

**THELMA & HARRY LEDDEN vs. TOWN OF FREEDOM**

**JUNE 13, 2006**

**11:10 A.M.**

**(TAPE 1 A)**

**PRESENT:** Commissioners John M. Hyk, Charles G. Boetsch and Amy Fowler. Petitioner: Thelma & Harry Ledden. Also present was Arthur & Carol Richardson from the Town of Freedom, members of the press, County Clerk Barbara Arseneau and Deputy County Clerk Veronica Stover.

Commissioner Hyk convened the meeting at 11:10 a.m.

J. Hyk read the rules for the hearing.

**PETITIONER:**

T. Ledden: I went to the town office and paid my taxes this year, and I did not know at the time that you could get an abatement on your land. So I applied for an abatement when I paid my taxes. The first paper that I filled out got misplaced, so they told me. So I was sent another paper which I filled out again. After I filled it out it took so long of a time that one of the selectmen sent me a paper in the mail stating that they had denied it. So that is when I started to make phone calls to find out what I could do. Tim Biggs, one of the selectmen, came out when we went up there about two weeks ago on a Saturday. He came out the door and he told me that there was nothing they could do about it this year.

J. Hyk: I am unclear as to what your complaint is, except usually the complaint is you are paying more tax than you should be.

A. Fowler: I have had just a brief discussion on this. So refresh me, were you receiving a discount on your taxes prior to this for wetlands? The reason why you are looking for this is because other people are receiving a wetlands discount on their taxes. Did they have to have their land professionally assessed and or surveyed or studied to declare as wetlands?

C. Richardson: I was selectman for the Town of Freedom for 3 years 2000-2003. At that time a couple of people came to me and said that they have wetland and they felt it was not fair to pay this high tax and they had a pond on it and they could not use the land. We have the town of Freedom map and we have a ruler that measures the acreage, which we did. We gave her an abatement according to how many acres it scaled out to be, as I did. I worked with Thelma because we are neighbors and friends and at that time I told her that I could not give wetland to one person unless I give it to them all. Guess who I forgot? I took the map and I went by an old map that had wetland marked on it. This piece of property that we owned before Thelma bought it, back, I think, we bought it in the '60's and Arthur's father owned it before that and it was always wetland. I am going to say out of the 25 acres, which it was one piece at the time, a good 15 acres towards the Palermo Road was all low and wetland. Two or two and a half years ago the beavers decided to make a home on that property. Last winter we had a very dangerous problem, which I am on one side of the road and she is on the other, and there is a big hill and a

flatland. There is a swamp over here where the beavers first had their house; they got that so full they decided they move half of them. This past winter we had a very, very dangerous situation where the beavers had built such a dam that it came into the road and froze ice onto the road. If anyone did not know the situation coming down over that hill, they'd strike the ice and they would roll over and if they didn't do it any other way they would have drowned. So you can see the wetland is wet and the Board of Selectman and a road commissioner spent the whole winter trying to get that water out of there. I noticed that they split this land up. We sold it to somebody and somebody split it up and sold half to the Ledden's and half to Mr. Hodgeton. When I went to the town office to get a copy of the commitment book to check things out, I noticed the other land owner was given one acre of wetland after his whole road washed out. So I know for a fact that this has been wetland. I did not know before I became selectman there was anything such as swamp land. I never even thought to mention it to the Ledden's. I came in as a new select person, green, tried to use everybody equal, and took it from the map. My only excuse is I took it from the map. My relative Joe Richardson owns the pond on the other side and I didn't give him swamp land because he was not on that map and I had so many and so little time. You come on in April and taxes are due in July. I gave swamp land to everybody that I could see. Nobody had to have a survey.

J. Hyk: I want to ask Barbara a question. Do we have to rule on the facts here or can we rule on the basis of the town defaulting to even be here? The town is not here to ask questions or defend. I am wondering if this is a defacto.

(B. Arseneau excused herself to go get the statutes.)

T. Ledden: I knew they wouldn't come. [Referring to the Selectmen.]

J. Hyk: You may have very well known that they were not coming but I am asking a particular technical question. If we don't need to rule on the facts, I'd just as soon not, I'd just as soon rule on the fact that they are not here.

