
DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, OCTOBER 7, 2013
7:04 P.M.

PRESENT: City Council President Shannon; Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Ayres the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Ayres the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. EXPANSION OF THE LIQUOR LICENSE SPACE (2013-2014):

Trattoria Delia Wine Bar/Waiting Space: Sotto enoteca
*waive the reading, accept the communication, place it on file and approve the expansion of the liquor license space for Trattoria Delia Wine Bar/Waiting Space: Sotto enoteca contingent upon Fire Marshal and Zoning approval; DLC will conduct a site visit and approve the expansion once approved by the Local Control Commission

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission meeting at 7:05 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

REGULAR MEETING, CITY COUNCIL
MONDAY, OCTOBER 7, 2013
7:05 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and the agenda was unanimously adopted as amended as follows: note **revised** version for agenda item 2. RESOLUTION: Vermont Italian Club – Authorization to Accept Gift – “Little Italy” Wayside Exhibit Interpretive Panels (Councilor Paul); note **signature page** for agenda item 3. REPORT: David Casey, Vice Chair, Board of Health, re: FY13 Year End Report for Burlington Board of Health; remove from the consent agenda item 5.13. RESOLUTION: Proposed Champlain College Purchase of 436 Maple Street Property (Councilors Paul, Blais) and place it on the Deliberative Agenda as item 3.01.; remove from the consent agenda item 5.14. COMMUNICATION: Brian Pine, Assistant Director for Housing & Neighborhood Revitalization, re: Authorization for Champlain College acquisition of 436 Maple Street and place it on the Deliberative Agenda as item 3.02. ; remove from the consent agenda item 5.15. COMMUNICATION: David J. Provost, re: Seeking City Council approval for Champlain College to buy 436 Maple Street and place it on the Deliberative Agenda as item 3.03.; add to the consent agenda item 5.25. COMMUNICATION: Elisabeth Mickenberg, Chair, Board for the Registration of Voters to The Honorable James C. Condos, re: 2013 Biennial Checklist Purge with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.26. COMMUNICATION: Jeffrey Kaufman, M.D. to Amber Thibeault, Burlington Telecom, re: My Resignation from the CAC with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.27. COMMUNICATION: Michael F. McGarghan, Jr. to Amber Thibeault, Burlington Telecom, re: My Resignation from the CAC with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.28. COMMUNICATION: JCL, re: Keep F 35 Basing with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.29. COMMUNICATION: George Gamache, Ward 4 NPA Redistricting Member to Kurt Wright, re: Redistricting Plan with the consent action to “waive the reading, accept the communication and place it on file;” remove from the consent agenda item 5.17. COMMUNICATION: Mayor Miro Weinberger, re: Pension Summit extension request and place it on the Deliberative Agenda as item 6.5.; remove from the consent agenda item 2.06 REQUEST FOR ABATEMENT OF TAXES: Michael F. McGarghan, Jr., 111 Birch Court, 024-4-133-000 and place it on the Deliberative Agenda as item 4.5.

2. RESOLUTION: Vermont Italian Club – Authorization to Accept Gift – “Little Italy” Wayside Exhibit Interpretive Panels (Councilor Paul)

Councilors Paul and Tracy made a motion to waive the reading and adopt the resolution.

Councilor Paul stated that this resolution will authorize the City to accept a gift from the Vermont Italian Club. The gift is a set of three interpretive panels that honor and commemorate the lives and contributions of the Italian American Community. Years ago, the City undertook an urban renewal project in the South Champlain Street area of Burlington. This acknowledges the many residents from many backgrounds that experienced the urban renewal project. The panels will grace the sides of three intersections and will celebrate the contributions of this community. Members of the Vermont Italian Club are here to present a mockup of the panels.

Adele Dienno, President of the Vermont Italian Club, thanked everyone for their help in making these panels a reality. The Vermont Italian Club was formed 30 years ago by people who were transplants from other states and knew nothing about an Italian Community here. The Club has added to its mission to educate the community about the old Italian Community. By accepting the panels, this will be a giant step in making that happen.

