



MAYOR MICHAEL O'BRIEN
Mayor@onioncity.com

DEPUTY MICHAEL MAHONEY

CITY OF WINOOSKI

CITY COUNCIL

27 WEST ALLEN STREET
WINOOSKI, VERMONT
05404

(802) 655-6410
(802) 655-6414 (fax)

KATHERINE R. DECARREAU
CITY MANAGER

COUNCILOR SALLY TIPSON
COUNCILOR JOHN LITTLE
COUNCILOR SARAH ROBINSON

Agenda

Monday, August 2, 2010 at 6:00 p.m.

Claire Burke Chamber

- I. Call to Order and Pledge of Allegiance**
- II. Public Comment Period – Non agenda items (3 minute limit please)**
- III. Consent Agenda**
 - a. Minutes of June 12th and July 19th City Council Meeting
 - b. Accounts Payable Warrant
- IV. City Manager Update**
 - a. Recognition
 - b. Auditors in with Preliminary work
 - c. Paving at the Community Center
 - d. Walk Abouts – August 9 and 16?
- V. Public Hearing**
 - a. Complaint of Vicious Dog at 70 Hall Street
 - b. Parking Space Reduction for Follett Street
- VI. Action Items**
 - a. HallKeen – Second Amendment to the Parking Agreement, Mortgages for Arrearage and Acceptance of Deeds for Lots 7B, C, and D
- VII. Discussion**
 - a. Delinquent Tax Collection Policies
 - b. Burlington Telecom Request to Serve Champlain College in the Mill
- VIII. Adjourn**

MINUTES

The meeting was called to order by the Mayor at 6:00 p.m.

The meeting started with the Pledge of Allegiance led by Deputy Mayor Michael Mahoney.

Members Present:

Mayor Michael O'Brien

Councilors: Michael Mahoney, Sally Tipson, Sarah Robinson, John Little

Officers Present:

Katherine R. Decarreau, City Manager; Angela M. Aldieri, Clerk's Office Administration; Steve Palmer, City Engineer; Jim Read, City Treasurer; Steve McQueen, Police Chief; William O'Brien, City Attorney; Carol Barrett, City Clerk; Dr. Jamie O'Brien, City Health Officer;

Others Present:

Anah Gagnon; Hilary Bell; Karen Bell; Travis Frenette; Andy Burnes, HallKeen; Diane Finnigan; Erik Heikel; Thomas McCormack; Liam Murphy;

II. Public Comment Period – Non Agenda Items

No items were addressed.

III. Consent Agenda

MOTION by Councilor Tipson, seconded by Councilor Little to approve the consent agenda as presented. Voted and passed 4-0.

IV. City Manager Update

b. Auditors in Preliminary Work

Ms. Decarreau announced that the auditors have already begun preliminary work for the FY10 audit. She emphasized the significance of the early start in comparison to previous years.

a. Recognition

Mayor O'Brien recognized Carol Barrett, City Clerk for thirty years of employment with the City which she completed on July 14th. Ms. Barrett was presented with a plaque and clock. Ms. Decarreau praised Ms. Barrett for her dedication and loyalty to her work with the City.

c. Paving at Community Center

Ms. Decarreau acknowledged that the front of the O'Brien Community Center has been paved. This has generated numerous positive comments from residents. The paving in the back of the Center is planned which will provide a basketball court and playground area.

Ms. Decarreau recognized Jeff Brosseau for running a statewide 13 year old Babe Ruth tournament here. There are teams from all throughout New England except Massachusetts attending.

d. Walk Abouts August 9 and 16?

Ms. Decarreau announced that a walk about is planned in the west end on August 9th. She noted that August 16th City Hall will be closed for Bennington Battle Day, but suggested a walk about in the Landry Park area. The second meeting of the month will occur on August 23rd due to the holiday.

Ms. Decarreau also mentioned Bike Night stating that it went well. She stated that she was not able to attend.

V. Public Hearing

a. Complaint of Vicious Dog at 70 Hall Street

Chief McQueen presented the Council with testimony regarding police response to attacks by the dog in question. He noted three separate instances of biting, two of which occurred off the owner's property and were unprovoked. Chief McQueen stated that the Council has the authority to take action for public safety per state statute (see V.a.1). Copies of the police logs and affidavits regarding these incidents were provided to the Council (see V.a.2). Chief McQueen stated that the owner has been given plenty of time to recognize his responsibility to his dog and his neighbors; the repeat occurrences have demonstrated an inability to control his animal.

Dr. O'Brien testified that dog bites are common and civil violations are not routinely issued particularly if an incident occurs in the dog's home therefore there may not be a history of tickets in every case. Dr. O'Brien stated in his opinion this is a problem animal. The Council has ordered in the past that two particular dogs be put down following a fatal attack on another dog while they were running at large. Dr. O'Brien states that in this case the injuries are not severe, but that the behavior is concerning.

Mr. Frenette acknowledged that his dog, Bear, has had a couple of incidents where he has been aggressive, but stated that the dog is generally well behaved. He has had the dog since he was a puppy. Mr. Frenette accepted responsibility for the dog bites. He noted that he has built a six foot wooden stockade fence at his property to keep the dog in his yard; however, the fence is in need of repair. He will only take the dog out on a leash until the fence is repaired. He stated that he now has a muzzle for his dog that he will wear when outside the house per recommendation of the Police Chief. Mr. Frenette stated that in all the instances of biting his dog only nips people's hands, he isn't growling or overly aggressive. Mr. Frenette expressed that he would make sure this never happened again.

