

Town of Waterbury, Vermont
Board of Abatement
Rules of Procedure

1. Robert's Rules of Order are adopted as the Board's parliamentary authority for all matters not elsewhere addressed in these Rules of Procedure or specified by Vermont Statute. The Procedure in Small Boards specified within Robert's Rules of Order is adopted unless elsewhere modified in these Rules of Procedure.
2. These rules apply to all hearings and meetings conducted by the Board. A copy of the rules will be provided to each applicant requesting abatement. These rules shall be made available at all meetings and hearings.
3. Pursuant to Vermont Statute, written notice for a hearing must be given to the taxpayer applying for abatement and to each member of the board. At least one lister must have personal notice of the hearing. Additionally, the notice must be posted in at least two public places in town at least five calendar days before the hearing.
4. Quorum
 - a. Pursuant to Vermont Statute, the act of a majority of a quorum shall be treated as an act of the Board.
 - b. Alternatively, if the town treasurer, a majority of the listers, and a majority of the selectboard are present at the meeting, then the quorum requirement need not be met.
 - c. If the listers testify in a Board of Abatement hearing, then they may not sit as members of the Board of Abatement for that hearing.
5. Abatement hearings shall be conducted with the following rules:
 - a. The Chair of the Board will preside over each hearing. If the Chair is unable to preside, then a temporary Chair will be elected by the Board to preside. The Chair will rule on all questions on order and procedure. The Chair may make motions and vote on questions.
 - b. Each applicant requesting abatement will be afforded a 10-minute minimum hearing. If an applicant does not appear, then the Board's decision will be based upon information submitted by the applicant with

the applicant's hearing request form.

- c. The Chair may exclude any irrelevant, unreliable, and unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to prove or disprove the appropriateness of abatement. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.
- d. The Chair will conduct hearing in the following sequence:

- i. Open the hearing. State the name of the applicant, property location, and parcel identification number.
- ii. Administer the following oath to the applicant and witnesses:

“Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?”

The applicant and witnesses must answer in the affirmative.

- iii. Request Board members to disclose any conflicts of interest that exist.

A conflict of interest is a personal, familial, or financial interest by a Board member or the member's spouse, business associate, employer, or employee in the outcome of a hearing that is greater than that experienced by a member of the general public. A conflict of interest is also situation where a Board member has publicly displayed a prejudgment of the merits of a proceeding.

Board members shall recuse themselves from proceedings where they have a conflict of interest.

- iv. Request Board members to disclose any *ex parte* communication that has taken place

Ex parte communication is direct communication between a Board member and any party, party's representative, party's counsel, and any person interested in the outcome of the abatement process that occurs outside the hearing and concerns the substance of the hearing.

Any *ex parte* communication that has occurred must be reported in the public hearing and included in the meeting minutes.

- v. Ask the applicant if the applicant has received a copy of the Board's rules of procedure and whether the applicant has any questions about how the hearing will proceed.
 - vi. Ask the applicant to identify the statutory abatement category [24 V.S.A. § 1535(a)] that the abatement request is being made under.
 - vii. Allow the applicant to present verbal and documentary evidence supporting the abatement request to the Board.
 - viii. Invite questions from the Board.
 - ix. Close the hearing. Explain to the applicant that the Board will enter deliberative session and will issue a written decision within 30 calendar days of the hearing.
6. Motions shall require a second from another member before consideration.
7. Rules for Electronic Meetings
- a. Board meetings shall be held at a central location. However, if the Town Clerk and Board Chair concur, Board members may participate in meetings by electronic means. The decision to offer electronic participation in a meeting shall be made on a meeting-by-meeting basis.
 - b. Login information. With the meeting notice, the Town Clerk shall send by e-mail to every member of the Board a phone number or Internet conference room link and any access code needed to connect to the conference call.
 - c. Call-in time. The Clerk shall schedule a conference call, using equipment provided by the Town, to begin 10 minutes before the start of each meeting.
 - d. Meeting-room equipment. The Town shall provide a speakerphone at each meeting, which shall be connected to the conference call at least five minutes before the start of the meeting.

- e. Software. The software selected for the electronic conference room shall have the ability to remove non-members from the room for the purposes of deliberative session discussions.
 - f. Location of Chair and member recording minutes. The Chair of the meeting and the member recording meeting minutes must be present in the meeting room.
 - g. Technical malfunctions and requirements. Each member is responsible for their connection to the conference call; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting.
 - h. Forced disconnections. The Chair may order the disconnection or muting of a member's or other attendee's connection if it is causing undue interference with the conference call. The Chair's decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.
8. These rules may be amended by a two-thirds vote of the Board members present.
9. The rules must be readopted annually at the first meeting after Town Meeting Day.

These Rules of Procedure were adopted by the Waterbury Town Board of Abatement at a meeting held on February 28, 2024

Chair, Board of Abatement