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**DELIBERATIVE AGENDA**  
**LOCAL CONTROL COMMISSION**  
**CONTOIS AUDITORIUM, CITY HALL**  
**MONDAY, SEPTEMBER 9, 2013**  
**7:00 P.M.**

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1. AGENDA

2. CONSENT AGENDA

2.01. ONE HOUR EXTENSION OF OUTSIDE CONSUMPTION HOURS (2013-2014):

Sweetwaters, 120 Church Street, extend to 2 a.m. everyday

\*waive the reading, accept the communication, place it on file and approve the one hour extension of the outside consumption hours for Sweetwaters, 2 a.m. everyday

2.02. ONE DAY ONLY OUTSIDE CONSUMPTION PERMIT EXPANSION:

Scuffer Steak and Ale House, 148 Church Street, Thursday, September 19, 2013, Pumpkin Carving Contest featuring 6 pumpkin beers/25 artist, rescue shelter benefit: Potter's Angels

\*waive the reading, accept the communication, place it on file and approve the one day only outside consumption permit expansion for the Scuffer Steak and Ale House

2.03. FIRST CLASS LIQUOR LICENSE RENEWAL (2013-2014): Boloco, 92 Church Street

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 First Class Liquor License Renewal for Boloco with all standard conditions

2.04. OUTSIDE CONSUMPTION PERMIT RENEWAL (2013-2014): Boloco, 92 Church St.

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewal for Boloco

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Penny Cluse Café, Inc., d/b/a Lucky Next Door, 163 Cherry Street

4. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Lola's Market, 41 King Street (aka 39 King Street)

5. ADJOURNMENT

**REGULAR MEETING, CITY COUNCIL**  
**MONDAY, SEPTEMBER 9, 2013**

1. AGENDA

2. TOBACCO LICENSE APPLICATION (2013-2014):

Lola's Market, 41 King Street (aka 39 King Street)

3. PUBLIC HEARINGS: BURLINGTON COMPREHENSIVE DEVELOPMENT ORDINANCES

- Proposed Amendment ZA-13-07-50% Residential Limitation
- Proposed Amendment ZA-13-10-Accessory Dwelling Units

- 3.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
50% Residential Limitation ZA 13-07 (Planning Department,  
Planning Commission, Councilors Mason, Bushor, Paul: Ordinance  
Committee)(2<sup>nd</sup> reading)
- 3.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Accessory  
Dwelling Units ZA 13-10 (Planning Department, Planning  
Commission, Councilors Mason, Bushor, Paul: Ordinance Committee)  
(2<sup>nd</sup> reading)
- 3.03. COMMUNICATION: Public Hearing Notice: Burlington Comprehensive Development  
Ordinances: ZA-13-07 and ZA-13-10
4. PUBLIC FORUM **(Time Certain: 7:30 p.m. – 8:00 p.m. unless extended by the Council  
President per Council Rules)**
5. CONSENT AGENDA
6. PUBLIC COMMENT ON WARD REDISTRICTING
7. RESOLUTION: Proposed Champlain College Purchase of the Browns Court Parking Lot  
Site (Councilors Bushor, Aubin, Knodell: Board of Finance)
- 7.01. COMMUNICATION: Brian Pine, Assistant Director for Housing & Neighborhood  
Revitalization, re: Sale of Browns Court municipal parking lot to  
Champlain College
8. RESOLUTION: Authorization to Enter into Memorandum of Understanding with The  
Parks Foundation of Burlington (Councilors Paul, Brennan, Aubin:  
Parks, Arts & Culture Committee)
9. COMMITTEE REPORTS (5 mins.)
10. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)
11. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)
12. ADJOURNMENT

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#### CONSENT AGENDA

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#### **REGULAR MEETING, CITY COUNCIL** **MONDAY, SEPTEMBER 9, 2013**

- 5.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List  
\*waive the reading, accept the communication and place it on file
- 5.02. ORDINANCE: SOLID WASTE GENERATION TAX—Taxes Imposed (Public Works  
Department)  
\*waive the reading, suspend the rules, place in all stages of passage and adopt the ordinance
- 5.03. COMMUNICATION: Nicole Losch, Transportation Planner, Office of Planning, re: Solid  
Waste Collection Tax Increase Ordinance Amendment  
\*waive the reading, accept the communication and place it on file

- 5.04. RESOLUTION: CEDO Budget Adjustment re Americorps for FY 14 (Councilors Bushor, Knodell, Aubin: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.05. COMMUNICATION: Darlene Kehoe, Assistant Director for Finance, CEDO, re: FY 14 Budget Amendment for 2013 AmeriCorps Grant  
\*waive the reading, accept the communication and place it on file
- 5.06. RESOLUTION: Authorization of Burlington Electric Department for Renewal of Contract for Property/Boiler and Machinery Insurance -2013 (Councilors Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.07. COMMUNICATION: Paul G. Alexander, Manager of Risk Management & Governmental Affairs, Burlington Electric Department, re: B.E.D.'s Property/Boiler and Machinery (B&M) Insurance renewal  
\*waive the reading, accept the communication and place it on file
- 5.08. COMMUNICATION: Paul E. Plunkett, CIC, Senior Vice President/Principal, Hickok & Boardman, Inc. to Mr. Paul G. Alexander, CPCU, Manager of Risk Management and Governmental Affairs, Burlington Electric Department, Re: Burlington Electric Department's Property Insurance Renewal  
\*waive the reading, accept the communication and place it on file
- 5.09. COMMUNICATION: City of Burlington Electric Department Property Comparison  
\*waive the reading, accept the communication and place it on file
- 5.10. COMMUNICATION: Burlington Electric Department, Property/B&M Insurance Policies, Premium/TIV History 8/22/2013  
\*waive the reading, accept the communication and place it on file
- 5.11. COMMUNICATION: Clerk/Treasurer's Office, re: Financials for July 2013  
\*waive the reading, accept the communication and place it on file
- 5.12. COMMUNICATION: Mayor Miro Weinberger, re: Vermont League of Cities and Towns (VLCT) Report  
\*waive the reading, accept the communication and place it on file
- 5.13. COMMUNICATION: Mayor Miro Weinberger, re: IBM Smarter Cities Challenge – Burlington Report  
\*waive the reading, accept the communication and place it on file
- 5.14. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, June 24, 2013 Minutes  
\*waive the reading, accept the communication and place it on file
- 5.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, July 8, 2013 Minutes  
\*waive the reading, accept the communication and place it on file
- 5.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, August 5, 2013 Minutes  
\*waive the reading, accept the communication and place it on file

- 5.17. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Organization Day, April 1, 2013  
\*waive the reading, accept the communication, place it on file adopt the minutes at the September 23, 2013 City Council Meeting
- 5.18. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Recessed Organization Day Meeting, City Council, April 8, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting
- 5.19. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, April 15, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting
- 5.20. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, April 29, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting
- 5.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, May 6, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting
- 5.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council, May 20, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting
- 5.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Annual City Council Meeting, June 3, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting
- 5.24. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, December 3, 2012  
\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the August 12, 2013 City Council Meeting
- 5.25. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, December 17, 2012  
\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the August 12, 2013 City Council Meeting
- 5.26. COMMUNICATION: Kathy Knauer, re: Open house at Leddy



\*waive the reading, accept the communication and place it on file

5.27. COMMUNICATION: Martha R. Lang, Ph.D., re: Response to Burlington School District's FAQs for Real Estate Proposal

\*waive the reading, accept the communication, place it on file and send a copy to Burlington School Superintendent Jeanne Collins

5.28. COMMUNICATION: Hugo, re: Night time runners

\*waive the reading, accept the communication, place it on file and send a copy to Chief Michael Schirling for follow up

5.29. COMMUNICATION: Joanna Cole, State Representative, New North End, re: F-35s NOT GOOD FOR COGNITIVE DEVELOPMENT

\*waive the reading, accept the communication and place it on file

5.30. COMMUNICATION: Erik Bailey, re: Public Process Complaint

\*waive the reading, accept the communication and place it on file

5.31. COMMUNICATION: Sister Lucille Bonvouloir and Sister Mary Crosby, 332 Hildred Drive, re: Supportive of Gun Control Charter Change

\*waive the reading, accept the communication and place it on file

5.32. COMMUNICATION: Ron Redmond, Church Street Marketplace Commission, re: Letter of Resignation from Commissioner Robert Fuller; application for Church Street Marketplace Commission from Jed Davis

\*waive the reading, accept the communication, place it on file, advertise the vacancy, send a letter of appreciation to Robert Fuller thanking him for his years of service as a CSM Member and place Jed Davis' application for consideration in the CSM appointment process

5.33. COMMUNICATION: Stephanie Reid, Interim Human Resources Generalist and Susan Leonard, Human Resources Director, re: Communication – Step Placement for Julie Laplume, Assistant Chief Accountant

\*waive the reading, accept the communication, place it on file and approve the step placement for Julie Laplume

5.34. COMMUNICATION: Jane McDougal, 185 Pine Street #31, re: Homeless Solicitors

\*waive the reading, accept the communication, place it on file and send copies to CSM Director Redmond and Chief Schirling

5.35. COMMUNICATION: Roger Cole, Ward Three Resident, re: aB-accessBurlington

\*waive the reading, accept the communication and place it on file

5.36. COMMUNICATION: Brian Shupe, AICP, Executive Director, VNRC, re: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.37. COMMUNICATION: Hunter Rieseberg, President, VLCT Board of Directors, re: Voting Delegates at the VLCT Annual Business Meeting

\*waive the reading, accept the communication, place it on file and appoint Mayor Miro Weinberger as the VLCT Voting Delegate

5.38. COMMUNICATION: Peter Cook, re: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.39. COMMUNICATION: Kai Forlie, re: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.40. COMMUNICATION: Katherine Kirby, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.41. COMMUNICATION: Jean Bluto, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.42. COMMUNICATION: Igor Zbitnoff, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.43. COMMUNICATION: Eileen Andreoli, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.44. COMMUNICATION: Paul Fleckenstein, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.45. COMMUNICATION: Rick Hubbard and Sally Howe, re: PF 8/12/13: Questions relating to your support for basing, as soon as possible, the F-35s at BTW

\*waive the reading, accept the communication and place it on file

5.46. COMMUNICATION: George Cross, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.47. COMMUNICATION: Stop the F-35 Coalition, re: PF 8/12/13: Stop the F-35 Basing at Its Airport

\*waive the reading, accept the communication and place it on file

5.48. COMMUNICATION: James A. Dumont, Esq., re: PF 8/12/13: F-35s – the Role of the Burlington City Council

\*waive the reading, accept the communication and place it on file

5.49. COMMUNICATION: World Health Organization, JRC European Commission, re: PF 8/12/13: Burden of disease from environmental noise

\*waive the reading, accept the communication and place it on file

5.50. COMMUNICATION: Chittenden County Senator David Zuckerman, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.51. COMMUNICATION: Horace Shaw, re: PF 8/12/13: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.52. COMMUNICATION: Ben Alshire, re: PF 8/12/13: The Exile's Manifesto

\*waive the reading, accept the communication and place it on file

5.53. COMMUNICATION: Rabbi Joshua Chasan, 209 North Prospect Street, re: F-35 opposition

\*waive the reading, accept the communication and place it on file

5.54. COMMUNICATION: Martha R. Lang, Ph.D., re: BSD's purchase of 59 Murray Street

\*waive the reading, accept the communication and place it on file; a copy has already been sent to Burlington School Superintendent Jeanne Collins

5.55. COMMUNICATION: Miriam Black, re: Ward Composition

\*waive the reading, accept the communication and place it on file

5.56. COMMUNICATION: John William Clancy, re: Burlington Emergency Shelter Firing

\*waive the reading, accept the communication and place it on file

5.57. COMMUNICATION: Karen Horn, Director, Public Policy and Advocacy, VLCT, re: Your  
Chance to Guide Municipal Legislative Priorities for 2014

\*waive the reading, accept the communication, place it on file and send to the Mayor's Office for  
consideration and possible submissions

5.58. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

El Gato Cantina, 169 Church Street, Saturday, September 14, 10:30 p.m. – 1 a.m., DJ, salsa  
dancing

\*waive the reading, accept the communication, place it on file and approve the one day only special event  
indoor entertainment permit application for EL Gato Cantina

5.59. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (Sept/Oct only):

Magnolia Bistro, Saturdays only: 10 a.m. – 2 p.m., parking lot on the corner of College and St.  
Paul Streets, live amplified music

\*waive the reading, accept the communication, place it on file and approve the special event  
outdoor entertainment permit application for Magnolia Bistro for the following dates only: 9/14,  
9/21, 9/28, 10/5, 10/12, 10/19 and 10/26: 10 a.m. – 2 p.m.

5.60. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (4 days only):

Monkey House, SEABA Parking lot on Pine Street, 9/6, 9/13, 9/20, 9/27, Community Food  
Truck Stop, dancing, amplified music, 4 p.m. to 10 p.m.

\*waive the reading, accept the communication, place it on file and see the action as follows: ratify  
the 9/6 event, approve the 9/13, 9/20 and 9/27 events for the Monkey House

5.61. RESOLUTION: Church Street Marketplace District Commission Authorization to Enter  
into License Agreement with B. Hospitality Group, Inc. for College  
Street Kiosk (Councilors Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

***Members of the public may speak when recognized by the Chair, during the Public Forum (time certain: 7:30 p.m.) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 on September 11, 2013 at 8:00 p.m., repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, call Scott Schrader, Assistant CAO for Administration and Management (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).***



**Lori Olberg**

---

**From:** David Melincoff <dmelincoff@icloud.com>  
**Sent:** Thursday, August 15, 2013 2:31 PM  
**To:** Lori Olberg  
**Subject:** Outdoor hours

Hi Lori

As our conversation I would like to change my hours of operation for outdoor use to 2am everyday. Also our mailing address should be the same address as Sweetwaters. Many thanks,

David J Melincoff  
Owner  
Reel Hospitality, LLC  
Mobile 802-233-1818

This message was sent from my iPad. Please excuse it's brevity, typos, misspelings, or omissions. Many thanks,

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

*\* recommended for approval @ 8/20/13 lc mtg leo*

**DEPARTMENT OF LIQUOR CONTROL**  
**OUTSIDE CONSUMPTION PERMIT**

Fee \$20.00

*DLc ch#004118 8/29/13*

RECEIVED  
2013 AUG 29 12:02  
BURLINGTON CLERK  
TREASURER'S OFFICE

Name of Licensed Premise (Corporation/Partnership/Individual, d/b/a)

*PJSC LLC*

d/b/a *The Scutter Steak and Ale House*

Address *148 Church St* Town/City *Burlington*

License Number

Email or Fax # *PJSC148@gmail.com*

Outside consumption would be in the area described below: (describe fully, including size, physical barriers, etc.)

*The Scutter would like to expand there patio on Sept 19th  
for a Pumpkin carving contest and Pumpkin Beer tap takeover.  
The extra patio space will be used for Concessions and tables*

*\* recommended for approval @ 9/3/13 lc mtg*

Please remember that this outside consumption permit is an extension of your license to serve alcohol beverages, and that the same rules apply in this area as do in the regularly licensed premise area.

Outside Consumption time period (hours) from *11am* to *11pm*

Permanent Use ☐ (Permanent use will be considered year round use)

Occasional Use ☒

Day(s) Requested *9/19/13*

Hours Requested *11am to 11pm*

Signature of Licensee

*[Signature]*

**OUTSIDE CONSUMPTION PERMITS MUST FIRST BE APPROVED BY YOUR**  
**TOWN/CITY CLERK**

APPROVED BY LOCAL CONTROL COMMISSIONERS

Town/City Clerk Signature

Date

2013 LIQUOR LICENSE RENEWAL APPLICATION  
FIRST CLASS RESTAURANT/BAR LICENSE TO SELL MALT AND VINOUS BEVERAGES

7328-001-1RST-01  
Page 1

License Year Beginning May 1, 2013 ending April 30, 2014

Fee: \$230.00 of which  
\$115.00 is paid to town/city  
\$115.00 is paid to DLC  
Town: 04010 - BURLINGTON

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS  
FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING

Applicant: Review all of the information presented on this form, indicating any changes in the spaces provided.

Applicant: Stellar Restaurant Group, Inc.

Doing Business As:

Boloco  
92 Church Street  
Burlington Vt 05401  
Telephone: (802) 658-9771

Mailing Address:  
92 Church Street  
Burlington Vt 05401

PLEASE INCLUDE EMAIL ADDRESS: accounting@boloco.com

Description of Premises:

Restaurant, On the first floor of a three story brick building.  
Consisting of office, storage, kitchen and dining areas. Situated  
on the east side of Church designated as #92 in the City of  
Burlington, Vermont

Lessor:

C Durrel Simonds Co. Inc  
Shelburne Vt

Last Enforcement Seminar: 06/06/2013

Fed. ID Number: 04-3500271 Incorporation Date: 05/15/2008 Valid Charter?: Yes State of Charter: Delaware

Majority of Directors are US Citizens: Yes

ATTACH AN ADDITIONAL SHEET TO THIS APPLICATION NOTING ANY NECESSARY CORRECTIONS OR CHANGES  
AND UPDATES THAT HAVE OCCURRED DURING THE PAST YEAR.

Corporation	Name	Address	Town/City	State	Zip Code
Director	1. Pepper, John	15 Bramble Lane	Norwich	VT	05055
<del>Director</del>	<del>2. Yanofsky, Neal</del>	<del>55 Hartwell Road</del>	<del>Carlisle</del>	<del>MA</del>	<del>01741</del> <b>RESERVED</b>
Director	3. Pepper, John, Jr.	233 Oliver Road	Cincinnati	OH	45215
Director	4. Reddy, Kevin	8335 Harbortown Place	Lone Tree	CO	80124
Director	5. Koldyke, Laird	2508 North Burling	Chicago	IL	60614
Director	6. Starr, Jason	980 North Michigan Ave	Chicago	IL	60611
Stockholder	7. Pepper, John	15 Bramble Lane	Norwich	VT	05055
Stockholder	8. Pepper, John, Jr.	233 Oliver Road	Cincinnati	OH	45215
Stockholder	9. Koldyke, Laird	2508 North Burling	Chicago	IL	60614

Has any director or stockholder been convicted or pleaded guilty to any criminal or motor vehicle offense in any court  
of law (including traffic tickets by mail) during the last year? Yes ☒ No

If yes, please attach the following information: Individual's name, court/traffic bureau, offense and date

In the past year has any director or stockholder of the corporation held any elective or appointive state, county,  
city, village or town office in Vermont (See VSA, T.7, Ch.9, Sec. 223)? Yes ☒ No

If yes, please attach the following information: Individual's name, office and jurisdiction

Vt. Dept. of Health Food License No.: 13568

Vt. Dept. of Health Lodging No.:

Vt. Tax Dept. Meals & Rooms Cert./Acct. No.: 440-3500271F-01

health expiration date  
6/30/14

Disclosure of Non-profit Organization?: Yes ☒ No

ALL APPLICANTS MUST COMPLETE AND SIGN

The applicant understands and agrees that the Liquor Control Board may obtain criminal history record information from  
State and Federal record repositories.

I/We hereby certify, under the pains and penalties of perjury, that I/We are in good standing with respect to or in full  
compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date  
of this application. (VSA, Title 32, Section 3113)

I/We hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with  
respect to child support or are in full compliance with a plan to pay any and all child support payable under a support  
order. (VSA, Title 15, Section 795)

In accordance with 21 VSA, Section 1378(b), I/We certify, under pains and penalties of perjury, that I/We are in good  
standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of  
contributions due to the Department of Employment and Training.

I/We have registered the trade name of these premises with the Secretary of State.

Continued on next page

\*recommended for approval  
@ 8/20/13 lc mtg lo

pd chk # 91257  
\$115.00 lo 8/5/13

2013 LIQUOR LICENSE RENEWAL APPLICATION  
FIRST CLASS RESTAURANT/BAR LICENSE TO SELL MALT AND VINOUS BEVERAGES

7328-001-1RST-01  
Page 2

I/We hereby certify that the information in this application is true and complete.

Dated this 29<sup>th</sup> day of July, 2013

Signature of authorized agent  
of corporation, company, club or association

Patrick Reardon, CEO

(Title)

Signature of individual or partners

Are you making this application for the benefit of any other party? Yes ☒ No

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the application and transmit it to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

APPROVED

DISAPPROVED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Approved by Board of Control Commissioners of the City or Town of \_\_\_\_\_.

Total Membership \_\_\_\_\_, \_\_\_\_\_ members present      Attest, \_\_\_\_\_, Town Clerk

TOWN OR CITY CLERK SHALL MAIL APPROVED RENEWAL DIRECTLY TO:  
DEPARTMENT OF LIQUOR CONTROL  
13 GREEN MOUNTAIN DRIVE  
MONTPELIER, VT 05602

If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class license application shall be considered binding except as taken or made at an open public meeting. VSA T-1, Sec. 312



2013 LIQUOR LICENSE RENEWAL APPLICATION  
OUTSIDE CONSUMPTION PERMIT

7328-001-OUTC-01

License Year Beginning May 1, 2013 ending April 30, 2014

Page 1  
Fee: \$20.00  
Paid to DLC

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS  
FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING

Applicant: Review all of the information presented on this form, indicating any changes in the spaces provided.

Applicant: Stellar Restaurant Group, Inc.

Doing Business As:

Boloco  
92 Church Street  
Burlington Vt 05401  
Telephone: (802) 658-9771

Mailing Address:  
92 Church Street  
Burlington Vt 05401

PLEASE INCLUDE EMAIL ADDRESS: accounting@boloco.com

Description of the delineated area is as follows:

18' x 18' area directly out the front door on the Church Street Market  
Place. Area defined by plastic fence and roped off area. January to  
December 11:00 am to 10:00 pm seven days a week.

I/We hereby certify, under the pains and penalties of perjury, that I/We are in good standing with respect to or in full  
compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date  
of this application. (VSA, Title 32, Section 3113)

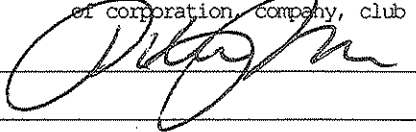
I/We hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with  
respect to child support or are in full compliance with a plan to pay any and all child support payable under a support  
order. (VSA, Title 15, Section 795)

In accordance with 21 VSA, Section 1378(b), I/We certify, under pains and penalties of perjury, that I/We are in good  
standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of  
contributions due to the Department of Employment and Training.

I/We hereby certify that the information in this application is true and complete.

Dated this 25th day of July, 2013

Signature of authorized agent  
of corporation, company, club or association

 , CFO

(Title)

Signature of individual or partners

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you making this application for the benefit of any other party? Yes ☒ No

MAKE CHECKS PAYABLE TO AND MAIL TO: VERMONT DEPARTMENT OF LIQUOR CONTROL  
13 GREEN MOUNTAIN DRIVE  
MONTPELIER, VT 05602

\* recommended for approval C B/20/13 lc mty lo.

pdchk# 91256  
\$135.00 lo 8/5/13

20 13

FIRST/SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION  
 LICENSE YEAR IS MAY 1<sup>ST</sup> THROUGH APRIL 30<sup>TH</sup> OF THE FOLLOWING YEAR

Penny Cluse Cafe, INC  
 Print Full Name of Person, Partnership, Corporation, Club or LLC  
Lucky Next Door  
 Doing Business As - Trade Name  
163 Cherry Street  
 Street and street number of premises covered by this application  
Burlington, Vt 05401  
 Town or City & Zip Code  
(802) 651-8834  
 Telephone Number  
PO Box 8422 Burlington, VT 05402  
 Mailing Address (if different from above)  
 Email address Charles@pennycluse.com

Please circle appropriate categories

FIRST CLASS SECOND CLASS TOBACCO  
Restaurant  
 Hotel  
 Cabaret  
 Club  
 Commercial Kitchen (a Liquor Control Commercial Caterer's License  
 is needed with this license)

*recommended for approval  
 @ 9/3/13 lc intz  
 all standard conditions  
 contingent upon Fire Marshal  
 approval  
 all open permits closed*

FEES:

FIRST CLASS LICENSE - \$100.00 to DLC and \$100.00 to Town/City  
 SECOND CLASS LICENSE - \$50.00 to DLC and \$50.00 to Town/City  
 TOBACCO ONLY LICENSE - \$10.00 to Town/City only  
 (there is no fee for tobacco if applying for second class)

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF Burlington, VERMONT  
 Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes  
 Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in  
 consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all  
 regulations made and promulgated by the Liquor Control Board. Upon hearing, the Liquor Control Board may, in its discretion,  
 suspend or revoke such license whenever it may determine that the law or any regulations of the Liquor Control Board have been  
 violated, or that any statement, information or answers herein contained are false.

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR  
 SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING.

If this premise was previously licensed, please indicate name \_\_\_\_\_

I/we are applying as: (please circle one)

INDIVIDUAL LIMITED LIABILITY COMPANY  
 PARTNERSHIP CORPORATION

Please fill in name and address of individual, partners, directors or members.

LEGAL NAME STREET/CITY/STATE  
Charles Reeves 9 Collamer Ct Shelburne, VT 05482

Holly Cluse 9 CVollamer Ct Shelburne, VT 04582

Are all of the above citizens of the UNITED STATES? ☒ Yes ☐ No  
 (Note: Resident Alien is not considered a U.S. Citizen)

If naturalized citizen, please complete the following:

Name Court where naturalized (City/State/Zip) Date

*pdchk #6521  
 do 6/4/13 \$100.00*

**CORPORATE INFORMATION:**

If you have checked the box marked CORPORATION, please fill out this information for stockholders (attach sheet if necessary).

LEGAL NAME

STREET/CITY/STATE

Penny Cluse Cafe, INC

Date of incorporation 4/1998Is corporate charter now valid? YesCorporate Federal Identification Number 03-0356529

Have you registered your corporation and/or trade name with the Town/City Clerk? \_\_\_\_\_ and/or Secretary of

State? Yes (as required by VSA Title II § 1621, 1623 & 1625).**ALL APPLICANTS**HAVE ANY OF THE APPLICANTS EVER BEEN CONVICTED OR PLED GUILTY TO ANY CRIMINAL OR MOTOR VEHICLE OFFENSE IN ANY COURT OF LAW (INCLUDING TRAFFIC TICKETS) AT ANY TIME?☐ YES☒ NO

If yes, please complete the following information: (attached sheet if necessary)

Name

Court/Traffic Bureau

Offense

Date

Do any of the applicants hold any elective or appointive state, county, city, village/town office in Vermont? (See VSA, T.7, Ch. 9, §223) YES NO If yes, please complete the following information:

Name

Office

Jurisdiction

Please give name, title and date attended of manager, director, partner or individual who has attended a Liquor Control Licensee Education Seminar, as required by Education Regulation No. 3:

NAME: Charles ReevesTITLE: President/General ManagerDATE: 4/2012(If you have not attended an Education Seminar prior to making application, please visit [www.liquorcontrol.vermont.gov](http://www.liquorcontrol.vermont.gov) and click on Seminar Schedule for a list of Seminars in your area)**FOR ALL APPLICANTS: DESCRIPTION /LOCATION OF PREMISES (Section 4)**Description of the premises to be licensed: first floor of a 3 story wood framed buildingDoes applicant own the premises described? Yes If not owned, does applicant lease the premises? \_\_\_\_\_

If leased, name and address of lessor who holds title to property: \_\_\_\_\_

Are you making this application for the benefit of any other party? no**FIRST CLASS APPLICANTS ONLY:** No first class license may be issued without the following information.HEALTH LICENSE #: Food 11603 Lodging \_\_\_\_\_ (if licensed as a Hotel)VERMONT TAX DEPARTMENT: Meals & Rooms Certificate/Business Account # 125095MP

Business is devoted primarily to: (Circle one)

FOOD (restaurant) ENTERTAINMENT (cabaret) HOTEL CLUB COMMERCIAL CATERINGIf you are considering Outside Consumption service on decks, porches, cabanas, etc. you must complete an Outside Consumption Permit. This form can be found on our website at [www.liquorcontrol.vermont.gov](http://www.liquorcontrol.vermont.gov) and then click on licensing and then applications.**CABARET APPLICANTS ONLY:**

Applicant hereby certifies that the sale of food shall be less in amount or volume than the sales of alcoholic beverages and the receipts from entertainment and dancing; if at any time this should not be the case, the applicant/licensee shall immediately notify the Department of Liquor Control of this fact.

\_\_\_\_\_  
Signature of Individual, Partner, authorized agent of Corporation or LLC member

ALL APPLICANTS MUST COMPLETE AND SIGN BELOW

The applicant(s) understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal repositories prior to acting on this application.

I/We hereby certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, §3113).

In accordance with 21 VSA, §1378 (b) I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

If applicant is applying as an individual: I hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or am in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, §795).

Dated at Burlington in the County of Chittenden and State of VT  
this 4<sup>th</sup> day of June, 2013

Corporations/Clubs: Signature of Authorized Agent Individuals/Partners: (All partners must sign)

Phan, President

(Title)

NOTICE: After local action, all new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Liquor Control Board. This process can take anywhere from two weeks to six weeks to complete once the application has reached Liquor Control.

TOWN/CITY APPROVAL/DISAPPROVAL

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the applications and transmit both copies to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

\_\_\_\_\_, Vermont, \_\_\_\_\_  
Town/City Date

APPROVED

DISAPPROVED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved/Disapproved by Board of Control Commissioners of the City or Town (circle one) of \_\_\_\_\_

Total Membership \_\_\_\_\_ members present

Attest, \_\_\_\_\_  
City or Town Clerk

TOWN OR CITY CLERK SHALL MAIL ONE APPLICATION DIRECTLY TO THE DEPARTMENT OF LIQUOR CONTROL, 13 Green Mountain Drive, Montpelier, VT 05602. If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class application shall be considered binding except as taken or made at an open public meeting. VSA Title 1 §312.

SECTION 5111 AND 5121 OF THE INTERNAL REVENUE CODE OF 1954 REQUIRE EVERY RETAIL DEALER IN ALCOHOLIC BEVERAGES TO FILE A FORM ANNUALLY AND PAY A SPECIAL TAX IN CONNECTION WITH SUCH SALES ACTIVITY. FOR FURTHER INFORMATION, CONTACT:

THE BUREAU OF ALCOHOL, TOBACCO & FIREARMS (TTB)  
DEPARTMENT OF THE TREASURY  
550 MAIN STREET, CINCINNATI, OH 45202

(513) 684-2979



## LIQUOR LICENSE

### NEW APPLICANT QUESTIONNAIRE

D/B/A (Business Name) Lucky Next Door

Contact person Charles Reeves Contact Phone 802 238-6114

1. Have you ever had a liquor license before? If yes, please explain.

Yes, at Penny Close Cafe  
169 Cherry St

2. Please describe your experience serving or selling alcohol?

I have directed a staff selling  
alcohol for 15 years at this location

3. Are you familiar with the laws relating to the sale of alcohol in Vermont? Have you completed the training required by DLC? Have your employees? If not, what is your plan for training?

Yes, Yes,  
We will have formal training  
from the DLC for new employees  
before opening

4. Have you had an opportunity to meet with an inspector from the Department of Liquor Control?

Yes

5. How many employees will you have?

Between the two restaurants about 32  
Penny Close - 26 Lucky Next Door 6

6. What is/will the square footage of the public space and what is/will be your occupancy load??

800 sq Feet

24 patrons + 4 staff

7. What kind of precautions will you take to prevent underage sales?

Solid Training - consistent ID check

Thorough management of the space

Please note that your application will not go before the License Subcommittee until this application has been satisfactorily completed and returned to the Clerk's Office

# LUCKY Next Door

## Hot Drinks (can also be served iced)

**Cubano** Two shots of espresso with caramelized sugar.

**Cortadito** Same as a Cubano, but topped with a little steamed milk and foam.

**Café con Leche** Espresso with steamed milk. Can be served Cubano style, with caramelized sugar or plain like a latte.

**Café Mocha** Espresso, steamed milk, and chocolate. Choose from Mexican, dark or milk chocolate.

**Hot Chocolate** Steamed milk with Mexican, dark or milk chocolate.

**Americano** Espresso with hot water

**Assorted Numi Teas**

## Cold Drinks

**Fruit Smoothies** with Mango, Strawberries, Pineapple, Blueberries and Banana (Choose one or a combination) with Yogurt, Coconut or Soy bases sweetened with Agave Nectar

**Limonadas** Fresh squeezed lemon or limeade, with either plain or sparkly water

**Fresh Squeezed** Orange, grapefruit or carrot juice

**Draft Beer and Wine Selection**

**Cheese Plate** served with spicy nuts and grilled bread \$2.50 per Cheese

## Pressed Sandwiches on *pan agua*

Shelburne Farms Cheddar with Sliced Tomato and Avocado \$7.00

Add Thick Slab Bacon \$9.50

Braised Beef Brisket with Broccoli Raab and Fiery Peppers and Onions \$9.00

Turkey Meatloaf with Orb Weaver Farmhouse Cheese and Cherry Pepper Relish \$9.00

Ratatouille with Maple Brook Mozzarella and Pesto \$7.00

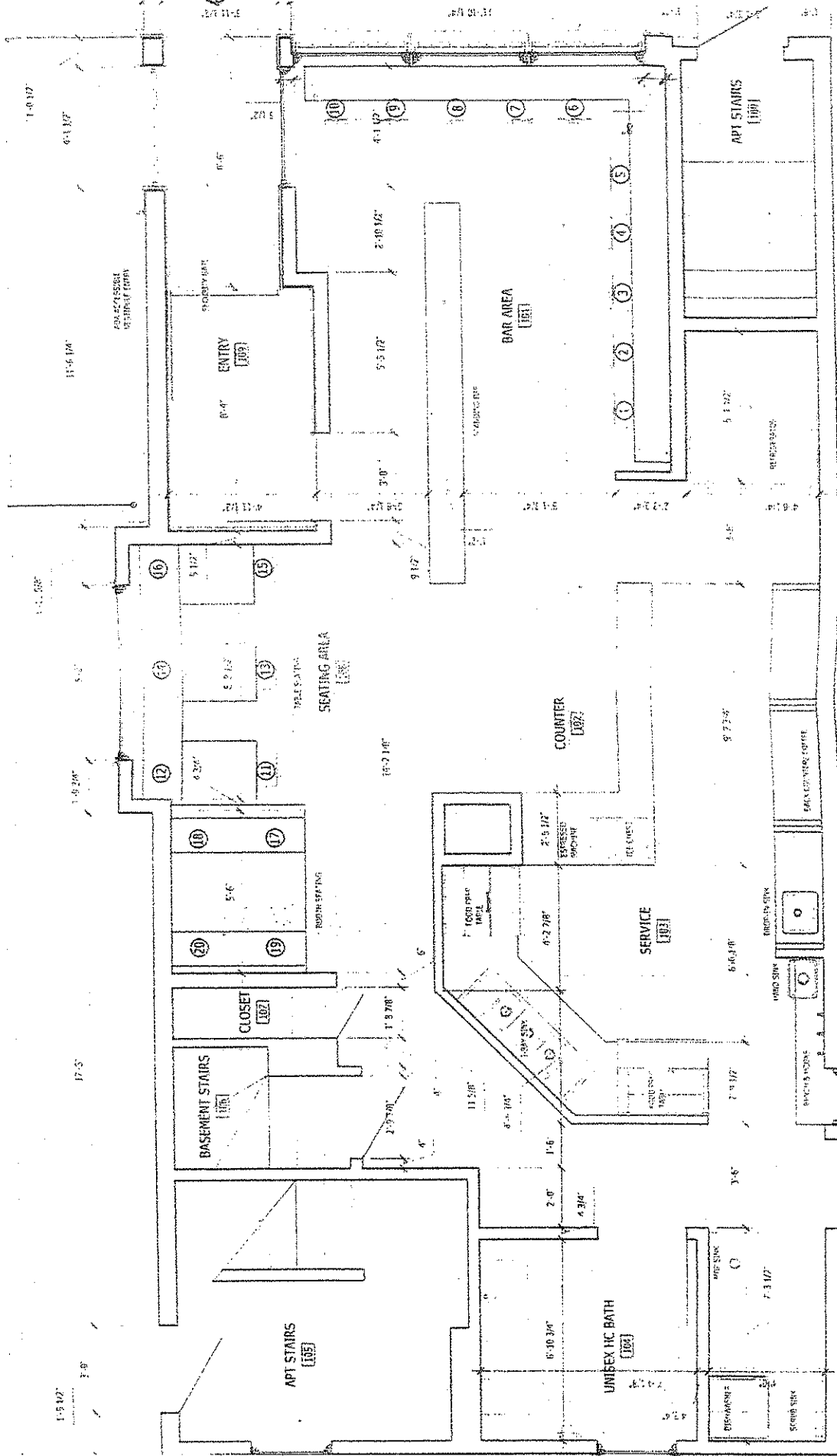
**Quesadillas** on Homemade Flour or Corn Tortillas with Champlain Valley Creamery Queso Fresco  
Garlicky Kale                      Eggplant-Tomato                      Fiery Pepper & Corn

**Salad** with Romaine, Arugula, Radishes, Roasted Sweet Potato and Avocado-Lime Dressing \$4.50

**Banana Bread** Served with Maple-Walnut Cream Cheese \$3.50

**Gingersnaps** 50¢

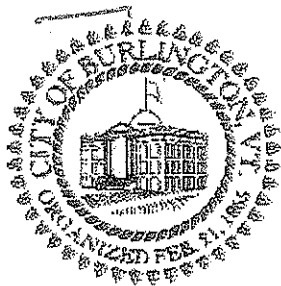
Entrance Cherry ST.



Penny close Cul-2

1000013





OFFICE OF THE CLERK AND TREASURER  
149 CHURCH STREET  
BURLINGTON, VT 05401

802-865-7131 TTY 802-865-7142

Application Review  
First Class Liquor License - Restaurant

05/01/2013 - 04/30/2014

TO: Jeff Herwood, Clerk/Treasurer's Office  
FROM: Lori Olberg, Clerk/Treasurer's Office  
DATE: Tuesday, June 4, 2013  
COMPANY: Penny Cluse Cafe, Inc.  
DBA NAME: Lucky Next Door  
FORMERLY: none  
LOCATION: 163 Cherry Street  
PHONE: 651-8834

*Please review  
Thank you*

The above applicant has applied for a new/renewal license. Please complete the appropriate section below verifying the status of the applicant's taxes and return it to this office as soon as possible.

Property Taxes Overdue?

Yes

☐

No

☒

Initials

\_\_\_\_\_

Property Taxes Delinquent?

Yes

☐

No

☒

Initials

\_\_\_\_\_

Gross Receipts Tax Overdue?

Yes

☐

No

☒

Initials

\_\_\_\_\_

Thank You,

Lori Olberg  
Clerk/Treasurer's Office  
City Hall

Date: Tuesday, June 4, 2013



OFFICE OF THE CLERK AND TREASURER  
149 CHURCH STREET  
BURLINGTON, VT 05401

802-865-7131 TTY 802-865-7142

Application Review  
First Class Liquor License - Restaurant

05/01/2013 - 04/30/2014

RECEIVED  
JUN - 4 2013

DEPARTMENT OF  
PLANNING & ZONING

TO: Ken Lerner, Planning & Zoning Office

FROM: Lori Olberg, Clerk/Treasurer's Office

DATE: Tuesday, June 4, 2013

COMPANY: Penny Cluse Cafe, Inc.

DBA NAME: Lucky Next Door

FORMERLY: none

LOCATION: 163 Cherry Street

PHONE: 651-8834

*Please review  
Thank you*

Please attach any pertinent information which the City Council License Committee may require.

Please indicate:

Approved?

Yes



No



Initials

*LO*

Date

*6/5/13*

Notes:

*Existing + permitted use.*

Thank You,

Lori Olberg  
Clerk/Treasurer's Office  
City Hall

Date: Tuesday, June 4, 2013

20 13

FIRST/SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION  
LICENSE YEAR IS MAY 1<sup>ST</sup> THROUGH APRIL 30<sup>TH</sup> OF THE FOLLOWING YEAR

KATHLEEN ELLEN DONAHUE

Print Full Name of Person, Partnership, Corporation, Club or LLC

"LOLA'S MARKET"

Doing Business As - Trade Name

41 KING STREET (AKA 39 KING STREET)

Street and street number of premises covered by this application

BURLINGTON, VERMONT 05401

Town or City & Zip Code

202-669-8327

Telephone Number

131 MAIN ST. #706, BURLINGTON, VT 05401

Mailing Address (if different from above)

Email address KATHLEEN.E.DONAHUE@YAHOO.COM

• recommended for approval  
C 9/3/13 lc mtg

- All standard conditions  
• Contingent upon Fire  
Marshal approval  
all open to permits  
closed

Please circle appropriate categories

FIRST CLASS

SECOND CLASS

TOBACCO

Restaurant

Hotel

Club

Commercial Kitchen (a Liquor Control Commercial Caterer's License is needed with this license)

FEES:

FIRST CLASS LICENSE - \$115.00 to DLC and \$115.00 to Town/City

SECOND CLASS LICENSE - \$70.00 to DLC and \$70.00 to Town/City

TOBACCO LICENSE - (there is no fee for tobacco if applying for second class)

If applying for Tobacco only license please use the Tobacco Only form.  
Fee for this license is \$100.00 payable to DLC

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF BURLINGTON, VERMONT

Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Liquor Control Board. Upon hearing, the Liquor Control Board may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Liquor Control Board have been violated, or that any statement, information or answers herein contained are false.

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING.

If this premise was previously licensed, please indicate name KATHLEEN ELLEN DONAHUE

I/we are applying as: (please circle one)

INDIVIDUAL

PARTNERSHIP

LIMITED LIABILITY COMPANY  
CORPORATION

Please fill in name and address of individual, partners, directors or members.

LEGAL NAME

STREET/CITY/STATE

KATHLEEN ELLEN DONAHUE ; 131 MAIN STREET, #706

BURLINGTON, VERMONT 05401

Are all of the above citizens of the UNITED STATES? ☒ Yes ☐ No  
(Note: Resident Alien is not considered a U.S. Citizen)

If naturalized citizen, please complete the following:

Name

Court where naturalized (City/State/Zip)

Date

pdch # 742  
\$70.00  
8/19/13

**CORPORATE INFORMATION:**

If you have checked the box marked CORPORATION, please fill out this information for stockholders (attach sheet if necessary).

LEGAL NAME

STREET/CITY/STATE

Date of incorporation \_\_\_\_\_ Is corporate charter now valid? \_\_\_\_\_

Corporate Federal Identification Number \_\_\_\_\_

Have you registered your corporation and/or trade name with the Town/City Clerk? \_\_\_\_\_ and/or Secretary of

State? \_\_\_\_\_ (as required by VSA Title 11 § 1621, 1623 &amp; 1625)

**ALL APPLICANTS**HAVE ANY OF THE APPLICANTS EVER BEEN CONVICTED OR PLEADED GUILTY TO ANY CRIMINAL OR MOTOR VEHICLE OFFENSE IN ANY COURT OF LAW (INCLUDING TRAFFIC TICKETS) AT ANY TIME?☒ YES ☐ NO

If yes, please complete the following information: (attached sheet if necessary)

Name	Court/Traffic Bureau	Offense	Date
KATHLEEN DONAHUE	BURLINGTON, VT	SPEEDING	APRIL, 2004
KATHLEEN DONAHUE	EAST LANSING, MI	SPEEDING	JUNE, 2007

Do any of the applicants hold any elective or appointive state, county, city, village/town office in Vermont? (See VSA, T.7, Ch. 9, §223) YES ☐ NO ☒ If yes, please complete the following information:

Name	Office	Jurisdiction

Please give name, title and date attended of manager, director, partner or individual who has attended a Liquor Control Licensee Education Seminar, as required by Education Regulation No. 3:

NAME:	_____
TITLE:	_____
DATE:	_____

(If you have not attended an Education Seminar prior to making application, please visit [www.liquorcontrol.vermont.gov](http://www.liquorcontrol.vermont.gov) and click on Seminar Schedule for a list of Seminars in your area)**FOR ALL APPLICANTS: DESCRIPTION /LOCATION OF PREMISES (Section 4)**Description of the premises to be licensed: 41 KING STREET (FORMERLY 39 KING STREET) . IT IS A COMMERCIAL SPACE ON THE CORNER OF KING AND SA. CHAMPLAIN STREET.Does applicant own the premises described? NO If not owned, does applicant lease the premises? YESIf leased, name and address of lessor who holds title to property: Fred and Claire Loyer, P.O. Box 25 COLCHESTER, VT 05446Are you making this application for the benefit of any other party? NO**FIRST CLASS APPLICANTS ONLY:** No first class license may be issued without the following information.

HEALTH LICENSE #: Food \_\_\_\_\_ Lodging \_\_\_\_\_ (if licensed as a Hotel)

VERMONT TAX DEPARTMENT: Meals &amp; Rooms Certificate/Business Account # \_\_\_\_\_

Business is devoted primarily to: (Circle one)

FOOD (restaurant) HOTEL CLUB COMMERCIAL CATERING BAR

If you are considering Outside Consumption service on decks, porches, cabanas, etc. you must complete an Outside Consumption Permit. This form can be found on our website at [www.liquorcontrol.vermont.gov](http://www.liquorcontrol.vermont.gov) and then click on licensing and then forms.**ALL APPLICANTS MUST COMPLETE AND SIGN BELOW**

The applicant(s) understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal repositories prior to acting on this application.

I/We hereby certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, §3113).

In accordance with 21 VSA, §1378 (b) I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

If applicant is applying as an individual: I hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to

child support or am in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, §795).

Dated at Burlington in the County of Chittenden and State of Vermont  
this 16 day of August, 2013

Corporations/Clubs: Signature of Authorized Agent Individuals/Partners: (All partners must sign)

Ms.

Kathleen Donahue

(Title)

TOWN/CITY APPROVAL/DISAPPROVAL

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the applications and transmit both copies to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

\_\_\_\_\_, Vermont, \_\_\_\_\_  
Town/City Date

APPROVED

DISAPPROVED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved/Disapproved by Board of Control Commissioners of the City or Town (circle one) of \_\_\_\_\_

Total Membership \_\_\_\_\_ members present

Attest, \_\_\_\_\_  
City or Town Clerk

TOWN OR CITY CLERK SHALL MAIL ONE APPLICATION DIRECTLY TO THE DEPARTMENT OF LIQUOR CONTROL, 13 Green Mountain Drive, Montpelier, VT 05602. If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class application shall be considered binding except as taken or made at an open public meeting. VSA Title 1 §312.

SECTION 5111 AND 5121 OF THE INTERNAL REVENUE CODE OF 1954 REQUIRE EVERY RETAIL DEALER IN ALCOHOLIC BEVERAGES TO FILE A FORM ANNUALLY AND PAY A SPECIAL TAX IN CONNECTION WITH SUCH SALES ACTIVITY. FOR FURTHER INFORMATION, CONTACT:

THE BUREAU OF ALCOHOL, TOBACCO & FIREARMS (TTB)  
DEPARTMENT OF THE TREASURY  
550 MAIN STREET, CINCINNATI, OH 45202

(513) 684-2979

NOTICE: All new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Liquor Control Board. Please note that this process can take anywhere from 2 weeks to 6 weeks to complete once Liquor Control receives the application.



## LIQUOR LICENSE

### NEW APPLICANT QUESTIONNAIRE

D/B/A (Business Name) "LOLA'S MARKET"

Contact person KATHLEEN DONAHUE Contact Phone 202-669-8327

1. Have you ever had a liquor license before? If yes, please explain.

NO.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Please describe your experience serving or selling alcohol?

I sold alcohol as a waitress at Junior's Pizza and as a cashier at City Market. I never had any issues with illegal sales.  
\_\_\_\_\_  
\_\_\_\_\_

3. Are you familiar with the laws relating to the sale of alcohol in Vermont? Have you completed the training required by DLC? Have your employees? If not, what is your plan for training?

I am. I am a licensed attorney, and I understand the laws pertaining to those under 21, Adults accompanied by minors, and individuals who are too intoxicated for service.  
I plan to enroll myself and my employees in the required training the moment it is necessary. I also plan to be present quite often on the premises (7 days a week) and will provide oversight & reminders to staff on a frequent basis.

4. Have you had an opportunity to meet with an inspector from the Department of Liquor Control?

Not at this time.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. How many employees will you have?

To begin with, 4/5 staff members (including myself)  
\_\_\_\_\_

6. What is/will the square footage of the public space and what is/will be your occupancy load??

Approximately 1200 square feet

---

---

---

---

7. What kind of precautions will you take to prevent underage sales?

Diligent ID checks for anyone who appears to be age 40 and under. I will be aware of "youth" hanging around who may ask adults to buy for them. I will give special attention to men with beards as they can appear older than they are. I will always turn away sales for even a slight suspicion of underage alcohol purchase.

Please note that your application will not go before the License Subcommittee until this application has been satisfactorily completed and returned to the Clerk's Office

# CERTIFICATE of ACHIEVEMENT

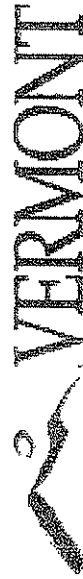
This is to certify that

Kathleen Donahue

has completed the course

Store Training -- 2nd Class Certification

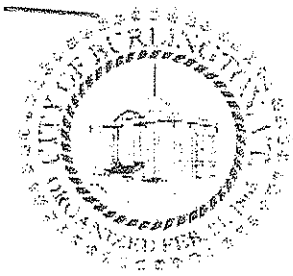
August 28, 2013



DEPARTMENT OF LIQUOR CONTROL

zlbvtuKDnq





OFFICE OF THE CLERK AND TREASURER  
149 CHURCH STREET  
BURLINGTON, VT 05401

802-865-7131 TTY 802-865-7142

Application Review  
Second Class Liquor License

05/01/2013 - 04/30/2014

TO: Jeff Herwood, Clerk/Treasurer's Office  
FROM: Lori Olberg, Clerk/Treasurer's Office  
DATE: Tuesday, August 20, 2013  
COMPANY: Lola's Market  
DBA NAME:  
FORMERLY:  
LOCATION: 41 King Street (aka 39 King Street)  
PHONE: 202-669-8327

*Please review*

*Thanks  
Lori*

The above applicant has applied for a new/renewal license. Please complete the appropriate section below verifying the status of the applicant's taxes and return it to this office as soon as possible.

Property Taxes Overdue?

Yes

☐

No

☒

Initials

Property Taxes Delinquent?

Yes

☐

No

☒

Initials

Gross Receipts Tax Overdue?

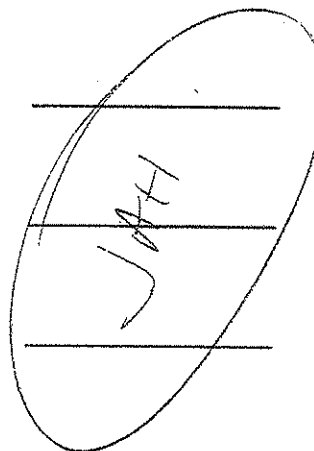
Yes

☐

No

☒

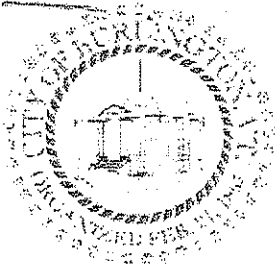
Initials



Thank You,

Lori Olberg  
Clerk/Treasurer's Office  
City Hall

Date: Tuesday, August 20, 2013



Lori,

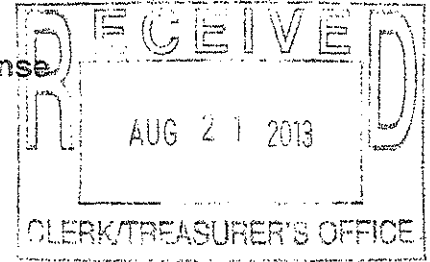
Rec'd 8/28/13

CLERK AND TREASURER  
CITY STREET  
SPRINGFIELD, MA 01103  
/T 05401

802-865-7142

Review  
Licenses

30/2014



I have completed  
my DLC training.

Also, I have  
submitted & been  
approved for  
Zoning for a  
convenience store.  
Thanks! Kathleen

TO: Ken Lerner, Planning & Zoning (

FROM: Lori Olberg, Clerk/Treasurer's Office

DATE: Wednesday, August 21, 2013

COMPANY: Lola's Market

DBA NAME: Lola's Market

FORMERLY:

LOCATION: 41 King Street (aka 39 King Street)

PHONE: 202-669-8327

Please review

Thanks

LORI

Please attach any pertinent information which the City Council License Committee may require.

Please indicate:

Approved?

Yes



No



Initials

KL

Date

8/21/13

Notes: There is no zoning permit for 'Convenience store'  
at this property. It is zoned Residential High density  
and the last permit on file was for retail sales  
(beauty store) - see attached. Option for a  
convenience store as a 'neighborhood commercial'  
use could be allowed ~~subject to~~ conditional  
use approval after a public hearing by the DRB.  
Thank You, Contact any zoning staff person for application  
information and requirements for submittal.

Lori Olberg  
Clerk/Treasurer's Office  
City Hall

Date: Wednesday, August 21, 2013

COMPREHENSIVE DEVELOPMENT ORDINANCE—  
50% Residential Limitation  
ZA 13-07

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.1, Downtown Mixed Use Districts, thereof to read as follows:

**Sec. 4.4.1      Downtown Mixed Use Districts**

(a) - (c) As written.

**(d)      District Specific Regulations**

**1. Use Restrictions**

The following restrictions regarding the location and overall percentage of residential and nonresidential uses within the Downtown Mixed Use districts shall be as follows:

**A.      Ground Floor Residential Uses Restricted:** As written.

**B. ~~Residential/Nonresidential Mix Required:~~**

~~In order to maintain a balance between residential and nonresidential uses in the Downtown (D) and Downtown Waterfront (DW) districts, at least 50% of the gross floor area of any site being developed must be occupied by a non-residential use and no more than 50% of the gross floor area of any such development site may be occupied by a residential use. Historic~~

COMPREHENSIVE DEVELOPMENT ORDINANCE—  
50% Residential Limitation  
ZA 13-07

~~buildings originally designed and constructed for residential use shall be exempt from these use restrictions.~~

~~Additionally, no more than 75% of the gross floor area of any structure may be occupied by an office use in the Downtown Waterfront (DW) district.~~

Balance of Sec. 4.4.1 As written.

- \* Material stricken out deleted.
- \*\* Material underlined added.

COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Accessory Dwelling Units  
ZA 13-10

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 5.4.5, Accessory Dwelling Units, thereof to read as follows:

**Sec. 5.4.5 Accessory Dwelling Units**

**(a) Accessory Units, General Standards/Permitted Uses:**

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.

Additionally, there must be compliance with all the following:

1. The property has sufficient wastewater capacity as certified by the department of public works;
2. The unit does not ~~exceed 30 percent of~~ consist of more than 30 percent of the total habitable floor ~~the total gross floor area of the building, inclusive of the accessory dwelling unit of the primary dwelling, minus square footage associated with storage or utility spaces and similar un-insulated or un-inhabitable areas;~~
3. Applicable setback and coverage requirements are met; ~~and,~~

COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Accessory Dwelling Units  
ZA 13-10

4. ~~Two~~One additional parking spaces which may be legally allocated to the accessory unit must be ~~in existence and~~ provided for the accessory unit; and,
5. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

**(b) Conditional Use Approval for Accessory Units:**

If any of the following are also proposed, conditional use approval, as well as development review provisions of **Article 6** shall be required:

1. A new accessory structure;
2. An increase in the height or habitable floor area of the existing dwelling;
3. An increase in the dimensions of any parking area.
4. ~~A parking waiver is requested. If a parking waiver is requested, not more than one of the two required parking spaces for the accessory unit may be waived by the DRB for any of the following reasons:~~

~~A. Where one occupant of the accessory unit is disabled as defined in **33 V.S.A. §1991(b)** or is at least 65 years of age, and the accessory unit is 750 sq. ft. or less; and/or,~~

~~B. Under waiver provisions of **Sec. 8.1.15**.~~

**(c) Additional Conditions of Waiver:**

If a waiver is granted, the applicant shall also comply with the following:

1. ~~A deed or instrument for the property shall be entered into the land records within 90 days of approval containing a reference to the permit granting the accessory unit and the parking waiver.~~

COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Accessory Dwelling Units  
ZA 13-10

~~Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions; and,~~

- ~~2. The lease for the accessory apartment contains a clause stating that no vehicle parking is provided for or allowed on-site except in an approved parking space and that violation of that condition of the lease shall be grounds for eviction.~~

**(d) Loss of Waiver:**

~~Any parking waiver granted is automatically void where there has been a change in the underlying facts that supported the waiver and the reference shall be removed from the land records. When there has been such a change in circumstances, the standards of the ordinance without waiver provisions are applicable and a reapplication is required.~~

**(e) (c) Discontinuance of Accessory Units:** As written.

- \* Material stricken out deleted.
- \*\* Material underlined added.

## **PUBLIC HEARING NOTICE**

### ***Burlington Comprehensive Development Ordinance***

#### **PROPOSED AMENDMENT ZA-13-07 – 50% Residential Limitation**

#### **PROPOSED AMENDMENT ZA-13-10 – Accessory Dwelling Units**

Pursuant to 24 V.S.A. §4442 and §4444, notice is hereby given of a public hearing by the Burlington City Council to hear public comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance (CDO)*. The public hearing will take place on Monday, **September 9, 2013** beginning at **7:00 p.m.** in Contois Auditorium, on the second floor of Burlington City Hall, 149 Church Street, Burlington VT.

- (1) ZA-13-07 – 50% Residential Limitation** - This proposed amendment eliminates the 50% limitation for residential uses in the Downtown (D) and Downtown Waterfront (DW) districts and the 75% gross floor area maximum for office use in the DW district. The amendment would modify CDO Section 4.4.1(d)(1)(B) (Residential/Nonresidential Mix Required). This amendment would affect the potential for housing development in the D and DW districts of the city.
- (2) ZA-13-10 – Accessory Dwelling Units** - This proposed amendment is to encourage the creation of accessory dwelling units by reducing the required on-site parking, clarifying their treatment with respect to density calculations, and incorporating a deed restriction. The amendment would modify CDO Section 5.4.5 (Accessory Dwelling Units) and would affect applications for accessory dwelling units in all zoning districts of the City of Burlington.

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendments are available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at [www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)



PROPOSED CHAMPLAIN COLLEGE PURCHASE OF THE  
BROWNS COURT PARKING LOT SITE

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, Champlain College is hoping to purchase the Browns Court parking lot site owned  
by the City; and

WHEREAS, in 2008, Champlain College purchased an abutting property, the Eagles Club site,  
located at the corner of St. Paul and Maple Streets, with all necessary City Council approval required by a  
1994 Memorandum of Understanding between Champlain College and the City (attached) which  
Memorandum requires Champlain College to seek and receive City Council approval before purchasing  
properties outside delineated boundaries; and

WHEREAS, in 2008, Champlain College executed an additional Memorandum of Understanding  
whereby Champlain College committed itself to working cooperatively with the City to coordinate its  
development of the Eagles Club site with City plans to develop the Browns Court parking lot site; and

WHEREAS, the City has had long standing plans to convert Browns Court to housing but has  
been unable to develop any particular project of its own; and

WHEREAS, given the current consensus for the need for new student housing and Champlain  
College's willingness to develop both the Eagle's Club site and the Brown's Court parking lot site as a  
single project which addresses that need and fits with the College's Master Plan; and

WHEREAS, Champlain College's project will preserve public parking at the site; and

WHEREAS, on June 27, 2013, Mayor Weinberger executed a Letter Agreement (attached hereto)  
with Champlain College which articulated intended terms and conditions for a proposed Purchase and  
Sale Agreement; and

PROPOSED CHAMPLAIN COLLEGE PURCHASE OF  
THE BROWNS COURT PARKING LOT SITE

WHEREAS, on July 15, 2013, Brian Pine, Assistant Director for Housing and Neighborhood

Revitalization at Burlington's Community and Economic Development Office and David J. Provost,  
Senior Vice President at Champlain College, as respective representatives of the parties to the proposed  
Purchase and Sale Agreement, presented to the City Council re same; and

WHEREAS, at its September 3, 2013 meeting, Board of Finance considered the above referenced  
proposed sale of the Brown's Court Parking Lot site and unanimously recommended that City Council  
authorize same;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the request by  
Champlain College to purchase the Brown's Court property located at St. Paul and King Streets,  
Burlington, Vermont, as a property requiring such approval pursuant to the 1994 Memorandum of  
Understanding referenced above; and

BE IT FURTHER RESOLVED that City Council hereby approves the terms and conditions for a  
Purchase and Sale Agreement and all necessary documents attendant thereto, which agreement and  
documents shall be in general conformance with the terms and conditions agreed to by the Mayor in the  
above-referenced June 27, 2013 Letter Agreement; and

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to execute said  
Purchase and Sale Agreement as well as all other necessary documents as above-referenced, subject to the  
review and approval of the City Attorney.



---

## COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

---

*Celebrating 30 Years ~ 1983-2013*

TO: City Council

FROM: Brian Pine, Assistant Director for Housing & Neighborhood Revitalization

DATE: September 4, 2013

RE: Sale of Browns Court municipal parking lot to Champlain College

Per the Letter Agreement between Champlain College and the City of Burlington dated June 25, 2013, we are seeking City Council approval to execute a Purchase and Sale Agreement (P&S) for the sale of the Browns Court parking lot to Champlain College. The Board of Finance unanimously voted to recommend approval of the attached resolution.

The City has negotiated to sell the property to Champlain College in accordance with the terms and provisions of this Agreement, to enable Champlain to combine the property with the former "Eagles Club" property, numbered 194 St. Paul Street, and to construct a redevelopment project on the combined properties, that strives to achieve the following goals and objectives:

- Develop apartment-style housing for Champlain College students;
- Realize the goals of the City's Municipal Development Plan and PlanBTV to significantly increase the supply of downtown housing;
- Enhance pedestrian activity along St. Paul Street with non-residential street-level uses, such as, but not limited to retail uses;
- Maintain for public use at least the same number of parking spaces currently available at the parking lot on the Property;
- Monetize an under-performing City asset for a price above fair market value as determined by 2 separate appraisals;
- Manage any on-site parking resources cooperatively with the City's parking management efforts, to the greatest extent possible in Champlain's sole discretion;
- Increase the grand list with private development on a property that is presently tax-exempt.

Key elements of the P&S include:

### **Purchase Price**

The purchase price to be paid by Champlain College to the City shall be One Million One Hundred Thousand and xx/100 U.S. Dollars (\$1,100,000.00).

### **Property Taxes**

Champlain shall be subject to property taxation at its full legally assessed value following acquisition, including its full assessed value upon construction completion.

### **Operation of Parking Lot**

Champlain agrees that the City will have the right to continue to use and operate the Property as a public parking lot after the Closing, and to retain all rents and income from such operations without any obligation to pay rent to Champlain, until Champlain commences excavation of the building foundation for the student housing project on the Property, which shall be upon at least thirty (30) days' notice to the City. During the period when the City is using the Property as a parking lot, Champlain will not be obligated to pay taxes on the Property, and the City will be responsible for all utility, plowing, landscaping and insurance expenses associated with such use.

### **Provision of Public Parking**

Champlain will maintain for public use at least the same number of parking spaces currently available at the Browns Court parking lot.

Although this issue is not addressed in the P&S Contract, it is worth noting that the subject parcel and the former Eagles Club are located in the Downtown TIF District. At this time, we do not anticipate making any infrastructure investments in the Champlain student housing financed with TIF revenue. However, members of the Board of Finance requested some discussion of the TIF implications, if any, for this project.

By State statute, when the City created the TIF District, the existing property values for all properties within the district were recorded; this is the Original Taxable Value (OTV). These properties already generate a certain amount of tax revenue for both the City and the Vermont Education Tax Fund. Revenues generated by the OTV on the former Eagles Club will continue to go to the taxing entities (City and State) throughout the life of the TIF district, but the municipal parking lot is tax-exempt so it has no OTV. As the property value increases as a result of the private development, so does tax revenue generated by the district as a whole - this increase is the increment.

For no more than 20 years, 75% of the incremental Vermont Education Fund and municipal property taxes generated by the private development pay down debt used to finance public infrastructure. The remaining 25% gets added to the Vermont Education Fund and the City General Fund. After a 20-year property tax retention period, 100% of the property taxes generated go to the taxing entities (City General Fund & VT Education Fund). The development planned by Champlain College on these parcels will add considerable increment to service TIF-related debt.

The attached resolution also contains language providing City Council approval for Champlain College to purchase property as per the 1994 Memorandum of Understanding between Champlain College and the City (attached). The MOU requires Champlain College to seek and receive City Council approval before purchasing properties outside delineated boundaries.

Please feel free to contact me if you wish to discuss this matter in advance of the September 9 meeting.

AUTHORIZATION TO ENTER INTO  
MEMORANDUM OF UNDERSTANDING WITH  
THE PARKS FOUNDATION OF BURLINGTON

In the year Two Thousand Thirteen.....  
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City of Burlington, through the work of the Parks Foundation Task Force and the Parks, Arts, and Culture Committee has determined that private philanthropy directed to the Department of Parks and Recreation will positively impact the Burlington community; and

WHEREAS, the Parks Foundation of Burlington, is a non-profit philanthropic organization expressly created to raise funds and provide financial support to the Parks and Recreation Department; and

WHEREAS, said private funds support, ultimate receipt of which shall be subject to the approval of the City, will give the Parks and Recreation Department the opportunity to accomplish more of its goals and mission than public funding currently allows; and

WHEREAS, the private nature of the Parks Foundation of Burlington also has the added advantage of providing dedicated donor services to the Parks and Recreation Department; and

WHEREAS, the City wishes to assist and enhance the operation of, and appropriately recognize, the Parks Foundation of Burlington; and

WHEREAS, the City wishes to support the fundraising activities of the Parks Foundation of Burlington and promote a positive relationship with its staff and volunteer members; and

WHEREAS, the City, through the Parks and Recreation Department, and in consultation with the Foundation, will be establishing the terms of the fund development program including naming agreements, necessary gifting amounts, length of memorialization, management of funds, plaque locations, and size for Foundation funded projects; and

WHEREAS, the City, through its Parks and Recreation Department, philosophically and by policy will not name any asset without the necessary monetary gift as detailed in the *Policies and Procedures Manual* of the *Fund Development Program* to be developed; and

WHEREAS, the Parks, Arts and Culture Committee met on August 21, 2013 and heard a presentation by representatives of the Parks Foundation of Burlington and the Department of Parks and

AUTHORIZATION TO ENTER INTO MEMORANDUM  
OF UNDERSTANDING WITH THE PARKS  
FOUNDATION OF BURLINGTON

Recreation and unanimously voted to support the Memorandum of Understanding between the two and this resolution; and

WHEREAS, the Parks Foundation of Burlington wishes to assure the City that it will operate effectively and responsibly and with the reasonable expectations of both public and private interests on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Director of the Parks and Recreation Department to execute a Memorandum of Understanding with the Parks Foundation of Burlington, in substantial conformance with the attached, and to carry out the City's obligations as defined therein.

	9/5/2013		
Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator			
Meeting Date	Type of Document	Action Requested	Return to Council
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
8/13/2012	Resolution: Strategic Plan Re Fiscal Health of the City	Board of Finance and the C/T Office will work to produce a strategic plan and present said plan to the Council in a worksession	1/7/13; 1/28/13
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	6/24/2013
1/7/2013	Resolution: Charter Change to Prohibit Assault Weapons and High Capacity Clips	Public Safety Committee to convene a series of public hearings and work together with the BSD, BPD, Howard Services and the State Attorney's Office and other relevant organizations to make our schools and City as safe as can be	not-specified
3/11/2013	Resolution: Commission and Board Appointment Process	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/11/2013	Resolution: Survey to Determine if Commissions and Boards are Functioning Optimally	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified
4/15/2013	Resolution: Proposed Amendments to Appendix B Rules and Regulations of The City Council	postpone action for now	post City Council Retreat
6/10/2013	Resolution: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012	have the Ordinance Committee review Attorney John Franco's issues	not-specified
6/24/2013	Communication: John L. Franco, Jr., re: CSM Trespass Authority Ordinance Opinion Supplement	referred to the Ordinance Committee	not-specified
6/24/2013	Communication: City Attorney Blackwood, re: Livable Wage Rates for FY 2014	referred to the Ordinance Committee	not-specified
7/15/2013	Ordinance: HOUSING - Sanitation	referred to the Ordinance Committee	not-specified
7/15/2013	Communication: UVM Housing Master Plan	referred to the Institution/Human Resources Committee	not-specified
7/15/2013	Communication: Richard Cate, UVM, re: COB and UVM MOU re: Zoning Amendments	referred to the Institution/Human Resources Committee	not-specified
8/12/2013	Ordinance: CDO Adaptive Reuse and Residential Bonuses ZA 13-11	referred to the Ordinance Committee	not-specified
8/12/2013	Communication: P & Z Director White, re: Proposed Zoning Amendment 13-11	referred to the Ordinance Committee	not-specified
8/12/2013	Ordinance: CDO Historic Building Materials ZA 13-12	referred to the Ordinance Committee	not-specified
8/12/2013	Communication: P & Z Director White, re: Proposed Zoning Amendment 13-12	referred to the Ordinance Committee	not-specified



<b>Meeting Date</b>	<b>Type of Document</b>	<b>Action Requested</b>	<b>Return to Council</b>
8/12/2013	Resolution: Adoption of Council Priorities for 2013 - 2014 Council Year	report back from the "Priorities Committee"	9/23/2013

Thirteen

SOLID WASTE GENERATION TAX--  
Taxes Imposed

That Chapter 14, Solid Waste, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 14-14, thereof to read as follows:

Sec. 14-14. - Solid waste generation tax.

(I) GENERAL PROVISIONS:

(a) *Title*. As written.

(b) *Purpose and authority*. As written.

(II) TAXES IMPOSED:

- (a) There is hereby imposed a tax upon the collection and removal of solid waste and the disposal of same by persons or agencies registered with the City of Burlington under BCO section 14-14(b) or licensed by any other government entity to collect or haul solid waste from within Burlington.
- (b) The tax shall be imposed upon solid waste haulers and collectors at the rate of three dollars and thirty five cents (\$3.35) ~~ten cents (\$3.10)~~ per month per residential dwelling unit served in Burlington.
- (c) Compliance required. It shall be unlawful for any person to transact or carry on any solid waste collecting or hauling business, occupation or activity within Burlington subject to the provisions of this section without complying with all applicable provisions herein.

Balance of section as written.

\* Material stricken out deleted.

\*\* Material underlined added.



Office of Planning  
645 Pine Street, Suite A  
Burlington, VT 05402  
802.863.9094 P / 802.863.0466 F  
802.863.0450 TTY  
[www.burlingtonvt.gov/DPW](http://www.burlingtonvt.gov/DPW)

## Memo

**Chapin Spencer**  
DIRECTOR OF PUBLIC WORKS

*Date: August 17, 2013*

*To: City Council*

*From: Nicole Losch, Transportation Planner*

*Cc: Laurie Adams, Assistant Director of Public Works  
Eugene Bergman, City Attorney*

*Subject: Solid Waste Collection Tax Increase Ordinance Amendment*

---

### Background

Chapter 14 of the City Ordinance regulates the collection and disposal of solid waste within the City of Burlington. Section 14-4 regulates the solid waste generation tax, which imposes a \$3.10 tax upon solid waste haulers and collectors per month per residential dwelling unit (RDU) served. Since 2002 the solid waste generation tax has been \$3.10.

During the FY2014 appropriation and budget process, the City Council approved a solid waste generation tax increase from \$3.10 per RDU to \$3.35 per RDU, effective July 1, 2013.

### Request

The Department of Public Works and the City Attorney's Office request Chapter § 14-4(2)(b) be amended to reflect the current solid waste generation tax, as shown in the attachment. We are requesting an expedited approval process to effectuate the change approved by City Council resolution from the June 24, 2013 meeting.

---

CEDO BUDGET ADJUSTMENT  
RE AMERICORPS FOR FY14

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Community and Economic Development Office (CEDO) FY14 budget requires an adjustment in order to incorporate a carryover of unspent FY13 AmeriCorps budgeted funds; and

WHEREAS, CEDO has made the following adjustments to its FY14 budget (with corresponding line items referenced as indicated):

Account Number	Account Name	Increase Expense (Decrease Revenue)	Increase Revenue (Decrease Expense)
301.31.301.302.2013.4875_165	AmeriCorps 2013 Grant Other Operating		39,588
301.31.301.302.2013.5000_100	Salaries	942	
301.31.301.302.2013.5200_115	Sick Bonus		(188)
301.31.301.302.2013.5400_100	FICA	72	
301.31.301.302.2013.5400_115	Retirement	87	
301.31.301.302.2013.5400_120	Worker's Compensation	28	
301.31.301.302.2013.5400_125	Health Ins		(11,232)
301.31.301.302.2013.5400_130	Dental Ins		(492)
301.31.301.302.2013.5400_135	Life Ins		(66)
301.31.301.302.2013.5400_145	Parking		(228)
301.31.301.302.2013.6000	Office Supplies	33	
301.31.301.302.2013.6005	Postage	75	
301.31.301.302.2013.6202	Printing/Copying/Paper Mgt	17	
301.31.301.302.2013.6500_161	Prof & Cons Member	50,540	

WHEREAS, the Board of Finance, at its meeting on September 3, 2013, reviewed and unanimously recommended that City Council approve the above-referenced transfer.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the above referenced CEDO FY14 budget adjustments.



## COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

*Celebrating 30 Years ~ 1983-2013*

TO: City Council  
FROM: Darlene Kehoe, Assistant Director for Finance  
DATE: September 4, 2013  
RE: FY14 Budget Amendment for 2013 AmeriCorps Grant

The Community & Economic Development Office (CEDO) respectfully requests approval to increase line items within our budget to account for anticipated expenditures through August 31, 2013.

The attached resolution contains the budget increases by line item category.

The AmeriCorps program runs from September 1 through August 31 of each year. The AmeriCorps amendment is requested to reflect actual expenditures that occurred during July and August 2013 to close out the program.

The net effect of the adjustment is an increase in revenue of \$39,588 with offsetting increase in expenditures. The position was originally budgeted for the entire year full-time with benefits. Under direction from the CT Office, the position should have been budgeted for the final two months of the grant with a budget amendment to be prepared when the new award is finalized. The salary was subsequently adjusted for two months; however the insurances were not adjusted accordingly. This created a reduction in expenditures for these line items.

Please contact me if you have any questions (865-7175). Thank you.

Cc: Peter Owens, Director  
Richard Goodwin, Assistant CAO

**AUTHORIZATION OF BURLINGTON ELECTRIC  
DEPARTMENT FOR RENEWAL OF CONTRACT FOR  
PROPERTY/BOILER AND MACHINERY INSURANCE- 2013**

In the year Two Thousand Thirteen

Resolved by the City Council of the City of Burlington, as follows:

That, WHEREAS, the Burlington Electric Department's ("BED") Property/Boiler and Machinery ("B&M") Insurance is due for renewal by October 1, 2013; and

WHEREAS, BED has negotiated with its incumbent Property/B&M Insurance Carrier, NU/CHARTIS/AIG, a price of two hundred twenty-eight thousand two-hundred and sixty dollars (\$228,260) ("the Quoted Price") for said renewal of its Property/B&M Insurance (i.e., for the policy year of October 1st 2013 through October 1st, 2014); recognizing that this quoted price includes all sub-limits that are at or exceed last year's levels, and in addition raises the Total Insurable Value (TIV) from last year's \$230,060,000 to this year's \$248,460,000 of listed property,

NOW THEREFORE BE IT RESOLVED, that Barbara Grimes, BED General Manager, or her designee, be and hereby is authorized to renew BED's Property/B&M Insurance on behalf of BED for the period 10/1/2013 through 10/1/2014 for the total price \$228,260, with its incumbent Property/B&M Insurance Carrier NU/CHARTIS/AIG, subject to the final approval of the Chief Administrative Officer, in consultation with BED, and to execute any documents necessary for said renewal, all subject to final review and approval by the City Attorney and Chief Administrative Officer, as necessary.

NAME/PURPOSE OF CONTRACT: Property/Boiler and Machinery Insurance

ADMINISTERING DEPARTMENT: Burlington Electric Department

CONTRACT TERM: October 2013 – October 2014

SOURCE OF FUNDS: Burlington Electric Department

Fiscal Year: 2014

Account Name: RC 78

Account Number: 1011078600 3400/101 0000 646 9900



## MEMORANDUM

TO: Burlington Board of Finance (BOF)  
Burlington City Council (BCC)  
Board of Electric Commissioners (BEC)

FROM: Paul G. Alexander, Manager of Risk Management & Governmental Affairs

DATE: August 28th, 2013

SUBJECT: **B.E.D.'s Property/Boiler and Machinery (B&M) Insurance renewal**

### Recommendation:

That the Burlington Finance Board, City Council and Electric Commissioners authorize the Electric Department to renew our Property/B&M Insurance with NU/Chartis/AIG.

### Discussion:

Our current Property/B&M Insurance coverage with NU/Chartis/AIG is scheduled to expire on 10/1/2013 for which we currently pay a premium of \$202,000. Through our broker/agent (Paul Plunkett of Hickok & Boardman) we have been in the process of securing bids from major carriers AIG, Chubb and Liberty Mutual (see attached pdf's *H&Bcovlet2013* and *H&Bcomp2013*). Of the responses, the incumbent carrier (AIG) is offering by far the best terms. Their quote of \$228,260 is **13.0%** higher compared to last year's premium with the same sub-limits and deductibles and **5.1%** higher compared to what was estimated in the FY'14 budget (\$217,150). Chubb's quote was \$273,306 and Liberty Mutual indicated that could not compete with either AIG or Chubb on price. Our Property total insurance value (TIV) of \$248,460,000 is **8.00%** higher compared to last year's \$230,060,000 TIV, and AIG's very competitive rate of \$.0919 per \$100 of TIV (vs. last year's \$0.0878) accounts for the remaining **4.63%** of the total 13.0% premium increase (see attached *PROP Prem History 2013.xlsx*). In summary, we are seeking approval to bind this coverage with NU/Chartis/AIG at a price of \$228,260.

### Impact on Budget:

Our FY'14 budgeted amount of \$213,363 (produced in January 2013) was calculated using 3 months at the "current/known" premium amount (\$202,000) and 9 months at the projected amount (\$217,150) which was at the **estimated 7.5% increase** over the known amount of \$202,000. Please note our insurance policy period is from 10/1/13 to 10/1/14, whereas our fiscal year period is from 7/1/13 through 6/30/14.

