

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
MONTHLY MEETING – MINUTES, May 15, 2013
645 Pine Street
(DVD of meeting on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau, Matt Conger (Secretary), Nathan Lavery (Chair), Solveig Overby, Mark Porter (Vice Chair)
ABSENT: Asa Hopkins

Commissioner Lavery called the meeting to order at 6:35 p.m.

ITEM 1 – AGENDA: Commissioner Alberry moved to amend the Agenda, adding Item 2.5 – Parking Rate Proposal. Commissioner Conger seconded.

ITEM 2 – PUBLIC FORUM: No one came forward.

ITEM 2.5 – PARKING RATE PROPOSAL

(See 2 handouts: 1) Letter from Paul Sisson, Interim CAO for the City, to Commissioner Lavery dated May 13, 2013; and 2) Memorandum from Patrick Buteau, DPW Assistant Director, to the Public Works Commission dated May 14, 2013)

Mr. Sisson and Mr. Buteau briefly explained their proposals concerning an increase in parking violation fines (Mr. Sisson), and parking meter- and parking garage-rates (Mr. Buteau). There was no discussion; the Commission will schedule a special meeting to address it and make any changes. The warning will be posted with the 30-day notice as required, with proposed changes to the rates going into effect on July 1st.

ITEM 3 – RESIDENT PARKING PROGRAM DRAFT

(John King, Burlington Police Dept. Parking Enforcement, and Gene Bergman, Esq., City Atty's office)
(Refer to Commission packet)

Mr. King and Atty. Bergman presented the revised draft proposal (a version of which was presented at last month's meeting), which would allow them to administer the Resident Parking Program. The Commission will not make a decision at this meeting but will give permission for Mr. King and Atty. Bergman to proceed.

Mr. King will seek public input and then, the Commission will decide whether to adopt the proposed revisions to the Resident Parking Program.

Commissioner Alberry requested that Mr. King simplify the proposal by creating a document listing the present rules and proposed changes, which will be helpful when soliciting public input.

Commissioner Porter moved to amend the draft rules to require notarization of the application for resident parking. Commissioner Alberry seconded. Unanimous approval.

Mr. King requested that this item be included on the agenda for the special meeting (for proposed parking fine/rate increases).

Commissioner Conger moved put a cap on the number of resident passes allowed per dwelling, to a maximum of four (4); Commissioner Alberry seconded. Four (4) Commissioners voted in favor; two (2) were opposed (Commissioners Archambeau and Overby). The motion passed.

Commissioner Overby will send suggestions/proposed clarifying statements to Mr. King and Atty. Bergman.

One Commissioner will attend each public forum at which this issue is addressed.

Mr. King and Atty. Bergman have been asked to e-mail the final draft to the Commission.

ITEM 4 – ST. LOUIS STREET PARKING REMOVAL REQUEST

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet)

Commissioner Alberry moved to accept staff’s recommendation to remove parking for thirty feet (30’) from the corner to clear the site lines for pedestrians and vehicles using Archibald and St. Louis Streets. Commissioner Conger seconded. Discussion: Mr. Fleming will work with Nicole Losch, DPW Transportation Planner to come up with additional traffic calming options at this intersection (e.g., STOP sign). Unanimous approval.

ITEM 5 – HOOVER ST RESIDENT PARKING REQUEST (Joel Fleming, Public Works Engineer)

(Refer to Commission packet)

Commissioner Archambeau moved to accept staff’s recommendation to deny the request seeking to establish resident-only parking restriction on Hoover Street (given that there isn’t a demonstrated need for relief to the demands placed on the parking inventory and there are concerns further restrictions could further complicate parking in the greater neighborhood). Commissioner Alberry seconded. Unanimous approval.

ITEM 6 – MAPLE STREET - CHAMPLAIN COLLEGE BUS STOP

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet)

Carl Riden, Champlain College Office of Campus Safety, answered the commissioners’ questions.

Commissioner Conger moved to deny staff’s recommendation to adopt a bus stop on Maple Street starting at the corner of the Hauke-Bader parking lot extending west fifty feet (50’). Commissioner Archambeau seconded denying staff’s recommendation. Unanimous agreement.

ITEM 7 – ELECTRICAL APPEAL – 233 ST. PAUL STREET

(Steven Goodkind, DPW Director and Shelley Warren, DPW Electrical Inspector)

(Refer to handout from Ms. Warren distributed to the commissioners at the meeting and submitted into evidence)

Atty. Bergman had stated earlier in the meeting that he had not been notified of this Agenda item and could not stay for this appeal hearing; however, he would assist with any deliberations.

