CITY OF BURLINGTON, VERMONT
CITY COUNCIL COMMUNITY DEVELOPMENT &
NEIGHBORHOOD REVITALIZATION COMMITTEE
c/o Community & Economic Development Office
City Hall, Room 32 • 149 Church Street • Burlington, VT 05401
802-865-7144 VOX • 802-865-7024 FAX • www.cedoburlington.org

Councilor David Berezniak, Chair, Ward 2
Councilor Emma Mulvaney-Stanak, Ward 3
Councilor Ed Adrian, Ward 1

Inquiries:
Larry Kupferman
802-865-7174
lkupferman@ci.burlington.vt.us

Minutes to the CD&NR Committee meeting 11/16/10, 2nd floor Burlington City Arts

Present for the committee: David Berezniak (DB) chair, Ed Adrian (EA), Emma Mulvaney-Stanak (EMS)
Staff: Larry Kupferman (LK), Kirsten Merriman-Shapiro, Margaret Bozik, Michael Schirling
Others: Meghan Cope; Mackenzie Lamb; Angela Cramer; Colin Henkel, UVM professor and students of "Geographies of Youth" class; Tom Clavelle, Engelberth Construction; Cathy Voyer, Associated General Contractors of VT; Mark Holden, Associated Builders and Contractors, Inc.; Matt Lash, IBEW Local 300; Michael Morelli, Ironworkers Local 7; Councilor Joan Shannon

Chair Berezniak convened the meeting at 6:45 pm.

<u>1 and 2) Agenda and minutes from the previous meeting:</u>

EA moved to accept the agenda with some changes to the order of the agenda items; EMS 2nds and so moved. LK mentions that item #6 was mistakenly added to the agenda; the item was meant to be part of the Charitable Drop Box Alternative to Panhandling discussion.

EMS moved to accept the minutes of the 10/6/10 meeting as drafted; EA 2nds and so moved.

<u>3) Discussion: UVM student interview from the class "The Geography of Youth":</u>

The Professor and 3 students from this UVM class came to the committee to discuss an assessment the class is making of the youth friendliness of the City as described in recent UNICEF initaitves encouraging youth to be treated more responsibly and included in civic affairs. This group's attention is focused on the urban core, Edmunds

Middle School and 10-14 year old youth. They are exploring ways to encourage the use of the city's physical space as a "safe city for kids."

4) Public Forum:

Members of the public who spoke during Public Forum were Mark Holden, Associated Builders and Contractors, Inc.; Kathy Voyer, Associated General Contractors of VT; Tom Clavelle, Engelberth Construction Co.; Michael Morelli, Ironworkers Local 7; and Matt Lash, IBEW Local 300.

Each speaker spoke about parts of the Project Labor Agreement (PLA) feasibility study that support their positions. Edward Arace and Lewis Eisenberg of Arace and Company Consulting LLC and authors of the study attended the Forum by telephone to hear various positions and statements and to provide claifying information in response to questions.

Mark Holden left a written statement with the committee that is attached to these minutes. Other written statements will be included as they are received. Parties were also invited to offer written comment via staff to the consultants as to questions or statements about the report.

DB concluded the Public Forum after each member of the public took their turn.

5) Project Labor Agreement (PLA) feasibility study: report and discussion:

AE moved that the agenda item #7 be moved to this time in the meeting and become item #5. EMS seconded and so moved.

EMS: stated that as a member of the Moran Blue Ribbon Committee (MBRC) she suggested that the committee recommend a review of which principals could apply to the Moran project that reflects the values and standards of the City as well as existing responsible contractor ordinances. The MBRC recommended that a feasibility study of the use of a PLA be sought. She sees the report as a neutral report and a good way to look at labor issues and the potential use on the Moran project.

EA asked the consultants (still on the telephone) about potential cost savings, and the consultants answered that the use of a PLA does not seem to be a disadvantage to cost of the project.

EA asked about the social benefits of a PLA.

Ed Arace answered that 3 main criteria are used based on federal statute and court findings to justify the use of PLAs from a legal perspective and the perspective of fair use of tax payer resources:

1) cost savings to the tax payer
2) urgency to complete the project
3) the bidding process is fair and open

The feasibility study is made to ensure the use of a PLA (or not using one) is defensible legally as established by Congress and supported by legal challenges and court rulings. Mr. Arace also stated that a state prevailing wage law is a basis to support a level of wages and benefits of a PLA, and no such law exists in VT.

EA stated that it seems to him that this is the perfect project to try out a PLA and offered the following:

<u>ACTION:</u>

EA moves the committee recommend to council that it request an opinion from the City Attorney's office as to the legal standing of using a PLA in VT based on the 3 criteria Mr. Arace described: 1) cost savings to the tax payer, 2) urgency to complete the project, 3) the bidding process is fair and open. If liability is limited, then the committee recommends to Council that it approve the use of a PLA for the Moran Project.

EMS seconds. Discussion concluded that the committee members will report this action and request to Council at its the November 22, 2010 meeting. Motion passed 3-0.

<u>6) Discussion: Charitable Drop Box Alternative to Panhandling:</u>

DB described the intent of the recently passed resolution addressing this matter and asked the group how to make this work.

EMS: Is the Church Street Marketplace already doing something like this?
Councilor Shanon: The group that visited Boulder, CO saw this type of alternative to panhandling in action and brought the idea back to the Commission; Marketplace staff are seeking proposals from artists and designers as to an artistic approach to the installations as well as sponsorships from the private sector.

EMS: Asked logistical questions as to who would staff, collect and distribute the funds, and maintain the installations/meters. She also stated that this may be a piecemeal approach to the broader question of addressing homelessness, services to the needy, panhandling and its effect on businesses in the downtown.

M. Schirling stated that this proposal is a pragmatic approach and not to bog it down in the process of addressing the broader questions. He thinks Police Dept. resources could be used to pay for the installation of used meters selectively on the Marketplace.

There was a discussion of the collection of funds and recordkeeping regarding the meters. It was suggested that the Church Street Marketplace (CSMP) is the logical lead in this aspect of the project.

DB said this initiative should not be held up by waiting until we were able to solve all of the problems downtown. He also stated that he was aware of the efforts made by the Marketplace but believe this initiative should be implemented as cost effectively as possible using resources such as old parking meters and not be held up due to the expense involved with trying to create custom drop boxes, and that if the Marketplace wishes to raise the funds and do that it should do so as a supplement after a basic program is in place.

EA: City Council staff resources of $50K have not yet been used; he thinks a portion of those funds could be used to implement the program, the initial dollars received to pay back the fund, and then distribute the funds thereafter through the United Way.

DB: Does not want to wait for the Marketplace to process their implementation. Councilor Shannon asks that at least the efforts be coordinated between the BPD and CSMP.

<u>ACTION:</u>

EA moves to ask the Police Department and Church St. Marketplace Commission staff to coordinate work on a proposal for implementation taking into consideration where resources should come from for set-up of the boxes and how money should be collected and then distributed to best serve the community. They are asked to report back to the committee at our January meeting. EMS seconded and so moved 3-0.

The meeting on 12/1/10 is canceled and the next regularly scheduled meeting of the committee is 1/5/11.

Meeting adjourned at 9:05 pm.

Notes submitted by Larry Kupferman.