John Varricchione, Vermont Italian Club Member, stated his grandparents and parents lost a home. This is very near and dear to him. It has been in the works for 2 ½ years and they are appreciative. He read the resolution aloud.

The motion passed unanimously.

2.01. COMMUNICATION: Nathan Wildfire, Assistant Director of Economic Development, CEDO, re: Vermont Italian Club Interpretive Panels

Councilors Paul and Tracy made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. REPORT: David Casey, Vice Chair, Board of Health, re: FY13 Year End Report for Burlington Board of Health

David Casey, Vice Chair for the Board of Health, stated that he will answer any questions about the report or provide more detail on the issues they are working on.

Councilor Siegel thanked him for the report. She liked how they have strategically outlined their priorities for the next 18 months. She inquired what the Board decided about the health impacts of the F-35s. Mr. Casey stated that they held some public hearings where they invited the public and experts to provide testimony. Based on the data that they gathered, they concluded that it would be difficult to make a definitive statement that everyone could agree to. They requested further information from the National Guard about how they came up with their data. They had an expert from Montpelier looking at this who did not feel he could draw conclusions without understanding how they got their data. Councilor Siegel inquired if they requested information that they did not receive. Mr. Casey stated that is correct. Councilor Siegel inquired if the Board has reviewed the final Environmental Impact Statement. Mr. Casey stated the Board has not discussed it in a collaborative fashion, only the preliminary EIS.

Councilor Bushor stated that she was surprised not to see pesticides on the agenda for the next 18 months. There has been controversy around the existing ordinance. There was a desire to expand that to make it healthier and safer. There was a legal opinion about waiting for the State to move forward, but sometimes that never happens. She inquired if they had discussed this issue and what their thoughts are. Mr. Casey stated that was omitted from the report. Their efforts regarding cosmetic pesticide use continues in an expanded fashion. They have renamed themselves “healthy lawns healthy lives.” They continue to have ambassador lawn owners who are guinea pigs for not using pesticides. They have done tabling and have had a presence at several different conferences; that effort continues. Councilor Bushor stated that it can be difficult for people that move in to be aware of all of the laws. The pesticide ordinance is an important piece of the community. She requested the Board of Health consider ways to make that more visible. Many businesses would do the right thing if they knew about this; Mr. Casey stated that he agrees. That has been one of their big focuses. As the effort has evolved, they have seen that the ordinance is not something that people know about. One big concern is lawn maintenance companies and commercial lawn owners who do not have that understanding. These are people who either take care of many parcels of land or commercial owners with large pieces of land. Educating them would be magnifying.

Mr. Casey stated that they passed a resolution regarding Urban Agriculture in November 2012 regarding animal husbandry and slaughter. They had requested a draft ordinance from the Board of Health. They have not yet completed that work. They put together an ordinance. The Board of Health then decided to reconsider where they were headed with that issue. They have stepped back to do more serious thinking. They created a special work group to take on this work. They have met with a variety of experts and agencies to collect information. They are preparing to finalize their thinking on this ordinance. They want

everyone to be on board. The goal of the working group is to get the background work done so that when it is presented the Council will not see backlash.

Councilors Ayres and Worden made a motion to waive the reading, accept the report and place it on file. The motion passed unanimously.

3.01. (was 5.13.) RESOLUTION: Proposed Champlain College Purchase of 436 Maple Street Property (Councilors Paul, Blais)

Councilors Worden and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Bushor stated that this involves the sale of property to an institution. She feels this is notable and should not be on the consent agenda. She does not take it lightly when property outside of the main area of an institution is assimilated into an institutional map. This particular property was a topic of discussion during the zoning rewrite and she will support this. She feels the community should know about this. The Memorandum of Understanding that is associated with this ward written in 1994 will be expiring in 2014. She inquired if this will remain in effect until they adopt a new Memorandum of Understanding. Much of the information is based on this. Brian Pine, CEDO, stated the agreement was signed in October of 1994 and will remain in effect until October of 2014. Beyond that, it is a subject that the Administration and the Council will need to have a discussion about. There is no agreement that is currently being discussed in relation to Champlain and the acquisition of property. Councilor Bushor stated that she understands that there is a year left, but that time goes very quickly. They are talking about acquisition of property outside of that area and she will support that. She feels that they should reaffirm that this will continue to go forward this way until a new agreement is reached. She feels that they should begin talking now. Mayor Weinberger stated that this is not a sale of City property to Champlain College. It is a private sale to the college, which is guided by this agreement. He agrees that they should start conversations about that agreement.