Respectfully submitted,

Paul G. Alexander, CPCU, ARM-P  
Manager of Risk Management & Governmental Affairs

c: Barbara Grimes, General Manager



**Hickok & Boardman, Inc.**  
INSURANCE

*"Here when you need us."*

August 19, 2013

Mr. Paul G. Alexander, CPCU  
Manager of Risk Management and Governmental Affairs  
Burlington Electric Department  
585 Pine Street  
Burlington, VT 05401

RE: Burlington Electric Department's Property Insurance Renewal

Dear Paul:

Attached is the spreadsheet comparing the current policy term to the renewal term effective October 1, 2013 to October 1, 2014. I have also included for your review and use a copy of our "marketing comparison".

Due to the impact to the property insurance market centered around weather related claim activity over the last twenty-four months, it was an ideal time to bring Burlington Electric Department's property insurance coverage's to market. We submitted all of Burlington Electric Department's pertinent property underwriting information to AIG (BED's current insurer), Chubb Insurance Energy Underwriting Division, as well as Liberty Mutual Insurance Energy Underwriting Division to facilitate a competitive bid of Burlington Electric Departments Property Insurance Exposures.

AIG Insurance Company responded with the most competitive renewal bid for the new annual policy term (10-1-2013 to 10-1-2014) at \$228,260. Chubb Insurance Company submitted an annual premium bid of \$273,306 and Liberty Mutual Insurance Company submitted a response indicating that they would be uncompetitive in pricing with both AIG and Chubb Insurance. They did not specifically define a premium in their response.

AIG's renewal premium of \$228,260, constitutes a 4.63% rate increase over the prior policy term. This combined with a increase in property values, as submitted by Burlington Electric Department, of 8% produced an increase in premium, over the prior policy term, of 13%.

The 4.63% rate increase is still well below the current property insurance market rate increases of between 10% and 25%. This is primarily due to Burlington Electric Departments excellent claims history and to the longevity of the relationship between AIG and Burlington Electric Department.

*In Alliance with The Hickok & Boardman Network of Companies*

346 Shelburne Road PO Box 1064 Burlington, VT 05402-1064  
(802) 658-3500 (802) 658-0541 fax 1-800-639-1655 [www.hbinsurance.com](http://www.hbinsurance.com)





**Hickok & Boardman, Inc.**  
INSURANCE

*"Here when you need us!"*

Should you have any questions regarding the Property Insurance renewal offering to Burlington Electric Department from AIG, please do not hesitate to contact me.

Sincerely,

Paul E. Plunkett, CIC  
Senior Vice President/Principal  
Hickok & Boardman, Inc,

*In Alliance with The Hickok & Boardman Network of Companies*

## City of Burlington Electric Department Property Comparison

		2012-2013	2013-2014	% Change
		Amount or Rate:	Amount or Rate:	
<b>COMMERCIAL PROPERTY</b>				
<b>I. Property Limit</b>				
	<i>Total Insurable Value</i>	230,060,000	248,460,000	8.00%
	<i>Rate</i>	230,060,000	248,460,000	8.00%
		0.0878	0.0919	4.63%
<b>II. Coverage Sub-Limits</b>				
	<i>Railcars</i>	2,348,000	2,345,000	-0.13%
	<i>Trestle</i>	2,040,000	2,104,000	3.14%
<b>Commercial Property Premium</b>		<b>202,000</b>	<b>228,260</b>	<b>13.00%</b>
			<i>Premium is subject to home office approval</i>	

**City of Burlington Electric Department**  
**Property**  
**MARKETING COMPARISON 2013**

COVERAGE	EXPIRING (AIG)	RENEWAL (AIG)	QUOTE (Chubb)	QUOTE (Liberty)
Commerical Property	\$202,000	\$228,260	\$273,306	Unable to compete at current premium level
			indication based on review of exposures	
AM Best Rating	A	A	A+	A
Limit	230,060,000	248,460,000	248,460,000	248,460,000



Updated as of 8/19/2013



**BURLINGTON ELECTRIC DEPARTMENT**  
**Property/B&M Insurance Policies**  
**Premium/TIV History**  
**8/22/2013**

POLICY PERIOD:															
#:	Carrier	Broker/ Agent	From mm	dd	yyyy	To mm	dd	yyyy	Actual Premium	Annual Premium	Annual % Chg	Total Insurable Values	TIV Change	Price per \$100 TIV	Price per \$100 TIV: Cap
1	NU/Chartis/AIG	H&B	10	1	2013	10	1	2014	\$228,260	\$228,260	13.00%	\$248,460,000	8.00%	\$0.0919	n/a
2	NU/Chartis/AIG	H&B	10	1	2012	10	1	2013	\$202,000	\$202,000	11.13%	\$230,060,000	3.55%	\$0.0878	n/a
3	NU/Chartis <sup>(3)</sup> <sup>(4)</sup>	H&B	9	25	2011	10	1	2012	\$184,750	\$181,762	2.69%	\$222,183,000	5.14%	\$0.082	n/a
4	NU/Chartis/AIG <sup>(2)</sup>	GRA	8	25	2010	9	25	2011	\$191,750	\$177,000	-6.8%	\$211,323,000	0.47%	\$0.084	\$0.089
5	NU/Chartis/AIG <sup>(1)</sup>	GRA	8	25	2009	8	25	2010	\$190,000	\$190,000	18.4%	\$210,339,000	18.66%	\$0.090	\$0.095
6	HS&B/AIG	GRA	8	25	2008	8	25	2009	\$160,420	\$160,420	-8.3%	\$177,259,000	7.66%	\$0.091	n/a
7	HS&B/AIG	GRA	8	25	2007	8	25	2008	\$175,000	\$175,000	-2.5%	\$164,645,000	7.05%	\$0.106	n/a
8	HS&B/AIG	GRA	8	25	2006	8	25	2007	\$179,500	\$179,500	-13.3%	\$153,799,000	6.29%	\$0.117	n/a
9	Starr Tech/HS&B/AIG	GRA	8	25	2005	8	25	2006	\$207,000	\$207,000	-8.0%	\$144,695,000	0.86%	\$0.143	n/a
10	Starr Tech/HS&B/AIG	GRA	8	25	2004	8	25	2005	\$225,000	\$225,000	-4.3%	\$143,460,000	3.55%	\$0.157	n/a
11	Starr Tech/HS&B/AIG	GRA	8	25	2003	8	25	2004	\$235,000	\$235,000	27.0%	\$138,539,000	n/a	\$0.170	n/a
12	Starr Tech/HS&B/AIG	GRA	8	25	2002	8	25	2003	\$185,000	\$185,000	5.7%				
13	FM Global	GRA	8	25	2001	8	25	2002	\$175,000	\$175,000	146.1%				
14	CIGNA/ACE USA	GRA	8	25	1998	8	25	2001	\$213,353	\$71,118	-24.2%				
15	CIGNA	GRA	8	25	1995	8	25	1998	\$281,291	\$93,764	-6.9%				
16	HS&B	SS	1	20	1995	1	20	1996	\$100,720	\$100,720	10.4%				
17	HS&B	SS	1	20	1994	1	20	1995	\$91,244	\$91,244	n/a				

Note: AIG sold HS&B to Munich Re in December, 2008  
AIG renamed P/C business as "Chartis" on July 27, 2009

GRA=Global Risk Associates  
SS=Starkweather & Shepley: NEPPA  
H&B=Hickok & Boardman, Inc.

- <sup>(1)</sup> TIV was limited to \$200,000,000 coverage on 8/25/09
- <sup>(2)</sup> Policy period extended to 13 months at same rate (now expires on 9/25/11)
- <sup>(3)</sup> Policy period extended by 6 days to 10/1 (now expires on 10/1/12)
- <sup>(4)</sup> TIV back to full limits (\$222,183,000 on 9/25/11)

	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	GENERAL FUND REVENUE AND EXPENDITURES														
2	For the Month of July 2013														
3	Detailed General Ledger Not Included This Month														
6															
7															
8															
9	Revenue														
10		101 - General Fund	-	-	0.0%	-	-								
11		101-00 - General Fund-Non-Departmental	41,606,343	1,787,410	4.3%	(39,818,933)	1,787,410								
12		101-04-000 - General Fund-Clerk/Treasurer-Admin	2,531,037	44,490	1.8%	(2,486,547)	44,490								
13		101-05-000 - General Fund-City Attorney-Admin	200,000	-	0.0%	(200,000)	-								
14		101-06-000 - General Fund-Planning and Zoning-Admin	486,234	36,241	7.5%	(449,993)	36,241								
15		101-07-000 - General Fund-City Assessor-Admin	94,100	-	0.0%	(94,100)	-								
16		101-08-000 - General Fund-Human Resources-Admin	-	-	0.0%	-	-								
17		101-15-000 - General Fund-Fire-Admin	889,000	-	0.0%	(889,000)	-								
18		101-15-041 - General Fund-Fire-Emergency Medical Services	-	-	0.0%	-	-								
19		101-15-042 - General Fund-Fire-Fire Protection	300,000	-	0.0%	(300,000)	-								
20		101-15-044 - General Fund-Fire-Grants	77,763	-	0.0%	(77,763)	-								
21		101-17-000 - General Fund-Police-Admin	-	-	0.0%	-	-								
22		101-17-044 - General Fund-Police-Grants	432,237	-	0.0%	(439,970)	-								
23		101-17-050 - General Fund-Police-Police Uniform Services	590,200	-	0.0%	(590,200)	-								
24		101-17-051 - General Fund-Police-Airport Security	1,142,270	-	0.0%	(1,142,270)	-								
25		101-17-052 - General Fund-Police-Dispatch and Communications	40,000	-	0.0%	(40,000)	-								
26		101-17-053 - General Fund-Police-Parking Enforcement	1,436,100	6,322	0.4%	(1,429,779)	6,322								
27		101-19-000 - General Fund-Public Works-Admin	495,450	1,106	0.2%	(494,344)	1,106								
28		101-19-150 - General Fund-Public Works-Engineering	862,293	-	0.0%	(862,293)	-								
29		101-19-151 - General Fund-Public Works-Equipment Maintenance	1,958,039	1,512	0.1%	(1,956,527)	1,512								
30		101-19-152-480 - General Fund-Public Works-Streets-Snow Removal	215,000	-	0.0%	(215,000)	-								
31		101-19-152-481 - General Fund-Public Works-Streets-Street Maintenance	1,168,920	90,185	7.7%	(1,078,735)	90,185								
32		101-19-152-482 - General Fund-Public Works-Streets-Street Concrete	815,000	-	0.0%	(815,000)	-								
33		101-19-153 - General Fund-Public Works-Recycling	511,200	720	0.1%	(510,480)	720								
34		101-19-154 - General Fund-Public Works-Inspection Services	720,000	52,864	7.3%	(667,136)	52,864								
35		101-19-155 - General Fund-Public Works-Central Facility	247,140	-	0.0%	(247,140)	-								
36		101-20-000 - General Fund-Code Enforcement-Admin	1,043,350	6,709	0.6%	(1,036,641)	6,709								
37		101-21-060 - General Fund-Fletcher Free Library-General Services	138,100	594	0.4%	(137,506)	594								
38		101-21-061 - General Fund-Fletcher Free Library-Summer Reading Program	15,000	-	0.0%	(15,000)	-								
39		101-21-062 - General Fund-Fletcher Free Library-English as a Second language	6,500	-	0.0%	(6,500)	-								
40		101-23-000-000 - General Fund-Parks and Recreation-Admin-Administration	25,000	50	0.2%	(24,950)	50								
41		101-23-100-000 - General Fund-Parks and Recreation-Parks-Administration	25,000	1,160	4.6%	(23,840)	1,160	Revenue							
42		101-23-100-235 - General Fund-Parks and Recreation-Parks-Grounds Maintenance	24,500	-	0.0%	(24,500)	-	-	Anecdotal evidence is that we are up from year over year totals FY13-FY14						
43		101-23-100-236 - General Fund-Parks and Recreation-Parks-Buildings Maintenance	10,000	-	0.0%	(10,000)	-	-	Our New World reports are not up to date as much of our FY14 revenue has not been posted yet making additional predictions difficult						
44		101-23-100-237 - General Fund-Parks and Recreation-Parks-Trees & Greenways	23,000	-	0.0%	(23,000)	-	-	Numbers for Champ Camp and other Rec Summer Camp programs are up over last year						
45		101-23-100-238 - General Fund-Parks and Recreation-Parks-Community Gardens	23,000	117	0.5%	(22,883)	117	-	Despite the rain the campground and marina are making up ground at the end of the month						
46		101-23-100-239 - General Fund-Parks and Recreation-Parks-Cemeteries	131,200	8,580	6.5%	(122,620)	8,580								
47		101-23-101-000 - General Fund-Parks and Recreation-Recreation-Administration	49,000	9,023	18.4%	(39,977)	9,023								
48		101-23-101-245 - General Fund-Parks and Recreation-Recreation-Recreation Programs	397,900	80,955	20.3%	(316,945)	80,955								
49		101-23-101-246 - General Fund-Parks and Recreation-Recreation-Events	93,000	14,413	15.5%	(78,587)	14,413								
50		101-23-101-247 - General Fund-Parks and Recreation-Recreation-Bus Operations	5,000	-	0.0%	(5,000)	-								
51		101-23-101-248 - General Fund-Parks and Recreation-Recreation-Athletic Programs	110,000	4,244	3.9%	(105,757)	4,244								
52		101-23-103-255 - General Fund-Parks and Recreation-Facilities-Leddy Arena	617,000	20,488	3.3%	(596,512)	20,488								
53		101-23-103-256 - General Fund-Parks and Recreation-Facilities-Memorial Auditorium	205,400	5,592	2.7%	(199,809)	5,592								
54		101-23-103-257 - General Fund-Parks and Recreation-Facilities-North Beach	536,500	55,804	10.4%	(480,696)	55,804								
55		101-23-103-258 - General Fund-Parks and Recreation-Facilities-Waterfront	1,149,800	67,952	5.9%	(1,081,848)	67,952								
56		101-23-103-259 - General Fund-Parks and Recreation-Facilities-Miller Center	95,500	8,714	9.1%	(86,786)	8,714								
57		101-23-103-260 - General Fund-Parks and Recreation-Facilities-Public Buildings	36,500	-	0.0%	(36,500)	-								
58		101-27-000-000 - General Fund-Burlington City Arts-Admin-Administration	-	-	0.0%	-	-								
59		101-27-000-050 - General Fund-Burlington City Arts-Admin-Marketing	-	-	0.0%	-	-								

[illegible]

[illegible]

	B	C	D	E	F	G	H	I
1	CHURCH STREET - REVENUE AND EXPENDITURES							
2	For the Month of July 2013							
4	Detailed General Ledger Not Included This Month							
5	230 Church Street Marketplace							
6								
7								
8								
9	Revenue							
10								
11								
12								
13	Revenue Total							
14								
15								
16	Expenses							
17								
18								
19								
20	Expenses Total							
21								
22								





	B	C	D	E	F	G	H	I
1	301 CEDO	CEDO - REVENUE AND EXPENDITURES						
2		For the Month of July 2013						
3		Detailed General Ledger Not Included This Month						
4								
5								
6								
7	Revenue	Organizational Set	FY14 - Total Budget with any budget amendments	FY14 - YTD Received	% of Budget Received	Remaining to be Collected YTD \$(+/-)	FY14 - Received in July	Memo
8								Department Report:
9								No other expenditure and revenue issues identified for Ju
10		301-31-000 - CEDO-CEDO-Admin	550,275	-	0.0%	(550,275)	-	Revenues will be allocated in August
11		301-31-301-300 - CEDO-CEDO-Community Development-CDBG	0	-	0.0%	-		
12		301-31-301-301 - CEDO-CEDO-Community Development-Neighborhood Support Services	0	-	0.0%	-		
13		301-31-301-302 - CEDO-CEDO-Community Development-AmeriCorps	0	-	0.0%	-		
14		301-31-301-302-2012 - CEDO-CEDO-Community Development-AmeriCorps-2012	0	-	0.0%	-		
15		301-31-301-302-2013 - CEDO-CEDO-Community Development-AmeriCorps-2013	29,458	-	0.0%	(29,458)	-	
16		301-31-301-303 - CEDO-CEDO-Community Development-Cost Share	5,980	5,000	83.6%	(980)	5,000	
17		301-31-301-320 - CEDO-CEDO-Community Development-CDBG - Admin	361,273	-	0.0%	(361,273)	-	
18		301-31-301-321-2011 - CEDO-CEDO-Community Development-CDBG - Brownfields-2011	0	-	0.0%	-		
19		301-31-301-321-2012 - CEDO-CEDO-Community Development-CDBG - Brownfields-2012	0	-	0.0%	-		
20		301-31-301-321-2013 - CEDO-CEDO-Community Development-CDBG - Brownfields-2013	45,000	-	0.0%	(45,000)	-	
21		301-31-301-322-2011 - CEDO-CEDO-Community Development-CDBG - Micro Enterprise-2011	0	-	0.0%	-		
22		301-31-301-322-2012 - CEDO-CEDO-Community Development-CDBG - Micro Enterprise-2012	0	-	0.0%	-		
23		301-31-301-322-2013 - CEDO-CEDO-Community Development-CDBG - Micro Enterprise-2013	137,000	-	0.0%	(137,000)	-	
24		301-31-301-323-2011 - CEDO-CEDO-Community Development-CDBG - Economic Development-2011	0	-	0.0%	-		
25		301-31-301-323-2012 - CEDO-CEDO-Community Development-CDBG - Economic Development-2012	0	-	0.0%	-		
26		301-31-301-323-2013 - CEDO-CEDO-Community Development-CDBG - Economic Development-2013	60,000	-	0.0%	(60,000)	-	
27		301-31-301-324-2010 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2010	0	-	0.0%	-		
28		301-31-301-324-2011 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2011	0	-	0.0%	-		
29		301-31-301-324-2012 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2012	0	-	0.0%	-		
30		301-31-301-324-2013 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2013	203,049	-	0.0%	(203,049)	-	
31		301-31-301-325-2009 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2009	0	-	0.0%	-		
32		301-31-301-325-2010 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2010	0	-	0.0%	-		
33		301-31-301-325-2011 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2011	0	-	0.0%	-		
34		301-31-301-325-2012 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2012	0	-	0.0%	-		
35		301-31-301-325-2013 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2013	111,877	-	0.0%	(111,877)	-	
36		301-31-301-326 - CEDO-CEDO-Community Development-HUD	0	-	0.0%	-		
37		301-31-305-315 - CEDO-CEDO-Housing-HOME	324,775	-	0.0%	(324,775)	-	
38		301-31-305-316 - CEDO-CEDO-Housing-Burlington Housing Trust	283,320	-	0.0%	(283,320)	-	
39		301-31-305-317 - CEDO-CEDO-Housing-Lead	1,219,450	-	0.0%	(1,219,450)	-	
40		301-31-315 - CEDO-CEDO-Community Justice	0	-	0.0%	-		
41		301-31-315-360 - CEDO-CEDO-Community Justice-Safer Communities	306,650	-	0.0%	(306,650)	-	
42		301-31-315-361 - CEDO-CEDO-Community Justice-General	22,500	200	0.9%	(22,300)	200	
43		301-31-315-362 - CEDO-CEDO-Community Justice-VOCA/PJ	117,000	-	0.0%	(117,000)	-	

	B	C	D	E	F	G	H	I
1		CEDO - REVENUE AND EXPENDITURES						
2		For the Month of July 2013						
3		Detailed General Ledger Not Included This Month						
4								
5	301 CEDO							
6								
7			FY14 - Total Budget with any budget amendments	FY14 - YTD Received	% of Budget Received	Remaining to be Collected YTD \$(+/-)	FY14 - Received in July	Memo
8		Organizational Set						
44								Department Report:
45		301-31-315-363 - CEDO-CEDO-Community Justice-2nd Chance COSA	0	-	0.0%	-	-	
46		301-31-315-364 - CEDO-CEDO-Community Justice-RICC	22,000	-	0.0%	(22,000)	-	
47		301-31-315-365 - CEDO-CEDO-Community Justice-Graffiti Coordinator	35,000	-	0.0%	(35,000)	-	
48		301-31-315-366 - CEDO-CEDO-Community Justice-2nd Chance - HC MEND	0	-	0.0%	-		
49		301-31-315-367-2009 - CEDO-CEDO-Community Justice-JAG-2009	0	-	0.0%	-		
50		301-31-315-367-2010 - CEDO-CEDO-Community Justice-JAG-2010	0	-	0.0%	-		
51		301-31-315-367-2011 - CEDO-CEDO-Community Justice-JAG-2011	0	-	0.0%	-		
52		301-31-315-367-2012 - CEDO-CEDO-Community Justice-JAG-2012	9,145	-	0.0%	(9,145)	-	
53		301-31-315-368-2011 - CEDO-CEDO-Community Justice-CJC-2011	0	-	0.0%	-		
54		301-31-330-340 - CEDO-CEDO-Special Projects-Legacy	0	-	0.0%	-		
55		301-31-330-341 - CEDO-CEDO-Special Projects-Legacy SEIP	0	-	0.0%	-		
56		301-31-330-342 - CEDO-CEDO-Special Projects-EPA - Brownfield	100,000	-	0.0%	(100,000)	-	
57		301-31-330-343 - CEDO-CEDO-Special Projects-Battlefield	5,316	2,351	44.2%	(2,965)	2,351	
58		301-31-330-344 - CEDO-CEDO-Special Projects-Micro-Enterprise	0	-	0.0%	-		
59	Revenue Total	301-31-330-345 - CEDO-CEDO-Special Projects-Legacy _ ECOS	0	-	0.0%	-		
60			3,949,068	7,551	0.2%	(3,941,517)	7,551	
61								
62	Expenses		FY14 - Total Budget with any budget amendments	FY14 - YTD Expended	% of Budget Expended	Remaining to be Expended YTD \$(+/-)	FY14 - Expended in July	
63		301-31-000 - CEDO-CEDO-Admin	713,965	126,811	17.8%	(587,154)	126,811	In August Expenses are allocated
64		301-31-301-300 - CEDO-CEDO-Community Development-CDBG	0	-	0.0%	-		
65		301-31-301-301 - CEDO-CEDO-Community Development-Neighborhood Support Services	92,331	-	0.0%	(92,331)	-	
66		301-31-301-302 - CEDO-CEDO-Community Development-AmeriCorps	0	-	0.0%	-		
67		301-31-301-302-2012 - CEDO-CEDO-Community Development-AmeriCorps-2012	0	-	0.0%	-		
68		301-31-301-302-2013 - CEDO-CEDO-Community Development-AmeriCorps-2013	29,458	-	0.0%	(29,458)	-	
69		301-31-301-303 - CEDO-CEDO-Community Development-Cost Share	5,980	23	0.4%	(5,957)	23	
70		301-31-301-320 - CEDO-CEDO-Community Development-CDBG - Admin	361,273	249	0.1%	(361,024)	249	
71		301-31-301-321-2011 - CEDO-CEDO-Community Development-CDBG - Brownfields-2011	0	-	0.0%	-		
72		301-31-301-321-2012 - CEDO-CEDO-Community Development-CDBG - Brownfields-2012	0	-	0.0%	-		
73		301-31-301-321-2013 - CEDO-CEDO-Community Development-CDBG - Brownfields-2013	45,000	-	0.0%	(45,000)	-	
74		301-31-301-322-2011 - CEDO-CEDO-Community Development-CDBG - Micro Enterprise-2011	0	-	0.0%	-		

	B	C	D	E	F	G	H	I
1	301 CEDO	CEDO - REVENUE AND EXPENDITURES						
2		For the Month of July 2013						
3		Detailed General Ledger Not Included This Month						
4								
5								
6								
7		<b>Organizational Set</b>	<b>FY14 - Total Budget with any budget amendments</b>	<b>FY14 - YTD Received</b>	<b>% of Budget Received</b>	<b>Remaining to be Collected YTD \$(+/-)</b>	<b>FY14 - Received in July</b>	<b>Memo</b>
8								Department Report:
75		301-31-301-322-2012 - CEDO-CEDO-Community Development-CDBG - Micro Enterprise-2012	0	-	0.0%	-		
76		301-31-301-322-2013 - CEDO-CEDO-Community Development-CDBG - Micro Enterprise-2013	137,000	-	0.0%	(137,000)	-	
77		301-31-301-323-2011 - CEDO-CEDO-Community Development-CDBG - Economic Development-2011	0	-	0.0%	-		
78		301-31-301-323-2012 - CEDO-CEDO-Community Development-CDBG - Economic Development-2012	0	-	0.0%	-		
79		301-31-301-323-2013 - CEDO-CEDO-Community Development-CDBG - Economic Development-2013	60,000	-	0.0%	(60,000)	-	
80		301-31-301-324-2010 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2010	0	-	0.0%	-		
81		301-31-301-324-2011 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2011	0	-	0.0%	-		
82		301-31-301-324-2012 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2012	0	-	0.0%	-		
83		301-31-301-324-2013 - CEDO-CEDO-Community Development-CDBG - Housing Initiative Prog-2013	203,049	-	0.0%	(203,049)	-	
84		301-31-301-325-2009 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2009	0	-	0.0%	-		
85		301-31-301-325-2010 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2010	0	-	0.0%	-		
86		301-31-301-325-2011 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2011	0	-	0.0%	-		
87		301-31-301-325-2012 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2012	0	-	0.0%	-		
88		301-31-301-325-2013 - CEDO-CEDO-Community Development-CDBG - Neighborhood Revital-2013	111,877	-	0.0%	(111,877)	-	
89		301-31-301-326 - CEDO-CEDO-Community Development-HUD	0	-	0.0%	-		
90		301-31-305-315 - CEDO-CEDO-Housing-HOME	324,775	-	0.0%	(324,775)	-	
91		301-31-305-316 - CEDO-CEDO-Housing-Burlington Housing Trust	283,320	12,500	4.4%	(270,820)	12,500	
92		301-31-305-317 - CEDO-CEDO-Housing-Lead	1,219,450	34,525	2.8%	(1,184,925)	34,525	
93		301-31-315 - CEDO-CEDO-Community Justice	0	-	0.0%	-		
94		301-31-315-360 - CEDO-CEDO-Community Justice-Safer Communities	306,650	-	0.0%	(306,650)	-	
95		301-31-315-361 - CEDO-CEDO-Community Justice-General	22,500	110	0.5%	(22,390)	110	
96		301-31-315-362 - CEDO-CEDO-Community Justice-VOCA/PJ	117,000	-	0.0%	(117,000)	-	
97		301-31-315-363 - CEDO-CEDO-Community Justice-2nd Chance COSA	0	-	0.0%	-		
98		301-31-315-364 - CEDO-CEDO-Community Justice-RICC	22,000	-	0.0%	(22,000)	-	
99		301-31-315-365 - CEDO-CEDO-Community Justice-Graffiti Coordinator	35,000	-	0.0%	(35,000)	-	
100		301-31-315-366 - CEDO-CEDO-Community Justice-2nd Chance - HC MEND	0	-	0.0%	-		
101		301-31-315-367-2009 - CEDO-CEDO-Community Justice-JAG-2009	0	-	0.0%	-		
102		301-31-315-367-2010 - CEDO-CEDO-Community Justice-JAG-2010	0	-	0.0%	-		
103		301-31-315-367-2011 - CEDO-CEDO-Community Justice-JAG-2011	0	-	0.0%	-		
104		301-31-315-367-2012 - CEDO-CEDO-Community Justice-JAG-2012	9,145	-	0.0%	(9,145)	-	
105		301-31-315-368-2011 - CEDO-CEDO-Community Justice-CJC-2011	0	-	0.0%	-		
106		301-31-330-340 - CEDO-CEDO-Special Projects-Legacy	0	-	0.0%	-		
107		301-31-330-341 - CEDO-CEDO-Special Projects-Legacy SEIP	35,000	-	0.0%	(35,000)	-	
108		301-31-330-342 - CEDO-CEDO-Special Projects-EPA - Brownfield	100,000	-	0.0%	(100,000)	-	
109		301-31-330-343 - CEDO-CEDO-Special Projects-Battlefield	5,316	-	0.0%	(5,316)	-	



	B	C	D	E	F	G	H	I
1	WATER - WASTEWATER REVENUE AND EXPENDITURES							
2	For the Month of July 2013							
3	Detailed General Ledger Not Included This Month							
4								
5								
6								
7		Organizational Set	FY14 - Total Budget with any budget amendments	FY14 - YTD Received	% of Budget Received	Remaining to be Collected YTD \$(+/-)	FY14 - Received in July	Memo
8								Department Report:
9	Revenue							No expenditure and revenue issues identified for July
10		460-19-400-000 - Water-Public Works-Water-Administration	5,645,233	-	0.0%	(5,645,233)	-	
11		460-19-400-410 - Water-Public Works-Water-Production	2,000	-	0.0%	(2,000)	-	
12		460-19-400-411 - Water-Public Works-Water-Distribution	379,000	-	0.0%	(379,000)	-	
13		460-19-400-412 - Water-Public Works-Water-Metering	30,000	-	0.0%	(30,000)	-	
14		480-19-425-000 - Wastewater-Public Works-Wastewater-Administration	7,753,382	-	0.0%	(7,753,382)	-	
15		480-19-425-430 - Wastewater-Public Works-Wastewater-Main Plant	200,000	-	0.0%	(200,000)	-	
16		480-19-425-431 - Wastewater-Public Works-Wastewater-North Plant	74,000	-	0.0%	(74,000)	-	
17		480-19-425-432 - Wastewater-Public Works-Wastewater-East Plant	40,000	-	0.0%	(40,000)	-	
18	Revenue Total		14,123,615	-	0.0%	(14,123,615)	-	
19								
20	Expenses		FY14 - Total Budget with any budget amendments	FY14 - YTD Expended	% of Budget Expended	Remaining to be Expended YTD \$(+/-)	FY14 - Expended in July	
21		460-19-400-000 - Water-Public Works-Water-Administration	1,720,929	2,319	0.1%	(1,718,610)	2,319	
22		460-19-400-410 - Water-Public Works-Water-Production	1,788,560	55,857	3.1%	(1,732,703)	55,857	
23		460-19-400-411 - Water-Public Works-Water-Distribution	1,505,055	31,421	2.1%	(1,473,634)	31,421	
24		460-19-400-412 - Water-Public Works-Water-Metering	352,814	18,830	5.3%	(333,984)	18,830	
25		460-19-400-413 - Water-Public Works-Water-Billing	174,422	4,850	2.8%	(169,572)	4,850	
26		480-19-425-000 - Wastewater-Public Works-Wastewater-Administration	4,382,681	10,771	0.2%	(4,371,910)	10,771	
27		480-19-425-430 - Wastewater-Public Works-Wastewater-Main Plant	2,419,082	43,155	1.8%	(2,375,927)	43,155	
28		480-19-425-431 - Wastewater-Public Works-Wastewater-North Plant	381,564	12,521	3.3%	(369,043)	12,521	
29		480-19-425-432 - Wastewater-Public Works-Wastewater-East Plant	503,846	16,764	3.3%	(487,082)	16,764	
30		480-19-425-433 - Wastewater-Public Works-Wastewater-Pump Stations	188,569	8,897	4.7%	(179,672)	8,897	
31	Expenses Total		13,417,522	205,387	1.5%	(13,212,135)	205,387	
32								
33								

# BURLINGTON TELECOM REVENUE AND EXPENDITURES

For the Month of July 2013

Detailed General Ledger Not Included

	Organizational Set	FY14 - Total Budget.	FY14 - YTD Received	% of Budget Received	Remaining to be Collected YTD \$(+/-)	FY14 - Received in July	Memo
Revenue	483-43-000 - Burlington Telecom-Burlington Telecom-Admin	1,214,670	7,191	0.6%	(1,207,479)	7,191	
	483-43-463 - Burlington Telecom-Burlington Telecom-Sales	1,600,600	0	0.0%	(1,600,600)	0	
	483-43-464 - Burlington Telecom-Burlington Telecom-Customer Service & Marketing	4,685,780	0	0.0%	(4,685,780)	0	
Total Revenue		<b>7,501,050</b>	<b>7,191</b>	<b>0.1%</b>	<b>(7,493,859)</b>	<b>7,191</b>	
Expense	<b>483-43-000 - Burlington Telecom-Burlington Telecom-Admin</b>	<b>2,459,008</b>	<b>26,547</b>	<b>1.1%</b>	<b>(2,432,461)</b>	<b>26,547</b>	
	483-43-460 - Burlington Telecom-Burlington Telecom-Outside Plant	675,976	23,658	3.5%	(652,318)	23,658	
	483-43-461 - Burlington Telecom-Burlington Telecom-Network Operations	453,854	14,682	3.2%	(439,172)	14,682	
	483-43-462 - Burlington Telecom-Burlington Telecom-Cost of Goods Sold	2,038,180	88,624	4.3%	(1,949,556)	88,624	
	483-43-463 - Burlington Telecom-Burlington Telecom-Sales	282,133	7,315	2.6%	(274,818)	7,315	
	483-43-464 - Burlington Telecom-Burlington Telecom-Customer Service & Marketing	742,727	24,967	3.4%	(717,760)	24,967	
	483-43-465 - Burlington Telecom-Burlington Telecom-Help Desk	256,352	15,524	6.1%	(240,828)	15,524	
	483-43-466 - Burlington Telecom-Burlington Telecom-Legal & Regulatory	248,069	8,242	3.3%	(239,827)	8,242	
		<b>7,156,299</b>	<b>209,558</b>	<b>2.9%</b>	<b>(6,946,741)</b>	<b>209,558</b>	
Total Expense							

STORMWATER REVENUE AND EXPENDITURES  
For the Month of July 2013

Detailed General Ledger Not Included

	Organizational Set	FY14 - Total Budget.	FY14 - YTD Received	% of Budget Received	Remaining to be Collected YTD \$(+/-)	FY14 - Received in July	Memo
Revenue Total	245-19-000 - Stormwater-Public Works-Admin	980,500	0	0%	(980,500)	0	
		980,500	0	0%	(980,500)	0	
Expense Total	245-19-000 - Stormwater-Public Works-Admin	1,033,195	0	0%	(1,033,195)	0	
		1,033,195	0	0%	(1,033,195)	0	



	B	C	D	E	F	G	H	I
1	BURLINGTON AIRPORT- REVENUE AND EXPENDITURES							
2	For the Month of July 2013							
3	Detailed General Ledger Not Included This Month							
6								
7		Organizational Set	FY14 - Total Budget with any budget amendments	FY14 - YTD Received	% of Budget Received	Remaining to be Collected YTD \$(+/- )	FY14 - Received in July	Memo
8								
9	Revenue							Department Report:
10		400-35-000 - Airport-Airport-Admin	2,569,478	148,610	5.8%	(2,420,868)	148,610	No expenditure and revenue issues identified for July
11		400-35-430 - Airport-Airport-Terminal Operations	5,338,014	625,271	11.7%	(4,712,743)	625,271	
12		400-35-431 - Airport-Airport-Airfield Operations	1,725,060	30,451	1.8%	(1,694,609)	30,451	
13		400-35-432 - Airport-Airport-Industrial Park	1,604,804	300,571	18.7%	(1,304,233)	300,571	
14		400-35-433-600 - Airport-Airport-Parking Operations-Parking Garage	7,100,000	196,735	2.8%	(6,903,265)	196,735	
15		400-35-433-601 - Airport-Airport-Parking Operations-Park & Shuttle	-	-	0.0%	-	-	
16		400-35-434 - Airport-Airport-Other Properties	261,593	-	0.0%	(261,593)	-	
17	Revenue Total		18,598,949	1,301,638	7.0%	(17,297,311)	1,301,638	
18								
19	Expenses		FY14 - Total Budget with any budget amendments	FY14 - YTD Expended	% of Budget Expended	Remaining to be Expended YTD \$(+/- )	FY14 - Expended in July	
20		400-35-000 - Airport-Airport-Admin	1,282,397	42,936	3.3%	(1,239,461)	42,936	
21		400-35-430 - Airport-Airport-Terminal Operations	7,887,566	127,919	1.6%	(7,759,647)	127,919	
22		400-35-431 - Airport-Airport-Airfield Operations	3,958,540	123,287	3.1%	(3,835,253)	123,287	
23		400-35-432 - Airport-Airport-Industrial Park	1,706,459	8,888	0.5%	(1,697,571)	8,888	
24		400-35-433-600 - Airport-Airport-Parking Operations-Parking Garage	2,929,385	16,671	0.6%	(2,912,714)	16,671	
25		400-35-433-601 - Airport-Airport-Parking Operations-Park & Shuttle	10,421	-	0.0%	(10,421)	-	
26		400-35-434 - Airport-Airport-Other Properties	575,367	8,419	1.5%	(566,948)	8,419	
27	Expenses Total		18,350,135	328,121	1.8%	(18,022,014)	328,121	
28								
29								



## Office of Mayor Miro Weinberger

### MEMORANDUM

**To:** City Councilors  
**From:** Mayor Miro Weinberger  
**Date:** September 5, 2013  
**Re:** Vermont League of Cities and Towns (VLCT) Report

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Please accept as a communication the draft Vermont League of Cities and Towns (VLCT) Municipal Policy Report for the 2014 Legislative Session. As you may recall, I serve on the VLCT Board of Directors, as have all recent Mayors. The report is scheduled to be ratified at the upcoming Town Fair in Killington on October 2 and 3, 2013.

The Mayor's Office welcomes your comments and suggestions on the report.

Thank you.

## PREAMBLE

Despite being in better shape than much of the nation, Vermont today faces unprecedented challenges that ranging from a declining fiscal health and /shrinking economy to the need for sustainable infrastructure improvement, economic development and smart growth prospects, environmental resource and emergency management, energy resources, corrections and public safety strategy, and affordable health care. In all of these areas the state, federal, and local governments must work together to proactively take advantage of opportunities and address challenges.

Neither Vermont nor any other state can rely on the federal government to uphold its obligations to fund programs it has mandated to states and local governments.

In addition, Vermont has:

- limited taxing capacity and income;
- a small population that is not growing;
- a generally rural and aging population;
- a government and revenue raising structure that was largely developed to meet the demands envisioned and resources available a half century ago;

Vermont must find ways to deliver government services to its citizens through the most efficient means available. Shifting costs and obligations from state to local governments is not acceptable. The state should solicit the opinions and utilize the expertise of the citizens who are being served and who pay for government. Given the extended recession and never-ending pressures on both municipal and state finances, municipal officials ~~local government~~ must be included in any discussion that reassesses the functions of government and seeks innovative ways for Vermont to generate revenues, deliver services and reduce the cost of delivering them.

Where this Municipal Policy is silent on a public policy issue affecting municipal government, it shall be the position of the Vermont League of Cities and Towns to support provision of authority, autonomy, and resources to cities and towns.

## 1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)

### 1.01 EDUCATION FUNDING

The current Vermont education funding system has significantly diminished municipal tax capacity for non-education expenditures. With each passing year, the education funding structure makes it increasingly hard for municipalities to craft municipal budgets and then have the voters approve them. It is especially difficult regarding expensive and needed municipal improvements. Municipal officials who have to administer the \$1.5 billion plus property tax system and whose essential services and infrastructure needs are compelled to be overwhelmingly reliant on the property taxes. Unless changes are made to Act 60 and Act 68, the continuing pressure that led to the large 2013 increase in state property tax rates will only be the first of many significant and unsustainable property tax increases in the coming years. The increases in education property taxes we are experiencing are unsustainable.

Many aspects of education finance are being controlled by the state. Each year, it has raided the Education Fund by failing to restrict the uses of the Education Fund to those specified in Act 60 and failing to fully fund the General Fund support of education originally specified in Act 68. Local officials, meanwhile, are having to spend a good deal of time trying to understand and implement the always morphing complexities of the education finance system. Therefore, municipal and school officials, the state administration, and the legislature should begin immediately, as equal partners, to accurately analyze the issues within Act 60/68 (including ways in which it does not meet the *Brigham* decision) and then create a new education finance system that reduces and reforms the property tax burden. Until then, Education Fund monies should *only* be used for functions listed in 16 V.S.A. § 4025(b). Further, the billing and collection of the state education property tax should remain at the local level. With each passing year, the current education funding structure has an increasingly negative impact on the ability of municipalities to craft necessary budgets. Unless changes are made to Act 60 and Act 68, there will be a need for significant property tax increases in the next few years.

Given the facts that:

- Education finance is largely being controlled by the state;
- Each year the state has raided the Education Fund by failing to restrict the uses of the Education Fund to those originally specified in Act 60 and failing to fully fund the General Fund support of education originally specified in Act 68; and
- Local officials continue to spend significant time trying to understand, explain and implement the education finance system;

It is imperative that the legislature create a new education finance system that focuses on cost containment and that includes local officials in the decision-making process. Until then, there should be no uses to which Education Fund monies are put other than those currently listed in 16 V.S.A. § 4025(b) and the billing and collection of the state education property tax should remain at the local level.

### 1.02 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

The state should fully fund all state Payment In Lieu Of Taxes (PILOT) programs (including for state buildings, Agency of Natural Resources land, capital city, and Corrections Department facilities) on an ongoing basis. The state must expand PILOT to include all state lands and must value state buildings at full fair market value and all state land in accordance with local land schedules for PILOT purposes. Until proceeds from the local option taxes fully fund the state buildings PILOT, the state General Fund must fund any remaining balance and all other PILOT payments.

1   **1.03    LOCAL OPTION TAXES**

2  
3   | The legislature should enable all cities, towns, and villages to adopt consumption taxes.  
4

5   **1.04    VERMONT TAX STRUCTURE OVERHAUL**

6  
7   The legislature should act to ensure that all three main components of Vermont's tax structure – income,  
8   sales, and property – are thoroughly analyzed and reformed to be simpler, sustainable, equitable, balanced,  
9   and make Vermont more economically competitive. Municipal officials should be fully involved in such an  
10   analysis and reform process. Vermont's reformed tax structure should also include sufficient revenues to pay  
11   for initiatives that local governments need but cannot afford. Since the state education property tax continues  
12   to be controversial, no new state property taxes should be imposed until such reformed tax structure is  
13   adopted. Additionally, until such reform is adopted, the state should either reimburse municipalities for all  
14   state-mandated property tax exemptions or give voters the authority to impose municipal service fees on  
15   those properties exempted by the state.  
16

17   **1.05    UNFUNDED MANDATES**

18  
19   The state should provide reimbursement for state mandates on or cost shifts to local governments. The Joint  
20   Fiscal Office must prepare and make public a fiscal impact statement showing the administrative,  
21   implementation, and service costs imposed on local governments before any state legislative or administrative  
22   action affecting them can be approved.  
23

24   **1.06    PROTECTING AND ENHANCING MUNICIPAL FINANCES**

- 25  
26   | A. Require the House Ways and Means and Senate Finance committees to review and adjust all local fees set  
27   | in statute ~~in conjunction with their periodic review of state fees on a three-year cycle~~. Include significant  
28   | local input.  
29  
30   B. Ensure that the legislature increases existing or imposes new state agency fees assessed against  
31   | municipalities only when the agency can show a comparable increase in the costs, quality, or quantity of  
32   | the services provided.  
33  
34   C. Provide ways that the state can assist municipalities to get the highest interest income on their cash  
35   | investments while assuring low risk of loss.  
36  
37   D. Adopt a state economic development strategy, clearly communicate that strategy to municipalities and  
38   | regional entities, and then help them implement that strategy on the local, regional, and state levels.  
39  
40   E. ~~K. Require the state to pay its proportion of costs associated with defending the grand list and property~~  
41   | ~~tax collections, including appeals and abatements. The state should also pay the taxpayer directly for any~~  
42   | ~~education property taxes and interest required to be reimbursed due to a property valuation adjustment~~  
43   | ~~resulting from an appeal beyond the board of civil authority.~~  
44  
45   O.F. The state should reimburse municipalities for any local costs for implementation of any state election  
46   | law changes or reapportionment (including voter and election official education), as well as  
47   | subsequent administrative or technological costs. The implementation of any election law changes  
48   | must also satisfy the requirements of local election officials to have an election system that functions  
49   | smoothly and effectively on election day.  
50  
51

1 **1.07 MUNICIPAL AUTHORITY**

2  
3 Vermont should join 42-44 other states ~~in~~ by enacting a constitutional "home rule" amendment as follows:  
4 "A city, town, or village shall have the power, through approval by a majority of its voters, to adopt, amend,  
5 and repeal a charter of incorporation. A charter may authorize the municipality to exercise any legislative  
6 power or perform any function not specifically prohibited by the Vermont Constitution or general law. The  
7 powers and functions granted to cities, towns and villages under this section shall be liberally construed."  
8

9 **1.08 PUBLIC RECORDS IMPACT ON MUNICIPALITIES**

10  
11 ~~A. Make any non-profit organization that receives any government financial support, subsidy, or exemption~~  
12 ~~from federal, state, or local taxation -- except those exempted based on a constitutionally-protected~~  
13 ~~religious purpose -- subject to the state's Open Meeting and Public Records laws.~~

14  
15 B. Clarify that the Public Records Law allows municipalities to charge and collect the actual costs of staff  
16 time associated with complying with a request to inspect or copy public records.

17  
18 MC. Make property tax bills with homestead property tax adjustments public documents.

19  
20 D. For public records requests estimated to cost \$100 or more, allow public agencies to require that 50  
21 percent of the estimate be paid before the agency is required to produce the documents.

22  
23 E. Allow individuals to request the same materials no more than twice during a 12-month period.

24  
25 **1.0809 OTHER PRIORITIES**

26  
27 In addition to the ~~seventy-eight~~ priority issues listed above, VLCT also supports legislation that would  
28 accomplish the following:

29  
30 A. Require municipal ratification of the county budget.

31  
32 B. As VLCT and the legislature profess a belief in the principle of local control, allow local voters to  
33 determine all issues pertaining to the collection of delinquent property taxes including the decision  
34 whether or not to assess the delinquent property tax penalty to each late installment.

35  
36 C. Require that all state rules, regulations, criteria and other administrative actions that impact the operations  
37 of local government be implemented only after 30 days have passed following a publicly noticed hearing.

38  
39 D. Allow towns to retain the authority to determine which generally accepted appraisal method to apply to  
40 owner-occupied residences subject to a housing subsidy covenant for municipal taxation purposes.

41  
42 E. Eliminate the mandate that local governments take over any non-municipal cemeteries.

43  
44 F. Continue to implement mechanisms to exempt resident property tax owners with high unearned income  
45 or high assets from receiving a property tax adjustment.

46  
47 G. Prevent abuse of the current use program by restoring it to an agricultural and silvicultural preservation  
48 program and not the tax avoidance mechanism it has become for many.

49  
50 H. Encourage municipal efforts to achieve cost savings and efficiencies through cooperative activities and  
51 eliminate any current statute or rule that prohibits or hinders that cooperation.  
52

~~I. Make any non-profit organization that receives any government financial support subject, or exempted from federal, state, or local taxation except those exempted based on a constitutionally protected religious purpose subject to the state open meeting and public records laws~~

H. After June 30, the state Tax Department must be responsible for any changes to education tax property parcel classification or homestead property tax adjustment amounts and must deal directly with the taxpayer.

~~K. Require the state to pay its proportion of costs associated with defending the grand list and property tax collections, including appeals and abatement.~~

~~L. Clarify that the Public Records Law allows public agencies to charge and collect the actual costs of staff time associated with complying with a request to inspect or copy public records.~~

N. On all bills dealing with employment and employee relations issues, VLCT shall advocate on behalf of municipalities as employers.

~~O. The state should reimburse municipalities for any local costs for implementation of any state election law changes or reapportionment (including voter and election official education), as well as subsequent administrative or technological costs. The implementation of any election law changes must also satisfy the requirements of local election officials to have an election system that functions smoothly and effectively on election day.~~

## TRANSPORTATION

### 2.01 PRIORITY ISSUES FOR IMPLEMENTATION

- A. ~~Continue to p~~Prevent any cuts and advocate for increases to Town Highway Aid payments, Class 2 Paving and Town Highway Structures grant programs, and the Town Highway Bridge Program.
- B. ~~Continue to prevent~~ ~~Stop~~ the transfer of money that is not specific to transportation matters from the Transportation Fund.
- C. Continue the cooperation and collaboration within the Agency of Transportation (VTrans) and among all state agencies and local government that resulted from recent weather-related recovery efforts. Ensure communication among all VTrans divisions and state agencies to eliminate redundant and contradictory oversight of municipal projects, to expedite the permitting process, and to tailor project review to the size and impact of a proposal.
- D. Index taxes and fees for inflation ~~or convert tax rates to a percentage of fuel prices~~. Increase state ~~Transportation Fund tax rates and/or fees, including gas and diesel taxes, motor vehicle and truck fees,~~ and other revenue sources in order to sustain Transportation Fund revenues in the future.
- E. Develop alternative funding sources, including local option taxes with revenue sharing provisions, user fees, and revenue from General Fund sources.
- F. ~~Expand~~ Continue the use of bonding as an option for funding long-term capital improvements.
- G. Commit the funding necessary to maintain, repair, or replace Vermont's structurally deficient bridges.
- H. Develop a block grant-style program in place of the Local Transportation Facilities (LTF) program that allows federal and state funding of local projects to be utilized most efficiently in terms of project cost, time, and value. Such projects would be managed by local government, which would have the responsibility to see the project through to completion. Provide for an audit of any project funded through the program, but eliminate other levels of review prior to or during project construction. Fund applicable pilot projects.
- I. Make more opportunities available to municipalities for utilizing a design-build process on projects that involve state and federal funding, in lieu of the current design-bid-build process. Apply efficiencies from the Accelerated Bridge Construction (ABC) to other programs.

### 2.02 FUNDING PRIORITIES

- A. Increase funding for the Class 2 Roadway Program, which allows for the greatest local management of projects.
- B. Increase state funding and expand eligibility for the Town Highway Bridge Program.
- C. Ensure that the level of funding for the Town Highway Emergency Fund is sufficient to cover costs incurred by municipalities as the result of natural or manmade disasters.
- D. Increase state funding for Class 1 local highway rehabilitation or construction.
- E. Any project using federal dollars should be reimbursed at the federally allowed rates if the project includes undergrounding of utilities or moving water, sewer, and similar infrastructure. If VTrans



mandates the moving water and sewer infrastructure for transportation projects, ~~the agency~~ must reimburse municipalities for those costs.

F. Instruct VTrans to partner with municipalities and other agencies to enhance the asset management/project priority program to insure the importance of local and regional priorities and the participation of local officials in selecting projects. Modify the project prioritization system to include weight for the economic development impacts of a project including job creation, increase in tax revenues, and increase in gross state product.

G. Increase state funding for public transit providers.

H. ~~Continue to provide~~ Provide more “park and ride” lots, subject to local regulation, and continue to upgrade existing lots while providing for long-term maintenance.

I. Install traffic signs and signals on Class 1 town highways.

J. Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts, that are mandated by a state agency but not paid for by FEMA or other federal agencies.

K. Promote through all means available – including a new funding program – the improvement of town highways and bridges so they are properly engineered to mitigate the impacts of weather-related disasters.

L. Provide additional funding assistance to town highways that serve state facilities and lands.

## 2.03 STATE AND LOCAL COOPERATION

A. Permanently expand the District Transportation Administrators’ (DTAs’) flexibility and authority to work with local governments to ensure technical assistance and efficiency in implementing transportation projects.

B. Eliminate Act 250 review of town highway maintenance and reconstruction projects; nullify existing Act 250 permits for maintenance and reconstruction projects.

C. Revise existing road design and traffic standards to better define village areas and respect the complex traffic and infrastructure needs of Vermont’s villages and downtowns.

D. Share VTrans’ facilities and other resources (such as purchasing contracts) with municipalities.

E. Expand the state’s line painting operations on Class 2 highways to include the painting of all other lines upon the request of a municipality when center and lane lines are being painted. Those lines should be painted annually. Municipalities that request that service will pay the cost of painting those lines.

F. Modify the billboard law so that municipalities may hang temporary banners within the state highway right-of-way advertising events and activities.

G. Establish fines and penalties for illegally possessing municipal road signs, signals, or markings.

H. The state shall not force municipalities to be co-applicants, sign management or maintenance agreements, or accept responsibility for their state stormwater infrastructure.

I. Any additions to the VTrans Town Road and Bridge Standards should not result in undue increased maintenance and construction costs to municipalities.

2.04 COMMERCIAL VEHICLES

- A. Municipalities must retain their authority to issue permits to and impose fees on all overweight vehicle traffic on local roads. Authorize municipalities to fine owners of locally permitted vehicles who violate any such permit.
- B. ~~Establish a permanent fund for the repair of town roads damaged by~~ Require agricultural custom service vehicles, which are exempt from having to obtain local overweight permits. The state must regulate commercial and custom agricultural service vehicles to comply with all motor vehicle laws in order to operate on state and local highways.

2.05 ~~ALTERNATIVE MULTI-MODAL TRANSPORTATION AND RAILROADS~~

- A. Spend funds allocated for rail or related projects solely on those projects. Maintenance of private rail crossings is not a municipal obligation.
- B. Encourage the state to coordinate with municipalities on state-managed projects regarding appropriate siting of transportation infrastructure, including roundabouts, bike and pedestrian measures, and the relocation of rail yards.
- C. Encourage intermodal facilities that provide all combinations of transit suited to a municipality so as to accommodate economic development.
- D. Rail networks need to accommodate double-stack trains. Intermodal freight transfer centers must be established at entry points to the state.
- E. When selecting and developing transportation projects, the state must address access to commercial airports.
- F. Establish a state funding source, such as a revolving loan fund or grant program similar to the Class 2 Paving and Rehabilitation program, for the construction and repair of municipal sidewalks and recreation paths. Provide access to these dollars to fund "Complete Street" portions of paving and rehabilitation projects that may have other partial funding sources.
- G. Liberalize a municipality's ability to use the revenues derived from its parking meters.

## PUBLIC SAFETY

### 3.01 PRIORITY ISSUES FOR IMPLEMENTATION

Vermont's local public safety officials join with all municipal officials in calling for the following legislative action:

~~A. Vermont is a less safe place than it was as recently as ten years ago. Because drug-related crime in Vermont is a significant threat to the state's quality of life, provide public safety officials the tools and funding to combat, in a coordinated fashion, the growing drug culture.~~

B. Prohibit cost shifts and mandates to municipalities in public safety unless the state provides full reimbursement.

~~C. In particular, monitor legislative changes to Adequately fund Department of Corrections (DOC) programs and initiatives so their impacts criminal justice system decisions will not adversely impact on local government. Local governments should not need to address local problems that arise as the result of those decisions.~~

~~ED. Require the state to provide the best training programs, at an affordable rate, for all levels of public safety personnel, including police, constables, fire, search and rescue, and emergency medical services (EMS).~~

~~D. The legislature must clarify public records laws that regulate the release of information pertaining to arrests, personnel management, and other law enforcement activities.~~

~~DE. Monitor Act 76, Vermont's 2013 law addressing the possession of small quantities of marijuana to ensure that it doesn't adversely impact the ability of law enforcement to address drug-related crime.~~

### 3.02 CORRECTIONS COMMUNITY

A. The DOC must provide open channels of communication so municipal officials are aware of any changes in the status of offenders in their municipalities and can notify the DOC of impacts to the community. The DOC must inform local officials of the circumstances of an incarcerated individual's release ~~and if it was the result of Acts 157 or 146 of 2010 (which sought to reduce incarcerated population numbers and notify local officials of persons released into a municipality) or Act 41 of 2011 ("War on Recidivism" legislation that was intended to keep low-level offenders out of prison on the premise that they would be less likely to re-offend than if they remained incarcerated).~~ Base sentencing for non-violent misdemeanors on evaluating the seriousness of the offense, risk, and the probability of recidivism.

~~B. The DOC must allow municipal officials to participate in the decision-making processes concerning the number and type of offenders released to and supervised in a community.~~

~~EB. Provide funding to ensure that offenders housed in community settings – including juveniles and individuals with drug or alcohol dependencies – receive adequate supervision by DOC personnel and adequate access to support services.~~

~~EC. Because many individuals with mental illness do not receive sufficient care, make additional funding available to their support services before they become a threat to themselves or others. Make mobile crisis units available to support the work of law enforcement and emergency services in crisis situations.~~

~~ED. Include the local public safety community in proposed host municipalities in decisions about where to place individuals under DOC supervision. The DOC must respect municipal zoning in approval of~~

housing for offenders, especially as it pertains to motels. The DOC should use public data-bases, such as court records, to screen potential recipients of housing vouchers. Locate adequate supervision and wrap-around support services where offenders are lodged in close proximity to one another and the general population.

FF. Monitor the release of offenders so there is no undue adverse burden on any individual municipality.

GF. Ensure meaningful and swift sanctions for individuals who violate pre-trial conditions of release as well as conditions of probation, parole, and furlough. Implement and fund a program for DOC to monitor and supervise persons in violation of pre-trial conditions. This state obligation must not be shifted to municipalities.

G. Update 18 V.S.A. § 7612, the statute for applying a law enforcement official or town service officer to secure an immediate evaluation of a person who might pose a threat to him or herself or others.

### 3.03 PUBLIC SAFETY FUNDING

A. Authorize municipal emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, and testing requirements.

B. Fund and identify the housing and transportation needs of all persons who present a danger to themselves or the public, such as mentally ill individuals or public inebriates.

C. ~~Compel the state to~~ Reimburse municipalities for costs of providing emergency medical services for all persons lodged in state-owned facilities, including those who are incapacitated.

D. Extend the availability of state funding for the operation of public safety answering points (PSAPs) to municipal PSAPs in an amount proportional to the volume of E-911 calls processed by each PSAP.

E. Restore adequate ~~Increase~~ funding for the Community Drug Interdiction Program (CDIP) and the state drug task force that helps pay law enforcement expenses incurred in drug enforcement.

F. Grant municipalities authority to enact ordinances that compel motor vehicle insurers to pay claims filed by fire and rescue personnel responding to incidents involving vehicles.

### 3.04 PUBLIC SAFETY TRAINING

A. Provide the Vermont Fire Academy adequate funding for certified training programs for all full-time, part-time, and volunteer firefighters, as well as sufficient resources (manpower, equipment, etc.) to support the certified training activities. Address the particular needs and constraints of volunteer firefighters.

B. Provide sufficient funding to the Criminal Justice Training Academy to stimulate participation in in-service training programs sponsored by the Criminal Justice Training Council, including supervisory training.

C. Reimburse municipalities for the costs of training law enforcement officers who are hired by the state police.

D. Provide appropriate, affordable, and flexible training for all public safety personnel. Pay for any training requirements mandated for local first responders.

- E. Provide tuition credits to municipalities that contribute employees to instruct and/or act as training assistants at the Criminal Justice Training Academy.
- F. Include all users of the Criminal Justice Training Academy in any efforts to review and reorganize the structure and funding for local first responder provider training.
- G. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice Training Council.

### 3.05 PUBLIC SAFETY EMERGENCY RESPONSE

As ~~has been~~ amply demonstrated in ~~recent~~~~the 2011~~ weather-related disasters, municipalities are on the front lines of response to calamities, particularly in their immediate aftermath ~~of such an event~~. The state must partner with municipal officials in planning and executing responses to disasters, both those that merit a national response and those that are localized in scale.

- A. ~~As the new state emergency plan is developed,~~ Include local personnel in discussions about changes in laws or regulations governing how local public safety and emergency management personnel respond to emergency incidents, particularly those involving hazardous materials.
- B. Consult with municipal officials to support and fund development of an early warning system for hazards, pandemics, and public safety emergencies as well as deployment of communications systems, protocols, and capacity.
- C. Develop an emergency response fund to cover non-transportation-related disaster recovery costs incurred by local governments that do not meet Federal Emergency Management Agency (FEMA) thresholds.
- D. Establish an electronic data system to provide public safety and emergency management personnel accurate and timely information.
- E. Support the continued development and sustainability of an interoperable communications system that allows all emergency service agencies and personnel to communicate with one another in emergency situations. Develop the system in an efficient and cost-effective manner, not as the result of an unfunded mandate.
- F. Provide seed funding or other incentives to create a program for municipally run regional public safety services.
- G. The state should help with the administrative costs and burdens of securing funds to help with municipal emergency response and long-term recovery efforts from weather-related ~~in the aftermath of Tropical Storm Irene and other disasters.~~
- H. Authorize municipal fire departments to mount a blue signal lamp on the rear of a municipal fire department vehicle so as to be visible from behind the vehicle.
- I. The state should provide local emergency responders with clear authority, resources, and training to initiate search and rescue operations when called upon, and to be partners in any coordinated operations undertaken with state, county, and other municipal agencies.

J. Recognizing (a) the value to the state of voluntary fire departments, (b) the potential endangerment to the travelling public, and (c) the likelihood that other laws might be broken in seeking to comply, no law mandating the response time for fire departments or EMT's should be enacted.

K. The state should not mandate that municipalities must prepare emergency medical services plans or provide emergency management services without adequate state funding and technical support.

### 3.06 SAFE DRIVING INITIATIVES

A. Extend the ban on the use of voice communication with hand-held electronic devices (e.g. cell phones) while operating a motor vehicle to all drivers; make violations of the prohibition a primary offense.

B. Enact primary enforcement of the seat belt law.

C. Strengthen graduated driving license requirements by providing that sanctions levied upon a driver under 18 who has been charged with a motor vehicle violation should continue past the driver's 18<sup>th</sup> birthday until the case is adjudicated.

### 3.07 LAW ENFORCEMENT ISSUES

A. ~~Because Vermont's "Fugitive from Justice" (persons with outstanding warrants for arrest in other states) procedures are considered complicated, time-consuming, and redundant;~~ Allow a law enforcement officer to make anstreamline the procedures for establishing reasons to arrest based on a warrant from another state.

B. Develop innovative and cost-effective models for collaboration among state police officers, sheriffs, and municipalities.

C. ~~Consider establishment of~~ Establish determinate sentencing for persons whose dealing drugs or importing them to Vermont; and those who using a weapon in the commission of a crime. Expand the model rapid intervention and arraignment programs currently being used in Chittenden County; statewide.

D. Enact a ~~state~~ law prohibiting a felon from possessing a firearm so that such an offense may be prosecuted under state law in addition to federal law.

E. ~~Support law enforcement's access to the prescription drug database.~~

F. ~~Indemnify any law enforcement agency providing field training to a constable.~~

G. ~~Law enforcement agencies must be involved in developingment of policies, standards, and training; should determine for the deployment and using of Tasers and other electronic control devices. The use of Tasers or other electronic control devices shall not be considered use of deadly force.~~

## QUALITY OF LIFE AND ENVIRONMENT

### ~~4.01 HEALTH CARE~~

~~In 2011, the legislature passed H.202 (Act 48), "An Act Relating to a Universal and Unified Health System." The intent is to create a single-payer health system called "Green Mountain Care" that will provide "comprehensive, affordable, high-quality, publicly-financed health care coverage for all Vermont residents in a seamless manner regardless of income, assets, health status, or availability of other health coverage." The legislation intends to achieve this reform through "the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health care professionals, businesses, and members of the public."~~

~~Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing universal coverage, it must contain medical costs and reduce administrative costs and burdens. Implementation of Green Mountain Care and any system developed at the federal level must be measured against the following criteria:~~

- ~~• Avoid and reduce cost shift from Medicaid and Medicare.~~
- ~~• Provide a comprehensive, equitable health care system that ensures the same benefits for all and avoid provisions that allow for additional levels of benefit for some.~~
- ~~• To be successful, the system must assign financing, responsibility, and accountability to one place.~~
- ~~• All legislatively established health care mandates must be treated as public health issues with public funding and accessibility for all.~~

### 4.012 HOUSING

A.—All Vermonters must have access to safe, quality, ADA-compliant, and affordable housing. Incentives and programs should be directed to state designated downtowns, village centers, new town centers, growth centers, and to other areas designated in the adopted municipal plan for growth and development that are near jobs, services, and amenities; ~~thus minimizing~~ Incentives and programs should also encourage housing that is designed and built to minimize impacts the impact of development on natural resources and ~~that~~to encouraging takes advantage of public investment in infrastructure and technology that supports sustainable growth and economic development.

B. ~~Going forward,~~ The legislature should allocate property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200, statute, which is 40 percent of new revenue generated from the increase in the property transfer tax established in Act 200.

C.—The legislature and Department of Health should integrate federal regulations relating to lead paint safety in buildings into state regulations so that there is one clear standard for lead paint safety in buildings and for training in Vermont.

D. The state must continue to support Property Assessed Clean Energy (PACE) programs, all fuel\* utilities, and establish mechanisms at the state level to ensure compliance with the state's enforcee energy efficient building codes. The state should establish methods that provide for statewide implementation without imposing further mandates on municipalities.

### ~~4.023~~ ACT 250 AND STATE PERMITS

Vermont municipalities support efforts to make the permit process more efficient. The following principles should guide those reform efforts:

- A. Consolidate, coordinate, and expedite all state permit processes required for all projects.

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B. If a local or state permit decision is made subsequent to appropriate hearing and review, issues addressed in that decision should not be revisited in another forum such as Act 250.

C. ~~First, Define~~ “local impact” and “regional impact” for development projects in Act 250, ~~by Then~~ comprehensively examining Act 250 jurisdiction over projects with local and regional impacts. This evaluation should include recommendations for jurisdictional thresholds and levels of review that are commensurate with the potential impact of a project.

1. Eliminate Act 250 review of projects ~~with local~~ without regional impact in municipalities that have in place duly adopted municipal plans approved by the regional commission and zoning and subdivision regulations, if the local legislative body votes to eliminate such review.

2. ~~Assign Review of~~ projects that have regional impact and that are expected to affect regional interests ~~to district commissions if a duly adopted regional plan is in place.~~

~~3. Provide state-level review of projects that have statewide impact.~~

D. ~~Consult District commissioners should be consulted when in the hiring and evaluating of district environmental coordinators.~~

### 4.034 GROWTH AND LOCAL LAND USE

The state must provide local governments the authority to manage growth and land use in their municipalities.

A. ~~Going forward, Allocate~~ one-half of all property transfer tax revenue in excess of that generated by a tax rate of one-half percent to cities and towns for municipal planning purposes; at the rate established in as stipulated in Act 200.

B. ~~Provide incentives to spur development in locally planned growth centers as well as designated downtowns, new town centers, or village centers. Provide for expanded geographical designations of village centers, designated downtowns, or new town centers that facilitates the most productive use of economic development tools. Facilitate development that revitalizes traditional downtowns, promotes smart growth, and mitigates damage that may be caused by natural or manmade disasters.~~

C. Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities (24 V.S.A. § 4413 (d)), including the construction and use of farm structures, through zoning bylaws.

D. ~~Any facility that is owned or leased by a federal or state governmental entity must comply with the municipality's approved plan and zoning bylaws. The governmental entity must advise the municipality of any change it wants to make to a facility before it does so. The state should provide a master management plan for all structures it owns or leases.~~

E. Enable municipalities to establish incentives and requirements to develop affordable housing and encourages economic development that allows people to stay in Vermont.

F. ~~Expand the number of tax increment financing districts (TIFs). Simplify the TIF Program in order to enable smaller municipalities to use this economic development tool, reduce the possibility of disputes between the state and municipalities over use of tax revenues, reduce the cost of administration of the program and recognize the critical role that TIFs could play in securing Vermont's economic future. Make additional tools available to municipalities to encourage economic development.~~



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### 4.045 SOLID WASTE AND WASTEWATER

- A. Hold municipalities harmless from liability for hazardous materials incidents at their facilities they permit and that conform which are in conformance with to all state and federal permits and regulations.
- B. Ensure that the State of Vermont's rules, regulations, and guidelines are flexible enough to enable local governments to determine the most appropriate collection, storage, and treatment methods for sewage, solid waste, wastewater, and recyclables.
- C. Immediately issue all outstanding solid waste, water supply, wastewater, and stormwater facility permits and certifications and thereafter issue such permits in a timely manner. Regulate the entire treatment process in a single permit. Issue permits for facilities based on the useful life or capacity of the facility, not in five-year increments.
- D. The Agency of Natural Resources (ANR) must establish consistent standards for allocating water and wastewater capacity to projects, relinquish all involvement in allocating municipal water or wastewater resources, including charging and collecting of permit fees.
- ~~E. When a municipality acquires a site at a tax sale or when it acts as a lien holder of a site that is known to be contaminated, it should not be held civilly or criminally liable for hazardous contamination at the site at the time of acquisition.~~
- E. The Departments of Health and Environmental Conservation must coordinate regulations regarding safe management and disposal of lead paint that is removed from buildings.
- F. Do not amend the statutes regulating disconnection of water and sewer service, which protect the interests of municipalities, tenants and landlords.

### 4.056 WATER RESOURCES

- A. ~~Clarify that the highest priority use of Vermont water resources is to provide clean and sufficient supplies of public drinking water.~~
- ~~BA.~~ The state should provide financial and technical support to municipalities in order to implement the Clean Water Act through locally appropriate watershed plans and stormwater management provisions that promote the health of the economy and the environment.
- ~~CB.~~ The legislature must direct the ~~Agency of Natural Resources~~ ANR to work closely with the Environmental Protection Agency (EPA) to develop a reasonable Total Maximum Daily Load (TMDL) standard for phosphorus for Lake Champlain that will lead to a cleaner lake, a more vibrant landscape, and a healthy economy. State policy must reflect that requiring municipalities to bear a disproportionate percentage of clean-up costs for discharges to impaired waters by requiring them to construct treatment plants that meet the highest available technical standards, regardless of cost, will not effectively improve the health of those waters or significantly advance TMDL compliance. State policy must not require municipalities to construct treatment plants that meet the highest available technical standards, regardless of cost, for discharges to impaired waters, because doing so won't measurably improve the health of those waters or significantly advance TMDL compliance. Rather, it will force municipalities to bear a disproportionate share of costs. InsteadTherefore, state and local governments, developers, farmers, and other stakeholders must ~~concentrate their efforts on reducing~~ stormwater runoff from non-point sources.

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D. The Agency of Natural Resources must enforce the provisions of the Wastewater System and Potable Water Supply Program, including requirements to repair or replace failed systems.

D. Shoreland zoning ordinances enacted at the municipal level with threshold standards of protection should regulate the uses in those protected areas. The state should be sensitive to municipal functions within shoreland areas such as downtowns that border lakeshores.

E. ANR must work with municipalities and the EPA to implement the "Integrated Planning Approach Framework" that provides for municipalities to prioritize Clean Water Act responsibilities and necessary investments in compliance according to greatest need.

### 4.067 AIR QUALITY AND ENERGY CONSERVATION

A. Governments at all levels must ~~work to~~ implement policies, programs, and projects ~~that~~ conserve energy ~~while ensuring its supply remains reliable~~ – and minimize ~~our~~ carbon footprint by reducing ~~our~~ consumption of fossil fuels and promoting the use of local renewable energy resources.

B. Encourage solar panels and other renewable or energy efficiency measures on all buildings where appropriate, and install them so as to not detract from a building's integrity. Such renewable or efficiency measures should be subject to existing local building, plumbing and electrical codes and standards.

C. Expand the PACE Program to commercial properties. The Clean Energy Development Fund should provide funding for renewable and energy efficiency improvements to municipal buildings and projects.

D. In the Certificate of Public Good process, the PSB should give "substantial consideration" to municipal concerns and determinations by holding hearings in any municipality potentially affected by a proposed project. The PSB should include all local decisions concerning the project within the PSB docket, formulate areas of inquiry based on concerns raised in the local hearing process, and require any decision to address local concerns raised in local determinations and adopted municipal plans.

### 4.078 PUBLIC HEALTH

A. Reinstate the Health Department's program to support town health officers in their broad range of statutory responsibilities. If the Health Department does not reinstate that support, amend Title 18 Chapter 11 to require the local legislative body to directly appoint a town health officer.

B. Ensure that resources are available to the commissioner of the Department for Children and Families to provide services for persons in need of general or emergency assistance upon the referral of the town service officer and that town service officers are informed of those services. Establish Department for Children and Families support for town service officers.

C. Authorize the municipal inspection of solar panel installations in communities that have electrical inspection requirements.

### 4.08 HEALTH CARE

In 2011, the legislature passed H.202 (Act 48), "An Act Relating to a Universal and Unified Health System." The Act created a single-payer health system called "Green Mountain Care" that will provide "comprehensive, affordable, high-quality, publicly financed health care coverage for all Vermont residents in a seamless manner regardless of income, assets, health status, or availability of other health coverage." The legislation intended to achieve this reform

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1 through "the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health  
2 care professionals, businesses, and members of the public."

3  
4 Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing  
5 universal coverage, it must contain medical costs and reduce administrative costs and burdens.  
6 Implementation of Green Mountain Care and any system developed at the federal level must be measured  
7 against the following criteria:

- 8  
9 • Avoid and reduce cost shift from Medicaid and Medicare.  
10 • Provide a comprehensive, equitable health care system that ensures the same benefits for all.- Avoid  
11 provisions that allow for additional levels of benefit for only some.  
12 • The system must assign financing, responsibility, and accountability to one place.  
13 • All legislatively established health care mandates must be treated as public health issues with public  
14 funding and accessibility for all.  
15 • Ensure that there are checks and balances in the new health care system. Establish a grievance process  
16 that is outside the Green Mountain Care Board.



## Office of Mayor Miro Weinberger

### MEMORANDUM

**To:** City Councilors  
**From:** Mayor Miro Weinberger  
**Date:** September 5, 2013  
**Re:** IBM Smarter Cities Challenge - Burlington Report

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Please accept as a communication IBM's Smarter Cities Challenge - Burlington Municipal Policy Report for the 2014 Legislative Session. The report presents recommendations for how Burlington could become an even better, greener community by planning and implementing broad-based greenhouse gas reductions that take advantage of Smart Grid infrastructure and other investments the City already has made, while strengthening Burlington's economy and financial position. The final report envisions Burlington becoming synonymous with green technology through the implementation of four focused recommendations: leverage the Smart Grid; optimize the McNeil Generating Station; enable electric vehicle sharing; and promote energy efficiency execution.

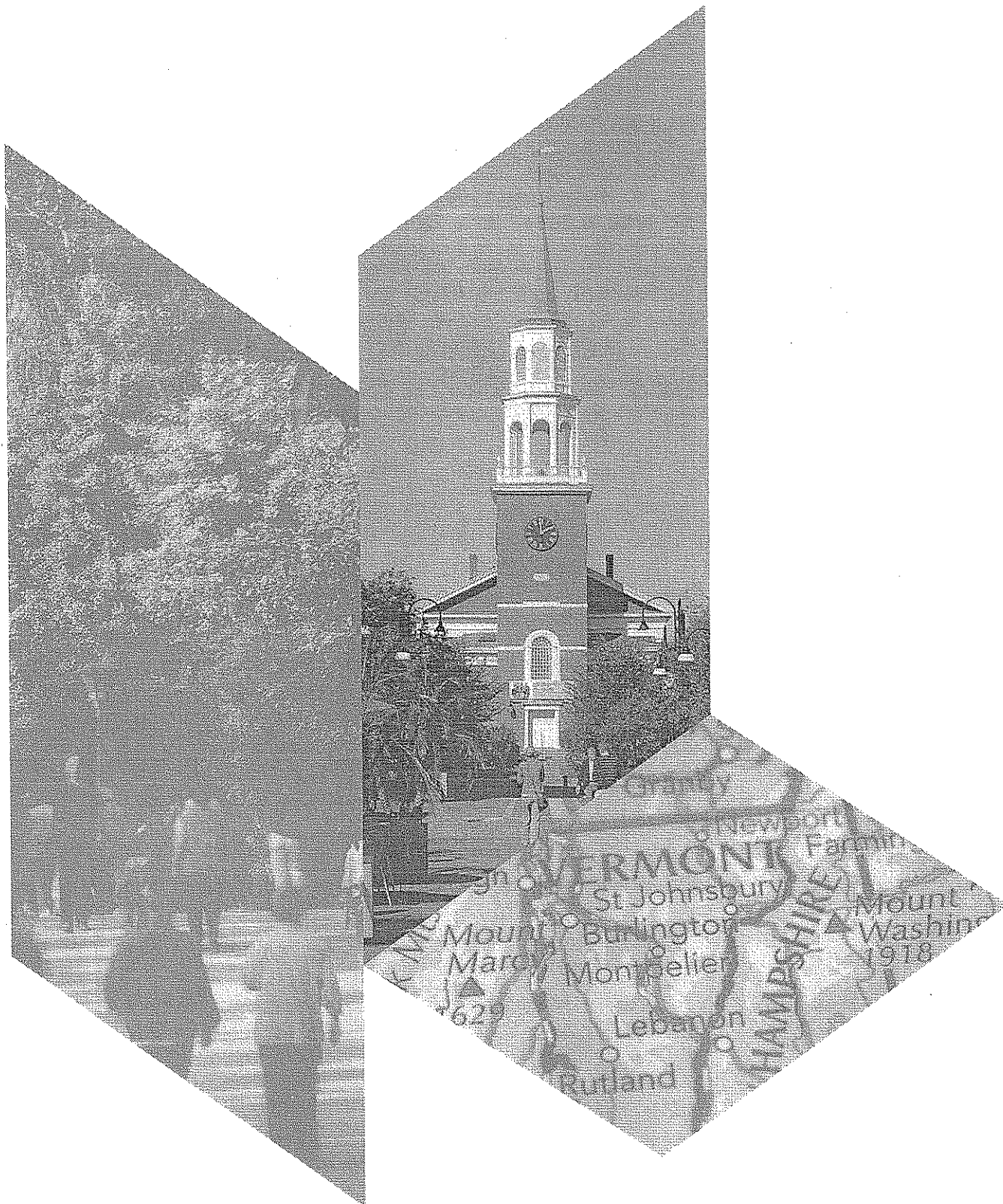
The Mayor's Office welcomes your comments and suggestions on the report.

Thank you.

IBM's Smarter Cities Challenge

# Burlington

Report



IBM

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# 1. Executive summary

## Introduction

The City of Burlington, Vermont, USA was one of 31 cities selected to receive a Smarter Cities Challenge® grant from IBM in 2013, as a part of IBM's citizenship efforts to build a Smarter Planet®. During three weeks in April 2013, a team of six IBM experts worked to deliver recommendations on a key challenge identified by Burlington's Mayor, Miro Weinberger, and his leadership team.

Burlington has made great strides toward sustainability. But some of the City's efforts to move forward, including the increased use of electric vehicles and of solar and wind sources to generate electricity, have created new challenges. Mayor Weinberger and the City council have published greenhouse gas (GHG) reduction targets in Burlington's Climate Action Plan (CAP) and are committed to making them a reality. Burlington Electric Department (BED) is committed to minimizing its environmental footprint in a cost-effective manner and wants to leverage the Smart Grid infrastructure investment it has already made. This is in line with the State of Vermont's GHG reduction objectives and targets.

