

Meeting Minutes: Royalton Board of Abatement
August 25th, 2022, at 7:00 p.m. 2460 Vermont Route 14, South Royalton, Vermont 05068
Zoom conferencing available

Scott Durkee; Black Grape, Inc., d/b/a Crossroads Bar & Grill, applied to abate a total of \$18,969.75. Total included sewer charges, penalties, and interest for 2018 through 2021 in the amount of \$18,110.65, plus an additional \$859.10 in penalties and interest for delinquent taxes. Mr. Durkee's property is located at 108 Rainbow Street: Parcel ID K—270. The meeting was set for August 25th, 2022, at 7:00pm. On August 19th, 2022, notice and hearing of meeting were e-mailed, and hand delivered to Mr. Durkee and e-mailed to Board of Abatement members and posted to town website, town office, post office, Chelsea Street and Royalton Academy.

On August 25th, 2022, at 7:00pm, the meeting was called to order. Members Present: Justices of the Peace: Board of Abatement Chair, Allison Fulcher, Peggy Ainsworth, Hoyt Bingham(7:10pm), Kate Caldwell, Selectboard: Board of Abatement Vice Chair, David Barker, Jerry Barcelow and John Dumville. Listers: Jeff Barcelow and Walter Hastings (7:15pm). Treasurer: Rita Hull. Board of Abatement Clerk: Karmen Bascom. Members Absent: Justices of the Peace: Matt Angell, William Ballou, Kathy Hassey, Geo Honigford, Bruce Post and Bushrod Powers. Selectboard: Tim Murphy and Chris Noble. Listers: Samantha Bruce. The body was asked if anyone had a conflict of interest and/or privy to ex parte communications: no concerns. Scott Durkee appeared, was sworn in and presented his case to the board.

Chair Fulcher asked to entertain a temporary suspension of meeting after it was noted the board was short one member. Jerry Barcelow motioned, and Kate Caldwell seconded. Meeting reconvened at 7:15pm. Under oath, Scott Durkee explained the economic hardship situation.

Scott Durkee's abatement request was made under 24 V.S.A. § 1535(a)(3). He alleged that Black Grape, Inc. had no legal interest or input in the bar building or business after he sold it to Harper Blake, LLC and VTGastronome, Inc. both owned by Bennett Zapletal. After Zapletal defaulted on the five-year note, Durkee opted to take property and business back using a quit claim in lieu of a foreclosure on the defaulted loan. He presented his Surrender of Collateral and Assignment paperwork along with a general ledger account of costs. Durkee's hope was to turn Crossroads back into a viable town business again. However, Durkee found himself with excessive building, roof and water damage, expensive repairs, insurance cost which have jumped from approximately \$14,000 to \$43,000 and inflationary liquor, food, and wage hikes. He changed jobs to earn more money while rebuilding the bar, has borrowed \$50,000 from his brother, has acquired an additional \$25,000 through a Go-Fund-me account and \$90,000 of his own funds to get the establishment running. Despite these efforts and what has been a brisk start up, the ongoing expenses have negated profit and Durkee stated he is unable to pay for the additional expenses incurred under Zapletal's ownership as he deals with current and upcoming expenses of his own.

After Durkee completed presentation of his case, the Board went into Deliberative Session. Based on the evidence received above, the Board of Abatement made the following findings of fact: Scott Durkee owner of Black Grape Inc. has established he is in a position of economic hardship, in which payment of the sewer charges incurred by the former owner, and the interest on the delinquent property taxes, prove a substantial financial burden on his ability to turn Crossroads back into a viable Royalton business. The Board concludes the Appellant has met the criteria of 24 V.S.A. §1535(a)(3) and grants abatement of the \$12, 969.81 principal and \$4,103.26 interest of back sewer charges, plus \$477.30 in back property tax interest for a grand total abatement of \$17,550.37.

Meeting adjourned at 9pm.

Respectfully submitted,

Karmen M. Bascom, Royalton Town Clerk