



Full Board of Abatement of Taxes Meeting - Monday, March 12, 2018, Contois Auditorium, City Hall 3/12/2018

BURLINGTON FULL BOARD OF ABATEMENT

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

March 12, 2018

MEMBERS PRESENT: David Hartnett – North District
Joan Shannon – South District
Richard Deane – East District

Sharon Foley Bushor – Ward 1

Sara Moore – Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

MEMBERS ABSENT: Jane Knodell (Council President)
Max Tracy – Ward 2

ADMINISTRATION: Miro Weinberger, Mayor
Beth Anderson, Interim CAO
Rich Goodwin, DFO
Eileen Blackwood, City Attorney
Brian Lowe, Mayor’s Office
Katie Vane, Mayor’s Office
Lori Olberg, C/T



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Amy Bovee, C/T

OTHERS PRESENT:

John Tashiro

Andrea Gabriel

Doug Lazarus

Charlotte Dennett

Diane Watters

Monique Fordham

Carolyn Bates

Wayne Sanville

James Leas

Steve Marshall

Michael Crane

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 8:31 PM on March 12, 2018.

1.01 Agenda

MOTION by Councilor Shannon, SECOND by Councilor Hartnett, to approve the agenda with the addition of the corrected decision letters for Items 3.01 and 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 ABATE REQUEST: Weese, 161 Austin Drive, #44

2.04 ABATE REQUEST: Kern House Partners, LLC, 70 South Winooski Ave.

2.05 ABATE REQUEST: Butani, 31 Fletcher Place

2.06 ABATE REQUEST: City of Burlington, 300 Lake Street

2.07 ABATE REQUEST: Ploof, 23 Poirier Place



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MOTION by Councilor Mason, SECOND by Councilor Shannon, to accept the Consent Agenda (Items 2.01-2.07), waive the reading, accept the communications, take the action(s) indicated and place the item(s) on file. VOTING: unanimous; motion carried.

3.0 DELIBERATIVE AGENDA

3.01 Abatement Request: Crane/Kaplan Revocable Trust, 27 Ivy Lane

MOTION by Councilor Mason, SECOND by Councilor Bushor, to deny the request for abatement by Crane/Kaplan Revocable Trust, 27 Ivy Lane.

DISCUSSION:

- Councilor Mason explained the request is for abatement of \$69.78. The homeowner paid off his mortgage and erroneously assumed the taxes and insurance were being escrowed so the payment was late. Past practice has been to deny the request for abatement absent an error by the city or other statutory reason. Simply not paying is not a basis to abate.
- Councilor Dieng said the amount is small and the individual never missed a payment in the past. The property owner took the time to appeal. The abatement should be granted.
- Councilor Bushor said the dollar amount is not the issue. There is a process that is upheld and applied consistently to everyone to be fair to all taxpayers. There are criteria and the situation did not rise to that level. The city did not make an error.
- Councilor Shannon said there is sympathy for taxpayers in this situation, but the city needs to be fair and consistent with all taxpayers.
- Michael Crane, 21 Ivy Lane, corrected the listed address from "27 Ivy Lane" to "21 Ivy Lane", and noted his consistent record for the past 19 years of paying his taxes on time. The payment was late due to the escrow stopping when the mortgage was paid in full. Automatic payments have been implemented so the situation will not reoccur. Mr. Crane questioned having a hearing if the request is denied on an administrative rule, noting the time and effort he expended to rectify the matter with the city.
- Staff suggested providing information on past practice to people who appeal.
- Councilor Hartnett commented begin consistent is hard, but fair.

VOTING: 9 ayes, one nay (Councilor Dieng); motion carried.

3.02 Abatement Request: Tim Muir, 52 North Cove Road

MOTION by Councilor Mason, SECOND by Councilor Hartnett, to deny the request for abatement by Tim Muir, 52 North Cover Road.

DISCUSSION:

- Councilor Mason said the penalty and interest due is \$3,702.05. A brief history of the tax payments by the property owner was given.
- City Attorney Blackwood said there was an enforcement action by the city which took many months. The homeowner has had a number of opportunities to resolve the issue. The court imposed a penalty exceeding \$10,000 for failure to comply with the zoning ordinance. There were formal proceedings and the situation corrected for a while, but further enforcement proceedings are about to begin again because the situation is



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repeating.

- Councilor Bushor asked if the fine was paid and the property brought into zoning compliance. City Attorney Blackwood said compliance occurred for a while, but the situation is returning so an enforcement action is beginning again. Councilor Bushor asked about flood money received by the city not being allocated to the property owner due to ongoing zoning litigation. City Attorney Blackwood was not aware of the matter.
- Councilor Mason said a property owner cannot stop paying taxes because of a fight with the city. Consideration is given for cataclysmic events. The ability to pay was reviewed and the property owner appears to have sufficient income.
- Councilor Shannon said evidence of foreclosure could be evidence of inability to pay. The abatement could be contingent on remedying the zoning violations.
- City Attorney Blackwood advised postponing action to receive further information.

MOTION by Councilor Shannon, SECOND by Councilor Bushor, to postpone action on the abatement request for 52 North Cove Road until the City Council meeting on April 16, 2018.

DISCUSSION:

- Councilor Dieng spoke against postponing action.

VOTING ON POSTPONING ACTION: 8 ayes, 2 nays (Councilor Hartnett, Councilor Dieng); motion carried.

4.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 9:10 PM.

RScty: MERiordan