



Council withdraws Phoenix House request

[By John Briggs, Free Press Staff Writer](#) • Wednesday, May 19, 2010

Burlington city councilors have backed down from their request of a week ago to have state authorities reexamine a proposed halfway house for 20 newly released convicts on Elmwood Avenue. The city signed an agreement Tuesday allowing the project to move forward.

The City Council last week directed the city attorney to ask the Act 250 District IV [Commission](#) to consider the halfway house's effects on city services.

But following an executive-session briefing by City Attorney Ken Schatz that lasted until 11:30 p.m. Monday, the council withdrew its motion to the commission and authorized the city to sign a settlement agreement with Phoenix House, the group that will run the halfway house, and the Burlington Housing Authority, which owns the building.

The Tuesday agreement, Schatz said, "was entered to end and avoid any litigation."

Following the council vote May 10, Rachel Batterson, fair housing specialist with Vermont Legal Aid, warned the city could face discrimination lawsuits for attempting to prevent the location of "disabled" individuals in the Elmwood Avenue house. Paul Dettman, Burlington Housing Authority director, expressed similar views.

The city attorney's office prepared an opinion on the legal issues, but Schatz said that opinion, conveyed Monday to the council, will not be made public.

The Burlington Business Association and the Church Street Marketplace Commission chairman had argued before the May 10 vote that the influx of 20 more individuals in need of social service could overstress an already overextended support system in Burlington. They said the new individuals could negatively affect downtown businesses.

A sizeable crowd turned out for the council meeting Monday to denounce the decision to re-examine the Act 250 permit as discriminatory.

Mayor Bob Kiss has supported the Phoenix House project and said in a news release Tuesday the settlement "was pursued and recommended by the administration."

The memorandum of understanding, in addition to requiring the city to withdraw its challenge to the project, has several stipulations:

Sex offenders will not be eligible for the Phoenix House.

Preference will be given to Burlington residents.

Those living in the house must be drug and alcohol free, and random drug and alcohol tests will be performed, with a positive result leading to expulsion from the program.

Residents will have individual treatment plans, work or look for a job.

The house will be supervised day and night.

The Phoenix House also pledged to work cooperatively with the Phoenix House Community Work Group and the city to deal with any issues connected with the house.

Dettman said the house could open as early as September.

"As I have said all along," Kiss said in his statement, "this project is a benefit for Burlington. I look forward to working with BHA and Phoenix House as they develop the best possible program for the community."

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