The Council acknowledged Mr. Frenette's attachment to the dog and expressed concern about his ability to keep this from happening in the future given the history. The question arose if the Council allows Mr. Frenette to keep his dog and someone else is hurt does the City have any liability; the City Attorney stated that the City would incur some liability.

Karen Bell, mother of Kristy Bell victim of the most recent bite, gave testimony expressing concern that Mr. Frenette will be able to control his dog indefinitely. She is scared that when he does let his guard down that someone, especially a small child could

get hurt. She also testified that her daughter now has scars on her hand and thumb and has been avoiding the street since the incident.

The City Attorney stated that in his previous dealings with Mr. Frenette he noted a devotion to the dog and has complied with directives given to him. Mr. O'Brien continued by reading a portion of the police affidavit from the April 2010 incident citing neighbor's fear of the dog. His recommendation was relocation of the animal.

Mayor O'Brien read into record a letter from another parent whose daughter was attacked two years ago (see V.a.3). Discussion followed regarding definitions of terms in the statute and the options for action. A recommendation regarding the dog from a veterinarian and testimony from neighbors were requested by Council prior to rendering a decision. The Council opted to continue the hearing to August 23rd.

MOTION by Councilor Mahoney, seconded by Councilor Little to confine the dog to the residence and that the dog is to be leashed and muzzled when in the yard with the understanding the hearing will continue on August 23rd. Any violation of this order would result in the seizure of the dog. Voted and passed 4-0.

b. Parking Space Reduction for Follett Street

Anah Gagnon came before the Council on behalf of her husband regarding the elimination of a parking spot to allow for a curb cut and an additional parking space at their property. Ms. Gagnon supplied documentation regarding visibility concerns alternatives requested by the Council previously (see V.b.1). Ms. Gagnon stated that the alternative suggested by Council would be very expensive. Discussion followed regarding other variations of alternative parking. Concern regarding precedent and the tight parking situation in the downtown was expressed. The issue died for lack of motion by Council.

VI. Action Items

a. HallKeen – Second Amendment to the Parking Agreement, Mortgages for Arrearage and Acceptance of Deeds for Lots 7B, C, and D

Ms. Decarreau stated that due to changes in the downtown previous agreements made with HallKeen need to be amended. Andy Burnes of HallKeen introduced Diane Finnigan the new property manager for the entire HallKeen development in the downtown. Mr. Burnes reviewed the specific challenges and deviations from their expectations that predicated the changes of agreements in particular the economic climate. Mr. Burnes went on to update the Council on the status of the retail spaces. A request was made by Attorney Liam Murphy to move into executive session to discuss the specifics of the agreements.

MOTION by Councilor Mahoney, seconded by Councilor Robinson to go into executive session at 7:45pm with Ms. Decarreau, Mr. Burnes, Mr. Murphy, and City Attorney O'Brien to discuss the terms of the agreements with the understanding the Council would reconvene following. Voted and passed 4-0.

Council came back into open session at 8:35pm.

Councilor Mahoney commented that the City has been very accommodating to HallKeen; however, he felt that though the parking agreement is essential it only postpones the problem. Mayor O'Brien explained the agreement under discussion puts in place a method of collection for past due balances and allows deferral of a portion of future billing to be covered by a promissory note and mortgage on real estate.

MOTION by Councilor Robinson, seconded by Councilor Tipson to approve the Second Amended Parking Agreement with HallKeen. Voted and passed 3-1, with Councilor Mahoney voting no.

MOTION by Councilor Mahoney, seconded by Councilor Little to authorize signature by Mayor O'Brien on behalf of the City to accept deeds for lots 7B, C, and D following review and acceptance of an outstanding issue by Mr. Murphy. Voted and passed 4-0.

VII. Discussion

a. Delinquent Tax Collector Policies

Ms. Decarreau stated that Mr. Heikel would be appointed tonight as delinquent tax collector and all delinquent taxes not currently under an agreement will be turned over immediately. Mr. Heikel presented the Council with a basic overview of his policies including scheduling and payment plans. Mr. Heikel cited the potential use of small claims court for low dollar value delinquencies and tax sale for significant delinquencies on those accounts that are unresponsive. Discussion followed regarding how the policies would work in various situations. Mr. Heikel signed the letter of appointment to the position of Delinquent Tax Collector (see VII.a.1).

b. Burlington Telecom Request to Serve Champlain College in the Mill

Mr. Palmer stated that Burlington Telecom approached the City recently about running conduit across the bridge to service a branch of one of their largest customers. This would require an excavation permit for a portion of sidewalk to allow them to connect to the conduit system in the downtown. Mr. Palmer noted that a relocation agreement with Burlington Telecom is recommended. Burlington Telecom is still in negotiations with their customer, but the City wanted to get this first step underway so action can be taken quickly in the future.

VIII. Adjourn

MOTION by Councilor Tipson, seconded by Councilor Little to adjourn the meeting at 9:20pm. Voted and passed 4-0.

ATTEST: _____
Assistant City Clerk