The motion passed unanimously.

3.02. (was 5.14.) COMMUNICATION: Brian Pine, Assistant Director for Housing & Neighborhood Revitalization, re: Authorization for Champlain College acquisition of 436 Maple Street

Councilors Worden and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3.03. (was 5.15.) COMMUNICATION: David J. Provost, re: Seeking City Council approval for Champlain College to buy 436 Maple Street

Councilors Worden and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

4. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:37 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Martha Lang	Ward 1 Resident	Vote on Sale of St. Joseph's School
Joanne Hunt	Ward 4 Resident	F-35 Health Concerns

Stuart Paton	Ward 1 Resident	F-35
Louise Brill	Ward 3 Resident	Opposed to F-35
Ashley Smith	Ward 7 Resident	Opposed to F-35
Charles Simpson	Ward 6 Resident	F-35/Insurance Coverage/Risks
Jim Podrasky	Ward 3 Resident	In Favor of F-35
Kurt Wright	Ward 4 Resident	George Gamache Redistricting Plan
Paul Fleckenstein	Ward 3 Resident	Opposed to F-35
Martha Abbot	Burlington Business Owner	Opposed to F-35
Michael Mahoney	Winooski Resident	Opposed to F-35
Kylie Silliman-Smith	Ward 3 Resident/ Peace and Justice Center	Opposed to F-35/Livable Wage Impact
Megan Emery	S. Burlington Resident	Opposed to F-35
Jean Chaulot	S. Burlington Resident	Opposed to F-35
Raymond Gonda	S. Burlington Resident/ VT Natural Resources Council	Opposed to F-35
Katie Kirby	Winooski Resident	Opposed to F-35
Michael Thomas-Adam	Colchester Resident	Opposed to F-35

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:07 p.m.

5. CONSENT AGENDA

On a motion by Councilors Knodell and Siegel the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

5.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

5.02. RESOLUTION: Adopt FY 2014 Bike Path Maintenance and Improvement Budget and Amending The FY 2014 General Fund Budget Accordingly (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

5.03. RESOLUTION: Adoption of FY 2014 Impact Fees Budget (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

- 5.04. COMMUNICATION: Bob Rusten, Chief Administrative Officer and Rich Goodwin, Asst. Chief Administrative Officer – Finance, re: Impact Fees
*waive the reading, accept the communication and place it on file
- 5.05. RESOLUTION: Authorization for City Council Expense Accounts (Councilors Shannon, Bushor, Aubin: Board of Finance)
*waive the reading and adopt the resolution
- 5.06. COMMUNICATION: City Council –Reimbursement Account
*waive the reading, accept the communication and place it on file
- 5.07. RESOLUTION: Authorization to Burlington Electric Department to Enter into Stipulation Concerning Renewable Energy Certificate Sharing Arrangement (Councilors Shannon, Bushor, Aubin: Board of Finance)
*waive the reading and adopt the resolution
- 5.08. COMMUNICATION: Ken Nolan, Manager of Power Resources, Burlington Electric Department, re: Ryegate Associates RSCR Stipulation
*waive the reading, accept the communication and place it on file
- 5.09. RESOLUTION: Authorization for City Investment Policy (Councilors Shannon, Bushor, Aubin: Board of Finance)
*waive the reading and adopt the resolution
- 5.10. COMMUNICATION: Bob Rusten, Chief Administrative Officer & Rich Goodwin, ACAO for Finance, re: Investment Policy
*waive the reading, accept the communication and place it on file
- 5.11. RESOLUTION: Creation of Limited Service Full Time Telecom Support Specialist Position and Elimination of Customer Service Representative Position – Burlington Telecom (Councilors Shannon, Bushor, Aubin: Board of Finance)
*waive the reading and adopt the resolution
- 5.12. COMMUNICATION: Benjamin Pacy, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Burlington Telecom – Creation of Limited Service, Full Time Telecom Support Specialist Position and Elimination of one of the three Customer Service Representative Positions
*waive the reading, accept the communication and place it on file
- 5.16. COMMUNICATION: Michael L. Rowley, re: Message from Contact Us
*waive the reading, accept the communication and place it on file
- 5.18. COMMUNICATION: Scott Schrader, ACAO, re: March 4, 2014 Annual City Election Calendar
*waive the reading, accept the communication and place it on file
- 5.19. COMMUNICATION: Clerk/Treasurer’s Office, re: Review of Monthly Financials
*waive the reading, accept the communication and place it on file
- 5.20. COMMUNICATION: Katherine Kirby, re: Winooski F-35 Resolution