The Appellant, Chris Khamnei, was not present, nor was a stated representative. Mr. Khamnei will hereafter be referred to in these Minutes as “the Appellant.”

Director Goodkind:

- A Certified letter was sent to the Appellant. No specific item was presented indicating that Appellant received the Certified letter.
- This appeal concerns the decision of the Electrical Inspector in the upgrade of the electrical service at 233 St. Paul Street, owned by the Appellant. Per State and City practice, and a

requirement of the State, when a service is upgraded, the electrical panel associated with that panel also needs to be brought up to code.

- Inspector Warren identified at a recent inspection, a panel that was not up to code (located in a closet) and told the owner and electrician that said-panel, and any such panels in the other units of the building, would need to be brought up to code. It is this directive that the Appellant is appealing.
- Director Goodkind, as required by Ordinance, held a hearing at which the Appellant failed to show. Director Goodkind had handed the Appellant notice of the hearing, in front of witnesses. The hearing was still held and the evidence was reviewed. Director Goodkind's ruling was to uphold Inspector Warren's requirement. The Appellant is appealing Inspector Warren's requirement.

Electrical Inspector Shelley Warren:

- Inspector Warren named the documents later copied/handed out to the commissioners:
 - Permit to do the service upgrade;
 - Highlights of Inspector Warren's notes from the inspection:
 - Work was done about 9 months before the final inspection;
 - Electrician noted that most of the panels in the units of 233 St. Paul Street were in closets. Electrician stated to Inspector Warren that he had verbalized this to the Appellant but claims that the Appellant wouldn't allow the electrician to do the work (bringing panels up to code).
 - Inspector Warren and the electrician met at 233 St. Paul Street at the first apartment that had this situation. Inspector Warren told the Appellant what needed to be done and suggested that they not continue with the rest of the inspections because of the intrusion on the tenants, considering an additional inspection would need to take place after the work has been done correctly. The Appellant became enraged and verbally abusive. Inspector Warren made three (3) suggestions to the Appellant:
 - Talk with her supervisor about the Appellant's dissatisfaction with her job performance;
 - Appeal the decision;
 - Move on and discuss something else.
 - Inspector Warren and the Appellant proceeded by meeting as scheduled at the next property (also owned by the Appellant). Inspector Warren followed through with an e-mail to the Appellant which included her inspection notes and reminding him that he had the option of appealing her decision. Inspector Warren copied Assistant Director Norman Baldwin and Director Goodkind.
 - Inspector Warren talked with the electrician to confirm that he (the electrician) was clear to the Appellant of the need for the work needed at 233 St. Paul Street; the electrician was sure about it. The electrician texted Inspector Warren the following day stating that two of his staff were present when he informed the Appellant of the additional work needed.
 - Inspector Warren also included in her documents an e-mail from the State Chief Electrical Inspector stating that generally they would consider this the appropriate time to remove the panels from the closets and put them in a more code-compliant location.

The commissioners were given the opportunity to ask questions. Inspector Warren provided answers and clarification, including the following:

- The need for the upgrade to the service at 233 St. Paul Street originated from the Appellant's addition of an apartment unit to the ten- (10) unit property, requiring an upgrade. It was subsequently revealed that the Appellant had not applied for permits for the additional unit he created (either from the Planning & Zoning Office or the Department of Public Works).
- Inspector Warren's work is governed by the Vermont Electrical Safety Rules and Chapter 12 of the City Ordinances.
- Inspector Warren believes that the electrician accepted working with the Appellant fully intending to follow proper procedure.
- The panels at 233 St. Paul Street are in Inspector Warren's opinion, from the 1950's but since the grounding of those panels was found to be improperly configured for the new equipment going in.
- Joel Snyder of JFS Electric was the electrician hired by the Appellant. Inspector Warren believes that the electrician was unaware of the panels' location in closets until he began to do the grounding.
- Inspector Warren typically recommends easy and affordable options to customers for relocation of panels; however, in this case, was not given the opportunity to do so by the Appellant.
- There had been no rough inspection; there was a service inspection so that the electrician could get the meters back in for the apartment occupants (outside work). Power is shut down while the electrician does the work of installing the meters and further work is done at another time for a multiple-unit building of this size.
- There was no time frame given by Inspector Warren to get the panel boxes out of the closets, which is typical when it wasn't an immediate safety issue.

Commissioner Lavery made a final confirmation that the Appellant was not present (he was not) and closed the hearing. The deliberative session to discuss this appeal will be held later in the evening.