## The challenge

Burlington's challenge is to:

*Plan and implement broad-based greenhouse gas (GHG) reductions that take advantage of Smart Grid infrastructure and other investments the City has already made, while strengthening Burlington's economy and financial position.*

BED has stated a goal to supply 100% of the city's electrical needs from renewable resources. Today, 80% of BED's supply is from renewable sources, and a key challenge is to maintain competitive rates.

GHG emissions come from a variety of sources. Burlington's largest contributor is transportation, which has shown the largest increase during the period 2007-2010.

The City's current efforts to reduce GHG emissions mostly address each source separately (in "silos"). GHG data is at aggregate levels, and reliable and granular data across all categories is not available. This level of data is a prerequisite to understanding patterns, trends and the impact of initiatives and to optimizing the energy mix to achieve objectives.

Burlington needs to effectively execute GHG initiatives and provide broader environmental benefits for citizens through coordinated investments. It needs a focused approach and plan that will align the capabilities of government, business, education and community; take funding and affordability into account; strengthen the local economy; and improve Burlington's financial position.

## Findings and recommendations

The Smarter Cities Challenge team identified the following:

- Many initiatives with strong community involvement
- Separate programs being executed in silos; limited integration and lack of alignment
- City budget constraints
- Mayor Weinberger (in office since April 2012) focused on financial stability and viability of initiatives
- Strong higher education sector with a large number of students
- Young talent with skills in software development, green energy and healthcare
- Entrepreneurial spirit and start-up companies (gaming, web services, renewable energy)
- Aged and limited housing stock, low vacancy rate, 57% rentals

The team made the following four focused (2-5) and two (1 and 6) overarching recommendations:

**1. Make Burlington synonymous with green technology**

Ensure alignment with and reinforce the key initiatives and entrepreneurial spirit of Burlington by agreeing to and communicating a clear vision that establishes the city as a leader for sustainability, based on distributed GHG emission reduction technologies. This is the overarching recommendation that provides a foundation for all other recommendations.

**2. Leverage the Smart Grid**

Leverage the city's Smart Grid to inform citizens' options and drive actionable insight toward conservation of all important resources by providing a consolidated resource consumption portal, combined with an event messaging system.

**3. Optimize the Joseph C. McNeil Generating Station**

Request that the McNeil owners establish a project team, fully empowered and with access to all resources needed, which will provide a firm recommendation within 12 months on how to optimize use of the power plant.

**4. Enable electric vehicle (EV) sharing**

Spearhead a sizeable EV sharing program and integrate it into the existing public transportation system with links to nearby cities, helping to address traffic, parking and GHG emissions challenges and make Burlington more attractive as a result.

**5. Promote energy efficiency execution (E3)**

Create an E3 team of trained community and student volunteers who proactively encourage a higher adoption rate of efficiency solutions among property owners, specifically relating to structural energy loss.

**6. Create a coordinated communication plan for "Burlington – the green tech city"**

Effectively communicate the vision for becoming "Burlington – the green tech city" with effective and consistent messaging and engage the Burlington community in an open dialog.

## Conclusion

The team's recommendations focus on harnessing the local talent pool and the abundance of renewable resources to enable Burlington to achieve its GHG emission reduction goals. The overarching recommendation – to establish Burlington as a leading "green tech city" – ensures alignment of all initiatives, energizes the community, retains talent and inspires the development of new technologies and businesses. The result is a strengthened economy, new ways to attract tourists through demonstrations of green technology and a more attractive city.

The ultimate outcome is for Burlington to become an integrated, data aware, thriving city that is recognized as a leader in green technologies.

### Highlights

- Capitalize on Smart Grid investment, and expand to include a total energy usage portal
- Make Burlington synonymous with green technology through a strong vision, integrated technologies and effective branding
- Enable EV car sharing, integrated with regional transportation, that provides a positive user experience and supports the "green tech city" brand
- Possible biomass gasification pilot



# 2. Introduction

## A. The Smarter Cities Challenge

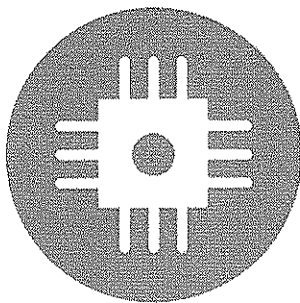
By 2050, cities will be home to more than two thirds of the world's population. They already wield more economic power and have access to more advanced technological capabilities than ever before. Simultaneously, cities are struggling with a wide range of challenges and threats to sustainability in their core support and governance systems, including transport, water, energy, communications, healthcare and social services.

Meanwhile, trillions of digital devices, connected through the Internet, are producing a vast ocean of data. All of this information — from the flow of markets to the pulse of societies — can be turned into knowledge because we now have the computational power and advanced analytics to make sense of it. With this knowledge, cities could reduce costs, cut waste and improve efficiency, productivity and quality of life for their citizens. In the face of the mammoth challenges of economic crisis and increased demand for services, ample opportunities still exist for the development of innovative solutions.

In November 2008, IBM initiated a discussion on how the planet is becoming “smarter.” By this it meant that intelligence is becoming infused into the systems and processes that make the world work — into things no one would recognize as computers: cars, appliances, roadways, power grids, clothes, even natural systems, such as agriculture and waterways. By creating more instrumented, interconnected and intelligent systems, citizens and policymakers can harvest new trends and insights from data, providing the basis for more informed decisions.

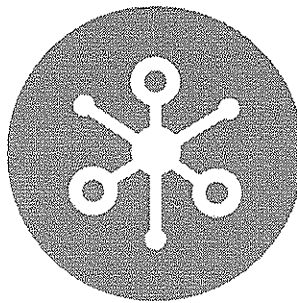
A Smarter City uses technology to transform its core systems and optimize finite resources. Since cities grapple on a daily basis with the interaction of water, transportation, energy, public safety and many other systems, IBM is committed to a vision of Smarter Cities® as a vital component of building a Smarter Planet. At the highest levels of maturity, a Smarter City is a knowledge-based system that provides real-time insights to stakeholders and enables decision makers to manage the city's subsystems proactively. Effective information management is at the heart of this capability, and integration and analytics are the key enablers.

Intelligence is being infused into the way the world works.



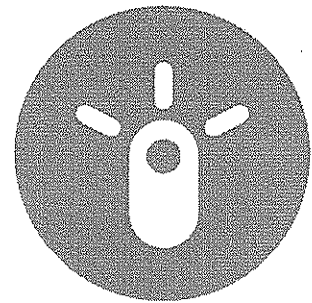
### Instrumented

We can measure, sense and see the condition of practically everything.



### Interconnected

People, systems and objects can communicate and interact with each other in entirely new ways.



### Intelligent

We can analyze and derive insight from large and diverse sources of information to predict and respond better to change.

Figure 1:  
Instrumented, interconnected, intelligent

As IBM aligns its citizenship efforts with the goal of building a Smarter Planet, we realize that city leaders around the world face increasing economic and societal pressures. Given the increased demand for services, they have to deliver new solutions ever more rapidly.

With this in mind, IBM Corporate Citizenship launched the Smarter Cities Challenge to help 100 cities around the world over a three-year period become smarter through grants of IBM talent. The City of Burlington, Vermont, USA was selected through a competitive process as one of 31 cities to be awarded a Smarter Cities Challenge grant in 2013.

During a three-week period in April 2013, a team of six IBM experts worked in Burlington to deliver recommendations around key issues for Burlington's Mayor, Miro Weinberger.

## B. The challenge

Mayor Miro Weinberger introduces the City of Burlington as "... a celebrated, vibrant, small city located on the eastern shoreline of Lake Champlain. Burlingtonians are diverse, forward-thinking citizens, surrounded by scenic beauty and recreational opportunities. We are steeped in arts and culture, and are engaged in the growth of our economy" (Source: [www.burlingtonvt.gov](http://www.burlingtonvt.gov) April 2013).

Burlington's challenge is to:

*Plan and implement broad-based greenhouse gas (GHG) reductions that take advantage of Smart Grid infrastructure and other investments the City has already made, while strengthening Burlington's economy and financial position.*

BED has stated a goal of supplying 100% of the city's electricity from renewable resources. Today, BED delivers 80% of its supply from renewable sources. BED also has a challenge to maintain competitive rates.

GHG emissions come from a variety of sources. Burlington's largest contributor is transportation, which has shown the largest increase during the period 2007-2010.

City of Burlington – Community  
2010 Emissions by source and increase since 2007

	2010 GHG Emissions (tCO <sub>2</sub> e)	% increase 2010/2007
Transportation	51%	22%
Natural gas	29%	-7%
Electricity	19%	-4%
Solid waste	1%	1%
Total	100%	6%

Table 1:  
2010 emissions by source and increase since 2007 (City of Burlington 2012 Climate Action Plan, 2012)

Many of the City's GHG reduction efforts are tackled in silos, and reliable data is not available to understand the trends and impacts of separate initiatives.

The challenge for Burlington is how to leverage its investment in the Smart Grid and the myriad other GHG initiatives to provide broader environmental and cost-reduction benefits for citizens. The City needs to reduce its GHG emissions through coordinated investments, in a way that strengthens its economy and financial position. It needs to meet its GHG emission targets, improve energy efficiency and become the recognized leader for effective green technologies.

The Smarter Cities Challenge team spent three weeks in Burlington, using the following methodology:

- **Week 1:** Information gathering
- **Week 2:** Data synthesis and review
- **Week 3:** Final recommendations

The discovery phase revealed that the Burlington community has an impressive understanding of GHG emissions. The 2012 Burlington Climate Action Plan (CAP) documents a number of recommendations made by the City to reduce GHG emissions (see Appendix D for details).

The team began the project with a focus on the Smart Grid and had many interactions with the BED. It learned that the city's Smart Meter rollout was successful, with a high rate of adoption cited at 98% complete as of April 16 2013.

Although the team's initial focus was on GHG reduction and the Smart Grid, a recurring theme of sustainability pervaded the discovery phase. Energy sustainability can be categorized as follows:

1. **Basic conservation:** Reducing energy use
  - Optimized by knowledge/information (usage patterns from data)
  - Augmented by energy efficiency (eliminating waste)
2. **Distributed renewable energy production:** Increasing energy production
  - Mix of renewable energy sources (wind/solar/biomass, geothermal)
  - Intermittent sources (for example, wind and solar are variable)
  - Base load (renewable power plants to maintain stable supply)
  - Storage of energy (capturing energy – battery, thermal)
3. **Understanding the energy system:** Data
  - Patterns and insights (optimizes supply and demand)
  - Expanding consumer insight and options (drive toward 1 and 2)

Throughout the engagement, the team was impressed by the level of information it received and the responsiveness and support of all Burlingtonians. Any request to deepen its understanding was immediately addressed through additional appointments, arranged on short notice.

The team met with representatives from BED and other government departments, community groups, nonprofits, local businesses, healthcare and education institutions (Fletcher Allen Health Care (FAHC), University of Vermont (UVM), Champlain College, Burlington High School) to name just a few, and even enjoyed a site visit to the McNeil Generating Station.

# 3. Findings, context and roadmap

## A. Findings and context

Burlington citizens have a lot of enthusiasm and passion for their city and the environment. This inspires action, discussion and debate. Many green initiatives have been launched and completed in the city.

The Smarter Cities Challenge team framed this report in the context of two themes:

1. GHG reduction
2. Smart Grid

### GHG reduction observations

Burlington and Vermont have declared some very specific targets for GHG reduction. See Figure 2.

Significant effort and focus have been invested in addressing GHG emissions. Burlington's CAP was adopted by the City Council in May 2000.

Burlington's 2012 CAP (see Appendix D) is a detailed document that reviews the "impacts of climate change on Vermont and Burlington" and details carbon emissions. Its authors collected more than 200 recommendations and then, through a criterion-based process and with public vetting, published more than 30 recommendations.

#### Burlington Climate Action Plan targets

- Stop increase of GHG emissions
- **2016:** GHG emissions reduced to 2010 levels
- **2025:** GHG emissions of municipal operations reduced by 20% compared to 2010 levels
- **2025:** 10% reduction from 2010 levels by airport and community wide

#### Burlington Electric Department

- 100% from renewable sources

#### Vermont State energy plan

- 90% from renewable sources by 2050

Figure 2:  
Burlington and Vermont GHG targets

The CAP is a clear statement of Burlington's desire to reduce GHG emissions and its overall understanding of the effort required to do it. It also brings forth three challenges:

1. How to prioritize the proposed actions across the City of Burlington
2. What the relationship between initiatives is (both direct and indirect; positive and negative)
3. What the potential unintended outcomes of each initiative may be

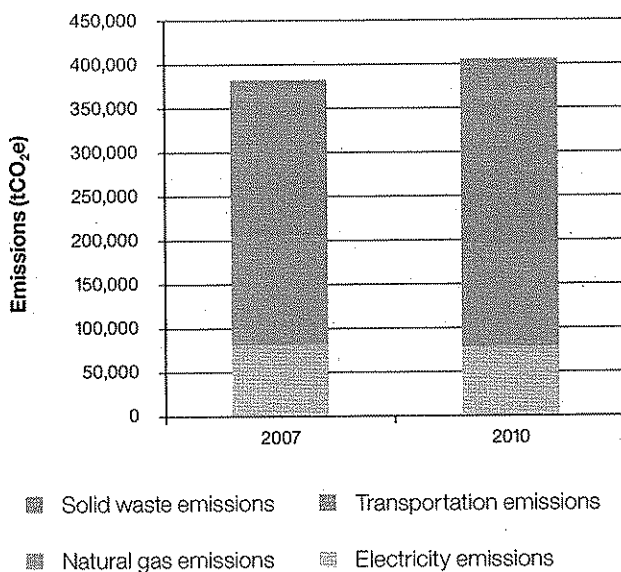


Figure 3:  
Burlington carbon emissions  
(City of Burlington Climate Action Plan, 2012)

### Smart Grid observations

When the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law, funding was directed into modernizing the nation's transmission grid, including Smart Grid projects. BED received \$7.15 million of this funding under the statewide federal Smart Grid Investment Grant program.

BED has been working in the Smart Grid space for several years now and is beginning to reap the rewards of its efforts. The Itron Smart Meter and the initial Advanced Meter Infrastructure (AMI) rollouts are now complete in Burlington. Meters are polling every 15 minutes and uploading to the datacenter and Meter Data Management (MDM) system every eight hours.

To complete the first phase of the Smart Grid, BED is preparing for the release of a user portal referred to as "Energy Engage" in June 2013.

This presents BED with a data paradigm shift. In the past, BED did monthly meter readings and aggregated analysis. Now there will be approximately 760,560,000 meter readings per year. Additionally, the number of data points collected will increase to approximately 1.7 million per hour. Despite the useful insight, opportunity and analysis this data will allow, it will place additional pressure on BED IT infrastructure.

## Burlington observations

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*"The whole is greater than the sum of its parts."*

— Aristotle, 384-322bc.

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This famous quote applies well to Burlington. The City and the State of Vermont have significant potential and strengths, which include but are not limited to:

- Community awareness and support for the need to reduce GHG emissions
- An innovative, entrepreneurial spirit
- Abundant local sources of renewable energy – biomass, wind, geothermal/hydro, water and solar
- Access to nationally recognized institutions of higher learning and research (including University of Vermont and Champlain College)
- A school district that promotes, develops and encourages talent in environmental science
- Attractiveness for recreation and tourism
- A robust fiber optic network capable of connecting the community
- Visibility and draw of FAHC as an advanced healthcare provider

Burlington faces some challenges, too:

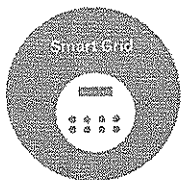
- Execution of separate sustainability programs in silos, with limited integration and lack of alignment
- City budget constraints and liabilities
- Relatively low density and small population multiplier (42,412 – US Census 2010) (Note: This can also be a strength)

Inspired by Burlington's potential, and with appreciation for the complexity and challenges, the Smarter Cities Challenge team created recommendations to leverage Burlington's strengths while complementing citizens' understanding of the Smart Grid and GHG emissions.

## B. Roadmap of recommendations

The Smarter Cities Challenge team's recommendations can be summarized as follows:

### Focused



#### Leverage the Smart Grid

Leverage the Smart Grid to inform citizens' options and drive actionable insight toward conservation of all important resources by providing a consolidated resource consumption portal, combined with an event messaging system.



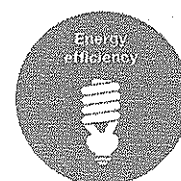
#### Optimize the Joseph C. McNeil Generating Station

Request that the McNeil owners establish a project team, fully empowered and with access to all resources needed, that will provide a firm recommendation within 12 months on how to optimize the use of the power plant.



#### Enable electric vehicle (EV) sharing

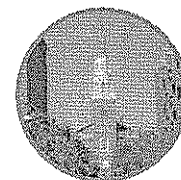
Spearhead a sizeable EV sharing program and integrate it into the existing public transportation system with links to nearby cities, helping to address traffic, parking and GHG emissions challenges and make Burlington more attractive as a result.



#### Promote energy efficiency execution (E3)

Create an E3 team of trained community and student volunteers who proactively encourage a higher adoption rate of efficiency solutions among property owners, specifically relating to structural energy loss.

### Overarching



#### Make Burlington synonymous with green technology

Ensure alignment with and reinforce the key initiatives and entrepreneurial spirit of Burlington by agreeing to and communicating a clear vision that establishes the city as the leader for sustainability, based on distributed GHG emission-reduction technologies. This is the overarching recommendation that provides the foundation for all other recommendations.



#### Create a coordinated communication plan for "Burlington – the green tech city"

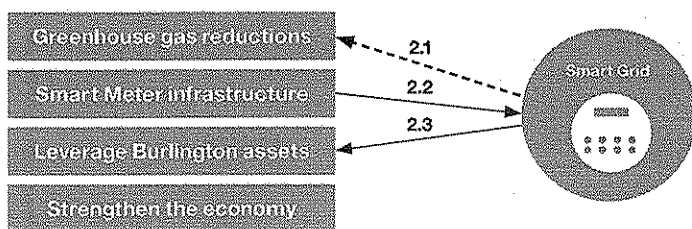
Effectively communicate its vision for becoming "Burlington – the green tech city" with effective and consistent messaging, engaging the Burlington community in an open dialog.

The four focused recommendations align with the following key City objectives:

- Reduce GHG emissions
- Leverage Smart Grid infrastructure
- Leverage existing assets and investment
- Strengthen Burlington's economy

### Leverage the Smart Grid

BED is launching Energy Engage, a consumer portal, in June 2013. This will show electricity consumption and cost and provide energy efficiency tips. This recommendation makes a case for future enrichment to include climate data and extension of the portal to natural gas and water. This will enable consumers to actively participate in comprehensive utilities resource conservation, thereby reducing GHG emissions. In the future, the portal should also link with transportation mileage.

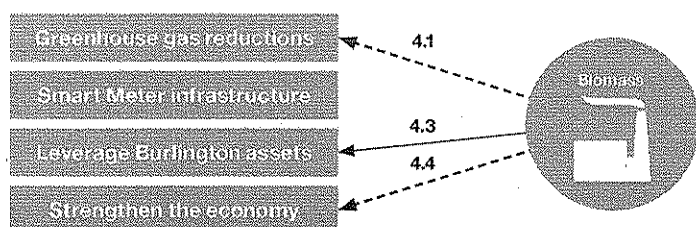


ID	Rationale
2.1	The portal will help customers make informed decisions about their energy conservation, thereby reducing GHG emissions
2.2	The portal will leverage the existing Smart Grid
2.3	The portal and the data enriched by the portal will become a city asset



### Optimize the Joseph C. McNeil Generating Station

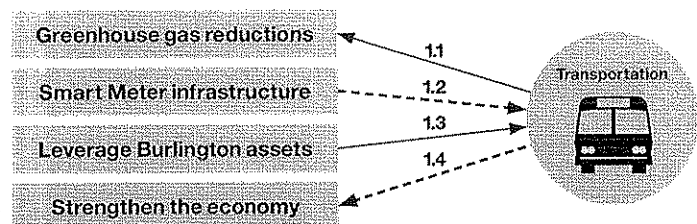
Until a firm decision on how to optimize the McNeil Generating Station is made, the team can only postulate outcomes. The rationale below illustrates a possibility.



ID	Rationale
4.1	Various recommended uses of the power plant would lead to GHG reduction (for example, district heat or biomass gasification could replace natural gas usage in home heating)
4.3	McNeil is a city asset and, depending on the recommendation, could become an even bigger/better asset (for example, it could be used for a biomass gasification pilot)
4.4	Economies run on energy; capturing and using what today is wasted energy benefits the economy

### Enable electric vehicle (EV) sharing

The existing public transportation system needs to be more flexible in time frequency, and it must make use of renewable energy. This recommendation is a first step to tying together transportation, parking and the environment.

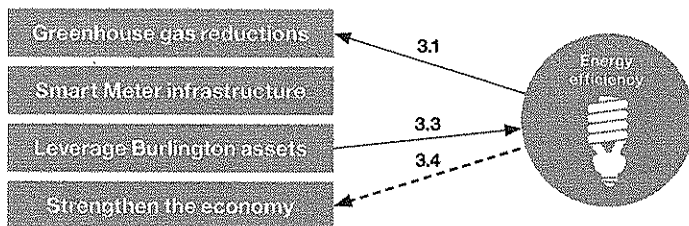


ID	Rationale
1.1	Using and sharing EV fuel with electricity coming from renewable sources will reduce GHG emissions
1.2	Linking the EV system to the Smart Grid will enable vehicles to be charged at non-peak times
1.3	Students from the University of Vermont and Champlain College have developed real-time global positioning system (GPS) tracking systems for buses – extending these to the whole public transportation system and CarShare program is a good use of existing assets
1.4	Economy is strengthened as: <ol style="list-style-type: none"> <li>1. GPS tracking technology solution around EV sharing, busing and parking is packaged and remarketed to other cities</li> <li>2. EV sharing is promoted as a tourist attraction</li> <li>3. The entirely new system attracts business opportunities and drives job creation</li> </ol>

### Promote energy efficiency execution (E3)

By creating an inventory of the structural energy loss of Burlington residences/facilities and establishing a standard baseline and reporting mechanism, property owners will be exposed to the most appropriate programs from the myriad existing energy efficiency programs available to them.

Furthermore, the data gathered can be used to evaluate program pervasiveness and measure impact.



ID	Rationale
3.1	This recommendation will have a positive incremental impact on the use of existing energy efficiency programs
3.3	<p>Energy efficiency execution will leverage the many existing programs available; for example:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.burlingtonelectric.com/page.php?pid=62&amp;name=ee_incentives">www.burlingtonelectric.com/page.php?pid=62&amp;name=ee_incentives</a></li> <li>• <a href="http://www.efficiencyvermont.com/Index.aspx">www.efficiencyvermont.com/Index.aspx</a></li> <li>• <a href="http://www.vermontgas.com/efficiency_programs/audit.html">www.vermontgas.com/efficiency_programs/audit.html</a></li> <li>• <a href="http://ecosproject.com/about-project">http://ecosproject.com/about-project</a></li> <li>• <a href="http://pacenow.org/resources/all-programs/#Vermont">http://pacenow.org/resources/all-programs/#Vermont</a></li> <li>• <a href="http://vbsr.org/business_energy_action/">http://vbsr.org/business_energy_action/</a></li> <li>• <a href="http://www.cvoec.org/him/weatherization/weatherization_home.html">www.cvoec.org/him/weatherization/weatherization_home.html</a></li> <li>• <a href="http://www.efficiencysmart.org/index.aspx">www.efficiencysmart.org/index.aspx</a></li> <li>• <a href="http://www.buildingenergyvt.com">www.buildingenergyvt.com</a></li> <li>• <a href="http://aceee.org/energy-efficiency-links">http://aceee.org/energy-efficiency-links</a></li> <li>• <a href="http://www.imt.org">www.imt.org</a></li> </ul>
3.4	<ol style="list-style-type: none"> <li>1. There is a potential to reinject savings into the economy when return on investment (ROI) is reached</li> <li>2. Weatherization could be performed by local contractors, supporting the economy</li> </ol>

In summary, all recommendations rely on existing Burlington assets and successful rollout of Smart Grid infrastructure. The recommendations then drive GHG emission reductions and strengthen the local economy as shown below. Figure 4 highlights the interrelationship between the four recommendations above and the two overarching recommendations.

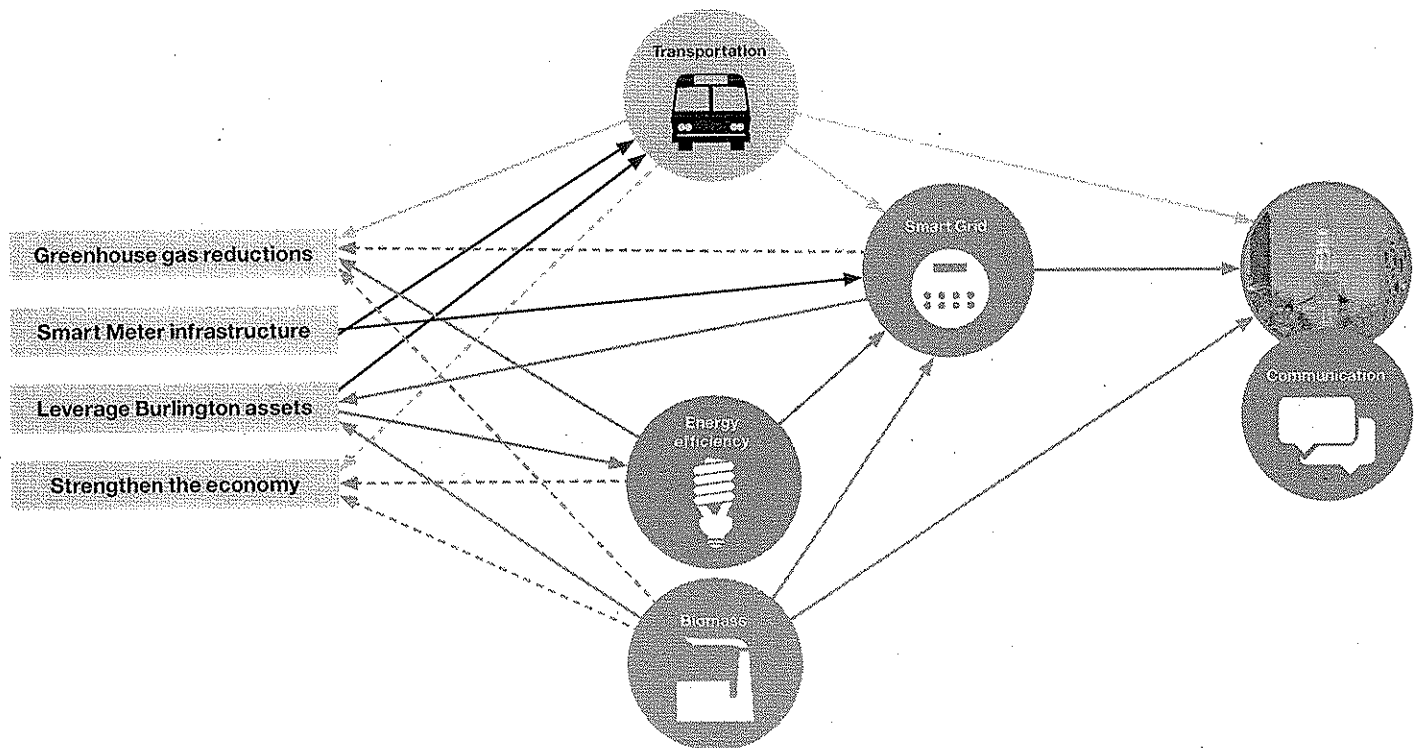


Figure 4:  
Interrelationship between recommendations

Table 2 represents the four focused recommendations against short-, medium- and long-term timeframes. It is important to consider that this general timeline represents possible and, in some cases, desired achievements. However, it is understood that many things impact a timeline; flexibility and adaptability must be built in via a formal management system interlock and project plans.

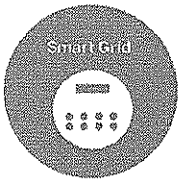
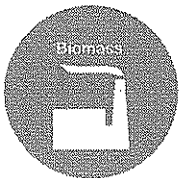

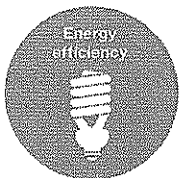
	Short term (< 12 months)	Medium term (12 to 36 months)	Long term (> 36 months)
	<ul style="list-style-type: none"> <li>• Complete Smart Grid rollout</li> <li>• Complete the rollout of user portal (Energy Engage)</li> </ul>	<ul style="list-style-type: none"> <li>• Integrate gas and water</li> <li>• Augment user portal to complete energy picture</li> </ul>	<ul style="list-style-type: none"> <li>• Participate in the citywide operations center</li> <li>• Use analytics with enriched information (weather, humidity, ...)</li> </ul>
	<ul style="list-style-type: none"> <li>• Make definitive decision:               <ul style="list-style-type: none"> <li>– District heating</li> <li>– Biomass gasification</li> <li>– Other methods to increase efficiency</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Implement the selected solution</li> </ul>	<ul style="list-style-type: none"> <li>• Optimized use</li> </ul>
	<ul style="list-style-type: none"> <li>• Develop EV share program value proposition</li> <li>• Identify EV supplier of choice</li> </ul>	<ul style="list-style-type: none"> <li>• Define final business case</li> <li>• Approve and launch program</li> </ul>	<ul style="list-style-type: none"> <li>• EV sharing operation</li> </ul>
	<ul style="list-style-type: none"> <li>• Confirm experts to conduct training in efficiency programs</li> <li>• Train teams of volunteers</li> <li>• Launch winter campaign</li> </ul>	<ul style="list-style-type: none"> <li>• Execute summer campaign</li> <li>• Gather data</li> <li>• Establish database</li> </ul>	<ul style="list-style-type: none"> <li>• Analyze data and identify program improvements</li> <li>• Launch adjusted and/or new programs</li> </ul>

Table 2:  
Timeline for recommendations

### C. Other observations

Below is some food for thought based on the team's interview insights, not included in the recommendations.

- Transportation:
  - Evaluate flexible parking rates to encourage people to use public transportation
  - Consider an integrated traffic management system (for example, adaptive signal control)
  - Consider an integrated parking management system
  - Consider shared cab services
- Renewable energy:
  - Further investigate the use of hydropower in energy production
  - Consider using Lake Champlain as a source of energy
  - Extend the use of geothermal technologies
  - Investigate alternative biomass sources (for example, switchgrass)
  - Evaluate further cost-effective optimization of solar and wind energy technologies
- Increase energy efficiency of street lighting (for example, LEDs, motion sensing, dimmers)
- Continue to invest in storm water management and lake protection
- Prioritize the waste management system (for example, waste disposal, compost)
- Consolidate IT datacenters to reduce the energy footprint
- Consider establishing a citywide IT organization
- Figure out how to leverage the fiber-optic network:
  - With healthcare/education/transportation applications
  - Joining the US Ignite initiative for creation of next-generation Internet applications that provide transformative public benefit
- Create a business case for consolidating city-owned facilities under centralized management for optimal portfolio management, including procurement, maintenance and upgrade/replacement practices
- Adapt the energy/housing code to incentivize people to live downtown (currently 50% business, 50% resident for new construction) – revisit urban zoning and planning, as well as permitting
- Create an interrelation/dependency/outcome diagram between all the recommendations in Burlington's CAP

# 4. Recommendations

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## Recommendation 1: Make Burlington synonymous with green technology

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The City should ensure alignment with and reinforce the key initiatives and entrepreneurial spirit of Burlington by agreeing to and communicating a clear vision that establishes the city as a leader for sustainability, based on distributed green energy production technologies.

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### Scope and expected outcomes

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#### Scope

The City's vision should leverage the significant potential and strengths of Burlington and the State of Vermont, which are listed on p. 8 of this report.

It should accelerate and support initiatives already underway, including:

- Integrated green technology solutions for distributed sustainable energy, including funding and financing options, as the foundation for job creation and a green economy
- The understanding and the application of best practice technologies
- New ideas and innovation
- New business opportunities and enhanced ecosystem
- A framework that attracts and retains talent
- An energized community with focus on common objectives

This provides a unique opportunity for Burlington to build upon its existing tourism industry by:

- Demonstrating existing and developing green technologies
- Showcasing real examples of best practice implementations
- Allowing visitors to experience these technologies first hand (for example, EV usage)

The vision must be shared with the public explicitly and regularly. In addition to existing exhibits at the ECHO Center, the Moran Power Plant on the lake, for example, could be turned into an attractive site for showcasing distributed green technologies. This would have the additional benefit of revitalizing the waterfront.

In order for this vision to become a reality, a step-by-step approach is required. Green initiatives and actions must be aligned to support the overall vision and objectives. The City should define and implement a process, with clear ownership, to review proposed and existing initiatives and funding as outlined below.

The Office of the Mayor should appoint a dedicated expert resource to lead a team of no more than 12 members, who are empowered to represent key stakeholder organizations:

- City government
  - Energy utilities
    - BED
    - Vermont Gas (VG)
    - Vermont Energy Investment Corporation (VEIC)
  - Education
    - UVM
    - Champlain College
  - Healthcare
    - Fletcher Allen Health Care
  - Transportation
    - Campus Area Transportation Management Association (CATMA)
    - Chittenden County Region Planning Commission (CCRPC)
  - Business
    - Burlington Business Association (BBA)
    - Lake Champlain Regional Chamber of Commerce
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**Recommendation 1: Make Burlington synonymous with green technology (continued)**


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**Scope and expected outcomes (continued)**


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This team should define projects with measurable business outcomes – prioritized according to GHG emission impact, funding requirements and ROI – and strive to make Burlington's vision a reality. The City should review project requests and proposals for implementation on a quarterly basis.

The team should agree to a communication plan (see Recommendation 6) with the Office of the Mayor and support its consistent execution.

**Expected outcomes:**

- Governance and management system for all projects (new and existing), including prioritization and approval
- A foundation to develop and package integrated green technology solutions, combined with funding and financing options
- Scorecard/dashboard with defined metrics and targets (showing planned versus actual)
- Standardized management approach that ensures successful execution of agreed initiatives, programs and projects
- Informed citizens

**Cost of inaction**

- Critical projects that require cross-functional agreement and execution might not be implemented
- Risk of missing the GHG reduction targets
- Ineffective use of resources and redundant efforts
- Lack of clarity and understanding among the public about the achievement of milestones and successful initiatives, programs and projects
- Missed opportunity to facilitate job creation around a green economy

Proposed owner and stakeholders	Suggested resources needed
<b>Owner:</b> Office of the Mayor  <b>Stakeholders:</b> See list in Scope section above	<b>People:</b> One dedicated leader (see Scope section above) with access to existing City infrastructure  <b>Cost estimate:</b> Low
Dependencies	Key milestones, activities and timeframe
<ul style="list-style-type: none"> <li>• Funding for the dedicated leader</li> <li>• Buy-in from organizations that need to appoint team members</li> <li>• Funding for related expenses</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Mayor to secure a funded and qualified resource for this leadership position (2 months)</li> <li>• Assign team lead once funding is secured</li> <li>• Organizations that appoint team members to confirm support and active participation</li> <li>• Organizations to name representative (1 month)</li> <li>• Establish management system</li> </ul> <b>Ongoing activities</b> <ul style="list-style-type: none"> <li>• Operate management system as a key tool to ensure target achievement</li> <li>• Adjust management system annually to ensure optimal effectiveness and alignment with all participating entities</li> <li>• Team to report progress against targets to Office of the Mayor</li> <li>• Mayor to report progress made to achieve the long-term vision to the public</li> </ul>
<b>Priority</b>	
High	

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## Recommendation 2: Leverage the Smart Grid

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The City should leverage its Smart Grid to inform citizens of options and drive actionable insight toward conservation of all important resources by providing a consolidated resource consumption portal, combined with an event messaging system.

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### Scope and expected outcomes

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#### Scope

The City should foster a culture of informed, data-driven decision making regarding conservation and use of renewable energy by providing accurate, timely and salient information to consumers.

It should build a portal that provides a holistic view of resource consumption, building on existing Smart Meter infrastructure and linked to an event messaging system. How and when this data is available will have a major impact on consumer actions.

BED is planning to launch Energy Engage, an electricity consumer portal, in June 2013. This could be extended to provide a more holistic view, becoming the "Burlington Customer Consumption Portal". The portal should display:

#### Resources, showing:

- Electricity, gas and water consumption, billing and carbon impact
- The mix of renewable and nonrenewable resources consumed
- "What if" scenarios – simulations based on the individual's data (for example, "What if I took time-of-use rate plan B instead of the general residential monthly energy plan?", "What would the impact be if I install solar panels?")
- Insights on energy consumption patterns by connecting consumer data with climate information, such as temperature, humidity, snow and sunlight
- Data in dashboard form, allowing consumers to change/create their own dashboard using data they are most interested in monitoring

#### Consumer insight and support, enabling:

- Dialog between like-minded customers, incorporating new and creative means, such as conservation-themed social networking and ideas gaming (for example, UVM's "eMinder" research project)
- Consumer profiles for resource consumption patterns (based on location, demographics, housing, infrastructure)
- Resource efficiency recommendations based on user behavior
- Individual consumers to automate usage (demand management within individual premises)
- Individual consumers to share all or part of data to external communities through a standardized Internet interface
- Consumers to actively participate in utilities resource usage management (electricity, gas, water)
- Incentives to customers who actively trend their consumption in a positive direction either by reduction or "flattening" their load

The portal should include a proactive messaging system (texts, tweets, blogs, emails) to alert customers on critical events, such as outages, peak periods and threshold exceptions, enabling individuals to plan and manage their load (washer, dryer, dishwasher, electric hot water), as well as to allow utility providers to take appropriate action.

As well as the portal, BED should pave the way for a Home Area Network (HAN). The HAN is a residential network that interfaces with the Smart Meter to receive data from the utility provider – such as pricing, in order to guide users on less expensive times to run appliances. This could be accomplished by proposing incentive rates or by offering advanced home consumption analytics. With this HAN installed, BED can perform fine-grained analysis on consumption (for example, comparing whether the TV or dryer is consuming more energy at any given time) as well as alert on atypical behavior.

As the technology becomes available and accepted, the consumer portal should also include transportation.

See Appendix C for examples of customer portals and mobile clients around the world.

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**Recommendation 2: Leverage the Smart Grid (continued)**


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**Scope and expected outcomes (continued)**


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**Additional long-term scope:**

This recommendation would set the stage for additional possibilities. With new data sources available, including Smart Grid data, the City would be able to integrate interrelated systems into a single geospatial city operation dashboard to guide departmental activities. This does not relate only to energy; such a dashboard could integrate and correlate information from all relevant sources.

The basic premise of this approach is to offer deep, predictive analytics, integrated data visualization and collaboration that could help Burlington's agencies, departments and businesses prepare for and anticipate problems. Thus problems could be managed as they occur, enhancing the ongoing efficiency of City operations. Executive dashboard capabilities would give decision makers a real-time, unified view of operations so they can see who and what resources are needed and available. Burlington departments could share information and relevant data across organizational lines to accelerate problem response and improve project coordination.

A City operations dashboard would:

- Provide department heads domain Key Performance Indicator (KPI) reports with trends and analysis of event and domain data
- Enable a centralized environment for planning, organizing, monitoring and sharing information continuously in response to changing conditions
- Allow for drill-down capabilities in a geospatial context for situational awareness
- Provide for integrated collaboration
- Allow different data sources to be synergized to provide clear and accurate information on domain operations
- Allow for the connection and expansion of new information sources

**Expected outcomes**
*Qualitative*

- Consumers participate and support the optimization of resource usage and planning
- Consumers are aware of their consumption patterns and behaviors and can manage their consumption

*Quantitative*

- Measurable reduction of resource usage and GHG emissions
- Reduced cost for consumers, both through conservation and greater efficiency
- Financial advantages for utility providers, who can better predict and manage peak load, resulting in smarter power and gas purchasing, and ultimately, pass on a lower cost to consumers
- Better demand management, meaning utility providers can defer capital infrastructure upgrades as a result of equipment loading
- Real-time outage notification so utility providers can improve outage restoration and improve overall consumer satisfaction

**Cost of inaction**

- The public struggles to understand the benefits and savings of the Smart Meter rollout
  - Future green initiatives may not have the level of support required for significant investment
  - Operational costs and efficiencies of utility providers remain below achievable levels
  - Burlington utility providers risk falling behind providers in Vermont and beyond
  - Ultimately, higher electricity and gas rates for consumers
-

## Recommendation 2: Leverage the Smart Grid (continued)

Proposed owner and stakeholders	Suggested resources needed
<p><b>Owner:</b> BED</p> <p><b>Stakeholders:</b></p> <ul style="list-style-type: none"> <li>• City Communications Officer</li> <li>• City planning council</li> <li>• Center for Energy Transformation and Innovation (CETI)</li> <li>• BED Energy Efficiency department</li> <li>• UVM</li> <li>• Champlain College (invite students to participate in portal design and implementation)</li> <li>• Home device appliances supplier(s)</li> </ul>	<p><b>People:</b> The Energy Engage portal has already been budgeted and is due for release in June 2013. BED has strict budget controls, so the City should take a step-by-step approach to this recommendation. Establish a work breakdown plan to implement functions one at a time and leverage the student population through internships.</p> <p><b>Cost estimate:</b> Each individual step is low</p> <p><b>Infrastructure:</b> Leverage BED infrastructure</p>
Dependencies	Key milestones, activities and timeframe
<ul style="list-style-type: none"> <li>• BED ongoing leadership support</li> <li>• Cooperation between BED, VG and Department of Public Works (DPW)</li> <li>• Agreement on the mechanisms for data sharing and systems access</li> <li>• Secure IT infrastructure</li> <li>• Regulatory support</li> </ul>	<ul style="list-style-type: none"> <li>• Roll out BED Energy Engage customer portal (June 2013)</li> <li>• Stabilize usage of Energy Engage and gain preliminary usage feedback (until end of 2013)</li> <li>• BED to define the framework and a joint implementation plan to create the Burlington Customer Consumption Portal (3 months)</li> <li>• Implement the extended portal functionalities and integration with external data (2-3 months for first set of functionalities, then iterate)</li> <li>• Measure portal effectiveness and customer usage (ongoing)</li> </ul>
<b>Priority</b>	
Medium	

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### Recommendation 3: Optimize the Joseph C. McNeil Generating Station

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The City should request that the McNeil owners establish a project team, fully empowered and with access to all resources needed, which will provide a firm recommendation within 12 months on how to optimize use of the McNeil Generating Station.

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#### Scope and expected outcomes

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##### Scope

The scope references alternatives described in the May 2011 *Project Final Report: Burlington Pilot District Energy Feasibility Study* by Ever-Green Energy LLC, hereafter referred to as the "Ever-Green study" (Grant Number 02240-ASEP-REN-011 LLC, Saint Paul, MN 55102 [www.burlingtonelectric.com/ELBO/assets/Burlington District Energy Final Report corrected.pdf](http://www.burlingtonelectric.com/ELBO/assets/Burlington%20District%20Energy%20Final%20Report%20corrected.pdf))

The City should establish a project team, tasked to:

- Validate whether alternative 1 is feasible, by clarifying if the amount of subsidy needed to offset initial capital cost can be secured to make for an economically viable system.
- Clarify whether alternative 2 achieves 80% of market penetration for the area encompassed, as explained in the report, by establishing a thorough understanding of the level of commitment from future clients of the district heating system (businesses, property owners, governmental institutions). The report indicates that this is a prerequisite to achieving "the economy of scale necessary to be an essentially break-even cost per unit of energy consumed by the customer when compared to natural gas as a natural fuel." – Ever-Green study.
- Reconfirm with FAHC that the hospital requires steam supply and therefore cannot utilize a hot water district heating system. If confirmed, this means alternative 3 is not feasible. Note: UVM has also stated that its heating system is based on steam and it cannot utilize a hot water district heating system.
- Assess if alternative 2, combined with steam provided by McNeil to healthcare, is a possible solution that should be evaluated for commercial viability.
- Explore alternative solutions to take advantage of waste heat energy (hot water from cooling) near the plant site. Investigate agricultural, recreational/tourist, or industrial usage of this low-cost renewable energy.
- Obtain the current state of successfully applied technologies (US and international) for industrial gasification of biomass. Determine if the existing infrastructure from the 1998-2001 gasification pilot project at McNeil can be reactivated, upgraded and reused.
- Inform the public about the decision process and final outcomes.

##### Expected outcomes

- A final decision is made about the feasibility of a district heating system in Burlington
- A decision is made around whether past investments into the gasification pilot infrastructure can be put to productive and commercially viable use with the latest technologies and processes available
- Clarity is gained around whether it is economically/politically viable to use waste heat from McNeil, improving overall efficiency of this renewable energy source
- The community is informed about options and decisions

##### Cost of inaction

- Decision around the district heating system is delayed
  - Potential opportunities to make more efficient use of McNeil (wasted heat energy, new revenue streams, job creation) and existing investments are missed
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**Recommendation 3: Optimize the Joseph C. McNeil Generating Station (continued)**


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Proposed owner and stakeholders	Suggested resources needed
<p><b>Owner:</b> McNeil owners</p> <ul style="list-style-type: none"> <li>• BED 50%</li> <li>• Green Mountain Power (GMP) 31%</li> <li>• Vermont Public Power Supply Authority (VPPSA) 19%</li> </ul> <p><b>Stakeholders:</b></p> <ul style="list-style-type: none"> <li>• BED General Manager</li> <li>• BED leadership team</li> <li>• City of Burlington</li> <li>• GMP</li> <li>• Vermont Public Power Association (VPPA)</li> </ul>	<p><b>People</b></p> <ul style="list-style-type: none"> <li>• BED leader</li> <li>• Subject matter expert (SME) on biomass/district heating</li> <li>• SME on biogas generation</li> <li>• Representative from GMP</li> <li>• Representative from VPPA</li> <li>• UVM bioenergy experts</li> </ul> <p><b>Cost estimate:</b> Low – project team staffing and travel (US and international)</p>
Dependencies	Key milestones, activities and timeframe
<ul style="list-style-type: none"> <li>• Regulatory authorities' support and approval</li> <li>• Identification and dedication of expert resources to the project team – assumed – by BED</li> <li>• Ongoing support of all McNeil owners</li> <li>• Legal and regulatory constraints</li> <li>• Support from VG</li> <li>• Access to worldwide gasification technologies and resources</li> <li>• Political will and support (local, state and federal)</li> </ul>	<ul style="list-style-type: none"> <li>• Expert team established (30 days)</li> <li>• Quarterly reports on progress made</li> <li>• Final recommendation to the owners of McNeil (12 months)</li> <li>• Communication of conclusions and decisions to the public</li> </ul>
<b>Priority</b>	
Medium	

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#### Recommendation 4: Enable electric vehicle (EV) sharing

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The City should spearhead a sizeable EV sharing program and integrate it into the existing public transportation system with connection to nearby cities, helping to address traffic, parking and GHG emissions challenges and make Burlington more attractive as a result.

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#### Scope and expected outcomes

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##### Scope

In 2010, transportation contributed 51% of Burlington's GHG emissions. That was an increase of 16% since 2007 according to the latest data available (source: *Burlington Climate Action Plan, 2012*).

The City should position Burlington as an ideal place to launch and operate a sustainable EV sharing program, attract companies providing innovative technologies and make Burlington a role model for EV sharing. It should pursue a strategic partnership with EV suppliers.

The program should leverage existing local intellectual property and solutions:

- Make use of existing integration with mobile devices (smartphones, tablets) to provide flexible access to EVs, transparent and flexible billing mechanisms and parking management anywhere and anytime
- Expand the existing payment model for bus services, used by UVM and Champlain College students, to provide an effective billing system for EVs
- Extend global positioning system (GPS) bus tracking on mobile devices, used by UVM and Champlain College students, to the EV shared fleet by augmenting functionality to:
  - Locate available EVs
  - Reserve and book an EV
  - Locate charging stations
  - Identify parking lots
  - Locate places of interest
- Since GPS bus tracking has been developed in Burlington, adding new functionality is an opportunity for local job creation
- References: <http://shuttle.champlain.edu> and <http://uvm.blirpit.com>

Building an EV sharing system with technologies developed in Burlington would provide the necessary differentiation to attract EV supplier(s) to invest in a strategic partnership. This partnership should be used by EV supplier(s) to promote fast adoption of integrated new technologies in other cities around the world.

Funding for the EV sharing program should be sourced in innovative ways, such as selling advertising space in/on the cars and the integration of locally developed technologies provided by small and medium businesses and academic institutions.

EV use should be incentivized through exclusive and prioritized parking spaces.

BED should expand its charging stations, and overall transportation planning should be adjusted to reflect the EV sharing program.

The program should define and provide a set of metrics to prove success and acceptance and to further promote and expand the model in other cities.

It is important to mention that the success of the EV sharing program will depend on integration with public transportation offerings, such as Park and Ride and bus services to nearby cities.

The City should invite committees working on similar initiatives, such as the VEIC, to participate in the program.

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**Recommendation 4: Enable electric vehicle (EV) sharing (continued)**


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**Scope and expected outcomes (continued)**


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**Expected outcomes**

- Integrated and enhanced local technologies
- Incorporated and extended local transportation solutions and programs
- Potential to create local jobs and businesses
- Reduced GHG emissions
- Reduced parking constraints
- Less time and fuel wasted looking for parking spaces
- Increased attractiveness of Burlington for tourists and local community
- Showcase of a successful EV sharing solution
- Detailed data created for Burlington's traffic planning (demand, supply, usage patterns, issues)
- Key element of Burlington's branding as a leader in clean energy achieved

**Cost of inaction**

- Missed opportunity to deploy EVs to reduce GHG emissions
  - Missed opportunity to integrate local transportation systems
  - Missed opportunities to develop a local ecosystem and jobs around EV solutions
  - Ongoing parking space constraints
  - High risk of slow EV adoption and not achieving critical mass
- 

Proposed owner and stakeholders	Suggested resources needed
<b>Owner:</b> Consortium (to be established)  <b>Initial owner:</b> Office of the Mayor  <b>Stakeholders:</b> <ul style="list-style-type: none"> <li>• City of Burlington</li> <li>• EV supplier(s)</li> <li>• CATMA</li> <li>• VEIC/Go Vermont</li> <li>• CarShare Vermont</li> <li>• BED</li> <li>• UVM</li> <li>• Champlain College</li> <li>• FAHC</li> <li>• Chittenden County Transportation Authority (CCTA)</li> <li>• CCRPC</li> </ul>	<p>Potential federal and regional funding and incentives (for example, American Recovery and Reinvestment Act of 2009) should be explored.</p> <p><b>People:</b></p> <ul style="list-style-type: none"> <li>• Project lead – low cost</li> <li>• EV fleet management – medium cost</li> <li>• IT management – low cost</li> <li>• Charging station management – low cost</li> </ul> <p><b>IT infrastructure:</b></p> <ul style="list-style-type: none"> <li>• Implementation – low cost (leverage capabilities of the stakeholders)</li> <li>• Ongoing – low cost</li> </ul> <p><b>Electric infrastructure:</b></p> <ul style="list-style-type: none"> <li>• Charging station deployment already taking place independently of this project</li> <li>• Implementation – low cost</li> <li>• Ongoing – low cost</li> </ul> <p><b>EVs:</b></p> <ul style="list-style-type: none"> <li>• Implementation – low cost (if successful partnership with EV supplier(s) established)</li> <li>• Ongoing – low cost</li> </ul>

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## Recommendation 4: Enable electric vehicle (EV) sharing (continued)

Dependencies	Key milestones, activities and timeframe
<ul style="list-style-type: none"> <li>• EV supplier(s) investment</li> <li>• Establishment and buy-in of the consortium</li> <li>• Small and medium businesses and academic institutions to participate and contribute to the program</li> <li>• Sizeable fleet to ensure critical mass and coverage for timely acceptance</li> <li>• Adequate parking space management (Park and Ride, downtown prioritization zoning)</li> <li>• Integration with BED demand management system</li> <li>• Adequate marketing campaign to inform and excite the public (for successful launch and during operation)</li> <li>• Ongoing political support and enablement</li> <li>• Tax and incentive programs for EVs</li> </ul>	<p><b>City of Burlington:</b></p> <ul style="list-style-type: none"> <li>• Introduce the concept and the possibility of using Burlington as a successful showcase to leading EV suppliers (2 months)</li> <li>• Win at least one EV supplier to invest in the project (3 months)</li> </ul> <p><b>Owner (consortium leader):</b></p> <ul style="list-style-type: none"> <li>• Reach agreement with the EV supplier(s) about other critical partners for the consortium (2 months)</li> <li>• Establish the consortium (3 months)</li> <li>• Refine details of the program and create a business case supported by the consortium (3 months)</li> <li>• Establish funding models (TBD)</li> <li>• Sign off for an integrated implementation plan by all consortium members (12 months)</li> <li>• Implement and measure results (TBD)</li> </ul>
Priority	
High	



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#### Recommendation 5: Promote energy efficiency execution (E3)

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The City should put together an E3 team of trained community and student volunteers who proactively encourage a higher adoption rate of efficiency solutions among property owners, specifically relating to structural energy loss.

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#### Scope and expected outcomes

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##### Scope

The City should initiate a program that mobilizes students and volunteers from the community to achieve a higher adoption rate of energy efficiencies among property owners.

Buildings that are not sufficiently weatherized consume a large amount of energy and have a negative impact on the environment. Burlington's high number (57%) of rental properties (source: VSPC Energy Efficiency and Forecasting Sub-Committee) and its aged housing stock represent a challenge to the City's energy-efficiency programs and incentives.

BED should manage this program on behalf of the City of Burlington, in addition to existing energy-efficiency initiatives, to:

- Define the details of the program with City representatives and promote it to the public in order to raise awareness and prepare for successful volunteer recruitment
- Recruit volunteers from the community, educational institutions (high school, college, university – through community-university partnerships and service-learning programs) and Burlington businesses
- Train volunteers on easy steps to reduce heat loss and to understand and apply all existing programs, including, but not limited to:
  - [www.burlingtonelectric.com/page.php?pid=62&name=ee\\_incentives](http://www.burlingtonelectric.com/page.php?pid=62&name=ee_incentives)
  - [www.efficiencyvermont.com/index.aspx](http://www.efficiencyvermont.com/index.aspx)
  - [www.vermontgas.com/efficiency\\_programs/audit.html](http://www.vermontgas.com/efficiency_programs/audit.html)
  - <http://ecosproject.com/about-project>
  - <http://pacenow.org/resources/all-programs/#Vermont>
  - [http://vbsr.org/business\\_energy\\_action](http://vbsr.org/business_energy_action)
  - [www.cvoeo.org/html/weatherization/weatherization\\_home.html](http://www.cvoeo.org/html/weatherization/weatherization_home.html)
  - [www.efficiencysmart.org/index.aspx](http://www.efficiencysmart.org/index.aspx)
  - [www.buildingenergyvt.com](http://www.buildingenergyvt.com)
  - <http://aceee.org/energy-efficiency-links>
  - [www.imt.org](http://www.imt.org)
- Equip volunteers with materials and tools (for example, infrared cameras for thermal pictures of buildings, tools for structured data collection and feedback)
- Identify priority areas where the team should start activities and provide contact information for property owners on whom to call to learn more
- Give the team questionnaires to create an inventory of building heat losses and other relevant data

In the future, collected data should then be injected into the Burlington Customer Consumption Portal.

##### Expected outcomes

- Inventory of building heat losses and other relevant data, including weatherization status
  - A formal reporting scheme that provides standardized and insightful information to property owners and the public, including:
    - Heat loss status of the building surveyed
    - Status of weatherization already installed
    - Level of acceptance of recommended actions
    - Reasons provided (if any) for actions being rejected
    - Other relevant data specified
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**Recommendation 5: Promote energy efficiency execution (E3) (continued)**


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**Scope and expected outcomes (continued)**


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- A valuable source of data for the City, including:
  - Level of acceptance of recommended actions
  - Level of acceptable weatherization in defined areas and categories of buildings
  - Feedback on why proposed actions are not accepted or cannot be implemented
  - Basis to assess the success of this initiative
  - Data to improve or replace programs for energy savings, including this recommended framework

**Cost of inaction**

- Limited data about heat loss by area and type of building
- Lack of structured data to understand:
  - Patterns of efficiency gaps
  - Best practices
  - Inhibitors
  - Identification of new solutions
  - Resistance to weatherization
- Property owners may not be aware of their options and that these options are supported by programs and possible funding

Proposed owner and stakeholders	Suggested resources needed
<b>Owner:</b> BED, in possible partnership with educational institutions (for example, Burlington School District (BSD))  <b>Stakeholders:</b> All entities providing weatherization incentives and programs	<ul style="list-style-type: none"> <li>• BED to own and lead</li> <li>• Volunteers</li> <li>• BED engineers</li> <li>• VG engineers</li> </ul> <b>Cost estimate:</b> Low
Dependencies	Key milestones, activities and timeframe
<ul style="list-style-type: none"> <li>• Recruiting volunteers</li> <li>• Effective training</li> <li>• Central data analysis and management</li> </ul>	<ul style="list-style-type: none"> <li>• Define details of the program (1 month)</li> <li>• Communicate to gain support for the program (2+ weeks)</li> <li>• First wave of recruitment (2+ weeks)</li> <li>• Training – one-day session</li> <li>• Send volunteers out for first round of engagements (2 weeks to occur within appropriate weather conditions/winter/summer)</li> <li>• Feedback/conclusions/adjustments as needed (ongoing)</li> </ul>
<b>Priority</b>	
High	

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**Recommendation 6: Create a coordinated communication plan for "Burlington – the green tech city"**


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The City should effectively communicate its vision for becoming "Burlington – the green tech city" with effective and consistent messaging, engaging the Burlington community in an open dialog.

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**Scope and expected outcomes**


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**Scope**

There are many programs and initiatives in Burlington focusing on "green", sustainability, energy and efficiency.

The City should communicate all of these programs under a common theme to establish a strong recognizable brand and drive consistent and impactful messaging. This branding could be promoted through merchandise with a Burlington theme or logo. The City could develop additional creative ideas through collaboration (for example, social networks and contests) with the community, nonprofit and academic institutions, government and businesses.

The City should perform an inventory of all existing initiatives, materials, content and stakeholders (institutions, programs, forums, websites, TV media). It should integrate messaging around existing initiatives, which should be transitioned into a new integrated communications framework in support of the new Burlington brand.

Meaningful metrics and a progress reporting cadence will be critical to establishing credibility and maintaining focus to successfully proliferate the brand.

In addition, the City should prominently display City- and State-level targets for energy consumption and GHG reduction alongside usage and impact, in order to align the community around brand objectives.

Themes to communicate under the brand include:

- Best practice showcase of green technologies
- Locally developed green tech solutions
  - Integrated EV transportation solution
  - Burlington customer consumption portal
- E3 examples and impact metrics
- Success stories for job creation and ecosystem development

Furthermore, the EV fleet will be highly visible on the streets of Burlington; it alone will significantly contribute to the city's new branding.

**Expected outcomes**

Cohesive, branded communications will:

- Advance Burlington around a strong green theme
- Provide purpose and alignment for all related initiatives
- Focus communication efforts and optimize the use of resources
- Create the mindset to achieve GHG emissions reduction
- Differentiate Burlington from other cities
- Provide additional motivation for tourists to visit
- Support entrepreneurial investment and job creation

**Cost of inaction**

- Lack of alignment of key initiatives and investments in Burlington
  - Missed opportunity to:
    - Unite the community around a strong vision and purpose
    - Accelerate green investments and job creation
    - Further enhance Burlington's attractiveness as a tourist destination
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 Recommendation 6: Create a coordinated communication plan for "Burlington – the green tech city" (continued)
 

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Proposed owner and stakeholders	Suggested resources needed
<b>Owner:</b> Office of the Mayor  <b>Stakeholders:</b> <ul style="list-style-type: none"> <li>• City department heads</li> <li>• All public and private entities involved in green initiatives</li> </ul>	<p>People skilled in writing, multimedia communications, marketing, public relations, project management and data analysis to define and execute the integrated communications plan and branding – medium cost</p> <p>Suggested approach to accelerate start time and leverage existing resources:</p> <ul style="list-style-type: none"> <li>• Create a virtual project team with communications representatives from all City departments (as stretch /development and/or rotation assignments)</li> <li>• Team to take direction from an assistant to the Office of the Mayor</li> <li>• Supplement required capacity with interns hired on an individual project basis</li> </ul> <p>Contribution to funding could come from expanding green initiatives showcasing (for example in ECHO), advertising and sales of merchandise</p> <p>See Appendix H: "Fast-start list for communication and marketing" for affordable program ideas</p>
Dependencies	Key milestones, activities and timeframe
<ul style="list-style-type: none"> <li>• Recommendation 1</li> <li>• Resources to execute</li> </ul>	<ul style="list-style-type: none"> <li>• Agree to the brand theme, logo, messaging (2 months)</li> <li>• Create a virtual project team (in parallel with above, 2 months)</li> <li>• Supplement required capacity with interns</li> <li>• Inventory available collateral and programs and gather metrics data (2 months)</li> <li>• Define communication plan and calendar (2 months)</li> <li>• Align sustainability initiatives with new brand and update materials accordingly (2 months)</li> </ul> <p>Include regular progress reporting in the current community calendar, city website and other relevant forums/events.</p>
<b>Priority</b>	
High	

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# 5. Conclusion

The Smarter Cities Challenge team's recommendations focus on harnessing the local talent pool and the abundance of renewable resources in the area to enable Burlington to achieve its GHG emissions goals. The overarching recommendation – to establish Burlington as a leading green tech city – drives alignment across stakeholders and all initiatives, further energizes the community, retains talent and inspires the development of new technologies and businesses.

It is important that Burlington takes a fact-based, data-driven approach. The City should establish baselines and measurable targets and use data to make effective decisions and build robust business cases.

The ultimate outcome is for Burlington to become an integrated, data aware, thriving city that is recognized as a leader in green technologies.

# 6. Appendix

## A. Acknowledgments

Stakeholder	Name/title
<b>Agilionapps.com</b>	Adam Bouchard, Founder
<b>Burlington District Energy Service (BURDES)</b>	Jan Schultz, BURDES Committee John Irving, Manager of Generation/McNeil Plant Manager Mary Sullivan, Communications Coordinator (BED) Jeffrey Frost, Consultant, Bioenergy Comparators Harry Atkinson, Industry Representative, BURDES Committee Lisa Marchetti, Citizen Representative, BURDES Committee
<b>Burlington Electric Department (BED)</b>	Barbara Grimes, General Manager Ken Nolan, Manager of Power Resources Tom Buckley, Manager of Customer and Energy Services Chris Burns, Director of Energy Services Nick Molander, Assistant Principal BSD
<b>Burlington School District (BSD)</b>	Amy Mellencamp, Principal, Burlington High School (BHS) Jeanne Collins, Superintendent, Burlington Schools Brian Hoffman, Teacher, BHS Environmental Sciences Brian Williams, Principal, Sustainable Academy at Lawrence Barnes
<b>Campus Area Transportation Management Association (CATMA)</b>	Sandy Thibault, Executive Director
<b>Center for Energy Transformation and Innovation (CETI)</b>	Joan Gamble, Strategic Change/Executive Consultant
<b>Champlain College</b>	David Provost, Vice President for Finance and Administration John Caulo, Associate Vice President for Campus Planning
<b>Chittenden County Transportation Authority (CCTA)</b>	Chapin Spencer, Immediate Past Chairman, Board of Commissioners
<b>Chittenden County Regional Planning Commission (CCRPC)</b>	Charlie Baker, Executive Director Michele Boomhower, Assistant/MPO Director Andy Montroll, Attorney and Local Planning Commission Rep Melanie Needle, Senior Planner
<b>City of Burlington "City Green Team"</b>	Jennifer Green, Legacy Project and Sustainability Coordinator David White, Director of Planning and Zoning Ben Pacy, HR Generalist Steve Roy, Project Engineer, Department of Public Works (DPW) Sandrine Thibault, Planning and Zoning Ravi Parikh, Energy Services Specialist (BED) Jon Adams-Kollitz, Parks Ron Redmond, Director, Church Street Marketplace Eugene Bergman, Assistant City Attorney

Stakeholder	Name/title
<b>City of Burlington Office of the Mayor</b>	Miro Weinberger, Mayor Mike Kanarick, Assistant to the Mayor, Operations and Communication Carina Driscoll, Assistant to the Mayor for Innovation and Mayoral Initiatives Jennifer Kaulius, Administrative Assistant Erin Flynn, Mayor's Office Intern
<b>City of Burlington Department Heads</b>	Jesse Bridges, Director, Parks and Recreation Steve Goodkind, Director, Department of Public Works
<b>Fletcher Allen Health Care</b>	Jason Williams, Senior Government Relations Strategist Dawn LeBaron, Vice President for Hospital Services Wes Pooler, Director of Facilities Management
<b>Howard Center</b>	Mary McKearin, Director of Planning Tom Borys, Financial Manager Ed Vizvarie, Director of Facilities
<b>IBM – Burlington at Essex Junction, VT</b>	Janette Bombardier, Director, Burlington Site Operations and Senior Location Executive Stephen R. Blair, Central Utility Plant Manager Gregory L. Rieder, Senior Electrical System Engineer Janet Doyle, Site Operations and Government Programs John Cohn, IBM Fellow, Distinguished Agitator Lindsey M. Sullivan, Potable and Ultrapure Water Engineer Ruma Kohli, Product Stewardship Program Manager Chris Gillman, Senior Manager – 200mm Fab IT and Lean Transformation
<b>IBM – E&amp;U Solution Center LaGarde</b>	Frederic Bauchot, DE Chief Solution Architect Jean-Francois Mermet, Smart Grid Solution Architect
<b>University of Vermont</b>	Richard Cate, Vice President of Finance and Administration Gioia Thompson, Sustainability Director Melody Burkins, Office of the VP for Research and Graduate College Chris Danforth, Assistant Professor, Department of Mathematics and Statistics; Computational Story Lab Austin Troy, Director of Transportation Research Center (TRC) Paul Hines, Assistant Professor, School of Engineering Jeff Marshall, Professor, School of Engineering & Mathematical Sciences Joe Speidel, University Relations Michelle Smith, Green Building Coordinator Sal Chiarelli, Director of Physical Plant
<b>Vermont/Burlington Business Community</b>	Kelly Devine, Executive Director, Burlington Business Association Andrea Cohen, Vermont Businesses for Social Responsibility
<b>Vermont Congressional Delegation</b>	Tom Berry, Field Representative – Office of US Senator Patrick Leahy Jon Copans, Deputy State Director – Office of US Congressman Peter Welch
<b>Vermont Energy Investment Corporation</b>	George Twigg, Director of Public Affairs Erin Carroll, Director, Consulting Division Karen Glitman, Director, Transportation Efficiency Division

Stakeholder	Name/title
Vermont Gas	Don Gilbert, President
Vermont Governor's Office	Elizabeth Miller, Chief of Staff
Vermont Public Service Department	Christopher Recchia, Commissioner Darren Springer, Deputy Commissioner
Vermont Renewable Energy Businesses	Doug Goldsmith, COO, AllEarth Renewables Andrew Savage, Director of Communications and Public Affairs, AllEarth Renewables Chad Farrell, Principal, Encore Redevelopment Nicholas Ponzio, Project Engineer, Building Energy Gabrielle Stebbins, Executive Director, Renewable Energy Vermont Duane Peterson, President, SunCommon
Vermont State Legislature	Tim Jerman, Vermont House of Representatives, Natural Resources Suzi Wizowaty, Vermont House of Representatives, Judiciary
350Vermont.org	Andrew Simon, Campaign Coordinator Bill Scott, Activist



## B. Team biographies



**Leonard Hand**  
**Executive Information**  
**Technology Architect**  
**Rochester, New York, USA**

Hand is an IBM Senior Certified Architect with an infrastructure discipline. He performs many roles beyond IT architect, including instructor, methodologist, mentor, innovator (six US patents) and programmer, to name a few. As an infrastructure architect, Hand understands the importance of looking at the big picture and all possibilities but at the same time has a pragmatic (rubber meets the road) perspective that enables his solutions to work in the real world. Hand is currently engaged as the technical lead on a special assignment called the IBM Asset Factory. Prior to IBM, Hand worked as a software consultant and as an environmental controller programmer. He is a Summa Cum Laude Graduate of SUNY Oswego. Hand has built his own home. He enjoys his family, wrenching classic cars and motorcycles, and managing his farm in central New York.



**Robert Laurim**  
**Vertical Industry Expert**  
**Munich, Germany**

Laurim pulls together hardware, software and services to support clients. All his career moves have been with leading IT companies in support of business segments, such as automotive, aerospace, manufacturing, broadcasting/media, utilities, public and defense. He is experienced in growing markets, startup situations and turnarounds. His working style is straightforward and customer focused. Prior to joining IBM Germany in 2003, Laurim worked for several other high-tech firms. Laurim holds a degree in industrial engineering from the Munich University of Applied Sciences. His hobbies include a variety of outdoor activities, including scuba diving. He's also very interested in antiques, modern history and literature.



**Jorge Luttgardes**  
CIO Office Leader,  
IBM Latin America  
Sao Paulo, Brazil

"Lutt" Luttgardes is responsible for the overall IBM IT operations in Latin America, with activities encompassing the management of technical infrastructure and systems applications maintenance and development. His two positions were in the IBM Consulting Division: as the Brazil Operations Executive and as the Brazil Leader of Applications Services Delivery respectively. Before that, Lutt worked in finance, his last position being Latin America CFO for the IBM Consulting Division. During his 19 years in IBM, Lutt has rotated through several areas with experience in application management, planning, pricing, Treasury, accounting, business development, business controls and delivery excellence. In 2012 he was awarded as one of the best 500 IBM employees in world ("Best of IBM" award). Lutt speaks English and Spanish in addition to his native Portuguese. He has an MBA from Fundacao Don Cabral, a post-graduate degree in administrative finance from Fundacao Getulio Vargas, and graduated in data processing technology from Pontificia Universidade Catolica. He was born in Rio de Janeiro and lives in Sao Paulo, Brazil, where he is married and has two daughters. He likes sports and plays soccer and tennis.



**Isabelle Murard**  
Energy and Utility  
Technical Consultant  
Nice, France

Murard is a senior IBM certified Project Manager and certified Service Oriented Architecture Associate. For the past three years, Murard has led the team in charge of Technical Consulting for IBM Business Solutions serving the energy and utility market at a global level. Murard has spent the majority of her IBM career working with all IBM lines of business, as well as with business partners, independent software vendors, consultants and systems integrators. During her career, she has worked in Europe, the Middle East and Africa for IBM voice products, in software development, system design, end-to-end solution design, project and team management. Living in Vence on the French Riviera, Murard enjoys outdoor sports like hiking, skiing and sailing. On a volunteer basis, she teaches project management at Nice University.



**Gabriela Orwick**  
**Executive Consultant,**  
**M&A Integration**  
**Hillsboro, Oregon, USA**

Orwick partners with IT business development leaders with focus on acquisition integration strategy, cross-IBM synergies and the optimal approach to mitigate integration risk. Previously, as an M&A integration Project Manager in IBM Software Group, Orwick led diverse global teams to develop comprehensive plans and deliver successful integration of acquired companies. Orwick is a certified project management professional, has extensive experience leading complex projects and has earned the highest level – thought-leader – recognition in IBM's Managing Projects and Programs capability. In May 2011, Orwick had the privilege of serving as an IBM Corporate Services Corps volunteer, consulting with the Cebu City government in the Philippines on organizational design and revamping human resources programs, especially in recruiting and performance management practices. She thrives on applying her energy, focus, ideas and expertise to driving positive change, and making lasting business and community impact.



**Christian Raetzsch**  
**Systems and Technology Group**  
**Technical Executive**  
**Prague, Czech Republic**

Raetzsch has more than 25 years experience in IT. Prior to joining IBM, Raetzsch worked with Austrian banks to develop and introduce software for personal and mobile computers and to provide advisory services to clients of these Austrian banks. Raetzsch started his career in IBM Austria as a sales representative, working with manufacturing clients, followed by leadership positions in IBM Services and IBM Systems Technology Group. Work assignments with IBM have included several international roles in mature markets like Germany, as well as in growth markets in central and eastern Europe, Russia, the Middle East, Egypt and Pakistan. Raetzsch was born in Austria in a small village in Tirol, an area famous for its beautiful landscape, mountains and skiing. He holds a degree in civil engineering from the Technical University in Graz, Austria, as well as a certificate in management from the Open University Business School, UK.

### C. Reference customer portals and mobile clients around the world

- 1 **Edelia project for EDF commerce, for both load shedding and consumer awareness and hints.**  
[www.unebretagnedavance.fr/prod.html](http://www.unebretagnedavance.fr/prod.html)
- 2 **GridPocket project with the involvement of university research department to make it happen.**  
[www.gridpocket.com/Welcome.html](http://www.gridpocket.com/Welcome.html)
- 3 **Smart Grid initiatives around the world**  
Smart Grid initiatives around the world are quite varied in approach, technologies and purpose. The focus of these initiatives differs according to the needs of utility, client and community. Consequently, no two implementations are alike. Furthermore, the roadmap to each individual Smart Grid initiative is also unique as it takes into account individual budget, timelines, systems, resources, and other business priorities.

#### 4 **Localization and island markets**

From the localization perspective, Burlington can be seen as an (electrical) island. From this viewpoint, it is valuable to consider what other island markets are doing with respect to Smart Grid. Here is one example:

The island of Bornholm, off the coast of Denmark, is conducting a pilot to use renewables to power electric vehicles but is focused on maximizing wind energy.

This is known as the EDISON project.

[http://ec.europa.eu/enterprise/archives/e-business-watch/studies/case\\_studies/documents/Case%20Studies%202009/CS09\\_Energy2\\_Edison.pdf](http://ec.europa.eu/enterprise/archives/e-business-watch/studies/case_studies/documents/Case%20Studies%202009/CS09_Energy2_Edison.pdf)

## D. Burlington, VT Climate Action Plan 2012

[www.burlingtonvt.gov/CAP](http://www.burlingtonvt.gov/CAP)

**Implement “PACE” program.** The Property Assessed Clean Energy (PACE) program allows property owners to access long term municipal financing to make eligible energy efficiency and renewable energy improvements to their buildings. By opting into a special tax assessment district, property owners pay for these improvements via property taxes over a period up to twenty years.

**Require new commercial construction to follow Core Performance guidelines.** This proposed action would require new commercial construction to follow Core Performance guidelines, a program offered by BED, Efficiency Vermont, and Vermont Gas. Core Performance is a prescriptive guide to reduce energy use in commercial buildings by 20-30%.

**Implement “Solar on Schools.”** “Solar on Schools” is a proposal to put solar PV panels on the City of Burlington schools’ roofs. The panels on seven schools will be owned and operated by a private third-party development partner who can take advantage of federal and state tax credits, which the City cannot.

**Implement deep energy efficiency program in government buildings.** This action proposes to perform deep energy efficiency improvements in all municipal buildings. Deep energy retrofits are extensive renovations to existing structures that use the latest in energy-efficient materials and technologies and result in significant energy reductions.

**Implement BED AMI program.** BED is planning to install advanced meter infrastructure (AMI), commonly referred to as “Smart Meters.” AMI would replace all existing meters, provide data to BED and its customers in 15-minute intervals, and offer two-way communication. This better data will be combined with incentive(s), probably in the form of new, voluntary electric rates, to reduce peak electricity use, cost, and emissions.

**Implement BED “Renewable Resource Rider” program.** The proposed Renewable Energy Resource Rider (currently only includes solar) is a program to encourage residents and businesses to install solar PV panels. This is achieved through setting a predictable and stable rate above the retail cost of electricity, and therefore above the rate for standard net metered production.

**Replace existing streetlights with LEDs.** LED is currently a rapidly emerging technology that is still maturing. There are issues regarding LED light output for higher lumen requirement applications, high first cost and durability issues that need to be considered. This action proposes to replace all existing streetlights (approximately 4,200) in the City of Burlington with LEDs over a 10-year period at a cost estimate of \$1.49 per fixture as funding allows.

**Implement McNeil district heating project.** This proposed action is to use McNeil as a heat source for a district heating system that would improve McNeil’s efficiency, make use of some of its waste heat, and provide heat to consumers at a relatively low and predictable price.

**Require new residential construction to be VESH qualified.** This proposed action would require new residential construction to be Vermont Energy Star for Homes (VESH) qualified. Energy Star Homes are designed and built using best practices to save energy by reducing air leaks and thermal bypass, and by requiring high efficiency heating systems and appliances.

**Implement a “Solar City” project on municipal buildings.**

This action proposes to install solar photovoltaic panels on appropriate city-owned buildings with the goal of providing 1MW aggregate power and helping to minimize the occurrence of peak load.

**Revise and implement Time of Sale ordinance.** This action proposes to build upon the existing residential rental housing time of sale energy efficiency ordinance by applying it to all residential and commercial buildings. Furthermore, it proposes that, as a condition of sale, all buildings must receive an energy inspection and rating that is available to prospective buyers.

**Create and implement Green Roof policy and incentive program.** This proposed action would require that all new flat roofs at or under a 30 degree-pitch, both private and public, have to be vegetated. If old roofs have to be retrofitted, the building owner may be able to receive public financial support for a green roof.

**Develop methane gas capture and CHP potential at City’s wastewater treatment facilities.** This proposed action would fully develop the potential for capturing methane gas and generating electricity and/or heat from the City’s decentralized waste water treatment facilities.

**Implement the Environmental Preferable Purchasing (EPP) Policy.** The proposed action builds upon the City’s existing environmental purchasing policy, requiring that it be applied to all procurement decisions city-wide.

**Increase the UTC.** This proposed action would increase the urban tree canopy (UTC) by planting a total of 588 trees per year and by maintaining the existing urban tree canopy. This would be achieved both on public and private property.

**Develop public-private partnerships and infrastructure for the processing, preserving, and storage of locally produced foods.** This action proposes to develop public-private partnerships and infrastructure for the processing, preserving, and storage of locally produced foods.

**Create and implement policy for raising non-domesticated animals in city neighborhoods and agricultural areas.** This action proposes to create and implement a clear and consistent policy for raising non-domesticated animals, for egg, meat, and milk production, in city neighborhoods and urban agricultural areas.

**Implement a digester for organic waste.** The proposed digester system would take community organic waste and manure from local farms to process in a strategically located CHP facility. In addition to generating electricity and heat, this project would create a bi-product to be sold as bulk compost/soil amendment. Moreover, it would reduce GHG emissions by producing cleaner electricity and heat and from avoided landfill emissions.