*waive the reading, accept the communication and place it on file

5.21. COMMUNICATION: Bob Rusten, Chief Administrative Officer, re: Notice of Employee Contribution toward Health Insurance – Non-Bargaining

*waive the reading, accept the communication and place it on file

5.22. COMMUNICATION: Martha R. Lang, re: Burlington School District's proposal to sell 150 Colchester Avenue

*waive the reading, accept the communication and place it on file

5.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, June 10, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 23, 2013 City Council Meeting

5.24. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council for June 24, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 23, 2013 City Council Meeting

5.25. COMMUNICATION: Elisabeth Mickenberg, Chair, Board for the Registration of Voters to The Honorable James C. Condos, re: 2013 Biennial Checklist Purge

*waive the reading, accept the communication and place it on file

5.26. COMMUNICATION: Jeffrey Kaufman, M.D. to Amber Thibeault, Burlington Telecom, re: My Resignation from the CAC

*waive the reading, accept the communication and place it on file

5.27. COMMUNICATION: Michael F. McGarghan, Jr. to Amber Thibeault, Burlington Telecom, re: My Resignation from the CAC

*waive the reading, accept the communication and place it on file

5.28. COMMUNICATION: JCL, re: Keep F 35 Basing

*waive the reading, accept the communication and place it on file

5.29. COMMUNICATION: George Gamache, Ward 4 NPA Redistricting Member to Kurt Wright, re: Redistricting Plan

*waive the reading, accept the communication and place it on file

5.5. (was 5.17.) COMMUNICATION: Mayor Miro Weinberger, re: Pension Summit extension request

Councilors Knodell and Blais made a motion to waive the reading, accept the communication and place it on file.

Councilor Bushor stated that she supports giving more time to this important topic. She was disappointed in the makeup of the committee. She understands that the Councilors who brought the resolution forward would be part of the committee, but she was looking for more diversity. She suggested including a Republican or Progressive in the makeup. This is an issue that anyone who ran for Council noted as an important topic. The Council and the City need to work on this issue collectively.

The motion passed unanimously.

6. COMMITTEE REPORTS (5 mins.)

Councilor Siegel stated that the Charter Change Committee will be meeting. They will be bringing a series of resolutions related to gun safety and regulation to the full Council. She will make an effort to ensure that people from the hunting community know about this meeting and that they are welcome to come.

City Council President Shannon stated that it is helpful if Councilors communicate items that they would like to remove from the consent agenda to her. People ask her why things have been moved and it is helpful to have that information. In the upcoming meetings, they will be addressing complex and controversial issues. She encouraged Councilors to submit amendments to the Clerk's Office in advance.

7. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Knodell stated that they had teams out in the Old and New North Ends to conduct the Neighborhood Safety Survey. Residents appreciate the opportunity to share insights about how they feel in their neighborhoods, how safe they feel, and concerns they have. They want to get this out City-wide to get good representation across the City. They hope to complete this work by the end of October.

Councilor Bushor stated that Ward 1 is having an NPA meeting at Fletcher Allen Healthcare. They will be discussing Redistricting. They will also discuss Accessibility.

