



# OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

## BOARD OF FINANCE MONDAY, JANUARY 28, 2013

### MINUTES

**PRESENT:** Mayor Weinberger; City Council President Shannon; Councilor Bushor; Councilor Paul (phone); Councilor Decelles (arrived at 5:15 pm); Interim CAO Sisson

**ALSO PRESENT:** ACAO Goodwin; Steve Goodkind, Norm Baldwin, DPW; Andi Higbee, Police; City Attorney Blackwood; Susan Leonard, Ben Pacy, HR; Mike Kanarick, Mayor's Office

#### 1. Agenda

Mayor Weinberger added item 7. "Act 250 Permit – Airport" to the agenda.

Councilor Paul and City Council President Shannon made a motion to adopt the agenda as amended. The motion passed unanimously.

#### 2. Public Forum

No one came forward to speak.

#### 3. Approval of the Board of Finance Minutes

##### a. November 26, 2012

City Council President Shannon and Councilor Bushor made a motion to approve the minutes. The motion passed unanimously.

##### b. December 3, 2012

Councilor Bushor and City Council President Shannon made a motion to approve the minutes.

Councilor Bushor requested they bring item 6.8 Discussion of Standing Items back to the Board of Finance for discussion.

The motion passed unanimously.

##### c. December 17, 2012

City Council President Shannon and Councilor Paul made a motion to approve the minutes.

Councilor Bushor stated that item 7 of the minutes showed the Library's org chart. There were a

number of people at the same rate of pay as the director. She would like to discuss whether that is acceptable. Interim CAO Sisson stated they are working on addressing this. Susan Leonard, HR, stated when the new Library Director is in place they will work with her to review the org chart and make changes if necessary.

City Council President Shannon requested clarification about item 9 of the minutes during which they discussed parking on Sears Lane. She inquired if there will be a public parking facility. Mayor Weinberger stated they are not considering that.

Councilor Decelles arrived.

The motion passed by a vote of 4-0. Councilor Decelles abstained from the vote.

#### **4. Police Officer Rate of Pay Adjustment – HR**

Councilor Bushor and City Council President Shannon made a motion to approve the pay adjustment.

Councilor Bushor inquired if this is typical. Ben Pacy, HR, stated this is atypical. There is no policy about this, which is why they are presenting it to Board of Finance and City Council. Councilor Bushor inquired if when situations like this arise and there is no policy, they review it and make a recommendation. Mr. Pacy stated that is correct.

The motion passed unanimously.

#### **5. Cooperative Agreement Amendments for the Church Street Lighting Project – DPW**

Steve Goodkind, DPW, stated this is a housekeeping matter. They undertook a project to do improvements in the Church Street area, including lighting. The project involved two federal earmarks. The larger was called 5016, the smaller was 5019. When it was time to draw the money, they found there was one more step involved. This step will take money from 5019 and move it to 5016 so it can be spent. At the end, there will be \$2,075 remaining in 5019 that can be used for other projects. There will also be \$280,000 left in 5016 that the Marketplace would like to spend on the fountain. They were told that they could not use the money without moving it to 5016.

Councilor Bushor stated they spent a large amount of time and energy putting in the fountain. There were concerns that people would trip on the trough of the fountain and they did. It turned out to be a liability. She hopes people will remember this in the coming years. Mr. Goodkind stated there may be a smaller fountain in the future.

City Council President Shannon inquired what will come after the fountain is removed. Mr. Goodkind stated they will be removing it and may add something later. City Council President Shannon stated she would be interested in seeing a plan when it is available. Mr. Goodkind stated there are a few ideas and they will come back when they have something more firm.

City Council President Shannon and Mayor Weinberger made a motion to approve the amendment and recommend City Council approval. The motion passed unanimously.

#### **6. Audit Update – CAO**

Interim CAO Sisson stated the audit will be issued tomorrow. It will be included in the annual report and will be available for Town Meeting Day. The City general fund generated a surplus of revenues over expenditures of about \$500,000. With other sources and uses, the net change was about \$2.3 million dollars. It was not a lot of money in excess. They originally budgeted only a small surplus. The auditor will be here for a City Council Work Session at the next City Council meeting.

Councilor Bushor inquired if the surplus came from the gross receipts tax. Interim CAO Sisson stated that was one of the larger areas that was better than budgeted.

Councilor Paul left the meeting.

#### **7. Act 250 Permit - Airport**

Councilor Bushor stated there is an application in the City Council packet from the Airport for an Act 250 permit for the destruction of homes in South Burlington. This is part of the noise mitigation plan and she knows they have purchased a number of properties. She inquired if homes have been destroyed in the past and how many houses were impacted. She inquired what the process has been for South Burlington. Once the Airport buys the homes, their use changes, but she would like more information. City Attorney Blackwood stated the Airport wants to demolish 57 properties. A question was raised by a neighbor about whether or not Act 250 applied to destruction under the rules about construction. There is a process by which an individual can request a jurisdictional opinion. The District Coordinator would issue a decision about whether or not they had jurisdiction. This opinion that they received stated the demolition does not meet the criteria for Act 250 jurisdiction. The City does not need to go through that hearing process before demolishing the properties. The neighbor has thirty days to appeal to the Environmental Court. Councilor Bushor inquired if the permit for demolition would be needed from South Burlington. In Burlington, you need a permit to demolish a house. She inquired if the Airport has permission to destroy or reuse the homes in the purchase contract without going through a separate process. City Attorney Blackwood stated there are multiple levels. The money for this comes from the Federal Government, therefore the properties that are purchased have limitations in use. Act 250 is a different process than South Burlington's process. Under that process, the question was whether or not they needed an Act 250 permit. The next question is what South Burlington requires, and she is unsure. Councilor Bushor stated it will be important for them to understand the process better. City Attorney Blackwood stated the South Burlington Design Review Board has determined that removal of the homes does not constitute a change of use. Councilor Bushor stated this process has been challenging in trying to do the right thing for the Airport and neighboring communities. Mayor Weinberger stated they will continue to have extensive discussions with South Burlington.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 5:38 pm.