C. Richardson: What she was asking me coming down; I just know enough to be dangerous. She applied in time to get it in time for last years taxes and was denied. It should not be her fault that she is a friend of mine. So she asked in her letter, how far back? I would like her to hear what you have to say. From the property tax division you cannot go back any further from when you ask, when you signed the paper. But she could be entitled where she signed the paper in time to get it for last years taxes and have them straighten it out to get the records straight for this years taxes.

J. Hyk: It is my understanding you cannot go three years.

C. Richardson: Well this year has not even been assessed yet. Mr. Biggs has talked with her and he said they would handle it next year.

A. Fowler: So, in other words, they will recognize this error and are talking about clarifying it or rectifying it in 2007.

C. Richardson: The money, I have told them, is minimum but it's the principle of the matter.

A. Fowler: The fact that there are other people that have wetlands that are taxed for wetlands. What is good for the goose is good for the gander.

C. Richardson: When I was in, I followed suit of the prior selectman of \$50.00. Swamp land is useless and we have always charged \$50.00 an acre for swamp land.

A. Fowler: What is Freedom's acreage?

C. Richardson: \$400.00 an acre backland, I wanted to raise it but could not get another vote from one other selectman because he had land.

G. Boetsch: That is the value of it, not what they actually get assessed. That is the value of the land, \$50.00 an acre?

C. Richardson: Yes, we assess \$50.00 an acre and now they have raised it to \$100.00 an acre. So what they are saying is her swamp land is more valuable than the chairman's tree growth mixed wood and hard wood.

T. Ledden: That is what people are getting now, \$100.00 for swamp land an acre.

(Barbara Arseneau went to look for other resources to answer the previous question.)

G. Boetsch: Actually though John, if the other side did not show up in court wouldn't that be thrown out?

J. Hyk: My point is this, based on my limited experience as a selectman for 16 years and as an assessor's agent and so on and so forth, this whole area of wasteland is a highly nebulous area. Everybody's got some. It will never be fair. It is by its nature. It can sometimes be very subjective and if we can rule on the technicality, we would be wise to do so rather than stick our heads into a hornets nest. So if Barbara cannot get this figured out, then I would like to continue this until the question is answered. I would like to continue this.

G. Boetsch: But only continuing because of the answer, not continuing to give the other side a chance to be here?

J. Hyk: Absolutely not; the hearing is over and closed.

A. Fowler: I would like to let the record show that I agree that everyone has wetlands, but I think there is a real big difference between my pastures that are wetlands right now and true beaver stocking wetlands.

J. Hyk: Absolutely. All I am saying is once we close the hearing, we can adjudicate it on either basis the next time we get together. It can go off on the technicality or it can go off on the merits.

A. Fowler: I would like to ask Dave LeDew from the State Property Tax Division.

J. Hyk: I think we have a way to proceed here. What I think we will do is close the hearing and adjudicate it later when we have the answer to our question. This could be as soon as two weeks or in one month.

J. Hyk asked both Commissioners if they had a problem with that. Both were in agreement.

B. Arseneau: What is your specific question that you are trying to have answered?

J. Hyk: We are interested in two things:

- Does the petitioner prevail simply because the defendant did not appear?
- We just want to know what the legal situation is with the town not being here.

T. Ledden: You said you could go back two years, so where it hasn't come up this year then would it go back last year and the year before?

J. Hyk: Yes.

A. Fowler: It would be rectified on this year's tax bill. When does your tax bill come out in Freedom?

T. Ledden: Last year it was November 6<sup>th</sup>.

C. Richardson: I may have advised her wrong, but when I talked with Dave LeDew, he said that you have to request an abatement in the proper time limit, which she did, but the town of Freedom does not have to go back any further than when the year the abatement was requested.

(A. Fowler was going to check with Dave LeDew with this.)

**\*\*G. Boetsch moved, A. Fowler seconded to close the hearing and deliberate it at our next meeting. Unanimous.**

Respectfully submitted by: \_\_\_\_\_  
Veronica Stover, Deputy County Clerk