ITEM 8 – CHAMPLAIN COLLEGE PARKING REQUEST

(Beth Isler, RSG, Transportation Consultant for Champlain College, and John Caulo, Associate Vice-President, Champlain College)
(Presentation)

Ms. Isler and Mr. Caulo are present to give an update on this proposed Pilot Test item (which was also on last month's agenda). Action items taken:

- Initiated a windshield survey of current parkers in the spaces observed and enforced by Champlain College in order to identify who, why, length of time, frequency, etc. Postcards placed on windshields invited parkers to participate in an on-line survey. (Ms. Isler explained the findings of the 17 respondents, out of 138 postcards deployed.)
- Reached out to Ward 6 Neighborhood Planning Assembly/NPA (Ms. Isler and Mr. Caulo attended the May 9th meeting which was unusually sparsely attended - 6 attendees. Ms. Isler and Mr. Caulo feel that the forum of the NPA meeting was well advertised and an adequate forum for public outreach. The attendees felt they needed more time to consider what was presented.
- Defined parameters of the Pilot Test more specifically.

Councilor Sharon Bushor was in attendance and spoke briefly on this topic.

Commissioner Lavery asked that Ms. Isler and Mr. Caulo provide a short synopsis of what the proposal is and ask recipients what their concerns are and how they would be impacted. He asked that DPW coordinate with Ms. Isler and Mr. Caulo on this outreach, since the parking spaces are in the City right-of-

way. The resulting communication would be distributed to all residents living in the areas highlighted on the map projected during this presentation.

Commissioner Lavery requested that Ms. Isler and Mr. Caulo be present at next month's meeting to present the feedback from the June NPA meeting and from the communication distributed to residents.

ITEM 9 – COLCHESTER AVENUE & PEARL STREET PILOT PROGRAM

(Presentation, Nicole Losch, DPW Transportation Planner, Guillermo Gomez, DPW Engineer, D. Saladino and Eleni Churchill, part of the Regional Planning Commission)

(See handouts from April meeting concerning this Item)

Ms. Losch and Ms. Churchill spoke on the scoping study for the Pearl St/Prospect St/Colchester Ave intersection. The goal is "...to identify a preferred alternative improvement that enhances mobility and safety for all modes..." Of the three long-term solution alternatives: #1: Short-term "Pilot" improvements; #2: North-south approach alignment; and #3: Alignment and turn lanes. The committee is focusing on Alternative #1.

Commissioner Lavery confirmed that the committee members are present to approve the Pilot and decide on the parking changes. Under Director Goodkind's authority, the Pilot Project can begin and continue for 30 days. However, because this proposed project will extend over the 30-day period, impacting the parking, the committee members are asking the Commission's approval (requires a vote since parking changes are involved) to remove the parking in the identified areas for the Pilot Project. The start date is some time this June or July; the project would be monitored through October, evaluated, and wrapped up by November. Parking removal would occur during that time. Preserving parking on Prospect Street would extend waiting times for traffic.

Commissioner Conger moved to temporarily remove eighteen (18) parking spaces as indicated so that the Pilot Project may proceed. Commissioner Alberry seconded. Unanimous approval.

ITEM 10 – CarShare Vermont (Becca Van Dyke, Operations Manager and Jess Oske, Board Member) (Presentation)

Ms. Van Dyke is requesting a stand-alone parking ordinance, replacing current language in Section 27 of the Municipal Code, in order to streamline the process used when making street parking space requests for car-sharing through DPW. The current process is extremely cumbersome and differs depending on location. She is also asking that the language expand on what CarShare is.

Regarding the proposed language, the City Engineer does not have the authority to delegate a space; each request for a new public parking space would need to be brought before the Commission. Commissioner Lavery offered to confirm this. He also suggested contacting the City Attorney to confirm that the current language could be adopted.

Commissioner Lavery asked Ms. Van Dyke and Ms. Oske if it was acceptable for the length of the process be approximately three (3) months, with an additional 30-day notice period. Ms. Oske agreed that three months would be an acceptable turn-around time.

Director Goodkind recommended that CarShare Vermont initially contact DPW Customer Service when making a request for a specific space. A Request for Service (RFS) would be created and forwarded to the appropriate staff person (most likely Mr. Fleming in Engineering) for further investigation.

Commissioner Lavery encouraged Ms. Van Dyke to then follow up with DPW or one of the commissioners to keep them in the loop and/or ask for the status of her request if she had not heard back from staff in a reasonable time.

