



Board of Civil Authority Meeting - Monday, February 8, 2016, 6:30 pm - Contois Auditorium, City Hall - 2/8/2016

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

February 8, 2016

APPROVED

MEMBERS PRESENT: Jane Knodell (Council President) – Central 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

MEMBERS ABSENT: David Hartnett – North District

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Richard Haesler, Assistant City Attorney

Bob Rusten, CAO



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Rich Goodwin, ACAO

Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office

Lori Olberg, Clerk/Treasurer Office

OTHERS PRESENT: Andy MacIlwaine, Esq.

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 6:34 PM on February 8, 2016.

1.01 Agenda

There were no changes to the agenda.

2.0 DELIBERATIVE SESSION (expected Executive Session)

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

MOTION by Councilor Mason, SECOND by Councilor Bushor, that premature disclosure of information relative to the appeal by the appellant, WR Vilas, LLC, would be adverse to the city. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Bushor, to go into Executive Session to determine whether to grant a full review hearing on the appeal by appellant, WR Vilas, LLC, where premature public disclosure would place the city at substantial disadvantage, and to invite representatives from the Mayor's Office, City Attorney's Office, CAO's Office, and attorney Andy MacIlwaine to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 6:35 PM.

MOTION by Councilor Tracy, SECOND by Councilor Knodell, to adjourn Executive Session and reconvene the



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regular meeting. VOTING: unanimous; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 7:20 PM.

MOTION by Councilor Knodell, SECOND by Councilor Giannoni, to hold a hearing on the appeal of WR Vilas, LLC regarding the assessment of 258 North Winooski Ave. 044-3-151-000.

DISCUSSION: Attorney MacIlwaine advised the purpose of the hearing is to determine whether the Board of Tax Appeals (BTA) decision was "clearly erroneous" where "clearly erroneous" is a standard of review employed by the Board of Civil Authority (BCA) when looking at findings and evidence presented by the BTA. Should the BCA find that the findings are without basis then the BCA can reverse the decision of the BTA, but the BCA cannot substitute its own judgment for the lower board's judgments. The following comments were made:

- **Councilor Tracy said he would like to have a hearing to hear the information.**
- **Councilor Mason spoke against having a hearing because based on the information presented to the BCA a determination cannot be made for "clearly erroneous".**
- **Councilor Shannon stated the vote was not reflective of agreement with the decision of the board, but there was no evidence of "clearly erroneous".**
- **Councilor Knodell spoke in support of having a hearing because there has not been evidence the decision was not "clearly erroneous". It is the responsibility of the BCA to understand the basis of property assessments.**

There were no further comments.

VOTING (by roll call): Councilor Bushor – aye, Councilor Tracy – aye, Councilor Giannoni – nay, Councilor Wright – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Roof – abstain, Councilor Knodell – aye, Councilor Colburn – nay, Councilor Shannon – nay (3 ayes, 7 nays, one abstention); motion does not carry.

Councilor Shannon called for a point of order because a recusal by Councilor Roof was not announced prior to the vote. Councilor Roof said he abstained from the vote because he is seeking housing from Redstone at the moment.

3.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 7:27 PM.

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