Councilor Aubin stated that there will be a dance troupe of women from Nicaragua at Rock Point School. They will be doing traditional dance and it is a lot of fun.

Councilor Hartnett stated that BHS Homecoming is on Friday. It is a lot of fun and it would be great to have City Councilors in the crowd.

Councilor Decelles stated that they have talked to many residents in South Burlington and Winooski to understand their feelings around the F-35. He suggested that they do the same with the gun issue. He has stopped by some local gun shops to talk to them. It is nice that local businesses step up when there is a tragedy in the community. The owners of Waggy's are donating \$1 per deli purchase to the family of the victim of the Blodgett Street incident.

Councilor Siegel stated that the Ward 2/3 NPA will be meeting. She stated that there also is a fund to support the family of Colleen Bray.

City Council President Shannon stated that a number of Councilors have gone to the South Burlington neighborhoods to meet with neighbors. It was lovely and the neighbors were engaged in the conversation. They have many issues around the Airport, including the lack of communication from the Airport and the Guard. They have the ability to move some of those issues forward and to have a process in place going forward. When they started buying the homes in that area, it was viewed as a voluntary program. They did not take into account that those who were left in the neighborhood did not want to be in an area with vacant homes. They can do more to improve that relationship and the neighborhood.

8. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated that he also visited neighbors in South Burlington and believes it is time to resolve issues that surround the home buyout program. There has been progress, but more needs to be done.

He noted that the Pension Summit committee is focusing only on drafting an educational summit. They have sent drafts of the programs to Union Representatives. It will return to the full Council for further input.

There was a showing of Hungry Heart at the Flynn. It touched on the growing prescription pill problem in Vermont. He has worked in the field that deals with addiction issues, but he learned an enormous amount watching that film. Those in the film are touring with it and it will be showing at a number of locations in the next few weeks. Their intent is to start a conversation about addiction issues in Vermont.

There was a successful Path to Parks Bike Ride this past Saturday. It was well attended and an exciting event. He got a sense that the efforts going on throughout the City are building on each other. They will have an exciting future on these efforts. One great way to follow these issues is to go to BTVbikepath.com.

There was an item on the consent agenda which created a City Investment Policy. He thanked the CAO's Office for their work on this. It will allow them to earn a return on cash balances when they have them. They are more liquid as a result of the Fiscal Stability Bond, which will allow them to invest funds.

The City has signed a contract with a company called Socrata. This will create an open data portal to allow them to upload documents to the web of important City data. The hope is that it will increase transparency and give everyone a better view of what is going on. It also creates the possibility for new applications to be created, which would allow people outside of City government to contribute to solving municipal problems.

The National Plug In Day was observed in front of City Hall. There was a strong showing of suppliers of electrical vehicles. There was also an announcement from the State about new grant and low interest loan programs which will allow municipalities to upgrade their electrical charging infrastructure. The City of Burlington is pursuing these opportunities and exploring upgrading 4-6 Level 1 charging stations to Level 2 charging stations. They are also considering installing one or more Level 3 stations. With each step up the ladder, there is an increased charging speed. This is consistent with the Climate Action Plan and the Smarter Cities Report.

There was a Home Energy Challenge Team event. Over 100 people visited 8 homes to learn about different energy efficiency options. There will be an ongoing team of volunteers working to expand awareness of opportunities and have more homes go through energy audits.

They will be having a multi-generational anti-racism event at ECHO. The program is being finalized and it will be an important interactive evening.

Tech Jam is coming up and he encouraged people to attend. He will be involved in the opening event and will be discussing ways to make the City more tech-friendly. They are interested in the Maker's Movement that has been discussed in recent months.

City Council President Shannon recessed the meeting at 8:43 p.m. and convened the Full Board of Abatement of Taxes.

City Council President Shannon reconvened the meeting at 9:17 p.m.