Ms. Van Dyke is also requesting 10 additional spaces in the next 5-7 years. Commissioner Overby requested that Commissioner Lavery add this question to those he will be asking of the City Attorney.

ITEM 11 – REQUEST FOR SERVICE/RFS PRESENTATION (DPW Director Steven Goodkind)

The RFS system acts as intake and feedback loop for all requests coming into DPW. It is similar to *SeeClickFix* but Director Goodkind feels the RFS system is more robust. The System has great potential for statistical reporting (e.g., length of time certain tasks take to complete; high-incident locations; outstanding RFS's, etc.). The RFS system is still only useable/accessible by DPW staff.

Commissioner Lavery requested that Director Goodkind ensure that all documentation related to the RFS system is kept current. Scott Duckworth in I.T. is the implementation specialist for this system.

ITEM 12 – FY'13 & '14 BUDGET UPDATE (DPW Director Steven Goodkind) (Presentation)

- All programs will be retained for FY'14;
- Traffic Division rate increase of possibly up to 10%, most likely through garage and meter rates;
- Water rate increase of approximately 5% this year;
- Recycling Program rate increase of approximately 8% (tax on garbage hauler for each customer they serve);
- Stormwater Program rate increase proposed; approximately 25% increase the first year and 25% increase the next year, resulting in a flat fee for a homeowner and a monthly fee increase for commercial customers;
- Traffic fee increases need approval from the Commission; the other increases need approval from the City Council.

ITEM 13 – MINUTES OF 2/20/13 & 4/17/13

Minutes of 2/20/13 – (See revised version left at commissioners' seats) **Commissioner Archambeau moved** to accept the version of the Minutes presented to the Commission on May 15th; Commissioner Conger seconded. Commissioner Alberry abstained as he was absent from the February meeting.

Minutes of 4/17/13 – **Commissioner Alberry moved** to accept the Minutes as amended;* Commissioner Archambeau seconded. *In Item 12: “Minutes of 2/20: Commissioners Archambeau and Overby request that *all* the amendments they submitted ~~at~~ **between** the March **and April** meeting be included in their entirety...” Unanimous approval.

ITEM 14 – DIRECTOR'S REPORT (Steven Goodkind)

Director Goodkind introduced Denise Schomody and her waterproof cover for blue recycle bins which she designed. The cover is made from recycled fishing net and made in St. Johnsbury, VT. Ms. Schomody would appreciate the opportunity to work on a pilot project. So far, one of DPW's three Recycling staff who picks up recycling has had the opportunity to pick up the blue bin utilizing this cover but has not yet been approached for comment.

ITEM 15 – COMMISSIONERS’ COMMUNICATIONS

Commissioners Overby and Porter: Nothing at this time.

Commissioner Alberry: Thanked staff for filling potholes along upper Pearl Street, per his request from April’s meeting.

Commissioner Archambeau: 1) Clarke Street and Grant Street intersection: There is no crosswalk there. It comes to a “tee.” 2) Liveable wage status at DPW: Director Goodkind reports that DPW is doing well overall. DPW has standards they have to meet and provisions in contracts that have to be met.

Commissioner Conger: Asked if there was an ordinance which specifically restricts parking in a striped bike lane, or, does it require a stand-alone “no parking” ordinance for that specific instance. Director Goodkind will look into this and get back to the Commission.

Commissioner Lavery: Traffic calming on Hyde Street. The issue has been ongoing for about two months. He has learned from Ms. Losch that the delay is caused by the inability to schedule an on-site walk-through with the Fire Department in order for them to ensure that with the proposed changes, they can access the residences. Commissioner Lavery asked Director Goodkind to intervene.

SCHEDULING OF SPECIAL MEETING (Commissioner Lavery)

There will be a Special Meeting of the DPW Commission next month to discuss the proposed garage fees and traffic fines. The meeting will open with a Public Forum where the public would be given the opportunity to bring up any topic.

June 5th has been set as the tentative date of the Special Meeting, pending confirming with Commissioners Alberry and Hopkins. The meeting would begin at 6:30 p.m.

ITEM 16 – DELIBERATIVE SESSION TO DISCUSS APPEAL (see ITEM 11)

Commissioner Archambeau moved to go into deliberative session; Commissioner Alberry seconded. Unanimous approval.

This may be Commissioner Conger’s last meeting as commissioner. The commissioners expressed their gratitude for his service.

ITEM 17 – NEXT MEETING DATE AND ADJOURNMENT

The next meeting of the DPW Commission is scheduled for June 19, 2013. The meeting portion ended at 11:15 p.m. and the Commission went into deliberative session.