



Board of Civil Authority Meeting - Monday, December 21, 2015 - Contois Auditorium, City Hall - 12/21/2015

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON BOARD OF CIVIL AUTHORITY

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 21, 2015

Approved

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Bob Rusten, CAO

Rich Goodwin, ACAO

John Vickery, City Assessor



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Jennifer Kaulius, Mayor's Office
Brian Lowe, Mayor's Office
Amy Bovee, Mayor's Office
Lori Olberg, Clerk/Treasurer Office
Chapin Spencer, DPW
Jesse Bridges, Parks & Rec
Peter Owen, CEDO
Kirsten Merriman Shapiro, CEDO
David White, Planning & Zoning

OTHERS PRESENT:

WR Vilas, LLC
Liam Murphy, Esq.
Katie Taylor, LCRCC
Brenda Torpie CHT
Jason Adams
Jacob Albi
Jonathan Eddy, Waterfront Diving
Alan Hunt
Michael Jager
Ron Ruloff, Ward 3
Dennis Havey
Rep. Jean O'Sullivan
Donna Walters
Ann Sicarella
Lisa Marcetti
Genese Grill
Ruby Perry
Philip Pazeski



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Diane Gayer

Karen Bates

Charles Simpson

Joanne Hunt, Ward 4

Jen Berger

Liz Curry, Ward 3

Mary Ann Manger

Sean Miller, Ward 3

Roxanne Vaught

Rita Neopina, Vermont Hindu Temple

Roger Lebowitz, Ward 3

Ibnar Albowitz

Jeff Riker

Mary Twitchell

Emerald Avalix

Kim Fitzgerald, Cathedral Square

David Grace

Richard Dean

Jennifer Morse, Church Street Marketplace

Ron Redmond, Church Street Marketplace

Myra Timmons

Jason Van Driesche, Local Motion

Eamon Alichich, Teen Center

Jesse Beck

Keith Brunner

Chian Berry

Jill Nye Nikalam



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Howat Adams

Charlie Baker, Regional Planning

David Lustgarten

James Lockridge

Ted Wimpey

Amanda Hannaford

Erhard Mahnke

Keith Pillsbury

Iona Blanchard

Pat Robins, Ward 6

Caryn Long

Nancy Owens, Housing Vermont

Brian Pine

Amy Wright

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 7:12 PM on December 21, 2015.

1.01 Agenda

MOTION by Councilor Bushor, SECOND by Councilor Knodell, to approve the agenda as presented. VOTING: unanimous; motion carried.

2.0 REQUEST TO REVIEW BTA DECISION

2.01 WR Vilas, LLC, 258 North Winooski Avenue, 044-3-151-000

Mayor Weinberger said he could not recall having the matter before the Board in the last three and a half years. Reference was made to the city charter pertaining to the BCA not being obligated to review a decision, but can do so



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under the stated conditions (erroneous decision, appropriate due process to appellant). The Board can make a decision to review then get input from the Tax Assessor and the appellant and a recommendation from staff.

Councilor Bushor commented there was not an erroneous decision and the appellant has already appealed to the Board of Tax Appeals.

MOTION by Councilor Bushor, SECOND by Councilor Hartnett, to not consider the appeal to review the BTA decision by WR Vilas, LLC, 258 North Winooski Ave.

DISCUSSION: There was discussion of the appellant disagreeing with the decision of the BTA and having the option to appeal to a high court or the State Hearing Officer. There was also discussion of postponing action by the Board of Civil Authority provided the appellant waives the right to require City Council to act within 30 days.

Liam Murphy, legal counsel for the appellant, said his client agrees to a continuance to a date when City Council can hear the evidence on why the appellant felt there was an erroneous decision by the BTA and City Council rule on the matter.

MOTION by Councilor Knodell, SECOND by Councilor Shannon, to postpone action on the request to review the BTA decision for WR Vilas, LLC, 258 North Winooski Avenue until January 25, 2016.

DISCUSSION: Councilor Bushor stated City Council is not the right body to take up the matter and the issues were already addressed by the Board of Tax Appeals, item by item. Councilor Knodell noted there were some issues in the decision by the BTA. Mayor Weinberger pointed out if legal advice will be needed then outside counsel will have to be retained because the City Attorney will represent the City Assessor.

There were no further comments.

VOTING (to postpone to 1/25/16): 11 ayes, one nay (Bushor); motion carried.

3.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 7:32 PM.

RScty: MERiordan