**Implement residential organics collection program.** This proposed action would collect residential organic food waste (no yard waste) to be composted and will be modeled after the existing City residential recycling program, thus having a similar infrastructure and cost profile.

**Implement residential PAYT program.** This proposed action would change the current residential collection payment system to a system in which residents pay per unit of trash collected. Programs like these result in a decrease in solid waste, as well as overall cost savings to participants. The current physical collection system would remain the same.

**Require recycling bins at all public facilities and events.**

This proposed action would require that recycling bins are available and maintained at all public facilities and events.

**Eliminate use of plastic bags in the City of Burlington for purchases.** This proposed strategy would eliminate plastic bags by building on existing bring your own bag incentives. The action would require shoppers who don't bring their own totes to a store to pay a fee for plastic bags.

**Consolidate trash haulers by neighborhood or district.**

This action proposes to consolidate trash haulers by neighborhood or district, thereby limiting the number of trucks driving through the city, reducing vehicle miles and congestion, and improving air quality.

**Require all construction and demolition projects to submit a waste management plan.** This action proposes to require construction and demolition (C&D) projects to submit a waste management plan. Such a plan would include: waste recycling, salvage or reuse goals; estimated types and quantities of materials or waste generated from the project site; proposed and intended disposal methods for these materials; and detailed instructions for subcontractors and laborers on how to safely separate or collect the materials at the job site.

**Reduce community VMT.** This proposed action would reduce community VMT by 10% through a combination of travel substitutions (combining trips, telecommuting, walking and biking, ridesharing and carpooling, and using mass transit).

**Implement government vehicle retirement and replacement program.** This proposed action will result in retiring 5% of the government's vehicle fleet and replacing 25% of the gasoline-powered vehicles with hybrids. This action would retire twelve vehicles and replace 62 gas-powered vehicles with hybrids over a five-year period.

**Implement government alternative commuting program.**

This proposed action would reduce government employee commuting miles by encouraging employees to commute through emissions-free modes (telecommuting, walking, and biking), as well as less impactful modes (car pooling, ridesharing, and mass transit). It would also include incentives such as a parking cash-out program.

**Reduce government VMT.** This proposed action would reduce government VMT by 10% through a combination of travel substitutions (combining trips, video conferencing and conference calling, walking and biking, ridesharing and carpooling, and using mass transit).

**Improve bicycle and pedestrian infrastructure.**

The proposed action will build upon Complete Streets guidance integrating on-street bicycle and pedestrian facilities into all future infrastructure improvements to City streets.

**Design and implement a new Citywide Bike/Ped Plan.**

This proposed action would build upon the City's North/South Bike Plan by taking a more comprehensive look at the City's existing bike/ped infrastructure and designing and implementing necessary improvements.

**Implement integrated transportation system**

**improvements.** Building upon the City's Transportation Plan, this action proposes to implement several improvements of an integrated transportation system including the creation of a downtown transit center, Park and Ride and Auto Intercept lots to capture cars before they enter City neighborhoods, and increased frequency of transit in corridors servicing downtown and auto intercept facilities.

**Create a downtown Transportation Management Association (TMA).** This proposed action would develop a downtown transportation management association that plans, develops, and manages all employee transportation and parking programs, infrastructure, and related facilities. The goal of the TMA would be to offer and improve cost-effective and convenient alternative transportation services while simultaneously reducing travel demand and traffic congestion and improving air quality.

**Implement government vehicle sharing/fleet management program.** This proposed fleet (vehicle) management and vehicle sharing program will include vehicle acquisition, assignment and maintenance with a focus on cost-effectiveness and emissions reduction. This program will likely also include other functions, such as vehicle financing, vehicle telematics (tracking and diagnostics), driver management, speed management, fuel management, health and safety management, regulatory compliance, and validating green initiatives.

**Develop infrastructure for fuel-efficient vehicles.** This proposed action would develop infrastructure and incentives for fuel-efficient vehicles. This might include charging stations for electric and electric-hybrid vehicles and fueling stations for CNG and other alternative fuel vehicles.

**Price on-street parking to maintain 85% on-street parking utilization.** This transportation demand management action proposes to increase on-street parking rates to market-based rates and to maintain an 85% on-street parking utilization rate. This action will better relate parking supply with demand, increase the likelihood of available spaces, reduce traffic congestion, improve air quality, and increase revenues for the City.

**Create a FT city/staff climate action planning position.** This action proposes to create a dedicated staff position responsible for overseeing and managing the implementation of the City's climate action plan. This would include the creation of a system for measuring and managing performance and coordinating the involvement of municipal partners and community volunteers.



## E. Burlington energy stakeholders

	Burlington, VT, at city level	
	Organization	Program/asset
Government	Office of the Mayor	Communications plan Budget/resources
	City Council	
	Chief Administrative Officer (CAO)	
	Community and Economic Development Office (CEDO)	
	Public Works	
	Parks and Recreation	
	Zoning and Planning	planBTV
	"Green Team"	Climate Action Plan
Utility	Burlington Electric Department (BED)	50% McNeil Generating Station Burlington PACE Program eMeter "Energy Engage" District Energy Study
Nonprofit	Campus Area Transportation Management Association (CATMA)	
	Howard Center	IBM Centennial Grant Recipient
	Greater Burlington Industrial Corporation (GBIC)	
Business	Burlington Business Association (BBA)	
	Church Street Marketplace	
Institutions	Burlington School District (BSD)	
	University of Vermont (UVM)	eMinder, Transportation Research Center (TRC)
	Champlain College	
	Fletcher Allen Health Care (FAHC)	
Community	Burlington District Energy System (BURDES)	
	Neighborhood Planning Assembly (NPA)	Ward Meetings

	Regional/state level	
	Organization	Program/asset
Government	State Legislature	
	Public Service Department	State Energy Plan
	Public Service Board	
	Chittenden County Transportation Authority (CCTA)	
	Center for Entrepreneurial & Technological Innovation (CETI)	Regional Solar Test Center (at IBM)
	Senate/Congress Federal Delegation	
Utility	Vermont Gas	Methane Digestion pilot (at Middlebury)
	Green Mountain Power	31% McNeil
	Vermont Electric Power Company (VELCO)	
	Vermont Public Power Supply Authority (VPPSA)	19% McNeil
Nonprofit	Vermont Energy Investment Corporation (VEIC)	Efficiency Vermont Renewable Energy Resource Center PACE GoVermont BERC DriveElectricVT
	Renewable Energy Vermont (REV)	
	Champlain Valley Office of Economic Opportunity (CVOEO)	
	Local Motion	
	CarShare	
Business	IBM Burlington	
	Lake Champlain Regional Chamber of Commerce	
	Vermont Businesses for Social Responsibility (VBSR)	Business Energy Action (BEA)
Institutions	Vermont Technical College (VTC)	IBM Centennial Grant Recipient
Community	350Vermont.org	

## F. Additional resources for consideration

### Programs and funding:

American Council for an Energy-Efficient Economy (ACEEE). <http://aceee.org/about>

Executive Summary: Tax Reforms to Advance Energy Efficiency February 2013.

<http://aceee.org/files/pdf/summary/e132-summary.pdf>

Executive Summary: Overcoming Market Barriers and Using Market Forces to Advance Energy Efficiency. March 2013.

<http://aceee.org/files/pdf/summary/e136-summary.pdf>

<http://aceee.org/energy-efficiency-links>

### Energy Funding Opportunity.

<http://energy.gov/public-services/funding-opportunities>

### Volunteerism:

AmeriCorps. <http://vtencs.vermont.gov/ameriCorps>

Community-University Partnerships & Service-Learning (CUPS). [www.uvm.edu/~partners](http://www.uvm.edu/~partners)

### Renewable energy and sustainability curricula examples:

The Princeton Review's Guide to 322 Green Colleges, April 2011. [www.princetonreview.com/green-guide.aspx](http://www.princetonreview.com/green-guide.aspx)

[www.unr.edu/energy/curriculum/Renewable-Engineering.pdf](http://www.unr.edu/energy/curriculum/Renewable-Engineering.pdf)

<http://civil.colorado.edu/~brandem/pub/ALOFinalReport.pdf>

<http://mwcc.edu/sustain/renewable-energy-curriculum-development>

## G. Acronyms and abbreviations

Abbreviation/acronym	Meaning	Reference
<b>AMI</b>	Advanced Meter Infrastructure	
<b>BBA</b>	Burlington Business Association	<a href="http://www.bbavt.org">www.bbavt.org</a>
<b>BEA</b>	Business Energy Action	<a href="http://vber.org/business_energy_action">http://vber.org/business_energy_action</a>
<b>BED</b>	Burlington Electric Department	<a href="http://www.burlingtonelectric.com">www.burlingtonelectric.com</a>
<b>BERC</b>	Biomass Energy Resource Center	<a href="http://www.biomasscenter.org">www.biomasscenter.org</a>
<b>BHS</b>	Burlington High School	<a href="http://bhs.bsdrv.org">http://bhs.bsdrv.org</a>
<b>BSD</b>	Burlington School District	<a href="http://www.bsdrv.org">www.bsdrv.org</a>
<b>BTU</b>	British Thermal Unit	
<b>BURDES</b>	Burlington District Energy System	<a href="http://www.burlingtondistrictenergy.org">www.burlingtondistrictenergy.org</a>
<b>CAO</b>	Chief Administrative Officer	
<b>CAP</b>	Climate Action Plan	<a href="http://www.burlingtonvt.gov/CAP">www.burlingtonvt.gov/CAP</a>
<b>CATMA</b>	Campus Area Transportation Management Association	<a href="http://www.catmavt.org">www.catmavt.org</a>
<b>CCRPC</b>	Chittenden County Regional Planning Commission	<a href="http://www.ccrpcvt.org">www.ccrpcvt.org</a>
<b>CCTA</b>	Chittenden County Transportation Authority	<a href="http://www.cctaride.org">www.cctaride.org</a>
<b>CEDO</b>	Community and Economic Development Office	<a href="http://www.burlingtonvt.gov/cedo">www.burlingtonvt.gov/cedo</a>
<b>CETI</b>	Center for Entrepreneurial & Technological Innovation	
<b>C&amp;D</b>	Construction and Demolition	
<b>CIS</b>	Customer Information System	
<b>CUPS</b>	Community-University Partnerships & Service-Learning	<a href="http://www.uvm.edu/~partners">www.uvm.edu/~partners</a>
<b>CVOEO</b>	Champlain Valley Office of Economic Opportunity	<a href="http://www.cvoeo.org">www.cvoeo.org</a>
<b>DPW</b>	Department of Public Works	<a href="http://www.burlingtonvt.gov/DPW">www.burlingtonvt.gov/DPW</a>
<b>DSM</b>	Demand Side Management	
<b>E3</b>	Energy Efficiency Engagement	
<b>ECOS</b>	Environment. Community. Opportunity. Sustainability.	<a href="http://ecosproject.com">http://ecosproject.com</a>

Abbreviation/acronym	Meaning	Reference
<b>EMS/DMS/GMS</b>	Energy/Distribution/Generation Management System	
<b>EPP</b>	Environmental Preferable Purchasing	
<b>EV</b>	Electrical vehicle	
<b>FAHC</b>	Fletcher Allen Health Care	<a href="http://www.fletcherallen.org">www.fletcherallen.org</a>
<b>FT or FTE</b>	Full Time or Full Time Equivalent	
<b>GBIC</b>	Greater Burlington Industrial Corporation	<a href="http://www.gbicvt.org">www.gbicvt.org</a>
<b>GHG</b>	Green House Gas	
<b>GIS</b>	Geographic Information System	
<b>GMP</b>	Green Mountain Power	<a href="http://www.greenmountainpower.com">www.greenmountainpower.com</a>
<b>GSF</b>	Gross Square Footage	
<b>HAN</b>	Home Area Network	
<b>IHD</b>	In Home Display	
<b>IT</b>	Information Technology	
<b>KPI</b>	Key Performance Indicator	
<b>KWH</b>	Kilowatt Hour	
<b>LCRCC</b>	Lake Champlain Regional Chamber of Commerce	<a href="http://www.vermont.org">www.vermont.org</a>
<b>LED</b>	Light-Emitting Diode	
<b>NPA</b>	Neighborhood Planning Assembly	<a href="http://www.burlingtonvt.gov/CEDO/Neighborhood-Services/Neighborhood-Planning-Assemblies">www.burlingtonvt.gov/CEDO/Neighborhood-Services/Neighborhood-Planning-Assemblies</a>
<b>OMS</b>	Outage Management System	
<b>PACE</b>	Property Assessed Clean Energy	<a href="http://www.vaic.org/resourcelibrary/PACE.aspx">www.vaic.org/resourcelibrary/PACE.aspx</a>
<b>PAYT</b>	Pay As You Throw	
<b>PV</b>	Photovoltaic	
<b>REV</b>	Renewable Energy Vermont	<a href="http://www.revermont.org">www.revermont.org</a>
<b>ROI</b>	Return On Investment	
<b>SCADA</b>	Supervisory Control and Data Acquisition	

Abbreviation/acronym	Meaning	Reference
<b>SCC</b>	Smarter Cities Challenge	<a href="http://smartercitieschallenge.org">http://smartercitieschallenge.org</a>
<b>SGIG</b>	Smart Grid Investment Grant	
<b>SOV</b>	Single Occupancy Vehicle	
<b>tCO<sub>2</sub>e</b>	Tons of carbon dioxide equivalent	
<b>TMA</b>	Transportation Management Association	
<b>TRC</b>	Transportation Research Center	<a href="http://www.uvm.edu/~transctr">www.uvm.edu/~transctr</a>
<b>UVM</b>	University of Vermont	<a href="http://www.uvm.edu">www.uvm.edu</a>
<b>UTC</b>	Urban Tree Canopy	
<b>VBSR</b>	Vermont Businesses for Social Responsibility	<a href="http://www.vbsr.org">www.vbsr.org</a>
<b>VEE</b>	Validation Estimation and Editing	
<b>VEIC</b>	Vermont Energy Investment Corporation	<a href="http://www.velc.org">www.velc.org</a>
<b>VELCO</b>	Vermont Electric Power Company	<a href="http://www.velco.com">www.velco.com</a>
<b>VESH</b>	Vermont Energy Star Homes	
<b>VMT</b>	Vehicle miles traveled	
<b>VPPSA</b>	Vermont Public Power Supply Authority	<a href="http://www.vppsa.com">www.vppsa.com</a>
<b>VT</b>	Vermont	
<b>VTC</b>	Vermont Technical College	<a href="http://www.vtc.edu">www.vtc.edu</a>
<b>VtSBDC</b>	Vermont Small Business Development Center	<a href="http://www.vtsbdc.org">www.vtsbdc.org</a>

## H. Fast-start list for communication and marketing

- Set “Burlington – the green tech city” and **energy conservation as the key themes for the upcoming third annual hackathon** (<http://mywebgrocer.com/about/vt-hackathon>) in Burlington. Use anonymized aggregated data from the newly implemented BED Smart Grid.
- Reference 2012 South by Southwest (SXSW) Eco Hackathon <http://energy.gov/articles/open-data-winners-sxsw-eco-hackathon>, which had as its goal to invent usable technology products and mobile applications for smarter energy choices. Because this event had a particular focus on vehicle data, new products also could be used to improve safety and fuel efficiency. The winner developed an application – HOMEec – that helps homeowners track regular maintenance and opportunities for energy efficiency in a fun way, treating their home like a digital pet that gets happier as they make smarter energy choices.
- Partner with University of Vermont (UVM) Research to explore effective ways to gain actionable insight around **energy-efficient behavior and choices through social media and crowdsourcing**. Set up Twitter hashtags and start Facebook conversation topics to solicit a broader set of opinions, while ensuring focus and building momentum around the City's green goals. Inform collateral and programs with insights and ideas from those social media forums to recognize the contribution and increase public buy-in. Host a “Jam” with targeted invitations and advertising at small businesses and community centers to promote wide participation, and publish the results in local media.
- Feature **success stories in energy usage reduction** like the Howard Center, and promote visible, attractive and regularly updated and distributed reports to demonstrate progress and focus on the largest impact actions. Publicly recognize/highlight local businesses or institutions that have taken effective steps to reduce their carbon footprint/GHG emissions and can share best practices.
- Make the city a **recognizable role model in energy efficiency action and impact**:
  - Launch a Mayor's blog and/or newsletter featuring content around sustainability efforts, programs and progress
  - Conduct a city fleet evaluation and public sharing of decisions to replace sedans with electric and/or hybrid vehicles over x years, and report each time a positive impact change is made
  - Conduct city buildings energy audits (electric, natural gas/oil/propane, water) with a published progress meter for the biggest offender
  - Set up a friendly competition among departments to come up with ideas for using renewable energy solutions to demonstrate commitment to the State Energy Plan's 2050 goal to source 90% of its energy from renewable sources
  - Incentivize and reward GHG reduction actions by directing savings back into green programs and initiatives
- Set up **challenges among City wards** to draw out the neighborhood's creative ideas and bring focus on energy efficiency practical actions via a steady drumbeat. Use existing forums like monthly Neighborhood Planning Assembly meetings, Bagel Cafe Friday “Mayor chats,” or monthly Mayor's 5:25 CCTV show. Select a winner quarterly and reward them with energy efficiency–geared resources, building a rich reference base – hopefully socioeconomically diverse and representing a cross section of Burlington.

- **Promote BEA's small business challenge** ([http://vbsr.org/business\\_energy\\_action](http://vbsr.org/business_energy_action)) and similar **state and national programs** to derive benefit for Burlingtonians from existing resources, and continually enforce Burlington's leadership brand and spur entrepreneurial ideas around efficient energy consumption actions and choices.
- Put **advertising on buses and public vehicles** both as an **education and finding source** for green programs. For example, display metrics related to GHG emission impact from single occupancy vehicles and compare with the opportunity to reduce it if using alternative options like public transportation, walking, biking or electric vehicle sharing (when available).
- Leverage and extend **existing discussions and events around Earth Day** in April:
  - Celebration and town meeting to facilitate an open dialog with the community
  - Survey for ideas
  - Waterfront event as a fund raiser and information sharing forum with vendors offering information
  - Declare a car-free day/week at the City, UVM
- Issue a **Mayor's challenge to schools** at all levels (BSD and higher education) to produce **videos, science projects and research papers** that would be featured at an annual event – for example, Earth Day, ECHO event, science fairs.
- Set up a **visible multimedia "green" section in the library** around what it means to be green every day and renewable energy sources. Put posters of Vermont's goal and Burlington's commitment.

#### Long term

- Design/focus on a **tourism campaign featuring Burlington as a premier "green tech" city destination for all seasons** – getting advertising sponsorship from known attractions (for example, Stowe is recognized as a "Certified Audubon Sustainable Destination" and for its "commitment to environmental stewardship") across Vermont – and staging demonstration sites and educational energy consumption/efficiency/renewables dashboards at popular destinations.
- **Stage exhibits and installations** in, for example, ECHO or City Hall Museum, in midterm, potentially leading to a central demonstration site and/or museum – on the waterfront – on Vermont and Burlington's economic progress and green energy successes in line with the overall "green tech city" brand.
- Research and create incentives to **attract nonprofits with renewable energy agenda, national/international recognition and grant/proposal writing expertise** to Burlington in order to add to the dynamic business and academic community and fortify the city's brand.

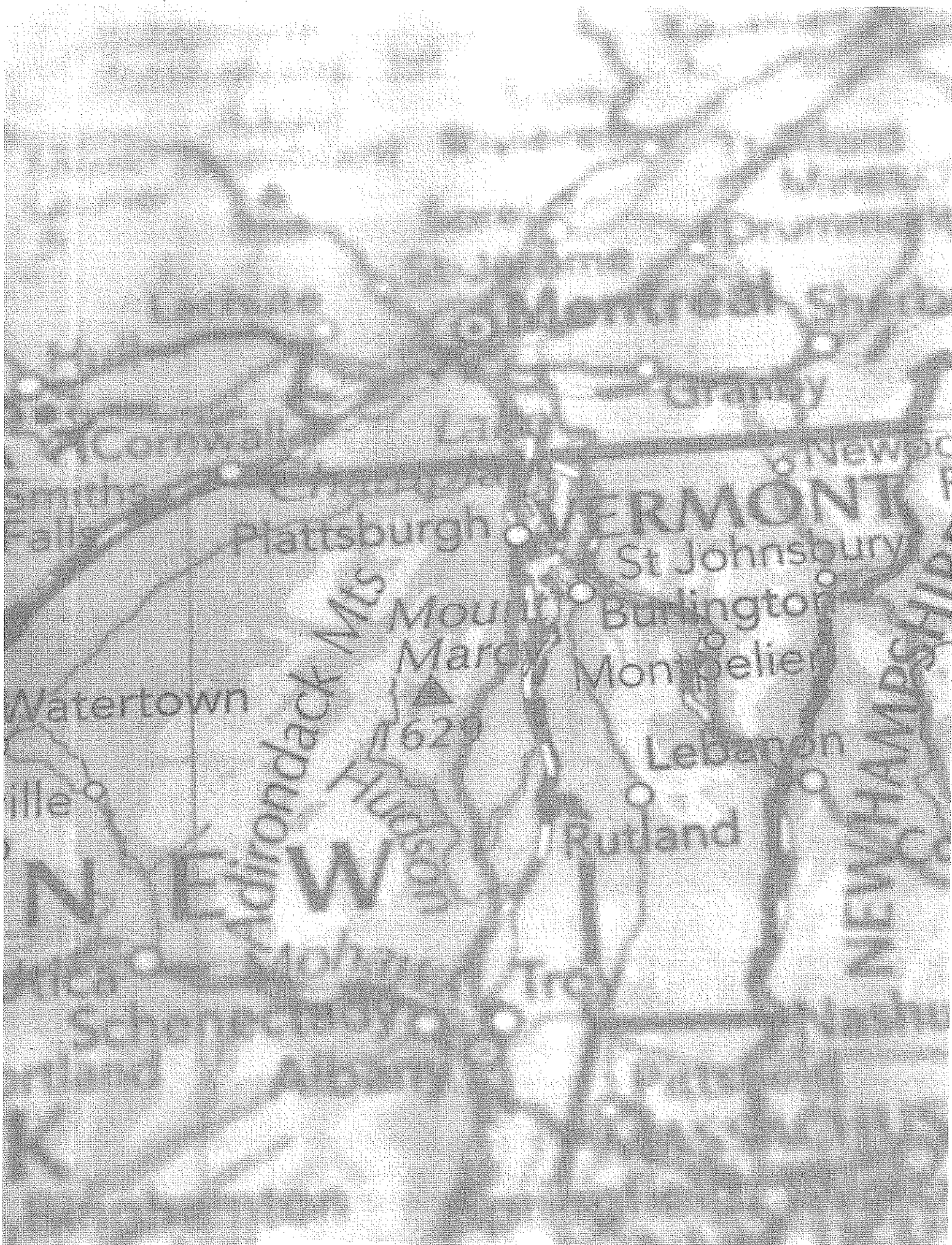


## I. References

- 1 "IBM Smarter Cities Challenge", IBM Corporation.  
<http://smartercitieschallenge.org>
- 2 "From the Mayor's Office", City of Burlington, Vermont.  
[www.burlingtonvt.gov](http://www.burlingtonvt.gov)
- 3 "EDF – Programme Une Bretagne d'avance 2012-2013", EDF.  
[www.unebretagnedavance.fr/prod.html](http://www.unebretagnedavance.fr/prod.html)
- 4 "GridPocket Personal Smartgrid Solutions", GridPocket SAS. [www.gridpocket.com/Welcome.html](http://www.gridpocket.com/Welcome.html)
- 5 "Electric vehicles using sustainable energy and open networks: the EDISON project, Denmark", The European Commission, Enterprise and Industry Directorate-General.  
[http://ec.europa.eu/enterprise/archives/e-business-watch/studies/case\\_studies/documents/Case%20Studies%202009/CS09\\_Energy2\\_Edison.pdf](http://ec.europa.eu/enterprise/archives/e-business-watch/studies/case_studies/documents/Case%20Studies%202009/CS09_Energy2_Edison.pdf)
- 6 "Project Final Report: Burlington Pilot District Energy Feasibility Study", City of Burlington Electric Department.  
[www.burlingtonelectric.com/ELBO/assets/Burlington%20District%20Energy%20Final%20Report%20corrected.pdf](http://www.burlingtonelectric.com/ELBO/assets/Burlington%20District%20Energy%20Final%20Report%20corrected.pdf)
- 7 "Energy Efficiency Incentives, Rebates and Information", Burlington Electric Department.  
[www.burlingtonelectric.com/page.php?pid=62&name=ee\\_incentives](http://www.burlingtonelectric.com/page.php?pid=62&name=ee_incentives)
- 8 Efficiency Vermont. [www.efficiencyvermont.com/Index.aspx](http://www.efficiencyvermont.com/Index.aspx)
- 9 "Vermont Gas – Energy Audit", VermontGas Systems, Inc.  
[www.vermontgas.com/efficiency\\_programs/audit.html](http://www.vermontgas.com/efficiency_programs/audit.html)
- 10 "About the Project | ECOS Project", Chittenden County Regional Planning Commission.  
<http://ecosproject.com/about-project>
- 11 "List of PACE programs – PACENow: Vermont", PACENow. <http://pacenow.org/resources/all-programs/#Vermont>
- 12 "Business Energy Action", Vermont Businesses for Social Responsibility. [http://vbsr.org/business\\_energy\\_action](http://vbsr.org/business_energy_action)
- 13 "Champlain Valley Weatherization Service", Champlain Valley Office of Economic Opportunity. [www.cvceo.org/html/weatherization/weatherization\\_home.html](http://www.cvceo.org/html/weatherization/weatherization_home.html)
- 14 "Efficiency Smart", American Municipal Power, Inc.  
[www.efficiencysmart.org/index.aspx](http://www.efficiencysmart.org/index.aspx)
- 15 "Building Energy", Northeast Construction, Inc.  
[www.buildingenergyvt.com](http://www.buildingenergyvt.com)
- 16 "ACEEE | Energy Efficiency Links", American Council for an Energy-Efficient Economy.  
<http://aceee.org/energy-efficiency-links>

- 17 "Promoting energy efficiency in buildings", Institute for Market Transformation. [www.imt.org](http://www.imt.org)
- 18 "2013 Draft Climate Action Plan", City of Burlington, Vermont. [www.burlingtonvt.gov/CAP](http://www.burlingtonvt.gov/CAP)
- 19 "Current Plan: 2011 Comprehensive Energy Plan | Public Service Department", State of Vermont. [http://publicservice.vermont.gov/publications/energy\\_plan/2011\\_plan](http://publicservice.vermont.gov/publications/energy_plan/2011_plan)
- 20 "Reports, Publications and Meeting Notes – Department of Planning & Zoning", City of Burlington, Vermont. [www.burlingtonvt.gov/PZ/PlanBTV](http://www.burlingtonvt.gov/PZ/PlanBTV)
- 21 "Ever-Green Energy » Burlington, VT", Ever-Green Energy, LLC. [www.ever-greenenergy.com/projects/burlington-vt](http://www.ever-greenenergy.com/projects/burlington-vt)
- 22 "Utility Facts 2013", State of Vermont. [http://publicservice.vermont.gov/sites/psd/files/Pubs\\_Plans\\_Reports/Utility\\_Facts/Utility%20Facts%202013.pdf](http://publicservice.vermont.gov/sites/psd/files/Pubs_Plans_Reports/Utility_Facts/Utility%20Facts%202013.pdf)
- 23 "EnergyMinder to Gauge Effect of Social Networking on Energy Consumption", The University of Vermont, [www.uvm.edu/extension/?Page=News&storyID=15244](http://www.uvm.edu/extension/?Page=News&storyID=15244)
- 24 "Champlain College Shuttle Bus Locator", Champlain College. <http://shuttle.champlain.edu/>
- 25 "Transportation-tracking technology", The University of Vermont. <http://uvm.blirpit.com>
- 26 "Biomass in Vermont's Energy Future", Biomass Energy Resource Center. [www.youtube.com/watch?v=7DorGgiltm4](http://www.youtube.com/watch?v=7DorGgiltm4)
- 27 "Vermont Sustainable Heating Initiative", Vermont Sustainable Heating Initiative, Inc. [www.sustainableheatingvt.org](http://www.sustainableheatingvt.org)
- 28 "Thermal Efficiency Task Force: Analysis and Recommendations", State of Vermont. [http://publicservice.vermont.gov/sites/psd/files/Topics/Energy\\_Efficiency/TETF/TETF%20Report%20to%20the%20Legislature\\_FINAL\\_1\\_15\\_13\\_2.pdf](http://publicservice.vermont.gov/sites/psd/files/Topics/Energy_Efficiency/TETF/TETF%20Report%20to%20the%20Legislature_FINAL_1_15_13_2.pdf)







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**BOARD OF FINANCE  
MONDAY, JUNE 24, 2013  
CITY HALL, CONFERENCE ROOM 12  
5:00 PM**

**PRESENT:** Mayor Weinberger; City Council President Shannon, Councilors Knodell, Aubin, and Bushor; CAO Rusten

**ALSO PRESENT:** Councilors Worden and Blais; Councilor Paul (5:50pm); ACAO Goodwin; ACAO Schrader; City Attorney Blackwood; Susan Leonard, HR; Ryan Betcher, Airport; Mike Kanarick, Mayor's Office; Terry Bailey, Jeanne Collins, School Department; Bernie O'Rourke, Miriam Stoll, Kathy Chasan, School Board; Joe Farnham, McNeil, Leddy, Sheahan; Martha Lang, Max Spencer, Nancy Kirby.

## **1. Agenda**

Mayor Weinberger stated they will move item 7 to item 2.5. Item 5 was removed from the agenda.

On a motion by City Council President Shannon and Councilor Bushor, the motion was adopted unanimously as amended.

## **2. Public Forum**

Martha Reid Lang, Ward 1 Resident, spoke against the sale of 150 Colchester Avenue to UVM.

Nancy Kirby, Ward 1 Resident, spoke against the sale of 150 Colchester Avenue to UVM.

## **2.5. (formerly item 7) Authorization for Employee Benefits Agreements – HR**

- a. Dental Care – Resolution**
- b. Life Insurance - Resolution**
- c. Health Insurance - Resolution**

Susan Leonard, HR, stated that the agreements for Health, Dental and Life Insurance are all up for renewal. They did a competitive RFP process for each. Both Dental and Life bids are less than what they were paying previously. They will be staying with Delta Dental who has reduced their price per member from \$4.18 per employee per month to \$3.50. The current Life Insurance provider did not bid so they will use The Standard, a company they have used in the past. They are recommending they continue to work with Blue Cross Blue Shield. Blue Cross Blue Shield proposed a 25% increase in administrative fees for the first year, but have agreed to hold that rate for the following two years. She feels these are good outcomes.

Councilor Bushor stated she was surprised that they did not receive the different bids so that they could compare what the savings were. She has no way of knowing that this is a good deal or not, and would like to see more information in the future. She inquired if The Standard was the only

company to respond. Ms. Leonard stated they were not the only ones to respond, but they were the only company who provided the correct coverage per City policy. They also have had a relationship with this company in the past. Councilor Bushor inquired what other health insurance companies submitted proposals. Ms. Leonard stated that MVP and Cigna. Councilor Bushor inquired if Blue Cross Blue Shield was still the best choice even with the 25% increase. Ms. Leonard stated they agreed to hold their rate steady for three years and to increase their wellness contribution by \$20,000. She also noted that they have switched their plan from a premium credit plan to an administrative services only program. This will allow them to look at program design and bring back changes which could also enhance savings.

Councilor Knodell inquired about the administrative fee versus the cost of insurance. Ms. Leonard stated the City is self-insured so the admin fee is a fixed amount. The other portion of the cost is claims.

Councilor Bushor and City Council President Shannon made a motion to approve the insurance agreements and recommend City Council approval. The motion passed unanimously.

### **3. Authorization for Real Estate Transactions – Schools**

Mayor Weinberger stated the School Board has already deliberated on this item. It came before the Board of Finance at their last meeting but they did not take action on it. It will still have to go to the full City Council at a later date.

Councilor Knodell inquired if the Board will be taking action at this meeting. Mayor Weinberger stated they could and the School District would prefer it, however there is some uncertainty around this item.

Jeanne Collins, School Board, stated they will provide all of the information that they need to take action. She introduced School Board members who have been working on this transaction. In 2006, the School Board directed the administration to look at reducing the number of School Buildings in the district, looking specifically at Taft School and Ira School. At that time, UVM indicated that they were interested in the building. They went into Probate Court and received a decision in 2008 which said what the building can be used for. They stated very clearly that it must be used for educational purposes. They also went to the City for a bond in 2008 to do work at the Sustainability Academy, Smith Elementary, and Flynn Elementary. As they began that work, they started using St. Joseph's space through a lease. They are very familiar with the building and its condition. They have made some infrastructure improvements themselves. When the opportunity came for St. Joseph's to sell, and UVM was interested in other properties, and there was a feeling that they could not go to the voters for additional money, they felt they should take advantage of this opportunity. The money received from Ira Allen and Taft will be used to renovate St. Joseph's. They were not able to talk about this publically until now because it is a real estate discussion and there are times when information has to remain confidential. They have not chosen to have a final decision on how the school will be used because it is not appropriate. This real estate deal will increase square footage in the district by 25%. They will reduce maintenance liability from two buildings to one building. They are aware of St. Joseph's condition and they believe it is in better condition than Taft despite being nine years older. It will also reduce ongoing maintenance costs on an annual basis. The immediate plan is to move Taft and Ira Allen into St. Joseph's. They would then discuss longer term plans through a public

process. They are not currently able to convert Taft into a school because it would be very expensive. There are also two alternative programs in Taft that they would have to relocate. This is financially responsible and allows for greater flexibility in usage of space for students.

City Council President Shannon stated there are two Burlington School programs in Taft and inquired if there is any other space that is leased. Ms. Collins stated there is no other space that is leased, though they have leased space in the past. The Teachers' Union also has an office there. City Council President Shannon inquired if the School District is using all of Ira Allen. Ms. Collins stated they are. They are using all offices and some closet spaces as offices. City Council President Shannon stated the appraisal is dramatically different than the assessed value. She inquired who contracted the appraiser. Terry Bailey, Schools, stated they contracted the appraiser for their properties. The Parish contracted for the St. Joseph's appraisal. Mayor Weinberger noted that assessments are often different from appraisals. City Council President Shannon inquired about operating expenses of the building. Mr. Bailey stated they have a maintenance plan with limited resources available. When choices are made, they have to consider what impacts the most students. There are also times where emergency repairs must be made. Taft has not seen the attention it should have and there is a high cost of taking care of it. Ms. Collins stated there is a chart in the packet that shows a breakdown of utilities, their primary operating costs. There are also costs associated with long term maintenance.

Councilor Bushor inquired if the figures they presented refer to overall maintenance costs or just utilities. She inquired how many years they looked at these to determine these figures and how they made their determinations. Mr. Bailey stated the figures reflect one year of expenses. St. Joseph's has the newest furnace in all of the buildings. Councilor Bushor stated they had heard that Ira Allen could be used for commercial uses only, which she believed to be incorrect. The process has been ongoing, but it only just became public. Ward 1 has no elementary school and their students go to Edmunds. There has been a resurgence of young families and she feels they will not stay if they do not address issues with schools in Ward 1. They should be looking at this section of the City. Her residents feel they are being abandoned by the School Department. She sees no one addressing that. She has worked hard to support institutions and allow them to grow within their boundaries. This allows UVM to expand their boundaries. Trinity Campus was a nice small college and they have used it wisely. There have been some negative impacts on the ward, and to allow them to expand into a neighborhood that is barely surviving will probably lose them that neighborhood. She believes that they need time to work with neighbors. They may or may not be on board, but they definitely do not appreciate surprises and lack of process. She inquired where the other programs will go in the transition. She also inquired about parking at St. Joseph's. She believes that St. Joseph's is in the best interest of the School Department, but she believes they need another funding source. 150 Colchester Avenue is a sticking point for her and they should not abandon Ward 1. Ms. Collins stated the Taft lease addresses the Probate Court's interpretation of the will. If UVM were not to use it for educational purposes, it would revert back to the School District. Ira Allen is only a portion of the whole building and UVM owns the remainder of it. Mayor Weinberger inquired what portion of the building is owned by the Schools. Mr. Bailey stated that their portion of the building is surrounded by UVM property and UVM owns 90% of the parking lot. Ms. Collins stated parking at St. Joseph's is better than Ira Allen. In the interim, all of the programs at Taft and Ira Allen would be in St. Joseph's until they determine its use. Mr. Bailey stated the numbers are actual numbers for the utilities.

Councilor Knodell requested an explanation of the School Board's process. Bernie O'Rourke,



School Commissioner, stated the School Board always discussed this in executive session. They then gave the district authorization to enter into negotiations and come back with an agreement. The School Board was kept informed of the options and the costs throughout the process. Ms. Collins stated this discussion took place because of direction from the School Board in 2006. There was a feeling that their 100 year old buildings were starting to cost a significant amount. Kathy Chasan, School Commissioner, stated the School District is growing and they need space. This is a unique opportunity where they can gain 10,000 square feet to address that problem. They can continue to talk about space City-wide. Mr. Bailey stated they have tried to project what they will need in the future. They have considered growth in an effort to avoid portable classrooms. Ms. Chasan stated they have worked on a master plan to audit all of the buildings. They have been thinking about their options and have been considering this for some time.

City Council President Shannon stated she feels pressed for time and wants to ask more questions. She hopes they can continue this process. She senses that this will be a good thing for the School District and City finances. There is a sense that this is being rushed and is making this community feel tense. Ms. Collins stated she would be happy to come back for further discussion. As a real estate transaction, there is no guarantee how long it will remain available. UVM is allowing them to use Ira Allen rent free for one year if this transaction moves forward, but if this does not move forward in time they will need to have a plan in place about where to house those programs. It is important that there is an opportunity for the City and its residents to weigh in, but that process cannot take six months.

Councilor Knodell stated if they feel they need more process, they need to be clear about who is responsible for that process. City Council President Shannon stated that bringing it to the Board of Finance when there are other agenda items is not allowing them time for a back and forth. She suggested that they have a separate meeting for this item. Councilor Knodell stated she feels the Board of Finance has discussed the financial part and the outstanding questions are around public process. City Council President Shannon inquired if there has been much public process at the School Board level. Ms. Collins stated their master planning effort involved a number of community members. Discussions about finalizing this particular transaction have remained confidential. Now that it is public, they have done their best to publish information in the newspaper, on the web and on Front Porch Forum to make it as public as possible. Mayor Weinberger stated he feels they have discussed the needs of the School District and have a lot of information available. The Council is thinking more broadly about the future of the property and whether or not UVM is the right steward of that property. He inquired what other information they would like as a part of the public process. Councilor Bushor stated she would like to allow Ward 1 more opportunity to weigh in. The School Board is an elected body and people vote on their budget but hold City Council responsible. The purchase of St. Joseph's and Taft are not the issue, it is the 150 Colchester Avenue property and issues with UVM. She would like to hear what is being proposed and to know if there is another funding source. Ms. Collins stated it would be difficult to find another funding source because of restrictions on Taft. Mayor Weinberger stated he believes City Council could make a decision about this on July 15. City Council President Shannon suggested that they either refer it to the full City Council without a recommendation or hold another Board of Finance meeting to be devoted to this item only. Councilor Knodell spoke in favor of referring it to the Council without a recommendation.

City Council President Shannon and Councilor Knodell made a motion to refer this item to the City Council without a recommendation. The motion passed by a vote of 4-1 with Councilor

Bushor voting against.

**4. Authorization for Hangar Condominium Association Lease Renewal – Airport**

The Board addressed an item to allow the Airport to lease land to Hangar Condominium Association.

Councilor Bushor and City Council President Shannon made a motion to authorize the lease renewal.

Councilor Bushor noted a date in the resolution that needing correction.

The motion passed unanimously.

**5. Authorization for TSA Terminal Lease Space Renewal – Airport**

This item was removed from the agenda.

**6. Authorization for Calahan Athletic Field Renovation Contract - Parks**

The Board addressed an item to allow the Parks Department to sign a contract with R.J. Piche Excavating for renovations of Calahan Athletic Field.

Councilor Bushor and City Council President Shannon made a motion to approve the contract.

Councilor Bushor requested that when they address contracts they include information in the packet showing that a livable wage is being paid. She feels that she has to ask each time. Mayor Weinberger stated he does not sign contracts unless they go through the City Attorney's Office. The City Attorney's Office ensures that livable wage certifications are included in the contract.

The motion passed unanimously.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 6:08pm.



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### **BOARD OF FINANCE MONDAY, JULY 8, 2013**

#### **MINUTES**

**PRESENT:** Mayor Weinberger; City Council President Shannon; Councilors Knodell and Bushor; Councilor Aubin (Phone); CAO Rusten

**ALSO PRESENT:** ACAO Goodwin; City Attorney Blackwood; Assistant City Attorneys Bergman and Haesler; Steve Goodkind, Norm Baldwin, Megan Moir, DPW; Doreen Kraft, BCA; Susan Leonard, Stephanie Reid, Julie Hulburd, HR; Jesse Bridges, Parks; Seth Lasker, Lise Veronneau, Fire; Nathan Wildfire, CEDO, Ken Nolan, Barbara Grimes, BED.

#### **1. Agenda**

Mayor Weinberger stated item 11 will be removed from the agenda.

On a motion by Councilors Bushor and Knodell, the agenda was adopted unanimously as presented.

#### **2. Public Forum**

No one came forward to speak.

#### **3. Approval of the Board of Finance Minutes**

##### **a. June 17, 2013**

Councilor Bushor requested a correction be made to a section of the minutes that used double negatives. She also requested an addition to the minutes to include her request for more detail in budget summaries. She requested they discuss union and non-union COLAs at a future meeting.

On a motion by Councilors Bushor and Knodell, the minutes were adopted unanimously as amended.

#### **4. Authorization for Reclassification of BCA Office Assistant II – HR**

Doreen Kraft, BCA, stated that many of their positions have changed significantly over the years as they have determined what new programming would require. This position has changed dramatically. The employee used to answer the phone and take registrations for regular BCA programming. As they have evolved into a museum, this position now provides services. It is much more encompassing and requires art credentials. They have learned how to create a welcoming experience and provide important information to visitors. They keep track of who comes in and information about them. That information is sent to other staff members to help

inform them about programming. This position does not really exist anymore, so they have created a job description based on what this person is already doing. The impact on the budget will be about \$4,000, but it is already accounted for in their budget.

Councilor Aubin inquired if the \$4,000 increase is included in the budget and will come from fundraising. Ms. Kraft stated that is correct.

Councilors Bushor and Knodell made a motion to approve the reclassification. The motion passed unanimously.

## **5. Authorization for Creation of Stormwater and GIS Technician Position – HR**

Councilor Bushor and City Council President Shannon made a motion to approve the creation of the limited service position.

Councilor Bushor inquired if there would be a budget shortfall if they were to create this position. Steve Goodkind, Public Works, stated there will not be and the position is fully funded. Councilor Bushor stated she wants to ensure there is sufficient funding for this position. Megan Moir, Stormwater, stated they do have some reserves from previous years. They will be raising the rate halfway through FY14 which will generate some additional revenue. In FY15 they will collect the full amount needed to do all of the work they need to do, including funding this position. Mr. Goodkind stated the fee increase will be phased in over two years.

Councilor Aubin inquired what a limited service position is and how it differs from a regular employee. Susan Leonard, HR, stated a limited service position is a special category where the employee receives all benefits other than retirement. It lasts between one and three years. It is used when there is a specific project that is time specific or if there is a transition in the organizational structure. It allows them to try out a position to see if it will be needed long term.

The motion passed unanimously.

## **6. Authorization for Creation of Parks Bike Path Maintenance Specialist Position - HR**

The Board addressed an item to allow the Parks Department to create a position for a limited service Bike Path Maintenance Specialist.

City Council President Shannon and Councilor Knodell made a motion to approve the creation of the position. The motion passed unanimously.

## **7. Authorization for Ambulance Billing Contract with VNA – Fire**

CAO Rusten stated that the purpose of this agenda item is not for the Board of Finance to approve the contract but to inform the Board that because the contract is only for six months it does not meet the \$50,000 threshold requiring Board approval. If it had been for one year then the Board would have to approve the contract. . Lise Veronneau, Fire, stated they intend to go out to bid for ambulance billing services that the Visiting Nurses Association (VNA) has provided in the past. Because the bid process is lengthy, they have decided to do a six month agreement with the VNA. They will go out to bid between now and the end of the year. If they are not able to close on an RFP or the RFP secures the current vendor to bring the contract over

\$50,000, they would then return to the Board of Finance. Mayor Weinberger stated the VNA agreed to continue doing the billing but said they would have to charge a substantially larger amount. They then decided to go out for a competitive bid process. Ms. Veronneau stated the VNA has been doing ambulance billing at a deficit and cannot continue to do that.

Councilor Bushor inquired if they anticipated the increase in the budget. Ms. Veronneau stated they budgeted for the cost of this contract as if it will run a full year. Councilor Bushor inquired if they increased the budget as a placeholder. Ms. Veronneau stated the money that will be spent for ambulance billing is fully funded in the FY14 budget. CAO Rusten stated they have budgeted as if they will need to pay for this contract for the full year, but have only signed a contract for six months. They hope that the bid process will result in a lower cost.

Councilor Bushor and City Council President Shannon made a motion to accept the communication and place it on file. The motion passed unanimously.

### **8. Authorization to Accept USAR Training Grant – Fire**

The Board addressed an item to allow the Fire Department to accept an \$82,263.42 grant from the Vermont Department of Public Safety for training.

City Council President Shannon and Councilor Aubin made a motion to accept the grant. The motion passed unanimously.

### **9. Authorization to Enter Local Match Agreement for Bike Path Scoping - DPW**

Councilor Bushor and City Council President Shannon made a motion to authorize the agreement.

Councilor Aubin stated the memo mentioned that the local portion was going to be split 50/50 between Parks and Public Works, but another section of the memo said Parks would contribute \$4,000, which is more than half. Jesse Bridges, Parks, stated they had budgeted for \$4,000 thinking the total cost might be higher, but the amount came in lower. They will still split the cost 50/50.

The motion passed unanimously.

### **10. Authorization for Parking Meter Fee Reduction for Catamount/Van Ness LLC - CEDO**

City Council President Shannon inquired if the proposal is to allow them to use the parking spaces for \$4 per day. Nathan Wildfire, CEDO, stated it is \$10 per day.

Councilor Bushor inquired if they determined the amount of revenue this will generate by multiplying the fee by the number of spaces by the number of days they will be used. Mr. Wildfire stated that is correct.

Councilor Knodell stated they have indicated that the project will take between 8-12 months and inquired what the figure is based on. Mr. Wildfire stated it is based on an 8 month time period. Councilor Knodell inquired if they are confident that it will take 12 months or less. Mr. Wildfire stated they are fairly confident that it will be done in 12 months, but the agreement allows DPW

to extend the agreement on a month to month basis.

City Council President Shannon stated there is a standard rate of \$20 per day. She inquired why they need a 24 hour per day meter hood. Mr. Wildfire stated the spaces are for residents of the Hines Lofts, so they will be coming in and out of their spaces at all hours of the day. City Council President Shannon inquired if the Flynn is aware of this. Mr. Wildfire stated that they have notified them as a courtesy, but the Flynn does not have any control of those spaces.

Councilor Bushor stated the City has run into this situation downtown several time. She has concerns about the impacts on the area. Mayor Weinberger stated there are a lot of conversations about parking policies happening throughout the City.

Councilor Bushor and Knodell made a motion to approve the fee reduction. The motion passed unanimously.

Councilor Bushor requested they address items 14 and 15 and then return to items 12 and 13. The Board agreed.

#### **11. Authorization to Enter TIF Repayment Agreement with the State of Vermont - Mayor**

This item was removed from the agenda.

#### **12. Delegation of Authority for Budget-Neutral Amendments – C/T**

City Council President Shannon and Councilor Aubin made a motion to approve the delegation of authority for budget neutral authorities.

CAO Rusten stated they have changed the resolution to include language about providing an easily understandable summary of budget amendments.

Councilor Bushor stated in most cases this is a no brainer and is a pass through of money. There have been times when grants have placed rather onerous conditions on the City that she would like to be aware of. As a member of the Board of Finance, she wants to be aware of what is going on. It is the one committee where the Council and Administration come together to be in charge of the City's finances. She does not want to shirk her responsibilities. She feels that the dollar amounts are probably ok. She is unsure why they gave the Mayor more power than the CAO. The summary would be helpful for her. She would like to know what people think about the dollar amounts. Mayor Weinberger stated that the Mayor does not have more power, it just adds another level to it. The CAO can make transfers under \$10,000, but if they are over that amount and under \$25,000, they Mayor's authority will also be required. Councilor Bushor requested they revise the resolution to make that more clear. She stated many grants are over \$25,000 and with a few exceptions, they can be accepted. There are just a few grants with difficult conditions. CAO Rusten stated lines 44-48 are intended to make it clear that they do not have the authority to accept grants that have a local match that cross fiscal years or grants that do not meet certain conditions. It is up to the Council to determine what the dollar amount should be. He is comfortable with a higher dollar amount. Councilor Bushor stated grants would be an exception to the threshold. The amount could probably be \$50,000 or \$75,000 as long as it does not violate the criteria. CAO Rusten stated that Department Heads can sign contracts up to \$50,000 and Board of Finance would approve a contract between \$50,000 and \$100,000 before it

requires City Council approval. Using a \$100,000 threshold for grants would be consistent with this. ACAO Goodwin stated the key is how the grant will be spent. The expense could be in an amount that would require additional approval.

Councilor Knodell stated she would support having a threshold for revenue neutral grants and changes to the budget. City Council President Shannon inquired if it would be \$10,000 for the CAO, \$25,000 for the CAO and Mayor, and \$100,000 for the CAO and Mayor if it is a grant. She stated she would support that. Councilor Knodell stated the \$10,000 and \$25,000 thresholds seem low to her. CAO Rusten stated they do not expect to see a large number of budget amendments in the next six months. Councilor Bushor stated for budget neutral budget amendments she would support \$25,000 for the CAO, \$50,000 for the CAO and Mayor, and \$100,000 for grants. There will be a very good summary of what has been done and it will only last through December. She needs more time to understand what the transfers are like to understand what they can and cannot do. City Council President Shannon agreed. Councilor Aubin stated the numbers seemed low to him as well. This is money moving back and forth within department budgets and he does not see why it would need additional approval.

The motion passed unanimously with the amended thresholds.

### **13. Monthly Financial Reports – C/T**

CAO Rusten stated he had conversations with Department Heads about this, as they would be involved with developing budget narratives. He wants to know what will work for the Board so that they can make any changes that may be needed. He also noted that whatever they come up with can be modified down the road as needed.

Councilor Aubin stated it would be helpful to have seasonal adjustments. Different departments go through their money at different rates during the year. He suggested that it might be helpful to include that in the narrative to help them understand if the spending is typical. CAO Rusten stated he envisioned that as being part of the narrative. If there was an anomaly, it could be handled by including a sentence in the narrative. Mayor Weinberger stated in the future they may have budgets that are seasonally adjusted. They will be able to compare with prior years to know how spending compares.

City Council President Shannon stated she thinks this will give them something they have been looking for for a long time. It will give them a way to check in on where they are. They may need to tweak it over time, but it is a good start. She inquired if they can currently give monthly comparisons. Mayor Weinberger stated they cannot currently but may be able to over time.

Councilor Bushor stated this seems like it will be a very large document. CAO Rusten stated it will be as long as the budget. They could think of ways to condense it, such as combining all personnel items within a department budget into one line. Councilor Bushor stated they would be most interested in unanticipated expenditures. A document that is the size of the budget may not get the level of scrutiny that they may be anticipating. She would prefer something more condensed and thinks this would be a lot of work. ACAO Goodwin stated it is not difficult and they can present it in any way. They could also provide an electronic report that is condensed with the option to expand a category that they are interested in for more detail. Councilor Bushor stated she does not feel that a report of the full budget would be helpful. It would be most helpful if they could show how they are tracking by category. CAO Rusten stated they could do that at

the department level. Councilor Bushor stated that having the big picture overview is helpful. ACAO Goodwin stated he can envision having a broad overview, a departmental level, a category level, and a detailed level. He would like to provide something that is high level but gives the option to get down to the details. Councilor Bushor stated she would like something at the department level. It is important to know of any anomalies and to discuss how they will handle them.

Councilor Knodell stated that a report with each line item would be way too detailed. The purpose of this is to make sure the CAO is doing their job and that Departments are not overspending or short on revenue. If they see a problem early in the year, they can then make a plan to address it. CAO Rusten stated that giving the capability to click farther down if they want to could be helpful.

Mayor Weinberger stated they will provide departmental level summaries that are a page or two for each department. They will include a narrative with those. They can also make it so that people can click through the summaries for more detail.

The Board agreed decided that once the whole Council has received some monthly reports the Council can then weigh in as to whether the report is meeting the Council's needs. to discuss this further with the Council.

#### **14. Authorization for Land Acquisition – Parks (Expected Executive Session)**

Assistant City Attorney Haesler stated the funds are still being negotiated for this real estate transaction. They would typically call for executive session when discussing the terms of real estate transactions.

Councilor Bushor stated she received a confidential email but does not feel that she needs to discuss the terms.

City Council President Shannon stated the property is appraised for \$85,000 and inquired how recent that appraisal is. She also inquired if it is a building lot. Assistant City Attorney Haesler stated it will be outdated by the closing date. The City is purchasing it to preserve open space and preserve its use for community gardens. Mayor Weinberger stated it is an available lot which is why they are contemplating paying a significant amount of money for it. City Council President Shannon inquired if they will be doing soil testing prior to the purchase. Assistant City Attorney Haesler stated they have listed the purchase price and there is a \$2,000 fee included for the additional testing. Jesse Bridges, Parks, stated they will present any additional information that becomes available before closing. City Council President Shannon inquired if the funds will come from the Conservation Funds. Councilor Knodell stated that 30% will.

Councilors Knodell and Bushor made a motion to approve the real estate transaction. The motion passed unanimously.

#### **15. Authorization for Contract with Hancock Wind - BED (Expected Executive Session)**

Assistant City Attorney Haesler stated the memo and other documentation are public, but the contract itself is not. Councilor Bushor requested they discuss the communication in open session and go into executive session if needed.



Ken Nolan, BED, stated BED has been trying to get its power supply from renewable sources since 2004. About 1/3 will come from wind sources, for which they currently have two contracts in place. They are hoping to add one more. The last integrated resource plan was done in 2012. Because in the drop of natural gas prices, it did not make sense to do a long term supply. They purchased a small amount of hydroelectricity while looking for longer term contracts. Hancock Wind approached them shortly after that. They have worked with them before and have a good relationship with them. They are building a new project in Maine. The pricing was much lower than they had seen for anything else. It meets all of their criteria and they have been negotiating with them. This facility is a 51 megawatt facility with 17 turbines. It is adjacent to an existing project and the community is very supportive of it. They are confident that the project will go forward. They will need to begin construction by the end of the year to qualify for certain federal tax credits, so they are anxious to move forward. They expect it will be in operation by the end of 2014.

Councilor Bushor inquired what would happen if they were unable to obtain the necessary permits and the project did not go forward. Mr. Nolan stated they expect that they will sign the contract and the project will go forward. Everything they have seen with permits says that will be the case. They do have six different projects in various stages of development. In this agreement, they requested that if they run into a hurdle that they cannot get over, they would be able to transfer it to an adjacent project. If this were to happen, the terms would remain the same. BED agreed so long as the terms would remain the same and the power source would be similar to this one. This will provide 13.5 megawatts which is 9% of the total load. They receive about 9-10% of their power from each of the wind projects. The structure is a little unique because of State permitting. They are allowed to get 10% of their energy usage for the year for 10 years or less without going through the full State permitting process. The State permitting process is lengthy and expensive. The first ten years can be done with Council approval. They will then build the project in the next two years. At the end of that period, they will then have an option to extend the contract for 15 years. The pricing seems very good, but it will give them an opportunity to watch the market. This reduces exposure to natural gas. They are counting on renewable energy credits being sold to make this equivalent to market power.

Councilor Knodell inquired about the risk of the renewable energy contracts Mr. Nolan stated that renewable energy credits are structured differently in each state. If there were suddenly no credits available in any state, they would see a 3% rate increase.

City Council President Shannon inquired if BED is doing any solar work. Mr. Nolan stated they have about 8.5 megawatts that they are currently evaluating. They have received several proposals. They are also working on power storage because solar power tends to be intermittent. This will lock down their wind projects and allow them to focus on solar.

Mayor Weinberger inquired if they would be affected in other areas by renewable energy credits going to zero. Mr. Nolan stated they would see a 15-20% rate increase overall if that happened. Mayor Weinberger inquired if it could go in the other direction if more states developed these markets. Mr. Nolan stated that is possible and the carbon discussion that have been underway nationally have emphasized this. Mayor Weinberger stated it seems they can find more ways of combating variables. He inquired if it might be possible to get a greater credit from another State. Mr. Nolan stated they own the renewability from these plants and can decide how best to use it. Barbara Grimes, BED, stated Maine had the most competitive prices. There is less opposition

and permitting in Maine which makes it less expensive. The Commission was very involved. There was a Vermont company in Rutland that they were working with, but the price differential was too much. The power is delivered to Vermont as part of a set price, which avoids transmission costs. It is a good deal.

Councilor Knodell inquired why there are separate LLCs for different projects. Mr. Nolan stated they have one energy company but do separate LLCs for each project. This allows them to finance them separately so the financing is self-contained. Councilor Knodell inquired about the company. Mr. Nolan stated they have partnered with the largest utility company in Nova Scotia and are financially stable.

Councilor Bushor inquired how renewable energy credits are created. She would like to understand how vulnerable the whole process is. Mr. Nolan stated each State has created a law that says certain types of generation qualify as what they want to have. Each generator gets one renewable energy credit. Power becomes a commodity. A developer can build a wind project and then sell their energy to one person and their renewable energy credits to someone else. In this case, they have decided they want these contracts through renewable energy. They buy the products bundled at a fixed price. Councilor Bushor inquired if that includes renewable energy credits. Mr. Nolan stated that they receive whatever the facility produces. They can then decide what to do with them. They can retire them, which means they receive no dollars but can count them as renewable energy in their energy portfolio. They can also sell them to someone else which gives them money. The Commission struggles with this each year.

City Council President Shannon and Councilor Aubin made a motion to approve the contract. The motion passed unanimously.

Councilors Bushor and Knodell made a motion to adjourn the Board of Finance meeting at 6:35pm. The motion passed unanimously.



# OFFICE OF THE CLERK/TREASURER

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### BOARD OF FINANCE MONDAY, AUGUST 5, 2013

#### MINUTES

**PRESENT:** Mayor Weinberger; City Council President Shannon, Councilors Knodell, Aubin, and Bushor, CAO Rusten

**ALSO PRESENT:** Councilor Paul, ACAO Goodwin; City Attorney Eileen Blackwood; Assistant City Attorney Richard Haesler; Stephen Barraclough, BT; Gene Richards, Bob McEwing, Airport; Jesse Bridges, Parks; Guillermo Gomez, Laurie Adams, DPW; Stephanie Reid, Susan Leonard, Ben Pacy, HR; Ron Redmond, Church Street Marketplace; Mike Kanarick, Mayor's Office, Joe McNeil, McNeil, Leddy, and Sheahan

#### 1. Agenda

Councilor Bushor requested they address the minutes at a future date.

On a motion by Councilor Aubin and City Council President Shannon, the agenda was adopted unanimously as amended.

#### 2. Public Forum

Martha Lang, Ward 1 Resident, spoke about financing of the School District's proposed real estate transactions.

#### 3. Approval of the Board of Finance Minutes

a. June 24, 2013

b. July 8, 2013

This item was removed from the agenda.

#### 4. Authorization for Contract for Leddy Park Softball Field Renovation – Parks

Councilor Aubin and City Council President Shannon made a motion to approve the contract.

Councilor Bushor inquired about the dollar amounts listed in the documentation. Jesse Bridges, Parks, stated they attached an updated budget. It shows the full value of the project in that line. They received their bids, which were higher than originally estimated. To fund the project, they used reserves. They were able to replenish the reserves through savings at the end of FY13 and by using funding for other projects that need to be delayed. Councilor Bushor inquired if they were able borrow that dollar amount and have \$72,000 remaining in Penny for Parks. Mr. Bridges stated that is correct.

The motion passed unanimously.

**5. Authorization for State Corrections Work Crew Contract - Parks**

City Council President Shannon and Councilor Knodell made a motion to approve the contract.

Councilor Aubin inquired how long this contract has been ongoing. Jesse Bridges, Parks, stated they have had a relationship with the State since this project began. It enables defendants to work for the City rather than serving prison time. They have a good relationship with them. This was a standard set fee contract in the past, but in the last few years they have done a pay as you go contract. They approved a set fee contract to allow them to access more of the work crews. It is a very small increase over the past fiscal year. This program has been around for some time. The work is seasonal.

Councilor Bushor stated the supervision of these workers is City personnel rather than the Department of Corrections. She inquired if there is a liability clause. Mr. Bridges stated these are not people coming from jail. They are people who have been sentenced to community service. There are some crews from prison, but they are not supervised by City staff. The benefit to the workers is that they do not go to jail, it saves the State significant resources because these people are not in their facilities, and the City benefits from their work. Councilor Bushor stated it is important to note who these workers are.

The motion passed unanimously.

**6. Authorization for Agreement to Access Water for Public Drinking Fountain – Marketplace**

City Council President Shannon and Councilor Bushor made a motion to authorize the agreement.

Councilor Bushor inquired about the length of the agreement. Ron Redmond, Church Street Marketplace, stated it is five years.

The motion passed unanimously.

**7. Authorization for Agreement with Switchback Brewery – DPW**

The Board addressed an item to authorize the Wastewater Department to enter into an agreement with Switchback Brewery to charge them an additional fee to treat their higher strength wastewater.

Councilors Aubin and Bushor made a motion to authorize the agreement. The motion passed unanimously.

**8. Authorization for Grant Amendments – DPW**

Councilor Aubin and City Council President Shannon made a motion to authorize the grant amendments.

Councilor Bushor requested an explanation of this item. Guillermo Gomez, DPW, stated money left over from the Church Street Earmark that does not require a local match is being redistributed. It will be used for wastewater projects, small projects on the Marketplace, and administrative costs.

The motion passed unanimously.

## **9. Authorization for Purchase of Properties AIP-94 – Airport**

Councilors Bushor and Aubin made a motion to approve the property purchases.

Councilor Bushor stated she hopes that in the future they will be able to find a way to work more collaboratively with South Burlington to deal with this differently. Gene Richards, Airport, stated this is their second \$5,000,000 purchase that will close out what they have agreed to. It is important that they finish what they started. Bob McEwing, Airport, stated this is the last group of properties from a five year program where the FAA agreed to double their resources for property acquisition. They got two grants last August to purchase 24 properties. Going forward, the federal money has dried up and they will not receive as much as they have in the past. They may purchase 3-4 properties per year from people who want to be involved in the program. They try to accommodate those requests, but the funding will be very minimal. Mr. Richards stated the program is still backed and they can pinpoint what areas are important to finish by 2019. Relationships could not be better with the management of South Burlington than they are right now. They meet up to two times per week and are working through their issues. Both sides want a cure. They will be attending a community meeting to discuss the future and hear what the concerns and desires of the community are. He is anticipating better relations. Their hope is to offer alternative solutions that have been used in other communities going forward. All of the homes they have been purchased were because the owners volunteered to sell them.

City Council President Shannon stated there are a number of properties identified on the map as possible acquisitions. She inquired if they still plan to acquire them if they have funding available and what information has been communicated to homeowners. Mr. Richards stated they have told everyone the same things, which is that if there are funds available, they will try to purchase them. This is contingent upon FAA funding and approval from the City of Burlington. City Council President Shannon inquired if these people have not wanted to sell their homes up until this point. Mr. Richards stated some have. Mr. McEwing stated some have not wanted to move. City Council President Shannon inquired if they made that decision knowing that funds may not be available in the future. Mr. Richards stated that is correct.

Councilor Knodell stated when they buy the properties, there is a structure there. She inquired how South Burlington has felt about this. Mr. Richards stated they have worked well with South Burlington on this issue. They agreed that once the properties were purchased, the homes would be demolished. They have been held up with this because of litigations. They have been able to remove asbestos from the building. They have tried to keep the buildings whole, but they have been robbed of their copper wiring. They do their best to secure the house. Councilor Knodell inquired if this is funded through the grant. Mr. Richards stated it is. They also put some effort into day to day maintenance.

Mayor Weinberger inquired what the remainder of the grant will be used for. Mr. Richards stated

it will be used for demolition and relocation of the houses. Mr. McEwing stated they have also had expenses for Attorney's Fees.

Councilor Bushor inquired if they can lease the properties. Mr. Richards stated they cannot rent them because they are uninhabitable. The FAA has said they can be used for temporary shelters. Nothing ever panned out with that program because there were a lot of complications. It is better to have someone in them if possible so that people are caretaking the neighborhood. They are not allowed to collect any rent, but they could make them free for a non-profit. They have not been able to work out an agreement to do this. Mr. McEwing stated most of the houses would not meet housing standards. The cost to bring it up to that standard is difficult. Mr. Richards stated in many cases they are purchasing houses that have not been maintained. They have tried to pick the best houses. Mayor Weinberger inquired if South Burlington is aware of and supportive of the property purchases. Mr. Richards stated they are. Mayor Weinberger inquired if they will be meeting with South Burlington about this. Mr. Richards stated they are and they will discuss the program. They will not focus on future development until they have finished with litigation.

Councilor Bushor stated it would be helpful to have some kind of collaboration between Burlington and South Burlington. Talking is important so they can understand their problems. She feels that things have improved, but one of their weaknesses has been a lack of collaboration. Mr. Richards stated they may be able to do that going forward. CAO Rusten stated they had a recent meeting between Burlington and South Burlington Department of Public Works to discuss ideas about how they can work together. They have begun to discuss ways they can collaborate beyond the Airport. Mr. Richards stated things have been going very well.

The motion passed unanimously.

#### **10. Authorization for Amendment of Hangar Condominium Lease Renewal - Airport**

The Board addressed an item to allow the Airport to renew a land lease to Hangar Condominium.

City Council President Shannon and Councilor Bushor made a motion to approve the lease renewal. The motion passed unanimously.

#### **11. Authorization for Creation of Full Time Custodian I Position – HR**

City Council President Shannon and Councilor Knodell made a motion to approve the creation of the position.

Councilor Bushor inquired about a reference to the Police custodian. Jesse Bridges, Parks, stated there was a plan to move the work happening at the Police station to a contract, given the shortage of custodians they have City-wide. That position would have been moved to another portion of the City. In conversations with personnel, they have decided to move away from that plan. The custodian who works at the Police Station is still there. Councilor Bushor inquired if this just adds one custodian. Mr. Bridges stated that is correct.

Councilor Knodell inquired if this will add to their resources. Mr. Bridges stated it will. They will still be light on custodians, but they hope to make up some ground with this and other changes. They will be adding a working supervisor and will be saving money on custodial

supplies. This particular position will be assigned to the Miller Center.

The motion passed unanimously.

## **12. Reclassification and Title Change for Police Assistant to the Officer in Charge Position – HR**

Ben Pacy, HR, stated this will be a reclassification and title change for the Assistant to the Officer in Charge. It will still be limited service.

Councilors Bushor and Knodell made a motion to approve the reclassification and title change. The motion passed unanimously.

## **13. Reclassification of DPW Assistant Director – HR (Materials to Follow)**

Mayor Weinberger stated they will be reclassifying the DPW Director of Technical Services, Norm Baldwin, to account for additional responsibilities he will be taking on as City Surveyor and Engineer.

City Council President Shannon and Councilor Aubin made a motion to approve the reclassification. The motion passed unanimously.

## **14. Review of Monthly Financials**

CAO Rusten stated this is the first time in recent history that they have been able to create monthly financials. They will continue to improve the presentation and will work to make it so the reader can drill down into individual lines. They also discovered that they missed the Stormwater Fund and Burlington Telecom in this report which was then handed out. They did not include any receivables in the report. Expenses are actual expenses that were paid in July. Next month they will be able to see expenses that have occurred and expenses that have been encumbered. They were able to look at expenditures to see if they were in line with where they should be this year. ACAO Goodwin stated the CEDO administrative fee has not yet been allocated out to the appropriate project levels. Payroll does all of the admin and they then do journal entries to the respective programs and projects. That is why they all are listed as over budget on the administrative section. CAO Rusten stated there are some notes when there have been discrepancies which will allow them to make necessary changes. They designed the financials so they can be compared with the budget book. They will also be working on developing a monthly pooled cash report, however they will be discussing different ways to utilize pooled cash.

Councilor Knodell inquired if the pooled cash reports will have comparisons to other years. ACAO Goodwin stated it will be difficult to compare with past years. The reports from the past would include their reliance on short term borrowing. To truly show a comparison, they would have to back out the short term borrowings to see the actual cash position. Their actual position is stronger this year, but that may not be evident. CAO Rusten stated they are willing to include information that Councilors feel would be useful.

Councilor Bushor stated she feels this will be incredibly helpful. It will also give them a heads up

if a Department is in trouble.

**15. Board of Finance Schedule**

The Board discussed their upcoming meeting schedule.

**\*\*\*\*Expected Executive Session\*\*\*\***

**16. Burlington Telecom Reorganization – HR**

City Council President Shannon and Councilor Bushor made a motion to go into executive session at 6:45pm to discuss personnel issues. The motion passed unanimously.

City Council President Shannon and Councilor Bushor made a motion to go out of executive session. The motion passed unanimously.

City Council President Shannon and Councilor Knodell made a motion to approve the reorganization. The motion passed unanimously.

**17. Settlement of Airport Property Tax Litigation**

City Council President Shannon and Councilor Bushor made a motion to approve the settlement of the Airport Property Tax Litigation. The motion passed unanimously.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting.



\* \* \* **DELIBERATIVE AGENDA** \* \* \*

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ORGANIZATION DAY, CITY COUNCIL  
MONDAY, APRIL 1, 2013  
CONTOIS AUDITORIUM, CITY HALL  
7:00 P.M.

PRESENT: Councilors Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Shannon, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Gene Bergman

CLERK/TREASURER'S OFFICE: Paul Sisson, Scott Schrader, Rich Goodwin and Lori Olberg

INTERIM CAO SISSON PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Bushor the agenda was unanimously adopted as amended as follows: amend the action for consent agenda item 6.14. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Municipal Development Plan Amendment – **plan BTV: Downtown and Waterfront Master Plan** to “waive the reading, accept the communication, place it on file **and schedule a presentation no later than the first public hearing which is slated for the April 29, 2013 City Council Meeting;**” amend the action for consent agenda item 6.20. COMMUNICATION: Mohamed Ragab, Taxi Driver, re: License Issue to “waive the reading, accept the communication, place it on file, send a copy to the Airport Taxi Licensing Board for review **with a report due back to the City Council as soon as possible.**”

Councilor Brennan requested that consent agenda item 3.12. COMMUNICATION: Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA, re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner be removed and added to the next City Council Agenda.

2. MAYOR'S STATE OF THE CITY ADDRESS

Mayor Weinberger delivered his State of the City Address.

3. OATH OF OFFICE-NEWLY ELECTED AND RE-ELECTED COUNCILORS

Interim CAO Sisson swore in the newly elected City Councilors.

4. ELECTION OF CITY COUNCIL PRESIDENT

Councilor Hartnett nominated Councilor Shannon.

Councilor Hartnett stated a year ago that they had faced this same decision. It was a difficult decision so he turned to other Councilors for advice on who would best lead them. He ultimately decided to support Councilor Shannon, which was the right decision. She has done a remarkable job as Council President. When considering who would best serve as City Council President, you want someone with leadership, someone who will run meetings smoothly, and someone who treats everyone with respect. This was her first year as Council President, with a new administration, and a young City Council, and she did a remarkable job. There were some very difficult issues that came before them. Many meetings with high passions have gotten out of hand in the past, but that did not happen this year. She has shown great leadership and it has been a great year. He hopes the rest of the Council will support her for a second term.

## Minutes, Organization Day, April 1, 2013

Councilor Bushor nominated Councilor Paul.

Councilor Bushor stated Councilor Paul has deep roots in the community going back three generations. She is all about community and is a parent with children in Burlington Schools, a business owner, a volunteer, and a community leader. The words 'invested' and 'involved' help define her. Prior to her time on the Council, she was Chair of the Electric Commission and served on the Retirement Task Force. She has a financial background which has helped the community. When she was elected to Council, she was chair of the TEU Committee and now she serves as Chair of the PACC Committee. She also co-chairs the Airport Strategic Planning Committee. She also serves on the Y Board, the Lund Board, the CCTV Board, the State Environmental Board, and as an alternate to the State Pension Investment Board. That involvement speaks strongly to her ability to form partnerships and work well with diverse groups. She has reached out and collaborated with both new and veteran Councilors. She reached out to the Council to express her interest in serving as City Council President and by telling them what she envisioned the President would do under her leadership. She met with almost every member of the Council. She discussed Committee assignments with a focus on fairness and political balance, as well as expertise. She talked about the importance of communication. She has demonstrated these qualities over her past years as a City Councilor. She has the right qualities to make her an excellent City Council President. She hopes the Council will elect her as the next president.

Councilor Shannon received 7 votes from Councilors Hartnett, Blais, Mason, Aubin, Worden, Shannon and Ayres.

Councilor Paul received 7 votes from Councilors Paul, Knodell, Decelles, Bushor, Siegel, Tracy and Brennan.

Interim CAO Sisson conducted a second vote.

Councilor Shannon received 7 votes from Councilors Hartnett, Blais, Mason, Aubin, Worden, Shannon and Ayres.

Councilor Paul received 7 votes from Councilors Paul, Knodell, Decelles, Bushor, Siegel, Tracy and Brennan.

Interim CAO Sisson conducted a third vote.

Councilor Shannon received 7 votes from Councilors Hartnett, Blais, Mason, Aubin, Worden, Shannon and Ayres.

Councilor Paul received 7 votes from Councilors Paul, Knodell, Decelles, Bushor, Siegel, Tracy and Brennan.

Councilor Hartnett requested a five minute recess. The meeting reconvened at 7:53 p.m.

Councilors Bushor and Hartnett made a motion to defer action on agenda items 4 and 5 and resume the meeting at agenda item 6. The motion passed unanimously.

### 5. ELECTION OF BOARD OF FINANCE MEMBERS

Action on this item was postponed.

### 6. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles, the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

6.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

6.02. RESOLUTION: Acceptance of Vermont Homeland Security (HSU) Grant for Urban

Search and Rescue (USAR) Training Opportunities and Budget  
Amendment (Councilors Shannon, Bushor)

\*waive the reading and adopt the resolution

- 6.03. COMMUNICATION: Lise E. Veronneau, Business Manager, Burlington Fire & Police Departments, re: Vermont Department of Public Safety Grant  
**AGREEMENT #02140-70132-202**

\*waive the reading, accept the communication and place it on file

- 6.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign Extending Over A Portion of The City's Right-of-way with Penny Cluse (Councilors Tracy, Blais: 2012-2013 License Committee)

\*waive the reading and adopt the resolution

- 6.05. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables And Chairs on A Portion of The City's Right-of-way with El Gato Cantina (Councilors Tracy, Blais: 2012-2013 License Committee)

\*waive the reading and adopt the resolution

- 6.06. RESOLUTION: Authorization to Enter into License Agreement with ICV Construction, Inc. to Use and Maintain Canopies and Wall Sconces Extending Over A Portion of The City's Right-of-way (Councilors Tracy, Blais: 2012-2013 License Committee)

\*waive the reading and adopt the resolution

- 6.07. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A Sign Extending Over A Portion of The City's Right-of-way with Finnigan's Pub (Councilors Tracy, Blais: 2012-2013 License Committee)

\*waive the reading and adopt the resolution

- 6.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain An Awning Extending Over A Portion of The City's Right-of-way with Dobra Tea (Councilors Tracy, Blais: 2012-2013 License Committee)

\*waive the reading and adopt the resolution

- 6.09. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on A Portion of The City's Right-of-way with Dobra Tea (Councilors Tracy, Blais: 2012-2013 License Committee)

\*waive the reading and adopt the resolution

- 6.10. RESOLUTION: Authorization to Contract with Alstom Power, Inc. for Maintenance of The McNeil Station Turbine Generator (Councilors Shannon, Decelles, Paul, Bushor: Board of Finance)

\*waive the reading and adopt the resolution

- 6.11. COMMUNICATION: John Irving, Burlington Electric Department, re: Turbine Maintenance Contract for Years 2013-2015

\*waive the reading, accept the communication and place it on file

- 6.13. COMMUNICATION: Robert Cameron, re: Changing City's name

\*waive the reading, accept the communication and place it on file

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- 6.14. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Municipal Development Plan Amendment – **planBTV: Downtown and Waterfront Master Plan**

\*waive the reading, accept the communication, place it on file and schedule a presentation no later than the first public hearing which is slated for the April 29, 2013 City Council Meeting

- 6.15. COMMUNICATION: Burlington Municipal Development Plan, re: I. LAND USE PLAN

\*waive the reading, accept the communication and place it on file

- 6.16. COMMUNICATION: Paul R. Sisson, Interim CAO, re: Fiscal 2014 Budget Preparation Schedule

\*waive the reading, accept the communication and place it on file

- 6.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, February 19, 2013 Minutes

\*waive the reading, accept the communication and place it on file

- 6.18. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, March 11, 2013 Minutes

\*waive the reading, accept the communication and place it on file

- 6.19. INDOOR, OUTDOOR ENTERTAINMENT PERMIT AND TOBACCO LICENSE RENEWALS (2013-2014): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor, Outdoor Entertainment Permit and Tobacco License Renewals with all standard conditions

- 6.20. COMMUNICATION: Mohamed Ragab, Taxi Driver, re: License Issue

\*waive the reading, accept the communication, place it on file and send a copy to the Airport Taxi Licensing Board for review with report due back to the City Council as soon as possible

- 6.21. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards

\*waive the reading, accept the communication and place it on file

7. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

41 Cherry Street LLC, d/b/a Hotel Vermont, 41 Cherry Street

This item was not addressed at this meeting.

8. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Madera's, 180 Battery Street

This item was not addressed at this meeting.

9. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Pacific Rim Café, LLC, d/b/a Pacific Rim Asian Cafe, 161 Church Street

This item was not addressed at this meeting.

10. ADJOURNMENT

Minutes, Organization Day, April 1, 2013

Councilors Tracy and Bushor made a motion to adjourn the meeting and resume the agenda April 8 at 5:30 p.m. to address agenda items 4 and 5.

