



Full Board of Abatement of Taxes Meeting - Monday, October 29, 2018, Contois Auditorium, City Hall 10/29/2018

BURLINGTON FULL BOARD OF ABATEMENT

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

October 29, 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

Justin St. James, 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

John Vickery, City Assessor

OTHERS PRESENT: Norm Fischer

Paul Dame

Timothy Muir

Charlie Baker

Andy Montroll

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 7:42 PM on October 29, 2018.

1.01 Agenda

MOTION by Councilor Mason, SECOND by Councilor Shannon, to approve the agenda with the amendment to move Item 2.04 (request for abatement of taxes by Alan Richard Gintzeler and Ellen Cohen, 35 Cherry Street, #501) to the Deliberative Agenda as Item 3.02. 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: BLA Partners, LLC, 199 Main Street, Suite 226

2.04 Request for Abatement of Taxes: Gintzeler & Cohen, 35 Cherry Street, #501 (Removed from consent agenda)

2.05 Request for Abatement of Taxes: Kaye Alexander, 112 Northshore Drive

2.06 Request for Abatement of Taxes: Gloria S. Seidler, 60A Lakeview Terrance

2.07 Request for Abatement of Taxes: Nicolía Jiraff, 5 Hardy Avenue

2.08 Request for Abatement of Taxes: Lisa J. Raffael, 55 Robinson Parkway



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MOTION by Councilor Mason, SECOND by Councilor Shannon, to accept the consent agenda (Items 2.01 through 2.08) and take the actions indicated, and note that Councilor Mason will recuse himself on Item 2.03 (BLA Partners, LLC, 199 Main Street) due to conflict of interest.

DISCUSSION:

- Mayor Weinberger divided the question to vote on the consent agenda with items 2.03 and 2.04 removed.

VOTING: unanimous; motion carried.

MOTION by Councilor Shannon, SECOND by Councilor Knodell, to approve the action on Item 2.03 (request for abatement of taxes by BLA Partners, LLC) as indicated. VOTING: unanimous [Councilor Mason recused]; motion carried.

3.0 DELIBERATIVE AGENDA

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

MOTION by Councilor Mason, SECOND by Councilor Shannon, to deny the request for abatement of taxes by Timothy A. Muir, 52 North Cove Road.

DISCUSSION:

- Councilor Mason gave background information on the property at 52 North Cove Road and the basis for the denial of the abatement request.
- Councilor Pine asked for an explanation of why the appellant felt an abatement was deserved. Councilor Mason said the appellant was basing the request on financial difficulty due to a zoning dispute with the city and foreclosure (inability to pay).
- Timothy Muir, appellant, said he is willing to answer any questions since this is the first opportunity he had had to discuss the matter with the board.
- Councilor Dieng asked why fees and interest are accumulating. Tim Muir said he was trying to run a business in 1985. The record at city hall is missing and the file has been tampered with. A fine of \$10,600 was paid. There has been one slip-up in a 15 year period. Mr. Muir said he is disabled and living on SSI.
- City Assessor Vickery clarified the accrued interest and penalties of \$3,702.05 have been paid, but the appellant is requesting reimbursement. Tim Muir said he had to borrow the money to pay the amount in full.
- Councilor Mason asked if the appellant owns other property. Mr. Muir said he owns land in Enosburg and Colchester, neither of which has high value.

A five minute recess was taken.

- Councilor Hartnett asked if Mr. Muir has any current violations with the city. City Attorney Blackwood said it is the city's belief there are continuing violations, but the city has not yet initiated a public action. The preliminary steps towards an action are being taken. The violations are for outside storage on the property.
- Councilor Shannon recalled the subcommittee was told the violations were rectified, but then material again accumulated. The city has been working with Mr. Muir for over a year.
- There was discussion of the criteria for abatement and how the amount due was calculated. There was mention of the attempts to contact Mr. Muir by letter.



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MOTION by Councilor Hartnett, SECOND by Councilor Pine, to postpone the decision on the abatement request by Timothy Muir, 52 North Cove Road, until 11/13/18 pending clarification of the amount of penalty and interest from the City Assessor.

DISCUSSION:

- Councilor Knodell requested a breakdown of the \$3,186.28 amount and the \$3,702.05 amount.
- Councilor Shannon requested Mr. Muir provide a breakdown and submit his official mailing address.
- Councilor Dieng requested a timeline of when the interest and penalty were accruing, and if this was occurring during the litigation with the city.
- Council President Wright requested that Mr. Muir work with the city to provide the requested information.

VOTING: unanimous; motion carried.

3.02 Request for Abatement of Taxes: Alan Richard Gintzeler and Ellen Cohen, 35 Cherry Street, #501

MOTION by Councilor Mason, SECOND by Councilor Shannon, to grant the abatement request in the amount of \$453.58 to Alan Richard Gintzeler and Ellen Cohen, 35 Cherry Street, #501.

DISCUSSION:

- Councilor Mason said the Clerk/Treasurer Office acknowledged that lost mail is an issue.
- Councilor Bushor asked for further explanation of the lost mail issue. CAO Anderson said staff will investigate the matter and provide an explanation.
- Councilor Hartnett noted abatement requests have been granted in the past for reason of lost mail when documentation has been provided.
- Councilor Knodell asked how the Clerk/Treasurer Office is convinced the taxpayer sent the payment on time. Councilor Mason said there is an element of trust involved.

VOTING: 7 ayes, 5 nays; motion carried.

4.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 8:42 PM.

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