



Full Board of Abatement of Taxes Meeting - Tuesday, November 13, 2018, Contois Auditorium, City Hall 11/13/2018

BURLINGTON FULL BOARD OF ABATEMENT

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

November 13, 2018

MEMBERS PRESENT: Kurt Wright (Council President) – Ward 4

Jane Knodell – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Kim Sturtevant, Assistant City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office



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Lori Olberg, C/T

Amy Bovee, C/T

Neale Lunderville, CEDO

Chapin Spencer, DPW

Scott Guston, Planning & Zoning

Bill Ward, Code Enforcement

John Vickery, City Assessor

OTHERS PRESENT: Timothy Muir

Frances Muir

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 7:38 PM on November 13, 2018.

1.01 Agenda

MOTION by Council President Wright, SECOND by Councilor Shannon, to approve the agenda. VOTING: unanimous; motion carried.

2.0 CONSENT AGENDA

2.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

2.02 COMMUNICATION: Notice of City of Burlington Full Board of Abatement

2.03 Request for Abatement of Taxes: Michael Zakaras, 58 Bayview Street

2.04 Request for Abatement of Taxes: Robin Fawcett, 354 St. Paul Street

2.05 Request for Abatement of Taxes: Joyce B. Flanagan, 37 Cliff Street

2.06 Request for Abatement of Taxes: Ted B. Flanagan, 51 Sears Lane

MOTION by Council President Wright, SECOND by Councilor Deane, to approve the consent agenda (Items 2.01 through 2.06) and take the actions indicated. VOTING: unanimous; motion carried.

3.0 DELIBERATIVE AGENDA



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3.01 Abatement Request: Timothy A. Muir, 52 North Cove Road

Frances Muir submitted documentation on the calculation of the abatement amount requested.

City Assessor Vickery stated per the direction of City Council what is owed by the property owner was recalculated. The request is for reimbursement of what the property owner has already paid to the city.

The Board recessed at 7:48 PM to review the calculations and reconvened at 8:01 PM.

Councilor Mason noted the city's number of \$3,186.28 differs from the requested abatement of \$3,702.05 (\$3,781.35 with attorney fees included).

MOTION by Councilor Mason, SECOND by Councilor Shannon, to deny the request for abatement of taxes by Timothy A. Muir for property at 52 North Cove Road based on manifest injustice and on the finding that the recommendation of the committee following investigation of the question of ability to pay that neither criteria for abatement were met.

DISCUSSION:

- Councilor Pine requested staff provide a review of outstanding zoning violations on the property. Assistant City Attorney Sturtevant reviewed a map of 52 and 68 North Cove Road and noted the violations issued in 2006 for having a contractor's yard. The court said to clean up the lot and pay the fee or fines will continue to accrue. This was not done. The property is not in compliance. The property owner does not have approval or a permit for a contractor's yard.
- Councilor Bushor said more information from the city regarding payments and the work done with the taxpayer is needed.
- Councilor Knodell commented many people struggle with paying taxes, but they provide documentation and a plan for repayment. Mr. Muir has not done this. Also, it is not wise to not pay penalty and interest while in litigation.
- Councilor Dieng asked if the fees that were charged occurred during the litigation for noncompliance. Assistant City Attorney Sturtevant explained the tax fees from 2008 to 2015 were paid and the property owner is requesting reimbursement.
- Councilor Tracy asked if Mr. Muir owns other property. Assistant City Attorney Sturtevant said Mr. Muir owns 50.65 acres in Enosburg and 0.67 acres in Colchester. City Attorney Blackwood noted the property is owned by Mr. Muir and his wife. Mrs. Muir is employed.

CALL THE QUESTION by Councilor Knodell. There were no objections.

VOTING: 10 ayes, three nays (Councilor Bushor, Councilor Tracy, Councilor Dieng); motion carried.

3.02 Request for Abatement of Taxes: Joshua T. Safran, 127 Saratoga Ave.





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MOTION by Councilor Mason, SECOND by Councilor Shannon, to deny the abatement request in the amount of \$183.36 by Joshua T. Safran, 127 Saratoga Ave., because the issue of the payment is with the bank, not with the city. VOTING: 11 ayes, 1 nay (Councilor Dieng) [Councilor Hartnett not present]; motion carried.

3.03 Request for Abatement of Taxes: Herman Poklukar, 20 Oak Beach Drive

Staff noted revised tax bills were mailed, but the taxpayer paid the amount reflected on the tax bill in hand which was a greater amount than on the revised bill.

MOTION by Councilor Mason, SECOND by Councilor Shannon, to grant the request for abatement of \$19.19 to Herman Poklukar, 20 Oak Beach Drive.

DISCUSSION:

- Councilor Bushor asked if the taxes were paid late. Assessor Vickery said the payment was late, but the taxpayer was waiting for the revised bill which did not arrive so he paid the original amount which was greater than what was reflected on the revised bill. Councilor Bushor asked how the taxpayer was aware there would be a revised bill. Assessor Vickery said the state notified the city that a revised tax list will be sent.
- Councilor Knodell said there does not appear to be evidence of a city error in this case.
- Councilor Shannon said the tax bill that was greater than the revised bill was paid so the taxpayer actually overpaid the amount due and then was charged a penalty.

CALL THE QUESTION by Councilor Shannon, SECOND by Councilor Mason. VOTING: 9 ayes, 4 nays (Councilor Tracy, Councilor Bushor, Councilor Dieng, Councilor Pine); motion carried.

VOTING: 8 ayes, 5 nays (Councilor Knodell, Councilor Bushor, Councilor Tracy, Councilor Dieng, Councilor Pine); motion carried.

4.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 8:33 PM.

RScty: MERiordan