Councilor Tracy stated that he wanted to ensure they have the ability to move City business forward in a timely manner. He hoped that they could talk more and come out with an agreeable resolution in the next week.

Councilor Decelles made a motion to amend the start time to 6:00 p.m. Councilor Shannon stated there was a conflicting Redistricting Committee Meeting at 7:00 p.m. at the High School. The idea was to hold the City Council Meeting early in the evening to allow people to attend the Redistricting Committee Meeting.

Councilor Bushor inquired if they could have the next City Council Meeting at the High School. It was important that everyone attend both the next City Council Meeting and the next Redistricting Committee Meeting.

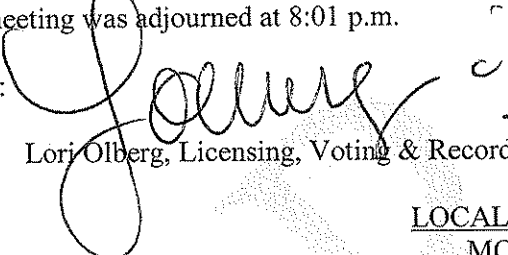

Councilor Hartnett stated electing a Council President and Board of Finance was far more important than a Redistricting Committee Meeting. The next Council President should be selected at City Hall. If the timeline was a problem for Councilors, he would recommend they have a regular meeting at City Hall.

Councilor Decelles withdrew his amendment.

Councilor Mason inquired what happens to Committees going forward pending the selection of a Council President. City Attorney Blackwood stated other than the Board of Finance none of the Committees have a formal ending date for appointments. Therefore, the appointments to date are still in effect.

The motion to adjourn the Organization Day Meeting passed by a vote of 13-1 with Councilor Hartnett voting against. The meeting was adjourned at 8:01 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

LOCAL CONTROL COMMISSION  
MONDAY, APRIL 1, 2013  
CONTOIS AUDITORIUM, CITY HALL  
8:01 P.M.

PRESENT: See above

INTERIM CAO SISSON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Tracy the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Shannon, the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. 2013-2014 CABARET, CLUB, HOTEL, RESTAURANT AND STORE LIQUOR LICENSE  
RENEWALS : see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Cabaret, Club, Hotel, Restaurant and Store Liquor License Renewals with all standard conditions

Minutes, Organization Day, April 1, 2013

2.02. 2013-2014 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list  
\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewals

3. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

Courtyard by Marriott, 25 Cherry Street

Commissioners Blais and Shannon made a motion to approve the Outside Consumption Permit Application for the Courtyard by Marriott. The motion passed unanimously.

4. FIRST CLASS HOTEL LIQUOR LICENSE APPLICATION (2013-2014): Hotel Vermont, 41 Cherry St.

Commissioners Blais and Shannon made a motion to approve the First Class Hotel Liquor License Application for Hotel Vermont. The motion passed unanimously.

4.01. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014): Hotel Vermont

Commissioners Blais and Shannon made a motion to approve the Second Class Liquor License Application for Hotel Vermont. The motion passed unanimously.

4.02. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014): Hotel Vermont

Commissioners Blais and Shannon made a motion to approve the Outside Consumption Permit Application for Hotel Vermont. The motion passed unanimously.

5. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Pacific Rim Café LLC, d/b/a Pacific Rim Asian Café, 161 Church Street

Commissioners Blais and Shannon made a motion to approve the First Class Restaurant Liquor License Application for Pacific Rim Asian Cafe. The motion passed unanimously.

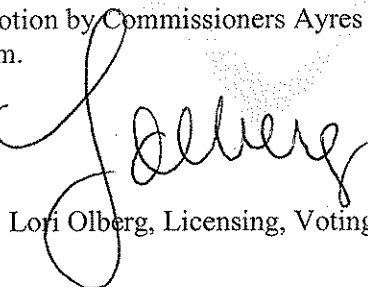
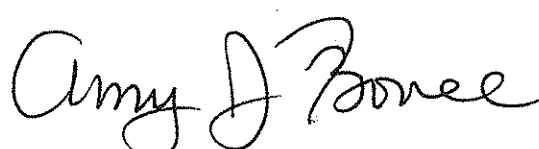
5.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014): Pacific Rim

Commissioners Blais and Shannon made a motion to approve the Outside Consumption Permit Application for Pacific Rim. The motion passed unanimously.

6. ADJOURNMENT

On a motion by Commissioners Ayres and Aubin, the Local Control Commission voted unanimously to adjourn at 8:04 p.m.

Attest:

 c. 

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

\* \* \* DELIBERATIVE AGENDA \* \* \*

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RECESSED ORGANIZATION DAY MEETING, CITY COUNCIL

MONDAY, APRIL 8, 2013

CONTOIS AUDITORIUM, CITY HALL

5:35 P.M.

PRESENT: Councilors Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Shannon, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Paul Sisson, Scott Schrader and Lori Olberg

INTERIM CAO SISSON PRESIDING:

1. AGENDA

On a motion by Councilors Decelles and Hartnett the agenda was adopted as is.

2. ELECTION OF CITY COUNCIL PRESIDENT

Councilor Hartnett nominated Councilor Shannon.

Councilor Bushor nominated Councilor Paul.

Councilor Bushor stated she chose the words "involved" and "invested" in the community to refer to Councilor Paul. Her involvement in a number of non-profits and with the Council spoke to the qualities and skills she would bring if she were elected President. She hoped that the Council would support Councilor Paul.

Councilor Shannon received 7 votes from Councilors Blais, Hartnett, Shannon, Aubin, Worden, Ayres and Mason.

Councilor Paul received 7 votes from Councilors Decelles, Paul, Knodell, Bushor, Brennan, Siegel and Tracy.

Interim CAO Sisson conducted a second vote.

Councilor Shannon received 7 votes from Councilors Blais, Hartnett, Shannon, Aubin, Worden, Ayres and Mason.

Councilor Paul received 7 votes from Councilors Decelles, Paul, Knodell, Bushor, Brennan, Siegel and Tracy.

Councilors Decelles and Worden made a motion to recess the meeting for five minutes at 5:38 p.m. The meeting reconvened at 5:45 p.m.

Councilor Blais stated working with Councilor Paul has been pleasurable and educational. Through her work, she has put the interests of the City before her personal desires.

Councilor Paul stated that the Council has been deadlocked in their decision for Council President, which is not in the best interests of the City. They must place the City's interests above all else. Sometimes, one person must step aside to protect that interest. She withdrew her name from consideration for Council President. She stated that she was blessed and fortunate to have grown up in Burlington and thanked her family for their support. She thanked the Councilors who supported her. She looked forward to working for her constituents to advance the issues of financial stability, pension reform, transportation and neighborhood quality of life.

Councilor Hartnett requested that they explain the deal the Council had come to so that it was transparent. Councilor Shannon stated these challenges were painful because everyone was dedicated to the City. She appreciated the withdrawal to allow the City to move forward and to prevent the Council from remaining at a stalemate. There had been discussion over the past week about the challenges of a 7-7 vote for City Council President. They have agreed that if there is a stalemate next year, the Democrats will step down to work with the other side to select a non-democrat City Council President. When appointing Committees, they will work towards parity, which should be reflected in Committee assignments. She appreciated the spirit of compromise on the City Council. She thanked the City Council for the privilege of continuing to serve as City Council President for the next year.

Councilor Knodell stated that there were two outstanding candidates for City Council President which had added to the difficulty of choosing one. The City Council put each candidate through the paces. Each candidate met with Council members multiple times. The compromise was very fair. She was a proud supporter of Councilor Paul but it was time to let the business of the City move forward.

Councilor Shannon was unanimously elected City Council President.

City Council President Shannon thanked everyone for their support.

### 3. ELECTION OF BOARD OF FINANCE MEMBERS

Councilor Tracy nominated Councilors Decelles, Knodell and Bushor to the Board of Finance.

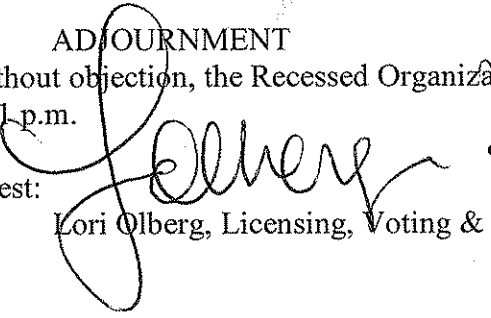
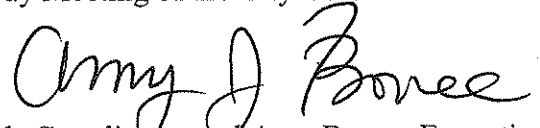
Councilor Hartnett stated that they discussed membership of the Board of Finance. Councilor Decelles' name came up as the lone Republican on the Council. He felt it was very important to have that voice on the Board of Finance and was glad that there were other Democratic Councilors who agreed. He hoped that the message was that they are all willing to put party politics aside and work for what is best for Burlington.

The Board of Finance Members were elected unanimously.

### 4. ADJOURNMENT

Without objection, the Recessed Organization Day Meeting of the City Council unanimously adjourned at 6:01 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary



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DELIBERATIVE AGENDA

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REGULAR MEETING, CITY COUNCIL  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, APRIL 15, 2013  
7:04 P.M.

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PRESENT: City Council President Shannon; Councilors Mason, Siegel, Brennan, Ayres, Blais, Bushor, Tracy, Knodell, Decelles, Hartnett, Aubin and Councilor Worden (via phone)

ABSENT: Councilor Paul

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Rich Goodwin and Scott Schrader

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

City Council President Shannon held a moment of silence to honor the victims of the Boston Marathon Bombing.

On a motion by Councilors Mason and Bushor the agenda was adopted as amended as follows: add to the consent agenda item 6.35. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only): Skinny Pancake, 60 Lake Street, Suite 1A, Wednesday, April 24, 2013, 8 p.m. – 12 a.m., Amplified Music, Dancing, with the consent action to “waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake and to the consent agenda item 6.36. RESOLUTION: Appointment of Chief Administrative Officer as Trustee of Burlington Electric Department 457 Plans (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance; pending BOF approval on 4/15/13) and note proposed amendment for agenda item RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)

Councilor Bushor requested that they amend the action on consent agenda item 6.18.COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports to waive the reading, accept the communication, place it on file “and send a copy to the Department of Public Works.” She requested that they remove consent agenda item 6.08. RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of The City Council (Councilor Shannon) and place it on the Deliberative Agenda as agenda item 8.5. She requested that they add consent agenda item 6.37. RESOLUTION: Authorization for Purchase of Passenger Boarding Bridge for Burlington International Airport (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance) with the action to “waive the reading and adopt the resolution.” This item was taken up by the Board of Finance and there was a time sensitivity issue. This will be needed to accommodate larger planes that will be arriving.

2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Hotel Vermont

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Hotel Vermont. The motion passed unanimously.

3. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Madera's

Minutes, Regular City Council Meeting, April 15, 2013

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Madera's. The motion passed unanimously.

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Pacific Rim

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Pacific Rim. The motion passed unanimously.

5. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:34 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Greg Roy	Ward 4 Resident	Redistricting Committee Makeup
Ben Aleshire	Ward 3 Resident	Against Church St No-Trespass & F-35s
Sandy Baird	Ward 1 Resident	Against Church St. No-Trespass
Genese Grill	Ward 3 Resident	Against Church St. No-Trespass
Jennifer Dumas	Ward 3 Resident	Against Church St. No-Trespass
Jen Berger	Ward 2 Resident	Against Church St. No-Trespass
David Lustgarten	Ward 4 Resident	Thanks to Parks and Recreation
Phil Lavigne	Ward 4 Resident	Trash Containers

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:56 p.m.

6. CONSENT AGENDA

On a motion by Councilors Brennan and Bushor the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

6.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

6.02. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION Appeals from Order  
(Public Works Department, Public Works Commission)(1<sup>st</sup> reading)

\*consider this 1<sup>st</sup> reading and refer it to the Ordinance Committee

6.03. RESOLUTION: Authorization for Execution of Municipal Inspection Agreement  
Between The State and The City (Councilors Hartnett, Blais)

\*waive the reading and adopt the resolution

6.04. COMMUNICATION: Inspection Agreement Between The State of Vermont and The City of  
Burlington

\*waive the reading, accept the communication and place it on file

Minutes, Regular City Council Meeting, April 15, 2013

- 6.05. RESOLUTION: Authorization to Enter into License Agreement to Install and Maintain Railings on a Portion of The City's Right-of-way with Vermont House Condominium Association (Councilors Tracy, Blais: 2012-2013 License Committee)  
\*waive the reading and adopt the resolution
- 6.06. COMMUNICATION: License Agreement for Railings with Vermont House Condominium Association 2013-2014 Season  
\*waive the reading, accept the communication and place it on file
- 6.07. COMMUNICATION: Joan Shannon, City Council President, re: Changes to Council Rules  
\*waive the reading, accept the communication and place it on file
- 6.09. RESOLUTION: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)  
\*waive the reading and adopt the resolution
- 6.10. COMMUNICATION: Richard W. Haesler, Jr. – Assistant City Attorney, re: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District  
\*waive the reading, accept the communication and place it on file
- 6.11. RESOLUTION: Adoption of Revised Personnel Policy Section 5.4 Compensation Plan - Step Placement – (Councilors Blais, Tracy and Worden: 2012-2013 Institutions & Human Resources Policy Committee)  
\*waive the reading and adopt the resolution
- 6.12. COMMUNICATION: 5.4 Compensation Plan, a. Placement  
\*waive the reading, accept the communication and place it on file
- 6.13. COMMUNICATION: Susan Leonard, Human Resources Director, Institutions and Human Resource Policy Committee, re: Policy Revisions, Section 5.4, Compensation, subsection(a) Step Placement  
\*waive the reading, accept the communication and place it on file
- 6.14. RESOLUTION: Authorization to Accept an Award from The American Library Association for The American Dream Grant to The Fletcher Free Library; and Amend the FY 2013 Budget (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)  
\*waive the reading and adopt the resolution
- 6.15. COMMUNICATION: Rubi Simon, Library Director, re: American Library Association American Dream Grant  
\*waive the reading, accept the communication and place it on file
- 6.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes Tuesday, December 11, 2012  
\*waive the reading, accept the communication and place it on file
- 6.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes

Minutes, Regular City Council Meeting, April 15, 2013

Tuesday, January 8, 2013

\*waive the reading, accept the communication and place it on file

6.18. COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports

\*waive the reading, accept the communication and place it on file and send a copy to the Department of Public Works

6.19. COMMUNICATION: Barry Trutor, Fence Viewer to Ms. Joan Shannon, Council President, re: Boundary Lines

\*waive the reading, accept the communication and place it on file

6.20. COMMUNICATION: Kristin Jones, Taxi Administration Office, re: Mr. Mohamed

\*waive the reading, accept the communication and place it on file

6.21. COMMUNICATION: Isaac Trombley, Airport Ambassador Foreman, re: Mr. Ragab Mohamed

\*waive the reading, accept the communication and place it on file

6.22. COMMUNICATION: Full Authorization for S.D Taxi

\*waive the reading, accept the communication and place it on file

6.23. COMMUNICATION: Ragab Mohamed to Taxi Board, re: Sticker and Registration from S.D taxi

\*waive the reading, accept the communication and place it on file

6.24. COMMUNICATION: Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA to Joan Shannon, City Council President, re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner

\*waive the reading, accept the communication and place it on file

6.25. COMMUNICATION: Kevin Stapleton, Member, Development Review Board, re: Resignation  
\*waive the reading, accept the communication, place it on file, advertise the vacancy (already has been in Seven Days), and send a letter of appreciation to Kevin Stapleton thanking him for his time served on the Development Review Board

6.26. COMMUNICATION: Rachel Siegel, Chair, Charter Change Committee, re: Notes from the Charter Change Committee on the Assault Weapons Ban resolution

\*waive the reading, accept the communication and place it on file

6.27. COMMUNICATION: North End NPA, Ward 4 and Ward 7 Steering Committees, re: Ward 4 and Ward 2 only have 1 vote each on the Redistricting Committee

\*waive the reading, accept the communication and place it on file

6.28. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/ Boards \*\*updated\*\*

\*waive the reading, accept the communication and place it on file

6.29. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

Minutes, Regular City Council Meeting, April 15, 2013

- 6.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

- 6.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

- 6.32. COMMUNICATION: City Council President Shannon, re: City Council Standing Committees 2013-2014

\*waive the reading, accept the communication and place it on file

- 6.33. COMMUNICATION: David A. Casey, Member, Burlington Board of Health, re: Proposed Urban Livestock Slaughter Ordinance

\*waive the reading, accept the communication and place it on file

- 6.34. COMMUNICATION: Conservation Board, re: Downtown Parking Amendment: ZA-13-06

\*waive the reading, accept the communication and place it on file

- 6.35. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Skinny Pancake, 60 Lake Street Suite 1A, Wednesday, April 24, 2013, 8 p.m. – 12 a.m., Amplified Music, Dancing

\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake

- 6.36. RESOLUTION: Appointment of Chief Administrative Officer as Trustee of Burlington Electric Department 457 Plans (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance; pending BOF approval on 4/15/13)

\*waive the reading and adopt the resolution

- 6.37. RESOLUTION: Authorization for Purchase of Passenger Boarding Bridge for Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

7. RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)

Councilor Siegel stated that this resolution addressed a concern that they have heard about the lack of balance on the Redistricting Committee. This would add an additional member from Wards 2 and 4. She read an amendment to the resolution which allowed for the Mayor's resignation and the addition of a representative from Ward 6.

Councilors Siegel and Bushor made a motion to waive the reading and adopt the resolution as amended. The motion passed unanimously.

8. RESOLUTION: Burlington City Accessibility Strategy and Plan Implementation (Councilor Bushor)

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Councilors Bushor and Mason made a motion to waive the reading and adopt the resolution.

Councilors Bushor and Decelles made a motion to amend the resolution to end on line 49.

Councilor Bushor stated she felt that because there were concerns about the final whereas clauses, they should remove them from the resolution. This keeps with the recommendation from the Accessibility Committee and their involvement in prioritizing the needs within the City. It also gives more consideration to the training program for employees and elected officials. They hope to address those two items in a separate resolution.

The motion to amend the resolution passed unanimously.

The motion to adopt the resolution as amended passed unanimously.

8.5 (was 6.08.) RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of The City Council (Councilor Shannon)

Councilor Bushor stated that the reason she removed this from the consent agenda was because she would have preferred to postpone action on this item until after their retreat.

Councilors Bushor and Decelles made a motion to postpone action until after the retreat.

City Council President Shannon inquired if it would be acceptable to refer the resolution to the Charter Change Committee and request that they hold action until after the Council retreat.

Councilor Bushor stated she was not totally in agreement with that. There was a portion that referred to the timeliness of resolutions. The Administration did not typically attend retreats, but it may be helpful if the City Attorney's Office came for a part of it. She was concerned how tight this would make it for Councilors to get things done. She would prefer the discussion come back when this has been modified after the retreat.

Councilor Knodell inquired if this was time sensitive or if it could wait. City Council President Shannon stated that there was a high level of stress amongst staff, in part because things were being submitted by the deadline but continuing to change afterwards. The new deadlines were intended to give a window where an item would be submitted to the City Attorney's Office at an earlier time but changes could continue to be made. Currently, there was one deadline but Councilors continue to make changes after that date. It has been a long time, but it could wait. She requested that the Council at least be aware that the Tuesday deadline for the City Attorney's Office needed to be a more firm deadline. She hoped to discuss this further at the retreat and address how they handle amendments on the floor. She did not object to delaying action until after the retreat.

Councilor Blais stated he had reservations about having a retreat. He hoped that they could discuss substantive issues at the retreat.

The motion passed unanimously.

9. COMMITTEE REPORTS (5 mins.)

Councilor Siegel stated the Redistricting Committee met with the reconstituted Committee. They now have a timeline for their work and will be meeting once more in April, twice in May, and once in June. That will bring them to the end of the time with their facilitator. They hope that people will come to speak at public forum to express what they would like to see in the process and results. The Charter Change Committee has reorganized and had a good first meeting. They will be meeting every other Monday and

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will continue to look at the assault weapons ban. The Diversity and Equity Committee is planning to end in June. They are working to print the Strategic Plan for the public. They hope to have a Diversity and Equity Commission and are working to determine the staffing for that.

Councilor Tracy stated the TEU Committee has been working to answer questions regarding Tar Sands Fuel. They have determined that the City's fuel does not come from fracked sources. It mostly comes from Venezuela and is sourced through Albany. Tar Sands sources would come mostly from the Portland facility, but they do not receive fuel from that site. They have asked the Fleet Manager to provide a certification from the supplies to be absolutely certain. The other portion of the resolution referred to switching to renewable energy sources. This will be more challenging and complicated. There is not much room in the budget for the purchase of this type of vehicle to add to the fleet, as hybrids cost about 15% more than the market rate. There is a move towards natural gas fueled vehicles, which opens up issues related to fracking. It will require continued follow up moving to the future.

10. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Knodell stated that Lauren-Glenn Davitian, the Director of CCTV, received a Lifetime Achievement Award from the major national organization that brings together the non-profit technology network. In her speech, she talked about utilizing network building and digital resources to open the doors for social change. She congratulated her. She stated the Mayor has proclaimed April as Fair Housing Month to recognize the signing of the Civil Rights Act of 1968. The Act prohibits discrimination to access to safe rental housing. The State of Vermont law adds additional protected categories. It is important to keep in mind that everyone deserves access to housing and should not suffer discrimination.

Councilor Decelles stated he has become involved in a program called AAU. This is a league that children play in on the weekends that can be very expensive. This group decided to start a program meant to enable any child who wanted to play the opportunity to do so at a discounted rate or for free. There is a tournament this weekend to allow children to play and he encouraged people to attend.

Councilor Hartnett stated April is National Child Abuse Awareness Month. They sometimes lose focus on that during Organization time. There are blue and silver pinwheels at local banks and stores being sold for \$1; donations go to the Child Abuse Fund. He encouraged people to participate because it does happen here in Burlington. It is a serious issue and they lose focus of that sometimes.

11. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated that City Councilors should have received a communication regarding the rating from Moody's. The City's credit rating is remaining unchanged at this point. There was an acknowledgement of the efforts that have been taken over the last year to stabilize the City's General Fund and the Fiscal Stability Bond.

There will be a report from the IBM Global Team on the Smarter Cities Challenge Grant. There have been a number of meetings over the course of the last two weeks and it has been an exciting process. There are six thoughtful and talented people on a mission to evaluate how the City can reduce its impact on climate change. They have spoken with a number of stakeholders in the City and he is optimistic that they will come out with something positive.

Budget season has begun and they will begin to hold Work Sessions to work through the budget. The CAOs Office has published a schedule of meetings that will run through May. The meetings will be videotaped and posted on the Channel 17 website.

12. COMMUNICATION: Eileen Blackwood, City Attorney, re: Pending Litigation (oral)

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On a motion by Councilors Brennan and Ayres, the City Council voted unanimously to go into executive session at 9:02 p.m. as premature disclosure would place the City at a substantial disadvantage. Present were: see above

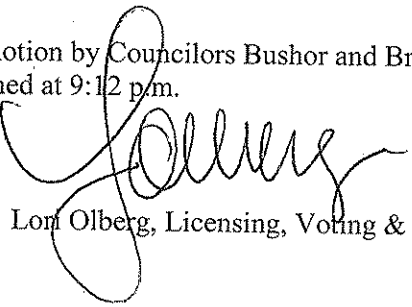

**\* \* \* \* EXPECTED EXECUTIVE SESSION \* \* \* \***

On a motion by Councilors Bushor and Brennan, the City Council voted unanimously to go out of executive session at 9:12 p.m.

13. ADJOURNMENT

On a motion by Councilors Bushor and Brennan, the Regular City Council Meeting unanimously adjourned at 9:12 p.m.

Attest:

   
Lon Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

DRAFT



DELIBERATIVE AGENDA  
LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, APRIL 29, 2013

7:05 P.M.

PRESENT: City Council President Shannon, Commissioners Hartnett, Aubin, Blais, Paul, Ayres, Worden, Siegel, Brennan, Tracy, Bushor, Knodell and Decelles

ABSENT: *Commissioner do 9/4/13*  
Councilor Mason

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Paul Sisson, Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Worden and Bushor the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Siegel the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. 2013-2014 CABARET, RESTAURANT AND STORE LIQUOR LICENSE RENEWALS:  
see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Cabaret, Restaurant and Store Liquor License Renewals with all standard conditions

2.02. 2013-2014 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list  
\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewals

3. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Aso Inc., d/b/a Bento, 197 College Street

Commissioners Blais and Worden made a motion to approve the Second Class Liquor License Application for Bento. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:08 p.m.

Attest:

*[Signature]* *Amy J Bovee*  
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

ADJOURNED MEETING, CITY COUNCIL  
MONDAY, APRIL 29, 2013

Minutes, Adjourned City Council Meeting for April 29, 2013

7:08 P.M.

PRESENT: see above; Councilor Mason (arrived at 7:10 p.m.)

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Worden the agenda was unanimously adopted as amended as follows: add to the consent agenda item 3.12.5. COMMUNICATION: Erin Demers, E.I.T., Public Works Engineer, Street Capital Program Manager, Office of Planning, DPW, re: FY'14 Street Reconstruction Program: Bid Results with the consent action to "waive the reading, accept the communication and place it on file;" add to the agenda item 10.02. COMMUNICATION: Phil Hammerslough, Isham Street, re: Recycle Totes for Burlington.

Councilor Siegel requested that consent agenda item 3.28. COMMUNICATION: Eileen M. Blackwood, Esq., with the assistance of Eugene Bergman, Esq., Richard Haesler, Esq., Gregg Meyer, Esq., Kim Sturtevant, Esq., and Linda Blanchard to Mayor Miro Weinberger, re: Report on Current Implementation of City of Burlington's Livable Wage Ordinance be removed and placed on the Deliberative Agenda as agenda item 10.1; City Council President Shannon made it agenda item 10.5.

Councilor Bushor stated agenda items 5-9 were listed as first reading but were not referred anywhere. She would like to refer them to the Ordinance Committee. City Council President Shannon stated that that was what would happen.

City Council President Shannon moved agenda item 4. PUBLIC HEARING: MDP -13-01 – DRAFT PlanBTV – Downtown & Waterfront Master Plan to agenda item 1.5.

1.5. (Formerly item 4) PUBLIC HEARING: MDP -13-01 – DRAFT planBTV – Downtown & Waterfront Master Plan

David White, Planning and Zoning Director, stated that they have embarked on a journey to fulfill a vision. This vision was first expressed in the 1996 Municipal Development Plan. It has involved the most comprehensive, energetic, creative, inclusive and responsive planning effort Burlington has ever seen. They have engaged and been responsive to thousands of people. The result is a community based vision for the future of the Downtown and Waterfront that respects the past and sets a path for the future. The plan was largely underwritten by the Federal Partnership for Sustainable Communities. The plan is the result of collaboration between several different departments and members of the community. It is a compilation of many other plans developed over the years. Burlington has undergone a transformation between the 1970s and today because of creative actions taken to transform the Downtown and Waterfront. When embarking on this project, they considered the City within a regional context. Development that happens here helps stimulate the economic engine in the City and the region, but also helps preserve farm and forest lands that are essential to the landscape of the State. There are more than 10,000 jobs in the downtown, but the regional advantage has been slipping. There have been declining retail sales and office space. The Downtown Improvement District is only 2% of the total acreage of land but pays 22% of the City's taxes. Development grows the City's tax base and ensures lower tax rates in residential areas in other parts of the City. There are only 2,400 housing units in the downtown, which is on par with some of the low density residential neighborhoods, while it is the most densely developed part of downtown. There is also a desperately low vacancy rate. The country and economy are in the midst of a change in demographics, expanding creative and green economies, and a thirst for what is experiential. The community is poised to ride this wave because it fits closely with what is valued in the community. They considered seven place based themes to build a long held vision for the community.

## Minutes, Adjourned City Council Meeting for April 29, 2013

They considered other plans that have been used in Burlington to determine what these themes should be. They centered the effort on increasing the economic vitality of the core of the City and collected big ideas that would be crucial to creating this vision. They followed urban design principles to illustrate how ideas might be put into action. The recommendations in the plan encourage new infill and adaptive reuses through new development regulations. They will expand economic diversity and competitiveness by cultivating community assets, expanding the creative economy and broadening retail and hospitality. They will significantly expand housing opportunities and choices in and around downtown to create job opportunities, sustain retail and entertainment, and reduce driving congestion and parking demand. They will support a diversity of transportation choices to reduce reliance on driving. They activated the streetscape along connections between the Marketplace and Waterfront by creating opportunities for retail and hospitality, street vendors and entertainers, and improved walkability and storm water management. Strategic expansions of the street grid will improve connectivity and create opportunities for infill development. They will manage parking resources more efficiently to make spaces easier to find and more convenient to use. New parking facilities will be on the periphery of downtown. They will incorporate state of the art storm water management to protect the lake and adapt to the changing climate. They will vitalize the Waterfront year round, add 300 new slips for boaters and expand the amenities that will support this additional harbor traffic.

Sandrine Thibault, a Planning and Zoning Planner, stated this plan was created by the people of Burlington with a public outreach process. There were over thirteen steps for outreach and engagement. They had a website, used social media, had a speaker series, and communication through email. The engagement process was unprecedented for Burlington. They visited NPAs, held stakeholder meetings, and met with underrepresented populations in the community. There was a weeklong design charette that took place in a store on Church Street where people were invited to give input and interact with consultants. There were about 500 people who participated in that process. They reached out to artists and school children to see their ideas. They received a lot of input as a result of this process. They gathered that information and placed it in a web tool that allowed residents and business owners to give their input. They could vote on what others had said or add their own ideas. 1,400 people participated in using the web tool, 700 people added new comments, and over 45,000 votes were cast. This allowed them to reach a different population than those who attend meetings. With this input, they prepared a draft of the plan. It was reader friendly and easy to look through. Once released, they had a 2.5 month period for public review and comment. They went through each comment one by one and worked with the Planning Commission to review and categorize them. Some comments were at a level of detail that the plan does not get into and will be passed to the departments that they affect. There were others that they had not thought of that were added to the plan. Others did not relate to the plan and were set aside. They rewrote the plan throughout the fall to prepare this draft. They then held a two day open house and 250 people attended to comment again. This is the people's plan and was developed by the people of Burlington and the business community. This is the first of two public hearings for the adoption of the plan. This will be adopted as part of the municipal development plan within the land use chapter.

City Council President Shannon thanked them for their work over the course of the last two years. She inquired how this will move forward both in terms of adoption and implementation. Mr. White stated they are proposing adoption of this plan as part of the Municipal Development Plan. There are many parts of the document that reference other plans. Much of the implementation has already been started. There have been zoning amendments that have taken important ideas and carried them forward. The Mayor, through the PIAP effort, has said they should consider plans like planBTV. City Council President Shannon inquired if adoption of this plan means adoption of the amendment to the Municipal Development Plan. Mr. White stated it does. The action would include the amendment of the Land Use section to incorporate this plan.

City Council President Shannon opened the public hearing at 7:35 p.m.

Minutes, Adjourned City Council Meeting for April 29, 2013

Rory Waterman, Ward 3 Resident, spoke about concerns that the document is too specific to be a strategic plan but is too vague to be an action plan. He suggested making the plan more general and working out the details in different arenas.

Alison Lockwood, Ward 3 Resident, spoke against developing the Waterfront and spoke in favor of keeping the space a natural area for relaxation.

Gayle Weiss, Ward 3 Resident, raised concerns about the health problems associated with increased traffic in Waterfront Park.

Beth Dusablon, Ward 7 Resident and Vermont Interfaith Action Member, spoke favorably about the planBTV process and the plan itself, particularly in the area of affordable housing.

Virginia Munkelwitz, Ward 6 Resident and Vermont Interfaith Action Member, spoke favorably about the planBTV process and the plan itself, particularly in the area of affordable housing.

William Lockwood, Ward 3 Resident, spoke about the Open Space Protection Plan and called for maintaining open space and spoke against developing Waterfront Park.

Rick Sharp, Burlington Segways, spoke in favor of the plan. He suggested that electric powered vehicles, such as Segways, should be considered.

Caryn Long, Ward 1 Resident, spoke about encouraging biking and walking and preventing City streets from becoming a parking lot.

Chris Russo, San Sai Owner and Ward 2 Resident, spoke in favor of development on the Waterfront as an extension of the downtown.

Hans Van Wees, Ward 3 Resident, spoke in favor of planBTV and stated connecting the Downtown to the Waterfront is critical. He raised concerns about stairways and streets going through private property on Lake Street, overuse and overdevelopment of Waterfront Parks, and parking structures.

Infinite Culcleasure, Ward 5 Resident, spoke about the Vermont Refugee Resettlement Program and problems with finding affordable housing.

Philip Wagner, Ward 3 Resident, stated this is a good plan and there will be more in the future. He noted there are not funds available to do this.

Councilor Knodell inquired if any other section of the Municipal Development Plan will be amended. Mr. White stated only the Land Use section will be amended.

Councilor Bushor stated the plan engaged her as if it were a book. It is well written and makes you want to complete it. Some residents were concerned that their comments were not identified. She inquired if residents have seen how this will be incorporated into the Municipal Development Plan. Mr. White stated many people may not understand the connection between the two plans. The Downtown and Waterfront Plan is intended to stand on its own. The changes to the Municipal Development plan are intended to make sure there is a connection and that important themes are recognized. Councilor Bushor inquired if they plan to provide that link to help residents understand this will help bring about modification. Mr. White stated they can help do that. The Land Use section has been part of the Planning Commission deliberations, but it is not well understood how various plans fit together.

## Minutes, Adjourned City Council Meeting for April 29, 2013

Councilor Brennan thanked staff for including comments from the public in their process. Affordable housing is an important thing to consider as planning occurs.

City Council President Shannon stated this will be adopted after the second public hearing. She has concerns that there has been a lot of process with planBTV, but less process around how this will affect the Municipal Plan. The Council may wish to take more time before the next public hearing, or this could be received at a committee level.

Councilors Bushor and Brennan made a motion to postpone action until the May 20 meeting.

Councilor Bushor stated this has had a lot of time put into it and they need to see how it will fit into the Municipal Development Plan. They need more time to review this.

Councilor Knodell stated a public hearing for May 6 has been warned and they should move ahead with that. They can still postpone action.

Councilor Bushor offered an amendment to the motion to allow the Public Hearing to take place on May 6 and delay action until May 20.

The motion passed unanimously.

Councilor Paul read comments from a constituent regarding planBTV. He spoke against adding additional boat slips to the breakwater.

Mr. White stated the plan includes a lot of specific ideas of things to be explored. They are things they will think about and consider in greater detail, but are not yet hard and fast plans.

Councilor Hartnett inquired what will happen if they adopt a plan but choose not to move forward with it. City Council President Shannon requested clarification between the plan and the ordinance. Mr. White stated they will look at the ideas in the plan and will determine if they are good or bad ideas. Ultimately, the appropriate Commissions will have final say about appropriating money for projects through a budget. The plan references changes to the Zoning Ordinance, but the Council will have the opportunity to weigh in. City Attorney Blackwood stated the plan is the overarching document and ordinances would have to be consistent with it. However, the plan is not enforced on a detail by detail basis.

Councilor Mason inquired if ordinance changes will be coming forward a few at a time or if there will be a large PlanBTV change. Mr. White stated there will be a number of changes that will be discrete such as parking. There will also be a broader slate of changes that will be a part of the Form Based Code which regulates the form of development.

Councilor Worden stated the plan identifies specific tasks for different departments to do. He inquired if they will be prioritized and inquired if they will meet with Departments to discuss the plan. Mr. White stated there are a series of action items and they identify who the lead would be. Prioritization will be up to Departments and the Administration. There are a number of items that will require the right timing.

Councilor Siegel requested background information about why they are making ordinance changes.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:27 p.m.

1.5.1. COMMUNICATION: Burlington Planning Commission, re: MDP-13-01 – DRAFT planBTV – Downtown & Waterfront Master Plan

# Minutes, Adjourned City Council Meeting for April 29, 2013

Councilors Hartnett and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

## 2. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:27 p.m.

There being no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:27 p.m.

## 3. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles, the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Acceptance of Bureau of Justice Assistance (BJA) 2012 Bulletproof Vest Partnership Grant for the Purchase of 10 Bulletproof Vests as Approved by BVP Purchasing Guidelines and Budget Amendment Authorizing the Purchase (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.03. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police Departments, re: 2012 Bulletproof Vest Partnership \$2,995 Grant

\*waive the reading, accept the communication and place it on file

3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Madera's Restaurante Mexicano & Cantina (Councilors Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

3.05. COMMUNICATION: License Agreement for Tables and Chairs with Madera's Restaurante Mexicano & Cantina 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Manhattan Pizza & Pub (Councilors Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

3.07. COMMUNICATION: License Agreement for Tables and Chairs with Manhattan Pizza & Pub 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.08. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A Sign Extending over a Portion of The City's Right-of-way with

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Randolin Music (Councilors Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

3.09. COMMUNICATION: License Agreement for Sign with Randolin Music 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.10. RESOLUTION: Reclassification and Title Change of Three Site Coordinators to Recreation Specialists – Parks and Recreation (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.11. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment Requests Related to Waterfront Division Operations (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.12. RESOLUTION: Authorization to Execute Contract for FY 2014 Street Reconstruction Program (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.12.5. COMMUNICATION: Erin Demers, E.I.T., Public Works Engineer, Street Capital Program Manager, Office of Planning, DPW, re: FY'14 Street Reconstruction Program: Bid Results

\*waive the reading, accept the communication and place it on file

3.13. RESOLUTION: Approval of Amendment to Fire Department Budget for Vehicle and Equipment Maintenance to Replace Rescue Two Engine (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.14. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment Requests Related to Greenbelt Maintenance (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.15. RESOLUTION: City Council Annual Retreat – Authorize Contract for Facilitator (Councilor Shannon)

\*waive the reading and adopt the resolution

3.16. RESOLUTION: Approval of Public Works Department Budget to Increase Vehicle Maintenance Budget (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.17. RESOLUTION: Authorization to Accept State Grant Amendment Associated with Modification of U.S. Customs Facility and International Flights at Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.18. RESOLUTION: Authorization to Execute Lease for Verizon Wireless Cellular Tower at Burlington International Airport (Councilors Shannon,

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Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.19. COMMUNICATION: Building and Rooftop Agreement

\*waive the reading, accept the communication and place it on file

3.20. RESOLUTION: Approval of Assignment of Dollar Car Rental Agreement to Advantage Car Rental at the Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.24. 2013-2014 INDOOR ENTERTAINMENT PERMIT AND TOBACCO LICENSE RENEWALS:  
see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor Entertainment Permit and Tobacco License Renewals

3.25. EXTENSION OF 2012-2013 INDOOR ENTERTAINMENT PERMIT: Finnigan's Pub  
\*extend the 2012-2013 Indoor Entertainment Permit for Finnigan's Pub (no documentation)

3.26. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, March 18, 2013 Minutes

\*waive the reading, accept the communication and place it on file

3.27. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, April 15, 2013 Minutes

\*waive the reading, accept the communication and place it on file

3.29. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

El Gato Cantina, 169 Church Street, Saturday, May 4<sup>th</sup>, 10 p.m. – 1 a.m., DJ Hector playing Salsa for the Cinco De Mayo celebration, dancing, amplified music

\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for El Gato Cantina



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- 3.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Regular, City Council, March 11, 2013

\*waive the reading, accept the communication, place it on file and adopt the minutes at the May 6, 2013 City Council Meeting

- 3.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned Meeting, City Council, March 18, 2013

\*waive the reading, accept the communication, place it on file and adopt the minutes at the May 6, 2013 City Council Meeting

- 3.32. COMMUNICATION: Bruce Seifer & Julie A. Davis, re: Heartfelt Thanks

\*waive the reading, accept the communication and place it on file

5. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Nonconforming Structures Demolition ZA 13-05 (Planning  
Department, Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning, stated that there were five amendments to the Zoning Ordinance on the agenda. This one related to the demolition of non-conforming structures. This would allow a structure to retain its non-conformity if it was demolished. There were many buildings in Burlington that were characteristic of a neighborhood development pattern and almost all of them were non-conformant. The zoning patterns did not reflect the development pattern that was on the ground. This would fine tune the ordinance to make it more reflective of what exists. The most common non-conformities are set back or lot coverage issues.

Councilor Worden stated that he has heard from people in Ward 1 about this issue. He inquired if it will apply to lot coverage. He also inquired about height requirements. Mr. White stated it will apply to height. This would apply to any existing non-conformity. The non-conformity could be lot coverage or others. Councilor Worden stated the wording makes it seem as if it just applies to setbacks. He inquired if this will go to the Ordinance Committee. Mr. White stated it will.

Councilor Mason stated it seems that this turns normal zoning on its head because they typically try to minimize non-conforming use. The reasoning is that the existing ordinance does not comply with what is on the ground. He inquired why they took this approach rather than trying to adjust what is written. Mr. White stated one of the next items will be a change to how setbacks are calculated. That will eliminate a number of non-conformities. In most cases, these are older buildings and they want to maintain that pattern. They have not been able to survey each neighborhood to see what the patterns are so they chose to take this blanket approach instead.

Councilor Bushor stated there are a lot of older homes that find when they want to replace a porch or other structure, they would not be in compliance by just replacing what they have. It makes a lot of sense and many people have asked for this.

City Council President Shannon inquired if someone with a non-conforming deck could turn it into a non-conforming addition using the same footprint. Mr. White stated they could not under this provision.

The motion passed unanimously.

6. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
50% Residential Limitation ZA 13-07 (Planning Department,  
Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Ayres made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning Director, stated that this was a recommendation from planBTV. There was a need to have more housing in the downtown area to fulfill the mixed use vision that they have for the City. This provision makes it impossible for mixed use development to be created. There are financing mechanisms that this flies in the face of. They also need a lot more housing to support the economic vitality of the downtown and the City as a whole.

City Council President Shannon stated this has been in the Ordinance as a placeholder to ensure they retain the space that is needed for commercial development when there is pressure for residential development. She requested the Ordinance Committee consider that issue. An element of planBTV that has not yet been implemented is the issue of connectivity between the Downtown and Waterfront. The Ordinance says that it must be ground floor commercial and not residential. She hopes that as they look at what mix of buildings they will have, they will consider connectivity issues.

The motion passed unanimously.

7. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Residential Side/Rear Yard Setback Encroachments ZA 13-08  
(Planning Department, Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning Director, stated that this will address setbacks. It allows for existing encroachments into a setback to continue their encroachment by building upwards. There could be a one story addition where they would like to add rooms upstairs. The second part will change how setbacks are calculated. They currently calculate front yard setbacks based on the average of the street to understand the existing development pattern. This will use the same method to calculate side yard setbacks.

Councilor Bushor inquired if the motion has to acknowledge that these are first readings. City Attorney Blackwood stated it would be helpful, though it is noted on the document. City Council President Shannon requested the Clerk's Office clarify that motion.

Councilor Worden stated he understands the intent of the Ordinance but noted that it does not clarify whether they should use the lesser or greater. Because it is a minimum amount, there needs to be a specific number for the landowner to follow. There is always an oddity on the block that does not meet the characteristics of the neighborhood. That could result in a requirement of a higher setback than necessary.

City Council President Shannon inquired if a deck were to encroach on a setback could a structure do the same. Mr. White stated this speaks to existing buildings and not decks. It will allow that building to be vertically expanded, but a deck would not qualify as a building. City Council President Shannon stated that is not clear to her from what is written. She inquired if a building downtown with high height limits could go from a one floor structure to a six story structure. Mr. White stated that it could and the Commission spent a lot of time discussing height. They do not want to allow the new addition to be

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higher than the existing building. City Council President Shannon stated she would be concerned about this because there could be unintended consequences.

Councilor Bushor requested a list of comments and concerns be sent to the Ordinance Committee.

The motion passed unanimously.

8. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Community Center ZA 13-09 (Planning Department, Planning  
Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

Councilor Bushor stated she had difficulty viewing the table associated with the Ordinance. She requested that be included when it is sent to the Ordinance Committee.

The motion passed unanimously.

8.01. COMMUNICATION: Appendix A-Use Table-All Zoning Districts

Councilors Mason and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Accessory Dwelling Units ZA 13-10 (Planning Department,  
Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

Councilor Tracy stated this does not differentiate between different districts. He inquired if this could lead to even greater density in the RH District or if the lot coverage and setback requirements would prevent that from happening. Mr. White stated this is a specific requirement in State Statute. It relates only to owner occupied single family residences. If there is a multi-unit structure being rented out, they will not get any extra units.

Councilor Worden inquired if the purpose of this is to respond to a State change or to clarify language in the current Ordinance. David White, Planning and Zoning Director, stated it will clarify the language.

City Council President Shannon stated an element of this requires registering the accessory unit in a deed. She inquired if that is common in Ordinances and what the process for ensuring that happens is. Mr. White stated there is a section that requires a deed restriction to be applied relative to the accessory units. The applicant would have to demonstrate that they have complied by entering that information into the Land Records. It is tied to owner occupancy so it needs to be included in the Land Records.

The motion passed unanimously.

10. RESOLUTION: Mandatory Wheeled Covered Recycling Toters (Councilors Tracy, Paul)

Councilors Tracy and Worden made a motion to waive the reading and adopt the resolution.

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Councilor Tracy stated this will set in motion a process to deal with recycling that they generate. This will ask the Department of Public Works and Code Enforcement to come up with an Ordinance. This will be significant, as they need to consider things like how to get enough toters, how to assemble them, how to distribute them to properties, how to track them to make sure they are returned if lost, and how much recycling a particular unit generates. The intent is to deal with blown trash that appears on windy days. He hopes the approach will be collaborative and allow resident, tenant and landlord input. They have begun to meet with landlords in the community and have received generally positive feedback, but there still are some concerns. He hopes it will have a positive impact on neighborhoods and help eliminating trash that accumulates on windy days.

Mayor Weinberger stated this has been a good process so far that has evolved from meetings with neighbors, Councilors, and other stakeholders. He hopes the collaboration will continue and result in good reform of the Recycling Ordinance.

Councilor Mason inquired what the current discounted rate is and what the normal rate would be. Mayor Weinberger stated the largest toters cost about \$100. They are figuring they would need one totter per three units. They would last about 5 years. It is a small expense when averaged over the life of the toters.

Councilor Decelles stated this is not just an issue in dense neighborhoods. They probably will need to go in this direction. Sooner rather than later, they need to discuss outsourcing this to outside businesses. He would like to know the financials surrounding this.

The motion passed unanimously.

10.01. COMMUNICATION: Mayor Miro Weinberger, re: Recycling Toters Resolution

Councilors Tracy and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

10.5. (was 3.28.) COMMUNICATION: Eileen M. Blackwood, Esq., with the assistance of Eugene Bergman, Esq., Richard Haesler, Esq., Gregg Meyer, Esq., Kim Sturtevant, Esq., and Linda Blanchard to Mayor Miro Weinberger, re: Report on Current Implementation of City of Burlington's Livable Wage Ordinance

Councilors Siegel and Brennan made a motion to waive the reading, accept the communication, place it on file and refer to the Ordinance Committee.

Councilor Siegel stated this seems thorough and very well done and thanked the City Attorney's Office for their work. She is disappointed in the lack of compliance. She does not hold City staff members at fault for that, as they were not given the capacity to enforce and enact this Ordinance. She hopes that the Ordinance Committee will consider the things that are in the report as well as other things. She hopes they will look at exemption requirements and the process for doing that. She also requested clarification about how the Livable Wage Ordinance applies to the Airport. She hopes they will use caution when considering benefits as counting towards a livable wage. Some benefits can be considered as contributing to basic needs while others should not. She hopes this will expand to the Burlington School Department and to temporary workers.

Councilor Brennan stated this is an important topic and he appreciates the work on the report. He noted there are unintended consequences of the work that was done to bring this forward in the City. Many other entities looked at what the City was doing and increased the wages of their service workers accordingly. This contributes to lives, families and commerce in the City itself. The School Board also

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considered livable wage and made some changes. The School Department has increased the value of the meals that are being provided. The individuals preparing the food are making a wage that is more viable for someone to seek that form of employment. There has been a lot of good that has come out of this that has not been broadcasted. There is room for growth. He values being able to go into a clean bathroom and for that to happen they have to value those workers. Suppressing wages hurts everyone.

Councilor Bushor noted there was a statement in the report that the livable wage is adjusted by the CAO each year in July. The CAO is supposed to look to the Joint Fiscal Office in the State to select that number. When comparisons were done with other communities, they need to consider the cost of living, which is likely higher in Burlington than in surrounding towns. She is proud that the City of Burlington pays a livable wage and made an effort to get those who they do business with to pay a livable wage. There are clearly some problems, but it does provide them with an opportunity to improve it. She hopes Councilors will give the Ordinance Committee some feedback.

Councilor Worden stated this is a complex issue and he is glad to see it moving forward. This was originally brought about because of the high cost of living in Burlington. The Ordinance does not address the fact that many people who work for the City of Burlington do not live in Burlington. It almost provides an incentive for people to work here but not live here. There should be an incentive to live in Burlington. They should focus on reducing the cost of living and increasing vacancy rates. More housing downtown will put more people in the tax base to help fund programs such as this one.

Councilor Hartnett stated the two things that come to mind with this are fairness and consistency. Using those as guidelines when thinking of this Ordinance will serve them better. There is a sense in the public that is not fair or consistent.

The motion passed unanimously.

### 11. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated the Transportation, Energy, and Utilities Committee has scheduled their first meeting.

Councilor Mason stated the Ordinance Committee will be holding a hearing on downtown parking.

City Council President Shannon stated Board/Commission applicants have been invited to the work session. Applicants have been asked to RSVP. She has tried to schedule people in time slots and hopes they can try to remain within those time frames. Going forward, they can adjust how much time they need. There are a number of people who cannot attend, but they have been invited to submit any additional information. Department Heads and Commission Chairs have also been invited. Department Heads have been asked to put in writing what is required for the position. She has only heard back from Planning and Zoning so far. They have very helpful information on their website.

### 12. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Decelles stated the opening ceremonies for Little League Baseball are happening at Schifilliti Park. The Mayor will be throwing the first pitch. He invited everyone to attend.

Councilor Brennan stated the Center City will be starting their baseball season this weekend as well. He will be at Nunyun's with the Mayor to talk about concerns in the neighborhood.

Councilor Knodell stated there will be a Green Up Day event at Pomeroy Park to pick up trash and rake. She invited everyone to attend.

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Councilor Hartnett stated there will be big baseball events at Callahan Park, Center City and Schifilliti Parks. It is important to get out to these sites to see the involvement. It is an amazing day for everyone. It has brought people from all walks of life together, both locally and nationally.

Councilor Siegel stated Callahan Park is doing a commemorative event for Bentley Seifer.

Councilor Worden stated the Greater Burlington Girls' Soccer League will be having their first game at Callahan Park. At the end, they will do one big dance of the Macarena.

13. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated they last met on the day of the Boston Marathon Bombings. Burlingtonians should be proud that a number of people have stepped up to ensure that the 25<sup>th</sup> annual Vermont City Marathon is the best event that they have ever had. They will welcome runners from the Boston Marathon who were unable to complete their run.

He and the Administration have been busy focusing on budgets and will continue this process through May. The Budget Schedule is available on the City website.

The Smarter Cities challenge ended with an interesting and thoughtful event. He expects a detailed report from the global team of IBM experts in the coming weeks. He and his team will talk about how to move forward with the initiatives laid out in that report.

He has been working on the Champlain Parkway and Railyard Enterprise Project. He will return to the City Council with more details in the weeks ahead. The Administration is attempting to reach settlements with the parties who are appealing the Act 250 permit.

One settlement effort that has been attempted to date has not yet been successful. The Burlington Telecom Early Neutral Evaluator (ENE) was extended into March but was unsuccessful. He has ended those efforts and litigation is continuing.

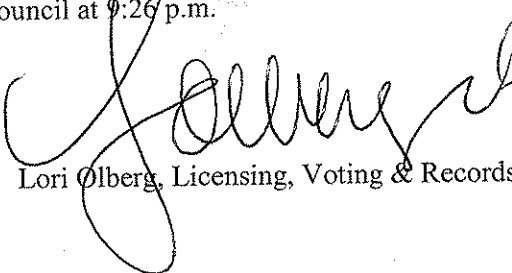
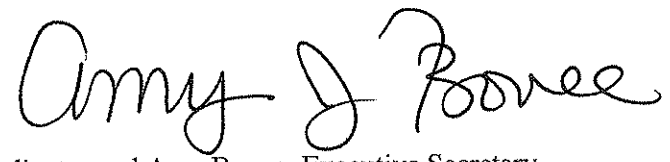
The Fiscal Stability Bond was sold last week. He thanked the CAO's Office for their work. The Bond came in where projections were expected to be. That effort is moving forward.

He will be out on Saturday for Green Up Day and Little League opening day. It will also be the kickoff day for Burlington Girls' Soccer and he will be at Callahan Park cheering them on.

14. ADJOURNMENT

Without objection, City Council President Shannon unanimously adjourned the Adjourned Meeting of the City Council at 9:26 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

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DELIBERATIVE AGENDA  
LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, MAY 6, 2013  
7:05 P.M.

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PRESENT: City Council President Shannon; Commissioners Worden, Bushor, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood, Assistant City Attorney Gene Bergman

CLERK/TREASURER'S OFFICE: Paul Sisson, Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Worden and Blais the agenda was adopted as is.

2. HEARING PANEL APPROVAL & RECOMMENDATION, ORDER, STIPULATED FINDINGS & CONCLUSIONS OF LAW: Atwater Kent, Inc., d/b/a Esox, 194 Main Street

Commissioners Blais and Ayres made a motion to adopt the findings and order. The motion passed unanimously.

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:08 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

REGULAR MEETING, CITY COUNCIL  
MONDAY, MAY 6, 2013  
7:08 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Worden and Bushor the agenda was unanimously adopted as amended as follows: add to the agenda 4.05. RESOLUTION: Adoption of The 2013 Climate Action Plan (Councilors Hartnett, Mason, Tracy: 2012-2013 Transportation, Energy & Utilities Committee).

City Council President Shannon stated that they would not be amending this resolution on to the agenda because there had been a change.

Councilors Worden and Bushor revised their motion to adopt the agenda as presented.

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Councilor Decelles requested they add agenda item 2.5. Composition of Board of Finance.

The motion was adopted unanimously as amended.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:43 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ali Zipparo	Ward 2 Resident	DRB Applicant
Russ Elek	Ward 5 Resident	In favor of CDBG Recommendations
Karen Freudenberger	Ward 6 Resident	In favor of CDBG Recommendations
Alison Calderara	Ward 1 Resident	In favor of CDBG Recommendations

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:56 p.m.

2.5. Composition of the Board of Finance

Councilor Decelles stated as City Councilors, they understand what the time commitments this job entails. There needs to be a balance with families and the roles in the Council. He feels that the scales are out of balance for him, so he will be resigning from the Board of Finance. He requested that they appoint a replacement tonight.

City Council President Shannon stated she had no idea that this was coming forward. She suggested nominating a new person at the next Council agenda. Councilor Decelles stated there are four Board of Finance meetings, including Worksessions, between now and the next Council meeting. Waiting would be a disservice to the City. City Council President Shannon stated there is only one Board of Finance meeting between now and the next Council meeting.

Councilor Brennan stated the Board of Finance has been distributed based on party. He hopes they will recognize Councilor Decelles' party and maintain balance.

Councilor Knodell stated she would prefer to take this up at the May 20 meeting.

Councilor Siegel requested a 5 minute recess.

Councilor Hartnett stated he feels it would be wise to wait until May 20.

Councilor Ayres stated he would prefer to wait until May 20 to allow them to be more deliberative and solicit interest about who would be willing to serve.

Councilors Blais and Knodell made a motion to postpone appointment until the May 20 meeting.

The Council took a 5 minute recess.

The motion to postpone action passed unanimously.



3. CONSENT AGENDA

On a motion by Councilors Bushor and Worden, the consent agenda was unanimously adopted thus taking the following actions as indicated:

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

- 3.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables  
And Chairs on a Portion of The City's Right-of-way with Bern Gallery  
(Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

- 3.03. COMMUNICATION: License Agreement for Tables and Chairs with Bern Gallery 2013-2014  
Season

\*waive the reading, accept the communication and place it on file

- 3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign  
Extending over a Portion of The City's Right-of-way with Liebling  
(Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

- 3.05. COMMUNICATION: License Agreement for Sign with Liebling 2013-2013 Season

\*waive the reading, accept the communication and place it on file

- 3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables  
And Chairs on a Portion of The City's Right-of-way with Pho Hong  
Restaurant (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

- 3.07. COMMUNICATION: License Agreement for Tables and Chairs with Pho Hong Restaurant  
2013-2013 Season

\*waive the reading, accept the communication and place it on file

- 3.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Roofline  
Cornice Overhanging a Portion of The City's Right-of-way with  
Shoeless Konstruktion (Councilors Blais, Tracy, Ayres: License  
Committee)

\*waive the reading and adopt the resolution

- 3.09. COMMUNICATION: License Agreement for a Roofline Cornice Overhanging the Sidewalk  
With Shoeless Konstruktion 2013-2014 Season

\*waive the reading, accept the communication and place it on file

- 3.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Sign  
Extending over a Portion of The City's Right-of-way with Phoenix  
Books (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

- 3.11. COMMUNICATION: License Agreement for Sign with Phoenix Books 2013-2014 Season

\*waive the reading, accept the communication and place it on file

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3.12. TOBACCO LICENSE RENEWAL (2013-2014): The Other Place, 4 North Winooski Avenue  
\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Tobacco Renewal for The Other Place

3.13. COMMUNICATION: Handout from Caryn Long, 4/29/13 City Council Meeting, re:  
Newspaper Article: Bike-friendly Portland has parking issues,  
Associated Press

\*waive the reading, accept the communication and place it on file

3.14. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/10-5/12):

Spielpalast Cabaret, Contois Auditorium, May 10 – 12, 2013, 7 p.m. – 11 p.m.

\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for May 10 -12, 2013 for Spielpalast Cabaret

3.15. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/17-5/18):

Spielpalast Cabaret, Contois Auditorium, May 17, 2013, 7 p.m. – 11p.m.; May 18, 2013,  
7 p.m. – 1a.m.

\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for May 17- 18, 2013 for Spielpalast Cabaret

3.16. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee,  
Executive Secretary, re: Draft Minutes, Regular, City Council, March 11,  
2013

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the  
April 29, 2013 City Council Meeting

3.17. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee,  
Executive Secretary, re: Draft Minutes, Adjourned Meeting, City  
Council, March 18, 2013

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the  
April 29, 2013 City Council Meeting

4. PUBLIC HEARING: Burlington Climate Action Plan

Sandrine Thibault, Planning and Zoning Comprehensive Planner, stated that in 1996 the City was one of the first Cities to join the Cities for Climate Protection Campaign. The City Council passed a resolution in 1998 to prepare and adopt the first Climate Action Plan. This plan is an update of the 2000 Climate Action Plan that is on the books. This implements the vision set in the Legacy Plan, the Municipal Development Plan, and the PlanBTV Downtown and Waterfront and Master Plan. The plan measures greenhouse gas emissions that the City and Government create. The process is to measure what impact the City has on climate change and then plan strategies to mitigate that impact. The plan is a roadmap for the future to help decision making. In Burlington, climate change has already had impacts on daily life, such as flooding from Hurricane Irene a few years ago. Climate change can impact private property, infrastructure, recreation, agriculture, and human health. The plan update has been going on since 2008. They began with a greenhouse gas emissions inventory. They then invited the public to participate in work groups to develop mitigation strategies. They did tremendous works to develop over 200 strategies. The developed criteria to evaluate the strategies selected 39 projects that are included in the Climate Action Plan. They plan to do a greenhouse gas emission inventory every three years and did one using 2010 data. After receiving feedback, they reformatted the plan to emphasize the strategies and policies

that will be used. They have changed the reduction targets to reflect the increase in greenhouse gas emissions that occurred between 2007 and 2010. They changed the targets to be more realistic and achievable. They first hope to level off greenhouse gas emissions by 2016. By 2025, the target is to reduce greenhouse gas emissions. The target for municipal operations is higher than Airport and Community-wide targets because the City feels that they can make decisions that will have a direct impact. Emission reductions in the community will happen more from encouraging people to change certain behaviors. This also sends a good message that the City is committed to reducing its emissions. They have added a new goal, which is compact mixed-use development. After the planBTV process, they determined that a great way to reduce emissions is to build a compact, dense community so that people can live and work in the same area to reduce single occupancy transportation. They will increase transportation and housing in the downtown. This relates directly to the other goals in the Climate Action Plan. To adopt the Climate Action Plan, they will incorporate it in the "Energy" chapter of the Municipal Development Plan. It serves as a supporting document. They have also updated the rest of the chapter with the information from the Climate Action Plan in collaboration with the Burlington Electric Department.

David White, Planning and Zoning Director, stated they are recommending that they defer the action of referring the document to the Planning Commission. An issue was raised about one of the recommended strategies for housing. The wording suggests that all regulatory barriers to constructing housing in the downtown should be removed. There was a concern that someone could construe that to mean that all regulations regarding housing, such as zoning and building codes, should be eliminated. That is not the intended recommendation. It needs to be reworded to be clear about what the objective is. This is part of the Land Use and Development Policy associated with the Municipal Development Plan. The process to amend the Municipal Development Plan is governed by State Statute, which says that it must be adopted within a year of the last public hearing of the Planning Commission. That deadline is May 8, but there is no time to make the change in that time period. Referring it back to the Planning Commission will allow them to make the change and start the adoption process over.

Ms. Thibault stated this will be an opportunity for people to add any comments that they may have.

City Council President Shannon stated this plan is different than the one presented at the last Public Hearing and it is vastly improved. She thanked them for their work.

Councilor Bushor stated this plan is more realistic than the original plan. She is glad that it will be referred back to the Planning Commission because when she read it, it seemed like it needed another critical eye. It referenced things that would happen in 2012, but at this point these things either happened or they had not. There were also some inconsistencies between the Climate Action Plan and the Municipal Development Plan. She noted on the Energy Action Plan they mention they want to develop a comprehensive public outreach program with Planning and Zoning and Public Works. She inquired why the schools, UVM and Champlain College were not included in this approach. They should take advantage of the educational institutions when working to educate the public. This is going in the right direction.

Councilor Brennan stated that this is the most important piece of action that they can look towards for the future. He appreciated the updated graphics and felt that they are meaningful for people looking at the plan. He felt that there are a couple of areas they need to focus on. They have talked about busses for mass transit, but some citizens have discussed other options, such as light rail. There is a group of people from Ward 3 who are very interested in this topic. There are Burlington representatives looking to increase light rail. He also raised concerns about the efforts being made across the country with natural gas. There are supplies out there, but it seems there is a large move towards fracking which can hurt the environment in other ways. As they work towards lowering greenhouse gas emissions, they need to be mindful of what the replacements are. There are goals they all need to strive for.

Councilor Worden stated the plan presents well and looks nice and thanked them for their efforts. They need to find a balance between what is reasonable and achievable and what is really needed. This seems to trend towards what is reasonable and achievable. He understands the challenge of setting goals that are so high that they are disappointed when they do not meet them, but if these goals are not set they will not meet them. There has been an increase in emissions in all areas- municipal, airport, and community. It looks as if the community has benefited from energy efficiency efforts.

Councilor Tracy stated there are competing goals in some places. They are working towards increasing Airport traffic and flights but also working to reduce emissions. They need to consider how they will balance those efforts. He inquired what the Smarter Cities group thought of this plan and if they had other ideas. Jennifer Green, from CEDO, stated this did not take into account fuel being used in airplanes. It is challenging to consider how much they would need to reduce emissions from airport operations while also increasing flights. She congratulated the Airport for the work that they have done. The Smarter Cities group did give a lot of positive feedback, particularly in regards to transportation and electric vehicle use. They suggested bolstering the existing car share program to include electric vehicles. They have been in touch with some European cities that have a robust electric car infrastructure program. They also are considering the energy efficiency pieces they have in the City to communicate to the public about what is available. Currently the Home Energy Challenge is going on, but they have heard from people that there is confusion about where to look for information.

City Council President Shannon stated the comments about the Airport are interesting. She recently attempted a flight out of BTV but ended up flying out of Manchester. Just because they do not have the flight in Burlington does not mean that they have reduced their carbon footprint because people then have to drive to Manchester or Albany. This plan asks for a lot from the citizens of Burlington. She suggested that getting a commitment from the citizens, perhaps through a referendum, may help in their efforts. Advisory questions give government advice about what they should do. In this case, they would be asking the citizens if they are willing to do certain things to reduce their carbon footprint.

City Council President Shannon opened the public hearing at 7:40 p.m.

No one spoke on this item.

City Council President Shannon closed the public hearing at 7:40 p.m.

Councilors Bushor and Siegel made a motion to refer this to the Planning Commission with a report back date of the first meeting in September. The motion passed unanimously.

- 4.01. COMMUNICATION: Sandrine Thibault, AICP, Comprehensive Planner and Jennifer Green, Sustainability Coordinator, re: Proposed Municipal Development Plan Amendment: **MDP-12-01 Burlington Climate Action Plan**

Councilors Bushor and Siegel made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 4.02. COMMUNICATION: Burlington, VT, Climate Action Plan

Councilors Bushor and Siegel made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 4.03. COMMUNICATION: Burlington Municipal Development Plan, VIII. ENERGY PLAN

Councilors Bushor and Siegel made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

4.04. COMMUNICATION: Public Hearing Notice

Councilors Bushor and Siegel made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

5. PUBLIC HEARING: 2013 Consolidated Plan for Housing & Community Development/2013 One Year Action Plan

Marcy Krumbine, from CEDO, stated that they have a draft of the Consolidated Plan for Housing and Community Development. The City is required to do this five year planning document as a condition of receiving Community Development Block Grants (CDBG) and the Home Investment Partnership Grants. It is supposed to be rewritten every 3-5 years. It is in the public process comment and has been published on the website. The plan provides detailed information about the City's demographics, the local housing market, and the local economy. It outlines housing, community and economic development needs for the City. It will start in July of 2013 and go for five years. CDBG has three major priorities- decent housing, creating economic opportunities, and a suitable living environment. Through the needs and market analyses, the City will create goals within those three objectives. The goals have remained the same since 2008. Decent housing will continue to be the top priority. Over 51% of the income qualified renters of the City are cost burden, meaning they pay over 30% of their income on housing. Burlington has some of the oldest housing stock in the country and a low vacancy rate. This makes finding and keeping housing very difficult. They next will work to create economic opportunities. There are low income residents facing barriers to employment such as lack of affordable childcare, limited English, limited opportunities to earn a livable wage. There are businesses having difficulty hiring local people. It is important to continue to invest in economic opportunities through entrepreneurial training, childcare opportunities, and cultural access programs. Finally, a suitable living environment is the third priority. They have aging public and non-profit facilities and infrastructure. There is an increased service need among the non-profit sector. They would continue to invest in those improvements and recommend they use the 15% allowance for public services for that funding. The CDBG Advisory Board has determined how they will allocate the CDBG funding. All of the agencies that applied for funding have received the recommendations. She thanked the Committee members for their work. This was the first time she has experienced the process in this way. The process was very down to earth and involved. This year, the Committee was asked to think strategically, value innovation more, and to have less grantees but give more funds to the organizations. They did that because of the changing environment with HUD and the available resources. Going down the path of very small grants is an administrative nightmare and increases risk with HUD. It does not give the money or support that organizations need. CEDO also did not compete this year. Applications were scored and rated internally between CEDO and the Mayor's Office. They also wanted to put as much money as possible into the community, so CEDO took less. The 2013 Action Plan reflects those projects, combines the recommendations of the Committee and the priorities and the goals of the 2013 Five Year Consolidated Plan. They will continue to fund Thayer School, add 36 units of senior housing, work with Champlain Housing Trust to maintain affordability of 140 housing units, doing pre-development work of housing on Bright Street, home sharing efforts, home based and center based services for seniors, work with homeless residents with emergency shelter, case management, and housing placement services. They will also work with Women Helping Battered Women to do renovations on their facility. Economic Development programs will help the creation and retention of jobs and businesses through technical assistance, business loans, and entrepreneurial training. It is an arduous process but she feels they have a great plan. Last year there were 21 public service organizations receiving funding but this year there are 14. HUD has not released their allocations for next year. They have done this whole process based on a 5% reduction. They recommend nothing be submitted until they have their allocations.

City Council President Shannon opened the public hearing at 8:19 p.m.

Councilor Bushor inquired what window of time they have to adopt the plan after receiving notification from HUD. Ms. Krumbine stated she expects they will be extremely flexible this year. Normally, the year begins July 1, but she does not see how that will happen. Typically they are allowed 30 days. It may be easier to adopt the plan and then make amendments to it. Councilor Bushor stated she would rather wait until they know the allocation. She stated this was challenging to review and thanked everyone who was involved in the process. Having citizens involved is key. They review applications and make recommendations to the Mayor and the Council. She looked at categories of funding and defined them with things like age, housing, food, and new Americans. She hopes they can add that to the equation in the next cycle to endure they are not leaving out categories of people. She understands that small grants are not effective. The Police Department comes forward with small grants of a few thousand dollars that they use to piece together their budgets. She also understands that small grants require a lot of work to review. She believes that these agencies piece together their budgets too, and it makes her uncomfortable to see that. She hopes that they will reaffirm that is what agencies want in coming years. She cares less about the administrative work than she does about the agencies that are in need of this funding. She found the Decent Housing Synopsis incredibly informative. There are things that they have done well and other areas that have been more challenging. She would like to understand obstacles better in cases that they will not meet the goal. Ms. Krumbine stated every year they do the Consolidated Performance and Evaluation Report. That is the time when they will come back with the goals and a status update. She believes they will make many of the housing goals this year because of the purchase of South Meadow. They will likely still fall short on homeownership.

Councilor Tracy inquired how they will continue to fund CEDO in light of declining federal funding and sequestration. He inquired if they have considered other funding sources or if CEDO will be fading. Peter Owens, CEDO Director, stated they are in an environment of dwindling federal resources and they want to optimize the funding that is available. They feel they have opportunity to grow revenue outside of the federal funding. They will hear more about that at their budget work session. They have initiatives in the formative phase that will create alternative revenue streams that will pick up the slack for staff funding and release a lot of the dollars to the programs that need that funding. Councilor Tracy stated having that aggressive approach will be helpful and beneficial.

Councilor Worden stated he attended the first CDBG Meeting and noted there is a lot the Council cannot do and they must rely on people to contribute. Many people are upset with the results, but they need to applaud the process. He inquired about the words "develop units" listed in the affordable housing section. He inquired if that is specific to developing new units or if it applies to converting existing units. Ms. Krumbine stated it is divided. Councilor Worden stated so many of the problems they encounter revolve around the vacancy rate and encouraged the department to focus on developing new units rather than converting existing ones. Ms. Krumbine stated their goal is to develop 128 new units. 54 have been completed and there are nearly 100 more in development. That is how they will meet that goal. The key is that it costs much less to maintain the units that are already affordable. They have teamed with planBTV to promote infill housing and downtown development to create more housing opportunities at every level. Councilor Worden stated he wants to be clear he is requesting they focus on building new units that are also affordable. They heard during the Climate Action Plan presentation that dense urban infill neighborhoods are an important goal. The current Zoning Ordinance says that increased density is allowable when affordable housing is included. He encouraged them to develop new units that are affordable whenever possible.

Councilor Siegel thanked them for their work and presentation. She inquired about a portion of the memo where they state they are waiting for information from HUD that explains what would happen if they receive more or less funding. She inquired what is meant when they stated they will follow the citizen participation plan and amend the action plan without adding or subtracting activities. Ms. Krumbine

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stated if the Council approved the plan and then the funding level changes, the Citizen Participation Plan says that if the funding changes by more than 10% they have to go through another public process. Her suggestion would be to use the projects that they have already selected and add or subtract to the existing projects. Councilor Siegel inquired how they would follow through if there were less funding. Ms. Krumbine stated they would come through Council for review or they could wait for the allocation and then resubmit it.

City Council President Shannon inquired if they are seeking adoption at this meeting. Ms. Krumbine stated they are not. They first have to have a public hearing.

City Council President Shannon closed the public hearing at 8:34 p.m.

- 5.01. COMMUNICATION: Peter Owens, CEDO Director and Marcy Krumbine, Assistant Director For Community Development, re: Proposed 2013 Five Year Consolidated Plan Community Development Block Grant Proposed Allocations Proposed 2013 Action Plan for Housing & Community Development

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 5.02. COMMUNICATION: Marcy Krumbine, CEDO, re: 2013 Consolidated Plan for Housing & Community Development

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 5.03. COMMUNICATION: Needs Assessment

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 5.04. COMMUNICATION: Housing Market Analysis

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 5.05. COMMUNICATION: Strategic Plan

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 5.06. COMMUNICATION: CDBG Advisory Board Recommendations

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

- 5.07. COMMUNICATION: Marcy Krumbine, CEDO, re: 2013 Action Plan for Housing & Community Development

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

5.08. COMMUNICATION: Public Hearing Notice

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

5.09. COMMUNICATION: Barbara Rachelson, Executive Director and Lisa Pizzagalli, Board Chair, Lund, re: CDBG funding

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6. APPOINTMENT: Chief Administrative Officer

Mayor Weinberger thanked Interim CAO Paul Sisson for serving the City admirably for a much longer period of time than expected. The Administration has gone through a lot in the last year and achieved many successes that would not have been possible without his hard work. He also thanked the search committee who worked to complete a national search for a permanent CAO. They reviewed dozens of resumes. Their work has resulted in finding an individual who will build on the successes of the last year to move the City in a positive direction. Bob Rusten has extensive experience as a State and Municipal Official having served as a Town Administrator and later as the Deputy City Manager for the City of South Burlington. He has also served as an elected official in the State Legislature. Through this, he has experience in working with credit rating agencies, pension shortfalls, and internal control issues. He also brings qualities that will make him a great CAO. He is an excellent communicator, he is tough but fair with all parties involved, and has an extensive track record around finding consensus around difficult issues.

Councilor Bushor thanked Mr. Rusten for the time he took to meet with Councilors. She is confident that he will be appointed and looks forward to serving with him.

Bob Rusten, CAO Appointee, stated it has been a pleasure meeting everyone.

Councilor Brennan thanked Mr. Rusten for sharing his wealth of experience and thanked Interim CAO Sisson for his efforts over the last year.

The Council voted unanimously to appoint Bob Rusten as Chief Administrative Officer.

Mr. Rusten stated he is looking forward to work with everyone and it has been exciting to meet Councilors, the Mayor and Staff at the Clerk/Treasurer's Office. He looks forward to this opportunity.

City Council President Shannon thanked Interim CAO Sisson for his service.

6.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Chief Administrative Officer

Councilors Decelles and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.02. COMMUNICATION: Robert "Bob" Rusten's Resume

Councilors Decelles and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.



7. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee will be meeting to hold an Organizational Meeting.

City Council President Shannon stated that June 20<sup>th</sup> will be the City Council Retreat. An agenda will be prepared and Councilors will be contacted by the facilitator to determine what they would like to discuss.

8. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Brennan stated that he has been running on the Bike Path and will be challenging himself to run the full marathon. He will be having people sponsor him to support the One Fund in Boston. The Vermont City Marathon has stepped up to the plate for the people in Boston and it will be a great opportunity for the City to shine.

Councilor Tracy stated they had an incredible Green Up Day and did work in Pomeroy Park. He thanked everyone who was involved. He also went to Center City Opening Day to watch the Mayor catch the first pitch. It was incredible to see how involved people are outside of the Council. It was great to see that involvement and the impact it had.

Councilor Bushor stated a delegation from Russia, including some members from Burlington's Sister City, Yaroslavl, arrived in Boston. They are spending time there before coming to Burlington. They will be meeting with the Mayor and others. There will be an opportunity for those who went to Yaroslavl to get together on Friday night. The interpreter who helped them while in Russia will be there to assist them. Their focus is on opportunities for youth. She values the Sister City Programs that they have for cultural diversity, the exchange of ideas, and broadening horizons.

Councilor Siegel stated the Commission Appointment Process has begun. She noted that the resolution they passed places an emphasis on qualifications, expertise and geographic location of applicants garners greater attention than political affiliation and incumbency. It also notes that they value having more diversity in terms of gender, race, ethnicity, age, socioeconomic status or profession. To her, this means that incumbents will not automatically be reappointed. Obviously, incumbents will have experience from having served, but they need to consider the full person and the full board. She also stated she sent an email to Councilors about supporting diversity and equity initiatives. She also shared a flyer that Councilors can share with constituents. It has information about upcoming meetings with information about upcoming meetings and contact information for the facilitator. There has been a sense of dissatisfaction with the work of the facilitator to date. They have not yet clarified the policy for setting agendas, running the meetings, making decisions and more. There have been communications with her regarding that and she hopes they will turn it around.

City Council President Shannon stated she went to her first Opening Day for the dedication of the field for Bentley Seifer. She had never attended Opening Day before but it was a moving event. She commended Brian Pine and Jeff Smith and everyone who contributed to rebuilding the field for Bentley. It was a moving day and a time to reflect on his values, which were also the community's values.

9. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated the event at Callahan Park was very moving and he was honored to attend. It was an Opening Day that no one will forget.

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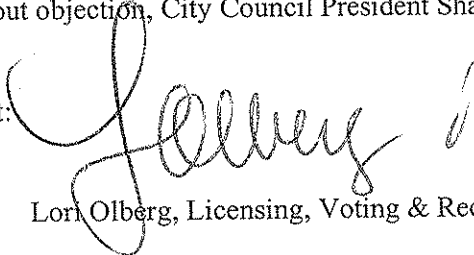

This Thursday's budget work Session, which will focus on DPW, will be held at the Department of Public Works on Pine Street.

There was a resolution passed authorizing him to make additional appointments to the ADA Committee. They will be receiving a communication with those names. They had to coordinate with other organizations to compile that list.

10. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 8:59 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

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DELIBERATIVE AGENDA  
LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, MAY 20, 2013  
7:09 P.M.

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PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

ABSENT: Commissioner Siegel

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Richard Haesler

CLERK/TREASURER'S OFFICE: Paul Sisson, Scott Schrader and Rich Goodwin

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Tracy the agenda was unanimously adopted as is.

2. CONSENT AGENDA

Commissioner Bushor inquired how far the café expansions will be extended. Commissioner Blais stated historically, they have let the Marketplace determine those boundaries. This proposal was brought forward by the Church Street Marketplace Office and has been presented to the Church Street Marketplace Commission. They are recommending that they adopt their proposal.