9. COMMUNICATION: Eileen Blackwood, City Attorney, re: Update on Insurance Issues

City Attorney Blackwood stated that the Council had resolutions pertaining to the F-35s on the agenda. They had been expecting a legal opinion from her office before deciding on that issue. In preparing their

opinion, they discovered that the City has a general liability policy related to the Airport, but it does not have a policy that would cover the City Council for certain matters that are not covered by general liability insurance. They do have a public officials' liability policy for the rest of the City, but it does not cover the Airport and BED. BED has its own coverage for that, but the Airport does not. To ensure that taxpayers are protected from risk, it made sense to put off that issue until they are able to obtain coverage. The City is working to obtain it now.

Councilor Knodell inquired if the purchasing of insurance fits into the category of putting the City at substantial disadvantage. City Attorney Blackwood stated it is not the purchasing of insurance, but the consequences surrounding it, especially since litigation has been threatened.

On a motion by Councilors Mason and Blais, the Council voted unanimously to go into executive session at 9:21 p.m., as premature disclosure would put the City at a substantial disadvantage and because of the consequences of potential litigation.

Present were: see above; ACAO Schrader and Mike Kanarick, Mayor's Office

On a motion by Councilors Decelles and Bushor, the Council voted unanimously to go out of executive session at 9:42 p.m.

10. ADJOURNMENT

On a motion by Councilors Decelles and Bushor the Regular City Council Meeting unanimously adjourned at 9:42 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

BOARD OF ABATEMENT OF TAXES

MONDAY, OCTOBER 7, 2013

8:43 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Bushor and Hartnett the agenda was unanimously adopted as amended as follows: remove from the consent agenda item 2.06. BOARD OF ABATEMENT OF TAXES: Michael F. McGarghan, Jr., 111 Birch Court, 024-4-133-000 and place it on the Deliberative Agenda as agenda item 4.5.

Councilor Mason stated that consent agenda item 2.06. incorrectly noted that he recused himself from discussion of that issue which he did not. He will recuse himself of consent agenda item 2.11. as they are clients of his firm and long-time personal friends.

2. CONSENT AGENDA

Councilor Mason recused himself from voting on consent agenda item 2.11.

On a motion by Councilors Mason and Shannon the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: BOTA Publication Notice (7 Days)
*waive the reading, accept the communication and place it on file

2.02. REQUEST FOR ABATEMENT OF TAXES: Brenda Gail Bergman
33 North Cove Road
024-1-004-000

*waive the reading and abate all taxes, penalties and interest

2.03. REQUEST FOR ABATEMENT OF TAXES: Christine Bridges
111 Rivers Edge Drive
024-1-159-111

*waive the reading and abate the penalties and interest

2.04. REQUEST FOR ABATEMENT OF TAXES: CIT Technology Financing Services, Inc
Leased business assets
PPP018433

*waive the reading and abate the overpayment of taxes paid from FY2013 and FY2014

2.05. REQUEST FOR ABATEMENT OF TAXES: Samuel Gardner
37 Intervale Avenue
044-3-044-000

*waive the reading and deny the request for abatement of taxes

2.07. REQUEST FOR ABATEMENT OF TAXES: Kirstin Minton
22 Valade Street
024-1-078-022

*waive the reading and abate the penalties and interest; required to pay delinquent taxes

2.08. REQUEST FOR ABATEMENT OF TAXES: Dante and Christine Napolitano
64 Pleasant Avenue
027-3-114-000

*waive the reading and deny the request for abatement of taxes

2.09. REQUEST FOR ABATEMENT OF TAXES: McKenzie House Associates
43 Elmwood Avenue
044-4-047-000

*waive the reading and grant the request for abatement of taxes

2.10. REQUEST FOR ABATEMENT OF TAXES: Aaron Reiter
15 South Cove Road
056-2-003-000

*waive the reading and deny the request for abatement of taxes

2.11. REQUEST FOR ABATEMENT OF TAXES: Clare and Joseph S. Wool
153 Summit Street
050-2-052-000

*waive the reading and deny the request for abatement of taxes

3. REQUEST FOR ABATEMENT OF TAXES: Lee C. Melanson, 23 Avenue B, 029-2-052-009

John Vickery, City Assessor, stated that this person asked for abatement because of a hardship. He demonstrated a hardship and lives in a mobile home in Farrington's Park. His income is very modest. He asked for abatement and was willing to enter a payment plan to pay the principal; they felt that was fair.

