.

Based on these findings, the Board concludes the Appellant has not established that he is unable to pay their taxes, charges, interest, and/or collection fees pursuant to 24 V.S.A. §1535(a)(3). Motion to abate is denied.

Meeting adjourned at 8:15 p.m.

Respectfully submitted, Karmen M. Bascom, Royalton Town Clerk