On a motion by Commissioners Blais and Tracy the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. OUTSIDE CONSUMPTION PERMIT EXPANSION: Daily Planet, 15 Center Street  
\*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for Daily Planet

2.02. COMMUNICATION: Ron Redmond, Church Street Marketplace, re: Request for Sidewalk Café Expansions

\*waive the reading, accept the communication, place it on file and approve the request for sidewalk café expansions for Leunig's Bistro, Nika, RiRa and Scuffer Steak and Ale House

2.03. OUTSIDE CONSUMPTION PERMIT EXPANSIONS(specific dates only):

Leunig's Bistro, Nika, RiRa and Scuffer Steak and Ale House

\*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansions for Leunig's Bistro, Nika, RiRa and Scuffer Steak and Ale House for specific dates only

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

AS, LLC, d/b/a Junior's Downtown, 176 Main Street

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Commissioners Blais and Tracy made a motion to approve the first class restaurant liquor license application for Junior's Downtown. The motion passed unanimously.

4. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Commissioners Blais and Tracy made a motion to approve the first class restaurant liquor license application for Leunig's Bistro & Lounge. The motion passed unanimously.

4.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

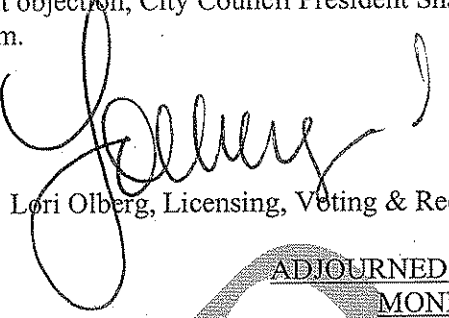

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Commissioners Blais and Tracy made a motion to approve the outside consumption permit application for Leunig's Bistro & Lounge. The motion passed unanimously.

5. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:13 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

ADJOURNED MEETING, CITY COUNCIL  
MONDAY, MAY 20, 2013  
7:13 P.M.

PRESENT: see above, Councilor Siegel arrived at 7:16 p.m.

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

Councilor Knodell requested that consent agenda items 3.23. through 3.26. be moved to the Deliberative Agenda as agenda items 9.1 through 9.4.

Councilor Bushor stated that consent agenda item 3.35. is a communication from the Chief of Police talking about a strategy for the summertime. She feels it is important that the Chief speak to the Council about the approaches being used to safeguard downtown and the public. It will also alert people of the ramifications of disorderly conduct and other violations. She requested that he be invited to present in June.

On a motion by Councilors Knodell and Decelles the agenda was unanimously adopted as amended.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:30 p.m.

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<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Kurt Wright	Ward 4 Resident	Bike Path Improvements

There being no one further coming forward and with no objection from the remaining Council, City Council President Shannon closed the public forum at 7:32 p.m.

3. CONSENT AGENDA

On a motion by Councilors Aubin and Decelles the consent agenda was unanimously adopted thus taking the following actions as indicated:

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Bueno Y Sano (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.03. COMMUNICATION: License Agreement for Tables and Chairs with Bueno Y Sano 2013- 2014 Season

\*waive the reading, accept the communication and place it on file

3.04. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A Sign on a Portion of The City's Right-of-way with Hotel Vermont (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.05. COMMUNICATION: License Agreement for Sign with Hotel Vermont 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.06. RESOLUTION: Authorization to Enter into License Agreement for Use of Sidewalk Located on a Portion of The City's Right-of-way with Lucky Next Door (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.07. COMMUNICATION: License Agreement for Use of Sidewalk Adjacent to Handicap Access Ramp with Lucky Next Door 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign Extending Over a Portion of The City's Right-of-way with Patagonia Burlington (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.09. COMMUNICATION: License Agreement for Sign with Patagonia Burlington 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Bike Rack

and Tent on a Portion of The City's right-of-way with The Ski Rack  
(Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.11. COMMUNICATION: License Agreement for Bike Rack and Tent with The Ski Rack  
2013- 2014 Season

\*waive the reading, accept the communication and place it on file

3.12. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and  
Chairs on a Portion of The City's Right-of-way with Radio Bean  
(Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.13. COMMUNICATION: License Agreement for Tables and Chairs with Radio Bean Coffeehouse  
2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.14. RESOLUTION: Fire Equipment Mutual Sharing Agreement (Councilors Shannon,  
Bushor, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.15. COMMUNICATION: Mutual Equipment Sharing Agreement

\*waive the reading, accept the communication and place it on file

3.16. RESOLUTION: Acceptance of Vermont Department of Public Safety Grant to Purchase  
19 Portables and 1 Mobile Radio and Budget Amendment Authorizing  
The Purchase (Councilors Shannon, Bushor, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.17. COMMUNICATION: State of Vermont Standard Subgrant Agreement (Federal Fund Source to  
Non-State Recipient), Vermont Department of Public Safety Agreement  
# 02140-70252-216

\*waive the reading, accept the communication and place it on file

3.18. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police  
Departments, re: Vermont Department of Public Safety Grant  
Agreement #20140-70252-216

\*waive the reading, accept the communication and place it on file

3.19. RESOLUTION: Reappointment of William Ward as City Health Officer (Councilor  
Hartnett)

\*waive the reading and adopt the resolution

3.20. COMMUNICATION: Lori Cragin, MS. PHD, State Epidemiologist – Environmental Health,  
Vermont Department of Health, re: Town Health Officer

\*waive the reading, accept the communication, place it on file and re-appoint William Ward as the Town  
Health Officer

3.21. RESOLUTION: 41 Cherry Street, LLC Amendment to Encumbrance Permit/License  
Agreement (Councilors Shannon, Bushor, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

Minutes, Adjourned City Council, May 20, 2013

3.22. COMMUNICATION: Amendment to Encumbrance Permit/License Agreement with 41 Cherry Street, LLC July 15, 2011 – July 31, 2013

\*waive the reading, accept the communication and place it on file

3.27. UMBRELLA ENTERTAINMENT PERMIT APPLICATION (May 31 – June 9):

Burlington Discover Jazz Festival, various locations around the City, May 31 – June 9

\*waive the reading, accept the communication, place it on file and approve the Umbrella Entertainment Permit Application for the Burlington Discover Jazz Festival

3.28. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (specific dates):

Daily Planet, 15 Center Street, jazz for Jazzfest, specific dates only

\*waive the reading, accept the communication, place it on file and approve the Special Event Indoor Entertainment Permit Application for Daily Planet, specific dates only during the Jazzfest

3.29. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (5/24, 5/30):

Monkey House, at 420 Pine Street, parking lot/courtyard area, 4 p.m. – 9 p.m., Food Truck Rally

\*waive the reading, accept the communication, place it on file and approve the Special Event Outdoor Entertainment Permit Application for Monkey House, 5/24, 5/30

3.30. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Burton Snowboards, 80 Industrial Parkway, 5/25/13, 1 p.m. – 6 p.m., Dancing, Amplified Music

\*waive the reading, accept the communication, place it on file and approve the one day Special Event Outdoor Entertainment Permit Application for Burton Snowboards

3.31. COMMUNICATION: Make Your Voice Heard: Burlington Redistricting Committee

\*waive the reading, accept the communication and place it on file

3.32. COMMUNICATION: Marina Collins, Retirement Administrator, re: BERS Experience Study 7/1/07-6/30/12

\*waive the reading, accept the communication and place it on file

3.33. COMMUNICATION: Report on the Results of an Experience Study of The Burlington

Employees' Retirement System Covering the period July 1, 2007 through June 30, 2012

\*waive the reading, accept the communication and place it on file

3.34. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/23-5/25):

Spielplatz Cabaret, Contois Auditorium, City Hall, May 23 – 25, 2013, 7 p.m. – 11 p.m.

\*waive the reading, accept the communication, place it on file and approve the Special Event Indoor Entertainment Permit Application for Spielplatz Cabaret, May 23 – 25, 2013, 7 p.m. – 11 p.m.

3.35. COMMUNICATION: Chief Michael Schirling, Burlington Police Department, re: Comprehensive Strategy Memo

\*waive the reading, accept the communication and place it on file

3.36. INDOOR ENTERTAINMENT PERMIT RENEWAL (2013-2014): Finnigan's Pub

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor Entertainment Permit Renewal for Finnigan's Pub

3.37. COMMUNICATION: Laura Babcock, Clerk, Board of Electric Commissioners, re: Electric Commission Attendance Record

\*waive the reading, accept the communication and place it on file

3.38. COMMUNICATION: Mayor Miro Weinberger, re: Appointments to Advisory Committee on Accessibility

\*waive the reading, accept the communication, place it on file and appoint the following individuals as outlined to the Advisory Committee on Accessibility

3.39. COMMUNICATION: Paul Sisson, Interim CAO, re: Budget Adjustment Reports

\*waive the reading, accept the communication and place it on file

3.40. COMMUNICATION: Amy Bovee, Executive Secretary, re: Special Meeting of the Board of Finance, Thursday, April 18, 2013 Minutes

\*waive the reading, accept the communication and place it on file

3.41. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, April 22, 2013 Minutes

\*waive the reading, accept the communication and place it on file

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Councilors Blais and Bushor made a motion to approve the indoor entertainment permit application for Leunig's Bistro & Lounge. The motion passed unanimously.

5. OUTDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Councilors Blais and Ayres made a motion to approve the outdoor entertainment permit application for Leunig's Bistro & Lounge. The motion passed unanimously.

6. TOBACCO LICENSE APPLICATION (2013-2014):

Bern Nation Inc., d/b/a The Bern Gallery, 135 Main Street

Councilors Blais and Decelles made a motion to approve the tobacco license application for The Bern Gallery. The motion passed by a vote of 13-1 with Councilor Brennan voting against.

7. APPOINTMENT: Board of Finance Member (no supporting documentation)

Councilor Paul nominated Councilor Bryan Aubin for the Board of Finance. She stated she received an email about his background which included experience in non-profit finance and that he is the treasurer of his local teacher's union. She has worked with him on the Parks, Arts and Culture Committee and it has been a pleasure to work with him.

Councilor Aubin was appointed to the Board of Finance unanimously.



Councilor Aubin stated he has put forward some information about the concerns people expressed about his political party and the makeup of the Board of Finance. He appreciates what he heard and knows that he tends to be quiet. He hopes he can be open and forthright about explaining each of his votes.

8. RESOLUTION: Transparency, Liquidity, and The Fiscal Stability Bonds (Councilors Knodell, Bushor, Decelles)

Councilors Knodell and Bushor made a motion to waive the reading and adopt the resolution.

Councilor Knodell stated last November Burlington Voters approved the issuance of a fiscal stability bond up to \$9 million with the purpose of improving the City's liquidity and avoiding further downgrades in the credit rating. The City had a liquidity problem because of deficits in a number of City funds that were being financed by the general fund. These included Burlington Telecom, Wastewater, Water and five capital projects. The City was determined to be at risk because it was overly reliant on short term borrowing to finance those deficits. The Fiscal Stability Bond replaces short term uncertain borrowing with long term borrowing that amortizes the principle. Those bonds have been issued. This resolution sends a message to the people of Burlington, the capital markets and Moody's. The message to the residents of Burlington is that they want to be transparent about the work that the Fiscal Stability Bond is doing. Unlike many bonds, it is hard to see the work. They are asking the CAO to prepare annual reports that will explain how the bonds have restored liquidity and the costs associated with them. The message to the markets and Moody's is that they have heard their concerns. This says they want to play an active role in monitoring the unassigned cash deficits. It will request that the Board of Finance to receive quarterly reports about the balance of unassigned cash deficits. She received comments from the Mayor's Office and incorporated them. It is important that they take on work that is implementable.

Councilor Bushor stated that they have listed a number of items that will be reported to the Board of Finance. It does not say that they will report how the fiscal stability bonds will be used. She inquired if that will be a part of the quarterly reporting or if it will only be reported annually. Mayor Weinberger stated the quarterly reports will appear as laid out in the resolution. In some cases, it will interact with the fiscal stability bond, but the balances are somewhat independent. The annual report will be more specific to the Fiscal Stability Bond and will make projections as to what would have happened if it had not been passed. It will be a different type of analysis, more involved, and more detailed. Councilor Bushor inquired if they would report quarterly if they begin to use the proceeds to resolve specific issues. Mayor Weinberger stated the quarterly reports will state how much of the Fiscal Stability Bond is in reserve, how much has been used to address cash issues, and how much has been paid down. The balances will be easy to report but they will not use projections as they will in their annual report. Councilor Bushor requested that the quarterly reports be written. Her intent is to make sure the reports can be shared with the rest of the Council so they can track this. Mayor Weinberger stated he has no objection to that.

Councilors Bushor made a motion to amend the resolution to state that the quarterly reports will be written. Councilor Knodell accepted the amendment as friendly.

Councilor Brennan thanked the sponsors of the resolution and stated he feels the citizens of Burlington will appreciate this reporting. When the Council agreed to bring this forward to the ballot, it was portrayed as imminent. It has taken time to actually pull those bonds. It will be positive for everyone to know where that money is and how it is being used.

The motion as amended passed unanimously.

9. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION Appeals from Order (Public Works Department, Public Works Commission)(2<sup>nd</sup> reading)

Councilors Mason and Bushor made a motion to waive the 2<sup>nd</sup> reading and adopt the ordinance.

Councilor Mason stated that this was a clean-up item that was presented to the Ordinance Committee. They will change the time of notice of an appeal to the hearing from ten days to forty-five days. This is being done to accommodate the Public Works Commissions' meeting schedule. The second change is to change quorum from three members to four members. The Board has been increased in size and this will reflect the larger size. Steve Goodkind, Public Works Director, stated that the Ordinance relates to a time when the Board was composed of five people. They are also trying to make it so that appeals are heard at regular Public Works Commission meetings.

Councilor Bushor stated they originally presented 60 days but settled on 45 days in an effort to increase the turnaround time while still working with the limitations of the Commission.

The motion passed unanimously.

9.1. (was 3.23.) RESOLUTION: Authorization for Execute Amendment #4 to Cooperative Agreement With The State of Vermont for The Champlain Parkway Project  
(Councilors Shannon, Bushor, Knodell: Board of Finance)

Councilors Knodell and Bushor made a motion to waive the reading and adopt the resolution.

Councilor Knodell stated that this item came before the Board of Finance. It addresses an extension to the contract for the Champlain Parkway. This was approved unanimously and requires full Council approval.

Councilor Siegel stated she will support the resolutions because they request more money because of inflation that has happened over the years. She has concerns about the Champlain Parkway. The resolution states that the Champlain Parkway provides public benefit through the reduction of commuter traffic along Pine Street. It does not say that the way they do that is by moving the problem to another section of Pine Street. It brings increased traffic into a neighborhood that is much poorer. She finds this disturbing. They cannot amend the design of the Champlain Parkway without losing funding. Those who have been opposed to the current design were given the idea that another project would help ease this problem. The Railyard Enterprise Project will hopefully move that traffic so that it does not impact that neighborhood. The timeline is such that the Champlain Parkway project is moving much faster than the Railyard Enterprise Project. There may be years during which that traffic gets moved into that neighborhood. She hopes that they can slow the process of the Champlain Parkway as much as they can and speed up the Railyard Project as much as possible so that the timing may line up.

City Council President Shannon stated this is the first time over the years that they are not being asked to approve money that has already been spent. She appreciates that the Administration is being proactive about this. They now have an actual choice. She shares the concerns about the project and hopes that the Railyard Enterprise Project is not moving slower than the Champlain Parkway. She feels that the Railyard Enterprise Project is essential to the King and Maple neighborhoods.

Mayor Weinberger stated this amendment is not about inflation. This is about work getting done on this project. The work is legal, engineering and design related. The Council will be agreeing to a contract ahead of time so they will have money to do that work. The Champlain Parkway is not moving faster than the Railyard Enterprise Project, but there have been decades of work on that project that preceded the Railyard Enterprise Project. They are moving with unusual haste on the Railyard Enterprise Project. They have gotten the Federal Government to expedite permitting and design of that project. They are also moving forward with the Champlain Parkway and are doing their best to stay ahead of contract

amendments. They will see more amendments like this one. They do need to move forward to prevent problems with the State and their consultants.

Councilor Mason stated the biggest complaint in Ward 5 is that the Parkway has not been built. There is cut through traffic that has been coming down side streets. He receives a lot of emails about safety concerns on those streets. Everything is on hold until the Parkway goes in. He has received emails about upgrades needed on Pine Street that cannot happen until the Parkway goes in. He does not want to slow the process any further. He also represents King Street and feels they are all trying to move that project forward as quickly as possible. They should move both projects forward to provide some relief.

Mayor Weinberger stated that this amendment allows for more refined design work for the section on Pine Street between Lakeside Ave and Main St. While they cannot fundamentally change the design, there are many details that have not been fully resolved about what the stretch of road will look like. They are pushing to include as many pedestrian safety improvements, alternate transportation facilities, good landscaping and good lighting as possible. After four plus decades of work, this should be more than a repaving project. This contract amendment will help make sure that happens. The largest and fastest growing employer in that area, Dealer.com, has stated they are in favor of the upgrades. In order for them to keep investing in that area, they need the Champlain Parkway and want the area to be safe for their employees and visitors. There is a sense that nothing can be done until the Champlain Parkway is built, but that is not entirely true. They have added markers to crosswalks and are looking to what they can now to make Pine Street a better place.

City Council President Shannon stated they have been told that putting in traffic lights from the section of Pine Street from Lakeside Ave to Main Streets cannot happen because the project has been federalized. They have also been told that would help alleviate the traffic that they have today. If there is any way that they could have traffic lights along that route, it would make a big difference for safety today.

The motion passed unanimously.

9.2. (was 3.24.) COMMUNICATION: Norman Baldwin, P.E., Assistant Director –Technical Services, DPW, Re: Champlain Parkway-Cooperative Agreement Amendment and Amendment to Clough Harbor Design Contract

Councilors Knodell and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9.3. (was 3.25.) RESOLUTION: Authorization to Amend Champlain Parkway Design Contract with Clough, Harbour & Associates, LLP (Councilors Shannon, Bushor, Knodell: Board of Finance)

Councilors Knodell and Bushor made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

9.4. (was 3.26.) COMMUNICATION: Norman Baldwin, P.E., Assistant Director-Technical Services, DPW, Re: Champlain Parkway Design and Legal Services Contract Amendments

Councilors Knodell and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

10. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee has met. They will discuss the communication from the Police Chief about their summer strategies. They will also discuss the Neighborhood Safety Initiative with residents and Community Justice Center staff. They are working on a neighborhood safety survey to identify issues in that part of the City and connect neighborhoods. There will be a big community meeting to address this. The idea is that strong neighborhoods are a tool to deter certain kinds of crime. They will also discuss the assault weapon resolution and will hear a report of the implementation of the no-trespass ordinance. They will be inviting the Police Chief and Police Commissioners to their next meeting to hear about enforcement efforts against illegal drug trafficking.

Councilor Bushor requested the Ordinance Committee chair update the Council of their upcoming work. Councilor Mason stated they will be holding a livable wage hearing. They have asked the City Attorney to walk the Committee through her report.

11. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Decelles stated they all get excited when the City of Burlington is named in publications for being a livable place. For many citizens, that is not the reality. Last week there was a bust of a meth lab. There was a child living in the apartment. The neighborhood thought there was a war zone that day. This shows that there are drug or crime issues and the City is not a tranquil place to live. He is glad to hear the Public Safety Committee is starting to meet and they will hear from the Chief. The Council clearly needs to do something and urge those in power to act more forcefully. He visited the street and saw the child entering the home that had been busted just the day before. They need to begin to act more forcefully.

Councilor Brennan stated he will be running the marathon and thanked the Mayor and Police for ensuring they have a safe and fun weekend. He has set up a fundraising site to benefit the One Fund to recognize those who were hurt in Boston.

Councilor Bushor stated there is a communication from the Mayor regarding appointments to the Advisory Committee on Accessibility. The group felt that there were some unrepresented members and this will address that. There is also a statement about which members will continue to serve on that committee. She hopes that there will be resolutions about training as recommended by the Committee. The communication from the Police Chief references the No-Trespass Ordinance. It is a delicate balance between keeping people safe and dealing with the utilization of those tools in an effective way. She wants the public to hear how the Police approach these issues.

Councilor Tracy stated there will be a community meeting regarding the F-35.

Councilor Worden read an email from a Ward 1 resident who stated the City is looking clean and has been quieter. They thanked City staff who contributed to these efforts.

Councilor Knodell stated she received an email from a constituent who lives in a very student heavy neighborhood. They received extra attention from the Police Department on commencement weekend and felt that it made a big difference.

City Council President Shannon stated the Railyard Enterprise Project will be holding a public hearing to discuss alternative transportation options. This is an important infrastructure project and this is the opportunity for people to weigh in. The more the community is involved, the better it will be. It offers the potential to connect Pine Street to the lake and bike path.

12. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated TIF Legislation did pass this session. Burlington Representatives played a big role in this work. There will be a resolution for final approval of this agreement in the coming weeks.

He participated in a multi-modal tour of the City. This year, stopping at the Sustainability Academy was a highlight of the tour. The new Principal has set a goal that every student learn to swim and bike. They have partnered with Local Motion to have a bike trailer there. Many students joined a portion of the tour. They also stopped by the new Hotel Vermont on the first day they were receiving guests. They have teamed up with Old Spokes Home to provide their guests with use of free shared bikes for up to two hours. They stopped at the Mass Transit Site. CCTA expressed confidence that they will begin work on the new center in the next year and will open it two years from now. They ended the day at Dealer.com who sponsored the Go for Gold Challenge announcement that day. Their involvement in investing in bike and pedestrian infrastructure improvements is a real change in the conversation. When they talk about improving this type of infrastructure, they are talking about more than a change in transportation. It affects quality of life, health, the independence and upbringing of children, and economic development. There will be many more conversations about this.

They held a Bike Path press conference about the progress they have made. They agree that they need to move forward as quickly as possible to widen and enhance it. They have retained a world class design team to move forward with the permitting and design process. They expect to break ground with Waterfront Access North this summer. They have heard that a founding Board of the Parks and Recreation Foundation has been named and will be taking on fundraising efforts. He feels that there is momentum on this project moving forward.

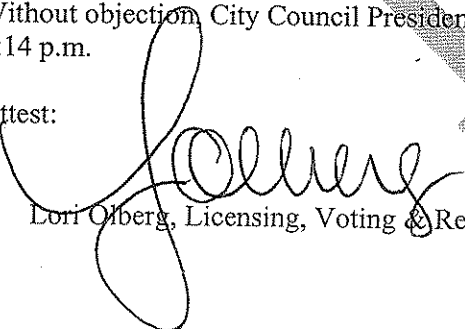
He spoke with the Charter Change Committee today about the assault weapons and large magazine clip ban that group was tasked with exploring. He has offered a sample resolution that 24 other communities in the US have approved. It calls for Congress to fix the National Background Check system. He believes it is a strong resolution that they can modify to Burlington, Vermont's needs.

He watched a production of the Canterbury Tales at BHS. They are lucky to have such wonderful drama programs.

### 13. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Adjourned City Council Meeting at 8:14 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

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DELIBERATIVE AGENDA  

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LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, JUNE 3, 2013  
7:05 P.M.

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PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Siegel, Aubin, Blais, Paul, Ayres, Decelles and Mason (arrived at 7:08 p.m.)

ABSENT: Commissioners Brennan and Hartnett

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Bob Rusten, Rich Goodwin, Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Ayres the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Aubin the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. OUTSIDE CONSUMPTION PERMIT EXPANSION/EXTRA HOUR:

American Flatbread, 115 St. Paul Street

\*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for additional seating along with an extra hour of outside consumption service for American Flatbread

2.02. EXTENSION OF HOURS PERTAINING TO OUTSIDE CONSUMPTION: Pacific Rim

\*waive the reading, accept the communication, place it on file and approve the extension of hours for Pacific Rim

2.03. OUTSIDE CONSUMPTION PERMIT EXPANSION: Skinny Pancake

\*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for additional seating for Skinny Pancake

3. FIRST CLASS HOTEL LIQUOR LICENSE APPLICATION (2013-2014):

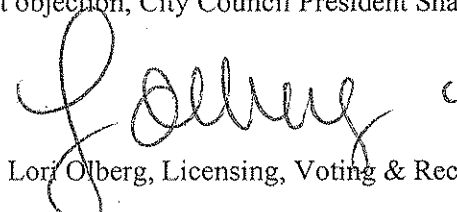

Made Inn Vermont@204, LLC, 204 South Willard Street

Commissioners Blais and Ayres made a motion to approve the first class hotel liquor license application for Made Inn Vermont@204, LLC. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:08 p.m.

Attest:

 &   
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

ANNUAL MEETING, CITY COUNCIL  
MONDAY, JUNE 3, 2013  
7:10 P.M.

PRESENT: see above, Councilor Brennan (arrived at 8:02 p.m)

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as follows: remove from the consent agenda item 4.11. RESOLUTION: Authorization to Execute Extension of Letter of Agreement Between The City of Burlington and University of Vermont (Councilors Shannon, Bushor, Aubin: Board of Finance) and place it on the Deliberative Agenda as agenda item 9.5; remove from the consent agenda item 4.12. COMMUNICATION: Mayor Miro Weinberger, re: UVM Payment for Services and place it on the Deliberative Agenda as agenda item 9.6.

Councilor Knodell requested that consent agenda item 4.21. RESOLUTION: Endorsement of IATSE Collective Bargaining Agreement 2012-2015 be removed from the agenda since the Board of Finance did not act on it.

2. COMMUNICATION: Chief Michael Schirling, Burlington Police Department, re: Summer Strategy (oral)

Michael Schirling, Police Chief, stated that he drafted a memo on May 3 regarding their summer strategy. The strategy is comprehensive for the whole City. His team also drafted a letter that they will be distributing to residents in specific areas of the City where there have been drug problems. Federal, State and Local Officers will be knocking on doors, distributing the letters, and talking to neighbors. The memo outlines patrol strategies, how court cases are managed, and non-enforcement tools. They will also be working on the Neighborhood Watch Initiative in response to what the Community has asked for.

Councilor Bushor stated the memo mentions they will use detectives to conduct unannounced saturation patrols and sweeps for wanted persons and trespass violations. She inquired what that means and how often they do this. Chief Schirling stated they do this periodically but more often during the summer. This means they will put all of their detectives in uniform and send them to a particular area where they have had reports of unusual activity. They do a sweep for offenders with outstanding arrest warrants. They want to be as unpredictable as possible. Councilor Bushor stated her focus with the trespass ordinance was to give them a tool to help them and she wants to understand how frequently it is used. This was referenced as part of the memo. She inquired how often it has been used since it was expanded to the Marketplace. Chief Schirling stated he does not yet have statistics about that. When looking at trespass violations, they are looking at compliance checks. They go to residences where there have been pre-trial conditions of release or no-trespass orders on a defendant. Often, that offender will end up back in that home. They are working to prevent those things from happening even when they are not called for that type of violations. They have done that at the behest of the Courts to ensure people are complying with pre-trial conditions. Trespass orders are issued for a large number of incidents and are usually outside of the Marketplace, City Hall and the Library. Councilor Bushor stated the memo states that defendants are not allowed in the inner city fire district. She inquired if an individual had something like this put in

place, would they be able to work if their job was located downtown. Chief Schirling stated that is a condition of release request for people who have been arrested for a criminal violation. That request goes to a judge who decides what to issue. Those types of conditions are imposed infrequently, but are requested for repeat or significant offenders in the downtown area. Councilor Bushor inquired if that is the City's language. Chief Schirling stated it was developed between the City and the State's Attorney's Office. Councilor Bushor stated she would like to make sure that until the court date, people are able to get to their residence or their job. Chief Schirling stated he would not worry much about that. The Courts were very deferential to those issues.

Councilor Tracy thanked the Chief for increased foot patrols and feels it will build confidence in the neighborhoods. There have been several arsons in the area and inquired what strategies are being used to respond and if anyone has been caught. Chief Schirling stated they have not caught anyone yet. Because operations are ongoing, he does not want to disclose the strategies they have used. They are happening randomly which makes them difficult to predict. There have been nine pieces of furniture that have been set ablaze. They have been lucky that no embers have travelled to a house.

Councilor Siegel stated the memo says trespass warnings must be accompanied by a citation or municipal ticket and inquired what the differences are. Chief Schirling stated a citation is a criminal citation for a criminal offense. A municipal ticket is for a civil offense. They are often similar. They began a pilot program for unlawful trespass, unlawful mischief and disorderly conduct where people can be issued a ticket rather than being taken to criminal court. They do not want people to be given a trespass warning without additional action. The trespass warning is not meant to be the enforcement mechanism. They would prefer to use the civil ticket to keep as many cases as possible out of the criminal venue. However, many people do not respond to that. Councilor Siegel stated the memo reads the opposite. Chief Schirling stated that is true in some areas of the City. Councilor Siegel inquired if they prefer citations in the Marketplace, City Hall and Church Street and one or the other is required for a trespass warning. Chief Schirling stated that is correct. Councilor Siegel inquired if those given a trespass warning are given information about the appeal process in writing. Chief Schirling stated that they were.

2.01. COMMUNICATION: Chief Michael Schirling, Burlington Police Department,  
re: Summer Strategy

Councilors Paul and Blais made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:28 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Stephanie Seguino	Ward 6 Resident	Police Commission Applicant
Ron Redmond	Church Street Marketplace Director	In favor of PlanBTV
Jason Van Driesche	Local Motion	In favor of PlanBTV
Ross Nizlek	Ward 1 Resident	In favor of PlanBTV
Tony Redington	Ward 3 Resident	Issues with Transportation and PlanBTV
Jon Adams-Kollitz	Ward 5 Resident	In favor of PlanBTV



With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:43 p.m.

4. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

4.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

4.02. RESOLUTION: Amend FY 2013 Street & Sidewalk Capital Program Street Paving  
Budget to Increase Budget by the Amount Unexpended in FY 2012  
On the Approved Drew Street Project (Councilors Shannon, Bushor,  
Aubin: Board of Finance)

\*waive the reading and adopt the resolution

4.03. RESOLUTION: Authorization for Bike Path Rehabilitation Design and Engineering  
(Councilors Shannon, Bushor, Aubin: Board of Finance)

\*waive the reading and adopt the resolution

4.04. COMMUNICATION: Jesse Bridges, Director, Department of Parks & Recreation to the Board  
of Finance, re: Bike Path Rehabilitation: Design & Engineering

\*waive the reading, accept the communication and place it on file

4.05. RESOLUTION: Reclassification of One Limited Service Part Time Art Sales and  
Leasing Coordinator Position to One Limited Service Full Time  
Exhibitions and Sales Coordinator Position at the Burlington City  
Arts Department and Budget Amendment (Councilors Shannon, Bushor,  
Aubin: Board of Finance)

\*waive the reading and adopt the resolution

4.06. COMMUNICATION: Human Resources, re: City of Burlington Job Description, Art Sales and  
Exhibitions Coordinator

\*waive the reading, accept the communication and place it on file

4.07. COMMUNICATION: Human Resources, re: BCA Organizational Chart, FY 13 reorg FY 14

\*waive the reading, accept the communication and place it on file

4.08. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human  
Resources, re: Reclassification and title change of the BCA Art Sales and  
Leasing Coordinator Limited Service Part-Time to Limited Service Full  
Time Exhibitions and Sales Coordinator

\*waive the reading, accept the communication and place it on file

4.09. COMMUNICATION: Human Resources, re: BCA Organizational Chart FY 13 reorg FY14

\*waive the reading, accept the communication and place it on file

4.10. COMMUNICATION: Doreen Kraft, Executive Director, Burlington City Arts to Susan  
Leonard, Director, Human Resources, re: Reorganization

Minutes, Annual City Council Meeting, June 3, 2013

\*waive the reading, accept the communication and place it on file

- 4.13. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Big Daddy's Restaurant (Councilors Blais, Tracy, Ayres; License Committee)

\*waive the reading and adopt the resolution

- 4.14. COMMUNICATION: License Agreement for Tables and Chairs Big Daddy's Restaurant 2013-2014 Season

\*waive the reading, accept the communication and place it on file

- 4.15. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs and Potted Plants on a Portion of The City's Right-of-way with New Moon Café (Councilors Blais, Tracy, Ayres; License Committee)

\*waive the reading and adopt the resolution

- 4.16. COMMUNICATION: License Agreement for Tables and Chairs and Potted Plants with New Moon Café 2013-2014 Season

\*waive the reading, accept the communication and place it on file

- 4.17. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Pacific Rim Café (Councilors Blais, Tracy, Ayres; License Committee)

\*waive the reading and adopt the resolution

- 4.18. COMMUNICATION: License Agreement for Tables and Chairs and Stanchions Pacific Rim 2013-2014 Season

\*waive the reading, accept the communication and place it on file

- 4.19. RESOLUTION: Authorization to Execute Amended Lease for Verizon Wireless Cellular Tower at Burlington International Airport (Councilors Shannon, Bushor, Decelles; Board of Finance)

\*waive the reading and adopt the resolution

- 4.20. COMMUNICATION: Ryan Betcher, Burlington International Airport to the Board of Finance, re: Finance Board Term Amendment – NYNEX, d/b/a Verizon Wireless Lease Agreement

\*waive the reading, accept the communication and place it on file

- 4.22. RESOLUTION: Acceptance of EPA Area-Wide Planning Grant for Fiscal Year 2014 and Fiscal Year 2015 (Councilors Shannon, Bushor, Aubin; Board of Finance)

\*waive the reading and adopt the resolution

- 4.23. COMMUNICATION: Peter Owens, CEDO Director, re: Acceptance of EPA Grant

\*waive the reading, accept the communication and place it on file

- 4.24. COMMUNICATION: AmyJean McKeown, Project Officer, United States Environmental Protection Agency to Michael Kenyon, Director, Office of Administration and Resource Management (MIO), re: City of Burlington, Vermont – Approval of Pre-Award Costs

\*waive the reading, accept the communication and place it on file

- 4.25. COMMUNICATION: Miro Weinberger, Mayor to Ms. Diane Kelley, EPA Region 1, re:  
Proposal for the Brownsfield Area-Wide Planning Grant

\*waive the reading, accept the communication and place it on file

- 4.26. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Ken's Pizza & Pub, 71 Church Street, June 9, 2013, 11 a.m. -- 4 p.m., Miller Pub Trio

\*waive the reading, accept the communication, place it on file and approve the one day only special event outdoor entertainment permit application for Ken's Pizza & Pub

- 4.27. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (four days only):

Monkey House, SEABA Parking Lot on Pine Street, Food Truck Rally, June 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup>  
4 p.m. -- 9 p.m.

\*waive the reading, accept the communication, place it on file and approve the four day only special event permit application for Monkey House

- 4.28. COMMUNICATION: Parks and Recreation Commission Meeting Attendance Record  
July -- June 2013

\*waive the reading, accept the communication and place it on file

- 4.29. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/  
Boards

\*waive the reading, accept the communication and place it on file

- 4.30. COMMUNICATION: Ron Ruloff, Chair, Chittenden Emergency Food Shelf Client Advisory  
Group, re: Information

\*waive the reading, accept the communication and place it on file

- 4.31. RESOLUTION: Authorization for Parks and Recreation Master Plan (Councilors  
Shannon, Bushor, Aubin; Board of Finance)

\*waive the reading and adopt the resolution

- 4.32. COMMUNICATION: Jesse Bridges, Director, Parks & Recreation to the Board of Finance,  
Re: Parks Master Plan Development

\*waive the reading, accept the communication and place it on file

5. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Daily Planet

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for the Daily Planet. The motion passed unanimously.

6. PUBLIC HEARING: Allocation Method and Standards for Common Area Fees of The  
Church Street Marketplace

Ron Redmond, Church Street Marketplace Executive Director, stated that this was the first of two public hearings held each year. The Marketplace Department manages the Marketplace District. 73% of their revenue comes from Common Area Fees. Property owners are charged this fee. They have developed a formula for how the fee is assessed. Since they have agreed to a formula, there have been no issues in agreeing. However, if someone does disagree, they are able to appeal to the City Council if they feel they have not been heard by the Church Street Marketplace Commission.

Councilor Bushor inquired what the stores input was about the fees and if it was supported unanimously. Mr. Redmond stated they are proposing a 2.5% increase and it passed. They did hold a public hearing. Councilor Bushor inquired if any of the stores came out in opposition to the fee. Mr. Redmond stated they did not. Councilor Bushor inquired if the anchor stores with a different formula had any opposition. Mr. Redmond stated they did not.

City Council President Shannon opened the public hearing at 7:47 p.m.

No one came forward to speak.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 7:47 p.m.

6.01. RESOLUTION: Allocation Method and Standards for Common Area Fees of The Church Street Marketplace for Fiscal Year 2014 (Councilors Shannon & Blais)

Councilors Blais and Worden made a motion to waive the reading and adopt the resolution.

Councilor Bushor inquired if the fees will be levied in the second step of this process. Ron Redmond, Church Street Marketplace Executive Director, stated that is correct. Councilor Bushor inquired if they need to include that language in the resolution, but does not feel they need to revise it if it is the same language they have used in previous years. Mr. Redmond stated this is the same language they use each year. Councilor Bushor stated it suggests an action she does not feel they are taking tonight. City Attorney Blackwood stated it can be left as written. She believes that language is included to make it clear what the effect of the standard changes would be. Councilor Bushor requested that it be more clear in the future.

Councilor Worden stated there is a reference to 2012-2013 in the resolution. Mr. Redmond stated that is incorrect and they will correct it.

Councilor Mason stated the resolution references an Appendix A and inquired if it is the next communication. Mr. Redmond stated that is correct.

The motion passed unanimously.

6.02. COMMUNICATION: Church Street Marketplace District: Common Area Fee

Councilors Blais and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.03. COMMUNICATION: Ron Redmond, Executive Director, Church Street Marketplace,  
Re: Explanation of City Council Public Hearings for The Church Street Marketplace

Councilors Blais and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.04. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing, Monday,  
June 3, 2013, Church Street Marketplace District, City of Burlington

Councilors Blais and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

7. PUBLIC HEARING: MDP-13-01-DRAFT planBTV – Downtown & Waterfront Master Plan;  
Amendment of the Burlington Municipal Development Plan Land Use  
Plan and Re-adoption of the Burlington Municipal Development Plan

David White, Planning and Zoning Director, stated that the plan was the result of many months of public engagement and represents the consensus of the community. It is a vision for the future of the City. He toured the downtown and waterfront with an EPA Administrator who noted how vibrant it was. He also appreciated its potential to be more livable, sustainable, and economically vibrant. The final step of the process is to adopt this into the Municipal Development Plan. It will amend the land use section to incorporate the document. It will provide guidance for the future. Every single item in this plan may not be built. They hope for final action and adoption at the next meeting.

City Council President Shannon opened the public hearing at 7:53 p.m.

Tony Redington, Ward 3 Resident, spoke about issues with the transportation section.

Andy Montroll, Ward 6 Resident, spoke in favor of PlanBTV.

Charles Baker, Chittenden County Regional Planning Commission, spoke in favor of PlanBTV.

Jesse Bridges, Parks and Recreation Director and Burlington resident, spoke in favor of PlanBTV.

Jason Van Driesche, Ward 5 Resident, spoke in favor of PlanBTV, particularly surrounding housing issues.

Councilor Siegel inquired if this was presented to the Burlington Walk Bike Council. Sandrine Thibault, Planning and Zoning Comprehensive Planner, stated that she visited the Bike Walk Council when the first draft of the plan was out for review and comment. She presented the plan and invited comments. They received a letter with a list of recommended changes and they took them into consideration. Many of them were incorporated. Councilor Siegel inquired if it is feasible to pull one section out of the plan for further review; Mr. White stated it is up to the Council. However, it would affect the adoption process because they would have to re-warn the public hearings. They could adopt the plan and look at certain areas further.

Councilor Tracy stated they have begun to look at zoning changes and inquired how they relate to planBTV. Mr. White stated two of the zoning amendments that were considered recently are specifically related to planBTV. The first was the removal of the requirement that no more than 50% of new development can be related to housing. There is a tremendous need in the community for housing and they need to work to create more housing downtown. The other zoning amendment eliminates on-site parking requirements. The plan notes that they have a surplus of parking, but have a parking management problem. Eliminating that requirement will allow them to focus on managing parking and create a market for property owners to manage their parking better. Other amendments have a relationship in terms of helping them encourage the creation of in-fill development but are not directly related.

Councilor Worden stated they used to believe that they did not have enough parking downtown and felt that downtown needed to be commercial. There were good comments about transportation, but they can address it again in a few years and amend the plan. He likes rotaries and feels they work in certain location, but may not be appropriate for downtown. He enthusiastically supports the plan. Mr. White stated there is nothing in this plan that is specific to rail traffic, but that does not mean it could not

happen. The transportation plan encourages rail traffic. PlanBTV identifies Union Station for rail traffic. Whether roundabout traffic is appropriate will need to be determined on a case by case basis.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:12 p.m.

- 7.01. COMMUNICATION: Kimberlee Sturtevant, Assistant City Attorney, re: MDP-13-01 DRAFT planBTV-Downtown & Waterfront Master Plan; Amendment of the Burlington Municipal Development Plan Land Use Plan and Re-adoption of the Burlington Municipal Development Plan, Public Hearing Notice

Councilors Bushor and Tracy made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8. APPOINTMENT: Director of Aviation

Mayor Weinberger stated that he was putting forth Gene Richards to be the next Director of Aviation. They served on the Airport Commission together and he was appointed as the Interim Director of Aviation. He had anticipated that Gene would do a strong job, but did not anticipate coming back to appoint him permanently. He has embraced the job with vigor and has produced excellent results in a number of areas. They have had three years where they have met their debt service ratio, which is how they measure the Airport's financial success. It has been achieved through expense reduction and expansion of revenue. He has been running the Airport in a difficult economic time while still finding a way to make important investments in the Airport's capital structure. He has gone a long way towards changing and improving the workforce culture. He has also worked with Department Heads and has contributed to municipal operations overall. He hopes there will be a strong confirmation vote.

Councilor Brennan stated that he had spoken with Mr. Richards earlier in the day. They discussed the use of avgas that is used by airplanes that fly in and out of the Airport. That gas contains lead. The City has worked to reduce lead poisonings. Lead in the fuel of the planes can contaminate areas. There is no evidence of that from the Burlington Airport, but he feels they can be a leader. In budget hearings, they discussed creating a new marketing position. They also championed a flight to Atlanta. The City is currently focusing on Diversity and Equity Issues. There are skilled people of color working in the Atlanta area and they can work on creating that pipeline. This could be a win-win situation. He hopes that they will bring forward some ideas for the marketing position. Mr. Richards stated he looks forward to working on these issues.

Councilor Tracy stated Gene has worked incredibly hard this past year. He was getting on a flight very early in the morning and ran into him. He waited at the gate with him and told him about the things he was working on. It showed his dedication to the Airport. He inquired what he is most proud of at the Airport this year. Mr. Richards stated he is most proud of the Airport team. They are a pleasure to work with and have stepped up to the new mission and goals.

Councilor Paul stated she had the pleasure of being able to speak at the Mayor's appointment announcement. She feels fortunate that she worked closely with Gene and his staff as co-chair of the Airport Strategic Planning Committee. She acknowledged Ryan Betcher and Heather Kendrew of the Airport team for the work that they have done. She stated Gene has done great things this year. It can be hard to have a conversation with Gene because when he is at the Airport, he is constantly working to make things perfect, such as throwing away trash. She looks forward to the years to come.

Councilor Mason stated he has worked with Gene in a variety of capacities. They first worked together on the board of a non-profit and he made big changes to that Board. He took his task very seriously and made very successful changes. His energy and commitment has been seen at the Airport and he will support the nomination.

City Council President Shannon stated that you can follow Mr. Richards on Twitter and get updates about the Airport. He is also putting out promotional information and helpful travel information.

Councilors Bushor and Knodell made a motion to appoint Gene Richards as Director of Aviation. The motion passed unanimously.

8.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Permanent Director of Aviation

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.02. COMMUNICATION: Gene Richards III Resume

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.03. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human Resources, re: Step Placement – Gene Richards, Aviation Director

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.04. COMMUNICATION: Human Resources, re: Department Head Pay Scales FY13

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.05. COMMUNICATION: Human Resources, re: City of Burlington Job Description, Director of Aviation

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. COMMUNICATION: Mayor Miro Weinberger, re: Mayoral Reappointments for FY14

Mayor Weinberger stated that there was a list of proposed reappointments for FY14. The Charter specifies that the appointments appear in the first meeting in June. He hopes they will be unanimously supported.

Councilor Knodell inquired if there are more details they can share about finding a new Director of Public Works. Mayor Weinberger stated the Charter requires that the Mayor consult with the applicable commission in all reappointments. They have received recommendations on all of the Department Heads they are reappointing. With respect to the new DPW director, he met with the Commission Chair and plans to meet with the entire Commission. He has not fully decided the process past that point.

The reappointments passed unanimously.

9.5. (was 4.11.) RESOLUTION: Authorization to Execute Extension of Letter of Agreement Between The City of Burlington and University of Vermont (Councilors Shannon, Bushor, Aubin; Board of Finance)

Councilors Blais and Aubin made a motion to waive the reading and adopt the resolution.

Councilor Blais stated his intention when removing this from the consent agenda was not to challenge or question the matter. He felt that any matter involving the University was concerning to the Council, particularly those in Wards 1 and 6. He hoped that the Mayor could provide them some information about what was happening with the relationship between the City and the University.

Mayor Weinberger stated that last year the Administration asked for an extension of the agreement with an adjustment for inflation in place. There was not time for a thorough review before the agreement needed to be signed. This year they looked closely at all elements of the calculation from when the agreement was first made. They have not found any justification for a substantial departure from that. They were proposing that the agreement be approved with the adjustment for inflation once again. There has been a long history of separating financial matters with UVM from other matters. This extends just the financial agreement. He will be reporting about other issues they have been working on with UVM in the next month.

Councilor Tracy inquired if there were any goals that they should be looking for in that report. Mayor Weinberger stated that the agreement extension was not being linked to any other non-financial issues. The point of the review was to ensure that there were no large costs that the City was incurring that UVM was not paying its share of. The housing issue and the desire to see more students living on campus was one thing that he has discussed at each meeting. They have also discussed quality of life issues, such as recycling and sustainability goals. Councilor Tracy inquired if he felt that UVM was willing to continue with some of the efforts they have been making and expand these efforts into other areas. Mayor Weinberger stated he has sensed that the President was aware that one of UVM's premier attributes as an institution was how great of a City Burlington is and he wants to be a productive force in making the City even greater. There is openness to addressing a number of issues including the need for more student housing to take the pressure off of residential neighborhoods. There is openness to new approaches towards economic development. Having a new City and University Administration at the same time is helpful because they are not bound by the existing ways of doing things.

Councilor Brennan stated that it would be helpful to relations those who work at the University and City Departments to know about the payment of permits and fees. The University pays money for planning and zoning and building permits. They have changed their accounting system and everyone has a procurement card. In order to get these permits, they have to get a check. It creates a lot of labor which is a burden on the University. He knows that with the New World Software there were discussions about making that happen. He would like to see that in the near future. Mayor Weinberger stated the City has made ad hoc steps towards new credit card policies. There are certain areas with that capacity right now, but he would like to see a more comprehensive approach to that in the next year.

Councilor Worden stated he understands why this is happening now and why it was extended a year. He takes exception with the third paragraph in the memo which says they should not conflate financial issues with housing and quality of life issues. This is a critical issue and this does need to be in play, but the quality of life issues are important that are being borne by the City. He looks forward to opening that discussion. The payment for services is based on the use of the Fire Department. There are more broad based discussions that they should have with the University in the future. Mayor Weinberger stated he takes that point. The calculation for the fees includes a number of items, but fire service is the largest



single item. This agreement has precedent that he would be hesitant to move away from. It provides clear and predictable revenue that he would be reluctant to move away from. At the same time, he takes the job of working through a number of issues very seriously. He wants to work on those issues while the City gets that revenue needed to run the City.

Councilor Bushor stated she sometimes gets frustrated because there are separate things the City does with the University. This has to do with budgetary issues, but they also have to deal with housing and quality of life issues. There is a relationship between the two, but they are separate pieces of business. No one knows what the fees are and what the dollar amounts are. This is a generic resolution, but she feels they would benefit from knowing what the fees were in the past and what they are increasing. That has been missing. She requested this information be included in their next packet. Mayor Weinberger stated he has noted the request and offered to go into detail with the Board of Finance. He does feel it is a good suggestion.

Councilor Paul stated they passed a resolution addressing a number of issues related to the MOU. She hopes that resolution is recognized and considered as they have conversations with UVM.

The motion passed unanimously.

9.6. (was 4.12.) COMMUNICATION: Mayor Miro Weinberger, re: UVM Payment for Services

Councilors Blais and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

#### City Council Appointments

On a motion by Councilors Knodell and Ayres agenda items 10 through 23 were voted as a slate.

10. APPOINTMENT: Chittenden County Transportation Authority (Term expires 6/30/16)

Chapin Spencer was re-appointed unanimously.

11. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Celia Daly was re-appointed unanimously.

12. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Eli Lesser-Goldsmith was re-appointed unanimously.

13. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Jeff Nick was re-appointed unanimously.

14. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Lorne Tucker was re-appointed unanimously.

15. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Damon Lane was re-appointed unanimously.

16. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Scott Mapes was re-appointed unanimously.

17. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Matthew Moore was re-appointed unanimously.

18. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Will Flender was re-appointed unanimously.

19. APPOINTMENT: Development Review Board (Term expires 6/30/15)

Missa Aloisi was appointed unanimously.

20. APPOINTMENT: Development Review Board (Term expires 6/30/17)

Brad Rabinowitz was re-appointed unanimously.

21. APPOINTMENT: Development Review Board (Term expires 6/30/17)

Jonathan Stevens was re-appointed unanimously.

22. APPOINTMENT: Fence Viewer (Term expires 6/30/14)

Shay Totten was re-appointed unanimously.

23. APPOINTMENT: Housing Board of Review (Term expires 6/30/17)

Loyal Ploof was re-appointed unanimously.

24. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated that the TEUC had met. They heard from CCTA about the transit center. They are in the permitting phase, but they are on track to start construction and open by fall 2015. There was also construction on Cherry Street to install an innovative drainage strategy called a silva cell. It is a lattice that allows water to be absorbed in a dense urban core. It also allows for tree roots to grow. The North Avenue corridor study will be kicking off to look at a more complete street and a bike/walk friendly route between the Center City and the New North End. There will be opportunities for citizen input. They are looking at the Colchester/Pearl/Prospect intersection, which is one of the worst in the area. They will begin a pilot to phase the lights for that. They are also beginning their Summer Paving Program. They are setting the schedule and will communicate when everyone's street will be paved. It will be happening all around the City. There is a system of metrics used to determine the list of streets to be paved.

Councilor Paul stated PACC has set a date to meet. They will discuss the PIAP process. The first two of three deliberative meetings have already taken place. They will also discuss the Parks Master Plan and the consultant will be attending the meeting.

Councilor Knodell stated the Public Safety Committee met and had a presentation from a group working on the Neighborhood Safety Initiative. This has been described as bringing Neighborhood Watch into the 21<sup>st</sup> century. They will be holding a large community meeting. They hope to involve City Councilors in

helping with a door to door survey and recruiting constituents who are involved in public safety issues. This project has potential to come up with concrete strategies that will work for the entire City.

Councilor Siegel stated that the Charter Change Committee is looking at gun safety measures. They have been meeting during the day time but have heard concerns that does not work for people interested in attending. She hopes that interested people will get in touch with her. She noted that they will be conducting two surveys related to the Commission Appointment Process. One survey will go to everyone who applied and department heads to see how they feel about the process. The second will go to department heads and everyone who is serving to see if they feel that Boards and Commissions are functioning optimally. They can then address things like the size, term lengths, and inclusion of political affiliation.

Councilor Bushor requested an update on Redistricting. City Council President Shannon stated the Mayor of Winooski, the Chair of the South Burlington City Council, the Mayor and herself were invited to the National Guard for an informational meeting. They explained how noise can be managed with different airplanes. The noise pattern with the F-16 is different based on how they fly the plane. The EIS has now been released. They passed a resolution asking questions about the F-35 and the EIS. The resolution is included in the EIS and they have coded the answers. The answers to the questions in the resolution are pooled with a number of people who raised similar questions. She is working to compile the information into an easier to read format. She plans to make some committee assignment adjustments because of the new Board of Finance member. The Redistricting Committee will be having its last meeting. At the previous meeting, there was a lot of discussion about a 13 councilor plan which would leave most of the wards very similar to how they are today, but the New North End would have a three Councilor district. It would leave the Old North End separate. The New North End does not like that plan. There was also an 8 ward 16 councilor plan with smaller wards. The New North End would have two wards with two councilors each. The committee members outside the New North End did not have a lot of interest in that plan. At the end of the meeting, there was discussion about a 4 ward 12 councilor plan. They had also discussed an 8 ward 12 councilor plan which would have one councilor in each ward and would then double up wards to form 4 precincts with one councilor each. They will decide if they will discuss a 4 ward plan or any other plans. It is supposed to be the last meeting of the group and suggested they bring any ideas forward that they have. Whatever the Committee approves will come before the Council. Councilor Bushor stated in the 13 councilor scenario, there were two options for the New North End. They could have a large area represented by 3 councilors or 2 small areas, one with 1 councilor and one with 2 councilors. People in the New North End did not support either.

25. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Ayres stated that he heard incredible sounds coming in from the Marketplace. He encouraged everyone to enjoy the music from the Discover Jazz Fest particularly the Middle and High School jazz bands.

Councilor Bushor stated she went to Centennial Field to look at the investment made in the new seating. It was exciting to see and people will be happier. The people who are not sitting in the covered section will no longer be sitting on cement slabs. This could be disruptive to the neighborhood with noise, traffic, trash and people. They have been able to work through those issues and everybody wins. The community benefits from baseball and Ward 1 has been able to minimize the impact by adjusting lights and sound. When people want to collaborate and work together, it is amazing what they can do. When talking about the fee for service, the Mayor did want to speak in depth about that agreement at the Board of Finance, but she did not feel that they needed to. There was a suggestion that should not be done in open session. She hopes they can still have the information made available to them and the Mayor was willing to have a more in depth discussion.

Councilor Blais wished for the best for Councilor Hartnett and family.

Councilor Brennan thanked Councilors for supporting his run in the marathon. He did make it through the 26.2 miles. He commended Crowd Rise, a non-profit, for allowing individuals to give money in a very easy way. It was a great event and they should be proud.

Councilor Worden stated Saturday is the final day of the Greater Burlington Girls' Soccer League. The parents dance on the Soccer Field at Calahan Park. It is a lot of fun.

Councilor Siegel thanked Jeanne Collins and the School Board for the decision they made regarding an investigation of the Schools' reporting of an alleged affair between a teacher and a student. They must conduct an internal investigation to insure that reporting was done properly and they chose to hire an outside investigator who may be more objective. They know that this is serious. She wishes that they had done this with the incident with the Police last summer, and hopes they will do this in the future.

26. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated the TIF Bill will become law on Friday. Once it is law, they will bring it forward for ratification.

There have been incidents in the South End with a child on a bike who was hit by a car. There was also a near miss near a new business. Improved pedestrian and bike infrastructure along the Pine Street corridor has been a high priority for this administration. They have made positive changes, such as a better marked pedestrian crossing with a sign in the middle of the roadway. They are close to an agreement with a State to do more substantial and immediate improvements. They hope to be able to announce those developments in June. In the longer term, when the Champlain Parkway is built, they should not miss the opportunity to make more significant improvements to pedestrian and bike infrastructure.

On Memorial Day, the observation was led by the VFW. There was a ceremony in Battery Park and he was honored to attend along with Senator Bernie Sanders. He attended the luncheon afterwards. The leaders of the post told him that their community room was one that they would like to see utilized more frequently by the community and non-profit groups.

BCA has highlighted their involvement with the Integrated Arts Academy. There is a photo exhibit that they have a sampling of on the top floor of BCA. They are photos of students and they have written a statement about themselves. It celebrates the diversity that they have in the community.

There have been exciting environmental events. ECHO celebrated its tenth anniversary with a two day conference on water quality. He felt good announcing that in a tight budget year, one of the few areas they anticipate investing new resources into is the storm water program. The storms that they have had show the importance of having a strong storm water program. They anticipate restoring full funding and will be a leader to keep Lake Champlain clean.

They had a visit from an EPA Administrator as part of the New England Municipal Sustainability Network. This Network is three years old and is one of the most active networks in the country. They share information about how they are addressing their environmental future. They hosted that today and focused on food systems.

Without objection, City Council President Shannon recessed the City Council meeting at 9:24 p.m.

City Council President Shannon reconvened the City Council meeting at 9:53 p.m.

27. COMMUNICATION: Eileen Blackwood, City Attorney, re: Status of the Burlington Telecom Cases (oral)

City Attorney Blackwood stated that the Council needed to go into executive session to discuss pending litigation.

On a motion by Councilors Knodell and Bushor the City Council went into executive session at 9:57 p.m. premature disclosure would place the City at a substantial disadvantage. Present were:

see above; CAO Bob Rusten, Mike Kanarick, Mayor's Office, David Provost, Burlington Telecom Advisory Board.

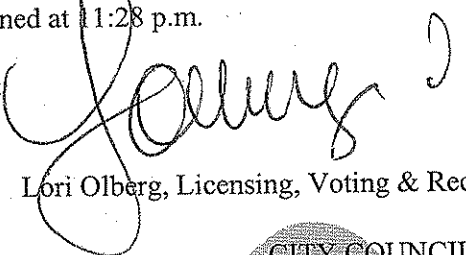

**\*\*\*\*\* EXPECTED EXECUTIVE SESSION \*\*\*\*\***

On a motion by Councilors Knodell and Ayres the City Council went out of executive session at 11:28 p.m.

28. ADJOURNMENT

On a motion by Councilors Knodell and Ayres the Annual Meeting of the City Council unanimously adjourned at 11:28 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

**CITY COUNCIL WITH MAYOR PRESIDING**

**MONDAY, JUNE 3, 2013**

**9:24 P.M.**

1. AGENDA

On a motion by Councilors Shannon and Paul the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Councilors Shannon and Paul the consent agenda was unanimously adopted thus taking the following actions as indicated:

- 2.01. COMMUNICATION: David J. Roberts, Deputy Chief, Burlington Fire Department,  
re: Listing of Fire Wardens to be Appointed at the June Meeting of  
The City Council

\*waive the reading, accept the communication, place it on file and appoint the individuals listed as the Fire Wardens, terms expiring June 30, 2014

3. APPOINTMENT: Airport Commission (Term expires 6/30/17)

On a motion by Councilors Shannon and Brennan agenda items 3 through 23, with the exception of agenda items 11, 15 and 17.

Councilor Siegel requested they remove the nomination for Phil Lavigne to the Police Commission (item 16) so they can consider all of the candidates. City Council President Shannon removed Phil Lavigne from the slate. Councilor Knodell stated they found out that Nyree Miles' application was thought to be late when they developed the slate. They have since found out it should be considered timely.

The slate was approved unanimously as amended.

Jeff Munger was re-appointed unanimously.

4. APPOINTMENT: Cemetery Commission (Term expires 6/30/16)

Donna Waldron was appointed unanimously.

5. APPOINTMENT: Design Advisory Board (Term expires 6/30/16)

Matthew Bushey was re-appointed unanimously.

6. APPOINTMENT: Electric Light Commission (Term expires 6/30/16)

Bob Herendeen was re-appointed unanimously.

7. APPOINTMENT: Electric Light Commission (Term expires 6/30/16)

Spencer Newman was re-appointed unanimously.

8. APPOINTMENT: Fire Commission (Term expires 6/30/16)

Linda Sheehy was re-appointed unanimously.

9. APPOINTMENT: Board of Health (Term expires 6/30/16)

Mary Hart was re-appointed unanimously.

10. APPOINTMENT: Board of Health (Term expires 6/30/16)

Julie Hathaway was re-appointed unanimously.

11. APPOINTMENT: Library Commission (Term expires 6/30/16)

Councilor Worden nominated Glen McCrae. He stated that the Library needs an audience, more patrons, and connectivity to the community. Having read his background, he has worked to develop strategic plans. He will do an excellent job at increasing the audience the library gets. It is a critical time in the Library's history and he would be a great asset to that commission.

Councilor Paul nominated Mary Ellen Manock. She has been on the Library Commission for one term and has done good work. She lives in Ward 6 and is interested in continuing in that role.

Glen McCrae received 9 votes from Councilors Bushor, Worden, Tracy, Knodell, Brennan, Siegel, Aubin, Ayres and Decelles.

Glen McCrae was appointed to the Library Commission.

12. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/16)

John Bossange was re-appointed unanimously.

13. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/16)

Nancy Kaplan was re-appointed unanimously.

14. APPOINTMENT: Planning Commission (Term expires 6/30/17)

Andy Montroll was re-appointed unanimously.

15. APPOINTMENT: Planning Commission (Term expires 6/30/17)

Councilor Worden nominated Emily Lee. One of the significant challenges that they face by depending on volunteers are finding people who do homework between meetings. She has done this through her efforts to bring people from the community together around neighborhood issues. This area of the City is not overly represented on the Planning Commission.

Councilor Knodell nominated John Davis. He has impressive credentials and a PhD in Community Planning. He has actively practiced in the area of housing policy. They have heard a lot about the need for more housing and he has expertise in this area, particularly in inclusionary zoning. It is important to take a fresh look at that ordinance and do it well. That is a tool they use to reflect the real incomes of people who work in the Burlington area. He has important expertise to offer and will be a productive and collaborative member of the Planning Commission as they begin to implement planBTV.

Councilor Tracy stated they had three members of Ward 2 apply for this position and it is difficult to choose between neighbors. He will be supporting John Davis because they recently passed a resolution that says they will look towards qualifications rather than personal relationships. He has an extensive background in inclusionary housing and other zoning matters. He has worked with Emily on a number of neighborhood issues, but he is looking towards expertise.

City Council President Shannon stated it is important to ensure that there is a variety of expertise on Boards and Commissions. Expertise in zoning itself is brought to the table by the staff. She will be supporting Emily Lee because she will bring expertise that is not already at the table. Professionally, she deals with real estate financing. There was a recent proposal to remove parking requirements for residential uses. There is a claim that banks will require parking. There is currently no banking expertise at the table. It is part of the discussion and having that expertise will be helpful. She has worked hard for her neighborhood and has interest in the City more broadly.

Councilor Bushor stated this is a difficult choice. She has a long history with John Davis and sees him as a visionary. She also has a history with Emily Lee and values her as well. No matter who gets this position, the City wins. They have two people who are different but have very strong resumes. She has decided to support John Davis and hopes Emily Lee stays engaged.

Mayor Weinberger stated this was a difficult choice for him as well. He has known John Davis for a long time and worked with him to start a development company. His work is impressive. He also had conversations with Emily Lee to confirm that she believes one of the biggest planning issues before them is adopting and implementing planBTV. They will need to move from a planning document to a form based code to make it possible to build that vision. She has confirmed that she wants to see the City move in that direction as well. She has engaged in forward looking work and he will support her.

Emily Lee received 8 votes from Mayor Weinberger, City Council President Shannon, Councilors Aubin, Paul, Blais, Ayres, Worden and Mason.

Emily Lee was appointed to the Planning Commission.

16. APPOINTMENT: Police Commission (Term expires 6/30/16)

Councilor Decelles nominated Phil Lavigne. He films meetings for CCTV and attends NPA meetings. He has extensive background as a Police Officer in a large city in Michigan. They tackled a number of issues such as social, economic, and racial diversity. He is an asset and is very thoughtful. He takes this work seriously and reports back to the New North End in a timely manner. He takes input and suggestions. He deserves to be placed back on the Police Commission.

Councilor Siegel nominated Nyree Miles. They were able to meet her at the work session and was struck by what she could bring to the Commission. She would have a different perspective than the people currently on it. They need balance on all of the Commissions. She lives at Northgate, which is affordable subsidized housing. They do not get a lot of people in that socioeconomic income bracket applying for Boards and Commissions. She just finished a criminal justice degree and has interned with the Sheriff's Office. She is young, vibrant and committed. They have said a number of times that they want to represent the youth diversity they have in the City. She could help move in that direction.

Phil Lavigne was re-appointed to the Police Commission with 10 votes.

17. APPOINTMENT: Police Commission (Term expires 6/30/16)

Councilor Knodell nominated Stephanie Seguino. She has shown commitment to ensuring that law enforcement is fair and equitable. She has done ride-alongs with the Police late at night. She has researched whether they have a racial profiling problem. She would remove an incumbent, but they do have an increasingly diverse City and the Police Commission could be strengthened in this area. It would send a powerful signal to the community tonight.

Councilor Mason nominated Paul Hochanadel. He has served on the Police Commission since 2010 and has a strong background in domestic violence issues. This is an integral part of what the Police deal with on a regular basis. He has served admirably as a Ward 5 School Commissioners. There was some concern about his attendance record, but that was the result of meetings being scheduled at the same time.

Stephanie Seguino received 6 votes from Councilors Paul, Siegel, Knodell, Brennan, Bushor and Tracy.

Paul Hochanadel received 8 votes from Mayor Weinberger, City Council President Shannon, and Councilors Worden, Aubin, Mason, Blais, Ayres and Decelles.

Paul Hochanadel was re-appointed to the Police Commission.

18. APPOINTMENT: Public Works Commission (Term expires 6/30/16)

Bob Alberry was re-appointed unanimously.

19. APPOINTMENT: Public Works Commission (Term expires 6/30/16)

Nate Lavery was re-appointed unanimously.

20. APPOINTMENT: Retirement Board (Term expires 6/30/16)



Minutes, Annual City Council Meeting, June 3, 2013

Bob Hooper was re-appointed unanimously.

21. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/16)

Connie Krosney was re-appointed unanimously.

22. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/16)

Marc Monheimer was re-appointed unanimously.

23. APPOINTMENT: Board of Registration for Voters (Term expires 6/30/18)

Linda Chagnon was re-appointed unanimously.

24. ADJOURNMENT

Without objection, the City Council With Mayor Presiding Meeting unanimously adjourned at 9:53 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

**Lori Olberg**

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**From:** Kathy Knauer  
**Sent:** Tuesday, September 03, 2013 8:16 PM  
**To:** Lori Olberg  
**Subject:** Open house at Leddy

Can this evite please be forwarded to the City Council?

The renovations are complete! Come on over to Leddy and have a walk-through of the renovated locker rooms, public bathrooms and see the new "viewing" windows in the snack bar!

YOU'RE INVITED

# Leddy Park Arena OPEN HOUSE PARTY!

Wednesday, September 18, 5-7:30pm

Ribbon Cutting 5:30pm followed by building tours

FREE Open Skating until 7:15pm

RSVP [lknauer@burlingtonvt.gov](mailto:lknauer@burlingtonvt.gov) or 865-7566

SPONSORED BY:



MARTHA R. LANG, PH.D.  
138 COLCHESTER AVENUE  
BURLINGTON, VERMONT 05401  
802-862-1094

September 5, 2013

## **Response to Burlington School District's FAQs for Real Estate Proposal**

### **More False and Misleading Information**

1. The truth is there is no net gain in the square footage of classroom space in this land transaction. The gain in footage is because of a gym and a cafeteria at St. Joseph's. And, there is a loss of 117 parking spaces.

If the school district is at a tipping point with increased enrollment, why are they attempting to sell a school building? They should be trying to use all the buildings they have to educate the children.

2. Taft School is being sold under the current terms. If it was truly being leased the future tenant would be paying the current rental rate of \$6 per sq foot. This deal is letting them have it at .82 cents a square foot. That price constitutes a sale.

3. UVM does not own half of the Ira Allen Building. There is one building at 148-150 Colchester Avenue: The Early Essential Education Building, built in 1974. There is another building at 34-38 Fletcher Place called the Ira Allen Building built in 1954 which UVM owns. These are two separate and distinct buildings.

Under the terms of this transaction fifty office workers will have no place to work. Finding them at least 12,000 sq ft of office space is a huge cost that has not been added into this transaction. Wouldn't it be a smart idea to know where they are going to be located and how much of an additional expense it will be before spending more than \$3.5M for St. Joseph's? Fifty-nine Murray Street is an example of the poor planning and costly mistakes made by the Burlington School District in a real estate transaction.

4. During business hours the 68 parking spaces at 150 Colchester Avenue are seldom empty. The only way the 31 spaces at St. Joseph's will be adequate is if the employees do what is done at Edmunds Middle School: There are 55 parking spaces at Edmunds but at least 100 cars are parked there.

5. Has there been an adjustment for the difference for higher utility use for office space versus lower utilities for classroom space? If not, why not? Has any consideration been given that 150 Colchester Avenue is used evenings and twelve months of the year and it has air conditioning? How many square feet was the Burlington School District renting at St. Joseph's? Is this one reason the utility bills are lower for that building?

6. Currently the anticipated deficit for the Burlington School District is about \$800,000. Should that number be of concern to the Burlington tax payers?

7. For the three years previous to Miro Weinberger being mayor there were no executive sessions on real estate transactions during a school board meeting. About four weeks after Miro Weinberger became mayor the school board started to meet in executive session about a real estate transaction. For the next fourteen months there were at least seven executive sessions during school board meetings on a real estate transaction.

8. It would be a very good idea to take a careful look at the Allen and Brooks appraisal for 148-150 Colchester Avenue. Otherwise, someone is going to look very foolish.

There is only one sheet of paper available on the appraisal for St. Joseph School. The diocesan of Burlington has a complete copy which is not public information. Why would anyone be willing to approve the purchase of \$2M of real estate and \$1.6M - \$2.4M in renovations based on one sheet of paper? And, there is no back up data for renovations that have gone from \$1.6M to \$2.4M. If St. Joseph's School appraisal has mistakes similar to the 148-150 Colchester Avenue appraisal it could be a disaster.

It is not legal for the city of Burlington to sell its real estate below fair market value. This deal is not reasonable nor will it benefit the Burlington Schools or the citizens of Burlington. Does UVM have the first right of refusal? Has the school board considered other potential buyers? If not, why not? If so, who are they?

9. St. Joseph's School is not in excellent condition. According to the Burlington Assessor's Office, it is only in good condition. And, few if any major renovations have been in the last twenty years. The school board's estimated costs for renovations at St. Joseph's School have gone from \$1.5M to \$2.4M. Why?

## Lori Olberg

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**From:** hugo <oogs@burlingtontelecom.net>  
**Sent:** Wednesday, September 04, 2013 8:25 PM  
**To:** Lori Olberg  
**Subject:** Message from Contact Us at [www.BurlingtonVT.gov](http://www.BurlingtonVT.gov)

This message was sent to you because you are a designated recipient for 'City Council' from <http://www.BurlingtonVT.gov/ContactUs>

Sent on 9/4/2013 8:24:56 PM from IP Address: 65.183.129.23

Comment/Question: What can be done about teams of night time runners, going through the streets blowing whistles? As this is a running organization, can the city convey that it is unkind to be subjecting others to this night time disturbance?

## Lori Olberg

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**From:** Joanna Cole <joanna.cole1@comcast.net>  
**Sent:** Thursday, September 05, 2013 7:11 AM  
**To:** Miro Weinberger; Bryan Aubin; Mason, Chip; David Hartnett; Knodell, Jane; Shannon, Joan; Paul, Karen; Kevin Worden; Tracy, Maxwell K.; Blais, Norman; Decelles, Paul; Rachel Siegel; Sharon Bushor; Ayres, Tom; Vince Brennan  
**Cc:** Eileen Blackwood; Lori Olberg  
**Subject:** F-35s NOT GOOD FOR COGNITIVE DEVELOPMENT  
**Attachments:** Press Conf 8-4-2013 Cole F-35.docx

Honorable Mayor Miro Weinberger, City Councilor President Joan Shannon, & other esteemed City Councilors:

Here's my message for today's Press Conference and for City Council.

Press Conference: Wednesday 9-4-2013 noon Burlington City Hall Rep. Joanna Cole

### **F-35s NOT GOOD FOR COGNITIVE DEVELOPMENT**

Good afternoon. I am Representative Joanna Cole of Burlington's New North End and I am here to say the F-35s are not good for the cognitive development of our children.

Thank you, Burlingtonians and other stakeholders for being here and showing your concern. Thank you, Vermont National Guard. Whether you are serving us as we recover from the devastating remnants of "Irene" or some other catastrophe we will always appreciate your expertise and hard work.

The F-16s are to be upgraded. I am told maintenance jobs for the fighter jets will decrease if the F-35s come because it will be maintained elsewhere.

Our Burlington Airport has many vested people, stakeholders from Burlington, Winooski, South Burlington and other communities. The stakeholders I am thinking mostly of today are the children, our children and grandchildren, especially the ones who cannot advocate for themselves or who will be born in the years to come. Sound is magnified in little ear canals, relative to adult canals. The sound will affect little children differently than adults. The World Health Organization says 70 – 85% of the children exposed to this 75dB contour will have impaired learning and that the damage is accumulative. Are we going to move our schools outside of this contour? Because we believe ethically, we must move them if the F-35s are allowed here? Are we going to move thousands of houses? The expense would be something, I cannot comprehend. We are not about to give away health and quality of life of thousands of households; are we?

Loud noises cause psychological distress, anxiety, which interferes with the ability to pay attention. The repeated distress increases the anxiety level increasing the interference. In fact the impairment can have lifelong effects.

Do we want our children's learning disturbed by F-35s? NO! I do not think so.

Please, ask Burlington City Council with me to ask the Vermont Air National Guard and the US Air Force to not base the F-35 in the highly populated Burlington area. Protect the vulnerable.

Thank you.

*Joanna Cole*

[joanna.cole1@comcast.net](mailto:joanna.cole1@comcast.net)

660-7175



**FREE Animations for your email**

**Click Here!**



## Lori Olberg

---

**From:** Erik Bailey <lightning3m1@roadrunner.com>  
**Sent:** Wednesday, September 04, 2013 2:22 PM  
**To:** Lori Olberg  
**Subject:** Message from Contact Us at www.BurlingtonVT.gov

This message was sent to you because you are a designated recipient for 'City Council' from <http://www.BurlingtonVT.gov/ContactUs>  
Sent on 9/4/2013 2:21:35 PM from IP Address: 71.234.171.98  
Phone number provided: 802-316-1521

Comment/Question: RE: The following message from Councillor Ward: > Subject: Resolutions postponed > >  
Hello colleagues, > > At the urging of the GunSense Vermont organizers, we are putting the Charter Change resolutions on hold until early November. That will give them more time for the statewide strategies they are working on. It also means there's plenty of time for questions and suggestions. Please feel free to tell us what you think. > > On behalf of the Charter Change Committee, > Rachel Siegel > Ward 3 City Councilor \*\* I find this to be a dirty, underhanded subversion of the public process. This move was done to destroy the balance of public involvement, by both allowing the 'rallying of troops' from out of state, etc by the anti-gun group mentioned, and by scheduling it when a large percentage of the gun owners will be focused on the Vermont Holiday known as Deer Season. It is not Democracy when you do everything in your power to only hear what the 'public' that agrees with you has to say. This is a shady move by Councillor Ward, and should be overturned by the Mayor immediately.

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2013 SEP -4 P 2:41  
BURLINGTON CLERK  
TREASURER'S OFFICE

RECEIVED

2013 SEP -4 P 12:29

BURLINGTON CLERK  
TREASURER'S OFFICE

September 2, 2013

Joan Shannon, President

City Council

City Hall

Burlington, VT 05401

Dear President Shannon and City Councilors,

We write in support of the proposed language for a charter change that would allow Burlington to adopt gun violence legislation stricter than that of the State of Vermont. We are unable to be present at the September 9, 2013 City Council meeting, but we urge you to act at this meeting. Any action we take that might prevent events like that in Newtown, CT from happening is a step in the right direction.

Thank you for addressing this very important issue.

Sincerely,



Sister Lucille Bonvouloir

332 Hildred Drive

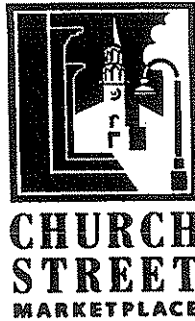
Burlington, VT 05401



Sister Mary Crosby

332 Hildred Drive

Burlington, VT 05401



RECEIVED  
2013 SEP - 3 A 9:11  
BURLINGTON CLERK  
TREASURER'S OFFICE

August 29, 2013

TO: Joan Shannon, President, Burlington City Council  
Jeff Nick, Chair, Church Street Marketplace Commission

cc: Mayor Miro Weinberger, Lori Olberg, City of Burlington, Clerk's Office,  
Marketplace Commission, Marketplace Staff

FROM: Ron Redmond, Church Street Marketplace Commission, 802-238-5598,  
ron.redmond.vt@gmail.com

RE: Letter of Resignation from Commissioner Robert Fuller;  
Application for Church Street Marketplace Commission from Jed Davis

Dear Joan and Jeff. We received this letter today from Robert Fuller. Robert has been talking at length over the past few months with Jed Davis of the Farmhouse Tap & Grill and El Cortijo, encouraging him to apply to the Commission when he resigns.

We are sad to see Robert go and we expected this parting AND we have his assurances he will stay involved with us! Jed Davis has spent time all of the Commissioners and they are enthusiastic about his application.

I've attached Robert's resignation letter which we received today, and Jed's application to the Marketplace Commission.

Please let me know if you need additional information. Best, Ron.

Robert Fuller  
30 Creamery Street  
Lincoln, Vermont 05443

August 21, 2013

Ms. Joan Shannon, President  
Burlington City Council  
41 Central Avenue  
Burlington, Vermont 0540

Mr. Jeff Nick, Chair  
Nick & Morrissey  
29 Church Street, 3<sup>rd</sup> Floor  
Burlington, Vermont 05401

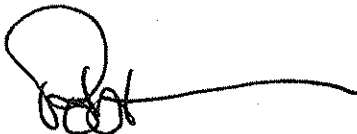
RECEIVED  
2013 SEP -3 A 9:11  
BURLINGTON CLERK  
TREASURER'S OFFICE

Dear Joan and Jeff: I'm writing to formally resign from the Church Street Marketplace Commission. I recently sold Leunig's Bistro to our General Manager **Bob Conlon** and our Executive Chef **Donnell Collins**, and am spending less time in Burlington and more time on personal pursuits. I'll continue to maintain my connection to Church Street as a Marketplace property owner, and am certainly available to you and the Commission, should you need my support and involvement.

I have thoroughly enjoyed my experience as a Marketplace Commissioner and particularly valued the creation of the Commission's "Organized Chaos" committee. During my service as a Marketplace Commissioner, our committee has lead, influenced and inspired the creation of many projects – from the "Everyone Loves a Parade" Mural and the Fish Fountain to pedestrian signage at our three intersections and Champ Collection boxes that support the Committee On Temporary Shelter.

During my service on the Commission, I believe I provided an important voice for eating and drinking establishments on Church Street and in the downtown. Given that the dining sector represents a substantial percentage of our downtown's economy, I believe it's important to have a restaurateur on the Commission. To that end, I am strongly recommending to you and President Shannon, that Jed Davis, Managing Partner of the **Farmhouse Group** (El Cortijo, Farmhouse Tap & Grill in downtown) be considered. I have personally spoken to Jed and know he wants to serve on the Commission.

Thank you again. We have a remarkable City and downtown, and it has been a pleasure to be of service.



08/2013



## OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

APPLICATION FOR: Church Street Marketplace Assoc. Board/Commission  
 (Please fill out a separate application for each post)

Full Name: Jed Robert Davis Ward: \_\_\_\_\_

Residence: Essex VT Political Affiliation (mandatory): NONE

Are you a registered Burlington Voter? NO

Phone (home): \_\_\_\_\_ Phone (work): \_\_\_\_\_ Phone (cell): 999-1440

E-Mail Address: jd0407@gmail.com

Training or Experience Related to the Commission or Board Post for Which you are Applying:

Downtown business management and ownership  
experience, including 4 years as Dir. of  
operations for a church street restaurant.

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 & TREASURER'S OFFICE

Current Occupation: President, The Farmhouse Group

Education (list most recent first):

School	Location	Year/Degree
<u>Cornell University</u>	<u>Ithaca NY</u>	<u>1998 / BA</u>
<u>Other Valley UHS</u>	<u>Brandon VT</u>	<u>1994 / Diploma</u>

What do you hope to accomplish as a Commissioner/Board Member?

Contribute energy, support, and ideas.  
 Help define the future of downtown  
 Burlington VT for generations to come...

Have you served as a Burlington City Commissioner/Board Member in the past? NO  
 If the answer is yes, please list any and all appointments and dates you served.

N/A

Do you foresee any potential conflicts of interest if you were appointed to the position for which you are applying? NO If so, please explain:

N/A

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 2013 SEP - 3 A 9 12  
 BURLINGTON CLERK  
 TREASURER'S OFFICE

List Two References:

Robert Fuller

Jim Reiman / Robert Meyers

Please use this area to make any further comments regarding your candidacy, especially in regard to your qualification for this position. You may attach additional sheets if necessary.

In order to be appointed to a Board or Commission post you must be nominated by a member of the City Council. A list of members is available upon request.

Signature: \_\_\_\_\_

Date: 8/20/13

The City of Burlington encourages persons from diverse backgrounds to apply to serve on boards, commissions and committees. The City is committed to providing equal opportunity to all persons without regard to political affiliation, race, color, religion, age, sex, sexual preference, national origin, disability or any other non-merit factor



## HUMAN RESOURCES DEPARTMENT

City of Burlington

179 South Winooski Avenue, Suite 100, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

TO: City Council

FROM: Stephanie Reid, Interim Human Resources Generalist  
Susan Leonard, Human Resources Director

DATE: August 30, 2013

RE: Communication – Step placement for Julie Laplume, Assistant Chief Accountant

---

We respectfully bring forth a communication from Assistant Chief Administrative Officer, Clerk/Treasurer's Office, Rich Goodwin, that Julie Laplume, Assistant Chief Accountant be considered for step-placement. This request is pursuant to the City of Burlington Comprehensive Personnel Policy, Section 5.4 Compensation Plan, subsection a. Placement, which states: "To the extent that previous relevant experience equals or exceeds the necessary knowledge and skills, job duties and responsibilities of the position being sought, those specific and relevant years of experience (less the minimum number of years of experience required in the position description) may be converted to additional steps at a 2:1 ratio, up to a maximum of step seven (7)".

The required minimum qualifications for the position are three (3) years of relevant experience in accounting and a Bachelor's Degree in Accounting or Business Administration. As represented in her resume, Ms. Laplume possesses a Bachelor of Science Degree in Business Administration with a concentration in Accounting and Human Resource Management and 7 years' experience, as well as seven months of City work as a Senior Account for the Clerk/Treasurer's Office.

Based on these qualifications, pursuant to Section 5.4(a) of the City of Burlington's Comprehensive Personnel Policy Manual, Ms. Laplume is eligible for placement at a step two (2). This equates to a salary of \$60,707.45 per year. This annual amount is derived from the FY14 Non-Union Pay scale. This request does not represent a change to the organizational chart for the department.

Ms. Laplume replaces Ms. Lara Alemy who held the position for almost two (2) years. The Clerk/Treasurer's Office FY14 Budget Request for this position is currently \$61,326.00. Considering the step placement requested above, and the FY14 Budget Request for this salary, there is an approximate savings of \$618.55 to the FY14 budget request.

Based on the Assistant Chief Administrative Officer's request, pursuant to Section 5.4(a) of the City of Burlington's Comprehensive Personnel Policy Manual, which states: "Upon placement of an employee, a communication shall be sent to the City Council detailing the placement", and with Mayoral and HR Director approval to place Ms. Laplume at a step two (2), grade twenty (20) to take effect immediately following approval.

August 29, 2013

Jane McDougal  
185 Pine St. #31  
Burlington, VT 05401

RE: Homeless Solicitors

Dear City Council Members:

I have encountered homeless people, holding signs for money, in the area of Church & Main and near Rite Aide Pharmacy on S. Winooski Avenue. The situation makes me very uncomfortable. I told one man he needed to move away from the City Hall building because the law states that he should be ten feet away. I think the police should remove these people and bring them to the Howard Center for help getting a job. When I am taking the bus they harass me for money and their smoking is offensive.

I would like to have the situation addressed and the police to take action.

Sincerely

Jane McDougal/jp



Regarding the Website aB-accessBurlington - the address is - <http://accessburlington.com/> -

There are 3 ways to search for information. **The first 2 return the results in alpha order**, and some of them bring more results than are easy to work with, but will give an idea of the type of info which can be accessed.

1. **Click on a Parent Category** - 10 of them are shown on the left panel of the Home Page.
2. **Click on a SubCategory** (by a hover over the Parent Category).
3. **Use the Search Box**, which appears at the top of each page. Any search word can be used, or you can click a word from the list which drops down when the empty box is clicked.

The site has a variety of types of information - Activities (things to do), some humor, inspiration, videos on many subjects, TEDTalks on many subjects, travel information, etc. It is also a means of connection to the community and beyond. The Government section has good information relating to founding documents, kids' info on how democracy works, etc.

Test it out, and PLEASE let me know how it works for you.

Roger Cole [rcole2001@yahoo.com](mailto:rcole2001@yahoo.com) Office 802-881-4207 Home 802-859-1816

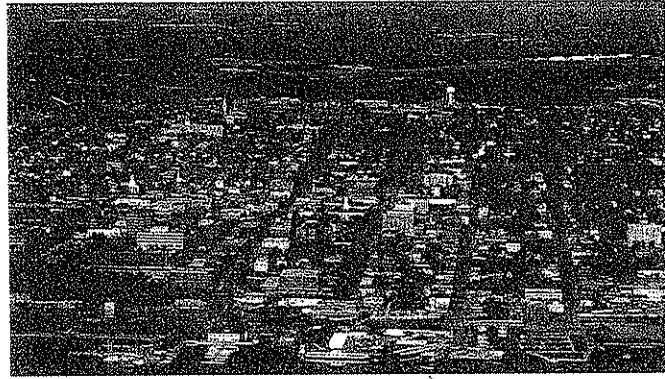
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## Vermont

- <http://drivinglaws.aaa.com/laws/motorcycle-noise-limits/> -

Any exhaust system on a motorcycle will be deemed defective if any changes, modifications, alterations, deletions, or adjustments have been made which would cause the exhaust system to generate a higher sound level than would be generated by the exhaust system customarily installed by the manufacturer as original equipment.

XXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX



# Access Burlington

A Portal Website

**accessBurlington.com**

Easily discover information for  
Residents, Visitors, Students, Parents

Photo by Jeb Wallace-Brodeur



*Celebrating 50 years*

*Submitted via email*

August 21, 2013

Mayor Weinberger and Members of the Burlington City Council:

The Vermont Natural Resources Council (VNRC) has a 50 year history of advocating for Vermont's environment, sustainable communities, and a strong economy. It is as advocates for strong communities that we submit this letter opposing the basing of F-35 fighter jets at Burlington International Airport.

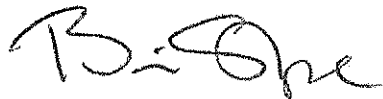
Two things are essential for creating the sustainable communities that we, as a state, say we value. The first is housing: ensuring a variety of housing options, for people of all income levels, is essential for a stable community and economy. The second is smart growth: building well-designed, compact communities where people can spend less energy and money by walking or taking transit; be closer to schools, shops, and services; and interact with their neighbors.

Unfortunately, based on the data presented in the Revised Draft EIS (May 2013), basing F-35 fighter jets at Burlington International Airport undermines sustainable communities. Our comment letter to the US Air Force (attached) outlines this data, but I would like to highlight some key issues for you to consider in your deliberations:

- **Homes near the airport represent an important part of the area's affordable housing supply.** These homes, many of which are owner-occupied, single family dwellings, represent an important part of the affordable housing supply in this area – supply that would diminish if residents had to be relocated due to increased noise or safety concerns.
- **People in Chittenden County need housing they can afford.** Over 30% of homeowners, and well over half of renters, pay more than 30% of their income on housing expenses – making them “housing burdened” according to the U.S. Department of Housing and Urban Development. Compromising the quality of the affected housing by basing the F-35s at Burlington International Airport would exacerbate affordability issues – in the process, impacting those with the least financial room to spare, and fewest choices for relocating.
- **Low income residents would be disproportionately impacted by both basing scenarios.** Under Scenario 1, the scenario with the least impact, the increase in noise would lead to a 45% increase in the number of people affected among the general population – but it would lead to a 130% increase in the number of the area's low income residents affected.

In sum, housing that people can afford is an essential part of creating the communities we say we want. As the City Council deliberates on this issue, we urge you to take responsibility for your role in creating sustainable communities for all residents of the region. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Shupe".

Brian Shupe, AICP  
Executive Director

RECEIVED

2013 AUG 21 PM 4:26

BURLINGTON CLERK  
TREASURER'S OFFICE



*Celebrating 50 years*

*Submitted via email*

July 15, 2013

Mr. Nick Germanos  
F-35A EIS Project Manager  
HQ ACC/A7NS, 129 Andrews Street, Suite 332  
Langley Air Force Base, Virginia 23665-2769

RECEIVED  
2013 AUG 21 P 4: 26  
BURLINGTON CLERK  
TREASURY'S OFFICE

Dear Mr. Germanos,

The Vermont Natural Resources Council (VNRC) is the state's oldest environmental advocacy organization, with a 50-year history of advocating for Vermont's environment, sustainable communities, and a strong economy. We are writing to express our opposition to basing F-35 fighter jets at the Burlington International Airport for the following reasons:

***Impacts from F-35s would undermine the region's supply of affordable housing.***

The Revised Draft EIS (May 2013) states that a significant number of households near to the airport would be affected if the F-35 fighter jets were based at the Burlington International Airport: a total of 2,963 under Scenario 1, and 3,410 under Scenario 2, increasing the number of affected households by 51% and 73%, respectively.<sup>2</sup> These homes, many of which are owner-occupied, single family dwellings, represent an important part of the affordable housing supply in this area – supply that would diminish if residents had to be relocated due to increased noise or safety concerns.

***Chittenden County has a limited supply of affordable housing, and low-income area residents will be disproportionately affected by either basing scenario.***

Affordable housing is essential in Chittenden County, where the median value of owner-occupied housing is 24% higher than in the rest of Vermont.<sup>3</sup> Furthermore, over 30% of homeowners, and well over half of renters, pay more than 30% of their income on housing expenses – making them “housing burdened” according to the U.S. Department of Housing and Urban Development.<sup>4</sup> Compromising the quality of the affected housing by basing the F-35s at Burlington International Airport would exacerbate affordability issues – in the process, impacting those with the least financial room to spare.

Low income residents would be disproportionately impacted by decibel levels exceeding 65 dB DNL in either Scenario 1 or 2; this further underscores the impact on affordable housing. The Revised Draft EIS (May 2013) states that under Scenario 1, there would be a 45% increase in the number of people affected among the general population, but a 130% increase in the number of the area's low income residents affected. Under

Scenario 2, there would be a 68% increase in the general population affected, but over double that – 164% – among the area's low income population.<sup>4</sup>

***Basing the F-35s near existing neighborhoods runs counter to state goals and policies.***

The state of Vermont has long promoted compact land use, affordable housing, energy efficiency, and the development of strong communities through its goals and policies. (Indeed, the city of Burlington's model for affordable housing, developed under then-mayor Bernie Sanders, is replicated worldwide.<sup>5</sup>) This is more than tradition: the promotion of Smart Growth is codified in state statute, and reinforced by state investments. The potentially affected areas represent some of the few compact, urban neighborhoods in an otherwise rural state, and basing fighter jets nearby undermines the land use pattern that we, as a state, are trying to promote.

Furthermore, making these neighborhoods unsuitable for residential use runs counter to the state's transportation, affordable housing and energy goals: neighborhood residents who currently walk, take transit, or whose children walk to school will likely be forced into their cars, leading to more driving, less exercise, and increased carbon emissions.

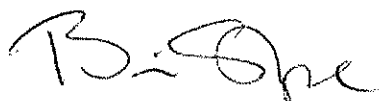
***Maintaining compact, affordable housing options has environmental benefits.***

A healthy environment and strong communities go hand in hand: compact settlement in the tradition of Vermont's downtowns and villages reduces residential sprawl into undeveloped areas, ensures lower-carbon transportation options, and allows residents to build equity and financial security through homeownership. It also takes pressure off of natural resource areas, ensuring their continued existence for farming, forestry, and recreation – key elements of Vermont's economy.

We recognize the importance of jobs in this region, as well as the many positive contributions of the Vermont Air National Guard to our economy, our communities, and our security, but, on balance, oppose the addition of F-35s to the Vermont Air National Guard Base.

We cannot have a strong environment, strong communities or a strong economy unless people have access to decent, affordable housing. Basing F-35 fighter jets at this location risks undermining the region's supply of affordable housing that is accessible to jobs and transit. Because of this, and for the reasons mentioned above, we oppose the basing of F-35 fighter jets at the Burlington International Airport.

Sincerely,



Brian Shupe, AICP  
Executive Director

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Vermont State Office

<sup>1</sup> Draft EIS (May 2013) – Tables BR3.2-8 and BR3.2-14, "Off Airport Noise Exposure."

<sup>2</sup> <http://quickfacts.census.gov/qfd/states/50/50007.html> - Median value of owner-occupied units in Chittenden County: \$263,200. In Vermont: \$213,000.

<sup>3</sup> <http://www.housingdata.org/profile/resultsMain.php?county=007000>

<sup>4</sup> Draft EIS (May 2013) – Table BR3.12-4 and Table BR3.12-5, "Total Minority and Low-Income Populations Affected..."

<sup>5</sup> <http://digital.vpr.net/post/stoddard-brenda-torpy-global-vermonter>



89 Main Street, Suite 4  
Montpelier, Vermont  
05602-2948

Tel.: (802) 229-9111  
Fax: (802) 229-2211

e-mail:  
info@vlct.org

web:  
www.vlct.org

TO: Vermont Selectboards and City Councils

FROM: Hunter Rieseberg, President, VLCT Board of Directors

RE: Voting Delegates at the VLCT Annual Business Meeting

DATE: August 14, 2013

As part of TOWN FAIR, the Vermont League of Cities and Towns will hold its annual business meeting at the Killington Grand Hotel, Northstar I/II starting at approximately 2:00 p.m. (or at the conclusion of the luncheon and awards program) on Thursday, October 3, 2013.

To ensure that all VLCT-member cities and towns are properly represented and able to participate in the adoption of the 2014 Vermont Municipal Policy (the Legislative Platform of the Vermont League of Cities and Towns) and the election of League officers, we are asking you as your municipality's legislative body to designate one official from your town as a **VOTING DELEGATE** for the meeting. This designation will ensure that each town is heard from and gets one vote.

Please inform us of your designation by Friday, September 13. Designations can be made on the date of **TOWN FAIR** at the VLCT Information Booth if necessary.

Designated delegates can pick up their credentials card at the VLCT Information Booth at the Killington Grand Snowshed Ballroom.

**ONLY DESIGNATED DELEGATES WILL BE ALLOWED TO VOTE AT THE ANNUAL BUSINESS MEETING!**

This is not a Town Fair registration form. Those who wish to participate in the day's activities (workshops, trade show, and lunch) must complete and return a Town Fair registration form with payment or register on-line at <http://www.vlct.org/eventscalendar>. If you plan to attend only the annual meeting, please check the appropriate box on the attached voting delegate form.

August 2013

Enclosure

*Sponsor of:*

VLCT Health Trust, Inc.

VLCT Municipal Assistance  
Center

VLCT Property and Casualty  
Intermunicipal Fund, Inc.

VLCT Unemployment  
Insurance Trust, Inc.

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2013 AUG 15 P 12:16  
BURLINGTON CLERK  
TREASURER'S OFFICE



**VLCT ANNUAL BUSINESS MEETING**

**2:00 p.m. - 4:00 p.m.**

**(or upon conclusion of the luncheon)**

**Thursday, October 3, 2013**

**Killington Grand Hotel  
Killington, Vermont**

**DELEGATE DESIGNATION FORM**

We, the Selectboard/City Council of \_\_\_\_\_,  
designate the following individual as the voting delegate for our city/  
town at the 2014 Annual Business Meeting:

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Position

We understand that the above individual will represent the city/town  
as a voting member of the VLCT membership.

Signed,

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

Please complete and return by Friday, September 13th, to VLCT, 89 Main Street, Suite 4,  
Montpelier, Vermont 05602. If you prefer, you may fax it to us at (802) 229-2211 or bring it  
with you to TOWN FAIR.

Please note that this is not a Town Fair registration form. Visit our website,  
[www.vlct.org/events-news-blogs/event-calendar/](http://www.vlct.org/events-news-blogs/event-calendar/), to download a copy of the attendee  
registration form or to register on-line.

If you plan to attend only the VLCT Annual Meeting, please check below.  
There is no charge to attend only the Annual Meeting.

☐ I will *only* be attending the Annual Meeting.

RECEIVED  
2013 AUG 15 P 12:11  
BURLINGTON CLEAN  
TREASURER'S OFFICE

## Lori Olberg

---

**From:** Peter Cook <Pcook@firstchurchburlington.org>  
**Sent:** Wednesday, August 14, 2013 8:43 PM  
**To:** Lori Olberg  
**Subject:** Message from Contact Us at [www.BurlingtonVT.gov](http://www.BurlingtonVT.gov)

This message was sent to you because you are a designated recipient for 'City Council' from <http://www.BurlingtonVT.gov/ContactUs>  
Sent on 8/14/2013 8:42:47 PM from IP Address: 65.183.152.175  
Phone number provided: 802-862-5010

Comment/Question: August 14, 2013 Dear Members of the Burlington City Council: My name is Peter Cook and I write in opposition to the F35 bed down at Burlington International Airport. I am a recent homeowner in Burlington who lives at 28 Prospect Hill. My home is not far from the proposed flight path for the F35 in Winooski. I also write as the Senior Minister of First Congregational Church, United Church of Christ, in Burlington. As pastor of this church, I don't speak for everyone in my congregation. I do feel, however, that I have a pastoral duty to raise hard questions and lift up my voice against proposals or developments which may pose significant economic, environmental, and health struggles for people in my church and our community as a whole. I have tried to have an open mind by listening to both sides. It is important to me that I listen to all the arguments and facts. After reading and listening for awhile now, I have concluded that the proposed benefits of basing the F35 at the Burlington airport have not been sufficiently substantiated by its proponents and, therefore, the F35 is not worthy of my support. Indeed, the Air Force's own Revised Environmental Impact Report serves to undermine the proponent's main arguments in favor of the plane. Proponents claim that the sound which emanates from the F35 will be approximately the same as the F16. They also claim that the sound can be mitigated. And yet the Air Force's Revised Environmental Impact Report shows that the noise cannot be mitigated and will be four times louder than the F16. The issue of noise is central to the argument against the F35 because the vast increase in noise will have multiple adverse effects. Because of the increase in noise, up to 4,000 additional homes in Winooski, South Burlington and Burlington could be rendered unfit for residential use. This designation could result in a decline in property value and, therefore, put some properties at risk of foreclosure. Moreover, many of these homes will be impossible to resell at a fair price because of the unfit designation. It is also very unclear whether those homes in the direct flight path and crash zone would be eligible for compensation and, moreover, whether that compensation would be anywhere near sufficient to cover the real cost of the loss of value and relocation. If compensation were forthcoming, however, it would not be offered to homeowners who are affected but who narrowly miss living in the residential zone for homeowners that may be eligible for compensation. Indeed, I worry about the value of my own recently purchased home which is not directly in the proposed flight path but is in close proximity. Far too many of people in the affected area already have a precarious financial situation and can scarcely afford more financial risk. It is very unjust that the burden of F35 basing be carried by those least able to afford it. I question whether there is a comprehensive economic plan which includes the basing of the F35 in its analysis. As far as I know, the proponents of the F35 to date have not offered any concrete economic and job plan for the region, that takes into account the F35 basing, which can be analyzed and debated, beyond preservation of the Vermont National Guard. If demolition of homes and buy back programs are part of the plan for commercial development and job creation, then we need to see a whole lot more detail before the public can be asked to support F35 basing. What has been the track record to date on buy back programs as it relates to economic development in region so far? Did it work that well? Why would things be any better with the basing of the F35 if this particular strategy has not really worked to date? While a few businesses may benefit, and it's hard to see really which ones would without a lot more specific information, it seems many more businesses would be adversely affected including the residential real estate, home mortgage and tourism industries. Frankly, the benefits of airport expansion

through basing of military planes, based on experience in other cities, can sometimes be vastly overstated and even have an adverse affect. What can we learn from other city's experiences in this area before supporting this basing and how does that experience compare to our situation? Can't we shape a viable economic plan that does not rely on F35 basing? Proponents claim that the F35 is a better aircraft than the F16. It is my understanding that the F16 is, in fact, a better plane for military operations and is vastly cheaper than the F35. It is also my understanding that the Air Force has identified many design flaws in the F35 which cannot be resolved which is why they have decided to retrofit the entire fleet of F16s. Given the design flaws of the F35, I am concerned about the safety of basing the F35 in this densely populated area given the much higher propensity of this aircraft to crash than the F16. A crash of an untested plane in our densely populated area would be a great tragedy on so many levels. I am one who has respect for what our military does in this country and, more specifically, the Vermont Air National Guard. But supporting the military and Guard does not absolve us as strong patriots, citizens, people of faith, and tax payers from asking critical questions about the best use of tax payer resources to mount a strong defense in the 21st century. We also have the duty to ask whether proposed weapons systems will divert far too much money away from military personnel, government employees, economic and business development, and the vast number of Americans who benefit from government programs. One claim made is that the Guard will go out of business if we don't get the F35. Since it seems clear the F16 will continue to be used indefinitely, there is no prospect the Guard will go out of business. No such claim is made by the Air Force itself. The Guard's future also might be even more secure if it considers adopting additional missions to mount a defense including, for instance, programs to prevent cyber warfare which poses to us a greater threat and cannot be addressed with fighter planes of any kind. Such an initiative might also garner wider support from the business community. Finally, as the landlord of the airport, Burlington could have significant legal exposure for basing the F35 if they knowingly ignore the risks and costs of the plane and support the basing of the plane anyway. Thank you for your consideration. My thoughts and prayers are with you as you deliberate on this important matter and trust you will arrive at a decision which will protect residents in Burlington, Winooski, South Burlington and the surrounding region from harm. Sincerely, Peter Cook Senior Minister

## Lori Olberg

---

**From:** Kai Gmail <kaimikkelforlie@gmail.com>  
**Sent:** Wednesday, August 14, 2013 2:33 PM  
**To:** Lori Olberg  
**Subject:** FW: F-35A Decision and Desired Outcomes

Ms. Olberg,

I was unable to attend the most recent City Council meeting. As such please include my following remarks regarding the proposed F-35A beddown in the official City Council record. Note - I did ultimately receive a reply from Ms. Bushor but still no word from Mr. Worden.

Thank you.

Kai

Kai Mikkel Førlie  
27 Germain Street  
Burlington, Vermont 05401

---

**From:** Kai Gmail [mailto:kaimikkelforlie@gmail.com]  
**Sent:** Sunday, August 11, 2013 12:40 PM  
**To:** 'sharon.bushor@vtmednet.org'; 'kevinwbvtv@gmail.com'  
**Cc:** 'StoptheF35@gmail.com'  
**Subject:** FW: F-35A Decision and Desired Outcomes

Dear Sharon and Kevin,

In advance of tomorrow night's city council meeting, I thought I would resend my email that details my opposition to the Joint Strike Fighter program in general and the proposed basing of the F-35A here in Vermont in particular. You are my representatives to the city council and I copied both of you on the original email. But since I failed to hear back from either of you I am sending it again to ensure that you utilize my opinion in your deliberations.

I look forward to your reply and hope I can count on both of you to oppose this proposed beddown.

Thank you.

Kai

Kai Mikkel Førlie  
Germain Street

---

**From:** Kai Gmail [mailto:kaimikkelforlie@gmail.com]  
**Sent:** Sunday, July 07, 2013 3:58 PM  
**To:** 'pmackenzie@s Burl.com'; 'pnowak@s Burl.com'; 'cshaw@s Burl.com'; 'rgreco@s Burl.com'; 'hriehle@s Burl.com'; 'mobrien@winooski vt.org'; 'stipson@winooski vt.org'; 'jlittle@winooski vt.org'; 'sleonard@winooski vt.org';

'srobinson@winooski.vt.org'

**Cc:** 'info@saveourskies.vt.org'; 'letters@burlingtonfreepress.com'; 'agalloway@vtdigger.org';  
'sharon.bushor@vtmednet.org'; 'kevinwbvt@gmail.com'; 'janeknodell@burlingtontelecom.net';  
'maxwell.k.tracy@gmail.com'; 'vbrennan@burlingtonvt.gov'; 'rsiegel@burlingtonvt.gov'; 'baubin@burlingtonvt.gov';  
'jshannon@burlingtontelecom.net'; 'chip.mason.btv@gmail.com'; 'NormBlaisVT@gmail.com'; 'paulfin@sover.net';  
'tayres@burlingtonvt.gov'; 'pdecellesw7@aol.com'; Governor Peter Shumlin; 'mayor@ci.burlington.vt.us';  
'nicholas.germanos@langley.af.mil'

**Subject:** F-35A Decision and Desired Outcomes

Dear All,

I'm writing as a resident of Burlington and as someone who'll be directly affected by a F-35A beddown. I live west of the departure corridor for aircraft departing Runway 33 and am regularly barraged by the sound of air traffic. By far the worst of this traffic is the Air Guard's F-16's. According to the Air Force the F-35A is more than four times louder than the F-16. This admission does not address the additional noise produced when the F-35A utilizes afterburners, reliance on which some are arguing will likely become standard operating procedure as a result of ongoing aircraft modifications. So, purely on a noise basis, the F-35A will dramatically increase the sound I hear at my home. And it's important to note that I share my immediate neighborhood with ~50,000 other people so I will not be alone in this experience. Moreover, my heart goes out to those thousands of folks in particular who live in the 65dB zone and whose homes will become even more difficult to inhabit and to sell as a result of the FAA designating their properties as "not suitable for residential use".

I'm also a former airline captain with thousands of hours in jet aircraft. I understand the tendency amongst pilots and others in the aviation industry (and/or those who benefit from its continued existence) to dismiss the concerns of those people who live near airports. I once scoffed at those who called my profession into question or who sought to curtail my actions. However, dispassionate as I once may have been, I eventually came to realize the very real damage I was dispensing on the human communities over which I flew. Similarly, the more I learned about the very real damage that aviation is producing on the natural environment the less able I was to play an active role in this destruction. I ultimately quit the profession after ten years when I was no longer able to resolve my actions with my beliefs. I no longer fly as a pilot or as a passenger and I avoid airmail - instead I dedicate myself to helping my community achieve a more sustainable model.

The F-35A aircraft and indeed the entire JSF (Joint Strike Fighter) Program represent the worst of our national priorities. Our country doesn't need this weapon or the massive expenditure it represents. We don't need to risk our children's health, the safety of our community or the sanctity of our environment for an airplane. What we need instead is a radical rethink of our entire society to bring our actions in line with our beliefs in order to address the realities we face, realities like peak oil ("our low energy future") and climate change.

I urge each of you to identify the most important priorities in your life - be they family and friends, the environment or something equally vital - and then determine where exactly this warplane fits into your list, if at all. This is not about our safety or security - it's about money, pure and simple. Certainly we can do better here in Vermont than sell our souls and further squander our environment in exchange for such an undesirable and unsustainable technology.

Thank you.

Kai

Kai Mikkjel Førlie  
Burlington, Vermont

PF  
8/12/13

Thank you for listening. My name is Katherine Kirby. I am an Associate Professor of Philosophy at St. Michael's College, and Director of the Global Studies Program. I have a Doctorate in Philosophy, and my specialization for at least 15 years has been Theoretical and Applied Ethics.

Frankly, I find it ethically outrageous that this basing might go forward, given all of the information that has come to light over the past year. The revised DEIS says very clearly that Burlington is NOT the environmentally preferred alternative. NONE of the other basing options cause this kind of harm to residents. In Vermont, at least 7,000 people will end up LIVING in a zone that the federal government deems "not compatible with residential use."

This is not about being anti-Guard. I simply believe that this plane does not belong HERE, in the most densely-populated area of our entire state. It belongs in a remote location.

There are many future rounds of basing decisions to come. Vermont should be pulled out of THIS round while the F-35 has no flight history or safety record. Of course, it would be a great HONOR for the Guard to be chosen first. But this is an honor that would come at the expense of THOUSANDS of people's health, financial stability, and quality of life. Frankly, if I were offered a reward/honor for excellent work, and I learned that it harmed even just one person, I would refuse that reward. We cannot choose HONOR over JUSTICE.

Proponents say that the majority of Vermonters support the basing, so the matter should be a closed case. However, if we look at history, majorities are *not* always right, and in fact, majorities often support decisions that oppress minorities. Knowledge, understanding, and wisdom must guide this decision, not merely an uninformed consensus.

Those who are speaking out and asking questions are branded as un-patriotic. However, it is *very patriotic* to insist that one's society seek justice rather than wealth or honor. It is *very patriotic* to defend one's home, health, and quality of life. Our homes are our refuge and often the culmination of a *lifetime* of work and savings. Let us recognize that *no honor*, and no gain, ought to be accepted when it comes at the expense of so many of our neighbors.

Kurt Wright has  
PF 6/12/13

My name is Jean Bluto, I have worked for 20 years in Burlington and Winooski as a Field inspector for Vermont State Housing Authority. My opinions are my own and not necessarily that of the Housing Authority. I own a home in Winooski, which I bought without any Real Estate Noise Disclosure, and was unable to find ANY 2006 Noise Contour Maps, and have in writing those places that don't have them. Interesting?? Hidden? Recent communications with Mr Doucette of FAA in MA, advised me they are wrong anyway, and Burlington is "working" on that but due to the proposed F35 basing, they have not been done. So...we are now 7 YEARS with wrong maps. Other Cities like Minneapolis KNOW what noise zones are, and put them on LINE. The City said in it's grant assurance that it would work with SB and Winooski on establishing Real Estate Noise Disclosure Statements, but of course, can't do it BECAUSE the maps are WRONG! Perhaps the WRONG homes are being purchased in the \$40-60 Million Dollar Grant.

As an Inspector, I know first hand that nice apts are very expensive and go to people with deposits, jobs and good credit. With a 1.4 % vacancy rate for years and a known lack of affordable housing the ONLY apts available to LOW income, minorities and children, will be in the 65 DNL zone. I hear complaints all the time how kids are awakened... It is sad. I can and will sell my home...they have no options. Give careful thought to the Cities position on the potential basing.

DEIS says in any questions regarding environmental justice:

#### EJ-3 Environmental Justice

The EIS indicates that there will be an "unavoidable" increase in the number of people affected by noise, including a disproportionate increased impact on minority and low-income people.

Winooski will need noise monitors and the Burlington must establish, Noise complaint procedures independent of the Guard. People get the run around when a complaint is made, or get voice mail at the airport and no one ever calls back. Real Estate Noise Disclosure Statements, Noise Monitors and a Noise Complaint Procedures required. There is a lot to owning an airport, especially if you plan for it to "grow and thrive".

8/12/13 PF

Igor Zbitnoff  
Winooski, VT  
[igorzbitnoff@comcast.net](mailto:igorzbitnoff@comcast.net)

Burlington City Council - Comments  
August 12, 2013

Members of the City Council and others present, my name is Igor Zbitnoff, and I am a homeowner in Winooski. We are prominently featured as a community that will be devastated economically, environmentally, and healthwise by local basing of the F35 in the Air Force's Environmental Impact Statement. In particular my home will be designated as "unsuitable for residential use."

Does the argument made by the supporters of basing the F35 make reference to the Environmental Impact Statement? Or is the argument simply anecdotal or sloganeering by self-interested cheerleaders for local basing of the F35? For example: "The F35 will prevent another 9/11." Really? The F16's were on the ground when the World Trade Center was devastated in New York City on 9/11.

Certain politicians, including Bernie, throw out the magic word "jobs." Yet the Air force says no new jobs in the 18 plane scenario. Former Adjutant General Michael Dubie said there would fewer jobs because maintenance for the F35 will be done elsewhere. This is not a jobs issue. What needs to be addressed is the potential devastation of my community. So I ask you to bring some critical thinking to this issue. Don't use any political leaders as an excuse. Look at the facts as provided by the Air Force, the World Health Organization, the Federal Aviation Administration, and most of all, the people of the communities that will be affected. Thank you for your attention.



To the Mayor and City Council of Burlington, VT  
August 12, 2013

PF 8/12/13

Thank you for this opportunity to provide you with the following information:

There currently is a rumor being spread that the projected noise impact of the F35 stealth bomber/fighter jet can be mitigated, based on past performance.

Let's review how it was possible for VTANG to claim that the current F16 noise footprint has "shrunk" over the years.

In 2006, the F16 engines were replaced with what was supposed to be a quieter engine. Local communities surrounding the airport were relieved; they welcomed less noise impact on their neighborhoods and their lives.

Instead, for some still unexplained reason, external fuel tanks were mounted on the F16s. Since 2008, the jets have been flown in afterburner 95% of the time, and the impact on the communities surrounding the airport has been intense and destructive.

By taking off steeper, faster, and in afterburner 95% of the time, the noise impact on Winooski, South Burlington and Williston was significantly increased, while decreasing slightly the noise impact on Burlington and Colchester. That's the kind of "mitigation" that the Guard pointed to as the way they successfully have been good neighbors and sensitive to our communities - by disproportionately making some of us suffer more noise so that others might receive less!

That's what we can expect through "mitigation" - more and intense damage on our selected communities that have been deemed acceptable "collateral damage" by those who support the basing, whose homes and lives, incidentally, will by and large be relatively un-impacted by the noise.

The affected homes and neighborhoods will suffer damage to their health and safety in addition to the indignation and loss of property value from being deemed, "incompatible for residential use."

Meanwhile the FAA CLEARLY states that "Land acquisition and relocation is the ONLY alternative that would eliminate the residential incompatibility" of homes impacted by this noise level (FAA Part 150 Report Pg. 29)

So the next time you hear someone claiming that the noise of the F35s will somehow be less than what the United States Air Force itself claims, please understand:

The Air Force clearly states that the F-35 is 3-4 times louder than the F16s.  
The Air Guard cannot reduce the noise of the F16s, which they have flown for years.  
How credible then is their claim to alter the noise of a plane they have never flown?

The health, quality of life, and prosperity for all of Chittenden County and Vermont for the next fifty years is in the balance with the F35 basing decision. Some of you will be long dead and gone while the F35 will still be here, destroying our communities and the Vermont way of life that we hold dear. Please do not allow this to happen on your watch. Please protect Vermont and oppose this basing.

Thank you.

Sincerely,  
Eileen Andreoli

PF 8/12/13

August 12, 2013

To the Burlington City Council and Mayor:

If there were democracy, justice, and respect for human dignity associated with the F-35 warplane, we wouldn't be here tonight.

We have been denied the ability to present facts and the important experience of those living, working, or going to school near the Burlington Airport to anyone with substantial power to influence the F-35 basing decision.

The Congressional delegation and the Governor have refused to meet with effected residents and have disregarded the environmental impacts. They have not stood for protecting public welfare or protecting our environment. In Senator Leahy's case, he has even dealt in insider trading to help secure the basing, as reported in the *Boston Globe*.

So, this chance to present the evidence, the facts, and the real experience of living under warplanes is very important. The situation is night and day compared to the last time the council took up the issue in terms of our understanding of the severity of the impacts and the exposed corruption of the boondoggle F-35 program.

We get that opposing the basing draws the fire of the political and economic establishment that stands to benefit from the basing. We have been targets of that for nearly 3 years.

But what we need you to do is use your power as landlord to the ANG to stop the basing. We hope that you will act with the principle of the Winooski City Council when it voted NO. That council responded to the people most impacted by the basing and to the overwhelming evidence that this basing would be a horrendous and irreparable mistake for the region.

Paul Fleckenstein  
Burlington

**RICK HUBBARD**  
12 Woodbine Street  
South Burlington, VT 05403-6621  
Cell: 802-999-3905  
E-Mail: rick@rickhubbard.org

PF  
8/12/13

TO: Burlington City Council  
DATE: August 12<sup>th</sup>, 2013  
RE: Questions relating to your support for basing, as soon as possible, the F-35s at BTV

Greetings.

My life partner and I reside in a home we own at 12 Woodbine Street in Mayfair Park in South Burlington, near but just within the boundary of the 65 dnl zone.

As stated and recommended in the EIS, when we decide at some point in the future to place our home on the market for sale, we'll need to disclose in advance to any potential buyer that our home lies within the area "incompatible ... for residential purposes due to noise." "HUD, FHA, and VA all recommend ... written disclosures to all prospective buyers or lessees of property within a noise zone."

If we don't provide such advance notice we can subsequently be sued by a buyer to both set aside the sale and for damages for our non-disclosure.

Although Burlington, as the owner of the airport which allows and enables basing of the current F-16s and future F-35s, creates this legal cloud on the real estate title, for us as well as for more than 1000 other homeowners, a purchase fund has been created for only about 100 homes with no plans or funds for all remaining homeowners.

This raises a number of legal questions which we respectfully request the City of Burlington respond to us about in writing as soon as reasonably possible.

1. Is it the city's position that this requirement to disclose that our home lies within an area deemed "incompatible due to noise" will have no adverse effect on the sales price offered by any prospective, future buyer?
2. Is the city's position that, even if it should have an effect, the city has no legal liability for the consequences of your own actions?
3. Does the city believe that by enabling this F-16/F35 basing, the city is adequately safeguarding it's city taxpayers from future lawsuits and potential court imposed liability for uncompensated loss to affected homeowners in South Burlington, Winooski, Williston and even parts of Burlington itself, as well as to potential loss of property tax revenues by the governments of these same cities?

Thank you for taking the time to consider and respond to these questions.

Respectfully,

  
Rick Hubbard and Sally Howe

8/12/13  
AF

My name is George Cross. I live at 82 Dufresne Drive in Winooski.

Thank you for allowing comment this evening regarding the possible bed-down of the F-35 at your airport.

The USAF has provided over 3000 pages of data about the F-35 and the potential basing sites. The opponents of the F-35 at BTV have cited that document extensively. The supporters have seldom or never cited it. This fact alone should give you pause to wonder why. Why do the opponents agree with the Air Force's data and the supporters obviously disagree with it?

To date, the only political body to understand this strange situation has been the Winooski City Council. Winooski has determined that there are more questions raised about the F-35 than solid answers known; thus, they believe it is wiser to err on the side of caution than jump into the Koolaid. They have asked the Air Force to by-pass Vermont in this first round of basing decisions. I urge you to follow the wise leadership of your peers from across the river.

Thank You.

# **The Burlington City Council Must Act Now to Stop the F-35 Basing at Its Airport**

PF  
8/12/13

In the coming weeks, residents, experts, and public officials will present the Burlington City Council with factual evidence and background on these and other issues to demonstrate the urgent need for Burlington to prevent the F-35 warplane basing. The clock is ticking toward an unconscionable basing decision by the Air Force. The time to act is now.

## **10 reasons Burlington must stop the F-35 basing**

1. The F-35 Will Damage Family Health: 1500 kids at risk for cognitive and health impairment
2. F-35 Basing is Unjust: the homes of 8,000 working class and moderate income people will be "not suitable for residential use"
3. The F-35 Warplane Will Not Defend Us: Makes the world more violent and dangerous
4. The F-35 Basing is a Racial Injustice: New Americans and people of color disproportionately harmed
5. Priorities? F-35 current projected cost: \$1.5 trillion. U.S. student debt: \$1 trillion
6. Not the Choice for Jobs: \$1.5 trillion in tax dollars spent on clean energy, health care, and education would create 9 to 12 million more jobs
7. Liability and Loss of Home Value: Hardship for homeowners, and City of Burlington potentially liable for tens of millions of dollars
8. Noise Mitigation is a Lie: "Land acquisition and relocation is the only alternative that would eliminate the residential incompatibility" –Federal Aviation Administration)
9. Climate Change: F-35 protects the status quo: We need sustainable development policies not a bigger military economy
10. Leadership ≠ representing the Congressional-Military-Industrial-Real Estate complex, and ≠ deciding BEFORE being INFORMED

\*Also, Crash Risk: The F-35 is 236 times more likely to crash than the F-16: the F-16 is 180 times more likely to crash than commercial jets. 1400 families live in the designated crash zones in Winooski, Colchester, and Williston

(8/12/13)

**Stop the F-35 Coalition**    [www.stopthef35.com](http://www.stopthef35.com)    [stopthef35vt@gmail.com](mailto:stopthef35vt@gmail.com)

PF 8/12/13

To: Burlington City Council  
From: James A. Dumont, Esq.  
Date: 8/12/13  
Re: F-35s -- the Role of the Burlington City Council

1. The City of Burlington May Be the Sole Defendant for Damage Claims

Municipal airports are "proprietary" so the City would be liable for damages. Municipalities are immune from suit for those activities which at common law are "governmental" in nature (such as street maintenance and repair). They are not immune from suit for activities which at common law are "proprietary" in nature (such as sewer maintenance and repair). If a resident breaks a leg in a hole in the city street, there is no liability but a similar hole from a city sewer would impose liability. The courts across the US have uniformly held that municipal airports are "proprietary" in nature, so there is no immunity. Bowling v. City of Roanoke, 568 F.Supp. 446 (W.D.Va. 1983).

The Air Force and Air Guard may be immune from suit for the same damages. Sovereign immunity shields both the State and the US from liability unless liability is waived by the Federal Tort Claims Act or the State Tort Claims Act. These acts have been interpreted as maintaining sovereign immunity for claims such as these. Dalehite v. US, 346 US 15 (1953).

Landowners and landlords are liable for the damages caused by tenants and shared uses. The common law rule is that a landlord may be liable for damages caused by a tenant where the landlord knew of the potential damage before entering into – or renewing – the lease (e.g., lease to a noisy fraternity). Where the landowner retains control of the property and shares its use with a tenant, the landowner is liable for the damages caused by use of the shared land, regardless of whether the landowner knew of the potential damages before agreeing to shared use (e.g., the access road to an apartment building or the runways at the Burlington airport). See, e.g., Logan v. Ranken, CA Ct App 6/20/13, 2013 WL 3097667.

2. The City Council Has Important Decisions to Make That Will Affect Future Burlington Taxpayers

The Joint Use Agreement expired June 30, 2013. The City entered into a lease with the Air Force in 1974 for 50 years. That lease does not include any runways. The runways are governed by a Joint Use Agreement from 2008 that expired on 6/30/13. Under the City Charter and State law, it is the legislative body that must approve of leases, not the Mayor. Under the City Charter, as well, it is the City Council and not the Mayor which has ultimate authority over use of airport lands. Charter §§3-48(50), 3-276.

The lease probably expired in 2005. Vermont law, adopted in 1985, prohibits any municipality from entering into any airport lease for a term greater than 20 years. 5 VSA § 601. Assuming that the 1974 lease for a period of 50 years was valid (it's not at all clear that it is), the courts may hold that the city's lease for a 50-year term was entered into with the knowledge that municipal airports would be subject to state legislative control over the following 5 decades; therefore as a matter of law any changes in that statutory control are written into the lease. (Thus the statute would not violate the "contract clause" even if the contract clause were held to apply to government-to-government leases of airport lands -- another doubtful proposition.)

+

Opportunities to protect Burlington taxpayers and homeowners. The Larson Appraisal Services report finds that the average loss of property value for homes already in the F-16 noise 65 DNL zone to be \$33,534. The USAF DEIS (page BR4-33) predicts that with the F-35, there will be 7719 people and 3410 homes that will suffer 65 DNL noise; of these, 3126 individuals and 1430 properties will exceed 70 DNL. If half of the affected property owners brought claims, and if the average value of their claims were \$33,534, the claims would exceed \$57 million. Not included in this figure are the potential claims by thousands of people who may experience hearing loss, cardiovascular disease, and/or cognitive impairment, as described in the USAF DEIS and in a World Health Organization report. As these effects are cumulative, people could be coming forward with claims for decades. Nor are claims associated with a potential crash of this new fighter included in this figure.

The Joint Use Agreement and lease should have language that protects the City from these claims. Language such as the following would accomplish that: "The State of Vermont and the USA hereby agree to indemnify and hold harmless the City for all claims for damages, of any kind, and for the costs of defense of such claims, which arise out of the use of the airport for Air Guard, Air Force or other military purposes, including but not limited to the devaluation of property, and harm to persons or property or the enjoyment of property, caused by the noise of military aircraft or actual or potential military aircraft crash."

Additional language would be useful to simplify the claims process and reduce potentially large legal fees: "The State of Vermont and the USA also agree to enter into binding arbitration under the Federal Arbitration Act and to arbitrate directly with affected landowners and residents to resolve these claims."

If the Air Guard and the Air Force refuse to add language such as this to the Joint Use Agreement and/or the lease, the City Council will be on notice that should the F-35 be based in Burlington, it may be addressing these issues on its own.

### 3. Act 250 Resolution

The City has applied for and obtained a large number of Act 250 permits for development of the airport. A Jurisdictional Opinion is presently before the Environmental Division of the Superior Court that will address the claim that the proposed changes in the airport structures, use and impacts for the F-35 require an Act 250 permit. The City is opposing that request.

Because the City Council, under the Charter, is responsible for the airport, it is the City Council's decision whether or not to submit to Act 250 jurisdiction. If the City were to submit an Act 250 application, the Air Guard could then make its case that the impacts will not be "undue" and/or that these impacts can be satisfactorily mitigated by conditions on frequency, time of day and/or Air Guard-financed sound-proofing of affected homes and businesses.

### 4. Federal Preemption

For your information, the courts have held that "federal preemption" has no application when a city acts as proprietor of its own airport. See, for example, the U.S. Court of Appeals decision regarding the heliport owned by NYC, National Helicopter Corp. v. City of New York, 137 F.3d 81 (1998). The City Council's decisions in these areas would not be preempted.

Larson Appraisal Company

Larson Appraisal Company  
69 South Road  
Wells, Vermont 05774  
Phone/FAX 802-645-0865

July 12, 2013

James A. Dumont, Esq., PC  
15 Main Street, PO Box 229  
Bristol, Vermont 05443

RE: Airport Noise Impact on Residential Property Values  
City of Burlington, Vermont

Dear Mr. Dumont,

As requested, I reviewed data relating to the acquisition of residential properties within the designated 65 db DNL zone under Scenario 2 of the F-35 basing plan. The purchase of these residential properties is authorized under the Land Acquisition and Relocation Assistance for Airport Projects, administered by the US Department of Transportation, Federal Aviation Administration.

You, James Dumont, Esq., are my client and the intended user of my consulting assignment. You provided statistical data relating to the sale prices and assessment data on properties purchased by the City of Burlington, which I verified and analyzed. The intended use is for inclusion in an appeal and/or litigation concerning the planned basing of F-35 fighter jets at Burlington International Airport. The effective date is the date of this report, July 10, 2013. I am familiar with the neighborhoods of Burlington, South Burlington, Winooski and Colchester. My analysis is completed in compliance with the Uniform Standards of Professional Appraisal Practice, 2012-2013.

The scope of work included an analysis of the sales data and assessment data provided by the City of South Burlington relating to those residential parcels purchased by the City of South Burlington under the federal program. Assessment data was adjusted in accordance with the equalization rate, which is a ratio of listed-value-to-sale-price on recent arms-length transactions. Finally, the mean residential parcel purchase price was compared to the mean Equalized Assessment value and analyzed.

Please consider the following observations:

1. The Revised Draft of the United States Air Force F-35A Operational Basing Environmental Impact Statement (EIS) states that "In general, residential land uses normally are not compatible with outdoor DNL values above 65 dB, and the extent of residential land area and populations exposed to DNL of 65 dB and higher provide the best means for assessing the noise impacts."



2. The "Land Acquisition and Relocation Assistance for Airport Projects FAA Order 5100.37B August 1, 2005" is the manual published by the US Federal Aviation Administration to provide guidelines and identifies responsibilities for FAA acceptance and monitoring of airport sponsor compliance with provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) (42 USC 4601 et seq), as amended, on airport projects receiving Federal financial assistance. In it I find the following:

Chapter 2, REAL PROPERTY APPRAISAL FOR AIP PROJECTS, Section 1. GENERAL REQUIREMENTS, we find the following:

2-1. REQUIRED SPONSOR APPRAISAL PROCESS (49 CFR 24.103 AND 24.104). On AIP projects the Uniform Act obligates the sponsor to provide an appraisal process that at a minimum shall provide for the following.

a. The sponsor shall appraise the fair market value of the real property to be acquired before the initiation of negotiations with an owner, (unless the appraisal waiver provision is applied as described in Paragraph 2-3 below).

b. The sponsor's appraiser shall afford the owner or designated representative an opportunity to accompany the appraiser during the inspection of the property.

c. As provided in Section 3, the sponsor shall maintain an adequate appraisal review process to establish just compensation prior to the initiation of negotiations. The amount of just compensation established shall not be less than the sponsor's approved appraisal of the fair market value of the property to be acquired.

d. The appraisal of the property to be acquired shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

From the above, it is to be deduced that compensation to the landowner of residential properties is to be at "Fair Market Value", from which I conclude that the payments made to the landowners in the mitigation program represent market value (2-1.a) of the residential parcels assuming the property were not affected by the project for which the property is to be acquired (2-1.d). I conclude, then, that the prices paid to residential property owners within the 65db DNL noise area represents market value as if the aircraft noise were below the 65dbL NDL level.

3. The state of Vermont raises education funds through several tax sources including a state property tax. The state property tax is based on the grand lists compiled by the listers in over 250 municipalities in the state. Vermont listers are required to list all taxable property each year at its fair market value. However, listed values often do not reflect fair market value. This is because real estate markets are always changing, and because town-wide reappraisals are not conducted annually. In order to treat all municipalities fairly, it is necessary to **bring grand lists to fair market value**. Fair market value is the price a property is likely to bring if sold in the open market. Therefore, deriving a ratio of listed-value-to-sale-price on recent arms-length transactions and applying that ratio to similar property types will render a reliable estimation of the total fair market value of the town.

## Larson Appraisal Company

Using tax assessment data provided by the City of South Burlington, and applying the Equalization Rate (also known as the Common Level of Appraisal), we are able to calculate the market value of the various parcels purchased using FAA mitigation funds.

Market Value is defined as follows:

The definition of market value is taken from the Federal Register, Volume 75, Number 237, Friday December 10, 2010 at Page 77472, published by the Department of the Treasury, Office of the Comptroller of the Currency, Office of Thrift Supervision.

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of the sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interest;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars, or in terms of financial arrangements comparable thereto;
5. The price represents the normal consideration for the property sold unaffected by special or creative financing, or sales concessions granted by anyone associated with the sale."

It is important to note that the term 'market value' as generally used implies that the buyers are well informed, which means knowledgeable of local factors that impact the value of the real estate under consideration. Typically these include factors such as local employment, various socio-economic factors, school quality, etc. Certainly in the subject neighborhoods surrounding the Burlington International Airport, a 'well informed' buyer would be aware of and consider the impact of aircraft noise when considering the desirability and value of a property.

It is evident, then, that the "Equalized Assessment Value" represents market value of the property as it is impacted by all relevant external factors, including the public's perception of airport and/or aircraft noise.

### Analysis:

The spread sheet on the following pages is used to compare the purchase price of 110 residential properties located near the Burlington International Airport and within the 65 db DNL zone to the Equalized Assessment value. The 110 homes were sold to the City of Burlington under the FAA buyout program.

Larson Appraisal Company

By comparing the actual sale prices, which reflect market value as though the properties were not impacted by noise; with the equalized assessments, which reflect the as-is market values with noise impact; the difference in value, if any, will be attributable to the impact of airport noise. More specifically, the difference in the values reflect the impact of being located within a 65 db DNL noise contour.

Data relating to the property purchases and assessments is public information which was provided by the following sources:

Sale Data:	City of Burlington
Assessment Data:	City of South Burlington
Common Level of Appraisal Data:	State of Vermont, Property Valuation and Review

A total of 110 sales were identified for the review. The accompanying table outlines the sales and identifies seller, sale date, purchase price, assessment and equalization rate (CLA). The equalized assessment is calculated by dividing the assessment by the equalization rate. The ratio between the sale price and the equalized assessment is then calculated, as is the percent change in the two figures, which is identified as Difference Due to Airport Noise.

The average sale price of the residential properties acquired by the City of Burlington was \$223,568.

The average equalized assessment of these same properties was \$190,034.

The difference between the average sale price and the average equalized assessment is \$33,534.

This difference is identified as the average amount per property attributable to the negative impact of airport noise on residential property value. It may be expressed as the average "loss in value" attributable to the condition of being located in a 65 db DNL noise zone.

The difference between the average sale price and the average equalized assessment is 15%. This difference is identified as the average percent attributable to the "loss in value" attributable to the condition of being within a 65 db DNL noise zone.

Thank you for the opportunity to provide my professional services. If I can be of further assistance in this matter, please do not hesitate to contact me.

Respectfully,



Richard R. Larson  
VT Certified General Appraiser, License #80-0000177

**Burlington International Airport  
Residential Property Acquisition Information**

Seller Name	Address	Date Purchased	Purchase Price	Assessment	CLA	Equalized Assessment	Ratio: Equal. Assessment to Sale Price	Difference Due to Airport Noise
William/Gail Lang	1020 Airport Parkway	08/15/97	\$145,000	\$104,400	66.00%	\$158,182	109%	-9%
Cedric/Carol Griggs	1419 Airport Drive	05/18/98	\$100,000	\$44,800	63.28%	\$70,796	71%	29%
Leona Pardy	1429 Airport Drive	08/07/98	\$87,000	\$42,500	63.28%	\$67,162	77%	21%
Charlene Roy	21 Shamrock Road	08/24/98	\$118,000	\$69,600	63.28%	\$109,987	93%	7%
Ralph/Cheryl Guillette	1425 Airport Drive	09/04/98	\$115,000	\$56,700	63.28%	\$89,602	78%	22%
Rodney/Lisa Pickering	19 Shamrock Road	10/19/98	\$210,000	\$106,200	63.28%	\$167,826	80%	20%
Ray/Ramona Germaine	1413 Airport Drive	12/21/98	\$98,000	\$43,900	63.28%	\$69,374	71%	29%
Donald/Rose Sutton	15 Shamrock Road	05/18/00	\$120,000	\$71,000	95.62%	\$74,252	62%	38%
Michael Burnor	1401 Airport Drive	06/10/02	\$145,000	\$95,000	90.04%	\$105,509	73%	27%
Roger Zeno	218 Airport Pkwy	10/22/02	\$170,000	\$120,700	90.04%	\$134,052	79%	21%
Raymond DeBarge	214 Airport Pkwy	10/30/02	\$152,000	\$105,200	90.04%	\$116,837	77%	23%
Kay Ashton	1159 Airport Drive	04/16/03	\$162,000	\$107,900	82.59%	\$130,645	81%	19%
Chuck/Susan Letourneau	1111 Airport Drive	05/12/03	\$162,000	\$93,900	82.59%	\$113,694	70%	30%
Debbie Roberts	1205 Airport Drive	05/29/03	\$170,000	\$81,400	82.59%	\$98,559	58%	42%
Olga Kopystianskyz	11 Shamrock Road	07/09/03	\$150,000	\$109,700	82.59%	\$132,825	89%	11%
Al Porter	1257 Airport Drive	07/24/03	\$165,000	\$113,300	82.59%	\$137,184	83%	17%
John Duffy	236 Kirby Road	08/07/03	\$192,000	\$79,100	82.59%	\$95,774	50%	50%
Scott Charbonneau	1171 Airport Drive	10/24/03	\$183,000	\$99,100	82.59%	\$119,990	66%	34%
Al/Pat Zeno	285 Kirby Road	10/30/03	\$185,000	\$81,300	82.59%	\$98,438	53%	47%
Arnold/Rita Cola	1396 Airport Drive	12/22/03	\$160,000	\$104,300	82.59%	\$126,286	79%	21%
Richard/Donna Rooney	1237 Airport Drive	04/28/04	\$200,000	\$127,300	76.85%	\$165,647	83%	17%
Bruce/Sarah Whitehill	206 Airport Parkway	06/18/04	\$205,000	\$122,400	76.85%	\$159,271	78%	22%
James Longlin	241 Kirby Road	07/29/04	\$185,000	\$85,600	76.85%	\$111,386	60%	40%
Ron/Sylvia Harrel	1107-9 Airport Drive	09/01/04	\$194,500	\$114,100	76.85%	\$148,471	76%	24%
Michael/Donald Morse	450 White Street	11/05/04	\$220,000	\$112,900	76.85%	\$146,910	67%	33%
Roy Bushey/Lillian White	234 Kirby Road	11/18/04	\$184,000	\$79,200	76.85%	\$103,058	56%	44%
Wessell (John Larkin) Property	Van Sicklin Road	01/11/05	\$275,000	\$294,600	70.18%	\$419,778	54%	46%
Ann Renzoni	1131 Airport Drive	01/20/05	\$170,000	\$118,100	70.18%	\$168,283	99%	1%
Barry/Mary Passut	210 Airport Parkway	01/26/05	\$170,000	\$94,000	70.18%	\$133,941	79%	21%
Gary Hall	222 Airport Parkway	05/25/05	\$180,000	\$95,100	70.18%	\$135,509	75%	25%
Gloria Wade	251 Kirby Road	06/28/05	\$210,000	\$79,200	70.18%	\$112,853	54%	46%
Arthur Barber	20 Dumont Ave	06/28/05	\$190,000	\$78,900	70.18%	\$112,425	59%	41%
Norm/Jean Parrow	287 Kirby Road	07/26/05	\$310,000	\$81,300	70.18%	\$115,845	37%	63%
Thomas Corrow	1400 Airport Drive	08/25/05	\$220,000	\$109,600	70.18%	\$156,170	71%	29%

**Burlington International Airport  
Residential Property Acquisition Information**

Seller Name	Address	Date Purchased	Purchase Price	Assessment	CLA	Equalized Assessment	Ratio: Equal. Assessment to Sale Price	Difference Due to Airport Noise
Bob Ennis	238 Kirby Road	09/26/05	\$255,000	\$90,300	70.18%	\$128,669	50%	50%
George Maglaris	12 Dumont Ave	11/01/05	\$175,000	\$108,400	70.18%	\$154,460	88%	12%
Tony Thibault	261 Kirby Road	03/10/06	\$180,000	\$79,200	65.98%	\$120,036	67%	33%
Kim/Gary Cronin	1103 Airport Drive	05/17/06	\$235,000	\$236,200	65.98%	\$357,987	152%	-52%
Rosemary Farr	237 Kirby Road	05/25/06	\$180,000	\$80,500	65.98%	\$122,007	68%	32%
Garland/Helen Withers	265 Kirby Road	07/17/06	\$180,000	\$85,000	65.98%	\$128,827	72%	28%
Gary/Lynn Moreau	255 Kirby Road	08/01/06	\$285,000	\$79,200	65.98%	\$120,036	42%	58%
Nathan Wright	56 Dumont Ave	06/29/07	\$255,000	\$236,200	106.46%	\$141,180	63%	17%
Michael Kerr	47 Dumont Ave	07/30/07	\$225,000	\$150,300	106.46%	\$226,940	101%	-1%
Philip Bowler	226 Airport Parkway	08/31/07	\$225,000	\$241,600	106.46%	\$195,003	83%	17%
Rita LaGrow	1213 Airport Drive	09/18/07	\$235,000	\$207,600	106.46%	\$184,576	84%	16%
George Myers	1151 Airport Drive	09/25/07	\$220,000	\$196,500	106.46%	\$190,590	83%	17%
Howard Loso	1391 Airport Drive	01/16/08	\$230,000	\$191,200	100.32%	\$193,979	88%	12%
Chris/Rebecca Rochford	25 Dumont Ave	01/28/08	\$220,000	\$204,900	100.32%	\$220,195	107%	-7%
Barbara Kokins	26 Dumont Ave	03/11/08	\$205,000	\$220,900	100.32%	\$282,496	113%	-13%
Charles/Lynn Ploof	1153 Airport Drive	03/20/08	\$250,000	\$283,400	100.32%	\$247,408	95%	5%
Jody/Chantal Davis	10 Picard Circle	08/14/08	\$260,000	\$248,200	100.32%	\$249,103	89%	11%
Mike/Michelle Henry	4 Picard Circle	08/29/08	\$255,000	\$227,000	100.32%	\$249,103	94%	6%
James/Lucy Kirk	12 Picard Circle	09/04/08	\$265,000	\$249,900	100.32%	\$249,103	94%	6%
Dave/Roberta Dupont	400 White St	04/13/09	\$295,000	\$221,700	96.39%	\$230,003	78%	22%
Claudette/Charlie Thibault	6 Picard Circle	04/13/09	\$260,000	\$227,000	96.39%	\$235,502	91%	9%
Lori Willette	76 Dumont Ave	04/29/09	\$250,000	\$206,000	96.39%	\$213,715	85%	15%
Jack Russell	7 Shamrock Road	06/29/09	\$195,000	\$202,300	96.39%	\$209,877	108%	-8%
William Grady	61 Dumont Ave	07/08/09	\$250,000	\$231,000	96.39%	\$239,651	96%	4%
Ernie Lenay	1379 Airport Drive	09/17/09	\$195,000	\$163,300	96.39%	\$171,491	88%	12%
Gordon/Susan LaMay	8 Picard Circle	10/15/09	\$255,000	\$225,500	96.39%	\$233,945	92%	8%
Birdie Deaville	1375 Airport Drive	10/21/09	\$180,000	\$176,900	96.39%	\$183,525	102%	-2%
Lori Desso	6 Elizabeth St	03/25/11	\$245,000	\$224,200	96.23%	\$232,983	95%	3%
Doug/Linda Burbo	10 North Henry Court	04/05/11	\$255,000	\$210,200	96.23%	\$218,435	86%	14%
VFHA	1 Elizabeth Street	12/18/12	\$210,000	\$218,900	96.96%	\$225,763	108%	-8%
Burt Ploof	3 Maryland St	03/28/13	\$280,000	\$232,500	97.74%	\$237,876	85%	15%
Joel Danaher	54 N. Henry Court	03/28/13	\$275,000	\$260,000	97.74%	\$266,012	97%	3%
Judy Valente	87 Pump Road	04/02/13	\$275,000	\$272,700	97.74%	\$279,006	101%	-1%
Deborah Marrier	441 White Street	04/08/13	\$250,000	\$228,000	97.74%	\$233,272	93%	7%

**Burlington International Airport  
Residential Property Acquisition Information**

Seller Name	Address	Date Purchased	Purchase Price	Assessment	CLA	Equalized Assessment	Ratio: Equal. Assessment to Sale Price	Difference Due to Airport Noise
James Bonna	104 Airport Parkway	04/12/13	\$230,000	\$228,200	97.74%	\$233,477	102%	-2%
Maicolm/Becky Blow	449 White Street	05/09/13	\$190,000	\$181,800	97.74%	\$186,004	98%	2%
Julie Allard	3 Elizabeth St	1/20/2010	\$215,000	\$207,600	95.67%	\$216,996	101%	-1%
Jack Russell	1371 Airport Drive	1/26/2012	\$235,000	\$206,700	96.96%	\$213,181	91%	9%
Kris/Amey Carlson	5 Maryland St	1/27/2010	\$290,000	\$207,400	95.67%	\$216,787	75%	25%
David Ploof	77 Dumont Ave	1/28/2010	\$245,000	\$216,500	95.67%	\$226,299	92%	8%
Harry Lindberg	3 Patrick St.	10/12/2010	\$215,000	\$197,700	95.67%	\$206,648	96%	4%
Mark DeRobertous	1185 Airport Drive	10/15/2010	\$215,000	\$201,100	95.67%	\$210,202	98%	2%
Mary Consedine	38 Henry Court	10/18/2010	\$215,000	\$198,600	95.67%	\$207,589	97%	3%
Lori Bachand	68 Dumont Ave	10/28/2009	\$265,000	\$239,600	96.39%	\$248,574	94%	6%
Robert Robenstein	2 Ledoux Terrace	10/28/2010	\$230,000	\$183,600	95.67%	\$191,910	83%	17%
Christine Toulis	1165 Airport Drive	10/6/2010	\$190,000	\$153,000	95.67%	\$159,925	84%	16%
Vince Datillo	4 Delaware St	11/10/2011	\$240,000	\$221,600	96.23%	\$230,282	96%	4%
Janet Dufresne	3 Deleware St	11/22/2011	\$190,000	\$173,500	96.23%	\$180,297	95%	5%
Brian Jaque	1079/1081 Airport Drive	11/23/2011	\$250,000	\$232,800	96.23%	\$241,920	97%	3%
Donna/Peter Kinville	11 S Henry Court	11/30/2011	\$265,000	\$240,000	96.23%	\$249,402	94%	6%
Don/Jeanette Pierce	200-202 Airport Pkway	12/23/2009	\$330,000	\$273,300	96.39%	\$283,536	95%	5%
Paul Michaelides	1265 Airport Drive	12/7/2009	\$220,000	\$176,400	96.39%	\$183,007	86%	14%
Dove Adams	1387 Airport Drive	12/7/2009	\$180,000	\$173,200	96.39%	\$179,687	83%	17%
Agnes Barry	64 Dumont Ave	2/12/2010	\$280,000	\$252,000	95.67%	\$263,405	100%	0%
Ann Churchill	1261 Airport Drive	2/17/2010	\$245,000	\$236,100	95.67%	\$246,786	101%	1%
Tom Slich	396 White Street	3/15/2010	\$300,000	\$277,000	95.67%	\$289,537	97%	3%
Tom Dunkley	5 Deleware St	3/24/2011	\$230,000	\$214,500	96.23%	\$222,903	97%	3%
John/Gloria Van Graber	73 Dumont Ave	3/9/2010	\$250,000	\$242,100	95.67%	\$253,057	101%	-1%
Joanna Forcier	2 Patrick St.	4/27/2011	\$215,000	\$212,600	96.23%	\$220,929	103%	-3%
Carol Reinholm/Saltus	49 So. Henry Court	4/6/2012	\$225,000	\$205,200	96.96%	\$211,634	94%	6%
Jennifer Roberts	53 North Henry Court	4/9/2012	\$350,000	\$249,000	96.96%	\$256,807	73%	27%
Reginald/Lynda Emch	2 Deleware St.	5/19/2011	\$200,000	\$198,400	96.23%	\$248,779	100%	0%
Kathy Morrill	6 Patrick st.	5/3/2011	\$200,000	\$204,100	95.67%	\$213,338	103%	-3%
Rachael Methot	1247 Airport Drive	6/15/2010	\$255,000	\$204,100	95.67%	\$213,338	84%	16%
Patricia Cameron	5 Shamrock Road.	6/24/2008	\$235,000	\$223,000	100.32%	\$222,289	95%	5%
Carl Bickmore	1253 Airport Drive	6/28/2012	\$210,000	\$170,900	96.96%	\$176,258	84%	16%
Michael Mofat	1227 Airport Drive	6/5/2010	\$255,000	\$215,600	95.67%	\$225,358	88%	12%

8

Larson Appraisal Company

Appraiser's Certification

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct;
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this report;
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice;
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
- I have made a personal inspection of the neighborhood that is the subject of this report.
- The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

Dated, July 10, 2013

Richard R. Larson

Certified General Appraiser; License #80-0000177



Larson Appraisal Company

Richard R. Larson

Certified General Appraiser, Licensed in Vermont  
Formerly licensed in New Hampshire, New York and Massachusetts

Associate Member of the Appraisal Institute  
Member, Rutland County Board of Realtors®  
Former member, Massachusetts Board of Real Estate Appraisers

EDUCATION

Vermont Certified General Real Estate Appraiser, License #80-0000177, exp. 5/31/2014  
Vermont Real Estate Appraiser Trainee #085-0000004 - 1994-1995  
Vermont Transitional Licensed Real Estate Appraiser - 1992-1993  
Land and Site Valuation, McKissock - 2013  
Uniform Standards of Professional Appraisal Practice, McKissock - 2013  
Fundamentals of Separating Real, Personal Property, and Intangible Business Assets - 2012  
Business Practices and Ethics, Appraisal Institute - 2011  
Environmental Pollution and Mold, McKissock - 2011  
Land and Site Valuation, McKissock - 2011  
Using Spread Sheet Programs in Real Estate Appraisals, Appraisal Institute - 2010  
Uniform Standards of Professional Appraisal Practice, Appraisal Institute - 2010  
Market Analysis and Highest and Best Use, VAR - 2009  
Uniform Standards of Professional Appraisal Practice, Appraisal Institute - 2008  
Uniform Appraisal Standards for Federal Land Acquisition, Appraisal Institute - 2006  
Uniform Appraisal Standards for Federal Land Acquisition, ASFMRA - 2006  
Uniform Standards of Professional Appraisal Practice, Appraisal Institute - 2006  
Uniform Standards of Professional Appraisal Practice, Appraisal Institute - 2005  
Appraisal Review, Appraisal Institute, 2005  
Uniform Appraisal Standards for Federal Land Acquisition, Appraisal Institute - 2004  
Current Issues, Attacking and Defending an Appraisal in Litigation, Appraisal Institute - 2003  
Uniform Standards of Professional Appraisal Practice, Appraisal Institute - 2003  
Appraising Land Encumbered by Conservation Easements, Lincoln Institute of Land Policy - 2002  
Theory and Practice of Land Valuation; a Case Study, Lincoln Institute of Land Policy - 2002  
Twenty Common Appraisal Errors, MBREA - 2001  
Wetlands, The Elusive Value, American Society of Appraisers - 2001  
Partial Interest Valuation, Divided, Appraisal Institute - 2001  
Uniform Standards of Professional Appraisal Practice, Appraisal Institute - 2001  
Eminent Domain and Condemnation, Appraisal Institute - 2001  
Valuation of Detrimental Conditions in Real Estate, Appraisal Institute - 2001  
Unique and Unusual Residential Properties, MBREA - 2001  
Major Land Use Laws in Vermont, NBI - 2000  
Uniform Standards of Professional Appraisal Practice, 15 hours - 1998  
Attacking and Defending an Appraisal in Litigation, MBREA - 1997  
Residential Appraisal Trends, MBREA - 1996  
Land Development Seminar, MBREA - 1996  
Real Estate Law and Registry of Deeds, MBREA - 1996  
Commercial Appraisal Problem Solving Seminar, MBREA - 1995  
Member, Massachusetts Board of Real Estate Appraisers, 1995, 1996  
Techniques of Income Property Appraisal 2.2 - 1995  
Introduction to Income Property Appraisal 2.1 - 1995  
Appraisal Report Writing, New URAR - 1993  
Standards of Professional Practice - 1991  
Appraising the Single Family Residence - 1991  
Foundations of Real Estate Appraisal - 1991  
University of Connecticut, Storrs, Connecticut, B.S. Agricultural Sciences - 1973

## Larson Appraisal Company

### Experience

#### 1995 to Present:

Owner of Larson Appraisal Company, and active in Vermont, Massachusetts and New York in the appraisal of farms, vacant land, forestland, partial interest valuation, condemnation, and in project development for conservation purposes. The appraisals were prepared for mortgage security, estate tax, purchase and sale values, project feasibility, litigation, probate and conservation easements.

#### 1993 to 1995:

Employed with Rutken Appraisal Company, Inc. in Manchester, Vermont. Engaged in the appraisal of residential and multi-family properties, farms, woodlots, vacant land and conservation easements.

#### 1976 to 1993:

Owned and operated Parable Hill Dairy, a financially successful agricultural business, recipient of production and conservation awards.

### Representative Client List

#### Financial Institutions:

Banknorth Mortgage Company  
Charter One Bank  
Chittenden Bank  
Factory Point National Bank  
First National Bank of Brandon  
First National Bank of Orwell  
Peoples Trust Company  
Peoples United Bank  
Lyndonville Savings Bank and Trust Company  
Ag Ventures Financial Services

#### Conservation Easements, Farms and Land:

Agricultural Stewardship Association  
Dartmouth Natural Resources Trust  
The Nature Conservancy  
The New England Small Farm Institute  
The 300 Committee of Falmouth  
Upper Valley Land Trust  
U.S. Forest Service, USDA  
U.S. Fish and Wildlife Service  
USDA Farm Service Agency of Massachusetts  
USDA Farm Service Agency of Vermont  
Vermont Agency of Natural Resources  
Vermont Agency of Transportation  
Vermont Agricultural Credit Corporation  
Vermont Economic Development Authority  
Vermont Housing and Conservation Board  
Vermont Land Trust  
Vermont Rivers Conservancy  
Windsor Conservation Commission  
Yankee Farm Credit



World Health  
Organization

REGIONAL OFFICE FOR

Europe

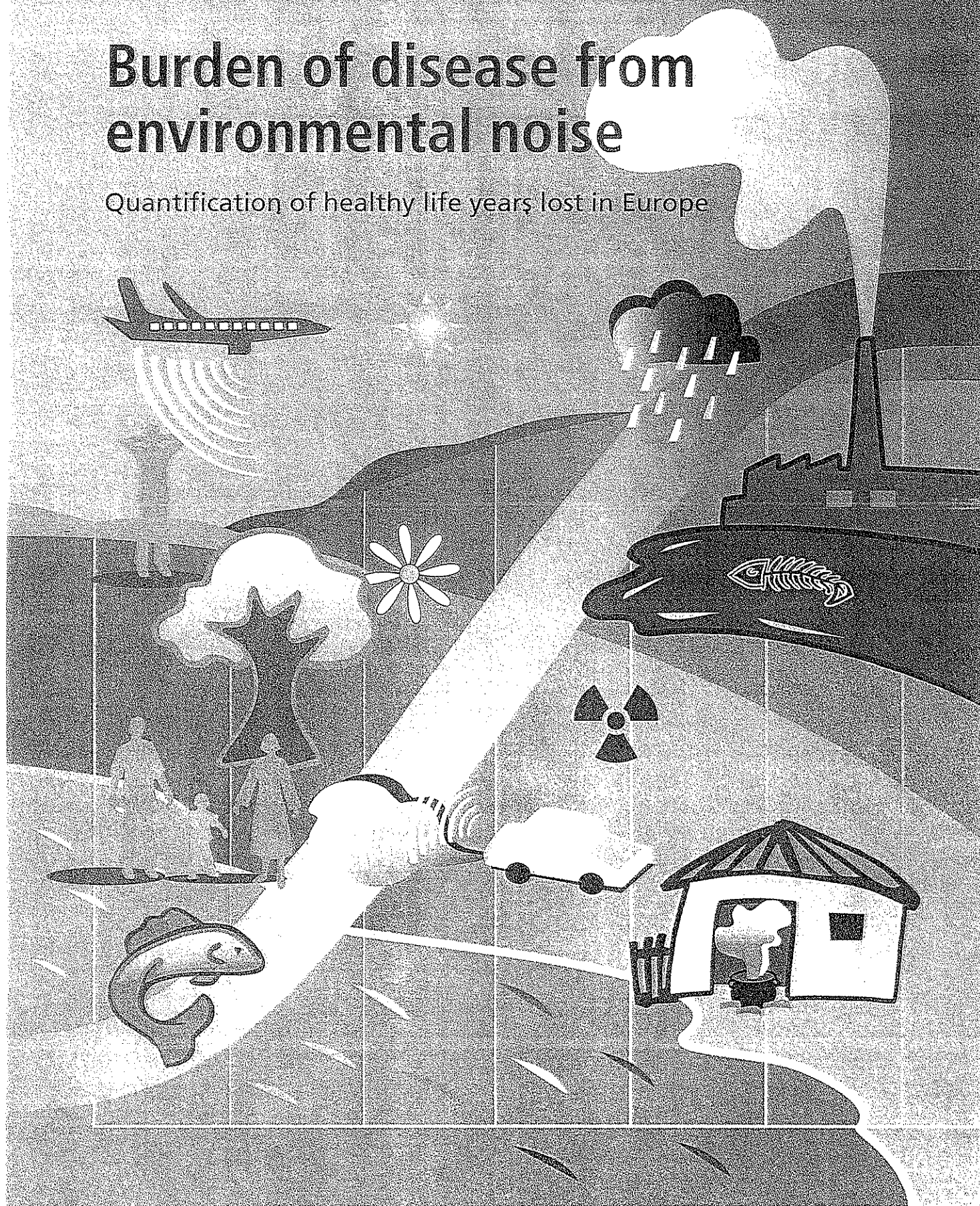


JRC

EUROPEAN COMMISSION

# Burden of disease from environmental noise

Quantification of healthy life years lost in Europe



From: **Martha Abbott** marthavt@sover.net  
Subject: David Zuckerman's statement  
Date: August 12, 2013, 5:14 PM  
To: Christopher Hurd christopherhurd@me.com

PF 8/12/13

| Greetings Mayor, Councilors, members of the public,

Thank you for the opportunity to have a community comment period on this issue. I have been clear about my position regarding the F-35 initial basing here in Burlington for quite some time.