Councilor Shannon stated that this was unanimous at the board. She inquired why it was not on the consent agenda. Mr. Vickery stated he believed that Mr. Melanson was going to speak although he is not present.

Councilors Bushor and Hartnett made a motion to waive the penalties and interest because it is manifestly unjust and enter into a payment plan for the principal. The motion passed unanimously.

4. REQUEST FOR ABATEMENT OF TAXES: Jennifer Muncil, 19 Hoover Street, 054-2-062-000

Mr. Vickery stated that the subcommittee meets to determine if taxes are illegal, manifestly unjust, or uncollectable. In this case, they understood that there was a hardship in the past, but the committee felt that this person had some resources- a job, a house, a tenant/roommate, and some assets. Because of this, they decided unanimously to deny the abatement.

Jennifer Muncil stated that the subcommittee denied her request for abatement and wanted to address these items in detail. She has lived in her home for 22 years. She took care of her mother when she was diagnosed with dementia and walked away from her job to do so. She could not find a full time job and is currently working part time with no possibility of full time work. She has four employers. She cleans houses, does supermarket demos and is a caregiver. She has been to two financial institutions. She has \$35,100 left on her mortgage. They cannot work with her to refinance so that she can pay the City because her income is from self-employment. Lending rules do not allow her to touch the equity in her home unless she is working full time for one employer. She has no control over the situation. She is on the title of two vehicles, which the committee considered assets. One vehicle is her mother's. She is on the title because the asset passes to her as her power of attorney. She cannot sell the vehicle. She also co-owns a vehicle with her roommate. The roommate goes to see her significant other in Maine every other weekend. She uses the vehicle for work during the week. She is not at liberty to sell that vehicle either. She does have rental income of \$600/month. Her mortgage is \$813.81. She also has a lot of credit card debt because she needed it to survive and make home repairs. She would refinance her home if she could.

Councilor Shannon inquired if there has been discussion of a payment plan. Ms. Muncil stated that was not mentioned to her. Councilor Shannon stated that this bothers her because there is normally income sensitivity. She is collecting rent at a reasonable rate and her roommate's income is really not relevant. However, the roommate's income affects her tax rate. She wonders if the City could provide a payment plan that would help address that issue. Mr. Vickery stated payment plans are usually conducted by the Clerk/Treasurer's Office. They can decide if they would like to abate or not abate these taxes. The Clerk/Treasurer's Office would then work out a payment plan. Ms. Muncil stated she did ask for a payment plan from the Clerk/Treasurer's Office.

Councilor Siegel inquired if there was discussion about abating the penalty and interest. Mr. Vickery stated that he does not vote at the subcommittee meetings, but he does provide information and votes at the full meeting. The question is whether this is manifestly unjust. The property owner did not propose a payment plan or whether they would consider waiving a portion of this. She was asking for the full amount. The committee talked about what was presented and felt that her hardship was not enough of a hardship. Ms. Muncil stated she did not ask for payment of a portion because she did not know it was an option. She had tried to work something out with the Clerk/Treasurer's Office and was told that nothing could be offered. She assumed that full tax abatement was the only option. Councilor Siegel inquired if there is a breakdown of tax, penalty, and interest. Mr. Vickery stated the committee just makes a

recommendation to the full board and they can make a different decision. The interest and penalty is \$280 and the rest is principal.

Councilor Hartnett stated that they are a compassionate City. They have always worked out payments plans for people who have asked because people do fall into hardships. They were not brought that option, and would have recommended one. What they were asked for was full abatement, and they did not feel it met that requirement.

Councilor Bushor stated that she agreed with the Committee's findings. Because there was no request for a payment plan, the Committee did not explore that. She would like to make that happen. She would also like to entertain stopping the interest from accruing to allow her to pay it off through a payment plan.

Councilor Mason stated that these are all difficult decisions. People are asked to reveal difficult things. There is significant equity locked in the house. Ms. Muncil is paying some debts but not others. He understands why the interest is being paid but this is a subsidization. They did not explore a payment plan because they were not asked to. He is amenable to considering a payment plan. He believes that entering a payment plan is up to the Administration.