I urge the Burlington leadership to take a long, hard look at all of the information relating to the crash zone and the dangers of placing a relatively new aircraft in such a populated area.

While I do believe there are dangers to health and property values posed by the F-35, I am most disturbed by the statistical probability of crashes in a populated area. The well publicized problems of design and viability of this plane combined with the risk of civilian loss of life that is present when any new aircraft is put into regular use, seems to suggest that this plane should get the bugs worked out of it in a location that has fewer people in the flight path.

I recognize that there is great pride in being the first base to receive a new generation of planes. I also realize that our Vermont Air Base has been first in the past and carries that mantle with our heads held high. But I also think it is important to point out that the population density when those planes were first based here was very different than the density that we now have in the area. Is pride worth the risk?

I urge the City of Burlington to hold hearings and to hear from everyone concerned and supportive on this important issue to our Vermont community.

David Zuckerman

Chittenden County Senator

PF 8/12/13

Good evening Councilors and Mayor:

My name is Horace Shaw. I was born in Burlington and grew up here. My wife and I now live in Winooski.

I'd like to highlight just one issue of the proposed F-35 basing.

The U. S. Department of Defense directs that "Air installations of the DoD Components located within the United States." have a 3,000 foot Clear Zone from the end of military runways, a 5,000 foot Accident Potential Zone 1 extending from the end of the Clear Zone, and a 7,000 foot Accident Potential Zone 2 extending from the end of APZ1; almost three miles for the three zones. DoD says there should be no residential development at all in APZ1, and only limited single-family residences in APZ2. Here there are 657 residential properties in APZ1, including 50 in Burlington. There are another 292 multi-family properties in APZ2. I have emailed to you this map demonstrating these facts.

The Guard says this is irrelevant because they use the civilian airport's Runway Protection Zone which extends only about 1,900 feet from the runway. I submit that the appropriate zones for **new military aircraft**, flying **military training missions** are the **military's** crash zones..

In Florida the federal government has sued to restrict development in these zones. In Virginia it has threatened to close a base where development was moving into these zones. Why, then, is it perfectly OK in Vermont's most densely populated area?

Don't expose the people who live in the crash zones to this level of risk. Oppose basing the F-35 in Burlington. Tell our politicians in Washington to find a mission for the Guard which is appropriate for Vermont's most densely populated county.

Thank you.

Note: In its Revised Draft Environmental Impact Statement, the Air Force says that the risks of accidents with the F-35 are similar to the F-22. The F-22's crash rate in its first two years of deployment was 282 times higher than the current F-16's. By the end of the fifth year the expected crash rate goes down to 11 times higher than the F-16's current rate.

Reference: *Department of Defense Instruction Number 4165.57* dated May 2, 2001 (<http://www.dtic.mil/whs/directives/corres/pdf/416557p.pdf>). The Instruction states its applicability to "The Office of the Secretary of Defense, the Military Departments, the Office of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereafter referred to collectively as the 'DoD Components')." The applicability is further specified as: "Air installations of the DoD Components located within the United States." Certainly the Air National Guard is included in this list of entities which must adhere to the Instruction.



# Department of Defense Clear Zones and Accident Potential Zones Burlington International Airport

DOD Accident  
Potential Zones

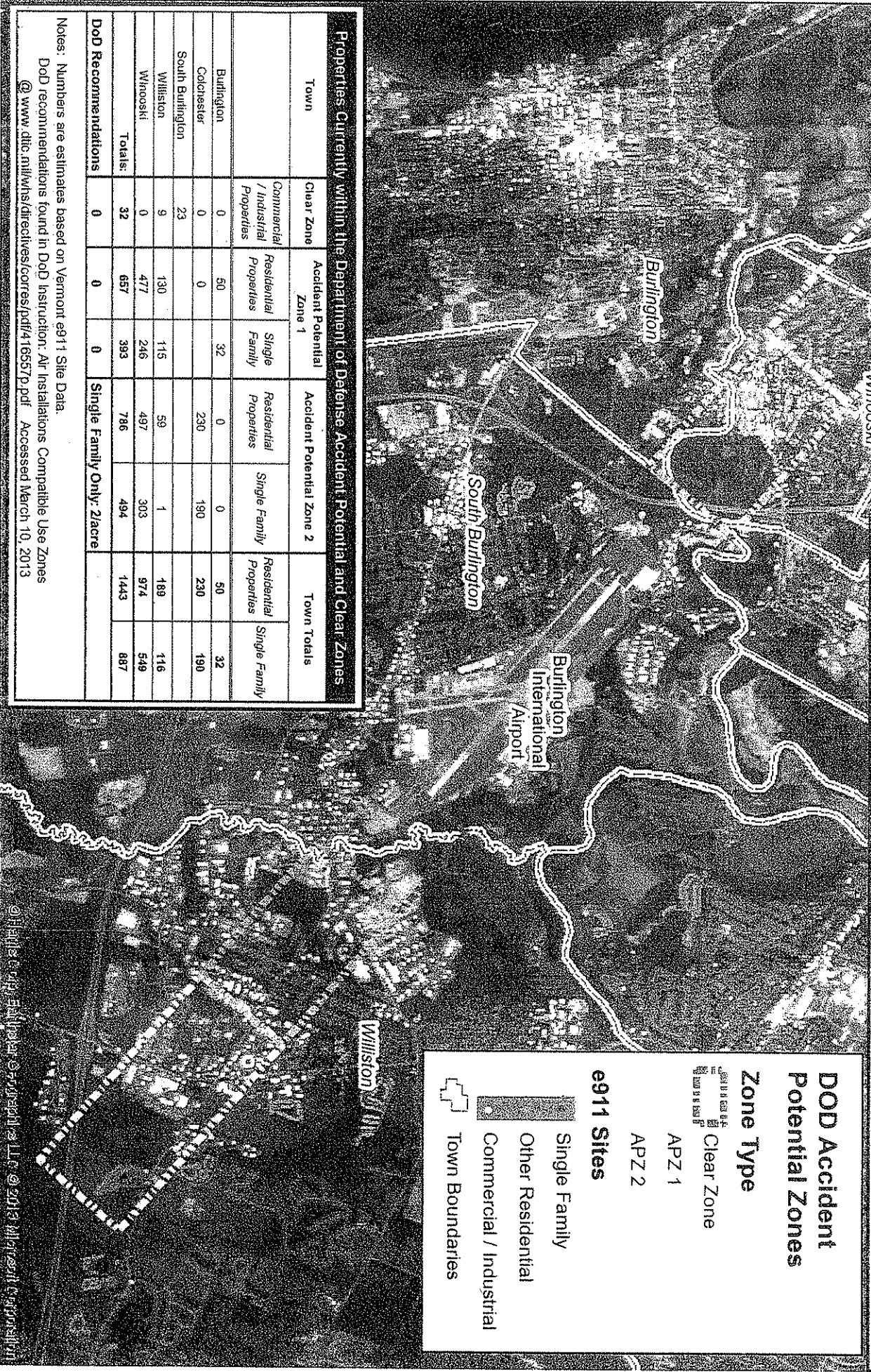
Zone Type

APZ 1  
APZ 2

e911 Sites

Single Family  
Other Residential  
Commercial / Industrial

Town Boundaries



Notes: Numbers are estimates based on Vermont e911 Site Data.  
 DOD recommendations found in DOD instruction: Air Installations Compatible Use Zones  
 @ www.dtic.mil/whs/directives/corres/pdf/416557p.pdf Accessed March 10, 2013

Ben Alshine

PF

B/12/13

*"The first truth is that the liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in its essence, is fascism - ownership of government by an individual, by a group, or by any other controlling private power."*

- Franklin Delano Roosevelt, to congress, April 29th, 1938

## The Exile's Manifesto

Church Street is a People's Street  
It is not a private shopping mall  
Yes, there are many businesses here  
but the street does not belong to the businesses  
It belongs to the People  
It belongs to plumbers bus drivers janitors & cooks  
Bums & schoolteachers  
Church Street belongs to the brown people  
who clean everyone's dirty dishes in the restaurants  
It belongs to loud tattooed youth who are angsty  
These youth did not invent their own angst out of spite;  
it was delivered to them by America and we must help them.

Church Street belongs to radical political agitators  
America was invented by radical political agitators!  
Church Street belongs to the Homeless  
It is for everyone even if they smell  
Or don't buy anything  
Or speak rudely in forceful voices about crazy things  
Or make tourists uncomfortable  
Smelling & rudeness & discomfort  
are not against the law  
They are part of life.

We cannot legislate a Utopia into existence by the art of subtraction.

Utopias do not exist  
That is the reason we must live together  
and learn to love each other.

Rabbi Joshua Chasan / 209 North Prospect Street  
865 3875 home 864 0218 ext 23 work

*Sent to Camela Warden  
forwarded to me  
to 8/12/13*

What is happening to our small Vermont cities speaks of what is plaguing the whole country. The quality of life of middle and low-income people is being sacrificed in order to generate wealth for local big business interests and large, out-of-state corporations like Lockheed-Martin.

The F-35 was designed decades ago, when the Soviet Union was a threat, and drones and cyber-warfare were the stuff of science fiction. If we want to protect the vitality of the Vermont National Air Guard, we need to understand that it needs missions with value for the future. The F-16 works well, though its noise already has displaced citizens from their homes.

The F-35, which may become the most expensive weapon system in human history, appears to be technically flawed. A Department of Defense study group has recommended scrapping the project entirely. In order to pay for this aircraft, the military is preparing to cut military jobs, eliminate benefits for military personnel, and reduce health care for veterans.

The planes the Air Force is planning to send us will be new, sent up over flying zones and crash zones that the Air Force initially was told had no "incompatible development" within them. The Air Force subsequently was told that there is



incompatible development, which significantly weakens the case for bringing these planes to Chittenden County and makes other sites more viable.

Moreover, the Air Force report details a host of negative impacts on the people who live around the airport, from children's health issues to safety concerns about deploying a still not fully tested aircraft, to the disproportionate effect the planes will have on people of color (including newly arrived refugees) and low income families.

Many middle class families (including veterans) will see their beloved, well-lived in homes devalued as a consequence of the plane's significant noise level. Since these homes are the heart of these families' net worth, the effect of the devaluation would be a crushing blow.

Inexplicably to many of us who have great respect for Vermont's representatives in Congress, all three answer that the decision rests with the Air Force, though it is common knowledge that their influence in Washington, D.C. is immense, and the military in the United States answers to Congress, not the other way around.

The appeals to patriotism used to generate support for bringing the planes were based on misinformation: that the Vermont Air National Guard would disappear if the F-35 did not come. And the folks who spread this false report accuse others of fear mongering!

The noise of the F-16s already has forced the condemnation of homes near the airport, threatening a stable neighborhood of modest homes. How many more homes will be condemned if the F-35s arrive, and what will become of the land upon which they stand? The vast majority of Burlingtonians will not benefit.

The F-35 is not good for the Burlington brand and, God forbid, one of these technically challenged planes crashes, it will be more than our brand that suffers.

Please join with others in local governments and many citizens who live in the impacted cities in doing what you can to ask the Air Force to skip Burlington in this first round of base assignments. Much thanks for your consideration.

Rabbi Joshua Chasan

WARD 1

Martha R. Lang, Ph.D.  
138 Colchester Avenue  
Burlington, VT 05401  
(802) 862-1094

August 12, 2013

President Shannon and  
Burlington City Councilors  
City Hall  
149 Church Street  
Burlington, VT 05401

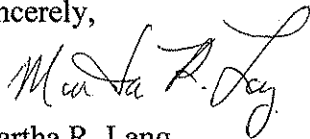
Dear President Shannon and City Councilors:

I am interested in having you review the enclosed documents on the Burlington School Board's purchase of 59 Murray Street which is located in a residential zone (RM). It seems the school board planned to convert these residential apartments into offices. Did they get approval from planning and zoning? Is approval even possible without major zoning changes in the Old North End? Are these apartments rented? To whom?

Does the school board plan to continue to attempt to move office workers into residential areas? For example St. Joseph's School? What will encroachment of the school board office workers do to the cost of housing? To the character of the area?

Thank you very much.


Sincerely,



Martha R. Lang.

cc:

Lerner, Ken, Department of Planning and Zoning  
McNeil, Colin, Attorney for the Burlington School District  
Ward, William, Code Enforcement

HOME | NEWS | MAPS | CALENDAR | JOBS | EMAIL UPDATES 

I WANT TO

SEARCH [View on Map](#)[Permit History](#)[Property Tax Calculator](#)**Property Summary**

Parcel ID	044-1-390-000	Address	59 MURRAY ST	Owner(s)	CITY OF BURLINGTON SCHOOL DEPT
SPAN Number	114-035-14860	Land Use	Exempt		
Mailing Address	150 COLCHESTER AVE, BURLINGTON, VT 05401				

**Current Assessed Values**

Total Value	\$197,200.00	Building Value	\$101,600.00	Land Value	\$95,600.00	Yard Items	\$0.00
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**Current Property Taxes**

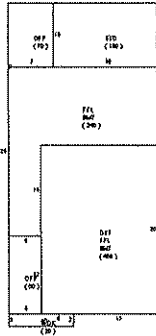
Total Property Taxes	\$0.00	HS-131	No Pct Business	0 Pct Rental	0
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**Most Recent Sales Information**

Grantor	Sale Date	Sale Price	Book & Page
Lafayette, Monica C.	8/2/2012	210,000.00	1183-84

**Property Details**

Grade	FAIR PLUS	Heat Type	HOT WATER	Heat Fuel	GAS
Acres	0.09	Gross Area	2,406.00	Finished Area	1,282.00
Building Type	OLD STYLE	Year Built	1899	Units	2
Rooms	7	Bedrooms	3	Baths (Full/Half)	2 / 1
Zoning	RM	Foundation	BS	Depreciation	30.00 %

**Sketched Areas**

Card #	Area	Description	Gross Area	Finished Area
1	BMT	BASEMENT	814	0
1	FFL	1ST FLOOR	814	814
1	OFF	OPEN PORCH	130	0
1	SFL	2ND FLOOR	468	468
1	STG	STORAGE	160	0
1	WDK	WOOD DECK	20	0

**Map & Image****Image(s)****Location Map**

There is no warranty implied as to accuracy or precision of these data, or for a particular use. The City of Burlington is not responsible for subsequent use of these data, or for products derived from these data. The City of Burlington shall have no liability whatsoever relative to the use of provided data. Full responsibility and liability relating to the use of provided data rests with the user.

2013/ABST

CONTACT US | DEPARTMENTS | GENERAL INFORMATION: (802) 865-7000 | © CITY OF BURLINGTON, VERMONT

Board of Finance  
June 25, 2012

**7. Authorization for Purchase of 59 Murray Street – Schools**

Councilors Bushor and Decelles made a motion to approve the purchase and recommend City Council approval.

Councilor Bushor inquired if the School budget includes land acquisition money, and if not, where money for this will purchase come from. Colin McNeil, McNeil, Leddy, Sheahan, stated they do not have a specific line dedicated to land purchases. This will come from their School Improvement budget. To the School Board, it seems like an opportunity they should not pass up. They may have to delay another project in order to make this purchase, but they believe this is worth doing. Councilor Bushor stated she wanted to make sure that there is a line in the budget.

City Council President Shannon inquired what they will use this for. Mr. McNeil stated they are considering using it for office space and having more classrooms in the school building. They do not have an approved plan as of yet.

Councilor Bushor stated it is a .9 acre lot. Mr. McNeil stated they are considering using the yard to expand the gardening area for students.

The motion passed unanimously.

**8. Authorization to Extend UVM Letter of Agreement - Mayor**

City Council President Shannon and Councilor Decelles made a motion to approve the letter of agreement.

Mayor Weinberger stated this would authorize extending the 2007 letter of agreement which governs the payment UVM makes each year for services. This would extend the agreement, and in the course of the next year when the new UVM President begins work, there will be discussions about the items mentioned in the resolution the Council passed in February.

Councilor Bushor stated her issue with this resolution is that it mixes up different agreements that the City has with the University. She stated the 2007 letter of agreement is a voluntary fee for service paid to the City. This resolution should speak to that. The Memorandum of Understanding, which deals with housing and other issues, is separate and is not expiring at this time. If both are going to be included in the resolution, they need to be distinct. She stated she is concerned that people reading this resolution will not be able to understand the distinction. There have been some good points made about Councilors wanting the resolution to reference the previous resolution that was passed with a list of discussion topics. She recommended adding language that would clarify the separation between these two agreements and suggested where this should be inserted. Doing it in this way would be cleaner but accomplish the same goal. City Attorney Schatz stated if the change will simply clarify what the 2007 letter of agreement is, it will not be problematic. The Memorandum of Understanding is not referenced at all, and that was an agreement from 2009. That will not expire until 2015. The Council's February resolution requested that other substantive issues be discussed when negotiating the letter of agreement. The

Bridget Mount  
Kelly Devine  
Marni Salerno  
Sandra Baird  
Nathaly Agosto Filion  
Emily Eck

Swanton, VT  
Burl. Business Assoc.  
Fed Up Vermont  
Ward 1  
Ward 3  
Ward 2

Free Speech/Anti safety zone  
Favor Bike Path Repair  
Favor PPNNE safety zone  
Favor PPNNE safety zone  
Favor Climate Action Plan  
Favor PPNNE safety zone

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:03p.m.

### 3. CONSENT AGENDA

On a motion by Councilors Adrian and Bushor the consent agenda was unanimously adopted, as amended, thus taking the following actions as indicated:

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Authorization to Execute Easements and Other Documents Related to  
to Lands at Burlington International Airport (Councilor Paul)

\*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain  
Awnings Extending Over a Portion of the City's Right-of-way with  
Stacks Sandwiches (Councilors Dober, Tracy, Blais: License Committee)

\*waive the reading and adopt the resolution

3.05. RESOLUTION: Compensation for Police Department Sergeants, Lieutenants and Deputy  
Chiefs – Unified Pay Scale Phase II Implementation (Board of Finance)

\*waive the reading and adopt the resolution

3.06. RESOLUTION: Approval of Burlington School District's Purchase of 59 Murray Street  
(Board of Finance)

\*waive the reading and adopt the resolution

3.07. RESOLUTION: Adoption of FY 2013 Parks and Recreation Comprehensive Fees Policy  
and Authorization of Department of Parks & Recreation to Implement  
Said Policy (Board of Finance)

\*waive the reading and adopt the resolution

3.08. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Fees  
& Charges Policy

\*waive the reading, accept the communication and place it on file

3.09. RESOLUTION: Authorization to Execute State Highway Transportation Enhancement  
Grant (Board of Finance)

\*waive the reading and adopt the resolution

3.10. RESOLUTION: License Agreement with Chittenden County Transportation Authority  
To Place Three Bus Shelters and Bike Racks on a Portion of the Public



Approved by consensus

August 7, 2012

5. First Look at Year End Financials

Business Manager Karen Groseclose presented the Preliminary Year end Financial Statements. There is a net deficit of \$1.5 m. (see memo dated August 3, 2012 for detail explanation, available on BoardDocs). Discussion about the history of the financials, with former software not detailed and business manager leaving a year ago, having a 1 year business manager and yet another new business manager this year. Munis software will allow for greater detail and reports in budgeting, with the business manager being the one to build the budget. The current estimates are unaudited and we are looking more deeply into these estimated overages. Discussed ways to communicate this information.

Discussed preliminary concern about FY'14 budget needing fiscal targets set early. This will likely lead to cuts and needs to be communicated and planned for early. For FY'14, look at 0%, 2% and 4% as target budgets to prepare.

6. Current YTD Financials

Business Manager Karen Groseclose presented preliminary sample report from the new MUNIS software system.

7. Financial Strategic Plan - tabled to September.

8. Munis Update

Business Manager Karen Groseclose reported that we have gone live on July 1, we have run 9 payrolls, but not the teacher payroll yet.

9. Housing Financing Memo

Operations Director Terry Bailey reported out on the purchase of the house at 59 Murray Street, closing was August 6; ITC considered renting out the 2 apartments for FY13 pending the funding to renovate the property for District use. Funding was developed by the deferment of preventive maintenance from FY13 to FY14.

10. EES Flood Update and Financial Impact

JEANNÉ COLLINS ~ SUPERINTENDENT  
150 COLCHESTER AVE. ~ BURLINGTON VT 05401  
PHONE: 802-865-5332 ~ FAX: 802-864-8501 ~ WEBSITE: [WWW.BSDVT.ORG](http://WWW.BSDVT.ORG)

EEO: This material is available in alternate formats for persons with disabilities.  
To request an accommodation, please call 1. 800.253.0101 (TTY) or 1.800.253.0195 (voice).

## Lori Olberg

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**From:** miriam black <blackmiriam@aol.com>  
**Sent:** Friday, August 30, 2013 11:38 AM  
**To:** Lori Olberg  
**Subject:** Message from Contact Us at [www.BurlingtonVT.gov](http://www.BurlingtonVT.gov)

This message was sent to you because you are a designated recipient for 'City Council' from <http://www.BurlingtonVT.gov/ContactUs>

Sent on 8/30/2013 11:38:05 AM from IP Address: 65.183.147.242

Comment/Question: Eight is the number of wards to provide equity for all citizens.



## Lori Olberg

---

**From:** John William <johnwilliam1961@gmail.com>  
**Sent:** Saturday, August 31, 2013 1:43 AM  
**To:** Alan Sousie  
**Cc:** Amy Tower; Ann K. Temple; Ann K. Temple; Anne Dubie; Ashley Couture; Bill Hogan; Bob Purvee; Brendan Mensing; Brian Holmes; Carolyn Beane; Carolyn Breiner; Chad Rowland; Cindy Richardson; Claire McCabe; Craig Butkus; Sharon Evans; Dan Daly; David Howard; David Rivoire; David S. Allan MD; David Simpson; Deb Bergeron; Dennis Beauregard; Dennis Fillion; Derek Michel; Derek Vines MD; Diane Olechna; Dick Dube; DNP APRN Mary Val Palumbo; Donna Kiley MD; Donna Riendeau; Ed Cooney; Ed. D Nancy Boldt; Elizabeth Merwin; Eric McDonald; Erica Prudente; Erika Vyas; Fran Keeler; Gail Moreau; Gary Martin; George Schiavone; Heather Quesnel; naacassist@comcast.net; Hina Rizvi; Hina Rizvi; Vignola Hina; Holly Johnson; James Handy; Jane Suder; Janice Clements; Janice Hall; Jason Fritz; Jason Williams; Jayme Love; Comouche, Jeanne; Joe De Leon; jkmindnich@aol.com; John Kerr; John Stewart; John.Hawkins@molnlycke.com; Joseph Pliego; Joyce Touchette; Julie Mueller; Kaley Grenier; Karol Hayes; Kathy Mackin; Kirsten Hansen; Larissa Dodge; Laura Campo; Laura Pelosi; Lena Votion; Leslie Hammond; Zura Kathleen; Linda Davidson; Linda Le Compte; Linda Schiavone; Lori Leclair; Lori Olberg; Kelly England; LPN Michaela Doolan; Lynn Avery; Lynn Korpos Forcier; Margaret.Higgins@state.vt.us; Maria Durham; Marilyn Hardacre; Marsha Bessette; Martha Richardson; Marvin Klikunas; Mary Belanger; Mary Belanger; Morrisseau, Mary Beth; Mary Ellen Spencer; Mary Mastro; Maxine Blanchard; Meg Sicotte; Melinda Sanborn; Michael Comeau; Michelle Pierce; Micki Woodruff; Mohamed Basha; Moira A. Mulligan; Nancy Morin; Norm Cease; Pam Cota; Paul Steinman; Paula Fitzpatrick; Peggy Mattes; Phil Condon; PTA Susan Plummer; Rebecca Glanz; RN David Rosen; Sue Fortin; Kim Ziegler; RN Pam Mancene; RN Paula Brown; Tracy Whitcomb; Robert Clavelle; Robert Karp MD; Rose Cleveland; Roslynn Haldane; Samantha Weber; Sarah Marques; Sarah Waterhouse; Shannon Barrows; Sherrie Adams; Sherrie Callahan; Sherry O'GRADY; 8023557835@mms.att.net; Shilow Parker; Stephanie Parker; Steve Bell; Sue Richardson; Sue Waters; Susan Alexander; Suzanne Leavitt; Rosen Terri; Terry McKnight; Tina Fredericks; Tina Kurrelmeyer; Tina Rotella; Valerie Thomson; Wendy Cloutier; Jim Goff; Austin Sumner; Caroline Tasse; David Casey; Emma Hevey; Grace Hevey; Ian Galbraith; Linda Ayer; Mary Hart; William Ward; Bram Kranichfeld; Bryan Aubin; Mason, Chip; David Hartnett; Ed Adrian; Shannon, Joan; Paul, Karen; Tracy, Maxwell K.; Norman Blais; Paul Decelles; Rachel Siegel; Vince Brennan; Vincent Dober, Sr; sherry@ethanallenresidence.com  
**Subject:** Burlington Emergency Shelter

I was fired today by the Burlington Emergency Shelter after more than 7 years of hard work and dedication for reason beyond my comprehension. I signed probation paperwork from executive director Valerie Brosseau that I did not understand but did so last night just to save my job then she fired me today. I would hope the board and Valerie could explain to me truthfully why they did this if they are truly christian as they claim to be. As a donor myself I wish they would be open and honest to me and others and not hide behind the truth because I do believe the truth will set you free.

I made \$10 an hour and was barely living paycheck to paycheck, one year ago this month I was diagnosed with stage 4 melanoma cancer and had 2 operations but now I am mostly healthy because it is down to stage 3 after radiation treatment. I recently donated more than \$300 cash to the shelter (\$250 from Wed's paycheck) because they asked me to. And 2 days later they fired me.

I am now on the verge of homelessness myself and I do not trust them to pay me the last days I worked or my paid time off.

If they call themselves "christian" they could at the very least refund the donation I made because my rent is due along with all my other bills and I need money to eat.

And when I file for unemployment on Tue I do expect them to fight that but I will use legal aid to assist me with that.

This is the thanks I get for caring about people in need for the last more than 7 years because I came to that shelter homeless myself.

--

GodSpeed,  
John William Clancy  
(802) 310-7462  
10 N Champlain St Apt 526  
Burlington, VT 05401



89 Main Street, Suite 4  
Montpelier, Vermont  
05602-2948

Tel.: (802) 229-9111  
Fax: (802) 229-2211

e-mail:  
info@vlct.org

web:  
www.vlct.org

## ANNUAL MEETING MEMORANDUM

To: Mayors, Managers, Administrators, Selectboards, City Councils,  
Clerks, and Treasurers

From: Karen Horn, Director, Public Policy and Advocacy

Date: August 28, 2013

RE: Your Chance to Guide Municipal Legislative Priorities for 2014

Attached are the VLCT Municipal Policy committees' and Board of Directors' recommendations for the 2014 VLCT Municipal Policy, which we urge you to review and comment by submitting proposals of amendment. (The document is also posted on [www.vlct.org](http://www.vlct.org).) We will submit this platform of legislative initiatives to the membership at our Annual Business Meeting, which will be held at Town Fair on Thursday, October 3, 2013, at the Killington Grand Resort Hotel.

*We strongly recommend that you discuss the proposed policy at a council or selectboard meeting.*

Once adopted at the Annual Meeting, the 2014 VLCT Municipal Policy will guide your VLCT Board of Directors and advocacy staff. Legislators have already promised to address *siting of renewable energy facilities, education funding and property tax exemptions, stormwater and lakeshore zoning, and transportation funding* in 2014. The proposed VLCT Municipal Policy addresses these issues and many more. Language proposed for deletion is ~~crossed-out~~, and language proposed for addition is underlined.

You – as an individual or as a city council or selectboard – may propose amendments to the policy on the attached amendment form, but we must receive amendment proposals **by Monday, September 30**, in order for the VLCT Board to consider them at its meeting on October 2. (The Board meeting is scheduled for 2 p.m. and you are welcome to attend.) Any endorsed amendments will be distributed to members at the Annual Meeting. Members may also offer their amendments from the floor.

Please also designate *a voting delegate* (form enclosed) for your town to vote on adopting or amending the policy at the Annual Meeting. A two-thirds vote is required to amend the Municipal Legislative Policy. Strong participation from member cities and towns is the guarantee of a strong policy!

*Sponsor of:*

VLCT Health Trust, Inc.

VLCT Municipal Assistance  
Center

VLCT Property and Casualty  
Intermunicipal Fund, Inc.

VLCT Unemployment  
Insurance Trust, Inc.

Please email me at [khorn@vlct.org](mailto:khorn@vlct.org) with any questions. Thank you!

attachments





89 Main Street, Suite 4  
Montpelier, VT 05602

Tel..... (802) 229-9111  
Fax..... (802) 229-2211  
Email ... [info@vlct.org](mailto:info@vlct.org)  
Web..... [www.vlct.org](http://www.vlct.org)

## MEMORANDUM

To: Vermont Selectboards and City Councils

From: Hunter Rieseberg, President, VLCT Board of Directors

Re: Voting Delegates at the VLCT Annual Business Meeting

Date: August 28, 2013

As part of TOWN FAIR, the Vermont League of Cities and Towns will hold its annual business meeting at the Killington Grand Hotel, Northstar I/II, starting at approximately 2 p.m. (or at the conclusion of the luncheon and awards program) on Thursday, October 3, 2013.

To ensure that all VLCT member cities and towns are properly represented and able to participate in the adoption of the 2014 Vermont Municipal Policy (the Legislative Platform of the Vermont League of Cities and Towns) and the election of League officers, we are asking you as your municipality's legislative body to designate **one** official from your town as a **VOTING DELEGATE** for the meeting. This designation will ensure that each town is heard from and gets one vote. **The form is on the back of this page.**

Please inform us of your designation by **Monday, September 30**. If necessary, designations can be made on the date of Town Fair at the VLCT Information Booth or at the entrance to the Annual Meeting.

Designated delegates may pick up their credentials card at the VLCT Information Booth at the Killington Grand Hotel.

**Remember, only duly designated delegates will be allowed to vote at the Annual Meeting.**

This is *not* a Town Fair registration form. If you want to partake of the day's activities (workshops, trade show, and awards luncheon), please complete and return a Town Fair registration form with payment or register on-line at [www.vlct.org/eventscalendar](http://www.vlct.org/eventscalendar). If you plan to attend *only* the annual meeting, please check the appropriate box on the attached voting delegate form.

*Sponsor of:*

VLCT Health Trust, Inc.

VLCT Municipal Assistance  
Center

VLCT Property and Casualty  
Intermunicipal Fund, Inc.

VLCT Unemployment  
Insurance Trust, Inc.

## PREAMBLE

Despite being in better shape than much of the nation, Vermont today faces unprecedented challenges that ranging from a declining fiscal health and shrinking economy to the need for sustainable infrastructure improvement, economic development and smart growth prospects, environmental resource and emergency management, energy resources, corrections and public safety strategy, and affordable health care. In all of these areas the state, federal, and local governments must work together to proactively take advantage of opportunities and address challenges.

Neither Vermont nor any other state can rely on the federal government to uphold its obligations to fund programs it has mandated to states and local governments.

In addition, Vermont has:

- limited taxing capacity and income;
- a small population that is not growing;
- a generally rural and aging population;
- a government and revenue raising structure that was largely developed to meet the demands envisioned and resources available a half century ago;

Vermont must find ways to deliver government services to its citizens through the most efficient means available. Shifting costs and obligations from state to local governments is not acceptable. The state should solicit the opinions and utilize the expertise of the citizens who are being served and who pay for government. Given the extended recession and never-ending pressures on both municipal and state finances, municipal officials ~~local government~~ must be included in any discussion that reassesses the functions of government and seeks innovative ways for Vermont to generate revenues, deliver services and reduce the cost of delivering them.

Where this Municipal Policy is silent on a public policy issue affecting municipal government, it shall be the position of the Vermont League of Cities and Towns to support provision of authority, autonomy, and resources to cities and towns.

1 **1.03 LOCAL OPTION TAXES**

2  
3 The legislature should enable all cities, towns, and villages to adopt consumption taxes.  
4

5 **1.04 VERMONT TAX STRUCTURE OVERHAUL**

6  
7 The legislature should act to ensure that all three main components of Vermont's tax structure – income,  
8 sales, and property – are thoroughly analyzed and reformed to be simpler, sustainable, equitable, balanced,  
9 and make Vermont more economically competitive. Municipal officials should be fully involved in such an  
10 analysis and reform process. Vermont's reformed tax structure should also include sufficient revenues to pay  
11 for initiatives that local governments need but cannot afford. Since the state education property tax continues  
12 to be controversial, no new state property taxes should be imposed until such reformed tax structure is  
13 adopted. Additionally, until such reform is adopted, the state should either reimburse municipalities for all  
14 state-mandated property tax exemptions or give voters the authority to impose municipal service fees on  
15 those properties exempted by the state.  
16

17 **1.05 UNFUNDED MANDATES**

18  
19 The state should provide reimbursement for state mandates on or cost shifts to local governments. The Joint  
20 Fiscal Office must prepare and make public a fiscal impact statement showing the administrative,  
21 implementation, and service costs imposed on local governments before any state legislative or administrative  
22 action affecting them can be approved.  
23

24 **1.06 PROTECTING AND ENHANCING MUNICIPAL FINANCES**

- 25  
26 A. Require the House Ways and Means and Senate Finance committees to review and adjust all local fees set  
27 in statute ~~in conjunction with their periodic review of state fees on a three-year cycle~~. Include significant  
28 local input.  
29  
30 B. Ensure that the legislature increases existing or imposes new state agency fees assessed against  
31 municipalities only when the agency can show a comparable increase in the costs, quality, or quantity of  
32 the services provided.  
33  
34 C. Provide ways that the state can assist municipalities to get the highest interest income on their cash  
35 investments while assuring low risk of loss.  
36  
37 D. Adopt a state economic development strategy, clearly communicate that strategy to municipalities and  
38 regional entities, and then help them implement that strategy on the local, regional, and state levels.  
39  
40 ~~E. K—Require the state to pay its proportion of costs associated with defending the grand list and property~~  
41 ~~tax collections, including appeals and abatements. The state should also pay the taxpayer directly for any~~  
42 ~~education property taxes and interest required to be reimbursed due to a property valuation adjustment~~  
43 ~~resulting from an appeal beyond the board of civil authority.~~  
44  
45 ~~Q.F.~~ The state should reimburse municipalities for any local costs for implementation of any state election  
46 law changes or reapportionment (including voter and election official education), as well as  
47 subsequent administrative or technological costs. The implementation of any election law changes  
48 must also satisfy the requirements of local election officials to have an election system that functions  
49 smoothly and effectively on election day.  
50  
51

1 | ~~I. Make any non-profit organization that receives any government financial support, subsidy, or exemption~~  
2 | ~~from federal, state, or local taxation except those exempted based on a constitutionally protected~~  
3 | ~~religious purpose subject to the state open meeting and public records laws.~~

5 | ~~J.~~ After June 30, the state Tax Department must be responsible for any changes to education tax property  
6 | parcel classification or homestead property tax adjustment amounts and must deal directly with the  
7 | taxpayer.

9 | ~~K. Require the state to pay its proportion of costs associated with defending the grand list and property tax~~  
10 | ~~collections, including appeals and abatements.~~

12 | ~~L. Clarify that the Public Records Law allows public agencies to charge and collect the actual costs of staff~~  
13 | ~~time associated with complying with a request to inspect or copy public records.~~

15 | ~~N.~~ On all bills dealing with employment and employee relations issues, VLCT shall advocate on behalf of  
16 | municipalities as employers.

18 | ~~O. The state should reimburse municipalities for any local costs for implementation of any state election law~~  
19 | ~~changes or reapportionment (including voter and election official education), as well as subsequent~~  
20 | ~~administrative or technological costs. The implementation of any election law changes must also satisfy~~  
21 | ~~the requirements of local election officials to have an election system that functions smoothly and~~  
22 | ~~effectively on election day.~~



mandates the moving water and sewer infrastructure for transportation projects, the agency must reimburse municipalities for those costs.

F. Instruct VTrans to partner with municipalities and other agencies to enhance the asset management/project priority program to insure the importance of local and regional priorities and the participation of local officials in selecting projects. Modify the project prioritization system to include weight for the economic development impacts of a project including job creation, increase in tax revenues, and increase in gross state product.

G. Increase state funding for public transit providers.

H. Continue to provide Provide more “park and ride” lots, subject to local regulation, and continue to upgrade existing lots while providing for long-term maintenance.

I. Install traffic signs and signals on Class 1 town highways.

J. Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts, that are mandated by a state agency but not paid for by FEMA or other federal agencies.

K. Promote through all means available – including a new funding program – the improvement of town highways and bridges so they are properly engineered to mitigate the impacts of weather-related disasters.

L. Provide additional funding assistance to town highways that serve state facilities and lands.

## 2.03 STATE AND LOCAL COOPERATION

A. Permanently expand the District Transportation Administrators’ (DTAs’) flexibility and authority to work with local governments to ensure technical assistance and efficiency in implementing transportation projects.

B. Eliminate Act 250 review of town highway maintenance and reconstruction projects; nullify existing Act 250 permits for maintenance and reconstruction projects.

C. Revise existing road design and traffic standards to better define village areas and respect the complex traffic and infrastructure needs of Vermont’s villages and downtowns.

D. Share VTrans’ facilities and other resources (such as purchasing contracts) with municipalities.

E. Expand the state’s line painting operations on Class 2 highways to include the painting of all other lines upon the request of a municipality when center and lane lines are being painted. Those lines should be painted annually. Municipalities that request that service will pay the cost of painting those lines.

F. Modify the billboard law so that municipalities may hang temporary banners within the state highway right-of-way advertising events and activities.

G. Establish fines and penalties for illegally possessing municipal road signs, signals, or markings.

H. The state shall not force municipalities to be co-applicants, sign management or maintenance agreements, or accept responsibility for their state stormwater infrastructure.

I. Any additions to the VTrans Town Road and Bridge Standards should not result in undue increased maintenance and construction costs to municipalities.

## PUBLIC SAFETY

### 3.01 PRIORITY ISSUES FOR IMPLEMENTATION

Vermont's local public safety officials join with all municipal officials in calling for the following legislative action:

~~A. Vermont is a less safe place than it was as recently as ten years ago. Because drug-related crime in Vermont is a significant threat to the state's quality of life, provide public safety officials the tools and funding to combat, in a coordinated fashion, the growing drug culture.~~

B. Prohibit cost shifts and mandates to municipalities in public safety unless the state provides full reimbursement.

~~C. In particular, monitor legislative changes to Adequately fund Department of Corrections (DOC) programs and initiatives so for their impacts criminal justice system decisions will not adversely impact on local government. Local governments should not need to address local problems that arise as the result of those decisions.~~

~~D. Require the state to provide the best training programs, at an affordable rate, for all levels of public safety personnel, including police, constables, fire, search and rescue, and emergency medical services (EMS).~~

~~E. The legislature must clarify public records laws that regulate the release of information pertaining to arrests, personnel management, and other law enforcement activities.~~

~~F. Monitor Act 76, Vermont's 2013 law addressing the possession of small quantities of marijuana to ensure that it doesn't adversely impact the ability of law enforcement to address drug-related crime.~~

### 3.02 CORRECTIONS COMMUNITY

A. The DOC must provide open channels of communication so municipal officials are aware of any changes in the status of offenders in their municipalities and can notify the DOC of impacts to the community. The DOC must inform local officials of the circumstances of an incarcerated individual's release and if it was the result of Acts 157 or 146 of 2010 (which sought to reduce incarcerated population numbers and notify local officials of persons released into a municipality) or Act 41 of 2011 ("War on Recidivism" legislation that was intended to keep low-level offenders out of prison on the premise that they would be less likely to re-offend than if they remained incarcerated). Base sentencing for non-violent misdemeanors on evaluating the seriousness of the offense, risk, and the probability of recidivism.

~~B. The DOC must allow municipal officials to participate in the decision-making processes concerning the number and type of offenders released to and supervised in a community.~~

~~C. Provide funding to ensure that offenders housed in community settings – including juveniles and individuals with drug or alcohol dependencies – receive adequate supervision by DOC personnel and adequate access to support services.~~

~~D. Because many individuals with mental illness do not receive sufficient care, make additional funding available to their support services before they become a threat to themselves or others. Make mobile crisis units available to support the work of law enforcement and emergency services in crisis situations.~~

~~E. Include the local public safety community in proposed host municipalities in decisions about where to place individuals under DOC supervision. The DOC must respect municipal zoning in approval of~~

- E. Provide tuition credits to municipalities that contribute employees to instruct and/or act as training assistants at the Criminal Justice Training Academy.
- F. Include all users of the Criminal Justice Training Academy in any efforts to review and reorganize the structure and funding for local first responder provider training.
- G. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice Training Council.

### 3.05 PUBLIC SAFETY EMERGENCY RESPONSE

As ~~has been~~ amply demonstrated in ~~recent~~ the 2011 weather-related disasters, municipalities are on the front lines of response to calamities, particularly in their immediate aftermath ~~of such an event~~. The state must partner with municipal officials in planning and executing responses to disasters, both those that merit a national response and those that are localized in scale.

- A. ~~As the new state emergency plan is developed,~~ Include local personnel in discussions about changes in laws or regulations governing how local public safety and emergency management personnel respond to emergency incidents, particularly those involving hazardous materials.
- B. Consult with municipal officials to support and fund development of an early warning system for hazards, pandemics, and public safety emergencies as well as deployment of communications systems, protocols, and capacity.
- C. Develop an emergency response fund to cover non-transportation-related disaster recovery costs incurred by local governments that do not meet Federal Emergency Management Agency (FEMA) thresholds.
- D. Establish an electronic data system to provide public safety and emergency management personnel accurate and timely information.
- E. Support the continued development and sustainability of an interoperable communications system that allows all emergency service agencies and personnel to communicate with one another in emergency situations. Develop the system in an efficient and cost-effective manner, not as the result of an unfunded mandate.
- F. Provide seed funding or other incentives to create a program for municipally run regional public safety services.
- G. The state should help with the administrative costs and burdens of securing funds to help with municipal emergency response and long-term recovery efforts from weather-related ~~in the aftermath of Tropical Storm Irene and other disasters~~.
- H. Authorize municipal fire departments to mount a blue signal lamp on the rear of a municipal fire department vehicle so as to be visible from behind the vehicle.
- I. The state should provide local emergency responders with clear authority, resources, and training to initiate search and rescue operations when called upon, and to be partners in any coordinated operations undertaken with state, county, and other municipal agencies.

## 2013-2014 Draft VLCT Municipal Policy

### QUALITY OF LIFE AND ENVIRONMENT

#### 4.01 HEALTH CARE

In 2011, the legislature passed H.202 (Act 48), "An Act Relating to a Universal and Unified Health System."<sup>22</sup> The intent is to create a single payer health system called "Green Mountain Care" that will provide "comprehensive, affordable, high-quality, publicly financed health care coverage for all Vermont residents in a seamless manner regardless of income, assets, health status, or availability of other health coverage." The legislation intends to achieve this reform through "the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health care professionals, businesses, and members of the public."

Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing universal coverage, it must contain medical costs and reduce administrative costs and burdens. Implementation of Green Mountain Care and any system developed at the federal level must be measured against the following criteria:

- Avoid and reduce cost shift from Medicaid and Medicare.
- Provide a comprehensive, equitable health care system that ensures the same benefits for all and avoid provisions that allow for additional levels of benefit for some.
- To be successful, the system must assign financing, responsibility, and accountability to one place.
- All legislatively established health care mandates must be treated as public health issues with public funding and accessibility for all.

#### 4.012 HOUSING

A.—All Vermonters must have access to safe, quality, ADA-compliant, and affordable housing. Incentives and programs should be directed to state designated downtowns, village centers, new town centers, growth centers, and to other areas designated in the adopted municipal plan for growth and development that are near jobs, services, and amenities, ~~thus minimizing~~ Incentives and programs should also encourage housing that is designed and built to minimize impacts ~~the impact of development~~ on natural resources and ~~that to encouraging~~ takes advantage of public investment in infrastructure and technology that supports sustainable growth and economic development.

B. ~~Going forward, T~~The legislature should allocate property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200 statute, ~~which is 40 percent of new revenue generated from the increase in the property transfer tax established in Act 200.~~

C.—The legislature and Department of Health should integrate federal regulations relating to lead paint safety in buildings into state regulations so that there is one clear standard for lead paint safety in buildings, and for training in Vermont.

D. The state must continue to support Property Assessed Clean Energy (PACE) programs, all fuels utilities, and establish mechanisms at the state level to ensure compliance with the state's enforce energy efficient building codes. The state should establish methods that provide for statewide implementation without imposing further mandates on municipalities.

#### 4.023 ACT 250 AND STATE PERMITS

Vermont municipalities support efforts to make the permit process more efficient. The following principles should guide those reform efforts:

- A. Consolidate, coordinate, and expedite all state permit processes required for all projects.

## 2013-2014 Draft VLCT Municipal Policy

### 4.045 SOLID WASTE AND WASTEWATER

- A. Hold municipalities harmless from liability for hazardous materials incidents at their facilities they permit and that conform which are in conformance with to all state and federal permits and regulations.
- B. Ensure that the State of Vermont's rules, regulations, and guidelines are flexible enough to enable local governments to determine the most appropriate collection, storage, and treatment methods for sewage, solid waste, wastewater, and recyclables.
- C. Immediately issue all outstanding solid waste, water supply, wastewater, and stormwater facility permits and certifications and thereafter issue such permits in a timely manner. Regulate the entire treatment process in a single permit. Issue permits for facilities based on the useful life or capacity of the facility, not in five-year increments.
- D. The Agency of Natural Resources (ANR) must establish consistent standards for allocating water and wastewater capacity to projects, relinquish all involvement in allocating municipal water or wastewater resources, including charging and collecting of permit fees.
- ~~E. When a municipality acquires a site at a tax sale or when it acts as a lien holder of a site that is known to be contaminated, it should not be held civilly or criminally liable for hazardous contamination at the site at the time of acquisition.~~
- E. The Departments of Health and Environmental Conservation must coordinate regulations regarding safe management and disposal of lead paint that is removed from buildings.
- F. Do not amend the statutes regulating disconnection of water and sewer service, which protect the interests of municipalities, tenants and landlords.

### 4.056 WATER RESOURCES

- A. ~~Clarify that the highest priority use of Vermont water resources is to provide clean and sufficient supplies of public drinking water.~~
- ~~BA.~~ The state should provide financial and technical support to municipalities in order to implement the Clean Water Act through locally appropriate watershed plans and stormwater management provisions that promote the health of the economy and the environment.
- ~~CB.~~ The legislature must direct the ~~Agency of Natural Resources~~ ANR to work closely with the Environmental Protection Agency (EPA) to develop a reasonable Total Maximum Daily Load (TMDL) standard for phosphorus for Lake Champlain that will lead to a cleaner lake, a more vibrant landscape, and a healthy economy. State policy must reflect that requiring municipalities to bear a disproportionate percentage of clean-up costs for discharges to impaired waters by requiring them to construct treatment plants that meet the highest available technical standards, regardless of cost, will not effectively improve the health of those waters or significantly advance TMDL compliance. State policy must not require municipalities to construct treatment plants that meet the highest available technical standards, regardless of cost, for discharges to impaired waters, because doing so won't measurably improve the health of those waters or significantly advance TMDL compliance. Rather, it will force municipalities to bear a disproportionate share of costs. Instead Therefore, state and local governments, developers, farmers, and other stakeholders must ~~concentrate their efforts on reducing~~ stormwater runoff from non-point sources.

## 2013-2014 Draft VLCT Municipal Policy

1 through “the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health  
2 care professionals, businesses, and members of the public.”

3  
4 Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing  
5 universal coverage, it must contain medical costs and reduce administrative costs and burdens.  
6 Implementation of Green Mountain Care and any system developed at the federal level must be measured  
7 against the following criteria:

- 8  
9
  - 10 • Avoid and reduce cost shift from Medicaid and Medicare.
  - 11 • Provide a comprehensive, equitable health care system that ensures the same benefits for all– Avoid  
12 provisions that allow for additional levels of benefit for only some.
  - 13 • The system must assign financing, responsibility, and accountability to one place.
  - 14 • All legislatively established health care mandates must be treated as public health issues with public  
15 funding and accessibility for all.
  - 16 • Ensure that there are checks and balances in the new health care system. Establish a grievance process  
that is outside the Green Mountain Care Board.



May 1, 2013 ---- April 30, 2014

Fee \$25.00

CITY OF BURLINGTON  
**SPECIAL EVENT**  
ENTERTAINMENT PERMIT APPLICATION

☒ Indoor

☐ Outdoor

PART I  
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name treecater corp  
2. D/B/A (Business Name) El Gato Cantina 3. Bus. Phone 802-540-3095  
4. Business Address 169 Church St, Burlington, VT 05401  
5. Mailing Address Same  
6. Contact person Tree Bertram 7. Contact Phone 802-734-3836  
8. Email contact address treebertram@yahoo.com

PART II  
OPERATION

1. Do you currently have a Liquor License? Yes or No  
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No  
3. Proposed Date(s) for this Special Event Sept. 14 2013 SATURDAY  
4. Proposed Hours for this Special Event 10:30 pm - 1 AM  
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way  
At El Gato in front of inside space

For this Proposed location please answer the following questions:

- a) Occupancy Load 98 b) # of Restrooms 3 c) # of Egresses \_\_\_\_\_  
d) Date of last Fire/Safety Check Sept e) Dancing by Patrons? Yes or No  
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

Fee \$25.00

**PART III  
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description There will be a DJ and salsa  
planning in the front inside space of  
the restaurant. We will be serving drinks  
during that time.

**STATEMENT OF APPLICANT:** Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 8/9/13

SIGNATURE OF APPLICANT Courtney Samuels

PRINT NAME: Courtney Samuels

RELATIONSHIP TO BUSINESS Manager

**OFFICE USE ONLY**

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_\_ Fee Returned \$ \_\_\_\_\_ Date: \_\_\_\_\_

At their meeting of 8/20/13, the Burlington City Council License Committee recommended  
Approval X Denial \_\_\_\_\_

At their meeting of \_\_\_\_\_, the Burlington City Council \_\_\_\_\_ this SPECIAL  
entertainment permit application.





May 1, 2013 ---- April 30, 2014

**CITY OF BURLINGTON  
ENTERTAINMENT PERMIT APPLICATION**

☒ New

☐ Renewal

☐ Indoor

☐ Indoor

☒ Outdoor

☐ Outdoor

*Special Event Permit*

**PART I  
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name Magnolia Bistro
2. D/B/A (Business Name) Magnolia Bistro 3. Bus. Phone 802 846-7446
4. Business Address 1 Lawson Lane Suite 10
5. Mailing Address Same
6. Contact person Shannon Reilly 7. Contact Phone 802 343-8194
8. Email contact address Shannon@magnoliabistro.com

**PART II  
OPERATION**

1. Occupancy Load \_\_\_\_\_
2. # of Restrooms 2 inside 3. # of Egresses NO EXITS BRASE ~~at~~ outside
4. Date of last Fire/Safety Check APRIL 2013 5. Dancing by Patrons? (Yes) or No
6. Amplified Music? (Yes) or No

**PART III  
TYPE OF ENTERTAINMENT**

Please identify with a check mark the entertainment for which you are applying. Check all that apply.

(X) Live Instrumental Music  
( ) Disc Jockey

☒ Live Vocal Music  
( ) Karaoke

( ) Jukebox

\*\*\*Please give additional description for any selections below on the next page (REQUIRED)

\*\*\*Floor/Stage Shows

- ( ) Fashion Show/Trade Show/Exhibition
- ( ) Readings
- ( ) Stage Play/Pantomime
- ( ) Comedian
- ( ) Dance Performance
- ( ) Contests/Games/Amusements
- ☒ Movies
- ( ) Other

*pd chk # 3557  
\$50.00  
8/23/13/lo*

(Continued on back)

THE following to take place in the parking lot on College ST PAUL ST.

Additional description

(REQUIRED): Live amplified music on Saturday from 10am to 2pm

There would be dancing. we would keep the music at a \*  
level so as not to disturb any vendors at the  
FARMERS MARKET

FRIDAY evenings from 6p-11p Live amplified music and movie nights.  
Saturday evenings from 6p-11p Live amplified music or movie nights

Sunday Live amplified music 10A-2pm for customers waiting to eat  
at market

PART IV  
PROPOSED HOURS OF ENTERTAINMENT

WEEKDAYS	ENTERTAINMENT HOURS
Sunday	10A-2P
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	6P-11P
Saturday	* (10A-2P) + 6P-11P

**STATEMENT OF APPLICANT:** Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 8/19/13

SIGNATURE OF APPLICANT [Signature]

PRINT NAME: Shannon Reilly

RELATIONSHIP TO BUSINESS OWNER

SATURDAYS ONLY (Sept/Oct):

10am - 2pm

9/14, 9/21 and 9/28

10/5, 10/12, 10/19 and 10/26

lo

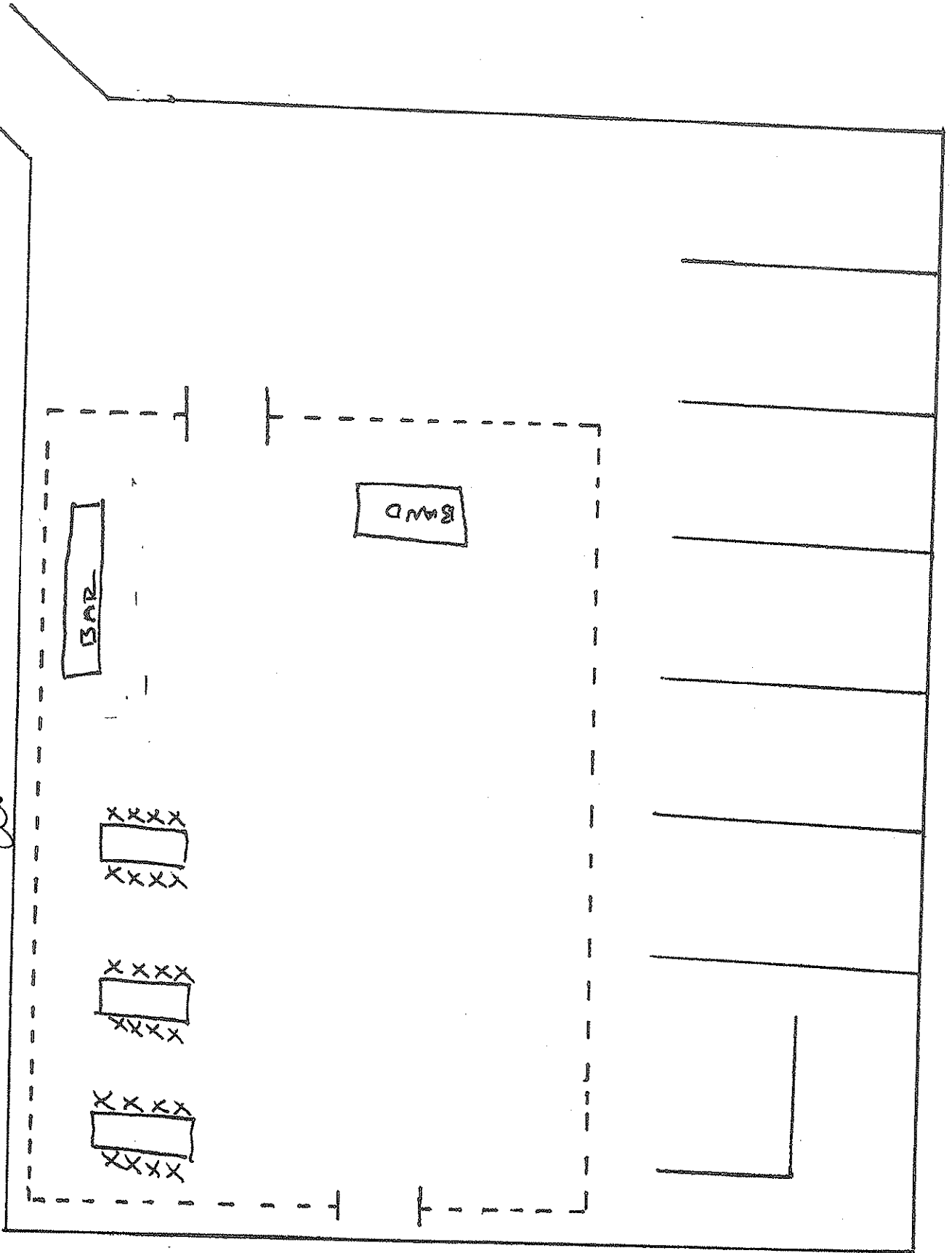
OFFICE USE ONLY

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_\_ Fee Returned \$ \_\_\_\_\_ Date: \_\_\_\_\_

At their meeting of 8/20/13 the Burlington City Council License Committee recommended  
Approval X Denial \_\_\_\_\_

At their meeting of \_\_\_\_\_, the Burlington City Council \_\_\_\_\_ this entertainment permit application.

SATURDAY 101-2P  
ONLY  
ST. PAUL ST.



COLLEGE ST.

I Barry Mossman give permission to Magnolia to use the parking lot on the corner of College and St Paul Streets to host a Bar and live amplified music or movies on Fridays, Saturdays and Sundays during the day and also at night.

A handwritten signature in black ink, appearing to read "Barry Mossman", with a long horizontal flourish extending to the right.



May 1, 2013 ---- April 30, 2014

# CITY OF BURLINGTON SPECIAL EVENT ENTERTAINMENT PERMIT APPLICATION

☐ Indoor

☒ Outdoor

## PART I ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name: Monkey Hospitality, LLC
2. D/B/A (Business Name): Monkey House 3. Bus. Phone: 802-655-4563
4. Business Address: 30 Main St Winooski
5. Mailing Address: Same
6. Contact person: Ryan Smith 7. Contact Phone: 233-5928
8. Email contact address: fluidbarservicevt@gmail.com

RECEIVED  
2013 AUG -9 A 8:56  
BURLINGTON CLERK  
TREASURER'S OFFICE

## PART II OPERATION

1. Do you currently have a Liquor License? Yes
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes
3. Proposed Date(s) for this Special Event: Friday's in ~~August~~ <sup>September</sup> 9/6, 9/13, 9/20, 9/27
4. Proposed Hours for this Special Event: 4pm to 10pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way  
SEABA Parking Lot on Pine st. Burlington, VT

*For this Proposed location please answer the following questions:*

- a) Occupancy Load: 500- 1000 per Fire Dept ) # of Restrooms 3-4 c) # of Egresses: 3 Alleys  
 d) Date of last Fire/Safety Check Prior to summer e) Dancing by Patrons? Yes maybe  
 f) Amplified Music? Yes g) Will additional staff and/or security be required? Yes

(Continued on back) **PART III**

## DESCRIPTION OF ENTERTAINMENT

Please give DETAILED description of the type of entertainment for which you are applying:

Description Community Food Truck Stop in the south end friday evenings. Goal is to encourage folks to support local food movement, the Arts, and local beer responsibly. Most folks arrive and pass through with families living in the south end or folks getting off work at the many local business's.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 8/9/13

SIGNATURE OF APPLICANT [Signature]

PRINT NAME: Ryan Smith

RELATIONSHIP TO BUSINESS Owner

2013 AUG -9 A 8:56  
BURLINGTON CLERK  
TREASURER'S OFFICE

RECEIVED

OFFICE USE ONLY

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_\_ Fee Returned \$ \_\_\_\_\_ Date: \_\_\_\_\_

At their meeting of 8/20/13, the Burlington City Council License Committee recommended  
Approval X Denial \_\_\_\_\_

At their meeting of \_\_\_\_\_, the Burlington City Council \_\_\_\_\_ this SPECIAL  
entertainment permit application.

1  
2 **Resolution Relating to**  
3

**RESOLUTION**  
Councilors Bushor,  
Sponsor(s):  
Aubin, Knodell: Bd. of Finance  
\_\_\_\_\_  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

4  
5  
6 **CHURCH STREET MARKETPLACE DISTRICT COMMISSION**  
7 **AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT**  
8 **WITH B. HOSPITALITY GROUP, INC. FOR COLLEGE STREET KIOSK**  
9

10  
11  
12 **CITY OF BURLINGTON**  
13

14 In the year Two Thousand Thirteen.....

15 Resolved by the City Council of the City of Burlington, as follows:

16  
17 That, WHEREAS, the City of Burlington owns property at the northeast corner of College and  
18 Church Street, Burlington, Vermont, known as the College Street Kiosk that is managed by the  
19 City's Church Street Marketplace department; and

20 WHEREAS, B. HOSPITALITY GROUP, doing business as Blue Bird Coffee Stop, has  
21 operated a commercial business from the College Street Kiosk since August, 2010, and wishes to  
22 engage in another three-year license agreement with the City, from August 1, 2013 through  
23 July 31, 2016; and

24 WHEREAS, City Charter Sec. 324 authorizes the City, through the Marketplace  
25 Commission, to lease space in the Marketplace subject to the approval of the Burlington City  
26 Council; and

27 WHEREAS, B. HOSPITALITY GROUP agrees to pay a license fee of \$13,800 per year.  
28 Rent shall increase by \$50/month each year, with an ability to renew this agreement for one  
29 additional term of three (3) years under the same terms. The Marketplace Department will pay  
30 property taxes and Marketplace common area fees directly to the Marketplace department; the  
31 Marketplace department will then recover those costs from B Hospitality Group; and

32 WHEREAS, the proposed license agreement (attached to this resolution) has been  
33 unanimously approved by the Board of Finance on September 3, 2013;

34 NOW, THEREFORE, BE IT RESOLVED that the Executive Director of the Church  
35 Street Marketplace District Commission is hereby authorized to execute a three year License  
36 Agreement, by and between the City and B. Hospitality Group, Inc. commencing as of the date  
37 of this resolution with a one-time renewal provision, substantially in the form of the License  
38 Agreement attached hereto.  
39

**LICENSE AGREEMENT**  
**180 College Street, College Street Kiosk**

THIS LISCENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and existing under the laws of the State of Vermont (hereinafter referred to as CITY), and B. HOSPITALITY GROUP, INC., a Vermont corporation with principal place of business located at 317 Riverside Avenue, Burlington, VT 05401-1405 (hereinafter referred to as B. HOSPITALITY GROUP).

WHEREAS, the CITY owns property at the northeast corner of College and Church Street, Burlington, Vermont, known as the College Street Kiosk (herein referred to as KIOSK) managed by the City's Church Street Marketplace; and

WHEREAS, B. HOSPITALITY GROUP wishes to use the KIOSK for commercial purposes, and

WHEREAS, the CITY is willing to allow B. HOSPITALITY GROUP use of the KIOSK provided that fit-up and use of the commercial space is complementary to the appearance and operation of the Church Street Marketplace as defined by the CITY; and

WHEREAS, City Charter Sec. 324 authorizes the CITY, through the Marketplace Commission, to lease space in the Marketplace subject to the approval of the Burlington City Council;

NOW, THEREFORE, the parties have agreed to the following terms and conditions of this License Agreement:

1. Approval

(A) B. HOSPITALITY GROUP shall have the exclusive right to occupy and use in conjunction with its business operations the KIOSK located at 180 College Street (at the northeast corner of College and Church Street). The KIOSK consists of



126 sq. ft. of floor space.

(B) The KIOSK shall be used by B. HOSPITALITY GROUP exclusively for the sale of retail or food items. Any alterations or improvements and any other use of the KIOSK shall require written approval from the City.

(C) Any alterations or improvements made by B. HOSPITALITY GROUP to the KIOSK shall be at its own expense.

(D) B. HOSPITALITY GROUP shall be responsible for all utilities provided to the space. The City shall, at its own expense, separate from the KIOSK the electric service to the adjacent bus shelter and to move the light switch for the bus shelter lights from the KIOSK.

2. License Fee

(A) For the rights granted pursuant to this License Agreement, B. HOSPITALITY GROUP shall pay the CITY a license fee of \$13,800.00 (Thirteen Thousand, Eight Hundred and 00/100 Dollars) U. S. per twelve (12) month period to be paid in advance in equal consecutive monthly installments of \$1,150.00 (One Thousand, One Hundred Fifty and 00/100 Dollars) U.S. due and payable on the first day of each month beginning on August 1, 2013 or such earlier commencement date as mutually agreed by the parties. The rent shall increase by \$50/month each year beginning August 1, 2014 and annually thereafter.

3. Duration

(A) The CITY grants B. HOSPITALITY GROUP the right to use the KIOSK for a term of three (3) years, commencing on August 1, 2013 and terminating July 31,

2016 or sooner, as provided herein.

(B) B. HOSPITALITY GROUP shall have the right, if in compliance with the terms and conditions set forth herein and not in default at the time of renewal, to renew this License Agreement for one additional term of three (3) years under the same terms.

(C) Provided B. HOSPITALITY GROUP is not in default on any terms and conditions, B. HOSPITALITY GROUP shall have the option to extend the License Agreement for up to one (1) additional three-year terms, subject to all the terms and conditions of the License Agreement.

(D) B. HOSPITALITY GROUP must notify the City of its intentions to exercise such option not less than 180 days or more than one year prior to the expiration of the license agreement.

4. Taxes and Fees

For the term of this License Agreement the appropriate fiscal year Property Taxes for the KIOSK, listed on the Property tax payment schedule set by the City Charter, shall be due and payable by B. HOSPITALITY GROUP to the CITY.

(A) Common Area Fees.

The computation for common area fees shall include all elements applied by the Church Street Marketplace Commission in the setting of Common Area fees for Marketplace properties on Church Street. For the term of this License Agreement the appropriate fiscal year common area fee for the KIOSK that is set forth on the common area fee payment schedule set by the City Charter shall be due and

payable by B. HOSPITALITY GROUP to the CITY.

(B) Common Area Fee Formula Negotiation.

In the event that the formula used to determine the common area fees for Church Street property owners for any fiscal year during the term of this License Agreement is changed such that a simple mathematical calculation of the amounts due CITY from B. HOSPITALITY GROUP for the rights granted hereby cannot be made, the parties agree to negotiate the amounts owed CITY for such year or years which amount(s) shall not be less than the amount(s) paid for the preceding fiscal year.

(C) Delivery of Payments

All payments to CITY pursuant to this License Agreement shall be by check made out to the City of Burlington and delivered to the Church Street Marketplace District Commission offices. **Rent, Property Taxes and Common Area Fees are to be paid directly to the Church Street Marketplace, 2 Church Street, Suite 2A, Burlington, Vermont 05401. The Church Street Marketplace shall keep a record of payments of rent, property taxes and common area fees and be responsible of fees to appropriate CITY accounts.**

(D) Nonpayment.

Nonpayment of any amounts due CITY pursuant to this License Agreement shall immediately subject all amounts owed to a five (5%) percent penalty, plus one (1%) percent additional for each month the amount(s) remain(s) unpaid. Any amounts owed with penalty thereon for a period in excess of one year shall be

increased by an additional eighteen (18%) percent penalty applied annually to the total amount so owed.

5. Maintenance of Premises.

(A) B. HOSPITALITY GROUP shall maintain the KIOSK in a manner which, in the sole discretion of the CITY, befits the appearance of the Church Street Marketplace. B. HOSPITALITY GROUP is responsible for the maintenance of the inside and exterior of the KIOSK; the CITY is responsible for maintenance at ground level around the KIOSK and the sculpture in the upper portion of the KIOSK.

(B) If failure to perform maintenance in the manner deemed appropriate by the CITY shall continue for thirty (30) days after written notice thereof, the CITY may contract with others for maintenance of the KIOSK. In such event, B. HOSPITALITY GROUP shall be responsible for all such costs.

(C) B. HOSPITALITY GROUP shall repair any damage to the KIOSK caused by or arising from operation of its business. If B. HOSPITALITY GROUP fails to make such repairs or replacements promptly, the CITY may, at its option make such repairs or replacements, and B. HOSPITALITY GROUP shall repay the cost(s) thereof. In case of damage by fire or other elements, or other causes beyond the control of B. HOSPITALITY GROUP, such as to make the KIOSK untenable or substantially unfit for use by B. HOSPITALITY GROUP, if the cost of repair or reconstruction exceeds the extent of insurance proceeds, then B. HOSPITALITY GROUP may terminate this License Agreement upon reasonable

notice to the CITY. The CITY shall not be liable to B. HOSPITALITY GROUP for losses due to theft, burglary or other casualty, or for damages done by persons on the KIOSK. The CITY will ensure that there is an even surface on the northern side of the KIOSK so that water does not run into the KIOSK from adjacent areas.

- (D) B. HOSPITALITY GROUP shall be responsible for cleaning the KIOSK including but not limited to window washing. Window washing shall occur bi-weekly.
- (E) B. HOSPITALITY GROUP shall be responsible for all graffiti removal on the exterior of the KIOSK.
- (F) B. HOSPITALITY GROUP shall be responsible for all trash removal and will not use Church Street Marketplace litter receptacles for disposal.
- (G) B. HOSPITALITY GROUP shall recycle all appropriate materials.
- (H) B. HOSPITALITY GROUP understands and agrees that CCTA bus patrons may use the eastern-most portion of the KIOSK being that portion presently covered by an awning, and as shown in Exhibit A. B. HOSPITALITY GROUP understands and agrees that it will not block or interfere in any way with such use. The CITY understands and agrees that if seating in or about the entire KIOSK area for use by bus patrons or other members of the public is provided, such furniture shall not be more than four (4) feet in length.
- (I) B. HOSPITALITY GROUP understands and agrees that the Neon Art Sculpture in the upper portion of the KIOSK will not be touched, used or interfered with in

any manner.

- (J) B. HOSPITALITY GROUP will, within its control, maintain a barrier-free walkway 9 ft. or more in width along the northernmost and eastern portion of the KIOSK at all times; (i.e., no inventory, stock, supplies or signs, etc. will be allowed in such walkway).
- (K) B. HOSPITALITY GROUP at all times shall operate the business in an orderly manner. B. HOSPITALITY GROUP shall not, with intent to cause public inconvenience or annoyance, engage in fighting or in violent, tumultuous behavior, make unreasonable noise, use abusive or obscene language, make an obscene gesture, obstruct vehicular or pedestrian traffic, or engage in any conduct which is proscribed by Chapter 19 of Title 13 of Vermont Statutes Annotated.
- (L) B. HOSPITALITY GROUP shall not, during the term hereof, in the KIOSK maintain, commit, or permit the maintenance of any nuisance or violation of any applicable city ordinance, state or federal statute, or controlling bylaw, regulation or condition imposed whether existing at the time of commencement of this License Agreement or enacted, amended, or otherwise put into effect during the term of this License Agreement.

6. Improvements to Premises.

- (A) B. HOSPITALITY GROUP shall submit detailed plans and specifications to the CITY for any alterations or improvements to the KIOSK, prior to commencing improvements. No change, other than routine maintenance, shall be made without the written consent of the CITY. B. HOSPITALITY GROUP shall cause all

improvements, and/or alterations to be constructed according to the plans and specifications submitted to and approved in writing by the CITY, and any other legally necessary and/or appropriate boards, CITY or entities of the City of Burlington. Any alterations or improvements made by B. HOSPITALITY GROUP to the KIOSK shall be at B. HOSPITALITY GROUP expense.

(B) Upon expiration or earlier termination of this License Agreement, all improvements to the KIOSK, unless otherwise agreed upon in writing, shall become the property of the CITY.

7. Operation of Premises.

(A) B. HOSPITALITY GROUP shall operate the KIOSK at least between the hours of 10:00 a.m. and 6:00 p.m. Monday through Saturday, and Noon to 4 p.m. on Sunday, weather permitting. Provided however, for the months of January through April, B. HOSPITALITY GROUP may determine hours of operation.

8. Insurance and Indemnification.

(A) B. HOSPITALITY GROUP shall maintain in effect throughout the term of this License Agreement comprehensive general public liability insurance with responsible insurance underwriters, qualified to transact business in the State of Vermont, naming the City of Burlington as an additional insured-loss payee and insuring against all legal liability for injuries to persons (including wrongful death) and damages to property suffered on or about the KIOSK, the affected public right-of-way or as a result of the exercise of rights granted pursuant to this License Agreement in an amount not less than \$1,000,000 combined single limit. B.

HOSPITALITY GROUP shall maintain in effect throughout the term of this License Agreement public liability insurance providing for a minimum of One Million (\$1,000,000) Dollars per person, Two Million (\$2,000,000) Dollars per accident, and One Million (\$1,000,000) Dollars for property damage, which insurance shall cover any accident, injuries or damages suffered on, about or within the KIOSK affected by this License Agreement.

(B) Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to any cancellation of such insurance for nonpayment of premium and 45 days' notice for any other reason. The certificate shall be attached to this Agreement as Exhibit B and the endorsement as Exhibit C. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

(C) B. HOSPITALITY GROUP shall at all times prior to the termination of this License Agreement, indemnify and defend the CITY against all liens and charges of any and every nature that may at any time be established against the KIOSK or any improvements thereon or therein or any part thereof as a consequence, direct, or indirect, of any act or omission of B. HOSPITALITY GROUP.

(D) B. HOSPITALITY GROUP shall indemnify and defend the CITY and City of



Burlington against all liability, loss, cost, damage or expense sustained by the CITY and/or the City, including attorney's fees and other expenses of litigation arising from the use and operation of the KIOSK.

9. Default, Termination and Liquidated Damages.

(A) This License Agreement is made on the express condition that if B.

HOSPITALITY GROUP shall default in the performance of any term or condition of this License Agreement and the default shall continue for fourteen (14 days) after written notice of any default in meeting its obligations hereunder is given by the CITY to B. HOSPITALITY GROUP, then the CITY shall have the option to declare this License Agreement terminated. In the event that the CITY gives written notice of its option to declare this License Agreement terminated, B.

HOSPITALITY GROUP shall cease commercial use of the KIOSK immediately upon receipt of such written notice.

(B) In the event that the CITY terminates the rights of B. HOSPITALITY GROUP pursuant to this License Agreement for default in the performance of any terms and conditions of this License Agreement, then B. HOSPITALITY GROUP shall be responsible to reimburse the CITY for all of the CITY'S costs including attorneys' fees, litigation fees, sheriff's fees, etc. arising from the CITY'S availing itself of its rights pursuant to this License Agreement.

(C) Failure of the CITY to declare any default immediately upon occurrence thereof, or delay in taking action in connection therewith, shall not waive such default, but the CITY shall have the right to declare any such default(s), at any time and take such action as might be lawful or authorized hereunder, either in law or in equity.

(D) In the event of holding over after expiration or sooner termination of this License Agreement without the written consent of the CITY, B. HOSPITALITY GROUP shall pay as liquidated damages double rent (2,300.00) each month for the entire holdover period. No holding over by B. HOSPITALITY GROUP after the term of this License Agreement shall operate to extend this License Agreement. In the event of any unauthorized holding over, B. HOSPITALITY GROUP shall indemnify the CITY against all claims for damages by any other person with whom the CITY may have entered a License Agreement for all or any part of the KIOSK effective upon the termination of this Agreement.

10. Modification, Assignment and Limitation of Rights.

(A) B. HOSPITALITY GROUP shall not sell or assign its rights pursuant to this License Agreement, or permit the use of the KIOSK or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate, at the CITY'S option, B. HOSPITALITY GROUP rights pursuant to the License Agreement. This License Agreement may not be altered, changed, or amended, except by an instrument in writing, signed by all parties hereto.

(B) B. HOSPITALITY GROUP acknowledges that no property or other right to

KIOSK is created other than as specifically defined and limited by this License Agreement.

AGREED to at Burlington, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF BURLINGTON, VERMONT

By: \_\_\_\_\_  
Ron Redmond, Executive Director  
Church St. Marketplace District Commission  
Duly Authorized

STATE OF VERMAONT )

CHITTENDEN COUNTY, SS )

At Burlington, this \_\_\_\_\_ day of \_\_\_\_\_, 2013 personally appeared Ron Redmond, Executive Director of the Church Street marketplace District Commission, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the City of Burlington.

Before me,

\_\_\_\_\_  
Notary Public

B. HOSPITALITY GROUP, INC.

By: \_\_\_\_\_  
Owner

STATE OF VERMAONT )

CHITTENDEN COUNTY, SS )

At Burlington, this \_\_\_\_\_ day of \_\_\_\_\_, 2013 personally appeared \_\_\_\_\_, duly authorized agent for B Hospitality Group, and s/he

acknowledged this instrument, by him/her sealed and subscribed, to be his/her free act and deed and the free act and deed of B. Hospitality Group.

Before me,

\_\_\_\_\_  
Notary Public

lb/GM 2013/Church St. Marketplace - College St. Kiosk Agreement with B Hospitality Group (180 College St.)  
8/29/13





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/4/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Poulos Insurance, Inc. 553 Roosevelt Hwy Colchester VT 05446		<b>CONTACT NAME:</b> BURLINGTON, POULOS <b>PHONE (A/C, No, Ext):</b> (802) 864-3333 <b>FAX (A/C, No):</b> (802) 864-4327 <b>E-MAIL ADDRESS:</b>															
<b>INSURED</b> B HOSPITALITY GROUP, INC. dba BLUEBIRD TAVERN 317 Riverside Avenue Burlington VT 05401		<b>INSURER(S) AFFORDING COVERAGE</b> <table border="1"><thead><tr><th>INSURER</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: Netherlands</td><td>24171</td></tr><tr><td>INSURER B: Peerless Insurance Co</td><td>24198</td></tr><tr><td>INSURER C: Technology Insurance Company</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>		INSURER	NAIC #	INSURER A: Netherlands	24171	INSURER B: Peerless Insurance Co	24198	INSURER C: Technology Insurance Company		INSURER D:		INSURER E:		INSURER F:	
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INSURER D:																	
INSURER E:																	
INSURER F:																	

**COVERAGES**

CERTIFICATE NUMBER: CL1361313813

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		CBP1059926	6/14/2013	6/14/2014	MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS		BA1059927	6/14/2013	6/14/2014	BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
						Non-owned \$ 1,000,000
B	<input checked="" type="checkbox"/> UMBRELLA LIAB					EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> EXCESS LIAB					AGGREGATE \$ 1,000,000
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		CU8918452	6/14/2013	6/14/2014	
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	TWC3358396	6/14/2013	6/14/2014	E.L. EACH ACCIDENT \$ 50,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 500,000
						E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
City of Burlington is an additional insured-loss payee and shall be given 15 days written notification prior to any cancellation of such insurance for nonpayment of premium and 45 days' notice for any other reason as respects KIOSK occupied by B Hospitality Group - 180 College Street, Burlington, VT.

**CERTIFICATE HOLDER****CANCELLATION**

ron.redmond.vt@gmail.com  Church Street Marketplace Ron Redmond 2 Church Street, Suite 2A Burlington, VT 05401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Jamie Machia/JAM
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ACORD 25 (2010/05)

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Exhibit B