Councilors Decelles and Shannon made a motion to refer this request to the Clerk/Treasurer's Office to work out a payment plan that is amenable to both parties and have a report back to the Tax Abatement Committee.

Councilor Siegel stated that she is still interested in exploring the idea of stopping the interest from accruing. Councilor Hartnett stated that he believes they can work that out as part of the payment plan. Councilor Mason stated that is a part of the payment plan. If a person makes their payments, they are not in default and interest does not continue to accrue. CAO Rusten stated he would like to see what past practice has been and whether there is any Ordinance or State Statute related to this. They would base a payment plan on whatever is referred back to them.

City Council President Shannon stated that the Council has the authority to abate the taxes and stop the interest from accruing.

City Council President Shannon and Councilor Bushor made a motion to amend the motion to prevent interest from accruing as long as a payment plan is agreed to.

Councilor Bushor stated that past practice has been to have that in place as long as payments are made in accordance with the plan. If payments are not made, interest starts accruing again.

Ms. Muncil thanked them and stated that if she had known more about the process, she would have asked for a payment plan.

The motion to amend the motion passed by a vote of 14-1 with Councilor Hartnett voting against.

The motion passed unanimously.

4.5. (was 2.06.) REQUEST FOR ABATEMENT OF TAXES: Michael F. McGarghan, Jr., 111 Birch Court, 024-4-133-000

John Vickery, City Assessor, stated that Mr. McGarghan made a late payment within an hour of City Hall closing. The City used to stay open until 7:00 p.m. but the policy changed. This person was not aware of the change and made his payment late. He was charged \$10.70 and he requested that be abated.

Councilor Bushor stated that she asked for this to be removed from the consent agenda because she did not agree with the recommendation. She came in to pay her taxes right at 4:30 p.m. to make her payment. The Clerk/Treasurer's Office was closed and she thought it was open until 7:00 p.m., as did a few other taxpayers. Someone in the office was nice enough to take her payment. She talked to the CAO about the fact that it was changed. Staff told her that it was changed because there is not much activity later in the day. It has always been open until 7:00 p.m. on the day that taxes are due. She does not think it was well advertised and felt that there should be a drop box for people to put payments in. It was very convenient when it was open later. She does not want to vote to deny this request when she was saved from the same issue by a nice staff person who was about to lock the door. She is concerned about this and thinks it was a nice thing that they used to do and she does not know why it stopped. It should be on the tax bill that they are no longer open until 7:00 p.m.

Councilor Hartnett stated that Burlington does a lot of nice things for people, but they have to be consistent. What is fair for this taxpayer is fair for everyone. There are probably people who did pay the late fee who tried to pay that evening. The Committee voted on this unanimously and he hopes they do not open this door.

Councilor Decelles inquired if the hours are on the tax bill. Mr. Vickery stated the back side of the bill lists the penalties and the dates payments are due. He is not sure if it lists the hours. Councilor Decelles stated that if they open the door for a City Councilor a few minutes after hours, that is not a good message to send to others.

Councilor Decelles and City Council President Shannon made a motion to abate the late fees. Councilor Decelles withdrew his motion.

Councilor Mason stated that this is the fourth payment that has been due since the closing time changed. They were sympathetic the first time, but this individual has made three payments timely.

Councilors Mason and Hartnett made a motion to deny the request for abatement.

Councilor Siegel stated that she will vote against the motion. The idea that he should have known because this was the fourth payment does not hold water for her. He may have been able to put it in the mail for the previous quarters or come earlier in the day. They should not just assume that he knew the time had changed. This was the time he learned that the time had changed.

Councilor Blais inquired what the nature of the advertising has been. He inquired if the times were on the tax bill and how it was made known to the public. Mr. Vickery stated that the City advertised in the Burlington Free Press. He does not think that the time is on the tax bills.

The motion passed by a vote of 12-3 with Councilors Siegel, Bushor and Decelles voting against.

5. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Full Board of Abatement of Taxes at 9:17 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary